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PAPERS

RELATING TO

THE LATE KAFIR OUTBREAK

IN

NATAL.

---

Presented to both Houses of Parliament by Command of Her Majesty.  
1874.

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LONDON:

PRINTED BY WILLIAM CLOWES & SONS, STAMFORD STREET AND CHARING CROSS,  
FOR HER MAJESTY'S STATIONERY OFFICE.

1874.

[C.—1025.] *Price 1s. 6d.*



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18 Jan. 16 B.E.H.

18 Jan. 16 B.E.H.



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## SCHEDULE.

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# PAPERS

RELATING TO

## THE LATE KAFIR OUTBREAK IN NATAL.

No. 1.

NATAL.

Governor Sir H. BARKLY, K.C.B., to The EARL OF KIMBERLEY.

Government House, Cape Town,  
November 15, 1873.

(Received December 13.)

MY LORD,

It appears my duty to report, for the information of Her Majesty's Government, that accounts of a serious collision between the Natal Government and one of the petty Zulu chiefs settled in its territory have reached this Colony, although I am unfortunately not in a position to give your Lordship much information as to the origin or details of the affair, beyond what is to be derived from the enclosed telegraphic reprints from the newspapers of that Colony.

2. With the view of obtaining more definite information, I telegraphed, on the arrival of the steamer 'Florence' (which had brought this intelligence) at Port Elizabeth, to the Postmaster there, to open any Despatches or private letters addressed to me by the Lieutenant-Governor which might be on board; but it appears that these were written on the 31st ultimo, when Sir Benjamin Pine was on the point of starting to suppress, as he phrases it, "treason in Langalibalele's tribe, and to capture that Chief with the aid of the Civil Police, Troops, and Volunteers;" and as the reverse with which some of the latter have met (as described in the 'Natal Colonist' of the 8th instant) must have happened about the 5th, I am, of course, unaware of the effect it had had on his Excellency's plans, or of the light in which the escape of Langalibalele and his followers into the inaccessible fastnesses of the Drakensberg mountains is to be regarded.

3. I have never, indeed, received any intimation, public or private, from the Lieutenant-Governor with regard to this Chief, though his conduct is reported by the papers to have been for a long time past extremely contumacious; but as I have heard, since this news arrived, that Mr. Griffith, my agent in Basuto-land, was called on, some weeks ago, by Mr. Shepstone, to prevent Langalibalele from driving his cattle into that territory, where he might possibly meet with sympathy and assistance, I have thought it prudent, after consultation with my advisers, to send orders by the telegraph to-day to the Commandant of the Frontier Armed and Mounted Police at King William's Town, to remove a detachment of two hundred men into Basuto-land, and to strengthen his posts on its borders, so as to support the efforts of the Natal Government for the Chief's apprehension.

4. I trust that this will soon be effected, and that no serious consequences are likely to ensue from what has occurred; but looking to the enormous disproportion (about 20 to 1) between the native and the European population in Natal, and the very small garrison stationed there, it is never safe to run any risk of disaffection among the Zulus; and I have thought it well, therefore, to be prepared to send reinforcements in the event of any emergency.

5. I have requested Commodore Commerell accordingly to get H.M.S. 'Rattlesnake' ready for sea, and to send her round to Table Bay to embark as many men as she can accommodate (about 300); and I have further, after consultation with Lieutenant-General Sir Arthur Cunynghame, who has just arrived, decided that a Field Officer with a detachment of H.M. 86th Regiment shall be told off for this service.

6. I hope in the course of Monday next, the 17th instant, which is the earliest date on which the troops could be put on board, that further news from Natal may be transmitted by telegraph via East London, as the Union Mail steamer 'Basuto' from that colony is due about that time, and I shall then be better able to judge whether such a reinforcement be absolutely needed.

The Earl of Kimberley,  
&c. &c. &c.

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

Enclosure.  
From the  
'Cape Argus'  
and the  
'Standard  
and Mail,'  
15th instant.

H.M. 75th Regiment ..	R. & F.	335
Boyal Artillery ..		34
Volunteers.		
(Returns of 1872):—		
Cavalry .. .. .	R. & F.	270
Infantry .. .. .		133
Artillery .. .. .		31
2 six-pr. Armstrong guns.		

Enclosure in No. 1.

## THE WAR IN NATAL.

The following was received early yesterday morning, and was made public at the office of the 'Standard and Mail':—

## NATAL NEWS.

(Extra to the 'Colonist' of 7th.)

Skirmish with Langalibalele's tribe—three men killed. By a telegram from Colonial Secretary we learn that there is news from Expedition. Langalibalele's tribe broke through unexpectedly after a skirmish in which the Colonial Secretary's son (Erskine), and young Potterill and Bond were killed. The rest retired on the troops who are in pursuit. It is wished that the intelligence should be known to prevent undue alarm.

## LATEST INTELLIGENCE.

'Colonist' of 8th has "News from the Camp."

Friday Morning.—This morning's post has brought intelligence that the thirty Carabineers under Major Durnford had occupied a pass and unsupported, and for some time almost without food that they were at last obliged to kill a beast and eat it raw. That a strong party of Kafirs came up the pass with a large number of cattle. There was an encounter, with the following casualties:—Privates Erskine, Potterill, and Bond, and three natives, killed; five horses were also killed.

A letter from Colonel Mills to Major Erskine says, "Your son behaved gallantly, and but for his saddle turning round he would have returned safe. Langalibalele has escaped. His camp was found quite empty."

The following letter is just to hand from Drill-Instructor Sergeant Clark:—"The facts are, we arrived at the top of Bushman's Pass just as the Kafirs were taking their cattle up, and stopped them; but they soon surrounded us, and killed young Erskine, Bond, and Potterill, five horses, and three natives. The troop is now up the mountain, and are all right. We were three days on the top without food for man or horse. The troop has performed wonders in marching. We were in the saddle, on Sunday evening and Monday, eighteen hours, and twenty-one and a half hours from Tuesday to last night, coming off the berg. The Kafirs are well armed and well drilled. I shall be in town on Friday and let you know all about the affair.

"P.S.—We have five horses killed and three natives. One of them is Mr. Shepstone's man, Elijah Kanbule, a fine, brave fellow. We are glad to hear that a rumour about town—that Mr. Shepstone is wounded—is without foundation. Mr. W. E. Shepstone has letters from both his father and brother, both of whom are well. From him we learn that Major Durnford was endeavouring to release Elijah from his horse, which was shot and fell upon him, when the Major was himself attacked, and, but for shooting both his assailants, would probably have been killed likewise. We learn that Major Durnford is wounded, and Capt. Boyes had a very narrow escape. Elijah had been stabbed before he fell, but was shot through the head as he lay. When young Erskine fell, owing to his saddle turning with him, he was instantly surrounded and stabbed to death. The encounter took place not far from head quarters. Langalibalele's people came on sharpening their assegais and taunting the Carabineers, who had orders not to commence hostilities. Mr. Shepstone was at the time distant some 25 or 30 miles, stationing guards at the different passes, but was immediately sent for. It is generally understood that the Government are in no way to blame for the defective commissariat arrangements of the Carabineers, who had undertaken their own supplies. We understand Mr. Shepstone and Major Durnford are in Maritzburg. The troops are in pursuit of the rebels. Private letters have been received stating that in some encounter 90 of the rebels have been killed, but the intelligence wants confirmation."

In our last we gave an extract from the correspondent's letters of the 'Friend' received from Pietermaritzburg. The same correspondent, writing from Pietermaritzburg on October 25, says:—

"A little while ago I told you we anticipated some trouble with the insubordinate Langalibalele. We hear now, in further corroboration of this, that he has sent away his cattle and women into the Drakensburg, somewhere near the sources of the Bushman's river; that he has been storing corn in the caves of the mountains, and shown other

signs of a rebellious spirit, which must be broken. The Government has sent him their ultimatum, and if he fails to comply, he and his tribe will be improved off the face of the earth, and sent to whatever elysium in the next world the Kafir mind indulges the hope of enjoying. For the trouble we have with this Chief, we will stand indebted to the Diamond-fields and free trade in fire-arms there. These rebellious Kafirs got a supply of guns and ammunition there, which they continue possessed of contrary to law, and refuse to produce or surrender them. They must, therefore, be made an example of, and their punishment will be swift and severe. The season of the year is rather unfavourable for sending an expedition out; but in such case we have no choice. If he retreats into the Drakensburg, he will, no doubt, be kept there until the winter sets in, and then they and their cattle must perish in the cold or come down either to fight us or surrender themselves. In either case they will find reasons to wish they had been dutiful and obedient, rather than insubordinate and rebellious."

## No. 2.

## ADMIRALTY TO COLONIAL OFFICE.

SIR,

Admiralty, December 13, 1873.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of the Secretary of State for the Colonies, extracts from a letter of the 15th November, from Commodore Commerell, and copies of a general letter of the 16th November, and its enclosure, from the Senior Naval Officer at Simons Bay, by which it appears that, in consequence of telegraphic information from Governor Barkly of disturbances among the Kafirs at Natal, the 'Rattlesnake' had proceeded to Cape Town, to embark 300 of the 86th Regiment, and would thence convey them to Natal without delay, in accordance with the Governor's requisition.

I have, &amp;c.,

(Signed) ROBERT HALL

The Under-Secretary of State for the Colonies,  
&c. &c. &c.

Extract from a Letter of the 15th November, 1873, from COMMODORE COMMERELL, &c.,  
at Simons Bay.

"The 'Rattlesnake' would have proceeded to Cape Coast Castle at once, had not Sir Henry Barkly, the Governor, requested her to convey troops to Natal, consequent on the outbreak of the Kafirs, as already reported in the general letter sent herewith.

"Under these circumstances myself and staff have been transferred to the 'Flora' to-day, as the 'Rattlesnake' leaves Simons Bay to-morrow morning to proceed to Table Bay, and embark 300 of the 86th Regiment for conveyance to Natal, in accordance with the enclosed telegram received this moment from Sir Henry Barkly.

"I beg to enclose the latest newspaper information in reference to the Kafir outbreak, from which it will be seen that three gentlemen (one a son of the Colonial Secretary) have been killed by the natives."

NATAL

Enclosure No. 1 in COMMODORE'S Letter of 15th November, 1873.

Telegram from GOVERNOR, Cape Town to COMMODORE, Simons Town.

Saturday, November 15, 1873.

After discussing the matter with General, I have decided that three hundred men of the 86th Regiment shall be held in readiness for embarkation for Natal in the 'Rattlesnake.' If the ship is here by to-morrow (Sunday) afternoon, she will be in plenty of time.

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Enclosure No. 2 in COMMODORE'S Letter of November 15, 1873.

You are to take the 'Rattlesnake' under your command temporarily as Commander, and proceed to Table Bay, so as to arrive there to-morrow, p.m., to embark as many of the 86th Regiment as possible for conveyance to Natal. You are to place yourself in personal communication with Sir Henry Barkly, the Governor, and also with the General commanding the forces; and you are to render all the aid in your power to embark the troops at Cape Town, and disembark them at Natal if necessary.

2. When you are ready for sea you are to report to me from Table Bay by telegraph, and await further orders from me, which will be sent to the care of Messrs. W. Anderson and Co., the mail agents.

3. The anchorage at Natal is by no means good, and you will exercise the greatest care in the navigation of the ship, using steam whenever necessary.

4. On arrival at Natal you are to place yourself in communication with the highest civil authority, and unless from his requisition and the general aspect of affairs the presence of the 'Rattlesnake' is deemed necessary, you are to return to Simons Bay as convenient.

Given under my hands, this 15th day of November, 1873.

(Signed) JOHN E. COMMERELL.

By command of the Commodore.

(Signed) W. N. THOMAS,  
Secretary.

To Noel S. F. Digby, Esq., Commander in Temporary Command  
of H.M.S. Ship 'Rattlesnake.'

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SIR,

'Rattlesnake,' at Simons Bay, November 15, 1873.

In continuation of my general letter of the 4th inst., I request you will acquaint the Lords Commissioners of the Admiralty that the 'Challenger' is still refitting at this port.

2. Rumours have been received from Natal in reference to disturbances with the Kafirs, and I am sending these despatches at the Commodore's desire by special cart to Cape Town, in case there may be anything to add as to the alleged movements of the natives, observing that the 'Rattlesnake' is ready to transport troops at any moment.

The Secretary of the Admiralty.  
&c. &c. &c.

I have, &c.,  
(Signed) G. S. NARES,  
Captain H.M.S. 'Challenger.'

P.S.—I enclose a telegram just received from Sir H. Barkly, the Governor, showing the aspect of affairs with the Kafirs, and suggesting that the 'Rattlesnake' is held in readiness to embark troops. Orders have been given accordingly, November 16. The 'Rattlesnake' leaves for Table Bay this morning to embark 300 of the 86th Regiment, to proceed to Natal on the Governor's requisition, as represented in the Commodore's letter sent herewith.

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Telegram from the GOVERNOR at Cape Town to the COMMODORE, Simons Town.

Natal despatches not yet received. News from Natal colonist of eight unsatisfactory. A small detachment of Volunteers surprised by Langalibalele; three killed and several wounded. Nothing said of reinforcements being wanted, but well to have 'Rattlesnake' ready to embark troops when despatches arrive, in case Lieutenant-Governor asks for aid.

(Signed) E. LAYARD.

No. 3.

COLONIAL OFFICE to WAR OFFICE.

SIR,

Downing Street, December 15, 1873.

I AM directed by the Earl of Kimberley to transmit to you, for the information of Mr. Secretary Cardwell, a copy of a despatch from the Governor of the Cape of Good Hope, on the subject of the collision which had occurred between the Natal Government and the Chief Langalibalele.\*

I am also to enclose, for Mr. Cardwell's information, a copy of a letter from the Lord's Commissioners of the Admiralty,† transmitting extracts from a despatch from Commodore Commerell, in which he reports that in consequence of these disturbances the 'Rattlesnake' had proceeded to the Cape to embark 300 men of the 86th Regiment for Natal.

The Under-Secretary of State, War Office.

I have, &c.,  
(Signed) H. T. HOLLAND.

No. 4.

COLONIAL OFFICE to ADMIRALTY.

SIR,

Downing Street, December 15, 1873.

WITH reference to your letter of the 13th instant, I am directed by the Earl of Kimberley to transmit to you, for the information of the Lords Commissioners of the Admiralty, a copy of a despatch from the Governor of the Cape of Good Hope on the subject of the collision which occurred between the Natal Government and the Chief Langalibalele.‡

The Secretary to the Admiralty.

I have, &c.,  
(Signed) H. T. HOLLAND.

No. 5.

COLONIAL OFFICE to ADMIRALTY.

SIR,

December 15, 1873.

I AM directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 13th inst.,§ transmitting extracts from a despatch from Commodore Commerell, in which he reports that in consequence of disturbances among the Kafirs at Natal the 'Rattlesnake' had proceeded to Cape Town, to embark 300 men of the 86th Regiment for conveyance to Natal.

I am to express his Lordship's thanks to the Lords Commissioners of the Admiralty for communicating to him these papers.

I have, &c.,  
(Signed) H. T. HOLLAND.

\* No. 1.

† No. 2.

‡ No. 1.

§ No. 2.



## No. 6.

Lieutenant-Governor Sir BENJAMIN PINE to The EARL OF KIMBERLEY.

Government House, Natal.

October 30, 1873.

(Received December 15.)

MY LORD,

I HAVE the honour, with much regret, to inform your Lordship that some time ago, long before I assumed this Government, a native Chief named Langalibalele and his tribe, living at or near the sources of the Buhman's River, in the Drakensberg Mountains, set the authority of the Government at defiance by repeatedly disregarding the orders of the Magistrate of the County in which they are situated.

2. No decided action was taken against this contumacious Chief and Tribe, partly from other causes, and partly because it was thought desirable to await my arrival before doing so. Immediately after my arrival, Mr. Shepstone's Expedition to the Zulu Country took place, which delayed action. In the meantime, a few weeks ago, emboldened by the long impunity which they had experienced, the Chief and Tribe sent messages to the chiefs in the Basuto Country on the other side of the mountain, asking them to receive their women and cattle, telling them that they were about to fight the Government.

3. Such proceedings as these, according to native law, and indeed according to every law, amounted to something like treason; and if allowed to go on, would most certainly cause the natives of the colony generally to follow the bad example to set the authority of the Government at defiance.

4. I have therefore, with the unanimous advice of the Executive Council, deemed it my duty to take decisive measures. I have directed the Commandant, with the aid of Her Majesty's Troops, and such volunteer forces as he may consider necessary to call out, to take such steps as he may deem necessary for supporting the Native or other Civil Police which I shall direct to capture the offenders, and to bring them to justice.

5. My general design is that the Kafir tribes whom I deem it safe and proper to employ against this tribe shall for this purpose be considered as the Civil Police, who have been instructed to capture the Chief Langalibalele and bring him to justice; and that should they be beaten back, the Military and the Volunteers should take action.

6. A very able and comprehensive plan of the projected operation has been prepared by Colonel Milles, with the aid of the able engineer officer, Major Durnford, and has been submitted to and approved by me under Section 11 of the Colonial Regulations.

7. Every precaution has, I hope, been taken to ensure success.

8. Considering the very great responsibility thrown on the Governor in cases like the present, and especially under Lord Carnarvon's Circular of the 26th January, 1867, I have deemed it my duty to accompany the troops in person. The troops marched out to-day, and I proceed to overtake and join them to-morrow.

9. As from the position of the hostile Kafirs, the expedition is not altogether free from danger, I think it my duty, should any misfortune happen to me, to most earnestly pray your Lordship not to send to this very difficult government any but a Governor of the first class, and of first-rate resolution, talent, and energy.

10. It is singularly hard that, after the difficulties I have had to encounter for the last few years in the public service, I should, with somewhat impaired health, have to contend with this and other serious difficulties in this Colony, but your Lordship may depend upon my doing my best to conquer them and restore the authority of Her Majesty's Government.

The Earl of Kimberley,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieutenant Governor.

P.S.—I enclose copy of letter addressed to Colonel Milles, and also a message I sent the Council now sitting, and their reply thereto.

No. 1.

No. 2.

No. 3.

## Enclosure No. 1 in No. 6.

Government House, Natal,  
October 27, 1873.

SIR,

I have the honour to inform you that a native chief of this Colony, named Langalibalele, and his tribe, situated at or near the sources of the Bushman's River, have set the authority of Her Majesty's Government in this Colony at defiance, and are charged with committing acts amounting to public violence and treason, and have refused or purposely avoided to answer such charges. I have, therefore, the honour to request that you will, with the aid of Her Majesty's forces under your command, and of such volunteer force as you may consider it necessary for me to call out, take such steps as you may deem necessary for supporting the Native or other Civil Police which I shall direct to capture the offenders and to bring them to justice.

(Signed) BENJAMIN C. C. PINE,  
Lieut.-Governor.

The Hon. the Commandant at Natal.

## Enclosure No. 2 in No. 6.

## MESSAGE No. 19.

Government House, Natal,  
October 30, 1873.

The Lieutenant-Governor has the honour to inform the Honourable Legislative Council that a native chief named Langalibalele and his tribe, situated at or near the source of the great Bushman's River, have set the authority of Her Majesty's Government in this Colony at defiance, and are charged with committing acts amounting to public violence and treason. He has, therefore directed the commandant, with the aid of Her Majesty's forces, to support such a Civil and Police force as he has considered necessary to call out to capture the offenders and to bring them to justice.

As this is a matter of great importance to the peace of the Colony, and as very grave responsibilities are thrown on the Governor in such cases by recent instructions of Her Majesty's Government, his Excellency considers it his bounden duty to be with the troops to co-operate with the Commandant in giving such directions as may be necessary.

The Lieutenant-Governor has, therefore, the honour to inform the Legislative Council that he intends leaving the city on Friday next to join the troops who have marched out to-day. The Lieutenant-Governor is sure that the Honourable Council will, during his absence, go on with the public business in the same zealous manner and good spirit which have marked their proceedings during the Session, and so expedite public business.

The Lieutenant-Governor will give directions that news of the operations shall, as far as possible, be conveyed daily to the city and to Durban.

The Lieutenant-Governor feels confident that the Honourable Legislative Council will collectively and individually do all in their power to allay apprehension and to check needless alarms.

(Signed) BENJAMIN C. C. PINE,  
Lieutenant-Governor.

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## Enclosure No. 3 in No. 6.

To his Excellency Sir Benjamin Chilley Campbell Pine, Knight-Commander of the Most Distinguished Order of St. Michael and St. George, Lieutenant-Governor in and over the Colony of the same, and Supreme Chief over the native population.

MAY IT PLEASE YOUR EXCELLENCY,

The Legislative Council beg respectfully to acknowledge the receipt of your Excellency's Message No. 19, of this day's date, and to thank you for the same.

The Legislative Council desire to assure your Excellency that you may rely on their support in any measures you may, under existing circumstances, think necessary for the maintenance of Her Majesty's authority in this Colony.

The Legislative Council desire further to express the fullest confidence in your Excellency's ability and judgment to carry the contemplated operations to a successful issue.

By resolution of the Legislative Council, this 30th day of October, 1873.

(Signed) WALTER MACFARLANE,  
Speaker.

## No. 7.

THE EARL OF KIMBERLEY to LIEUT.-GOVERNOR SIR B. PINE.

SIR,

Downing Street, December 19, 1873.

I HAVE received your Despatch of October 30,\* reporting the measures you had taken in consequence of the refractory conduct of the Chief Langalibalele.

As regards your decision to accompany the troops on the Expedition which you proposed to send against this Chief with a view to reduce him to submission, I find nothing in Lord Carnarvon's circular of the January 26, 1867, referred to in your despatch, which requires that Governors should accompany such an expedition. Whilst I wish to give you full credit for your readiness to incur danger in the performance of your duty, I much doubt whether on such an occasion your presence at the seat of Government would not have been more useful; and I must point out to you that very serious consequences might follow if the Colony were by any unfortunate mischance deprived of its Governor, at a moment when possibly the disturbances might take a wide range. Moreover, if the Governor himself fell in an engagement with the natives, the moral effect on the natives generally would hardly fail to be disastrous.

I have learnt with much regret from Sir Henry Barkly that the Expedition met with a reverse. I have approved the steps promptly taken by Sir H. Barkly in concert with Sir A. Cunynghame to send reinforcements to Natal, and I shall await with anxiety further accounts from the Colony.

I have, &c.,  
(Signed) KIMBERLEY.

## No. 8.

THE EARL OF KIMBERLEY to GOVERNOR SIR H. BARKLY, K.C.B.

SIR,

Downing Street, December 20, 1873.

I HAVE to acknowledge the receipt of your Despatch of November 15,† reporting the collision which had occurred between the Natal Government and the Zulu Chief Langalibalele.

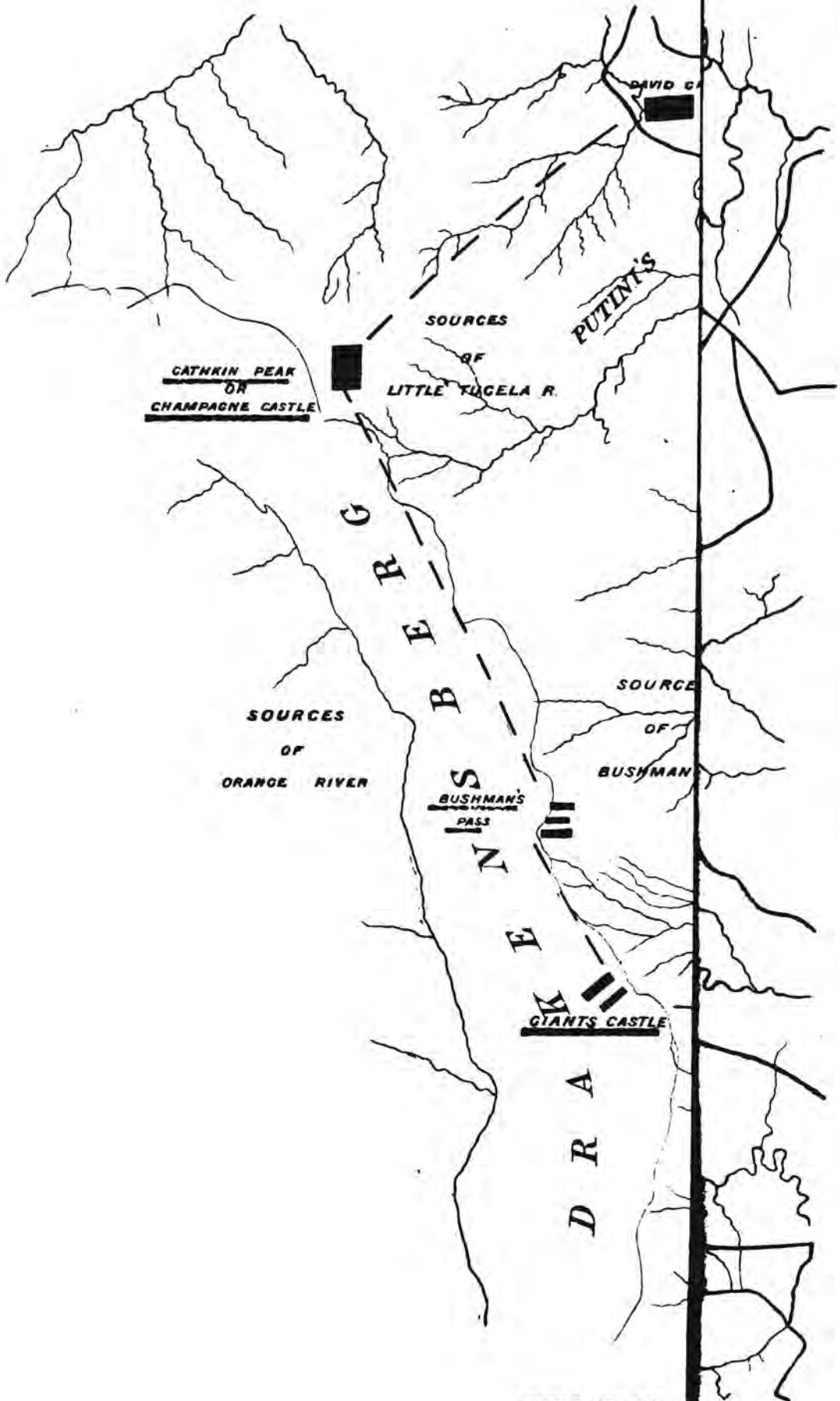
I have to convey to you my approval of your proceedings on this occasion.

I must at the same time express my regret that Sir B. Pine should not have kept you fully informed on the subject of the conduct of Langalibalele, especially as it appears that this occurrence may affect the tranquillity of Basuto Land.

I have, &c.,  
(Signed) KIMBERLEY.



-  *Carbiners*
-  *Regulars*
-  *Natives*



SCALE OF MILES



No. 9.

## ADMIRALTY to COLONIAL OFFICE.

SIR,

Admiralty, January 2, 1874.

WITH reference to my letter of the 13th ultimo,\* I am commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State for the Colonies, the following extract from a letter dated 2nd ultimo, from the Senior Naval Officer at Simons Bay:—"In continuation of my general letter of November 16, I request you will acquaint the Lords Commissioners of the Admiralty that on the morning of that day the 'Rattlesnake' proceeded to Table Bay and embarked 209 officers and men of the 86th Regiment, &c., for conveyance to Natal, calling at this port [Simons Bay] on the 20th, to send some of her men to the 'Flora' to make more room for the troops leaving at daylight on the 21st ultimo for Natal."

I have, &c.,  
(Signed) ROBERT HALL.

The Under-Secretary of State, Colonial Office.

No. 10.

## COLONIAL OFFICE to WAR OFFICE.

SIR,

Downing Street, January 3, 1874.

WITH reference to the letter from this department of the 15th ult.† I am directed by the Earl of Kimberley to transmit to you, for the information of Mr. Secretary Cardwell, a copy of a further letter from the Lords Commissioners of the Admiralty respecting the embarkation on board the 'Rattlesnake' of officers and men of the 86th Regiment for conveyance to Natal.‡

I have, &c.,  
(Signed) H. T. HOLLAND.

The Under-Secretary of State, War Office.

No. 11.

## Lieutenant-Governor Sir B. PINE to the EARL of KIMBERLEY.

Head-Quarter Camp, Drakensberg Mountains,  
November 13, 1873.

(Received Jan. 3.)

MY LORD,

REFERRING to my Despatch of the 30th ult.,§ I have now the honour to report to your Lordship as follows:—

2. I regret to say that the plan of proposed operations, copy of which I enclose, was based upon data furnished by some of my advisers, which have been found very incorrect in consequence of ignorance of the localities, distances, and other matters. In extenuation of this I must say that the maps of the Colony are all incorrect. Plan.

3. The result of this mistake has been a sad catastrophe. A force of volunteers, supported by a few mounted natives, was directed to proceed to take possession of the Bushman River Pass. They were to have been met and supported at the top of the pass by a large native force under Mr. Allison, who were to advance up the mountain by a pass called the Champagne Castle Pass, which, however, had no existence except on the maps. The result was that the small force under Major Durnford and Captain Barter, left unsupported, came suddenly upon a large body of the rebel tribe at the top of the pass. Even with such disparity of numbers our party might have been successful. But unfortunately, as it turned out, I had, with the view of saving bloodshed, and in the spirit of the scheme, given orders that the military should not fire the first shot.

4. This order was in strict conformity with the spirit of the plan, namely, that the military should play the secondary part of supporting the civil force sent to arrest the Chief and tribe.

5. At first the Indunas and Elders present came forward to hear the proposals of Major Durnford, which were that the tribe should return to their location and to their allegiance, with their cattle, under a promise of pardon, or, at least, that their lives

\* No. 2.

† No. 3.

‡ No. 9.

§ No. 6.

NATAL.

should be spared. They accepted the terms after a rather long parley, and said they would return to the mass of the portion of the tribe in the pass to communicate with them.

6. Taking advantage of this delay, however, the young men and warriors of the tribe crowded round our small party, offered them every species of insult by words and menaced with their muskets and assegais, and finally a part of them threw themselves behind rocks and other cover which commanded the situation. Thus hemmed in, the volunteer force, only thirty-seven of whom had reached the spot, intimidated by the shameful and mutinous conduct of their drill instructor, Sergeant Clarke, an old soldier, who cried out that they were betrayed, were seized with a panic and took to flight. The moment their backs were turned the Kafirs fired and killed three of their number, including, I regret to say, a son of Major Erskine, and also the interpreter and one of the Basuto guides. The rest of the body effected their escape.

7. The similarity between this sad affair and that of the treacherous conduct of the American Indians who recently killed officers who were offering them mercy, will, I have no doubt, strike your Lordship.

8. Major Durnford has been blamed by some persons here for not anticipating the Kafirs by firing the first shot at once; but in answer to this, I would observe that he had orders not to fire the first shot, and further that, independently of such order, his doing so would have been contrary to the spirit of the whole plan of proceedings. It is perfectly true that the order was given by me in full expectation and confidence that the military were not to come into contact with the rebel Kafirs at all till they had repulsed by force the civil power sent to bring them to justice. How far Major Durnford might, under the conflicting circumstances, have considered himself justified in disregarding the letter of the order, had he understood the threatening language used by the rebel tribe, I cannot say; but the pacific reception of his terms by the Indunas and Elders was certainly directly calculated to lead him to the conclusion that the tribe intended to submit. Under these circumstances, although it is easy to moralize after the facts, Major Durnford would not have been justified in firing on the Kafirs. Had he done so and killed any of them and dispersed their force, which is a probable contingency, I am sure he would have incurred a grave responsibility. I therefore, notwithstanding the sad result, have expressed my approval of his conduct, and I confidently hope that that approval will be confirmed by Her Majesty's Government. During the hurried retreat he behaved, by testimony of all present, in the most gallant manner, using his utmost exertions to rally his little force till, left absolutely alone, he was reluctantly compelled to follow them. I should add that Major Durnford had an assegai thrown at him, which wounded his arm, and that the interpreter was killed at his side.

9. The pass, then left unguarded, enabled the bulk of the tribe, and perhaps the Chief, to escape out of the Colony. I have said perhaps, as there is reason to believe that he escaped some days before. There is even a doubt whether he is even now hidden in some cave in the Colony.

10. Your Lordship will see that the true cause of this disaster was the fatal mistake in the plans which prevented Mr. Allison and his large native force being on the spot to meet and support the volunteers.

11. This has been our first and last reverse, if having our men foully and treacherously murdered can be called, at least in a military point of view, a reverse at all. In other respects we have been everywhere successful. The great bulk of the tribe, after boasting that they would meet us in fight, have fled out of the Colony. Our forces have, in small skirmishes with the remainder of the tribe hidden in caves and strong fastnesses, been everywhere successful, killing a large number and taking prisoners some men and an immense number of their women. No men, however, have been killed unless with arms in their hands; but I regret that their number has been so considerable.

12. I have issued two Proclamations, copies of which I enclose. One putting this part of the country under martial law, the other declaring the Chief Langalibalele deposed and his tribe broken up.

13. I am organizing two flying columns, composed chiefly of natives led by white magistrates, to follow up the tribe, one on the other side of the Drakensberg, and the other on this side, to intercept them. I have also offered a reward for the capture of Langalibalele.

14. I can assure your Lordship, and it is the unanimous opinion of the whole people, that, had not this stringent measure been taken against this tribe, no settlers could have been safe. Had energetic steps been taken a year ago the expense and the risk of this expedition would have been saved.

15. The Chief of the tribe fled from Zulu country years ago for protection in this

Colony. He had there, and he has here, always been a contumacious and treacherous man. Even during my former administration he gave the Government trouble and anxiety.

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The Earl of Kimberley,  
&c. &c. &c.

(Signed)

I have, &c.,  
BENJAMIN C. C. PINE,  
Lieutenant-Governor.

P.S.—I enclose Major Durnford's own account of the occurrence at Bushman's Pass.

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Enclosure in No. 11.

On Monday next, the 3rd November, the troops and details of armed police and natives, as per margin, will be posted as shown in the accompanying sketch, the troops (regulars and volunteers) being in support of the natives, acting under the orders of the resident magistrates.

The whole to be in position by 8 a.m., with the undermentioned exceptions, viz.:—  
Mr. Allison, with 500 armed natives, to seize the Champagne Castle Pass *before 5 a.m.*, and to hold it at the summit, communicating with the detachment at Bushman's Pass on his right, and Captain Lucas's party on the left.

Mr. Allison  
and 500  
Natives.

He will watch any possible (and at present unknown) approach up the mountain between these two points (Champagne Castle and Bushman's Pass). Captain Barker, with one troop of Karkloof and half a troop of Maritzburg Carabineers, will advance up the Giant's Castle Pass, to which there are two approaches, one easy, the other difficult, leaving the half troop of Maritzburg Carabineers at its head so posted as to guard both approaches, and will proceed along the Plateau on the mountain top to the head of the Bushman's Pass, which he will occupy and hold with the Karkloof Troop.

Capt. Barker  
and 1½ Troop  
Carabineers.

He must be in position at the Bushman's Pass by 6 a.m., and will communicate with Mr. Allison's party on the hill top, to his own left.

Captain Barker will carry with him provisions for twenty-four hours, and three feeds for his horses.

Captain Lucas, R.M., with 500 armed natives, supported by the Frontier Guards, who will be posted at David Grey's, the left of his position, will be in position by 8 a.m., his right at the foot of the Champagne Castle Pass, his left resting on the little Tugela River, feeling the right of Captain Macfarlane's party.

Capt. Lucas,  
R.M.;  
Frontier  
Guards; 500  
Natives.

Captain Macfarlane, R.M., with 500 natives, supported by the Weenen Yeomanry and Burgers, will be posted with his right feeling the left of Captain Lucas's force, and his left resting on the left bank of Bushman's River, about ten miles from Estcourt, in the direction of the Table Mountain. He will be posted by 8 a.m., and will communicate with the Maritzburg natives on his left.

Capt. Mac-  
farlane, R.M.:  
Weenen  
Burgers;  
Weenen  
Yeomanry;  
500 Natives.

The Maritzburg natives will be posted with their right on the right bank of Bushman's River, in communication with Captain Macfarlane's left, their own left resting on the Giant's Castle Pass.

Maritzburg  
Natives, 500.

To be in position at 8 a.m.

Captain Hawkins, R.M., at Richmond, with 500 natives of his district, supported by the Richmond mounted rifles, will occupy the Country between the Umcomazi and Umzimculu Rivers, as per sketch, preventing any escape in that direction, the Richmond rifles acting in support, under his directions.

The whole to be in position by 8 a.m. on the named day.

Her Majesty's Troops, with the head quarters and half a troop Maritzburg Carabineers, will be in position at Meshlin at the hour named, in readiness to support Captain Barker at either the Giant's Castle, or Bushman's Passes, as may be required.

Royal Artil-  
lery, 2 guns;  
75th Regt.,  
137 sergt. rank  
and file;  
½ Troop  
Volunteers.

Communications will be kept up with the Giant's Castle Pass by the Maritzburg natives, Umbundo's Tribe being employed on the mountain top between Giant's Castle and Bushman's Passes.

The head-quarters detachment will march from Maritzburg on Thursday next, at 1 p.m., after the men have dined, and camp for the night at Reit Spruit, nine miles out, where they will be joined by the Maritzburg Carabineers on the same day. On Friday they will march at least half way to Fort Nottingham (twelve miles), and on Saturday to Fort Nottingham (twelve miles), when they will encamp, being joined there by Captain Barker's Troop of Carabineers by 3 p.m. on that day.

The volunteers will provide camp equipment, commissariat, and transport of every description, including that required for the reserve ammunition, according to the Volunteer law.



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There will be with each troop of volunteers 100 rounds of ball cartridge for every man in it; and when in position on Monday morning, the 3rd November, they will be provided with three days' provisions, and will have made the necessary arrangements for future supplies.

Submitted to H. E., the Lieutenant-Governor, for his approval.

(Signed) T. MILLES, Lieut-Colonel,  
Commandant.

I concur in these proposed arrangements.

(Signed) BENJAMIN C. C. PINE.

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MEMORANDUM.

Camp, near Holme's Farm, under the Drakensberg,  
November 30, 1873.

Having reached the Bushman's Pass at 6.30 a.m., on the 4th November, with one officer, one sergeant, and thirty-three rank and file of the Carabineers, and a few Basutos, I at once formed them across the mouth of the pass, the natives in charge of cattle already in the mountain flying in every direction. Possibly there may have been 100 at the outside, about half of whom were armed with shooting weapons. Having posted my party, I went with my interpreter to reassure the natives. Calling for the chief man, I told him to assemble his people, and say that Government required their Chief Langalibalele to answer certain charges; that his people who submitted to Government should be safe, with their wives, children, and cattle; that all loyal people should go to Estcourt, where Mr. Shepstone, Minister for Native Affairs, was, and make submission, and they should be safe. My interpreter was recognised as one of Mr. Shepstone's attendants, and the Chief thanked me in the name of the people, saying they would all go down and tell my words to the tribe, who were not aware of the good intentions of Government, and were afraid.

I told them to take their cattle and go down. The Chief said they would, but begged me to leave them, as he could not answer for the young men, who were excited, and might injure me. I left him, exerting himself, so far as I could judge, in carrying out my wishes.

Seeing that the natives were getting behind stones commanding the mouth of the pass, I turned their position by sending my small party of Basutos on the one side, I taking half of the Carabineers to the other—the other half guarding the mouth of the pass. All were then in such position that had a shot been fired, I could have swept the natives down the pass. Their gestures were menacing, but no open act of hostility was committed.

About this time I was informed that many men were coming up the pass, and, on reaching the spot, found it was the case. On ordering them back, they obeyed sullenly. Matters now looked serious, and I was informed by the senior officer of volunteers present that the Carabineers, many of whom were very young men, could not be depended upon. They said they were surrounded, and would be massacred. I have reason to believe that this panic was created by their drill instructor, an old soldier of the late Cape Corps, up to whom they naturally looked. Upon this, as the only chance of safety, and in hope of saving men's lives, although perfectly aware that it was a fatal line of policy, I drew in my outlying party, and gave the order to retire. There was nothing else to be done. I had no support. As I was about to retire by alternate divisions, the first shot was fired by the natives, followed by two or three, when, seized with panic, the Carabineers fled, followed by the Basutos.

My interpreter and three Volunteers were killed. There were probably 200 natives present at the time the first shot was fired. The firing was never heavy, and their ammunition soon became exhausted. The orders I received were "not to fire the first shot." I obeyed.

(Signed) A. W. DURNFORD,  
Major Royal Engineers.

The above is written at the request of His Excellency the Lieutenant-Governor of Natal, and is forwarded to the Commandant for submission.

(Signed) A. W. DURNFORD,  
Major Royal Engineers.

## PROCLAMATION,

By His Excellency Sir BENJAMIN CHILLEY CAMPBELL PINE, Knight Commander of the Order of St. Michael and St. George, Lieutenant-Governor of the Colony of Natal, and Supreme Chief of the Natives thereof.

WHEREAS a chief named Langalibalele has for a long time past set the authority of the Government at defiance, by refusing to obey the orders of the magistrate within whose jurisdiction he resided :

And whereas repeated messages were sent to the said Chief requiring him to appear and answer for his conduct, which under various and untrue pretences he refused to obey :

And whereas, emboldened by the great forbearance shown by the Government, the said Chief and tribe have grossly insulted and maltreated messengers sent by me as Supreme Chief again to order the said Chief to appear before me :

And whereas I thereupon directed a civil force, aided by the military, to proceed to invest the country occupied by said Chief and tribe, so as to bring him before me, that he might, if possible, explain his conduct, and to afford his tribe an opportunity of returning to their allegiance under a promise of pardon :

And whereas, while a portion of the force under Her Majesty's Colonial Government, proceeding to invest the country as aforesaid, were treacherously and without provocation fired upon, and three of their number, and the interpreter, Elijah Kamboole, and one Basuto, basely murdered by a portion of the said tribe, which was met by the Colonial detachment, escaping from the Colony in armed force, with the cattle of the tribe, by a pass over the Drakensberg, after the officer in command had by means of his interpreter repeatedly and strongly urged upon them to return to their allegiance and claim the clemency of the Supreme Chief, and after the leaders, or those who appeared to be their leaders, had consented to consider the commanding officer's proposals :

Now, therefore, I have deemed it necessary to place the district hereinafter defined under martial law; and I do accordingly hereby proclaim and make known, that the district commonly called the Locations of Langalibalele and Putili, occupied by those tribes respectively, and five miles in a direct line from any point thereof, is hereby placed and shall be under martial law until all resistance to Her Majesty's authority shall have ceased, or until this Proclamation shall have been recalled.

God save the Queen!

Given at Head-Quarter Camp, Hlatikulu, this 11th day of November, 1873.

(Signed) BENJ. C. C. PINE.

By his Excellency's command,

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

## PROCLAMATION,

By His Excellency Sir BENJAMIN CHILLEY CAMPBELL PINE, Knight Commander of the Order of St. Michael and St. George, Lieutenant-Governor of the Colony of Natal, and Supreme Chief of the Natives thereof.

WHEREAS the Chief Langalibalele and the Amahlubi tribe have set themselves in open revolt and rebellion against Her Majesty's Government in this Colony, by defying its authority, and firing upon and murdering certain members of the force sent to prevent their escape from the Colony, before their conduct had been inquired into and ascertained :

Now, therefore, I do hereby proclaim and make known that the said Chief Langalibalele and the Amahlubi tribe are in rebellion against Her Majesty's lawful authority, and are hereby declared to be outlaws.

And I do hereby depose and utterly remove him from the dignity of Chief of the said tribe; and I do hereby further proclaim and declare that the said tribe is hereby broken up, and from this day forth has ceased to exist, and that no person heretofore belonging to it shall be allowed to live within the Colony until he shall be furnished

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with and possess a certificate from the resident magistrate of the county or division in which he resides or has resided, stating that he has taken no part in the revolt and rebellion aforesaid, or shall have been duly tried and acquitted of such offence.

And I do command all resident magistrates, and other officers of the Government whom it may concern, to see this Proclamation carried into full force and effect.

God save the Queen!

Given at Head-Quarter Camp, Hlatikulu, this 11th day of November, 1873.

(Signed) BENJ. C. C. PINE.

By His Excellency's command,

(Signed)

T. SHEPSTONE,  
Secretary for Native Affairs.

No. 12.

Lieutenant-Governor Sir B. PINE to The EARL OF KIMBERLEY.

Head-Quarter Camp, Bushman's River,

November 22, 1873.

(Received Jan. 3.)

MY LORD,

IN continuation of my Despatch of the 13th inst.,\* I have the honour to report to your Lordship as follows:

2. The great bulk of the tribe of Langalibalele has fled the Colony, and many of the few that remained have been killed in armed resistance to the authority of the Government or have been made prisoners.

3. The location lately occupied by them is in full possession of the Government.

4. The neighbouring tribe of Putili who had aided in the rebellion of Langalibalele's tribe by firing on parties of our forces, by receiving and sheltering some of the people and cattle of the tribe, and in many other ways, have been, by an admirable movement commanded by Mr. John Macfarlane, the resident magistrate of the County of Weenen, under the order of Colonel Milles, and assisted by Mr. Lucas and Mr. Allison, surrounded and disarmed without loss of life.

5. The bodies of the unfortunate gentlemen of the Volunteer force and others who gallantly fell at the Bushman's River Pass have been recovered by a force sent for the purpose under Major Durnford, R.E., and buried according to the rites of the Anglican Church, by a clergyman, the Rev. Mr. Smith, of Estcourt, who volunteered to accompany the force for that object. The gallant dead were also buried with military honours.

6. All armed resistance to H.M. authority having been suppressed, I have deemed it my duty to revoke the proclamation of martial law by the proclamation herewith enclosed.

7. The prisoners will be dealt with under native law or under the common law, as circumstances require.

8. The location, which contains immensely strong natural fastnesses, will for the most part be allotted to white settlers on military tenure, for the purpose of securing the future peace of this part of the Colony.

9. I cannot close this Despatch without expressing to your Lordship my high sense of the prompt, zealous, and energetic manner in which Colonel Milles and his officers and men who aided me on this painful occasion. I should also express my high acknowledgment of the zeal and good conduct of the Volunteers and Dutch Burgher force, who have taken so active and important a part in putting down the insurrection. Lastly, but not least, I have to express my high sense of the valuable services rendered by Mr. Shepstone, as also my acknowledgment of the services which the native contingents afforded me.

10. The expedition can scarcely be called a complete success, because the Chief Langalibalele and the bulk of his tribe have escaped the punishment due to their crime. Still much has been done. Armed resistance within the Colony has been fully suppressed. The most culpable and the largest of the two rebel tribes have been broken up, and their country taken from them. The other rebel tribe have been disarmed, and their cattle seized by the Government.

\* No. 11.

11. Measures have been taken to secure the person of Langalibalele and the part of his tribe with him who are believed to be in British Basuto-land, and I am not without hopes that this work may yet be accomplished.

12. I regret extremely that in suppressing this insurrection a considerable number of lives have been lost on the side of the rebels, and some few on our side. But we have earnestly tried to conduct the operation with as much humanity as possible.

I have, &c.,

The Right Hon. the Earl of Kimberley, (Signed) BENJAMIN C. C. PINE,  
 &c. &c. &c. Lieutenant-Governor.

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PROCLAMATION,

By His Excellency Sir Benjamin Chilley Campbell Pine, Knight-Commander of the most distinguished Order of Saint Michael and Saint George, Lieutenant-Governor of the Colony of Natal, and Supreme Chief over the native populations of the same.

WHEREAS on the 11th day of November instant, I did by Proclamation declare the district or location inhabited by Langalibalele and his tribe, and also that inhabited by Putili and his tribe, and the part of the Colony extending to five miles from any part of said district as therein described, and defined to be under martial law :

And whereas all armed resistance within the district, location and boundary aforesaid, has ceased, except such (if any) as can be dealt with and suppressed by the military acting merely in aid of the civil power in the ordinary manner :

And whereas, under such circumstances, I am not justified in continuing martial law within the district aforesaid.

Now, therefore, I do hereby proclaim and make known that I do revoke and recall the Proclamation of the 11th instant, and do hereby withdraw the district aforesaid from martial law from and after the 24th instant.

Given under my hand at the Head-Quarter Camp, Bushman's River, this 22nd day of November, 1873.

(Signed) BENJAMIN C. C. PINE, K.C.M.G.

By His Excellency's Command,  
 (Signed) THOMAS SHEPSTONE, C.M.G.,  
 Secretary for Native Affairs.

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No. 13.

GOVERNOR SIR H. BARKLY, K.C.B., to THE EARL OF KIMBERLEY.

Government House, Cape Town,  
 December 4, 1873.

(Received Jan. 3.)

MY LORD,

ON the 15th ultimo\* I had the honour of reporting the news which had reached me as to the rebellion of the Chief Langalibalele in Natal, and the precautions which I had in consequence adopted of at once sending two hundred men of the Frontier Armed and Mounted Police into Basuto-land, and holding in readiness for embarkation in H.M.S. 'Rattlesnake,' as many men of the 86th Regiment as could be accommodated.

2. No mail steamer having left this on the 25th ultimo, in consequence of the 'Anglian' having broken her screw propeller, it has been unfortunately impossible for me to inform your Lordship of the subsequent progress of events before the present opportunity; but I am glad now to be able to state that it has been of a satisfactory character, and that the latest telegraphic intelligence which has reached me from the Lieutenant-Governor concludes by saying, "all is quiet now, and danger over."

3. As Sir Benjamin Pine's despatches of the 30th October and 13th November (of which he sent me copies) will go forward by this mail, and not improbably also any that he may have written by the S. S. 'Natal' now on her way hither from Port Elizabeth, I need not attempt a description of what has been passing in Natal; whilst my own

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\* No. 1.

NATAL. — official letters to his Excellency, which I think it as well to communicate to your Lordship, will show clearly how the action of this Government has been influenced by the accounts from time to time received.

4. It will be seen from the latter that H.M.S. 'Rattlesnake,' with three Companies of the 86th Regiment, and a small reinforcement of the Royal Artillery, sailed from Table Bay on the 20th ultimo, reaching Port Natal (as we have since learnt by a telegram from the S. S. 'Natal') on the 25th ultimo; but whether the troops were landed at D'Urban, or were sent back without disembarking, in consequence of the affair being regarded by the Natal Government as settled, is yet uncertain.

5. Having arranged that the 'Rattlesnake' should call off East London on her return voyage, with a view to signalling, I may be able in a postscript to communicate what has taken place.

6. There is one other point touched on in my correspondence with Sir Benjamin Pine as to which I am desirous of offering explanation, as there is an apparent discrepancy between what is therein said regarding it and the account given to your Lordship in my Despatch of the 15th ultimo.\* In the former I allude to the surprise felt by my responsible advisers at no previous intimation whatever of the intended expedition against Langalibalele having been given either to myself or to my agents on the other side of the Drakensberg, whilst in the latter I mentioned having heard that the Hon. Mr. Shepstone had called on Mr. Griffith some time ago to prevent Langalibalele from driving his cattle into Basuto-land. When I came to read the papers, however, I found that it was Mr. Griffith who had reported to the Secretary for Native Affairs in Cape Town the arrival of messengers from the Zulu Chief, the tenor of which report was at once duly communicated to Mr. Shepstone by Mr. Brownlee, who, receiving no reply, thought no more of the matter.

7. I am happy to be able to add that, according to an overland express just received (dated November 20) Mr. Orpen, the newly-appointed magistrate of No-Man's-Land, was at the head of 600 men furnished by Adam Kok and the Basuto chief Mackwaai, who resides high up the valley of the St. John's River, pursuing Langalibalele in the rugged country into which he had fled, thereby cutting him off from effecting a junction with his brother Ludidi, a petty chief living lower down the same valley, or his nephew Zibi, who is one of those to whom Mr. Orpen is specially accredited.

Trusting that your Lordship will approve of my proceedings in this matter,

The Earl of Kimberley,  
&c. &c. &c.

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

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Enclosure in No. 13.

Government House, Cape Town,  
November 18, 1873.

SIR,

I have the honour to acknowledge the receipt, yesterday morning, of your Excellency's letter of the 31st ultimo, transmitting for my information copy of a Despatch which you had addressed to the Right Hon. the Secretary of State on the previous day, preparatory to starting to join an expedition which had been organised by your orders to arrest a rebellious native Chief.

2. I had on the 14th inst. become aware of the tenor of this communication, as it had been taken from the letter-bag of the 'Florence' (not yet arrived here) on reaching Algoa Bay, by my orders, in consequence of the accounts which had been telegraphed thence of an encounter between a detachment of Volunteer Cavalry and some of the Chief's followers, in which the former suffered some loss, Langalibalele himself having, it was added, succeeded in making his escape from the forces by which it was intended to surround him.

3. I had thus been enabled to consider deliberately what steps it was expedient, under all the circumstances of the case, to take, with the view of strengthening your Excellency's hands in what it was clear you from the first regarded as a crisis of no common importance.

4. With the concurrence of Commodore Commerell, H.M.S. 'Rattlesnake' had come round to Table Bay on the 16th to embark about half of the 86th Regiment; and

though, on inspection by a Military Board she was found incapable of properly accommodating so large a number, I am happy to say that she leaves this afternoon with three companies of infantry and a small reinforcement from the battery of Royal Artillery, and will, there is every reason to hope, reach port Natal in six days.

5. The extent of further reinforcements will be regulated by the news which may be brought by the 'Basuto,' now hourly expected at East London.

6. I am glad also to be able to inform your Excellency that the Government of this Colony has ordered Commandant Bowker to take immediate steps for moving 200 men of the Frontier Armed and Mounted Police towards the sources of the Caledon River, to co-operate from that side of the Drakensberg with the Natal expedition in pursuing and arresting Langalibalele.

7. This step would have been taken at a much earlier period if the communications, dated August 8 and September 3, from Mr. Brownlee to the Secretary for Native Affairs in the Colony of Natal, informing him of the messages sent by Langalibalele to Molapo and Masupa had not remained unacknowledged.

I have, &c.,

His Excellency Sir Benjamin Pine, K.C.M.G., (Signed) HENRY BARKLY.  
Lieutenant-Governor of Natal.

November 19, 1873.

P.S.—The above was written, and the troops were to have embarked within the hour, when a telegram was received from East London, stating that the 'Basuto' had arrived, and made the following signal—"Expedition has succeeded, and all danger over."

The departure of the 'Rattlesnake' was, in consequence, countermanded until further information could be procured; but unfortunately the bar remained up, and the mails of the 'Basuto' could not be landed till this morning.

As the telegram since dispatched detailing the news on the authority of Natal newspapers to the 15th instant, is by no means of so favourable a tenor as was signalled from the ship, confirming, as it does, the account of the escape of Langalibalele and a portion of his tribe, and announcing that armed resistance to the authority of the Government had had to be met by the proclamation of martial law in the locations of Langalibalele and Putili, I took immediate steps for carrying out previous arrangements, and trust the 'Rattlesnake' will proceed to sea early to-morrow morning.

The movements of the police had not been countermanded, and Commandant Bowker, having been informed of the rumoured direction of Langalibalele's flight, is preparing to give every assistance in his power.

H. B.

Government House, Cape Town,  
November 25, 1873.

SIR,

I have had the honour this morning to receive your Excellency's Despatches of 13th instant, from S.S. 'Basuto'—the first forwarding copies of letters addressed by the Secretary for Native Affairs in Natal to my agents in Basuto-land and No-Man's-Land, inviting their co-operation in the capture of Langalibalele; the second covering copy of a Despatch and Enclosures sent by your Excellency to the Right Hon. the Secretary of State, narrating the progress of the operations against the Chief since your previous Report of 30th ultimo.

2. The tenor of the communications to Messieurs Griffith and Orpen had been reported by Overland express some days ago, and, although my advisers were not unnaturally surprised that—considering the deep interest which this Government has in the preservation of tranquillity amongst the Basutos and other tribes on the opposite slope of the Drakensberg—no intimation of the intended expedition had been given beforehand, either to myself or to the gentlemen whose aid has now been invoked; the fullest approval of the steps the latter had taken on hearing from Mr. Shepstone was at once conveyed to them, and they were directed, in concert with such detachments of the Frontier Police as might already have arrived on the scene of action, to use every effort in their power to intercept the fugitive Chief and his followers.

3. By my Despatch of the 18th and 19th instant, per H.M.S. 'Rattlesnake,' your Excellency will, it is hoped, long ere this comes to hand, have been made aware of the further measures adopted for the temporary augmentation of the garrison in Natal by three companies of the 86th Regiment.

NATAL.

4. Though no application for military aid has been made by the Natal Government on this occasion, I trust that the moral effect of even this small reinforcement on the minds of the native population will be good; while that effect will be far from detracted from, should your Excellency feel strong enough—as I shall not be sorry to hear is the case—to dispense with the services of the troops, and send them back at once on board the 'Rattlesnake.'

Sir B. Pine,  
&c. &c.

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

No. 14.

Governor Sir H. BARKLY, K.C.B., to The EARL OF KIMBERLEY.

Government House, Cape Town,  
December 5, 1873.

(Received January 3.)

MY LORD,

IN continuation of my Despatch of yesterday's\* date, I have the honour to transmit copy of a Telegram since received from Commander Digby, from Port Elizabeth, announcing the arrival of H.M.S. 'Rattlesnake' off that port after landing the troops at D'Urban in Natal, where the Lieutenant-Governor intended to retain them, until the result of the expedition sent in pursuit of Langalibalele was known.

2. The 'Rattlesnake' is expected in Simons Bay to-morrow, and is under orders to proceed to England about the middle of the month; but as it would be extremely expensive and inconvenient to have to bring the troops back by mail steamer, whilst it would be most awkward to have no ship of war on the station if further disturbances occurred, I have felt it my duty to write to Commodore Commerell, requesting him to detain the vessel, either until her relief (H.M.S. 'Active') arrives, or until affairs in Natal have resumed a settled aspect.

The Right Hon. the Earl of Kimberley,  
&c. &c. &c.

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

Enclosure in No. 14.

COPY of TELEGRAM received on Thursday, the 4th of December, 1873.

From Captain DIGBY, H.M.S. 'Rattlesnake,' Port Elizabeth, to Sir H. BARKLY,  
Cape Town.

Troops landed at D'Urban on 27th ultimo. Langalibalele has fled the Colony, taking his cattle and the bulk of his tribe, and is said to be located down the source of the Orange River. The women, with the guard left in charge of them, have been captured. Many of them have been killed. The tribe of Putili, whose young men had joined Langalibalele, has been surrounded, disarmed, and 7,000 cattle, including many belonging to Langalibalele, taken. There is now no armed resistance in the Colony except from a few stragglers, mostly old men hid in caves. One flying column has been sent across Drakensberg by a southern pass to attack the rebels in the flank; another has started to follow them over the Bushman's River Pass. The regular troops have not been employed in either expedition. Governor is in communication with Adam Kok, and has written to Basuto-land, where it is expected rebels will take refuge.

86th Regiment remain at D'Urban for present. Governor has decided to retain them until a favourable report is received from Captain Allison, in charge of the expedition in pursuit of the rebels. Information will be sent when troops are no longer required.

Please send copy of above to Commodore. News to 1st December.

## No. 15.

ADMIRALTY to COLONIAL OFFICE.

SIR,

Admiralty, January 4, 1874.

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that they have received a despatch from the senior naval officer at Simons Bay, dated the 4th ultimo, in which he reports that the 'Rattlesnake' arrived at D'Urban, Natal, on the 25th of November, and landed the detachment of the 86th Regiment on the 27th.

2. He also transmits a telegram which he has received from Commander Digby, of the 'Rattlesnake,' containing the latest information relative to the state of affairs in the Colony of Natal, copy of which is herewith enclosed.

The Under-Secretary of State, Colonial Office.

I have, &amp;c.,

G. SHAW LEFEVRE.

## Enclosure in No. 15.

Copy of a Telegram from Captain Digby, H.M. Ship 'Rattlesnake,' Port Elizabeth, to Commodore Commerell, at Simons Bay. Received December 4, 1873.

Troops landed at D'Urban on 27th ultimo. Langalibalele has fled the Colony, taking his cattle and the bulk of his tribe, and is said to be located down the source of the Orange River. The women and the guard left in charge of them have been captured; many of them have been killed. The tribe of Putili, whose young men had joined Langalibalele, has been surrounded, disarmed, and seven thousand cattle, including many belonging to Langalibalele, taken. There is now no armed resistance in the Colony, except from a few stragglers, mostly old men hidden in caves. One flying column has been sent across Drakensberg by a southern pass to attack rebels in the flank; another has started to follow them over the Bushman River Pass. The regular troops have not been employed in either expedition. Governor is in communication with Adam Kok, and has written to Basuto-land, where it is expected rebels will take refuge.

86th Regiment remain at D'Urban for present. Governor has decided to retain them until a favourable report is received from Captain Allison, in charge of the expedition in pursuit of the rebels. Intimation will be sent when troops are no longer required. News to 1st December.

## No 16.

Lieutenant-Governor Sir B. PINE to EARL OF KIMBERLEY.

Head-Quarter Camp, November 29, 1873.

(Received January 5, 1874.)

MY LORD,

REFERRING to my former Despatch on the subject of the operations against the rebel tribes, I have the honour to inform your Lordship that within the Colony the insurrection has been crushed out. Langalibalele's tribe has fled over the mountain, and is being followed by two flying columns. The allied rebel tribe has been surrounded and disarmed by a masterly movement executed by Mr. Macfarlane.

We intend to clear the two locations, natural fastnesses of great strength, of natives, and to re-people them entirely by white settlers.

The Earl of Kimberley,  
&c. &c. &c.I have, &c.,  
(Signed)BENJAMIN C. C. PINE,  
Lieutenant-Governor.



## No. 17.

The EARL OF KIMBERLEY to Lieut.-Governor SIR B. PINE.

SIR,

Downing Street, January 9, 1874.

I HAVE received your Despatch of the 13th November,\* reporting the steps taken to reduce to submission the tribe of Langalibalele.

It was certainly most unfortunate that Major Durnford's small party should have found itself unsupported in presence of a greatly superior force of the rebel tribe; but I learn with satisfaction, from your account of the affair, that the conflict which took place with such unhappy results, was in no way provoked by Major Durnford's party, and that no blame can, in your opinion, be cast on Major Durnford.

Your subsequent proceedings appear to have been conducted with energy and success, and I feel confident that you will have used your utmost efforts to prevent any unnecessary bloodshed, though I perceive with regret that you state that the number of killed has been considerable.

I request that you will convey to Major Erskine the expression of my earnest sympathy for the sad loss which he has sustained by the death of his son.

Sir Benjamin C. C. Pine,  
&c. &c. &c.

I have, &c.,  
(Signed) KIMBERLEY.

## No. 18.

The EARL OF KIMBERLEY to Governor Sir H. BARKLY.

SIR,

Downing Street, January 10, 1874.

I HAVE received your Despatch of the 4th of December,† reporting further proceedings on the occasion of the insurrection of the Chief Langalibalele. I have to convey to you my approval of the measures which you adopted.

Governor Sir H. Barkly.

I have, &c.,  
(Signed) KIMBERLEY.

## No. 19.

The EARL OF KIMBERLEY to Lieut.-Governor Sir B. PINE.

SIR,

Downing Street, January 10, 1874.

I HAVE received with much satisfaction your further Despatch of the 22nd of November,‡ reporting that armed resistance to Her Majesty's authority has been suppressed, and that you have been enabled to revoke the proclamation of martial law which you had found it necessary to issue. I trust that the measures which have been taken will prove sufficient for the re-establishment and maintenance of order and respect for the law.

I notice with pleasure the high terms in which you speak of the services of Colonel Milles, and the officers and men under his command; and the good conduct of the Volunteers and Burgher force, and the native contingents; as well as of the valuable assistance rendered to you by Mr. Shepstone and Mr. Macfarlane.

I have communicated to Mr. Secretary Cardwell your observations as to Colonel Milles.

Sir Benjamin Pine,  
&c. &c. &c.

I have, &c.,  
(Signed) KIMBERLEY.

\* No. 11.

† No. 13.

‡ No. 12.

No. 20.

The EARL OF KIMBERLEY to Lieutenant-Governor Sir B. PINE.

SIR, Downing Street, January 10, 1874.  
 I HAVE received your Despatch of the 29th of November,\* reporting the suppression of the insurrection of the rebellious Kafirs and the flight of Langalibalele's tribe. I have received this intelligence with great satisfaction.

Sir Benjamin Pine.

I have, &c.,  
 (Signed) KIMBERLEY.

No. 21.

Governor Sir H. BARKLY, K.C.B., to The EARL OF KIMBERLEY.

Government House, Cape Town,  
 December 16, 1873.

(Received January 13, 1874.)

MY LORD,

No despatches from Natal have reached me since I last wrote to your Lordship respecting the disturbances there; but in a private letter received by H.M.S. 'Rattlesnake' from Sir Benjamin Pine, dated the 29th ultimo, he informed me that, though he had decided to keep the troops for a short time, the operations for surrounding and disarming the allied rebel tribe of Putili had been so successfully carried out that all resistance was over.

2. Captain Allison, he added, with a force of 46 Europeans and 1,500 natives, had just started by the Bushman's River Pass for the country near the sources of the Orange River, where Langalibalele was supposed to have taken refuge, whilst another column, under Captain Hawkins, had left some time before by a more southern pass to take the rebels in the flank.

3. Neither of these expeditions had been heard of in Basuto-land at the date of the latest accounts (9th instant); but my agent there has to-day sent an express to King Williams Town reporting that intelligence had reached the Basuto Chief Molapo that a party which he had sent into the mountains to reconnoitre under his son Jonathan had ascertained that Langalibalele, with his followers, cattle, &c., was at a spot which could be reached in twenty-four hours; and as Molapo, anxious to show his loyalty to Her Majesty, had called out all his fighting men, on the understanding that they would be supported, in case of necessity, by the two troops of the Frontier Armed and Mounted Police, which had arrived at his residence at Leribe, there seems every probability that ere this the fugitives have been captured.

4. At the same time it must be borne in mind that the Malutis, or 'Double' Mountains (as the Basutos call the western slopes of the Drakensberg) present every facility for escape, covering, as they do, an area of from 50 to 60 miles in breadth, made up of range after range packed close together, and each so steep that the boldest rider can do no more than lead his horse up and down their precipitous sides.

The Earl of Kimberley,  
 &c. &c. &c.

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

\* No. 16.

No. 22.

ANTI-SLAVERY SOCIETY TO COLONIAL OFFICE.

27, New Broad Street, London,  
January 20, 1874.

MY LORD,

We feel it to be a duty to call your Lordship's serious attention to some of the circumstances which have taken place in connection with the lamentable occurrences in the Colony of Natal against the Zulu tribe.

From the telegrams and public papers your memorialists learn that during the latter part of last year many of the Zulu people, settled on the Bushman's River in the Colony of Natal, went to the diamond and gold fields, where they obtained from traders and others a supply of firearms which, on their return to their settlements, they failed to register according to the law.

On this coming to the knowledge of the authorities in Natal, they called upon the Chief Langalibalele to cause the guns to be registered. This he failed to do, whereupon a Military and Police Force was organized, with a view to proceed against the Zulu tribe, seize the guns, and apprehend the Chief. Resistance was offered, and three Carabineers were killed. The Zulus retired eventually before the overwhelming forces brought against them, and fled away among the rocks and caves of the mountains, where many were shot.

Meanwhile the Military and other troops seized and carried away between eight and ten thousand head of cattle, the property of the offending tribe, and fined a neighbouring chief two thousand head of cattle on the charge of complicity with Langalibalele. In addition to this, they seized as many as one thousand and five hundred women and children, the mothers, wives, sisters, and children of the Zulus, carried them away, and afterwards apprenticed them out among the settlers in distant parts of the country.

While your memorialists do not in any way justify the breach of the law which requires the registration of firearms, they cannot but regard the proceedings of the authorities in many respects as a violation of those principles of justice which should ever be observed even in war with uncivilised tribes. More particularly, however, would your memorialists submit that, in taking away the means of existence, and then seizing the women and children, carrying them away and parcelling them out to enforced servitude, a course has been pursued utterly unworthy a civilised people, and one which bears a strong resemblance to the slave-hunts among the savage tribes in Central Africa.

Your memorialists earnestly entreat that, so far as the women and children are concerned, your Lordship will not only withhold your sanction of their seizure and forcible deportation from their settlements, but that you will be pleased to instruct that the captives shall be set at liberty, and restored to their homes. By these means only your memorialists believe that the British nation will be saved from the further disgrace and dishonour of acts of which slave-hunting and slave-holding nations will not be slow to take advantage.

With respect, we are, on behalf of the Committee of the British and Foreign Anti-Slavery Society,

(Signed) JOSEPH COOPER,  
EDMOND STURGE,  
ROBERT ALSOP,

Honorary Secretaries.  
BENJ. MILLARD,  
Secretary.

The Earl of Kimberley,  
&c. &c. &c.

No. 23.

The EARL OF KIMBERLEY to Governor Sir H. BARKLY, K.C.B.

Downing Street,

January 21, 1874.

SIR,

I HAVE to acknowledge the receipt of your Despatch, of December 16,\* stating that you had been informed by Sir Benjamin Pine that the operations for surrounding and disarming the rebel tribe under Putili had been successfully carried out, and that all resistance was over. I learn with satisfaction that there was a probability of the capture of Langalibalele and his followers.

Sir Henry Barkly,  
&c. &c. &c.

I have, &c.,  
(Signed) KIMBERLEY.

No. 24.

COLONIAL OFFICE to the ANTI-SLAVERY SOCIETY.

Downing Street,

January 26, 1874.

GENTLEMEN,

I AM directed by the Earl of Kimberley to acknowledge the receipt of your Letter of the 20th instant, † on the subject of the late conflict with Zulus at Natal.

With regard to the statement as to the seizure by the Military authorities of women and children, and their distribution and apprenticeship in distant parts of the country, I am to request that you will inform the Committee of the Anti-Slavery Society that Lord Kimberley has at present no means of judging how far this statement is correct; but that his Lordship will desire the Natal Government to furnish him with a full explanation of all that has taken place with respect to these women and children.

The Secretaries to the Anti-Slavery Society.

I have, &c.,  
(Signed) H. T. HOLLAND.

No. 25.

The EARL OF KIMBERLEY to Lieutenant-Governor Sir B. PINE.

Downing Street

January 26, 1874.

SIR,

I TRANSMIT to you a copy of a Letter from the Secretaries to the Anti-Slavery Society, † in which, with reference to the late conflict with Zulus in Natal, they call my attention to the alleged seizure by the Military authorities of 1,500 women and children, and their apprenticeship and distribution in distant parts of the country.

In the absence of any information from yourself, I am unable to judge how far the statement of the Society is correct; and I have to instruct you to furnish me with a full explanation of what has occurred.

Sir Benjamin Pine,  
&c. &c. &c.

I have, &c.,  
(Signed) KIMBERLEY.

No. 26.

Lieutenant-Governor Sir B. PINE to The EARL OF KIMBERLEY.

Government House, Natal,

December 14, 1873.

(Received February 12.)

MY LORD,

REFERRING to former Despatches, noted in the margin, on the subject of the operations against the rebel tribes, I have the honour to inform your Lordship that armed resistance to Her Majesty's authority having ceased within the Colony, Colonel Milles, with the main body of the Military force, returned to this place on the 10th instant, leaving a detachment of fifty men of the 75th Regiment and two guns, to

October 30,  
No. 6.  
November 13,  
No. 12.  
November  
No. 13.

\* No. 21.

† No. 22.

NATAL

assist the civil authorities in clearing the locations and securing the tranquillity of the neighbouring country.

2. As my own presence did not seem further necessary at the scene of the late troubles, and as the Legislative Council is still in Session, I have returned to the Seat of Government, after having been in the field five weeks.

3. I am glad to report to your Lordship that public confidence is fully restored and tranquillity prevails in the Colony, except within the two locations where the magistrate with Native and Volunteer forces are engaged in capturing stragglers.

4. I have informed your Lordship that I had sent two flying columns to punish Langalibalele and his tribe, the one under Captain Allison, of the Border Guard, to cross the Drakensberg by the Bushman's River Pass, on the trail of the retreating tribe; the other under Mr. Hawkins, the magistrate, to march southwards on the side of the mountain. On its being reported, however, that the Adam Kok and the Cape Frontier Forces were guarding the southern borders of this Colony, so that the rebels could not proceed in that direction, I ordered Mr. Hawkins to turn back, and cross the mountain by a pass south of the Bushman's River Pass, so as to take the tribe on the flank or prevent its moving northwards, and to join Captain Allison's force as soon as possible. I have this moment received the enclosed private Letter from Captain Allison (the official has not arrived), informing me that the junction has taken place on the North-east Branch of the Orange River, and that they are not far from Langalibalele's tribe. The Cape Mounted Police and other forces, so promptly set in motion by Sir Henry Barkly and his Government, are also in that neighbourhood, so that I hope to be able to report by the next mail that the rebel Chief is a prisoner.

The Earl of Kimberley,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieutenant-Governor.

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Enclosure in No. 26.

Camp, N.E. Branch of Orange River,  
December 7, 1873.

MY DEAR SIR BENJAMIN,

As you will see by my official, I reached this on the evening of the 6th. The men, Europeans and natives, stand the work well and go cheerfully onward. To-day Hawkins joined me with 40 Europeans and 350 natives, the latter he proposes to send back.

I hope to get across this last water barrier between me and Langalibalele to-day, and then press onward to accomplish that which shall be done, and I hope done handsomely and well. My next note will probably reach you from the northward by way of the Orange Free State.

I have, &c.,  
(Signed) ALBERT ALLISON.

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No. 27.

Lieut.-Governor Sir B. PINE to The EARL OF KIMBERLEY.

Government House, Natal,  
December 14, 1873.  
(Received February 12.)

MY LORD,

I HAVE the honour to forward to your Lordship a copy of a Memorial addressed to me by the inhabitants of the Colony of Natal, signed by 615 people, and the number daily increasing.

2. This document speaks for itself. I can assure your Lordship that the assertion contained in the article referred to is utterly untrue. If we erred, it was on the side of leniency and forbearance.

3. I have not yet replied to this address. I will send it by the next mail.

The Earl of Kimberley,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieutenant-Governor.

Enclosure in No. 27.

NATAL.

## THE 'COLONIST' AND THE LANGALIBALELE EXPEDITION.

We are requested to state that the following address to Governor Pine lies for signature at the stores of Messrs. T. W. Edmonds & Co., and Adams & Co., Central West Street. The same firms will be happy also to take charge of sheets with signatures from the country. These can be forwarded by post.

To His Excellency Sir BENJAMIN CHILLEY CAMPBELL PINE, Knight Commander of the Order of Saint Michael and Saint George, Lieutenant-Governor of the Colony of Natal, and Supreme Chief of the Natives thereof.

MAY IT PLEASE YOUR EXCELLENCY,—

November 22, 1873.

A D'Urban newspaper published yesterday (Friday), the 21st November, contains an article referring to the Langalibalele Expedition, of which the following are extracts:—

"It appears that Colonel Milles was on the spot when the Volunteers were despatched on their ill-fated expedition, but in the main point that he did not give the order 'not to fire until fired upon' we were perfectly correct. That order, we are assured, was given by his Excellency, the Lieutenant-Governor.

"It is as strange as it is lamentable, that the same authority which gave that order should now talk of the brave fellows 'basely murdered' at the Bushman's Pass, and should, to all appearance, sanction the pursuance of the horrid butchery which seems to be going on. Letters appear in our contemporaries' columns, without comment, containing details of the most revolting character, and which we have hitherto refrained from publishing, because they seem to us a disgrace to humanity. Take the case of one unfortunate wretch, whose story figures in half-a-dozen letters. If we depart from our deliberately adopted course now, to give a few words from these letters, it is in the hope that it may arouse the feelings of horror at the doings of our own people, which it is almost inconceivable should have hitherto apparently slept."

We, the undersigned colonists, lose no time in placing on record our protest, as by these presents we do protest in the strongest possible terms, against language which we hold to be a deliberate garbling of the facts; a vilification of your Excellency's conduct, as also of that of our gallant defenders now doing duty in the field, and calculated, if allowed to pass uncontradicted, to be not only highly detrimental to the public service, but to reflect most unwarrantably upon the whole community.

Your Excellency, we cannot but feel, must have already suffered enough mental anxiety and bodily fatigue in the trying position in which, so soon after resuming the government of the Colony, you find yourself placed. To be thus prematurely censured for the discharge of what could only have been a most painful duty, and repugnant to your own best feelings, seems to us to merit the severest condemnation possible. The more so in this case, as the self-constituted censor in question himself admits that the facts are as yet but inadequately known.

At this juncture it behoves every colonist to strengthen the hands of Government by all means at command. It is in this view that we beg respectfully to convey to your Excellency the assurance that your efforts have our cordial approval; expressing at the same time our hope that no amount of adverse criticism will deter you from persevering in the course which to you seems right and proper, to the end that the rebellious spirit evinced by a comparatively small section of our coloured population may be once for all stamped out.

The world's past history, if it teaches anything, teaches us the lesson that mercy misplaced may in the long run prove the greater cruelty. Rebellion under any guise is a crime of the greatest magnitude. In Natal, and especially under existing conditions, it is a crime of the deepest hue, requiring at once to be put down with a strong hand. No reasonable being, surely, can allege that your Excellency's government did not at the outset exhaust every legitimate means to bring Langalibalele's tribe peaceably to a sense of their duty and allegiance to their Queen and adopted country; or that they have not brought on themselves the sad results which none deplore more than your Excellency and ourselves.

Feeling perfectly satisfied that your Excellency is best capable of deciding upon the course necessary to be followed under existing circumstances, it only remains for us again to assure you of our undiminished confidence.

We have, &c.,  
(Signed) RICHARD VAUSE, and 615 Others.

NATAL.

No. 28.

Lieut.-Governor Sir B. PINE to The EARL OF KIMBERLEY.

Government House, Natal,  
December 19, 1873.

(Received February 12.)

MY LORD,

As a mail is on the point of leaving, I do myself the honour to inform your Lordship that the Chief Langalibalele, six of his Indunas (chief men), and a number of his tribe are prisoners.

The Earl of Kimberley,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieutenant-Governor.

No. 29.

Governor Sir H. BARKLY to The EARL OF KIMBERLEY.

Government House, Cape Town,  
December 24, 1873.

(Received February 12.)

MY LORD,

IN connection with the Despatch regarding the pursuit of the fugitive Chief Langalibalele, which will reach your Lordship from the Lieutenant-Governor of Natal by this mail, I am happy to be able to add copy of a telegram this morning received, viâ King William's Town, reporting the surrender of that Chief and his sons to my agent in Basuto-land on the 11th instant, and the disarming and dispersion of such of his followers as offered resistance by the detachments of Frontier Armed and Mounted Police sent by this Government to the spot.

2. It will be seen that Mr. Griffith purposed handing over all the prisoners to the force sent across the mountains by the Natal Government—which arrived three days afterwards—to be dealt with in due course of law.

3. I presume that when this intelligence reaches Maritzburg, Sir Benjamin Pine will send back the detachment of the 86th Regiment to this Colony; but as I learn from the Lieutenant-General Commanding that this can be done even more cheaply by the Union Company's steamers than in H.M.S. 'Rattlesnake,' I have informed Commodore Commerell that I no longer consider it essential to detain that vessel on the station.

The Earl of Kimberley,  
&c. &c. &c.

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

Enclosure in No. 29.

Copy of Telegram from the CIVIL COMMISSIONER, King William's Town, to  
the COLONIAL SECRETARY, Cape Town.

(Received December 24, 1873.)

Governor's agent says, dated December 14, from Patyris Village, north-east of Leribe, the rebel Chief Langalibalele surrendered to me on the 11th instant, with six of his sons, five of his principal men, and eighty followers. On the following day I proceeded with the two troops of police and a considerable body of Basutos to the foot of the Matutis, where the main body of the rebels still was, to receive or compel their surrender. About 200 surrendered, and gave up their arms; but a considerable number, estimated at about 150, refused to do so, and retreated up the mountain. I therefore ordered the police to charge them, which they did very gallantly. The rebels made a slight show of resistance by returning the fire of the police, but ultimately fled up the mountain with the loss of ten of their number, shot by the police. No casualties on our side. A patrol from Natal, under command of Captains Allison and Hawkins, came to the mountains yesterday, and are now encamped about six miles from this.

I shall hand the prisoners over to Captain Allison as soon as his patrol is ready to

start for Natal. About 5,000 of cattle belonging to the rebel Chief I have taken possession of, and placed them in charge of the Chief Molapo. The Natal patrol purchased about 600 head of cattle and horses, and shot a few of the rebels, being those that retreated from us on the 12th instant.

23rd, 10.55 A.M.

No. 30.

ADMIRALTY to COLONIAL OFFICE.

SIR, Admiralty, February 12, 1874.  
I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State for the Colonies, copy of a Letter from Commodore Commerell, dated the 24th December, reporting that information has been received at Simons Bay that Langalibalele, with four of his sons and 300 of his followers, had been captured; and that as no further necessity for the retention of the 'Rattlesnake' exists, she would return to England, calling at Cape Coast Castle.

I am, &c.,  
(Signed) ROBERT HALL.

The Under-Secretary of State, Colonial Office.

Enclosure in No. 30.

SIR, Simons Bay, December 24, 1873.  
I HAVE the honour to request that you inform my Lords that a telegram has reached the Governor reporting the capture of Langalibalele, with four of his sons and 300 of his followers, the remainder entirely dispersed.

The Lieut.-General having demurred at the whole of the 86th returning in one trip of the 'Rattlesnake,' it has been found cheaper to bring them back in the mail packets, and this course will be pursued.

The danger to the Colony having passed away, the Governor informs me that the immediate necessity for the detention of the 'Rattlesnake' no longer exists. Under these circumstances I shall, after taking in as many obsolete stores as possible, and a few time-expired men and officers, together with the available supplies for the squadron, proceed as soon as possible to Spithead, calling on the way at Cape Coast for sick and debilitated men, and rendering all the assistance the 'Rattlesnake' can afford.

No arrivals or sailings have taken place since my last letter, except the departure of the 'Challenger.' Her photographer deserted the day before she sailed; but another skilled man was obtained.

I have, &c.,  
(Signed) J. E. COMMERELL,  
Captain and Commodore.

The Secretary of the Admiralty.

No. 31.

The EARL OF KIMBERLEY to Lieut.-Governor Sir B. PINE.

SIR, Downing Street, February 13, 1874.  
I HAVE received with much satisfaction the intelligence contained in your Despatch\* of the 19th of December, of the capture of the rebel Chief Langalibalele, with a number of his tribe.

I have, &c.,  
(Signed) KIMBERLEY.

Governor Sir Benjamin Pine,  
&c. &c. &c.



No. 32.

The EARL OF KIMBERLEY to Lieut.-Governor Sir B. PINE.

SIR,

Downing Street, February 14, 1874.

I HAVE received your Despatch of the 14th of December,\* reporting the proceedings of the expedition sent against Langalibalele, and your return to the seat of Government.

In my Despatch of 13th instant,† I have acknowledged the receipt of your further Despatch of the 19th December,‡ reporting the capture of Langalibalele and his followers.

Sir Benjamin Pine, Natal.

I have, &c.,  
(Signed) KIMBERLEY.

No. 33.

The EARL OF KIMBERLEY to Governor Sir H. BARKLY, K.C.B.

SIR,

Downing Street, February 16, 1874.

I HAVE received your Despatch of the 24th December,§ enclosing a telegram from the Civil Commissioner at King William's Town, in which he reports the surrender of the Chief Langalibalele and his sons to your agent in Basuto-land, and the disarming and dispersion of such of his followers as offered resistance.

Her Majesty's Government have learnt with much satisfaction the termination of the outbreak, and the prompt and energetic steps taken by your government on this occasion.

Sir Henry Barkly, K.C.B.  
&c. &c. &c.

I have, &c.,  
(Signed) KIMBERLEY.

No. 34.

Lieutenant-Governor Sir B. PINE to The EARL OF KIMBERLEY.

Government House, Natal, January 2, 1874.

(Received February 25.)

MY LORD,

WITH reference to my Despatch || of 14th December last, forwarding a Memorial from certain inhabitants of the Colony of Natal, I have now the honour to forward a Memorial from 82 of the inhabitants of the County of Umvoti, expressing their entire concurrence in that Memorial.

The Earl of Kimberley,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieutenant-Governor.

Enclosure in No. 34.

To His Excellency Sir BENJAMIN CHILLEY CAMPBELL PINE, Knight Commander of the Order of St. Michael and St. George, Lieutenant-Governor of the Colony of Natal, and Supreme Chief of the Natives thereof,

MAY IT PLEASE YOUR EXCELLENCY,

A D'Urban newspaper published yesterday (Friday), the 21st November, contains an article referring to the Langalibalele expedition, of which the following are extracts:—

“It appears that Colonel Milles was on the spot when the Volunteers were despatched on their ill-fated expedition; but in the main point—that he did not give the order ‘not to fire until fired upon’—we were perfectly correct. That order, we are assured, was given by his Excellency the Lieutenant-Governor.

\* No. 26.

† No. 31.

‡ No. 28.

§ No. 29.

|| No. 27.

"It is as strange as it is lamentable that the same authority which gave that order should now talk of the brave fellows 'basely murdered' at the Bushman's Pass, and should, to all appearance, sanction the pursuance of the horrid butchery which seems to be going on. Letters appear in our contemporaries' columns, without comment, containing details of the most revolting character, and which we have hitherto refrained from publishing, because they seem to us a disgrace to humanity. Take the case of one unfortunate wretch, whose story figures in half-a-dozen letters. If we depart from our deliberately-adopted course now, to give a few words from these letters, it is in the hope that it may arouse the feelings of horror at the doings of our own people, which it is almost inconceivable should have hitherto apparently slept."

We, the undersigned colonists, lose no time in placing on record our protest, as by these presents we do protest in the strongest possible terms, against language which we hold to be a deliberate garbling of the facts, a vilification of your Excellency's conduct, as also of that of our gallant defenders now doing duty in the field, and calculated, if allowed to pass uncontradicted, to be not only highly detrimental to the public service, but to reflect most unwarrantably upon the whole community.

Your Excellency, we cannot but feel, must have already suffered enough mental anxiety and bodily fatigue in the trying position in which, so soon after resuming the government of the Colony, you find yourself placed. To be thus prematurely censured for the discharge of what could only have been a most painful duty, and repugnant to your own best feelings, seems to us to merit the severest condemnation possible. The more so in this case as the self-constituted censor in question himself admits that the facts are as yet but inadequately known.

At this juncture it behoves every colonist to strengthen the hands of Government by all means at command. It is in this view that we beg respectfully to convey to your Excellency the assurance that your efforts have our cordial approval; expressing at the same time our hope that no amount of adverse criticism will deter you from persevering in the course which to you seems right and proper, to the end that the rebellious spirit evinced by a comparatively small section of our coloured population may be once for all stamped out.

The world's past history, if it teaches anything, teaches us the lesson that mercy misplaced may in the long run prove the greater cruelty. Rebellion under any guise is a crime of the greatest magnitude. In Natal, and especially under existing conditions, it is a crime of the deepest hue, requiring at once to be put down with a strong hand. No reasonable being, surely, can allege that your Excellency's government did not at the outset exhaust every legitimate means to bring Langalibalele's tribe peaceably to a sense of their duty and allegiance to their Queen and adopted country; or that they have not brought on themselves the sad results which none deplore more than your Excellency and ourselves.

Feeling perfectly satisfied that your Excellency is best capable of deciding upon the course necessary to be followed under existing circumstances, it only remains for us again to assure you of our undiminished confidence.

We, the undersigned residents in Grey Town and the County of Umvoti, beg to express our entire concurrence and approval of the views set forth in this Memorial, and to assure your Excellency of our utter confidence in the ways and means adopted by your Excellency for the speedy suppression of the rebellious acts of Langalibalele and his tribe.

We have, &c.,  
(Signed) A. L. PRETORIUS,  
C. F. VAN REEYEN,  
And by 80 others.

Grey Town, December 20, 1873.

No. 35.

Lieut.-Governor Sir B. PINE to The EARL OF KIMBERLEY.

Government House, Natal, January 10, 1874.

(Received February 25.)

MY LORD,

REFERRING to my Despatches on the subject of the proceedings against Langalibalele, I have now the honour to transmit to your Lordship copies of correspondence from Captain Allison and Mr. Hawkins, the officers in charge of the flying column sent in pursuit of that Chief, describing his capture, and that of his principal men.

2. From this correspondence it will appear to your Lordship that although the forces

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 of Natal had not the fortune to be the actual capturers of the Chief, yet that without their aid the capture probably would not have been effected, for they threw the tribe into the hands of the other forces. At the same time I am far from wishing to detract in any way from the praise due to the officer acting under the authority of the Cape, and to the Governor of that Colony, for the energetic and prompt support which they have given to this Government.

3. I had intended sending your Lordship a connected account of the causes of this insurrection, and of the proceedings taken; but both Mr. Shepstone and myself (the Session is still sitting) have been so much occupied that I am unable to do so by this mail. In the meantime, however, I enclose, with the writer's permission, a private Letter from Mr. Shepstone to me, giving a somewhat detailed account of the gross insults offered to the Government by the Chief and his people, and of the steps which we took to save bloodshed, and to prevent the loyal part of the tribe from being involved in the punishment of the disloyal part of it.

4. Langalibalele, his sons, and chief followers, are in the jail of this place; and we purpose to try them, under native law, by a Court consisting of myself as Supreme Chief, Mr. Shepstone, four of the magistrates, and four or five of the principal native chiefs of the Colony. We shall adhere as nearly as may be to the native law, so far as it may be consistent with the principles of humanity.

5. If the accused are found guilty, the sentence according to the law must be death; but I intend to commute that punishment to transportation or penal servitude, as may seem expedient.

The Earl of Kimberley,  
 &c. &c. &c.

I have, &c.,  
 (Signed) BENJ. C. C. PINE,  
 Lieut.-Governor.

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Enclosure 1 in No. 35.

GOVERNMENT NOTICE, No. 287, 1873.

His Excellency the Lieutenant-Governor directs the publication for general information of the subjoined communications from Capt. A. B. Allison and the Resident Magistrate of Upper Umkomanzi, reporting their latest operations in connection with the expedition against Langalibalele and his tribe.

Office of Secretary for Native Affairs,  
 Dec. 29, 1873.

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

SIR,

Hlonzi River, British Basuto-land,  
 December 20, 1873.

In my last letter, from the foot of the Manziyama Pass, dated December 4th, I reported that I was on the point of ascending that pass of the Drakensberg, for the purpose of rendering assistance to Captain Allison, should he desire it.

I have now the honour to report, for the information of his Excellency the Lieutenant-Governor, that I ascended the said pass on the 5th inst., and on the same day marched a further distance of about sixteen miles to the Konigazi River, one of the tributaries of the Orange River. I came upon the spoor of the rebel tribe, and on the 7th instant I effected a junction with the force under the command of Capt. Allison. Upon consultation with him, it was deemed advisable that I should accompany his force with the 44 volunteers and a small native force of 70 men. The remainder of my native contingent (about 300 men) I sent back to Natal.

I enclose copy of my correspondence with Captain Allison on this subject. As that officer will have reported in detail the movements of the united columns from the date of their junction, I do not deem it necessary for myself to report further than that I shall accompany Captain Allison into Natal, for the purpose of assisting in escorting the prisoners and captured cattle of the rebel tribe.

I have, &c.,  
 (Signed) ARTHUR C. HAWKINS,  
 Resident Magistrate.

The Hon. the Secretary for Native Affairs.

Branch of Orange River, British Basuto-land,  
December 8, 1873.

SIR,

Having effected a junction of the forces under my command with your column, I have the honour to state for your information, that I have a force of about 350 natives and 46 European volunteers.

My object in effecting this junction was to render you any assistance and co-operation which you might require.

As I have not sufficient cattle to provision my native contingent beyond a few days, and as you verbally informed me that you are not able to supply me with cattle to provision them, I shall send my native force home immediately. As regards the European volunteers, I have sufficient provisions, such as coffee, biscuits, &c., for full rations for about five days, but can, without any great privation to the men, make their rations last for ten days.

I therefore propose to offer the services of myself and the volunteers to accompany you, and afford you any assistance you may require, in the effort to capture and chastise the rebel Chief.

As the question of the command of the combined forces naturally suggests itself, taking into consideration that I join you as an auxiliary force, I am willing to agree in all operations requiring combined action, as there must be one commander, in the event of any encounter with the enemy, to place myself under your command, upon the understanding that in all other matters not connected with actual operations against the enemy my command shall remain distinct from your own.

Should you require the above proffered assistance, I should retain some 60 or 70 natives with me, for whom I have sufficient cattle for some eight or ten days, after which, should we not capture any cattle from the enemy, I should have to ask you to supply me with one head per diem.

I have, &c.,  
(Signed) ARTHUR C. HAWKINS.

North East Branch of Orange River,  
December 8, 1873.

SIR,

I have the honour to acknowledge the receipt of your letter of to-day's date, and most cordially accept the offer made therein, and will unite with you heart and hand in pushing on and completing the object of the expedition.

Both the Europeans under my command and myself will share, and share alike with you and your men, as far as our stores go.

I have no objection to ration the 70 natives you propose to retain, when their present stock of cattle is exhausted. Your resolution to dismiss the remainder of your native force is, I think, a wise one, as we shall have sufficient men without them, and it will be more difficult to procure further supplies of cattle in Basuto-land than provisions for the Europeans.

Arthur C. Hawkins, Esq.,  
Resident Magistrate.

I have, &c.,  
(Signed) ALBERT B. ALLISON,  
Commanding Northern Flying Column.

Camp near Silibalu's Kraal, 10 miles N.E. of Leribe,  
December 20, 1873.

SIR,

I have the honour to acquaint you, for the information of his Excellency the Lieutenant-Governor, of the further progress of the pursuing column since I addressed you from the Orange River, and of the final result of the expedition.

Leaving the Orange River, the march was continued over a most difficult country, crossing the Mide Berg at an altitude of 11,400 feet, and descending the valley between that and the Maluti range of mountains until the evening of the 11th instant, when a spot was reached which the rebels had evidently vacated only the previous day.

As signs of a hasty flight were plainly visible, and as the fugitives could not be far in advance, I here determined to abandon my baggage, and push on with three days' rations.

Leaving a strong rear guard, a pursuit as rapid as the country would admit of was commenced at daylight on the morning of the 12th instant. By noon of that day, many exhausted cattle and horses had been passed, and at 4 p.m. a large herd of cattle was seen in a valley about 25 miles N.E. of Leribe. A body of men was sent down the

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slopes of the head of the Maluti range, which dispersed the rebels, killing one, and capturing all the cattle. The main body of the pursuing column meanwhile kept upon the spoor, which by a circuitous route entered another valley, to the northward of the one already mentioned. At the halt of that night, a small party of mounted men was seen travelling on the back spoor. These men halted upon seeing our column, and when challenged retired the way they had come. A force marched to the support of those who had captured the cattle, at 3 a.m. on the 13th instant, and at daylight the column moved on and entered the valley.

I subsequently learned that the men in possession of the cattle had been attacked before daylight by the rebels, who had been beaten off with a loss to them of three men and thirteen prisoners.

From a prisoner taken that morning, it was ascertained that on the previous day a large force of armed Basutos, supported by 120 of the F.A.M. Police, had moved from Leribe into the valley in which the rebel Chief and his people were, that negotiations took place in the first instance between the two native forces, by Langalibalele and his sons advancing to meet the Basutos. A conference ensued, and ultimately the rebel Chief, his sons and councillors, rode away in the direction of Leribe.

The Basutos then came down to the tribe, said they were friends and did not wish to fight with them, but that they (the rebels) would have to give up their arms.

About half the number complied, the remainder refused and retreated into the surrounding kloofs and bushes. These were hunted by the mounted police, and ten of their number shot, while many were disarmed; others escaped with their weapons, retreating on their back spoor. The rear guard of the pursuing column fell in with, and accounted for some of these, and later in the day, in a skirmish near a Basuto village, another was wounded, and about thirty prisoners taken.

The rebel Chief and his immediate followers (about fifty in all) surrendered themselves at Molapo's.

From other sources, I learn that messengers from Molapo reached Langabaleli at the Orange River, with the information that the pursuing column had left Natal on his spoor, and inviting him to come on. The position was now completely changed; Langalibalele and the bulk of his property had eluded my pursuit, and were under charge of British authority in Basuto-land.

I received the first communication from C. D. Griffith, Esq., Governor's Agent, on the evening of the 13th instant, requesting me not to approach too near to the village of Molapo, as he feared it would unsettle the people living there, and the Basutos generally.

On the following morning, accompanied by Mr. Hawkins, I visited Mr. Griffith at the camp of the mounted police. I found him quite prepared to hand over to me the prisoners, consisting of the rebel Chief, five of his sons, and some councillors (twelve in all); but under the impression that the captured cattle, of which he had, he informed me, about 5,000, ought to be distributed amongst the Basutos employed in taking them (or rather, for there was no conflict, for collecting and driving them from the valley to where they were then being herded). Mr. Griffith had, I believe, employed patrols of Basutos to make distant journeys into the Maluti range, in order to ascertain the rebel's strength and position. As the agent of the Natal Government, I protested against this appropriation, upon the ground that the property of Langalibalele was, upon his being proclaimed a rebel, confiscated, and by right belonged to the Natal Government; that such property had been followed by me, and found in the possession of certain natives acting under British authority, and that therefore it should be handed over to me, subject to such deductions as might be agreed upon to be reasonable, and proportionate payment for the services of the force employed. This resulted in the demand being reduced to 1,500 head of cattle, to which I agreed, for the following reasons:—

1st. To have objected to any payment for the services rendered by the Basutos would have led to detention of the whole of the cattle until the High Commissioner could have been communicated with (a period of at least three weeks), and my force must in the meanwhile have remained in the field, at a heavy cost to the Natal Government.

2nd. The cattle, from change of pasturage, sickness, and theft, would have daily diminished in number.

3rd. The Basutos were clearly entitled to some payment, a large number of them having been from first to last employed, and the difference between the number of cattle it might be ultimately decided to give them, and the demand of 1,500 head would probably have been too small to weigh against these reasons for avoiding delay.

I annex a letter from the Governor's agent of the 15th instant, and a copy of my reply thereto of the 16th instant, with copy of a further letter from me of the same date, embodying the terms of the verbal agreement referred to.

Later on the same day I received a letter from Mr. Griffith, withdrawing from that agreement, and informing me that he would refer the whole subject to the High Commissioner. I enclose that letter, with my reply. This led to a re-opening of the subject verbally by Mr. Griffith, who visited my camp on the following morning, and informed me that the cattle, upon being counted, had proved to be 7,000 head, and 260 horses, and suggested that 2,000 should be the reward for the services performed by the Basutos. After some consideration I consented to this new, and, as I presumed, final arrangement. On the following day, therefore, I took over 5,023 head of cattle and 260 horses, leaving in Mr. Griffith's hands the 2,000 head in question.

Hearing subsequently that 500 head of cattle still remained in the hands of Joel, a son of Molapo, which had not been sent in, I requested Mr. Griffith to assist in the recovery of these. He informed me that these 500 head having been taken by Joel in the Maluti Mountains, he (Mr. Griffith) in accordance with a promise he had made to the Basutos that all cattle taken by them should become their own property, had authorized their detention. Mr. Griffith informed me on the 14th instant that 500 head of cattle had been taken by Joel and reported to the magistrate, and I considered these were included in the 5,000 he then held, and that the payment of 2,000 head of cattle discharged all demands by the Basutos. Mr. Hawkins also understood this, and it will be observed that in the letter of the 17th instant (received by me on the 20th instant), Mr. Griffith makes no mention of this transaction of Joel's.

I annex a copy of my reply thereto, of 20th instant.

In an interview with Mr. Griffith before he left, he stated it to be his opinion that Joel was entitled to these cattle, that he did not deem it necessary to reply to the letter, but would leave the matter an open question to be settled by the Cape and Natal Governments.

Of the rebels disarmed at Molapo's but two remain, the others having been allowed to disperse in different directions. The rebel Chief, with five of his sons and four headmen, will be taken over by me, and commence their march to Natal to-morrow, viâ Olivier's Hoek.

My return march will necessarily be a slow one, in consequence of the number of cattle and horses (upwards of 6,000 head).

I hope to receive instructions from you, upon reaching Olivier's Hoek, as to the disposal of these animals.

It is my intention upon reaching Natal, unless I receive other instructions, to discharge such of the Volunteer force whose homes are in the vicinity of Ladysmith and Estcourt, using the remainder as a body-guard for the prisoners.

Before closing this communication to you, I have to record and acknowledge the valuable co-operation and assistance I have received from Mr. Hawkins, both on the line of march and during negotiations with the Governor's agent.

I have also much pleasure in testifying to the steady and excellent conduct of the volunteers throughout the whole of this tedious and difficult march. I have had no occasion to reprimand a single man.

The force appeared to be held together and animated by but one feeling, and as the end drew near weariness and privations were forgotten, and they pressed on to their work cheerfully and well.

The native force of 1,600 men has also behaved loyally and well. They suffered much in the mountains from want of proper clothing, but no murmuring reached me, and there has only been one case of punishment for neglect of duty. I am also glad to report that no lives have been lost on our side. I trust his Excellency will approve of the action taken by me in the matter of the cattle.

I have, &c.,  
(Signed) ALBERT B. ALLISON,  
Commanding Pursuing Column.

The Secretary for Native Affairs, Natal.

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Enclosure 2 in No. 35.

Escourt, Sunday Evening,  
November 2, 1873.

MY DEAR SIR BENJAMIN,

I pushed on, and reached this yesterday at 3 p.m., found Macfarlane in the midst of his preparations, and I think everything will go as ordered. We all take up our positions to-morrow morning, and you shall hear from us some time during the evening. I have seen the messengers and heard their story. They have behaved with wonderful

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NATAL.

pluck and propriety, and have settled the question of Llangalibalele's defiant and rebellious position.

Finding that they were thwarted in every way and put off from time to time, they determined to go and seek him out. They were warned that they would be put to death, but they said they would not return without having delivered their message personally. Accordingly they started, and travelled a whole day in charge of some of the Chief's Indunas. Word was sent on to tell the Chief of their approach. They were told to go the next day. When they arrived they found a large force of armed men, guns, assegais, and battle axes; guns all loaded. They were subjected to every possible insult, until at length Mahoiza said, "Why not kill us at once, rather than insult us in this way. We are messengers from the supreme Chief to *his subject*. You insult him, not us. It would be more dignified of you to kill us." On their arrival they were immediately surrounded and made prisoners of. They were stripped of their clothes, and then marched under a strong armed guard, prodded every now and then with the points of assegais, to the hut where the Chief was. The hut was full of armed men, and was surrounded outside by others. When they got in they were told to speak. Mahoiza said he must see the person he was speaking to, and if the Chief was there he must see him while he was speaking. The Chief then ordered him to speak, he being concealed behind his men. Mahoiza refused until he could see him, and at last he came forward and scolded Mahoiza for having so persistently sought him out; said he would not obey any summons to appear; reviled the magistrate, me, and you; said he wanted to have, and would have, nothing to do with any of us; that if we wanted him we could go to him, and even then he would not meet us, but go into caves and live like Bushmen. He said he was afraid to meet us, and then that he would fight for two days, the first with the natives, and especially Pakadi, and the next with the whites, and then he would make peace by sending some cattle and money. His conversation seems to have been made up of boasts and expressions of fear, the first of which were applauded, the last rejected, by his people, who were with difficulty kept from killing the messengers there and then. Three of the Indunas exerted themselves to the utmost to save their lives, and succeeded, but they could not save them from the grossest insults and the most provoking conduct. The alleged reason for stripping them was to ascertain whether they might not have about them some means of doing the Chief mischief, such as pistols or poisonous charms.

A great deal more occurred that I cannot spare time to write, and they were taken away as they had been brought, under an armed guard. Nothing was given them to eat, and they had to do without for some days. I am glad that they succeeded in seeing and speaking to the Chief, because his conduct and that of his people have removed from my mind every lingering doubt that it is absolutely necessary to put him down with a strong hand. If we do not, we may as well throw up the reins of Government altogether; the necessity is laid upon us, and we must discharge our duty, however painful it may be to us to do so.

There are, however, a good many of the tribe who are loyal, and many of these are daily offering themselves to the magistrate and asking for tickets of loyalty; these, of course, he grants, and orders to keep perfectly quiet. I shall arrange that the Proclamation, copy of which I annex, is made by the leaders of all the divisions, at once or to-morrow morning, and I have decided to do this because I find that the rebellious portion of the tribe is all in one place, and that therefore twenty-four hours' notice is quite sufficient. By to-night I should think that most of the rest will have made their submission to the magistrate.

The whole tribe, it seems to me, must be removed from where it is, and dispersed among the farmers. The men found in arms should be punished as you may decide, in accordance with the suggestion I made to you in town, I think. But the difficulty will be in catching them. I therefore propose, with your sanction, to offer twenty shillings for every able-bodied man taken with arms in his hands. The effect of this will be to save their lives and make them useful to the Colony. They will then have to be tried and sentenced to such punishment, or its alternative, as you may decide upon. The Chief must, of course, be captured at all hazards, and perhaps it may be well to offer a reward for his apprehension, say fifty head of cattle. This would stimulate all to exertion, and we must leave no stone unturned to put down this rebellion effectually. I know that this is your wish and intention, and mine is to second you in every possible way.

The panic here has died away, and the subjects of it seem to me to be, from what I hear, becoming not quite satisfied with their own conduct. I have not as yet heard of

the native forces, but they could not be up before this evening, and I have no doubt that they will be zealous enough.

I have just seen Macfarlane, who has been out making arrangements, and he fears that there may be a few hours' delay. But that does not matter much, seeing that I heard from Captain Allison last night, assuring me that he and his force will be in position by the time ordered.

Please write at once your approval or otherwise of the suggestions in this letter, and please also preserve it, as I write in a hurry and have no time to make it shorter or copy it. I shall write to Major Durnford, telling him of a little alteration in our line, which more information has led me to see is necessary; it will much shorten the investing line. I sincerely hope there will be no rain for a few days.

I have, &c.,  
(Signed) T. SHEPSTONE.

Captain Lucas will be in position with his Volunteers. His native force will not be far behind.

Will you, if you approve of the Proclamation, have it issued from your side also as soon as possible.

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Enclosure 3 in No. 35.

PROCLAMATION,

By His Excellency Sir BENJAMIN CHILLEY CAMPBELL PINE, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Lieutenant-Governor of the Colony of Natal, and Supreme Chief of the Natives thereof.

Estcourt, November 2, 1873.

WHEREAS the Chief Langalibalele and a portion of the Amahlubi tribe have disobeyed the orders of the Supreme Chief and defied the authority of the Government of Her Majesty the Queen, and have taken up a position in the Drakensberg, where they have insulted the messengers sent by the Supreme Chief to remonstrate with them and require their obedience;

And whereas it is necessary that the authority of Her Majesty should be upheld, and that ready obedience should be paid to Her Majesty's Representative and to all officers legally acting under his orders in this Colony:

It is hereby made known that his Excellency the Lieutenant-Governor of the Colony and Supreme Chief over all the natives has thought it right to assemble a force consisting of natives, acting as police, supported by Her Majesty's troops and a portion of the Volunteer force of the Colony, to coerce and reduce to obedience the said rebellious Chief and tribe, if within twenty-four hours, that is, a whole day and a whole night, they shall not have surrendered themselves to the Supreme Chief, or one or other of the officers acting under him, to be dealt with according to law;

And whereas it is possible that individual members of the tribe may have been induced by threats or otherwise to adopt the mistaken course which they have followed, they are hereby called upon immediately to abandon their misguided Chief, and place themselves, families, and property under the protection of the officer in command of the nearest detachment, to be dealt with as may hereafter be decided upon.

All who reject or fail to take advantage of the terms offered by this Proclamation will themselves be responsible for the consequences.

The Supreme Chief does not wish to destroy people, but he is at once bound to put down rebellion at any cost, to prevent the loss of many lives of others who ought otherwise suppose that it is safe to disobey.

By command of his Excellency, Supreme Chief.

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



Lieutenant-Governor Sir B. PINE to The EARL OF KIMBERLEY.

Government House, Natal,  
January 10, 1874.

(Received February 25, 1874.)

MY LORD,

WITH reference to the 3rd paragraph in my Despatch, of the 22nd November last,\* in which I reported that the tribe of Putili, which had assisted in the rebellion of Langalibalele, had been surrounded and disarmed, I have now the honour to transmit to your Lordship a copy of a Proclamation I have issued, breaking up that tribe.

2. We have strong reason for thinking that at least another tribe was more or less implicated in this matter, but they had shown no decidedly overt acts of insubordination, so I thought it better not to notice them. The blow struck has had its effect; the would-be disloyal have in native fashion sided with the strongest party, and been the first to make a display of loyalty.

The Earl of Kimberley,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieutenant-Governor.

PROCLAMATION,

By His Excellency Sir BENJAMIN CHILLEY CAMPBELL PINE, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Lieutenant-Governor of the Colony of Natal, and Supreme Chief of the Natives thereof.

WHEREAS, by Proclamation, dated the 11th November, 1873, I did proclaim and declare the late Chief Langalibalele and his tribe guilty of open rebellion against Her Majesty's Government, and whereas the tribe of Putili have been guilty of aiding, abetting, supporting, comforting, and adhering to the said Langalibalele and his tribe, by receiving and concealing part of the people and cattle of the said tribe, so in open rebellion, and by firing on Her Majesty's forces, and in divers other ways:

Now, therefore, I do hereby proclaim and declare that the said tribe is hereby broken up, and from this day forth has ceased to exist, and that no person heretofore belonging to it shall be allowed to live within the Colony, until he shall be furnished with and possess a certificate from the Resident Magistrate of the County or Division in which he resides or has resided, stating that he has taken no part in the revolt and rebellion aforesaid, or shall have been duly tried and acquitted of such offence.

And I do command all resident magistrates and other officers of the Government whom it may concern, to see this Proclamation carried into full force and effect.

God save the Queen!

Given at Pietermaritzburg, this seventeenth day of December, 1873.

(Signed) BENJAMIN C. C. PINE.

By his Excellency's command,

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

Lieutenant-Governor Sir B. PINE to The EARL OF KIMBERLEY.

Government House, Natal,  
January 15, 1874.

(Received February 25, 1874.)

MY LORD,

I HAVE the honour to transmit to your Lordship copy of a Resolution of the Legislative Council conveying to me their thanks for the measures which I deemed it my duty to adopt for the suppression of the late insurrection.

The Earl of Kimberley,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieutenant-Governor.

9th January,  
1874.

Enclosure in No. 37.

YOUR EXCELLENCY,

January 9, 1874.

I am commanded by the Legislative Council to transmit the accompanying Resolution expressive of their high appreciation of the promptitude, energy, and firmness with which your Excellency lately employed the resources at your command to enforce Her Most Gracious Majesty's authority and punish the rebellious tribes under the Chiefs Langalibalele and Putili.

I have, &c.,  
(Signed) WALTER MACFARLANE,  
Speaker.

Sir Benjamin C. C. Pine,  
Lieutenant-Governor.

Resolution adopted by the Legislative Council of Natal, on Friday, 9th January, 1874, in relation to recent proceedings against the rebellious tribes under the Chiefs Langalibalele and Putili:—

“That the thanks of this House be given to his Excellency Sir Benjamin C. C. Pine, K.C.M.G., Lieutenant-Governor of this Colony, and Supreme Chief, for the promptitude, the energy, and the firmness with which he has employed the resources at his command to enforce Her Majesty's authority, and to punish the rebellious tribes under the Chiefs Langalibalele and Putili.”

I certify that the above is a true copy.  
(Signed) THOMAS FOSTER,  
Clerk.

No. 38.

Lieutenant-Governor Sir B. PINE to The EARL OF KIMBERLEY.

MY LORD,

Government House, Natal,  
January 15, 1874.  
(Received Feb. 25, 1874.)

I HAVE the honour to transmit herewith a Memorial from 55 of the inhabitants living in the immediate neighbourhood of the scene of the late operations against the rebel Chief Langalibalele, and others.

The Earl of Kimberley,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieutenant-Governor.

Enclosure in No. 38.

To His Excellency Sir BENJAMIN C. C. PINE, K.C.M.G., Governor and Commander-in-Chief of the Colony of Natal.

MAY IT PLEASE YOUR EXCELLENCY,

We, the undersigned farmers and others, living in the immediate neighbourhood of the location of the late Chief Langalibalele, and many of us having, or having had, people of the tribe of the said Chief living on our farms, beg to thank your Excellency for the prompt measures which your Excellency has taken to put an end to the rebellious attitude assumed by the said Chief, which for the last five months has been keeping the district in a state of unrest, and paralyzing the industry both of the white and the native inhabitants.

We have no doubt that if your Excellency had been here at the time of the first rebellious act of the late Chief, the same prompt action would have been taken, and the affair would have been settled without the loss of life, which has now unfortunately taken place, and the severe measures which, for want of that prompt action, have now become necessary if we are to live in peace in the Colony in future, or indeed to

**NATAL.** live in it all, would have been avoided ; for we, living among the tribe as we do, and being in daily communication with them as our servants, feel assured that many of the tribe who have now joined the Chief in his rebellion, would not have done so, but from a feeling, induced by the inaction of the late Government in the matter, that the Government was afraid of Langalibalele, and would not be able to protect them from the vengeance which he threatened, if they did not throw in their lot with him. This inaction no doubt also encouraged the late Chief to persist in his first act of contumacy, and induced, or perhaps made it almost necessary, for a smaller adjoining tribe to take part with him, which tribe has also now paid the penalty of its treason, and, thanks to your Excellency's prompt action, without bloodshed.

We trust that, in view of the utter breakdown of the present "Native Policy," your Excellency will be enabled to inaugurate a new policy which, while making the peace of the Colony more secure, will also show the natives that it is better for themselves to settle quietly under a firm and just Government, than to lounge about their kraals, which is now the chief occupation of the greatest part of the men, and indulge in dreams of driving the white man into the sea.

Signed by { G. W. BANCROFT,  
FRÉDERICK W. MOOR,  
JAMES RALPI,  
And 52 others.

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No. 39.

Governor Sir H. BARKLY, K.C.B., to THE EARL OF KIMBERLEY.

Government House, Cape Town,  
January 15, 1874.

(Received February 25.)

MY LORD,

SINCE I transmitted, in my Despatch of the 24th ultimo,\* a telegram announcing the "surrender" of the Natal rebel Chief Langalibalele to my agent in Basuto-land, full reports have been received from the several officers of this Government who were ordered to assist in his capture.

2. The accompanying *précis* of the contents of these reports, drawn up by Mr. Brownlee, the Secretary for Native Affairs, gives an interesting view of operations, conducted, for the most part, in a region so wild and mountainous as to have been hitherto deemed impenetrable.

3. I quite agree with Mr. Brownlee in considering that the prompt suppression of this outbreak in Natal, which threatened at one time disastrous consequences, will be productive of the very best effects by the practical lesson it has given the native chiefs of their own disunion as compared with the essential unity of British power in South Africa, and that it will thus tend to render Kafir wars less probable than heretofore.

4. For these results I venture to suggest that the thanks of the Imperial Government are justly due to my responsible advisers, especially Mr. Molteno and Mr. Brownlee, for the alacrity with which they volunteered the assistance of the Frontier Armed and Mounted Police before I had even time to suggest the measure ; as well as to Commandant Bowker and the officers and men of that admirable force, who executed the duties respectively entrusted to them by the Government in the best possible spirit, despite numerous difficulties and privations.

5. The greatest credit is also due to Mr. C. D. Griffith, Governor's Agent in Basuto-land, for the skill and energy he displayed in making arrangements with the Basuto chiefs for Langalibalele's capture, and for the cool and resolute mode in which he succeeded in disarming the Chief and his followers without unnecessary effusion of blood. Mr. Joseph Orpen, the newly-appointed resident magistrate in No-Man's-Land, is likewise deserving of *special praise*, both for the promptitude with which he organized a sufficient force of Adam Kok's Griquas to intercept the rebels if they had, after crossing the Drakensberg, fled in that direction, and for the zeal and courage which he afterwards displayed in marching, at the head of the Native Contingent, along with Inspector Grant's squadron of police, over the mountains into Basuto-land.

6. I have only to add that about half of the detachment of Her Majesty's 86th Regiment sent from Cape Town returned hither in the 'Natal' yesterday, the remainder being expected by an early steamer ; and, further, that I have, with the concurrence of

\* No. 29.

Dated 13th  
January, 1874.

my advisers, informed Lieutenant-Governor Pine that an application which his Excellency had made to me for the reception of Langalibalele, after trial and conviction, at Robben Island in Table Bay will be complied with.

NATAL.

The Earl of Kimberley,  
&c. &c. &c.

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

Enclosure in 39.

NARRATIVE OF THE LANGALIBALELE REBELLION.

January 13, 1874.

Immediately on receipt of intelligence from Natal of the rebellion of the Chief Langalibalele, the Government made arrangements for the despatch of three companies of the 86th Regiment to Natal, and ordered Commandant Bowker to move every available man of the F. A. M. Police as speedily as possible to the source of the Caledon River, Government having some months before received intelligence that it had been arranged between Langalibalele and the Basuto Chief Molapo that Langalibalele should retreat to Basuto-land in case of a rupture with the Natal Government.

Orders were at the same time sent to Mr. Griffith, the Governor's Agent in Basuto-land, and to Mr. Orpen, the British resident in No-Man's-Land, to do all in their power to prevent the retreat of Langalibalele and his people into the country under their jurisdiction, to arrest all rebels who came into their country, and to take possession of their cattle pending further instructions from Government; and they were further directed to inform the chiefs under them that, if they permitted the rebels to take asylum in their country, they would be regarded as participators in the rebellion.

Before the receipt of these instructions both officers had received communications from the Lieutenant-Governor of Natal conveying information of the rebellion, and requesting their assistance and co-operation.

Without hesitation, and without instructions from this Government, both officers acted with the most commendable promptitude.

Mr. Griffith at once sent to Letsie, the paramount Basuto Chief, directing him to send scouts into the Maluti or Drakensberg Mountains to ascertain, if possible, the position of the rebels, and to warn the minor chiefs against receiving them.

As there were doubts of Molapo's fidelity, Mr. Griffith went in person to see him, and arranged with him to prove his loyalty by sending a strong party of his men to attack the rebels, and as a further inducement Molapo was promised that he should be permitted to retain whatever cattle his people should capture from the rebels; and in two days after Molapo's men were on their way into the Maluti Mountains, under the command of Jonathan, his son.

On receipt of the Despatch of the Lieutenant-Governor of Natal, Mr. Orpen at once proceeded to the base of the Drakensberg, at the nearest point to the Natal boundaries. Mr. Orpen had been in office only for four months, and found the people in the country to which he was appointed in the utmost disorder, and in a chronic state of war with each other.

Notwithstanding this, he at once raised a large force of natives wherewith to oppose Langalibalele's entrance into No-Man's-Land.

In the meantime intelligence reached this Government from Natal that it was the intention of Langalibalele to retreat down the St. John's River, and join his brother Ludidi, a chief residing in No-Man's-Land, in the neighbourhood of the large and powerful tribe of the Pundos, and who, being an independent tribe, it was apprehended might complicate matters by aiding Ludidi and Langalibalele.

The orders, therefore, that the main body of the police should move to Basuto-land were countermanded. Commandant Bowker was directed to push them on to No-Man's-Land, to co-operate with Mr. Orpen; and if it were found that Langalibalele was retreating to the north or Basuto-land side of the Drakensberg, then the police were to cross over in pursuit, and co-operate with Mr. Griffith.

At the same time that the police from this side were to move to No-Man's-land, it was arranged that the detachments in the vicinity of Basuto-land were to concentrate on the sources of the Caledon, in front of Molapo's country.

The party under Jonathan Molapo, after some days spent in traversing the mountains, and after being greatly reduced through the failure of their horses, fell in with Langalibalele, and, being then too weak to attack, assumed the attitude of friends, and conducted the rebels out of the mountains to the country near Molapo's residence.

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Their approach having been notified to Major Bell, magistrate of the Leribe District over Molapo's tribe, Major Bell sent off an express on the 8th December to apprise Mr. Griffith of the information he had received, and Mr. Griffith without delay hurried up to Leribe, where, on his arrival on the 11th, he was informed by the Chief Molapo that Langelibalele was on his way to Molapo's village, and would surrender to the Governor's agent.

Mr. Griffith then proceeded to Molapo's with fifty men of the F. A. M. Police, and, shortly after their arrival there, Langelibalele also arrived with eighty-four of his followers, all armed with assegais. The party having been disarmed, Mr. Griffith arrested Langelibalele, his five sons, his brother, two counsellors, and the official messenger, the rest of Langelibalele's attendants being permitted to remain at Molapo's village. On the following morning, 12th December, Mr. Griffith, accompanied by the police, and a party of Molapo's men proceeded to the foot of the Maluti Mountains, where the main body of the rebels were encamped. A message was sent to them that if they laid down their arms their lives should be spared, and 200 of them surrendered. In the meantime Jonathan, the son of Molapo; Lerothodi, the son of Letsie; and the Chief Mapeshoane had taken possession of the cattle of the rebels, 7,000 in number.

A party of the rebels having refused to give up their arms, and having fired on the Basutos, Inspector Surmon was sent against them, and found them posted in a strong position in a narrow gorge of the mountains. After a short engagement the rebels were routed with the loss of ten men, the main body retreating into the mountain.

On the following day, the 13th December, the Natal pursuing force, consisting of 80 Volunteers and 1,500 Zulus, under command of Captain Allison, arrived at Leribe. Mr. Griffith, delivered 5,000 of the captured cattle to Captain Allison for the Natal Government, retaining 2,000, which he distributed among the Basutos who had taken part in suppressing the rebellion; and Government has approved of this distribution.

Mr. Orpen and Inspector Grant, having ascertained through scouts that Langelibalele had abandoned his design of joining Ludidi, and was retreating to Basuto-land, at once went in pursuit of him, but arrived at Leribe ten days after the surrender, having endured great fatigue and hardships in crossing the Drakensburg Mountains, in a most difficult and rugged part, Mr. Orpen having been in the field with his men from the 16th November to the beginning of January.

At the commencement of the outbreak very serious apprehensions were entertained of the fidelity of Molapo; but through the influence of the British president, the temptation of obtaining the rebels' cattle, the utter hopelessness of Langelibalele's position (no other tribe having joined him), and the arrangements organized on all sides for the punishment of the rebels, demonstrated to Molapo the desperate position of Langelibalele, and, either from choice or necessity, he was turned from being a friend, to take active and energetic measures for the capture of the rebels and their property.

Molapo is now committed to us, and will doubtless be no further cause of anxiety or trouble.

Letsie, the chief son of Moshish, seems always to have been well disposed to us, and acted well, for, though far removed from the scene of action, his son followed the Governor's agent to Leribe with 300 mounted men, ready to do whatever might be necessary in defeating or opposing the rebels.

Mr. Orpen, on the south side of the Drakensburg Mountains, appears to have had no difficulty in raising any number of men he may have required. The Griqua chief, Adam Kok, placed his men at the disposal of Mr. Orpen, and, in the advance into Basuto-land over the mountain, Mr. Orpen was enabled to take 235 picked men well armed and well mounted, deeming this, in conjunction with the 200 men of the F. A. M. Police under Inspector Grant, a sufficient force wherewith to pursue the rebels.

While the rebellion is greatly to be deplored, the events in connection with it will be productive of good. Langelibalele doubtless counted upon the support and sympathy of the other tribes, and no doubt this had to some extent been promised to him; but the utter failure of his hopes, his arrest, and the dispersion of his tribe, will induce other tribes to hesitate before resisting British authority, in a reliance on allies who may desert them in their need, and who may be the means of inflicting the severest blows on them.

The successful termination of the Langelibalele rebellion, the united action of forces from this Colony and Natal, regular as well as native, cannot but fail to create the best impression on all the tribes from Natal to this Colony; and the evils of this rebellion will be far more than counterbalanced by the good order, and the long, if not lasting peace, which may be expected to follow.

I have, &c.,  
(Signed) C. BROWNLEE,  
Secretary for Native Affairs, Cape Town.

## No. 40.

The EARL OF CARNARVON to Governor Sir H. BARKLY, K.C.B.

SIR,

Downing Street, March 2, 1874.

I HAVE to acknowledge the receipt of your Despatch of the 15th of January,\* communicating further particulars relating to the capture of the rebel Chief Langalibalele.

I have read with much interest Mr. Brownlee's clear and able report; and I have to instruct you to express to your Ministers the sense entertained by Her Majesty's Government of the prompt and ready assistance rendered by them on this occasion; of the prudent and effectual measures adopted, and of the manner in which Commandant Bowker and the officers and men of the Frontier Armed and Mounted Police performed the duties assigned to them.

I have to instruct you also to express to Mr. C. D. Griffith and Mr. Orpen my appreciation of the skill and energy displayed by them in carrying out the operations which led to Langalibalele's capture.

I have learnt with great satisfaction that there has been no unnecessary bloodshed on this occasion—a fortunate result, which may be attributed to the judgment and ability with which the operations were conducted.

Sir Henry Barkly, K.C.B.,  
&c. &c. &c.

I have, &c.,  
(Signed) CARNARVON.

## No. 41.

The EARL OF CARNARVON to Lieutenant-Governor Sir B. PINE.

SIR,

Downing Street, March 2, 1874.

I HAVE to acknowledge the receipt of your Despatch of the 15th of January,† enclosing a copy of a Resolution of the Legislative Council, in which they convey to you their thanks for the proceedings you adopted for the suppression of the late insurrection.

I have also received your further Despatch of the 15th of January,‡ enclosing a Memorial to a similar effect from certain inhabitants of the Colony living in the neighbourhood of Langalibalele's country.

Sir Benjamin Pine, Natal,  
&c. &c. &c.

I have, &c.,  
(Signed) CARNARVON.

## No. 42.

The EARL OF CARNARVON to Lieutenant-Governor Sir B. PINE.

SIR,

Downing Street, March 5, 1874.

I HAVE to acknowledge the receipt of your Despatch of the 10th of January,§ enclosing printed Letters from Captain Allison and Mr. Hawkins, in which they report their operations in connection with the expedition sent against Langalibalele and his tribe.

The measures adopted by Captain Allison and Mr. Hawkins appear to have been well planned, and conducted with energy and vigour.

Sir Benjamin Pine,  
&c. &c. &c.

I have, &c.,  
(Signed) CARNARVON.

\* No. 39.

† No. 58.

‡ No. 59.

§ No. 35.

No. 43.

The EARL OF CARNARVON to Lieutenant-Governor Sir B. PINE.

SIR,

Downing Street, March 10, 1874.

I HAVE to acknowledge the receipt of your Despatch of the 10th of January, enclosing a Proclamation you had issued breaking up the tribe of the Chief Putili, which had assisted in the rebellion of Langliabalele.

I request that I may be from time to time furnished with full information of the steps taken to enforce this Proclamation, and I shall be glad at once to know how far you propose to enforce rigidly the banishment from the Colony which is threatened under the terms of it, and the number of persons to whom such a penalty will probably attach, together with any other details that have an important bearing on this point.

Sir Benjamin Pine,  
&c. &c. &c.

I have, &c.,  
(Signed) CARNARVON.

No. 44.

E. JENKINS, Esq., M.P., to COLONIAL OFFICE.

5, Paper-buildings, Temple, E.C.,

April 4, 1874.

MY LORD,

I HAVE the honour to address you with regard to the painful circumstances attending the suppression of the so-called "rising" in Natal, concerning which I have already sought to obtain authoritative information from the Colonial Office by a question put in the House of Commons to the Under-Secretary of State.

At a meeting of the Executive Committee of the Aborigines Protection Society, over which I presided, private information of an explicit and apparently trustworthy character, supported in many particulars by extracts from local newspapers, was laid before the committee, which went to show that the questions likely to arise from these unhappy circumstances were of the most serious nature. Indeed, on the first aspect it would seem that mistakes far more grave and disastrous than those which some years since arrested public attention in Jamaica have, with less appearance of warrant, been committed in Natal; and in the opinion of the Committee (an opinion in which I strongly concur), a case is made out demanding a prompt and searching investigation by Her Majesty's Government.

Two tribes, one of which is estimated to have consisted of 9,000 persons, have been swept out of their locations. Of these, if we are correctly informed, hundreds have been killed; hundreds or even thousands have been hunted out of the Colony; between two and three thousand old men, women, and children have been taken from their homes and distributed among other tribes; and all this appears to have been done under the alleged authority of martial or of native law. It is further stated that incidents of individual cruelty have occurred which it is certainly necessary, for the honour of British Government and humanity, either to punish or disprove.

In view of the fact that it is alleged that these proceedings have had the concurrence, if not the sanction, of so able, humane, and tried a public servant as Mr. Shepstone, the Secretary for Native Affairs in Natal, I may be allowed to express the belief that it is possible to give to them a better complexion than they seem at present to wear. But it is a fact that increases our anxiety for an immediate inquiry into these matters, that, so far as can be gathered from the Colonial press, although there was much to excite alarm on the part of the Colonists, there was only one incident of outrage which would justify measures so trenchant as those which have been adopted,—that incident was the killing of three white men at Mountain Pass by Langalibalele's tribe when an effort was made to detain it in a peaceful exodus from the Colony.

It was the opinion of the committee, without affecting to prejudge the case, in the absence of the authentic information which Government Despatches would afford, that at all events a sufficient *primâ facie* case had been made out to justify a special inquiry; and it was felt that the matter was so grave and urgent that we ought to press upon the Government the necessity of appointing a Royal Commission to visit the Colony and report upon these occurrences, while they were yet fresh and before much of the evidence should for ever disappear.

I have been asked to bring the matter before the House of Commons, and to move for an address to Her Majesty, praying for the appointment of a Commission, and I should feel it my duty to accede to the request. But it appeared to me that before taking this step it would be advisable to communicate with your Lordship, and to ascertain whether there were any reasons, in which I could concur, which, in the opinion of your Lordship, would render this step at the present moment injurious.

It appears to me that no time is to be lost in endeavouring to clear up this painful episode in Colonial administration, and I am sure that your Lordship will be among the first to desire a prompt and thorough inquiry.

The Secretary of State for the Colonies.

I have, &c.,  
(Signed) EDWARD JENKINS.

No. 45.

Lieutenant-Governor Sir B. PINE to The EARL OF KIMBERLEY.

Government House, Natal, February 16, 1874.

MY LORD,

(Received April 7.)

WITH reference to the fourth paragraph of my Despatch of 10th ultimo,\* I have now the honour to transmit to your Lordship copies of the judgment of myself and my assessors, by which we sentence Langalibalele to banishment or transportation for life to such place as I may appoint. I send also the evidence taken in the case.

2. Your Lordship will see that the evidence of the Chief's guilt is clear and convincing; but it might have been rendered, if possible, more so, had the evidence since elicited at the trial of his sons and Indunas been adduced at the trial of Langalibalele.

3. Great pressure was put upon me in certain quarters to allow the prisoner to be defended by counsel. I at first consented to do so, contrary, I must confess, to my own judgment. But the gentleman we selected for the task, Mr. Escombe, pointed out to us so forcibly that he could not, with a due regard to his position as a barrister, accept the conditions prescribed by our Court, viz., that he was to confine himself to cross-examination and stating points of law as at a court-martial. Mr. H. Escombe had, however, the fairness to tell us that he considered that the usual mode of advocacy would tend to excite the native mind to a dangerous extent. I therefore, with the entire concurrence of all my colleagues, determined to withdraw my consent to employment of counsel. I adopted this resolution on the following grounds:—

1st. Counsel have never been allowed to appear in any of the native courts of the Colony, except under stringent conditions, and to allow it in this case would create a precedent which it would be impossible to limit.

2nd. If counsel were to address the Court in the usual manner, appealing to the feelings and sympathy not only of the Court but of the audience, such an appeal would excite the native mind to a degree very dangerous to the peace of the Colony, more especially at the present time.

3rd. The prosecution was conducted by Mr. John Shepstone, with great moderation. He refrained from pressing any points against the prisoner which were not clearly proved; in truth, he refrained from urging several matters which he could fairly have urged. Further, the Court gave the prisoner the full benefit of every matter which could be adduced in his favour.

On the whole, I feel convinced that the prisoner had a most fair and impartial trial, and was convicted on clear, simple, and unstrained evidence.

4. There is a difference of opinion as to the sentence we awarded: a very small party indeed think it too severe, while a large party think that the prisoner should have been condemned to death. Mr. Shepstone and myself, and our colleagues, except perhaps the native chiefs, who would have advised the severer sentence, feel satisfied that the sentence we have pronounced is sufficiently severe to vindicate the authority of the law and to secure the peace of the Colony.

Trusting that your Lordship will approve of our proceedings,

The Earl of Kimberley,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieutenant-Governor.



Enclosure in No. 45.

THE NATAL MERCURY.—FEBRUARY 12, 1874.

## REBELLION OF LANGALIBALELE.

## THE SENTENCE.

Monday, February 9, 1874.

The judgment of the Court was pronounced by His Excellency Sir B. C. C. Pine, Supreme Chief, in the marquee, at Government House, last Monday, at 1 p.m. There was a large attendance of the public, and especially of Kafirs. The whole Court was present.

Before reading the judgment, his Excellency said :—"I am now going to deliver the judgment in which this Court, and all the members of this Court, most fully concur. Of course the chiefs present consider themselves part of the Court."

This was interpreted into Kafir by Mr. Bennett, and all the chiefs signified their assent.

The judgment was first read by his Excellency himself in English, and was as follows :—

"Before we proceed to deal with the very important case before us, it may be well to describe briefly the position of the native chiefs and people of this Colony under the law.

"By the Queen's Patent Letters, confirmed by enactment of the Local Legislature, the laws, customs, and usages of the native inhabitants were retained in full force, except in so far as they may be repugnant to the general principles of humanity as recognised throughout the civilised world; and, subject to the same limitation, the power of the chiefs over their people is also retained. By the same authority, the Lieutenant-Governor is invested, as to the natives, with all the power and authority of a Supreme or Paramount Native Chief.

"Immediately subordinate to the Governor, acting as Supreme Chief, an officer was appointed, at first called the Diplomatic Agent, and afterwards the Secretary for Native Affairs, who was charged with the duty of carrying the orders of the Supreme Chief into effect and exercising a general control over the natives, as his representative.

"Under the authority before mentioned, the Supreme Chief has, from time to time, invested the Magistrates over divisions and counties of the Colony with power and authority to control the native population, and to administer justice according to native law, within their several jurisdictions.

"Immediately subordinate to the Magistrates stand the native chiefs, who, whether hereditary or not, are allowed to manage their own tribes on behalf, and as representative of, the Supreme Chief.

"But every chief and tribe is subject to the immediate control of the Magistrate of his or their county, who acts under the order of the Supreme Chief, issued through the Secretary for Native Affairs.

"The prisoner, the late Chief of the Hlubi tribe, was a chief and rain-doctor in the Zulu country, under the late King Panda.

"He was, in 1848, forced to fly for his life, and to take refuge in this Colony, with his own tribe and that of Putili.

"In the following year the two tribes were placed by the Government along the base of the Drakensberg, between Giant's Castle and the little Tugela River, in order to close and guard the mountain-passes against the inroads of Bushmen.

"In this situation the prisoner was under the immediate jurisdiction of the Magistrate of the County of Weenen, and stood towards his own tribe, the Magistrate, and the Government, precisely in the position of any other native chief, as already described.

"It appears that, for some years past, the Magistrate of the county in which the prisoner lived had noticed circumstances which led him to believe that the prisoner and his tribe exhibited an independence and impatience of control which might lead to difficulties. This feeling seems to have been specially observed in connection with the Marriage Regulations, which the prisoner and his tribe attempted to evade, and to defraud the Government of its dues.

"This insubordinate feeling became more manifest soon after the discovery of the Diamond-fields.

"In the year 1871 and 1872 large numbers of fire-arms were brought from the Diamond-fields into this Colony, and especially into the prisoner's location, by members of the tribe and others who had gone thither to work.

"Now, there was this singular and, as we think, unhappy conflict between the law of

this Colony and that of the Government of the Diamond-fields, viz., that no native in this Colony can lawfully possess a fire-arm without the written authority of the Government.

"The authority could only be obtained on the recommendation of the Magistrate within whose jurisdiction the applicant resided, and further, the fire-arm had to be stamped and registered. Without these requisites were fulfilled, no native could lawfully possess a fire-arm.

"On the other hand, at the Diamond-fields, as we are informed, any native could legally obtain fire-arms on the mere certificate of his employer.

"It appears, moreover, that at the Diamond-fields it was a common practice for the native to stipulate for the possession of a gun as the condition of going to work.

To limit, as far as practicable, the difficulty and danger occasioned by this conflict of the laws of two Governments both under the Queen's flag, the Government of this Colony issued a circular, dated the 14th of February, 1872, directing the Magistrates to inform any natives of this Colony who had possessed themselves of fire-arms beyond the boundary, that such fire-arms, however obtained, were liable to be confiscated in this Colony, unless the Governor's authority to hold them were obtained in the usual form and subject to the usual conditions.

In the years 1872 and 1873, it became known to the Resident Magistrate [of Weenen County] that both the law and the circular were set at defiance.

The attempts made by the Magistrate to enforce obedience to the law, and even to obtain explanation of the breach, were met by the prisoner and his tribe with indifference, and in some instances with resistance, till, at last, matters became so serious that the Magistrate reported the facts to the Government, and suggested that the prisoner should be directed to appear at head-quarters and explain his conduct.

In accordance with this suggestion, a messenger was sent by the Secretary for Native Affairs to order the prisoner to appear at Maritzburg in April, 1873.

The prisoner promised to come, and arranged with the messenger to await his arrival a few miles from the town and to accompany him to the Secretary for Native Affairs. Instead of obeying the order, the prisoner sent Mabuhle and others with the excuse that he had started and ridden as far as the residence of Umbunda, a distance of twenty miles, but could not ride further and was obliged to turn back. It turned out that this statement was utterly false, and that the prisoner had never left his location on the occasion in question.

However, the excuse was accepted; and Mabuhle was fully informed of the reasons, and of the urgency, which rendered it necessary that Langalibalele should appear in Maritzburg.

The prisoner, however, refused to appear, on the plea of being ill; but the messengers disbelieved the statement.

After this, Mabuhle, with others, again visited Maritzburg, and saw the Secretary for Native Affairs, who blamed them for bringing him a false message, and again explained the urgency of the matter.

Mabuhle stated that the falsehood was not his, but that he was simply the bearer of it.

The Secretary for Native Affairs told the messengers that he was then going to Zulu-land, but that he would re-open the matter on his return.

At this stage of the business, the present Lieutenant-Governor assumed this Government. He found it was known and talked of by both races residing in the Colony, and he fully concurred with the Secretary for Native Affairs as to the necessity of taking measures to vindicate the authority of the Government.

These measures were delayed by Mr. Shepstone's mission to Zulu-land, which the Lieutenant-Governor concurred with him in thinking of great and pressing importance.

During Mr. Shepstone's absence, information reached this Government that the prisoner had made overtures to some of the Basuto chiefs, Overberg, to receive his cattle, asserting that he intended to resist the orders of the Government.

On the 4th October last, Mahoiza and Umnyembe were sent with a message fully explanatory of all that had passed before, with the intelligence received of the overtures to the Basutos added, and requiring Langalibalele's presence at the seat of Government within fourteen days after the delivery of the message. The messengers reached the prisoner's chief kraal, Pangweni, on the [blank], but he declined to go to them, or to allow them to go to him; and it was not until the 28th that they succeeded in obtaining an interview with him at another of his kraals, about ten miles distant from Pangweni. The prisoner, on this occasion, refused to obey the summons, alleging fear as his reason.

Sic.

The messengers from the Supreme Chief were received by an assemblage of men

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The Supreme Chief, finding meanwhile that the prisoner had declined to receive his messengers, and that the time allowed for Langalibalele's appearance in Pietermaritzburg was drawing to a close before they had even been allowed to approach him, determined to send a force to invest the country occupied by the prisoner and his tribe, with the view of requiring explanation and submission.

That portion of it sent to the Bushman's River Pass, found the cattle of the tribe, escorted by men in arms, unlawfully escaping from the jurisdiction of the Supreme Chief, towards Basuto-land; and these men fired upon the force sent by the Supreme Chief, and killed five of the Queen's subjects before a shot had been fired by the latter; and after Major Durnford, who was in command, had repeatedly exhorted the rebels to return to their duty and allegiance; and after Mabuhle, who was in charge of the rebels on behalf of the prisoner, had, with treacherous purpose, consented to take these proposals into consideration.

After this, the prisoner and his tribe, with their cattle, continued their flight over the mountain into the Basuto country, towards the Chief Molapo. They were pursued by a column sent by this Government, under Captain Allison and Mr. Hawkins, composed of volunteers and our loyal natives, till, intercepted by the Cape Mounted Police, they took refuge with Molapo and his tribe, by whom they were surrendered to the Cape Police, who gave them up to our forces, who were within a day's march at the time of the capture. Along with the prisoner there were taken, among others, his sons and the Induna Mabuhle, who unfortunately afterwards made his escape.

Such is a brief narrative of the events of this rebellion, as far as the prisoner is concerned. From the evidence before us, the following facts are brought to light:—

1st. The prisoner has for a considerable time past set at defiance the authority of the Magistrate to whom he was immediately subject, in a manner not indeed sufficiently palpable to warrant the use of forcible coercion according to our laws and customs, but perfectly clear and significant according to Native Law and custom, and therefore dangerous as an example to other natives and to the peace of the Colony.

At this point it may be asked why the Government, knowing the danger, did not at once proceed to punish the prisoner?

The answer is clear, and it discloses one of the very great difficulties with which the native Government of this colony has to contend. There are acts done by natives which, in the eyes of civilized communities, are perfectly harmless, or at least unimportant, but which, in the eyes of a native community, are criminal, and dangerous to the public peace. Now, the native Government, if it punishes such acts, incurs the censure and the odium of civilized public opinion; if it passes them over, it loses respect in the eyes of the native population, and endangers the peace of the community. It stands, in fact, between two public opinions now, and as it is to be feared for some time to come, irreconcilable.

2nd. The prisoner has at least permitted, and probably encouraged, his tribe to possess themselves of fire-arms, and to retain them in direct violation of the law. On this point the evidence is clear and precise. The general law, prohibiting the holding of guns without license, was well known to him; and the relaxation of that, by the circular of the 14th February, 1872, and its adaptation to the circumstances which had arisen, had been carefully explained to him. Yet, in the face of this, it is clearly proved that the prisoner and his tribe possessed a large number of guns which are unstamped and unregistered.

3rd. It also clearly appears from the evidence that, with reference to the unlawful possession of these fire-arms, the prisoner set the authority of the Magistrate at defiance, and on one occasion insulted his messenger.

4th. It has further been brought to light that, after the Supreme Court had been called upon by the Magistrate to support him, the prisoner set even that authority at defiance, by refusing to appear before it; excusing his refusal by evasion and deliberate falsehood, till at last, emboldened as it would seem by the extreme forbearance of the Government, he insulted their messengers, sent to deliver to him a message full of mercy as well as of justice.

5th. We come now to the final stage of the prisoner's proceedings. It has been proved that he directed his cattle and other effects to be taken out of the Colony under an armed escort, thereby manifesting a determination to resist the Government with force and arms.

Now, on this subject the Court wishes to remark that, according to native law as administered under the native chiefs, the mere removal of a tribe with his cattle out of our jurisdiction is an act of treason and rebellion. This law has been so far recognized by the Government, that it has always been in the habit of giving up cattle brought into the Colony by refugees; but it has not given up the people on the intelligible ground that it has no means of judging by itself how far the people may have been guilty of treason, except by such an act of removal. But this Government has never recognized the mere act of such removal as an act of treason, if unaccompanied by any criminal acts; and it cannot be too clearly understood, that any tribe in this Colony is at liberty to remove itself and its cattle out of our jurisdiction, if it does so peaceably, and with the cognizance and previous consent of the authorities.

The case before us, however, is quite different. It is that of a tribe flying from the jurisdiction, after setting the authority of the Government at defiance, and thereby endangering the peace of the community.

We come now to the affair at Bushman's River Pass.

A good deal has been said upon this subject in the Colony and elsewhere. But all we have to do with it is to look at the fact submitted to us as it concerns the prisoner.

It has been proved that a force sent by this Government, under Major Durnford, to intercept the prisoner's tribe and prevent them from leaving the Colony, met at or near the Bushman's River Pass, with a portion of the tribe under the command of the Induna Mabuhle; that Major Durnford entered into a lengthened parley with that Induna and members of the tribe, in which he earnestly and for some time endeavoured to persuade them to return to the Colony and to their allegiance; that the Induna, and those with him, led Major Durnford to believe that they would consider his injunctions, and so prolonged the interview till they had brought up an additional force. It appears, then, that after many threats, and insulting gestures and language, the tribe fired upon our forces and killed five of the Queen's subjects, who were doing their lawful duty by attempting to support Her Majesty's authority. It is needless to say that this act of firing on the Queen's forces, even had they in obedience to authority opened the fire, amounted in the eye of the law to rebellion and murder. But to fire on Her Majesty's forces and to kill her subjects who had not thought it right to commence firing, and whose leaders were trying their utmost to avoid the shedding of blood by an appeal to reason, was wilful and deliberate murder. The law of England declares that any person who, in committing any felonious act, causes, even accidentally, the death of another, is guilty of wilful murder.

The next question is, Who committed this act of rebellion and treason? It was proved in the evidence that the Induna Mabuhle commanded the portion of the prisoner's tribe at the pass, and therefore presumably commanded them to fire. He is, then, the immediate traitor and murderer. But, now comes the inquiry, In what relation did this Induna stand with respect to Langalibalele?

It has abundantly been proved, by the evidence before us, that Mabuhle was one of the most trusted of the prisoner's Indunas; that he always formed part of any important mission sent by the Chief to the Magistrate. It has been further proved that he took a prominent part in the communication which latterly took place between the prisoner and the Secretary for Native Affairs. But, more than all, it has been admitted by the prisoner himself that Mabuhle was the commander of the military portion of his tribe,—in fact, as we should say, Commander-in-Chief of his army.

It has been proved and admitted that the prisoner himself was, at the time, actually with that portion of his tribe who were at some distance in front; that is, that he was personally with the armed array which was leaving the Colony, of which array the divisions under Mabuhle formed a part. It has further been admitted by the prisoner that the killing of the Queen's subjects was reported to him by a messenger sent to him by this same Induna Mabuhle. Lastly, it has been proved that this Mabuhle was in company with Langalibalele when he was taken prisoner.

Thus, in every way, before and after, the prisoner was identified with the actual perpetrator of the murders, so as to render him as directly responsible for that murder as if he had himself commanded on the spot.

6th. The charge against the prisoner of treasonable communication with others out of the Colony has not been inquired into, in consequence of the length of time which it would take to collect evidence, and also because, in the presence of the grave charges brought against him, it was not thought necessary to press the charge. But on all other charges we find the prisoner guilty.

"The prisoner Langalibalele therefore appears before us convicted, on clear evidence, of several acts, for every one of which he would be liable to severe punishment under the

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native law; for some he would be liable to forfeit his life under the law of every civilised country in the world.

Looking, then, at the acts of the prisoner, simply by themselves, as violations of the positive existing law, which we are bound to administer, it would be our imperative duty to inflict upon him a severe sentence. He has suffered no wrong nor injustice from the Government. In fact, if any charge can be made against the Government of the Colony as to its native policy, it is that it has been too lenient and too forbearing in its dealing with delinquents. We have carefully weighed any extenuating circumstances which can be alleged in the prisoner's favour. We have tried to discover whether some of his acts were caused by fear. We think it probable that his neglect to appear before the authorities may, latterly, have arisen from this cause; but we are satisfied that his former conduct and last open resistance to the Government sprung from other causes.

But, in considering this case, we cannot, and ought not, to shut our eyes to the very great danger to which any undue leniency or trifling with the faithful administration of the law would expose both races of this community. We cannot close our eyes to the evils which would arise if men, of either race, were to infer from our judgment in this case that they can rebel against the Supreme Authority and endeavour to involve the country in war and bloodshed, without incurring the severest penalty which the law can inflict.

Our unanimous judgment, therefore, is that the prisoner Langalibalele, late Chief of the Hlubi tribe, is, under the law which we are bound to administer, liable to the punishment of death; but, taking into consideration the extenuating circumstances alluded to, and giving them the greatest and fullest force, and also the punishment he has already undergone by deposition from his office and confiscation of his property, we sentence the prisoner to banishment or transportation for life, to such place as the Supreme Chief or Lieutenant-Governor may appoint.

The substance of this judgment was then translated to the prisoner, at his Excellency's request, by the Secretary for Native Affairs.

Minutes of Proceedings of the Court of Inquiry into certain charges preferred against Langalibalele, late Chief of the Amahlubi Tribe.

The Court met in the grounds adjoining Government House, Pietermaritzburg, Natal, at 11 a.m., on Friday, the 16th January, 1874.

Present:—His Excellency the Lieutenant-Governor Sir B. C. C. Pine, K.C.M.G., Supreme Chief of the Native Population of Natal, President; Lieutenant-Colonel Milles, 75th Regiment, Commandant; the Honourable the Colonial Secretary, the Honourable D. Erskine; the Honourable the Colonial Treasurer, John Ayliff, Esq.; the Honourable the Attorney General, M. H. Gallwey, Esq.; the Honourable the Secretary for Native Affairs, T. Shepstone, Esq., C.M.G.; Honourable Charles Barter, Esq., M.L.C.; Honourable J. T. Polkinghorne, Esq., M.L.C.; John Bird, Esq., Resident Magistrate, Pietermaritzburg; A. C. Hawkins, Esq., Resident Magistrate, Upper Umkomanzi Division; P. Paterson, Esq., Resident Magistrate, Inauda Division, Victoria County; Zatshuke, Head Induna of the Natal Government; Mafingo, Induna at D'Urban; Hemuhemu, Chief of the Mafunzi Tribe; Nondonise, Chief of the Amatuli Tribe; Teteleku, Chief of the Amapumiza Tribe; and Mausele, Induna to the Secretary for Native Affairs. John Shepstone, Esq., Resident Magistrate of Umvoti County, was present to act as prosecutor.

The President and Supreme Chief opened the Court with the following address:—

“Gentlemen of the Executive Council, Mr. Secretary for Native Affairs, Gentlemen of the Magistracy, who are called upon to help and assist in this trial, and Chiefs, who are also called upon, according to the law, to assist at this trial,—We are assembled here to-day to try a person, Langalibalele, formerly a chief, for the greatest crime that a human being can commit against society,—We are to try him for high treason—for rebellion against the authority of Her Majesty the Queen, as represented by her Representative in this Colony. Rebellion is the greatest crime that can be committed, because it involves all other crimes—murder, robbery, and every other possible crime are committed under the cloak of rebellion. Langalibalele and the chiefs are perfectly aware that, under their own law, if strictly administered, the prisoner would not be alive now. The offence with which he is charged would be considered as proved from the violence he has committed, without any further trial. But, whilst we are determined to give the late Chief, the man who was a Chief, the benefit of a trial by his own law, and to adhere to that native law under which he has lived, we are determined to temper that law with

as much mercy as possible. We are Christian men, and live under a Christian dispensation, and do not like to put men to death if we can possibly avoid it, and even then not without giving the accused a fair and impartial trial. I have, therefore, called together to-day, all the greatest powers in this Colony, and the representatives of those powers. I am myself sitting here as Supreme Chief, representing the Queen, and empowered by Her Majesty to administer native law. I am assisted by my Secretary for Native Affairs, the gentlemen with whom the natives come immediately in contact; I am assisted here by the Executive, the Supreme Council of the Colony; I am assisted by Magistrates, who are made by me to be Chiefs of the Kafirs, to administer justice, under me, according to native law; I am also assisted by some of the great Chiefs and Indunas of the Colony, the equals of Langalibalele himself."

Mr. John Shepstone, acting as prosecutor, addressed the Court as follows:—

"May it please your Excellency, Honourable Gentlemen and other Members of this High Court: For nearly thirty years has British Rule been established in this Colony, and it must be matter of congratulation to all that it is only now found necessary, both for the present and future security and welfare of the Colony, and its inhabitants, to constitute a Court, presided over by your Excellency as Supreme Chief of the large native population here, for the trial of Langalibalele, the prisoner now before the Court, who has for some twenty-four years held and enjoyed the position of Chief of a considerable and important tribe under this Government; and I feel sure that it is the sincere desire of your Excellency, and every other member of this Court, that the accused should have a full and fair trial on the several serious charges to be preferred against him and his tribe collectively. These charges I shall now, with the leave of the Court, proceed to enumerate."

The indictment reads as follows:—

"That Langalibalele and the Hlubi Tribe, having been refugees from Zulu-land in 1849, and having been received by the Government of Natal, and allowed to live in the Colony, on condition that they occupied a portion of the base of the Drakensberg, and discharged certain duties necessary for the protection of the County of Weenen, did wickedly, seditiously, and traitorously conspire together to abandon that position and those duties; and in carrying out the object of such conspiracy did leave the Colony and cross the Drakensberg, as an armed force, taking their cattle with them, well knowing that so to do was a defiant contravention of the law under which they live, and rebellion against the authority of the Supreme Chief.

"That in carrying out this seditious and rebellious design, they pointed their weapons of war against the Supreme Chief, and wounded his person; by killing the subjects of her Majesty the Queen, sent by the Supreme Chief to turn them back to their allegiance and duty.

"That Langalibalele, having been entrusted with the management of the Hlubi Tribe, as Induna, or Lieutenant of the Supreme Chief, did encourage and conspire with the people under him to procure fire-arms, and to retain them, as he and they well knew contrary to law, for the purpose, and with the intention of, by means of such fire-arms, resisting the authority of the Supreme Chief; and that, with the same purpose and intention, he did enter into and carry on treasonable communications with others at present unknown; and that, emboldened by the possession of such fire-arms, and encouraged by expectations of aid and comfort from others, he proceeded to disobey and defy the Magistrate placed over him, to insult and treat with violence and contumely the messengers sent to him on behalf of the Supreme Chief, and to kill the subjects of Her Majesty the Queen, sent directly by the Supreme Chief to cause him, and the people placed under him, to return to their allegiance.

"Whereby he wickedly and traitorously placed himself, and the people committed to his care, in open rebellion against the Supreme Chief, and the authority of Her Majesty the Queen."

The prisoner Langalibalele, having been called upon to plead to the above indictment, admitted that he had certainly done what was charged against him; that is to say, he had gone over the Drakensberg Mountain with his people, he had gone armed, and he had gone with his cattle, and in so doing these things had happened. But he stated that there were certain witnesses, viz., Mabuhle, Umzwilikazi, Nkunjana, Umpukane, and Umhololo,\* not now present, whom he would like to have called, as their evidence would justify or extenuate what he had done. Further, he admitted that he had treated the messengers of the Supreme Chief with disrespect, in that he had caused them to strip and undress; but he said that this proceeding was a matter of precaution caused by fear. The other indignities offered to the messengers were so offered outside the hut, he

\* Note.—Neither of these men is at present in the Colony.

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(the prisoner) being at the time inside. He did not answer the charge of encouraging the young men to arm themselves for purposes of resistance, but denied that they had procured the guns in consequence of an order from him, or with any purpose whatever.

The Supreme Chief informed the prisoner that he had been armed with authority by the Government to prevent any wrong doing on the part of his tribe, and for any wrong committed by them he (the prisoner) was answerable, according to the law administered here.

The prisoner Langalibalele denied having made any treasonable communication with the Basuto chiefs, or any other person.

His Excellency, the Supreme Chief, said he had heard the excuse offered for the offence of stripping the messengers, but he looked upon it as an aggravation of the insult and crime that it should be supposed that this Government could be guilty of treachery.

Langalibalele said the people of his own tribe, living at Estcourt, had said there was that danger, and that he must take precautions against it.

The President told the prisoner that, as a Chief, he should have ruled his tribe, and not be ruled by them.

The prisoner threw all the blame on his headman—Mabuhle, who had been appointed one of the official witnesses under the Marriage Regulations, and had commanded at the Bushman's Pass; and he wanted Mabuhle, and others who commanded under him, to be brought before the Court, for they would justify him in reference to the charges brought against him. The circumstances which had arisen had been caused by other people, and not by him. He had been driven to it; his going over the mountain had been a flight from dangers which those people who had been in town, and whose advice he could not help following, had declared to be imminent.

His Excellency, the Supreme Chief, caused the prisoner to be informed that it was his duty to have controlled his tribe; and if he found he could not do so, it was his duty to have given himself up, and sought the protection of the Government. What was the use of his being a Chief, if he could not control his own people? No excuse, by trying to throw the responsibility on the clan, would palliate the prisoner's offence.

The prisoner, having no further plea to offer, the Native Chiefs and Indunas were asked if they wished to say anything at this stage of the proceedings. They expressed themselves as follows:—

Hemuhemu said that he heard that he could hear no answer from Langalibalele that in the least justified his conduct, or was at all an answer to the point put to him, having been sent for to appear at the head-quarters of his own Government, and well knowing that he was a dog of this Government he had gone over the Drakensberg, and in doing so had actually pointed guns and assegais at his own Great Chief. He had heard no answer to the charges which had been preferred against the prisoner. As to the people of whom he had spoken as being those whose conduct justified him here to-day, they were people who, the Court well knew, dare not have said or done anything contrary to his wish. Langalibalele's duty was to have come here at once when sent for, and if he had come when summoned, instead of meeting a Court like this, he would simply have had to answer some much more trivial matter, in reference to which he had been sent for on that occasion. He would like Langalibalele to state any justification of what he had done—of his flight, and of his leaving the Colony. He would like him to name any Chief of his rank, and who had occupied the position he had, who, when sent for to answer a charge, had been hurt because he came. He had nothing more to say, and could not see the least justification in anything that Langalibalele had said. The prisoner had done that which was perfectly unjustifiable and criminal towards the Supreme Chief and the Government.

Teteleku said that no excuse could be found for what was charged against Langalibalele, on the score of ignorance, for all the chiefs in this Colony and all the headmen had invariably been made fully aware of what would be contraventions of the laws, and what might and what might not be done; and as regards guns, everyone knows it is a crime to possess a gun without having obtained the license of the Supreme Chief to hold it. It might be true, as Langalibalele had said, that he had not desired his young men to buy guns, but it cannot be true that, after they had bought these guns, he did not know they had bought them; and, having been bought in that way, they had been unlawfully bought, and could only be lawfully held by being taken to the Magistrate, and the holders receiving the permission of the Government. If Langalibalele had found, when he made an attempt to do his duty—that is, to make these young men take the guns to the Magistrate—that they disobeyed him, and he had not power enough to make them obey him, he should have reported to the Magistrate that so and so possessed guns, that he had tried to get the law observed by having the arms brought to be registered and legally owned, but

that the persons named were too strong for him, and on that ground should have asked the assistance of the Magistrate to get the law carried out. If Langalibalele had forgotten, or neglected, or it did not occur to him to follow that course, then the next course was one which could not have hid itself from him; when matters became serious, and the prisoner was sent for, he should have gone to the Magistrate, and at any rate tried to do that which he could to remedy his mistake in not having done it before. And then, again, if from a want of confidence between himself and the Magistrate, or from any other cause, he might have felt disinclined to take that course, his duty was still perfectly clear—he should at once have come to the Supreme Chief, and laid his difficulty before him, so as to see how he could be relieved of it. And, lastly, his duty was, if by inadvertence, or from any other cause, he had neglected to adopt either of the above courses, when he heard, as he did, that the Supreme Chief was himself coming to talk to him, to have come humbly representing the case before the Supreme Chief, even supposing he had his weapon lifted and pointed. This was what he should have done, and not have attempted to do what he had done. He should have said, “If I have done wrong, punish me;” for by thus coming to the Supreme Chief was the only legitimate course he had open to him to remedy all the omissions and mistakes he had previously made. But still, if he had neglected to do that, then, seeing that he had no property, that he was nothing, that he belonged to the Government, that the cattle were not his, that the people were not his, and that the land was not his,—supposing he had not sufficient courage to do what should have been done, he should, at the last moment, have left, unfollowed by his people. Then, when he was out of the Colony, when he had left all that belonged to the Supreme Chief behind him, and by running away by himself had done the least wrong he could possibly do,—then, when the first anger of the Supreme Chief had subsided, he might have sought for mercy, and possibly have been allowed to return to the Colony he had left in fear. To say, in defence, that Mabuhle, or any other man, or men, who commanded at the pass, were responsible for what had been done, was simply to say that which could not be admitted on any plea whatsoever. It was a well known maxim of native law that, if the cattle of a tribe leave the country in which they usually graze,—if they are taken away by their owners, and accompanied by them as an armed force—there is, from the circumstances of the case, a necessity to defend such cattle; and anything that happens after that first fatal step has been taken can only be laid at the door of him who caused it. He could say nothing more in this matter; the remarks he had made were those which occurred to him in reference to the things and circumstances as they appeared to him. According to native law, however, there would be no such talking as this. Natives had always heard of the difference between the laws of the white man and the black, and the feelings of the former in reference to taking away life; but as far as natives were concerned there would be no talking; the circumstances themselves would be sufficient to justify any action, and put a reply of this sort out of the way for ever. He could not help admiring the feeling of justice, that, even when a man had persisted in doing what this man had done, to make himself as guilty as possible, and had succeeded as well as he had, made the Supreme Chief inclined to allow him, to say or do anything to justify it if he can—that was to be admired. Whether the judgment was that the prisoner should be killed, or otherwise, it was in the breast of the Supreme Chief; but whatever it was, at any rate the prisoner could not complain.

Nondonise said, what Langalibalele had been guilty of was a matter of perfect astonishment to everyone concerned; no black man, no white man, but lifted up his hands in amazement at the conduct he had pursued. The fact of the matter was that chiefs, who in the olden times had been supposed to be chiefs, or to be connected with the families of chiefs, fancied, because they were not put down in the same way they had been put down by Chaka, that they were a great deal higher than they really were. That was a matter which must engage the attention of the Supreme Chief. He could not express his own astonishment, and that of everyone else, at the conduct of the prisoner—conduct for which no one could account. He could say nothing more than that the prisoner had attempted to do what he could not do—to pierce the skies with his assegais.

Mafingo said that among natives there would be very little talk over such an offence as this. The prisoner occupied the position of a dog, with hair on it (i.e., a real dog), which, if it bit its master, would be killed with little consideration. When the prisoner was in the Zulu country he was no chief, but when he came here he was a Chief; and now his conduct had disgraced every black man in the Colony, and made every native feel resentment towards him. The payment of taxes was found no hardship by them; they paid the money when called upon; but it seemed there were some—the prisoner, for instance—who thought such things, probably for reasons of their own, were hardships.



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Zatshuke said he did not know what there was to add to what had been already said. He concurred in what had been already stated as to the guns, and if it was true that Langalibalele had not given his young men orders to procure guns, then he should have taken one or other of the courses mentioned—courses which were fully understood by him and everybody else. There was no difficulty in taking guns to the Magistrate; there was no doubt guns had been taken before, and there was no reason why they should not be taken again, to be registered, as they had been before, and returned to their owners. He therefore saw no ground for so much talk about the matter. The facts contradicted the plea which the prisoner had made, and there were so many ways of remedying the mischief which had happened that it was idle for the prisoner to advance the excuses he had. When the Magistrate had sent to the prisoner requiring an explanation, he was bound to go; and what would he have suffered if he had explained? Everyone knew the laws under which natives could hold guns: it was quite clear to everybody in the Colony that no black man could lawfully hold a gun without holding the permit of the Supreme Chief giving him that right. The prisoner's first error was in not going to his own Magistrate, who would have told him what to do, and have set him right; and as he had not done this, everything had since gone wrong, for he had forgotten to take the preliminary and proper step first. Then came the further and more fatal mistake of the treatment of the messengers of the Supreme Chief, and the refusal to appear before him. The only satisfactory part of the prisoner's reply was his admission of the way in which he had treated the messengers—a fact which, under the circumstances, he could not deny, seeing that the men were here. When the prisoner undressed and stripped the messengers, he was on that occasion actually stripping the Supreme Chief, and insulting him in the grossest possible manner. It would have been much better, and he (Zatshuke) would have been better satisfied and more inclined to believe him, if prisoner had admitted the truth of all the other charges, for it appeared to him that a denial only aggravated the offence. It appeared to him (Zatshuke) that prisoner had been labouring under some sort of hallucination that he could succeed in making himself head of all the natives; but, if he had reasoned more, he would have seen that, first of all, he must be master of the white man too. How the idea got there, he could not say; but that appeared to have been the state of the prisoner's mind when he committed all these follies. As to the witnesses mentioned, these might have been of use, or allowed to say what they had to say, if the prisoner had gone to the Magistrate; but how could they appear as witnesses here in this case with such grave charges under consideration? The evidence is perfectly inadmissible—it is impossible that it can be admitted, or be of any value or weight. The prisoner's best course is to tell the whole truth at once. To say that people under a chief would do what had been done here, without the previous sanction and order of the chief, was to allege that which was perfectly impossible. Langalibalele's best course, seeing what he had done, was perfectly apparent—quite clear: he should tell the truth, admit what he had done and what had made him do it, and throw himself on the mercy of the Supreme Chief; that was the course Zatshuke recommended as the only course which was likely to do the prisoner any good. He could not but admire the course now taken, that a man who had committed himself as the prisoner had done should be allowed all the privileges now accorded him of answering for himself, and that it should be for a moment assumed that he had anything to say in justification of what he had done.

Manxele concurred in all that had been said, and he felt that if he said anything he would only be needlessly taking up the time of the Court.

His Excellency said it would save a great deal of trouble for the prisoner to be reminded—he did not require to be told, because he knew—that a chief was responsible for every act of his tribe. He could only relieve himself of that responsibility by at once going to the Government, or some chief under the Government, denouncing the people who were doing wrong, and asking for the assistance of the Government to punish them. If he did not do that, it was no use to try to throw the responsibility of any part of his acts on his tribe. That is the Kafir law, as is well known, and the Chiefs have properly enunciated those principles.

The prisoner was then removed, and, after a short consultation, the Court rose at 1.15 p.m., and adjourned until ten o'clock on Saturday morning, the 17th inst.

(Signed) W. W. MORIOM,  
Clerk of the Court.

## Minutes of Proceedings of the Court of Inquiry into certain charges preferred against Langelibalele, late Chief of the Hlubi Tribe.

## SECOND DAY.

The Court resumed the hearing of this case at 10 a.m., on Saturday, the 17th January, 1874.

Present: His Excellency, the Lieutenant-Governor, President; Lieutenant-Colonel Milles; the Colonial Secretary; the Colonial Treasurer; the Attorney-General; the Secretary for Native Affairs; Mr. Polkinghorne, M.L.C.; Mr. Bird, R.M.; Mr. Hawkins, R.M.; Mr. Paterson, R.M.; and the following native Chiefs and Indunas:—Teteleku; Hemuhemu; Nondonise; Zatshuke; Hlokolo, Chief of the Amancolosi Tribe; Manxele; and Mafingo.

The Court now proceeded to hear evidence, not because the plea of yesterday was regarded as anything but one of guilty, but for the purpose of placing on record the extent of the prisoner's crime.

Mr. John Shepstone, R.M., called the messengers, sent by the Supreme Chief to Langelibalele, to prove what treatment they received at the prisoner's hands.

Umyembe, duly cautioned, states:—About the month of April last I was first sent to summon Langelibalele to appear before the Supreme Chief here. I was warned, before I left, that Langelibalele was accustomed to make an excuse that he suffered from a complaint in his leg, and could not walk; if he did make such an excuse on this occasion, I was directed to suggest that an easy and quiet horse should be procured to convey him hither, and, if that did not meet with his approval, that he should secure a wagon for the purpose. I also was the bearer of a note to Mr. John Macfarlane, R.M., which note I delivered on my way up, and received instructions to proceed. I found the prisoner at his kraal Nobamba, and, on arriving there, told him I had been sent from the Supreme Chief to summon him to appear at head-quarters, Pietermaritzburg. I also told him, in case his leg was not well, that he was to secure a quiet and easy horse to convey him hither, and, in case he could not do that, he was to secure a wagon. Prisoner asked what he was wanted for. I replied that he was wanted by the Supreme Chief, but I could not tell him for what; he would find that out when he got there. Prisoner said—“Everything is said in your presence; you know what is going on; upon what business of importance is it that I am wanted, and must be carried in case I cannot walk to Pietermaritzburg?” I replied, “You are a man of position, and have charge of a kraal and people here; and when you send to any of your headmen requiring their attendance, they never question your messenger as to what you require, but obey your summons.” I remained there three days, and on the fourth day the prisoner gave me a beast to kill. On that same day I told prisoner that the time was passing, that I had been there a long time, and had not yet received any definite reply to the message I had brought. Prisoner replied that, as it was a summons from the Supreme Chief, he must consult his people. On the fifth day prisoner said it was now time for me to go, and I could leave, and wait for him at the Zwartkop, near Pietermaritzburg, where he would meet me. I left, and waited upon, and saw, Mr. John Macfarlane, and then came on and slept at a kraal close to the Umgeni Falls. On the following day I came to the place where I was to meet the prisoner. At the close of the day on which I arrived there, Mabuhle and others arrived there. I was in the hut when one of the boys came in. I said, “You have arrived. Have you brought the Chief?” He said, “No; we have not brought him.” I asked, “Where is he?” and he replied, “At his kraal.” I then asked whether Langelibalele had made any attempt to come even a short distance, and he said the prisoner had made no attempt to come. This boy then left the hut, and, going to Mabuhle, returned with him to the hut. On Mabuhle's entering, he said, “Yes, you messenger from the Government, our Chief tried to come; he came as far as Mbunda's, but his leg then became so bad that we tried to put him on horseback, but he fell.” I then asked Mabuhle how it was this boy had made a different statement, and said that Langelibalele had never made any attempt to come. Mabuhle said he was only a boy, and knew nothing about it, and had not been present when the Chief left his kraal, or when he returned. I replied that it was impossible that their Chief should have left his kraal, have come all that distance, and gone back again, and for a man, in whose company he was coming down, not to know anything about it, even by common conversation along the road. That is all that passed on that day. On the next morning we proceeded to Pietermaritzburg; I came on alone in advance, and reported my proceedings to the Government. I was present when the Secretary for Native Affairs met the prisoner's messengers. He asked Mabuhle how it was he was treated in this way, and

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told Mabuhle that it was impossible for him to do as well as the Chief himself—that he must go back and bring Langalibalele down. The Secretary for Native Affairs said he should allow a few days to elapse, and then send the same messenger again; that they must procure a wagon, or horse, and bring the Chief down. Other things may have been said, but that was the substance of what passed. Some few days after, when time had been given for the necessary arrangements to be made, I was again sent to Langalibalele, and received instructions to go and return by the same route I had travelled on the former occasion; to call on Mr. Macfarlane, and tell Langalibalele he was summoned on the same business as on the former occasion. I was further directed to inform the headmen present that, in case the prisoner persisted in his obstinacy, and refused to obey the summons, the tribe would cease to be a tribe; that, in fact, they would bring themselves to destruction. On my way up I delivered a letter to Mr. Macfarlane, and was told to proceed. Soon after leaving Estcourt I met Umpiko, one of Langalibalele's people, and an official witness under the Marriage Regulations. I met him on this side of Table Mountain, and asked where the prisoner was. He replied that he did not know exactly, but that he was at one or other of the kraals on the other side of the range of hills on which we had met. On arriving at the kraal Nobamba, I asked where the prisoner was, and was told at Pangweni, a kraal which I had passed on my way. I asked how they could send me back again, when I had heard the Chief was at the kraals in this direction. I was again told the prisoner was at the kraals which I had passed, but that he was ill, and could not be seen. I said—"Is there any chief that cannot be seen simply because he is unwell?" The people replied that they had not seen him, and, on account of his illness, did not know where the prisoner was. I told the young men that I was going to sleep at the kraal of Ngwahla, and that they must furnish me with a man to conduct me to where the prisoner was. The young men said they could not do that, and advised me to leave my sticks and go with them to a beer-drinking, or allow them to secure some beer from Langalibalele's sons. I declined, saying I had not come for the purpose of drinking beer, and they must provide me with a messenger to conduct me to Langalibalele on the morrow. I told the men, before they left for the beer-drinking, that they were acting foolishly, and, if the Chief were really ill, it would be better for me to see him, in order that I might bear witness to the Government that he was really ill. The men left, and went to the beer-drinking, and on their return in the evening I again complained that they were doing wrong in hiding the Chief from me. I said I was not a man of great importance—I was in amongst the prisoner's own people, and could not do him or them any harm; why, then, did they hide him from me? Shortly after this a messenger came from the Chief, stating that I was to remain where I was, and on the following day should know what I had to do. I asked the messenger where the Chief was, but he declined to state, saying I should know everything the next morning. About eleven o'clock on the following day a messenger from Langalibalele arrived, saying the Chief wished to see me, and that I was to be accompanied by Masipula, one of his sons. He said Langalibalele was at the kraal Mahendeni, and explained that I had not been informed of this the day before, because no one could then tell when the Chief, who was ill, could be seen. I went to this kraal; it was not a great distance, and I arrived in a short time. A great many people were assembled at the upper gate of the kraal, and on arriving amongst them I inquired for the Chief. Mabuhle said, "The Chief is sick, but you messenger from the Government can say what you have to say." I then said, "It is right that a message from the Supreme Chief should be delivered to Langalibalele himself." Mabuhle said that was impossible, the Chief was so ill that he did not now see his own people. I said I could not possibly do him any injury, and it would be better if I saw him, for I could then bear witness to the Government that he was ill. Mabuhle said I might as well deliver what I had to say, and they would tell the Chief; but I said no, I was sent to the Chief, and would deliver my message to him. They then persisted in the plea of sickness, and said they did not know what he had done wrong, or why the Chief should be sent for. I said, he was summoned to explain something which had occurred in the county of Weenen. They said how could they possibly carry him down to Pietermaritzburg, and, in fact, bury him in a foreign place, instead of burying him where he should be buried. I again requested to be taken to the Chief, so that I might see he was so ill. I said I had been sent to many chiefs, even to the Chief in the Zulu country, and had never met with a refusal to see the Chief on account of his sickness, but had always been allowed to see him, whether sick or not. I continued to refuse to deliver them my message until I had seen the Chief. This conversation lasted from the time I had arrived there until about 3 o'clock p.m., when Mabuhle left, and went to Langalibalele; on returning, he said that prisoner had said I could deliver my message to the headmen, and afterwards see

him. Seeing there was no further use in persisting, I said what I had to say to them,—that I had come back again to deliver the same message which Mabuhle had received in Pietermaritzburg, and that they were to bring Langelibalele down on horseback, or in a wagon, in order that something which had occurred in the county of Weenen might be explained. I then told the men that the message to them was, that, if they persisted in their conduct, and did not aid Langelibalele to go down to Pietermaritzburg, they were doing themselves an injustice, and would suffer for it. I again pointed out how wrong they were to hide the Chief from me, a messenger sent by the Supreme Chief. They replied that they were not hiding him, but that he was really very ill. I again urged them to allow me to see him, so that I might bear witness of his illness to the Government. I then went up with Mabuhle to where Langelibalele was. I found him partially concealed by a box and partially by his men. I only saw his head and shoulders; he was lying down at the time. I then told Langelibalele that I had brought the same message I had brought before, and summoned him to appear in Pietermaritzburg. I told him if he could not proceed on foot he was to procure a horse, or some vehicle to convey him hither. He then asked how he could be taken away from his kraal and place when he was so ill; what was it that was so important? I replied that it was something which had occurred in Weenen county, and whether sick or not, whatever he had said or done, it was far better for him to proceed to Pietermaritzburg. He asked how was it possible, when he was so ill, and why was he forced to appear? for if one were taken ill in Pietermaritzburg he would be allowed to return home, and the case would be attended to after his recovery. I told him he was acting very wrong, that he was only a child in the hands of the Government, and should obey the summons. I told Langelibalele that it could not be anything very serious, as he had not committed murder, and I again advised him to go. All this I said on my own responsibility, in addition to the message delivered to me. Langelibalele said it was impossible for him to come, he was so ill. I said I was not going to convey his messages, as well as those of the Government, and if he wanted that message taken he had better send some one with it. He then told me to go back to Nobamba and sleep there. I received a calf, killed and eat it, and left the next morning; called on Mr. Macfarlane, and then returned to town, and delivered the message I had received from Langelibalele. These are the only occasions on which I went alone. A short time after this I went again, for the third time, with Mahoiza.

Mahoiza, duly cautioned, states: I went with the last witness to Langelibalele's. On my return from the Zulu country, where I went with the Secretary for Native Affairs, I was ordered to proceed to Langelibalele, with the last witness, to tell him he was required down here, and that the Secretary for Native Affairs had looked for him before his departure for the Zulu country, to summon him to appear as soon as possible, and if he was ill, and could not travel on foot, he was to come on horseback, or in a wagon; but if he was too ill to travel even in that way, he was to allow Mr. Gert Rudolph, Clerk to the Resident Magistrate at Weenen, to see him, and certify as to his illness. I called at Mr. Macfarlane's office on my way up, delivered a letter, and told him the message I had as to Mr. Rudolph. I met Judge Harding there, and he told me to tell Langelibalele to get rid of the madness in his head, and obey the summons. Mr. Macfarlane advised me to go to the great kraal Pangeweni, and if the prisoner was not there he might be brought there by his sons. I proceeded there, and found some of the Indunas sitting at the upper end of the kraal. I inquired for the head Induna, and after saluting Macaleni and Umzwilikazi, told them I had come to summon Langelibalele, and would proceed to where he was. I expressed my willingness to go to him, though Mr. Macfarlane said he was to be brought to me. The men promised to communicate my business to Langelibalele, and told me to remain there. I remained the whole of that day, and on their return next day I was told to go to Mahlala's kraal, and remain there until Langelibalele had collected his headmen, so that I might talk to them. I said I had nothing to do with the headmen; I had not come to talk over a case, but to deliver a message to the Chief. I remained at this kraal three days, and on the fourth went to Pangeweni, and seeing the headmen, told them that Langelibalele had been summoned by the Government, and must manage somehow, on horseback or in a wagon, to obey the summons, and proceed to Pietermaritzburg. The men and Indunas inquired for what matter Langelibalele had been summoned, and I said it was in connection with some case which had arisen, or circumstance which had happened in the county of Weenen, in connection with Mtshitshizelwa, Domba, and Faku. They said Langelibalele was ill; the summons had overcome him, and they had never heard of a person who was ill being forced to appear; a case would not be gone into until he recovered. They promised to tell the prisoner, but said the nature of this Government seemed hard, and that allegiance in the Zulu country was not required in

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the case of a man like Langalibalele to be paid in person, but by Umhlaba, his Induna. Langalibalele's head Induna, Macaleni, said he thought it best that Langalibalele should be taken down to Pietermaritzburg. Having heard what I had to say, I was requested to remain another seven days, so that they might talk the matter over. On the eighth day I despatched two messengers to Mr. Macfarlane, to report that I was detained, in consequence of not being allowed to see the Chief; and I expressed a hope that I should not be blamed for remaining so long. On the day appointed I went back to the kraal, and met the headmen whom I had met seven days before. Macaleni told me that what had been suggested and previously agreed to would not now be carried out; that they made resolutions at this kraal, and when they saw Langalibalele they were all undone, and fresh resolutions were suggested. I then requested to see Langalibalele, and said it would only be right that I should see him. Mabuhle said I could not see him unless he were first informed of it and I had been duly reported. On Mabuhle's return, after seeing Langalibalele, with the object of obtaining permission for me to see him, he said I was to return home; Langalibalele was too ill to see me, and could not come. I said it was very bad behaviour to keep me waiting all this time, and then tell me to go home. I said I should go to see him. Macaleni then advised us not to go, as he had done all he could to induce the prisoner to see us, but had failed. Umyembe, the last witness, suggested that, as Langalibalele might be afraid of me, and as he had seen him before, he should go to see him. Macaleni said he had done everything in his power and had failed, but if they thought they were better men they might risk the attempt. I again sent to Mr. Macfarlane, stating that the prisoner refused to see me, and on the return of my messengers I told Macaleni that I could not go back without delivering the message as directed by the Government, and I also wanted to see what would be done to me. I went next morning to Macaleni, and desired to be conducted to Langalibalele, but he said he was afraid to conduct me, for he had been to the prisoner since his last conversation with me. I said, "You had better go and put me in sight of the kraal, and then you can go back again." Macaleni said, if he did that, he might just as well go the whole way, and as I persisted in my intention to see the prisoner, he would accompany me. Macaleni then said, "You had better allow Umzwilikazi and Mabuhle to report that you are coming to-morrow." I objected, and said they had better be but a short distance in advance of me, and that we would keep near together. After proceeding some distance I met one of Langalibalele's men, and, stating I was going to see him, asked where the Chief then was. He advised me not to go, and inquired for Macaleni. I said, "He is behind." He advised me to sit down and wait, so that Macaleni might report my arrival, as it was not safe for me to go on. On reaching the White Mountain, I saw the cattle were being taken and were running away. I asked where they were going, and they said they did not know; Langalibalele had ordered the cattle to be removed. I proceeded, and arriving at the kraal found some men sitting at the gate. I saluted these men, and said I was hungry and wanted something to eat. They took no notice of my salute and only stared. Some young men on the other side called out, "Seize the carriers." Macaleni arrived at this kraal, and said I had better not go on that day; he had been warned that we were not to go on till next day. I objected strongly to this dilly-dallying and the short stages, and expressed my anxiety to deliver my message. We eventually decided to sleep at that kraal, but the people objected, and it was only owing to Macaleni's good offices that we procured a hut and something to eat. Macaleni said he would not suffer the Government man to be treated in that way; and if he and his party were driven away, he (Macaleni) would be driven away with them. I spoke to Macaleni, stating that I wanted to go on the next morning; but he said it was not day, and he had been ordered not to go too early. I said I should go on, and inquired at what kraal Langalibalele would be likely to be found. Macaleni said he could not tell exactly, but he thought Nobamba. On arriving in sight of Nobamba we sat down, and a messenger arrived, telling us not to go on; and we were kept at a small kraal of two huts. About this time Umyembe suggested that he should be sent on, to intimate to Langalibalele that it was quite time we had an interview, and that we had had nothing to eat on that or the previous day. I advised him not to go, and he did not. We waited for some further intimation. Shortly after this a messenger arrived, and said we were to go on. On approaching the kraal, we saw a great many people were assembled—more than are gathered here; they were all armed, some mounted, some seemed to be in confusion; they had assegais and shields, and some of them had battle-axes. As we approached we came up behind the men, who were drawn up facing the kraal. We saluted the men sitting outside, but they made no reply and took no notice; some stood with their assegais pointed. They told me to pass on and go below. I replied, "I am a messenger from the Supreme Chief; it is your place to turn round and face me, and

not my place to go below. There was great uproar on my saying that, and Mabuhle said, "Why should we turn round to face you? we are not your wives. Go round directly and speak at once, and make haste about it." I said, "I am a messenger from the Supreme Chief. How can I be hurried about in this manner. I have not been sent from any of your equals." He replied, "There are high powers in other places than this." I said, I had heard what they had to say, and thought they would have listened to me. Ngwahla inquired how they could treat me in this way, and they all turned round and pointed their sticks and assegais at him. He said it was all their fault for advising him to go to the Government. These men all belonged to Langalibalele's tribe, and his only. I said to the last witness, "We had better consent and go below;" and he said, "How can we talk if we put our mouths up in the air? We had better go close up to them." He said this because the ground was bad. I was now rather frightened, and divided my party into two, in order that some might escape if any came to harm. There were altogether about twenty men, including the boys who carried our mats. The two parties were now about ten or fifteen yards apart. It was late in the afternoon; and after we had separated and sat down, some young men came and trampled upon the assegais, and some went to one party, and some to the other, and sat upon the assegais. The headmen then said, "Say what you have to say." I said it was not necessary to say anything to them; I had already said all I had to say to them, and I now wanted to see Langalibalele, and not repeat what I had already said at the Pangeweni. I then said I had come to summon Langalibalele, and take him back to Pietermaritzburg with me; and if he was not able to come on horseback, he must come in a wagon. They said, "Tell us for what he is summoned." I replied that he had been sent for in reference to something which had occurred to the headmen, or Indunas, belonging to the Weenen Magistracy, and that the Government wished to bring the parties together to hear the rights of the case; after which they could go home again. They said it would have been better if I had brought Mtshitshizelwa, Domba, and Faku up with me, in order that the case might have been inquired into, and settled there. I said there was no power or head that could settle the case there; the only head which could inquire into the matter was in Pietermaritzburg. They replied that they would consider which would be worse for them, to take Langalibalele to be killed in Pietermaritzburg, or allow him to die where he was. I again requested to be allowed to deliver my message to Langalibalele himself. They all said it would be as well to die (i. e. to resist the Government) for two days, and on the third day they would beg for peace. I told Mabuhle I would not reply to what had been said, inasmuch as he was only an Induna, and I could only reply to such language when coming from Langalibalele himself. A messenger arrived, saying I was to be taken to Langalibalele, but I must be stripped. Some of the young men behind said it would be well if the Government gave them leave to have a fight with Pickade's people first. I said I should take no notice of these remarks, but address myself to Langalibalele. They then came up, took all my things from me, and asked what I had about me. I said they could search for themselves, but I had nothing about me. I then complained, and said I was being treated very badly; but even if they killed me it was not so much matter, I should deliver the message just the same. I said I considered it very bad conduct to strip me, and take me naked into the Chief's presence; but they persisted in doing so. They then said, "Umyembe, the last witness, must also take off his things." He said he had nothing; but they said they were afraid he might have the same pistol which Mr. John Shepstone had when he arrested Matyana. They then said, "Take them on, they are to go to Langalibalele." An order was then issued that the men who accompanied me were to be guarded, and they were surrounded by Langalibalele's men. When our clothes had been taken off, and they had found nothing they expected to find, they did not allow us to put them on again; we were told to leave our clothes where they were, and go to see the Chief. Whilst the guard was being placed around the other members of the party, Gayide made a rush and joined us to go down to the prisoner. Macaleni, Ngwahla, and Mhlaba accompanied us. Addressing the tribe, they said such conduct as stripping messengers and using them badly was never done; and unless they wanted to destroy the tribe they should not do it. I remarked that it did not matter much if they killed us, the Government would survive, and the tribe would never do such a thing again. We were pushed along and taken down to a hut, which was surrounded by men; we were taken inside, and found the hut was crowded; we were ordered to say what we had to say. I said there was no occasion to treat us in this way, that we should deliver the message from the Government, and there was no necessity to treat us as convicts. I then said I would not say anything more until I saw Langalibalele; I would not, for the third time, repeat my message to the men. The hut was

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crowded and very dark. Macaleni told them they had better leave me alone, and I could say what I had to say to Langalibalele. I then heard the prisoner's voice, and knew he was in the hut. I said to him, I have come to you; though I have been treated as I have, I shall still deliver my message. I am sent by the Government to call you, and although from my nakedness you might think I came from outside, yet I come from the Government. I told him the Government ordered that he should come down to Pietermaritzburg, and come either in a wagon or on horseback, as suited him best; and, further, I told him that he was summoned in reference to the same matter on account of which he had been summoned by Umyembe, the last witness. Prisoner asked why he was sent for, and I replied that it was in reference to the same business about which the Indunas, from Mr. Macfarlane's Magistracy, had been previously sent to him. He asked me why I had not brought Mtshitzizelwa with me; and I said, "Why should I bring him; the case is not to be tried here?" Prisoner then said, that boy, meaning the Induna referred to, had a grudge against him, and had given him a great deal of bother on former occasions, and endeavoured to get him into a row in reference to certain prisoners who had escaped from his (the Induna's) custody after they had been arrested. I said I had not been sent to discuss that matter, but only to request his attendance at head-quarters. I also said he had been sent for by the same Government which had placed him in his present position, and made him fat and rich; and that the supreme Chief was much surprised that a man whom he had raised to his present position should refuse to appear when sent for. I also delivered Judge Harding's message, and told him he was to allow his madness to leave his head and obey the summons. He then said, "What is this case; tell me what the charge really is?" I said no, you will hear when you arrive at Pietermaritzburg. I added that the Government were very much surprised that he had had communications with Molapo and other powers beyond the Colony. Prisoner replied that he had heard that he had been accused of doing so. I asked him from whom he had heard it, and said that when he arrived at Pietermaritzburg he would find out from the Government who had spread that report. He said it was not the first time the Secretary for Native Affairs had tried to get him into trouble. He had heard that the Secretary for Native Affairs had stated that he (prisoner) had bought guns, and was trying to get a way for a cannon; but that when about to go into the question, and investigate the charge, the Secretary for Native Affairs had said, "Let there be an end of that matter; it was simply a report." Prisoner at the same time stated that it looked as if the Secretary for Native Affairs (Mr. Shepstone) had a grudge against him. I then told Langalibalele that I had orders from the Government, if I was satisfied that he was sick and unable to travel, to send for Gert to see him, so that he also might bear witness of his illness. Langalibalele said, "Which Gert do you mean?" I said, "Mr. Gert Rudolph, the Clerk of the Magistracy to which you belong." He said he dare not "come here," and added that it was owing to Mr. Rudolph's false statements to Government that he was now in disgrace. Langalibalele then said he was afraid to go to the Government; he would turn Bushman, and go into caves. He was afraid because of something which had happened in the Zulu country, when, there having been a dispute amongst themselves, his (prisoner's) brother had been sent for and killed by the Zulu chiefs, and he himself had only escaped alive by fleeing to Natal. He said, "I am afraid to go, and you can tell the Government I won't come." After he had said that, I inquired how it was that I, an Induna under the same power as himself, should have been stripped and treated as I had been by his orders and in his presence. I said this in order to see whether it had been done by the people on their own motion, or whether he knew nothing about it and would rebuke them. Prisoner said we had been so treated by his orders, as he was afraid we might have had a gun or pistol about us, as Mr. John Shepstone had when he arrested Matyana. He (prisoner) knew the circumstances of that case, for he had been present and had assisted at the arrest. I then asked him if he had really made up his mind not to obey the summons. He said, "Yes, that is my final answer. I do not intend to obey the summons, and I do not intend to run away. You will find me sitting where I now am when you all come." I advised prisoner, in spite of all he had said, to obey the Government. He said, "Yes, if you can give me a fresh leg; if you can cut off this leg and give me a new one, I will come." Prisoner said he would pay a fine; and I asked to whom could he pay it, or who inflicted it, for I had not come to inflict a fine. He said he would pay a fine of threepence. I asked him to explain, and he said he would pay threepence because he had not such a large tribe as Moshesh or Faku, and that amount would be in proportion to his position and rank. I again advised him to go to Pietermaritzburg, saying we could travel slowly, and it would be far better for him to state what he had to state to the Government. He said, "I will never go." I said, "Why won't you go; you are called by your father, who has made

“you what you are.” Langalibalele then called one of his headmen, who went behind the others, and they whispered together. I could not hear what was said, but when the conversation was finished Macaleni asked why the people were not appealed to and allowed to have their say in the matter when their Chief was sent for by the Government. Whenever had it happened, he asked, that a messenger sent from one power to another had been treated in this way; even when armies were facing each other, a messenger was often sent, and allowed to return without being injured. After Macaleni had said this, Langalibalele called him three times, and asked why the young men should not have their say, as well as the old men, considering that the former held the positions their fathers had previously held before them. Macaleni replied that the young men had their say, but as old men, and in charge of the tribe, they had a right to speak; and they said it was no matter, even if they buried the prisoner at Head Quarters, in Pietermaritzburg, it was his duty to go. Mhlaba said he agreed with what had been said; he had been frequently sent as a messenger to the Zulu Country, and had never been badly treated, but, said he to Macaleni, “your mouth has two openings” (i.e. you are double-faced). After entering the hut I requested that another of my men might be called in, so that there might be more witnesses; he was also stripped before he was allowed to enter the hut. As it was now getting dusk I wished the Chief good bye, and said that during the time I had been kept in custody I had only had three head of cattle to eat, and for three or four days I had had nothing to eat. Prisoner asked why should you be hungry, the country has now got to this state in consequence of your big stomachs (your extortions). I replied that a prisoner was always fed, and when hungry asked for and received food, even in gaol. He swore by the son of Usenzengakona, and told me to tell the Secretary for Native Affairs, and Mr. John Macfarlane, that they would never see him with their eyes again, and as to his cattle, they had departed long since. I asked, “Where are the cattle gone?” He said, “Those cattle which escaped the lung-sickness I sent away ages ago.” I then asked the Chief why he had sent them away; of course I could understand why the cattle were being removed now, but for what reason had he sent away his cattle so long before. He said he had sent, and was sending the cattle away, because he saw the white people were running away, and he asked me what made them run away; I replied that I did not know they were running away, and in fact they had sent me here. Prisoner said all the farmers had run away, and were at Estcourt, and the Secretary for Native Affairs was also there. I said that it was not true, and he had better send some one down to see if it was true. Prisoner said I was only delaying him, that the army was at Estcourt; this I denied, but he said he had sent Mabhule, and Umzwilikazi to see. The Chief told me to go and sleep where I had slept the night before; I asked him if he had anything more to say; if so, to tell me to return the next day; but if not, to let me go away altogether, and cover my nakedness. Prisoner then allowed me to leave. I appealed to the Induna, saying I had had no food for four days. After we had dressed, I sent back Umhlolo, on leaving, to dilly dally about the place where we had been stripped; and if questioned, directed him to say he was looking for my snuff-box. I wanted to see whether Langalibalele would come out of the hut, mount on horseback, and ride off. After stopping some time the man returned, stating that no one had left the kraal on horseback. I then sent the men back to ask for something to eat, as I was hungry, and they saw the prisoner mount his horse, and ride away from the kraal. They returned with Macaleni, and informed me of what they had seen. Macaleni said he had come to say good bye, and hoped I would tell the Government of all he had said and done. He said that Langalibalele was no longer under his influence; the young men had him under their influence, and what the old men tied up, the young men untied. Cattle were passing, and women running away towards the Drakensberg during all this time. I then returned, and reported to Mr. Macfarlane, at Estcourt, that the people were running away, the cattle were being removed, and so on. I remained at the Weenen Magistracy until the Secretary for Native Affairs found me there.

The prisoner was asked if he had any questions to ask these two witnesses. He replied that the only thing he admitted was the stripping the witnesses of their clothes. He added, I cannot possibly ask them any questions, or say anything without the presence of Mabuhle.

The Supreme Chief asked the prisoner “Why he had allowed the messengers to remain undressed, when he found they had nothing?”

The prisoner evaded the question, but said the messengers were in the hut, and they were afterwards allowed to put on their clothes again.

His Excellency asked witness, whether he understood, from what passed, that the prisoner had ordered the cattle away.

Mahoiza replied: Yes, I was not quite sure at first, though I could not tell why they



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should go away without the Chief's sanction, because if it were against his wish he would stop them; but when I inquired for food, prisoner said all the cattle had gone away, and I was then certain that he had ordered them away, and that it was with the knowledge of the Chief they were being sent away.

His Excellency inquired whether witness knew, of his own knowledge, and could identify any people as having resisted the Government by firing on the forces, white or black.

Mahoiza stated: I know positively that the people under me were fired upon by Langalibalele's people. We were ordered to proclaim aloud that the people were to return to their duty and allegiance, and that it would be better for Langalibalele to return, and allow the case to be gone into; on returning down a small spur of the hill, and when engaged in proclaiming,\* my people were fired upon by prisoner's people; that was the day of the smoke on the Pass (Tuesday, November 4th, 1873). We were fired upon on the following day, close to the river Mibidwana, and we fired in self defence. Four of my people were killed. We had received orders not to fire first, and only in self defence. I remember a gun barrel which was shot through by one of my people. It is at my kraal, and when disabled was in the possession of one of prisoner's people. It had been used to fire upon us, in fact, I believe it was the means of killing some of my people, who on this occasion received gunshot wounds.

The Court instructed the witness to produce the gun at the next sitting of the Court.

Mahoiza wished to explain that the instructions he had received were not to fire or kill first, but his people were obliged to fire in self defence, before obtaining permission to do so. It was the first time he had known the Supreme Chief to be fired upon first by an inferior power; the reverse was generally the case, and the inferior power had to kill in self defence. The witness stated that the Tuesday before he had met the Secretary for Native Affairs at Estcourt,† was the date of his interview with Langalibalele.

The Court adjourned at 1.15 p.m., until 12 o'clock noon on Monday the 19th January, 1874.

I have, &c.,  
(Signed) W. B. MORCOM,  
Clerk of the Court.

Minutes of Proceedings of the Court of Inquiry into certain charges preferred against  
Langalibalele, late Chief of the Hlubi Tribe.

### THIRD DAY.

The Court resumed on Monday, the 19th January, 1874, at noon.

Present:—His Excellency the Lieutenant-Governor, Supreme Chief, President; Lieutenant Colonel Milles, 75th Regiment; the Colonial Secretary; the Colonial Treasurer; the Secretary for Native Affairs; the Attorney General; Mr. Polkinghorn, M.L.C.; Mr. Bird, R.M.; Mr. Hawkins, R.M.; Mr. Paterson, R.M., and the following native Chiefs and Indunas: Teteleku, Hemuhemu, Nondonise, Zatsuke, Hlokolo, Manxele, and Mafingo.

His Excellency said: I wish to mention, before we commence business to-day, that I have determined to allow counsel to appear for the accused, in the person of a white advocate. I wish to say this is a very great innovation on Kafir laws and customs, and it must not be considered to be a precedent in any possible way; it would be a very dangerous precedent to introduce into this Colony, and I am only induced to allow it on this occasion, in consequence of the very great importance of this trial, or rather the very great importance attached to it by the public; but I most emphatically say this must not be considered a precedent in any Kafir Court; in fact it is contrary to Kafir law and usage.

Mr. John Shepstone now proposed to call Mhlaba, who was present at the kraal where Mahoiza and the other messengers were stripped, and who it was thought might be able to give information as to Langalibalele's departure from the kraal. Mhlaba is not a prisoner, but under surveillance at Mahoiza's kraal.

His Excellency inquired if there was any accusation against the proposed witness.

\* Note.—The proclamation was published on Tuesday and Wednesday, November 4 and 5. The attack was made on Thursday, November 6, 1873.

† Note.—Mr. Shepstone met Mahoiza, at Estcourt, on November 1, 1873. The Tuesday before was the 28th October, 1873.

The Secretary for Native Affairs said: Mhlaba was under a charge until it was decided what to do with him, and others, who behaved in such a way as Mahoiza thought had saved his life.

After consultation, it was decided to receive Mhlaba's evidence unconditionally.

His Excellency, addressing the Native Chiefs, said: I am going on this occasion to make what you will consider a great innovation on the laws and customs of the Kafirs, and I do so with great reluctance, because I think it is not expedient, as a general thing. I am going to allow a European advocate to say what he can say fairly and justly for the prisoner. It is not to be taken as a precedent, and is quite contrary to your usages, as you know. This advocate is not only allowed, but requested by me, to say what he can say in the prisoner's favour.

Mhlaba, duly cautioned, states: I was present at the kraal Nobamba when Mahoiza arrived there, accompanied by Umyembe and others. Mahoiza had a conversation with the headmen outside; afterwards he was summoned to see Langalibalele, but they said that he must take off his clothes. To-day is the first time I have seen Langalibalele since that occasion. I left the kraal a very short time after Mahoiza left.

Cross-examined by the Secretary for Native Affairs: I went to the kraal of Nobamba at Mahoiza's request; he gave me the option of taking him to the kraal and then going home again. I had no personal conversation with Langalibalele as to Mahoiza's message before the interview took place. We sent to the prisoner by Mabuhle, he being the proper channel of communication. I had no conversation with Langalibalele as to receiving Mahoiza, although I am one of his Indunas. I am usually consulted on ordinary occasions, but in this case the consultation was specially confined to those in possession of guns, and I was not consulted. On the day that Mahoiza saw Langalibalele we had all received instructions to talk to the messengers, and, pleading prisoner's illness, say that he could not attend the summons. That is all we were instructed to say. Langalibalele did not say we were to make such a demonstration as would frighten the messengers. I was in the hut when Mahoiza was delivering the message to Langalibalele. I did not enter at first, but afterwards, with Umyembe. I did not say so in the hut, but outside I said that messengers of this sort were never badly treated. I said this when Mahoiza was told to strip. I also remarked to Macaleni, "Let the young men have their say. They won't do anything while we are present." After this Mahoiza was summoned to appear before Langalibalele.

Gayede, duly cautioned, states: I am son of the Chief Makedama. I was in the hut when Mahoiza delivered his message to Langalibalele. On entering the hut I found it full of people, and consequently so dark that I could distinguish nothing. The prisoner called upon one of his people to state what he knew of the circumstances which had transpired. This man, whose name I forget, said they were accused by their own magistrate, by Nitshitsh'zelwa, and two other Indunas, and on a previous occasion had been accused by the Secretary for Native Affairs of making a road up the Drakensberg to get a cannon down. After some further conversation Langalibalele said he was being destroyed, and addressing Mahoiza, said, "You have come to call me, and I am ill. But, suppose when I am not ill, what will be the end of the matter? Mahoiza, you can tell the Government I am ill. Yes; you persist in saying I am to come to the Government. But, take a knife, and cut off my crippled leg, and put on a new one, and even then I do not see my way clear to go to the Government. This has been our family misfortune. My brother was sent for in the Zulu country, and was killed at the Chief's kraal. You can tell the Government, Mahoiza, that I do not see my way clear to come. I am a man now who lives in caves; and you may as well go." Mahoiza inquired what he was to eat, or where he should sleep. Langalibalele told Mahoiza he might have a large stomach, but he would see what he had to eat. That was about all that was said. We got nothing to eat. There were no more cattle, and those we saw in the distance were moving towards the Mountain.

Cross-examined by the Secretary for Native Affairs: Two of the old men, Macaleni and Mhlaba, made remarks in the hut during the interview. Macaleni said he had never heard of a messenger sent in this way, from one power to another, being killed, injured, or treated in this way unless he were to meet an army on the road, when it was possible he might be injured. Mhlaba spoke to the same effect. While in the hut Langalibalele, addressing Macaleni, asked him why he had prevented the young men from having their say; they being orphans without fathers or mothers, should be allowed to have their say. This was said in reply to Macaleni's remark that messengers were never interfered with or injured. I do not know how the young men came to be mentioned, or whether anything had been previously said as to killing the messengers.

Mahoiza produced the gun referred to by him in his evidence on Saturday last. The

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gun was taken from one of Langalibalele's people who was shot. The registration mark is letter N, No. 8010.

The Attorney-General produced a return (drawn up in terms of Section 25, of Law No. 11, 1862) of firearms sold by Black, Baxter, and Co., showing that on 23rd July, 1873, 45 single guns, Nos. N 7973 to 8017, were sold to Wildridge and Pringle, Griqualand. Wildridge and Pringle applied to the Administration of the Government, who on 2nd July gave them permission to purchase these guns, their application being supported by a certificate from Mr. Brisly, secretary to Captain Adamkok's Government, that the guns would only be sold in Griqualand, and under special permits issued from the office of the secretary. The Attorney-General also produced a permission, signed by Colonel Milles, the Administrator of the Government, on 18th July, 1873, for the conveyance through the Colony to Griqualand of certain guns, including the numbers N 7973 to 8017, a certificate that the guns had been produced on 30th August, 1873, to the Field-Cornet, at Hancock's Drift, and another certificate, signed by S. Strachan, by order of Captain Adamkok, that the guns had been duly delivered to him on 15th September, 1873; and lastly, a certificate from the Resident Magistrate of Durban, showing the transfer to and registration of these guns, in the name of Wildridge and Pringle, on July 23rd, 1873. This list also included four other guns, one of which was fired at Wheelwright, from the cave.

Makatise, a Basuto, under the Chief Hlubi, duly cautioned, states: I was present at the Bushman's Pass, with Major Durnford and the Carabineers. I was some distance off, and do not know what was the nature of the conversation he had with the Kafirs. When we arrived at the pass to stop it, Major Durnford ordered my chief to send six men to Langalibalele's people, who had gone up the pass, and instruct them to return with their cattle. The six men obeyed the order, and on their return reported that Langalibalele's people had taken no notice of the order, had treated them with contempt, and were inclined to stab them with their assegais. On the return of the six men, a detachment of Langalibalele's people appeared to be coming down towards the pass, and Major Durnford went to meet and talk to them, but what was said I do not know; I was too far off. I recognised the people, and knew they were Langalibalele's, for we are their neighbours. I knew the Induna, Mabuhle, who was in charge on that occasion, and saw him. He was the only Induna I saw there. When Major Durnford returned from speaking to these men, others with their cattle were coming up from below; the cattle above, and those below, appeared to be about equal. When the cattle came in sight, the men, who were armed, pushed on in front. The Basutos said to their Chief Hlubi, "These men behind will not listen to what the authorities say, and these in front are coming up also; what have you to say?" Major Durnford was communicated with, and he directed Hlubi to send two men to order the men to return down the Pass. I was sent with Libna to order the men to go back, and tell them the Government was surprised, and wanted to know where they were going. When we had gone about the width of the road from our own people, they called out to us not to go too far, as the men were angry, and appeared inclined to fight, but to call out to them, as they were near enough to hear. Langalibalele's men called to us to come to them, and asked what business we had there. The men from below continued to come on. On my return I found the people still standing; Major Durnford had again gone back to those he had been talking to before; only Langalibalele's men had increased in number, and had come much nearer; they were accompanied by Mabuhle, and passed on both sides of where we were standing; they were becoming violent, and making a great noise; we saw they intended to fight. I forgot to mention that Major Durnford ordered a beast to be killed on our arrival at the Pass, and we had only just finished skinning the beast when Langalibalele's people arrived. On returning with Libna, I found the prisoner's people were inquiring when we were going to eat the cow which had been killed. At this time the men coming up the pass had come very close, and Major Durnford ordered Hlubi to push the men back, but not to fire upon them; to tell them not to come up the pass, and if Langalibalele's people fired first, and only then, had we permission to fire. We obeyed orders, and took the left, the Carabineers the right side; we tried to force and push the people down, but no shots were fired. Shortly after I saw Major Durnford, Captain Barter, and the Chief Hlubi talking together, and after this we received orders to retire the same way we had come. As the ground was bad, we had to go round; we went slowly alongside a stream of water, the ground being bad. We had to pass by a narrow place where the ground rose on either side; on one side the stream intervened between the elevated ground, and where we were, on the other side, the high ground was close, and we were under the rocks where the men of Langalibalele were sitting. We heard them say, now is the time to fire upon them. Jantje, the son of Silele, was about to fire, when some one said, "Wait and fire on the rear ones," but Jantje did eventually fire the

first shot; shortly after the firing became general. The ground then descended a little, and the rear could not see the front rank, though Langalibalele's people on the ridge could see the whole line. Two of their Europeans fell with their horses in front of me. One horse fell with such force that one of my men was knocked off his horse, and I thought he was killed, but he was not. The force went slowly until Langalibalele's people opened fire; they were walking; some were stopping to drink as they went along, Major Durnford, Elijah, and the Basuto, who was killed, amongst the number; after the firing commenced they went fast. None of Major Durnford's party pointed their guns at or fired at Langalibalele's people until they fired upon the European force. The Basutos in the rear pointed their guns after the firing commenced, but no one raised a gun before Langalibalele's men fired. We returned back the way we came. I only recognised Jantje as one of the men who fired; I did not see Mabuhle with a gun; in riding to and from the two divisions of Langalibalele's people he had no gun in his hand, but whether he had stowed it away somewhere I cannot say. I do not know the names of any of the people who were there. I recognised the son of Jozana, but I do not know his name; I should know him again. I knew Mabuhle was the Induna of Langalibalele who carried messages to Mr. Macfarlane; I had often met him at the Magistrate's office; he was a subject of the prisoner, and the people at the Pass were those of prisoner. When speaking to Major Durnford, the people said Langalibalele was below the Pass. The men who were not armed with guns carried assegais and shields, and were all in warlike costume; a great many were armed with guns, but the majority with shields and assegais; they were all armed and ready for fighting; they were not a large army, but a strong force. I saw the men sharpening their assegais. Mabuhle misled us altogether; at first he appeared to be trying to prevent the men from fighting, and those who were urging them on to fight were sharpening their assegais. We afterwards saw that Mabuhle's object was to get time to arrange his men. Whilst sharpening their assegais, Langalibalele's men said we had come to stop the Pass, but by the time the sun went down we should see in what position we stood to each other, and who would be left to talk at sunset; they also said we were not sufficient in number to stop their army. They were all this time swearing by their Chief Langalibalele; they also asked why they were followed now they had left the country of taxes. Five were killed on this occasion—three Englishmen, Elijah, and a Basuto.

The prisoner, when asked if he had any questions to ask the witness, said, I cannot ask any questions, as I was not there. I was on ahead, I had passed through the Pass. I cannot ask questions, inasmuch as I don't know anything about what happened; I was on ahead, and did not go back to know what took place.

His Excellency said the men had been recognized as those of prisoner's, had he nothing to say in answer to that?

Prisoner replied that Jantje was dead; he was one of the sixteen killed by the mounted police at Molappo's, and Mabuhle was not here, and he (prisoner) could say nothing; they were also officers of Mr. Macfarlane.

His Excellency said, what affected the prisoner most seriously was, that these men at the Pass had been identified as a part of his tribe; it was, therefore, important that he should pay attention to what witness had stated.

Prisoner said: I cannot deny that I had run away, and they were following me, and I cannot deny they were my people.

His Excellency asked the prisoner what made him run away?

Prisoner said: What really drove me away at last was a message from Mr. Macfarlane to me to get ready, as he was coming. This was after Mahoiza's return. My own people brought the intimation.

His Excellency asked the prisoner where Mabuhle was.

Prisoner replied: Mabuhle accompanied me to Molappo's, and was there arrested with me, but made his escape.

His Excellency informed the prisoner that counsel should be assigned to him if he wished it.

The prisoner said he should like to have counsel.

His Excellency inquired whether he would like a Kafir or a European advocate to speak for him.

Prisoner replied: I leave it in your Excellency's discretion; Langalibalele has no choice.

The prisoner was then removed, some conversation ensued as to the evidence in the case, and as the arrival of counsel was uncertain, the Court adjourned at 2.15 p.m., until some future day, of which the members of the Court are to be informed.

I have, &c.,

(Signed) W. B. MORCOM, Clerk of the Court.

Minutes of Proceedings of the Court of Inquiry into certain charges preferred against  
Langalibalele, late Chief of the Hlubi Tribe.

FOURTH DAY.

The Court again met on Friday, the 23rd January, 1874, at 11 a.m.

Present:—His Excellency the Lieutenant-Governor, Supreme Chief, President; Lieutenant-Colonel Milles; the Colonial Secretary; the Colonial Treasurer; the Attorney-General; the Secretary for Native Affairs; Mr. Barter, M.L.C.; Mr. Polkinghorne, M.L.C.; Mr. Bird, R.M.; Mr. Hawkins, R.M.; Mr. Paterson, R.M.; and the following Native Chiefs and Indunas:—Teteleku, Nondonise, Hemuhemu, Hlokolo, Zatshuke, Manxele, and Mafingo.

His Excellency said: At the last meeting I stated that we intended to allow counsel to appear for the prisoner, and we selected Mr. Escombe for that purpose. Mr. Escombe, on being informed that this Court was of a peculiar nature and jurisdiction, and that he must confine himself within certain limits, could not accept the duty, and I think properly. He said that, as an English counsel, he must ever be at full liberty to say or do what he liked, or he could not take up the case at all, and, therefore, he had declined; but looking at the peculiar character of this Court, and its being so directly contrary to Kafir usage, custom, and law, to allow counsel, I made up my mind that it would not be desirable to allow, or ask any one else to say anything, or act for the prisoner; he could only say something in extenuation of the guilt of the prisoner, because he had admitted it, and this Court is willing to take the most lenient view it can of the prisoner's conduct, and there is no necessity to urge that course; we shall be as merciful as circumstances will admit of. The native chiefs are aware that it is competent for them to put any question to assist the prisoner, if they feel so disposed.

Mr. John Shepstone said it would be necessary to complete the chain of evidence, to hear the statement of the Secretary for Native Affairs.

The Secretary for Native Affairs explained, that at the commencement of last year he had become aware that the Magistrate of Weenen county, and Langalibalele, were not acting cordially together. He said, several instances of that sort were brought to my notice by the Magistrate, and after a time he requested that I would send for Langalibalele; and as giving the history of matters up to this time, I will read the message to Langalibalele of the 4th October, 1873.

Message from the Secretary for Native Affairs to Langalibalele, Chief of the  
Amahlubi Tribe in the Colony of Natal.

“October 4, 1873.

“Before I went to the Zulu Country, I sent my messenger Umnyembe twice to you, to request you to come to Pietermaritzburg, in order that I might explain to you your proper position with reference to your magistrate, and communicate to you several complaints in the presence of the complainants themselves, so as to enable you to explain to me, face to face with them, any part of your conduct which they might have misunderstood or have misrepresented.

“These complainants were messengers sent to you by your magistrate, and he preferred that I should investigate the statements they had made to him; he thought that by my doing so in his absence, you would feel less hesitation in explaining your conduct than if he were present; his object was to remove an obstruction to frank communication between you. My messengers assured you that it was in your interest and in that of the Amahlubi Tribe that I required your presence; that my object was to prevent future evil to both, and that I must insist on your obeying my summons.

“On the first occasion you expressed your readiness to come at once, and dismissed my messenger after having definitely arranged with him to await your joining him on a certain day a few miles from the seat of Government, in order that he might escort you into town. My messenger acted in accordance with your arrangement, but on the appointed day a party of men arrived without you, saying that you had started on horseback in pursuance of your promise, that you had ridden as far as Umbunda's (about twenty miles), on your way to Pietermaritzburg, but that you had been compelled to turn back by pains in an old wound, caused by your riding on horseback. This excuse and statement were brought to me by my own messenger and your men, who requested him to introduce them to me.

“I knew that in olden times you had been seriously wounded, and accepted your excuse, believing it to be true; I however again impressed upon your men the necessity

for your coming, and the object I had in view in requesting you to come; and suggested that if you found it difficult to ride on horseback you should procure a wagon, and that I should expect you in a few days after their return, or a message telling me the cause of delay.

"While resting content with this arrangement, I became aware that you had deliberately sent me an untrue statement; that you had never moved from your place to start for the seat of Government, and that to all appearance your promise to my messenger to meet him near town was made simply to get rid of his presence and importunity. I hoped, however, that my information might be wrong, and awaited further communication. Days and weeks passed by, but no word from you came, and I again sent Umnyembe to impress upon you the necessity for your coming, and to point out that unless you found some means of obeying my summons that I should have to lay your conduct before the Supreme Chief and Government; I still hoped that the information I had received of the untruth of your first excuse might be wrong, and I made no allusion to it in my message.

"The messenger discharged his duty faithfully. He fully explained to you the urgency of your position and that of the tribe; and although he brought back to me your assurance that you could not come because you stated you were sick, he was unable to certify to me his belief that your excuse was valid or well-founded.

"I left the matter in this condition when I went to Zululand, and intended to reopen it on my return with one more message to you before I made a serious representation of it to the Supreme Chief and his Council.

"But I found that, during my absence, circumstances had overtaken and passed by my intentions. The Government of the Cape Colony had made a representation to the Government of Natal to the effect that you had asked the Basuto Chiefs to receive your cattle under their protection, while you resisted an order of the Natal Government, which you expected would be made and enforced.

"The Supreme Chief received this information with astonishment; and I have laid the whole case before him, as I have now stated it to you. It is not many months since he assumed the Government; but he is no stranger to you or to the Colony. He was Supreme Chief shortly after you were placed with your people as refugees on the land which you at present occupy. He knew you then in your distress, and helped you to become what you now are.

"Your riches may deceive you, and your fatness may blind you to the danger of what you are doing. But the Supreme Chief does not wish to take advantage of the folly which your weakness may have led you into. He helped you to your prosperity, and he would gladly avoid bringing misfortune upon you or your people. He is willing to give you full opportunity for explanation; but he is bound by his duty to his Queen to require that such explanation shall be full and satisfactory.

"He requires, therefore, that you present yourself to me at Pietermaritzburg on or before the 14th day after you receive this communication, which is sent by Umnyembe and Umhoyiza, and give such explanation of your conduct in respect of the contents of this message as you may be able; and the Supreme Chief trusts that your explanation may be satisfactory.

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

The Secretary for Native Affairs continued: I may mention that messengers came from Langalibalele twice, Mabuhle on each occasion being the leading messenger. On each of these occasions I fully explained to the messengers the contents of this message, because I saw there was a disinclination to render obedience. On the 29th October also, the day before your Excellency started from Pietermaritzburg, two men, named Bomba and Makalika, arrived in town, pretending to have been sent from the prisoner, and I took the opportunity of explaining to them also the whole state of the case, and requesting them to go at once to Langalibalele, and tell him if he would only meet your Excellency, and explain his conduct, no harm whatever would happen; but, if he did not, very serious consequences must, from the nature of things, happen.

His Excellency asked Langalibalele if, having heard what the Secretary for Native Affairs had said, he had any questions to ask him.

Prisoner replied: I have nothing to say; I am simply awaiting the decision which your Excellency may arrive at, and when that is given I should wish a note or pass in order that I may send about and collect my children (tribe).

His Excellency told the prisoner he was most anxious he should put any questions he wished to the Secretary for Native Affairs, or make any statement he desired.

**NATAL.** Prisoner, in reply, called himself an Umtagati, admitted that he had sinned, and had nothing to say; he confessed his guilt.

His Excellency asked the native chiefs, members of the Court, if they wished to ask any questions or say anything, especially anything in favour of the accused.

Zatshuke expressed his surprise at what Langalibalele had said just now, when asking for a pass, before he knew what his sentence would be, especially after admitting his guilt at the same moment. That conduct barred them from saying anything in prisoner's favour.

His Excellency asked the Secretary for Native Affairs, as, though it was not material, still it would be satisfactory to know, what was the general nature of the disputes between Mr. Macfarlane and Langalibalele.

The Secretary for Native Affairs replied, "I never had any opportunity of going into them; they were mostly of a minor character, and on subjects of minor importance. There was a question with regard to the seizure of some guns by, I think, the Acting Magistrate, not Mr. Macfarlane; there was also a question as to the non-registering of guns. In the early days of the Diamond Fields it was found that guns to a large amount—in very large numbers—were being brought into this Colony by natives who had gone from Natal to work at the fields, that it was quite easy to get guns there, and that one of the objects of these men in going there to work was to procure such guns. It was found impossible to check this proceeding, seeing the acquisition of guns by natives was legal at the Diamond Fields, though not legal here, except under certain circumstances. The Government, therefore, felt bound and compelled to issue a circular to the magistrates, telling them that any of these people buying guns in this way lawfully, and bringing them at once to the Magistrate to be registered, would be allowed a licence from the Supreme Chief to hold such firearms. It was in connection with that circular and its operation that some of these disputes, though not all of them, arose. Many of these disputes were of a minor character, and had reference to similar matters.

Mr. Barter inquired whether prisoner had always paid up his taxes.

The Secretary for Native Affairs said: It was always understood that he had, and I don't know to this day whether it was so or not. A native came to me once and told me privately that the prisoner and his people evaded a good deal, but he would not give me any information of a character sufficiently definite for me to take action upon, and he was afraid, if his name were mentioned, that his life would not be safe. I wrote privately to the Magistrate, telling him of this, and requesting him to be on his guard in reference to the matter. He then recommended that the huts should be counted, but some difficulty occurred, and the next hut tax collection time came too near, and it was decided to count the huts afterwards; but then this difficulty arose, and I cannot say whether there was any ground for the charge; the huts were not counted.

His Excellency: I understand the principal dispute between the Magistrate and Langalibalele arose with reference to the registration of guns; that the Government did not object to the natives having firearms they had lawfully bought, but insisted, and properly so, upon the fulfilment of the law regarding registration, and that, as I understand it, was resisted.

The Secretary for Native Affairs said a large number of Diamond Fields tickets had been found by the forces in the Location, and he had seen a large number of guns, many of which had never been registered in this Colony.

Mr. Hawkins: They were ordered by Mr. Mellersh to bring in the guns, were they not?

The Secretary for Native Affairs: That was a particular case of five guns; at first they refused, but ultimately took in these five guns on further pressure being brought to bear upon them. The broader question between the Magistrate and prisoner was that of registration generally.

His Excellency: Do you think the conduct of Langalibalele has been, in any large degree, influenced by fear of the consequences if he came in?

The Secretary for Native Affairs: I suppose it must have been influenced by fear to some extent, but I have no idea what grounds he had for fear.

His Excellency: You have had large experience, and have virtually been governing the natives for a long time: have you ever known a chief who has come to explain his conduct to be badly treated?

The Secretary for Native Affairs: We have always been careful to avoid anything of the kind, because it would so easily set matters wrong; anything having the appearance of bad faith, or entrapping any native, has never been done.

His Excellency: No man has ever been put to death or maltreated who explained matters when sent for?

The Secretary for Native Affairs: Certainly not; as far as I am aware, it has been particularly avoided. The Magistrates can state whether they know of any such case.

His Excellency wanted to understand how far the prisoner was justified in having any fear of coming, and inquired of the Magistrates if a chief were sent for, and asked to explain, was there any case within their recollection in which the chief had been summarily dealt with, detained, imprisoned, or anything else done to him.

The Magistrates could remember no such case.

Mr. Bird added that it was well understood that where the conduct of the chiefs was blameable, it was not a matter with which the Magistrate had power to deal; it would be referred to the Secretary for Native Affairs.

His Excellency: I believe the chiefs of this Colony are aware of the consequences of not obeying a summons from this Government to come in and explain their conduct—they are aware that it is a very grave offence.

The Secretary for Native Affairs: They all know that to refuse obedience is an act of contumacy.

Mr. Bird: I should wish Mr. Shepstone to say whether it is perfectly well known, as a matter of true practice and law, that the removal of cattle from the territory of the monarch, under which the chief lives, is looked upon by themselves as something treasonable.

The Secretary for Native Affairs: It is a dismemberment of the tribe, and therefore is so. The principle is admitted among all the native tribes, as far as the Cape. When people run away with cattle, it is an offence punishable with death, and this Government, acting as far as it could upon this principle, in the olden times always gave up the cattle of refugees. It would have been the same with regard to the people also, but we have always acted on the supposition that we are a higher power, and whilst admitting the law, and giving up cattle, we have always, as regards human beings, reserved to ourselves the right of giving them up or not, according to the particular merits of each case. On that ground we have never had any treaties involving equality with the natives in our neighbourhood.

His Excellency: It is a clearly recognised principle that the removal of cattle is a great offence. Is there any further evidence?

Mr. John Shepstone said he did not consider it necessary to produce any further evidence. The prisoner admitted the charges preferred against him, and they were of a serious nature. If anything could be found at all extenuating, for under native law it was allowable to defend as well as prefer charges, he thought it might be considered whether the prisoner was actuated by fear, or whether any extenuating circumstances could be brought to bear in his favour. Although prosecutor, he was ready, and would gladly accept such circumstances. The prisoner admitted the charges were fully proved, he admitted his guilt, and begged for mercy; he said, "Punish me; and allow me to collect my children."

The Secretary for Native Affairs said he must mention that some years ago, when any questions had arisen in which prisoner was concerned, he had taken into consideration the fact that prisoner did not care about travelling, and had, when at Ladysmith or Estcourt, for the purpose of attending combined courts, arranged to meet prisoner at Estcourt, or nearer his own residence, and there explained matters to him. He remembered having done so on two occasions. The questions as to the cannon, and the construction of a road up the mountain, were matters which had appeared in the Free State papers, and when going to prisoner, on other business, he (Mr. Shepstone) remembered mentioning to him that these reports were being circulated, and asking if he could account for them in any way. He had often thought lately that prisoner had misunderstood his reason for going to him in this way, and thought that he always ought to go. He was afraid his going to Langalibalele in this way had really been a mistake.

His Excellency asked the Chiefs whether, knowing the usages here, and the manner in which the Government had always dealt with the chiefs and people of this Colony, they were of opinion that the prisoner was under the influence of fear. He did not mean when the forces were going against him, but when the first messages were sent—whether, in fact, it was owing to fear that he had not obeyed the summons.

Manxele answered "No." He did not consider it was fear at that time; it must have been some object he had in his own heart. It would be impossible to say it was through fear, inasmuch as he had been simply summoned to explain a difference between himself and Mr. Macfarlane, who was an inferior power to the Supreme Chief, to whom he could alone clear himself. If he was afraid to do that, what could he do?

Teteleku thought it was quite possible that Langalibalele might be afraid when sent for to appear. He knew that he had had a dispute with the Magistrate, and that it was



on account of the guns which had been accumulating in the tribe without the knowledge of the authorities. He knew this was a contravention of the law, and it would be quite possible, if he were a coward, that he might be frightened and not appear. Only a brave man would say, "It is my only chance. I will go and explain matters."

Manxele could not see how the prisoner could be afraid at first, but he believed that latterly the prisoner had been actuated by fear, because so many messengers had been sent and he had not obeyed.

His Excellency requested Mahoiza to describe to what extent he had been stripped.

Mahoiza said: When they delivered the message that I was to be stripped, because they thought I had a gun hidden away in my possession, as Mr. John Shepstone had at the arrest of Matyana, I opened my coat, and said, "You can search me and see if I have." While I was making these remarks they came up and took off my clothes. They intended to strip me altogether, but I said I had no other dress to wear, and I was allowed to retain my trousers and boots. They took off my coat, waistcoat, shirt, and gaiters.

His Excellency inquired: Did they offer to allow you to put on your clothes again, when they found out you had no gun?

Mahoiza: I suggested that I should be allowed to put on my clothes again, but they would not consent. They said, "Let us take him to the Chief as he is," and in this guise I went before the Chief. Anyone acting under fear would never treat a messenger from the Supreme Power in that way.

Mr. Hawkins asked: Did they give you any beer?

Mahoiza replied: About a quart of beer was handed round, according to Kafir custom; but when I said I was hungry, Langelibalele said, "What will you eat? the cattle are all gone."

His Excellency (to prisoner): Have you anything further to say? I shall be glad to hear anything you have to say.

Prisoner replied: I have nothing more to say beyond thanking Mr. John Shepstone for what he said on my behalf. It is quite true that I acted under fear, and was urged on by other people—Mabuhle and others, the official witnesses, to do what I did.

His Excellency said: Tell Langelibalele I have heard his case with all the care I have been able to bestow upon it, and it has been tried according to the usages and customs of Kafir law; but we have endeavoured to temper that law with the principles of humanity in which we have been brought up, and under which we are accustomed to act, that I have now heard all he has to say on the whole case, and I shall reserve my judgment until next week, when he will receive the judgment of myse and the Court in this case.

The prisoner said he should feel thankful if a messenger were allowed to go to his kraal and people, and tell them of what was going on. It had been reported that he was dead, and he would like to have that statement contradicted.

His Excellency said: Before I go away I want to say one word with regard to the speeches the Chiefs made to me on the first day of the trial. Some fault has been found with their giving their opinions at that stage, by persons who do not exactly understand the usages and customs of Kafirs; but from their point of view, from which I am bound to view it, they were quite right. Langelibalele had confessed his guilt, and stated circumstances which he considered were an extenuation of his guilt, and according to Kafir law and usage, the trial was over. In their point of view the Chiefs were quite right, and I thank them for the opinions they gave. All the subsequent proceedings which have taken place are in conformity with our own ideas of justice; we wanted to find out what extenuating or mitigating circumstances there might be; that would not have occurred in a strictly Kafir Court; but according to our own notions of justice and propriety, we thought it proper to go on and ascertain any circumstances which might mitigate or extenuate his conduct. The members of the Executive Council have been here to look on and assist with their advice, and next time this Court assembles they will not be present, because, not forming a part of the Court, they cannot take part in the judgment; the Court will be composed of myself, the Secretary for Native Affairs, the Magistrates, and the Chiefs.

The Court then adjourned, at 12.40 p.m.

I have, &c.,  
(Signed)

W. B. MORCOM,  
Clerk of the Court.

Minutes of Proceedings of the Court of Inquiry into certain charges preferred against Langalibalele, late Chief of the Hlubi Tribe.

FIFTH DAY.

The Court again met on Wednesday, the 4th February, 1874, at 11.15 a.m.

Present: His Excellency the Lieutenant-Governor, Supreme Chief, President; the Secretary for Native Affairs; Mr. Bird, R.M.; Mr. Hawkins, R.M.; and the following Native Chiefs and Indunas: Teteluku, Nondonise, Hemuhemu, Hlokolo, Zatshuke, Manxele, and Mafingo.

Mr. John W. Shepstone called Mr. John Macfarlane, the Magistrate of Weenen County, to state generally the circumstances which had transpired prior to the matter coming directly into the hands of the Government at head-quarters.

John Macfarlane, Resident Magistrate of the County of Weenen, states: The late Chief Langalibalele was in my jurisdiction. For a long time before this disturbance I had noticed indications of disobedient conduct on the part of the prisoner and his tribe. There was a general disinclination to obey, with anything approaching alacrity, any order sent them, and there were general indications, of which, however, it is difficult to give special instances, of an impatience of control. What more immediately brought on the present proceedings was the endeavour to conceal the possession of fire-arms by his people. That began early in the year 1873. There was also a difficulty about the Marriage Law, the prisoner and his tribe endeavouring to effect marriages, and hurry them on in defiance, and to avoid the provisions of the Regulations promulgated by the Secretary for Native Affairs, and which were, as I am personally aware, communicated to Langalibalele himself. The Secretary for Native Affairs had to interfere on that occasion, and the prisoner was summoned to appear before him at Estcourt; he came with his headmen and a large number of his tribe. A fine was imposed for these evasions, and it was duly paid. The prisoner and his people were solemnly warned by the Secretary for Native Affairs as to the consequences of such attempted proceedings. As to fire-arms: The Acting Magistrate, I being absent, received information as to certain guns having been brought to certain kraals from the Diamond-fields. He sent a message ordering the people to bring in the guns for registration; they refused to obey the order, and a message was then sent to Langalibalele by the Acting Magistrate, and subsequently by myself, to send the people in with the guns, and a certain time—a few weeks—was given him in which to do this. The prisoner took no notice of the order, and at last refused to send the people in, saying the guns had been earned at the Diamond-fields, and he would retain them. It was clearly explained to the prisoner that the object of calling for these guns was to have them registered—in fact, some of the guns were afterwards brought in, registered, and given back to their owners; one gun was so returned to one of the prisoner's sons, Bombo. I applied to prisoner to send in all the guns for registration; this he refused to do, and the investigation being carried on, I found that large quantities of arms had been and were being brought in from the Diamond-fields. I repeatedly cautioned the prisoner, and said wherever the guns were frankly brought in and produced they would be registered, and I would do my best to procure his Excellency's permission for their retention by and return to the possessors. I at last thought that matters were getting so grave I should report them to the Secretary for Native Affairs, and I did so. Before this I summoned the prisoner to appear before me in reference to this matter. This was the first time the prisoner ever refused to appear before me when ordered to do so. He refused on that occasion, and I reported the whole matter to the Secretary for Native Affairs, suggesting that he should be sent for to head-quarters, and the matter all gone into. After my report, and after his refusal to appear, I advised him in the strongest possible manner to submit, and on one occasion offered myself to go to Pietermaritzburg, and do what I could to make the punishment inflicted as lenient as possible. I remember the circular of 14th February, 1872, to the effect that, if the holders of guns were favourably reported upon, their arms would be registered, and they receive permission to hold them. I made this perfectly well known to the prisoner, and his headmen and the other tribes in my county. I was aware the desire to possess guns was so strong, and the inducements offered at the Diamond-fields so great, that I thought it far better that permission should be given, than that these men should be possessed of guns, which they knew they were possessing in defiance of the laws. It was perfectly well known by Langalibalele and his tribe that per se it is illegal for natives to hold guns in this Colony, and that guns can only legally be held by them after the permission

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of the Lieutenant-Governor has been obtained. The prisoner and his people also knew there was a reasonable prospect of their getting such permission if applied for; they knew from me that no man of ordinarily decent character would be refused such permission, if he had fairly earned a gun. I was almost daily in communication with the prisoner and his tribe, by means of his own confidential men, and the assurances I have mentioned were given to these men, and I know they were communicated to the prisoner, because on some occasions some of my people went with them. The Chief has certain Indunas, and all official communications with the Chief must be made through them. There are recognised messengers between the several Chiefs and the Magistrate, and when these accompany each other, there is a double guarantee. This is the official mode of communication, just as the Secretary for Native Affairs is the official means of communication with the Lieutenant-Governor as Supreme Chief. The visits of a Chief, unless he has been summoned, are matters of ceremony, and, if any communications are made to him then, it would be through his attendant counsellors. There is the same kind of official communication between the Magistrate and the Chief, and the Chief and the Magistrate, and if the Chief's messenger be accompanied by a man from the Magistrate's office, there is a double guarantee. That is the usual custom, and with very important messages the Chief's own messenger goes back, accompanied by the confidential messenger of the Magistrate; this was done several times in these proceedings. The regulations under the Marriage Law require the appointment of official witnesses, who are nominated by the Chief, and appointed by the Magistrate. For these offices the Chief selects his most confidential men—men of station and rank in the tribe. The following are the names of six official witnesses, recommended by the Chief Mabuhle, Nkunjana, Umzwilikazi, Umhololo, Umgondo, and Umpiko. The first three were the chief persons employed as messengers between the prisoner and myself, especially in the matters now under discussion. In addition to being official witnesses, they were the principal Indunas of the tribe; they were Langalibalele's officers, not mine. Official witnesses receive 2s. 6d., and the Chief 7s. 6d., on each marriage. Mabuhle was the prisoner's confidential Induna, and in these, and every important matter, he was invariably the chief messenger sent in by the Chief; he was specially recommended by prisoner for the appointment of official witness, as one who possessed the entire confidence of himself and the tribe generally. He was the chief messenger, and when others were present took the lead.

Prisoner inquired whether Umpiko was not the chief official witness.

Mr. Macfarlane said Umpiko was not the chief official witness, nor was he so regarded by the people, nor by him as Magistrate. As Umpiko lived on Mr. Ralfe's farm, near the office, he was there almost daily, but frequently he (Mr. Macfarlane) had no communication with him.

Prisoner said Umpiko was the head official witness, and the greatest man. Umzwilikazi was not an official witness, but a man of standing in the tribe. Mr. Macfarlane should not only have stated the case of Umbombo, in which the gun had been returned, but that of Gweba's sons, in which the guns had not been returned.

Mr. Macfarlane said some guns had been sent in after prisoner had been summoned to appear in Pietermaritzburg, and though there was no forfeiture, he had explained to the people that the matter was then in the hands of the Secretary for Native Affairs.

Prisoner inquired, in reference to his not having obeyed the summons, whether he had not asked Mr. Macfarlane for medicine, and complained of his leg.

Mr. Macfarlane said he had on some occasions given an order to the hotel-keeper to supply the prisoner's men with a bottle of rum, as a medical comfort, and on one occasion believed he had sent him a box of pills. In answer to a further inquiry, he said the guns referred to had been properly labelled in his office, and laid on one side, pending the result of the reference to the Secretary for Native Affairs.

Prisoner said he did not know whether it was the correct thing for Mr. Macfarlane to report him so sharply to the Government, and he inquired whether it would not have been better if he (Mr. Macfarlane) had sent his clerk to see whether he was ill or not.

Mr. Macfarlane: He refused to see Mr. Rudolph when I suggested he should do so, he said he considered Mr. Rudolph as his enemy, and one who was poisoning my mind against him.

Prisoner said: Is it not true, am I not here, am I not now dead? I deny that I refused to see Mr. Rudolph until matters had gone further, and were reported to the Government.

His Excellency said Mr. Macfarlane wanted to send his clerk, and had offered to do so, but prisoner had refused to see him.

Prisoner denied this.

Mr. Macfarlane : It was after repeated messages and warnings by myself and my people, to himself and his people, as to what he would bring upon himself and people, if he did not obey the summons, and go to Mr. Shepstone. It was long after his pretended sickness, and the lie he told as to his departure for town.

His Excellency inquired whether the Court wished further evidence in support, or otherwise, of Mahoiza's statement as to his having been stripped.

The Court required no further evidence on this point.

Mr. Bird wished to have it put on record that, to require a messenger to take off his clothes, was in this country regarded as an insult, and a palpable and open defiance of the authority from which he might be sent.

On this point, therefore, Mr. John Shepstone called a Native Chief.

Homoi, Chief of the Amabomvu tribe, in Umvoti county, states: I have heard in what way Mahoiza and others, messengers from the Government to Langalibalele were received at the kraal, their clothes having been partially taken off. From my knowledge of native law and custom, that is not the proper way to receive a message from the Great Chief. It would be a challenge of war to treat a messenger in that way in the case of two native powers. If my brother Somahashi, Chief of the Amabomvu tribe, had sent messengers to another Chief, and they had been treated as Mahoiza was, there would in the olden time have been war. In the olden time, even when two armies were facing each other, the person of a messenger was always sacred, and if he were sent he would be allowed to return again unmolested.

The Secretary for Native Affairs asked the prisoner when he had first heard of the affair at the Pass?

The prisoner replied: The third day after I crossed the mountain Mafutyana brought me the news, and said Mabuhle had sent him. He sent him officially, and I found fault because Mabuhle had not sent an older man. When I heard the news I simply pushed on forward. Mabuhle had charge of the cattle, and had to see them up the Pass.

The Secretary for Native Affairs inquired: By whose directions?

The prisoner replied that Mabuhle knew the duties of his position. He was the commanding officer of all the regiments. There were three regiments of some strength, but the others were dissipated, and had died off. Mabuhle was the senior officer in command.

The Court adjourned at 12.35 p.m. until 2 p.m., when

Mr. John Shepstone called the following witnesses:—

James Perrin states: I am Chief Clerk to the Secretary for Native Affairs. I keep the register of all licences issued under the law by the Lieutenant-Governor, authorizing natives to hold fire-arms. I produce the book. I find that forty-seven individuals of the Hlubi tribe are authorized to hold forty-eight stand of fire-arms. Langalibalele had permission to possess two. The date of the last licence issued is May 31, 1873. I have a page open for every tribe, or section of a tribe, and all licences are accurately registered. In our office we know the whole number of guns lawfully held by the natives in this Colony, the possessor's name, and the date on which permission was issued, and whether the natives live on mission stations, private farms, or elsewhere.

Albert B. Allison states: I was in command of the column which followed the prisoner to Basuto-land. Before I left Molapo's, on my return journey to Natal, certain fire-arms were handed over to me by Major Bell, the Magistrate at Leribe; there were 111 stand of arms. They were handed over to me as having been surrendered by prisoner and his people, and taken charge of by Major Bell. I do not think these were all the guns which the tribe had; these were the arms taken from those who surrendered, and one-half of the tribe, at least, did not surrender, but retired into the bushes and kloofs. Guns were also taken in the location before I left. Mr. Arthur Shepstone had several guns, but how many I cannot say. The Mounted Police held Langalibalele and his sons prisoners when I arrived at Molapo's. I don't know who commanded the tribe. The prisoner, and some of his people, surrendered at Molapo's, and were afterwards taken possession of by the Mounted Police. I saw Mabuhle in the custody of the Mounted Police, he and a son of Langalibalele escaped at night by slipping their handcuffs.

This terminated the evidence.

The Court then adjourned at 2.30 p.m., until Saturday, the 7th instant, at noon, when judgment will be given, and the prisoner sentenced.

I have, &c.,  
(Signed) W. B. MORCOM,  
Clerk of the Court.

Minutes of Proceedings of the Court of Inquiry into certain charges preferred against  
Langalibalele, late Chief of the Hlubi Tribe.

SIXTH DAY.

The Court again met on Monday, the 9th February, 1874, at 1.15 p.m.

Present: His Excellency the Lieutenant-Governor, Supreme Chief, President; the Secretary for Native Affairs; Mr. Hawkins, R.M.; Mr. Bird, R.M.; and the following Native Chiefs and Indunas:—Teteleku, Nondonise, Hemuhemu, Hlokolo, Zatsuke, Manxele, and Mafingo.

His Excellency said: I am now going to deliver judgment in this case. In this judgment all the members of this Court, of which the Native Chiefs and Indunas form a part, most fully concur.

“Before we proceed to deal with the very important case before us, it may be well to describe briefly the position of the Native Chiefs and people of this Colony under the law. By the Queen’s Letters Patent, confirmed by enactment of the Local Legislature, the laws, customs, and usages of the native inhabitants were retained in full force, except so far as they may be repugnant to the general principles of humanity as recognized throughout the civilized world, and, subject to the same limitation, the power of the Chiefs over their people is also retained. By the same authority the Lieutenant-Governor is invested, as to the natives, with all the power and authority of a Supreme or Paramount Native Chief. Immediately subordinate to the Governor, acting as Supreme Chief, an officer was appointed, at first called Diplomatic Agent, afterwards Secretary for Native Affairs, who was charged with the duty of carrying the orders of the Supreme Chief into effect, and exercising a general control over the natives as his representative. Under the authority before mentioned, the Supreme Chief has, from time to time, invested the Magistrates over divisions and counties of the Colony with the power and authority to control the native population, and to administer justice according to native law, within their several jurisdictions. Immediately subordinate to the Magistrates stand the native chiefs, who, whether hereditary or not, are allowed to manage their own tribes on behalf of, and as representative of, the Supreme Chief. But every chief and tribe is subject to the immediate control of the Magistrate of his or their division or county, who acts under the order of the Supreme Chief, issued through the Secretary for Native Affairs. The prisoner, the late chief of the Hlubi tribe, was a chief and rain-doctor in the Zulu country, under the late king Panda. He was in 1848 forced to fly for his life, and to take refuge in this Colony, with his own tribe and that of Putini. In the following year the two tribes were placed by the Government along the base of the Drakensberg, between Giant’s Castle and the little Tugela River, in order to close and guard the mountain passes against the inroads of Bushmen. In this situation the prisoner was under the immediate jurisdiction of the Magistrate of the County of Weenen, and stood towards his own tribe, the Magistrate, and the Government, precisely in the position of any other native chief, as already described. It appears that for some years past, the Magistrate of the county in which the prisoner lived had noticed circumstances which led him to believe that the prisoner and his tribe exhibited an independence and impatience of control which might lead to difficulties. This feeling seems to have been especially observed in connection with the Marriage Regulations, which the prisoner and his tribe attempted to evade, and to defraud the Government of its dues. This insubordinate feeling became more manifest soon after the discovery of the Diamond-fields. In the years 1871 and 1872 large numbers of fire-arms were brought from the Diamond-fields into this Colony, and especially into the prisoner’s location, by members of his tribe and others who had gone thither to work. Now there was this singular, and as we think, unhappy conflict between the law of this Colony and that of the Government of the Diamond-fields, namely, that no native in this Colony could lawfully possess a fire-arm without the written authority of the Government. This authority could only be obtained on the recommendation of the Magistrate within whose jurisdiction the applicant resided, and further, the fire-arm had to be stamped and registered. Without all these requisites were fulfilled, no native could lawfully possess a fire-arm. On the other hand, at the Diamond-fields, as we are informed, any native could legally obtain fire-arms on the mere certificate of his employer. It appears, moreover, that at the Diamond-fields it was a common practice for the native to stipulate for the possession of a gun as a condition of going to work. To limit as far as practicable the difficulty and danger occasioned by this conflict of the

laws of two Governments both under the Queen's flag, the Government of this Colony issued a Circular, dated the 14th of February, 1872, directing the Magistrates to inform any natives of this Colony who had possessed themselves of fire-arms beyond the boundary, that such fire-arms, however obtained, were liable to be confiscated in this Colony, unless the Governor's authority to hold them were obtained in the usual form, and subject to the usual conditions. In the years 1872 and 1873, it became known to the Resident Magistrate of the County of Weenen that both the law and the Circular were set at defiance. The attempts made by the Magistrate to enforce obedience to the law, and even to obtain explanation of its breach, were met by the prisoner and his tribe with indifference, and in some instances with resistance, till at last matters became so serious, that the Magistrate reported the facts to the Government, and suggested that the prisoner should be directed to appear at head-quarters and explain his conduct. In accordance with this suggestion, a messenger was sent by the Secretary for Native Affairs to order the prisoner to appear at Pietermaritzburg in April, 1873. The prisoner promised to come, and arranged with the messenger to await his arrival a few miles from the town, and to accompany him to the Secretary for Native Affairs. Instead of obeying the order, the prisoner sent Mabuhle and others, with the excuse that he had started and ridden as far as the residence of Umbunda, a distance of twenty miles, but could not ride farther, and was obliged to turn back. It turned out that this statement was utterly false, and that the prisoner had never left his location on the occasion in question. However, the excuse was accepted; and Mabuhle was fully informed of the reasons, and of the urgency, which rendered it necessary that Langalibalele should appear in Pietermaritzburg. The prisoner, however, refused to appear, on the plea of being ill; but the messenger disbelieved the statement. After this, Mabuhle, with others, again visited Pietermaritzburg, and saw the Secretary for Native Affairs, who blamed him for bringing a false message, and again explained the urgency of the matter. Mabuhle stated that the falsehood was not his, but he was simply the bearer of it. The Secretary for Native Affairs told the messengers that he was then going to Zululand, but that he would reopen the matter on his return. At this stage of the business, the present Lieutenant-Governor assumed this Government. He found it was known and talked of by both races residing in the Colony, and he fully concurred with the Secretary for Native Affairs as to the necessity of taking measures to vindicate the authority of the Government. These measures were delayed by Mr. Shepstone's mission to Zululand, which the Lieutenant-Governor concurred with him in thinking of great and pressing importance. During Mr. Shepstone's absence, information reached this Government that the prisoner had made overtures to some of the Basuto Chiefs, Overberg, to receive his cattle, asserting that he intended to resist the orders of the Government. On the 4th October last, Mahoiza and Umnyembe were sent with a message fully explanatory of all that had passed before, with the intelligence received of the overtures to the Basutos added, and requiring Langalibalele's presence at the seat of Government within fourteen days after the delivery of the message. The messengers reached the prisoner's chief kraal, Pangweni, on the 11th October, but he declined to go to them, or to allow them to go to him; and it was not until the 28th that they succeeded in obtaining an interview with him, at another of his kraals, about ten miles distant from Pangweni. The prisoner, on this occasion, positively refused to obey the summons; alleging fear as the reason. The messengers from the Supreme Chief were received by an assemblage of men belonging to the prisoner's tribe, armed with assegais, who treated them with insult and disrespect. They were partially undressed by the prisoner's orders, under the pretext that weapons were concealed in their clothes, and then conveyed to his presence surrounded by armed men. The Supreme Chief, finding meanwhile that the prisoner had declined to receive his messengers, and that the time allowed for Langalibalele's appearance in Pietermaritzburg was drawing to a close before they had been allowed even to approach him, determined to send a force to invest the country occupied by the prisoner and his tribe, with the view of requiring explanation and submission. That portion of it sent to the Bushman's River Pass found the cattle of the tribe, escorted by men in arms, unlawfully escaping from the jurisdiction of the Supreme Chief, towards Basutoland; these men fired upon the force sent by the Supreme Chief, and killed five of the Queen's subjects, before a shot had been fired by the latter, and after Major Durnford, who was in command, had repeatedly exhorted the rebels to return to their duty and allegiance, and after Mabuhle, who was in charge of the rebels on behalf of the prisoner, had, with treacherous purpose, consented to take these proposals into consideration. After this, the prisoner and his tribe, with their cattle, continued their flight over the mountain into the Basuto Country, towards the Chief Molapo. They were pursued by a column sent by this Government, under Captain Allison and Mr. Hawkins,

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composed of volunteers and our loyal natives till intercepted by the Cape Mounted Police, they took refuge with Molapo and his tribe, by whom they were surrendered to the Cape Police, who gave them up to our forces, who were a day's march behind at the time of the capture. Along with the prisoner there were taken, among others, his sons and the Induna Mabuhle, who unfortunately afterwards made his escape. Such is a brief narrative of the events of this rebellion, as far as the prisoner is concerned. From the evidence before us, the following facts are brought to light:—

“1st. The prisoner has for a considerable time past set at naught the authority of the Magistrate to whom he was immediately subject, in a manner not indeed sufficiently palpable to warrant the use of forcible coercion according to our laws and customs, but perfectly clear and significant according to native law and custom, and therefore dangerous as an example to other natives and to the peace of the Colony. At this point it may be asked why the Government, knowing the danger, did not at once proceed to punish the prisoner? The answer is clear, and it discloses one of the very great difficulties with which the Native Government of this Colony has to contend. There are acts done by natives which, in the eyes of civilized communities, are perfectly harmless, or at least unimportant, but which, in the eyes of a native community, are criminal, and dangerous to the public peace. Now the Native Government, if it punishes such acts, incurs the censure and the odium of civilized public opinion; if it passes them over, it loses respect in the eyes of the native population, and endangers the peace of the community. It stands, in fact, between two public opinions, now, and, as it is to be feared, for some time to come, irreconcilable.

“2nd. The prisoner has at least permitted, and probably encouraged, his tribe to possess themselves of fire-arms, and to retain them in direct violation of the law. On this point the evidence is clear and precise. The general law, prohibiting the holding of guns without licence was well known to him; and the relaxation of that law, by the circular of the 14th February, 1872, and its adaptation to the circumstances which had arisen, had been carefully explained to him. Yet, in the face of this, it is clearly proved that the prisoner and his tribe possessed a large number of guns which are unstamped and unregistered.

“3rd. It also clearly appears from the evidence that, with reference to the unlawful possession of these fire-arms, the prisoner set the authority of the Magistrate at defiance, and on one occasion insulted his messenger.

“4th. It has further been brought to light that after the supreme Government had been called upon by the Magistrate to support him, the prisoner set even that authority at defiance, by refusing to appear before it; excusing his refusal by evasion and deliberate falsehood, till, at last, emboldened, as it would seem, by the extreme forbearance of the Government, he insulted their messengers sent to deliver to him a message full of mercy as well as justice.

“5th. We come now to the final stage of the prisoner's proceedings. It has been proved that he directed his cattle and other effects to be taken out of the Colony under an armed escort, thereby manifesting a determination to resist the Government with force and arms. Now on this subject the Court wishes to remark that, according to native law as administered under the native chiefs, the mere removal of a tribe with its cattle out of the jurisdiction is an act of treason and rebellion. This law has been so far recognized by this Government that it has always been in the habit of giving up cattle brought into the Colony by refugees; but it has not given up the people, on the intelligible ground that it has no means of judging, by itself, how far the people may have been guilty of treason, except by such act of removal. But this Government has never recognized the mere act of such removal as an act of treason, if unaccompanied by any criminal acts; and it cannot be too clearly understood that any tribe in this Colony is at liberty to remove itself and its cattle out of our jurisdiction, if it does so peaceably, and with the cognizance and previous consent of the authorities. The case before us, however, is quite different. It is that of a tribe flying from the jurisdiction, after having set the authority of the Government at defiance, and thereby endangered the peace of the country. We come now to the affair at Bushman's River Pass. A great deal has been said upon this subject, in the Colony and elsewhere. But all we have to do with it is to look at the evidence submitted to us as it concerns the prisoner. It has been proved that a force sent by this Government, under Major Durnford, to intercept the prisoner's tribe and prevent them from leaving the Colony, met at or near the Bushman's River Pass, with portion of the tribe, under the command of the Induna Mabuhle; that Major Durnford entered into a lengthened parley with that Induna and members of the tribe, in which he earnestly and for some time endeavoured to persuade them to return to the Colony and to their allegiance; that the Induna, and those with

him, led Major Durnford to believe that they would consider his injunctions, and so prolonged the interview till they had brought up an additional force. It appears that then after many threats and insulting gestures and language, the tribe fired upon our forces, and killed five of the Queen's subjects, who were doing their lawful duty by attempting to support Her Majesty's authority. It is needless to say that this act of firing on the Queen's forces, even had they, in obedience to authority, opened the fire, amounted in the eye of the law to rebellion and murder. But, to fire on Her Majesty's forces, and to kill her subjects who had not thought it right to commence firing, and whose leaders were trying their utmost to avoid the shedding of blood by an appeal to reason, was wilful and deliberate murder. The law of England declares that any person who, in committing any felonious act, causes, even accidentally, the death of another, is guilty of wilful murder. The next question is, Who committed this act of rebellion and murder. It was proved in evidence that the Induna Mabuhle commanded the portion of the prisoner's tribe at the pass, and therefore presumably commanded them to fire. He is, then, the immediate traitor and murderer. But, now comes the inquiry, In what relation did this Induna stand with respect to Langalibalele? It has abundantly been proved, by the evidence before us, that Mabuhle was one of the most trusted, perhaps the most trusted, of the prisoner's Indunas; that he always formed part of any important mission sent by the Chief to the Magistrate. It has been further proved that he took a prominent part in the communication which latterly took place between the prisoner and the Secretary for Native Affairs. But, more than all, it has been admitted by the prisoner himself that Mabuhle was the commander of the military portion of his tribe; in fact, as we should say, Commander-in-Chief of his army. It has been proved and admitted that the prisoner himself was, at the time, actually with that portion of his tribe who were some distance in front; that is, that he was personally with the armed array which was leaving the Colony, of which array the divisions under Mabuhle formed a part. It has further been admitted by the prisoner that the killing of the Queen's subjects was reported to him by a messenger sent to him by this same Induna, Mabuhle. Lastly, it has been proved that this Mabuhle was in company with Langalibalele when he was taken prisoner. Thus, in every way, before and after the fact, the prisoner was identified with the actual perpetrator of the murders, so as to render him as directly responsible for those murders as if he had himself commanded on the spot.

"6th. The charge against the prisoner of treasonable communication with others out of the Colony has not been inquired into, in consequence of the length of time which it would take to collect evidence, and also because, in the presence of the grave charges proved against him, it was not thought necessary to press this charge. On all the other charges we find the prisoner guilty. The prisoner Langalibalele, therefore, appears before us convicted on clear evidence, of several acts, for every one of which he would be liable to severe punishment under the native law; for some of them he would be liable to forfeit his life under the law of every civilised country in the world. Looking, then, at the acts of the prisoner, simply by themselves, as violations of the positive existing law which we are called upon to administer, it would be our imperative duty to inflict upon him a severe sentence. He has suffered no wrong or injustice from the Government. In fact, if any charge can be made against the Government of the Colony as to its native policy, it is that it has been lenient and too forbearing in its dealings with delinquents. We have carefully weighed any extenuating circumstances which can be alleged in the prisoner's favour. We have tried to discover whether some of his acts were caused by fear. We think it probable that his neglect to appear before the authorities may, latterly, have arisen from this cause; but we are satisfied that his former conduct, and last open resistance to the Government, sprung from other causes. But, in considering this case, we cannot and ought not to shut our eyes to the very great danger to which any undue leniency or trifling with the faithful administration of the law would expose both races of this community. We cannot close our eyes to the evils which would arise if men of either race were to infer from our judgment in this case that they can rebel against the Supreme Authority and endeavour to involve the country in war and bloodshed, without incurring the severest penalty which the law can inflict. Our unanimous judgment, therefore, is that the prisoner Langalibalele, the late Chief of the Hlubi tribe, is, under the law which we are bound to administer, liable to the punishment of death; but, taking into consideration the extenuating circumstances alluded to, and giving them the greatest and fullest force, and also the punishment he has already undergone by deposition from his office and confiscation of his property, we sentence the prisoner to banishment or transportation for life, to such place as the Supreme Chief or Lieutenant-Governor may appoint."



**NATAL.** His Excellency said: I need not say this sentence involves imprisonment in the meantime.

The Court then rose at 2.30 p.m.

(Signed) W. B. MORCOM,  
Clerk of the Court.

No. 46.

Lieutenant-Governor Sir B. PINE to The EARL OF KIMBERLEY.

Government House, Natal,  
February 26, 1874.

(Received April 7, 1874).

MY LORD,

I HAVE the honour to transmit with the usual Report from the Attorney-General thereon, copy of a law passed by the Legislative Council during its recent Session, and to which I have given my assent, viz. :—

LAW No. 2 of 1873.

“To make special temporary provision in regard to the County of Weenen.”

2. The County of Weenen includes the two locations lately occupied by the rebel tribes—Putili and Langalibalele. Although the rebellion has been suppressed, and all danger at an end, yet these locations, from the fact of their bordering on the mountains over which the rebels fled, and it being known that many of them are still hovering among these mountains, waiting an opportunity to return to their old haunts, will for some time have to be most carefully watched.

3. For this purpose I have appointed a superintendent of the County of Weenen, in other words a sub-magistrate, who is now in occupation with a small native force.

4. The gentleman appointed by me as Superintendent has been for some years Interpreter to the Resident Magistrate of Pietermaritzburg. He accompanied me during the late expedition as my interpreter. Thoroughly conversant with the language and habits of the natives, active in mind and body, with a knowledge of magisterial duties, and possessing a high character, I could not have found a man more suited for the work.

5. These locations have never been handed over to the native trust, so that I possess every right of control over them; nor have they even been defined by survey. This work, combined with a thorough inspection of the mountain passes, is in progress now; and as soon as complete, I intend cutting up the locations into 2,000 and 3,000 acre grants, to be given under military tenure to such persons as shall be able to fulfil the conditions of tenure, taking first those who have served in the late expedition.

6. As close to the Berg as the climate there will permit of, it is intended to locate a belt of natives, who will form as it were the outer wall of protection, while they will be a source of labour for the settlers, and will come more directly under our supervision than heretofore.

7. The Superintendent will be responsible for the due observance of all conditions and regulations imposed by the Government on these lands.

The Earl of Kimberley,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieutenant-Governor.

P.S.—The gentleman whom I have appointed as Superintendent of Weenen County is Mr. William Douglas Wheelwright. His salary will be at the rate of two hundred and fifty pounds per annum sterling, and forage allowance will be made him for two horses at the rate of one shilling and sixpence per diem for each horse.

BENJAMIN C. C. PINE.

Enclosure 1 in No. 46.

STATEMENT ON BILL No. 17, 1873, intituled Bill “To make special temporary provision in regard to the County of Weenen.”

Attorney-General's Office, Natal,  
Dec. 30, 1873.

This Bill was introduced by the Government in consequence of the disturbed state of the County of Weenen, resulting from the recent rebellion and subsequent dispersion and breaking up of two important native tribes in that county.

It empowers the Governor to appoint an officer to be called the Superintendent of the County of Weenen. Such Superintendent shall be subject to and shall obey all lawful orders of the Governor or the Magistrate.

His authority and jurisdiction are to be regulated by Proclamation, and may be limited to matters of a criminal nature only, or to matters of a civil nature only, or in whole or in part to both.

In the absence of the Magistrate, he may sit on Combined Court; and his jurisdiction in civil or criminal cases shall be exercised according to the ordinary rules of Magistrates' Courts.

The Governor may under Clause 8, for any sufficient cause, remove or dispense with the office or services of such Superintendent at any time.

In my opinion this law may properly receive the Royal Assent.

I have, &c.,  
(Signed) M. H. GALLWEY,  
Attorney-General.

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Enclosure 2 in No. 46.

LAW No. 2 of 1873.

[No. 17, 1873.]

BILL "To make special temporary provision in regard to the County of Weenen."

WHEREAS it is expedient temporarily to make special provision for the management of the County of Weenen:

Be it therefore enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for the Lieutenant-Governor to appoint an officer, to be called the Superintendent of the County of Weenen.

2. The said Superintendent shall be subject to, and shall obey all lawful orders of the Lieutenant-Governor or the Resident Magistrate of Weenen.

3. The said Superintendent shall exercise such judicial authority, and possess such jurisdiction as shall from time to time be vested in him by Proclamation, to be issued under the hand of the Lieutenant-Governor and Public Seal of the Colony.

4. Provided that the said Lieutenant-Governor shall not grant to such Superintendent any greater or other power or jurisdiction than that by law now possessed by any Resident Magistrate in this Colony.

5. In all cases in which the Superintendent shall, under such Proclamation as aforesaid, have the power and jurisdiction to deal with any matter or thing, civil or criminal, and which, but for such Proclamation, would be cognizable by any Resident Magistrate, or before the Court of any Resident Magistrate, such power and jurisdiction shall be exercised subject to and under the laws and the rules of Court applicable to any Resident Magistrate, or to any Resident Magistrate's Court.

6. The said Superintendent may, in the absence of the Resident Magistrate of Weenen, sit in his place and stead with the Judicial Assessor in any Combined Court to be held for the County of Weenen.

7. The judicial powers of the said Superintendent may be limited to matters of a criminal nature only, or to matters of a civil nature only, or in whole or in part to both.

8. The Lieutenant-Governor may, for any cause to him appearing sufficient, remove or dispense with the office or services of such Superintendent.

9. This law shall commence and take effect from and after the promulgation thereof in the 'Natal Government Gazette,' after the passing thereof.

WALTER MACFARLANE,  
Speaker.

I certify that this Bill passed the Legislative Council this 15th December, 1873.

THOMAS FOSTER,  
Clerk.

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No. 47.

The EARL OF CARNARVON to Lieutenant-Governor Sir B. PINE.

SIR,

Downing Street, April 7, 1874.

You have, I am aware, been called upon by my predecessor to report with reference to the late outbreak in Natal, upon the alleged seizure of women and children, and their apprenticeship in distant parts of the country. You will also have received from me in my Despatch of 10th ultimo\* a request for further explanations relative to measures which you were apparently contemplating in reference to the Putuli tribe which had been concerned in the recent insurrection.

By this time probably you will have prepared the answer to those inquiries, though it has not yet been received here, and I have no doubt that it will prove to be satisfactory. At the same time I am bound to say that I have observed with considerable anxiety statements which have recently found their way into the public newspapers, and which, if correctly reported, would imply an amount of bloodshed and unnecessary severity in the repression of the late outbreak which I should deeply deplore.

Knowing as I do your long experience in Colonial administration, and confident as I feel of the spirit in which you would endeavour to exercise the power entrusted to you under such circumstances as those that have occurred in Natal, I have every hope that there is misapprehension and exaggeration in these reports, and that you have not allowed yourself to be led aside by the not unnatural feeling of excitement which is so apt to prevail in a colony circumstanced as Natal.

But the charges are of so grave a character that you will at once recognize the necessity of vindicating at the earliest opportunity the conduct of yourself and of those who were concerned in the suppression of this outbreak. I need hardly say that whilst entirely suspending my judgment until I hear further from you, I shall await with deep anxiety your reports upon these questions, trusting to find in them not only all details with regard to the suppression of the outbreak, the trial of the offenders, the mode of dealing with the condemned, and the policy to be pursued with regard to the tribes connected with the recent disturbances, but also a full and satisfactory answer to those statements to which I have adverted.

Lieut.-Governor Sir Benjamin Pine,  
&c. &c. &c.

I have, &c.,  
(Signed) CARNARVON.

No. 48.

The EARL OF CARNARVON to Lieutenant-Governor Sir B. PINE.

SIR,

Downing Street, April 9, 1874.

SINCE writing to you my Despatch of the 7th instant,† I have received from Mr. Jenkins a letter dated 4th instant,‡ in which the allegations of undue severity in the repression of the recent insurrection are shortly summarised. I enclose a copy of it for your information, and in reference to the inquiries which in my Despatch of the 7th I have thought it my duty to make of you.

Lieut.-Governor Sir Benjamin Pine,  
&c. &c. &c.

I have, &c.,  
(Signed) CARNARVON.

No. 49.

COLONIAL OFFICE to E. JENKINS, Esq., M.P.

SIR,

Downing Street, April 11, 1874.

I AM directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 4th instant,† in reference to the suppression of the recent insurrection in Natal, and I am, in reply, to say that Lord Carnarvon had already written to the Lieutenant-Governor Sir B. Pine, calling his attention to the reports which had recently appeared in the newspapers, and requiring a full and specific report on the subject.

The administrative ability and character of those in authority who have been locally

\* No. 70.

† No. 47.

‡ No. 44.

responsible for the management of these affairs are such that Lord Carnarvon would be slow to seem to prejudge the question on the partial evidence now in his possession; and therefore I am to state, with reference to the issue of a Commission of Inquiry, that although this course of proceeding had already engaged Lord Carnarvon's attention, before determining definitively upon a measure which might obviously have serious effects under the circumstances of a population and country such as that of Natal, Lord Carnarvon feels it prudent and only just to the local authorities to await the arrival of information which may be expected at an early date, and which may throw light upon this important subject.

Under these circumstances Lord Carnarvon does not doubt that you will perceive that it would be premature and indeed unnecessary for any Member of Parliament to take the step which is indicated in your letter. That letter, however, was transmitted by the mail of the 10th instant to the Lieutenant-Governor of Natal for his explanations of the statements contained in it.

I am, in conclusion, directed by Lord Carnarvon to acknowledge the personally courteous and considerate manner in which you have been good enough to make this communication.

E. Jenkins, Esq., M.P.

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

No. 50.

The EARL OF CARNARVON to Lieutenant-Governor Sir B. PINE.

SIR,

Downing Street, April 13, 1874.

I HAVE received your Despatch of the 16th February,\* transmitting copies of the judgment of yourself and your assessors on the trial of Langalibalele, and of the evidence taken in the case.

2. As I have, by my Despatch of the 7th instant,† called upon you to report fully upon all the circumstances attending the repression of this outbreak, I shall, until I have received your explanations, suspend my judgment as to the conduct of this trial, forming as it does the concluding act of the proceedings upon which those explanations are required. I cannot, however, conceal from you that, looking to the evidence adduced at the trial and to the severe punishment which Langalibalele had already undergone, I am, as at present advised, of opinion that a lighter sentence would have met the justice of the case, and would have been sufficient to deter other native Chiefs from following his example.

And however ready to give due weight to the unanimous opinion of the Court, I cannot help feeling great regret that the prisoner was not allowed to be defended by Counsel. On the one hand the charges against the prisoner were so grave as to render it extremely desirable that every appearance of hardship or of undue pressure upon the prisoner should be avoided; while on the other hand the circumstances of the case were so peculiar that I cannot conceive any real difficulty in preventing the privilege, if such it was, from being drawn into a precedent for the future. A careful cross-examination of the evidence might have brought out points in favour of Langalibalele, and at all events would have proved of assistance to the Court in weighing that evidence; and for this reason I should have thought it possible that even if Mr. Escombe had persisted in his refusal to undertake the defence of the prisoner, subject to the regulations of a court-martial trial such as you proposed, some other barrister might have been found capable and willing to do so. Anyhow I find it difficult to understand that the Court would not have had sufficient weight to restrain an advocate who was disposed to inflame the native mind by violent or injudicious appeals, and to confine him to an argument upon the points of law or the facts of the case.

3. Meanwhile pending the arrival of the further information which I expect and the consequent consideration of the proceedings of this trial, I must direct your attention to a serious question connected with the sentence which has been passed upon the prisoner of banishment or transportation for life, as I am at a loss to understand how effect can be properly given to it.

\* No. 45.

† No. 47.

NATAL

4. As you are probably aware, a sentence of transportation cannot be carried out under a Colonial Law beyond the limits of the Colony, unless an arrangement has been made with some other Colony under the Colonial Prisoners Removal Act (32 and 33 Victoria, cap. 10). It is for this reason that it became necessary to validate by the last section of that Act all former removals of prisoners under sentences of transportation passed by Colonial Courts, and that the power to Colonial Courts to pass such sentences of transportation has been abolished in almost all if not all the Colonies.

5. Nor am I aware how, without the consent of the prisoner, the sentence of banishment can be carried into effect, nor, assuming that the Chief is prepared to leave the Colony, how sufficient security can be obtained that he will proceed, when once beyond the limits of the Colony, to the place assigned to him and reside there. It would not be prudent to allow a convicted prisoner under such circumstances as those of Langalibalele to reside near the frontier, even though outside it, where there would be facilities and temptations to the stirring up of discontent and disaffection among the natives.

Under these circumstances it becomes a grave question whether the sentence must not be commuted to one of imprisonment.

6. I may add that I should wish to be furnished with a full account of any law, besides the Ordinance 5 of 1859, and 11 of 1860, relating to the possession of fire-arms by the natives, and with copies of the Circular of the 14th February, 1872, which is referred to in the judgment of the Court, and of the orders issued by the Magistrate of this district under that Circular.

Sir B. C. C. Pine,  
&c. &c. &c.

I have, &c.,  
(Signed) CARNARVON.

No. 51.

E. JENKINS, Esq., M.P., to COLONIAL OFFICE.

MY LORD,

House of Commons, April 14, 1874.

I HAVE the honour to acknowledge the receipt of the letter of the Assistant Under-Secretary of the 11th instant,\* by which I am informed, in reference to my letter to your Lordship of the 4th instant,† respecting the suppression of the alleged outbreak of Kafirs at Natal, that your Lordship had already written to the Lieutenant-Governor, calling his attention to the reports which had recently appeared in the newspapers, and requiring a full and specific report on the subject.

Further, with reference to the issue of a Commission of Inquiry (as suggested by me), that although this course of proceeding had already engaged your Lordship's attention, before determining definitely upon a measure which might obviously have serious effects under the circumstances of a population and country such as that of Natal, your Lordship feels it prudent and only just to the local authorities to await the arrival of information which may be expected at an early date, and which may throw light upon this important subject.

Under these circumstances your Lordship has directed the Assistant Under-Secretary to suggest to me whether it would not be premature and indeed unnecessary for any Member of Parliament to take the step indicated in my letter; and I am informed that my letter was transmitted by the mail of the 10th instant to the Lieutenant-Governor of Natal, for his explanations of the statements contained in it.

Having regard to the circumstances, to the assurance that the matter is engaging your Lordship's attention, and is in course of investigation, I have no difficulty in postponing for the present any parliamentary action in the matter.

I would, however, still suggest that some instalment of the official information already in your possession should be afforded to Parliament, and should further ask whether there is any objection to the publication of the correspondence in the meanwhile?

I have, &c.,  
The Secretary of State for the Colonies. (Signed) EDWARD JENKINS.

\* No. 49.

† No. 44.

## No. 52.

The EARL OF CARNARVON to Lieutenant-Governor Sir B. PINE.

SIR,

Downing Street, April 15, 1874.

I HAVE received your Despatch of the 26th of February,\* transmitting a copy of a law passed by the Legislature of Natal "To make special temporary provision in regard to the County of Weenen."

Before tendering any advice to Her Majesty upon this law, I shall await the details which I have called upon you to furnish with regard to the suppression of the late outbreak; and with respect to your proposal, referred to in this Despatch, of cutting up the lands occupied by the tribes of Langalibalele and Putili into locations for military settlers, I desire, before expressing any opinion upon it, to be informed what number of natives will be dispossessed by the scheme, and how it is proposed to dispose of them. I am bound to say that I am not clearly satisfied that such an extreme measure as that proposed can be justified by what has passed; but should it be determined after full consideration of all the circumstances of the case that it is necessary to place on these lands settlers under conditions of military tenure such as you indicate, great caution and forbearance should be shown in carrying the scheme into operation, so as to avoid the infliction of any unnecessary hardship upon those natives who, though belonging to these two tribes, are free from any complicity in the acts of their chiefs.

I have to point out that this Act has been transmitted in an irregular form, without your signature or the seal of the Colony.

Lieut.-Governor Sir Benjamin Pine,  
&c. &c. &c.

I have, &c.,  
(Signed) CARNARVON.

## No. 53.

COLONIAL OFFICE to E. JENKINS, Esq., M.P.

SIR,

Downing Street, April 18, 1874.

I AM directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 14th instant,† and to state, in answer to your question whether there would be any objection to the publication of the correspondence which has passed on the subject of the recent outbreak of Kafirs at Natal, upon receiving the further particulars which Sir B. Pine has been called upon to furnish me, that his Lordship considers that inasmuch as the information at present received is imperfect, it is desirable to postpone for a time the issue of the papers in question.

H. T. HOLLAND. 54

E. Jenkins, Esq., M.P.

## No. 54.

Lieutenant-Governor Sir B. PINE to The EARL OF KIMBERLEY.

Government House, Natal,

March 17, 1874.

(Received 23rd April.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch of the 26th January last,‡ covering a letter from the Secretaries of the Anti-Slavery Society on the subject of the late proceedings against the rebel tribes.

2. The Despatches and papers, which are by this time in your Lordship's hands, show very clearly that the neglect to register firearms was not the ground of our proceedings, but that it was only the commencement, or rather the occasion, of the more recent

\* No. 46.

† No. 51.  
L

‡ No. 25.

NATAL.

insubordinate conduct of the tribes, and that resistance to the Government has been long meditated and planned.

3. The punishment inflicted on the tribes by the seizure of their cattle, and imprisonment of the Chief and his people, is the most lenient that could have been inflicted, without great danger to the peace of the Colony. In fact, many of the chiefs consider that the Government has erred on the side of mercy.

4. With regard to the women and children of the tribes, we have, from the circumstances, been placed in very great difficulty.

The bulk of the tribe had left them behind, under the guard of men who lost no opportunity of firing on Her Majesty's forces from caves and other inaccessible places, whereby we sustained considerable loss of life. After these men, who were repeatedly offered mercy, had been killed or fled, the women and children were left on our hands. To have left these women in the caves and fastnesses, which had been carefully stored with food, would have been to leave these places ready for the reception of the men, who had determined to return to the Colony after they had placed their cattle in safety in Basuto-land. It would have been thus necessary to retake these caves and fastnesses, and to do so would have cost a very large loss of life, especially to the Government, or attacking force. It was therefore a matter of absolute necessity to the saving of bloodshed on both sides that the women should be removed. When they were removed their subsistence became a pressing question, and it was at first thought that the only way of solving this was to place them with farmers or others wishing to take them on such terms as would enable the Government to dispose of them in any other manner at any moment. Another solution was, however, found, and they were placed with friendly tribes, and maintained at the expense of the Government, until the men, most of whom are either in custody or at liberty on their personal recognizance, have been tried. It is intended that such of the men as may be sentenced to imprisonment with hard labour shall be allowed the option of working out their time with farmers or planters, and take their families with them, instead of being separated from them by being confined in the gaols of the Colony. Stringent regulations, under a law empowering me to make them, for the protection of these people will be strictly enforced, and every possible effort will be made to unite the families of the rebels dispersed by the rebellion so far as is consistent with the safety of the Colony, which requires that they shall never again be allowed to live together as a compact tribe under one head.

5. With regard to the seizure of the cattle anyone acquainted with native ideas and customs knows that it is the possession of the cattle which is the only recognized test of victory. A tribe may be completely defeated in action, but if the defeat is not followed up by the capture of the cattle, it is looked upon as partial and profitless—in fact, no real victory at all. Hence it was absolutely necessary for the establishment of the authority of this Government that the cattle should be taken and confiscated.

6. As this is the first, so I hope it will be the last hostile communication which I have received from the Anti-Slavery Society during a pretty long career in which I have had so much to do with coloured and native people.

The Earl of Kimberley,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieutenant-Governor.

No. 55.

Lieutenant-Governor Sir B. PINE to The EARL OF KIMBERLEY.

Government House, Natal,  
March 17, 1874.

(Received April 23.)

MY LORD,

WITH reference to my Despatches on the subject of the proceedings against the revolted tribes, I have the honour to submit to your Lordship a few additional and, I trust, final remarks.

2. I wish, in the first place, to bring to your Lordship's notice the admirable conduct of Captain Allison, who commanded the large flying column sent in pursuit of Langa libalele and his tribe, and also of Mr. Hawkins, who commanded a smaller force,

which, passing the Drakensberg at a different point, joined the former and took part in the pursuit. I would also bring to your notice the excellent conduct of the forces, both native and European volunteer, under their command.

The march of these large columns through the Double Mountains, hitherto considered impracticable by white forces, has excited the admiration of all who understand the country, and has, I am well informed, produced a very wholesome impression on the Basuto tribes on the other side of the mountains, who by means of this stronghold set at defiance the attacks of the Boers in former times.

3. I wish further to inform your Lordship that the most perfect harmony has prevailed in our councils during this arduous period, and that I have received the most cordial support from all my officers, and more especially from Mr. Shepstone, who was with me in the field, and to whose province the raising and control of the native forces chiefly belonged.

4. I ought to mention the good conduct of these native forces. They may, in some few cases, have acted more harshly than necessary, but upon the whole I will venture to say that they have behaved with a forbearance and humanity which could not have been expected from barbarous men in war. Not a woman nor a child has been intentionally injured, though it used to be a settled maxim with the Zulu tribes that it was just and right to kill the women and offspring of a hostile tribe, so as to get rid of it for ever.

5. I desire also to inform your Lordship that I have received the congratulations of every chief and tribe in the Colony on the result of the late proceedings. Their universal opinion is that the conduct of Langalibalele was singularly bad and very ungrateful towards a Government which had treated him and his tribe with exceptional kindness, by receiving them under its protection when flying for their lives, and allotting to them some of the finest parts of the country. The other chiefs and tribes consider such conduct as calculated to give them a bad name and injure them in the eyes of the Government, and they are anxious that their feelings on this subject should be known.

6. Lastly, I wish to inform your Lordship that there is one small section of the public press which has done everything it could to blacken the conduct of the Government as to the late proceedings, and it is right that your Lordship should know that this is not the exponent of public opinion here, nor of any part of it, save a very few individuals. The effusions are written notoriously to influence public opinion out of the Colony and especially in England. I should mention that the 'Argus,' Cape newspaper referred to by General Cunynghame as an authority, is under the inspiration of the same party, if such it can be called, in this Colony. The only excuse for the unpatriotic conduct of these persons is the very silly letters written by one or two of the volunteers on the expedition, giving, with singularly bad taste, exaggerated accounts of scenes of violence.

In the most regular warfare, and still more in repressing a revolt among savage tribes, things are unavoidably done in hot-blood which no man of good feeling can think of without a shudder, much less write about. I should mention to your Lordship that the people of Langalibalele's tribe never lost, as far as I know, any opportunity of firing upon our forces from inaccessible holes and caves, though always invited to surrender on promise of mercy. The loss sustained by our loyal natives by this reckless resistance was considerable, and I could not but marvel at the temper and forbearance which they showed under such provocation. I question whether white troops would have exhibited as much.

7. It has been stated that in some cases the innocent have suffered with the guilty in loss of property. In such times this is almost unavoidable, but in the course of trying the people of the tribe Mr. Shepstone is investigating such alleged cases with the greatest care, and we shall make full restitution wherever it is possible to do so.

The Earl of Kimberley,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieutenant-Governor.



NATAL.

No. 56.

The EARL OF CARNARVON to Lieutenant-Governor Sir B. PINE.

SIR,

Downing Street, April 28, 1874.

I HAVE to acknowledge the receipt of your Despatch of the 17th of March.\*

I defer any reply to your remarks on the proceedings of the Natal Government with reference to the suppression of the late outbreak until I shall be in possession of the full information which I have called for in my Despatch of the 7th instant.†

I have already, in my Despatch of the 5th of March,‡ expressed my approval of the conduct of Captain Allison and Mr. Hawkins.

Lieut.-Governor Sir Benjamin Pine,  
&c.                    &c.                    &c.

I have, &c.,  
(Signed) CARNARVON.

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\* No. 55.

† No. 47.

‡ No. 42.

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LONDON:

PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET AND CHARING CROSS,  
FOR HER MAJESTY'S STATIONERY OFFICE.

# FURTHER PAPERS

RELATING TO

## THE LATE KAFIR OUTBREAK

IN

## NATAL.

*(In continuation of C.—1025 of 1874.)*

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Presented to both Houses of Parliament by Command of Her Majesty,  
*February, 1875.*

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LONDON:

PRINTED BY WILLIAM CLOWES & SONS, STAMFORD STREET AND CHARING CROSS  
FOR HER MAJESTY'S STATIONERY OFFICE.

1875.

[C.—1119.] Price 8½d.



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3	To C. J. Bunyon, Esq.	May 6, 1874.	Informing him that his letter of the 2nd instant has been sent to Sir B. Pine, and that pending his Report on the subject Lord Carnarvon must suspend his judgment.	1
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17	Sir B. C. C. Pine.	June 1, 1874. (Recd. July 6.)	Affording additional information and explanations of the charges brought against the Government in regard to the recent outbreak. Further information will be shortly sent.	51
18	Ditto.	June 1, 1874. (Recd. July 6.)	Enclosing copy of a letter to the English 'Times,' signed by nearly all the clergy of Natal, expressing their opinion of the statements put forth by the Peace Society.	52
19	To Sir B. C. C. Pine.	July 24, 1874.	Awaits further and more detailed reports.	59
20	Sir B. C. C. Pine.	June 16, 1874. (Recd. Aug. 3.)	Stating that it will not be necessary to enforce the penalty of banishment in the case of Putili's tribe.	59
21	Ditto.	June 25, 1874. (Recd. Aug. 3.)	Transmitting address from the residents of Biggarsberg District approving measures adopted for the suppression of the late rebellion.	60
22	To Sir B. C. C. Pine.	Aug. 20, 1874.	Acknowledging receipt of Despatch of the 25th of June last.	61
23	Ditto.	Aug. 20, 1874.	Acknowledging receipt of Despatch of the 16th of June last.	61

Bishop Colenso's Pamphlet on Langalibalele's case will be found printed as a separate Parliamentary Paper.

# FURTHER PAPERS

RELATING TO

## THE LATE KAFIR OUTBREAK IN NATAL.

No. 1.

NATAL.

C. J. BUNYON, Esq., to COLONIAL OFFICE.

37, Phillimore Gardens, Kensington,

May 2, 1874.

MY LORD,

I HAVE the honour to forward to your Lordship some documents relating to the trial of the Zulu Chief Langalibalele, in Natal, which appear seriously to impeach the justice of that proceeding. They have reached me from the Bishop of Natal, and may therefore be considered authentic. They consist of the printed Defence of the Chief which would have been made if he had been allowed the assistance of Counsel, and evidence which would have been put in on his behalf if the case had been reheard.\*

With regard to the evidence, I would venture to observe that much that might be thought irrelevant, such as the details respecting the delivery of the oxen to Mahoiza, are not so in reality, as they prove that the treatment of that messenger was neither unfriendly nor insulting, and that the steps taken by the Government were based upon a false alarm.

It is alleged that great injustice has been done to the natives, and is still persisted in by the Government as the only mode of justifying its policy and acts, which I readily admit may have been founded on mistake, and not caused by intentional cruelty.

I have, &c.,

The Right Hon. the Earl of Carnarvon,  
&c. &c. &c.

(Signed) C. J. BUNYON.

No. 2.

The EARL OF CARNARVON to Lieut.-Governor Sir B. PINE, K.C.M.G.

SIR,

Downing Street, May 4, 1874.

WITH reference to my Despatch of 7th ultimo,† I transmit to you a copy of a letter from Mr. Bunyon,‡ enclosing a printed copy of the proposed Defence of Langalibalele, with the documents accompanying it.

In preparing the Report desired in my Despatch, I wish you to take these papers into your consideration, in addition to those which have been previously communicated to you, and to include them in your Report.

You will be good enough to return the original enclosures with your answer.

I have, &c.,

(Signed) CARNARVON.

No. 3.

COLONIAL OFFICE to C. J. BUNYON, Esq.

SIR,

Downing Street, May 6, 1874.

I AM directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 2nd instant,‡ enclosing a printed copy of the proposed Defence of the Chief Langalibalele, with the evidence which would have been put in on his behalf.

I am to state that these papers have been sent to the Lieutenant-Governor of Natal for his Report; and that Lord Carnarvon must suspend his judgment upon the case until he shall be in possession of the full information which Sir Benjamin Pine has been desired to furnish upon the circumstances connected with the suppression of the late outbreak.

I have, &c.,

(Signed) H. T. HOLLAND.

\* Not reprinted here, vide note on page 8. † No. 47 of Command Paper No. 1025 of 1874. ‡ No. 1.

No 4.

Lieut.-Governor Sir BENJAMIN PINE, K.C.M.G., to The EARL OF KIMBERLEY.

Government House, Natal, April 8, 1874.

(Received May 28, 1874.)

MY LORD,

I HAVE the honour to transmit, with the usual Reports from the Attorney-General thereon, copies of three Bills, passed during the recent Session, and assented to by me, all arising from the recent rebellion in the Colony. I also forward the certified transcripts of the same, viz. :—

Law No. 14, of 1874.—“To indemnify certain persons in regard to acts done during the existence of Martial Law, and for the suppression of rebellion in certain parts of the Colony of Natal.”

Law No. 15, of 1874.—“To prevent the spreading of false and alarming reports.”

Law No. 18, of 1874.—“To make special provision with regard to the employment of convicts.”

The Attorney-General's remarks on these Laws will fully explain to your Lordship their purport.

The Earl of Carnarvon,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE

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Enclosure 1 in No. 4.

Statement on Law No. 14, 1874, intituled “Law to Indemnify certain persons in regard to Acts done during the existence of Martial Law, and for the Suppression of Rebellion in certain Parts of the Colony of Natal.”

The preamble sets forth at some length the proceedings which led to Martial Law being proclaimed by the Governor in the disturbed district of the Colony. That Proclamation was in force from the 10th to the 22nd November last.

Although the Cape Act, No. 8, 1853, and the Jamaica Act, 29 Vict., granted indemnity only during the period Martial Law was in force, it was deemed advisable to grant indemnity from 30th October, the date of the Governor's Message (No. 19) to the Legislative Council informing them of the intended expedition, to the 8th December, the date of the introduction of this Bill into the Legislative Council.

This period of indemnity is more in consonance with the Imperial statutes passed on this subject, particularly the Statutes 19 Geo. II., cap. 20, sec. 39 ; 41 Geo. III., cap. 66. The latter statute covered all acts done from 1793 to 1801, and those statutes grant indemnity during the continuance and suppression of rebellion or armed opposition.

The terrible necessity for doing such acts, and not the existence of Martial Law, affords the justification for performing the acts, and entitles the actor to obtain for such acts the subsequent sanction of the Legislature.

In his able judgment in *Phillips v. Eyre*, Law Report 6, 2 Book 1, Mr. Justice Blackburn emphatically declares the principles upon which indemnity may be granted by the Legislature, and how far such indemnities are operative against the persons implicated.

This Law was drawn after careful perusal and consideration of said judgment.

It enacts that all actions, indictments, and legal proceedings, at any time whatsoever, shall be discharged and made void, and it indemnifies all persons who have acted under the authority of his Excellency as Governor or as Supreme Chief, or who have acted *bonâ fide* during the above period in the suppression of the rebellion.

The third section empowers the Governor to declare, in case of doubt, whether any act was done by authority or *bonâ fide*.

I see no objection to this Law, and am of opinion that it may properly receive the Royal Assent.

(Signed) M. H. GALLWEY, Attorney-General.

Attorney General's Office, Natal, January 30, 1874.

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Inclosure 2 in No. 4.

No. 14, 1874.

(Signed) BENJ. C. C. PINE.

**Law** (enacted by the Lient.-Governor of Natal, with the advice and consent of the Legislative Council thereof,) "to Indemnify certain Persons in regard to Acts done during "the existence of Martial Law, and for the Suppression of Rebellion in certain Parts "of the Colony of Natal."

WHEREAS the Chief Langalibalele and the Amahlubi Tribe did, in or about the month of October, 1873, set the authority of Her Majesty's Government in this Colony at defiance, and did commit acts amounting to public violence, and treason, and did render it necessary for the Lieutenant-Governor of this Colony to call to the aid and support of the civil power certain of Her Majesty's forces and Volunteer forces; and whereas the said Chief and tribe did revolt and rebel, and conspired by force to overthrow Her Majesty's Government, and in furtherance of such purpose, with force, and in confederated multitude, did, on the 4th day of November, 1873, and in or near the location of the said Chief, murder, fire upon, stab, and wound an officer of Her Majesty's forces, certain members of the Volunteer forces of this Colony, and other liege subjects of Her Majesty, then duly employed in aiding the Civil Power to arrest the said Chief; and whereas the Chief Umbalo had conspired with the said Chief Langalibalele, and had previously aided, and counselled and abetted him to rebel as aforesaid, and promised to join with him, and did join with him in such conspiracy; and whereas, upon being informed of such atrocities and such rebellious combinations, his Excellency Sir Benjamin Chilley Campbell Pine, K.C.M.G., the Lieutenant-Governor of the Colony, and the Supreme Chief over the native population of Natal, with the advice of the officer commanding Her Majesty's said forces, did, on the 10th day of November, 1873, and in order to prevent the extension of the rebellious outbreak, proclaim that Martial Law should obtain and prevail throughout the district called the Locations of Langalibalele and Putili, occupied by their tribes respectively, and throughout that part of the Colony extending to five miles from any part of the boundary of said district or locations; and whereas his Excellency by his Proclamation bearing date the 22nd day of November, 1873, after reciting that all armed resistance within the district, locations, and territory aforesaid had ceased, except such, if any, as could be suppressed in the ordinary manner by the civil power, aided by the military, did proclaim and declare that from and after the promulgation of the said Proclamation, Martial Law should cease to be in force in said district, locations, and territory; and whereas military operations have been necessarily carried on from, on, or about the 30th day of October, 1873, until the present time; and whereas military, volunteer, or civil authorities necessarily employed in the prompt suppression of the atrocities and conspiracies aforesaid may, according to the law of ordinary peace, be responsible, in person or purse, for acts done in good faith, for the purpose of restoring public peace and quelling the rebellion: and whereas it is expedient that all persons whosoever in good faith have acted, whether, before, after, or during the existence of such Martial Law, for the crushing and suppression of the said rebellious outbreak should be indemnified and kept harmless.

Be it therefore enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof as follows:—

1. All actions, indictments, and legal proceedings, civil and criminal, at any time whatsoever, and any place wheresoever, against such authorities or officers, civil, military, or volunteer, or other persons acting as aforesaid for or by reason of any matter or thing commanded, ordered, or directed at any time between the 30th day of October, 1873, aforesaid, and the 8th day of December, 1873, for the suppression of said rebellion, or for the public safety, whether before, during, or after the proclamation of Martial Law aforesaid, whether done in any district, location, or territory within which Martial Law was proclaimed, or in any part of the Colony in which Martial Law was not proclaimed, in furtherance of Martial Law, or suppression of rebellion, at any time during the said period, whether before, after, or during the existence of such Martial Law in order to suppress the rebellion and revolt and insurrection, and to prevent the spread of the rebellion, shall be discharged and become and be made void; and every person by whom such act, matter, or thing shall have been advised, commanded, ordered, directed, or done for the purposes aforesaid during the said period, whether before, after, or during the existence of such Martial Law, shall be freed, acquitted, discharged, and indemnified against all and every persons and persons whomsoever.

Discharge of all civil and criminal proceedings in respect of acts done in suppression of rebellion between 30th October and 8th December, 1873.



## FURTHER PAPERS RELATING TO

## NATAL.

Indemnification of persons acting under authority or bonâ fide.

Their acts legalized and confirmed.

Governor may declare acts to have been done under authority, or bonâ fide.

Governor's declaration to be conclusive.

Effect from promulgation.

2. All officers and other persons who have acted under the authority of Sir Benjamin Chilley Campbell Pine, K.C.M.G., as Lieutenant-Governor of the Colony of Natal, or as Supreme Chief over the native population, or have acted bonâ fide for the purposes and during the time aforesaid, whether such acts were done in any district, county, or division of the Colony in which Martial Law was proclaimed or not, are hereby indemnified in respect of all acts, matters, and things done in order to suppress the rebellion and prevent the spread thereof; and such acts so done are hereby made and declared to be lawful and are confirmed.

3. The Lieutenant-Governor at any time in order to prevent or remove any doubt which might exist or may arise, whether any act alleged to have been done under the authority of the Lieutenant-Governor, or of the Supreme Chief, or to have been done bonâ fide for any of the purposes aforesaid in order to suppress and put an end to the rebellion was so done, may declare such acts to have been done either under such authority or bonâ fide for the purposes aforesaid, and any such declaration, under the hand of the Lieutenant-Governor for the time being, shall in all cases be conclusive evidence that such acts were so done respectively.

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

Given at Government House, this 15th day of January, 1874.

By command of his Excellency the Lieutenant-Governor,  
(Signed) D. ERSKINE, Colonial Secretary.

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Inclosure 3 in No. 4.

Statement on Law No. 15 of 1874, intituled Law "To prevent the Spreading of False and "Alarming Reports."

This Law was introduced by his Excellency the Lieutenant-Governor for the above purpose, in consequence of recent events, and for the reason expressed in the preamble, viz., that the circulation of false and alarming reports disturbs the peace of the Colony, paralyzes industry, causes loss of property, and offers temptation to the commission of crime.

Any person who circulates or publishes any statement, rumours, or report which he knows to be false or which he has not well-founded reason for believing to be true, calculated to cause such fear or alarm as may be detrimental to the public tranquillity, may, on conviction before a jury, be punished by imprisonment not exceeding one year or fine not exceeding 100*l.*, and shall be liable in damages to any person injured.

No proceeding can be commenced after a month from the date of the act committed.

In the circumstances of this Colony the acts provided against by this Law are productive of serious evils and deserve to be severely punished.

On the occasion of a recent expedition of some danger, sensational placards of a character calculated to cause considerable alarm if believed, were posted at Durban. On inquiry it was found that a tradesman had adopted this novel mode of advertising his wares.

I see no objection to this Law receiving the Royal Assent.

(Signed) M. H. GALLWEY, Attorney-General.

Attorney-General's Office, Natal, February 3, 1874.

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Inclosure 4 in No. 4.

No. 15, 1874.

(Signed) BENJ. C. C. PINE.

Law (enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof,) "To prevent the Spreading of False and Alarming Reports."

Preamble.

WHEREAS the circulation of false and alarming reports disturbs the peace of the Colony, paralyzes industry, causes loss of property, and offers temptation to the commission of crime:

Be it therefore enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

Punishment of circulator or publisher.

1. Whoever circulates or publishes any statement, rumours, or report which he knows to be false, or which he has not well-grounded reason for believing to be true, calculated to cause such fear or alarm as may be detrimental to the public tranquillity, shall be liable on

conviction to imprisonment for any term not exceeding one year, or to a fine not exceeding 100*l.*, and shall be imprisoned until such fine shall be paid.

2. Any person who can prove that he has sustained any loss or damage by reason of the wilful circulation or publication of any such false statement, rumour, or report, as in the preceding clause mentioned, may claim against the publisher or circulator of such false statement, rumour, or report, and enforce by suit or action at law the amount of such loss or damage.

3. Cases arising under this Law shall be heard and determined in the Supreme Court or any Circuit Court.

4. No proceeding shall be commenced under this Law after the expiration of one month from the date of the act committed.

5. This Law shall commence and take effect from and after the promulgation thereof in the 'Government Gazette.'

Given at Government House, this 15th day of January, 1874.

By command of his Excellency the Lieutenant-Governor,  
(Signed) D. ERSKINE, Colonial Secretary,

NATAL.

Persons injured may recover damages.

Supreme and Circuit Courts to have jurisdiction. Commencement of proceedings. Effect from promulgation.

Inclosure 5 in No. 4.

Statement on Law No. 18, 1874, "To make Special Provision with regard to the  
"Employment of Convicts."

This measure was rendered necessary by the capture of a large number of native prisoners during the recent rebellion, and by the total inadequacy of the gaol accommodation in the Colony. It empowers the Governor to assign as servants to any private individual, or company, or corporation, or to the Colonial Engineer, to be employed upon the public works of the Colony, such and so many convicts as he may think fit.

It empowers the Governor to appoint Visiting Magistrates, whose powers and duties are to be regulated by the Governor in Council; and to make rules, orders, and regulations, for carrying out the law with regard to the terms and conditions of assignment, the superintendence, custody, and supervision of assigned convicts, for ensuring their safety and good conduct, and otherwise.

As a special measure, designed to meet an emergency, and rendered necessary by the circumstances of the Colony, I see no objection to this Law, which, in my opinion, may properly receive the Royal Assent.

(Signed) M. H. GALLWEY, Attorney-General.

Attorney-General's Office, Natal, February 3, 1874.

Inclosure 6 in No. 4.

No. 18, 1874.

Law (enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof), "To make Special Provision with regard to the Employment of Convicts."

WHEREAS, owing to the crowded state of the gaols and other causes, it is expedient to make special provision with regard to the employment of convicts:

Preamble.

Be it therefore enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Lieutenant-Governor may from time to time order that such and so many prisoners as are now, or at any time hereafter may be, sentenced to imprisonment with hard labour, and as he may think fit, shall be assigned as servants to any private individual, or company, or corporation, public or private, in this Colony, or to the Colonial Engineer, to be employed upon the public works of this Colony: Provided that the period of assignment shall not in any case exceed the duration of imprisonment.

Governor may order convicts to be assigned as servants.

2. The Lieutenant-Governor may from time to time appoint any Resident Magistrate or Justice of the Peace to be the Visiting Magistrate, or one of the Visiting Magistrates of any convicts employed under this Law, and from time to time may revoke any such appointments.

Governor may appoint Visiting Magistrates.

3. The Lieutenant-Governor, in Executive Council, may from time to time frame rules, orders, and regulations for carrying out this Law, as well with regard to the terms and conditions of assignment and service of convicts under this Law, as to the duties, powers, authorities, and functions of such Visiting Magistrates, and to the superintendence, custody,

Governor in Council may make regulations.

## NATAL.

Indemnification of persons acting under authority or bonâ fide.

Their acts legalized and confirmed.

Governor may declare acts to have been done under authority, or bonâ fide.

Governor's declaration to be conclusive.

Effect from promulgation.

2. All officers and other persons who have acted under the authority of Sir Benjamin Chilley Campbell Pine, K.C.M.G., as Lieutenant-Governor of the Colony of Natal, or as Supreme Chief over the native population, or have acted bonâ fide for the purposes and during the time aforesaid, whether such acts were done in any district, county, or division of the Colony in which Martial Law was proclaimed or not, are hereby indemnified in respect of all acts, matters, and things done in order to suppress the rebellion and prevent the spread thereof; and such acts so done are hereby made and declared to be lawful and are confirmed.

3. The Lieutenant-Governor at any time in order to prevent or remove any doubt which might exist or may arise, whether any act alleged to have been done under the authority of the Lieutenant-Governor, or of the Supreme Chief, or to have been done bonâ fide for any of the purposes aforesaid in order to suppress and put an end to the rebellion was so done, may declare such acts to have been done either under such authority or bonâ fide for the purposes aforesaid, and any such declaration, under the hand of the Lieutenant-Governor for the time being, shall in all cases be conclusive evidence that such acts were so done respectively.

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

Given at Government House, this 15th day of January, 1874.

By command of his Excellency the Lieutenant-Governor,  
(Signed) D. ERSKINE, Colonial Secretary.

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Inclosure 3 in No. 4.

Statement on Law No. 15 of 1874, intituled Law "To prevent the Spreading of False and "Alarming Reports."

This Law was introduced by his Excellency the Lieutenant-Governor for the above purpose, in consequence of recent events, and for the reason expressed in the preamble, viz., that the circulation of false and alarming reports disturbs the peace of the Colony, paralyzes industry, causes loss of property, and offers temptation to the commission of crime.

Any person who circulates or publishes any statement, rumours, or report which he knows to be false or which he has not well-founded reason for believing to be true, calculated to cause such fear or alarm as may be detrimental to the public tranquillity, may, on conviction before a jury, be punished by imprisonment not exceeding one year or fine not exceeding 100*l.*, and shall be liable in damages to any person injured.

No proceeding can be commenced after a month from the date of the act committed.

In the circumstances of this Colony the acts provided against by this Law are productive of serious evils and deserve to be severely punished.

On the occasion of a recent expedition of some danger, sensational placards of a character calculated to cause considerable alarm if believed, were posted at Durban. On inquiry it was found that a tradesman had adopted this novel mode of advertising his wares.

I see no objection to this Law receiving the Royal Assent.

(Signed) M. H. GALLWEY, Attorney-General.

Attorney-General's Office, Natal, February 3, 1874.

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Inclosure 4 in No. 4.

No. 15, 1874.

(Signed) BENJ. C. C. PINE.

Law (enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof,) "To prevent the Spreading of False and Alarming Reports."

Preamble.

WHEREAS the circulation of false and alarming reports disturbs the peace of the Colony, paralyzes industry, causes loss of property, and offers temptation to the commission of crime:

Be it therefore enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

Punishment of circulator or publisher.

1. Whoever circulates or publishes any statement, rumours, or report which he knows to be false, or which he has not well-grounded reason for believing to be true, calculated to cause such fear or alarm as may be detrimental to the public tranquillity, shall be liable on

conviction to imprisonment for any term not exceeding one year, or to a fine not exceeding 100*l.*, and shall be imprisoned until such fine shall be paid.

2. Any person who can prove that he has sustained any loss or damage by reason of the wilful circulation or publication of any such false statement, rumour, or report, as in the preceding clause mentioned, may claim against the publisher or circulator of such false statement, rumour, or report, and enforce by suit or action at law the amount of such loss or damage.

3. Cases arising under this Law shall be heard and determined in the Supreme Court or any Circuit Court.

4. No proceeding shall be commenced under this Law after the expiration of one month from the date of the act committed.

5. This Law shall commence and take effect from and after the promulgation thereof in the 'Government Gazette.'

Given at Government House, this 15th day of January, 1874.

By command of his Excellency the Lieutenant-Governor,  
(Signed) D. ERSKINE, Colonial Secretary,

NATAL.

Persons injured may recover damages.

Supreme and Circuit Courts to have jurisdiction. Commencement of proceedings. Effect from promulgation.

Inclosure 5 in No. 4.

Statement on Law No. 18, 1874, "To make Special Provision with regard to the  
"Employment of Convicts."

This measure was rendered necessary by the capture of a large number of native prisoners during the recent rebellion, and by the total inadequacy of the gaol accommodation in the Colony. It empowers the Governor to assign as servants to any private individual, or company, or corporation, or to the Colonial Engineer, to be employed upon the public works of the Colony, such and so many convicts as he may think fit.

It empowers the Governor to appoint Visiting Magistrates, whose powers and duties are to be regulated by the Governor in Council; and to make rules, orders, and regulations, for carrying out the law with regard to the terms and conditions of assignment, the superintendence, custody, and supervision of assigned convicts, for ensuring their safety and good conduct, and otherwise.

As a special measure, designed to meet an emergency, and rendered necessary by the circumstances of the Colony, I see no objection to this Law, which, in my opinion, may properly receive the Royal Assent.

(Signed) M. H. GALLWEY, Attorney-General.

Attorney-General's Office, Natal, February 3, 1874.

Inclosure 6 in No. 4.

No. 18, 1874.

Law (enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof), "To make Special Provision with regard to the Employment of Convicts."

WHEREAS, owing to the crowded state of the gaols and other causes, it is expedient to make special provision with regard to the employment of convicts: Preamble.

Be it therefore enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Lieutenant-Governor may from time to time order that such and so many prisoners as are now, or at any time hereafter may be, sentenced to imprisonment with hard labour, and as he may think fit, shall be assigned as servants to any private individual, or company, or corporation, public or private, in this Colony, or to the Colonial Engineer, to be employed upon the public works of this Colony: Provided that the period of assignment shall not in any case exceed the duration of imprisonment. Governor may order convicts to be assigned as servants.

2. The Lieutenant-Governor may from time to time appoint any Resident Magistrate or Justice of the Peace to be the Visiting Magistrate, or one of the Visiting Magistrates of any convicts employed under this Law, and from time to time may revoke any such appointments. Governor may appoint Visiting Magistrates.

3. The Lieutenant-Governor, in Executive Council, may from time to time frame rules, orders, and regulations for carrying out this Law, as well with regard to the terms and conditions of assignment and service of convicts under this Law, as to the duties, powers, authorities, and functions of such Visiting Magistrates, and to the superintendence, custody, Governor in Council may make regulations.

**NATAL.** and supervision of convicts employed under this Law, and for the removal of convict servants so assigned as aforesaid, and for ensuring the safety and good conduct of convicts so assigned or employed, and prescribing punishments for disobedience, insolence, desertion, or misconduct on the part of such convicts, and otherwise for the enforcement of such rules, orders, and regulations; and the Governor in Council may vary, alter, and repeal such rules, orders, and regulations, and may frame others in their stead; and all such rules, orders, and regulations shall have the same force and effect as if verbatim embodied in this law.

To have effect of law.

Commencement.

4. This Law shall commence and take effect from and after the publication thereof in the 'Natal Government Gazette,' after the passing thereof.

Given at Government House, this 15th day of January, 1874.

By command of his Excellency the Lieutenant-Governor,  
(Signed) D. ERSKINE, Colonial Secretary.

No. 5.

CAPTAIN LUCAS to COLONIAL OFFICE.

Castle Shane, Co. Monaghan, Ireland,  
June 7, 1874.

MY LORD,

MY attention having been yesterday for the first time called to a paragraph in the 'European Mail' of the 26th January last, headed "Atrocities in Natal," in justice to the officers and men lately under my command in the operations taken by Sir Benjamin C. Pine against the rebel chief Langalibalele, his tribe, and that of Putili, I have the honour to state that on the 30th October last I took the field in command of the 4th Division of the forces employed, made up of 2,000 loyal Zulus and "the Frontier Guard," a mounted corps of Europeans which I command. On the 28th November, by order of the Commander of the field force, I also took charge of Mr. Macfarlane's Division, he being invalided. I was present on most occasions when my division met the rebels. When the cattle of the Putili tribe were taken I directed the operations of the 4th Division: and when, on the 29th of December the people of this tribe were made prisoners, I was in command of the whole force employed. And I now beg most distinctly to deny that atrocities were committed by the men under my orders.

The cattle of the Putili tribe were taken with the loss of only one man to the rebels, and not a man was killed or a woman or child hurt when the people of the tribe were made prisoners.

From the 30th October, 1873, to the 15th January last, when I left the field, I had ample opportunity of judging of the conduct of the men of the above-named division, and do not hesitate to say that they behaved under the circumstances with the greatest forbearance, and indeed generosity, to the enemy, even under strong provocation.

Instances came under my observation in which women of the rebels, wounded in the storming of positions fortified and held by their fathers, husbands, and brothers, were carefully carried to my bivouac to have their wounds attended to by the surgeon; and over and over I heard the native officers reminding their men, when ordered to attack, to be careful not to injure women or children, and to take prisoner any man who threw down his arms.

The accusation that the men ravished and otherwise maltreated the women who fell into their hands as prisoners is most untrue, and could emanate only from persons who were not present in the field, or who wilfully perverted the truth.

I may mention that I served in the 73rd Regiment, under Sir Harry Smith and General Cathcart in the last Kafir War, and accompanied the Regiment to India in charge of my company in 1858, so that I may be in some measure a judge of the behaviour of troops in service.

I trust, my Lord, you will forgive me if I have gone beyond my province in thus addressing you, as I am constrained to defend from calumny the officers and men under my command, who bore much hardship, harassing, and dangerous service, with the utmost cheerfulness, who showed so much anxiety to retrieve the disaster to the force stationed at "The Pass," who in the heat of action often showed mercy when it could hardly be expected, and whose loyalty helped to save the Colony from most serious calamities.

I have, &c.,  
(Signed) G. A. LUCAS, Res. Mag., Kliss River, Natal,  
Commanding Frontier Guard.

The Secretary of State for the Colonies.

## No. 6.

The EARL OF CARNARVON to Lieut.-Governor Sir BENJAMIN C. C. PENE, K.C.M.G.  
SIR, Downing Street, June 12, 1874.

I HAVE received your Despatch of the 8th of April,\* forwarding three Laws passed by the Legislature of Natal:—

No. 14 of 1874—"To indemnify certain Persons in regard to Acts done during the existence of Martial Law, and for the Suppression of Rebellion in certain Parts of the Colony of Natal;"

No. 15 of 1874—"To prevent the Spreading of False and Alarming Reports;" and

No. 18 of 1874—"To make Special Provision with regard to the Employment of Convicts."

The first of these Laws, No. 14 of 1874, is under the consideration of Her Majesty's Government.

As regards Law No. 15, I have to observe that I view with considerable doubt the expediency of legislation of so novel a character as is here proposed; and all the more that it has been passed in a time of a not unnatural excitement arising from the late disturbances in the Colony. A law so sweeping in its terms as the one now under consideration can hardly be justified except on the ground that it will tend not only to lessen the chance of any outbreaks in the future, but also to remove the danger of sudden panics should such disturbances as those which have recently troubled the Colony unfortunately recur. Unless, upon further consideration, you are yourself satisfied that sufficient ground exists for such legislation, and can give me the assurance of your clear opinion on this point, with the reasons that lead you to it, I think it would be desirable that an early opportunity should be taken for repealing this Law. In the event, however, of the retention of this Law, I have to desire that an amendment be made in the first section. As that section now stands, a poor man might be imprisoned for life under it if a heavy fine was inflicted which he was unable to pay. The proper form of legislation would be to enable the Court to pass a sentence of imprisonment or to impose a fine, for the payment of which the offender's property is liable to be levied upon. I shall defer tendering any advice upon this Law to Her Majesty until I receive a further Report from you on the subject.

As regards the Law 18, relating to the employment of convicts, I entertain grave objection to the system of assigning prisoners as servants to individuals. It is a practice not only in itself obviously open to abuse, and, in spite of the best intentions of the local authorities, very difficult to control, but it is open to the suspicion of abuse. Previously, therefore, to tendering any advice to Her Majesty upon it, I desire to be furnished with a copy of the rules and regulations which, I presume, have been made under the third section, and with full and particular information as to the number of persons that have been assigned or whom it is proposed to assign under this Law, and the length and terms of service in each case. Where temporary prison accommodation is possible, in the case of those natives who have been sentenced to imprisonment for participation in the late outbreak, they should be employed on public in preference to private works. Ignorant as I am of the details of the precise course which has been adopted with reference to any assignments already made, I abstain from expressly desiring you to cancel any orders on this subject already given, but I have to instruct you to sanction no further assignments of natives to private employers, and I shall be glad to learn that you have already seen your way to reverse, in some degree at least, a measure of which I am not on general grounds disposed to approve.

I have, &c.,  
(Signed) CARNARVON.

## No. 7.

W. SHAEN, Esq., to COLONIAL OFFICE.

MY LORD, 8, Bedford Row, London, June 16, 1874.

As Solicitor in this country to the Lord Bishop of Natal, I had the honour on the 1st instant of forwarding to your Lordship a number of printed documents, which I submitted to your Lordship, as the reply of the Bishop to the attacks which have recently been made upon his Lordship in the Natal papers, and, as I have reason to believe, in communications forwarded to the Colonial Office, in reference to the part which the Bishop has felt it his painful duty to take, in connection with the recent difficulties with the two native tribes of Langalibalele and Putini. On the 8th instant I forwarded further papers upon the same subject.

Not having received any acknowledgment of either of those communications, I fear they

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may not have reached your Lordship; and as, I venture to submit, they form an important portion of the papers connected with the subject, and as it is very important, I venture to submit, not only to the Bishop personally, but in the interests of justice, that those documents should be included in the papers which I understand are about to be presented to Parliament upon the subject, I shall be exceedingly obliged if your Lordship will kindly inform me whether they have been duly received.

The Earl of Carnarvon,  
&c. &c. &c.

I have, &c.,  
(Signed) WM. SHAEN.

No. 8.

COLONIAL OFFICE to W. SHAEN, Esq.

SIR,

Downing Street, June 20, 1874.

IN reply to your letter of the 16th instant,\* I am directed by the Earl of Carnarvon to acquaint you that his Lordship duly received your letters of the 1st and 8th instants, enclosing on behalf of the Bishop of Natal certain printed papers relating to the trial of the Kafir Chief Langalibalele.

Lord Carnarvon has called upon the Lieut.-Governor for a full Report upon the subject, and he proposes to forward to him by the next mail the documents received from you, but as this Office possesses no copies of them except those enclosed in your letter, his Lordship will be obliged by your supplying him with additional copies for the purpose, if you are able to do so.

With reference to your suggestion that these documents† should be included in the papers about to be presented to Parliament, I am to refer you to the statement made by Lord Carnarvon in the House of Lords on Tuesday last, the 16th instant, to the effect that a first instalment only of the papers relating to this case can now be given, and obviously it is only just and calculated to assist Parliament and the public in forming a correct judgment upon the whole question, that such papers as have been referred to the Colonial Government for explanation should be reserved until that explanation is received.

The Earl of Carnarvon  
&c. &c. &c.

I am, &c.,  
(Signed) R. H. MEADE.

No. 9.

COLONIAL OFFICE to CAPTAIN LUCAS.

SIR,

Downing Street, June 20, 1874.

I AM directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 7th inst.‡ relating to certain charges which had been made of undue severity on the part of the force engaged in the suppression of the outbreak in Natal under the Chief Langalibalele.

His Lordship has received with much satisfaction this distinct denial of the charges brought against yourself and the men under your command.

I am, however, to add that Lord Carnarvon's attention has been directed to a statement that you had handed over a number of women to the Native Chiefs who were serving under you; and his Lordship thinks it only due to you that you should have the further opportunity of stating whether there is any truth in a charge of so grave a character, and of affording any explanation upon the subject.

I have, &c.,  
(Signed) H. T. HOLLAND.

No. 10.

THE OFFICER ADMINISTERING THE GOVERNMENT to THE EARL OF CARNARVON.

Government House, Natal, May 9, 1874.

MY LORD,

(Received June 22, 1874.)

I HAVE the honour to forward, for your Lordship's information, printed copies of the following documents:—

1. Minutes of proceedings of the Court of Inquiry into certain charges preferred against Langalibalele, late Chief of the Amahlubi tribe.

\* No. 7.

† The documents sent to the Colonial Office by Mr. Shaen on behalf of the Bishop of Natal are not included in this Paper, because the Bishop has since compiled a fuller and more comprehensive statement of his argument on Langalibalele's case, which is presented to Parliament as a separate Paper.

‡ No. 5.

2. Minutes of proceedings of the Court of Inquiry into certain charges preferred against members of the Amahlubi and Amangwe tribes in connection with the recent rebellion, and for the trial and sentence of prisoners.

The former document was forwarded you in manuscript, in Sir B. Pine's Despatch, of 14th February last, but the latter document is now transmitted for the first time, and is the record of the evidence adduced at the trial of, and the judgment of the Court on, the sons and Indunas of the late Chief Langalibalele.

I have, &c.,  
(Signed) T. MILLES, Colonel,  
Administrator of the Government.

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Enclosure 1 in No. 10.

Consists of the "Minutes of Proceedings of the Court of Inquiry into certain charges preferred against Langalibalele, late Chief of the Amahlubi tribe," which will be found printed at pp. 48 to 76 of the previous Command Paper [C.—No. 1025 of 1874].

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Enclosure 2 in No. 10.

Court of Inquiry into certain charges preferred against members of the Amahlubi and Amangwe Tribes, in connection with the recent Rebellion, and for the Trial and Sentence of Prisoners.

FIRST DAY.

*Friday, January 30, 1874.*—The Court met at 1 o'clock P.M. in the Store-room of the Civil Engineer's Department, adjoining the Gaol, Pietermaritzburg.

Present:—The Secretary for Native Affairs, President; John Bird, Esq., R.M., and Administrator of Native Law; Arthur C. Hawkins, Esq., R.M., and Administrator of Native Law; and the following Native Chiefs and Indunas:—Teteleku, Nondonise, Hlokolo, Hemuhemu, Zatshuke, Manxele, and Mafingo.

The Clerk read the Warrant constituting the Court, signed by the Lieutenant-Governor, and dated the 29th instant.

"WARRANT,

"By his Excellency Sir BENJAMIN CHILLEY CAMPBELL PINE, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Lieutenant-Governor in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

"Whereas, the tribes called Amahlubi and Amangwe are charged with the crime of Rebellion against the lawful authority of Her Majesty the Queen in this Colony, or of aiding and abetting persons engaged in Rebellion, and whereas certain members of these tribes and others are now in custody, awaiting their trial on these charges:

"Now, therefore, I do, by virtue of the powers vested in me as Supreme Chief of and over the Natives and Native Tribes of this Colony of Natal, hereby appoint and nominate—

"President—The Secretary for Native Affairs;

"Members—The Administrators of Native Law who may be able to attend, and the Native Chiefs and Indunas of the Colony who may be able to attend—  
to constitute a Court to inquire into, try, and sentence any native prisoners of the said tribes, or others, who may be brought before it, charged with the crimes aforesaid.

"And I do hereby declare and ordain that such Court shall not be duly constituted unless there shall be present at any and every of its sessions the Secretary for Native Affairs, or some one duly authorized by me to act on his behalf, two Administrators of Native Law, and five Chiefs or Indunas.

"And further, that no judgment or sentence of this Court shall be carried into effect without my confirmation thereof having been previously given.

"Given under my hand, at Government House, Pietermaritzburg, Natal, this 29th day of January, 1874.

"BENJAMIN C. C. PINE."



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John Shepstone, Esq., R.M., appeared in the capacity of Prosecutor.

The prisoners present were Malumbule, Manaba, Mbaimbai, Mazwi, Siyepu, Mango, and Ngungwana, all sons of Langalibalele, and Mhlaba, and Maqobodo, alias Ngwahla, Indunas of the aforesaid Langalibalele.

The charges preferred were as follows:—

“That Malumbule, Manaba, Mbaimbai, Mazwi, Siyepu, Mango, and Ngungwana, all sons of Langalibalele, and Mhlaba, Maqobodo, alias Ngwahla, and Nombona, Indunas of the aforesaid Langalibalele, are guilty of the crimes of Treason and Rebellion; in that, being clansmen and adherents of the late Chief Langalibalele, and well knowing that such Chief had been placed in power over them and others of his late tribe, and located in the county of Weenen, within the territory of the Colony of Natal, one of the possessions of the Queen, by the Supreme Chief, the Representative of Her Majesty; and well knowing that the said Langalibalele was, and, by various tributary acts, periodically and annually made acknowledgment of being, together with his tribe, subject to the authority and command of the Supreme Chief; and also well knowing that, according to the law and usage of the natives resident in this Colony, as well as in all the countries adjacent thereto, the removal of a tribe from its recognized location, beyond the boundaries of the territory, without the permission and public sanction of the Supreme Chief, and in armed numbers, and driving before them, and taking with them, the cattle of the tribe, is an act of open defiance of the lawful authority of the said Supreme Chief:

“They, the persons aforesaid, are guilty of rebellion against the authority of Her Majesty the Queen, in that they, being sons and Indunas of Langalibalele, and exercising authority in the said tribe, did agree and conspire with their Chief Langalibalele to remove from the said Colony, without the legal and necessary sanction aforesaid, and for the purpose of avoiding obedience to the laws of the Colony, and setting at defiance the lawful orders of the Supreme Chief, repeatedly issued and impressed.

“2nd. That, after so agreeing and conspiring, they did wrongfully, illegally, and with rebellious intent, remove, or assist to remove, the cattle of the tribe from the lawful jurisdiction of the Supreme Chief, having with them their arms and munitions of war, for the plain and manifest purpose of defying and resisting the emissaries or forces of Her Majesty, who might be sent to obstruct their departure, or constrain them to return.

“3rd. That, acting in accordance with, and in furtherance of, such agreement and conspiracy, they, or one or other of them, did, after the issuing of the Proclamation of the Supreme Chief, calling upon all members of the tribe to submit themselves to his authority, resist such authority by firing upon, killing, and wounding certain of Her Majesty's subjects sent to enforce such surrender.

“4th. That, notwithstanding, and in defiance of the repeated orders of the Supreme Chief to submit themselves to his authority, they persisted in defying and disobeying such orders, until overpowered by superior force, they were captured with arms in their hands.”

The prisoner Nombona was absent, owing to sickness; the other prisoners were called upon to plead in turn.

Malumbule said: I admit that, armed with assegais, I assisted in driving away the cattle.

Manaba said: I admit, that being armed, I accompanied the cattle; but it was, in reality, more a running away in fear than a defiance of the authorities.

Mbaimbai said: I admit that I accompanied the cattle when being driven away; and that I was armed, but not for purposes of resistance.

Mazwi said: I admit that, armed, I assisted in driving the cattle away.

Siyepu said: I admit that I drove cattle away; that I did so armed; and that I was running away from the Government.

Mango said: I admit that I ran away; was armed; and so accompanied the cattle.

Ngungwana said: I admit having run away from the Government; being armed; and driving away the cattle; but I was not armed for purposes of resistance. I was running away.

Mhlaba said: I am an old woman. I have not much to say. I ran away. Fear drove me into the mountains, the young men having already left, and the Government forces being around us.

Maqobodo, alias Ngwahla, said: I ran away because the Supreme Chief was angry, and I saw he would demolish us. I ran away in consequence.

The first seven of the above-named prisoners, the sons of Langalibalele, admitted that they had left the Colony with the intention of going to and joining Moshesh's people; and that they had gone to, and had been taken in, Basutoland.

Maqobodo, alias Ngwahla, said he had run away temporarily to hide himself, thinking

the Government would ultimately have mercy, and the people would be allowed to return to their kraals, but they subsequently found this was not the case, and that the Government were determined to follow up the people, and kill them. He had come down from Table Mountain and surrendered to Mahoiza's people. He had never left the Colony.

Mhlaba had also intended to hide himself for a short time; he had not left the Colony, and had, when tired and worn out with rain and hunger, surrendered himself to Mr. Arthur Shepstone, at the Little Tugela.

Mr. John Shepstone called the following witness:—

Sitokwana, duly cautioned, states: I am the son of Sigonyela, of the Amahlubi tribe. I belonged to one of the regiments. I arrived at the kraal Mpibhlweni, on this side of, and higher up the Bushman's River than, Nobamba, the day after Mahoiza left. On my arrival at this kraal my father gave instructions to pack up corn to feed the children who had gone on into the bush and mountain. We started from the kraal on the same day, but did not reach the bush; we slept at the Ntabatabeni kraal. We arrived at the foot of the Bushman's River Pass, and remained in the bush while the cattle were being taken up the Pass, for the cattle could not travel as fast as we could, and had to be taken up gently. We stopped some days at this bush while the cattle were being driven up. We had remained in the bush three or four days when we heard there were some white people at the top of the Pass; this was when we were about to come out of the bush, with the women, and follow the cattle up the Pass; for the women were going to accompany us. The news was brought us by three horsemen, who were going towards the Little Tugela. We went back into the bush, and sent four men up to see what was really the state of affairs up the Pass. These men returned stating that the course was clear, that there had been a fight, that the white men had gone away, and that a portion of our armed force had come down the Pass a short distance, and that the other portion had followed the retreating white men. We remained in the bush three days longer. On the third day, the Government forces being close at hand, behind us, we started to go up the mountain and take away the horses, so as not to give any signs as to where the women were. After travelling nine days we overtook Langalibalele at the Orange River, and found him encamped on the other side of the stream, the cattle being a short distance off. The people remained there three days after our arrival, and on the fourth day, those who had followed Langalibalele left the camp and proceeded to where the cattle were. On the next morning we pushed on with the cattle, taking the road to Moshesh's country. We arrived at a place where the grass had been burnt off, as we supposed by Bushmen, because we found a horse there, and there we encamped and remained several days, probably twenty. We did not build huts there, but farther on. We then heard that Langalibalele had moved on towards Moshesh's; we remained there two days after receiving this intimation, and then we also moved forward in the same direction. We travelled three days; on the third day several Basutos, about sixty in number, came to where we were. They had found two of our men, who had gone out to look for horses, plundered, and then mounted them, and brought them on to our encampment; they sent three of their own men with our two men, to tell us not to be frightened or to think that they had come out to fight us, or do us any harm. They said the object of this armed force was to put Langalibalele on his right course, as they had heard that he was wandering about, and Jonathan would come and inform Langalibalele what road to take. Shortly after these three Basutos had delivered their message, the main body under Jonathan, the son of Molappo, came in sight. We had a conversation with these men, who asked where Langalibalele was, and finally it resulted in our sleeping in the same camp together; the chief men to whom they spoke were Mbombo and Mazwi, and the latter of these despatched a messenger to inform Langalibalele of their arrival. After this Jonathan asked for a beast to eat, and we made some exertion to get one, but it was so late that we did not secure the animal until the next morning. On receiving the beast Jonathan said he would drive it on to a spot where there was grass for the horses, and there slaughter it. We followed with the cattle, and on the same day arrived at Langalibalele's encampment; we passed his encampment and that of the Basutos, and made our camp and took the cattle a little farther on. We remained there with the Basutos two nights; on the third day we left; we travelled three days, and on the third day arrived in sight of Basutoland. On the third day after we came in sight of Molappo's country Langalibalele went on to Molappo's, accompanied by the Basutos and some of his own people. On the second night after Langalibalele had left the encampment to go to Molappo's, four mounted Basutos came to where we were, and stated they had been sent by Molappo to collect all the fire-arms, inasmuch as the white resident authorities of Basutoland said the guns were to be collected, and that would be the only way of securing Langalibalele's freedom. These men also brought a message from Langalibalele in reference to certain oxen of the kraal Pangweni, describing one cream-coloured ox in

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particular. We replied that we did not belong to the Pangweni kraal. The head of this party of four Basutos called himself Umhlebe, and said he was an Induna of Molappo's. We demurred, and objected to give up the guns; the Basutos asked us to produce them, so that they might see them, and this we agreed to do. They said those of us who wished to secure cattle for ourselves had better hide amongst them, because in consequence of our refusal to give up the guns, there would be fighting; they urged us to pick out the best of the cattle and hide with them. We declined to separate the cattle, because they were all good, there were no best cattle. The four Basutos then lost their tempers, and offered to fight us, although we were the superior force. We said we did not wish to fight, we were for peace, but we could not divide the cattle. We exhibited three guns to these Basutos. We were lying down when this conversation took place, for it was very late at night, or towards morning. On dismounting one of the Basutos' guns went off, but it was explained that the man's toe had caught in the trigger, and by that means the gun had accidentally gone off. They all dismounted. After the conversation they mounted again, and said, "If you do not choose to pick out the cattle and give them to us we shall pick for ourselves." They then drove off some cattle. After this we went to another encampment of ours, and inquired if these Basutos had been there; the people replied that they had not. We then went to a policeman of the Basuto tribe, and inquired of him whether this Umhlebe had any authority to act as he had done. He said no; when Umhlebe had left their encampment he had gone in search of horses, and had no authority in reference to guns or cattle. This policeman, belonging to Molappo's tribe, recommended that the four Basutos should be followed, and the cattle taken away. We followed them, accompanied by certain Basutos, and re-took the cattle. Langalibalele was at this time in custody, at least so said the Basutos. After getting the cattle back from Umhlebe we returned to the policeman of the tribe, who said Umhlebe was a good-for-nothing fellow, had obtained the cattle under false pretences, and we must take no notice of anything he said. On the afternoon of the same day a number of Basutos came from all sides, and, taking the cattle, said we were to go to the Chief with our guns, and they would drive the cattle nearer the kraals; they then collected the cattle together, and drove them away; we followed, and just before we crossed the river a Basuto met us and said we had refused to give up our guns, and now the white people had come. We still followed after the cattle, and met four more Basutos, who said, "The white people say you must give up your guns." Some of our people still went on, others stopped, and some turned back. I was amongst those who went on. We met the mounted police; some Basutos came from the party and told us we were ordered to give up our guns. We said, "Yes, we have brought the guns." The Basutos told us to stand whilst they communicated with the police in reference to the surrender of the guns. After this the police rode up, told us to lay down our guns, and ordered us to stand away from them. The person in charge of the police then said, as we had laid down our arms we could go amongst the Basuto kraals, and get food for ourselves, for we had nothing more to fear; the only ones who would have cause to fear were those who ran away with arms in their hands, and refused to surrender when called upon to do so. We then went to the kraals as directed, and the white man who had told us that we were free to go about among the kraals, repeated the same statement on the following morning. On the next day the force from Natal arrived; we all ran away, but were pursued, and overtaken by men on horseback, who called upon us to stand still, and then commanded us to return. This we did, and were brought back to the kraals of the Basutos, and from thence conducted to Natal. A large number of guns were given up to the police; when laid upon the ground they made a pile of about two feet high. All our people were armed, the majority of them with assegais. The sons of Langalibalele were with him during this time; they were always in his company, and he was always ahead of the cattle, about two miles in advance, and accompanied by about twenty-five followers. When we reached the encampment, and went to Langalibalele, we found Mabuhle, Umzwilikazi, Nkunjane, and Nkomonkomo, and his sons, the prisoners in this case with him. Some of the sons were armed with assegais, and some with guns; Malumbule, Mbaimbai, Mazwi, Siyepu, Mango, and Ngungwana had assegais. Manaba had a gun. Langalibalele had an assegai. Mabuhle had a gun. It was said that Mabuhle commanded at the Pass. As we marched we were not divided into regiments, but each party went with its own cattle; there were very many cattle. I only remember the names of six of the regiments; they were not drilled before we left, but I know nothing of affairs before our departure, I having been at Putili's. Joel, one of Molappo's sons, got some of our cattle in the mountains; he took them by force; some shots were exchanged, but no one killed. It was from the Basutos, when they came, that we learned that a column from Natal was in pursuit of us, and that it had crossed the mountain; the Basutos said they had seen the smoke of the fires of the pursuing party, and they blamed us for not keeping

a better look out. I heard that the matter was likely to be settled by the payment of a fine by the tribe, and I returned home to visit my friends, and so became involved in this matter.

The Court rose at 3.40 P.M., and adjourned until to-morrow, at 11 o'clock A.M.

W. B. MORCOM,  
Clerk of the Court.

## SECOND DAY.

*Saturday, January 31, 1874.*—The Court resumed shortly after 11 o'clock A.M.

Present: The Secretary for Native Affairs, President; Mr. Bird, R.M.; Mr. Hawkins, R.M.; and the following Native Chiefs and Indunas:—Teteleku, Nondonise, Hlokolo, Hemuhemu, Zatsuke, Manxele, and Mafingo.

Mr. John Shepstone, R.M., continued to act as Prosecutor.

The record of the last day's proceedings having been read over, the prisoners were then called upon, one by one, to make a statement. The other prisoners having been removed,

Malambule said: I lived at Langalibalele's kraal Miza, which is under Table Mountain. I was horse-breaking, and heard that Mahoiza was at the kraal Nobamba, and that the men had been called together to meet him. I was present when the order was given for Mahoiza to undress, he himself took off his own clothes. That order was given by the old men. I saw Mahoiza taken into the hut where Langalibalele was, but I did not go in. I saw Mahoiza come out again, and went to catch horses. I did not see him leave the kraal. I returned to our kraal, Miza, to sleep that night, and then went to the place where they were grazing to catch fresh horses. I slept two nights at Miza, and the following morning caught my horses, and went along the ridge leading up to the sources of the Little Tugela to look for cattle; having found them, I turned back, and joined Langalibalele, who was at his kraal Ntabatabeni; I mean that I intended to join him there, but I found that he had left the kraal and gone on; he ascended the Pass on Monday. I then followed after Langalibalele, and slept at the kraal at the foot of the Pass; on the next morning we ascended the Bushman's River Pass; Mavuma was with us. We found Langalibele near the red rocks, about as far as from here to the Umgeni across the mountain; there were with him his sons Manaba, Mbaimbai, Siyepu, Mango, and Ngungwana; and in addition to his sons there were Didiza, Nkomonkomo, Zembe, Mpangele, and Kakonina; these were all that were with Langalibalele. Soon after joining them Langalibele's party started, and we slept at the cliff called Kolweni; we went on another day's journey and slept at Hlazeneni. On the third day after Langalibele had ascended the Pass, Mafutyana reached us with the intelligence of what had occurred at the Pass. I ascended the Pass the day after my Father did, and Mafutyana came up the day after I came up. After we had gone on for some time we heard from some Basutos that we were being followed by a force from Natal; these Basutos were under Jonathan, the son of Molappo. We gave Jonathan a beast to kill, and went on. Jonathan urged us to march quicker, as the force was advancing quickly behind us. After travelling two or three days in company with Jonathan, who continually urged us to have the cattle brought on, so as to avoid their capture by the party following us, we reached some Basuto kraals, where Jonathan provided Langalibalele with a hut in which to sleep, and after that took him, with some of his people, on to Molappo's. I remained behind. We then heard that Langalibalele had been made a prisoner, and we saw that the cattle were being seized, and that a part of the force of Langalibalele had left their guns, or given them up. The guns were given up, or collected, in one place, in consequence of an order given by Jonathan. I remembered we had run away from this Government in order to avoid having our guns taken from us, and, now finding that our arms were being taken from us here also, I took up a double-barrelled gun, and returned with it to Natal. I then entered the Colony by the Olivier's Hoek Pass, with certain followers, a few more than ten in number; some of my party went forward and came in contact with a few of the force employed under Mr. Arthur Shepstone; the force appeared startled at their appearance, and tried to arrest my men, who ran away; one or two shots were fired, and at last they came to where I and four or five others were; they chased us, and, as they came close, I unwittingly, or hurriedly, loaded the gun, but only with powder, and when the pursuers came closer, I fired at them in order to startle them. I escaped that evening, but the next morning Mr. Shepstone sent to look for us; we were found under a little bush eating our breakfast, made no further resistance, and got captured. I procured the powder at the time I took the gun, when the fire-arms were being given up at Molappo's. I carried my assegais in a quiver, and had them with me when I was taken prisoner. I have nothing more to say in the matter.

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Manaba said: I was at Pangweni when Mahoiza arrived. I went to the kraal where Langalibalele was, leaving Mahoiza at the Pangweni. On the occasion of Mahoiza's coming to Langalibalele's kraal, Nobamba, I was in the hut with my father. Macaleni, Maqobodo, *alias* Ngwahla, Mhlaba, Mbombo, Mabuhle, and Mpukane, all great men, were also present in the hut. Macaleni came to tell Langalibalele that Mahoiza had arrived; Langalibalele sent an order by Pangele that, as he was alarmed, Mahoiza must take off his clothes. After that I saw Mahoiza enter the hut with his jacket off. When Mahoiza delivered his message Langalibalele said he was sick; that he could not go down to Pietermaritzburg, as his leg was bad, and it would be unreasonable to expect him, when he was ill, to go and become more ill away from his own home. Mahoiza then went away. Langalibalele wished to give Mahoiza something to eat, but said he could not do so because the cattle were in Drakensberg. Then there was a great deal of confusion, in fact, it had commenced before Mahoiza arrived, and he must have seen that everything was in confusion, and that everybody was armed. After Mahoiza left, Langalibalele went to the Ntabatabeni kraal, and slept there. I accompanied him. We rode on horseback. The next day we started, and slept at the foot of the Pass on Sunday night. On Monday morning, Langalibalele ascended the Pass, and slept at the red rocks that night. On the following day we made a long day's journey to another rock, called Kolweni. On Wednesday night Mafutyana arrived, stating he had been sent by Mabuhle to report what had taken place at the Pass. Langalibalele asked the messenger by whose authority it had been done, and he replied by Mabuhle's. Langalibalele made special inquiries as to who had fired the first shot; and when the messenger said the Basutos had, he remarked that he hoped that Mabuhle had not caused the first shot to be fired, seeing he (Langalibalele) had given him special orders on that subject before he had ascended the Drakensberg; and had directed him, even if the forces of the Government got in amongst the cattle, that our people were to leave the cattle and not fire upon the Government forces. Mafutyana also reported that Jantje, the son of Selile, had killed a white man, that Mabuhle had killed another, and that the third had been killed by Latyinga, who had himself been killed by a pistol shot. Latyinga and the person he had attacked had in fact killed each other. We went on. Mabuhle came up after we had crossed the Orange River, and told the story over again. Langalibalele asked who had commenced the firing, and Mabuhle said the Basutos had first fired. Langalibalele inquired particularly whether the firing had not commenced on our side. Mabuhle said, No; the Basutos had first fired. Langalibalele said: "Well, if it turns out that it began with you, you and I shall quarrel; because I told you distinctly before I left that you were not to commence firing on the forces of the Government." We then went on, until some Basutos, under Jonathan, son of Molappo, came to us. I was with Langalibalele when Jonathan came to him, and blamed us for not keeping a better watch on our rear. He said his people had seen the Natal force close at hand; and he urged us to go on quicker, in order that we might get out of the way of the pursuing force; and if we were sufficiently advanced into Basutoland, we said he could make terms with the force, by giving up the arms, and thus save Langalibalele. Langalibalele said, "Will you really save me?" and Jonathan said, "Yes, we will save you; only come on at once." We went on, until we came in sight of the kraals of the Basutos; and then went down and slept near them. Jonathan had stated that he had been sent by his father, Molappo; and now he told us he had received a message, which his father's indunas had brought, directing him to request that the guns might be at once given up, while the cattle were still behind, and then they might all go down to the British authorities; the object or intention being to give up the guns, and then plead an international custom, that when one tribe had run away and got in amongst another tribe they would be saved. Several guns were given up that night, in accordance with the message. Next morning, an order came from Molappo, desiring Langalibalele to come to him at once. Langalibalele said he was tired, his leg was sore, and so on; but the answer was, whether his leg was tired or not, he must come down at once; and he went down. We went to Molappo's, and he gave us some beer. We had left our guns, and carried assegais. Molappo said, "Do you think carrying assegais will do you any good? The only thing that will do you any good now is talk." A force composed of white men was there. Our assegais were taken from us, and our names put down by the Magistrate. My brothers Mbaimbai, Mazwi, Siyepu, Mango, and Ngungwana, and myself, were arrested. That is all I know about it. I was armed with a gun when I started from Natal. The confusion I referred to existed some days before we left, and had been caused by a message from the Magistrate, by Umpiko, to the effect that the force to be used against Langalibalele was being collected; and those of the tribe who were on the side of the Government were to separate themselves from the rest of the tribe. This was before Mahoiza went up. The order as to firing, which I referred to as having been given by Langalibalele to Mabuhle and the other people, was given on the morning that Mahoiza left. We obtained all our

powder at the Diamond Fields, and none from anywhere near here. I know of no one here present who was present at the Pass.

Mbaimbai said: I belong to the Pangweni kraal; but when Mahoiza arrived there I was at the kraal of Nobamba, with Langalibalele. The day on which Mahoiza arrived at Nobamba, I was in the hut with Langalibalele. Mahoiza first went to the people assembled a little distance off. Some one, but I don't remember his name, brought word to Langalibalele that Mahoiza had arrived, and come to see about his illness. Langalibalele replied, "I am afraid of anyone that comes from Pietermaritzburg. Let him take off his jacket before he comes." Mahoiza then came in, without his jacket. We gave him some beer, and he drank. Langalibalele explained to Mahoiza, when he told him he wanted him to go to Pietermaritzburg, that it was not owing to disrespect, but he was really unable to go, his leg was too badly swollen; and, in fact, his leg was very much swollen. After Mahoiza had left, Langalibalele went to the Ntabatabeni kraal, and slept there. On Saturday night Mbombo came to Langalibalele at the Ntabatabeni kraal, where I also was, and reported that the Government forces were close behind. The next morning we started; and on Sunday night we slept under the Pass. On Monday we ascended the Pass, and slept at the red rocks; the next night we slept at the Kolweni rock. On Wednesday evening Mafutyana, who had been sent by Mabuhle, arrived, and reported that there had been an action, and that Mabuhle had ordered an engagement. Langalibalele wanted to know by whose authority it had been done, seeing he had given instructions that, when they saw the English forces, they were to run away. He inquired who commenced the firing; and the messenger said the Basutos had taken some guns away from our young men, and had also stabbed a beast; that was the provocation. He also said that Jantje, the son of Silele, was the one who fired the first shot, and that he also had killed the first white man who had fallen; that Mabuhle had killed the second white man, and that Latyinga had killed the third; he reported further that Latyinga had himself been killed; that Puluzamati and Mahohlo had each killed a Basuto; some were killed by gun shots, and others by assegais. We went on until we were met by Jonathan, the son of Molappo; he said we had been very careless about our spies, that his people had already seen the smoke of the fires of the Natal force in pursuit; he blamed us for our carelessness. We admitted that we had been careless, our great anxiety being to get forward. When we asked Jonathan what his object was, seeing he had so large a force, he said he had been sent by his father Molappo to tell Langalibalele not to go to Adam Kok, seeing he belonged to the Government, but to come to him (Molappo). He then showed us the way, and we proceeded on towards Basutoland; he ordered us to give up our guns, and we gave up seven. Molappo then ordered Langalibalele to go down to him, and said these guns which had been given up would save Langalibalele's head; we went down, and were made prisoners. We had some beer given us, and were told to go to a wagon, and there we were seized. That is all I know about it. Mabuhle joined us after we had met with the Basutos, so that we had no opportunity of questioning him as to the affair at the Pass. Langalibalele rode on horseback, and it was a fear of the consequences that prevented him from coming to Pietermaritzburg when summoned. The character of the country and bad weather delayed us; it is always winter in crossing the mountains, when it is summer elsewhere, and that is why we were so long in the Double Mountains. We really had no fixed plan. Langalibalele's idea was to get out of the way, and subsequently try to make terms, and return with his family. I carried my assegais in a quiver; I had no gun. I do not know of any communication with Molappo before this time.

Mazwi, a youth of about seventeen years of age, said: I don't know anything about it; I saw everybody else going, and so I went. I had no gun; I carried my assegais in a quiver on my shoulder. That is all I know about it.

Siyepu, a youth of about sixteen years of age, said: I was taking care of the horses, and don't know anything about it. I only had two assegais.

Mango said: I was present when Umyembe first went to deliver his summons to Langalibalele at Nobamba. Langalibalele said, though his leg was not well, he would go down to Pietermaritzburg and obey the summons. I then went to the kraal where I live, which was some distance from where my father was. Mabuhle soon after came to me, and said that he and I had been ordered to go to Pietermaritzburg, after Umyembe, with a message. I asked how it was that we had to go, seeing Langalibalele had promised that he himself would go. Mabuhle said, "We have come now; he is not going." On the way, when near Mbunda's, I again asked how it was Langalibalele had changed his mind, and why it was that we were being sent. Mabuhle said, "It will end in nothing; we will say he rode as far as Mbunda's, and could not come any farther." I said that will scarcely do; such an excuse as that won't answer. I then said, "If Mbombo had been sent, instead of you, he would have agreed with me; he would not have consented to a falsehood of

NATAL. — “that kind.” We came on to Pietermaritzburg, saw the Secretary for Native Affairs, and reported that Langalibalele had started and got as far as Mbunda's, but had then been obliged to turn back. The Secretary for Native Affairs said he was very anxious that Langalibalele should come down, in order that he might hear face to face what the people from Estcourt had to say, for they were then waiting in town. The Secretary for Native Affairs also urged upon us to tell Langalibalele that he was anxious he should come, in order that an end might be put to these misunderstandings, or difficulties. We then returned home, and told Langalibalele that he was wanted in connection with some business with the Indunas of the Magistrate, at Estcourt, and that we had found these Indunas in Pietermaritzburg. Mabuhle and three others, official witnesses, were decidedly opposed to his going down, and said Langalibalele must not venture, or he would be made a prisoner. Mbombo, my brother Manaba, and I, assured them that nothing of the sort would happen. Umyembe and the other messengers returned, and objections were again raised, but Mbombo urged that Langalibalele should obey the summons. They then reproached him with being the son of a man who had caused the death of one of their former Chiefs in the Zulu country, his father having urged the Chief to obey a summons, and he having done so had been killed. They said they had heard from the Indunas, at Estcourt, that if he came down to Pietermaritzburg he would be taken prisoner. Under these circumstances, we of course felt we should be blamed if anything happened, and so we ceased to urge our view of the case. Soon after this confusion arose. Before the retreat from the Colony Langalibalele assembled his people at Amahendeni. It was before Mahoiza went to Nobamba that Langalibalele assembled his people at this kraal, and gave them orders, if the Government forces came, they were not to fire upon them, but run away rather than fire. After this Mahoiza came. I was present at the kraal, but did not see much that happened. I heard he had been told to take off his clothes, but I do not know this from having seen him do so. On Saturday night, when at the Ntabatabeni kraal, Mbombo arrived, having just returned from Pietermaritzburg; he told us the Government force was already on the way, and that it would be at Mr. Popham's on Sunday, and on Monday would make the attack. On Sunday morning, therefore, we started to go over the mountain, and on that night slept at the foot of the Pass. The next day, Monday, we ascended the Pass, and slept at the red rocks beyond. We went on the next day; and on Wednesday Mafutyana arrived, having been sent by Mabuhle to report that an engagement had taken place. Langalibalele asked who had commenced it; and Mafutyana said the person who had sent him told him to say that Mbunda's people, the Basutos, had commenced it. Langalibalele said he hoped it would not turn out that Mabuhle had caused the commencement of the firing; seeing he had given orders that our people were not to fire first. Mafutyana reported that Jantje, the son of Silele, had killed the first white man, that Mabuhle had killed another, and that Latyinga had killed the third, but had likewise himself been killed. He said the affair had commenced in this way. Some of the Basutos had taken some guns from some of our young men whom they found asleep; they then shot one of our beasts; and afterwards fired upon our people, who then fired in return. It was Mabuhle's duty to see the cattle got safely through the Pass. Mabuhle joined us some time during the latter part of our journey. Langalibalele questioned him as to who had commenced hostilities, and he replied that the Basutos had done so. Langalibalele then inquired if he was quite sure that such was the case; and Mabuhle said, “Yes.” Langalibalele said he hoped it might be true. We went on, until we became aware of the presence of Jonathan, the son of Molappo, who caught two of our boys when out looking for horses, and brought them on with him, and then sent them to tell us not to be alarmed, seeing they were not an enemy but a friendly force, and had been sent by Molappo. The direction from which Jonathan came was our rear, and, when introduced to Langalibalele, he said he had been absent from home a period of eight days; and had been sent out by his father, Molappo, to tell Langalibalele to come to him, and not to go to Adam Kok, who was an enemy, or hostile. Jonathan and his people slept with us two nights, and we gave them two beasts to eat; they then showed us the way to reach Basutoland, and we went along it. When we had gone on some distance towards Basutoland, Langalibalele sent Maweywe to Molappo. He did this in consequence of a message from Molappo, brought to him by Silebala, to the effect that he was to give up the guns, in order that he might, with these guns, ransom his head to the British authorities. Then another messenger came from Molappo, desiring Langalibalele to come to his, Molappo's, place, so that he might see what he had to say for himself. Langalibalele then gave up seven guns; and we went with the Basutos to Molappo's own place. When we arrived, we found a large police force there; and passed in between the men. After our saddles, assegais, and other things had been taken away, to be taken care of, Molappo gave us beer to drink, our names were taken down, and we were made prisoners. I was armed with assegais. I know of no other tribes connected with any plan of resistance. Our own

resistance was entirely impromptu, and arose out of the circumstances of the case. We did not know what to do. Langalibalele said he was Chief, and could not obey the summons; and we knew the consequences of disobedience to the order.

Ngungwana said: I was in the employ of Mr. Heeley, in Pietermaritzburg, when the difficulty broke out, and had been for ten months before. When I heard how matters were going, I thought it my duty to go up and see what it was. I got there five days before Mbombo arrived, and gave the alarm. I was at the Ntabatabeni kraal when Mbombo came, and told us that the Government force had started, and would be there immediately. On Sunday morning Langalibalele started; I went with him, and that night we slept at the foot of the Pass. On Monday morning we ascended the Pass, and slept that night at the red rocks. On Wednesday evening, the son of Umzwilikazi, Mafutyana, overtook us, stating that he had been sent by Mabuhle to give a report of the action which had taken place. Langalibalele inquired who had commenced hostilities, and the messenger replied the Basutos had. Langalibalele said he hoped it was true that the Basutos had commenced, and that it would not turn out that our people had fired first. Mafutyana said the Basutos had fired first, after killing a beast, and taking some guns from our people. Langalibalele said he would hear more about it when Mabuhle came, and if our people had commenced the firing they were in fault. We went on until we met the Basutos under Jonathan, the son of Molappo; they said they had been sent to conduct Langalibalele to Molappo, to tell him not to go to Adam Kok's country, where a force was now awaiting him. Langalibalele said he had nothing to do with Adam, and did not want to go to his place, he was simply wandering about. The Basutos said Molappo said he was to come to him, and he would hide him. On the third day after the Basutos took us on, and on the fourth day we descended to a lower country. Molappo said, "Let the guns be given up, so that we may take them to the English, and you may be saved by their being given up." We then gave up seven guns, and slept another night. The next day they took Langalibalele away, but I stayed with the cattle; the following day the Basutos came and told us our Chief had been made prisoner; they then gave orders that the cattle were to be driven down country, and the guns were to be given up there. Then we allowed the cattle to go, because we felt we were done, and had no power to resist; the cattle got into the possession of the Basutos, and all our people then collected together. The guns were all brought together in my presence, and made quite a large pile, but these only belonged to the Pangweni part of the tribe. The others did not give in yet, they objected, saying the Basutos would kill them, and they preferred to give up their arms in the place where Langalibalele had been caught. We then went on to Molappo's, some having given up their arms, but others not having done so. The mounted men also went to Molappo's; I also went with them, having my shield and assegai. As we were going we saw an armed force of white men, and a Basuto came to direct us to lay down our guns, assegais, or arms of any kind, so that the white men might be told we had done so. While we were objecting to put them down there, and stating that we intended to lay them down where Langalibalele had been made a prisoner, the white force appeared, and immediately surrounded us; they ordered us to lay down our guns, assegais, shields, and all our arms at once, and we did so. The rest were told to go to Molappo's; but it having been found out that I was a son of Langalibalele, I was made a prisoner, and detained in custody, while the police went still farther into the mountains, to look after those who had refused to submit, and, seeing the armed force, had run away up the mountains. They left me in charge of four men; and, going on, attacked the people on the hill, about as far as from here to the camp. The attack lasted until sunset; when the police returned; but it was too late to reach Molappo's that night, and we slept on the road, I having been made secure for the night. I was taken to the camp next morning, and made a prisoner, with my father, at the wagon. The column from Natal then arrived. We were given over into their charge, and brought down here. Eight regiments left the Colony. They were named Mahende, Ntabayezwa, Umsingapantsi, Npumangene, Zitshelera, Mrotsho, Nkonjane, and Nguboyenkosi, but they were by no means complete. I belonged to the Nkonjane regiment, which was the most complete. We obtained all our powder from the Diamond Fields, and from no other place. The road used by our young men when coming from the Diamond Fields came down by the Amangwani; the name of the Pass they used is Kwababangibone.

The Court then adjourned, at 3:35 P.M., until 12:30 P.M., on Monday.

W. B. MORCOM,

Clerk of the Court.



## THIRD DAY.

*Monday, February 2, 1874.*—The Court resumed at 1 P.M.

Present: The Secretary for Native Affairs, President; Mr. Bird, R.M.; Mr. Hawkins, R.M.; and the following Native Chiefs and Indunas:—Teteleku, Nondonise, Hlokolo, Hemuhemu, Zatshuge, Manxele, and Mafingo.

The record of the last day's proceedings was read over.

Mr. John Shepstone, R.M., continued to act as Prosecutor, and led the following evidence:

Hlaba, duly cautioned, states: When the Government force halted at Table Mountain, I went on with some Volunteers to see about a road, or something of that sort, while the Secretary for Native Affairs went round by the road in his wagon. With these four Volunteers I went to a kraal some little distance down the stream; we found it deserted by all but one young man, whom we took prisoner, and brought before the authorities at the camp of the Secretary for Native Affairs. On the following morning, I accompanied the Secretary for Native Affairs when he went up towards the Drakensberg to look at that part. The Secretary for Native Affairs, having met Captain Lucas, returned; he took a good road for the horses, but I and two or three more natives took a shorter cut to the camp. As we were passing the edge of a bush, we noticed that the grass had been beaten down, as if a lot of people had been sitting there recently. We entered the bush, and found four girls, two women, and two children. We advised them to leave the bush, as they might get hurt or meet with an accident; we said they had better go to their homes. Only Gayede accompanied me when I entered this bush, and had the conversation with the women. Having taken these women and children, we proceeded towards the encampment; and, after going a short distance, we heard firing. On going farther, we found a number of our comrades scattered about, and wondered why it was. We asked Amahashi what it was; and he explained that they had found some sheep grazing, and were driving them off, when two men with guns had attacked and fired upon them. I called to the men, who were scattered about, to come where I was, and I would tell them how to act. Langalibalele's two men, who had the guns, called out, "Leave those sheep alone; you are not to touch them." I called our men together, and said they must seize these two men immediately they fired, and bring them before the authorities; what business had they to fire; were they really fighting against the Government? We then proceeded towards the spot where the two men were. I told my comrades I would go round and surprise the men from behind, if they would keep close in front and attract their attention, and I could then seize them. My companions said I had better not. I jumped on to another stone, and calling out, asked the men if they did not hear the order of the Government to return to their kraals. They replied, "Yes, we hear; but you are the man we should like to speak to." I then disappeared from this stone behind another; and the next thing I heard, on looking towards my companions, was a shot whistling past my head. I dropped; and as I rose again to call my comrades to assist and seize the fellows, I saw them running away; and just then another shot passed over my head. Seeing my comrades had deserted me, I also ran away; and another shot was fired after me. It appears that Mahoiza was on the cliff above, and could see what was going on; and when he saw the man was pursuing, he fired a shot which stopped him. Mahoiza and this man exchanged several shots, but how many I cannot say. I attempted to return and arrest this man, while he was exchanging shots with Mahoiza; but the tin pannikin slung on my back made a noise. He heard it, and ran away. We then took the horse and sheep away with us; and called out to Mahoiza's people to come down and take all the sheep, as there were others secreted in the bush. They came down, and took the sheep or goats down to the Secretary for Native Affairs. The goats had been put outside the bush on purpose to entrap us. I returned to the camp, and saluted the Secretary for Native Affairs, who was surrounded by several people; and I began to think, after all I had done, I was going to get punished for it. The Secretary for Native Affairs inquired what I had been about? what did this mean? and what authority had I to do all this? I said I had found them fighting when I arrived. The Secretary for Native Affairs repeated his question, and I answered as before. The Secretary for Native Affairs then said the responsibility of the whole fight lay on my shoulders; and asked me who had given me directions to leave his side, as I was accompanying him. The Secretary for Native Affairs directed that these goats or sheep should be taken back to the place from which they had been removed; and having inquired and ascertained whose women and children we had brought, we were ordered to take them back to Umdebele's kraal. We then took the sheep and horse we had seized; and were in a great fright, fearing this man of Langalibalele's tribe might attack us again. We left them

where we had found them. We delivered the women and children to Umbalagelwa, who was to receive a pass, and take them to a missionary, through whom they were to be delivered to their friends. That is all I have to say. We were blamed for acting without authority, as the Secretary for Native Affairs had not gone up to fight; and was still in hopes of having the matter with Langalibalele settled. This took place before the order for attack had been given. I wish to explain how this happened. I knew Adam and Nomyaca had orders to make known the Proclamation calling upon the people to return to their kraals, and we thought we would do the same, when we were fired upon by Langalibalele's people. When I returned the sheep, I saw no one. I am sure bullets were fired at me, for I heard them whistle past my head.

Nomyaca, duly cautioned, states: I remember being sent with Adam to Langalibalele. On our arrival at Table Mountain the Secretary for Native Affairs told us, in the evening, that we must go next morning and find Langalibalele, and bring him back with us, and tell him, if he was unwilling to come in, that he would be compelled to do so by force of arms. We were also directed to tell the people that those who were still loyal were to keep on one side, and show themselves to the leaders of the Government forces. We went to the Ntabatabeni kraal, and passing that, went towards the Bushman's River Pass. As we were passing along, we came on some women in a bush, and saw some goats. We asked these women where Langalibalele was, and also said if there were any men there they were to come out. Two men appeared on the upper side of the cave, but refused to come down. They asked if I was Matshobana, and then said they perceived I was not. I called out, "Come down, I have been sent by the Secretary for Native Affairs to summon Langalibalele to come to him at the Table Mountain. Where is Langalibalele?" They said they did not know where he was, and they refused to come down to me. I told them further, that the Secretary for Native Affairs said those who were still loyal were to separate themselves from those who adhered to Langalibalele, in case he refused to obey the summons, so that they might be known. Adam, the nephew of Langalibalele, accompanied me, but was not then present; he was a little distance off. One of the men said, "We are here in charge of some of Langalibalele's wives;" the other man said, "Why do you admit that, they will be found out." I said, "There is no harm done, we are sent to them also to order them to return to their kraals." I then passed on, went farther up the Berg, and met Adam; he said four men, armed with shields, had just gone behind the hill, and he told me to go to them. While following these men, we met another man driving some goats; we called to him to stop and come to us; he refused to come; we told him to wait for us; he again refused, and said we must not both approach him. Adam went towards him, but I remained behind. As Adam drew near he drew out his assegais with his right hand, ready for use. Adam said there is no occasion to draw your assegais, we have been sent by the Secretary for Native Affairs. Adam did not go nearer to him, but, calling out, inquired where Langalibalele was; he said he did not know. We asked what the people wanted in the bush, and ordered them to return to their kraals; they said they were afraid of the Government force. We then shouted to all there to return, and asked where Langalibalele was; they all said they did not know. There were others in sight and hearing when we called; some were herding horses. We then crossed the ridge, and went down towards the Little Tugela. Adam wanted to enter a gorge in a bushy part, but we said, "No; it is getting late, they have refused to show where Langalibalele is, and they will be stabbing us after dark; we had better direct our steps towards the encampment." On returning to the camp we saw Capt. Lucas's men a short distance off, and went towards them, but they hid themselves, and moved out of the way, but as we came nearer they waited for us on another ridge, and there we came up with them; they questioned us as to where we had been, and we said we had been sent by the Secretary for Native Affairs to make the Proclamation known. We went to Capt. Lucas's encampment, and heard that the Secretary for Native Affairs had been seeking a road in that direction, but, not finding it, had returned to where he had slept the previous night. We had some food at Capt. Lucas's and then returned to the Secretary for Native Affairs. No violence was used on that day. We traversed the greater part of the Location, going through the centre of it, and even went up past some of the caves where the men were. Some people belonging to the Tugela end of the Location returned, but none of the people from other parts obeyed the Proclamation. None of the people gave us any information; they seemed shy and disinclined to talk. None of the kraals were occupied; the cattle had been removed, and there were none there; this was before authority had been given to use coercive measures; five days elapsed after this before active measures were taken. There were no traces of cattle having been there for a long while, except such as had travelled past, and seemed to have come from the lower part of the Location. The kraals had been deserted for some time. The cattle went to the Berg about the middle

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Adam, a nephew of Langalibalele, duly cautioned, states: I and the last witness were sent by the Secretary for Native Affairs to Langalibalele, to call him back, as he wished to speak to him at Table Mountain. In case Langalibalele refused to obey the summons, I was directed to tell the people, that those who were loyal to the Government were to come down the mountain immediately to the camp, and to do it that very day, inasmuch as an armed force would be sent against them the next day. After leaving the camp we met six men, just on this side of the Ntabatabeni kraal; four of these men were on foot armed with shields and assegais, one was mounted, with assegais slung on his back in a quiver. On asking where they came from, they said Mbunda's, but I recognized two of them as people of Langalibalele's tribe, and asked them where Langalibalele was; they declined to answer, evaded every question, pushed on, and would not stand. My companion said, "You see their demeanour; we are walking among enemies." We went on, and agreed that we would not go down into the gorges, but keep on the ridges, from which we could see on either side. We passed on, and came to four goats, and then followed their tracks, as we had an idea they had come from where some people were hidden. After passing these goats we separated, and I told Nomyaca to keep on a track which had evidently been recently used by people, and I would look about towards the Bushman's River gorge. I believe Nomyaca afterwards came upon some women and some of Langalibalele's wives. I went down towards the Bushman's River, and proceeded, but I only saw cattle and horses in the distance. I took the track going up the mountain, and this happened to meet the track the last witness had taken. After traversing a large portion of the Location, I met one man driving some goats, and then beckoned to Nomyaca, who was not far off, to come towards me. On his reaching me, I told him what I had done and seen, and he told me there were some men on the other side of the ridge. We then went towards the man driving the goats, and on coming near him called out; he said you must not both come at once. I told Nomyaca to remain behind, and I would go to the man. I went, and as I was riding towards him he drew his assegai in his right hand ready for use, I being distant about forty yards. He said to me, "Stand where you are." I replied, "I shall not stop where I am, I shall come close up to say what I have to say." I then told him I had been sent by the Secretary for Native Affairs to summon Langalibalele to come down to the Table Mountain and talk over matters. I told the man it was no use for him to draw his assegai, for if I had come to fight I should have fired; I have not come to fight, but to deliver a message. Seeing the man would not allow me to come nearer, I asked where Langalibalele was. He replied, "Why have you come among the mountains to look for him; he is at his kraal." I asked, which kraal? He replied, "At the kraal where he usually stops." I said "He has a good many kraals," and he replied, "At Ntabatabeni." This man then said, "I fancy I recognize you as being Langalibalele's nephew, and you sent a message by Mbombo to say the people were not to run away." I said, "Yes, I am; and I sent that message." He said, "Langalibalele is at his kraal, and we have heard enough of your messages." As the man was disinclined to stand, I called out, "Look here, we have now been round through all the Location calling out among the bushes and the gorges that those who intend to remain loyal to the Government are to return to their kraals, and as you will no doubt see other people, I may say that those who intend to adhere to the Government must return to-night, as to-morrow an armed force will be sent against those who remain in the bushes and gorges." After leaving this man I saw two people coming up from the direction of the Little Tugela. It turned out that these had been to the kraals to see what had been done, or was doing below, and whether there was an armed force. We made known the Proclamation, and they ran away back towards the Little Tugela, but they heard and understood our message, and have since admitted the fact. When we went towards the Little Tugela we saw fires and smoke, but on coming in sight the fires were put out. We called out to these people, who were making fires in the gorges, and told them to return to their kraals, inasmuch as an armed force would be sent on the following day. Passing on, we saw a man herding three horses, and called to him to return, as, if he did not, he would very likely be destroyed by an armed force on the following day. I wanted to go to him; he was armed with a gun; but the last witness said I had better not go. These three horses were afterwards used to follow us, and ascertain whence we came, and what force there was. After this we returned to the encampment. Three days after this the force was moved up. We found some women, and called to them to return, assuring them they would not be hurt if they returned; but Menyuka, the cousin or brother of Langalibalele, and son of Mitimkulu, drew an assegai in reply, spoke defiantly, said we could do nothing, and threw his weapon at the Government force. This was before any shot had been fired, or any weapon used

on our side. It ended in this man, and another who was with him, being killed. One of the women was killed by accident, by a shot aimed at Menyuka. The women were anxious to come out, but he would not allow them, and tried to force them back. A girl was wounded at the same time, but I dressed the wound with gunpowder, and she got well. The Proclamation was heard by the people. Langalibalele's own wives admit having heard and understood the Proclamation. Some men and some women also, whom we took prisoners, and to whom we gave food, and instructions to return to the Ntabatabeni kraal, did not go there, but went to the caves. These admitted that they had thoroughly understood the Proclamation. About twenty men, on hearing the Proclamation, came down, and surrendered to the forces near the Pangweni kraal. Matshobana was one of those who gave himself up on this occasion, in consequence of the Proclamation, but Ngwahla was not. Umbalagelwa knows the names of these twenty men, who subsequently remained loyal. This occurred after authority had been given to attack and coerce the people. Whatever was done to Langalibalele's people is entirely their own fault, as they had every chance of returning if they liked. I should never have attended to the girl I have mentioned, except for orders received, that if we wounded a man and he fell, we were not to finish him off, but take him prisoner. I think the cattle must have been away from the kraals quite two months before we arrived there. The people had but recently left, as we saw traces of food and beer. Corn was to be seen scattered along the road, as though it had been spilled when being taken hurriedly away. The huts were completely gutted; everything of value and all personal effects had been taken, not even a mat was to be had; the heavy earthen pots alone remained. We did not find anything when we were travelling through the country publishing the Proclamation. We saw it was dangerous to go; but we were sent by the Chief, and no one dare disobey him. We saw that the Secretary for Native Affairs had on that day thrown us away (exposed us to danger); and that the kraals had been deserted before any force had arrived.

The Court rose at 3 P.M., to meet again at call.

W. B. MORCOM,  
Clerk of the Court.

#### FOURTH DAY.

*Tuesday, February 3rd, 1874.*—The Court resumed the inquiry at 12.40 P.M.

Present:—The Secretary for Native Affairs, President; Mr. Hawkins, R.M.; Mr. Bird, R.M.; and the following Native Chiefs and Indunas: Teteleku, Nondonisc, Hlokololo, Hemuhemu, Zatshuge, Manxele, and Mafingo.

The record of the last day's proceedings was read over.

Mhlaba was called upon to make a statement, and spoke as follows: As far as I know, this matter commenced by the Magistrate at Estcourt summoning Langalibalele to attend there, and his inability to attend in consequence of illness. After this, Umyembe came from Pietermaritzburg; but I only heard this, I was not present. He was at the high country at Nobamba, whilst I was in the low country. Umyembe came twice, and the third time he came with Mahoiza. On this last occasion they came to us at the Pangweni, where we assembled when we were told they had come to go to Langalibalele. Mahoiza said he had come to call Langalibalele. We told him Langalibalele was sick, and would not be able, owing to an old affection of his leg, to go down to Pietermaritzburg. Mahoiza asked if we could not get Langalibalele a horse or a wagon, as the Secretary for Native Affairs had said, if he could not manage to come down on horseback, they must procure a wagon for him. Mahoiza said it would be desirable that Langalibalele should go down with him to Pietermaritzburg; that it would not do for him to leave him behind. We said, it would not do to carry Langalibalele away from his home when he was sick; though it would be proper, if he were sick away from home, that he should be carried home. The great men then sent Majosi to tell Langalibalele what Mahoiza said; and he sent back orders that food should be given to Mahoiza, but said that he could not come to see him, as he was sick. Mahoiza then said he could not speak to Langalibalele in the distance, he must get nearer. The second time we sent Mabuhle, and he never returned. Umzwilikazi was then sent by Macaleni and myself. I was not present when he delivered his message to Mahoiza; but he brought back the same order, that Mahoiza was to have food given him; and said Langalibalele could not come down, because he was sick. Mahoiza found fault with us for keeping the means of communication in our own hands, and not allowing any of his people to go to Langalibalele; he said he could not return until he had seen him. We at length consented that he should go; and we started. Macaleni and Mahoiza went by one road, and I took another. We slept at the kraal of Umbuyisa. The next morning Mahoiza

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went forward alone. Macaleni followed him, and I followed Macaleni. Macaleni arrived first at Nobamba, and I after him, Mahoiza being still on the way at Sidingu's kraal. We then went to a rocky place, and took up our position before Mahoiza came; he then arrived, and came up behind us. We told him to go round in front. Mahoiza said, "Why should I go in front; Why don't you turn round to me; Why should I, who come from the Great Chief, look at and face the sun? It is you who ought to turn round and face the sun." At length Mahoiza went round to the front where the ground was lower—as we were sitting on a slight elevation caused by rocks. He then said he had come to call Langalibalele, and was to see whether he was really ill or not, and if he was ill, he had been instructed to send for Mr. Rudolph to come and see Langalibalele. We objected to Mr. Rudolph's coming, and said, Why should he come? Mahoiza stated why he had been sent, and that Langalibalele must go to Pietermaritzburg. We said, "Have you not heard, and been told, that he is sick; did not Umyembe say that he was sick?" He said the Secretary for Native Affairs had ordered him to see if Langalibalele was really ill, and if he was, he must provide a wagon, a horse, or whatever might be necessary. Kakonina, Ngwahla, and Makali, were the chief spokesmen of Langalibalele's people; they told Mahoiza that Langalibalele was sick, and asked if he had not been told so by the people living in the low country. We then sent Mahlale to Langalibalele to tell him what Mahoiza had said, and to hear what he would say in reply. Mahlale came back with an order for Mahoiza to go to Langalibalele. When Mahoiza stood up to go, the people called out, "You must leave your clothes here, what is it makes you look so stout?" I said immediately, "How can you ask him to take off his clothes; is not that equal to killing him? I was frequently sent as a Messenger in the Zulu country, and such a thing as that was never done; it is equal to killing him; and why should you be so clamorous about it?" The clamour was made chiefly by the young men. Mahoiza opened his arms, his clothes fell off, and one of his own people picked them up. They also told Umyembe to take off his clothes. He said he had very little to take off, but they said, "Never mind, take them off." But Umyembe did not take off his clothes. Mahoiza then went down to Langalibalele; and when his people saw him going, they said they would also go. After a time I was sent for, and went into Langalibalele's hut. I saw Mahoiza with a pot of beer in front of him, and Langalibalele with another pot in front of him. As I entered I heard Langalibalele telling Mahoiza he could not go down to Pietermaritzburg, as he was afraid; he saw the white people were running away, and it had been already reported that he had run away. This sick leg was an old ailment. He added that I was the one who had always made his excuses for him when he was wanted when in the Zulu country. He said if Mahoiza could take his leg out, and put a new one in, so that his leg might be cured, there was nothing the matter with the rest of his body. Mahoiza then went out, and after a little while I also left the hut; nothing was said between the time when Mahoiza went out, and the time when I went out. On that night I went to sleep at the kraal of Sabainhlala. The next day I went to the Pangweni, and, when I heard of the arrival of the Secretary for Native Affairs at Estcourt, I started up the Little Bushman's River towards the Drakensberg with my family; my cattle had already gone, not for purposes of flight, but to get better grass near the Table Mountain, at the time when Mahoiza arrived. Mahoiza only found a few milch cows retained for the use of the family. I stayed here until the forces under Pakadi came, when I went higher up towards the Drakensberg, and on to its face, at its base, and proceeded towards Olivier's Hoek with my family, and there gave myself up to Mr. Arthur Shepstone. We did not put away our corn, for there was no place in which to put it in the low country, and we could not carry it far enough to be of use. Langalibalele ordered us, when it was reported that Mahoiza was coming, to go to the rocks to receive him there; that was the usual place for hearing cases, or having discussions, although it was also usual to have such discussions at the kraal. We met Mahoiza outside, as well as at the kraal. I don't know who gave the order for us to meet with assegais; I did not see any guns. I was really taken by some of Cengesi's men, but I was on my way to Mr. Arthur Shepstone to give myself up. I admit I had a little shield and four assegais. I did not hear the Proclamation published by Adam; I was too much on one side of the route he took. All my cattle went, together with the other cattle, with their owner Langalibalele. It was the duty of the young men, when they saw the cattle belonging to the tribe flying, to fly, and I did not remonstrate. As far as I could see, Langalibalele could not come to Pietermaritzburg; we objected to his coming in a wagon, and said how could he be taken, ill as he was, to Pietermaritzburg, when in point of fact it would be right, if taken sick at the headquarters of the Government, that he should be allowed to return home in a wagon. As to whether the fatigue of the journey undertaken by Langalibalele was not greater than that of proceeding to Pietermaritzburg, I may say that what a man can do when he finds there is a force near him, or after him, or is told there is a force pursuing him, is no criterion of

what a man could do were he not placed in those circumstances. I don't know when it was that the young men first began to acquire so many guns. I did not notice. I thought they were getting these guns to do what they had been ordered to do—protect the country from the Bushmen. An order came from the Magistrate desiring our people to take the guns to be registered; some were taken and returned again, but some four or five were not returned; but we did not take any notice of anything concerning guns. We had no consultation with Langalibalele about the guns, because if we had it would have been of no use, the people would not have agreed to give them up. I know nothing about communications with the Magistrate in reference to guns and other matters; there were persons regularly appointed to discharge these duties. It is not customary for a people to arm themselves with assegais to receive a messenger; I have never seen it done before. On this occasion it was caused by the fact that everybody was armed, because the white people were running away. It is not customary to require the messengers from a higher power to go to a lower part of the ground where he is received, especially if he objects, but on this occasion it was done by the clamour of the young men, who were encouraged by the Official Witnesses. To treat a messenger so is to despise the authority which sent him, and it was on that account I remonstrated with them, because they not only did that, but were clamorous towards the messengers sent by the Great Chief.

Ngwahla was also called upon to make a statement, and spoke as follows: I belong to the Amahlubi Tribe, and my kraal was close under Table Mountain. I am not an Induna. I became alarmed because, when Lagalibalele was sent for there was a difficulty about his obeying the summons, and we found out that a false message had been sent to the Government; it having been stated that Langalibalele had started to obey the summons, but had turned back at Mbunda's, when in point of fact he had never started at all. We became alarmed at the consequences of such a proceeding. We had also heard that the Secretary for Native Affairs, before he started for the Zulu country, had sent a messenger to say that the matter was not over, but only delayed until his return. That message made us think it was a serious matter, and, in fact, it alarmed us. When we heard a force was coming against us, we said to Langalibalele that it was a pity he was too ill to attend to the summons, and that if he were well enough it would be desirable he should attend to it, and do his proper service. Before Mahoiza arrived we had commenced to put our corn into the caves, and when Mahoiza arrived he must have seen that the cattle had already left, and only a few remained at the kraals. While this process of putting all our valuables into the rocks was going on, Mahoiza arrived, and came to the Pangweni. Langalibalele requested that he would say what he had to say to the great men; he did so, and they told Mahoiza that Langalibalele was ill, his leg being too bad to allow him to travel. Mahoiza said, notwithstanding that, he had come to call Langalibalele; he was urgent, and said he must go. The great men objected to his being brought down to Pietermaritzburg, and said, if he were sick away from home, it would be right enough to bring him home, but being sick at home, it was not right to take him away. Mahoiza said he must at any rate see Langalibalele, he could not go back without seeing him. We said, "Supposing you go and see Langalibalele, and find that he is really sick, what then?" He said he should send for Mr. Rudolph to come and certify that Langalibalele was sick. Langalibalele was informed of all this, and sent back to say his leg was so bad he could not go, and Mahoiza must return. Mahoiza insisted that he really could not return home until he had seen Langalibalele himself; Macaleni at last consented that Mahoiza should go, and accordingly took him. Mahoiza started, slept on the road, and the next day waited near Langalibalele's kraal until he was sent for. He was sent for, and when he came, said all he had to say. Before Mahoiza came we left the kraal where Langalibalele was, and went to meet him on the hill, where he told us he had come to call Langalibalele, as he was wanted to go down to Pietermaritzburg. The men replied that Langalibalele was sick; and how, being sick, could he go down to Pietermaritzburg? We said this in fear, because we felt the Government was angry, and we had nothing to say, and could say nothing except that Langalibalele was sick, and we could not say that he ought to go. That was the answer of the men. I remonstrated with the people for saying what they did say; and suggested that, as we had already said all we had to say at the Pangweni, we should no longer talk about the matter, but let Mahoiza be taken to the Chief, and say what he had to say to him. Although they clamoured a good deal they admitted what I said, and Mahoiza was taken to the Chief; but before he was taken Umhlale was sent to report the decision arrived at, and the answer given Mahoiza. Umhlale came back to take him to Langalibalele. As he was getting up to go some one of our people said, "What makes you so stout, Mahoiza? Put your clothes down, and take off your jacket, that we may see." He took off his jacket, put it down, and went to talk to Langalibalele; who said, he saw things would not go right, even if he came to Pietermaritzburg; and how could a man carry himself there

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when he was sick. By this time all the country was in a fright, because it was rumoured that the Government forces had already started. Mahoiza persisted in his summons; but Langalibalele said he could not go. It was fear which caused him not to go. There was not much said in the hut between Mahoiza and Langalibalele; the former persisted in his summons, and the latter said he could not obey. The real fact is, Langalibalele was afraid. Mahoiza then went away, and I returned to my own kraal, and stayed there until the third day, when I heard the Government force was near at hand. On the day after we heard this, we went into the caves of Table Mountain; for the whole country was in alarm, and the people were seeking for places of safety. My cattle went over the mountain with their owner, Langalibalele. He having gone over the mountain, we found places of security as best we could amongst the rocks. We heard the orders given to the force, that prisoners were to be taken, and no one to be hurt unless he first commenced to fight. Being in the Table Mountain, which is in front of the position occupied by the tribe, I know none of the particulars, who began hostilities, or what happened in the other parts of the Location. We then saw the Government was angry. We thought the force would go after the cattle, and leave us. We did not think the people in the rocks, and those remaining in the Location, would be interfered with; and we were under this impression until we saw the people were being killed. We had no communication with Langalibalele. I did not see him after parting with him after Mahoiza left. Langalibalele left his women and family behind him, not knowing where he would be able to take them. He went on with his cattle without giving any orders on the subject, as far as I am aware. I did not hear of any orders given to his own family. Various sections of the tribes took possession of the caves in different parts of the Location, but each according to a plan of its own, no order having been issued by Langalibalele. When we heard the forces were coming back to Table Mountain, we thought it better to get out of the way, and about two hundred of us, men and women, went to Putili's; others thought they would find a place of greater security up the Little Tugela. After the forces had gone to Table Mountain, and did not find us there, we thought they might be coming in the direction of Putili's, and returning we again occupied Table Mountain. At last we thought our only safety was in obeying the summons, coming down, and surrendering, and we went down and did so. When I came down, Pakade's people reproached me for not listening to this order before; they told us not to go back to the mountains, or we should certainly be killed. We said we did not know whether we should be safe at our kraals; we were liable to be killed there. I was then given in charge of Mahoiza. I know it was wrong to receive a messenger from the Supreme Chief in the manner in which Mahoiza was received. There are those who committed these wrong acts, and there are those who regretted them, who took no part in them, and felt and saw they were wrong; but now we are all compromised by these acts of wrong, inasmuch as blame is attachable to us all. Such conduct is incompatible with fear; it could not be fear which made the people despise such a messenger. We did that which was wrong to Mahoiza, and what was calculated to make the Government angry. Macaleni, Umzwilikazi, and I, condemned the treatment which Mahoiza received. Umzwilikazi said, by this you are destroying Langalibalele and his tribe, and this when Langalibalele is not present to know what you are doing. We were perfectly aware that such conduct was a defiance of the Government; and we saw that the treatment of Mahoiza in that way was disrespectful, and would bring great trouble. I must do Langalibalele the justice to say, that he himself was not present to know what was done, or to do it himself. I was not present when Langalibalele issued the order to the people at the Amahendeni kraal. When Mahoiza asked for food, Langalibalele told him the cattle had gone; they had first been much reduced by lung-sickness, and now they were all gone. I saw Langalibalele whisper to Sangcungu. I don't know what he said, but I afterwards heard it was an order to give Mahoiza a beast.

Albert B. Allison, examined, states: I was in command of the column which followed Langalibalele to Basutoland. One hundred and eleven guns, which had been given up by Langalibalele and his people, at Molappo's, were handed over to me by the Magistrate at Leribe, Major Bell. Many of these guns bore the registration stamp, showing they had been imported into Natal. A few Diamond Fields permits, but not many, were given up with the guns, many of which were like the ordinary rifles sold at the Diamond Fields. I found no licences from this Government to hold firearms. There was very little ammunition, and all the permits were from the Diamond Fields. I did not myself receive any guns from the Amahlubi, but a few rifles were taken from the prisoners captured by the rear guard. I do not know how many guns were taken in the Location.

Stoffel, duly cautioned, states: I live near the tribe of Langalibalele, under the Chief Hlubi, who is a Basuto. In the winter of last year, and before the Secretary for Native Affairs went to Zululand, a messenger, named Sotshakase, came to our Chief Hlubi,

stating he had been sent by Langalibalele to say he was in a difficulty with the Government, but did not know what it was about. Hlubi wanted to know what the particulars of the difficulty were, and what it was Langalibalele wanted of him. The messenger said he really was not quite sure; in fact, he did not know. Hlubi then sent me to Langalibalele, and I went. I was sent to ask him what he wanted, and what was his difficulty with the Government. I found him at the kraal Nobamba, and when I got there I found a great many people present, but just at that moment the Chief was not there; I went to his house, and found there a head man named Nqwangana, and asked where the Chief was. He said below, and took me to some of the lower houses, where Langalibalele was. When he was conducting me the people assembled there objected, and said to Nqwangana, where are you taking him? There was a little discussion between them, they objecting, and he persisting, and at last he had his way and went with me. We went into the hut where Langalibalele was. He asked where I had come from. I said, "From my tribe." He asked what I had come about. I said about the message he had sent to Hlubi, by Sotshakase. Langalibalele at once said, "I do not believe you have come about that business; I think you have come only as a spy." He persisted in saying I was a spy, because I did not usually go there, and why then should I have come when this difficulty had occurred. I still assured him I had come about that matter; but he said, "Although you say you have come on that matter, I believe you have come on some other business." I said, "No, I have not." I remained some time in the hut with him, he continually recurred to the subject, and his belief that I was a spy, and had not come for what I had represented I had come. I simply affirmed that I had been sent on the matter I had mentioned, but Langalibalele would not enter into the particulars of the difficulty in which he was with the Government. I slept there that night. At daylight the next morning I found a party of horsemen had arrived during the night. These young men reported that the cattle from Pangweni had fled. Langalibalele said, "You will get me into a scrape; what have you made the cattle run away for?" I heard this conversation, but it was not addressed to me. After a little while I saw the young men get their horses together. Langalibalele then gave each of these men a supply of gunpowder, and ordered his men not to shoot game with it. This is all I know. I went back and reported all I have now said to the Chief and great men. This was before the Secretary for Native Affairs went to Zululand. The supply of powder which Langalibalele gave to his men was not a large one; there were two canisters divided amongst them. I don't know what he meant his men to shoot when he prohibited them from shooting game. All these young men were armed with guns, and had powder horns. After this, one of the Basutos who were killed at the pass, was out looking for our horses which had got intermixed with those of Langalibalele; when he came home he reported that he had found the men assembling, and, in consequence of what he reported Langalibalele had said to these men, we were very much alarmed, and thought that possibly they might be intending to make some attack on us, seeing he had called me a spy. They caused us such alarm that we thought we had better put our cattle in a place of safety, and we did so. This was at the time of the Volunteer meeting at Estcourt, and before the Secretary for Native Affairs went to Zululand.

Ngcamane, duly cautioned, states: I am one of Langalibalele's tribe, and lived at my kraal near the Pangweni. The first I heard of this matter was that Mtshitzizelwa, Mr. Macfarlane's head Induna, had gone to a kraal at Sibunda's to require some young men to bring in some guns, and they ran away. I was not present myself, but that is what I heard. That caused some little alarm, because the order was that these young men were to be sought after and brought back. I do not know whether they were sought after or not. About a month after this I heard an order had arrived from the Magistrate requiring us all to take in our guns to be registered. I heard that some had been taken and brought back again, but that others had not been brought back. And then the people said, "What is to become of our earnings, we having spent our strength for guns, if they are taken away?" This caused considerable alarm, and when the Volunteers assembled at Estcourt that also caused alarm. I heard that Umyembe had gone to Nobamba to summon Langalibalele to go to Pietermaritzburg, and that the men had said he was sick and could not go; that caused alarm, and made us feel uneasy, even before the Secretary for Native Affairs went to Zululand, and all the time he was away, because we were speculating what would be the end of it. The whole difficulty arose of the fact that Langalibalele was said to be sick; the men said, when they assembled together, that he was sick. The members of the tribe were assembled four times; three times I was present, but on the last occasion I was not present. The decision each time was that Langalibalele was sick and was not to go. The assembling to which I refer was that of those living in the low part of the Location, and I was not present at any assembling of those living in the higher parts. At the fourth meeting Mahoiza was present; this was after he had had three head of cattle to eat.



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I ran away when I heard the force was approaching. I know of three cattle being killed by Mahoiza, but I know of no others. The first beast was given by Umhlale, the second was Langalibalele's, and the third Cole's. I knew the cattle, and only one of them belonged to Langalibalele. My cattle went with those of the Pangweni kraal over the mountain. I went to the Little Tugela. As far as I saw the hiding and secreting of property commenced after Mahoiza arrived. The meetings, held in the low country, of which I spoke, were held by order of Langalibalele, who wished the people to give their decision as to what he should do, seeing he had been summoned to Pietermaritzburg, and was not well. I remember Mbombo coming to me, and saying he had placed himself in some danger, because he had advocated Langalibalele's obeying the summons, and had been reminded that his father had induced a former Chief of this tribe to obey a summons in the Zulu country, and he had been killed in consequence. The question submitted by the messengers of Langalibalele to these meetings I have referred to was, What was he to do, seeing he had been summoned, and was sick? and the answer which the people gave was, "Seeing you are summoned, when sick, what can you do?"

The Court rose at 4.40 P.M., to meet again at call.

W. B. MORCOM,  
Clerk of the Court.

#### FIFTH DAY.

*Tuesday, February 10, 1874.*—The Court resumed the inquiry at 12.25 P.M.

Present:—The Secretary for Native Affairs, President; Mr. Bird, R.M.; Mr. Hawkins, R.M.; and the following Native Chiefs and Indunas: Teteluku, Nondonise, Hlokolo, Manzele, and Mafingo.

The record of the last day's proceedings was read over.

Mr. John Shepstone adduced the following evidence:

Umtshitshizelwa, duly cautioned, states: I am Mr. Macfarlane's Induna. I belong to the Qwabe tribe, and was born in the Zulu country. I am in no way connected with the Hlubi tribe. On one occasion when Mr. Mellersh was acting for the Magistrate, on going to the office, I was sent for, and told by the acting Magistrate that five men had arrived on Mr. Mellersh's farm from the Diamond Fields; that the people there had guns, which they were constantly firing, in order, as he had heard, to learn how to use them. I was ordered to bring in these guns, with the powder, and the owners. I was ordered to go myself, and went with three men. I went to Sibanda's kraal, at Mr. Mellersh's farm. As I passed one of the huts I smelt powder, and having called Sibanda, the master of the kraal, I entered the hut because I wanted to see the powder before it was concealed. I had three men with me. I found a small bag of powder, and two guns, which they had been recently washing, upon the ground. After ascertaining that these guns were there, I said to one of the boys, "Go and call your father, Sibanda." After I had sent this message, one of the boys who remained crossed the hut, and attempted to take up the bag of powder. I said, "Wait; leave that alone till your father comes." Immediately I stopped him from taking the powder, the boy jumped past me, and seized one of the guns behind me. I said, "Leave the gun also; I am come about this; I am to take you and the guns to the Magistrate, in order that the guns may be registered." After I had seized the gun, the boy exerted his strength to get the gun out of my grasp, saying, "If that is your mission, our guns shall never be registered; we are taking them to Langalibalele; in fact, he has sent a message saying we are to take them to their owner, Langalibalele." I asked who had been sent; and they replied the son of Nkanbayedwa. After this conversation the boy renewed his exertions, and dragging the gun towards the door of the hut, got outside; I still remained inside, holding the stock, while he held the muzzle; he brought the middle of the barrel against the door, and continued pulling, but I determined it should break before I let go, when the mother of this boy seized me round the waist from behind. While this struggle was still going on, Sibanda entered, with several of his boys, who seized hold of me, scratched my hands and tore my clothes, and I eventually let go the gun. After I had released the gun, Sibanda, who remained standing, asked what was my business; and had I come to fight? He said, "These guns have been sent for by Langalibalele, their owner, and if you require them to be registered, you must go to him; and if he chooses to have them registered, he will send them in." I then went out of the hut, and it appearing that one of the three men who had accompanied me was engaged in a similar struggle with another young man, I called to him to leave the gun, and come out of the hut. I and my three companions then went outside the kraal, and sat down on the upper side; Sibanda and Nkonyana accompanied me to this spot. While there I saw the ramrod of a

gun lifted in the air, and the boy with whom I had the struggle loading his gun. I drew Sibanda's attention to this, and said, "See, one of your boys is loading the gun." Shortly after that the boy came outside, and said, "If you want this gun you can come and get it, and I will put you to rights." I said to Sibanda, "You had better seize that boy, discharge the gun, and bring it to me, that I may take it to the Magistrate's office and get it registered: he will not hurt you—his father—but he will fire at me. His father replied, "I dare not go; he would shoot me; I have no control over him; the boys have no respect for me. I am nothing to them." The other boy, who had had the struggle with the messenger accompanying me then appeared with his gun. I told Sibanda he had better seize it. The boy replied, "No, I have not loaded my gun." I said, "Fire off the cap you have on;" and as he was cocking the gun, I said, "Give it to me, and let me be sure." I fired off the cap, and found the gun was not loaded. I handed the gun to one of my companions, and said, "Let that man who has behaved badly come too; he is only bringing trouble on himself; this gun of yours is safe; go with me to the Magistrate, and have it registered." The boy seized the gun, and while the struggle was going on, others came up, and I allowed him to take it. They said I dare not touch the guns; they had been sent for by Langelibalele; and they dare not let us take them without his permission, and they could not be registered unless sent in by Langelibalele. I asked, "Where are the other three guns?" They said, in the hut, but you dare not take them, they are also to go to Langelibalele; and if he requires them to be registered, he may send them in. You may tell the Magistrate we admit that all five are here. I then told Sibanda I was going back to the Magistrate to say I had been killed, and badly treated; that I should not go on to Langelibalele, because I had no orders to do so, but that I should simply report the matter to the Magistrate. On arriving at the office, and reporting the matter to the Magistrate, he told me to take Umpiko, one of Langelibalele's Indunas, and go to Langelibalele, telling him to arrest these boys, and send in the guns to be registered, as it was not right they should be in the Colony without being registered. We went, and found Langelibalele at the Ntabatabeni kraal, and I told him I had been sent to request him to have these boys arrested, and sent down to the Magistrate's office with the guns, in order that such guns might be registered. I told him what had occurred, how they had ill-treated me; and the grounds on which they had refused to give up the guns, viz., that Langelibalele had sent a message for the guns by the son of Nkanbayedwa. I also showed him how they had hurt my hands. Langelibalele then said, "What sort of a man do you and your father, the Magistrate, think that I am? You first of all, after hearing where these guns are, go and rouse these people, and when they have become wild beasts, you come and ask me to arrest them. I don't know where they are; they are wild animals. You should have come to me in the first instance, and allowed me to seize them first, and not have put them on their guard. They never came to me." I said I had simply obeyed the orders of the Magistrate; but I did not see the drift of the argument, seeing the guns had come to him; he having sent the son of Nkanbayedwa to order them to be brought; and if he disbelieved me, he could send a messenger to accompany me to ask Sibanda and his eldest son, Nkonyana. On my recommendation, Mahololo was ordered to accompany me to the son of Nkanbayedwa, to ascertain whether Langelibalele had sent him; and also to Sibanda's kraal; and he was ordered to meet me on the following morning at the kraal of Nkanbayedwa. He failed to do so, and I went to both places alone. I also had orders from the Magistrate that, if Langelibalele failed to comply with the order, I was to arrest Sibanda, and seize his cattle, by counting them, on behalf of the Government. I counted the cattle, and took Sibanda with me, he persisting that the boys had gone to Langelibalele, and were there. On arrival at the office, the Magistrate inquired into this question of the behaviour of the young men, and asked how it was. Sibanda said it was Langelibalele's fault; for he had ordered these guns, and all others brought into the Location, to be taken to him, before they were brought in for registration. The Magistrate further inquired how Sibanda had allowed a messenger to be ill-used. He also fined him five pounds, and told him, if he did not find the boys and bring them in, he would forfeit his cattle; which were not to be removed, but to remain where they were. Sibanda paid the fine of five pounds. On another occasion, Capt. Allison reported that eight guns had found their way into the Location from the Diamond Fields, and that he had taken two others. I was thereupon sent to Langelibalele, to require him to send in these guns to be properly registered. Langelibalele replied: "You must give me the names of these people. I cannot do anything unless you give me the names." I said: You can easily ascertain. There were ten in all; and one, having been bitten by a snake, was compelled to remain behind. He said: "I shall do nothing of the sort. I shall make no inquiry, unless you give me their names." I then told Langelibalele that the Magistrate said he was tired of receiving these messages; that the vessel in which he

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kept them was full, and overflowing; and it would be necessary for him to pick out some of them, and send them to the Government; that Langalibalele's pots were all on one side, and it would be better to place them upright, rectify, and alter their conduct, and let matters go on straight. Langalibalele stated as an excuse why he would not exert himself, that he was a great Chief, and well known as such throughout the Free State; and the men of several tribes, when travelling there, if questioned, said they came from Langalibalele, in consequence of his being the most powerful man in the neighbourhood. He said he could not trace any men unless the names were given him; and, if I failed to give him the names, I must go home without receiving any favourable answer. I asked Langalibalele for what reason, and what good it would do the men of the tribes referred to, to state they had come from him? Was he then greater than the Chiefs of these tribes? Langalibalele said: "The opinion in the Free State is, that I am greater and more powerful than the other Chiefs; though this is not the opinion below (at Pietermaritzburg)." On my return to the Magistrate, I delivered Langalibalele's message. Mr. Macfarlane inquired if Langalibalele had not alluded to some guns which had been brought down by some boys who had been working for Mr. W. E. Shepstone. I said, "No, he did not allude to them." The Magistrate then told me to tell Langalibalele that these men had permission to hold these guns, but they must be taken down to be registered; and I was instructed, at the same time, to bring down the eight guns; and to state that the Magistrate would not give Langalibalele the names of these men. I was afterwards ordered to delay this message for two days, in order that Umpiko might be sent to tell Langalibalele that I was coming with a message; and that he must collect all his head men together in order to hear it. I found Langalibalele at the kraal Bekuzulu. On approaching near the kraal, I saw a large number of people collected on the hill, some little distance from the kraal. I concluded Langalibalele would be there; but, on coming nearer and looking about, I saw he was not there. I saluted the head men there present, and sat down. After some time, Mabuhle arrived, and said, "Langalibalele salutes you." I returned the salutation. Mabuhle returned again, and said Langalibalele said I could say what I had to say, the Hlubi tribe being collected together. I said, "No, I have not come to the tribe; the tribe are simply to listen, and hear what I have to say to the Chief. I require Langalibalele to be present here at the assembly." Mabuhle went back to Langalibalele; and, on returning, said Langalibalele refused to come, and I was to communicate what I had to say to the Hlubi tribe. I replied, "No, I have been sent to Langalibalele, and will deliver the message to him." I said afterwards, though I would not speak to the Hlubi tribe generally, still, if one man was pointed out, so that I might say I had spoken to him, I did not mind communicating my message to him. Mabuhle said, "No, you must tell the tribe generally." Mabuhle returned to the kraal, and, after waiting a long time, Langalibalele came. When he came the men formed half a circle: I and my companions were sitting in about the centre of the right flank, our backs being towards the east. Langalibalele came into the centre of the half-circle, and stood for some time looking around, and, on seeing, walked towards us. Thinking we might be occupying a stone upon which he wished to sit, we were about moving, when he sat down in front of, and turned his back towards, me. When Langalibalele had seated himself comfortably, he said, "Mabuhle, say what you have to say." Mabuhle then spoke to me, and told me to deliver my message. I said I had brought back the message of the Magistrate to Langalibalele, directing him to send in the eight guns; that I had not brought the names, which Langalibalele, however, was to require from his Indunas, who were stationed among his people; he was therefore to ascertain where the guns were, and by whom they had been brought down, and he had a good scent to follow, inasmuch as the man who had been bitten by the snake on the way down was amongst the number. I told him that the guns, belonging to the men who had worked for Mr. W. E. Shepstone at the Diamond Fields were to be brought in to be registered, and there was no obstacle in the way, as they had permission to keep the guns. Langalibalele said these men could go down and take their guns, but as to the other eight, I must first tell him their names, and even then I must go and seize them myself, and not come to him to have the guns seized; what business had I to come to him in the matter? I replied, "How can you, as a Chief, talk with two tongues? On the last occasion, in connection with Sibanda's sons, you told me I did wrong in going straight to them; I should have allowed you to arrest them. To-day, when I do what you suggested in that case, you say I am to go and arrest them myself, or the Magistrate must do so." Langalibalele replied, "How can you hold out that matter of Sibanda's sons as a threat against me; I did not send them to the Diamond Fields, or originate the movement. It is the white men who scratch about the ground and look for diamonds. I do not; and I will not take away a gun from any man who has been to the Diamond Fields and worked for it fairly. The white people take the men there, they work there, and then the white people wish to take away the guns they have earned." He then

added, "Your fathers, the Magistrates, are cats; they do not interfere with Faku, King of the Pondas, or Cetywayo, King of the Zulus, but they come to us, who are like rats, who have come trusting to their protection, and annoy us." Langalibalele said further, "It would be of no consequence if the Dutch, of whom they knew something, had treated them in this way; but the Magistrates did not interfere with Cetywayo, because they left him to be beaten by the Dutch first, and then, when they found it clear, would take possession of the land; and it was the same in reference to the Pondas; that it would have been of no consequence if they had had a fight with our fathers, the Magistrates, because then they would know in what relation they stood to them, as they now knew the relation in which they stood to the Dutch. There had been Moshesh, a chief of great power; the Magistrates had never interfered with him, but directly the Dutch had fought with and conquered him, they had come up, put their hands upon him, and told him to pay taxes, when they had never fought against him." Just tell me, he added, "Against whom they ever fought?" He then rose, and addressing the tribe, said they could question me; and then he walked off. We did not see Langalibalele's face from the time he sat down until he went away; he sat with his back to us all the time. As Langalibalele went away, some young men sitting with Mango, one of the prisoners, began to say they had gone to the Diamond Fields and worked for guns, and how could they now be taken away? I called to Mabuhle, saying, I had not come to talk to boys, but to the Amahlubi tribe, pointing to the old men. Mabuhle told the old men not to dare to speak; it was the young men from whom we had come to get the guns, and let them, therefore, speak; if we had come there to pick and choose who were to talk to us, that would not be allowed, for those who were immediately concerned should talk. The young men then made a great row, but I said I would not listen to boys, or be questioned by them; that Langalibalele had told the Hlub tribe to question me, and if this row continued I should walk away. While these boys were still making a great uproar, a pot of beer came from Langalibalele, and as we were drinking it, it began to rain, and we dispersed, and went to a hut. I said to my companions, we had better not sleep here; we will go and say good-bye. We entered Langalibalele's hut, and sat down; he called me by name; I answered him, and he gave me some more beer. He said, "Have you seen now?" and I said, "Seen what?" and he said, "Did you see what took place to day?" "Yes," I said, "I have seen;" and he said, "And what did you see?" I replied, "Well, I saw that you came in, passed all your own people, and sat in front of, and with your back towards us." He said, "And what do you think?" I said, "I thought this, that we were dead men, and when you turned your face, you would say with the back of your hand, take these people away, and have done with them." He laughed, and so did the other men; and he said, "You are a wise man; you are quite right; you speak right." After this I told Langalibalele I had come to say good-bye; but I said I did not know whether anybody else would be sent, inasmuch as they could not get any food along the road. He asked who had refused to give me food? I said I alluded to Mahololo, who had killed two head of cattle, but had not given us any. Langalibalele said, Mahololo was quite right; he should have reprimanded him had he given me any meat, for meat was never given to spies who came to spy out where the cattle were; they would have enough to eat the day they come to seize them. Langalibalele then called to one of his people, Pangela, saying, as the spies were there, it would assist them to sleep in their kraals, and they were to do so. The people said they had been sleeping for some time in the mountain. I said, well, there is no necessity for you to do so; if you only send the guns down, and have them registered, nothing more will be said about it. Langalibalele said, "No, I am positive they would be seized." I replied, "Well, in proof that I am speaking correctly, you will see that these four guns now going will be returned." He said, "Very likely these will be, but the others will not." These four guns, belonging to the men of Mr. W. E. Shepstone's party, then went with me. I came suddenly upon Nkunjana, and found one of his boys cleaning a gun; he took it, saying it was his own, and he had bought it from a Basuto. I have since found out that it was a double-barrelled gun from the Diamond Fields, brought down by his boys. Nkunjana said, "You have nothing to do with my gun; I am going to take it to-morrow to the Magistrate, to have it registered." We went on; Nkunjana reached the Magistrate's office before we did, and was asked where his gun was, it having been reported on a previous occasion that he had one. He replied that it was raining, and he was afraid the gun would get wet. The Magistrate told him to bring it at an early date. Nkunjana subsequently excused himself, saying the Basuto, from whom he had been about to buy it, had refused to let him have it unless he paid the fifth beast, and, as they could not come to terms, the Basuto had taken the gun away with him. I found out afterwards this was not the case, and reported to the Magistrate accordingly; he sent me to fetch the gun, and I brought it back with me. This was the only gun detained; it was registered but the Magistrate said it could not go back until the other

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Cross-examined: Mango shared in the uproar made by the young men. I don't know all the sons of Langalibalele. Mbombo was not there on that day. I omitted to mention that I recognized one of Sibanda's boys among the prisoners accompanying Langalibalele and his sons. I asked him where he had been, and he said with Langalibalele, and half admitted the fact that he had ordered them to stop at Maqoba's kraal, near the Ntabatabeni kraal, and there they had been hidden. When I returned, I saw the Amahlubi tribe meant mischief, war in fact. After that they manufactured powder; a good many of them knew how to make it; they used saltpetre, willow charcoal, and sulphur. During the expedition, whilst traversing the location, we found saltpetre ground and unground, and willow coals ready for use. Immediately after my visit, about July, the Hlubi people purchased coats, saddles, and bridles in large numbers; the young men and middle aged purchased. After it was generally known that the Secretary for Native Affairs had gone to the Zulu country, Langalibalele came down from the high country to Pangweni, collected his whole army together, and had it charmed by the doctor; the men were divided into two divisions, those with guns forming one division, and those without another. A beast was charmed, and then killed, and the flesh was only to be eaten by those who possessed guns. Those without guns were contemptuously called *Impara*. I heard this from my brothers, who were sent up to see the doctor relative to some case coming on, and I also asked Umpiko about it. It was after this meeting, and in consequence of it, that a great deal of alarm was caused to those who wished to remain loyal to the Government, for whenever they went up there they were called spies, were accused of belonging to the Government, and communicating what they heard to the Government authorities. In consequence of this a great many slept in the bush, away from their kraals. The tribe said Mr. Rudolph, Uzibulale, and I should be the first to be killed. This we heard from some of the tribe who remained loyal to Government. Several people went intending to pay their respects to Langalibalele, but the young men pointed at them, and called out that they did not belong to them, but were traitors, and had turned their backs on the tribe. These felt they were under a ban, and told others, who became alarmed at it. The alarm was serious for some time before Mahoiza came. There was a belief that a plan had been made by Langalibalele for an attack on those residing in the neighbourhood of Estcourt, and this was only warded off by the accidental meeting of the volunteers there. The general report was that this attack would be made, and then Langalibalele would go up to the mountains with his tribe. Before Mahoiza came a large proportion of the population slept in the bushes, not in their huts.

Mango challenged the statements made by witness, and asked him to produce anyone who could substantiate any portion of his evidence. Witness accepted the challenge and produced:

Baleni, who, duly cautioned, states: I am one of the Hlubi tribe. I was herding sheep when the volunteers had their meeting at Estcourt, and a man of Langalibalele, named Nwabazala, and others, were returning from witnessing the evolutions. This man said if that was the way they managed their shooting, and those were the plans upon which they shot, Langalibalele's people could easily manage them. He was travelling in company with several others. It was a very common thing, when they were assembled at a beer-drinking, to say when they had to go they would settle Mr. Rudolph, Uzibulale, and last witness. They took it for granted that they would leave the country, but before doing so they would settle certain accounts. I heard this said so often that I thought it necessary to give a warning to the persons concerned, and I did so. I belong to the Hlubi tribe, but reside on a private farm, and remain loyal. I used to arm myself under Langalibalele on former occasions. I saw powder being made by a Basuto. He was drying it in the sun at one of the kraals. I saw the forces assemble at Pangweni, but I was not present. I saw the men who had assembled there, and they said they were being prepared for war in the usual way. Those belonging to the Hlubi tribe, who remained loyal, and resided in the low country, left their kraals and fled, and so did the white people. This was after Mahoiza arrived. The same cause influenced the white people as well as the blacks; it was rumoured and generally believed that Langalibalele intended to make an attack upon them all, and when the white people saw that all the cattle of the Hlubi tribe were being driven towards the Drakensberg, they also thought it necessary to place their cattle in some situation of security.

Manaba admitted that he was present at the assembling of the tribal forces at the Pangweni. It was true there was a regular doctor there named Mkinimdane, and he made

his decoctions, and sprinkled the people with medicine, in order to strengthen them. The object of this ceremony was to strengthen the knees of the men, as is the custom of black people. Sometimes it is done without any particular or definite object, but this time what has happened has disclosed the object. These ceremonies took place before Mahoiza's arrival.

Malambula states: I was not there; I was at work in Pietermaritzburg.

Mango said: I was not present at that ceremony; it was performed on men from the low country. I was present at Amahendeni when the ceremony was performed on those from the high country. It was done by the same doctor in both cases. The force was strengthened for war by the use of Intelezi. I was strengthened by the same process. These ceremonies took place before Mahoiza's arrival. On the occasion of the assembling at the high lands, at the Amahendeni kraal, I had just returned from Pietermaritzburg, with Mabuhle, on the occasion when\* the Secretary for Native Affairs blamed him for having brought a false message. Langelibalele put it to the men as to what he should do, whether he should go down or not, and they said, "How can you go down if you are ill?" Manaka, Mbombo, Umpiko, and I begged him to go, and assured him there would be no harm in his going, and in that way alone could the matters be settled; but the men would not listen, and Umpiko from that day would have nothing more to do with the tribe, because he saw they were going wrong. The whole of the men turned against Mbombo, reminding him that his father had induced a former chief to obey a summons in the Zulu country, and had got him killed, and now he wanted to do the same thing here. We found ourselves in a minority, and felt we were being blamed as treacherous to our own Chief. Langelibalele was then under the impression that force would be used against him; and he gave his orders to the regiments assembled there, that they were not to fire, or use any force, if the Government sent any force; but they all said, if anything did come, they would fire; they would not allow any force to come without firing upon them. Langelibalele remonstrated, but it was of no use. The men who have done the most mischief are Mabuhle, chiefly, and after him, Mangongolweni, Nkunjana, Umhololo, and Umzwilikazi. These were the only occasions on which the regiments were got together for the purpose of strengthening them for the war.

The Court adjourned at 3.40 P.M.

W. B. MORCOM,  
Clerk of the Court.

#### SIXTH DAY.

*Thursday, February 12, 1874.*—The Court resumed the inquiry at 11.40 A.M.

Present:—The Secretary for Native Affairs, President; Mr. Bird, R.M.; Mr. Hawkins, R.M.; and the following Native Chiefs and Indunas:—Teteleku, Nondonise, Zatshuke, Manxele, and Mafingo.

The record of the last day's proceedings was read over.

Mr. John Shepstone called the following witnesses:—

Mahlatini, duly cautioned, states: I am the son of Jozana. The first thing I noticed was that the country was in confusion, and Langelibalele was running away. I proceeded to drive the cattle belonging to our section of the tribe. I and three others drove our cattle. My brother Nonkohlo being sick was not present. We were two days under the Pass. After some of our cattle had got out at the top of the Pass, the white force came; a portion of our cattle were then going up, and had not reached the top when the Government force came and stopped those at the top. We saw the force at the top, or head of the Pass, and running along the side of the cattle got up by a Pass on the left of the Bushman's River Pass. We then sat on the rocks. There were five of us, viz., Magangana, my brother; Mgebisa and Jijiza, sons of Umgogco; Myaiza, and myself. We saw Mabuhle speaking to the white men. While we were sitting there a few Basutos came, and ordered us to return down the Pass. One of them threatened me by pointing his gun at me, and I threatened him in return. Another Basuto called out to this one, "You must not do that. Has it not been ordered by the Government that there is to be no firing?" The Basuto then desisted, and we went back and sat on the rocks again. The Basutos then went back to the white people. Our Impi, or armed force, was sitting on the rocks. This was the force with the cattle. I then saw the white people were moving as if to go away. Then I heard a shot fired from behind a little hill. I heard two shots, and then a great many shots followed immediately. Everyone fired. I did not

\* NOTE.—This was before the Secretary for Native Affairs went to Zululand, say about the end of July, 1873.

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see who fired all these shots, or whether they were fired exclusively by our people, but when I got up I found that two white men and two horses had fallen, and after I came in sight the other white man fell. A little farther on I saw the two Basutos who had fallen. Seeing the white force was running away, we then went back to bring up our cattle, leaving the force at the Pass. Umzwilikazi was the Induna highest in rank there present. Mabuhle was also there, and he spoke to the white people; but I do not know what conversation passed between Mabuhle and the white people. We were not told. One of the horses which had fallen was bay-coloured, with a white foot, but I do not know whether it had more than one white foot. The other was a brownish bay horse. I did not see the horse of the other white man who was running on foot. I saw this man followed by three of our people. As one of them overtook the Englishman he was shot by him through the body. They grappled, and both fell dead, and the other two, on coming up, finished him. I did not examine his body, and do not know whether the white man was wounded before he was so followed. The men who pursued him did not fire; and I suppose they finished him off with their assegais, but I did not see it. When I saw the bodies, their clothes were still on, and nothing had been done to them. Mgebisa is in custody. I saw the beast which was killed on the top of the hill, and I saw the Basutos skinning it. It looked to me like a cow; but I did not go near the carcase, nor speak to the Basutos who were skinning it. I had a gun and three assegais; but I did not fire off my gun, because, when I came in view, the white force was galloping away in the distance. Neither of Langalibalele's sons was present. I did not see Malambula at the foot of the Pass. The first time I saw him after this affair was when we were nearing the spot where the grass had been burnt off. I saw him at the Kolweni, before he reached Langalibalele. I did not see Langalibalele until we were close to Molappo's. We commenced ascending the Pass before it was light, and the first cattle got up soon after sunrise. The way we managed was this: we drove up the first cattle, and then waited midway to receive the others as they came up. I heard from Mabuhle, and Jantje, the son of Silele, that they had fired the first shots, and each had killed his man. The man who killed the third Englishman was, as I have described, killed in doing so. Puluzimata is the name of the man who killed the tall Basuto, Elijah. I heard that Elijah was the son of Job. I do not know the name of the man who killed the other Basuto. I do not know the reason for this movement. I am only a young man. The old men, the prisoners Ngwahla and Mhlaba, are the persons who will know what happened before we left our homes, and how it all originated. Latyinga was the name of the man who was killed on our side; I do not know the names of the other two. I saw Umzwilikazi at the Pass; he was sitting near our party. Mabuhle brought him intelligence that the white men said we were to return to the Colony, and go down the Pass. I did not hear Umzwilikazi's answer. I noticed Nongena, of the Amahendeni kraal, sitting with Umzwilikazi. It was Mabuhle who gave the orders for the force to fire. He also ordered us to advance; but, as we came in sight, we saw the white men had already gone too far for us to reach them. Our intention was to have fired, such having been the instructions given by Mabuhle. I do not know what part Umzwilikazi took in the affair. The first shot was fired by Mabuhle; Jantje fired the next; and each of these killed a white man. When the white men started to go back they went slowly; then Mabuhle gave the order to fire, and fired the first shot; Jantje fired the second shot; and the Europeans went off at full gallop. I myself did not follow them very far; but I saw what I have described as to the death of the third white man. Four of our people followed the retreating force. They were Hlanzi, son of Magouzi; Umbashi, son of Mabudaza; Zitshozi, son of Ngatyana, who was killed; and another whose name I do not know. I do not know what happened to these four; except that I heard afterwards that one of them had been killed. I do not know what happened in this retreat towards the Giant's Castle Pass. The four were those who followed the white men. Others followed, but soon returned; they did not go farther than about two miles. I have not been there; but the Giant's Castle has been pointed out to me; it is a long distance from the Bushman's River Pass, and I do not know the road. A large number of our men followed the white force for some distance, but they soon returned. They were all on foot; none of those who came up from below had horses. I don't know whether any of those on the top were mounted. The four who followed farthest were on foot.

Mgebisa, duly cautioned, states: I am the son of Umgcogco. The commencement of this affair was when Mahoiza came to summon the Chief. He (the Chief) ran away, and we followed him. After he had passed over the mountain, and we were driving our cattle, the Chief being in front, as we were going up the Pass, Mahlatini got up first. Before we got to the top, we heard the firing of guns; and when we got up, we found people had been killed by the shots we had heard. White men, Basutos, and our own people had been

killed. We drove on the cattle; and, though we did not go close, we saw the bodies as we went past. And so we went on, until we were joined by Molappo's son, who said he had come to fetch Langalibalele, and conceal him; so that, by the time the white men came, he would be in a place of concealment; and in the meantime, he said we were to give up our guns. As we were getting up the Pass, I heard a call from above for the army to come up; and those who were with me went up in obedience to the order. I went up too; but as I was a long way down, and the Pass was very crowded with cattle, I did not get up when the others did. When I got up, I only saw the bodies of the three white men and two Basutos. The bodies of two of the white men were not far ahead of the Pass; the other was a little distance off, under a rise. You could see all three bodies after passing the first two. I only saw one Basuto, who was said to be the son of Job. When I saw them, the Englishmen were perfectly white; and could not, therefore, at that time, have had their clothes on. The Basuto had no clothes on. I did not go near enough to see if the bodies had been injured. We black people do not go near dead bodies if we can avoid it. Only those who had killed the men would do so. I was not at the head of the Pass when the firing took place. Wohla, the son of Mamangala, and my brother Umnwana or Jijiza were with me. The last witness was also with me; and he went on in advance, accompanied by Magangana and Myaiza. I was armed with a gun which I had taken from Wohla, who said he was going to throw it away, because he had no ammunition for it. All the others carried guns. The order from the top was for the force to go up and leave the cattle. When I got to the top, the white men had all run away. Mabuhle told me that they had been contending for the ownership of the cow which had been killed, and which I saw dead at the top of the Pass. After we had passed the bodies, Mabuhle and Umzwilikazi joined us on their return from the pursuit of the retreating white men, and told us what had happened. They told us the white people had said they had come to desire us to go back, and had been instructed to order us to return. They had not come with any hostile intention; but their orders were to desire our people to return and submit ourselves. The people replied, "You have already killed a beast." When I asked who really began the affair, they said the Government force had commenced, because one of the Basutos had fired the first shot. Mabuhle further told me he had killed one man; that the son of Silele had killed another; and that the man who had killed the third white man had been himself killed. I do not know the name of the third. He said Puluzamati had killed one of the Basutos; but I don't know who killed the other. One of the Basutos was said to be the son of Job. I do not know where the doctor Mkinimdane was. I was not present when the ceremony of doctoring the forces of the upper country took place. I belong to the low country, and was sick when the ceremony took place at the Pangweni. I heard that it had taken place, and that the object was to strengthen the men, but for what object I do not know.

Mahlatini recalled, states: I was wrong in stating that last witness was sitting on the stones with me at the head of the Pass. He came up just after the affair happened.

Mahlatini and Mgebisa then confirmed each other's statement that the following natives were present at the Pass, viz. :—

*Indunas* :—Umzwilikazi, Mabuhle, and Maqalekane.

*Amakehla* :—Tulisa, father of Latyinga; nTanyelelo; Nongena; nCamu; Umnyaiza (ring off); Hlanzi; Ungwahla, son of Macala.

*Insizwas* :—Mahlatini; Magangana; Uwohla, son of Umamanjola; Umhashe; Majakazi, son of Holo; Jijiza, alias Umwane; Mgebisa.

Of the above, nCamu, Mahlatini, Majakazi, son of Holo, Jijiza alias Umwane, and Mgebisa, are in custody. They did not see Malambula on that day; in fact, none of the prisoners were present at the affair at the Pass.

The Court then adjourned at 3.40 P.M. until the next day at 11 A.M.

W. B. MORCOM,  
Clerk of the Court.

#### SEVENTH DAY.

*Friday, February 13, 1874.*—The Court resumed the inquiry at noon.

Present :—The Secretary for Native Affairs, President; Mr. Bird, R.M.; Mr. Hawkins, R.M.; and the following Native Chiefs and Indunas :—Teteleku, Nondonise, Kukulela, Umnini, and Mafingo.

The record of the last day's proceedings was read over.

Witnesses were examined as under.

nCamu, duly cautioned, states: I lived at the upper part of the Blue Krantz, below the wagon road leading from Estcourt to David Gray's. Living at such a distance from the



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majority of the tribe, I only heard the people were running away because some messengers, and amongst their number Mahoiza, had arrived from the Government. I then ran away. We drove our cattle up towards the high country. I remember the names of the following who went with me, viz., Mahlatini, son of Jozana; Mgebisa, son of Pepo; Umwane, son of Mgcogco; Umtshikatshika, son of Jozana; and Mapukupuku, son of Matshaza. The two last named are Amakehla. The first night we slept abreast of Table Mountain; the next night we got under the Drakensberg. In consequence of the number of the cattle which had to be driven, and the obstruction caused by them, we were detained there for two nights, and on the third day ascended the Bushman's River Pass. We heard from the people who came down the mountain that fighting had already taken place at the top; but I cannot tell whether they told us it had taken place the day before, or on that morning. I saw the dead beast at the head of the Pass. Mapukupuku was with me when I saw the slaughtered cow. I did not see any dead horses, nor did I see the dead bodies of white or black men.

Umwana, duly cautioned, states: I am the son of Mgcogco. I started with Mgebisa, from my home, with the cattle. The first night I slept abreast of Table Mountain, the second night near the Drakensberg, and the third night close under the Pass. The next morning Mahlatini and Mgebisa took up the first part of our cattle. We followed with the rest some distance behind. When we had gone some distance up the Pass, we saw the cattle at the top turning back, and an order was given that the cattle were not to be driven on, as there was a force at the top of the Pass. Then an order came that all the armed men were to go to the top. I was behind. I went up with the others. I had a gun and one assegai. When I got up to the top the fight was over, and people had been killed on both sides. I saw the dead bodies of three white men, two Basutos, and two of our people. I did not see the body of the third man killed on our side. I found all the bodies had been stripped, and that our force was sitting down at the Pass. No one was near the corpses when I saw them. I heard from Mabuhle and Umzwilikazi the particulars of what had happened. Afterwards we all returned down the Pass, and brought up the cattle and the things we were carrying. When we took up the cattle, and passed by the bodies, they were still lying in the position in which we had seen them before. I saw that three horses had also been killed; two were bay-coloured, and one brown. I was not present at either of the ceremonies for strengthening the tribe. I arrived from the Diamond Fields with the gun I had with me when I went up the mountain—only a day or two before we started to ascend the Pass. I came back from the Diamond Fields, in company with two others, through Mr. Austin's Native Reserve on the Orange River, and then across the Drakensberg, and down by the Giant's Castle Pass. Each of us had a gun. My companions were Magebe, son of Maman-gala, and Umbotshwa, son of Mafugufugu. I did not see Malambula, or any of the prisoners, during the whole journey to Molappo's. I went to Molappo's with Langalibalele, and, returning to Natal, was caught at Domba's, near Estcourt. I belonged to the Nkonjane regiment. Mabuhle was our commanding officer. When I reached the top of the Pass, I saw Mahlatini, Mawela\* (Insizwa), Badidele\* (Kehla), son of Buswana, and the three Indunas, Mabuhle, Umzwilikazi, and Maqalekane. This witness confirmed the evidence previously given as to the names of those who had killed the three white men and one of the Basutos; but he did not know the name of the man who had killed the other Basuto.

Landelisa, alias Majakazi, duly cautioned, states: I am the son of Holo, of the Amahlubi tribe. Our kraal is on the Little Bushman's River, called the Umtshesana. I went after the cattle. Umpayana (the son of Umpopomo) and Umagwazi (the son of Ulandela) went with me. The cattle went the day before we did. When we overtook the cattle at the foot of the Pass, we found some were missing. We all three went back as far as the sources of the Tugela to look for them. We slept there the next day, and went up the mountain early on the third day. When we got there we heard there had been fighting that morning; and when we got near the top we saw the cattle were being driven back, and we returned down the mountain. I then went to Simahla's, and did not go over the mountain again. I left my two companions at the foot of the Pass, and went to Simahla's. The cattle of our kraal went on with a boy named Umnyazi. I had a gun and assegais, and went alone over the mountain to Witzie's Hoek, and my gun was taken by Madela's people.

Mahlatini was recalled, the witness Majakazi denying that he had been at the Pass. Mahlatini adhered to his former statement that Majakazi was there.

Majakazi now said: I went up as far as the spot where the slaughtered beast was lying. I saw Mabuhle and Umzwilikazi there. There were many other people present, but I only recognized these two. The dead bodies were not in sight from the spot where the beast

\* These names have not been mentioned before.

had been killed and was lying, and I did not go to see them. I heard the people talking over the occurrence. It was said that Mabuhle and Umzwilikazi had authorized the firing.

uTshiabantu, duly cautioned, states: I am the son of Mabuka, and one of the Amahlubi tribe. I had nothing to do with the rebellion. I live on the upper part of the Little Bushman's River, called the Amatamo. When Mahoiza was at the location, I thought it my duty to go up to Langalibalele, and say to him that, in my opinion, they ought to collect all the cattle together, and give them to Mahoiza, in order to avoid the difficulty in which the tribe now was, and which I saw was likely to come upon it. A man called Umzeula, there present, said I had come to hoodwink them, and to deceive them by telling lies; that I was not to be trusted, and that I did not belong to the tribe, for I had turned my back upon them. He said, however that the man with me was to be relied upon, and still remained one of the tribe. Langalibalele said there might be something in what I said, but it must be considered by the men of the tribe. The other men who were there made no answer; but Silulwana said he thought what I said was deserving of consideration. When Langalibalele said it was a matter which might perhaps be deserving of consideration, and that the men must consider it, I thought they would consider it, and give me an answer; and I waited to hear, but no answer was given. That night I went to sleep at Mbombo's kraal, and the next day I went with him to Langalibalele's kraal. Umzeula met me again outside the hut, and said I was trying to deceive them, and had nothing to do with them. I thought perhaps I had better say nothing about it, and I did not go into the hut with Langalibalele. I went home. Two or three days after I went towards Mtshitshizelwa's place, near Estcourt, to buy a saddle; it was late in the evening, and as I was going along, after dark, I met one of his men; he asked me who I was, and I told him. He took me to the kraal of Umseula, and the next morning Umseula and I went together to the shop and made our purchases. As I was about to return home, and was parting from Umseula, some one called me and said Mtshitshizelwa wanted me. I asked what for, but I was not informed. Umseula, it was said, was also wanted. I said I wanted to go home, and would be back the next day, thinking it was an errand upon which Mtshitshizelwa wished to send me, and which I might as well attend to another day as then. I went home, and while there I was told by Klaas, who lives near, that I was wanted because it had been said I had been doing the work of a spy for Langalibalele. I was startled at this, and thought I was in an awkward case, because I had just come from Langalibalele's, where I had been regarded as a spy, and I thought it was very awkward to be regarded as a spy by both sides, and therefore considered it advisable to come to Mtshitshizelwa at once, and explain matters. I went down to the office, and saw Mr. Rudolph, who questioned me as to what I had been doing in going to Mtshitshizelwa's as a spy. I explained how it was I had been travelling, and said I considered it hard that I should be looked upon as a spy by both parties. I felt in a difficult position, but explained matters. After this time, when the Government forces had started, there was great alarm among all the people who were loyal to the Government, and they placed their cattle in positions of safety lest they should be attacked by Langalibalele's forces; because it was commonly said by the members of that force that as soon as things came to extremities, the first thing would be to destroy all those who had remained loyal to the Government, and who were called by an opprobrious name. My kraal is about 14 miles from Langalibalele's residence. Manaba was present when the conversation took place at Langalibalele's kraal.

The prisoner Manaba admitted having been present at this conversation, and inquired whether it was not he, and not Silulwana, who had made the remark that it would be better for the cattle to be given up than for them to proceed to extremities.

Witness said: It may have been Manaba, for he was sitting close to Silulwana. After Mahoiza's arrival a man called Umhlopekazi went to most of the kraals in the low country that had made up their minds to remain loyal, and said that he had been sent by Langalibalele, to warn them that if they did not adhere to him, they would be the first to be attacked. This man did not come to my kraal, but the message was brought to me from a neighbouring kraal. There are persons to whom this message was delivered, and every one was alarmed at it. That was one of the most definite reasons on account of which the people round about Estcourt were alarmed. I did not know of the ceremony of strengthening the men, which took place at an earlier period; but the young men were latterly frequently called together on the pretence of going to cut poles. Manaba was the only son of Langalibalele who was present when the conversation I have referred to took place at the kraal.

The prisoner Mango states: You may inquire and investigate as long as you choose, but you will never find that more than four men, in the whole of the tribe, ever objected to

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any of these proceedings, or gave any definite opinion against them. These four were Manaba, Umpiko, Mbombo, and myself. I am glad to hear Umpiko is coming as a witness. I wish to make this statement before he arrives, because I am sure he will substantiate it.

Manaba said: I confirm the statement which Mango has just made.

The Court, at 4 p.m., adjourned till Monday, at 11 a.m.

W. B. MORCOM,  
Clerk of the Court.

#### EIGHTH DAY.

*Monday, February 16, 1874.*—The Court resumed the inquiry at 11.50 a.m.

Present:—The Secretary for Native Affairs, President; Mr. Bird, R.M.; Mr. Hawkins, R.M.; and the following Native Chiefs and Indunas:—Teteleku, Nondonise, Zatshuke, Manzele, and Mafingo.

The record of the last day's proceedings was read over.

Mr. John Shepstone called the following witness:—

Umpiko, duly cautioned, states: I am a member of the Hlubi tribe, and was one of the Official Witnesses under the Marriage Regulations, and a man of standing in the tribe. I remember being sent to Langalibalele, after Mtshitshizelwa had been sent, in reference to some guns. On his return, Mtshitshizelwa had reported that the young men who possessed the guns had gone to Langalibalele; and I was ordered by the Magistrate to go to Langalibalele, and request him to have these young men sent down. I went with Mtshitshizelwa. Langalibalele blamed Mtshitshizelwa for having alarmed these boys before coming to him; and so prevented him from being able to find them. He denied that they had gone to him; and told us to return, and tell the Magistrate they had not arrived at his place. After that, I was sent to desire Langalibalele to send in some young men who had been working at the Diamond Fields for Mr. W. E. Shepstone, so that they might have their guns, which were ready for registration, duly registered. Langalibalele said he had not seen all the young men, and did not know whether they had all arrived; but, when they all came, he would send them in. I returned to the Magistrate with this message. I was again sent to Langalibalele, about some eight young men who had come from the Diamond Fields with guns, and had passed by the Border Agent's (Captain Allison). I went to Langalibalele, and gave him a description of these men, as far as we were then in possession of it. Langalibalele asked how he could possibly know these young men, who had gone from their own kraals of their own accord. He said he did not know them. I represented to Langalibalele that these young men were very much wanted; because they were reported by Captain Allison as having passed his place with their guns. Langalibalele said he would inquire about them, in order to ascertain how it was they had not reported themselves to him. I urged upon him to exert himself to get these boys, and send them to the Magistrate; because there was no doubt as to who they were, seeing one of their number was already known. Having been away from home, I found out, on my return some time after this, that Mtshitshizelwa had been again sent for these young men who had been called for. I was surprised Langalibalele had not sent them in before this time; and thought I also had better go to him, and add my influence and representations in order to induce him to comply with the request of the Magistrate. I reached Langalibalele before Mtshitshizelwa came, and I asked him how it was that neither of the requests sent him by the Magistrate had been complied with; I said I had thought, during my absence at Klip River, that both these requests had been complied with, and I was surprised to find they had not. I said it was a pity that one thing should be left uncomplished until another trod on its heels, and if a number of these things collected together, it would at last create a difficulty which might not otherwise exist. I also said it would not appear that I had done my duty faithfully to Mr. Macfarlane, or to either party, unless there was some result from my message. Langalibalele admitted this, and said it was quite true, it was a pity, and very unfortunate that in these two things the one should catch up the other. Mtshitshizelwa had not then arrived, and Langalibalele was waiting to receive the messengers from the Magistrate. Soon after this Mtshitshizelwa arrived; he brought the same message I had, and spoke in the same way I had about the guns. Langalibalele said, "Mtshitshizelwa, I do not go to the Diamond Fields; I do not dig for diamonds; I stay at home; the guns are not mine, but the property of the young men who go to the Fields to work for these guns. I am not the purchaser of them." Mtshitshizelwa said the guns ought to go down to the Magistrate's Office for registration. He urged that the delay in sending them was causing inconvenience. Some cattle which ought to have been given to some young men had gone down to Pietermaritzburg in consequence. Langalibalele agreed

that the guns should be sent down the next morning, with Mtshitshizelwa. The following morning, therefore, we took nine young men and their guns down with us. There was a tenth, but he said he had made up his mind to get permission to procure a gun here, and not buy one at the Diamond Fields. These boys, with their guns, were taken to the Magistrate; the guns were then marked, registered, and returned to their owners. After a little while I was again sent, by the Magistrate, to Langalibalele, to ask where the other boys were who were known to have come down from the Diamond Fields with guns. I was also told to say that there were others who had been reported by letter, in addition to those about whose guns Captain Allison had made a report. I went, delivered this message to Langalibalele, and explained that two parties of young men, who were known to possess guns, had returned home, and yet neither of them had brought their guns to be registered. Langalibalele said those boys ought to go down also. They were sent for, and I took them down. I took five boys with their guns; the fifth was one who had been caught by Captain Allison. As to the others, Langalibalele said they had not come to him, and he did not know who they were. These guns were taken to the Office, and detained there, the young men being told they must wait until a letter was received from Pietermaritzburg, in reference to them. Those were all the messages I had to deliver about guns. After this Langalibalele went down to Estcourt. The Magistrate was away, but Mr. Rudolph saw and spoke to him, and asked him how it was he was so negligent in doing what he was directed to do by the Magistrate, especially in reference to guns, and how it was that, when he was told to do anything, it was with great difficulty he could be got to do it. Langalibalele said, "I do obey." They then entered the building, and I did not hear what passed. This was a long time ago, before the Secretary for Native Affairs went to Zululand, and before Umyembe came with the first message. Umyembe then came, and the fourth day after he passed Estcourt, I received a summons to go up to Langalibalele's kraal, on horseback, and I went. When I got there Langalibalele told me Umyembe had come to call him, and he wanted to know my opinion. I said what opinion can I give you; if you are sent for to the great place, the seat of Government, you ought to go. Langalibalele replied, "How about my leg?" "My leg is sore." I said, "Seeing you yourself are called, it is impossible that you can send any substitute; you must go yourself." Langalibalele said, "Yes, I agree with what you say; as it is a summons to me personally I will go." He then told me to go to the Magistrate, to whom the remainder of the taxes were to have been paid on Monday, and tell him, as it was now Saturday, and there had been heavy rain, he would not be able to come in on Monday, as he had been summoned to Pietermaritzburg, and was going straight there. Langalibalele told me he had already arranged with Umyembe to go to the seat of Government, and where to meet him, and that Umyembe had left on his return journey, in accordance with that arrangement. Umyembe had said he would be delayed in consequence of one of his attendants, whom he had to take to a doctor, being sick. I then went home, and on going to the Magistrate's office on Monday morning, I saw the Indunas, who had to go to Pietermaritzburg to say what they had to say about Langalibalele; they asked whether he was going, or had gone, or where he was. I told them, as far as I knew, he had started on Sunday, or would start on Monday morning, that being the arrangement he had told me he had made. The Indunas contradicted my statements, and said they had that morning heard, from a young man, that Langalibalele had not started. I said, "Well, I do not know." The Indunas, however, went down to Pietermaritzburg, and I went to the Magistrate, and delivered the message about the postponement of the payment of the money. Mr. Macfarlane was vexed that Langalibalele should have put off the payment of the taxes, because there was no necessity for him to come himself, there being plenty of head-men who might have superintended the payment of the taxes, and hence there was no necessity for any delay in their payment. After some days I heard that Langalibalele had not gone to Pietermaritzburg, and that he was still at home. This made my heart sore within me, to think that Langalibalele should have deceived me as he had, and made me take a false message to the Magistrate. And so the matter stood until the Indunas returned from Pietermaritzburg, and reported that Langalibalele had not arrived there, but Mabuhle had come instead, and stated that Langalibalele had started, and got as far as Mbunda's, but was then obliged to return home on account of his leg. The Indunas also reported that the Secretary for Native Affairs was angry with Mabuhle for telling untruths. Some time after this I went up to Langalibalele again, and asked him how he could deceive and treat me in the way, he had; what fault did he find with me that he should treat me in this way, and give me a false message to take to the Magistrate, saying he was going down to Pietermaritzburg when he was not really going. In reply he said that, in turning over the matter in his own breast, he thought his sons Mango and Mbaimbai and I were

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I then went home, and some time after this Umyembe came the second time. I did not go to Langalibalele, or interfere on this occasion, because I felt vexed at the manner in which I had been deceived on the previous occasion. Umyembe went back again without my having had anything to do with the message he took. Just about the time of Umyembe's second visit, we were startled on hearing that some white men had become alarmed at reports that some force was coming up, and had begun to move their cattle and wagons. Some of Langalibalele's tribe were also afraid. This was caused by the assembling of the Volunteers at Estcourt for drill. We were surprised that this should cause any alarm, because we knew that they had only come for the purpose of practice, as was their usual custom, but there being alarm amongst the Europeans caused it to be amongst the blacks likewise. Langalibalele sent for me that he might hear the truth of the matter. I went to him, and he asked me what was the cause of the alarm, inasmuch as his people on the Little Tugela, and the white people there, had fled, and whether there really was any force intending to do harm. I said no; it was the usual annual gathering of the Volunteers, as was their custom. Langalibalele told me he was uneasy on another point, because it had been said that the huts of the young men had not been paid for. He said they had not been very careful about the taxes on the huts occupied by the young men. He then desired Kakonina to go with me to the Magistrate, and admit that the huts of the young men had not been paid for, and promise that they should be paid for; and further to ask for an explanation of this alarm. He told Kakonina to say that the men then present had told him the huts had not been paid for. This message was delivered to Mr. Macfarlane, the Magistrate, who expressed his satisfaction at hearing that the taxes on the huts which had not been paid for would now be duly paid. He expressed himself as very much dissatisfied that Langalibalele had not gone, when summoned, to Pietermaritzburg; that he ought to go; that there was nothing to fear. All that was wanted was an explanation of events which had passed, and he ought to obey the summons. After this the money for these huts which had not been paid for was sent down. About this time the Secretary for Native Affairs went to Zululand; and after his return Mahoiza came to summon Langalibalele, and went to the great kraal Pangweni. I heard Mahoiza was there, and thought it desirable I should go up and listen to what was going on. When I got there I found Langalibalele had been startled by the very hard words used by Mabuhle, Nkunjana, and Magongolweni. I found they had reported that Mahoiza had something with him, and therefore Langalibalele said he would not go, but the great men must go down to Mahoiza. I was very much startled at this, and said, "Can it be possible "that Mahoiza is at the Pangweni, and this can be true of him?" I asked how many people Mahoiza had with him that he should be the cause of any alarm to us. They replied that, including his carriers, his party might amount to twenty. I said, "Why should Langalibalele hesitate to go to meet Mahoiza at Pangweni, seeing he has been really sent from "the seat of Government? How can Langalibalele hear the words brought by Mahoiza if "he does not go?" The other men said I was deceiving the Chief, two of whose relatives had been killed when sent for in the Zulu country. "Well," I said, "if I am deceiving you, "how are you going to answer the difficulty in which you are in? If you say these words "to me, and I cannot receive them, I can do no more. You have appointed me, and the "Chief has appointed me, to live near the Magistrate's office, to be his representative there, "to hear from the Magistrate what he may wish to be said to the Chief, and from the Chief "what he may wish to be said to the Magistrate; but seeing, in spite of that, you use such "language as that to me, I can have nothing more to say to you. If you have any special "object, if there is anything you have it in your mind to do, do it; but I have nothing "more to do with it. I have advised you to send the guns to Pietermaritzburg, if you "prefer that course, or to the Magistrate, in order that they may be registered, but you "have refused to do either. I have advised you to go to Pietermaritzburg, and you have "refused to do that. I have advised you to go and see Mahoiza, and you decline to do "that. It is very evident you want something that will naturally follow from the words "you use; and if you mean you are going to have any fighting, I will have nothing to do

“with it, and wash my hands of the whole matter. I protest at Mahoiza's party, which altogether only numbers twenty, being looked upon with suspicion; or at its being thought possible that they can do any harm to the Chief, in the midst of such a large tribe as that by which he is surrounded. If you won't go to Mahoiza, I am determined to go, and have nothing more to do with it. I came for the purpose of listening to the words brought by Mahoiza from the Government.” They used strong language; said I was a liar, as bad as Mahoiza, and together with him a deceiver. I then went home. After spending a few days there I became uneasy, and thought, notwithstanding all that had passed, I had better go up and see what was going on; seeing they might prevail in sending down the men to hear what Mahoiza had to say, instead of Langalibalele going down himself. I went to the Pangweni, and found the people assembled there. I got there a little before Mahoiza arrived from the kraal where he had slept. We then listened to what Mahoiza had to say. He said he had come to call Langalibalele; and appealed to us to be informed why it was, after he had been there so long, that the men were sent, instead of Langalibalele coming himself. He asked where Langalibalele was that he could not see him. Why was he shut out from seeing him? and how could he convey to Langalibalele the message he had been sent to deliver unless he saw him? The men said Langalibalele wished them to come; and they proposed that he should pay something, as he had already delayed so long to obey the summons. Mahoiza said it might be very proper for Langalibalele to pay for the delay which had occurred; but he (Mahoiza) could say nothing about that. He thought the proper course for them to adopt was to take him to, and let him see Langalibalele, and satisfy himself that he was ill; and when he was satisfied he would send for Mr. Rudolph, the interpreter, to confirm his impressions, or see the real state of the case; and if any proposal of that kind was made it could be made personally by Langalibalele to Mr. Rudolph. The men pressed Mahoiza to consent to receive something in payment. I said to Mahoiza, as far as I could judge from what the men said to him, and his reply, I thought he was right in the view he took. I also said I saw difficulties had been created, first by Umyembe's coming to call Langalibalele and his not going; and again by the second message he had brought; and now he had come a third time accompanied by Mahoiza, and Langalibalele would not meet or speak to him. These circumstances had created a difficulty, and I thought Mahoiza should be taken to Langalibalele in order that he might see him; for it was quite true what Mahoiza had said, that it was impossible for him to deliver his message satisfactorily to the men when Langalibalele was not present. Mahoiza persisted in his view of the matter, and the men in theirs, until we dispersed. Some of the great men also took my view, and Mahoiza was ultimately allowed to go to Langalibalele. I went to where Langalibalele was, and on reaching the Ntabatabeni kraal, I found a story current that a pistol had been seen under Mahoiza's coat. I protested against this being believed as true, because a large number of us had seen Mahoiza and all he had about him, and how was it possible that one boy alone should see this pistol when all the other eyes had not seen it. Surely all the eyes were not blind? I protested again against the story being believed, because I felt quite sure it was not true. I told them it appeared as if they were trying to push Langalibalele into a state of circumstances which must destroy him. How was it so much weight was attached to what had been seen by a single boy, when so many men were present, had seen all Mahoiza had, and had seen nothing of that kind? I again repeated what I had said on a former occasion. I felt I was powerless under the circumstances. I had given that advice which I believed to be right, and felt, if Langalibalele had obeyed the summons and gone to Pietermaritzburg, no harm whatever would have happened, and there was no ground for supposing that there would. I said, “I have advised on several occasions the course which it is right should be taken, but you have your own objects and views, and as I don't know what they are, or how they can benefit anyone, I can have nothing further to do with it, I am overcome.” They told me I was blinded by the importance attached to me because I lived so near the Magistrate, and as by birth I belong to another tribe, they said, “You are so clever in giving advice, and foreseeing what will and what won't happen, how was it that, being so clever, your own tribe became destroyed? You think you will overcome us by your words, but we have distinctly declared to Mango, Manaba, and Mbaimbai, as we now do to you, that we refuse to be overcome.” I said, “Seeing you are doing what will undoubtedly cause force to be used, and seeing your notion in reference to Mahoiza is entirely groundless, and that you refuse to listen to what I have to say, well and good; but do not, when the force comes, as it undoubtedly will, if you send the answer you propose to send, place any reliance upon me, or think you will have any support from me.” I said I should go home; and I started, and went home. I felt very angry and annoyed at what had happened. I felt very uncomfortable also, and thought I had better go back again. I thought, as they refused to listen to what I said, the best thing would be to take Mahoiza and escort him to Langalibalele. I then went to the

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Pangweni kraal, and sending for Umzwilikazi and Macaleni, protested against their conduct, and asked them how they could possibly act in a way which would certainly destroy the country, the Chief, and all his people; how was it possible that, on the assertion that some boy had said Mahoiza had a pistol, they could act in that way; had not they themselves seen Mahoiza, I asked, and had they seen any pistol? They admitted they had not seen the pistol, but had heard the rumour. I then said that, notwithstanding the hard words they had used to me, and the fact that my advice had not been taken, I could not allow myself to sit quietly at my own kraal, and see Mahoiza go back without delivering his message to Langalibalele; that in spite of all these hard words, and the conduct manifested towards me, I had made up my mind to insist upon their assisting me to take Mahoiza up to Langalibalele; for I could not admit the possibility of allowing him to go home without seeing the Chief. Umzwilikazi agreed with me that Mahoiza should be taken to Langalibalele; that it would be unseemly if he were allowed to go back from where he was without having had an interview with Langalibalele. Macaleni said, Umzwilikazi and I had better take him. I said, "No, I have come to you, because I tried to rest quietly at my kraal, but found it impossible to do so, because I thought some serious thing would be sure to happen." I then arranged with Umzwilikazi that he and I should go on and announce that we were bringing Mahoiza, and that Macaleni should accompany him. I gave instructions about starting next morning, and about where they were to sleep. I went straight on without seeing Mahoiza at all. I reached the kraal where Langalibalele was in the evening. I did not see him that night, but the next morning I saw and spoke to him. I asked him why he declined to see Mahoiza. Did he not perceive what would happen if Mahoiza was allowed to return without having had an interview? I felt and spoke very strongly on the subject, recapitulating everything I had said before. I said it seemed to me they were determined to destroy the country and the Chief, and the Chief also seemed determined to be destroyed. I said I knew the country well, and had been all round it, and the English power surrounded us in every direction, and it was impossible, if they determined to do what they were inclined to do, that they could by any possibility escape. There was no way of getting out. I had travelled all round, and knew the surrounding powers, and there was no loophole for them to get out of, though they seemed determined to defy the power which could so easily put them out of the way. I blamed the Chief himself, and the men who were present. I said that because I entertained these views I was bringing Mahoiza, and I felt sure those who differed from me would cause the destruction, not only of the Chief, but the tribe. I said, if they wished for any scapegoat, or person upon whom to vent their feeling, I was there to receive it, but, do what they would, I had insisted upon bringing Mahoiza, who was coming. I cannot again repeat all I said on that occasion. Langalibalele said, "Well, young man, as you have determined to tie me up, in spite of the advice of all the men, and in spite of my own feelings and objections to meet Mahoiza, I must meet him. Let him, therefore, come." It was then arranged that Langalibalele should go from the Ntabatabeni kraal to Nobamba, where the interview really took place. After a messenger had been sent to communicate that this arrangement had been come to, another messenger arrived and said that the Secretary for Native Affairs had arrived at Estcourt, with a force, and that another force was at Mr. Popham's. Langalibalele immediately referred to me and said, "Now you see, in spite of all I can say, you are trying to induce me to be killed, and to mislead me so that I may be killed, and you persist in such conduct. Listen to the intelligence just arrived. What about that?" I said, "Yes, Chief, I hear, but I don't believe it." I appealed to Magongolweni and Keve, who were present, and said, "You see you pretend to be persons who take care of the Chief, but I have not seen any evidence of your ability to take care of him, or anybody else. You encourage every little piece of false information to be brought to him, and to be magnified. How is it that I, who have just arrived from Estcourt, have heard nothing on this subject?" Langalibalele said to me, "Young man, my son, you had better go home;" and I went home. Langalibalele was then intending to go to Nobamba to meet Mahoiza, who was coming there. I left before Langalibalele had started from the Ntabatabeni kraal to go to Nobamba, and before Mahoiza had arrived at Nobamba. I was not present at the interview, and personally know nothing of what happened there. Mahoiza then returned, and Mr. Macfarlane sent me to Langalibalele to say that, seeing he had so often refused to obey the summons to come, the Governor was himself coming up, and had accepted what he (Langalibalele) wished him to accept. I told him that now he had set mild measures at defiance, force would be used, and an army was actually coming. When I told him Langalibalele said he had no force to oppose to the forces of the great house, and he was afraid because he had not gone to Head Quarters, because his leg was sore, when summoned. I then returned, and went home. I was not present at any of those

ceremonies which are usually used for strengthening the men, but I heard that they had taken place. I know nothing of the arrangements about going to Basutoland, and was surprised when the journey was undertaken. When they spoke to me I said I should stop where I was, and let the force take me. I heard from the Magistrate, at Estcourt, that information had been received in reference to certain proposals which had been made by Langalibalele to Molappo, but I knew nothing of this matter, or of any communication with Basutoland, from the Chief, or any of his tribe. I was present at the interview referred to by Mtshitshizelwa. It did not occur to me that Langalibalele turned his back upon Mtshitshizelwa, and sat looking away from him. His back was not quite turned towards Mtshitshizelwa, who was sitting a little behind to the right. Although I was in the hut afterwards there were so many there all talking together, that I did not hear any special conversation between Langalibalele and Mtshitshizelwa, although such may have taken place. I did not, however, hear what took place, for a great deal of conversation was going on in the hut. The persons who made the greatest remonstrance, or who really remonstrated against the proceedings involving the despising or defying of the Government, were Bombo, Manaba, Mango, and myself. When the young man Mbaimbai said anything, his father would not listen to him, and became extremely angry if he attempted to say anything. The younger lads wished to say something to their father, but were afraid. It was our opinion, and urgent advice, that Langalibalele should go to Pietermaritzburg, and we saw no reason to fear any alarm in case he went. The two Indunas, Ngwahla and Mhlaba, assented to what was said, and though not present, I was told that, on one occasion, Ngwahla repeated what I had said to Langalibalele. I don't know of anyone with whom Langalibalele took counsel in this matter, or whether he took counsel with those of Putili's tribe, who are connected by birth with our tribe, and with whom we have been in the habit of being very intimate. I don't know of any specific communication with any tribe. Mawewe, the rainmaker, went to the Zulu country. He remained there a whole year; and returned before the Secretary for Native Affairs went to Zululand. The only fact, as far as I know, which connects the prisoners with these proceedings is, that they are the sons of the Chief, and so necessarily connected. The persons who really are chiefly responsible for all that has happened, are Mabuhle, Magongolweni, Keve, and Nkunjana. When the prisoners Mbaimbai, Manaba, and Mango, the sons of Langalibalele, and I, thought we had overcome Langalibalele, and persuaded him to take one course in the evening, we found these men had overthrown our arrangements in the morning. When Mahoiza was there it was evident what things would come to; and numbers of people, being frightened, took their cattle towards the Drakensberg, in one direction, and those who wished to remain loyal took their cattle the other way. Large numbers of the people took my view of the case; listened to what I said; and behaving as I did, procured loyalty tickets from the Magistrate. I personally did not blame Langalibalele so much as those four men I have mentioned, because I believed, if it had not been for their conduct, Langalibalele would not have acted as he did. I am only sorry these men are not here to answer for themselves for all the mischief they have done. I frequently heard the young men say, when it came to the point, they would come and sweep away all those who were leaving the tribe; but I never heard Langalibalele use that threat; and I cannot say it was a threat emanating from him, since I only heard it from the young men. Langalibalele took the advice of these four men in preference to other advice which would have saved him from getting into this trouble; and because he has taken it, he is in his present difficulty. I do not know anything about their intentions after they got over the mountain. As far as I knew, they did not intend to go. Langalibalele told me he would stay where he was, and, if he was to be taken, be taken there. The cattle were under the mountain for a long time, but that is to be accounted for partly by the fact that it was very dry below, and the people were in the habit of sending their cattle up when the grass grew. But it is a fact that cattle from the Tugela, which is a long way off from the Drakensberg, were driven up, in flight, past the Pangweni kraal when Mahoiza was there, towards the Drakensberg. About the same time, when Mahoiza was there, the corn was taken to be put into the rocks.

The Court rose at 2.45 P.M., and adjourned until the next morning at 11 o'clock.

W. B. MORCOM,

Clerk of the Court.



## NINTH DAY.

*Tuesday, February 17, 1874.*—The Court resumed at 11.30 A.M.

Present:—The Secretary for Native Affairs, President; Mr. Bird, R.M.; Mr. Hawkins, R.M.; and the following Native Chiefs and Indunas:—Teteleku, Nondonise, Zatshuke, Manxele, and Mafingo.

The record of the last day's proceedings was read over.

Mr. John Shepstone called the following witnesses:—

Umbalekelwa, duly cautioned, states: I belong to the Hlubi Tribe, and was born in it, but my father was not a Hlubi by birth. I was living at the Mission Station, among the Hlubi Tribe, when the first disturbance took place. The first alarm was caused by Umyembe's first visit, and afterwards by the assembling of the Volunteers, at Estcourt, for drill. When Umyembe came the second time, the people fled to the mountains, but returned again. When Mahoiza came they began to take their things to the rocks and caves. From these circumstances I concluded they were determined to run away. I remained at my kraal the whole time with my cattle and other property. My cattle were taken at the kraal by the Government forces. I hid no property away, and remained loyal to the Government. I did not know that any of Langalibalele's people obeyed the Proclamation, calling upon the people to return to their allegiance, either on the day or night following its publication by Adam. I saw no one return. Those who came down did so for the first time after Putili's cattle had been seized. My cattle were seized by Captain Lucas. I was also taken prisoner by him, and flogged by his orders. Neither I nor my cattle left my kraal, nor did I hide away any of my household effects. My cattle were seized by an order being given that they must remain at the missionary's kraal. They may be there to-day, but I do not know. When a tribe is in this condition it never has any plan, and no plan was ever communicated to me.

Frederick Heeley states: I know the prisoner Ngungwana. He has been in my employ, off and on, for the last six years. Since my return from England he has worked for me in Pietermaritzburg, and before that at Bushman's River. As far as my memory serves me Ngungwana left me to return home, after the Zulu expedition had left. I believe he was with me when the members of the Weenen Yeomanry Cavalry passed through the city. I really cannot remember whether prisoner was sent for, but I believe he gave me the usual notice that he wished to leave at the end of the month. Two or three Kafir servants from Bushman's River left me about the same time, without giving notice. I believe prisoner was tired, and wanted to go home after his nine or ten months' service. Prisoner was always a good boy, and I could not wish for a better servant. At Bushman's River he was my herd boy, and also nursed one of my children. In Pietermaritzburg he has been my stable boy. I have never had occasion to have him before the Magistrate, or reprimand him in any way.

Umzimazane, duly cautioned, states: I belong to Faku's Tribe, Estcourt. I first commenced service with Mr. Heeley, at Bushman's River, and have been, off and on, in his service ever since. I know the prisoner Ngungwana; we were in service together at Heeley's. He left while I was absent, and just before the forces went up.

The prisoners were asked if they wished to say anything; but all said they had nothing to say.

The Court rose at 1 o'clock, P.M., and adjourned until Thursday, the 19th instant, at 11 A.M.

W. B. MORCOM,  
Clerk of the Court.

## TENTH DAY.

*Thursday, February 19, 1874.*—The Court met pursuant to adjournment; and the minutes of the proceedings of the last meeting having been read over, adjourned until Saturday, the 21st inst., at 11 A.M.

W. B. MORCOM,  
Clerk of the Court.

## ELEVENTH DAY.

*Saturday, February 21, 1874.*—The Court met pursuant to adjournment; and, after consultation, adjourned until Monday, the 23rd inst., at 11 A.M.

W. B. MORCOM,  
Clerk of the Court.

## TWELFTH DAY.

*Monday, February 23, 1874.*—The Court met pursuant to adjournment; and, after consultation, adjourned until Wednesday, the 25th inst., at 12 o'clock, noon.

W. B. MORCOM,  
Clerk of the Court.

## THIRTEENTH DAY.

*Wednesday, February 25, 1874.*—The Court met pursuant to adjournment; and, the minutes of the last meeting having been read over, adjourned until to-morrow, Thursday, the 26 inst., at 12 o'clock, noon.

W. B. MORCOM,  
Clerk of the Court.

## FOURTEENTH DAY.

*Thursday, February 26, 1874.*—The Court met pursuant to adjournment: and, after consultation, adjourned until Friday, the 27th inst., at 11 o'clock, A.M.

W. B. MORCOM,  
Clerk of the Court.

## FIFTEENTH DAY.

*Friday, February 27, 1874.*—The Court met at 12.45 P.M.

Present:—The Secretary for Native Affairs, President; Mr. Hawkins, R.M.; Mr. Bird, R.M.; and the following Native Chiefs and Indunas:—Teteleku, Nondonise, Hemuhemu, Hlangabeza, and Mafingo.

The indictment was read over by the Clerk.

The Secretary for Native Affairs read the Judgment and Sentence of the Court as annexed hereto.

And the Court rose at 1.15 P.M.

W. B. MORCOM,  
Clerk of the Court.

## JUDGMENT.

The Court, having carefully considered the pleas advanced by the defendants, and the evidence given on the trial, find that—

The prisoners Manaba, Mbaimbai, Mango, Ngungwana, Siyepu, and Mazwi, are guilty of the crimes charged in the 1st, 2nd, and 4th counts of the indictment.

The prisoner Malambule is guilty of the crime charged in the 1st, 2nd, and 4th counts; and also of that charged in the 3rd count, in so far as it sets forth resistance to the authority of the Supreme Chief, by firing upon certain of Her Majesty's subjects, sent to enforce his surrender.

The prisoner Mhlaba is guilty of the crime charged in the 4th count.

The prisoner Maqobodo, alias Ngwahla, not being proved to be an Induna of the Chief Langalibalele, cannot be found guilty under any of the counts in the indictment.

In determining the sentence to be passed on the prisoners, the Court does not lose sight of the facts that speak in mitigation of their offence. As regards the sons of Langalibalele, it is obvious that they, more than any men of the tribe, must have been under the influence of the Chief. Siyepu and Mazwi are boys of no more than fifteen or sixteen years of age. It is reasonably certain that three of his sons, Mango, Manaba, and Mbaimbai, used their influence in endeavouring to induce Langalibalele to obey the first order to repair to the

NATAL. — seat of Government. But the Court has also been bound to notice the fact, that, if the influence of natural ties is on the one hand to be regarded as lessening their guilt; on the other hand, their rank and social position have made their treasonable acts more momentous and dangerous to the peace of the Colony, and their crime against society relatively greater.

The sentence of the Court is—

That the prisoners Mazwi and Siyepu be imprisoned for six months, with hard labour;  
That Mango, Manaba, and Mbaimbai, be imprisoned, with hard labour, for two years;  
That Ngungwana be imprisoned, with hard labour, for two years and a half;  
That Mhlaba be imprisoned for one year, with hard labour;

The imprisonment to be in each case at such place, and the hard labour of such kind, as the Supreme Chief (the Lieutenant-Governor) may direct;

And that the prisoner Malambule shall suffer transportation to such place as the Supreme Chief (the Lieutenant-Governor) may direct, for the term of five years.

T. SHEPSTONE,

Secretary for Native Affairs, President.

ARTHUR C. HAWKINS, R.M.

JOHN BIRD, R.M.

TETELEKU, his X mark,

Chief of the Amapumiza Tribe.

NONDONISE, his X mark,

Chief of the Amatuli Tribe.

HLANGABEZA, his X mark,

Chief of the Amancolosi Tribe.

HEMUHEMU, his X mark.

Chief of the Mafunzi Tribe.

Interpreter of Contents, and Witness to Marks  
of Teteleku, Nondonise, Hlangabeza, and  
Hemuhemu,

T. R. BENNETT.

MAFINGO, his X mark,

Induna, Resident Magistrate's Office,  
Durban, and Chief of the Amaqwabe Tribe.

Witness to Mark,

WM. R. GORDON,

Clerk and Interpreter.

W. B. MORCOM,

Clerk of the Court.

In terms of the warrant given under my hand on the 29th January, 1874, I hereby confirm the above judgment and sentences, and authorise their being carried into effect.

Dated at Durban, this 23rd day of March, 1874.

BENJ. C. C. PINE,

Lieutenant-Governor and Supreme Chief over  
the Native Population of Natal.

No. 11.

The ADMINISTRATOR OF THE GOVERNMENT to The EARL OF CARNARVON.

Government House, Natal, May 11, 1874.

(Received June 22, 1874.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of March 10th last.\* The case of the tribe of Putili is only so far under consideration that the Lieutenant-Governor has appointed a Commission to inquire into the extent to which it was implicated in the rebellion.

2. By another Despatch I forward to your Lordship Reports of the trial of the Chief Langalibalele, his sons, and indunas. The Report of the trial of that portion of the tribe which was captured or surrendered itself will, I hope, be shortly ready for transmission to your Lordship. The remaining portion of the tribe which escaped are, I now hear, under the induna Mabuble, Langalibalele's head man, who took so active a part in the late rebellion, occupying the broken country between this Colony and the Free State. They go about in armed bands, making frequent descents into their late location, with the object, it is said, of carrying away such of their wives and children as may be still left hidden in its caves.

\* No. 43 of Command Paper C, No. 1025 of 1874.

But it is only lately, since the departure of his Excellency Sir Benjamin Pine, that one of these parties made an attack on the farm of one David Gray, living close under the mountains. They stabbed, with intent to kill, two of his sons, who had taken an active part in the late expedition, and set fire to one of his houses. This created some little alarm, and it was necessary to take immediate steps to restore confidence to the people living in that district. I accordingly strengthened the hands of the Superintendent of Weenen County, who is guarding the location with a few natives, by increasing his force both by an addition of natives and by fifteen of the mounted police under a Sub-Inspector, this being all of the available men of this force now in the course of organization.

It is, however, likely that these rebels, now comparatively quiet, will, when the cold weather which has just set in becomes severer, fearing to surrender themselves, and pinched by cold and hunger, make incursions of a more frequent and unfriendly nature.

I have, therefore, with the advice of the Secretary for Native Affairs and the concurrence of my Executive Council, issued a Proclamation of amnesty, herewith enclosed, which I hope may have a beneficial effect, and induce them to surrender themselves to the authority of this Government.

May 2, 1874.

3. I have also appointed an Administrator of Native Law in the disturbed district, with power so that he may be able to deal with the rebels in terms of the Proclamation, or, if they be not accepted, to keep a watchful eye on the border to prevent any of these marauding parties from entering the Colony.

4. I have also the honour to inform your Lordship that I have forwarded copies of the Proclamation to the Presidents of the Orange Free State, and the South African Republics, asking them to take such steps as may to them seem best to co-operate with this Government. I have no doubt, from the friendly relations existing between us, that the request will be immediately responded to. In fact, I have been informed by them already that they are on the look out for Mabuhle, or any of his party, and will assist me in every way.

Hoping your Lordship will approve of the steps I have taken in this matter,

The Earl of Carnarvon,  
&c. &c. &c.

I have, &c.,  
(Signed) T. MILLES, Colonel,  
Administrator of the Government.

#### PROCLAMATION,

By His Excellency THOMAS MILLES, Esquire, Colonel, Administrator of the Government in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

WHEREAS certain members of the late Amahlubi Tribe and others who took part in the rebellion of Langalibalele against the lawful authority of Her Majesty's Government in this Colony, are in concealment in certain parts of this Colony, or upon or near to the boundaries thereof:

And whereas it has been represented to me that these people are desirous of returning to their allegiance and duty, but are deterred from so doing by fear of the punishment likely to be awarded them for the crime they have been guilty of:

And whereas the late Chief Langalibalele and other members of the Amahlubi Tribe have been captured, tried, and sentenced for their participation in said rebellion, and the authority of Her Majesty has been so far vindicated:

And whereas I am willing to believe that the persons above alluded to have seen the folly and wickedness of their attempt, and regret the course they took, and I am desirous to afford them an opportunity of returning to their allegiance and duty:

Now, therefore, I do hereby proclaim and make known an offer of pardon to all engaged in the late rebellion, and who may not have been guilty of any serious act of resistance to the Government, provided they surrender themselves and their arms to any Magistrate, Administrator of Native Law, or other competent authority in Natal.

The condition of such pardon to be, that they submit themselves to the Refugee Regulations, and live with their families thereunder in such parts of the Colony as the Supreme Chief may from time to time direct.

God save the Queen!

Given under my hand and the Public Seal of the Colony, at Pietermaritzburg, this Second day of May, One Thousand Eight Hundred and Seventy-four.

(Signed) T. MILLES, Colonel.

By His Excellency's command,

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

No. 12.

Lieutenant-Governor Sir BENJAMIN PINE, K.C.M.G., to The EARL OF CARNARVON.

Cape Town, 22nd May, 1874.

(Received 22nd June.)

MY LORD,

I have the honour to send your Lordship such remarks upon Bishop Colenso's pamphlet as I am able to make without referring to authorities in Natal.

The Earl of Carnarvon,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE.

## REMARKS ON BISHOP COLENZO'S PAMPHLET.

I pass over for the present the Bishop's views as to the Constitution of the Tribunal, &c. I may say, however, that they are very erroneous.

The Bishop frequently quotes a Code of Frontier, or Amagosa law, compiled for the use of the Cape authorities. This Code has no authority whatever in Natal, and would not be allowed to be quoted as *an authority* in any Native Courts. It is true that the frontier Kafirs and the Natal tribes sprung originally from the same race, so do the Lowland Scotch and the English, but still they are distinct *nations*, and it would be as out of place to quote English law in a Scotch Court, or vice versâ, as to quote frontier Kafir law in a Zulu Kafir Court.

The Zulu Kafir law, as modified and expounded by Mr. Shepstone and successive Lieutenant-Governors, is the Native law of the Colony, and the *only* authority.

It is untrue that either Major Erskine or Mr. Barter formed part of the Court. Dr. Colenso has no right to assume that Mr. Barter was the writer of the words he quotes, that gentleman having positively and publicly denied it.

The Bishop *knows* this.

The whole body of the Executive, by which I suppose the Bishop means the Executive Council, did *not* try the case.

I believed, and do believe, on the authority of Mr. Shepstone, that these Chiefs are important and influential men.

I do not know whence the Bishop gets his information as to the object for which the prisoner was confined. I never heard of any reason except on account of safe custody, and to prevent his doing mischief among the Kafirs.

Mahoiza's evidence, of which Dr. Colenso makes so much, is really of no importance whatever.

Langalibalele fully admitted having caused the messenger of the Government to be *stripped*. He therefore admits the substance of the charge. Whether a garment more or less was taken off is of no consequence. Moreover, strike out this evidence altogether and it does not affect the facts at issue one jot.

I cannot help remarking that it seems unworthy of the Bishop's position and character as a Christian Minister to call this poor Kafir Mahoiza "a lying scoundrel," because his evidence differs in some minor points from that of other witnesses.

It agrees in *substance* with the admission of the prisoners, and I will venture to say that no Court in the Queen's dominions would convict him of perjury.

These are all the remarks which, without reference to authorities in Natal, I think it necessary to make as to the Bishop's statements of facts.

As to the general question and principles discussed by the Bishop, I beg to quote the following observations, furnished by a friend well versed in native affairs. I adopt the remarks as my own:—

"A perusal of the Bishop's pamphlets, to my mind, quite proved the justice and absolute necessity of what has been done, and I venture to say that this will be the case with anyone who looks at the matter calmly and with an unprejudiced mind, more especially if he should have any knowledge of native customs and laws.

"The first thing which struck me in reading the pamphlets was the regal state and importance assumed by Langalibalele. The approach of the messengers of the Supreme Chief has to be announced to Langalibalele by one of his Indunas, and Mahoiza has to lodge here or there, and this or that Induna has to provide him with an ox, or food, or both, and

at last, when Langalibalele condescends to receive the messenger of the Lieutenant-Governor, he, as in defiance of the Supreme Chief, is surrounded and attended by two regiments, armed and mounted.

"It is of no use for Dr. Colenso to say that these young men were there simply to bear the message to Langalibalele, for they neither heard the message nor the answer. They were there simply to defy authority, or to rescue their Chief should an attempt have been made to arrest him, and after his repeated disregard of the summons of the Supreme Chief, he had clearly made himself liable to arrest. The only conclusion that can be arrived at from these circumstances is, that a man who only twenty-seven years before had come to Natal a destitute and helpless exile, must have lived under a very indulgent and fostering Government to have been in the position he held on the breaking out of the rebellion. But Dr. Colenso does not attempt to say anything against the treatment of Langalibalele and his tribe before the rebellion; if, therefore, it had been mild and just, is it reasonable to suppose that the Natal Government should, without sufficient reason, have acted as they have done in reference to Langalibalele and Patine.

"It appears to me that, whether Mahoiza's being stripped was by the order of Langalibalele or not, he made himself liable for the indignity offered to the messenger of the Supreme Chief. He did not express his disapprobation of the order given in his name and on his behalf. Umhlaba protested against the act. But even admitting that this indignity was not at all offered to Mahoiza, even according to the Bishop's admission there was abundant reason for Langalibalele's arrest; he had absolutely and repeatedly refused to obey the lawful summons of the Lieutenant-Governor, who appears to have exercised great forbearance towards Langalibalele. Were the matter not one of so serious a nature, the special pleading of the Bishop would, for a man of his position, appear most amusing. The contemptuous offer to pay a fine of threepence is explained to mean something very proper and right; the message to Mr. Macfarlane that Langalibalele was prepared to pay any fine which might be demanded of him, is also very complacently put forward as a proof of the man's loyalty, and very much is made of the fact that four head of cattle were given to Mahoiza and party, as indicating the Chief's good-will to Mahoiza. But the fact appears plain that the message to Captain Macfarlane and the apparent hospitality to Mahoiza were with the object of gaining time, for, even before Mahoiza's arrival and during his stay in the neighbourhood, the cattle were being removed and stores were carried to the caves and mountains, thus indicating that Langalibalele did not intend to pay a fine, but was simply seeking to gain time to carry out his arrangements, and on the evening that Mahoiza left Langalibalele's, the Chief himself left his kraal to move out of his district.

"Leaving the stripping out of the question, there is another insult offered to the Supreme Chief in the person of his messenger as shown by Dr. Colenso himself. Before he was ordered to strip, and when about half-a-mile from Langalibalele's kraal, he was stopped by some soldiers, and when about to sit down at a certain place, he was ordered to take another position in no very complimentary manner. This does not appear to have been mentioned to Langalibalele, but it illustrates the feeling of his people, and it is by no means probable that this manifestation would have been made, had the people not known that their Chief concurred in it, and then the firing off of the guns, as Mahoiza was leaving, was another manifestation of defiance. All arrangements were now completed, Langalibalele was about to leave his kraal, there was now no longer any reason for disguise. These incidents may appear trivial, but they are important as showing the spirit of rebellion which then existed, and against which the Chief made no remonstrance. The Bishop palliates Langalibalele's refusal to obey the summons of the Supreme Chief; the answer to this is, if any Chief in the Colony of Natal should disobey such an order, for whatever reasons given, the sooner he is brought to justice the better for him and for all the inhabitants of Natal, white as well as coloured: either the refractory Chief must go to the wall, or the Government cease to be a Government.

"All these points are trivial in comparison to the tragedy at Bushman's Pass, yet strange to say, even these unprovoked murders are palliated, if not justified, by the Bishop on the ground that the refugees were pursued beyond the boundaries of the Colony, when one was knocked on the head, a number of guns and assegais seized, one ox killed, and five or six stabbed. I do not know to whom the land at the Bushman's Pass belonged, and if it does not belong to Natal, it will puzzle the Bishop to say to whom it belongs. The knocking of a man on the head is something quite new to me, and the killing of the ox, according to the Bishop's own showing, was, according to Kafir law, quite a justifiable act.

"What happened at the Bushman's Pass is what may reasonably be expected from what happened at Langalibalele's kraal four days before. On that day, when Langalibalele had

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condescended to receive the messenger of his Chief, he had about him two regiments of his soldiers with shields and assegais, no doubt by Langalibalele's orders. These soldiers in several ways insulted the messenger without any rebuke from their Chief, who thus became answerable for their conduct.

"It is said by the Bishop that Langalibalele had ordered them not to fire the first shot, but that they were to run away if attacked; it is strange that a man of Dr. Colenso's critical ability should have fallen into this incongruity, that they were not to fire first or attack, implied that they were to resist if attacked or fired upon, and if they got the worst, then to run away. I think this clearly proves the understanding between Langalibalele and his people, and his complicity in the murder at the Bushman's River Pass. At any rate, the Chief does not appear to have expressed any disapprobation of what happened there; the men who murdered Erskine and the others at the Pass were allowed to retain the arms of the murdered men, and exhibited them some days after in Basutoland. Had Langalibalele disapproved of the Bushman River murders, he surely would have been able to produce some proof of it at the trial, or he might at least have stated what he did or said when the matter was reported to him.

"The Bishop acquiesces in the forfeiture of the country, I need therefore make no remark on this point, and would only, in conclusion, refer to one more fallacy in the Bishop's reasoning, namely, that if Langalibalele was answerable for the results and consequences of his illegal acts, then the Lieutenant-Governor is in like manner answerable for abuses for alleged atrocities, which resulted from his legal acts; the sophistry is so transparent that nothing more is necessary than simply to refer to it. We cannot disassociate Langalibalele with the murder: it was at least the result of his illegal act, neither can we disassociate the people with the act of their Chief. They joined him in his manifestation of defiance to the Government, and accompanied him in his flight from justice, and he and they became sharers in the Bushman's Pass tragedy. This tragedy is justified on the ground that no Magistrate was at the Pass, neither was there any warrant exhibited to the rebels. The presence of Elijah Kambule, who was murdered, was quite a sufficient warrant. Maboiza was recognized as the messenger of the Supreme Chief, he was known to be such. Elijah Kambule was also known to be the confidential messenger of Mr. Shepstone, but it is absurd to raise this plea when it was not raised at the Pass during the two hours of parley, when the rebels had opportunity given to them to return to their allegiance. The reasoning from Kafir law that the Lieutenant-Governor had no right to pursue Langalibalele beyond the boundaries of Natal is as fallacious as the Bishop's other points.

"A Chief pursues his fugitive subject wherever he dares to pursue him, and a man fleeing from one Chief takes care that he does not flee to a weaker Chief, otherwise he would have no asylum. If the territory beyond the Bushman's Pass does not belong to Natal, it belongs to the Cape Colony, that is if it is part of Basutoland, and neither the Cape Government nor the Basutos have complained of the Natal forces coming into their territory. But the Drakensberg, beyond the boundaries of Natal, is a land which never has been occupied and is claimed by no one. The Natal Government could therefore apply to no one for the giving up of the rebel and his cattle while in this unclaimed land, and were then compelled themselves to follow the rebels.

"Langalibalele's contumacy and the defiant attitude assumed by him and his people are matters which would not for one day have been submitted to by any native superior Chief, who had the power to bring the refractory Chief to submission.

"There are many other points in the pamphlet which might be noticed. I will only notice the one about the illegal purchase of guns, which the Bishop makes a very venial offence.

"When Langalibalele's people purchased the guns, they knew that there was in Natal a strict law against the purchase of guns. The necessity of this restriction is very clearly indicated by the fact that for years past labour has been very scarce in Natal, but any amount might have been secured by the planters had they adopted the system in operation at the Diamond Fields, namely, paying for labour in guns, or permitting the labourers to purchase guns for their wages. Land was lying untilled, crops were rotting on the ground, while thousands of natives lived around who could not be induced to work except for guns. Natal preferred to suffer the loss of property, rather than make herself liable to loss of life in endeavouring to secure a present benefit. It is not for subjects to break a law because they or their friends suppose it to be unimportant, whatever their idea of the law may be. They must be prepared to suffer the consequences if they break it."

I have to add another remark of my own on the Bishop's statements.

I have been told by a gentleman from Natal staying here, that he knows that the statement that Mr. John Shepstone fired at the Chief, is utterly false. I have no doubt of this from the Bishop's note on the passage, in which he says the Secretary for Native

Affairs\* never heard of the matter till he, the Bishop, mentioned it to him the other day. Then the Bishop hedges, by saying that whether the statement was true or not, the tribe believes it!!! I have no hesitation whatever in saying that if it was not true, the tribe did not believe it to be true.

The Bishop refers to a man being knocked on the head by our people at the Pass; my friend remarks that the matter "is quite new to him," and it is certainly as new to myself. It is one of the Bishop's reckless statements.

(Signed) BENJ. C. C. PINE.

No. 13.

Captain LUCAS to COLONIAL OFFICE.

Castle Shane, Co. Monaghan, Ireland,

June 22, 1874.

MY LORD,

I HAVE the honour to acknowledge the receipt of a letter, dated Downing Street, 20th instant,† by which your Lordship is good enough to afford me an opportunity of giving an explanation upon the grave charge laid against me to the effect that, when in command of Mr. Macfarlane's and the 4th Divisions acting against the rebel Chief Langalibalele, his tribe, and that of Putili, I handed over a number of women to the native Chiefs serving under me.

To enable your Lordship fully to understand my explanation it will be necessary to write at some length, but I shall endeavour to be as concise as possible.

The orders I received were that all prisoners taken belonging to the tribe of Langalibalele should be removed from the location known as that of Langalibalele as soon as possible after capture, and sent to Pietermaritzburg, the seat of Government; this order included women and children, and was carried out.

The prisoners were placed in charge of an escort, and forwarded to the camp of the Secretary for Native Affairs up to the date of his leaving the field; subsequent to that I forwarded direct to the seat of Government any people who fell into my hands.

In effecting the capture of the people of Putili tribe I sent the able-bodied men to Pietermaritzburg, the women and children I decided to entrust to the guardianship of the several Chiefs of the tribes who were employed under my orders, pending decisions in their case by the Supreme Chief, because I was aware that the authorities were already inconvenienced and the country at great expense by having such numbers of the women and children of Langalibalele's tribe located in and about the seat of Government.

Having concluded that it would be unwise to congregate more people about Pietermaritzburg, I determined to make the Chiefs I had with me the guardians of the Putili women and children in preference to sending them to the care of Chiefs who were not in the field, for the following reasons.

1stly. I could personally explain why I directed them to take charge and what their duties as guardians would be.

2ndly. It would have been impolitic to deprive the Chiefs of the tribes who had answered the call of the Government, of what they considered an honour, in favour of those who had done no service for the Colony.

3rdly. It was necessary to remove these people without delay from the vicinity of their location, the more especially as a rebel force was known to be in the mountains a few miles distant.

It may be said, Why did you not send all these women and children to one tribe? Simply because it would have been unjust to send such a number of people to one tribe, as the supply of food would have been a serious matter to furnish.

I have given my reasons for the course adopted because it appears that some persons are anxious to lead your Lordship to suppose that I "handed over the women and children," that is, divided them among the Chiefs as spoils of war.

I will now detail for your Lordship's information the instructions given by me to the Chiefs whom I appointed to act as guardians to these people.

The Chiefs in presence of their respective staffs were informed that the Government would place under their guardianship such numbers of the women and children as should be decided on by me; that each Chief would be responsible for those placed in his care, and must be prepared to render up his charge at any moment the Supreme Chief might require; that he must allow no seduction or improper conduct among them. In fact, act towards them as if they were his own family.

\* The brother of Mr. J. Shepstone,



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I carefully explained that none of the girls or widows could marry while in charge without special permission. That in the event of a man gaining the affections of an unmarried woman, and the parties wishing to marry, the circumstance must be reported to the Resident Magistrate of the Division, who would refer the matter for the consideration of the Supreme Chief. If consent was given to the marriage, the provisions of Law No. 1, 1869, would be carried out.

Your Lordship will, I hope, consider that so far from "handing the women and children over" in the sense meant by my accusers, I took every precaution in my power to prevent even undue pressure, for the Marriage Law in Law No. 1, 1869, specially provides machinery to prevent any girl being married without her full consent.

It was arranged that when these people were withdrawn from the guardianship of the Chief by the Government, he should be entitled to a small payment for his trouble.

It is idle to say, as perhaps my accusers do, that the Chiefs understood that the women were given to them, because several of them asked me whether they would be paid for their responsibility and trouble. Now had they understood that the women were spoils of war they would have asked no such question.

Should your Lordship wish, I can inform you what arrangements were made for the care of cripples, old and infirm people of the rebel tribes.

The Secretary of State for the Colonies.

I have, &c.,  
(Signed) G. A. LUCAS.

## No. 14.

The EARL OF CARNARVON to Lieutenant-Governor Sir BENJAMIN PINE, K.C.M.G.

SIR,

Downing Street, June 23, 1874.

I HAVE to acknowledge the receipt of Col. Milles' Despatch of the 9th of May,\* forwarding printed copies of the Minutes of the Proceedings of the Court of Inquiry into the charges against Langalibalele, of which MS. copies were enclosed in your Despatch of the 14th February; also, copies of the Minutes of Proceedings of the Court of Inquiry into the charges against members of the Amahlubi and Amangine tribes in connection with the recent rebellion.

Lieut.-Governor Sir Benjamin Pine,  
&c. &c. &c.

I have, &c.,  
(Signed) CARNARVON.

## No. 15.

The EARL OF CARNARVON to Lieutenant-Governor Sir BENJAMIN PINE, K.C.M.G.

SIR,

Downing Street, June 23, 1874.

I HAVE to acknowledge the receipt of your Despatch of the 22nd of May,† dated from Cape Town, containing your remarks on Bishop Colenso's pamphlet in defence of Langalibalele, and to state that I await the result of the new trial, before expressing any opinion on the points to which you refer.

Lieut.-Governor Sir Benjamin Pine,  
&c. &c. &c.

I have, &c.,  
(Signed) CARNARVON.

## No. 16.

The EARL OF CARNARVON to Lieut.-Governor SIR B. PINE, K.C.M.G.

SIR,

Downing Street, June 25, 1874.

WITH reference to my Despatch of the 4th of May,‡ enclosing a letter from Mr. Bunyon, with various papers relating to the recent outbreak in Natal, and to the trial of Langalibalele, I transmit to you the accompanying printed documents which have reached me.§

I request that you will furnish me with such report and explanation as you may consider right upon these further statements.

Sir Benjamin Pine,  
&c. &c. &c.

I have, &c.,  
(Signed) CARNARVON.

\* No. 10.

† No. 12.

‡ No. 2.

§ These documents are contained in Bishop Colenso's Pamphlet, which is printed as a separate Parliamentary Paper.

## No. 17.

Lieut.-Governor Sir B. PINE, K.C.M.G., to The EARL OF CARNARVON.

Government House, Natal,  
June 1, 1874.

(Received July 6, 1874.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatches relative to the late revolt in this Colony.\*

2. I have only just returned from the Cape Colony, where I was detained for some days by severe illness.

I cannot therefore furnish your Lordship with the full explanation required by this mail, but I will do so as soon as I possibly can.

3. In the meantime I may point out to your Lordship the groundlessness of the statement now put forth—that there was no revolt, because the malcontents did not murder the white inhabitants and burn their houses. They had no time to complete the organization necessary for that object.

4. But they constantly used the most insolent and threatening language towards the Government and the inhabitants; they repeatedly disobeyed, and with great contumely, the summons and warrants of the Government; for, according to native law and the long custom of this Colony, accredited messengers are regarded in every respect as the equivalents of such documents under the common law. Further, the tribe in various ways prepared themselves for war.

5. Under these circumstances, in the opinion of all persons conversant with native affairs, both here and at the Cape, this Government could not have avoided ordering the arrest of the Chief and tribe, without abandoning its duty, and, in fact, without throwing up the reins of the government altogether.

6. In order to effect this arrest, we thought it right to march to the spot so large a force as would disarm resistance and save bloodshed. We sent messengers and proclamations earnestly inviting any loyal portion of the tribe to disunite themselves from the disloyal portion; and to come under our protection.

7. It was the earnest hope of us all, and the conviction of many, that the Chief and tribe would surrender themselves at once. Unhappily, this hope was not realized. But it cannot be too clearly and distinctly understood that the Government was not the attacking party, and the whole bloodshed was occasioned by resistance to the exercise of the lawful authority of the Government in attempting to arrest persons who had set that authority at defiance.

8. We stand, my Lord, in this position; we are, in fact, blamed by our opponents for not waiting till the plans of the rebels had been fully matured, and till they had carried fire and bloodshed into the heart of the Colony. We are blamed for stamping out a smouldering fire, and not waiting till it had consumed half the house.

9. There is much force in your Lordship's objection to our not allowing counsel for the prisoner. Looking at the question as it is regarded in England and from a purely English standpoint, I regret that we did not allow counsel; but, so far as the administration of strict justice is concerned, I feel certain that the prisoner would not have benefited by the concession, but rather the reverse.

10. The mistake, if mistake it was, will however now be remedied; for long before I received your Lordship's Despatch, I gave Bishop Colenso permission to appeal to the executive Council, and to employ counsel to assist him.

11. I will answer your Lordship's Despatches in all points as soon as possible.

The Earl of Carnarvon,  
&c. &c. &c.I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieutenant-Governor.

\* Vide Command Paper No. 1025 of 1874, pages 43, 47, 48, 50, and 52.

No. 18.

Lieut.-Governor Sir B. PINE, K.C.M.G., to The EARL OF CARNARVON.

Government House, Natal, June 1, 1874.

(Received July 6, 1874.)

MY LORD,

ON my return to the Colony, I received the enclosed copy of a letter to the English 'Times,' signed by nearly all the clergy of this Colony of every denomination, expressing their opinion of the statements put forth by the Peace Society.

2. The list of names includes those of missionaries who have laboured very long among the Kafirs, and who thoroughly know their language, customs, and habits. Among these I would mention the whole of the American missionaries, and I would especially mention the names of Messrs. Döhne and Allison—the former the author of an excellent Zulu dictionary—both most earnest friends of the race.

3. The remarks of Mr. Döhne on the dangerous influence exercised by Langalibalele as a witch doctor are very important.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,

Lieutenant-Governor.

The Earl of Carnarvon,  
&c. &c. &c.

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TO THE EDITOR OF 'THE TIMES.'

SIR,

Durban, May 4, 1874.

Will you kindly insert the accompanying Memorial from Christian Ministers and Missionaries in Natal? The signatures are those of men belonging to various Churches and of various nationalities. They are working in all parts of the Colony, some of them near to the scene of the rebellion, and some too have been for very many years missionaries to the heathen.

Yours respectfully,

W. H. MANN,  
Secretary to Ministers' Committee.

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"ATROCITIES IN NATAL."

TO THE EDITOR OF 'THE TIMES.'

SIR,

Having read a paragraph in the 'European Mail' of the 26th January, 1874, entitled "Atrocities in Natal," we, the undersigned, beg, not in reply, but as a counter-statement, to affirm the following:—

I. That the statements of the Peace Society are based on an entire misapprehension of the facts of the case. Individual instances of cruelty there may have been in this, as in all wars, but neither the Government nor the colonists should be held responsible for these.

II. That being well acquainted with the rebellion of Langalibalele and the campaign which followed, we feel and affirm that the action of the Natal Government was throughout humane, lenient, just, and urgently necessary.

(This view of the question is forcibly confirmed by the fact that all the loyal and a large portion of the rebellious Kafirs entertain and express it. The loyal chiefs of the various tribes in the Colony have formally declared that, regarding the matter from their standpoint, they feel that the Government have been much too lenient in their treatment of the rebel Chief and his accomplices.)

III. That we regard the circulation of such misstatements as those contained in the 'European Mail' of the 26th January, 1874, entitled "Atrocities in Natal," with deep regret and just indignation—1st. Because they are *untrue*; and 2nd. Because those misstatements assume, in opposition to facts well known to the Natal Government and colonists, that they have departed from the Christian spirit and principles of their fathers in England; and 3rd. Because such misstatements going forth with the sanction of the Peace Society, will damage its influence for good; and lastly, because such misstatements are calculated to create a feeling around the Home Government and Imperial Parliament which may unjustly bias their action towards our Colonial Government, and prevent the

latter from using those repressive measures which are sometimes necessary to protect a Christian Government, and civilize a people deeply sunk in barbarism and sensuality.

As Ministers of the Gospel we refrain from dealing with the statements in detail, because we think it belongs more properly to the Government and colonists of Natal to do so; and we are sure they will be able to put the facts of the case in such an aspect as will clear them from any charge of injustice and cruelty.

(Signed)

- ALLISON, JAMES, Free Church of Scotland Missionary, 36 years a Missionary.  
 ALLSOP, JOHN, Wesleyan Minister.  
 BARRET, J., Roman Catholic Priest, P. M. Burg.  
 BARKER, JOSEPH, Church of South Africa, Umzinto Parsonage.  
 BAUGH, WALTER, Church of South Africa, P. M. Burg.  
 BLATHWAYT, W. S. W., Church of England.  
 BRIDGMAN, H. M., American Board of Missions.  
 BUCHANAN, JOHN, Presbyterian Minister, Durban.  
 BUTTON, THURSTON, Church of South Africa, Clydesdale, Upper Umzimkulu.  
 CAMERON, JAMES, Superintendent of Wesleyan Missions, 45 years a Missionary in South Africa.  
 CAMERON, J. R., Wesleyan Missionary, Edendale.  
 CAMERON, HENRY, Wesleyan Minister, Verulam.  
 CARLYLE, J. F., First Presbyterian Church, P. M. Burg.  
 CHAPLIN, A. P., Wesleyan Minister.  
 DALZELL, JAS., Gordon Memorial Mission, Free Church of Scotland.  
 EVA, DANIEL, Wesleyan Missionary.  
 FEARNE, THOS. G., Church of South Africa, Archdeacon of Maritzburg.  
 FLYGARE, CARL LUDVIG, Swedish Missionary, Ifafa.  
 HARMON, CHARLES, Wesleyan Minister.  
 HAYES, ROBERT, Wesleyan Minister, Ladysmith.  
 ILLING, W. H., Church of South Africa, Ladysmith.  
 JACKSON, JOS., Wesleyan Minister.  
 KOHLS, K., Superintendent of Hermansberg Mission.  
 KIRKBY, THOMAS, Wesleyan Missionary, Umzimkulu.  
 LANGLEY, JAMES, Wesleyan Minister.  
 LLOYD, W. H. C., M.A., Her Majesty's Colonial Chaplain, Natal. (Signed) "As far as I know" 25 years in Natal.  
 MABER, CHASTY, Church of South Africa, Incumbent of the Karkloof.  
 MANN, W. H., Congregational Minister, Durban.  
 MELLEN, WILLIAM, American Board of Missions.  
 MILLWARD, W., Wesleyan Missionary.  
 MOE, J., Hanoverian Missionary.  
 NEIZEL, A., Berlin Missionary.  
 NEWNHAM, W. O., Principal of Hilton College.  
 OTTE, C., Missionary, Hermansberg.  
 PINKERTON, M. W., American Board of Missions, Umzinto.  
 PIXLEY, S. C., American Board of Missions, Inanda.  
 POSSELT, C. W., Superintendent of Berlin Missions, Pinetown.  
 PRICE, W. H., Church of South Africa, S. Cyprian's, Durban.  
 ROBERTS, CHARLES, Wesleyan Missionary.  
 ROBINSON, ZADOC, Wesleyan Minister, Durban.  
 ROOD, D., American Board of Missions, Umvoti, 26 years a Missionary.  
 SABON, J. B., Roman Catholic Priest, Durban.  
 SCHUMANN, A. W., Berlin Missionary, Weenen.  
 SMITH, JOHN, Second Presbyterian Church, P. M. Burg.  
 SMITH, GEORGE, Church of South Africa, Incumbent of Estcourt.  
 STALKER, JOHN, Presbyterian Free Church, Missionary.  
 STONE, SETH B., American Board of Missions, Amanzimtote.  
 STOTT, RALPH, Wesleyan Coolie Missions, 46 years a Missionary.  
 STOTT, S. HORNER, Wesleyan Missionary.  
 STRUVE, W., New Hanover.  
 TAYLOR, THOS., Church of South Africa, Incumbent of Greytown.  
 TAYLOR, J. D., Church of South Africa, St. James', Isipingo.  
 TURNBULL, JAMES, Dutch Reformed Church, Greytown.  
 TYLER, JOSIAH, American Board of Missions, Umsinduzi.  
 UDLAND, T., Missionary, Umpumolo.

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WALTON, JAMES, Church of South Africa, Incumbent of Pinetown.  
 WATERHOUSE, S. N., Congregational Minister.  
 WESTON, G. S., Wesleyan Minister.  
 WILSHERE, A. R. M., Church of South Africa, St. Cyprian's, Durban.  
 WYNNE, WILLIAM, Wesleyan Minister, Harrismith, Orange Free State.

The following names were received the day after the above letter was sent:—

JOHN M. CARTER, Minister of Dutch Reformed Church, Ladismith.  
 H. HOLST, Hanoverian Missionary.  
 C. ZUNCKEL, Berlin Missionary, 25 years in Natal.  
 H. BÖTTCHER, Hanoverian Missionary, Mooi River.  
 J. L. DÖHNE, Biggarsberg.  
 J. COWLEY, Baptist, Durban.  
 W. H. HANSEN, Hanoverian.  
 W. KOHNS, Do.  
 C. BARTELS, Do.

### “ATROCITIES IN NATAL.”

LETTERS and EXTRACTS of LETTERS from CHRISTIAN MINISTERS and MISSIONARIES  
 in NATAL.

Durban, May 4, 1874.

The following are selected from the replies of 65 Ministers to whom a Circular Letter was sent from the Committee in Durban, and who have signed the Memorial that accompanied it. They are letters from men belonging to various Churches and various nationalities, who are working in all parts of the Colony, some of them near to the scene of the rebellion. Some, also, have been 25, 35, and 46 years Missionaries to the Heathen.

(Signed) W. H. MANN,  
 Secretary to Ministers' Committee.

### “ATROCITIES IN NATAL.”

DEAR MR. MANN,

Ladysmith, April 24, 1874.

I wrote to you a few days ago, asking you to append my name to the Ministers' Memorial. I now write to make a few remarks upon a letter published in the 'Colonist' of April 17th, and signed "Anti-Humbug."

The writer assumes that "certain reverend gentlemen" were about to take a leap in the dark, by signing a document which denies the atrocities spoken of by the Peace Society, in the case in question. I don't think the ministers are as a rule so indiscreet as Anti-Humbug insinuates.

This gentleman would have us believe that there was *no premeditated rebellion* in the tribe of Langalibalele, and that the band of armed men who went over the mountain, and who murdered the three Volunteers, were driven from their homes by the unprovoked action of the Natal Government. To establish this position he states that the usual method in which Kafirs commence their wars is by a savage Kafir raid, and asks how many houses were burnt down, how many white men murdered, &c. I believe there was no such raid in this case. But why was there not?

1. Because the tribe was unprepared for such a step at the time the Government took action, and were hoping to be joined by allies from tribes in the Colony, or from beyond the mountain.

2. They were afraid to commence such a raid, feeling that their own force was not sufficiently strong to cope with the white man.

3. They therefore turned their attention in another direction, and spent their time in making preparations to go over the mountain, expecting to find an ally in Molappo.

These reasons are to my own mind a sufficient answer, and I travelled along the country in the neighbourhood of the hostile tribes before and at the time of the rebellion, and have heard the testimony of many who lived near to them; the testimony of families who were constrained to leave their homes because they saw the warlike preparations of these tribes, and heard their threats; threats that they would murder every white man, and carry off the women.

But "Anti-Humbug" would establish his position by a still stronger reason, viz. by what he calls "the peaceful surrender of the chief in Basuto-land." Now is it not plain, on the face of the case, that Langalibalele surrendered because he could do nothing else? His

own forces were scattered at the time Molappo had failed him, and had taken measures against him while he was beset on all sides by the enemy.

There is abundant evidence that the rebellion *was premeditated*. There is proof that councils of war were held; that troops were drilled daily, and that great efforts were made by the tribe to lay in considerable stores of ammunition before the Government commenced warlike preparations. People who lived near the disaffected tribes were loud in their exclamations against the Government, because soldiers were not sooner sent up to put down the rebellion which was being organized. And was not the refusal, by a whole tribe, to obey the law of the land an act of rebellion?

As to the cases of murder complained of by Messrs. Moor, Mellersh, and Scott. As Mr. Wilder says in his letter published in the same issue of the 'Colonist':—"In war it is inevitable that some excesses will be committed." It is especially so when Kafirs meet Kafirs. But supposing all that is said in these cases be true, neither the Natal Government, nor the Volunteers, as a whole, nor the colonists, are to be charged with this; and certainly it does not show that the action of the Government was unwarranted, or that the campaign was not remarkably free from excesses. Least of all, should it be taken to detract from the merits of the Volunteers, who bravely left their homes and families, and went to the front when we were all threatened with wholesale murder, plunder, and other atrocities of a Kafir war.

With respect to the camp formed at Little Tugela, and the homes left unprotected, of which "Anti-Humbug" speaks. These homes, it is true, were not burnt, &c. But why? Not because they were protected by Kafir servants, but rather because (as in instances I could name) they were left in charge of brave sons, who afterwards acted as Volunteers; and because three days after the camp at Little Tugela was formed, the Frontier Guard and their Native Allies (being the first of the Government forces on the field) placed themselves between these homes and the disaffected tribes.

Speaking of natives of Putili's tribe, "who were as innocent as the inhabitants of Durban, and yet were eaten up," the writer shows his ignorance of the practice of Kafir tribes when their Chiefs engage in war. Every able native is expected to join his Chief on such an occasion, and as a rule he does it, or attempts to do so. I saw natives belonging to Putili's tribe living on farms, not far from the main road from Dewdrop to Harrismith, who, when hostilities commenced, drove off their cattle and sent away their women; while the men armed themselves, and started to join Langalibalele or Putili. They confessed this much to the owners of the farms on which they lived. In several instances old men who were left behind on farms, when asked by our Volunteers: "Where your cattle?" said "Gone away." "Where are your women?" "Gone." "Where your young men?" "Gone." Gone where? but to join the rebels if they could make it practicable. And supposing our forces came upon some who said they wished to be peaceable? What evidence was there that they were not really implicated, and would not give us trouble if they could?

I do not believe in the "deeds of darkness done by those in power" (I quote from "Anti-Humbug"); nor the insinuation he makes that the "rebellion was forced on for political purposes" and by a "clique." This tribe had been in a state of rebellion before the middle of 1873. Perhaps the Government ought to have enforced obedience sooner than it did, but had it done so, and encountered resistance, may we not reasonably suppose that men like "Anti-Humbug" would have been still louder in their outcry against the Government, and with better reason might have called the rebellion "unpremeditated and forced on for political purposes."

Convinced of the leniency of the course the Government has taken throughout, and of the urgent necessity for the campaign, I have wished to add my name to your Memorial.

I am, dear Sir, yours truly,  
R. HAYES.

P.S.—You can publish or make what use you like of this letter.—R. H.

MY DEAR MR. MANN,

The Parsonage, Estcourt, April 18, 1874.

I have much pleasure in requesting you to append my name to the amended list of resolutions prepared by your Committee, and published in the 'Mercury,' of 16th instant, upon the subject of the Peace Society's pamphlet—a most astounding document!

As the clergyman of the English Church in this district; having met the troops under the mountain at the commencement of the military operations; having accompanied the expedition to recover the bodies of our three brave Volunteers, and performed the funeral service at the top of the Bushman's Pass; and having repeatedly visited and ministered at

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the various camps during the whole of the campaign; knowing also, personally, the rebel chief and many of his people; for these reasons my testimony—however insignificant it may be—is at least the testimony of one who has had every opportunity of judging of the manner in which the rebellion has been suppressed, and who would not have been backward in condemning any “atrocities” had they been perpetrated.

I am, &c.,  
GEO. SMITH,  
Incumbent of Estcourt.

DEAR SIR,

Boycedale, Umzimkulu, April 24, 1874.

I am glad of the opportunity to append my name to the Document which you have sent by this post, and without any reserve or hesitation give you the authority you ask for. I have watched with great interest the proceedings of both ministers and people, in relation to this matter, and admire their determination to stand by the Governor, Sir Benjamin Pine, in the time of trial.

It has occurred to me that, compared with every other rebellion of the kind of which I have read, or of which I have any knowledge, throughout the whole of the campaign there was so little of anything like cruelty or treatment other than *humane*.

The members of the Peace Society must be very ignorant of what the natives are like in the colonies of Britain. They cannot have lived in India during the mutiny, nor in New Zealand during the war there, and surely not in South Africa during any of the Kafir wars. It might increase their knowledge of people in general, and of Kafirs in particular, could the Emigration Agent, Mr. Escombe, induce some of them to leave their peaceful homes, and live on the borders of our English settlements, that they might be subject to the thousand and one annoyances, and often something worse, from some of the native tribes. The missionaries, who have come in contact with the Kafirs more than any other class of men, and who know their weaknesses as well as their strength, know also that to hold them with a loose hand in cases of insubordination is to increase the spirit of rebellion, and is to the natives a sign of weakness. The missionaries, who are among the Kafirs' best friends, would be the first to raise the cry of “atrocities” were they convinced that the natives were cruelly dealt with, or treated with great injustice. Christianity is a manly thing, but it is also an inculcator of submission to the powers that be, which are ordained of God for the punishment of evil-doers, and for the praise of them that do well. It says, Fear God; but it also says, Honour the king.

I am, dear Sir, yours truly,  
THOMAS KIRKBY,  
Wesleyan Missionary.

DEAR SIR,

Vermaak's Kraal, Biggarsberg, April 28, 1874.

I have to acknowledge your letter of the 16th instant, together with the enclosed Document, and do hereby authorize you to append my name to the same.

The conclusion of the Document embodies exactly my opinion, according to which I have refrained to come forward in order to give a characteristic of Langalibalele, whom I have learned to know particularly since the last *eight* years. When I had occasion to be sometimes at his own kraal, I have witnessed things which he did in direct violation and abuse of Government; but his heinous sins, of which the laws of the country do not take notice, have been so aggravated as to cry to Heaven for vengeance, and they made me always fear that the righteous judgment of God would one day come upon him. And when this war commenced against him, I said, At last now God will bring it to pass. In one word, I do not know of any individual on earth that has made him like God more than this abominable rainmaker!

The public have become a little acquainted with the meaning of his very name, and have explained it “Glaring Sun.” Yet this is only a part of the full idea. All Zululand, and as far as Langalibalele is known in Transvaal and to the north, stood under his dread, and he ruled them by his great name, of which the full idea is: “He who has power to scorch the earth, and deprive it of its power to yield the bread for man and beast.” And *this* all these nations believed, and paid him a heavy tribute in cattle *yearly*. All these heathens were his tributaries! I have had opportunity, for the last three years, to see that tribute, and must say it is God Almighty in his righteous judgment who has come down upon him, and the Government of Natal only his instrument. Those that are against the Natal Government in this case, are actually against the Almighty God.

You are at liberty to make use of these remarks at your pleasure.

With kind regards, I remain, yours faithfully,  
S. L. DEHNE.





(Signed) C. W. DU BOIS, \*  
 E. O. L. DU BOIS,  
 C. POSSELT, \*  
 JAS. M. RORKE,  
 WM. ADAMS,  
 C. L. STRETCH,  
 A. C. VERMAAK,  
 FR. H. T. DEKKER DEONDE,  
 C. M. DEKKER,  
 A. B. T. VAN NIEKERK,  
 J. F. A. LANDMAN,  
 J. H. F. MEYER,  
 JOHANNES DE KERE,

(Signed) I. J. MEYER,  
 JAS. R. BLENCOWE,  
 P. H. KRITZINGER,  
 R. J. DU BOIS,  
 JAMES RORKE, J.P.  
 D. C. PIETERS,  
 H. LEE,  
 FR. KRÜGER,  
 G. T. HESOM,  
 T. G. DEKKER,  
 C. V. HERPS,  
 F. T. A. DEKKER.

NATAL.

## No. 22.

The EARL OF CARNARVON to Lieut.-Governor Sir B. PINE, K.C.M.G.

SIR,

Downing Street, August 20, 1874.

I HAVE to acknowledge the receipt of your Despatch, of the 25th of June,\* transmitting an Address presented to you by the residents of the Biggarsberg district of the County of Klip River, in which they express their appreciation of your action in regard to the late Kafir difficulty.

Sir Benjamin Pine,  
 &c. &c. &c.

I have, &c.,  
 (Signed) CARNARVON.

## No. 23.

The EARL OF CARNARVON to Lieut.-Governor Sir B. PINE, K.C.M.G.

SIR,

Downing Street, August 20, 1874.

I HAVE received your Despatch, of the 16th of June,† on the subject of the Commission which you had appointed to inquire into the extent to which the tribe of Putili was implicated in the late rebellion.

Sir Benjamin Pine,  
 &c. &c. &c.

I have, &c.,  
 (Signed) CARNARVON.

\* No. 21.

† No. 20.

No. 21.

Governor Sir BENJAMIN PINE, K.C.M.G., to The EARL OF CARNARVON.

Government House, Natal, June 25, 1874.

(Received August 3, 1874.)

MY LORD,

I HAVE the honour to transmit herewith an *Address* presented to me by the *Residents in the Biggarsberg district* of the County of Klip River, expressive of their appreciation of the action taken by me in the late rebellion.

The Earl of Carnarvon,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieut.-Governor.

Enclosure in No. 21.

To His Excellency Sir BENJAMIN C. C. PINE, K.C.M.G., Lieut.-Governor of Natal,  
and Supreme Chief of the Native Population.

Biggarsberg, Klip River County, April, 1874.

We, the undersigned, residents in the Biggarsberg district of Klip River County, respectfully desire to express to your Excellency our warm appreciation of your firm and decisive action in regard to the late rebellion of Langalibalele's and Putili's tribes, as well as of your great consideration in the trial, and mercy in the punishment of the rebels.

We consider that, had the rebellion been allowed to go further, residence in the Colony, at least in the outlying districts, would have been unsafe, if not absolutely impossible.

We deprecate the actions and writings of the Lord Bishop of Natal as tending at least to hurt the interests of all white residents, as well as the Kafirs themselves, believing them to be out of his province, totally uncalled for, and having no foundation in fact.

The manifesto of the (so-called) Peace Society is so palpably untrue that we do not believe any sane person would give credence to it for a moment.

As your Excellency is aware, this district is on and near the borders of Zululand, and at a considerable distance from any town.

We feel prepared at all times to aid in protecting the interests of the whole Colony to the best of our ability, and to give hearty and sincere support to the Representative of Her Most Gracious Majesty Queen Victoria, in authority over us.

If your Excellency can find time, amidst your multifarious duties, to pay a visit to this remote district, we shall be much gratified, and promise you a warm welcome.

Praying that your Excellency's health may be sustained, and that you shall long continue to occupy the position you now hold, we have the honour to subscribe ourselves,

Your Excellency's obedient servants,

(Signed) PETER SMITH,  
T. S. PELSTEY,  
T. FINDLAY MUIRHEAD,  
JAMES WHITE,  
J. POTGIETER,  
W. C. SMITH,  
DAVID B. LAMB,  
B. SPARKS,  
W. B. VINCER,  
L. J. D. DE JAGER,  
T. G. DE JAGER,  
W. F. LANDMAN,  
J. ROBBERT,  
F. T. A. DEKKER,  
THOS. H. JONES,  
C. J. J. HATTING,  
T. H. HATTING,  
C. M. MEYER,  
J. J. JARDAAN,  
G. J. KOK,  
P. J. DE WAAL,

(Signed) CHAS. G. WILLSON,  
T. P. SMITH,  
WILLIAM HEPBURN,  
JOHN MARSHALL,  
JOHN GUTTRIDGE,  
D. MCPHAIL,  
F. J. LANDMAN,  
M. J. KRETZINGER,  
S. G. M. KRITZINGER,  
C. M. DEKKER,  
CLAAS M. DEKKER,  
THOMAS COOPER,  
W. F. STILL,  
JOHN SUTCLIFFE ROBSON, F.C.,  
H. G. JORDAAN,  
J. A. LANDMAN,  
J. L. DÖHNE,  
C. G. COOTING,  
M. A. S. COETZER,  
J. H. RIETZ,  
J. H. RIETZ, jun.,

I am fully convinced that the prompt action of the Governor in the case of Langalibalele prevented a *general rising* of the natives. You will therefore oblige me by adding my name to the list in your possession.

NATAL.

JAMES ALLISON,  
Forty years Missionary among various Kafir tribes.

I approve very much the document to be sent to the Secretary of State ('Times') about Langalibalele's revolt. With pleasure I give my name to be put upon it.

J. B. SABON,  
Roman Catholic Priest.

I enclose you a letter wishing my name to be added to your testimony, which I think moderate, judicious, and very well put. . . . I think we owe it to the Colony and Sir B. Pine to give all the aid we can to support the existing Government.

J. E. CARLYLE,  
Presbyterian Minister.

I see by the papers that you are empowered to attach the names of ministers of various denominations to a document addressed to 'The Times.'

I do not as a rule interfere with politics, but in the case I deem it my duty to say that I highly approve the document in question, and that I beg you to append my name to it.

W. O. NEWNHAM,  
Principal of Hilton College.

No. 19.

The EARL OF CARNARVON to Lieutenant-Governor Sir B. PINE, K.C.M.G.

SIR,

Downing Street, July 24, 1874.

I HAVE received your Despatch of the 1st of June,\* written in acknowledgment of the Despatches which I had addressed to you on the subject of the measures adopted by the Government of Natal for the suppression of the late revolt.

I await the further and more detailed reports you lead me to expect, which I earnestly trust may prove satisfactorily that no undue or unnecessary severity was exercised in dealing with this outbreak.

I am glad to learn from your Despatch that you have given Bishop Colenso permission to appeal to the Executive Council to employ counsel and to assist him.

Sir Benjamin Pine,  
&c. &c. &c.

I have, &c.,  
(Signed) CARNARVON.

No. 20.

Governor Sir BENJAMIN PINE, K.C.M.G., to The EARL OF CARNARVON.

Government House, Natal, June 16, 1874.

(Received August 3, 1874.)

MY LORD,

WITH reference to your Lordship's Despatch of the 10th of March, 1874,† I have the honour to report to your Lordship that the Commission, appointed by me to inquire into the extent to which the tribe of Putili was implicated in the rebellion of the Amahlubi tribe, has not yet been able to finish its work, but I am informed by the Secretary for Native Affairs, who is one of the Commissioners, that it will not be found necessary to enforce the penalty of banishment contained in the Proclamation. The breaking up of the tribe involves the dispersion of the members of it, as families, in the various magistracies of the Colony, but requires none to be expelled from it.

The Earl of Carnarvon,  
&c. &c. &c.

I have, &c.,  
(Signed) BENJAMIN C. C. PINE,  
Lieut.-Governor.

\* No. 17.

† 43 of Command Paper No. 1025 of 1874.

NATAL.

I have looked carefully through the declaration, and can agree with all it states. The action of the Government has, I think, erred rather on the side of leniency than cruelty. And from all that I have heard *from natives* it appears *they* are quite satisfied with what has been done.

S. H. STOTT,  
Wesleyan Missionary.

I have been nearly thirteen years a missionary of the Wesleyan body in this country, and feel that I can unhesitatingly express an opinion on the question at issue.

Please add my name to the letter to 'The Times,' for I can indorse every word of it.

JNO. ALLSOPP,  
Wesleyan Missionary.

Fully concurring with counter-statements as set forth in your Circular, I heartily empower you to attach my name.

JOS. BARKER,  
Church of South Africa.

Most thoroughly agreeing with the enclosed, I shall feel glad to have my name appended to it, and give you authority so to append it.

J. H. TAYLOR,  
Church of South Africa.

DEAR SIR,

Gordon Memorial Mission, April 28, 1874.

. . . I have much satisfaction in authorizing you to append my name to that Document.

I rejoice in the opportunity thus afforded of publicly avowing my conviction not only of the gallantry, but also of the humanity of my fellow-countrymen and fellow-colonists. They have not left their manhood nor their Christian charity on the other side of the line.

Living as I do in the very heart of a native location, I have an excellent opportunity of judging, and my deliberate conviction is that by the promptitude, firmness, and moderation of the late Governmental action the whole Colony has been saved nameless horrors.

JAMES DALZELL.

In answer to your note as Secretary to the Committee with reference to the Langanlibalele matter, I reply that as Langanlibalele acted in contempt of the Government in refusing to obey the summons, and he and his people revolted, the Government must make its authority felt. And I think this has been done wisely both in camp and court in this affair. You have my consent to place my name on the Circular addressed to 'The Times.'

SETH B. STONE,  
American Missionary.

I wholly agree with the enclosed you sent me, and I long to append my name to it at once.

W. STRUVE.

I am quite willing you should make use of my signature in replying to the statements of the "Peace Society." I agree in the main with the resolutions adopted, and the counter-statements made in reference to the Langanlibalele affair. I have many times thought that if the Government of Natal has erred at all it has been on the side of leniency, and in delaying to inflict punishment where it was due. I have read the account of this trial, and been satisfied that it was *complete, just, and right*. Trusting that these counter-statements will have a good influence in setting right not only the minds of the members of the "Peace Society," but the minds of the good people of England,

I remain, &c.,  
S. C. PIXLEY,  
American Missionary.

In reply to your Circular Letter, I heartily agree to your adding my name to letter addressed to the 'Times,' as to the exaggerated statement of the Peace Society, headed "Atrocities in Natal."

Such a counter-statement is really needed, for I believe there is involved in the mischievous statement published, a false representation as to facts—an unjust reflection on the fair and good Government of our Colony; a slander on the character of our neighbours and friends (the European Colonists), and a prejudice against the Colony in the minds of intending emigrants, and those who may feel interested in furthering its prosperity.

It is to be regretted that the impatience and over-zeal of the agents of such a society as the Peace Society should impel them to publish statements until they had heard from accredited sources the real truth of what had taken place.

WALTER BAUGH.

Swedish Mission Station, "Rantismos,"

Ifafa, Alexandra County, April 7, 1874.

DEAR SIR,

As it has been for some time already my private idea and wish to protest against the false statements spread about by the Peace Society, Dr. Colenzo, and his consorts, I join with pleasure in the efforts taken by the Ministers and Missionaries in Durban. Having read only to-day, in the 'Mercury' of the 31st of March, of the meeting held for this good purpose by a number of ministers in Durban, and perused the Document adopted, I follow the invitation to send in my signature, and give you herewith authority to add my name to the list of the other signatures of Ministers and Missionaries.

I will only add, that it is my opinion that if the Colonial Government is to be blamed it can only be for its being much too lenient and forbearing to the rebellious Chief and his tribe at and before the outbreak of the late rebellion.—Romans xiii. 4.

With Christian regards, yours truly,

CARL LUDVIG FLYGARE,

Missionary.

Thanks for the steps which you and the ministers of Durban have taken to deny the ill-advised proclamation of "The Atrocities of Natal," issued by the Peace Society, and for the most just and very moderate statement which you have published. I am very glad, indeed, to see by the papers that ministers living in the country are to have an opportunity of signing it, and I herewith authorize you to append my name to it.

JAS. TURNBULL,

Minister Dutch Reformed Church.

I hereby give you authority to affix my name to the statement of the ministers *in re* the "Atrocities in Natal."

In regard to the dealings of the Government with Langalibalele, I *fully sympathize* in the feelings of the Colonists generally.

D. ROOD,

American Missionary.

I *thoroughly* sympathize with the steps you have taken in Durban in relation to the matter (Langalibalele), and most willingly append my name.

JAS. LANGLEY,

Wesleyan Minister.

I beg to say that I *thoroughly* agree with the measures you are adopting, and herewith authorize you to append my name to the letter you sent to the 'Times.'

WM. WYNNE,

Wesleyan Minister, O.F. State.

Having seen in the 'Mercury' of March 31st a document respecting the so-called "Atrocities in Natal," to be signed by the various ministers of the Colony, I beg to authorize you to attach also my name to that document against the *nonsense* of the Peace Society and Bishop Colenso.

A. W. SCHUMANN,

Berlin Missionary.

# FURTHER PAPERS

RELATING TO THE

# KAFIR OUTBREAK IN NATAL.

(In continuation of Command Paper C. 1119 of 1875.)



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Presented to both Houses of Parliament by Command of Her Majesty,  
February 1875.

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LONDON:

PRINTED BY HARRISON AND SONS.

[C.—1121.] Price 1s. 2d.



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### No. 1.

*Lieutenant-Governor Sir Benjamin C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—  
(Received August 24.)*

My Lord,

*Government House, Natal, July 20, 1874.*

REFERRING to my despatch in which I informed your Lordship that I was about to send Mr. Shepstone to England on public service, I have now the honour to report to you that that gentleman leaves the Colony by this mail.

2. The object of his mission is twofold:—

First, to give your Lordship on the spot any further information which may be required regarding the late revolt in this Colony and its suppression.

Secondly, to explain to your Lordship more fully than could be done in written communications the grounds which render it necessary that an outlet should be afforded to the overwhelming Kafir population of this Colony by the acquisition of some territory intervening between the occupied country of Cetywayo, the King of the Zulus, and the Transvaal Republic, as mentioned in my despatch on the subject of Mr. Shepstone's expedition into the Zulu country for the purpose of installing the new King.

3. I think your Lordship will concur with me in thinking that Mr. Shepstone's journey to England will be of important public service. I think it further right to add that, after the harassing work occasioned by the late proceedings, the state of Mr. Shepstone's health seems to require change. It is fifty-four years since he visited England, having left when a child.

I have, &c.  
(Signed) BENJ. C. C. PINE.

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### No. 2.

*Lieutenant-Governor Sir Benjamin C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—  
(Received September 4.)*

My Lord,

*Government House, Natal, July 10, 1874.*

REFERRING to my despatch of the 18th April, 1874,\* forwarding an account of the proceedings at the public meeting held in Durban on April 1, 1874, I have now the honour to forward to your Lordship a memorial adopted at that meeting, and since signed by 1,683 European colonists.

I have, &c.  
(Signed) BENJ. C. C. PINE.

---

\* Not printed.

## Inclosure in No. 2.

*Petition.*

To the Right Honourable Her Majesty's Principal Secretary of State for the Colonies :

The Petition of the undersigned inhabitants of the Colony of Natal,

Humbly sheweth—

1. THAT your petitioners have read with the greatest astonishment and indignation a manifesto purporting to emanate from the Peace Society, London, copies of which have been sent to the English newspapers for publication, wherein the Natal Colonists are accused of having taken part in what is therein described as a series of "cruel and dastardly outrages perpetrated on a host of women and children. Not content with stealing from 8,000 to 9,000 head of cattle, and large numbers of sheep, goats, and horses, the Colonial authorities kidnapped 1,500 of helpless Kafir women, the wives, sisters, and children of the fugitives and others. And now comes the worst part of this disgraceful business. It is stated in the latest dispatches that the wretched creatures thus torn away by wholesale from their homes are to be distributed and 'apprenticed' out at a distance from their former homes. Applications have been received for 5,000 of them, if procurable, from persons willing to employ them. All who are acquainted with the relations of Colonists and natives (especially as illustrated by the brutalities of the Queensland Colonists towards their enslaved kidnapped Polynesian Islanders—slaves under the guise of 'apprenticeship') will know well that this apportionment of Kafir women and children must naturally result in the grossest cruelties and abuse."

2. That your Petitioners lose no time in giving, in the most emphatic manner possible, a denial to such wholesale and reckless slanders, as being accusations totally unwarranted by facts, the fullest details connected wherewith being already in possession of Her Majesty's Government, it is needless to occupy your Lordship's time by recapitulation. Suffice to it to say, that had grounds existed for such charges, your Petitioners, as humane and loyal British subjects, would themselves have been the first to denounce the acts to Her Majesty's Government, as abhorrent to their own feelings, and calling for reprobation and instant reparation.

3. That your Petitioners, referring to the more specific charges of kidnapping and enslaving as utterly groundless, would point out that up to the present time the people of the rebel tribe, including the women and children basely deserted and left to their fate by their natural protectors, have been, and still continue to be, fed and sheltered by the Colonial Government; and your Petitioners can conceive no more merciful mode of providing for such than that originally contemplated, though not carried into effect, viz., placing them out under similar regulations to those in force in the case of Indian or African immigrants, when they would have been clothed, housed, fed, paid wages, and in every way well-treated by their employers.

4. That your Petitioners are now more than ever convinced that the prompt action taken by Governor Pine saved Natal from severe bloodshed, and was the means, under Providence, of averting another Kafir war, and of establishing a lasting peace, thus saving the Imperial Treasury from vast outlay. That in the prosecution of the operations from first to last, no unnecessary severities were inflicted; on the contrary, that every forbearance was shown to the natives throughout, as was fully evinced in the course of the subsequent proceedings connected with the trial of the rebels; and last, though not least, by their own unqualified admission, as well as that of the principal native Chiefs in the Colony, of the justice and lenience of their sentence. It must not be lost sight of that three of our gallant fellow-Colonists and two loyal and trusted natives had, at the outset, been murdered by the rebels in cold blood, nor that during subsequent engagements a considerable number of loyal natives were killed.

5. That your Petitioners cannot withhold an expression of surprise that any section of their fellow-countrymen should be so ready to attribute to Her Majesty's British-born subjects in this Colony acts and conduct unworthy the name of Englishmen. Your Petitioners deny that they parted with the instincts and attributes of their nation when they left the shores of the mother country, and would respectfully remind your Lordship that the recent expeditions against the rebel tribes were carried on in the main by Colonial resources, and wholly at the cost of the Colony.

6. That your Petitioners challenge contradiction when they assert that in no portion of Her Majesty's dominions—nay, in the world—are coloured people more kindly treated than in Natal; where, in fact, they enjoy privileges that are not accorded even to their European fellow-subjects. Whilst free to come and go as they choose, the natives enjoy complete protection to life and property, a state of things unknown to the neighbouring tribes, from which, principally, they originally entered Natal as refugees, in order to escape aggression.

Your Petitioners therefore pray that your Lordship and Her Majesty's Government will cordially approve of the action taken by the Lieutenant-Governor in putting down the rebellion and in punishing the offenders, and will hold all the charges levelled against his Excellency and the Colonists by the Peace Society, or other parties, as uncalled for, unfounded, and untrue.

Your Petitioners desire to add the expression of their unbounded loyalty to Her Majesty's Person and Throne, and, as in duty bound, will ever pray, &c.

*Natal, April 1874.*

(Here follow 1,683 signatures.)

No. 3.

*Lieutenant-Governor Sir Benjamin C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—  
(Received September 4.)*

My Lord,

*Government House, Natal, July 10, 1874.*

REFERRING to my despatch of the 1st June, 1874,\* forwarding your Lordship a copy of a letter addressed to the London "Times," and numerous signed by Christian Ministers and Missionaries labouring in this Colony, I have now the honour to transmit for your Lordship's information, a copy of a letter received from the Reverend W. H. Mann, the Secretary of the Ministers' Committee, and from this your Lordship will learn that additional signatures have been appended to the protest referred to, and that the number who have signed now amounts to seventy-four.

I have, &c.

(Signed) BENJ. C. C. PINE.

Inclosure in No. 3.

Sir,

*Durban, July 2, 1874.*

I HAVE the honour to forward to you, for the perusal of His Excellency in Council, the accompanying memorial from seventy-four Christian Ministers in Natal. Since I last had the honour of transmitting this memorial to you it has received the adhesion of several whose signatures had not then come to hand. His Excellency will observe that this document, in expressing warm approval of the policy lately pursued with reference to the rebel chief Langalibalele, at least indirectly protests against the attempt that is being made to set aside the sentence of the rebel. I wish also to direct His Excellency's attention to the very large proportion of the Christian Ministers in this Colony who have signed this protest, and also to point out that (with the exception of the two or three whose positions have made them diffident about signing) the few who have not done so nearly all compose the Clergy of the Bishop of Natal.

I have, &c.

(Signed) W. H. MANN, *Secretary to Ministers' Committee.*

To the Hon. Her Majesty's Colonial Secretary,  
Natal.

## No. 4.

*Lieutenant-Governor Sir B. C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—(Received September 4.)*

My Lord,

*Government House, Natal, July 15, 1874.*

I HAVE the honour to inform your Lordship, that the appeal of the Bishop of Natal, on behalf of Langalibalele, has been heard before myself and the Executive Council.

Two Counsel were employed by the appellant; and, after a long and patient hearing, the Council unanimously advised me to affirm the decision of the former Court, and to dismiss the appeal.

2. I have further to inform your Lordship, that the Bishop, by his Counsel, applied, yesterday, to the Supreme Court, for an interdict to prevent my carrying the sentence into execution, and that the application was refused; and the Court decided that the proceedings and sentence were valid, and justified under the Ordinance No. 3, 1849.

3. I will endeavour to send the record of the proceedings by the next mail.

I have, &c.

(Signed BENJ. C. C. PINE.)

## No. 5.

*Lieutenant-Governor Sir B. C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—(Received September 4.)*

My Lord,

*Government House, Natal, July 16, 1874.*

I HAVE now the honour to submit to your Lordship the explanations called for, by the Despatches mentioned in the margin, relative to the late revolt in this colony, and its suppression.\* For this purpose I inclose three very able minutes. The first is written by Mr. Shepstone, the Secretary for Native Affairs;† the second by Mr. Ayliff, the Treasurer of the Colony, who formerly filled the office of Interpreter to the High Commissioner, and other important offices on the Cape Frontier;‡ the third is by Mr. Shepstone, on the Bishop of Natal's Pamphlet, forwarded by your Lordship for my consideration.§ Mr. Shepstone writes from personal knowledge of the recent proceedings, in which he took part. Mr. Ayliff's view of the subject is from a different stand-point, that of a mere observer, who took no part in the proceedings, and who looked at them with the light of experience gained among other tribes of the Kafir race.

2. These documents, and my former despatches, as noted in the margin,|| afford such full explanations of the questions on which your Lordship desires information, that it will be unnecessary for me to trouble your Lordship, on this occasion, with any lengthened report of my own.

3. I feel, however, my Lord, that had I, at an earlier period, furnished your Lordship's department with fuller and more complete reports, especially setting forth the grounds of our proceedings, from our own, and, as I believe, the true point of view, your Lordship would have been able at once to answer most of the objections which have occurred to yourself, or been urged upon you by others.

4. I think it, therefore, advisable to present your Lordship with a brief statement of the laws and principles under which the native Government of the Colony has been conducted.

5. By the 28th Section of the Royal Instructions, issued under Earl Grey's advice in 1848, the laws, customs, and usages of the native population, were retained in full force as to themselves, except so far as they might be repugnant to the general principles of humanity, as recognized by the civilised world, and subject to the same limitation the power of the Chiefs over their tribes was retained.

This clause in the Royal Instructions was confirmed, so far as it required confirmation, by an ordinance of the local legislature, No. 3 of 1849, by which the Lieutenant-Governor was invested with all the power and authority of a supreme and paramount native Chief. By this enactment the Ordinance No. 12, 1845, declaring the Roman-Dutch to be the common law of the Colony, was expressly repealed, so far as

\* March 10, No. 43 of Command Paper [C. 1025] of 1874; April 7, No. 47 *ibid.*; April 9, No. 48 *ibid.*; April 13, No. 50 *ibid.*; April 15, No. 52 *ibid.*; April 28, No. 56 *ibid.*; May, No. 2 of Command Paper [C. 1119] of 1875.

† Inclosure 1.

‡ Inclosure 2.

§ Inclosure 3.

|| October 30, 1873, No. 6 of Command Paper [C. 1025] of 1874; November 13, No. 11 *ibid.*; November 22, No. 12 *ibid.*; December 14, Nos. 26 and 27 *ibid.*; December 19, No. 28 *ibid.*; January 10, 1874, No. 35 *ibid.*; January 10, No. 36 *ibid.*; March 17, Nos. 54 and 55 *ibid.*; May 9, No. 10 of Command Paper [C. 1119] of 1875; May 11, No. 11 *ibid.*; June 1, Nos. 17 and 18 *ibid.*

it was at variance with, or repugnant to, the Letters Patent, or the provisions of the new Ordinance.

The native laws and customs, with the limitations mentioned, became, therefore, as to the natives, to all intents and purposes, the common law of the Colony.

The native law was the Zulu Kafir under which the native population had lived in the country now constituting this Colony, or which they had brought with them from Zululand proper, and this native law, as modified and expounded by Mr. Shepstone, and successive Lieutenant-Governors, having Executive, Judicial, and Legislative Authority as native Chiefs, is now the common law of the Colony as to the natives living within it.

6. I cannot help pausing to express to your Lordship my admiration of the sound statesmanship of Earl Grey, which instead of bringing savage men, just released from a grinding despotism, under laws which are the result of centuries of progress and civilization, retained as to them, as far as possible, their own laws, which, though rude and stern, were suited to their condition and habits of thought.

7. I will now endeavour to explain to your Lordship such principles and rules of the native law as seem to bear directly on the questions under discussion.

1st. It is an undoubted rule of native Law that a subject Chief, or private person is bound at once to obey the summons of his Supreme Chief, or any one representing him, to appear before him, to answer personally any charges or matters which in the Supreme Chiefs opinion, may require explanation. The refusal or neglect to obey such summons is considered as an act of contumacy and rebellion. It is tantamount on the part of the recusant, to saying that he is no longer a subject, and that he renounces his allegiance. This maxim is, in principle, in accordance with the practice of all civilized laws, which compels, under pain of outlawry, or some other penalty, the subject to appear before the judicial tribunals as representing the sovereign authority. The native law indeed emphasises the maxim, and carries it out with greater force and stringency, as is required by the condition and views of a barbarous people.

2nd. The mode of executing these summonses is clearly prescribed by native law; instead of sending to the party whose attendance is wanted a written document, an accredited and well-known messenger of the Court of the Supreme Chief is sent to summon such party personally. In this respect, so far as the advantage of the subject is concerned, the native is superior to civilized law, which sends written documents even to those who cannot read them, not a very small number in some so-called civilized countries. The legality of a personal summons, and the illegality of a written summons, was, I think, clearly laid down in a Minute written and promulgated by myself twenty years ago, copy of which I inclose,\* which has ever since been accepted as a fair and sound exposition of the native law.

3rd. It is a well-recognized maxim of native law that a Chief or tribe cannot leave the jurisdiction of the Supreme Chief without his sanction. This maxim rests on three sound bases: First, to leave the jurisdiction without such sanction is universally regarded, among, at least, the Zulu Kafirs, as an act of open determined rebellion, and if the Government were to overlook it, it would thereby encourage rebellion generally among the savage subject tribes, which might manifest itself in a more serious form; second, such unauthorized removal would destroy all the control of the Government over the native people, and afford a ready means of disobeying its injunctions with impunity; third, there is, if possible, a more important and practical ground for enforcing the maxim. If a tribe leaves this Colony it must go into some one of the surrounding territories. This it could not do without creating confusion and disturbances among the people of the country to which it went, so that we owe it to our neighbours to prevent tribes from leaving our borders without our consent. If, indeed, a tribe were to go by invitation into a country under barbarous rule, such as Zululand proper, the consequences might be still more serious if they went without our sanction. On every ground, therefore, of justice and expediency, the enforcement of this maxim is necessary. I may remark that I am not aware that the sanction has every been refused, nor is it likely to be.

4th. I now come to the most important principle, I may say the corner stone, of the fabric of native law, viz., the principle of collective, or tribal, as distinguished from mere individual, responsibility. The grounds upon which this important part of native law rests, and its existence in the earlier law of England, and in that of most other nations of the world, are, I humbly think, so clearly set forth in a Minute written by myself nearly twenty years ago,† that I would respectfully invite your Lordship's attention to the copy of that document herewith inclosed. The law is,

\* Inclosure 4.

† Inclosure 5.



as I have shown, substantially the ancient institution of the "Frank-pledge," which Mr. Hallam calls the great police of mutual surety. And it is under this great police that the Government, with a mere handful of troops, and these not adapted to native warfare, and with no other police, has for more than a quarter of a century been enabled to govern its barbarous native people. Without this great police I do not hesitate to say that, if the Imperial Government had wished to retain possession of this Colony, they would have been obliged to keep here at least two full regiments and a strong and well-organized white police. To have expected the handful of poor struggling colonists to pay the expense of these forces, would have been simply out of the question.

It may not be without interest to your Lordship to observe that the earliest Charter of Sierra Leone, framed as I have been lead to believe under the auspices of Granville Sharp, and other philanthropists, made provision for the introduction into that Colony of the Frank-pledge. Had that provision been carried out, that Colony would not have presented the abominable scandal reported by myself, when Acting-Governor, that some of the merchants warehoused their goods out of the jurisdiction of English law, and under that of native law for greater safety. Had that institution been introduced into the West India Islands, after emancipation, they would, to a great extent, have been spared the expense of establishing and keeping up police forces and gaols quite out of proportion to the number of the population, and beyond what those impoverished islands could bear; whilst the negro population would have been taught to respect the rights of property, by the fact that any individual would be responsible for their violation.

5. By the Letters Patent and the Ordinance referred to, the Lieutenant-Governor is invested, as to the Chiefs and natives of the Colony, with all the power and authority which, according to the laws, usages, and customs of the natives, belong to a supreme or paramount native Chief. Now, by the native law, as always recognized in this Colony, a supreme Chief possesses in himself not only all executive, but also all judicial authority. He is by that law at once supreme Governor and Judge. This principle has been upheld by the Supreme Court on former occasions, and even so lately as yesterday.

7. Such, my Lord, is a brief outline of such of the maxims of the native law as seem to bear most directly on the subject of the late revolt and its suppression. I have, I think, shown that most of these maxims are substantially in accordance with the principles of even civilized law. I will now briefly state the grounds on which we are perfectly justified in appealing to them, and relying upon them in our recent action against the revolted tribe.

1st. The native law, of which these maxims form a part, has, as I have said, under every disadvantage, preserved the peace of this Colony for more than a quarter of a century.

2nd. Under that law, as a whole, the natives have enjoyed rights and privileges which they highly prize, but which are denied to their white fellow-subjects, such as polygamy, chieftainship, tribal association, free use of land, &c. I will not inquire whether some of these rights and privileges are, or are not, objectionable. I think some of them are so; but the natives themselves, after so long enjoying these exceptional rights in a British Colony under their own law, have no ground to complain that under that self-same law they are coerced and punished for violating it, to the imminent peril of the Colony in which they have lived in peace and security. And least of all does it become men who have supported the natives in the enjoyment of these privileges—I allude particularly to polygamy—now to turn round and try to withdraw them from the jurisdiction of their law, when it is used to coerce and punish.

8. The foregoing statements will, I think, clear the ground for the explanations called for by your Lordship, or, I could almost say, will render such explanations unnecessary. The points, however, in which explanation seems to be necessary are as follows:—1st, the causes of the revolt and the offence of the Chief and tribe; 2nd, the proceedings taken by the Government to suppress the revolt; 3rd, the manner in which the prisoners, and especially the women and children, were dealt with; 4th, the trial and sentence; and, 5th, the alleged cases of cruelty. The greater part of these questions are fully discussed in Mr. Shepstone's Minutes, and in my own former despatches.

9. The first question as to the origin of the revolt and the offences of the Chief and tribe, are fully discussed in Mr. Shepstone's Minutes, in the despatches above referred to, and in the Judgment of the Court already sent to your Lordship.

10. I have little to add to the statements and views therein contained.

11. It was clearly brought out in evidence at the trial that firearms were brought

into the Location from the Diamond Fields; that the magistrate under whose jurisdiction the tribe was, repeatedly ordered them to bring their arms in for registration; and that these orders were directly and repeatedly disobeyed.

12. The Law No. 5, 1859, Sections 2 and 3, prohibits, under pain of severe punishment, the natives from possessing firearms without the written permission of the Lieutenant-Governor. This Law was perfectly well known to the natives, and the Circular of the 14th February, 1872, copy of which is inclosed,\* written expressly to meet the case of natives acquiring firearms at the Diamond Fields, was carefully explained to the natives generally, and certainly to Langalibalele and his tribe. They had, therefore, no excuse for acquiring firearms without permission, and still less excuse for refusing to have them registered at the order of their magistrate. It is a very small extenuation of their conduct in the first case to say that other tribes committed a similar offence. There is no excuse or extenuation whatever for their conduct in the second case, for no other tribe did, nor would have refused to obey the order to register the arms. Moreover, the first case would simply be one of violation of the Law of 1859, under which, indeed, heavy penalties were incurred; the latter case is one of contumacy, and defiance of the Government itself.

13. This was the remote cause of the difficulties, but the subsequent persistent and contumacious refusal on the part of the chief to appear before Mr. Shepstone and the Lieutenant-Governor to explain his conduct, was as I have shown, an act of open defiance and rebellion, and left my Government no alternative except that of prompt and decided action, or that of, as Mr. Shepstone expresses it, throwing up the reins of Government. The rest of the native population were anxiously waiting to see what we should do, and if we had exhibited any hesitation in enforcing the law our prestige would have been lost, and the safety of every settler would have been imperilled. For your Lordship will never forget the natives are as twenty to one as to the white population; that we rule, not by physical force, but only by prestige.

14. What was our obvious course? Clearly to arrest the contumacious chief and tribe to answer for their conduct. And the safety of the Colony, and regard for the tribe itself, required that we should proceed to do so with such a force as would, if possible, disarm resistance and save bloodshed.

15. The plan of the operations, and the manner in which they were executed, are detailed in my former despatches, and especially in Mr. Shepstone's Minute, paragraphs 32 to 53.

16. I have admitted that there were errors in the plan arising from want of sufficient knowledge of the localities. But, in spite of reverses and difficulties, we stamped out resistance in the Colony, and organized a flying column in pursuit of the fugitive tribe, and scarcely six weeks had elapsed after our operations had commenced before the chief and the head men of his tribe were prisoners.

17. As to the third question, as to the treatment of the prisoners, and especially as to the women and children, is clearly explained in Mr. Shepstone's Minute, paragraphs 54 to 56, and in my despatch of 17th March, 1874.†

18. As to the subject of the trial and sentence of the chief and his tribe, I would beg to refer your Lordship to Mr. Shepstone's Minute, paragraphs 57 to 64, and to my despatch of the 14th February last,‡ forwarding the record of the trial of the chief, and also the record which I am about to forward to your Lordship of the hearing of the appeal by the Executive Council.

19. As to the cases of alleged cruelty, I have to refer your Lordship to Mr. Shepstone's Minute, paragraph 51, and to my despatch of the 17th March,§ in which I say "that some excuse is to be found for the unfair allegations made on this subject, in some very silly letters, written by one or two of the volunteers, who were on the expedition, giving with singularly bad taste exaggerated accounts of scenes of violence. In the most regular warfare, and still more in suppressing a revolt among savage tribes, things are unavoidably done in hot blood, which no man of good feeling can think about without a shudder, much less write about."

20. I should mention to your Lordship that the people of Langalibalele's tribe never lost, as far as I know, an opportunity of firing upon our forces from inaccessible holes and caves, though always invited to surrender on the promise of mercy. The loss sustained by our loyal natives by this reckless resistance was considerable, and I could not but marvel at the temperance and forbearance which they showed under such provocation. I question whether white troops would have exhibited as much.

21. It has been stated that in some cases the innocent have suffered with the

\* Inclosure 6.

† Not printed.

‡ Vide No. 54 of Command Paper [C. 1025] of 1874.

§ Vide No. 55 of Command Paper [C. 1025] of 1874.

guilty in loss of property. Upon such occasions this is almost inevitable; but this is one of the evils which rebellion always entails, and which makes such crime particularly odious. My Government have, however, been doing their utmost to inquire into any alleged cases of wrong, and we shall make full reparation wherever it is in our power to do so.

22. It is not necessary that I should trouble your Lordship in this despatch with any remarks on the Bishop of Natal's pamphlet, sent for my consideration in your despatch of 4th May, 1874\*; I will, therefore, simply refer your Lordship to my despatch of 13th May, 1874,† written from Cape Town, and especially to Mr. Shepstone's able Minute on the subject herewith inclosed. I cannot, however, help drawing your Lordship's attention to the fact, that many of the statements which were contained in that pamphlet, which professes to be the "proposed defence of Langalibalele," the Bishop has not dared to reiterate in his actual written defence presented to the Executive Council.

23. I do not know whether it is necessary for me to make any further remarks regarding the forfeiture, or rather the resumption of the lands occupied by the rebel tribes. The justice of this resumption has not been denied, even by Bishop Colenso. It was absolutely necessary for the security of the Colony that people, who had proved themselves so hostile, should be removed from such natural fastnesses as these lands present. It was also necessary for our security, considering the smallness of our police and military forces, that a part of those lands should be occupied by settlers holding them under strict military tenure. A small force of this kind, stationed on an exposed frontier, will be far more serviceable than any volunteer or even military force.

24. The Colony will gain little pecuniary advantage from this arrangement, but even if it do so it would be justified in accepting it, considering the very large expenditure which this revolt has thrown on its very limited resources.

25. I have now, my Lord, by my own explanations, and those contained in the inclosures and in former despatches, given your Lordship all the information regarding our recent proceedings which you seem to require. I hope that these explanations will remove the painful impression which, not unnaturally, may have been made on your Lordship's mind, by the rash and intemperate statements which have been made to you as to our proceedings. These statements, containing accusations of the most serious character against my humanity and my honour, have necessarily caused me great pain. But I cannot sufficiently thank your Lordship for expressing, in presence of these hostile statements, your confidence as to the manner and spirit in which I would exercise the powers entrusted to me under the trying circumstances which had arisen in this Colony, and I humbly trust that, after reading these explanations, your Lordship will see that your confidence has not been misplaced. I believe that under God's providence the action taken by my Administration has saved the Colony from bloodshed and ruin, and Her Majesty's Government from a large expenditure of money.

26. I am glad to call your Lordship's attention to the part of Mr. Shepstone's Reports in which he states that the loss of life has not been nearly so great as was supposed, and formerly reported. There are always exaggerations on this subject, and it is very difficult to form a correct estimate on the spot, especially as the field of operations was so extensive.

27. I take the liberty of inclosing a leading article from the "Empire" newspaper, published in England.‡ The article contains a fair statement of facts, and a just, though somewhat fiery, denunciation of the attacks made on the Colony and the Administration.

I have, &c.  
(Signed) BENJ. C. C. PINE.

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Inclosure 1 in No. 5.

*Minute by the Secretary for Native Affairs on the late Operations against Langalibalele and Tribe.*

TO form a correct judgment of the measures taken by the Government of Natal for the suppression of the recusant Chief Langalibalele and tribe, it is necessary to bear in mind that, as far as the native population are concerned, native law, so modified as to suit the circumstances of the Colony and the character of a civilized Government is the law of the country; that the natives have always been, and still are, governed by

\* No. 2 of Command Paper [C. 1119] of 1875.

† Not printed.

‡ Inclosure 7.

it, and that it is recognized by them as the rule of their action and as that of the action of the Government towards them.

2. The question whether it is a good or bad law cannot properly be discussed in connection with the subject under consideration ; it is the law of the Colony established, and, I humbly think, wisely so, by Her Majesty's authority as far back as 1848, and has been acknowledged by every Secretary of State from the date of its promulgation until now.

3. It has been the means by which a native barbarous population, in excess of the white inhabitants in the proportion of twenty to one, has been kept under control, and the peace of the Colony maintained amidst wars at different times on all sides.

4. It has supplied the place of a large military force at Imperial expense, and an enormous police establishment at the cost of the Colony ; its distinctive controlling features are tribal or collective responsibility, from which no Chief or common man can relieve himself, except by reporting unusual events or seditious movements to his superiors.

5. It is impossible to do more than simply refer to these principles in a Memorandum such as this, but it is only fair to add that the native population have much more than paid for their own management.

6. At the head of this population stands the Lieutenant-Governor, in his capacity of Supreme Chief, conferred upon him by Ordinance 3, 1849, and for the purposes of this paper it is necessary only to state generally such of his recognized powers and functions as were affected by the conduct of Langalibalele and his tribe, and which it was impossible he could, without risking the safety of the Colony, allow to be trampled under foot.

7. The natives are bound to submit themselves to all laws ordained by him, to obey his orders and his summonses, and the Chiefs and headmen to carry out all existing laws, rules, and regulations, and to report if they are not properly respected ; the jurisdiction of the Supreme Chief is in all matters original as well as appellate, and he is equally entitled to obedience whether he issues an order to an individual, a tribe, or a number of tribes.

8. On the first establishment of the Government of Natal in 1846, the point was raised whether, in the case of an hereditary Chief being summoned to appear personally before the Supreme Chief, it would be a sufficient compliance with such summons for him to send his principal man or men to appear for him.

9. This question was, after full consideration, decided in the negative in two remarkable cases. In the first, the Chief had attacked and put some persons to death ; he was summoned to appear to give an account of his conduct, but declined to obey ; an expedition, military and native, was sent to arrest him ; he retired from the Colony, was outlawed, and his tribe broken up and placed under another.

In the second, a Chief of higher rank than Langalibalele had omitted to pay his respects to the Supreme Chief ; he sent his principal men to do so for him. This was, after full consideration, decided to be insufficient, and his personal attendance was insisted upon. After much hesitation, from mistrust of the good faith of the Government, he complied and presented himself at the seat of Government, and has ever since been thoroughly obedient and loyal.

10. It is scarcely necessary to say that the risk of maintaining such a position was very reluctantly undertaken during the first year of the establishment of British rule in Natal, but it was felt to be a question upon the solution of which all future real authority depended ; that it was requiring the only sign of submission which, among natives is looked upon as undoubted ; and that it is always insisted upon by a Supreme Chief from an inferior ; and these considerations admitted of no hesitation.

11. Since then, twenty-seven years ago, out of the 150 heads of tribes in Natal, but two cases of serious disobedience have occurred, and in each the tribe was implicated with its Chief ; both Chiefs were called to account, and both refused to appear. Expeditions were sent to arrest them ; their people shielded them ; the Chiefs escaped out of the Colony, were both outlawed, and their tribes broken up.

12. One of these cases happened in 1857, the other in the following year. In both instances the rebellious Chiefs have ever since lived out of the Colony, and have no wish, as far as it is known at present, to re-enter it to reside. One fled across our northern, the other across our southern boundary ; both have repeatedly applied for the removal of the outlawry, because they find it to be a disability even outside Natal. Their personal surrender has been made an indispensable preliminary to the favourable consideration of their prayer.

13. Since the Langalibalele matter, one of them has entered the Colony for the

special purpose of surrendering himself to the Magistrate of a county, and he did so unconditionally, praying for the withdrawal of the outlawry upon any terms which it might be thought fit to impose; his prayer was granted upon his paying a fine. The correspondence on this subject is so interesting that it is appended.

14. In the other case, the Chief fled to Zululand, where he now is and has ever since been. It happened on the day I installed Cetywayo as King of the Zulus last year, that the first request made to me by the new King, was to do him the personal favour of removing the sentence of outlawry from this fugitive Chief, now a Zulu subject. Cetywayo said, he did not wish to palliate his offence or justify his conduct which he knew to be deserving of punishment, all he asked for was that he might live as other men in Zululand, without this disability hanging over him.

15. Langelibalele's tribe formed part of the force employed to reduce this very Chief to obedience in 1858, on the occasion of his flight into Zululand.

16. When, therefore, Langelibalele decided to decline obedience to a summon from the seat of Government, he knew that he was entering upon a course which must, if persisted in, end in collision with the Government, and which had never before been persisted in by any Chief in Natal, without such a result; and when the principal men of his tribe encouraged him, as they did, to take this course, they showed that they understood the issue they were risking, by storing all the caves and fortresses of their location with corn, before the use of force had been shown to be intended. It was no new law applied for the first time, or an obsolete one revived for the occasion, but an old established rule of action universally known and acknowledged and acted upon.

17. Under these circumstances it was not necessary to discuss what legal technical definition would best describe the offence that was evidently about to be, and eventually was committed; it was clear that the Chief and tribe had made up their minds to refuse obedience to established law, and it was equally clear, that without such obedience, no Government could exist; whether, therefore, it can be correctly called rebellion or not, it was unquestionably incumbent on the Government to maintain, at any risk, its legitimate authority or abdicate its functions altogether.

18. The next point to consider is, whether the Chief's removal from the Colony, with the men and cattle of the tribe, without permission, was under any circumstances, a lawful act.

19. Any one much acquainted with the customs of most of the tribes of South Africa, especially those which belong to the Zulu race, will know that desertion is looked upon and treated as treason, and the further north-east from the Cape Colony, the more serious is the view taken of it; desertions weaken and expose the tribe to danger from without, the people as well as the cattle, are looked upon as the property of the Chief, that is, of the State; so that the whole community is damaged and its existence imperilled in proportion to the number of desertions.

20. This shows and accounts for the native view of the act, and the grounds upon which it has always been considered by them to be a serious crime; other but equally weighty reasons, induced the Government of Natal strictly to maintain the law founded upon this view, from the first moment of its establishment, and the following are among the most important:—

(1.) Desertion of the jurisdiction being, as above shown, to be the case, universally among the Zulu races, looked upon as an act of treason or rebellion, to overlook it, especially when undertaken on such a scale, would be to encourage rebellion generally.

(2.) Situated as these countries are, particularly Natal, to allow a tribe to suddenly throw itself into a neighbouring territory, would create confusion and disorder, and we owe it to the general as well as to our own security, to restrain them.

(3.) Desertion or unauthorized removal, would destroy all control, an unpalatable order would always be avoided by removal, and obedience of any kind would soon cease to be rendered; so necessary has the restraining effect of this law been found to secure control, that no native has ever been allowed to remove from the Colony, or from one county to another, without special permission and the registration of his removal.

21. No magistrate is empowered of his own mere motion to grant such permission; he receives and forwards the requests, with his recommendation, to the office of the Secretary for Native Affairs, where they are granted or withheld, as the case may be; nor has this been found to work any hardship, because the movements of the natives are usually made in a slow and deliberate manner, and permission, when asked for to remove, either from the Colony, or from one county to another, is, as a rule, invariably granted.

22. Numbers of these applications are weekly forwarded for decision by the magistrates, showing, not only that the law is in full force and effect, but that it is well

known and daily acted upon; nor is this all, the Chiefs themselves insist upon it, and complain to the magistrate if their people leave them without their permission. Langelibalele himself has acted upon it, and he knew that it applied as between him and the Supreme Chief as well as between him and the members of his tribe.

23. The custom is that the man who wishes to leave his Chief and has received his permission, makes a farewell gift to the Chief after such permission has been sanctioned at the seat of Government; but if it be complained that permission is arbitrarily or unreasonably withheld by the Chief, the Government steps in and grants it direct.

24. There can be no doubt, therefore, that in leaving the Colony without permission Langelibalele and his people committed a serious crime according to the law under which they were living, and that they knew they were so doing, and further that this crime was aggravated by the fact that they were committing it to avoid compliance with a lawful summons.

25. Another point suggested is, that not only should the messengers sent to the Chief, but the commanding officer at Bushman's River Pass also, should have been furnished with written warrants; it is urged that their acts, not having had them, were invalid, and the conduct of the Chief and tribe is justified because no such warrants were presented to them.

26. This is also a question which was discussed and settled during the early days of the Colony; Sir B. Pine, then Mr. Pine, Lieutenant-Governor of Natal, issued a Minute on the subject, for the guidance of magistrates, as far back as November 4, 1853 (it will be found marked No. 5, among the inclosures to my Memorandum, dated April 7, 1873, upon Mr. Ridley's complaint). This Minute sufficiently shows the groundlessness of the objection. If written warrants to natives were substituted for trusty messengers, the native would soon become the victim of any unscrupulous demand made upon him, backed by the production of a written or printed document however false.

27. A race that can read and write insists upon summonses and demands being made in writing, for the obvious reason that precise and authentic information is conveyed thereby to the person concerned; but among savages such a process is illegal, simply because it bewilders, and is incapable of conveying information in an available form.

28. Another point is the objection, that the men of the tribe were intercepted after they had passed the boundary of the Colony; here, again, native law, as admitted by the natives themselves, and in force in this Colony, must decide.

29. The broad difference between native and English law on this point is, that the jurisdiction of the latter is territorial, while that of the former is personal; unless a native leaves his tribe with the Chief's permission, he is liable to his authority wherever he goes; this authority over members of their tribes is, of course, not allowed in its full extent to the subject Chiefs of this Government, but it is one of the many prerogatives which have been transferred from them to the Head of the Government as Supreme Chief, and it is remarkable that the circumstances of this country long ago forced the British Government to apply this same personal jurisdiction to British subjects in South Africa up to the 25th degree of south latitude, as was done by the Act William IV, subsequently amended and extended by an Act passed during the reign of Her present Majesty. It is evident, therefore, that the right of a paramount Chief to follow his fugitive subjects, is limited only by considerations of prudence.

30. The above are all the points which appear to be involved in the action of the Government against Langelibalele and his tribe, the examination of which is necessary to show that there was no choice left between attempting to coerce, and listlessly or criminally allowing the reins of Government to be dragged in the dust.

31. A Chief who had been lawfully summoned to the seat of Government, had declined to obey; the summons had been repeated again and again with a like result; it was ultimately found that, so far from any sign of obedience appearing, the cattle of the tribe were being driven to the mountains, while the fastnesses of the locations were being stored with corn; the whole native population of the Colony were fully aware of what was going on, and were watching to see what action the Government would take; to them the meaning of these tribal acts was definite and unmistakeable; the Government, however, reluctant to proceed to extremities, were unwilling to believe that they were the result of a feeling of defiance.

32. But some measure was demanded by the circumstances, and it was determined to invest the location and demand obedience in the presence of a force; to do this

completely, it was necessary that the Bushman's River Pass over the Drakensberg, 8,000 feet sheer higher than the general level of the location, should be held, although it was scarcely expected that the Chief had any intention of using it. The force sent to do this found the main body of the tribe with the cattle going over it; the Chief had already passed on, and had left his military Induna at the head of a sufficient number of men to see the cattle of the tribe safely up. The commanding officer of the small Government force, being ignorant that the Chief was already in front, at once set about endeavouring to persuade the people to return and submit themselves to the Supreme Chief; he found the Induna in charge, spoke frankly and kindly to him, reasoned with him, remonstrated with him on the folly of their proceedings, and thought that he had succeeded in bringing them to a sense of their duty; for two hours or more it was believed that loyal considerations would prevail, but such was not to be the case.

33. In the meanwhile the Government Commander observed that his handful of men were being placed at a disadvantage by the accession of numbers on the side of the tribe, and ordered his force to slowly change its position; while performing this movement, the tribe opened fire, killed five and wounded the Commanding Officer himself, who a minute before had been engaged in friendly conversation with them.

34. This was the practical interpretation given by the men of the tribe themselves to the removal of their cattle to the mountains and the storing of the fastnesses of their location with corn, circumstances which the Government thought might be attributed to some other cause, but which the natives generally denounced at the time as defiance.

35. It remains to describe the operations themselves. The location lies at the base of a portion of the Drakensberg, between two of its most remarkable peaks, that to the south is called "Grant's Castle," the one to the north "Champagne Castle," distant about 35 miles from each other; between these points the range falls back and forms a large recess facing Natal. The Bushman's River Pass is nearer to the southern than to the norther peak, and is perhaps 8,000 feet above the general level of the inhabitable portion of the country below.

36. The lowland boundary of the Location is also an irregular semi-circular line, forming, with that of the mountains, a rough oval, bulging into the Colony.

37. The Colonial forces were ordered to take positions under their respective magistrates at a given time, so as to form a line of occupation facing the mountain range, the right and left of which line should rest on the base of the two peaks above described, and be between 40 and 50 miles long.

The Lieutenant-Governor himself went with the left and I with the right, which it had been arranged should face each other on the Bushman's River about the centre.

38. Heralds were sent into the Location, from centre and both flanks, to proclaim to Langalibalele and all concerned that there was yet time for submission, and to direct that all who wished to be loyal should separate themselves and property from those who still persisted in their contumacy.

39. The heralds did their perilous duty well, but very few men of the tribe could be seen, and these refused to be spoken to except at a distance; a few individuals were however surprised, and to them full explanations were made.

40. The women had taken up their positions in the rocky caves and fastnesses of the Location, and these they had well stored with corn and the means of preparing it for food; in most of them conveniences for making beer, and in many quantities ready for use were found.

41. The Government message was successfully made known to such men and women as could be found, as well as proclaimed on the hill tops, and subsequent evidence has shown that it was heard, understood, and discussed; no response was however made to this appeal, and orders were issued from head-quarters for a general advance to be made on the 6th November.

42. On the 5th I went with the magistrate, Mr. Macfarlane, and an escort of a few mounted burghers, accompanied by some natives on foot, to reconnoitre the position and issue orders personally to the native force, whose advance was to take place the next day. These orders were in accordance with the Lieutenant-Governor's views and my own, so framed as to check as far as possible any disposition to shed blood. After their positions had been pointed out and the work they had to do explained, I impressed upon them that the object of the Supreme Chief was not to take life, but to require obedience—that therefore they were not to kill, unless the men of the tribe actually fought against them—that they were not to harm women and children, that to kill a disarmed or wounded man was the act of a coward, and that

any one who transgressed these rules would be severely punished ; while, on the other hand, every man who captured an able-bodied rebel in arms would receive a reward of 20s. for each such capture. These orders were fully understood, and rewards for captures made under the conditions of this promise, have since been claimed and paid.

43. On our way to where these orders were issued, some men of Langalibalele's tribe appeared on the top of a hill near enough to hold conversation with us. I took the opportunity of explaining to them the message proclaimed by the heralds, and requested them to convey what I had said to their Chief, who we did not then know had already left the Colony by the Bushman's River Pass ; these men recognized me, but refused submission, saying, that they might come some other day.

44. On our return to camp, we being on horseback, outpaced the natives on foot, some of these went back by a shorter cut, their attention was directed to a bush, near which some goats were grazing, and on going to them they saw men of the rebel tribe among some rocks on the hill-side ; they accosted these men, asked them to come down and talk with them, the rebels refused ; the Government natives repeated the proclamation and required them to submit, but the rebels fired upon them ; exasperated by this they brought away the goats and some women whom they found in the bush ; upon this being reported to me the same afternoon, I ordered that both women and goats should be at once taken to where they had been removed from, because, as I explained the period of grace had not yet expired, and the orders I had been issuing were not to come into force until the day after, and besides this, it was necessary to offer the members of the disobedient tribe every encouragement to return to their duty. The goats were taken back, but upon my decision being made known to the women, they begged to be allowed to join their relatives who lived in another part of the Colony, and who although belonging to the tribe, had not been mixed up in its present proceedings ; they said they had been on a visit, and had been refused permission to return ; of course I complied with their request, gave them a written passport, and saw that they were provided with a safe escort.

45. I have been thus particular in stating these preliminary events, because they immediately preceded the advance of the forces into the Location, and because the Government has been charged with unnecessary bloodshed.

46. On my return to the camp I received a communication from the Lieutenant-Governor at head-quarters, requiring my presence, and informing me of the disaster at the Bushman's River Pass, which had occurred early the morning before ; this at once accounted for the attitude of the people which we had just returned from observing in the Location. The intelligence of this disaster, which they considered to be a total defeat of the Government forces, could easily have reached them on the day it took place, that is, the evening before the day we reconnoitered the Location ; and we afterwards found that it had reached a greater distance that same night.

47. The Colonial forces, white and native, then advanced as had been ordered into the Location, and reached the base of the Drakensberg. No stand to oppose them was made in the open, but every rocky fastness and cave was occupied, and the approaches guarded by men. With few exceptions, every summons to surrender was answered by shots, or defiance in some other form equally unmistakable. Most, if not all, the casualties on both sides occurred in the attempts to overcome this defiant conduct ; and in every instance, as far as the information I could gather on the spot went, the holders of the caves fired first.

48. Where Langalibalele was, or what proportion of the tribe had accompanied the cattle, or by what strength the numerous strongholds in the Location were held, were particulars which were not known, and could not be ascertained. Judging from the tactics natives usually adopt, it was not probable that the Chief had accompanied the cattle, because possession of the cattle is the only decisive sign of victory according to native notions in native contests ; therefore the conclusion that the cattle would certainly be followed involved the danger that their tracks would lead to the capture of the Chief. All the loyal natives, therefore, disbelieved that he had left with the cattle.

49. Those of the tribe who were made prisoners, refused all information on these points, while from the hill tops and rocks, threats and defiance were continually shouted. What then was to be done ? Was the Government to retire its forces and confess itself beaten by a handful of its own subjects, in its own territory ?

50. The consequences sure to follow such imbecility, were far too serious to allow of so hazardous a step being for a moment thought of. The Lieutenant-Governor therefore decided that the only course calculated to secure for the Government the



respect of the Colony and of its neighbours, was to re-establish at all hazards and without loss of time, its authority in the Location. I am unable even now to suggest a safer or more suitable course under the circumstances.

51. It was carrying out the necessity thus laid upon the Government, that the casualties already referred to, took place; assaulting caves occupied by women and children, when stoutly defended by even a few men, is a serious matter, and in such operations, it is as impossible to avoid accidents in savage as in civilized warfare; but I do not believe that a single woman or child was intentionally harmed; and although all loss of human life is to be deprecated, and was as far as possible guarded against in these operations, it is idle to suppose that such a mode of resistance can be persisted in without creating an indiscriminating excitement and irritation on both sides; but it should always be remembered that every man of the rebel tribe who lost his life, might have saved it by submitting, even at the last moment, to what he knew was the lawful authority over him; that those who fell on the Government side died doing their duty in supporting that authority, and that a verdict against the Government under such circumstances is a condemnation of the action and sentiment of every loyal native in the Colony, to say nothing of the whole white population.

52. I must add, that from my observation of the conduct of the native force on the Government side on this occasion, that they proved themselves much more amenable to restraint and control than I had expected they would or could have done.

53. The result of these operations was the discovery that the Chief and cattle of the tribe had been escorted by the bulk of the men out of the Colony; the supposed intention, afterwards found true, was, that after reaching some safe place of retreat for the two former, the men would return to the Location; this discovery gave rise to another difficult question, whether the women should be left in their well-stored fastnesses to be shortly joined by the whole strength of the tribe, or should they be removed? this seemed to admit of but one solution; if left, all the work just done would inevitably have immediately to be done again, with a loss of life on both sides far exceeding that which had already taken place; for one combatant which had inflicted the loss already suffered, ten would be present for that which was to come, and besides this, the larger resisting force might indefinitely prolong the resistance and in proportion endanger the general peace of the Colony, for it was impossible to overlook what experience has shown to be the case, that such operations are always liable to new, unexpected, and dangerous developments at every stage.

54. To remove the women, therefore, seemed an imperative necessity, when viewed from either a civil or military standpoint, and the Government had to bow to this necessity. But what was to be done with them? How were they to be maintained? The answer that suggested itself under the first pressure of the difficulty, was that they should be distributed among such white settlers as might consent to be bound to feed and clothe them in return for the services they might be able to render on farms, until arrangement could be made with their rebellious men, when they were to be released.

55. Upon further consideration, it was thought that this course was liable to be misunderstood or misrepresented, and it was decided that they should be removed to near the seat of Government, where stores of food were available, be there placed among friendly tribes, and be fed at the expense and under the immediate protection of the Government, until some arrangement could be made by which the men could join their families and relieve the Government of the burden; this course was adopted in preference to the first, and a Proclamation of Amnesty has been issued with the view of carrying it fully out, but it is intended to prevent these people from again living together as a tribe.

56. The history of the expedition under Captain Allison and Mr. Hawkins through the high cold rugged regions of the Double Mountains has been already fully written; the admirable discretion by which it was guided, the loyal and persevering spirit which enabled the European volunteers and the native column to overcome the difficulties and hardships of a march through a country uninhabitable, unknown to all perhaps, except their adventurous commander and hitherto considered impracticable, have been acknowledged, and these, together with the complete success of the expedition, in rescuing the Colony from the humiliation of having in the eyes of the natives suffered a defeat, are achievements which their fellow Colonists can never forget, nor can they be too thankful to the High Commissioner and the Government of the Cape Colony for the valuable assistance readily and heartily given at a moment when it was yet a matter of doubt in the minds of the natives, whether the white Governments of South Africa were sufficiently united to practically help each other: this timely co-operation

dispelled that doubt by sending back to Natal, as a prisoner in the custody of the Natal Column, the Chief Langalibalele.

57. The record of the subsequent trial of the prisoner, his conviction and sentence, has been printed, and need not, therefore, be restated here. Seven of his sons and 223 of the people of the tribe have also been tried.

58. One of the sons was sentenced to transportation for the term of five years, he having fired upon the Government forces, who captured him on his return from Molapo's, where he had gone with his father and brothers. Another son was sentenced to imprisonment with hard labour for two years and a-half. Three of the other sons of Langalibalele were sentenced to two years' imprisonment with hard labour; two younger sons, in consideration of their age, to six months' imprisonment with hard labour. An Induna was sentenced to one year's imprisonment with hard labour; and another native, indicted as an Induna, was acquitted, as it appeared that he did not hold that position. The printed record will give further particulars in reference to the above cases.

59. One member of the tribe, found guilty on his own admission and the evidence adduced, of having fired upon and killed a native, one of Her Majesty's subjects, sent to enforce his surrender, was sentenced to twenty years' imprisonment with hard labour.

60. Seven other members of the tribe were found guilty of withdrawing into fastnesses for the purpose of avoiding obedience to the laws of the Colony, and setting at defiance the lawful orders of the Supreme Chief, and resisting his authority. According to the circumstances of each case, the Court sentenced three of the prisoners to seven years' imprisonment, three others to five years' imprisonment, and the seventh to three years' imprisonment, with hard labour in each case.

61. One hundred and forty-six prisoners were found guilty of having wrongfully and illegally, and with rebellious intent, removed, or assisted to remove, the cattle of the tribe, and of having persisted in defying and disobeying lawful authority until they were captured with arms in their hands, and they were each sentenced to three years' imprisonment, with hard labour.

62. Twenty-four prisoners found guilty of agreeing and conspiring to withdraw into fastnesses, or other places of concealment, for the purpose of avoiding obedience to the laws of the Colony, and setting at defiance the lawful orders of the Supreme Chief, and ten other prisoners convicted of having wrongfully and illegally, and with rebellious intent, removed, or assisted to remove, the cattle of the tribe without the sanction and in defiance of the authority of the Supreme Chief, were each sentenced to two years' imprisonment, with hard labour.

63. The cases of ten of the prisoners are still under consideration. The Court held that the guilt of fifteen prisoners was not proved, and found eight others not guilty. These twenty-three men were, therefore, discharged.

64. It is contemplated to relieve such of these men as were not guilty of any serious personal crime from the severity of confinement in jail, by allowing them to elect service on farms for the period of their sentences, where they can serve out their term with their families, under special rules laid down under the authority of a local law by the Lieutenant-Governor. The number likely to avail themselves of this privilege will most probably reach three-fourths of the whole, and the object of allowing it is to insure their not again collecting as a tribe in the Colony by encouraging local ties and attachments to spring up in different places.

65. It will be seen from the foregoing that it was necessary to subdue a rebellious spirit in one tribe to secure future obedience in all the others, and that in undertaking this task, and in carrying out the operations necessary to accomplish it, the Government was beset by difficulties peculiar to the Colony and its population. It must always be with the greatest reluctance and anxiety that a Government decides to disturb any part of the population under its rule, and that reluctance and anxiety will be increased tenfold, when, as in a Colony like this, it cannot be sure that it will not disturb the whole.

66. That there were individual acts of unnecessary harshness and cruelty there can be no doubt, but, as far as I can judge, I do not believe that there were more than is the natural, and I must add, inevitable consequence of men, white or black, suddenly finding themselves in circumstances which inflame their passions, and for the moment destroy their self-command, and almost obliterate the sense of moral responsibility; in fact, there were but few, but few or many they can be dealt with only on their own special merits, because they are isolated cases, unconnected with, and contrary to, any

authorized course of proceeding laid down for the guidance of those employed to carry it out.

67. The foregoing faithfully represents the position of the Government at all the important turning points which it encountered before and during these operations; the details are for the most part to be found in the records of the Chief's trial; if operations such as these had to be undertaken again, and may God forbid the necessity! some mistakes might be avoided, perhaps only to substitute others in their place; but it would be impossible for them to be entered upon with a deeper and more painful sense of responsibility, or a greater desire to act with every possible forbearance, than was felt on this occasion.

68. Since writing this I have read the Lord Bishop of Natal's pamphlet on the trial of Langalibalele and its accompanying documents, which were forwarded to the Secretary of State by Mr. Bunyon, and has been referred to the Lieutenant-Governor by Earl Carnarvon. I shall reserve what I have to say on this for a separate paper.

(Signed)

T. SHEPSTONE,

*Secretary for Native Affairs.*

*Office of Secretary for Native Affairs, Natal,  
June 12, 1874.*

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Sub-Inclosure 1 in Inclosure 5.

Sir,

*Resident Magistrate's Office, Alfred, May 4, 1874.*

I HAVE the honour to report, for the information of his Excellency the Administrator of the Government, that Mr. Strachan, the Griqua Magistrate, came here to-day, bringing the outlawed Mhlangwini Chief Sidoi with him, who stated that he had several times sent to you to beg that he might be pardoned, and that you had always told him that, before his request could be entertained, it would be necessary for him to give himself up. He states that he sent messengers lately with 5*l.* to condone his offence, but that you had again told him that he must give himself up before he could be listened to, and that his offence was too serious to be condoned by a fine of 5*l.*

Sidoi stated that he now gave himself up to me, to abide by the decision of the Government, and trusting to the clemency and mercy of the Supreme Chief, under whose displeasure he could no longer live, obliged as he was, like a wild animal, always to hide from him who was his father. He added, that his sense of the magnitude of his offence, aggravated by his flight, was so great that he hitherto feared to follow your advice, and give himself up, but that he did so now, and he prayed that, in considering his case, the Supreme Chief would bear in mind that, when this happened, now nearly twenty years ago, he was a very young man, and therefore hardly aware of the full magnitude and extent of his offence, but that he saw and acknowledged it now, and earnestly prayed that his Excellency would favourably consider his petition for pardon, and a removal of the sentence of outlawry against him.

Ever since I have been in this country I have been aware that Sidoi was extremely anxious for pardon, but that he was afraid to come and sue for it, and I know that he has now come against the advice of his headmen, who feared that he may be imprisoned or killed, but he has been induced to do so by his own earnest wish to condone his offence, and to be at peace with the Government, seconded by the representations of Mr. Strachan, who came with him, otherwise I think he would not have had the courage to come alone.

I have accepted his surrender, and have told him that I would represent his case for the favorable consideration of his Excellency, and urge that, upon the imposition of a fine, he may be pardoned, as he had now acknowledged his offence, and had submitted himself for judgment.

Pending the decision of his Excellency on this application, I have allowed Sidoi to return home, on Mr. Strachan undertaking to bring him again before me when required to hear the decision.

I have, &c.

(Signed)

H. C. SHEPSTONE,

*Acting Resident Magistrate, Alfred.*

The Hon. the Secretary for Native Affairs,  
Pietermaritzburg.

*Minute.*

*Office of Secretary for Native Affairs, May 11, 1874.*

*The Secretary for Native Affairs to the Resident Magistrate of the County of Alfred.*

SIDOI, the outlawed Enhlangwini Chief, having voluntarily surrendered himself to you in the Court-house of Harding, as reported in your communication of the 4th instant, and having craved the clemency of the Supreme Chief, acknowledging the magnitude of his crime, expressing his regret, and pleading his youth and inexperience at the time he committed it, you are hereby authorized to inform him that, taking into account his plea, and the punishment he has already suffered, his Excellency has been pleased to decide that, upon his paying to you, or to the Magistrate who succeeds you in the county of Alfred, a fine of 50*l.*, the Proclamation of December 29, 1857, will be cancelled and withdrawn, so far as his personal liability to further punishment thereunder is concerned; but you will be careful to explain to him that such cancellation and withdrawal will not entitle him to claim any right to exercise Chieftainship in this Colony, and that he will not be allowed any such claim or right.

(Signed)

T. SHEPSTONE,  
*Secretary for Native Affairs.*

Sir,

*Resident Magistrate's Office, Harding, May 17, 1874.*

I HAVE the honour to inform you that, on receipt of your letter of the 11th instant, informing me of the decision of his Excellency the Supreme Chief in Sidoi's case, I wrote to Mr. Strachan, requesting him to bring Sidoi before me to hear the judgment.

Mr. Strachan arrived with Sidoi and several of his headmen to-day, and I personally, in the Court-room here, informed him fully of the contents of your letter, and that his Excellency, having taken all the circumstances of his case into his most favourable consideration, could not grant the pardon without some mark of his disapproval of his previous conduct, and that he had therefore imposed a fine of 50*l.* upon him, on payment of which a Proclamation would be issued cancelling that of the 29th December, 1857.

Sidoi, and his headmen who accompanied him, expressed great gratitude at the leniency of his Excellency, and begged me most earnestly to convey to him their appreciation of it.

They also warmly thanked Mr. Strachan and myself for what we had done on their behalf.

The Hon. the Secretary for Native Affairs,  
Pietermaritzburg.

*Proclamation.*

By his Excellency Thomas Milles, Esquire, Colonel, Administrator of the Government in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

WHEREAS Lieutenant-Governor Scott, acting in his capacity of Supreme Chief, did, by Proclamation issued under his hand, dated the 29th day of December, 1857, declare Sidoi, then Chief of the Inhlangwini Tribe, to be deposed from his Chieftainship and an outlaw, for divers acts of a rebellious nature, and for refusing to obey the summons of the Supreme Chief to appear before him and answer the charges brought against him:

And whereas the said Sidoi there and then fled from the Colony, and has ever since resided beyond the boundaries thereof:

And whereas he has on various occasions prayed that his offences may be forgiven,

and the sentence of outlawry against him revoked, but has been told that no such prayer could be entertained until he had surrendered himself to this Government, to be dealt with as might to the Supreme Chief seem right :

And whereas the said Sidoi did, on the 4th day of May instant, surrender himself unreservedly to H. C. Shepstone, Esquire, Resident Magistrate of Alfred, in the Court Room at Harding, craving the clemency of the Supreme Chief, acknowledging the magnitude of his crime, expressing his regret therefor, and pleading his youth and inexperience at the time :

And whereas I thought fit to decide, that in consideration of the punishment he has already suffered, his surrender, plea, penitence, and prayer, thus humbly made, and the payment by the said Sidoi of a fine of 50*l.* to the Crown, I would revoke certain of the disabilities imposed by the Proclamation aforesaid :

And whereas the Magistrate has certified that this fine was instantly, and with the expression of much gratitude, paid :

Now, therefore, I do hereby proclaim and make known that I have revoked and cancelled, and do hereby revoke and cancel, the said Proclamation of Lieutenant-Governor Scott, dated the 29th December, 1857, in so far as it decrees outlawry and further punishment to the said Sidoi for the offences of which he then stood charged, and from the consequences of which he then fled, and he is hereby relieved from all liability to such punishment as aforesaid. But it must be clearly understood that nothing herein contained shall be construed to give him any license, or permission, or countenance, to resume the position of Chief, or to exercise any authority whatsoever in the Colony of Natal.

God save the Queen !

Given under my hand and the public seal of the Colony, at Pietermaritzburg, this 22nd day of May, 1874.

(Signed) T. MILLES, Colonel.

By his Excellency's command,

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

#### Inclosure 2 in No. 5.

*Minute of the Colonial Treasurer of Natal on the subject of Langalibalele, submitted for the consideration of his Excellency Sir B. C. C. Pine, K.C.M.G.*

HAVING been officially connected with or intimately concerned in the administration of Native Affairs in South Africa for nearly thirty years, and having taken no active part whatever in the late operations in this Colony I think I may fairly claim a right to express an opinion upon recent events in which Langalibalele has been the chief actor.

2. The opinion which reflection and experience have led me to form is, that any delay on the part of the Executive Government of a Colony in which the native element preponderates, to suppress any indication of contumacy or turbulence by any native Chief is fraught with peril to the peace and material progress of that Colony, and the conclusion at which I have arrived in the case now under consideration is, that the conduct of Langalibalele was contumacious and turbulent, and, in Kaffir estimation, amounted to rebellion.

3. The hostile criticism with which the action of the Governor has been assailed by no means alters my view of the case, but a most careful reconsideration of the facts which have been disclosed has deepened the conviction I entertain, which is, that the action taken by the Governor was justifiable, humane, and necessary, because punitive and precautionary.

4. Indecision where prompt action is demanded is regarded by the natives of South Africa as weakness; and they are prepared at any moment to take advantage of its exhibition, and shake off the yoke of the ruling race. Easily controlled when in repose and in the pursuit of their peaceful avocations, contented with their condition under our benign rule, which secured to them both life and wealth, when once their passions are aroused and their hostility inflamed they become changed creatures; submit to no control but superior force, acknowledge no supremacy but that of the house which has for ages presided over the destinies of their tribe, recognize no bond but expediency

between themselves and the power under which, for reasons of their own, they have voluntarily placed themselves, forget the advantages they have enjoyed, recalling only the restraints, and eager to regain the quasi-liberty they formerly enjoyed, they ignore its numerous concomitant ills and record only its sweets; and, in their wild excitement, are prepared to rush blindly into any change; hence arose the danger to the peace of the Colony from the disturbing elements which Langalibalele introduced.

5. The facts of the case have been so clearly stated, confirmed by evidence and published so generally, that I need not here recapitulate them, but briefly refer to a few leading ones, and add a few observations in support of the views which I have here advanced in regard to Langalibalele and his tribe.

6. Closely connected as this tribe was by nationality, by marriage and other social ties, not only with those located in its vicinity but with those occupying more remote localities, its Chief regarded with veneration, as one invested with supernatural powers, by a race whose tribal distinctions disappear in the exercise of superstitions common to all, it is absurd and puerile to assert that the conduct of Langalibalele was blameless or would have proved harmless, for there can be no doubt that it would have led to the direst results, and therefore demanded prompt repression in order to maintain peace in the Colony.

7. To any reflecting mind, the disparity in numbers between the two races, the paucity of Her Majesty's troops, and the isolated manner in which its sparse white population was dotted over the Colony, the conviction is irresistible that our maintained dominancy, and the security to life and property we had so long enjoyed, resulted from the exercise of some latent influence other than mere force, and observation would have shown that this opinion was well grounded, and that the potent influence so successfully exercised was none other than a moral suasion imposed by the head officer and magistrates of the Native Department, backed in extreme cases by such authority as the Governor, as Supreme Chief of the natives, saw fit to grant, unless in direct breach of local laws.

On this barrier rested the lives and property of the colonists of Natal, and to resist the authority exercised at any one point was to loose or remove the source of order, to let in anarchy and bloodshed, and to spread ruin over the entire Colony, this, the conduct of Langalibalele would have induced, and this the action of the Governor was to prevent.

8. Glancing for a moment at the past, it may not be out of place here to say that in governing this people, the object of the Government has been gradually to elevate them by carefully avoiding the imposition of irritating restraints, by recognizing the operation of their own laws, permitting the exercise of certain customs which, though objectionable to us, yet prescription had familiarized them, repressing by degrees the exercise of obnoxious customs and their warlike tendencies, and thus gradually to qualify them for all the benefits of our laws, to develop in them a higher civilization, and induce the conviction that wealth acquired in an industrious and pacific manner was preferable to that acquired in warlike forays.

9. One means adopted by the Government in order to repress their warlike tastes and promote the pursuit of peaceful avocations, was the imposition of certain restrictions upon the acquisition of firearms by them; for, sprung from the warlike Zulu races, they were keenly alive to the advantage which firearms conferred, and an inordinate desire to possess these became an overpowering passion. Measures taken to arrest this impulse were mild and easily conformed to, merely requiring a permit prior to purchase, and in other cases merely requiring the registration of some which had been irregularly acquired.

10. It is difficult to indicate with accuracy the immediate cause of disaffection or the moment at which resistance was determined upon, but the first overt act of resistance to authority arose from a breach of the above regulations by the tribe of Langalibalele. The local Magistrate was informed that certain of its members had acquired some firearms, these he required to be produced before him in order to be duly registered, they refused to comply with his summons, which was repeated and again disregarded.

11. The matter was then duly referred to the Government but action was delayed, as at this juncture the Governor was transferred to another Colony, and important duties demanded the presence elsewhere of the Head of the native Department at the same time, while in the interval the Chief mustered his warriors, proceeded with the performance of certain incantations and national ceremonies designed to impart invincibility to his soldiers, entered upon negotiations with a distant Chief for an asylum for his cattle, and avowed his intention of resisting the authority of the Colonial Government.

12. A new Governor now assumed the administration, and soon became conscious of having inherited a difficulty which required to be promptly solved. He accordingly summoned the Chief Langalibalele to appear before him and justify his alleged contumacy. The summons was disregarded; repeated, and disobeyed. The cattle of the tribe then, as is usual before entering on hostilities, were driven to places of security, and the warriors were collected and so ostentatiously paraded as to cause the greatest alarm and confusion among the neighbouring Colonists.

13. To allay this feeling, to punish contumacy, to restore order, and reassert our perilled rule, was then the manifest duty of the Governor, who accordingly moved troops, volunteers, and native levies to the disaffected district, when operations were entered upon which resulted in the capture of the disaffected Chief in Basuto territory, and his subsequent trial and condemnation in Natal.

14. I myself sat as a member of the Court which tried the Kafir Chief Umhala in British Kaffraria, whose sentence to banishment was duly carried out; and I can safely assert that the trial of Langalibalele was as fairly conducted, and the sentence passed upon him was a more lenient one than that passed upon Umhala. Umhala was not defended by counsel; and to have forced counsel upon Langalibalele would have been to convince the native population that, although satisfied of the guilt of the Chief, we dared not punish him, and were, therefore, anxious on any terms to secure an acquittal.

15. His escape from the Colony in itself was in defiance of the law which allowed no native to change his location without permission, and the attempt to force himself and his tribe into the Basuto Settlement without the permission of Her Majesty's High Commissioner, implied either that he was prepared to incite the Basuto Chief to act in defiance of the High Commissioner's Agent or deemed that the crime he had committed was so heinous as to place him beyond the hope of pardon by the Governor of Natal.

16. It is impossible to estimate with precision the extent to which the revolt, if unrepressed, would have spread, or the effect which its spread would have had upon British interests in South Africa, for native policy in Natal has happily heretofore been so successfully conducted that peace has been maintained, and we have, therefore, no data whereon such an estimate could be based, but a reference to the past history of the neighbouring Colony of the Cape of Good Hope shows that in 1846 the rescue of a prisoner by the Kafirs resulted in a war which lasted nearly two years, at a cost to Great Britain of 1,500,000*l.* sterling, and that in 1852 an attempt to capture a Kafir Chief led to a war which spread from Kafir to Basuto land, incited British subjects to rise against and murder their employers, tainted a British native regiment which abandoned its colours, joined the rebels, and aided in carrying on a war which demanded no less than ten British regiments to suppress, which taxed their energies for two years, and cost Great Britain upwards of 2,000,000*l.* sterling.

17. Here, however, we have a revolt suppressed by the aid of a mere handful of Her Majesty's troops, at no cost to the Imperial Treasury; the head of the revolt captured, tried by his peers, convicted, and peace and good order restored to the greater part of the Colony.

18. I think I have now said enough to sustain the views which I entertain, and will only add that I have all my life been familiar with the natives of South Africa, have exercised that free intercourse with them which a knowledge of their language facilitates, have ever been regarded as their friend. At the present time I take the deepest interest in their welfare, and earnestly desire their moral and social elevation, but I feel convinced that the intentions of Langalibalele were so hostile to the Government that had the action of the Governor been less prompt and effective, disaffection would have spread from one tribe to another until it had reached the Zulu country, when a sudden and general rising would have deluged the country with blood and demanded an English army to recover our lost predominance.

(Signed) JOHN AYLIFF, *Treasurer.*

*Treasury, Natal, June 18, 1874.*

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Inclosure 3 in No. 5.

THE pamphlet described as the "Proposed Defence of Langalibalele," by the Lord Bishop of Natal, was, as appears from the introductory note, written to be used by an advocate for the prisoner, in his address of defence to the Court. The advocate selected declined to act, on account of the restrictions which it was found necessary for the quiet of the Colony to impose upon him, and they were the same as experience has

shown to be necessary under similar circumstances, where advocates appear at Courts-Martial in the highly disciplined army of England.

2. When this occasion failed, these remarks were not sent to the Head of the Government to inform his mind, or it may be, guide his conduct; but were printed in the shape of a pamphlet, and appear to have been privately circulated in Natal, the Cape Colony, and England; and it has become my duty, with much pain and reluctance, to remark upon them, in compliance with a direction from the Lieutenant-Governor, who received them by last mail from the Secretary of State for the Colonies, and it is the first opportunity I have had of seeing or reading them.

3. The extreme tone and high colouring of facts, or alleged facts, for which they are remarkable, are, of course, to be attributed to the use for which they were written, and cannot be looked upon as an attempt to state calmly, or with judicial discretion, the merits of both sides of the case; they wholly blame the Government and wholly excuse every act of the prisoner.

4. I fully agree with most of the Bishop's remarks in support of his conclusion that, "Kafir law" is, as a matter of course, to be here administered according to the first principles of justice and equity, as recognized by all civilized nations; and I should be sorry to admit that the existence of native law in this Colony, so necessary, in my opinion, for the effective control of its largely preponderating native population, could be even technically urged as a warrant or excuse for injustice of any kind, under any circumstances, other than is universally admitted to accompany the operation of every law, human or divine, in which communities become adversely involved.

5. The Bishop thinks that these first principles have been outraged in the treatment and trial of the prisoner Langalibalele. I have already shown in my Memorandum of the 12th instant, the acts which this Chief undoubtedly committed, and which he himself admitted to have been committed either by himself, or by his people in consequence of his acts. I have shown what those acts amounted to, according to the law under which he was living, which he himself knew, and had personally assisted in enforcing in the case of others.

6. Such being the case, he must be held to be as directly responsible for the consequences of these acts, as if he had been personally present and assisted at every one of them; among others, the deaths on the mountain pass, and those which occurred in the location. This is not, I apprehend, contrary to the first principles of justice and equity, nor is it peculiar to native law, for I find the principle itself clearly laid down as a guide to the jury in the celebrated trial of O'Connell and others for conspiracy, by the Lord Chief Justice of Ireland, as the law of the realm, in the following words:—"It is not necessary that it should be proved that the several parties charged with the common conspiracy met to concoct this scheme, nor is it necessary that they should have originated it. The very fact of the meeting to concoct the common illegal agreement it is not necessary should be absolutely proved to you; it is enough, and you are to say whether, from the acts that have been proved you are satisfied that these defendants were acting in concert in this matter. If you are satisfied that there was a concert between them, that is, an illegal concert, I am bound to say that, being convinced of the conspiracy, it is not necessary that you should find both the traversers doing each particular act, as after the fact of conspiracy is once established in your minds, whatever is either said or done by either of the defendants in pursuance of the common design, is, both in law and in common sense, to be considered as the act of both."

7. One excuse urged for the prisoner, generally stated, is that he cannot be held responsible for acts at which he was personally not present, or did not directly order; the view taken by the Court was, that there was an illegal concert and design, in both of which the prisoner and his people participated, and that, in the words of the Lord Chief Justice, "what was said or done by either in pursuance of the common design must, both in law and in common sense, be considered the act of both."

8. The Bishop takes exception to the constitution of the Court by which, as he at first supposed, the prisoner was being tried. He objects to the whole of the Executive Council, because they must needs pronounce the prisoner guilty of rebellion to justify measures already carried out, and because it was, in fact, as much an examination into the conduct of the Government officers towards the prisoner as into his conduct towards the Government.

9. These objections, so warmly and earnestly stated, impute such unworthy motives and incapacity to every member of the Executive Government that, if true, not one, from the Lieutenant-Governor downwards, is capable of rightly discharging the responsibilities attached to the position he holds; but, notwithstanding all this,



and after the discovery of the mistake of supposing that the Executive Council formed the Court, the reflections in the text have been allowed to remain and circulate, and the Bishop asks that he himself may be allowed to appeal on behalf of the prisoner from the Court which did try him, to this untrustworthy body, the Executive Council.

10. But by what Court could the prisoner have been tried, except by one constituted under native law? And, provided that the members of it were, from the functions they commonly exercised, connected with the administration of native law, the Supreme Chief's selection was unlimited; he himself possessing original as well as appellate jurisdiction, might sit or not as he chose.

11. What cognizance could the Supreme Court of the Colony take of the separate circumstances, which together made up the crime of rebellion under native law? Removal without previous sanction from the Colony, with his cattle and men, was not a crime known to civilized law, any more than disobedience to the summons of the Supreme Chief, or the disregard of an order, unaccompanied by a written warrant, or the firing upon and killing Her Majesty's subjects, supposing these acts to have been committed outside the Colony.

12. The Bishop says that, heretofore, all serious crime, such as murder, rape, &c., has been tried in the ordinary Colonial Courts, and that it is remarkable that the very first case in which the rule has been departed from for a quarter of a century is this, in which the crime charged is the greatest of all crimes, but his Lordship forgets probably that murder, arson, rape, &c., are crimes known to the ordinary Colonial law, while the ingredients which make up rebellion, according to native law, and which would soon desolate the Colony, if not checked, are not known. He also overlooks the fact that the Chiefs Fodo in 1846, Sidoi in 1857, and Matyana in 1858, were outlawed and banished (for outlawry involves banishment), by the same authority, for the same offence.

13. The Bishop describes, in strong terms, the treatment which the tribe received; he says, hundreds of men killed, and many hundreds more imprisoned, many women and children killed, and thousands taken captive and announced by Proclamation as doomed to three years of forced servitude; his kraals burnt, his goats, and oxen, and horses, as many as could be, seized, confiscated, and sold, &c.

14. This is certainly highly coloured. Natives estimate their own prowess by the number of men they kill in battle; and of course the number they claim to have killed is never less than the actual fact; and I have frequently heard in discussions among old warriors such statements denied flatly and proved to be untrue. I have tried to ascertain the actual number that fell on this occasion, and I do not believe that the whole on both sides exceeded 100. I at first thought, from the number of encounters, that double this had fallen, for parties of the Government force were frequently repulsed in their attacks on the caves.

15. Two hundred and twenty-three men of the tribe and seven sons were made prisoners and tried, and 190 sentenced, as described in my Minute of the 12th instant, the great majority of whom would now be living with their families under the conditions described in the 64th paragraph of that Minute, but for the embarrassing position in which the Government is placed with reference to the whole of this matter.

16. A few women and children were killed and wounded, but, in every instance that came to my knowledge, by accidental shots fired at the men defending the strongholds. The women of the tribe were taken away from their location for the reasons stated in paragraphs 53, 54, and 55 of the same Minute, and not one of them has been forced into servitude.

17. The kraals were ordered not to be burnt, and were not until after it was decided that they should not again be occupied, and the women and children had been removed; and it is a fact that none of them had been tenanted for upwards of a month before. It should be known, also, that what is called a kraal consists of a collection of huts, built of twigs covered with grass, and containing nothing of any value.

18. The cattle of a tribe are like guns under the Gun Law, forfeited by the fact of being seized under certain circumstances; and, in the case of cattle, seizure after leaving the jurisdiction is forfeiture. Those of this tribe were seized 150 miles from the boundary of the Colony.

19. The Bishop's remarks on the native members of the Court will be best answered by my annexing the summons issued to the Magistrates, in which the selection of these native Chiefs or headmen was directed; it will be seen that there was no desire or attempt to select for the purpose, in the sense which seems to be suggested

by his Lordship, but that, as far as the Government was concerned, it was a matter of perfect indifference who the Magistrates chose.

20. Then, again, the severe strictures upon these men, that "without caring to hear any proofs, before even the enquiry begins, they rattle off one after another their volleys of abuse," and, "without a particle of proof, assume at once his guiltiness on all the charges," are, I must think, not merited.

In the first place their remarks can scarcely be properly described as abuse; and, in the second, they considered that when the prisoner pleaded, as he did, that the trial was at an end, and no one was more astonished than they that further enquiry was to take place; they recommended no particular punishment, but the substance of their speeches was, to us this is a novel proceeding, according to what we have seen in olden times, and among ourselves there would be no enquiry, the facts would have spoken for themselves, and extermination would have followed; your ideas are more humane than ours, we cannot suggest to you, follow the course which seems to you best.

21. I shall pass over the questions involved in Mahoiza's evidence. I am ready to admit that he was treated with less incivility or insult than he describes, and that his story of having been stripped was, in so far as its literal meaning is involved, exaggerated to a great extent; all that it is necessary to believe as regards the Chief's case is, that Mahoiza delivered the summons to him, and that the Chief positively and definitively refused to obey it; of these facts there can be no question, nor is there any doubt that such portion of the tribe as was assembled on the occasion treated Mahoiza with disrespect in several ways, for one of the principal headmen present, Umhlaba, remonstrated at the time. The question therefore is, whether or not this was in pursuance of a common illegal design; the Court thought it was.

22. Allusion is made more than once to the alleged fact that the sons of the Secretary for Native Affairs, among others, did not hesitate to pay the labourers from this tribe at the Diamond Fields with guns; it is true that the circumstance of some of the men employed by them did bring guns into the Colony, and that this fact was frequently mentioned during the trial; it is therefore taken for granted that the men in question received those guns from the sons of the Secretary for Native Affairs. This, if true, might fairly be urged as a ground for consideration when the application for license to possess those guns was asked for, but it is wholly untrue, as will be seen from a letter dated 24th February last,\* published in the newspapers of the Colony, which I append, and can therefore form no ground for any argument whatever in the case.

23. It may be quite true that other tribes were equally chargeable with the illegal possession of fire-arms, and since the operations against Langalibalele, one of those most actively employed against him, has brought in a considerable number to have them registered, but it would have been the height of folly and imprudence to have assumed this fact merely for the sake of dealing with the whole native population at once, or, to use a native expression, of setting fire to the grass everywhere on the same day.

24. I have, in my Minute of the 12th instant, anticipated many of the objections raised in the Bishop's Pamphlet, and among others, the relative legal positions of the two parties on the 4th November, at the top of the Bushman's River Pass; I observe, however, that his Lordship justifies the conduct of the tribe on that occasion by saying that the Government force knocked one on the head, seized a number of their guns and assegais, killed one ox, and stabbed five or six others; this is the first I have heard of one of the tribe having been hurt by the Government force, except in self-defence, and this part of the statement is wholly without foundation. I was aware that on the evening before, the Basuto Scouts of that force had come upon some of the tribe sleeping under a rock, and had while asleep removed some of their arms, but that was all; the next morning, the force being in a starving condition, came upon thousands of the cattle belonging to the tribe, and one was ordered to be killed for food, to be eaten while the commanding officer was engaged in endeavouring to bring the tribe to a sense of the folly it was, in its own interests, committing; the commanding officer at the time guaranteed full payment for this animal.

25. Can it be said that this was a sufficient provocation, or any provocation at all, to the treacherous act of firing upon and killing five of the Government force when their backs were turned, and when the Commanding Officer believed that his arguments and exhortations were being favourably listened to by those very men?

26. If the killing of this ox, even without such a guarantee, or the stealing away of these weapons, had occurred under ordinary circumstances in the Colony, restitution

\* Sub-Inclosure 2 in Inclosure 3.

or compensation would have been demanded, and, if not given, the authorities would have been quickly enough applied to for their interference; why, supposing the guarantee to have been ignored, was not this course followed on the mountain top, where they saw the Commanding Officer on the spot, and might have appealed to him? simply because the men of the tribe were there to resist interference with the illegal design which they had undertaken to carry through, and which had been entrusted to them by their Chief.

27. I now notice the ground which, upon the face of it, appears from a moral point of view to be the most tenable of all the positions which the Bishop has advanced in defence of the prisoner, although legally it is valueless, namely, the alleged treacherous murderous conduct of Mr. John Shepstone in the matter of Matyana in 1858. The story upon which statement and argument are founded is said to be the native story of the affair; none of the authorities for which were, however, present.

28. I cannot help expressing my deep regret that his Lordship should have thought it right to circulate this story without having taken the precaution to verify it, or of asking explanation respecting it from the person who was present, and whose reputation he has so compromised among strangers by the manner in which he has told it. Mr. John Shepstone is in the Colony, might have been readily communicated with, and would no doubt have as readily furnished an explanation from his point of view; and although his explanation might have weakened the argument involved in the Bishop's question: "If he (Mr. John Shepstone) could think it right to kill a criminal in this way, why might not Mahoiza do the same?" it was scarcely fair to omit the reference before circulating the story.

29. The facts as stated in the official reports at the time are as follow: Mr. John Shepstone was not then in the service of the Government, but happened to be living in the county adjoining that in which Matyana was located; when the Magistrate, Dr. Kelly, found that his authority was contemned by the Chief and tribe, he recommended to the Lieutenant-Governor the use of force and the appointment of Mr. John Shepstone to command the native portion of it. The Lieutenant-Governor sanctioned this arrangement, and proceeded himself to the county town of Ladysmith to direct operations. Summonses to appear were repeatedly sent to the Chief, but to no purpose; he and his tribe, with the exception of a small section, took to the fastnesses which abound in that part of the Colony; the location was traversed by the Government force, the cattle of the tribe taken, two were killed on the Government side, and thirteen on that of Matyana, but the Chief and tribe still refused to submit; the main force was, however, withdrawn, and Mr. J. Shepstone was left with a body of natives on the border of the location to keep the tribe in check, and endeavour to open communication with the members of it. I was then sent by the Lieutenant-Governor to accomplish the latter object, and after having succeeded in meeting and explaining with John Shepstone the state of things to the principal men of the tribe, came away, leaving Mr. John Shepstone still there.

30. After this the Magistrate appears to have issued his warrant for the apprehension of Matyana, on a charge of murder, and to have addressed it to Mr. J. Shepstone, who was under his orders. The Lieutenant-Governor directed Mr. J. Shepstone to execute this warrant, in the belief that no force would be necessary, beyond a few of the tribe itself, and the persons Mr. J. Shepstone then had with him.

31. It should be stated, that in a letter dated the 16th February, 1858, four weeks before the arrest was attempted, Mr. John Shepstone officially wrote as follows: after describing an interview he had had with Matyana, on that day, he says, "I beg leave further to state that my opinion, drawn from the evidence of the many witnesses produced, is that Matyana is innocent of the murder. I should have apprehended him had it not been for the reasons I have given, viz., that he was attended by upwards of 300 armed men, was himself armed, and did not any of them lay down their arms during the interview, which must have lasted some hours;" while Mr. J. Shepstone and his three attendants had no weapons at all, this being the condition on which alone Matyana consented to meet him. Mr. J. Shepstone then adds, "But should the Government still see it necessary, I can seize him at once, but will require an armed force to do so; but believe that with time I may do so without bloodshed, or even succeed in getting him to stand his trial at Ladysmith."

32. Mr. John Shepstone therefore attempted Matyana's arrest, under the instructions of his superiors, and in the belief that inquiry would prove him to be innocent. He knew that no such inquiry as would settle the matter could be made until Matyana appeared before the Magistrate; and he felt that, if by any means he could, even by considerable personal risk to himself, secure his appearance, he would also secure his

acquittal, and quiet that part of the Colony. It is therefore incredible that, under such circumstances, and with such convictions, a man with any sense of responsibility resting upon him, could have acted as the "story" in the pamphlet describes; but I append his own report of what took place on that occasion, written the day after the event, while he was lying wounded in a native hut. It is dated the 17th March, 1858,\* and is addressed to his immediate superior, the Magistrate who was on the spot early on the morning of the 18th, from which it appears that he did not fire at Matyana, or, in fact, at anyone.

33. It is inadmissible that the belief in an untrue story should be successfully urged as a ground of defence by a native Chief who, like Langalibalele, has been in the Colony for more than twenty years, has repeatedly known of Chiefs obeying summonses to appear before Magistrates, has appeared himself in compliance with such summonses, but never had seen an instance in which advantage was taken of the obedience thus yielded to detain or imprison any of them.

34. In two instances the substance of private conversations has been introduced into this matter—one in the printed, the other in the manuscript portion of these papers. I can only say that I spoke in the confidence of private friendship, without sense of responsibility and without reserve, and if, in the instance in which Captain Lucas is mentioned, I conveyed the idea that he had intentionally done what he is charged with in the statement alluded to, I did him injustice, because the interpreter used on the occasion has denied that such a meaning could be put on Captain Lucas's words, and I am at a loss to understand the object of mentioning, as a fact, that which could only have been spoken of as apparently true, especially when the conversation that conveyed the knowledge of the evil or supposed evil, conveyed at the same time the information that it had been prevented.

35. I trust that this Minute, taken with that of the 12th instant, sufficiently answers every position in these papers which it is necessary to answer, and it remains only to notice the last paper by which the pamphlet is accompanied, viz., extract from a letter by Mr. Thomas Eastwood, of Natal, to his brother in England, dated March 2, 1874.

36. This document appears to have been added to serve as a key to the whole of the occurrences connected with the Langalibalele operations, as well as to the contents of the Bishop's pamphlet and other papers, and except for this intention being so plain, I should take no notice of it. Mr. Eastwood, appears, however, in the capacity of the Bishop's interpreter and his interpretation has to all appearance been accepted, because it is attached to the papers sent to the Secretary of State.

37. He speaks of me as in his "fancy too deeply involved by culpable neglect, or perhaps worse, to dare befriend the native;" of the Lieutenant-Governor as having been "regularly led into it, knowing nothing of the matter;" and of the Court, as "a regular family party acting as judges, interpreters, &c.," and concludes as the Bishop does, that "they were bound to find him guilty." He had, when he wrote, "not a doubt in his own mind that a gross blunder had been perpetrated from the commencement; he did not believe that 'Balele ever had been a rebel," &c.

38. What special knowledge Mr. Thomas Eastwood possessed to entitle him to pen these remarks, or what claim the remarks themselves possess to be used as they have been used, I know not; I believed he occupied a respectable position at home, came to this Colony many years ago to farm, was disappointed in his expectations, became a candidate for Holy Orders, and has lately been ordained Deacon by the Bishop of Natal; in the meanwhile, he seems to have devoted his spare time to the study of politics, and his letter to his brother in England is the result. He lives at the seaport, is not acquainted with the native language, knows very little of their customs and laws; and of the late operations, he is personally wholly ignorant. The value of his opinion or judgment either way, in this matter, is therefore extremely small, and the members of the Court will be able to bear his criticisms with becoming composure.

39. I do not know to what "culpable neglect, or perhaps worse," on my part, Mr. Eastwood refers, but if it be hesitation to adopt a course, most of the consequences of which could not be unknown to me after so many years of experience, or indulging the hope that on my return from the Zulu country last year, I should find the Chief and tribe more inclined to render obedience to constituted authority, or if it be endeavouring to avoid, during the administration of an Acting Governor, the precipitating of measures, the responsibility of which could, except under very pressing circumstances, be properly undertaken only by a permanent ruler, I must

\* Sub-Inclosure 3 in Inclosure 3.

plead guilty. I admit fully the reluctance with which I bowed to the necessities of the case, as they appeared to me then, and as they appear to me still, and I trust I may be permitted to say that, if I could have seen any alternative by which the Government could have avoided the use of force, without compromising its position, I would gladly have suggested and urged the adoption of that alternative.

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

Office of Secretary for Native Affairs, Natal,  
June 1874.

Sub-Inclosure 1 to Inclosure 5.

Sir,

Office of Secretary for Native Affairs, January 5, 1874.

I AM directed by the Supreme Chief to inform you, that he proposes to nominate you to be a member of a Court to sit under the provisions of native law, for the trial of the late Chief Langalibalele, and such other prisoners of the Amahlubi and Amangwe tribe (Putili's) as may be presented for that purpose.

You will be pleased to summon one of the most steady and respectable Chiefs under your jurisdiction to be present at the trial, who will be entitled to sit with the members of the Court, and to give his opinion as a juror in each case.

It is desirable that the Court should assemble early next week, and that you should be in town by Monday evening next if possible.

I have, &c.  
(Signed) T. SHEPSTONE,  
Secretary for Native Affairs.

The Resident Magistrate, Pietermaritzburg, Umvoti,  
Division of Upper Umkomansi, and Division of  
Inanda, by Victoria.

Sub-Inclosure 2 to Inclosure 5.

Sir,

Maritzburg, February 24, 1874.

IN a communication taken over from your paper by the "Natal Witness" of the 13th instant (copy sent herewith), and described as being from "a gentleman who probably knows more of native affairs and border policy than any other man now living, unless it be with the exception of the Secretary for Native Affairs himself," the following statement occurs:—

"As for the guns, the natives say, and it is the fact, that the Natal whites gave them authority to purchase guns at the Fields, and notably Mr. Shepstone's sons, and that when they returned they were ordered to bring them to the Magistrate, which meant confiscation."

However much your correspondent may know of native affairs and Cape border policy, he tells you that what "the natives say" is the foundation of the offensive statement above quoted; but he adds, "and it is the fact."

Upon what evidence this guarantee is volunteered he does not tell us; either he thinks he knows more than what "the natives say," or his statement has only that for its foundation; in either case he could not feel sure that what he wrote was the fact, and, therefore, he had no right to add the weight of his personal testimony, whatever that may be, to a statement which, after all, might be wholly untrue, and which really is so.

Three of us, "Mr. Shepstone's sons," worked at the Diamond Fields for upwards of a year. We employed about twenty-five natives, some of whom belonged to Langalibalele's tribe. We had not been long there before we, and they too, observed how easy it was to obtain guns. They spoke to us on the subject. We advised them not to purchase, pointing out that the prices were enormous, that the guns would most likely be confiscated in Natal, where they knew as well as we did that no native was allowed to have a gun without first getting the Lieutenant-Governor's license. They assented to our reasoning; but, as it turned out, could not resist the temptation, for, after all we had said, first five, and ultimately eight of them, purchased guns without our knowledge.

When we discovered this we remonstrated with them, advised them to try and

induce the sellers to take the guns back, at a loss rather than risk confiscation in the Free State and Natal, and one of us went to one of the sellers to negotiate for their return, but without success.

As the natives had made these purchases without our knowledge and against our advice, we declined to assist them to get the guns into Natal by mentioning them in the passes we gave them.

They did, however, succeed in reaching Natal with them, and we endeavoured to induce them to take them to the magistrate for registration, and we believe that they did so take them, and that they were duly registered.

Although many Natal natives, knowing who we were, came to us at the fields to beg our assistance in getting guns, we never gave them any encouragement or assistance, and on no occasion did either of us give authority to any native to purchase a gun.

(Signed)

WILLIAM SHEPSTONE.  
GEORGE SHEPSTONE  
ARTHUR SHEPSTONE.

To the Editor of the "Cape Argus,"  
Capetown.

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Sub-Inclosure 3 to Inclosure 5.

Sir,

*Job's Berg, March 17, 1858.*

I BEG leave to report, for the information of his Excellency the Lieutenant-Governor, that in pursuance of instructions received, authorizing me to carry the warrant of the Magistrate for Ladysmith into execution for the apprehension of Matyana, after repeated messages and waiting nine days without receiving any answer from him, I received on the morning of the tenth day intimation from him, saying that he was coming and armed; I, therefore, sent to tell him I would not see him with them; he sent back repeatedly to say he was afraid and would not come without; similar messages continued to be sent backwards and forwards, until 4 o'clock in the afternoon, when he sent to say he was coming without them. Notwithstanding this, they were brought, some to within a hundred yards of where I was sitting. He had about 300 men with him; they approached in the most insolent manner, using expressions of great contempt, for which I at once took them to task. I then called the three prisoners for him to question (which had been left here for the purpose); after his doing so for some time, in anything but a proper manner, I, according to a previously arranged plan, gave the order to sieze him, and at the same time for half a dozen men on horseback to ride up at full speed and secure all the assigais, in which they fortunately succeeded. At the moment my men attempted to lay hold of him, short assigais were raised on all sides to rescue him, and one of my men narrowly escaped being stabbed. Matyana at that instant sprang clear over the heads of those sitting behind him; my men gave chase, some of them without arms; his ran and fought alternately, covering his escape, and it soon became a general skirmish, my 30 against his 300; one of my men was severely wounded through the lungs, and another slightly so in the head. I am sorry to add, notwithstanding all my efforts to prevent bloodshed, several of his men lost their lives, among whom is "Tobe," his chief adviser in the late disturbances. After running about 50 yards they all turned and gave the shout of defiance and said, "Let us go up to the huts and arm with their assigais." My men were determined to prevent this, but had to fight hard, during which time several of his men were killed. I fired over their heads, thinking it would frighten them, but of no avail; whilst in pursuit of Matyana, and in the act of shouting to my men to spare them, I felt myself suddenly stabbed in the right side just above the hip; the wound is a couple of inches long, and had it not been for the thickness of my coat, causing the assegai to glance aside, it must have been fatal, owing to the size of the weapon used. Although I had a loaded gun and a brace of pistols at the time, I permitted the man to escape, wishing thereby to show them that Matyana's apprehension was my only object. I have since heard that Matyana was near the spot at the time. It is also rumoured that he is wounded in the leg, but in what manner is not known; his shield with two of his own assigais was found where he had been sitting talking to me.

Since writing the above I have been informed, that his army has rejoined him, and is preparing to attack us. I have therefore, as a means of precaution, sent for Cenguzi's people, and a few of Nodada's, as I have no doubt of its truth.

I shall act only on the defensive until I hear further his Excellency's instructions, which I humbly hope will be forwarded at his earliest convenience.

I have, &c.  
(Signed) W. SHEPSTONE.

T. T. Kelly, Esq.,  
Resident Magistrate, Ladysmith.

Inclosure 4 in No. 5.

(Circular.)  
Sir,

Office of Government Secretary for Native Affairs,  
November 7, 1853.

I AM directed by his Honour, the Lieutenant-Governor, to transmit, for your information and general guidance, the inclosed Minute on the position which native law occupies in regard to the general law of the district.

You will observe from the principles it lays down, that in cases clearly within the jurisdiction of Native Law, it is not needful to superadd any of the forms or usages required only by the general law, with a view to strengthen the position or authority of the Magistrate, but that, on the contrary, such a course is rather calculated to produce the opposite effect.

I am also directed to request that you will be careful to keep the records of cases adjudicated under Native Law in a separate book.

I have, &c.  
(Signed) T. SHEPSTONE,  
Government Secretary for Native Affairs.

To the Resident Magistrates.

*Minute of his Honour the Lieutenant-Governor on the Position which Native Law occupies in regard to the General Law.*

The following case has occurred :—

1. A native has been killed by another native whom he was attempting to arrest, by order of a Magistrate, acting, as is alleged, in accordance with Native Law.

2. It is assumed that the proceedings of the Magistrate and the murdered man were in accordance with Native Law, but it has been argued that because the murdered man was not provided with such documents to show his authority as are required by the Roman Dutch Law in similar cases, therefore the resistance to his authority was legal, and his death justifiable homicide.

3. I believe this view of the case to be so at variance with sound legal principle, as well as so mischievous in its tendency, that I think it right to endeavour to point out its fallacy, for the information and guidance of the Magistrate acting under Native Law.

4. The Letters Patent of 8th March, 1848, the Ordinance No. 3, 1849, and the Letters Patent of the 19th June, 1850, form part and parcel of the law of the district, and every act done in accordance with their provisions is just as much a legal act as if it were done under the Roman Dutch Law, or any other law which may be in force in the district.

All Courts within the district are, therefore, bound judicially to notice and uphold these enactments, and, where necessary, to lend their assistance to carrying their provisions into effect.

5. These enactments recognize and sanction Native Law, under certain circumstances, to the exclusion of the ordinary, or Roman Dutch Law.

Therefore all process carried on under these enactments in accordance with Native Law is legal, whether such process be, or be not, in accordance with Roman Dutch Law, or ordinary law.

6. It follows from these principles that any resistance to such process is illegal, not only in the eye of tribunals administering Native Law, but also in the eye of all Courts in the district, since, as I have shown, they are all bound to notice and uphold these enactments.

7. The course which the District Court, I doubt not, would pursue in a similar case to that under discussion is, first, to ascertain the precise nature of the process

adopted by the Magistrate; secondly, to ascertain by competent evidence whether that process was in accordance with Native Law. These points being satisfactorily settled, the Court would proceed to deal with the case precisely as if the crime had been committed in resisting a process under the Roman Dutch Law.

8. It seems to me that some misapprehension has arisen on this subject, from the consideration that the Native Law is to be administered by the Lieutenant-Governor and officers appointed by him for that purpose, and not by the District Court; hence seems to arise the erroneous notion that because this Court cannot administer Native Law, therefore it cannot recognize its legality in cases coming under its own jurisdiction. No argument can be more unsound, and its fallacy may be shown by an illustration taken from our own jurisdiction.

The Court of Queen's Bench, and other Common Law Courts of England, cannot administer Admiralty, Ecclesiastical, or Chancery Law, which are administered by separate tribunals; and yet no man can contend that if a murder is committed in resisting the process of these latter Courts, the former Courts could not take cognizance of the crime.

9. It perhaps may be said, that in order to bring his officers within the protection of the ordinary law, the Lieutenant-Governor should direct them to use warrants and other process of the ordinary law. But, first, it may be asked what right has one tribunal to impose its own process on another independent tribunal, and to say to it: "We will not assist you and protect you, unless you use our process." What would be thought of the Court of Queen's Bench refusing its support and protection, where necessary, to the officers of the Court of Admiralty, because they did not use the process of Common Law. All the former Court would in such a case ask, "Is the process in accordance with the law and custom of the Court out of which it issued; and if it be so it is legal, because it issued from a Court equally with our own recognized by the Constitution under which we derive our authority." So the superior Court of this district must, and doubtless, will say, "Show us this process was in accordance with Native Law and usage, and we will protect it, and punish the man who has resisted it, because it emanates from a tribunal deriving its authority from the self-same Charter under which we ourselves are sitting."

Secondly. Let us suppose in this case that a warrant had been issued, and the process of the Common Law followed in every respect. The case was one within the cognizance of Native Law, the usages of which the Magistrate was bound to observe, and it might then have been urged in favour of the accused that morally he did not know what these to him unmeaning forms meant, nay, that he might suppose that they were a new process of witchcraft; and, legally, it might, in my opinion, be irresistibly urged in his defence, that the process was not in accordance with the law and usage of the Tribunal from which it issued, and, therefore, was void *ab initio*.

10. All the misapprehension on this subject arises from not fully realizing the fact that the Letters Patent, and the Ordinance, further confirmed by other Letters Patent, are just as much part and parcel of the law of this Colony as the Roman Dutch or any other law, and that all acts done under these enactments are in every way as legal as acts done under the ordinary law. Once understood, this, and all the difficulties herein referred to, vanish.

(Signed) BENJN. C. C. PINE.

November 4, 1853.

By command of his Honour the Lieutenant-Governor,  
Signed) T. SHEPSTONE,  
Government Secretary for Native Affairs.

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Inclosure 5 in No. 5.

*Extract from Minute of his Honour the Lieutenant-Governor to the Legislative Council,  
dated November 27, 1854.*

21. The section substantially embodies, in the form of a legislative enactment, one of the fundamental principles of the native law, which recognizes tribal or collective, as distinguished from mere individual, responsibility for crime, and especially that of theft, which, so far as the party aggrieved is concerned, is capable of being atoned for, by the restitution of the property.

22. This law has existed, in various forms, among almost all nations on the earth, while in a barbarous, half-civilized, or primitive state, and its principle, as I shall



hereafter show, is still recognized in the code of the most civilized nation in the world.

Its foundations are laid deep in the nature of man, whose first instinct is that of self-preservation, and it springs naturally out of the state and requirements of every imperfectly settled community.

23. In the native code of the Kafirs, the principle is applied with peculiar stringency in regard to the crime of cattle-stealing, because this crime is by them regarded as nearly the greatest that a man can commit. Cattle is the greatest, nay, almost the sole species of property known to the Kafir. In his mind it occupies the same place as houses, money, and lands do among civilized men. Its possession is necessary, not only to his comfortable subsistence, but even to the formation of the marriage tie. In fact the whole fabric of Kafir society rests on the foundation of property in cattle. It is not wonderful then that the Kafir should seek to guard this foundation by every means in his power; that he should not only severely punish the cattle-stealer, but that he should provide the most stringent police for detecting the offender. The best police he conceives to be, to make every man possessed of property a policeman; to pledge the property of the community as a security for the property of individuals; to make every village or kraal to which property is brought, bound to discover to whom it belongs, and how it was obtained. Doubtless, among a people far advanced in civilization, such a system of police would be unnecessary. Feelings of propriety, of honour, respect for public opinion—in short, all those moral restraints which in civilized communities, in so many cases, supply the place of, and are more powerful than, positive law render it unnecessary to make a man answerable for stolen goods which come into his habitation or before his notice. No man would dare to deposit stolen property with persons of the most ordinary respectability, or even to exhibit it to such persons. The Kafir, however, knows well that his countrymen are uninfluenced by these moral restraints, and that, unless compelled by positive law, they would not feel bound to denounce the thief, nay, that in many cases their inclinations would prompt them to participate in the plunder, more especially of a kind of property they so eagerly covet. He knows, moreover, that close observers as his countrymen are of each other's actions, and interested as they are in everything which concerns cattle, it is next to impossible for a man to bring such kind of property to any village or kraal without the inhabitants being able readily to detect circumstances which may give rise to suspicion that it was improperly obtained.

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26. The native law, therefore, is, in their present circumstances, reasonable and necessary; and it is more so with regard to the white inhabitants; for, in addition to its being necessary to preserve the property of the white settler, it is necessary to secure peace between the two races.

27. Every one, whether on the Cape frontier or in this Colony, who has had any experience of Kafir wars, is perfectly aware that cattle-stealing has been, in most cases, the origin of them, and at all events that it has generally been the first overt act of rebellion.

It will be sufficient, in this Council, to refer to the opinion of our friend Mr. Shepstone on the subject, as recorded in the Report of the Location Commissioners, and elsewhere.

28. The offence of cattle-stealing among Kafirs may, therefore, without great impropriety, be compared, as to its turpitude, and especially as to its consequences, to the crime of high treason among civilized men.

29. Having endeavoured to show that the principle of native law in this respect, that of collective, as distinguished from mere individual, responsibility, is, in certain states of society, and especially in the present state of the natives of this district, reasonable and necessary, I shall now attempt to show that this principle of jurisprudence has largely pervaded the early laws of nations now arrived at a high stage of civilization; and further, that it is still, in certain cases, recognized in the modern code of the greatest nation of the world.

30. I believe it might be shown that this principle of law has been recognized in the codes of nearly all barbarous and half-civilized nations in the world, of whose existence and history we have any knowledge.

I have, however, neither the time nor the learning requisite to the execution of of such a task; but, referring you for a general confirmation of the fact, to the second volume of Mr. Hallam's "History of the Middle Ages," page 286, I shall proceed to adduce abundant proof of the existence of this principle in the jurisprudence of England.

31. The clearest application of the principle of collective responsibility for crime is found in the Anglo-Saxon institution of Frankpledge. Although you are doubtless well acquainted with the general outlines of this institution, I shall lay before you an accurate description of it in the words of historians and legal writers of great authority, because, in some points, it closely resembles, even in detail, the native law now under discussion.

32. Dr. Lingard, in his "History of England," vol. i, page 484, states: "Ingulf has attributed to Alfred the institutions of tythings, which by the name import either a subdivision of the hundred, or an association of ten neighbouring families. By law every freeman was to be enrolled in one of these associations, all the members of which were made perpetual bail for each other. If one of the number fled from justice, the remaining nine were allowed the respite of a month to discover the fugitive; when, if he were not forthcoming, the pecuniary penalty of his crime was levied on his goods and in case of deficiency, on the goods of the tything, unless it could be proved that its members had not connived at his escape."

Again, in "Blackstone's Commentaries," vol. i, page 114, is this passage: "The civil division of England is into counties, of these counties into hundreds; which division as it now stands seems to owe its origin to King Alfred, who, to prevent the rapines and disorders which formerly prevailed in the realm, instituted tythings, so called from the Saxon because ten freeholders and their families composed one. These all dwelt together, and were sureties or free pledges to the King for the good behaviour of each other, and if any offence was committed in their district, they were bound to have the offender forthcoming; and therefore, anciently, no man was suffered to abide in England above forty days unless he were enrolled in some tything."

Again, in vol. iv., page 252, Blackstone says: "By the Saxon constitution these sureties were always at hand, by means of King Alfred's wise institution of Frankpledges, wherein, as has been more than once observed, the whole neighbourhood or tything of freemen were mutually pledges for each other's good behaviour."

Mr. Hallam's "History of the Middle Ages," vol. ii, page 279, gives a detailed account of this institution, which that eminent and philosophical historian calls "the great police of mutual surety."

33. The wisdom of the law of frankpledge, and its adaption to the circumstances of its age, are admitted by the most enlightened men of modern times; as the country, however, advanced in civilization, the institution fell into disuetude; but still the principle of collective responsibility for the criminal acts of individuals has since, at various times, been recognized and enforced in the law of England, and it is to this very hour in force, in certain cases, and is recognized by very recent Acts of Parliament.

34. The most obvious illustration of the principle is seen in the law making the hundreds liable to make compensation for injuries done by individuals in certain cases. A hundred, as you are aware, is a division of a county, very similar to a ward in this Colony.

35. In Blackstone's Commentaries, vol. iv, page 293, it is stated:—

"There is yet another species of arrest, wherein both officers and private men are concerned, that is, upon a hue and cry raised upon a felony committed. An hue and cry is the old common law process of pursuing with horn and with voice, all felons and such as have dangerously wounded another.

"It is also mentioned by statute, Westminster 1, 3 Ed., 1 Cap., 9 and 4 Ed. 1st, Stat. 2; but the principal statute relative to this matter is that of Winchester 13, Ed. 1, which directs that from henceforth every country shall be so well kept, that immediately upon robberies and felonies committed, fresh suit shall be made from town to town, and from county to county; and that hue and cry shall be raised upon the felons, and that they that keep the town shall follow with the hue and cry with all the town and the towns near; and so hue and cry shall be made from town to town until they be taken and delivered to the Sheriff. And that such hue and cry may more effectually be made, the hundred is bound by the same statute to answer for all robberies therein committed, unless they take the felon, which is the foundation of an action against the hundred in case of any loss by robbery."

In Comyn's Digest, vol. iv, pages 467-468, it is laid down:—"If the county does not apprehend the felon within forty days, an action lies against the inhabitants of the hundred where the robbery was committed for the money or goods whereof the party was robbed."

By the common law of England, and various statutes, the hundred was also liable for all damages done to individuals by riots.

36. This principle of the liability of the hundred, even for robberies has been retained and confirmed as to Ireland by a very recent Act of Parliament.

In England, however, this liability of the hundred for robberies has fallen into desuetude, and its liability for damages done by rioters has in many cases been abolished by statute, but still the liability for damage done by rioters to chapels, houses, and other buildings, and to machinery, and ships and vessels, has been retained and recognized by Acts of Parliament, passed respectively in the reigns of George IV, William IV, and Her present Most Gracious Majesty.

37. It is scarcely necessary to point out how singularly these enactments support the principle and the application of the native law in question. In Ireland, you see, where society was unsettled, and the habits of the people, in some respects, lawless, the law of a primitive age, which makes a community liable for the acts of its individual members, is in full force, where in more peaceable England such laws have been allowed generally to pass into desuetude; but still, even in that country, whenever particular communities, by suffering tumults or riots to occur in their midst, assimilate themselves to the condition of a half-civilized people that moment the stern law of a half-civilized age springs into activity, to save individuals from loss, and society from anarchy.

38. Mr. Cloete has said in his letter that "he has yet to learn that, while Her Majesty has graciously declared it not to be her wish directly to abrogate Native Law, it has ever been Her Majesty's will or intention that we should borrow from the Kafir code principles which are directly in conflict with the fundamental rules of justice, as established in every civilized community; rules which direct that every person is liable to punishment for his own misdeeds, but not for those of another."

39. How groundless is the latter part of this sweeping statement the foregoing examples abundantly prove. Some of the illustrations and examples I have quoted from the jurisprudence of England are not, in their details, quite similar to the Native Law under discussion; some are singularly so; but they all support the principle of collective responsibility for crime, and show that the principle is not "directly in conflict with the fundamental rules of justice as established in every civilized community."

40. In regard to the former part of the Recorder's statement, I would observe that in embodying the Native Law in the form of an Ordinance, we are not borrowing from the Kafirs, but simply confirming it in a modified form; and that we are empowered, and, in case of necessity, instructed by Her Majesty's Order in Council of the 19th June, 1850, and the Secretary of State's accompanying despatch, to repeal, alter, or amend the native law as established by the previous Letters Patent. I suppose the Recorder means to say this is one of the native laws, which, if Her Majesty did not intend directly to abrogate, she did not intend to be confirmed or sanctioned by this Government. Now, I will ask, what right has any man to suppose that Her Majesty did not wish, and would not desire, that the person she has appointed to govern this Colony should confirm and uphold a native law which has been found adapted to the state and habits of the people, and which, moreover, is substantially in accordance with an institution said to have been established by one of the wisest and greatest of Her Majesty's predecessors, for the government of a nation much further advanced in civilization than the natives of this Colony, a law, moreover, which accords in principle with part of the modern legislation of Her Majesty's Imperial Government?

41. Mr. Cloete next proceeds to attack the 5th section of the proposed Ordinance, which defines the punishment to be inflicted on individual offenders. The learned Recorder deals particularly roughly with this section. He finds fault with one part of it for introducing the Roman-Dutch Law, and with another part of it for discarding it.

42. His first objection is, that while the Ordinance is declared to be to define more clearly the Kafir law, by which, as he states, "it is notorious the punishment of death is inflicted on every person guilty of cattle-stealing, the punishment as set forth in this section is in nowise a definition of Kafir law, but an introduction of the ordinary Roman Dutch as Kafir law."

43. Mr. Cloete is in error in stating that the Kafir law inflicts the punishment of death in all cases of cattle-stealing. I had inserted such a statement in the preamble of the first draft of this Bill, but on consulting high authorities on the subject, I found that so general a statement could not be supported.

44. Supposing, however, that this statement is correct, Mr. Cloete's objection is more specious than solid. By the Order in Council of the 19th of June, 1850, this Council is empowered to repeal, alter, or amend any of the provisions of the 28th Article of the Royal Instructions of the 8th March, 1848, which confirms the existence of the Native Law in this district.

In defining, therefore, the Native Law by Ordinance, are we not justified under this Order in Council in altering any of its provisions which we may deem unnecessarily severe, and in substituting others for them? And will Mr. Cloete, who in this letter has shown so much tenderness for the natives, object to our abolishing the punishment of death in this instance, and substituting a milder punishment in its place? As to the substituted punishment, that of imprisonment and whipping, being an introduction of the Roman-Dutch Law, I have to remark that it might with equal propriety be called an introduction of English Law; but whatever it is, the Legislature has full authority to make it part of the code of laws applicable to the natives.

45. It is unnecessary to occupy your time in discussing the trivial question, whether this section is strictly in accordance with the preamble; if you think it is not, you have only to make a slight verbal alteration.

46. I proceed to a more important subject. Mr. Cloete further objects to this section on the ground of its "containing the extraordinary clause (borrowed, as it would appear, from the Kafir law) of declaring all the property of the offender of every kind forfeit to the Crown, while the provisions of the Roman-Dutch law have expressly abrogated all forfeiture to the Crown of private property, for all offences except that of high treason, upon the just principle that such forfeitures do not punish the offender, but his family, wife, and children, reducing them to beggary for a crime of which they may even be unconscious."

Now I would ask Mr. Cloete why, if this principle is so just, it should not be applied to the crime of high treason as well as to other offences? What reason is there to punish the wives and children of a traitor for his crime, more than those of any other offender? Surely a traitor is not, morally, a worse offender than a murderer, or a housebreaker, or a thief. These latter are urged on to crime by the vilest and lowest passions of humanity, while the traitor, however mistaken in his objects, has very often been actuated by the highest and holiest feelings of our nature. Look at the Puritans, who lifted their arms against Charles I, and the gallant men who, in the rebellions of 1715 and 1745, sought to restore the throne of Britain to the descendants of its ancient Sovereigns; who will for a moment compare those men with thieves and murderers? Moreover, does it not depend on mere accident whether a man shall be called a traitor, or a hero and patriot? Truly does the poet say of treason:—

"How many a spirit born to bless,  
Hath sunk beneath that withering name;  
Whom but a day's, an hour's success,  
Had wafted to eternal fame!"

Why then have all Governments inflicted on the traitor a punishment more terrible than that awarded to the lowest of ordinary criminals, and have moreover visited his crime upon his children? It is because this offence, from whatever motive committed, is in its consequences so mischievous; because it strikes at the very foundation of the existing order of society. Therefore society from motives of self-preservation is right, not only in inflicting the severest punishment on the person of the offender, but also in confiscating his property; in the hope that forfeiture, to use the words of Blackstone, "whereby his posterity must suffer, as well as himself, will restrain a man, not only from a sense of his duty and dread of personal punishment, but also by his passions and natural affections, and will interest every dependent and relation he has to keep him from offending."

47. Now I have shown that the real nature of the crime of cattle-stealing among natives, and its consequences, are nearly identical with those of high treason among civilized men. Both offences strike at the foundation of society and cause war and bloodshed. If we look indeed beneath their outward form we find that in substance and spirit they are one and the same crime, so far as society is concerned.

There is this moral difference, however, between the perpetrators of these two offences. The traitor, in disturbing the peace of society, may be, and often is, influenced by pure and lofty motives; the cattle-stealer is not only a common thief, but he endangers the safety of the community to gratify the most sordid of passions.

48. If the Roman-Dutch law then is right in confiscating the property of the traitor, surely the Kafir law is not wrong in confiscating that of the cattle-stealer; and in reply to Mr. Cloete's expressions of his doubts whether Her Majesty intended to sanction this native law, I would again ask, What right has any man to suppose that Her Majesty did not intend to confirm such of the Kafir laws as are not only found to be necessary for the efficient Government of the natives, but are also substantially in accordance with the laws of civilized nations?

49. Mr. Cloete states that the law of the natives was intended by Her Majesty to

be retained for their own benefit. No doubt this was so, but in the highest and best sense of the expression.

The great Statesman who, at the period of the issuing of the Royal Instructions, held the seals of the Colonial Office, saw the danger and the folly of at once attempting to govern savage men by laws made for highly civilized nations. He saw that such laws would not only interfere with their cherished institutions, but that they would be powerless to control them; he saw that the laws of enlightened nations, all-sufficient as they are to bind civilized men, who are controlled by moral influences more powerful than statutes, are unable to restrain men who are strangers to such influences. Therefore, with a wisdom worthy of the greatest legislator of any age, Lord Grey advised Her Majesty to retain and confirm, as to the natives of this district, their own rude and stern laws, except so far as they might be repugnant to the general principles of humanity recognized throughout the whole civilized world.

These laws, temperately and mercifully executed by the local Government, have, in my opinion, under Providence, been one of the means of preserving the tranquillity of this district up to the present time.

50. Having adverted to the most important principles discussed in Mr. Cloete's letter, I do not consider it necessary to make any remarks on the Recorder's strictures on the remaining sections of the Ordinance. With some of his objections I fully agree; with others I entirely differ. Many of them relate to matters of detail, fully worthy of your careful attention in Committee.

51. I cannot close these remarks without saying that I consider this discussion will not be without its use in many ways. It will, I think, tend to show that the laws and customs which rule even barbarous men, are not unworthy of the attention and study of statesmen and legislators, and are not wholly beneath the notice even of learned judges. It will be also useful in directing the attention of this Legislature to the striking analogy which exists between the native laws and customs of this district, and those of England and other countries in past ages, and to the importance of studying and understanding both.

By so doing, and by modifying and gradually altering the native laws by the light of precedents thus afforded by institutions framed for people in a comparatively barbarous age, and which have led them on to civilization, we may legislate more wisely and more safely for the natives than, on the one hand, by at once sweeping away laws and institutions which they understand, and substituting for them others which, however good in themselves, are not adapted to their present state; or, on the other hand, by following the views of mere theorists, and adopting measures the efficacy of which has not been tested by experience.

(Signed) BENJ. C. C. PINE, *Lieutenant-Governor.*

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Inclosure 6 in No. 5.

(Circular.)  
Sir,

*Office of Secretary for Native Affairs,  
February 14, 1872.*

IT has been reported to the Lieutenant-Governor, that natives belonging to this Colony, who enter into engagements of service at the Diamond Fields, are in the habit of receiving fire-arms in lieu of money for their wages; his Excellency desires you will be so good as to take advantage of every opportunity of informing such natives, and the tribes generally under your supervision, that all fire-arms, however obtained, are liable to be seized and confiscated, unless the natives obtaining them first receive the Lieutenant-Governor's permission in writing, to possess them; so that, in addition to paying a much higher price for fire-arms at the Diamond Fields than they can be had for in this Colony, they render themselves liable to punishment for committing a breach of the law, and to the certain confiscation of the fire-arms so purchased.

Such natives as have voluntarily taken and delivered to you guns so purchased, in the hope of being recommended by you to be allowed to retain them, will receive the Lieutenant-Governor's licence to possess a gun, if you consider them in other respects fit and proper persons to have the privilege granted to them.

I have, &c.  
(Signed) T. SHEPSTONE,  
*Secretary for Native Affairs.*

To the Resident Magistrates.

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## Inclosure 7 in No. 5.

*Natal and the Peace Society.*

("Empire," May 16.)

THE people of Natal, it seems, have received and read the circular issued by the Peace Society. That document, on the authority of Reuter's telegrams, denounced the colonists as guilty of atrocities such as disgraced the name of Englishmen. They had robbed, ravaged, devastated, and enslaved. They had laid rapacious hands on the herds and flocks of unoffending natives. They had carried into captivity and bondage hosts of helpless women and innocent children. They were unworthy the name they bore. These charges, thus pitilessly piled up, have caused some amusement, but more indignation amongst our South African fellow-countrymen. They are inclined to laugh at the utter absurdity of the allegations, but they cannot refrain from anger at being thus frivolously but venomously denounced by a body anomalously called the Peace Society.

Let us try to put ourselves in the shoes of these same colonists, and picture to ourselves the emotions we should feel were we, under the circumstances, to be thus accused. It is one of the aims of this journal to make Englishmen at home and Englishmen in the Colonies better acquainted with each other, and, by destroying ignorance on the part of the former, to help in the establishment of a better understanding between both. Consider, then, the actual relation in which the colonists stand toward the recent disturbances.

For years past the mother-country has been preaching the maxim of self-reliance and the duty of self-defence to her scattered Colonial offspring. Upon South Africa, in particular, as upon a land which has already drawn largely upon the military resources of the Empire, has this duty been impressed. Natal, however, has been able to listen lightly to these admonitions, as from the first she had been a self-supporting Colony. Although in 1844 the settlers at Port Natal were assured of military protection as a result of British rule there, the performance of the promise has been merely nominal so far as actual need is concerned, and has been adequately secured by the maintenance of a small garrison of about 400 regular troops there. The colonists and natives have been upon the whole a respectable and well-behaved set of people, and have given no trouble whatever to the War Office, whatever trouble local legislators may have caused to Downing Street. In other words, a yearly outlay of less than 40,000*l.* for the maintenance of the same garrison has been the sole charge borne by the Home Government on account of Natal. The Colony has for years contributed 4,000*l.* per annum, out of its local exchequer, as a special allowance to the troops in view of presumably higher local charges.

At last the hour of danger arises. Thirty years of peace threaten to come to an end. A powerful tribe, long suspected of disaffection, assumes an attitude of downright rebellion. It must be remembered that this was a moment long foreseen, if not anticipated. Natal has as many natives within her borders, small though her territory is, as the whole Cape Colony; they outnumber the whites by twenty to one. They are divided into tribes, being under their own chiefs, and enjoying, perhaps, a greater degree of independence than falls to the lot of any other section of Her Majesty's subjects. These people live so much among themselves, are so secluded from contact with their European neighbours, and have so many immunities and privileges of a semi-barbaric nature, that there are few means of ascertaining how far their loyalty may be depended upon, or whether the virus of disaffection was to any extent at work amongst them. In saying this we open up several questions of great future importance. Our present purpose, however, has not to do with any discussion of the domestic policy of the natives. We desire to show that the colonists felt themselves confronted, when their volunteers were treacherously shot by Langalibalele's people, by vague, indefinite, and immeasurable peril. This might be the first spark, precursor of a wide-spreading conflagration. These shots might prove the signal of a long and bloody war. For days men's faces were clouded, and their minds oppressed, by the apprehension of coming troubles. What if a policy of overmuch indulgence, of overscrupulous respect for the liberties of the savages, were about to bear its bitter fruits and prove its own condemnation?

This was the crisis the colonists had to face, and they did it manfully. Help was asked from no outside quarter, though it came unsought from the Cape. The Governor relied upon the resources at his command and under his actual control for

the suppression of the rebellion. In doing so he was gladly and loyally aided and sustained by the Legislature and the colonists. The history of no community supplies a more perfect instance of unanimity and good feeling than was presented by Natal at this period. It is true that a portion of the small garrison stationed at Maritzburg went to the front, and the local resources of the military were called into requisition. But the real work was done by the colonists and the native levies. The latter vied with the Europeans in their natural enthusiasm and patriotic spirit, and it cannot be too distinctly understood that the natives of Natal, in a body, stood loyally by the Government in its time of trial, and fully recognized the justice and extolled the mercy of all that was done.

The specific charges of the Peace Society are easily dismissed by the Natalians. They deprived the tribe of its cattle, only because without such deprivation the victory would virtually have remained with the rebels. Any one versed in South African affairs, knows that the herds of the native are his most vulnerable and vital point. In seizing the cattle the Government adopted the only effective form of punishment open to them. According to native law, the whole property of the tribe belongs to the Chief, and, after him, to the Governor as Supreme Chief. By their act of rebellion they had, according to their own usages, forfeited all claim to their cattle, unless they could by force of arms keep them. As for the women and children, said to be "kidnapped," their treatment implies no discredit upon the Colonial Authorities. They were deserted by their male protectors, and left upon the hands of the Government. Doubtless it was intended to return for them, when the fugitive tribe had organized its plans for that system of forays and depredations which probably entered into their calculations. As it was, the Government has had to provide for these unfortunate people as best they could, and when the last mail left (March 26th), they were still being fed and sheltered at the cost of the country.

The so-called "trial" of Langalibalele, about which so much is being said, was really no "trial," but a Court of Inquiry into the facts of the Chief's rebellion; just such a court, in fact, as would be summoned under the Mutiny Act, and far fairer and more considerate as regards the prisoner than would have been convened for a like offence, had only natives been included. It was presided over by the Governor in person, as Supreme Chief, and comprised the Secretary for Native Affairs, three Magistrates, and four Native Chiefs. One mistake, unfortunately, was made. Yielding, as he admitted, to "outside opinion," as expressed by certain individuals—for public opinion was dead against it—the Governor agreed to invite counsel to represent the prisoner. As, however, the gentleman nominated declined to accept a position hedged round by so many restrictions, no other was selected, and happily, this well-meant, but ill-judged concession to a false sentimentality, fell through. The natives express unbounded astonishment at the gentleness and fairness with which the Chief was treated, and the public of Natal, as well as of all South-East Africa, approve the sentence.

The matter, from our present point of view, may thus be summed up: the Government and colonists of Natal had suddenly to face what might have been a long and widespread rebellion. They did so without asking for any extraneous aid. They crushed the rebellion and punished the offenders without burdening the tax-payers of this country with one additional penny of expenditure. At their own cost they have placed the peace of their country on what seems a sure and lasting basis, and have re-established the prestige of the British name in South Africa. They have, by their prompt and decisive action, saved the native races from the terrible consequences of future war. And for doing this they get—what? Thanks? Appreciation? Friendly sympathy? Nothing of the kind. They are branded with the guilt of "atrocities," denounced as "robbers," held up to odium as "kidnappers," and likened to the pirates of the South Seas, by—the Peace Society! Is this the way to knit the bonds of union throughout the Empire—to show brotherly kindness towards our fellow-countrymen struggling in distant colonies—to stimulate the joy and pride of far-off Englishmen in their national name and origin! That Bishop Colenso has to some extent echoed the strain of the Peace Society is no proof of guilt. Throughout South Africa, where facts and experience have made men wiser than we can possibly be on such matters, the Bishop's assertions are held disproved, his arguments held to be invalid and fallacious, and his whole line of conduct stigmatized as little less than treasonable. There we are told the popular theory is, that the Pentateuch being played out, Dr. Colenso seeks a new sensation.

No. 6.

*Lieutenant-Governor Sir Benjamin C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—*  
(Received September 5, 1874.)

My Lord, *Government House, Natal, August 1, 1874.*

REFERRING to my despatch of 15th of July last,\* I have now the honour to transmit to your Lordship the following documents:—

The Bishop of Natal's Petition of Appeal to the Executive Council in the case of Langalibalele.

The judgment of that body.

The proceedings taken before the Supreme Court in order to procure an interdict to prevent me from carrying the sentence into effect.

2. As these documents speak for themselves, it is not necessary for me to trouble your Lordship with any comments upon them.

3. I will only observe that two Counsel addressed the Executive Council in support of the petition, that the case was heard with great patience and attention, and that the judgment embracing every point in the case was framed with great care. I think it right to add, that I took no part in drawing up the judgment, which was entirely the work of the Executive Council.

4. Your Lordship will see that the Supreme Court generally upheld our proceedings, and it gives me much satisfaction to say that the Chief Justice, publicly and privately, has expressed his opinion that it was right that I should myself have sat as Judge at the trial of Langalibalele, and that I could not with propriety have delegated my authority to another in such an important case.

I have, &c.

(Signed) BENJ. C. C. PINE.

P.S.—I think it right to add that my Government not only allowed Counsel to appeal for the Chief, but paid Counsel a very heavy fee out of the public funds for such service.

B. C. C. P.

Inclosure 1 in No. 6.

*Office of Secretary for Native Affairs, Natal,*  
*June 15, 1874*

My Lord,

I AM directed by the Lieutenant-Governor to acknowledge the receipt of your Lordship's letter of the 12th instant, and to appoint Wednesday, the 24th instant, noon, at the Executive Council Chamber, Government House, for the reception of the written appeal on behalf of Langalibalele, which you propose to present.

I have, &c.

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

The Lord Bishop of Natal,  
Bishopstowe.

Inclosure 2 in No. 6.

Sir,

*Bishopstowe, June 24, 1874.*

IN accordance with his Excellency's desire, I have the honour to forward a written appeal on behalf of the prisoner Langalibalele, which I beg you to lay before his Excellency.

I inclose also a copy of the "Kafir Laws and Customs" of the Cape Colony, referred to in the appeal, and I shall be obliged by your returning it when the appeal is decided.

I shall be happy to give, in writing or in person, explanations of any portions of the appeal, or any further information which his Excellency may desire.

I trust that, should it be necessary, Counsel may be permitted to argue, on behalf of the prisoner, any points that may require elucidation.

I have, &c.

W. H. Beaumont, Esq.,  
Clerk to the Executive Council.

(Signed) J. W. NATAL.



## Sub-Inclosure 3 in Inclosure 6.

To His Excellency Sir Benjamin Chilley Campbell Pine, K.C.M.G., &c., &c., &c.,  
Lieutenant-Governor of the Colony of Natal, Vice-Admiral, and Supreme Chief  
over the Native Population, acting with the advice of the Executive Council of  
the said Colony as the Court of Appeal in all cases whatsoever, between Natives,  
and which have been tried according to Native Law.

The humble Petition of Langalibalele, late Chief of the amaHlubi Tribe, in  
the said Colony, appearing by the Bishop of Natal,

Sheweth—

THAT Petitioner has been tried under Kafir law, convicted of certain crimes, and  
sentenced to banishment for life :

That certain members of Petitioner's tribe, feeling themselves aggrieved by such  
trial, conviction, and sentence, prayed that Petitioner might be allowed to appeal from  
the said sentence under the Ordinance No. 3, 1849, to your Excellency, acting with  
the advice of the Executive Council of the Colony, which leave was graciously allowed  
to be exercised by the Bishop of Natal on Petitioner's behalf, in accordance with which  
permission Petitioner begs leave respectfully to represent as follows :—

First :—Petitioner submits that the appeal in the present instance is not from a  
judgment pronounced by an inferior Court between two litigant parties, in which case  
it would be right and necessary that all arguments should be strictly confined to the  
evidence or documents produced on the trial, but is an appeal from a judgment and  
sentence pronounced on a prisoner, and resembles therefore more a reference from a  
sentence of death pronounced in a Criminal Court of England to the Secretary of State.  
In such a case the Secretary of State would not refuse to receive and allow due weight  
to any trustworthy evidence in favour of the prisoner, which might be laid before him,  
though it might not have been produced in Court. And so Petitioner had hoped that,  
even if the strict letter of the law, as laid down by the Hon. the Attorney-General, did  
not authorize it, yet, considering the irregularities committed in the course of his  
trial, *e.g.*, the admission of fresh evidence on the fifth day, five days after the Crown  
Prosecutor had closed his case, and the Supreme Chief had said "he had now heard  
all Petitioner had to say on the whole case," some indulgence might have been shown  
to him in this respect, and that, in fact, the Supreme Chief would be rejoiced if trust-  
worthy proofs were laid before him to show that the children, whom he had so severely  
punished, were not so guilty as he had supposed.

And Petitioner had especially hoped that he might have been allowed the liberty  
of appealing to the official record of the trial of his sons, inasmuch as the Court itself  
has appealed to it, having found him guilty of an offence, *viz.*, of having "on one  
occasion insulted the Magistrate's Messenger" (p. 36), without a particle of evidence  
before it, even so much as mentioning, much less proving, the offence in question, the  
charge resting only on the evidence of Umtvityizelwa on the fifth day of the trial of  
his sons (p. 65), a man who had a blood-feud with Petitioner and his tribes—stated  
when Petitioner was not himself present to answer the charge, and had been, in fact,  
already condemned, and sentenced—and virtually contradicted by the "loyal" Induna  
Umpiko, who says (p. 82) that, though present on the occasion, "it did not occur to  
him" that any such insult was offered to the Messenger.

Being restricted, however, closely to the record and proceedings of the first trial,  
and being required in the first instance to place before the Executive Council "a plain  
and concise written statement of the grounds on which he considers the sentence  
objectionable, and his reasons in support of such grounds," Petitioner says :—

1. That the Court, by which Petitioner was tried, was wrongfully and illegally  
constituted :—

(i.) Because the Ordinance No. 3, 1849, does not give his Excellency the Lieuten-  
ant-Governor any power, as Supreme Chief over the native population, nor has he  
derived the power from any other source, to form a Court such as that by which  
Petitioner was tried, consisting of his Excellency himself as Supreme Chief, the  
Secretary for Native Affairs, certain Administrators of Native Law, and certain Native  
Chiefs and Indunas.

(ii.) Because under that Ordinance his Excellency the Lieutenant-Governor was  
debarred from sitting as Judge in such a Court by section 3, which provides that he  
shall be the sole Judge in the Court of Appeal from all cases tried under Native Law.

(iii.) Because his Excellency the Lieutenant-Governor was already committed to a

decision adverse to Petitioner, by having issued the Proclamation of November 11, 1873, declaring that Petitioner and his tribe had "set themselves in open revolt and rebellion against Her Majesty's Government in this Colony," and "proclaiming and making known that the Petitioner and the amaHlubi tribe were in rebellion, and were hereby declared to be outlaws," and that "the said tribe were broken up and from that day forth had ceased to exist," and by further seizing and confiscating all the cattle and property of the said tribe within reach, deposing Petitioner from his chieftainship, and otherwise treating Petitioner and his tribe as rebels, and therefore could not possibly be considered an unprejudiced Judge of the first instance in Petitioner's case.

2. That, even if the Court was duly constituted, the proceedings under it were irregular and illegal:—

(i.) Because, by the practice of this Colony, up to the date of Petitioner's trial for "high treason," and "rebellion," described by his Excellency as "the greatest crime that can be committed, because it involves all other crimes," no serious crime has been tried in a native Court, in proof of which may be cited the statements of the Secretary for Native Affairs, in his answers to questions by Lieutenant-Governor Scott, despatch No. 34. 1864:—

"All serious criminal charges against natives have for some time past been tried according to the ordinary criminal law of the Colony, before the Supreme Court.

"It must be observed that all the more serious criminal offences, such as murder, rape, arson, &c., have been transferred to the Supreme Court of the Colony, to be tried under the general Criminal Law, and in accordance with civilized usages and rules of evidence, in the same manner as if such crimes had been committed by a white man."

(ii.) Because, with respect to the charge of "pointing his weapons of war against the Supreme Chief, and wounding his person by killing the subjects of Her Majesty the Queen," the act in question took place beyond the boundary of the Colony, which is declared in the Proclamation of Sir P. Maitland, August 21st, 1845 ("Moodie's Ordinances," II, p. 17), defining the boundaries of the district of Natal, to be "in a direct line along the south-eastern 'base' of the Drakensberg Mountains," and even took place beyond the watershed, upon one of the sources of the Orange River; and consequently, this charge under the Imperial Act, 26 and 27 Vict., cap. 34, could only have been tried in the Colonial Court, under the laws now in force in the Cape Colony, and not in a Kafir Court.

(iii.) Because, contrary to all Kafir law and usage, *e.g.*, that of the Cape Colony ("Kafir Laws and Customs," p. 38-40), Petitioner was not allowed the help of counsel, white or black, in the hearing of his case, even to watch the proceedings on his behalf, or to cross-examine the witnesses; and consequently the official record is merely an *ex parte* statement of the case, derived from witnesses selected by the Supreme Chief, examined by the Crown Prosecutor, and not cross-examined at all on Petitioner's behalf; whereas such assistance is distinctly recognized as in accordance with Kafir law by the Crown Prosecutor on p. 25, where he says "under Kafir law it was allowable to defend as well as prefer charges."

(iv.) Because the Court insisted repeatedly (pp. 7, 21) that Petitioner had pleaded guilty, when he had merely admitted that he had done certain acts, but desired witnesses to be called, whose "evidence would justify or extenuate what he had done," (p. 3), a plea which in any ordinary Court would be recorded as a plea of "Not Guilty;" and accordingly, after the prisoner had pleaded, one of the members of the Court, Zatshuge, assuming that Petitioner had admitted the truth of the charge of having "undressed and stripped the messengers," said that "he would have been better satisfied if prisoner had admitted the truth of all the other charges, for it appeared to him that a denial only aggravated the offence" (pp. 5, 6).

(v.) Because when one of the chief witnesses for the prosecution, Mahoiza, had stated in his evidence in chief on the second day that Petitioner's people had "taken all his things from him," (p. 11) and had "stripped and taken him naked" into Petitioner's presence, and on the fourth day, in answer to his Excellency, had said that they had "intended to strip him altogether, but had allowed him to retain his trowsers and boots" (p. 26), whereas, according to Mhlaba, they had merely said that "he must take off his clothes," and he "was told to strip" (p. 16), the Court being asked by his Excellency "whether it wished further evidence in support, or otherwise, of Mahoiza's evidence as to his being stripped," "required no further evidence on this point," and did not even ask his two companions, Mnyembe and Gayede, to describe this "stripping," though both these were examined, Mnyembe's evidence in chief having

been cut short before he came to that part of the story, and Gayede's taken up just after it.

(vi.) Because Petitioner was kept in solitary confinement from the day when he was brought down to Maritzburg, December 31, till the day when his sons were sentenced, February 27, not being allowed to converse with any of his sons or with any members of his tribe, or with any friend or adviser, white or black, so that it was utterly out of his power to find witnesses who would have shown, as Mnyembe and Gayede would have done, that Mahoiza's statements about the "stripping" were false; that he still wore his waistcoat, shirt, trowsers, boots, and gaiters, when he was taken to Petitioner, and that the "stripping" in question only amounted to this, that he himself put off his two coats, by Petitioner's order, "as a matter of precaution caused by fear," and not for the purpose of insulting the messenger or defying the Supreme Chief, and would have satisfied the Court also that other acts charged against Petitioner arose from fear and dread of the anger of the Supreme Chief and not from a spirit of defiance.

(vii.) Because the sentence was *ultra vires* of the Court to pronounce, inasmuch as Clause 4 of the Ordinance limits the power of the Supreme Chief to "appointing and removing the subordinate Chiefs or other authorities" among the natives, but gives him no power to sentence to death or to "banishment or transportation for life to such place as the Supreme Chief or Lieutenant-Governor may appoint." When Petitioner had been "removed" from his chieftainship, and himself and the bulk of his tribe "driven over the mountain out of the Colony" by the Government force, as announced in the bulletin of November 13, 1873, the cattle within the Colony seized, and many of the tribe killed in resisting the attempt to seize them, the Supreme Chief, under Kafir law, had expended his power.

(viii.) Because banishment is a punishment wholly unknown to Kafir law, as is plainly stated in "Kafir Laws and Customs," p. 39, "As banishment, &c., are all unknown to Kafir jurisprudence, the property of the people constitute the great fund out of which the debts of justice are paid." For Petitioner banishment to Robben Island would be a far more dreadful punishment than it was for Macomo and other rebel Chiefs of the Cape Colony, who indeed were not "banished" at all, but were merely imprisoned in a portion of their own Supreme Chief's territory, where, at proper times, they could be visited occasionally by members of their families and of their tribes. Moreover, those Chiefs were duly tried and convicted before the ordinary Courts of serious crimes committed by themselves individually, and they had actually resisted by force their Supreme Chief's force within his territory. Petitioner has not made any such armed or defiant resistance; he merely "stripped himself," "tore himself off" ("hlubuka") from the Supreme Chief of Natal, he was a runaway, or refugee, a "deserter," but not a "rebel;" he has not been tried and condemned for any crime in the Colonial Court, and banishment for life to Robben Island would be for him a separation from his wives and children, and all the members of his tribe, without the hope of seeing one of them again except his son Malambule, condemned also to transportation for five years.

(ix.) Because the seven native Chiefs and Indunas, who sat as members of the Court, and signed the judgment, the contents of which had been "interpreted" to them, and their signatures "witnessed," could not possibly, except under some strong influence, such as prejudice against Petitioner, or undue fear of the Supreme Chief or desire to please him—one of them being the "Head Induna of the Natal Government," and another the "Induna to the Secretary for Native Affairs"—have declared in that judgment that Petitioner "appeared before them convicted, on clear evidence, of several acts, for some of which he would be liable to forfeit his life under the law of every civilized country in the world," whereas they are totally ignorant of the law of any civilized country.

(x.) Because his Excellency the Supreme Chief, the Secretary for Native Affairs, and the two Administrators of Native Law, have also signed their names to the above statement, which seems to imply that the Court was predisposed to believe Petitioner to be guilty of heinous and capital crimes, inasmuch as five of the six charges on which he has been found guilty are not punishable with death, as he is informed, under the law of any civilized country whatever, namely:—

"(i.) Setting at nought the authority of the Magistrate, in a manner not indeed sufficiently palpable to warrant the use of forcible coercion according to our (civilized) laws and customs."

"(ii.) Permitting, or probably encouraging, his tribe to possess fire-arms, and to retain them contrary to law."

"(iii.) With reference to these fire-arms, defying the Magistrate, and once insulting the messenger."

"(iv.) Refusing to appear before the Supreme Chief when summoned, excusing his refusal by evasion and falsehood, and insulting his messengers."

"(v.) Directing his cattle and other effects to be taken out of the Colony under an armed escort."

There remains only the sixth charge, that of causing the death of Her Majesty's subjects at the Bushman's River Pass, for which Petitioner does not believe he would, under the circumstances, be held responsible under civilized law, as more fully explained below.

3. That under native law as "prevailing among the inhabitants of this district previously to the assertion of sovereignty over the said district," Petitioner could not be tried at all in a Kafir Court in this Colony, inasmuch as he had escaped out of the jurisdiction of the Supreme Chief of Natal.

This native law is laid down in the "Compendium of Kafir Laws and Customs," compiled by direction of Colonel Maclean, C.B., Chief Commissioner of British Kaffraria, and published under the authority of the Cape Government. Under this law Petitioner claims to be judged, whose principles are more humane than those derived from the savage practices of Zululand since Chaka's time, and are in accordance with those which prevailed in Natal and Zululand before the introduction of "the cruel policy pursued by the Zulu Chiefs," Chaka, Dingane, and Panda, as stated by the Secretary for Native Affairs, in Lieutenant-Governor Scott's despatch, No. 34, 1864, as follows:—

"The two countries at present known as the Colony of Natal and Zululand, were thickly inhabited by numerous native tribes closely bound together, and never, within the territory now known as the Colony of Natal, did war cause the destruction of a tribe. . . . The lives of women and children were respected; prisoners taken in battle were not put to death, but detained till ransomed; and victory, rather than plunder and devastation, seems to have been the great object of these encounters" (p. 51).

Dingiswayo "never utterly destroyed or permanently dispersed any people with whom he went to war; they usually re-occupied their country and acknowledged Dingiswayo as their paramount Chief, until it suited them to do otherwise. Chaka disapproved of this policy, because he thought it would lead to dangerous combinations against the Supreme Chief. He thought that the only safe plan was to inflict such an injury as would thoroughly disorganize. Hence, when he acquired power, he adopted the uncompromising system which raised the Zulu power to such renown in South Africa" (p. 52).

"No doubt the Zulus show an utter disregard of the value of human life. But investigation has shown that this was a peculiarity which was introduced by Chaka." Answers appended to the above, p. 2.

And Petitioner says that under Native Law, properly so called, as above, he could not have been tried at all, because he would not have been delivered, either by the Basuto Chief Molappo, or by Mr. Griffiths, as Supreme Chief of British Basutoland, into the hands of the Supreme Chief of Natal, but would have been protected in person, himself and his tribe; his cattle, perhaps, some or all of them, being returned to the Supreme Chief of Natal, even as the Supreme Chief of Natal himself protects the persons, but restores the cattle, of all refugees from Zululand as soon as they have crossed his boundary.

"Refugees are always received by the Chief to whom they fly, whatever might have been the nature of the crime for which they fled from their own Chief; and they are never demanded, for if they should be they would not be given up."—"Kafir Laws and Customs," p. 75.

Petitioner, therefore, supposes that Mr. Griffiths must have surrendered him under civilized, not under Kafir Law, to the Lieutenant-Governor, not to the Supreme Chief, of Natal; and, therefore, he submits he should have been tried for the offences charged against him in the Colonial, not in a Kafir, Court.

4. That under Native Law Petitioner cannot justly be punished with severity for any of the offences of which he has been found guilty.

(i.) As regards his having, "for a considerable time past, set at naught the authority of his Magistrate, in a manner not, indeed, sufficiently palpable to warrant the use of forcible coercion according to our laws and customs, but perfectly clear and significant according to Native Law and custom," Petitioner would represent that he has been for twenty-five years the Chief of a large tribe in this Colony; that the

Magistrate himself has stated that "this was the first time the prisoner ever refused to appear before him when ordered to do so" (p. 29); and that for more than twenty years, from 1849, when he was removed to his late location, till after the new Marriage Regulations had been published in 1869, he had never been reported for any fault whatsoever; and he could explain, he believes, the matter then complained of, with respect to the Marriage Regulations, to the satisfaction of the Supreme Chief, if this were the proper time to do so.

(ii.) As regards his having "at least permitted, and probably encouraged, his tribe to possess themselves of fire-arms, and to retain them in direct violation of the law," Petitioner denied in Court that "his young men had procured the guns in consequence of an order from himself or with any purpose whatever" (p. 3), and he still denies it; and if he were allowed to appeal to the official record of his sons' trial, he would point to the fact that six of the seven sons captured with him had no guns (p. 45), as a proof that he did not "encourage his tribe to possess themselves of fire-arms."

That he "permitted" his young men to "possess themselves of fire-arms, and to retain them in direct violation of the law," is true; so far as that he did not actively exert himself to compel them to take them in for registration, when the Government Notice of February 14, 1872, gave free permission for natives to register and retain their guns. But he did not consider that it was his duty, as a Chief, to institute a search, by himself or his indunas, in the huts of his young men for unregistered guns; and he left them to suffer the consequences of a breach of the Colonial Law, viz., loss of the gun and a fine not exceeding 50*l.* in each case, if caught with guns unregistered. In any case he did no more or worse than many or most other Chiefs in the Colony, since it appears from Mr. Perrin's register that during the years 1871-72-73, which were those of greatest activity at the Diamond Fields, the following was the number of guns registered in eight of the principal northern tribes of the Colony, living for the most part in Weenen County, and Ndomba and Faku being indeed Mr. Macfarlane's indunas:—

	Huts.	Guns. 1871.	Guns. 1872.	Guns. 1873.
Ndomba .. .. .	1,190	..	..	..
Faku .. .. .	2,071	..	2	..
Mganu .. .. .	1,277	..	..	1
Pakade .. .. .	2,222	1	..	1
Zikali .. .. .	1,651	..	1	..
Nodada .. .. .	3,000	..	1	2
Putini .. .. .	1,239	..	1	..
Langalibalele .. .. .	2,344	..	9	4

From the above it will be seen that in the years 1871-73, Petitioner sent in for registration 13 guns (besides 5 others sent in but confiscated), while the other seven Chiefs together sent in only 10. It appears also from the register, that throughout the whole County of Weenen, for the year ending August 31, in 1871-72, only 24 guns were registered, and in 1872-73 only 21, including 13 from Petitioner; whereas "in the years 1871-72, large numbers of fire-arms were brought from the Diamond Fields into this Colony by members of Petitioner's tribe and others" (p. 34). And even since the destruction of Petitioner's tribe, during the first six months of 1874, only 11 guns have been registered throughout the whole Colony, viz., 7 by Goza, 2 by Faku, and 2 by Tinta, except that Zikali registered 36 on May 14, and 30 on June 16.

Further, Petitioner submits that any fault of his in respect of guns was not an offence under Kafir Law, and could only have been tried in the Colonial Court, under the ordinary law of the Colony.

(iii.) With respect to Petitioner's having, "with reference to the unlawful possession of these fire-arms, set the authority of the Magistrate at defiance, and, on one occasion, insulted his messenger," Petitioner has already represented that there is no proof whatever in the Official Record of his own trial, of his having "on one occasion insulted the messenger," nor is the fact of his having done so even mentioned in it. And Petitioner says that, if he could be allowed to appeal to the evidence produced on his sons' trial, it would be seen that the "defiance" in question consisted only in his having replied to the Magistrate that he could not send in five boys of Sibanda, who had been frightened by the course pursued by the Magistrate's messenger, Umtiyizelwa, and had run away he knew not whither; and that he could not find

eight other boys, who were said to belong to his tribe, and to have come into the Colony with guns, unless their names were given to him—though he did send in three of these very boys, with their guns, and two belonging to others of their party, as soon as their names were notified to him, besides sending in with their guns those who worked for Mr. W. E. Shepstone; also that he excused himself at first from going to his Magistrate on the score of illness, but shortly afterwards went, found the Magistrate absent, and spoke with his clerk (p. 78).

(iv.) With respect to his having “refused to appear before” the Supreme Chief, when summoned, “excusing his refusal by evasion and deliberate falsehood,” and “insulting his messengers,” Petitioner desires to say that the very fact of his “excusing his refusal by evasion and falsehood,” which he admits, was a plain sign that his refusal was dictated by fear, and not by a spirit of defiance, Petitioner’s brother having been killed in Zululand, when he obeyed a summons to go to the Supreme Chief (p. 12). And that the “insults” in question have been greatly exaggerated, and were caused merely by Petitioner’s fear that Mahoiza might attempt his life with a concealed fire-arm, as was formerly done in the case of Matyana, within the knowledge of his tribe, when Matyana in like manner had refused, through fear, to obey a summons to go to the Supreme Chief.

(v.) With respect to his having “directed his cattle and other effects to be taken out of the colony with an armed escort, thereby manifesting a determination to resist the Government with force and arms,” Petitioner says that he had formed no such determination, but, on the contrary, if he were allowed to refer to the evidence produced on his sons’ trial, it would be seen that he had given strict charge to his people “that in no case were the forces of the Government to be resisted or fired upon, not even if the men got in amongst the cattle of the tribe,” pp. 48—51, 68, and that his men were merely carrying their arms as usual, and not with any idea of fighting with the Government.

But as to removing his cattle, Petitioner says that under Kafir law he was at liberty to do so if he could, though he and his people would be liable to be killed if resisting any attempt of the Supreme Chief to “eat up” their cattle within his territory.

“When a Kafir wishes to leave his own Chief and join another, he can only do so by flying at night in the most stealthy manner, if he has any live stock, for, should his intention be known, he would most certainly be ‘eaten up.’”—“Kafir Laws and Customs,” p. 75.

“When a kraal or clan is rebellious the custom of ‘eating up’ is resorted to. If they resist they are fired upon or assegaied without ceremony.”—*Ib.*, p. 73.

“In times of peace, if a refugee is guilty of taking any of his neighbour’s cattle with him, or if any lawsuit was pending before he fled, such case may be laid before the Chief to whom he has fled, and who generally settles such matters impartially, though there appears to be no international law binding him to do so.”—*Ib.*, p. 75.

(vi.) With regard to the affair at the Bushman’s River Pass, where five of Her Majesty’s subjects were killed by Petitioner’s men, he deeply regrets and very strongly condemns the conduct of his people in respect of that fatal occurrence, which he knew at once had destroyed him with the Supreme Chief, who would never believe that he was not himself a party to it. Nevertheless, the evidence on his sons’ trial shows, as above stated, that the act in question was contrary to his own express orders, and though, of course, it would not have occurred if he had ordered his men, when they fled, to leave their arms behind, yet this could hardly have been expected, as they were about to make their way amidst unknown dangers, through a trackless wilderness; and not all the consequences of a thoroughly illegal act are to be charged on the offender, but only such as, if not inevitable, may reasonably and naturally follow it—not such as are “of a distinct and un consequential nature.” (Blackstone, iv, 37.) There was nothing unlawful in his men having their arms while driving their cattle from one place to another in the Location, much less when travelling beyond the boundary of the colony; and it was by no means a direct consequence of their carrying arms for use amidst the dangers of their journey, or when settled elsewhere, that they should attack the Government force, especially when Petitioner had strictly charged them on no account to do so.

But, while again expressing his grief for the occurrence, and protesting against being held responsible for it under the circumstances, Petitioner would observe that the Government force made the first attack upon his people, by killing a cow (p. 49), and “taking some guns from some of his young men whom they had found asleep” (p. 51), and that these acts, which may amount to little in the eyes of white men,

would be under native law a serious assault. Under civilized law, as the force had no magistrate or policeman with them, nor any sign of magisterial authority, it may be a question if they were justified in pursuing and attacking beyond the Colonial boundary men who had committed no crime whatever before leaving their Location, who had not killed or robbed, destroyed farm-houses, carried off cattle, sheep, or horses, or in any way injured their neighbours, white or black, not even the members of the tribe who remained behind; and under native law, when once they had escaped from the territory of their own Supreme Chief, his power over them ceased, and they had a right to defend themselves, and even to retaliate, if attacked.

Nevertheless, Petitioner from the bottom of his heart laments this occurrence, which appears to have been due to the wilfulness of some of his young men, led on by the example of the Induna Mabudhle, but which has added much bitterness to this disturbance. He can only trust that, looking at the actual facts as above stated, his Excellency will be disposed to consider that he and his tribe have been punished enough for the faults they have really committed, or, as far as appears in evidence, ever intended to commit; that the claims of justice have been satisfied, the authority of the Government sufficiently asserted, and the rightful demands of the white men complied with, by the ruin and dispersion of the tribe and the confiscation of all their property, and will now graciously permit Petitioner to sink into the obscurity of private life, and settle somewhere in the Colony, where he may collect around him his family, under the surveillance of the Government.

On behalf of the prisoner Langalibalele,  
(Signed) J. W. NATAL.

*Bishopstowe, June 24, 1874.*

Inclosure 4 in No. 6.

My Lord,

*Government House, June 24, 1874.*

I AM directed by his Excellency the Lieutenant-Governor to inform your Lordship, that your letter of this day's date, and its inclosure, have been received, and read at a Session of the Executive Council; and that Friday next, the 26th instant, at noon, in the Executive Council Chamber, has been fixed to hear anything you, or Counsel employed by you, may have to urge in support of the grounds of the appeal which you have lodged.

I have, &c.

(Signed)

W. H. BEAUMONT, *Clerk of the Executive Council.*

The Lord Bishop of Natal,  
Bishopstowe.

Inclosure 5 in No. 6.

Sir,

*Bishopstowe, June 25, 1874.*

IN acknowledging the receipt of your letter of yesterday's date, in which you inform me that his Excellency has fixed to-morrow at noon to hear anything which I or Counsel employed by me may have to urge in support of the grounds of the appeal which I have lodged, I have the honour to say, in reply, that as it does not appear that his Excellency and the members of the Executive Council desire additional explanation on any point raised in the appeal, I do not think it necessary to urge in person anything further in support of the grounds of the said appeal.

I have, however, secured the services of the Senior Advocate of the Supreme Court to plead the case before his Excellency and the Executive Council, if permitted to do so. But, as he resides in Durban, it is, of course, impossible that he should attend for that purpose to-morrow. Under these circumstances I have the honour to request that his Excellency may be pleased to fix some later day, when Counsel may be heard on the prisoner's behalf; and also, since the cattle and other effects of the prisoner and his tribe have been confiscated, may be pleased to allow a moderate sum towards the said Advocate's expenses, as already requested in my letter of May 5, to the Honourable the Secretary for Native Affairs, with reference to legal and other small expenses incurred in preparing the written appeal.

I have, &c.

(Signed)

J. W. NATAL.

W. H. Beaumont, Esq.,  
Clerk to the Executive Council.

## Inclosure 6 in No. 6.

My Lord,

Government House, June 26, 1874.

I AM directed by his Excellency the Lieutenant-Governor to acknowledge your Lordship's letter of yesterday's date, declining to urge, in person anything further in support of the grounds of the appeal lodged by you on the 24th instant, and requesting that some later day should be fixed when Counsel may be heard on the prisoner's behalf.

In reply, I am to inform your Lordship, that Wednesday next, the 1st July, at noon, in the Executive Council Chamber, has been fixed for that purpose.

I am, however, to add, that the consequences likely to result from the continual delay in this matter, are of so serious a character, that no further extension of time can be allowed; and that, therefore, if Counsel is not present on the day fixed, the Council will proceed to consider its judgment on the case as it stands.

I need not remind you that Counsel will be restricted in his address to the record, and to the written statement presented by your Lordship.

I have, &amp;c.

(Signed)

W. H. BEAUMONT, Clerk of the Executive Council.

The Lord Bishop of Natal,  
Bishopstowe.

## Inclosure 7 in No. 6.

In the matter of Appeal by the Lord Bishop of Natal on behalf of the late Chief Langalibalele to the Lieutenant-Governor of Natal, acting with the advice of the Executive Council of the Colony, under Ordinance No. 3, 1849.

THIS is an appeal made by the Bishop of Natal on behalf, and as agent of, the late Chief Langalibalebe, against a sentence pronounced upon him by the Lieutenant-Governor, clothed with the functions and power of, and acting as a Supreme Chief, assisted by certain assessors summoned by him.

The prisoner pleaded guilty to all the most serious charges except one, but urged extenuating circumstances in excuse of his acts; these were taken into consideration by the Court, but they could not be accepted as affording any valid justification of his conduct.

The appeal is now made to the Lieutenant-Governor, acting with the advice of the Executive Council. The Council having fully considered the petition or statement submitted, together with the arguments of counsel thereon, proceed to examine *seriatim* the grounds of objection advanced, and the reasons given in support of those grounds, and this appears to be the more necessary because the petition itself, and the arguments by which it has been supported, show such serious misapprehension of the duties and responsibilities which the establishment of Native Law, customs, and usages in this Colony has imposed upon the Lieutenant-Governor, in whom is vested the executive power of the native Government.

The introductory paragraph is as follows:—

First.—Petitioner submits that the appeal in the present instance is not from a judgment pronounced by an inferior Court between two litigant parties, in which case it would be right and necessary that all arguments should be strictly confined to the evidence or documents produced on the trial, but is an appeal from a judgment and sentence pronounced on a prisoner, and resembles, therefore, more a reference from a sentence of death pronounced in a Criminal Court of England to the Secretary of State. In such a case the Secretary of State would not refuse to receive and allow due weight to any trustworthy evidence in favour of the prisoner, which might be laid before him, though it might not have been produced in Court. And so Petitioner had hoped that, even if the strict letter of the law, as laid down by the honourable the Attorney-General, did not authorize it, yet, considering the irregularities committed in the course of his trial, *e.g.*, the admission of fresh evidence on the fifth day, five days after the Crown Prosecutor had closed his case, and the Supreme Chief had said "he had now heard all Petitioner had to say on the whole case," some indulgence might have been shown to him in this respect, and that, in fact, the Supreme Chief would be rejoiced if trustworthy proofs were laid before him to show that the children, whom he had so severely punished, were not so guilty as he had supposed.

And Petitioner had especially hoped that he might have been allowed the liberty



of appealing to the official record of the trial of his sons, inasmuch as the Court itself has appealed to it, having found him guilty of an offence, viz., of having "on one occasion insulted the Magistrate's Messenger" (p. 36), without a particle of evidence before it, even so much as mentioning, much less proving, the offence in question; the charge, resting only on the evidence of Umtiyizelwa on the 5th day of the trial of his sons, (p. 65), a man who had a blood-feud with Petitioner and his tribe,—stated when Petitioner was not himself present to answer the charge, and had been, in fact, already condemned, and sentenced,—and virtually contradicted by the "loyal" Induna Umpiko, who says (p. 82) that, although present on the occasion, "it did not occur to him" that any such insult was offered to the Messenger.

The Council remarked upon this, that there would have been no impropriety, nor indeed could there have been any objection to the Bishop, or any other person on behalf of the prisoner urging upon the consideration of the Lieutenant-Governor any circumstances, or any trustworthy evidence in favour of the prisoner, which might have become known to any person so acting on his behalf, although not produced at the trial, in the same manner as a reference from a sentence of death pronounced in a Criminal Court of England is made to the Secretary of State; but this professes to be, and is, an appeal from an inferior native Tribunal to an authority invested by Law (Ordinance 3, 1849) with appellate jurisdiction over that Tribunal, and the appeal is made under that Law.

It is one thing to make use of the right of Petition to Her Majesty, or Her Representative, on whatever grounds or evidence that may appear to the Petitioner to favour the prayer of such Petition, and another, but a very different thing, to appeal, under the provisions of a law, from the judgment of one Court to that of another, established by statute, having appellate jurisdiction. In the first case, every latitude is allowed of right; in the second, the administration of justice requires that certain rules, necessary to secure precision, shall be observed. It is impossible to combine the two as it has been attempted to do in this Petition.

Being restricted, however, closely to the record and proceedings of the first trial, and being required in the first instance to place before the Executive Council "a plain and concise written statement of the grounds on which he considers the sentence objectionable, and his reasons in support of such grounds," Petitioner says,—

1. That the Court, by which Petitioner was tried, was wrongfully and illegally constituted:—

(i.) Because the Ordinance No. 3, 1849, does not give his Excellency the Lieutenant-Governor any power, as Supreme Chief over the native population, nor has he derived the power from any other source, to form a Court such as that by which Petitioner was tried, consisting of his Excellency himself as Supreme Chief, the Secretary for Native Affairs, certain Administrators of Native Law, and certain Native Chiefs and Indunas.

(ii.) Because under that Ordinance his Excellency the Lieutenant-Governor was debarred from sitting as Judge in such a Court by Section 3, which provides that he shall be the sole Judge in the Court of Appeal from all cases tried under Native Law.

The Council remark, with regard to these two reasons, that the Lieutenant-Governor, clothed with the functions and powers, and acting as a Supreme Chief, is not restricted to the exercise of appellate powers; he is by Native Law invested with original jurisdiction, and can try and sentence under such law, either by himself or with such assessors, as he may summon, or by deputation; and in such trials is not bound by the opinions of his assessors, but may decide according to his own opinion, although those who sit with him may differ from it; while in the Court created by Ordinance No. 3, 1849, Section 3, he is bound to act "with the advice of the Executive Council." The argument, therefore, advanced in the second reason, that the Lieutenant-Governor was debarred from sitting as Judge in a Native Court, because the Ordinance makes him sole Judge in the Court of Appeal from all cases tried under Native Law cannot be sustained. In the one case he may, if he pleases, act as sole Judge, in the other he cannot.

Nor is it difficult to find in the more settled judicial system of England a similarity of circumstances with those complained of; and the course adopted in this case will certainly not suffer from the comparison. The Chancellor decides a case in the first instance; appeal lies from him as Chancellor to the House of Lords, and he almost invariably sits as Chairman of the House of Lords on such appeal.

The Master of the Rolls decides a case; appeal lies from him to the Chancellor; the Chancellor sustains the appeal; appeal is again made to the House of Lords against the Chancellor's decision. Often only two Law Lords are present, the Chancellor being

one, the ex-Chancellor the other; the Chancellor sustains his own judgment, the ex-Chancellor differs, and the Chancellor's decision prevails. Here we have a judgment pronounced in a case by one Judge, two other Judges dissenting.

(iii.) Because his Excellency the Lieutenant-Governor was already committed to a decision adverse to Petitioner, by having issued the Proclamation of November 11, 1873, declaring that Petitioner and his tribe had "set themselves in open revolt and rebellion against Her Majesty's Government in this Colony," and "proclaiming and making known that Petitioner and the amaHlubi tribe were in rebellion, and were hereby declared to be outlaws," and that "the said tribe was broken up and from that day forth had ceased to exist," and by further seizing and confiscating all the cattle and property of the said tribe within reach, deposing Petitioner from his Chieftainship and otherwise treating Petitioner and his tribe as rebels, and therefore could not possibly be considered an unprejudiced Judge of the first instance in Petitioner's case.

The averment in the third reason cannot deprive the Lieutenant-Governor of the authority conferred upon him by Section 4, Ordinance 3, 1849, to "hold and enjoy over all Chiefs and natives in this district all the power and authority which, according to the laws, customs, and usages of the natives, are held and enjoyed by any Supreme or Paramount Native Chief," nor can it relieve him of the responsibility and duty imposed by that Ordinance, or of exercising the authority thus conferred to the best of his ability and the approval of his conscience.

The position of Administrator of the Government imposes executive duties which, as in the present instance, the safety of the Colony requires shall not be left unfulfilled, while the Law above cited has imposed judicial duties equally binding and imperative. The question whether the law should or should not be as it is, can be entertained and decided only by the Legislature. The law of the Colony as it stands must be the guide of this Council.

Prejudice in the mind of a Judge does not render a judgment invalid, while, on the other hand, pecuniary interest or benefit in the result of a case does; in this instance, however, such a ground of objection is removed by the Ordinance itself providing (Section 2, Ordinance 3, 1849) that all fines, forfeitures, and penalties which would accrue to the Supreme Chief shall be paid into the Treasury.

The Council do not wish to lay undue stress upon the technical objections which might be urged against the Petitioner's averment "that the Court by which the Petitioner was tried was wrongfully and illegally constituted;" but it is necessary to say that the prisoner pleaded before that Court, and pleaded guilty to most of the charges.

The second objection is:—

2. That even if the Court was duly constituted, the proceedings under it were irregular and illegal.

(i.) Because, by the practice of this Colony, up to the date of the Petitioner's trial for "high treason" and "rebellion," described by his Excellency as the greatest crime that can be committed because it involves all other crimes," no serious crime has been tried in a native Court, in proof of which may be cited the statements of the Secretary for Native Affairs in his answers to questions by Lieutenant-Governor Scott, despatch No. 34, 1864:—

"All serious criminal charges against natives have for some time past been tried, according to the ordinary criminal law of the Colony, before the Supreme Court. It must be observed that all the more serious criminal offences, such as murder, rape, arson, &c., have been transferred to the Supreme Court of the Colony to be tried under the general criminal law, and in accordance with civilized usages and rules of evidence in the same manner as if such crimes had been committed by a white man."

The Council remark that it is quite true that, as a rule, hitherto, all serious criminal charges against natives have been tried under the ordinary criminal law of the Colony by the Supreme Court, but that fact does not abrogate the Ordinance No. 3, 1849, or the powers of Supreme Chief conferred thereby upon the Lieutenant-Governor.

The offences charged against the prisoner were offences specially known to native law, and, when taken together, amounted to rebellion against the native Government, and that Government was bound to vindicate its authority by its own inherent powers, or cease to exist.

Murder, rape, arson, &c., are crimes known to civilized law, and there can, therefore, be no difficulty in their being tried before the ordinary tribunals of the country should the Attorney-General so decide, but it may be questioned whether the removal of the Petitioner and that of the men and cattle of his tribe from the jurisdiction under

which he was living, without the permission required by native law, or his refusal to obey repeated summonses to appear at the seat of Government; or whether even firing at and killing Her Majesty's subjects outside the Colonial border, supposing this to have taken place, as is averred by the Petitioner, outside such border, could have been taken cognizance of by a Court whose guide is Colonial law established by Ordinance 12, 1845, which, as far as crimes committed by natives against native law are concerned, is repealed by the Ordinance 3, 1849, now under consideration, and whose jurisdiction is bounded by territorial limits; it might, therefore, have happened that the crime of rebellion, as charged, "the greatest that can be committed, because it involves all other crimes," would have remained unpunished, and thereby have been directly encouraged.

(ii.) Because, with respect to the charge of "pointing his weapons of war against the Supreme Chief, and wounding his person by killing the subjects of Her Majesty the Queen," the act in question took place beyond the boundary of the Colony, which is declared in the Proclamation of Sir P. Maitland, August 21, 1845 ("Moodie's Ordinances," II, p. 17), defining the boundaries of the district of Natal, to be "in a direct line along the south-eastern base of the Drakensberg Mountains," and even took place beyond the watershed, upon one of the sources of the Orange River, and, consequently, this charge under the Imperial Act, 26 and 27 Vict., cap. 35, could only have been tried in the Colonial Court under the laws now in force in the Cape Colony, and not in a Kafir Court.

It may be true that the killing of the subjects of Her Majesty the Queen took place beyond the boundaries of the Colony; but the Proclamation of Sir P. Maitland (August 21, 1845) quoted to prove this, does not describe the present boundary of Natal, which is the watershed on the summit, and not a line along the base of the Drakensberg Mountains. (See Proclamation, 5th June, 1858.) But supposing the act to have taken place beyond the border, the jurisdiction of the Tribunal by which the Petitioner was tried was not affected thereby; the special difference between Colonial and native law is that the jurisdiction of the latter is personal, and follows a criminal without reference to boundaries, while the former, with a special exception, is restricted by territorial limits. This exception is presented by the Act 26 and 27 Vict., cap. 35, which applies the Colonial Law of the Cape and Natal Colonies to British subjects in all territories between the boundaries of those Colonies and the 25th degree of south latitude, "not being within the jurisdiction of any civilized Government," and enacts that "every crime or offence committed by any of Her Majesty's subjects within any such territory shall be cognizable in the Courts of the Colony of the Cape of Good Hope or of the Colony of Natal, or of any of Her Majesty's possessions in Africa to the southward of the 25th degree of south latitude, &c." If the firing upon and killing Her Majesty's subjects did not take place in Natal, it could have happened only in British Basutoland, which is a British possession, and cannot, therefore, be affected by the Act of Parliament cited.

(iii.) Because, contrary to all Kafir Law and usage, *e.g.*, that of the Cape Colony ("Kafir Laws and Customs, p. 38-40), Petitioner was not allowed the help of Counsel, white or black, in the hearing of his case, even to watch the proceedings on his behalf or to cross-examine the witnesses; and, consequently, the official record is merely an *ex parte* statement of the case, derived from witnesses selected by the Supreme Chief, examined by the Crown Prosecutor, and not cross-examined at all on Petitioner's behalf; whereas such assistance is distinctly recognized as in accordance with Kafir Law by the Crown Prosecutor on p. 25, where he says, "under Kafir Law it was allowable to defend as well as prefer charges."

Upon this third reason the Council remark that the publication called "Compendium of Kafir Laws and Usages," and which is quoted as an authority by the Petitioner, is not, and never has been, recognized as such in this Colony. Native law knows of no such institution as that represented by a body of professional lawyers; every one present at a native trial is entitled to examine in favour of either side, and in the case of the Petitioner's trial this invitation was several times given and the right recognized. The question of allowing a member of the Colonial bar to attend in his professional capacity was, therefore, not a right which the prisoner could have claimed.

(iv.) Because the Court insisted repeatedly (p. 7, 21) that Petitioner had pleaded guilty, when he had merely admitted that he had done certain acts, but desired witnesses to be called, whose "evidence would justify or extenuate what he had done" (p. 3), a plea which, in any ordinary Court, would be recorded as a plea of "Not guilty;" and, accordingly, after the prisoner had pleaded, one of the members of the Court, Zatshuke, assuming that Petitioner had admitted the truth of the charge of

having "undressed and stripped the messengers," said that "he would have been better satisfied if prisoner had admitted the truth of all the other charges, for it appeared to him that a denial only aggravated the offence" (p. 5, 6.)

When the prisoner was called upon to plead the first day he admitted all the acts charged against him, except that of having held treasonable communications with the Basuto Chiefs or any other person (Minutes, page 3.) He wished for certain witnesses to be called to justify or extenuate what he had done; he justified his order to undress the messengers by pleading fear; the other indignities offered to the messengers were so offered, he said, outside the hut, he (the prisoner) being inside.

The witnesses he required were all beyond the Colonial border, and the prisoner knew this; they were the leading men of the tribe, and among them was Mabuhle, the military head of the tribe, who commanded at the Bushman's River Pass.

The prisoner threw all the blame on Mabuhle, and wanted him and the others named, who were under him, to be brought before the Court, for they would justify him in reference to the charges brought against him; his obvious meaning being that it was these men who had led him to adopt the course he had followed, and that the establishment of their guilt would excuse his.

The Court accepted the plea as one of guilty to the charges particularized, and the native assessors proceeded to deliver addresses, in the belief that the trial had ended; but at its next Session the Court determined to hear evidence, "not because the plea of yesterday was regarded as anything but one of guilty, but for the purpose of placing on record the extent of the prisoner's crime," as a Judge or Magistrate, knowing nothing of the circumstances of a charge to which a plea of guilty had been made, might read the preparatory examination. (See page 7.)

But whatever doubt there may be of the nature of the prisoner's plea on the first day, it is entirely removed by that which he made on the fourth day, when he "called himself an Umtakati (evil-doer), admitted that he had sinned, and had nothing to say; he confessed his guilt." Nor can the Council allow the explanations of an advocate to contradict the plea which appears upon the face of the record.

(v.) Because when one of the chief witnesses for the prosecution, Mahoiza, had stated in his evidence in chief on the second day, that Petitioner's people had "taken all his things from him" (p. 11), and had "stripped and taken him naked" into Petitioner's presence, and on the fourth day, in answer to his Excellency, had said that they had "intended to strip him altogether, but had allowed him to retain his trousers and boots" (p. 26), whereas, according to Mhlaba, they had merely said that "he must take off his clothes," and he "was told to strip" (p. 16); the Court being asked by his Excellency "whether it wished further evidence in support, or otherwise, of Mahoiza's evidence as to his being stripped," "required no further evidence on this point," and did not even ask his two companions, Mnyembe and Gayede, to describe this "stripping," though both these were examined, Mnyembe's evidence in chief having been cut short before he came to that part of the story, and Gayede's taken up just after it.

The Council remark on this the 5th reason that the prisoner himself admitted at his trial that he had caused the messengers to strip and undress (p. 3). Whether this order was dictated by fear, or by a desire to humiliate the messengers, it was equally an act of hostility and insult to the Supreme Chief, in whose name the messengers presented themselves; but the essence of the prisoner's offence was that the summons to appear was distinctly delivered to him, and that obedience on his part was as distinctly refused, and the refusal persevered in. Anything disrespectful done to the messengers over and above this was an aggravation of an offence already sufficiently serious; no weight, can, therefore, be attached to this reason.

(vi.) Because Petitioner was kept in solitary confinement from the day when he was brought down to Maritzburg (December 31) till the day when his sons were sentenced, February 27, not being allowed to converse with any of his sons or with any members of his tribe, or with any friend or adviser, white or black; so that it was utterly out of his power to find witnesses who would have shown, as Mnyembe and Gayede would have done, that Mahoiza's statements about the "stripping" were false; that he still wore his waistcoat, shirt, trousers, boots, and gaiters, when he was taken to Petitioner, and that the "stripping" in question only amounted to this, that he himself put off his two coats, by Petitioner's order, "as a matter of precaution caused by fear," and not for the purpose of insulting the messenger or defying the Supreme Chief, and would have satisfied the Court also that other acts charged against Petitioner arose from fear and dread of the anger of the Supreme Chief, and not from a spirit of defiance.

The sixth reason is founded upon no portion of the record, the Council have, therefore, requested the Lieutenant-Governor to direct a report on the subject to be furnished by the Keeper of the Gaol.

(vii.) Because the sentence was *ultra vires* of the Court to pronounce, inasmuch as Clause 4 of the Ordinance limits the power of the Supreme Chief to "appointing and removing the subordinate chiefs or other authorities" among the natives, but gives him no power to sentence to death or to "banishment or transportation for life to such place as the Supreme Chief or Lieutenant-Governor may appoint." When petitioner had been "removed" from his chieftainship, and himself and the bulk of his tribe "driven over the mountain out of the colony" by the Government force, as announced in the bulletin of November 13, 1873, the cattle within the colony seized, and many of the tribe killed in resisting the attempt to seize them, the Supreme Chief, under Native Law, had expended his power.

Section 4, of Ordinance 3, 1849, enacts that the Lieutenant-Governor shall hold and enjoy over all the chiefs and natives in this district, all the power and authority which, according to the laws, customs, and usages of the natives, are held and enjoyed by any Supreme or Paramount Native Chief, with full power to appoint and remove the subordinate chiefs or other authorities among them. The Council cannot consider the last sentence of this section as restricting the preceding portion, which invests the Lieutenant-Governor with much greater powers than those of the mere appointment and removal of subordinate chiefs, or authorities other than chiefs, among the natives; the powers of a Paramount Chief, according to the laws, customs, and usages of the natives certainly include that of putting to death; banishment or transportation is a less punishment than death, and the Petitioner, who claims to be tried under a law in which the powers of the Paramount Chief are thus described (page 75, "Compendium of Kafir Laws and Customs"), "The Paramount Chief of each tribe is above all law in his own tribe; he has the power of life and death, and is supposed to do no wrong," cannot reasonably complain of the power which has been exercised in the Petitioner's case, in the discharge of the functions and powers conferred by the law above quoted.

The Council are of opinion that the effect of the Proclamation alluded to was simply to declare outlawry against the tribe, and forfeiture and confiscation against its property; that is, the civil punishment attaching to the crime of rebellion; but there is in addition, a criminal punishment to which the chief and the individuals of the tribe remained liable when they should be apprehended and brought to trial personally. The civil process above described was carried out in 1846 against the Chief Fodo; in 1857, against the Chief Sidoi; and in 1858, against Matyana; and in the latter, a portion of Langalibalele's tribe was employed to enforce it; but the criminal process was not carried out in these cases, because the rebellious chiefs were not apprehended; and in the case of Sidoi he has, since the trial of Langalibalele, submitted himself to this process, and been pardoned on paying a fine.

A person found guilty of the crime of High Treason in England is subject to the same liabilities, civil and criminal.

(viii.) Because banishment is a punishment wholly unknown to Kafir Law, as is plainly stated in "Kafir Laws and Customs, p. 39:" "As banishment, &c., are all unknown to Kafir jurisprudence, the property of the people constitutes the great fund out of which the debts of justice are paid." For Petitioner banishment to Robben Island would be a far more dreadful punishment than it was for Macomo and other rebel chiefs of the Cape Colony, who indeed were not "banished" at all, but were merely imprisoned in a portion of their own Supreme Chief's territory, where, at proper times, they could be visited occasionally by members of their families and of their tribes. Moreover, those chiefs were duly tried and convicted before the ordinary courts of serious crime committed by themselves individually, and they had actually resisted by force their Supreme Chief's force within his territory. Petitioner has not made any such armed or defiant resistance; he merely "stripped himself," "tore himself off" (*hlubuka*) from the Supreme Chief of Natal; he was a runaway, or refugee, a "deserter," but not a "rebel;" he has not been tried and condemned for any crime in the Colonial Court; and banishment for life to Robben Island would be for him a separation from his wives and children, and all the members of his tribe, without the hope of seeing one of them again except his son Malambule, condemned also to transportation for five years.

Banishment cannot be said to be a punishment wholly unknown to Native Law; it was, in this case, the only alternative punishment to that of death; the latter is most frequently adopted by the Zulus; but the former is used among many tribes, and notably to the south of this Colony, where the chief, for some special reason, does not

wish to put to death; but it is impossible to argue that the power which can put to death, cannot, if it pleases, adopt the less severe alternative of banishment.

(ix.) Because the seven native chiefs and indunas, who sat as members of the Court and signed the judgment, the contents of which has been "interpreted" to them, and their signatures "witnessed," could not possibly, except under some strong influence, such as a prejudice against Petitioner, or undue fear of the Supreme Chief, or desire to please him—one of them being the "Head Induna of the Natal Government," and another the "Induna to the Secretary for Native Affairs"—have declared in that judgment that Petitioner "appeared before them convicted, on clear evidence, of several acts, for some of which he would be liable to forfeit his life under the law of every civilised country in the world," whereas they are totally ignorant of the law of any civilised country.

(x.) Because His Excellency the Supreme Chief, the Secretary for Native Affairs, and the two Administrators of Native law, have also signed their names to the above statement, which seems to imply that the Court was predisposed to believe Petitioner to be guilty of heinous and capital crimes, inasmuch as five of the six charges, on which he has been found guilty, are not punishable with death, as he is informed, under the law of any civilised country whatever, namely:—

(i.) "Setting at nought the authority of the Magistrate in a manner not indeed sufficiently palpable to warrant the use of forcible coercion according to our [civilised] laws and customs;"

(ii.) "Permitting, or probably encouraging, his tribe to possess fire-arms, and to retain them contrary to law;"

(iii.) "With reference to these fire-arms, defying the Magistrate, and once insulting the Messenger;"

(iv.) "Refusing to appear before" the Supreme Chief when summoned, "excusing his refusal by evasion and falsehood," and "insulting his messengers;"

(v.) "Directing his cattle and other effects to be taken out of the Colony under an armed escort."

The illegal and unprovoked firing upon and killing Her Majesty's subjects on the Bushman's River Pass—the resistance to the Government forces in the location which killed other of Her Majesty's subjects—are certainly acts for which any prisoner convicted of them would be "liable to forfeit his life under the law of any civilised country in the world;" and the Petitioner was convicted of these acts, because, although not present at either, it was plain from his own admissions, and from the evidence that they were done in pursuance of a common illegal design, of which he was the leader.

That the Petitioner was legally as well as morally responsible for these acts is clearly laid down by the Lord Chief Justice of Ireland as a rule for the jury at the trial of O'Connell and others for conspiracy in these words:—"It is not necessary that it should be proved that the several parties charged with the common conspiracy met to concoct the scheme, nor is it necessary that they should have originated it. The very fact of the meeting to concoct the common illegal agreement it is not necessary should be absolutely proved to you; it is enough, and you are to say whether, from the acts that have been proved, you are satisfied that these defendants were acting in concert in the matter. If you are satisfied that there was a concert between them, that is, an illegal concert, I am bound to say that, being convicted of the conspiracy, it is not necessary that you should find both the traversers doing each particular act, as, after the fact of a conspiracy is once established in your minds, whatever is either said or done by either of the defendants in pursuance of the common design, is, both in law and in common sense, to be considered as the act of both."

The Court was of opinion that the acts above described were done in pursuance of a common design, and that the Petitioner was a leading party therein, and most responsible therefor.

There remains only the sixth charge, that of causing the death of Her Majesty's subjects at the Bushman's River Pass, for which Petitioner does not believe he would, under the circumstances, be held responsible under civilized law, as more fully explained below.

3. That, under native law, as "prevailing among the inhabitants of this district previously to the assertion of sovereignty over the said district, Petitioner could not be tried at all in a Kafir Court in this Colony, inasmuch as he had escaped out of the jurisdiction of the Supreme Chief of Natal.

This native law is laid down in the "Compendium of Kafir Laws and Customs," compiled by direction of Colonel Maclean, C.B., Chief Commissioner of British Kaffraria, and published under the authority of the Cape Government. Under this law Petitioner

claims to be judged, whose principles are more humane than those derived from the savage practices of Zululand since Chaka's time, and are in accordance with those which prevailed in Natal and Zululand before the introduction of "the cruel policy pursued by the Zulu Chiefs," Chaka, Dingane, and Panda, as stated by the Secretary for Native Affairs, in Lieutenant-Governor Scott's despatch, No. 34, 1864, as follows:—

"The two countries at present known as the Colony of Natal and Zululand were thickly inhabited by numerous native tribes closely bound together, and never, within the territory now known as the Colony of Natal, did war cause the destruction of a tribe. . . The lives of women and children were respected; prisoners taken in battle were not put to death, but detained till ransomed; and victory, rather than plunder and devastation, seems to have been the great object of these encounters" (p. 51).

Dingiswayo "never utterly destroyed or permanently dispersed any people with whom he went to war; they usually re-occupied their country, and acknowledged Dingiswayo as their paramount Chief, until it suited them to do otherwise. Chaka disapproved of this policy, because he thought it would lead to dangerous combinations against the Supreme Chief. He thought that the only safe plan was to inflict such an injury as would thoroughly disorganize. Hence, when he acquired power, he adopted the uncompromising system which raised the Zulu Power to such renown in South Africa" (p. 52).

"No doubt the Zulus show an utter disregard of the value of human life. But investigation has shown that this was a peculiarity which was introduced by Chaka." Answers appended to the above, p. 2.

And Petitioner says that, under native law, properly so called as above, he could not have been tried at all, because he would not have been delivered either by the Basuto Chief, Molappo, or by Mr. Griffiths, as Supreme Chief of British Basutoland, into the hands of the Supreme Chief of Natal, but would have been protected in person himself and his tribe; his cattle, perhaps, some or all of them, being returned to the Supreme Chief of Natal, even as the Supreme Chief of Natal himself protects the persons, but restores the cattle of all refugees from Zululand as soon as they have crossed his boundary.

"Refugees are always received by the Chief to whom they fly, whatever might have been the nature of the crime for which they fled from their own Chief; and they are never demanded, for if they should be they would not be given up."—"Kafir Laws and Customs," p. 75.

Petitioner, therefore, supposes that Mr. Griffiths must have surrendered him under civilized, not under Kafir law, to the Lieutenant-Governor, not to the Supreme Chief, of Natal; and therefore, he submits, he should have been tried for the offence charged against him in the Colonial, not in a Kafir Court.

It has already been laid down in a former part of this judgment that the jurisdiction of a native Chief is over the persons of his subjects, and that it is not bounded by territorial limits. His right to pursue and seize his fugitive subjects is limited only by considerations of policy and prudence. When the Petitioner was tried, he was within the territory over which the jurisdiction is undoubted, and the question where he had been apprehended, and by whom, or under what law he had been delivered up, could in no way influence his trial for the crimes with the commission of which he stood charged, most of which were committed within the territory, and the jurisdiction which he attempted to abandon.

4. That under native law Petitioner cannot justly be punished with severity for any of the offences of which he has been found guilty.

(i.) As regards his having "for a considerable time past set at nought the authority of his Magistrate in a manner not indeed sufficiently palpable to warrant the use of forcible coercion according to our laws and customs, but perfectly clear and significant according to native law and custom," Petitioner would represent that he has been for twenty-five years the Chief of a large tribe in this Colony; that the Magistrate himself has stated that "this was the first time the prisoner ever refused to appear before him when ordered to do so" (p. 29); and that for more than twenty years, from 1849, when he was removed to his late location, till after the new Marriage Regulations had been published in 1869, he had never been reported for any fault whatsoever; and he could explain, he believes, the matter then complained of with respect to the Marriage Regulations to the satisfaction of the Supreme Chief if this were the proper time to do so.

(ii.) As regards his having "at least permitted and probably encouraged his tribe

to possess themselves of fire-arms, and to retain them in direct violation of the law, Petitioner denied in Court that his young men had procured the guns in consequence of an order from himself, or with any purpose whatever" (p. 3), and he still denies it; and, if he were allowed to appeal to the official record of his sons' trial, he would point to the fact that six of the seven sons captured with him had no guns (p. 45), as a proof that he did not "encourage his tribe to possess themselves of fire-arms."

That he "permitted" his young men to "possess themselves of fire-arms, and to retain them in direct violation of the law," is true; so far as that he did not actively exert himself to compel them to take them in for registration when the Government Notice of February 14, 1872, gave free permission for natives to register and retain their guns. But he did not consider that it was his duty as a Chief to institute a search, by himself or his indunas, in the huts of his young men for unregistered guns; and he left them to suffer the consequences of a breach of the Colonial Law, viz., loss of the gun and a fine not exceeding 50*l.* in each case if caught with guns unregistered. In any case, he did no more or worse than many or most other Chiefs in the Colony, since it appears, from Mr. Perrin's Register, that during the years 1871-72-73, which were those of greatest activity at the Diamond Fields, the following was the number of guns registered in eight of the principal northern tribes of the Colony, living for the most part in Weenen County, and Ndomba and Faku being indeed Mr. Macfarlane's indunas:—

	Huts.	Guns. 1871.	Guns. 1872.	Guns. 1873.
Ndomba .. .. .	1,190	..	..	..
Faku .. .. .	2,071	..	2	..
Mganu .. .. .	1,277	..	..	1
Pakade .. .. .	2,222	1	..	1
Zikali .. .. .	1,651	..	1	..
Nodada .. .. .	3,000	..	1	2
Putini .. .. .	1,239	..	1	..
Langalibalele .. .. .	2,344	..	9	4

From the above it will be seen that in the years 1871-3, Petitioner sent in for registration 13 guns (besides 5 others sent in but confiscated) while the other seven Chiefs together sent in only 10. It appears also from the Register, that throughout the whole county of Weenen, for the year ending August 31, in 1871-2, only 24 guns were registered, and in 1872-3 only 21, including 13 from Petitioner; whereas "in the years 1871-2 large numbers of fire-arms were brought from the Diamond Fields into this Colony by members of Petitioner's tribe and others," (page 34). And even since the destruction of Petitioner's tribe, during the first six months of 1874, only 11 guns have been registered throughout the whole Colony, viz.: 7 by Goza, 2 by Faku, and 2 by Tinta, except that Zikali registered 36 on May 14, and 30 June 16.

Further, Petitioner submits that any fault of his in respect of guns was not an offence under Kafir law, and could only have been tried in the Colonial Court under the ordinary law of the Colony.

(iii.) With respect to Petitioner's having, "with reference to the unlawful possession of these fire-arms, set the authority of the Magistrate at defiance, and, on one occasion, insulted his messenger," Petitioner has already represented that there is no proof whatever in the official Record of his own trial, of his having "on one occasion insulted the messenger," nor is the fact of his having done so even mentioned in it. And Petitioner says that, if he could be allowed to appeal to the evidence produced on his sons' trial, it would be seen that the "defiance" in question consisted only in his having replied to the Magistrate that he could not send in five boys of Sibanda, who had been frightened by the course pursued by the Magistrate's messenger, Umtiyizelwa, and had run away he knew not whither, and that he could not find eight other boys, who were said to belong to his tribe and to have come into the Colony with guns, unless their names were given to him—though he did send in three of these very boys with their guns, and two belonging to others of their party, as soon as their names were notified to him, besides sending in with their guns those who had worked for Mr. W. E. Shepstone—also that he excused himself at first from going to his Magistrate on the score of illness, but shortly afterwards went, found the Magistrate absent, and spoke with his clerk (page 78).

These grounds represent a series of circumstances upon the occurrence of which it was thought necessary in the first instance to summon the Petitioner to the seat of



Government, with the view of preventing what has since taken place; for eight months he had full opportunity of appearing and explaining any part of his conduct capable of explanation, but he declined, excusing himself, as he himself admits, "by evasion and deliberate falsehood."

The Petitioner was not specially found guilty of these minor offences; but the count in the indictment which charges him with more serious crime, sets forth these preliminary misdemeanours.

The Council cannot but attach considerable importance to the opinion of the native assessors, strongly expressed at the trial, as to the duty and obligation of the Chief to compel his people to submit to the provisions, well known to all the natives, of the Law No. 5, 1859; which, while they prohibit the possession of fire-arms by natives, yet sanction such possession upon compliance with certain very simple conditions.

(iv) With respect to his having "refused to appear before" the Supreme Chief, when summoned, "excusing his refusal by evasion and deliberate falsehood," and "insulting his messengers," Petitioner desires to say that, the very fact of his "excusing his refusal by evasion and falsehood," which he admits, was a plain sign that his refusal was dictated by fear, and not by a spirit of defiance; Petitioner's brother having been killed in Zululand, when he obeyed a summons to go to the Supreme Chief, p. 12. And that the "insults in question have been greatly exaggerated, and were caused merely by Petitioner's fear that Mahoiza might attempt his life with a concealed fire-arm, as was formerly done in the case of Matyana, within the knowledge of his tribe, when Matyana in like manner had refused through fear to obey a summons to go to the Supreme Chief."

The statement herein advanced as a reason in support of the fourth objection is wholly unsustained, no attempt to take Matyana's life, as is averred, is proved to have been made on the occasion referred to; it may be argued that Petitioner's tribe supposed it had, and that therefore the same effect was produced upon their minds, but it would be impossible to admit that alleged belief in a mere rumour is a valid excuse for deliberately disobeying a lawful summons.

(v.) With respect to his having "directed his cattle and other effects to be taken out of the Colony with an armed escort, thereby manifesting a determination to resist the Government with force and arms," Petitioner says that he had formed no such determination, but on the contrary, if he were allowed to refer to the evidence produced on his sons' trial, it would be seen that he had given strict charge to his people "that in no case were the forces of the Government to be resisted or fired upon, not even if the men got in amongst the cattle of the tribe," pp. 48-51, 68, and that his men were merely carrying their arms as usual, and not with any idea of fighting with the Government.

But as to removing his cattle, Petitioner says that under Kafir law he was at liberty to do so if he could, though he and his people would be liable to be killed if resisting any attempt of the Supreme Chief to "eat up" their cattle within his territory.

When a Kafir wishes to leave his own Chief and join another, he can only do so by flying at night in the most stealthy manner, if he has any live stock; for, should his intention be known, he would most certainly be "eaten up."—*Kafir Laws and Customs*, p. 75.

"When a kraal or clan is rebellious, the custom of 'eating up' is resorted to. If they resist, they are fired upon or assegaied without ceremony."—*Ib.* p. 73.

"In times of peace, if a refugee is guilty of taking any of his neighbour's cattle with him, or if any lawsuit was pending before he fled, such case may be laid before the Chief to whom he has fled, and who generally settles such matters impartially, though there appears to be no international law binding him to do so."—*Ib.* p. 75.

There is no doubt that Petitioner did direct his cattle and other effects to be taken out of the Colony with an armed escort, and the consequence of this was the firing by the men of this escort upon Her Majesty's subjects, killing five and wounding others, while the officer in command supposed that his advice to submit themselves to their duty and return to their allegiance, was being favourably entertained: the Court was, therefore, bound to take the facts as presented to them, and the intention which those facts disclosed.

To urge that Petitioner was at liberty under Kafir or native law to remove his cattle if he could, is to say that any subject is at liberty to break the law of the State to which he belongs, provided he is strong enough to resist or cunning enough to evade.

There are regulations which have long been in force in this Colony, to regulate the removal of individuals or tribes from one part of the Colony to another, or from the Colony altogether, which the Petitioner is fully acquainted with; these regulations are constantly acted upon, and are entirely at variance with those quoted in the petition.

(vi.) With regard to the affair at the Bushman's River Pass, where five of Her Majesty's subjects were killed by Petitioner's men, he deeply regrets, and very strongly condemns the conduct of his people in respect of that fatal occurrence, which he knew at once had destroyed him with the Supreme Chief, who would never believe that he was not himself a party to it. Nevertheless, the evidence on his sons' trial shows, as above stated, that the act in question was contrary to his own express orders; and though, of course, it would not have occurred if he had ordered his men, when they fled, to leave their arms behind, yet this could hardly have been expected, as they were about to make their way amidst unknown dangers, through a trackless wilderness: and not all the consequence of a thoroughly illegal act are to be charged on the offender, but only such as, if not inevitable, may reasonably and naturally follow it—not such as are “of a distinct and unconsequential nature.” (Blackstone, iv, 37.) There was nothing unlawful in his men having their arms while driving their cattle from one place to another in the location, much less when travelling beyond the boundary of the Colony; and it was by no means a direct consequence of their carrying arms for use amidst the dangers of their journey, or when settled elsewhere, that they should attack the Government force, especially when Petitioner had strictly charged them on no account to do so.

But, while again expressing his grief for the occurrence, and protesting against being held responsible for it under the circumstances, Petitioner would observe that the Government force made the first attack upon his people, by killing a cow (p. 49), and “taking some guns from some of his young men whom they had found asleep” (p. 51), and that these acts, which may amount to little in the eyes of white men, would be under native law a serious assault. Under civilised law, as the force had no Magistrate or policeman with them, nor any sign of magisterial authority, it may be a question if they were justified in pursuing and attacking beyond the colonial boundary men who had committed no crime whatever before leaving their location, who had not killed, robbed, destroyed farm-houses, carried off cattle, sheep, or horses, or in any way injured their neighbours, white or black, not even the members of the tribe who remained behind. And under native law, when once they had escaped from the territory of their own Supreme Chief, his power over them ceased, and they had a right to defend themselves, and even to retaliate, if attacked.

Nevertheless, Petitioner from the bottom of his heart laments this occurrence, which appears to have been due to the wilfulness of some of his young men, led on by the example of the Induna Mabuhle, but which has added much bitterness to this disturbance. He can only trust that, looking at the actual facts as above stated, his Excellency will be disposed to consider that he and his tribe have been punished enough for the faults they have really committed, or, as far as appears in evidence ever intended to commit; that the claims of justice have been satisfied, the authority of the Government sufficiently asserted, and the rightful demands of the white men complied with, by the ruin and dispersion of the tribe and the confiscation of all their property, and will now graciously permit Petitioner to sink into the obscurity of private life, and settle somewhere in the Colony, where he may collect around him his family, under the surveillance of the Government.

“On behalf of the prisoner Langalibalele,  
(Signed) “J. W. NATAL.

“Bishopstowe, June 24, 1874.”

These concluding considerations are urged in extenuation of what took place at the Bushman's River Pass, and are for the most part more suited to a Memorial praying for remission of sentence, than to an appeal from the judgment of one Court to that of another; they cannot therefore be entertained by this Council.

Two grounds are, however, advanced which it is necessary to notice; it is assumed that the leaving of the Colony by the Petitioner and tribe, with their cattle and arms without permission, was a legal act, and specially that the taking of their arms with them was justified by the knowledge on the part of the tribe that they were about to make their way amidst unknown dangers, through a trackless wilderness; it has already been shown that leaving the jurisdiction without permission was an illegal act, it must therefore follow that to arm for the purpose of more effectually performing such illegal act was an aggravation; among the possible dangers, to defend themselves

against which, the guns were taken, was that of encountering the Government forces; and the affair at the Bushman's River Pass was the immediate consequence of their concerted plan and common design.

The other ground is the allegation that the Government force made the first attack upon Petitioner's people by killing a cow, and taking some guns from certain of his young men whom the force found asleep, and that therefore they had a right to defend themselves, and even to retaliate.

To estimate this at its proper value, it is necessary to consider the position of the two parties on the occasion alluded to; on the one side was the military strength of the Petitioner's tribe, under its military head, Mabuhle, armed and equipped for war, protecting the cattle of the tribe, in their exit from the Colony; that is, supporting by an armed force the performance of an unlawful act in which the Petitioner and the tribe were, acting in concert; while so engaged, a small party of the Government force, about thirty men, encountered them, announced their mission to them, reasoned with them, and urged upon them to return to their allegiance; and these friendly appeals were to all appearance, accepted in a like spirit by Mabuhle and others; but before this a cow had been killed by order of the commander of the Government party to feed his starving men, and the process of skinning it was being proceeded with during the long interview that took place between the leaders on both sides.

It became necessary for the Government party to change its position, and while so doing it was suddenly fired upon and several of its members killed and wounded.

To justify such an act by such a plea is to trifle with the principles of right and wrong; the plea shows almost as conclusively as the act itself that the tribal force on the mountain were in arms prepared to resist the Government, that they had made up their minds to rebel against its authority, and felt that they had cut themselves off from all right of appeal to the tribunals of the country in which they had been living in peace and security, and to which they had hitherto been in the habit of applying with the fullest confidence for redress on all needful occasions. Such a plea needs only to be stated to be condemned as an unbecoming and wholly inadequate excuse.

The Council have now considered all the objections advanced, and the reasons upon which they are urged, and are of opinion that none of them can be sustained; they desire, however, to acknowledge the ability and moderation with which they were argued before them.

They have not thought fit to advise the rejection of this appeal upon any technical grounds, although it appears to them that the introductory and concluding paragraphs of the petition clearly admit the validity of the Court and its proceedings; they have preferred to examine and weigh carefully and separately each ground of objection presented in the petition, in which they have been much assisted by the arguments of counsel, and to base their opinion upon the result of such examination.

The Council, therefore, respectfully advise the Lieutenant-Governor to affirm the judgment of the Court below, and to dismiss this appeal.

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Inclosure 8 in No. 6.

*Extract from the "Natal Witness" of July 17, 1874.*

**APPLICATION IN THE SUPREME COURT.**—In the Supreme Court on Tuesday morning, before the Acting Chief Justice and Mr. Justice Meller, Mr. Advocate Moodie applied, on behalf of the Lord Bishop of Natal, for an interdict to inhibit the Lieutenant-Governor from transporting or removing the prisoner Langalibalele out of the colony.

Mr. Moodie said the prisoner was about to be removed to Robben Island by a process which he believed to be unconstitutional and an infringement of the rights of this Court. The prisoner, a petty Chief, had been tried and sentenced to a punishment unknown to Kafir law, and which could not, therefore, be carried out; in fact, the punishment of transportation must be admitted to be unknown to native law, because the Kafir had no ship to transport prisoners in. He read an affidavit of the Lord Bishop of Natal, appended to which was a copy of the proceedings of the trial of the prisoner, and added that it was an open question whether the principal crime with which the prisoner was charged was not committed beyond the boundaries of this Colony, and in an uncivilized country. He quoted from 26 & 27 Vict., cap. 35, sec. 1, where it was laid down that crimes committed beyond the bounds of the civilized Government should be tried in the Courts of the Colony; also from 4 & 5 Geo. IV,

cap. 69, sec. 4, showing that before a sentence of transportation can be executed, a place for transportation must be set apart by the Queen in her Privy Council; also from 16 & 17 Vict., cap. 99, sec. 6, already quoted by Mr. Goodricke in the Executive Council. He stated that the prisoner might be sent away at a moment's notice. He would call their Lordship's attention to Ordinance 3, 1849.

The *Acting Chief Justice* said the law did not state that prisoners were not to be transported, but that they were to be sent to some place or places as might be directed. A native Chief had power to transport an inferior Chief to any place he pleased, and the Governor, in sentencing Langanlibalele to be transported, only did what any native Chief could do. No Act had been quoted excluding an Ordinance of this Colony, which is law here, and which gave despotic power to the Governor.

*Mr. Justice Meller* said the authority quoted was merely permissive.

*Mr. Moodie* said surely the prisoner could not be transported till the place of transportation was fixed.

The *Acting Chief Justice* said it was admitted that there was no statute law against the prisoner's being transported to where the Supreme Chief pleased.

*Mr. Moodie* contended that the Governor had not the power to transport. He supposed it would be admitted that this Court had full jurisdiction in all cases, and that the only exception thereto, and the only law by which the Governor could take any authority from it, was this Ordinance 3, 1849. People held the case of Macomo out as a precedent to this; but he was not transported, for he was in a part of the same territory as that in which his offence was committed. It had been argued by the supporters of the Governor that he could do almost anything he liked, because he was Supreme Chief.

*Mr. Justice Meller* said surely if the Governor had the power to pass sentence of death, he could inflict a milder punishment, as had been done in this case.

*Mr. Moodie* differed from his Lordship, and said it was the business of this Court to pass sentence. Native law, established by this Ordinance, gave the Governor power only to interfere with cases between native and native.

The *Acting Chief Justice* asked whether under the 4th section the Supreme Chief could not remove an inferior Chief for an offence against himself?

*Mr. Moodie* replied in the negative, as this section must be read with the rest of the Ordinance. When the matter was argued before the Executive, and it was said, "You tried the prisoner, and the appeal is to you," it was said in reply, in one breath, "I am Supreme Chief, and can do as I like," and in the next, "I am bound by that section, and must take the advice of my Executive Council."

The *Acting Chief Justice* asked whether the 4th section did not apply to any act of the Supreme Chief?

*Mr. Moodie* said he argued that the Queen had not the power to sit in judgment. He asked their Lordships to take the whole of this Ordinance together. He referred to the appeal given in the 3rd section.

The *Acting Chief Justice* said:—Suppose under the 4th Section there was no obligation to allow an appeal, and that the Governor allowed the appeal, how would that act?

*Mr. Moodie* said by making a crime one against himself, the Governor could bring any case under Native Law and try it. If he was Supreme Chief, why was he to appoint fit and proper persons to try native cases, and why should there be an appeal to himself.

The *Acting Chief Justice* pointed out that the 2nd Section applied to crime throughout the whole Colony, but the 4th Section was quite distinct. The persons to be tried under the 4th Section were not natives generally, but only native Chiefs. It was not to be supposed that the Governor was to be constantly travelling over the Colony to try natives, therefore fit and proper persons were appointed to deal with all ordinary cases. If the 2nd Section controlled the 4th Section, then there were no other persons to be tried under this law than native Chiefs, whereas only the 4th Section was confined to the trial of these Chiefs.

*Mr. Justice Meller* said there was a machinery given to the Governor under which Native Law might be administered.

*Mr. Moodie* said he took an illegal machinery here, because he to whom the appeal lay tried this case; and he felt sure the learned men who would have to decide this question in England would take a common-sense view of the case, and throw our Ordinance aside.

The *Acting Chief Justice* said he would do what he believed to be right here, irrespective of what might be done at home.

*Mr. Moodie* said the indictment would show that the offences were not those which could be dealt with under Native Law, as their Lordships would see from the Report annexed to the affidavit. He quoted the case of the *Queen v. Mount and Morris*, from the "Times."

*The Acting Chief Justice* said, but *Mr. Moodie* was to show him that a native Chief could not transport till a place had been fixed.

*Mr. Moodie* said the prisoner had not been sentenced by the Supreme Chief, but by a Court of Inquiry, composed of "fit and proper persons," such as fathers of those who were killed, and men who fought at the Pass! The Governor had availed himself of the 2nd Section in appointing this Court.

*The Acting Chief Justice* said *Mr. Moodie* said so, but that did not make it so.

*Mr. Justice Meller* said he fancied it was a principle of a native Court that every Chief had his own particular way of holding Courts and trying prisoners.

*Mr. Moodie* submitted again that the Supreme Chief did not try this man.

*Mr. Justice Meller* said the Governor acted of his own mere notion as a Paramount Chief, in the discharge of what he considered to be a duty.

*Mr. Moodie*, to show that the Supreme Chief did not sentence this man, alluded to the plural wording of the sentence.

*The Acting Chief Justice* said there had been a decision under the 3rd Section in appeal, and the Law said that such decision should be final.

*Mr. Moodie* said it was begging the whole question to admit that anything connected with this matter was between native and native, or could be dealt with according to Native Law.

*Mr. Justice Meller* said *Mr. Moodie* had shown that the Governor could not transport this man under English Law, but he had not shown that it could not be done under Native Law.

*Mr. Moodie* submitted that his argument would be borne out by the official record of the trial annexed to the affidavit.

*The Acting Chief Justice* pointed out that the Governor, according to his own opening Speech at the trial, constituted the Court alone, assisted, as he himself stated, by the Secretary for Native Affairs, by Magistrates, and by native Chiefs. If he himself has been Supreme Chief, and had called in these gentlemen to assist him at the trial, he did not know that he could more clearly show that he was sitting under the 4th Section than by the words of the Governor's opening address.

*Mr. Moodie* felt certain the Governor could not be Judge in his own Court, and when this matter came to be argued before the Privy Council, they would say that it was the spirit of the Law which should have been acted on, and not the letter. The spirit of it was that the appeal lying to the Supreme Chief—

*The Chief Justice* said the 4th Section gave no appeal.

*Mr. Justice Meller* asked how *Mr. Moodie* showed that the Governor was not competent to try this case?

*Mr. Moodie* said because even the Queen could not sit in judgment. Besides, the Executive Council did not stand upon the 4th Section, but on the fact that the person who sat in the Court below was not the person who heard the appeal, because in the latter case it was the Governor, with the advice of his Executive Council.

*The Acting Chief Justice* said *Mr. Moodie* had not shown him that the Acts he had quoted applied in any way to native law.

*Mr. Moodie* said there was no precedent under native law. He asked the Executive Council to show one, and they could not. He supposed native law was followed in this instance, though there was an indictment, and a prosecutor, which were unknown to native law.

*Mr. Justice Meller* said it seemed to him that the case was one which had occurred suddenly, and that it was one which was perhaps not entirely provided for by law; the Governor in this case used the power given him by law, and supplemented that power to the best of his ability. But before *Mr. Moodie* was entitled to the motion, he must show that there had been an infringement of the law.

*Mr. Moodie* again submitted that this was no case for trial by native law.

*The Acting Chief Justice* thought one of the fittest crimes to be tried by native law would be a case of this kind—rebellion by a petty Chief against a supreme Chief. His Lordship asked the Attorney-General whether he had had notice that this application would be made?

*The Attorney-General* replied in the negative.

*The Acting Chief Justice* asked whether he appeared without notice?

*The Attorney-General* replied: Certainly not.

*The Acting Chief Justice* said Mr. Moodie had not made it clear to him that the trial of Langalibalele was held under the 3rd section.

*Mr. Moodie* said that in the Judgment the Court continually used the plural pronoun.

*Mr. Justice Meller* said Mr. Moodie seemed to have first admitted the jurisdiction of the other Court, and then to have denied it. Still it would have been desirable to have heard counsel on the other side.

*The Attorney-General* said he only came here to see if the Court would entertain the application at all.

*The Acting Chief Justice* said he had no hesitation in saying that if this case had been tried under the 2nd and 3rd sections, and was not a case between native and native, then this Court would have jurisdiction, and could interfere to prevent the sentence being carried out. But he did not think there was any advantage in letting this case stand over. The application was for an interdict against the Lieutenant-Governor, but he apprehended the Court would never grant that; it had no authority to do so, and could not enforce an interdict except by imprisonment, and the Governor could release himself by his own sovereign power as soon as imprisoned. Therefore so far as the prohibition against the Lieutenant-Governor was concerned, it could not be granted; the only thing the Court could do would be to interdict the gaoler from parting with the prisoner. He might as well say that he utterly refused to be guided by technicalities in a case of this kind, or to believe that because in the sentence the words, "our unanimous judgment," &c., occurred, the Supreme Chief was not acting under the 4th section. If they took Mr. Moodie's interpretation of the 4th section it was utterly absurd; and, again, if a special person had been appointed under the 2nd section to try this case, what an outcry there would have been then! He saw nothing in this case, setting aside technicalities and matters of form, to show that the 4th section had not been properly acted upon. By that section the Governor might have put the prisoner to death, and there was nothing in the section to show that he could not banish him. He did not deny that cases might arise under this law, in which it would be proper for the Court to interfere; but here there was nothing whatever to show that the Court had any right to interfere with the sentence. He could not suppose that rebellion was a crime which would come under the 2nd section, as repugnant to the principles of humanity, because now-a-days this crime was not by any means considered in such a light—far from it; but it did seem to be a case in which the 4th section would apply. There was, therefore, nothing before him to show that the sentence was not in accordance with the powers of a native Chief under the circumstances. He had heard nothing whatever to satisfy him that in this case he had any right to interfere. It also had not been shown that a native Chief had not the power of transportation under the 4th section. It having been admitted that a sentence of death could have been passed upon this prisoner, presumption was in favour of the validity of a more lenient sentence, and against that presumption he had heard nothing which would justify him in interfering with the sentence in any way whatever.

*Mr. Justice Meller* had very grave doubts as to the force or meaning of the Ordinance, and pointed out that the 4th section was utterly inconsistent with the section giving the appellate jurisdiction. But this application was for the issuing of a prohibition against the Lieutenant-Governor, and on that ground alone he thought it must be refused. He added that he had no hesitation in saying that the punishment was a very light one compared with the position in which the prisoner had placed himself by his misdeeds.

The application was therefore refused.

#### No. 7.

*Lieutenant-Governor Sir Benjamin C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—*  
(Received September 5.)

My Lord,

*Government House, Natal, August 3, 1874.*

I HAVE the honour to acknowledge your Lordship's despatch of the 25th June,\* just received, transmitting printed documents from the Bishop of Natal relative to the late proceedings against the revolted tribe.

2. As I believe full answers will be found to most of the matter contained in these papers in the Minute of Mr. Shepstone, and in my despatch of the 16th

\* *Vide* No. 16 of Command Paper [C. 1119] of 1875.

ultimo,\* and as Mr. Shepstone has gone to England to give your Lordship personally any further explanation which may be required, I do not at present consider it necessary to trouble your Lordship with any comment upon these papers.

3. Should, however, on a further perusal, any questions occur to me which may need explanation, I will send them as soon as possible.

I have, &c.  
(Signed) BENJ. C. C. PINE.

## No. 8.

*Lieutenant-Governor Sir Benjamin C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—*  
(Received September 5, 1874.)

My Lord, *Government House, Natal, August 3, 1874.*

I HAVE the honour to inform your Lordship that I have had under my consideration the punishment inflicted on the tribe of Putili during the recent proceedings.

2. I have no doubt that it was necessary to disarm that tribe, and that the prompt manner in which this was effected prevented them from joining the kindred tribe of Langalibalele.

3. I have no doubt also that they harboured many of the women and the cattle of the more hostile tribe, and that under native, and even under the English law, they thereby rendered themselves amenable to serious punishment. I have, further, no doubt of the necessity of not overlooking such proceedings in this Colony, for if one tribe could harbour with impunity the property of another tribe which is in revolt, it would be utterly impossible effectively to crush rebellion.

4. But considering the small part which this tribe took in actual hostilities, I have resolved to mitigate their punishment as much as possible, and to restore the bulk of the tribe to liberty. I shall also consider whether I can safely restore them to their location. I should not, however, propose to place them again under their own Chief, but put them under the direct and immediate authority of the Superintendent or Magistrate of the locality.

5. I shall address your Lordship further on the subject.

I have, &c.  
(Signed) BENJ. C. C. PINE.

## No. 9.

*Lieutenant-Governor Sir Benjamin C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—*  
(Received September 5.)

My Lord, *Government House, Natal, August 3, 1874.*

I HAVE the honour to inform your Lordship that, in pursuance of the sentence passed on the Chief Langalibalele and his son by the Supreme Native Court, confirmed by the judgment of the Executive Council, I have sent them by the steamer "Florence" to the Cape under the charge of Mr. Arthur Shepstone.

2. The documents relative to the transportation and imprisonment of the prisoners are herewith inclosed.

3. I considered it absolutely necessary to carry this sentence into effect at once in consequence of the very injurious effect which the delay is exercising on the native mind. This is further increased by the circumstance that Cetwyayo has sent another message to me, requesting that Langalibalele may be given up to him as a rain-doctor.

4. As some doubts were raised as to my authority to transport these prisoners, I took the opinion of the Attorney-General on the subject, which is herewith inclosed. I also, when at the Cape, brought the matter under the notice of the Attorney-General of that Colony, but it is clear from his proceedings that he, in common with Mr. Gallwey, entertains no doubt on the subject.

I have, &c.  
(Signed) BENJ. C. C. PINE.

## Inclosure 1 in No. 9.

Sir,

*Government House, Cape Town, July 8, 1874.*

WITH reference to your Excellency's despatch of the 13th April, requesting the consent of this Government to the transfer of the Chief Langalibalele and his son Malambuli to Robben Island, I have now the honour to communicate to you an Act passed by the Legislature of the Cape Colony authorizing their imprisonment accordingly, together with copy of a Minute addressed to me by my Responsible Advisers on the subject of the arrangements connected therewith.

2. Should it be deemed desirable by the Natal Government that any difference should be made between the treatment of the ex-Chief and his son, and that of other convict prisoners, I shall be prepared, on receipt of information from your Excellency, to give directions in conformity.

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

His Excellency the Lieutenant-Governor of Natal.

## Inclosure 2 in No. 9.

*Minute.**Colonial Secretary's Office, July 8, 1874.*

IN returning the accompanying despatch of the 15th April last, from his Excellency the Lieutenant-Governor of Natal, Ministers beg to submit the copy of an Act which has been passed by the Legislature of this Colony to admit of the legal imprisonment on Robben Island of the ex-Chief Langalibalele and his son Malambuli.

They beg to request that his Excellency may be informed that arrangements will be made for the reception of the prisoners accordingly, on the understanding that the Natal Government provides for the ordinary cost of their maintenance as convicts, about 1s. each per diem, as well as for all other necessary expenditure which may have to be incurred on their account; and that the required documents and record of their trial and conviction be forwarded with them.

(Signed) J. C. MOLTENO.

## Inclosure 3 in No. 9.

Act No. 3 of 1874.

*Act to provide for the Imprisonment in the Colony of certain Criminals sentenced in the Colony of Natal.*

[Assented to July 6, 1874.]

WHEREAS the Natal Chief Langalibalele and one of his sons named Malambuli, have lately been tried and sentenced by the Supreme Native Court of the Colony of Natal, for certain offences by them committed, to banishment and imprisonment, the former for the term of his natural life, and the latter for the term of five years, and his Excellency the Lieutenant-Governor of the said Colony of Natal has requested that the said criminals may be permitted to be sent to Robben Island in Table Bay, in pursuance of their sentences, and it is advisable that the said request should be acceded to, and that provision be made for authorizing the imprisonment within this Colony, at Robben Island aforesaid, of the said criminals: Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

I. From and after the arrival in this Colony of the said Langalibalele and the said Malambuli respectively, in pursuance of their said sentences, they shall and may respectively be imprisoned, detained, and treated in every respect, and shall be deemed and taken to be within this Colony in precisely the same plight and condition as if the said terms for which they have been respectively sentenced as aforesaid, were terms of imprisonment which they had respectively been sentenced to undergo by the Supreme Court of this Colony in respect of some crime or offence committed within the jurisdiction of the said Court.



## Inclosure 4 in No. 9.

IN reply to the case submitted by his Excellency's instructions for my opinion whether he has the power to send the prisoner Langalibalele in custody from this Colony to the Cape Colony, there to undergo the punishment of banishment or transportation to which he was sentenced by his Excellency under the provisions of the Natal Ordinance 3, 1849, I have to state that, during this term, an application was made *ex parte* to the Supreme Court of Natal to grant an interdict to inhibit the Lieutenant-Governor from transporting or removing the prisoner Langalibalele out of the Colony on, amongst other grounds, that his Excellency, acting under the provisions of the said Natal Ordinance, had no power to impose the sentence of transportation or imprisonment thereunder, and that there was no power to remove the prisoner even if his Excellency could legally pass the said sentence as the provisions of the Imperial Statute 6 Geo. IV, c. 69, sec. 4, had not been complied with; that Imperial Statute, and the 16 & 17 Vic., c. 99, were the only Imperial Statutes relied upon by Counsel for the prisoner, or noticed by the Bench, the 32 Vic., c. 10, which repeals the 6 Geo. IV, c. 69, sec. 4, was not alluded to; but as the provisions of the repealed Statute were more stringent than those of the 32 Vic., c. 10, the decision of the Court bears equally on both.

The Supreme Court refused to comply with the application.

The Acting Chief Justice, in giving judgment, said: "Transportation under English and Roman-Dutch law had been arranged by Statute, and probably that a place had to be fixed by Her Majesty in Council where that sentence was to be carried out. It had been contended that the sentence was unprecedented and illegal. There was nothing before him to show that the sentence was not in accordance with the powers of a native Chief, and that a native Chief had not the power of transportation under Ordinance 3, 1849.

The Supreme Court having decided that they must presume on the validity of the sentence, in reality decided that the Lieutenant-Governor had the power and authority conferred on him by the Natal Ordinance to pass and carry out the above sentence, and as that Ordinance was confirmed by Her Majesty in Council, while the 6 Geo. IV, c. 69, was not in force and effect, I am bound to accept that interpretation and construction of the Natal Ordinance, and to advise his Excellency that that Ordinance is not so repugnant to the Imperial Statute on transportation as would, under the Imperial Statute 28 & 29 Vic., c. 63, make the said Ordinance or any section thereof void and inoperative.

I advise that the Lieutenant-Governor, acting under the provisions of the said Natal Ordinance, had the power to pass the sentence on the prisoner Langalibalele, and to issue an order to have the prisoner sent in custody to the Cape Colony.

The Cape Legislature have, in their present Session of Parliament, passed an Act No. 3 of 1874 to authorize and legalize the imprisonment of Langalibalele within the Colony of the Cape. It enacts that the said prisoner, on his arrival in that Colony shall, in pursuance of his said sentence of banishment or imprisonment for the term of his natural life, passed upon him by the Supreme Native Court of the Colony of Natal, be imprisoned and be deemed and taken to be within the Cape Colony in the same condition as if the term for which he had been sentenced was a term of imprisonment which he had been sentenced to undergo by the Supreme Court of the Cape.

I am of opinion that the prisoner was legally sentenced, and that his Excellency can issue his warrant directing the prisoner to be sent in custody to the Cape Colony, there to undergo that sentence.

I may remark that, I question if transportation to the Cape Colony, which could be effected overland, is included within the meaning of transportation in the Imperial Statutes, namely, transportation beyond the seas.

(Signed) M. H. GALLWEY, *Attorney-General.*

## Inclosure 5 in No. 9.

Sir,

*Government House, Natal, August 3, 1874.*

I HAVE the honour to acknowledge your Excellency's despatch of the 8th July last, communicating to me an Act passed by the Legislature of the Cape Colony, authorizing the imprisonment of the Chief Langalibalele, and his son Malambuli, in Robben Island, together with a Minute addressed to you by your responsible advisers, on the subject of the arrangements connected therewith.

2. I have to thank your Excellency and your advisers for your prompt action in this matter.

3. By the steam-ship "Florence," which leaves to-morrow, the prisoners Langalibalele and his son Malambuli, also one of Langalibalele's wives, whom it is determined shall accompany him, will be sent down to the Cape, under the charge of Mr. Arthur Shepstone.

4. In answer to the question how the prisoners should be treated, I wish to inform your Excellency that I should like them to receive the best treatment and fare allowed to prisoners at Robben Island, and to be treated with as much consideration as is consistent with their safe custody. This Government will, of course, bear all expenses connected therewith.

5. In accordance with request I forward the required documents and record of prisoners' trial and conviction.

I have, &c.

(Signed) BENJ. C. C. PINE, *Lieutenant-Governor.*

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

No. 10.

*Governor Sir Henry Barkly, K.C.B., to the Earl of Carnarvon.—(Received September 11.)*

(Extract.)

*Cape Town, August 14, 1874.*

IN my despatch of the 15th January\* I informed your Lordship's predecessor that I had, in concurrence with my advisers, promised that an application which had been made to me by the Lieutenant-Governor of Natal for the reception of Langalibalele after trial and conviction, at Robben Island in Table Bay, would be complied with.

The application having been repeated by Sir Benjamin Pine, when sentence had been passed, the Act was introduced to legalize the reception of the Chief and one of his sons, who was then included.

As pointed out by Mr. Jacobs, a precedent already existed on the Statute Book in No. 25 of 1857, under authority of which Macomo and other Kafir Chiefs, sentenced to transportation by the High Commissioner for offences committed beyond the limits of the Cape Colony, were confined for years as State prisoners on this same Island.

I allude to this fact because I have, during the last few days, become aware, through the receipt of the Blue Book on the late outbreak in Natal, laid before Parliament by Her Majesty's command, that your Lordship has intimated to the Lieutenant-Governor of Natal that a sentence of transportation cannot be carried out under a Colonial Law beyond the limits of the Colony, unless an arrangement has been made, under the Colonial Prisoners' Removal Act (32 & 33 Vic. cap. 10), which requires the sanction of Her Majesty in Council to such arrangement.

I presume, however, that this cannot invalidate the legality of the detention of Langalibalele and Malambuli on Robben Island, where they are already located, and where it is assuredly better for the peace of South Africa, as well as for their own security and comfort, that they should remain for some time to come.

Inclosure 1 in No. 10.

*Act to provide for the Imprisonment in the Colony of certain Criminals sentenced in the Colony of Natal.*

[See Inclosure 3 in No. 9.]

Inclosure 2 in No. 10.

*Report upon Act No. 3 of 1874 (Natal Criminals Act).*

THE Lieutenant-Governor of Natal having applied to the Governor of this Colony to allow the Chief Langalibalele and his son Malambuli, who had been sentenced in

\* *Vide* No. 39 of Command Paper [C. 1025] of 1874.

Natal to banishment and imprisonment, to undergo their sentences at Robben Island (an island in Table Bay), and the Governor being willing to assist Natal in this matter, this Act was passed to enable the offenders to be legally detained on the said Island. A similar Act was passed in 1857 as to Kafirs sentenced in British Kaffraria, which at that time had not been annexed to this Colony (Act 25 of 1857).

(Signed) J. JACOBS, *Attorney-General*.

*Attorney-General, Cape Town, August 13, 1874.*

Inclosure 3 in No. 10.

*Act to provide for the Imprisonment in the Colony of certain Criminals sentenced in the Colony of Natal.*

I HEREBY certify that the "Act to Provide for the Imprisonment in the Colony of certain Criminals sentenced in the Colony of Natal," which has passed both Houses of Parliament, contains nothing which is repugnant to the Law of England, or which requires the Governor to withhold his assent therefrom, in virtue of the Royal Instructions of the 20th August, 1872.

(Signed) J. JACOBS, *Attorney-General*.

*Attorney-General's Office, Cape Town, July 4, 1874.*

No. 11.

*The Earl of Carnarvon to Lieutenant-Governor Sir Benjamin C. C. Pine, K.C.M.G.*

Sir,

*Downing Street, September 18, 1874.*

I HAVE the honour to acknowledge the receipt of your despatch of the 10th of July\* forwarding a Memorial signed by 1,683 of the inhabitants of Natal respecting the Manifesto of the Peace Society which appeared in the "European Mail" of January 26.

I have, &c.

(Signed) CARNARVON.

No. 12.

*The Earl of Carnarvon to Lieutenant-Governor Sir Benjamin C. C. Pine, K.C.M.G.*

Sir,

*Downing Street, September 18, 1874.*

I HAVE to acknowledge the receipt of your despatch of the 10th of July† reporting that additional signatures have been obtained to the communication from ministers of religion in Natal to the "Times," a copy of which was originally forwarded in your despatch of the 11th of June.‡

I have, &c.

(Signed) CARNARVON.

No. 13.

*The Case of Langalibalele.—(Left by Bishop Colenso with Lord Carnarvon, October 5, 1874.)*

THE native Chief Langalibalele was sentenced by a so-called Supreme Native Court of the Colony of Natal to banishment and imprisonment for life.

It is not necessary for the purpose of the present case to inquire into the justice of the charge on which he was tried, nor into the legality of the Court as constituted, though both are denied.

The Natal Government having obtained the conviction of the Chief, procured, through means also not necessary to be detailed, the enactment of Act No. 3 of 1874 from the Cape Parliament (q.v.).

\* No. 2.

† No. 3.

‡ Not printed.

Under this Act Langalibalele was brought over the sea to Table Bay, and thence conveyed to Robben Island, where he is now confined.

An Imperial Statute, 32 Vict., cap. 10, exists, however, which contains the following provisions:—

“Any two Colonies may, with the sanction of an order of Her Majesty in Council, agree for the removal of any prisoners under a sentence of transportation, imprisonment, or penal servitude from one of such Colonies to the other, for the purpose of their undergoing in such other Colony the whole or any part of their punishment, and for the return of such prisoners to the former Colony at the expiration of their punishment, or at such other period as may be agreed upon, upon such terms and subject to such conditions as may seem good to the said Colonies.

“The sanction of an Order of Her Majesty in Council may be obtained in the case of a Colony having a legislative body on an address of such body to Her Majesty, and in the case of a Colony not having a legislative body, on an address of the Governor of such Colony; and such sanction shall be in force as soon as such Order in Council has been published in the Colony to which it relates.

The agreement of any one Colony with another shall, for the purposes of this Act, be testified by a writing under the hand of the Governor of such Colony.”

This “sanction of an Order of Her Majesty in Council” has not been obtained to Act No. 3 of 1874, nor to any arrangement between the Cape and Natal respecting the removal of prisoners, and it is presumed that the Act is consequently illegal, and the imprisonment and detention of Langalibalele under it equally so.

Counsel’s opinion is therefore required on the following points:—

1. Is not the local Act 3 of 1874 in conflict with the Act 32 Vict., cap. 10? If so, is it of legal force and effect partially? and if so to what extent? or is it wholly void and inoperative?

2. Being a local enactment, and passed with all the formalities required by the constitution of the Colony, and not having been reserved for Her Majesty’s approval, but promulgated at once, are our Colonial Judges bound under the circumstances and by their position to recognize the Act as valid, notwithstanding the provisions of the Imperial Act?

3. Has the Supreme Court of this Colony any power express or implied to treat local Acts of Parliament enacted in conflict with or disregard of Imperial measures as illegal and null and void?

4. Presuming Act 3 of 1874 is wholly illegal or inoperative, and that it is not obliged to be administered by the Judges of the Supreme Court, and that the Supreme Court can make an order or decree in the face of the Act, what course should be taken by Langalibalele to procure his release from his present unlawful confinement, or by his friends, if Government persist in refusing, as they have done, personal communication between the Chief and his friends? Does any process analogous to the writ of *habeas corpus* exist under the Roman-Dutch law?

5. If the Supreme Court will not, or thinks it cannot, make any order in the matter, nor entertain any application on the subject, what is the legal remedy of Langalibalele? Has the Court of Queen’s Bench authority to issue a writ of *habeas corpus* to have the person of Langalibalele produced before it to have the question of his confinement under the Colonial Act tried and decided before it, or is his only remedy a petition to the Queen?

6. Generally, what steps do counsel recommend the friends of Langalibalele to take to procure his release.

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#### Opinion.

1. If the sanction of Her Majesty in Council has not been obtained by the Legislature of Natal, or that of this Colony, either prior or subsequent to the passing of Act No. 3, of 1874, we should be of opinion that this Act is illegal.

2. Being, however, a local Act, passed with all ordinary formalities, and assented to in Her Majesty’s name by the Governor, and there being nothing on the face of the Act to show that Her Majesty’s sanction has not been obtained, we think the Judges here would be bound to treat the Act as legal.

3. If the Act were, upon the face of it, and in its terms, in conflict with a prohibitory Imperial Act, having effect in this Colony, we should consider the Judges bound to treat it as illegal; but that is not the case with this Act.

4. For the above reasons we do not think that any application to the Judges of the

Supreme Court on behalf of Langalibalele would be successful. There is no process known to the Roman Dutch law analagous to the writ of *habeas corpus*.

5. Such being the case, Langalibalele, or his friends, must apply to the Imperial tribunals. Whether the Court of Queen's Bench would (we have no doubt it has the power) issue a writ in this case, is a question rather for lawyers at home than for us.

No doubt a petition to Her Majesty in Council would meet with full attention. If the authorities here refuse to allow Langalibalele's signature to be obtained to a petition to Her Majesty in Council, we believe that a petition from his friends, setting forth that fact, and all the circumstances of his case, would be dealt with as if it had come from himself.

6. We are unable to advise any steps to be taken here. And as for the best steps to be taken at home, we submit English Counsellors should be consulted.

(Signed) A. W. COLE,  
E. J. BUCHANAN.

Chambers, September 3, 1874.

No. 14.

*Correspondence between Bishop Colenso and the Local Authorities.—(Left with Lord Carnarvon by the Bishop, October 5, 1874.)*

Sir,

Cape Town, September 2, 1874.

I HAVE the honour to request an order permitting me to have a private interview to-morrow (Thursday) with Langalibalele and his son Malambule, detained as prisoners at Robben Island, for the purpose of preparing a petition to Her Majesty the Queen on their behalf. As access to the said prisoners was granted to me at Natal for the purpose of preparing the Chief's Appeal to the Executive Council, I presume there can be no objection to my being allowed to see them on the present occasion; but I may as well say that I have not asked the permission of the Natal Government in the present instance, not having thought it necessary to do so, as I presumed that, if I found them still in confinement, which I did not expect to be the case, they would be in the hands of the Cape authorities.

I have, &c.  
(Signed) J. W. NATAL.

The Hon. J. C. Molteno, Esq.,  
Colonial Secretary.

Colonial Secretary's Office, Cape Town,  
September 2, 1874.

My Lord,

IN reply to your Lordship's letter of this day's date, I have the honour to express my regret that your Lordship did not deem it necessary to obtain the permission of the Government of Natal to your visiting the convicts Langalibalele and Malambule, as in the absence of such permission, this Government is not in a position to entertain your Lordship's application for a private interview with the prisoners.

I have, &c.  
(Signed) J. C. MOLTENO..

The Right Rev. the Bishop of Natal,  
&c. &c. &c.

Sir,

Cape Town, September 2, 1874.

IN acknowledging the receipt of your letter in reply to mine of this day's date, refusing me permission to visit the prisoners Langalibalele and Malambule, at Robben Island, for the purpose of preparing a Petition to Her Majesty the Queen on their behalf, I can only express my astonishment, as an Englishman, that any British Government should have thought it right to put any impediment in the way of a prisoner approaching the Crown with an appeal for justice and mercy at the hands of his Sovereign, which, as he believes, has been denied to him by her representatives in South Africa, I have now the honour to request that his Excellency the Governor of the Cape

Colony will be pleased to forward a copy of the correspondence upon the subject to the Right Honourable the Secretary of State for the Colonies.

I have, &c.  
(Signed) J. W. NATAL.

The Right Hon. J. C. Molteno, Esq.,  
Colonial Secretary.

*Colonial Secretary's Office, Cape Town,  
September 4, 1874.*

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's letter, dated 2nd instant, expressing surprise at the refusal of the Government to permit your Lordship to visit the prisoners Langlibalele and Malambule, now undergoing sentences of imprisonment on Robben Island, and requesting that a copy of the correspondence which has passed between your Lordship and myself may be forwarded to the Right Honourable the Secretary of State for the Colonies.

Without entering upon a discussion of the other matters alluded to in your communication under acknowledgment, I have the honour to inform your Lordship that I do not feel called upon to advise his Excellency the Governor to transmit the correspondence to the Secretary of State, more especially as I notice that it has already been published in one of the local papers.

I have, &c.  
(Signed) J. C. MOLTENO.

The Right Rev. the Bishop of Natal,  
&c. &c. &c.

My Lord,

*Cape Town, September 5, 1874.*

WE inclose original of the Petition prepared for the signature of the native Chief Langalibalele; also the case submitted on his behalf to Messrs Cole and Buchanan, with their opinion.

We have to observe on the last, that instructions for taking opinion were received on the same morning that those gentlemen left town for Circuit, the case was consequently very hurriedly drawn, and has been able to receive but as hurried a consideration.

We have, &c.  
(Signed) FAIRBRIDGE AND ARDERNE.

The Right Rev. J. W. Colenso, D.D.,  
Bishop of Natal.

#### No. 15.

*Petition which Bishop Colenso would have recommended Langalibalele to sign if he had been allowed to see him in Robben Island.—(Left with Lord Carnarvon by the Bishop, October 5, 1874.)*

**To the Queen's Most Excellent Majesty.**

The Petition of Langalibalele, late native Chief of the Ama Hlubi, in the Colony of Natal,

Humbly shews,

THAT your petitioner is at this present moment a prisoner confined on Robben Island within your Majesty's Colony of the Cape of Good Hope.

That your petitioner, who has recently been tried by an illegal court at Natal for the pretended crime of rebellion against your Most Gracious Majesty, and sentenced to banishment and imprisonment for life (the illegality of which trial, and the injustice of which sentence are about to be otherwise submitted to your Majesty's gracious consideration on your petitioner's behalf), has under the act and proceedings of the Governor of Natal, been conveyed against his will to Robben Island, and there again detained as a criminal and prisoner under the provisions of a certain Act passed by the Parliament of the Cape of Good Hope, intituled an "Act to provide for the imprisonment in the Colony of certain criminals sentenced in the Colony of Natal," assented to by the Governor of the said Colony on the 6th day of July 1874.

Your petitioner humbly craves leave to bring to the notice of your Majesty that the said Colonial Act, No. 3 of 1874, was passed notwithstanding the provisions of the Imperial Act 32 Vict. cap. 10, which enacts that no prisoner shall be removed from one to another of your Majesty's Colonies under sentence of transportation without the sanction of an Order of your Majesty in Council, first had and obtained, which Order was and has not been granted previously to your petitioner's removal.

Your petitioner now humbly submits that said Act 3 of 1874 was passed in derogation of the dignity of your Majesty's Crown, and in defiance of the Imperial Statute referred to, and is illegal and of no force and effect whatever, and that your petitioner is consequently now kept in unlawful duress and restraint.

Wherefore your petitioner humbly prays that your Majesty will be pleased to exercise your Royal authority and clemency, and to order and direct that your petitioner be set at liberty and released from his confinement on Robben Island.

Dated at Robben Island, Cape of Good Hope, this 3rd day of September, 1874.

No. 16.

*W. Shaen, Esq., to Colonial Office.*

Sir,

8, Bedford Row, London, October 6, 1874.

BY the instructions of the Bishop of Natal, I send you herewith a copy of an extra to the "Natal Colonist" of Tuesday July 21, containing, on the fourth page, a report of an application in the Supreme Court, on behalf of the Lord Bishop of Natal, for an interdict to inhibit the Lieutenant-Governor, from transporting or removing the prisoner Langalibalele, out of the Colony. In forwarding this report, I have to beg your careful attention, and that of the Secretary of State, to the fact that, taking the law to be as laid down by the Chief Justice, it is literally true that the Governor for the time being has absolute power of life and death over every native in the Colony, and cannot be controlled by any safeguards, which it has always been understood are imported from the old common law of England, into every British Colony.

If the law is so, it is not too much to say that no time should be lost in altering it. It can never be the intention of a British Government to place the Governor of a British Colony in a position in which he is not subject to those principles of constitutional law which control the power of the Crown in this country, so far as relates to the right of the subject to the protection of the law.

I would also respectfully call especial attention to the grave inconvenience, which results, as pointed out by the Chief Justice, from the precedent set in this case, of the Governor acting as judge in the first instance; namely, that the Court declines to issue an interdict, because it can only enforce such an order by imprisonment. This result seems conclusively to show that the Governor ought in no case himself to act as a Judge.

In connection with this judgment, upholding the despotic power of the Governor, I would also call attention to the fact that such despotic power has recently been exercised upon more than one occasion. I refer especially to the Proclamation issued by the Governor, on the 10th of April last, and published in the Natal Government "Gazette" of the 14th of April, regulating the employment of convicts, under which the children, male and female, of a convict are practically reduced to servitude, without having been convicted (or even tried), of any offence. I would also refer to the more recent Government Proclamation, calling out the natives to do forced labour for the Colonists, the reference to which I have not at the moment by me.

I am, &c.  
(Signed) WM. SHAEN.

Inclosure 1 in No. 16.

*Application in the Supreme Court.*

IN the Supreme Court on Tuesday morning, before the Acting Chief Justice and Mr. Justice Meller, Mr. Advocate Moodie applied, on behalf of the Lord Bishop of Natal, for an interdict to inhibit the Lieutenant-Governor from transporting or removing the prisoner Langalibalele out of the Colony.

Mr. Moodie said the prisoner was about to be removed to Robben Island by a

process which he believed to be unconstitutional and an infringement of the rights of this Court. The prisoner, a petty Chief, has been tried and sentenced to a punishment unknown to Kafir law, and which could not, therefore, be carried out; in fact, the punishment of transportation must be admitted to be unknown to native law, because the Kafir had no ship to transport prisoners in. He read an affidavit of the Lord Bishop of Natal, appended to which was a copy of the proceedings of the trial of the prisoner, and added that it was an open question whether the principal crime with which the prisoner was charged, was not committed beyond the boundaries of this Colony and in an uncivilized country. He quoted from 26 and 27 Vict., cap. 35, section 1, where it was laid down that crimes committed beyond the bounds of the civilized Government should be tried in the Courts of the Colony; also from 4 and 5 Geo. IV, cap. 69, section 4, showing that before a sentence of transportation can be executed, a place for transportation must be set apart by the Queen in her Privy Council; also from 16 and 17 Vict., cap. 99, section 6, already quoted by Mr. Goodricke in the Executive Council. He stated that the prisoner might be sent away at a moment's notice. He would call their Lordships' attention to Ordinance 3, 1849.

The Acting Chief Justice said the law did not state that prisoners were not to be transported, but that they were to be sent to some place or places as might be directed. A native Chief had power to transport an inferior Chief to any place he pleased; and the Governor, in sentencing Langalibalele to be transported, only did what any native Chief could do. No Act had been quoted excluding an Ordinance of this Colony, which is law here, and which gave despotic power to the Governor.

Mr. Justice Meller said the authority quoted was merely permissive.

Mr. Moodie said surely the prisoner could not be transported till the place of transportation was fixed.

The Acting Chief Justice said it was admitted that there was no statute law against the prisoner's being transported to where the Supreme Chief pleased.

Mr. Moodie contended that the Governor had not the power to transport. He supposed it would be admitted that this Court had full jurisdiction in all cases, and that the only exception thereto, and the only law by which the Governor could take any authority from it, was this Ordinance 3, 1849. People held the case of Macomo out as a precedent to this; but he was not transported, for he was in a part of the same territory as that in which his offence was committed. It has been argued by the supporters of the Governor that he could do almost anything he liked because he was Supreme Chief.

Mr. Justice Meller said surely, if the Governor had the power to pass sentence of death, he could inflict a milder punishment, as had been done in this case.

Mr. Moodie differed from his Lordship, and said it was the business of this Court to pass sentence. Native law, established by this Ordinance, gave the Governor power only to interfere with cases between native and native.

The Acting Chief Justice asked whether, under the 4th section, the Supreme Chief could not remove an inferior Chief for an offence against himself?

Mr. Moodie replied in the negative, as this section must be read with the rest of the Ordinance. When the matter was argued before the Executive, and it was said, "You tried the prisoner and the appeal is to you," it was said in reply, in one breath, "I am Supreme Chief and can do as I like," and, in the next, "I am bound by that section and must take the advice of my Executive Council."

The Acting Chief Justice asked whether the 4th section did not apply to any act of the Supreme Chief.

Mr. Moodie said he argued that the Queen had not the power to sit in judgment. He asked their Lordships to take the whole of this Ordinance together. He referred to the appeal given in the 3rd section.

The Acting Chief Justice said: Suppose, under the 4th section, there was no obligation to allow an appeal, and that the Governor allowed the appeal, how would that act?

Mr. Moodie said by making a crime one against himself, the Governor could bring any case under native law and try it. If he was Supreme Chief, why was he to appoint fit and proper persons to try native cases, and why should there be an appeal to himself?

The Acting Chief Justice pointed out that the 2nd section applied to crime throughout the whole Colony, but the 4th section was quite distinct. The persons to be tried under the 4th section were not natives generally, but only native Chiefs. It was not to be supposed that the Governor was to be constantly travelling over the Colony to try natives, therefore fit and proper persons were appointed to deal with all ordinary cases. If the 2nd section controlled the 4th section, then there were no other persons



to be tried under this law than native Chiefs, whereas only the 4th section was confined to the trial of these Chiefs.

Mr. Justice Meller said there was a machinery given to the Governor under which native law might be administered.

Mr. Moodie said he took an illegal machinery here, because he to whom the Appeal lay tried this case; and he felt sure the learned men who would have to decide this question in England would take a common-sense view of the case, and throw our Ordinance aside.

The Acting Chief Justice said he would do what he believed to be right here, irrespective of what might be done at home.

Mr. Moodie said the indictment would show that the offences were not those which could be dealt with under native law, as their Lordships would see from the report annexed to the affidavit. He quoted the case of the Queen *v.* Mount and Morris, from the "Times."

The Acting Chief Justice said, but Mr. Moodie was to show him that a native Chief could not transport till a place had been fixed.

Mr. Moodie said the prisoner had not been sentenced by the Supreme Chief, but by a Court of Inquiry, composed of "fit and proper persons," such as fathers of those who were killed, and men who fought at the Pass! The Governor had availed himself of the 2nd section in appointing this Court.

The Acting Chief Justice said Mr. Moodie said so, but that did not make it so.

Mr. Justice Meller said he fancied it was a principle of a native Court that every Chief had his own particular way of holding Courts and trying prisoners.

Mr. Moodie submitted again that the Supreme Chief did not try this man.

Mr. Justice Meller said the Governor acted of his own mere notion as a Paramount Chief, in the discharge of what he considered to be a duty.

Mr. Moodie, to show that the Supreme Chief did not sentence this man, alluded to the plural wording of the sentence.

The Acting Chief Justice said there had been a decision under the 3rd section in appeal, and the law said that such decision should be final.

Mr. Moodie said it was begging the whole question to admit that anything connected with this matter was between native and native, or could be dealt with according to native law.

Mr. Justice Meller said Mr. Moodie had shown that the Governor could not transport this man under English law, but he had not shown that it could not be done under native law.

Mr. Moodie submitted that his argument would be borne out by the official record of the trial annexed to the affidavit.

The Acting Chief Justice pointed out that the Governor, according to his own opening speech at the trial, constituted the Court alone, assisted, as he himself stated, by the Secretary for Native Affairs by Magistrates and by Native Chiefs. If he himself has been Supreme Chief, and had called in these gentlemen to assist him at the trial, he did not know that he could more clearly show that he was sitting under the 4th Section than by the words of the Governor's opening address.

Mr. Moodie felt certain the Governor could not be judge in his own Court, and when this matter came to be argued before the Privy Council, they would say that it was the spirit of the Law which should have been acted on, and not the letter. The spirit of it was that the appeal lying to the Supreme Chief——

The Chief Justice said the 4th Section gave no appeal.

Mr. Justice Meller asked how Mr. Moodie showed that the Governor was not competent to try this case?

Mr. Moodie said because even the Queen could not sit in judgment. Besides, the Executive Council did not stand upon the 4th Section, but on the fact that the person who sat in the Court below was not the person who heard the appeal; because in the latter case it was the Governor, with the advice of his Executive Council.

The Acting Chief Justice said Mr. Moodie had not shown him that the Acts he had quoted applied in any way to Native Law.

Mr. Moodie said there was no precedent under Native Law. He asked the Executive Council to show one, and they could not. He supposed Native Law was followed in this instance, though there was an indictment, and a prosecutor, which were unknown to Native Law.

Mr. Justice Meller said it seemed to him that the case was one which had occurred suddenly, and that it was one which was perhaps not entirely provided for by Law; the Governor in this case used the power given him by Law, and supplemented that power to

the best of his ability. But before Mr. Moodie was entitled to the motion, he must show that there had been an infringement of the Law.

Mr. Moodie again submitted that this was no case for trial by Native Law.

The Acting Chief Justice thought one of the fittest crimes to be tried by Native Law would be a case of this kind—rebellion by a petty Chief, against a Supreme Chief. His Lordship asked the Attorney-General whether he had had notice that this application would be made?

The Attorney-General replied in the negative.

The Acting Chief Justice asked whether he appeared without notice?

The Attorney-General replied: "Certainly not."

The Acting Chief Justice said Mr. Moodie had not made it clear to him that the trial of Langalibalele was held under the 3rd section.

Mr. Moodie said that in the judgment the Court continually used the plural pronoun.

Mr. Justice Meller said Mr. Moodie seemed to have first admitted the jurisdiction of the other Court, and then to have denied it. Still it would have been desirable to have heard counsel on the other side.

The Attorney-General said he only came here to see if the Court would entertain the application at all.

The Acting Chief Justice said he had no hesitation in saying that if this case had been tried under the 2nd and 3rd sections, and was not a case between native and native, then this Court would have jurisdiction, and could interfere to prevent the sentence being carried out. But he did not think there was any advantage in letting this case stand over. The application was for an interdict against the Lieutenant-Governor, but he apprehended the Court would never grant that. It had no authority to do so, and could not enforce an interdict except by imprisonment, and the Governor could release himself by his own sovereign power as soon as imprisoned. Therefore, so far as the prohibition against the Lieutenant-Governor was concerned, it could not be granted; the only thing the Court could do would be to interdict the gaoler from parting with the prisoner. He might as well say that he utterly refused to be guided by technicalities in a case of this kind, or to believe that because in the sentence the words "our unanimous judgment," &c., occurred, the Supreme Chief was not acting under the 4th section. If they took Mr. Moodie's interpretation of the 4th section it was utterly absurd; and again, if a special person had been appointed under the 2nd section to try this case, what an outcry there would have been then. He saw nothing in this case, setting aside technicalities and matters of form, to show that the 4th section had not been properly acted upon. By that section the Governor might have put the prisoner to death, but there was nothing in the section to show that he could not banish him. He did not deny that cases might arise under this law in which it would be proper for the Court to interfere; but here there was nothing whatever to show that the Court had any right to interfere with the sentence. He could not suppose that rebellion was a crime which would come under the 2nd section, as being repugnant to the principles of humanity, because now-a-days this crime was not by any means considered in such a light—far from it—but it did seem to be a case in which the 4th section would apply. There was, therefore, nothing before him to show that the sentence was not in accordance with the powers of a native Chief under the circumstances. He had heard nothing whatever to satisfy him that in this case he had any right to interfere. It also had not been shown that a native Chief had not the power of transportation under the 4th section. It having been admitted that a sentence of death could have been passed upon this prisoner, presumption was in favour of the validity of a more lenient sentence, and against that presumption he had heard nothing which would justify him in interfering with the sentence in any way whatever.

Mr. Justice Meller had very grave doubts as to the force or meaning of the Ordinance, and pointed out that the 4th section was utterly inconsistent with the section giving the appellate jurisdiction. But this application was for the issuing of a prohibition against the Lieutenant-Governor, and on that ground alone he thought it must be refused. He added that he had no hesitation in saying that the punishment was a very light one compared with the position in which the prisoner had placed himself by his misdeeds.

The application was therefore refused.

## Inclosure 2 in No. 16.

*Government Notice No. 117, 1874.*

WHEREAS by Law No. 18, 1874, entitled "To make special provision with regard to the employment of Convicts," it is enacted that the Lieutenant-Governor in Executive Council may from time to time frame rules, orders, and regulations for carrying out said Law:

Now, therefore, the Lieutenant-Governor in Executive Council, in pursuance of the powers in the said recited law contained, and of all other powers enabling in that behalf, doth hereby order and direct as follows:—

1. Every native convict who shall, in terms of the 1st section of the said recited Law, be assigned as a servant to any European employer in this Colony, shall be entitled to liberty from the employer for the residence of his wife or wives and children on the place or farm on which the services of such native convict are to be rendered; and at the termination of such period of assignment, every such convict may be remitted back to prison, to undergo the unexpired period of his sentence, or may be again assigned out to service for said period.

2. The employer shall be bound to provide the said convict, together with his wife or wives and children, with good and wholesome food, and to erect on his land the ordinary huts used by the natives for lodging.

3. The employer shall be entitled to the services of the said convict at all reasonable times, and also to the services as domestic servants of any unmarried female belonging to the family of the said convict above the age of ten years, and to the reasonable services of any male belonging to such family above the age of twelve years, at such rate of wages as shall in each case be fixed by the Magistrate, taking into account the obligations of the employer.

4. The employer shall not be entitled to the services of any female belonging to the family of the convict after her marriage, nor to the services of any male belonging to such family not residing with such convict on such land or farm.

5. Any male, not being himself a convict, and being over the age of eighteen years, belonging to the family of the convict, and who may be residing with the family of the convict so assigned on the land of the employer, may at any time leave such family and employer, and enter the service of any other person he may prefer; but he shall not be at liberty to do so until the period has expired for which the convict has been assigned, if the employer is willing and ready to employ and pay him the current rate of wages.

6. The family of any such convict shall not be bound to live on the place or farm of the employer, but may reside on any other place or farm approved of by the Magistrate having jurisdiction in each case: Provided, however, that in every such case of non-residence on the employer's land, the employer shall not be bound to find or to provide them with either food or lodging.

7. Every convict assigned under the said recited law shall, upon such assignment, be registered by the Magistrate of the county in which he is to be employed; and the register shall contain the name and description of the convict, his term of service, and the names and apparent ages of his wife or wives and children.

8. The Magistrate shall stipulate with the employer the amount of wages per month payable for the services of such convict, and shall insert the same in the register hereinbefore required to be made.

9. The wages to be paid by the employer in respect of the services of any such convict shall be paid monthly to the Resident Magistrate of the county in which the employer shall reside, or to the visiting Magistrate, and shall, by such Magistrate, be accounted for and be paid to the Colonial Treasury, precisely as any other public revenue received by such Magistrate: Provided, however, that the Lieutenant-Governor may, by instructions to the Magistrate whenever he shall think fit, direct that the wages aforesaid of any convict or class of convicts shall be paid monthly by the Magistrate, in whole or in part, to the convict himself, instead of to the Treasury.

10. In the event of the non-payment by the employer of such stipulated wages, then, after the expiration of one month after written demand for such wages in arrear, the Magistrate may, without further process, issue the usual writ to levy the amount due by execution and sale of the goods and chattels of the employer.

11. If any employer shall feel himself aggrieved by reason of the Magistrate having so seized in execution and sold his goods and chattels, he may, within six days after such

execution and sale, note an appeal to the Judicial Assessor, whose decision on appeal shall be final.

12. All moneys in respect of wages for the services of convicts assigned under the said recited Law, except such as are specially excepted at the end of Rule 9, shall be paid into the Colonial Treasury, to the credit of an account to be called "The Convict Relief Fund."

13. The Lieutenant-Governor may, from time to time, as he may think fit, by warrant under his hand, draw upon such fund for the purpose of relieving from want or rewarding for good conduct any individual native convict, or for the purpose of enabling any native convict on the expiration of the period of imprisonment to acquire the means of re-establishing himself in the Colony: Provided that in no case shall the amount so granted for relief, reward, or otherwise, exceed the aggregate amount of the wages earned by the said convict during his imprisonment.

14. Every native convict assigned under the said recited Law who shall be found at large on lands not belonging to his employer, or on any road, without a ticket of leave from his employer, may be arrested by any householder, and forwarded to the nearest Resident Magistrate, to be dealt with according to law.

15. Every Law applicable to convicts confined or employed in any gaol in the Colony shall, subject to the provisions of these regulations, be applicable to convicts assigned under the above-recited Law; anything herein contained to the contrary notwithstanding.

16. The employer shall be bound to grant any convict a ticket of leave for the purpose of lodging any complaint to the Magistrate against such employer: Provided that if and when it shall appear that the representation or pretence upon which such ticket shall have been obtained is false or frivolous, such native convict shall be liable to have his term of service extended for such period not exceeding one month for every such offence, as to the Magistrate or visiting Magistrate shall seem fit.

17. Any employer refusing such ticket for such purpose, shall, on conviction, be liable to a fine not exceeding 10*l*.

18. The Lieutenant-Governor may at any time cancel any assignment of the services of any convict under the above-recited Law, or direct any convict to be sent to any gaol, there to undergo his sentence, or any unexpired period thereof, instead of remaining assigned under said Law.

19. Any injury or assault upon the person of any convict by his employer or other person shall be dealt with and punished in the ordinary course of Law.

20. In the event of the death of any employer before the expiration of the period of imprisonment imposed upon any such convict, then the Lieutenant-Governor may re-assign such convict to some other person, and the provisions of these regulations shall apply to such re-assignment.

21. In the event of the death of the convict before the expiration of his period of imprisonment, the employer shall be bound to supply his wife or wives with the necessary food for one month after the death of such convict.

22. No convict assigned under the above-recited Law shall be removed beyond the limits of the Colony.

23. No employer shall have the power to sub-assign the services of any convict under said recited Law, or under these Regulations, to any third person, without the permission in writing of the Resident Magistrate of the country in which he shall reside.

By his Excellency's command,

(Signed) D. ERSKINE, Colonial Secretary.

Colonial Office, Natal, April 10, 1874.

No. 17.

*The Bishop of Natal to Colonial Office.*

My Lord,

37, Phillimore Gardens, W., October 16, 1874.

WHEN I had the honour of the interview with your Lordship on Monday the 5th instant, the subject of the release of Putini's tribe was mentioned; and I understood from the remarks of your Lordship and Mr. Herbert, that the Lieutenant-Governor of Natal had reported officially that the whole tribe had been released and restored to their location. I may have misapprehended your Lordship's language with regard to the latter point. But I heard from Colonel Durnford, R.E., repeatedly, before I left Natal, that the Lieutenant-Governor had solemnly promised to a number of Putini's men the release and restoration to their location, as above, of the whole tribe, as a reward for their exemplary conduct while employed under him in the very difficult and trying work of

destroying the Passes of the Drakensberg, and that he did this in the presence of certain officials, including himself and Lieutenant Beaumont, Private Secretary to his Excellency, the words, as uttered by the Lieutenant-Governor, being interpreted to the natives by the Acting Secretary for Native Affairs (Mr. John Shepstone). I expressed at the time, to Colonel Durnford, my doubts, based on my knowledge of certain facts, whether the promise in question would really be fulfilled. And I know that in consequence, Colonel Durnford conferred again with his Excellency on the subject, and, when I left Natal, he was perfectly satisfied that the arrangement to which not only the Lieutenant-Governor's, but his own good faith, in reliance on the Lieutenant-Governor's word was pledged, would be duly carried out. Nevertheless, my past experience had taught me to distrust the proceedings of the Natal Government in these matters. And I ventured to express to your Lordship some doubt as to the correctness of the report, which was current when I left the Colony, that the tribe had been released and restored, until I understood that official information to that effect had reached your Lordship.

I now beg to lay before your Lordship an extract from a letter which I have just received from a thoroughly trustworthy source, dated Natal, September 4, 1874 :—

“Frank Lyell (son of Lieutenant-Colonel Lyell, and nephew of Sir Charles Lyell, who holds an appointment in the Colony under Colonel Durnford), started last Monday for Estcourt, in charge of some more of Colonel Durnford's Putini people. But, alas! all things are wrong there. Frank Lyell found, from Mr. Wheelwright, that only the first ninety young men were allowed to go to their location. All the rest, on arriving, are given passes by Mr. Wheelwright. ‘Bearer is allowed (or has permission) to live on a white man's farm,’ and are sent off ‘to look for a white man;’ when they have found him, they tell Mr. Wheelwright, who makes the arrangements with him, the white man undertaking to feed the man's family, if he has it with him, for a certain time. That is all I know; but it was Mr. John Shepstone who sent up the order to Mr. Wheelwright, that they were by no means to go back to their location.”

It can scarcely be doubted that the “arrangements” made with the white man, would include the provision that the native and his family should work for him when required. In other words, the great body of this tribe, of 5,000 people, which has never been tried, much less convicted, of any crime, which has been declared, in the quasi-official “introduction,” to the official records of the late “trials,” to have been “hardly dealt with;” “its dispersal was a grave blunder,”—“a step, apparently unwarranted, which has occasioned great loss and hardship to innocent members of the tribe,” and which, it was understood, before I left Natal, though I cannot vouch for the fact, had been pronounced by the Commission appointed to examine into their case, to be free of any serious offence, have been reduced to a state of forced servitude, and made to supply the demands of “farmers and others” for native labour, only being allowed apparently the liberty to choose their own white men. In short, this would seem to be nothing else than the application, on a large scale, to innocent persons unconvicted of any crime, but evicted from their land by a “grave blunder” of the Government, of the Proclamation by which, under a Colonial Law, passed during the recent excitement, not only State convicts, but their innocent families, were to be assigned all over the Colony to work out the time of the sentence pronounced upon their heads, as servants for private individuals.

It is obvious that, if the statement in the above extract is true, as I fully believe it to be, the promise made to the members of Putini's tribe, in the hearing of Colonel Durnford, and the report made to your Lordship, are equally illusory, and that it would be a mockery to speak of this as evincing any desire on the part of the Government, “as restitution is possible, to do what it can to remedy a State blunder, which could only have been committed during a time of panic.”—*Introduction to Official Records*, page xxxvii.

Should your Lordship decide to release the Chief and his son, at present illegally detained at Robben Island, there are one or two suggestions, which, with your Lordship's permission, I would venture to submit for your consideration, as to the way in which the two tribes might be dealt with, so as to preserve, as much as possible, the prestige of the Government, and perhaps draw out of the present misery a real future benefit, not only for themselves, but for the other tribes, and for the Colony at large.

I have, &c.

(Signed) J. W. NATAL.

P.S.—Messrs. Spottiswoode will forward to-morrow (Saturday), to your Lordship's address at the Colonial Office, six copies of my pamphlet complete, with the Appendix.

J. W. N.

## No. 18.

*The Earl of Carnarvon to Lieutenant-Governor Sir Benjamin Pine, K.C.M.G.*

Sir,

*Downing Street, October 19, 1874.*

I HAVE to call your attention to my despatch of the 12th of June.\*

In the last paragraph of that despatch I requested you to furnish me with certain explanations and information with respect to the Law No. 18 relating to the employment of convicts.

I shall be obliged by your forwarding to me these explanations as soon as possible.

I have, &c.

(Signed) CARNARVON.

## No. 19.

*Colonial Office to W. Shaen, Esq.*

Sir,

*Downing Street, October 20, 1874.*

I HAVE laid before the Earl of Carnarvon your letter of the 6th instant,† and I am directed by his Lordship to assure you that the several matters to which it relates are engaging his most serious attention.

I am to add, as regards the Law No. 18 relating to the employment of convicts, that Lord Carnarvon is awaiting explanations with regard to it from the Lieutenant-Governor.

I am, &c.

(Signed) W. R. MALCOLM.

## No. 20.

*Colonial Office to the Bishop of Natal.*

My Lord Bishop,

*Downing Street, October 23, 1874.*

I AM directed by the Earl of Carnarvon to acknowledge the receipt of your letter to him of 16th instant‡ with respect to the treatment of the members of Putini's tribe.

Lord Carnarvon has written by the present out-going mail to the Lieutenant-Governor of Natal pointing out that the statements contained in your letter are of a very grave character, and he has called upon him to give full and immediate explanations with respect to them.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

## No. 21.

*The Earl of Carnarvon to Lieutenant-Governor Sir Benjamin Pine, K.C.M.G.*

Sir,

*Downing Street, October 26, 1874.*

IN your despatch dated the 3rd of August last,§ you wrote with reference to the tribe of Putini that, looking to the small part which they took in actual hostilities, you had resolved to mitigate their punishment as much as possible; that it was your intention to restore the bulk of the tribe to liberty; and that you would also consider whether you could safely restore them to their location.

2. It has not hitherto been made clear to me what part this tribe took in the recent disturbances. I cannot gather from any of your despatches or reports that there was any overt movement on their part, still less any action in the sense of direct hostilities, but I inferred from your despatch that you considered the punishment inflicted upon them to be unduly severe, and that you would take immediate steps to remove any injustice which in a moment of excitement might have been done.

3. I am now informed by the Bishop of Natal that before he left the Colony you had promised a number of Putini's men the release and restoration to their location of the whole tribe, as a reward for their exemplary conduct while employed under

\* No 6 of Command Paper [C. 1119] of 1875.

† No. 16.

‡ No. 17.

§ No. 8.

Colonel Durnford, R.E. This promise it is stated was made by you publicly in the presence of certain officials, including Colonel Durnford and Lieutenant Beaumont, your words being interpreted to the natives by the Acting Secretary for Native Affairs (Mr. J. Shepstone).

4. It is, however, stated that this promise, if made, has not been observed; but that, on the contrary, only a very small number of the young men of the tribe have been allowed to go to their location. The remainder, it is stated, have, on arrival, been provided with passes in the following form:—"Bearer is allowed (or has permission) to live on a white man's farm;" and have then been sent off to look for a white man with whom to live. It is suggested that the terms upon which this is arranged includes, amongst other things, an obligation on the native to work for the white man when required; and that by this means the great body of this tribe, against whom no serious offence is charged, have been reduced to a condition differing very little at all from that of forced servitude.

5. It is obvious that statements such as these coming from and through such an authority, cannot be overlooked, and that they can only be satisfactorily disposed of by a full and circumstantial explanation. It must be superfluous to point out that any promise if made by you should be performed with the most scrupulous fidelity, and that any other course of action would be calculated to bring the Government into the deepest discredit.

6. I therefore hope that you will be able to show that the facts are materially different from the statements embodied in this despatch, and for this purpose I must request you to give, with the least possible delay, a full and precise account of all the measures taken for disposing of the members of the Putini tribe, showing whether any and what number have been restored to their location, and whether any and what number have been sent to live on white men's farms, and, if any have been so sent, stating clearly and fully the different arrangements under which this has been done.

I have, &c.

(Signed) CARNARVON.

No. 22.

*Lieutenant-Governor Sir Benjamin Pine, K.C.M.G., to the Earl of Carnarvon.—(Received November 2.)*

My Lord,

*Government House, Natal, September 24, 1874.*

I HAVE the honour to inclose a letter sent to me by Mr. John Bell Moodie, a young advocate of this Colony, for transmission to your Lordship, commenting on the trial and proceedings against the Chief Langalibalele and his tribe. Mr. Moodie was employed by the Bishop as Junior Counsel for the Chief, on the appeal to the Executive Council.

2. It does not seem necessary for me to trouble your Lordship with a repetition of what actually took place on the trial of this man and his tribe for revolt against the authority of this Government, and shooting down Her Majesty's loyal subjects, sent to preserve the peace and enforce obedience to the law. On this subject I have only to refer your Lordship for information as to what actually did take place to my previous despatches; to the evidence and Reports enclosed in these despatches; and to the despatches from the Cape Government, and correspondence and Reports therein referred to.

3. I and my Government differ from Mr. Moodie as to what is, and what is not, Kafir law, and what are equitable and legal proceedings before a native Court. On these two points I would bring to the notice of your Lordship that I was assisted by the knowledge and experience of the Secretary for Native Affairs, some of the oldest resident magistrates and administrators of native law in this Colony, and some of the most intelligent of its native Chiefs.

4. The trial, so called, of Langalibalele, commented on by Mr. Advocate Moodie, was not a trial of a prisoner in the ordinary sense, but was an inquiry to ascertain the whole circumstances of the case, and its ramifications so far as other tribes were concerned. The position of Langalibalele and his leading men was clear from the beginning; they were taken red-handed resisting the Government, assisted by their tribe, all fully armed, and never attempted to deny these facts. By their own law the punishment for such an offence is death. I may here remark that it seems very unreasonable to object that the native law was not exactly followed in these proceedings, because it was not

carried out in all its rigour. If the native law was tempered on this occasion by considerations of mercy and justice, it is certainly not for the prisoner and his supporters to complain of such innovation. Mr. Moodie's assertions that banishment, which I suppose to include imprisonment, is unknown to native law, is unfounded in reason and in fact.

5. The complaints that Government, during the last thirty years, has done little or nothing to civilize and improve the natives residing in Natal; that the past system of governing these people has not been attended with complete success; or, as Mr. Moodie expresses it, that the "whole thing is tumbling to pieces," and that the successors of those who have so governed will get the blame; that these natives are gradually becoming so numerous, wealthy, and powerful, as to be tempted to form combinations and to set Government at defiance; and that no control of these people sufficiently stringent to prevent these evils exists, may be to some extent true, but are wide questions, which it seems unnecessary for me to enter upon in discussing the present inclosure. In answer, however, to Mr. Moodie's question, what could have been easier than to obviate these alleged evils? I would say, that it is much easier to write about them, and to flippantly impugn the policy and conduct of a gentleman of Mr. Shepstone's long experience and knowledge.

6. One chief object of the mission of Mr. Shepstone, the Secretary for Native Affairs, to England, is to submit to your Lordship the ideas of this Government on these important points, and to solicit your Lordship's approval of opening a door of escape and securing a residence in territory under British control beyond the boundary of this Colony, for that portion of the native population who may be disinclined to submit to the alterations in their habits, and to the more direct and efficient control by Government, which their own improvement and the future peace of this Colony alike demand.

7. For any further information as to the real facts of this case, and as to the intentions of this Government as to the future management of the coloured population in this Colony, I have to refer your Lordship to Mr. Shepstone, Secretary for Native Affairs, now in England, who is in possession of its views on this subject.

I have, &c.

(Signed) BENJ. C. C. PINE.

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Inclosure in No. 22.

My Lord,

*Pietermaritzburg, Natal, September 13, 1874.*

I BEG most humbly to approach your Lordship, and request to lay before you certain facts which I believe you have had no opportunity of learning from the only sources of information at your command. The importance of the subject will, I trust, be a sufficient excuse for trespassing on your Lordship's time.

It is not for me to express any opinion on your Lordship's views regarding the Langalibalele matter, but I nevertheless take the liberty of assuring you of their correctness, and that they would be strongly confirmed had your Lordship the whole, and not one-half, of the facts before you.

I am an Advocate of the Supreme Court of Natal, and the son of the late Colonial Secretary for the Colony, Mr. Moodie, and having mixed much with the natives of Natal, have obtained some considerable knowledge of and influence with them.

The prosecutors of the native Chief Langalibalele, after refusing him counsel, at length resolved to appoint Mr. Escombe, who lived at Durban, fifty miles off, and who was entirely unknown to, and unsympathising with, the natives. On the morning of the trial, and when it was supposed that Mr. Escombe would appear as the prisoner's counsel, the native Chief sent me a stealthy message by a native constable, saying that he would not have an Advocate appointed by his prosecutors, and that he wished me to advocate his cause. He was kept in such close confinement, and was so strictly guarded, that he had great difficulty in sending this message. I at once applied to the Resident Magistrate, the proper person, to see the captive. Permission was refused. Application was then made in writing, and in an official letter I was informed that the matter was referred to the Governor. I have means of knowing that the application was duly forwarded, but from that day have not been favoured with a reply of any sort.

From the tone of your Lordship's despatches, it is evident that these matters have not been brought to your notice.

The Statute laws of this Colony allow the right to any man in prison to see a legal adviser, and by refusing the prisoner this right, the law was abrogated.

Firmly trusting that your Lordship, whom Providence has placed in so responsible a position, will not at the great distance from Natal, and where it is so difficult to judge,



consider it presumptuous, I shall venture to make a few remarks to shew the injustice that has been done, and with confidence ask your Lordship's permission to lay before you what was suppressed at the trial of Langalibalele.

The feeling of this Colony kept the native Chief a close prisoner in strict confinement. He saw no friend. He had no adviser. He had not the chance nor the intelligence to prepare any defence; and I believe that until the morning of his trial he had never heard of the long written indictment against him, and that he had no notice of it.

At the trial itself the strangest anomalies prevailed. It was stated to be by native law. There was not a single element of trial by native law in it. Native law knows nothing of a systematic prosecution, and an indictment or a prosecutor. Yet all these were present. Native law not only permits, but constantly employs in its trials, not one, but twenty Advocates. Here there was no Advocate allowed. In a native trial everyone that the audience will listen to may speak for or against the accused. As at a public meeting in England any one may speak who is competent to obtain a hearing, so in a native trial any of the friends of the accused may argue for him, or call witnesses for his defence. But in the face of the red jackets and the fixed bayonets, no one spoke or dared to speak for this man. All the disadvantages of both systems, English and Kafir, were arrayed against him. He had the advantages of neither. While on the one hand there was a systematic and consistent prosecution, there was, on the other, none of the laxity of native law. While the prosecution availed itself of one of the privileges of native law, namely, to find a man guilty without evidence, it gave him nothing in return.

The punishment was entirely unknown to native law, which knows of nothing but the fine of cattle or death. So that neither the proceedings nor the sentence were legal.

His Judges were composed solely of those against whom he had offended; and of cringing natives, who, the printed report will show, took the whole of the first day in abusing and cowering the prisoner; and who, in all matters, would have cringed to the Supreme Chief as the cur cringes to the mastiff. One of the white judges was the father of a son killed at the Bushman's Pass. Another, a gentleman who had been present at the retreat from that Pass, and who had commanded some of the volunteers. There was also Mr. Shepstone, whose authority, it was alleged, had been set at defiance. And, supreme of all, there was the Supreme Chief: he who was the leader against the conquered man: he whom the Colony was urging on to vengeance; whose person the indictment said the prisoner had wounded: he to whom the Chief's only and final appeal lay by law: he sat as the judge in his own cause.

The Natal Ordinance No. 3, 1849, by which, and by which only, native law is conditionally established in this Colony, says that, when a Court is established for the trial of native cases, that the Supreme Chief shall "appoint fit and proper persons." This Court was constituted under that law, and of all the judges sitting upon the offending Chief, however estimable they may have been as men, there was not one fit and proper person, and not one who possessed the requisite qualities of a judge.

All the evidence against the prisoner was brought forward. Nothing, and it was said there was much at hand, was produced in his favour. But, notwithstanding this, and that there was no cross-examination, there is no intelligent lawyer at a distance who, in reading the indictment and the printed evidence, but will say that no single charge of a serious nature in that indictment was proved against the accused.

The personal crimes of the prisoner, as compared with the charges in the indictment, were of the most venial kind. The real crimes, such as they were, were tribal, and the Government treated them as such, and, in punishing them, they applied the true principle of native law and punished all—the innocent with the guilty. The mass was held responsible for what the few did. They drove the whole tribe out of the Colony, and confiscated their land and cattle. They took all they could prisoners, men, women, and children, and bound many of them over to the Colonists. The innocent many, and there were thousands, suffered with the guilty few. They then secure the Chief; secure him flying, and after he had given due notice that he meant to fly. The whole principle is then reversed; an unknown system of justice is adopted: the many having been punished, the one is again to be liable for their acts. Not satisfied with having utterly destroyed the tribe for a tribal offence, an individual is to suffer for crimes which the printed evidence shows he never committed and could not control.

I beg to call your Lordship's attention to the fact that, notwithstanding the plain words of the prisoner's plea, and notwithstanding that the printed evidence proves the accused to be guiltless of all the principal charges against him, that the Government of this Colony have asserted, and continue to assert, that this man pleaded guilty.

Few men judge for themselves, and the Colony has been misled by, and believes, this extraordinary assertion. The prisoner, so far from pleading guilty, plainly denied all the principal charges, and excused or justified the rest.

The judgment of the Executive Council, to whom I had the honour to appeal with a senior advocate, an appeal, my Lord, to those who tried the prisoners; this judgment again repeats the bold assertion—an assertion which can be so easily disproved by a glance at the prisoner's printed plea.

Native law, established in this Colony by the Ordinance No. 3, 1849, can only apply to cases between native and native. The plain wording, and the true spirit and intention of that law, and Her Majesty's Royal instructions, was to permit the native law to prevail only in matters between themselves, and then only in certain cases.

The indictment against the native Chief will show that none of his alleged crimes were against natives, and that, therefore, they could not be tried by native law. The offences were against the white man, the Queen, her authority, and the statute laws of the Colony, and the accused could only have been legally tried in the Supreme Court, and by a sworn jury of nine good Englishmen.

To apply the native law, therefore, to the case of Langalibalele, while it secured a certain, and already determined on, conviction, was a wholly illegal act. It is a fair illustration of how a system, which was established only to meet the more harmless crimes and customs of the natives, among themselves only, can be misapplied so as to deprive them of all the rights of British subjects.

The principal charge in the indictment was illegally obtaining possession of guns. This was the true origin of the whole dispute. But it was an offence liable to fine, and it was a contravention of a Colonial law. It could not be dealt with by native law nor tried in a native court. The colonists and other British subjects supplied these weapons as a reward for the sweat of the Kafirs, brow in finding them diamonds at the fields.

Strange to say, notwithstanding that this was the principal charge in the indictment, the Government continually asserted that they were ready to register the guns, and that it was only a question of registration. How utterly absurd then, was it, to prosecute the prisoner for obtaining the guns we were ready to register, and allow them to keep. If such were the case, why was the prisoner not indicted for refusing to register? It was an utter stultification of the indictment.

The averment of the prosecution that it was only a question of registration, was an acknowledgment that the getting of the guns was condoned; and it is not now the question whether it was really confiscation or not. The prisoner had neither the ability nor the opportunity to show it. Counsel was not allowed at the trial, and the matter remains little understood. To say the least, it is strange that the root of the whole matter should remain such a mystery.

For the reasons I have given it is humbly submitted to your Lordship that the Chief has had neither a legal nor an equitable trial; that he has never had any fair opportunity of showing what induced him to refuse to come to head-quarters, and then to fly, no chance of showing the circumstances under which his men got, and were reluctant in registering the guns. These are the only things fixed upon him, and his punishment is entirely beyond his offences—his personal offences, and his tribe have been punished for what they tribally did.

As to the transportation of the prisoner, to a savage it is a terrible punishment. An educated man has his thoughts, his books, and his religion to fall back upon. The native, who has led the most social life, has nothing to console him, or to support him in his misery; to him death would have been preferable, and had the farce of native law been carried out to its full extent, he would have died untried by the order of his supreme Chief; died for crimes for which, in the legal courts of the Colony, he must have received a punishment of 20*l.* fine, or six weeks' imprisonment.

Before concluding this letter, and as the subject is most interesting and of vital importance to a large mass of people, the natives of this Colony, I entreat that I may be allowed to refer to it.

With the most unlimited power, with the support of the Home Government, the Colonists, and the natives themselves, our Government has not during thirty years of peace, my Lord, done one single effective thing, either to civilize the natives, or in any way to diminish or control their growing strength. Because they have had all they wanted, land, cattle, and wives; because who have pampered them, and almost forced the food down their throats, and because they have not rebelled against this delightful state of affairs, and cut the throats of their protectors, we assert that we have governed them, and the Government takes the credit of continued peace.

But, my Lord, we have allowed these unfortunate people to grow in idleness, in

insolence, and in strength, to live in large and powerful masses until they are strong enough to kill every colonist in one night, and eat them for breakfast.

The whole thing is tumbling to pieces. The successors of those who have governed badly, and who have been favoured by circumstances, will thus get all the blame. Tribe after tribe will be shot, because by our mismanagement we have tempted them to set us at defiance. We have done all we could to maintain everything Kafir, and to keep the tribes and locations united.

The history of the contact of savage races with the white man is interesting, but need not now be entered into. It may, however, be safely asserted, and it could be proved, that the Zulu is different from other natives, and that he has every quality necessary to enable him to survive that contact, and that there is no necessity that he should die out. There is not one of the causes existing in Natal which has led to the extinction of native races elsewhere. The Kafir is hardy, healthy, and saving. He can acquire, and retain; and is daily acquiring and greedily retaining landed property. He is too careful of his money to drink. He has no disease; and has nothing to fight for, unless we again give him guns, and then try to retake them!

What an opportunity has thus been lost by our idleness and incapacity. What was easier, my Lord, with thirty years of peace; of leisure; of despotic power; of support on all hands, than to fortify ourselves? To subdivide these tribes? To break up gradually their large locations; and by giving each family or man their lot of land, create an individual stake in the Colony and its welfare. What easier than with the tools at hand to have constructed a system of police at the expense of the natives, that would have ensured their perfect and absolute control. What more simple than to have established a system of industrial education at the expense of the natives? There was nothing, my Lord, to prevent these things being done but the absence of a competent man. The tools and materials were all at hand, but there was no mechanic.

Instead of doing anything good, we seem to be bent upon doing what was stated before—maintaining everything Kafir—keeping every strong tribe united, every location compact, and feeding the natives to shoot them. As was before stated, the whole thing is falling to pieces. Those who mismanaged it, and get all the credit, will slip away from the catastrophe, and their unfortunate successors get all the blame!

My Lord, it is late, very late, but not too late. Let England—do you, save these people. Let their strength be divided. Let their large locations be cut up, and the land portioned out. Let each man have an individual stake in the Colony, if it be possible. Let a sufficient police, and a system of education, be established, at their own cost, for they are wealthy. Let the world know that a black race may exist in peace along side of a white one.

I remain, &c.  
(Signed) JOHN BELL MOODIE.

P.S.—What the prisoner pleaded is faithfully recorded in an extra to the "Natal Witness" newspaper, of the 30th January, 1874. That newspaper contains a fair report of the trial, published daily. Comparison with the newspaper report and the report compiled by the Government, will show that the former is far more favourable to the Chief, and it is correct.

J. B. M.

The Right Hon. the Earl of Carnarvon,  
Secretary of State for the Colonies.

No. 23.

*The Bishop of Natal to Colonial Office.*

37, Phillimore Gardens, Kensington, W.,  
November 13, 1874.

My dear Sir,

BY the late mail I have received letters from Natal, and I inclose some extracts from them, with which I think you will be interested, viz. :—

(i.) A report from the Military Surgeon attached to the troops at Maritzburg upon the scar in Deke's leg.

(ii.) A statement showing the unfitness of the gaol at Maritzburg as a place of detention for prisoners confined for any length of time. I believe that the gaol at Durban is much better.

(iii.) A passage showing the present condition of Putini's people.

(iv.) A passage showing that the old Induna Umhlaba and his family were still deprived of the Government allowance of food when the mail left Natal.

(v.) A printed slip giving an account of Deke's examination by the Indunas and Mr. A. Shepstone.

(vi.) An account (printed) of the treatment of one of the girls of the "Amahlubi," who were given by Captain Lucas to the son of the Chief Pukade, and violently deflowered by him.

I found also that Langalibalele's young sons, Mazwi and Siyepu, are still afraid to go to Bishopstowe, though very desirous to do so.

Please do not trouble yourself to reply to this, but I thought that Lord Carnarvon, as well as yourself, might like to see these extracts, and that possibly directions might be sent—*e.g.*, in the case of Umhlaba and of Mazwi and Siyepu—by the outgoing mail.

Yours faithfully,  
(Signed) J. W. NATAL.

I see that, in the printed statement inclosed, the two girls are said to belong to Putini's tribe, not to Langalibalele's, as I imagined. This only intensifies the outrage and wrong committed in the case, if the facts are as here stated, and I do not doubt that they are substantially correct.

J. W. N.

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Inclosure 1 in No. 23.

*Certificate by S. E. Maunsell, Esq., Surgeon, attached to the Troops at Maritzburg, as to the nature of the wound in Deke's knee, said by himself and others to have been caused by a bullet fired by Mr. John Shepstone, at Matyana.*

"I certify that I have carefully examined a cicatrix on the outer and back part of the right thigh of Deke, a Kafir of Matyana's tribe, and I am of opinion that it is the result of a bullet-wound, which passed through the fleshy part of the thigh, at its outer and back part, about 6 inches above the right knee; also that the missile most probably entered from the right front."

(Signed) S. E. MAUNSELL, Surgeon.

*Peitermaritzburg, September 29, 1874.*

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*Extracts from a Letter dated Natal, October 5, 1874.*

Inclosure 2 in No. 23.

"Colonel Durnford says that the day before yesterday, as he passed the gaol, he met a line of some twenty men of Langalibalele's coming out. They walked so strangely that he went up and asked what was the matter, and was told that they were all ill. 'They appeared to be racked all over with rheumatism.' He thinks that they were being sent to, perhaps, Zatshuke's place for a change."

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Inclosure 3 in No. 23.

"He has 'done the best he can' for the Putini people, and has got back part of their location, though a large slice of some of the best land (it is all good) has been given to a 'follower' of the Shepstones. In this part he has collected the larger part of the tribe. The order sent up by Government was to allow all to go there who were not already settled on farms. I objected strongly to this when I heard of it, and the Colonel said he was only waiting to let the first party take root again, and he should then press for them. Then about the food. They were at first nearly starving. H. Shepstone had 'no authority' to feed them. The Colonel went up and said to him, 'If you don't feed them, I shall, and that will not look very well for you.' So H. Shepstone promised to feed them, and wrote down for 'authority.' The orders (sent up in reply) were that H. Shepstone should feed the very old and the little children, but should only advance help, to prevent starvation, to the able-bodied men, who are to be 'put out' to work the debt off. That accursed system, which is really slavery, is being quietly worked. Colonel Durnford says he is sure of it, and that at any rate they, the Putini men, shall all work for him, that is, the Government, and get well fed and clothed and well paid; and he has called out 47 young men at once who have no families and

no huts to build. One of them tells him that his little brother was carried off by a white man, and is in Durban; he does not know the white man, but thinks he could find him; the Colonel is going to Durban to-morrow or next day, and he goes with him to try.

“But there’s slavery!”

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Inclosure 4 in No. 23.

“I have had no answer as yet (October 5) from the Acting Secretary for Native Affairs to my letter of September 19, about Umhlaba’s food. But he has been ill with influenza for the last ten days, and is now said to be going to Durban. I said that Umhlaba might send here for some mealies if they were really starving, and I thought that A. must have given some out, since they had not come to me. But the day before yesterday he came to say that they were really starving. It was three weeks since they had been forbidden to receive Government meal. ‘He supposed that the authorities wished him to eat up his own Inkos (the Bishop). But he was not going to do that, not if he could help it.’ So they had ‘done without’ all this time, begging, I suppose, and getting roots or arum leaves, &c. He really is very thin with it, and confessed that soon he would be obliged to ask me for food; so his girls are coming to-morrow for some mealies. But I must really send in a reminder to Mr. John Shepstone, considering the urgency of the case, the family consisting of thirty persons. He looks almost as wretched as when he came out of the Tronk. Dear old fellow! Refusing to eat up his own Inkos!

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*Extract from a Letter dated Natal, September 23, 1874.*

COLONEL Durnford has gone up again to see after the Passes and the Putini people. I told you that Mr. Beaumont (the Governor’s Private Secretary) agreed that they were ordered to go to their own location, whereas Colonel Lloyd said that he had come late that day to Government House, and did not understand this, and that Mr. Wheelwright was sending them out with their families to work for white men, as he told F. Lyell, by the order of Mr. John Shepstone. Manxele, too, (the Induna of the Secretary of Native Affairs), said they were ordered to go to their old homes. Colonel Durnford hunted Mr. John Shepstone for some days, but could not catch him, till at last he wrote him a note on Sunday, September 20, to say that he should be in town waiting for him until 12.a.m., and would he name his own hour. He did so, and he “had it out.” The particulars we don’t know, because the Colonel went off that same day, only sending a line to say that he had got an order in his pocket for all the Putini people to return to their old location, “with difficulty obtained, signed and read by me before it was closed. I am glad for these poor ones.” So should I be; but I suspect that when he gets up there he will find that his Excellency’s order, “of course,” will not interfere with those who have bound themselves to the white men for a term of years—that is, the bulk of the tribe—but we shall see. I know that Colonel Durnford had to write to Colonel Lloyd that the present proceedings “involved a breach of faith on the part of the Governing Power, which could never have been intended by his Excellency.” I say that it is also acting in opposition to the wishes of the Secretary of State, expressed in disallowing that Convicts Bill; and this brings me to our own proceedings here.

Last Tuesday all the old men of Langalibalele were sent for by Messrs. John and Arthur Shepstone, and were asked how they were getting on, and if they were comfortable. Six of them were asked for by Mahoiza that they might belong to him, and go to his kraal; but, on their refusing to go, they were told that they might stay where they were, and that the Government would still feed them; they belonged to the Government, not to the Bishop. Only Umhlaba and his family were excepted, and were told that they belonged to the Bishop, and would be fed by him. Umtungwana represented that the Government had fed them all along; but Mr. John said that that was a mistake then, the Bishop ought to have fed them, since they had been given to him. So I wrote the following letter, and sent it on Monday morning:—

“Sir,

“Bishopstowe, September 19, 1874.

“In the absence of my father, the Bishop of Natal, I respectfully request to be informed if his Excellency the Lieutenant Governor has been pleased to make any alterations in the arrangements for the maintenance of Umhlaba and his family. Hitherto,

both before and since the Bishop consented, at his Excellency's request, to "allow Umhlaba and his family to reside on the land at Bishopstowe; they have received, in common with the other captives, an allowance of mealie meal from Government. But Umhlaba informs me that, as he understands, this allowance is now cut off, because he and his family are in the Bishop's hands.

"As I am not aware of any alteration having been made, I can only suppose that there is some mistake, and I shall be glad if you will authorize me to inform Umhlaba that such is the case, as he and his family are entirely without means of subsistence until they can raise a crop of mealies, some six months from this time; in furtherance of which object I would also request that his Excellency would be pleased to furnish them with the necessary seed-corn and hoes.

"I have, of course, made temporary arrangements for feeding them, but must under the circumstances request from you an early reply.

"I have, &c.  
(Signed) "H. E. COLENZO."

He has not answered as yet. And, if Government agree to feed them for the six months, it will be all right; if not, I suppose we must feed them under protest until I can hear from you. And if Government try to make out that you took them—asked for them—like other white men, promising to feed them in return for their labour, I shall emphatically deny it, and call their attention to the fact that they are doing exactly what Lord Carnarvon disallowed.

[See p. 279 of "Remarks, &c," for the account of Umhlaba (Mhlaba) and Umnyengeza being sent to live at Bishopstowe.]

Anyhow, if you are in the way of subscriptions, here is one destitute family, and a large one too, at the present moment entirely dependent on you.

*Natal, September 23, 1874.*

Mazwi and Siyepu sent me a message last Monday by Umlanduli, saying that they were now with their mothers, who with themselves were most anxious that they should come here, but they dared not come of their own accord, because of that word of Mr. Arthur Shepstone, that any one who went to Sobantu (the Bishop) would be put back in prison. Would I please send for them? I am afraid that we should end by getting them sent away from their mothers, so I've told them to be patient awhile.

*September 25, 1874.*

Malambule's mother brought me another message from Mazwi and Siyepu, that they had been "sent for" the day before—as they understood, to be sent out to work; but they had excused themselves as being "very tired." Would I please ask quickly that they should be allotted to me, without saying that they wished it? Then, if Government refused, there would be no harm done. This, of course, I can't do, nor do I think it at all certain that they are to be sent out to work. But I think that I can stir up Umhlaba to ask for them.

N.B.—Mazwi and Siyepu are the youngest sons of Langalibalele, taken prisoners with their father—mere lads, who were sentenced each to six months imprisonment with hard labour, which terminated at the end of August, when they were released from gaol.

I was told yesterday of a shocking case, if it is true, viz.:—That one of the women given by Captain Lucas to Pakade's son Ngabangaye [who was violently deflowered by him, as reported in my first pamphlet], having refused to live with him and complained bitterly, managed to get down to Maritzburg and state her case. Captain Lucas, being asked, allowed that he had given her to this man, when she was told that the case must be settled at Estcourt, and was sent up there, where she is now kept in gaol until she consents to go and live with Pakade's son as his wife.

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Inclosure 5 in No. 23.

*Second Examination of Deke by the Indunas of Mr. John Shepstone.*

Deke waited as he was told, and went meanwhile to pay a visit to his daughter, who lives some little way off. On his return to Bishopstowe (Friday, September 25), he found that Mr. John Shepstone had already sent for him, so he went the next day and reported himself at the office of the Secretary for Native Affairs, but was told to come again on the

Monday. He did so, and was told again to wait, as Mr. John Shepstone was ill and could not see him. On Friday morning, October 2, there came a policeman from Manxele, the Induna, to the Secretary for Native Affairs, sent to call Deke, who went back with him. When he arrived there were present many Indunas, among others Manxele and Nozityina (he who broke his knee that day when trying to seize Matyana). It was ordered that Nozityina and Manxele should first hear what Deke would say, outside, and then go in with him to the office, to Mr. A. Shepstone.

So Deke repeated the story, according to his former words to which he had sworn, and so came to the end. Then Nozityina and Manxele asked to see the scar of the bullet, and when they had looked at it, Nozityina said at once, "Certainly this scar is that of the bullet of a gun." But Manxele said, "No; it is a scar made by Matyana's staff, I mean the handle of his assegai, when he started up and climbed over Deke, or it may be just a scar made by a stick; it is not that of a gun, this scar." And thereupon they all said so, a number who were present agreeing with Manxele, but Nozityina just kept silence, and answered nothing to them. Deke contradicted them all, saying, "I was wounded by a gun, that is all I know." They replied, "A bullet would have gone right through you, and hit other people." They asked also, "Did you see that gun?" Deke replied, "I did not see it, because it went off while I was turning aside looking behind me; no one has eyes behind him." Said they, "Well, then, who says that you were hit by Mr. John?" Said Deke, "I don't know, because I was turning aside; it went off suddenly, and I fell just there; but I believe that Matyana saw it, and others of our party." After this Deke was called with Manxele, and they went in to the room to Mr. A. Shepstone. And when they had come in, Mr. A. Shepstone said that Deke was to tell his story again, he (Mr. A. Shepstone) having pen and ink to write with.

Deke repeated the story in the same words as before, till he finished it. Mr. A. Shepstone asked him "Why did the boys (young men) say 'Tyi, tyi, tyi, will you not die here?'" Said Deke, "That was just a practice of the boys, and they usually did so at home." The Indunas replied, "They were doing it at the Inkos', saying it to him." Deke denied this. Mr. A. Shepstone asked, "Was it not you who snapped off your assegaiheads, to make *izingindi*?" Said Deke, "There was no one who did that; I know of none who did it, and I did not see anyone do it, but perhaps two or three may have done so. I only know of Matyana's own three assegais which we obliged him to take, and which were carried by one of his men, Nomqoza." Said Mr. A. Shepstone, "We see, Deke, that you have been crammed by the Bishop." And now there was a great noise and confusion in the room, and Deke could not hear anything said by Mr. A. Shepstone but only the Indunas, who all set upon him; truly he would have been like a hunted animal among them all if he had not trusted in the Bishop. But nevertheless, one of Mr. John Shepstone's men, Mhlahlo, son of Manepu, who was present when Deke was wounded, came to Deke and whispered, "We know that it is really as you say, we only contradict you for a purpose. Do not be disconcerted."

And Deke was questioned about Nogobonyeka and Ngudu and Nguza and Ncunjana; and Deke told them all this just as it is written in his paper (statement). After he had finished, he said to Manxele that he wanted to go home. But Manxele said that he must wait a little, and not go home *Kwa'Jobe*. This is the end of that business, and Mr. A. Shepstone wrote down all Deke's words.

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#### Inclosure 6 in No. 23.

*Statement of Sikunyana, a near relative of Pakade, concerning the two young women of Putini's Tribe who were given by Captain Lucas to Ngabangaye, a son of Pakade, to be his wives.*

One of them got away from him, and went to the authorities at Estcourt to tell them that she did not wish to be the wife of the son of Pakade. But the Magistrate refused her in this matter. Then she came down here to Pietermaritzburg, and prayed to be delivered out of the power of the son of Pakade. The authorities (Mr. Shepstone) wrote a letter for her, and sent her together with the letter to Estcourt, that her case might be tried there.

And when the case was tried the Magistrate asked Ngabangaye how it was that he had taken a wife without a policeman being present to hear the consent of the woman, and also to take the 5*l.* marriage fee? On this account it was ordered that Ngabangaye should pay 10*l.*, and that this woman should continue to live with him as his wife. The woman refused altogether to do so. But she was with child by him, and the authorities

said, "Why then do you wish to leave him?" She still refused, and the Magistrate being angry put her in the tronk to stay there until she should agree to live with Ngabangaye. But the woman, not wishing to be married to this son of Pakade, agreed gladly to go to the tronk. She was continually being asked while there if she would agree to go to him, but she always refused.

We do not know how this may have ended, because the authorities were firm upon the point that "Captain Lucas said that you were to be his wife, we have no concern in this matter. We cannot release you from this man although you may not like him for a husband."

## No. 24.

*The Earl of Carnarvon to Lieutenant-Governor Sir Benjamin Pine, K.C.M.G.*

Sir,

Downing Street, November 20, 1874.

THERE are several subjects connected with the recent proceedings against Langalibalele and his tribe, with respect to which I desire to address you without waiting until I am in a position to deal with the whole question.

2. I am informed by the Bishop of Natal that a communication which he has received from the Colony leads him to doubt whether the order understood to have been given for all the Putini tribe to return to their old location has, in fact, been made applicable to those of them who had been—most unfortunately as I think—bound over to serve on the farms of Colonists for a term of years. I sincerely trust that there is no ground for this apprehension, but should it be otherwise, I have to instruct you to take, without delay, whatever steps may be necessary for extending the order to all of the Putini people who may wish to avail themselves of it, without any exceptions.

3. It is further represented to me that while other old men of Langalibalele's tribe are being fed by the Government, food has been refused to one of them, named Umhlaba, and his family on the ground that being on the Bishop's land, they should look to him for maintenance.

4. I do not understand how this distinction can justly be made, as I presume that it is not because the labour of those on the Bishop's land is being made profitable to him. Unless there is some good reason to the contrary, I am of opinion that the cost of maintaining these people ought not to be thrown upon the Bishop.

5. The Bishop of Natal has further stated to me that, in his letters from the Colony, he is informed that the two youngest sons of Langalibalele, named Mazwi and Siyepu, are desirous, their sentence of six months having been completed, to go to Bishopstowe, but that they are afraid to do so in consequence of general prohibitions to go to the Bishop. I do not perceive any good reason why these young men should not be permitted to locate themselves where they think fit; and unless you are prepared to state to me some strong and clear reason for interfering with their liberty in this matter, I request you to cause them to be informed that they may do as they wish.

I have, &amp;c.

(Signed) CARNARVON.

## No. 25.

*Colonial Office to the Bishop of Natal.*

My Lord Bishop,

Downing Street, November 21, 1874.

I AM desired by the Earl of Carnarvon to transmit, for your Lordship's information, a copy of a despatch\* which has been addressed to the Lieutenant-Governor of Natal on certain points connected with the recent proceedings against Langalibalele and his tribe.

I am, &amp;c.

(Signed) ROBERT G. W. HERBERT.



*The Earl of Carnarvon to Lieutenant-Governor Sir Benjamin Pine, K.C.M.G.*

Sir,

*Downing Street, December 3, 1874.*

I HAVE received and carefully considered your despatch of the 16th July,\* inclosing two Minutes by Mr. Shepstone, the Secretary for Native Affairs, and other important documents on the subject of the late revolt of Langalibalele and his tribe. I have also received from the Bishop of Natal a pamphlet which he has printed since his arrival in this country, a copy of which I inclose† for your information. These communications, with many others which I have received, place me in possession of very full information on all points of the case, and I have, in addition, had the advantage of hearing on several occasions full statements and explanations both from the Bishop of Natal and from Mr. Shepstone. I, therefore, no longer entertain any doubt that it is unnecessary (and, being unnecessary, it is, of course, for obvious reasons, highly inexpedient) for me to cause any further inquiry to be instituted in the Colony as to the particulars of the transactions which I have to review.

I shall accordingly at once proceed to examine the circumstances connected with the offence charged against Langalibalele, and with his trial and sentence; and in order to be as brief as possible, I shall not enter into any detailed analysis of the statements made to me on either side, but shall succinctly recapitulate what I believe to be the true history of the case.

The facts of Langalibalele's case, as they appear from the proceedings of the Court which inquired into the charges against him, may be very shortly stated as follows:—

Langalibalele and his tribe were refugees from Zululand in the year 1849. They were received by the Government of Natal, and were allowed to live in the Colony upon condition that they occupied a portion of the base of the Drakensberg, and discharged certain duties necessary for the protection of the county of Weenen.

These duties were to close and guard the mountain passes against the inroads of bushmen.

For some time previous to the spring of 1873 there had been disputes between Mr. Macfarlane, the Resident Magistrate, and Langalibalele, and in April of that year a messenger was sent to summon the Chief to appear at Pietermaritzburg, to answer for his conduct before the Colonial Government. On his failure to appear when twice summoned, a third message was sent to him by the Secretary for Native Affairs, dated October 4, 1873, in which he was required, in the name of the Lieutenant-Governor as Supreme Chief, to appear at Pietermaritzburg within fourteen days after the receipt of the message, and to answer for his conduct.

Langalibalele refused to appear in answer to this summons, pleading fear and illness, and it was also alleged that he treated the messengers sent to him with gross indignity.

The Lieutenant-Governor in Council, finding that the Chief did not appear, determined to send a force "to invest the country" occupied by the tribe. A portion of this force, on arriving at the Bushman's River Pass, found a number of the tribe in the act of driving their cattle across the border, under the command of one of Langalibalele's chief men. After a parley, orders were given to the force to retire, and while they were in the act of retiring, they were fired upon, and, most unhappily, five of them were killed, three Europeans and two natives.

Langalibalele, who at the time was in advance with another portion of the tribe, was afterwards taken, and was put upon his trial before a Court composed of the Lieutenant-Governor, sitting as Supreme Chief, the Secretary for Native Affairs, and certain Magistrates, native Chiefs, and Indunas. He was tried under what was stated to be Native Law, though the procedure adopted was, in some degree, modelled upon the forms of an English Court. He was without the assistance of counsel to speak or cross-examine witnesses on his behalf. He was found guilty of certain charges in the indictment against him, and was sentenced to banishment or transportation for life to such place as the Supreme Chief or Lieutenant-Governor might appoint, and this sentence having been confirmed upon appeal to the Lieutenant-Governor in Council, was carried into effect by the prisoner being conveyed to Robben Island, within the limits of the Cape Colony, for confinement therein, the Cape Legislature having passed an Act for the purpose of enabling this course to be taken.

Langalibalele's tribe, the Amahlubi, were broken up and dispersed, their lands were taken away, and many of them, including sons of Langalibalele, were condemned to various terms of imprisonment.

\* No. 4.

† Bishop Colenso's Pamphlet will be found printed as a separate Parliamentary Paper.

In considering how far the punishment inflicted on Langalibalele and his tribe has been deserved, and whether it ought to be sustained or mitigated, the subject has appeared to divide itself under three principal heads, namely—

1. The conduct of Langalibalele from his coming into Natal up to the spring of 1873.
2. His conduct when summoned to appear at Pietermaritzburg.
3. The circumstances attending the trial.

I regret that, as I have already observed, the prisoner had not the benefit of counsel on his behalf at his trial; and, if in dealing with this matter, I should appear to criticize or question the evidence, it must be borne in mind that I am bound to take notice of the fact that the prisoner was not provided with the means of bringing out all that might have been elicited on his behalf by an able advocate at the time.

It will, however, be right that I should in the first instance refer to the conduct of Langalibalele before 1873. It appears that he and his tribe discharged their duties well and faithfully for many years, guarding the farmers in Weenen county and their flocks from the attacks of Bushmen. If, indeed, from time to time, as is often the case with native Chiefs, it was necessary to check or reprove him for small acts, whether of commission or omission, no serious complaint of his conduct or that of his tribe was ever made to any of my predecessors in this office, nor was any intimation given that a spirit of rebellion had been shown. I do not, indeed, fail to observe that in your despatch to the Earl of Kimberley dated 30th of October, 1873, after these troubles had begun, you made the following statement:—"Some time ago, long before I assumed this Government, Langalibalele and his tribe set the authority of the Government at defiance by repeatedly disregarding the orders of the Magistrate of the county in which they are situated;" and, again, that in delivering judgment, you said—"It appears that for some years past the Magistrate of the county in which the prisoner lived had noticed circumstances which led him to believe that the prisoner and his tribe exhibited an independence and impatience of control which might lead to difficulties:" and again, "The attempts made by the Magistrate to enforce obedience to the law, and even to obtain explanation of the breach, were met by the prisoner and his tribe with indifference, and, in some instances with resistance." But I am bound to say that the evidence does not appear to me fully to support these statements. Mr. Macfarlane, the Magistrate, remarks only that there were "general indications, of which however it is difficult to give special instances, of impatience of control;" and Mr. Shepstone, the Secretary of Native Affairs, says, with respect to the disputes between the Chief and the Magistrate, that "they were mostly of a minor character and on subjects of minor importance." Only two instances are touched upon by Mr. Macfarlane, both of which appear to me to have been explained. In one it is said that Langalibalele wilfully neglected to bring into effect a new marriage law in the year 1869. It appears, however, improbable that he could have actively resisted, as its introduction was in fact a source of revenue to him, and that his offence cannot have been regarded as serious since it was visited by a fine only of 10*l*. The other case, represented to be the immediate cause of the late disturbances, is the alleged refusal of the Chief to send his people to the Magistrate to register their guns. But, on comparing the evidence given at his trial with the evidence given at the trial of the members of his tribe, and with statements subsequently advanced on behalf of the prisoner, it appears that there is much to be said in palliation of his offence. While, moreover, it is true that many guns in possession of the tribe were not registered as was by law required, it is also the fact that similar neglect of this requirement occurred in other tribes: and it is alleged that the official register shows that more guns were registered by this tribe during the years 1871, 1872, and 1873 than by others of equal size.

With respect to the refusal of the Chief to send in his people to register guns when called upon, only three instances are given where he was summoned to do so. On the first occasion he complied; on the second he requested to be furnished with the names of the parties in order to find them, and, though this was refused, he still partially complied; on the third, he alleged that the owners of the guns had become alarmed, had run away, and that he could not find them.

On a review of these circumstances, therefore, I am brought to the conclusion that, though there was probably negligence—it may be more or less culpable—in complying with the law, there was no sufficient justification for the charge in the indictment that Langalibalele "did encourage and conspire with the people under him to procure firearms and to retain them, as he and they well knew, contrary to law, for the purpose and with the intention of, by means of such firearms, resisting the authority of the Supreme Chief."

I come next to the conduct of Langalibalele when summoned to appear at Pietermaritzburg.

On this point it has not been disputed that Langalibalele was three times duly summoned to appear before the Colonial Government, that it was his duty to have obeyed the summons, and that he knew that in disobeying he was committing a very grave offence, and one that if persisted in must bring him into collision with the authorities. It is further admitted that instead of obeying he sent excuses, and made statements, some of which certainly were false; and that in the end he and his tribe made preparations for flying from the Colony, and endeavoured to carry their design into execution, taking their cattle with them.

Apart from the consideration that the removal of cattle across the border without the consent of the highest authority is a distinct offence in native estimation, I do not doubt that when once matters had come to this serious pass, and the Chief had set at naught the repeated orders of the Government, it was necessary to compel his obedience. To have passed over such a failure of duty would have inflicted severe injury on the prestige of the Executive, and might have been productive of the most serious consequences in a Colony where the natives, exceeding the Europeans in the proportion of twenty to one, were watching the proceedings with close attention, and—it is alleged—were ready to act upon any indication that one of their body could resist the Central Government with impunity. I do not, therefore, attribute blame to you for taking such measures as were necessary for compelling the submission of the Chief and his tribe, nor, though I deeply deplore the unhappy chance by which the collision at Bushman's River Pass came, should I think it right to withhold my approbation from the conduct of Colonel Durnford, who was in command on the spot, and whose forbearance and humanity towards the natives has attracted my attention. I also am sensible that the difficulty of your position was enhanced from the fact that you were brought face to face with the delicate questions which were pending between the Government and the Chief at a time when Mr. Shepstone, the Secretary for Native Affairs, whose long experience and great ability in such matters would have been of the utmost value to you, was absent from the country. But giving full weight to these and other considerations, I cannot divest my mind of the conviction that if greater pains had been taken to inquire into the allegations of disobedience and treasonable communications on the Chief's part, and to sift the rumours which were rife in the Colony on the subject, a truer conception of his attitude towards the authorities would have been formed; and that by dealing with him in a more frank and reassuring manner, he might have been brought voluntarily to render obedience to the Government, and thus the fatal necessity of setting an armed force in motion might have been avoided.

It is urged on Langalibalele's behalf that the course taken by him in refusing to appear before the Government was dictated by a fear that so soon as he arrived at Pietermaritzburg he would be taken and put to death. There could, of course, be no real ground for such apprehension, but there are several indications that the prisoner may have been actuated by it. It must be borne in mind that it has been extremely rare for a Chief to be summoned in this way, and he could, therefore, only suppose that it was for an offence of the most serious nature that his presence was required; a supposition likely to be strengthened by the refusal of the messengers to disclose the matter for which he had to answer. His brother had in former times been summoned to the King in Zululand, as Supreme Chief, and killed as soon as he arrived. In reference to this, it will be observed that Gayede and Mahoiza, two of the witnesses against him, both give strong evidence that such a feeling prevailed with the Chief and among his tribe; while the Secretary for Native Affairs, the official prosecutor at the trial, and you yourself in delivering judgment, appear in a greater or less degree to have considered his disobedience to the summons to have been caused by fear.

No doubt, whatever was the motive, the Chief was guilty of an offence, but whether in estimating the gravity of that offence, or in deciding upon the manner of dealing with the offender it was of vital importance to ascertain whether his disobedience was, as is charged in the indictment, a deliberately planned scheme of resistance in concert with others, or the mere effect of an unfounded panic. Unfortunately this was not made clear.

I pass now to the trial and sentence of Langalibalele; and here, after an anxious consideration of all the circumstances and local conditions involved, I feel bound to express my opinion that there are several points open to grave observation and regret.

The Court itself was peculiar and anomalous in its constitution. It consists of two officers of the Government (yourself and the Secretary for Native Affairs), of two Resident Magistrates, and seven native Chiefs and Indunas. During four out of the

five days which preceded the delivery of judgment the other Members of the Executive Council were present, not forming any part of the Court, but, as you say, "to look on and assist with their advice;" the Governor and Executive Council being the body to whom, in conjunction with yourself, an appeal from the decision of the Court would lie, and to whom, in fact, that appeal was subsequently carried. Not less peculiar was the law by which the prisoner was tried. It was what is known as native law, and the procedure adopted differed widely from the ordinary practice of the Courts. Looking to the fact that the crimes charged in the indictment were conspiracy, sedition, treason, and rebellion, it would seem desirable that such grave charges should have been investigated by the highest judicial ability in the country, and under the guidance of such rules as have been decided by the experience of civilized men to be the most fitting for the purpose. But if on the other hand, it could be deemed necessary to have recourse to native law, on the ground that the acts committed by the Chief were not criminal in the view of civilized law, it was to say the least, unfortunate to have imported into his indictment charges which are cognizable and punishable by the ordinary law courts.

Independently of the confusion and unsatisfactory result to which such an anomalous blending of civilized and savage terms and procedure must lead, I find considerable difficulty in deciding upon questions which, in ordinary circumstances, would not be open to any doubt. Thus, the act of "running away" with the cattle, which appears to have been relied on in support of the charge of treason, as understood in native law, is denied by the Bishop of Natal to be capable of that construction.

But further, it was in my judgment a grave mistake to treat the plea of the prisoner as one of guilty, since his intention seems clearly to have been to extenuate or justify his actions, and thus reduce the magnitude of the offences with which he was charged. There is no point which, in any English law court, a prisoner may claim with more absolute certainty; no point which, in the absence of legal assistance, the Court will more firmly insist upon in his behalf than that a plea of not guilty should be entered where there is the slightest doubt as to the meaning of the prisoner. It may, indeed, be said that the decision of the Court was formed not upon this plea, but upon evidence for which you deemed it advisable to call. But where you had decided to retain so much of the procedure and language of English law, it was clearly unfortunate to depart so widely from the spirit of that procedure. Still more serious, because it involved practical consequences of a very grave nature to the prisoner, was the absence of counsel on his behalf. The Court and the prisoner alike were deprived of the necessary assistance in testing the evidence and weighing the nature of the offence. And the weight of your own responsibility was thereby greatly increased, for when no such assistance was forthcoming, you were wholly without assurance that no point has been unduly pressed against the prisoner, and no untrustworthy evidence had been received without undergoing the indispensable sifting of cross-examination.

I am aware that you refused to permit the employment of Mr. Escombe as counsel because he declined to confine himself to cross-examination and the statement of points of law. I regret that he should have come to this decision, as there may have been well-founded objections to the admission of an impassioned speech against the Government and in favour of a native offender, while he could have rendered great service in eliciting facts by examination of witnesses; and I still more regret that, in his default, you did not use every endeavour to provide efficient assistance to the prisoner in the conduct of his case, and, more particularly, in sifting the evidence.

Had, indeed, the guarantees which every English Court of Law desires for its own sake and in the ends of justice to secure, been accorded, it is clearly improbable that the story of the prisoner's treatment of the messenger sent to him would have been accepted in the form in which it was tendered to the Court. The gross indignities to which the witness Mahoiza stated he was forced to submit would naturally have great weight in determining the view taken of the prisoner's conduct in general, since it could hardly be conceived that a messenger from the Lieutenant-Governor, acting also in his character and capacity of Supreme Chief, would be ill-treated by a subordinate Chief, unless the latter had determined deliberately to defy the Government. It is, therefore, much to be regretted that, on this point, the evidence of Mahoiza alone was accepted unsupported and untested, although there were two other witnesses who were present as Mahoiza's companions throughout the whole scene, and who would, therefore, have been of the utmost value, either in support or in correction of his statements. And looking to the behaviour of the witness and the additional evidence produced at the subsequent examination at the office of the Secretary for Native Affairs, on the 27th and 29th January, 1874, I am obliged, with great regret, to conclude that, this very important portion of the evidence given against the prisoner at the trial was so far untrustworthy

as to leave it an open question whether the indignities of which the witness complained may not have amounted to no more than being obliged to take off his coat, which might be a precaution dictated by fear, and nothing else.

I have now noticed the principal points connected with the trial. The material offence actually established against Langalibalele appears to me, after weighing all the circumstances of the case with the most anxious care, to amount to this:—That having been thrice summoned to appear before the Government, he at first neglected, then refused to come, and finally having so disobeyed the orders of the Lieutenant-Governor, he endeavoured to fly from the jurisdiction of the Colonial Government with his tribe and his cattle.

For this, which he knew to be a serious crime according to all the traditions and usages of his people, he has justly deserved punishment, but the sentence passed upon him punishes him for treason, sedition, and rebellion, and is, in my judgment, far too severe, and I have felt it my duty to advise the Queen that it should be mitigated. Her Majesty has accordingly been pleased to direct that he shall, with his son, be removed from Robben Island to a location to be set apart for him within the Cape Colony, under strong restrictions against re-entering Natal.

That the Amahlubi tribe should be removed from its location may have been a political necessity which, after all that had occurred, was forced upon you, and I fear it is out of the question to reinstate them in the position, whether of land or property, which they occupied previously. The relations of the Colony with the natives, both within and without its boundaries, render this impossible. But every care should be taken to obviate the hardships and to mitigate the severities which, assuming the offence of the Chief and his tribe to be even greater than I have estimated it, have far exceeded the limits of justice. Not only should the terms of the amnesty of the 2nd May last be scrupulously observed, but, as far as possible, means should be provided by which the members of the tribe may be enabled to re-establish themselves in settled occupations.

I have already conveyed to you my entire disapproval of any compulsory assignation of prisoners as servants to individuals, and though I have not received your answer to my despatch of June 12, I cannot hesitate to express my condemnation of the practice. I have, therefore, only to impress upon you that, should it be found necessary to keep any members of the Amahlubi tribe to forced labour, they must be employed upon public works, and not assigned to private masters. It is, however, my sincere hope that, after careful consideration with Mr. Shepstone, you will be able to remit all the minor sentences.

With respect to the Putili tribe I have in their case also expressed my opinion that no sufficient cause has been shown for removing them from their location. I can discover no indication of their conspiracy or combination with Langalibalele, beyond the vague and uncorroborated apprehension of some possible movement on their part in connection with the supposed tendencies of his tribe; and therefore I can see no good reason for any punishment on this ground. Indeed, on the facts before me, I am bound to express a grave doubt whether the heavy losses and confiscations to which the tribe has been subjected were warranted by their want of readiness to afford assistance to the Colonial forces. Those losses cannot, I fear, now be entirely replaced or repaired, but as far as reparation can be made without lowering the influence and endangering the authority of the local Government, it must be done.

If this tribe has not been already restored, in conformity with the statements contained in your despatch No. 141 of 3rd August, and with the instructions contained in mine of the 26th ultimo, I have now to direct you to reinstate them without delay, in such manner and under such precautions as will attract as little as possible the attention of the natives generally to the proceedings, and will be least calculated to produce any excitement or misapprehension on their part.

With regard both to this tribe and the Amahlubi, I have to require from you a strict and accurate statement of the moneys which have been paid into the Colonial Exchequer on account of the sale of cattle or other confiscated property.

I am deeply impressed with the necessity of maintaining, in every legitimate way, the prestige of the Government in the eyes of the vast number of natives who inhabit and who surround the Colony of Natal; and I am ready to admit that, when once a tribe has refused to obey the orders of the Governor and has resisted the force sent against it, it may become necessary that it should lose its independent existence as a tribe, and that the Chief should be removed from his Chieftainship; but inordinate punishments inflicted on the guilty, and, still more, punishment inflicted on those to whom no substantial guilt can be imputed, must tend rather to weaken than to increase the credit of the Government and its power for good.

The scenes which followed the flight of Langalibalele have, I need scarcely say, occupied much of my attention. That many of them were painful I cannot but feel, but I have also to bear in mind that the forces employed by the Colonial Government were engaged in a difficult and dangerous task. The tribe, on quitting its location, had left the women and children in strongholds, defended by parties of men, with the view, as it would appear, of returning to these places and using them when the Chief and the cattle had been conveyed out of the Colony. I do not question the necessity of reducing these strongholds, and if, in taking them, certain unhappy casualties occurred, if blood was too freely shed, and if even excesses were committed, such as is too frequently the case in conflicts of this nature, where Europeans, or natives under the orders of Europeans, are engaged in suppressing native disturbances, I cannot find in the accounts which I have received of the conduct of the Colonial forces evidence to sustain or justify any general accusation of wilful cruelty. I have, as far as the evidence before me allowed, considered the various cases of severity or alleged cruelty which have been during the last few months so freely cited, and whilst I must express my deep regret that I cannot absolve all who were concerned in those transactions from this grievous charge, I see no reason to differ substantially from that part of Mr. Shepstone's Minute of June 12, in which he says, "That there were individual acts of unnecessary harshness and cruelty there can be no doubt, but as far as I can judge, I do not believe that there were more than is the natural and, I must add, inevitable consequence of men, white or black, suddenly finding themselves in circumstances which inflame their passions, and, and, for the moment, destroy their self-command and almost obliterate the sense of moral responsibility; in fact, there were but few; but few or many, they can be dealt with only on their own special merits, because they are isolated cases, unconnected with, and contrary to, any authorized course of proceeding laid down for the guidance of those employed to carry it out."

I am glad to be enabled to conclude my observations on this very painful subject by expressing the Queen's appreciation of the general kindness and justice with which the natives of Natal have for many years been treated by the white population. The large and increasing numbers of the Kafirs within the Colony is of itself a refutation of any general charge of unkindly treatment; and nothing can be more undeserved than any allegation that the European Colonists have been in the habit of acting with cruelty or oppression. The system under which the natives are governed has, in fact, depended too much upon the maintenance of friendly relations, and too little upon a firm enforcement upon the Kafirs of the obligations of individual citizenship. If, as I hope, I am able hereafter to propose some material improvements in the system of Native Administration, I shall do so in full reliance upon the ready co-operation of the Legislature and people of the Colony.

Her Majesty further commands me to instruct you to make it known to her native subjects in Natal that she has heard with much pleasure the accounts given by Mr. Shepstone of their loyalty and general good conduct, and that she feels a warm interest in their welfare.

I inclose a translation of a Proclamation to the native population which has been prepared by Mr. Shepstone under my instructions, which I desire you to publish for general information with this despatch.

I have, &c.  
(Signed) CARNARVON.

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Inclosure in No. 26.

*Proclamation.*

(Literal Translation.)

THE matter of the Amahlubi has been reported to, considered, and decided by the Great Chiefs who rule for the Queen the countries of England, and they say:—

It is said that the Amahlubi refused obedience to the orders of the Governor of Natal, who rules there for the Queen, the owner of Natal and all its people.

It is said also that they deserted against (or outside) the law, and turned their weapons against the great house; that they began to fire with guns upon the Queen's people, those people having been sent to bring them back; and that they fired when the commanding officer of the Queen's people thought that the Amahlubi people were listening to him.

These things brought down great trouble and sorrow upon the Amahlubi; and

Langalibalele, who was their Chief, was taken to an island in the sea; and all men saw that to transgress was to court misfortune.

While hearts were still burning, there appeared a word, saying, that the people of Putili weep for the Amahlubi, they are one with them, they help them in their fighting; and upon this they also entered into great heaviness.

But all salvation and all death are in the hands of the Queen, who says, We have looked into, inquired about, and considered this matter on both sides, and this is Our decision :

Langalibalele We release from imprisonment on the island in the sea, but he shall not return to Natal.

The Amahlubi may, if they choose, when that is prepared which is to be prepared, go to him; but he will not be allowed to go to the Amahlubi.

And the matter of the Amangwe the Queen says, the punishment which has been given to them while the news was still warm has surpassed their sin; heaviness is laid upon people that they may be warned, but not die; the Amangwe may return to the land that they lived upon and were taken from, and may cultivate it, but the Queen's eye will always be upon them; if they are obedient to the laws, and if they have ears to hear, she will say, Let them be protected and assisted that they may flourish and grow fat as before; but if they will not listen, and love to walk the paths which are not right, whom will they question if trouble clings to them?

The great Chiefs who rule for the Queen say, the black people of Natal must know that to contend against and point their weapons at the Chiefs appointed over them is a great transgression; no country can stand and flourish if its laws are not obeyed; because the Queen in this case has turned one punishment in a different direction, and removed another, let them not say sins such as those are lightly looked at, and that to-morrow those sins may be committed and no punishment adequate to them appear.

Let them take warning from what they have seen.

No. 27.

*The Earl of Carnarvon to Lieutenant-Governor Sir Benjamin Pine, K.C.M.G.*

Sir,

*Downing Street, December 3, 1874.*

THE events which occurred towards the close of last year in the Colony of Natal have directed my attention to the policy of the Government of the Colony towards the native population within its borders, and to the administration of justice under the system known as native law.

In the year 1848 Her Majesty addressed an Instruction to the officer administering the Government of Natal in the following terms:—

“ And whereas the said district of Natal is inhabited by numerous tribes, natives of the said district, or of the countries thereunto adjacent, whose ignorance and habits unfit them for the duties of civilized life, and it is necessary to place them under special control, until, having been duly capacitated to understand such duties, they may reasonably be required to render ready obedience to the laws in force in the said district: We do hereby declare it to be Our will and pleasure that you make known, by Proclamation, to Our loving subjects and all other persons residing in the said district that, in assuming the sovereignty thereof, We have not interfered with or abrogated any law, custom, or usage prevailing among the inhabitants, previously to the assertion of sovereignty over the said district, except so far as the same may be repugnant to the general principles of humanity recognized throughout the whole civilized world, and that We have not interfered with or abrogated the power which the laws, customs, and usages of the inhabitants vested in the said Chiefs, or in any other persons in authority among them, but that, in all transactions between themselves, and in all crimes committed by any of them against the persons or property of any of them, the said natives are (subject to the conditions already stated) to administer justice towards each other, as they had been used to do in former times, provided, nevertheless, and We do so hereby reserve to Ourselves full power and authority, as We from time to time shall see occasion, to amend the laws of the said natives and to provide for the better administration of justice among them as may be found practicable.”

It would have been clearly inexpedient, looking to the circumstances of the Colony of Natal in the year 1848, to have rudely disturbed the organization existing there, and by breaking up the political and social forms according to which the people were accustomed to live, to have done away with the only means, short of actual force, by

which they could be kept in order. It was, therefore, right that in 1849 an Ordinance should have been passed giving effect to this Instruction, empowering the Governor to appoint fit persons for the administration of native law, and conferring upon him all the powers of a Supreme Chief with respect to the Subordinate Chiefs and the natives. But it is no less clear that the intention of the Instruction was that native law should be continued as a temporary expedient only and until the natives had become habituated to a better system, administered according to English practice. It would further appear to have been the intention of the Instruction that native law should be administered only as between native and native, and it does not seem to have been contemplated that recourse should be had to it in any case to which a white man might be a party. I find, however, that, after a lapse of twenty-six years, far from having been temporary, the system of native law remains more firmly established than ever, and that, instead of being restricted to cases between one native and another, it has only last year been made capable of extension at the will of the Governor to any case in which an offence is alleged to have been committed by a black man against a white.

When it is considered that "native law" is a barbarous system, the procedure of which could scarcely be applied without modification by any person taught to administer justice according to civilized methods, I am forced to consider why it is that the system has flourished so long, and that, as in the case of the Cattle Stealing Ordinance, and the Grass Burning Ordinance of 1865, as amended by the Ordinance of last year already referred to, efforts are made to widen rather than to contract its operation.

The inquiries I have made into the subject have satisfied me that the maintenance of the system is undoubtedly due to the fact that the Government of Natal has deemed it expedient to keep up the old tribal polity of the natives, looking to the hereditary native Chiefs to direct the people, and holding these Chiefs responsible for their good order and government.

Such a course has obvious conveniences; it was, in fact, in earlier days, the only safe and practicable system of rule, since, from old habit and tradition, the people would render ready obedience to their Chief, while they would be ruled in a manner intelligible to themselves and inexpensive to the Government. But, on the other hand, it brings with it many serious dangers, and dangers more likely to increase than to diminish as the Colony grows in wealth and prosperity. By necessitating the maintenance in full force of the tribal organization, it preserves unimpaired the social habits, the customs, and usages of the savage state. Living together, armed and drilled, and accustomed to act together under the command of their head men, the tribe are ready at any moment to take the field. Their chief property being oxen, they have always at hand the means of transporting themselves and their families, and of feeding while on the march, while the location they occupy being the property of the tribe, there is no counteracting sentiment of attachment to the soil, such as the individual possession of property would give. Settlement on the soil, amalgamation with the general population of the Colony, a recognition of its common laws and institutions, even Christianity and religion become very difficult, if not impossible.

But further, such a state of things tends directly to foster a sentiment of dependence upon the Chief. As the head of the tribe, the administrators of justice, the controller and judge of the numberless social questions which must arise among his people, it is only natural that the tribes should feel the strongest allegiance to him to the exclusion of every one beside him. So long as the Chief remains the willing agent of the central power, these sentiments render the government of his tribe an easy matter, but if the Chief should become disaffected, it is obvious that he has, through associations and sentiments, a most dangerous instrument of disorder ready to his hand.

Even the very conditions which ought to be and which ordinarily are the guarantees for tranquility and order may thus, under certain circumstances, become a source of danger. For whilst, by living under British rule, the tribes are prevented from making war upon one another, and are secured in the quiet enjoyment of their different locations, it is natural to expect that they should increase in numbers, power, and wealth. This increase will augment the power of the Chiefs, and thus the prosperity of the Colony must aggravate its difficulties.

Two instances at least have occurred since 1848, which illustrate clearly the danger to which I have referred, namely, the case of the Chief Matyana in 1858, and the case of Langalibalele last year. In each case a Chief having incurred the displeasure of the Government, was summoned to appear before the authorities. He refused wholly or partly on the ground of fear, and having by his contumacy placed himself in a worse position towards the Government, severe measures became necessary in order to compel his obedience.



But those measures were resisted with more or less of violence, and ultimately the Chief had to fly, his tribe was broken up and dispersed, and their cattle were seized after a resistance which entailed considerable bloodshed and loss of life.

It is especially to be remarked that in each of these cases the tribe supported their Chief with enthusiasm; that there was, as might be expected, little if any feeling of allegiance visible to their nominal "Supreme Chief," the Lieutenant-Governor, and no symptom of unwillingness to follow their own tribal Chief wherever he should choose to lead them. Their only fear would seem to be for his safety, and to preserve this they were ready to leave their houses and sacrifice their lives. I cannot see that under such circumstances there is any reason to expect that similar cases will not occur in the future, nor that, as the numbers, wealth, and education of the Kafirs increase they will not, in some respects at least, be far more dangerous and difficult to deal with.

For the foregoing reasons I desire most strongly to urge upon those who are entrusted with the Government of the Colony of Natal, to consider whether the time has not arrived when a strenuous effort should be made to modify the administration of native affairs in the direction contemplated by Her Majesty's Instructions of 1848.

In saying this, I must not be understood to mean that in civil matters all the customs and usages of the natives should be at once swept away. You will observe, on reference to past correspondence, that a certain measure of reform was contemplated about ten years ago, and for this some preparation was apparently made by the Ordinances passed in the years 1864 and 1865, for relieving persons from the operations of native law, and enabling them to dispose of immovable property by will. It is now, however, obvious that resort must be had to a more extended and decided change. Many of the native customs and usages it will be necessary in any event for some time to retain. But in the administration of the law, both civil and criminal, in the provisions of the criminal law, as well as in the form and administration of the Executive Government, it is clear that great changes are required.

Looking to the probability that with increasing wealth and education the natives may be induced more and more to accept the duties of civilized life, the endeavour of the Government should be to make them amenable to the ordinary laws of the land, and to shape the policy of the Colony in native affairs with the view of raising them out of their tribal organization into the condition of private and independent owners of property, and thus ultimately detaching them from their dependence upon their hereditary Chief, and teaching them to look to the white Magistrates alone for the declaration of their rights and their protection against wrong. That the natives are capable of great improvement I cannot doubt after reading the very interesting accounts of the condition and progress of kindred tribes given in the Blue Book on native affairs in the Cape which has lately reached me. And though the change of policy I have indicated, and which I believe to have become necessary, would doubtless involve some expense in the increase of judicial and civil establishments, I cannot doubt that such expense would be amply repaid by the security from lamentable and disastrous outbreaks against which it would guard.

I have, &c.

(Signed) CARNARVON.

No. 28.

*The Earl of Carnarvon to Lieutenant-Governor Sir Benjamin Pine, K.C.M.G.*

Sir,

*Downing Street, December 3, 1874.*

FROM the despatches which I have addressed to you on the case of Langalibalele, and on various subjects connected with the condition and government of the Kafir population of Natal, you will have learnt that I contemplate the introduction of considerable changes in the administration of native affairs within the Colony.

These changes will have to be gradually and cautiously brought into operation, and must inevitably during some years entail upon the Lieutenant-Governor exceptional labour and responsibility. They are also such as, in my opinion, could not be advantageously undertaken by an officer who has administered the government on the system which it is now desired to supersede.

Your health, which I regret to hear has of late been indifferent, and which has, as I understand, led you on more than one occasion to contemplate the resignation of the office which you hold, will probably induce you to feel that it is for the interest of the Colony that its government should now be in fresh hands; and under these circumstances

I think it will be most agreeable to yourself, as it is in my opinion right, that you should retire from the administration of the government of Natal.

I deem it especially important that your successor should enter upon his duties without delay, and I have already taken steps for expediting, as far as possible, his arrival in the Colony. I therefore request you to make your arrangements for returning to this country as soon as you conveniently can after the receipt of this despatch.

In order to obviate any misapprehension on the part of the native population or others in the Colony with regard to the change in the Lieutenant-Governorship of Natal which, at this juncture, I consider to be desirable, you will be pleased to publish this despatch.

I have, &c.  
(Signed) CARNARVON.

## No. 29.

*The Earl of Carnarvon to Lieutenant-Governor Sir Benjamin Pine, K.C.M.G.*

Sir,

*Downing Street, December 3, 1874.*

I HAVE received your despatch of the 24th of September,\* inclosing a letter addressed to me by Mr. Moodie, an Advocate in Natal, relating to the proceedings against the Chief Langalibalele and his tribe.

2. I have to instruct you to inform Mr. Moodie that I have read his letter with attention, but that I do not answer it at length, as the decision on the case which I have communicated to you renders it unnecessary that I should do so.

3. Mr. Moodie, however, makes a statement which you do not notice in your despatch, and on which I should wish to receive an explanation from you. I refer to that part of his letter in which he alleges that the prisoner was refused permission to see a legal adviser.

4. I request you to inform me whether this statement is correct, and, if so, what considerations were held to justify the course so taken.

I have, &c.  
(Signed) CARNARVON.

## No. 30.

*The Earl of Carnarvon to Governor Sir H. Barkly, K.C.B.*

Sir,

*Downing Street, December 4, 1874.*

AS the questions connected with the late Kafir revolt in Natal are of much interest to the Colony of the Cape of Good Hope, not only on account of their bearing upon native affairs generally, but also because of the enactment passed by the Cape Legislature to empower the imprisonment and detention of Langalibalele and his son in Robben Island, I lose no time in transmitting to you a copy of a despatch which I have addressed to the Lieutenant-Governor of Natal.† From this despatch you will learn the conclusions at which Her Majesty's Government have arrived upon the whole case, and the act of clemency towards the Chief, his sons, and his tribe, which, upon my recommendation, the Queen has been pleased to approve.

2. Passing at once to the point on which it is most urgent that the co-operation of your Government should be obtained without delay, it will be seen that it has been decided that Langalibalele, with Mahlambule, shall be removed from Robben Island to a location to be set apart for them within the Cape Colony, and shall be prohibited from re-entering Natal. I have not hesitated to assume that your Ministers, who, in promoting the legislation to which I have referred, and in other matters, have shown so strong a desire to assist the Government of the neighbouring Colony at this juncture, will readily aid me in giving effect to this arrangement, even at the cost of some possible inconvenience. But I learn from Mr. Shepstone, the Secretary for Native Affairs in Natal, that, although, of course, he cannot venture to speak in any way for your Government, he is inclined to think that, without much difficulty, a suitable location may be found at no great distance from Cape Town, on which Langalibalele, with those of his family and tribe who may be disposed to join him, may be settled.

3. Mr. Shepstone, whom I have thought it necessary to request to return at once to his Colony, in order to superintend the steps to be taken in respect of the natives

\* No. 22.

† No. 26.

concerned in the recent troubles, is in full possession of my views and wishes, and will give all requisite explanations to you and to your Ministers on his arrival at Cape Town, and I shall be glad to learn from you, as soon as possible, the action taken by your Government.

4. I desire now to make a few observations with respect to the Cape Act No. 3 of 1874. In your despatch of the 14th August,\* transmitting that Act, you refer to an intimation which I had made to the Lieutenant-Governor of Natal, that a sentence of transportation could not be carried out beyond the limits of the Colony, unless an arrangement had been made with some other Colony under the Imperial Act 32 & 33 Vict., cap. 10.

5. When I expressed this opinion, I was not aware of the course contemplated, and subsequently taken, of obtaining an enactment of the Cape Legislature, and I referred only to the terms of the sentence passed upon the prisoner by Sir B. Pine. Under this enactment, I am advised that the prisoners are legally in confinement in Robben Island; so far, therefore, the object which the Cape Parliament had in view has been secured. But the procedure in Natal has been irregular, and the sentence of transportation was, as I then stated, beyond the competency of the Court that pronounced it, and it is obviously of importance that the provisions of the Imperial Act should be followed in such cases. I shall, therefore, after the prisoners have been established on their location, advise Her Majesty to disallow the Act No. 3 of 1874.

6. In tendering this advice, I would wish it to be well understood that I impute no blame to the Cape Government and Legislature, whose feelings on any question connected with actual or possible Natal disturbances I understand, whose willingness to assist a sister Colony I appreciate, and in whose readiness also to co-operate with the Imperial Government, I am sure that I shall not be disappointed.

7. In order that there may be no misapprehension as to the action of Her Majesty's Government in these matters, I think it desirable that you should cause this despatch, with the despatch to Sir B. Pine inclosed in it, to be laid before the Houses of Parliament or otherwise published in the Cape Colony; but, as I desire that my decision should be known first in Natal, I request you to delay its publication until after the despatches by the same mail have reached that Colony.

I have, &c.,  
(Signed) CARNARVON.

No. 31.

*Colonial Office to Mr. Shepstone.*

Sir,

*Downing Street, December 4, 1874.*

I AM directed by the Earl of Carnarvon to request that, as soon as possible after communicating with the Government of the Cape of Good Hope and ascertaining that they are able and willing to carry out the wishes of Her Majesty's Government with respect to the settlement of Langalibalele and his son upon a location in the Cape Colony, you will yourself see him and intimate to him the decision which has been arrived at.

You will be careful to make him clearly understand the condition on which it is proposed that he should be released from Robben Island, namely, that he is to reside at the place to be appointed, and is on no account to attempt to re-enter Natal. He should be made to understand that it is expected that he will abide honourably by this condition.

It is further Lord Carnarvon's desire that you will invite the Cape Government to provide the prisoners, at the cost of Natal, with any comforts which in your opinion may reasonably be given to them during the remainder of their confinement. And you should be prepared also to expend on account of Natal such moderate sums as may be required for the purpose of furnishing Langalibalele with a small supply of implements, live stock, &c., when placed upon the location.

His Lordship also desires that Langalibalele may be informed that the Bishop of Natal will visit him shortly on his return to the Colony, and that you will make all necessary arrangements with the Cape Government for affording the Bishop all reasonable facilities of access to the prisoners.

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

\* Not printed.

*The Earl of Carnarvon to Governor Sir H. Barkly, K.C.B.*

Sir,

*Downing Street, December 24, 1874.*

IT has been represented to me by the Bishop of Natal that there are two sons of a Kafir named, I believe, Umneni, who were sent several years ago to be educated at Cape Town, and who may now desire to return to their own country. The Bishop is desirous of communicating with these persons, with the view of ascertaining what progress their education has made, and whether it is their wish to return in his company to Natal; and I shall be obliged by your causing him to be afforded all proper facilities for communicating with them, and by your arranging for their returning home with him if it appears desirable that they should do so.

I have, &c.  
(Signed) CARNARVON.

*The Earl of Carnarvon to Lieutenant-Governor Sir Benjamin Pine, K.C.M.G.*

Sir,

*Downing Street, December 24, 1874.*

I TRANSMIT to you a copy of a despatch\* which I have addressed to the Governor of the Cape of Good Hope on the subject of two Natal Kafirs who have been for some years at the Cape for the purpose of being educated there.

I take this opportunity of also informing you that the Bishop of Natal has requested that facilities may be given to certain of the wives of Langalibalele who, as he understands, desire to come and live upon his land, to do so.

The Bishop will, upon his arrival, give any further explanations that may be necessary on this subject, and I request you to give effect to his wishes, unless there is any special objection of which I am not aware.

I have, &c.  
(Signed) CARNARVON.

*The Aborigines Protection Society to the Colonial Office.*

My Lord,

*3, Lambeth Terrace, E.C., December 30, 1874.*

ON behalf of the Committee of the Aborigines Protection Society I beg to inform your Lordship that, according to the most recent advices from Natal, it was still believed in that Colony that the Convict Labour Bill No. 18 of 1874, empowering the Government to allot the prisoners of Langalibalele's tribe among the European colonists had not been disallowed.

The Committee were under the impression that your Lordship had disallowed the above Bill, and they would, therefore, be glad if you felt at liberty to give them definite information on that subject.

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

*Colonial Office to the Aborigines Protection Society.*

Sir,

*Downing Street, January 8, 1875.*

I AM directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 30th ultimo.† In June last his Lordship addressed a despatch to the Lieutenant-Governor of Natal, expressing his disapproval of the Convict Labour Bill, No. 18 of 1874, and instructed him to take no further action under it. Before, however, advising

\* No. 32.

† No. 34.

Her Majesty to disallow the measure, Lord Carnarvon desired to have certain information and explanations which have not yet been received. A further despatch calling for information was sent to the Lieutenant-Governor in October last, and pending the receipt of an answer to this despatch, his Lordship is unable to say what course it will be his duty to take.

I am, &c.  
(Signed) W. R. MALCOLM.

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FURTHER Papers relating to the Kafir  
Outbreak in Natal.

(In continuation of Command Paper C. 1119 of  
1875.)

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*Presented to both Houses of Parliament by Com-  
mand of Her Majesty. February 1875.*

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LONDON:  
PRINTED BY HARRISON AND SONS,

# FURTHER PAPERS

RELATING TO THE

# KAFIR OUTBREAK IN NATAL.

(In continuation of C. 1121 of 1875.)



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Presented to both Houses of Parliament by Command of Her Majesty,  
February 1875.

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LONDON:

PRINTED BY HARRISON AND SONS.

[C.—1158.] Price 1½d.



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## Further Papers relating to the Kafir Outbreak in Natal.

(In continuation of C. 1121 of 1875.)

### No. 1.

*Governor Sir H. Barkly, K.C.B., G.C.M.G., to the Earl of Carnarvon. — (Received February 1.)*

My Lord, *Government House, Cape Town, January 5, 1875.*

YOUR Lordship's despatch of the 4th ultimo,\* informing me of the decision of Her Majesty's Government on the case of Langalibalele, reached me on the 31st ultimo, and I lost not a moment in bringing it under the consideration of my Responsible Advisers, with a view to obtaining the promise of their co-operation in making arrangements for the location of the Chief and his son, after their liberation from Robben Island, on the mainland of this Colony.

2. I regret to have to state that, for the reasons assigned in the inclosed Minute, Mr. Molteno and his colleagues, after much deliberation, conducted with every disposition to act in accordance with the opinions of Her Majesty's Government, feel themselves precluded from taking any step towards giving effect to your Lordship's wishes.

3. I regret this, not only on account of the inconvenience that may thus be occasioned to Her Majesty's Government, but for the sake of the Colony itself; because, whilst still adhering to the opinion I felt it my duty to express to your Lordship five months ago,† that it was better for the peace of South Africa, as well as their own security and comfort, that Langalibalele and Mahlumbuli should remain on Robben Island for some time to come, I cannot but perceive that if their release thence is determined on, it will be far safer for all interested in preventing Kafir wars to keep them, as your Lordship proposes, under strict surveillance somewhere in the neighbourhood of Cape Town, than either to send them back to be confined under stringent restrictions in Natal, or pardon them on condition only of their not returning to that Colony.

4. That there would be some risk in the first case, as pointed out by Mr. Brownlee in a Memorandum (which, together with the note from Mr. Molteno on the subject, forwarded privately last mail, are attached to the Minute), of their escaping into the Trans-kei, where so many of their relatives live, and causing, either intentionally, or from the superstitious reverence with which Langalibalele is far and wide regarded, serious disturbances, cannot be denied; but there would be still more danger in their return to Natal; and it would assuredly be the most dangerous course of all to permit them to proceed triumphantly direct from Robben Island to the very flanks of the Drakensberg, as they would do in the last case.

5. I fear, however, that the conclusions to which my advisers have come, will prove to be in closer accordance with the views entertained by the vast majority of the colonists of European descent, than those I have above expressed, and that it would have been vain, consequently, to have attempted to withstand the agitation which will arise whenever the despatches are published.

6. Under the circumstances, I see no alternative but to await your Lordship's instructions in the matter before moving further, detaining Langalibalele and his son on Robben Island until either a formal pardon from the Queen is forwarded in their favour, the disallowance of Act No. 3 by Her Majesty is announced to me, or the Natal Government apply to this Government for their redelivery.

7. Meanwhile, steps will be immediately taken to ameliorate the condition of the

\* *Vide* No. 30 of previous Paper C. 1121 of 1875.

† *Vide* despatch of August 14, 1874, No. 10 of same Paper.

prisoners there by allowing them all possible indulgence, and putting them as nearly as possible on the same footing as if they had been transferred to a location of their own on the mainland, where it would have been necessary, indeed, to keep them under much stricter regulations than are prescribed in their present insular home.

8. Robben (*i.e.*, Seal) Island is not, as seems to be supposed by the British public, a penal establishment, and has not been so for years, except in so far as it has been used as a secure place of custody for rebel Kafir Chiefs, and as the lunatic and benevolent asylums upon it occupy but a comparatively small portion of its area, there is nothing to prevent Langalibalele and Mahlumbuli from occupying their own kraal, keeping their own cows, cultivating corn, and living, if they can induce any of their wives or other members of their tribe to join them, exactly in the same position as they are used to.

9. None of the former, I believe, volunteered to accompany the prisoners when they embarked at Natal, but perhaps Mr. Shepstone may be able now to persuade one or more to come down by an early steamer, or possibly, failing this, some of the Zulus or Fingoes now engaged on the railways in this part of the Colony may be hired to attend on the old Chief.

10. Trusting that these arrangements will meet with your Lordship's approval, as the best that could, under all the circumstances, be made,

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

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Inclosure 1 in No. 1.

*Minute on a Despatch from the Right Hon. the Secretary of State for the Colonies to his Excellency Sir H. Barkly, K.C.B., G.C.M.G., dated December 4, 1874.*

MINISTERS having carefully considered this despatch, as also that addressed to Lieutenant-Governor Pine, on the subject of Langalibalele and his son, now confined on Robben Island, together with your Excellency's Minute expressing confidence that Ministers would authorize you to inform Lord Carnarvon, by return of post, that they are prepared to do all in their power to carry out the wishes of the Imperial Government, cannot do otherwise than express their very great regret that the Imperial Government should have adopted a course of action which, it is feared, will prove to be most detrimental to the peace and security of this Colony, and of South Africa generally.

Mr. Molteno's note to your Excellency, which it was deemed advisable to transmit to Lord Carnarvon by last mail, as also a Memorandum drawn up by the Secretary for Native Affairs, which accompanies this Minute, give fuller expression to the views of the Ministers on this subject.

While it will at all times be the earnest desire of Ministers to co-operate with the Imperial Government, occasions may arise when it would be impossible to do so without sacrificing the interests of the Colony.

Such an occasion seems now unfortunately to have arisen.

This Government cannot give its assent to Langalibalele and his son being "removed from Robben Island to a location to be set apart for him within the Cape Colony, under strong restrictions against re-entering Natal."

The laws of this Colony give the Government no such power as would be necessary for enforcing such restrictions, and it is hoped that upon the Imperial Government being made aware of the want of the necessary power to confine these men to any particular location or district, if once set at liberty, it will see the reasonableness of the objection to having them let loose in the Colony to become a certain source of danger and trouble.

Nor can Ministers avoid noticing that the Imperial Government whilst exercising clemency to this Chief and his son, by assigning to them a location within the Cape Colony, has given the Colony no opportunity of expressing any opinion as to how far its interests and rights would thereby be compromised or affected.

The Imperial Government has determined to disallow Act No. 3 of 1874; this done, the action taken by this Colony in this unpleasant business will be virtually set aside, and there would appear to be no alternative, in so far as Ministers are concerned, but to revert to the position they were in before the Act was passed, by returning Langalibalele and his son to Natal.

But as this would be in opposition to the desire of the Imperial Government, Ministers will be glad to learn in what other way this Government may be relieved of the charge as soon as Act No. 3 of 1874 ceases to be law.

(Signed) J. C. MOLTENO.

## Inclosure 2 in No. 1

*Colonial Secretary's Office, Cape Town,  
December 24, 1874.*

My dear Sir,

JUDGING by the articles and correspondence in the "Times" and other English newspapers, lately received, it seems clear that Bishop Colenso has carried out his intention of agitating on the Langalibalele matter, and is endeavouring to create an impression that he has been cruelly and unjustly punished. In the absence of anything which would indicate the view Her Majesty's Government would be likely to take, I confess to some anxiety lest they may be induced to yield to pressure in the direction of releasing the two prisoners now on Robben Island, the effect of which, on the peace and security of this Colony, might be most disastrous.

Whatever exception may be taken to the proceedings of the Natal Government throughout this unfortunate business, certain prominent features must not be lost sight of.

It is unquestionable that Langalibelele deliberately intended to and did defy the Government, and that, had he not been made prisoner quickly, the probability—indeed, almost certainty—is that very serious disturbances would have taken place amongst the native tribes within and immediately beyond this Colony, to say nothing of Natal, which, if once commenced, there is no telling where they would have ended, and what would have been the ultimate consequences.

Secondly, that with all native tribes the one opinion and idea is that this Chief has defied the Government, has been checkmated and defeated in his purpose, and is now justly undergoing punishment; indeed, that he has been leniently dealt with.

Should he now be released, the idea with these people will be that it is from fear and distrust on our part as to the success of our policy; consequently our difficulties in the management of the natives would be increased enormously, so much so that it would be impossible for us to preserve peace and the satisfactory state of affairs which have now existed for the last twenty years and upwards, in which case the question would necessarily arise as to whether the Home Government could leave us to ourselves to bear the brunt of a policy essentially their own.

But this is not all, for while it is quite possible that British power, which has spent so many millions and sacrificed so many lives in an Abyssinian expedition, and lately on the west coast of Africa, may say, no matter at what cost, we are determined to enforce our views of what we consider abstract justice in this case of Langalibalele, what would be the position of the colonists and white inhabitants of the whole of South Africa? To them it would be a question of life and death; their property would be sacrificed and their lives imperilled to a fearful extent should anything like a war of races be now brought about.

Every year that now passes strengthens our position and renders any serious disturbance of our relations with the native tribes less and less likely; but should a war be now brought about it would certainly not be a small one, and, no matter what the result, could not do otherwise than throw back civilization in South Africa for an indefinite period.

If it were possible to get all these circumstances properly considered and weighed by British statesmen, I feel sure that they would hesitate to take steps which would certainly tend to bring about such a state of things, simply because to the nicely-balanced judicial minds of a few enthusiasts the proper forms of trial have not been adhered to, and perhaps more severe measures in regard to the mass of the people of the rebellious Chief have been resorted to than was warranted, but which latter has since been redressed as far as possible.

Under any circumstances, I feel it is necessary that Her Majesty's Government should be fully informed as to the consequences likely, in the opinion of those supposed to be in a position to judge, although not responsible for what has been done in Natal, to ensue.

It will be for your Excellency to judge in how far it will be advisable to inform Her Majesty's Government of the view taken in this matter before any definite action is perhaps taken.

I remain, &c.  
(Signed) J. C. MOLTENO.

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

## Inclosure 3 in No. 1.

*Memorandum.**In re Langalibalele.*

IF the Act No. 3 of 1874 were repealed, and Langalibalele were located on the main land, this Colony would possess no power to exercise any control over him; he would therefore very soon find his way overland to the borders of Natal; for an appeal to the members of his tribe at Natal, or even to his countrymen and connections in this Colony, would at once place at his disposal abundant means for that purpose.

In considering the effect on the Native tribes of the release of Langalibalele, it cannot be overlooked that he possesses even greater influence, from his reputed powers as a magician, than he does as a Chief of a large and powerful tribe.

Last year, when I visited the Trans-kei, heavy floods had fallen; these were attributed to Langalibalele's captivity, and it was said that until he was liberated the land would be inundated by floods, which would be attended with loss of life, destruction of stock, and devastation of crops. The unprecedented floods of last month, extending from Natal to the eastern divisions of this Colony, sweeping away our bridges, and causing enormous damage to property of all kinds, will, in the minds of the natives, greatly enhance the importance of Langalibalele, and will tend to confirm the predictions of last year.

Langalibalele's influence, both as magician and Chief, is greatly strengthened by his extensive family connections with almost every tribe between the Colony and Natal; his own children, apart from other relatives, amounting to the number of 54 sons and 68 daughters, many of whom are influentially married amongst these various tribes.

All the natives feel, and those friendly to us admit, that Langalibalele has received substantial justice. His release would be considered as a sign of weakness rather than an act of clemency on the part of the British Government, and would be attributed to his power as a magician. His importance would thus be magnified in the eyes of all the native tribes both in the Colony and Natal. Their minds would become unsettled and our influence impaired.

Macomo, the greatest general known to the natives, who took and held possession of a portion of the Colony for three years, in spite of all attempts to eject him, until expelled by our united efforts under Sir G. Cathcart, died recently on Robben Island, after a long exile.

Umhala, the most crafty and politic of Kafir Chiefs, together with other influential Chiefs transported to Robben Island for offences committed by them, were pardoned, and only after a lengthened captivity.

Lynx, the celebrated prophet, under whose inspiration in 1819 the Gaikas were conquered with great slaughter by the Hlambis and driven out of their land, perished in his attempt to escape from Robben Island; but now a man arises superior to all of these, who, after captivity of a few months, is liberated from Robben Island.

Passing over the effects likely to be produced on the powerful tribe of the Gaikas, with whom we were at war in 1835, 1846, and 1850, we have, across the Kei, the still more formidable tribe of Gealekas under Kreli, the most powerful Chief on our frontier, who forfeited a large portion of his country in 1858. This Chief is at present peaceful, because he sees no prospect of succeeding against us in war, but would not hesitate to join any powerful confederacy which held out any prospect of his regaining his forfeited land and lost power. Kreli is regarded by the Gaikas as their Paramount Chief, and he exercises great influence over them as well as over other powerful tribes.

Six years since the Basutos, at the urgent request of their late Chief Moshesh, became British subjects, and the tribe has ever since made rapid strides in civilization. But since the death of Moshesh his sons are endeavouring to regain that power and influence over the tribe which Moshesh surrendered for his people's good.

Whatever Bishop Colenso (with reference to whom, I may remark, that many of the facts stated in his book recently printed are so distorted as to make his conclusions unreliable) says to the contrary, there is no doubt that overtures were made by Langalibalele to Molapo, and which were favourably received; and it is more than probable that had it not been for the prompt action taken by this Government, and the presence of an armed Colonial force on the scene, as well as the pursuit by a large force from Natal, that Langalibalele would have found an asylum with Molapo, and the most embarrassing and wide-spread complications would have been the result.

There are, undoubtedly, tribes which sympathize with the Hlambis, and regard their

fate with grief and consternation, inasmuch as they have thus lost a powerful alliance, with the further result that the fate of Langalibalele has caused others to pause lest they should be placed in the same position.

The liberation of Langalibalele would produce the most serious consequences. By it the work of civilization, under our rule now so satisfactorily progressing, would be checked and retarded; the disaffected would be strengthened; the wavering would be gained by the disaffected; and the evil consequences which may result cannot be foreseen. It cannot be forgotten that the most disastrous war we have experienced, that of 1850—53, was brought about by the agency of a magician: and that in 1856, the bold and reckless attempt of Kreli to drive the Kafirs to desperation in a combined attack on the Colony, by causing the destruction of their cattle and their means of subsistence, was brought about by the agency of the prophet Umhlakaza. Langalibalele may have more power and influence than either of the two through whom so much evil was wrought. He has long been famous with the Zulus, and other tribes on the borders of Natal; late proceedings have brought him to note with tribes who knew little of him; his liberation from well-merited captivity would give him an immense importance in the eyes even of the well-disposed, and would so greatly magnify his position that he would be most enthusiastically received wherever he went; and the ovations with which he would be met would so inflate him as to lead him to actions the results of which might be most disastrous.

(Signed) C. BROWNLEE,  
Secretary for Native Affairs.

Office of the Secretary for Native Affairs,  
Cape Town, January 1875.

No. 2.

*The Earl of Carnarvon to Governor Sir H. Barkly, K.C.B., G.C.M.G.*

Sir,

*Downing Street, February 15, 1875.*

IT has been with regret that I have learnt from your despatch of the 5th ultimo that your Responsible Advisers feel it difficult to give me their co-operation in carrying out the resolution at which Her Majesty's Government, after very anxious consideration of the case, and with an equally anxious desire to consult the interests and the feelings of the South African colonists, had arrived in regard to the disposal of Langalibalele and his son Malambule.

I had hoped, by the course which I proposed, to render unnecessary any detailed discussion of this subject in England, by being able to assure both Houses of Parliament that, through the cheerful co-operation of the Cape Government and Legislature, a matter so full of importance was already settled.

I will frankly own that I had strained my own sense of what is due to the justice of the case to the uttermost. Out of consideration for the feelings, and, in some respects, for the difficulties of the South African colonists, in their relations towards the native races, I had brought myself to advise the Crown to reverse or modify the action of the Colonial Governments in South Africa in no greater degree than justice, as well as public opinion, absolutely demand.

It should be superfluous for me to say that the Imperial Government has never entertained a thought of dictating to your Ministers the course which they were expected to pursue in matters as to which, under the Constitution of the Colony, they may properly claim to be responsible; but if such an assurance be needed, I can sincerely and readily give it to you. I still, indeed, rely so unreservedly on the good sense and loyalty of the Cape Legislature, and on the wisdom and rectitude of your principal advisers, that I shall not allow myself to doubt for a moment their readiness to meet me half-way in my endeavours to find a satisfactory solution of a difficulty such as that in which all parties now find themselves placed.

In the Minute and Memorandum which accompany your despatch, the principal reason assigned for objecting to the proposal to place Langalibalele and his son upon a location within the Cape Colony is, as I understand it, that if the Act No. 3 of 1874 were repealed there would be no law in existence by virtue of which they could be confined to any particular district, and it is urged that the effect of removing them from Robben Island to any place within the Colony on the mainland would be to render escape possible, or to allow them to become a source of danger and trouble.

I would here observe that the Act No. 3 of 1874, if it were left in force, would not, as it appears to me, provide for the detention of Langalibalele and his son upon the

mainland under conditions which, subject to the necessary supervision, would allow all practicable freedom, because that Act purports only to legalise their imprisonment within the Colony. But, passing by this point, I will at once say that I am ready to attach all due weight to an objection, urged by so high an authority, and so serious in itself, as that which has been brought before me, nor am I disposed to undervalue the risks which might attend a premature release of the prisoners unaccompanied by proper provisions for their control. The deficiency of legal power to control them on a location is, however, an objection which can clearly be removed by legislative and administrative precautions such as the experience and knowledge of your Ministers will readily suggest, and in which they may safely count upon the assistance or co-operation of Her Majesty's Government if any such there be that they can give.

Looking, therefore, to all the circumstances, I feel that I cannot hesitate to desire you to press strongly upon your Advisers the decided opinion of Her Majesty's Government that they should without delay propose to the Legislature such an enactment as will invest them with the power which they are advised they do not now possess of restricting Langalibalele and his son to the district in which they can, with the least inconvenience, be settled.

I do them the justice to believe that they will remember that the complication which has now arisen is the result, in some degree, of the legislation of the Cape Parliament, which in passing the Act No. 3 of 1874, providing for the imprisonment within the Cape Colony of a prisoner sentenced in another Colony, set aside the provisions of the Imperial Act 32 Vict., cap. 10. I have on a previous occasion endeavoured to explain how entirely I appreciate the sincere and disinterested wish of the Cape Government and Legislature to assist the neighbouring Colony by providing through that enactment for the confinement of the prisoners in Robben Island, and I cannot but hope that, as it was not at the instance of Her Majesty's Government that your Ministers have become parties to the proceedings connected with this question, they will feel themselves under a special obligation to assist me in the very difficult duty which has now been imposed upon me. I have every hope, therefore, that they will be able to dismiss all other objections, except those connected with the technical point already referred to, and will see their way to procuring the necessary legislation at a very early date.

It would be foreign to my present purpose to discuss further the painful history of the late transactions in Natal. It is enough for me to express my confident hope that your Advisers on further consideration will feel that, by pursuing a course opposed to that which I have urged, they would render a state of affairs already very full of difficulties still more complicated. On my own part I have considered anew every alternative, and after much thought I cannot avoid the conclusion that the course approved by Her Majesty's Government is clearly preferable in the interests of all parties. I feel therefore constrained to press through you upon your Advisers my original proposal; and in doing so I would desire it to be understood that, while it will obviously be my duty at the earliest moment to recommend the disallowance of the Act No. 3 of 1874, I have delayed doing so with the view of enabling your Government to substitute for it such legislation as will better meet the requirements of the case, and to adopt any administrative measures which may be necessary.

I will only add in conclusion that I feel sure I shall not be misunderstood if I earnestly remind you of the strong desire felt in this country to see this unhappy question finally disposed of in such a way as may generally satisfy the justice of the case, and may secure the best interests of the South African Colonies. Nor need I say how sincerely the ready co-operation of your Government and Legislature in that behalf would be appreciated, or, on the other hand, how deeply it would be regretted if, in the course of the discussions which must inevitably arise out of the prolonged detention of the prisoners in Robben Island, the good feeling which happily subsists between this country and one of its most important Dependencies should be, even in the smallest degree, impaired by any imputation that the Cape Colony had in a grave Imperial difficulty failed to evince that desire which I am satisfied is very widely felt to assist Her Majesty's Government in a question in which the justice and the honour of the British Crown are involved.

I have, &c.  
(Signed) CARNARVON.





FURTHER Papers relating to the Kafir  
Outbreak in Natal.

(In continuation of C. 1121 of 1875.)

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*Presented to both Houses of Parliament by Com-  
mand of Her Majesty. February 1875.*

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LONDON :  
PRINTED BY HARRISON AND SONS.

# FURTHER CORRESPONDENCE

RELATING TO

# AFFAIRS IN NATAL.

(In continuation of C. 1158 of February 1875.)



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Presented to both Houses of Parliament by Command of Her Majesty,  
*April 1875.*

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LONDON:

PRINTED BY HARRISON AND SONS.

[C.—1187.] *Price 2d.*



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K.C.B., as Administrator of the Government of Natal.

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No. 1.

*Sir B. C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—(Received January 21, 1875.)*

My Lord,

*Government House, Natal, December 7, 1874.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 26th October last,\* on the subject of the tribe of Putili.

2. Mr. John Shepstone, the head of the Department for Native Affairs, being absent in a distant part of the Colony, I cannot procure his report on the case in time for this mail. I can, however, give your Lordship the following information.

3. The Minutes of a meeting of the Executive Council, held on the 1st August last, contain the following passage:—"The Lieutenant-Governor announces to the Council the return of Putili's men who have been working at the Passes, and his intention to set them at liberty." This clearly applied only to the members who worked at the Passes, not to the whole tribe. Mr. John Shepstone, the Secretary for Native Affairs, was present at this meeting of the Council.

4. On the 5th of the same month, I addressed the men in question in the grounds of the Government House, praised their good conduct, and carried out, as I thought, the views of myself and the Council by giving them their liberty. I did not intend the act to extend at that time to the whole tribe, so that I was astonished to learn afterwards that the promise had been understood as extending to the whole tribe. However, after a very short delay, caused by some explanation, the whole tribe was liberated and restored to the location, with the exception of a few who had settled on private lands under the directions and the protection of the Superintendent of the county, and even they are at liberty to return to the location if they please. The tribe has been further supplied with food, and money has been advanced to them to purchase stock, &c. These arrangements took place certainly before the end of September.

5. Your Lordship will therefore see that although I had, according to my view, and that of the Executive Council, promised restoration at once to only a part of the tribe; I really restored the whole.

6. I am as sensible as your Lordship can be of the necessity of a scrupulous performance of promises, and I am sure that you would not be induced to suppose that I had violated a promise which I had given.

7. The details called for by your Lordship as to the disposition of the tribe, cannot be fully given until I receive Mr. John Shepstone's report, which I hope to send by the next mail.

8. As your Lordship has referred to the question of the connection of this tribe with the late revolt, I may here state the grounds upon which it was thought necessary to take action against them.

(1.) Their refusal, and then their delay in supplying commissariat cattle for a column of volunteers and friendly Kafirs, well knowing these supplies were urgently required,

\* Vide No. 21 of Command Paper [C. 1121], February, 1875.

although offered payment for the same, while aware that by native law it was their duty to supply these cattle to me, as their Chief, even without pay, when demanded.

(2.) The harbouring and concealing of cattle belonging to Langalibalele's tribe, and of one herd belonging to Langalibalele himself.

(3.) The harbouring and concealing members of Langalibalele's tribe and wives, and other members of Langalibalele's family, who were afterwards discovered in the huts of leading men of Putili's tribe.

(4.) The concealing of, the arming and drilling of Langalibalele's tribe, and of the storing of the fastnesses in the Drakensberg with grain, from the Magistrate, and also Langalibalele's treasonable communications to themselves and to other tribes, more especially the tribal meeting in the winter of 1872.

(5.) The deputations of leading men sent by Putili's tribe whilst these arrangements were in progress, who came with professions of loyalty and obedience to the Government for the purpose of deceiving their Magistrate.

(6.) In defiance of the warnings of the Magistrate, the tribe still manifested an inclination to support Langalibalele's people, which a considerable number actually did, the remainder of the tribe having been, in my opinion, only prevented joining by the prompt action of Government in surrounding and disarming them of guns and assegais, of the former of which they were illegally in possession, and in removing them from their location in close proximity to the Drakensberg Mountains, in and beyond which numerous armed bands of Langalibalele's people were known to have taken up a position.

9. These operations, promptly and efficiently carried out, resulted, I am happy to inform your Lordship, in preventing the effusion of blood, and the further spread of treasonable proceedings. Your Lordship will, no doubt, have observed from the Cape Colony Blue Books the wide-spread attempt of Langalibalele and his people to induce other tribes at a distance to join him, and the narrow escape made by Natal from the effects of a rising of the native population which, in fact, was matter of general conversation among the tribes within and beyond our boundary who were waiting to observe the action of this Government and its results.

10. I think it right to inform your Lordship that the Proclamation breaking up Putili's tribe, was drawn up by Mr. Harding, the late Chief Justice, and myself, with the English law books before us, defining the circumstances under which persons were guilty of aiding and abetting treasonable practices.

I have, &c.

(Signed) BENJ. C. C. PINE, *Lieutenant-Governor.*

No. 2.

*Sir B. C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—(Received February 5, 1875.)*

My Lord,

*Government House, Natal, December 26, 1874.*

REFERRING to my despatch to your Lordship of 3rd August, 1874,\* on the subject of the tribe of Putili, I have now the honour to transmit to you the Report of the Acting Secretary for Native Affairs, Mr. John Shepstone, on the subject.

2. I think that this Report will be quite satisfactory to your Lordship. It explains, amongst other things, the "pass" given by the magistrates, referred to in your Lordship's despatch, which, I confess, I did not altogether understand.

I have, &c.

(Signed) BENJ. C. C. PINE.

Inclosure in No. 2.

*Report on Extract from a Despatch, dated October 26, 1874, from the Right Hon. the Secretary for the Colonies.*

IN compliance with your Excellency's request that I should report on extract from despatch No. 125, dated 26th October, 1874, from the Right Honourable the Secretary of State for the Colonies, I have the honour to state that the ninety-two men of the Amangwe or Putini tribe, employed under Colonel Durnford in the distinction† of the passes in the Drakensberg, were promised, in consideration of their good behaviour

\* *Vide* No. 8 of Command Paper [C. 1121] of February 1875.

† *Sic in orig.*

while so employed, the restoration of themselves and rest of the tribe to their former residences.

It must be remembered that the whole tribe did not at any time occupy Crown or location land, since many had lived on private farms from the time they entered the Colony in 1849; hence their being told that they could return to that part of the Colony from which they had been removed and reoccupy their former residences. The Superintendent of Weenen County, Mr. Wheelwright, under whose supervision they were to settle down, was directed not to allow an indiscriminate rush into the location, but only those who were by right entitled to do so. Out of the ninety-two stated, a few preferred going on to private farms, and did so, having lived there before.

It appears that 411 men of the tribe, including the 92, returned from the neighbourhood of the seat of Government to their former homes; 143 have reported themselves as settled in the location, and 116 on private farms; 152 have not yet reported themselves, but it has been ascertained that a majority of these has also settled in the location, leaving, therefore, only an inconsiderable number excluded, in consequence of a portion of it having been allotted to loyal and tried natives for the purpose of forming a protective barrier for that part of the Colony, which measure was carried out sometime prior to the decision arrived at, relative to these people returning to their old quarters, and of which fact they were fully aware.

I may add that the whole Colony was thrown open to these people, but they naturally preferred that part which had been their home for so many years, and the only restriction insisted upon was that the location should not be overcrowded. It was also necessary that passes should be supplied them to return to their former landlords or others, in order to show that they had full permission to locate themselves where inclination led them, and it may be stated that one of the existing regulations in this Colony is that no native can remove from one location or magistracy to another without the written sanction of the Lieutenant-Governor as Supreme Chief, obtained through the magistrate within whose jurisdiction such native resides.

(Signed) J. W. SHEPSTONE,  
Acting Secretary for Native Affairs.

Office of Secretary for Native Affairs, December 21, 1874.

No. 3.

*Sir B. C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—(Received February 5, 1875.)*

My Lord,

*Government House, Natal, December 31, 1874.*

I HAVE the honour to acknowledge your Lordship's despatch of the 20th November last\* on some subjects connected with the proceedings against Langelibalele and his tribe.

2. I have the honour to transmit a Report on all these matters from Mr. John Shepstone, the Acting Secretary for Native Affairs.

3. With regard to Putili's tribe, I have already furnished your Lordship with a Report in my despatches of 7th December† and 26th December,‡ and its inclosure. I have seen a private letter from Mr. Henrique Shepstone, the eldest son of Mr. Theophilus Shepstone, in which he shows the utter incorrectness of the Bishop's information on the whole subject, and I have requested him to put the contents of his letter into an official shape, which I shall forward by the next mail.

4. Your Lordship will see that, as to the natives located with the Bishop, he has been placed in every respect on the same equality with others.

5. With regard to the younger sons of Langelibalele, I must say with Mr. John Shepstone, that I never heard a word of their desire to live with the Bishop. No restriction, whatever, so far as I am aware, has been placed on their liberty of action.

6. I wish to state to your Lordship, once for all, that all instructions given, and all information as to the natives received by me, is invariably through the native Department, where records are kept of every important matter.

I have, &c.  
(Signed) BENJ. C. C. PINE.

\* No 24 of Command Paper [C. 1121], February 1875.

† No. 1.

‡ No. 2.



## Inclosure in No. 3.

*Report on Despatch from the Right Hon. the Secretary for the Colonies, No. 135,  
dated November 20, 1874.*

IN pursuance of his Excellency the Lieutenant-Governor's directions that I should report on the above despatch, I have the honour to state :—

1. With regard to the Putini people I have already fully reported, as called for by extract from despatch from the Right Honourable the Secretary of State, dated the 26th October, 1874.

2. On its being decided that the Langelibalele people could be removed from their temporary residences among other natives and be placed on private lands in families, numerous applicants readily and gladly undertook to comply with the following conditions, viz., to provide such families as they received on to their lands from date of arrival with food and shelter, until their crops were far enough advanced to feed themselves, they being further supplied with sufficient land for cultivation. No distinction was or could be made in favour of the Bishop of Natal, while others, among whom is the Reverend James Allison, who received on the above conditions a much larger number than his Lordship, begging for more if available. I may add that Mr. Allison has no other object than the welfare of these people, as also the majority of those who have received them.

3. With reference to Siyepu and Mazwi, sons of Langelibalele, who are living in a location, wishing to locate on the Bishopstowe lands, I may state that this is the first and only intimation the Government has received of such a desire on their part, and as to a general prohibition of all the Langelibalele or any other natives to visit Bishopstowe, I can only say that this is incorrect, especially as his Lordship was never restricted from collecting any number he thought fit for the purpose of obtaining information.

(Signed) J. W. SHEPSTONE,  
*Acting Secretary for Native Affairs.*

*Office of Secretary for Native Affairs, Natal,  
December 31, 1874.*

## No. 4.

*The Earl of Carnarvon to Sir B. C. C. Pine, K.C.M.G.*

Sir,

*Downing Street, February 11, 1875.*

I HAVE the honour to acknowledge the receipt of your despatches noted in the margin,\* forwarding Reports from the Acting Secretary for Native Affairs on the subject of the tribe of Putili, and on certain matters connected with the proceedings against Langelibalele and his tribe.

I have, &c.  
(Signed) CARNARVON.

## No. 5.

*The Wesleyan Missionary Society to the Earl of Carnarvon.*

*Wesleyan Mission House, Bishopgate Street Within,  
London, February 13, 1875.*

My Lord,

AS Secretaries of the Wesleyan Missionary Society, deeply interested in the welfare of the native population of the Colony of Natal, we desire to call your Lordship's attention to the Native Marriage Law of that Colony :—

(1.) As enacted by Lieutenant-Governor Keate, 12th February, 1869, No. 1, 1869 ;  
and

(2.) As explained by the Regulations issued 27th September, 1869 ; also

(3.) To a Report of a Select Committee to frame Resolutions, of 7th September, 1869 ;  
and further

(4.) To a series of questions and answers with reference to marriages of natives, L.C.  
Nos. 6 and 9, printed 8th and 18th October, 1872.

Your Lordship will perceive that—

\* Nos. 2 and 3.

(1.) The sum of 5*l.* is payable upon all Kafir marriages, without exception, while Europeans can be married by banns for 4*s.*

(2.) That by accepting this fee, and by registering the marriages of additional wives according to Kafir usage, there is a legal sanction and status given to polygamy, one of the greatest evils affecting the social condition of the native tribes; and

(3.) That a positive discouragement is given to a respectable class of native converts to Christianity, who desire to free themselves from tribal entanglements, and to be fully identified with the European colonists as subjects of Her Majesty, by the policy of the Natal Government as explained by the answers of the Attorney-General to the questions of Mr. J. N. Boshoff (see L.C. No. 6), from which it appears that "A native not released from native law, as member of any Christian church, has no higher civilization than a native heathen;" and, again, "A native woman, as member of any Christian church, and lawfully married by a Christian clergyman, is in exactly the same position as regards her own rights and obligations as a native woman on the death of her husband, and the children of such marriage are in the same position as the children of a native marriage. Other obligations to native law arise on her husband's demise, and her religious and conscientious scruples cannot avail against obligations existing under native law."

By these regulations, as explained by the Attorney-General, the native Christians in a British Colony, in which the British power is supreme, and in which the native Chiefs and people hold their position and lands on the sufferance of the British Government, are placed in a more unfavourable position than native converts living under native Chiefs in those portions of South Africa as yet deemed independent of the Colonial Government. Under the native Chiefs, the Mission Station is a refuge for those averse to the disgusting and demoralizing usages of heathendom, and the Missionary has sufficient moral influence to protect his people from those evils; but under a so-called Christian Government, "the religious and conscientious scruples" of a Christian widow cannot save her from submission to the sad and degraded lot to which widows of the common people are subjected by Kafir laws and usages.

From the experience of our Missionaries in South Africa during the last half century, we are fully satisfied that the attempt to maintain the tribal system in the Colony of Natal, and to sacrifice the rights of thousands of human beings now brought in contact with a higher civilization (of which the Marriage Law is an instance) is a serious mistake, and one which appears to us fraught with the most serious dangers to the peace of the Colony. This system was not contemplated in 1847, as is obvious from the Report of the Commission of that year, which recommends that all the civil disputes of the natives should be settled "as much as possible on the principles of the British law, the object being that, by degrees, the whole may be brought under one code." The same Commission recommends the re-modelling of the laws as to marriage and divorce, giving as a reason that "the doing away with polygamy would tend to make the natives more dependent on their own personal labour." Yet, after twenty-eight years, the tribal distinctions, which give power to a few individuals to alarm and endanger the Colony, and to check the process of native citizenship on equal terms with the colonists, as is now the case in the Cape Colony, far from being weakened, is stronger than ever; and the consequence is that Christian Missions in the Colony of Natal are placed under greater disadvantages, in certain respects, compared with the same Mission in the Cape Colony and among the independent tribes.

The excuse that has been made for these Marriage Laws, namely, that they provide against forced unions, by affording the female the protection of an "official witness," is neutralized by the fact that this "official witness" is in all cases a native! It is well known that the prejudices and prepossession of a native, however respectable, unfit him for taking action in favour of a female objecting to an unsuitable union.

We remain, &c.  
(Signed) WILLIAM B. BOYCE.  
GEORGE T. PERKS.

No. 6.

*The Earl of Carnarvon to Major-General Sir Garnet Wolseley, G.C.M.G., K.C.B.*

Sir,

*Downing Street, February 18, 1875.*

I HAVE the honour to acquaint you that the Queen has been pleased to approve of your appointment to administer the Government of Natal, under the circumstances and

for the special purposes which I shall explain to you in another letter, for a term which will probably be limited to about six months.

You will have the goodness to hold yourself in readiness to proceed to the Colony by a very early opportunity.

In addition to such military pay and allowances as will be payable to you, you will receive, in consideration of your civil functions, a salary at the rate of 5,000*l.* a year during your employment on this service.

I have, &c.  
(Signed) CARNARVON.

No. 7.

*The Earl of Carnarvon to Major-General Sir Garnet Wolseley, G.C.M.G., K.C.B.*

Sir,

*Downing Street, February 18, 1875.*

THE Queen having been pleased, on my recommendation, made with the concurrence of the Secretary of State for War and of His Royal Highness the Commander-in-chief, to sanction your employment in administering the Government of Natal during the interval that must elapse before a new Lieutenant-Governor can assume the Government, I will now explain to you the objects which Her Majesty's Government have had more particularly in view in selecting you for this service.

2. As you are aware, a serious collision not long ago occurred between the natives of Natal and the European colonists, and this was followed by the punishment of the Kafir Chief and tribe principally concerned, after proceedings and under circumstances which Her Majesty's Government have been unable to approve. It has been my duty to notify to the Governments of the Cape and Natal that the sentence passed upon the Chief and his son cannot be carried out, and to suggest other arrangements by which it is hoped that they may be prevented from being a cause of disturbance, without subjecting them to too close confinement.

3. On the return to this country of Sir Benjamin Pine, who is about to retire from the Government of Natal, the temporary administration of the Government would in an ordinary case devolve upon the officer at the time commanding the small contingent of Her Majesty's troops stationed in that Colony. In consequence of recent movements, this duty would, in the present instance, fall to an officer who has but lately arrived in South Africa, and to whom, without in any way questioning the high character and military reputation which I am aware that he bears, it would be unfair to entrust the management of Colonial affairs at an exceptionally difficult juncture.

4. I might, indeed, have recommended for this duty Lieutenant-General Sir A. Cunynghame, who is the Lieutenant-Governor of the Cape of Good Hope, and an officer of marked ability, for this temporary duty. There are, however, many objections to withdrawing that officer from the Colony in which the chief military command is situated, and in which it is essential to maintain effective provision for the due administration of the Government in the event of the absence of the Governor. I am confident that Sir A. Cunynghame will correctly appreciate my reasons for not having recourse to his services on this occasion.

5. It has been necessary, therefore, to select an officer in this country for the task which has been committed to your care. Your name, indeed, naturally occurred to me as that of one who, with a great and varied Colonial experience, with qualifications which have been frequently tested in civil as well as in military employment, and always with the highest distinction, has been at all times ready to undertake any duty in the service of the Crown. Nor need I here repeat the assurance of the satisfaction which I have felt in your readiness now, as on similar occasions, to accept the duties imposed upon you.

6. As I have already explained to you in conversation, the service which you are now called upon to perform is of a civil rather than of a military nature. I see no reason to entertain any apprehension, in the present condition of South Africa, of an interruption of the peaceful relations which have so long been maintained between the natives and the European colonists. There are, nevertheless, certain points connected with the late difficulty in Natal, and with native questions generally in that Colony, to which it appears to me very convenient that a military officer of special experience should have that opportunity of directing his attention which will be afforded by administering the Government for some few months. I sincerely trust that any recurrence of armed collision between the whites and natives may be averted by the adoption of an improved system of native Government; but it has been repeatedly and strongly urged that the white settlers in

Natal do not at present enjoy a proper defensive organization, and the severity of the measures taken against the tribe of Langalibalele, immediately on the first signs of supposed insubordination, have been defended on this ground. Intermixed, therefore, with the ordinary civil administration of the Colony, there are at this moment important questions relating to defence and the maintenance of peace and order; and it is for this reason that I have gladly availed myself of the opportunity presented by the brief interval preceding the appointment of the next Lieutenant-Governor, to place at the head of affairs in the Colony a soldier distinguished among other things for his knowledge of these subjects in their Colonial aspects.

7. In addition to the administration of the Civil Government of Natal you will assume the command of the forces stationed in the Colony, which it has been thought desirable that you should hold independently of the Lieutenant-General Commanding at the Cape. Sir Arthur Cunynghame will be informed that, looking to your high standing in the army, and to the expediency of relieving you from correspondence with him on local military matters, the troops in Natal will, while you remain there, be placed under your separate command. It is very unlikely that you will have any occasion to apply to the Cape for any reinforcements, but, in the event of your doing so, Sir A. Cunynghame will be instructed by the War Department to comply with your requisitions, as far as he can properly do so, without question or delay.

8. In order that your brief stay in Natal may be made of as much advantage as possible by the collection of information and, in some cases, the preparation of Reports on questions connected with defence, public order, police, the relations of the Colony to the coloured races, and other similar subjects, I have recommended that you should be allowed to take with you, as your personal staff, four military officers, to whom you will assign such special duties as you may think fit, in addition to the ordinary functions of Private Secretary and Aide-de-camp. You will not, of course, unless for some strong reason, supersede any of the permanent officers of the Civil Administration.

9. I have selected Mr. Napier Broome, a gentleman of much ability and Colonial knowledge, to be Colonial Secretary of Natal in the place of Mr. Erskine, who has retired upon the pension provided for him by the Legislature. He has been desired to proceed at once to the Colony.

10. You will find the greatest advantage in the advice and assistance of the able and experienced Secretary for Native Affairs, Mr. T. Shepstone, C.M.G., who, in addition to a long acquaintance with a difficult subject, has lately, through personal communication with me, been placed in possession of the views of Her Majesty's Government on many of the principal matters with which you will have to deal.

11. Among the special subjects falling more especially within the range of your professional knowledge and personal experience, as to which I shall desire to have your opinion, I may mention—

(1.) The defence of the Colony generally; the best mode not only of guarding against those individual collisions between colonists and natives which may be a source of danger, but of preventing any rising among the natives whether local, or extending to the tribes throughout the Colony, or in combination with other tribes or nations beyond the frontier; the course to be taken for extinguishing, or restricting to a limited district, any native disaffection or rebellion immediately upon its declaring itself; and the prevention of panic, in such event, among the white population.

(2.) The strength and composition of the police force that should be maintained in the Colony, and the districts in which the principal police stations should be placed; bearing in mind that this force will have to discharge the two-fold duty of preventing and insuring the punishment of ordinary crime, and preserving the peace and safety of the country.

(3.) The difficult question of the supply of fire-arms and ammunition to the natives.

12. You will have learnt from the printed papers which have been given to you that I have already devoted much consideration to the amendments which will be necessary in the administration of native law.

13. I shall transmit to you in a separate despatch the draft of a Bill, which, with Mr. Shepstone's assistance, I have caused to be prepared for this purpose. You will bring this matter under the consideration of the Legislative Council at as early a date as may be convenient, and you cannot impress upon them too strongly the importance which is attached by Her Majesty's Government to a thorough reform of that imperfect system which has so signally failed to meet the requirements of Langalibalele's case, and which has, in my opinion, by the excitement which it has caused, not only endangered the peace of the Colony, but also that of South Africa, and created the present difficulties with which we have to deal.

14. These instructions have already reached a greater length than I had intended, and I shall take other opportunities of referring to some further questions which it will be desirable for you to consider. I will now conclude by expressing the full reliance which I place in your ability and discretion, and the confidence with which I commit to you the solution of these many and very important questions. It is quite unnecessary for me to remind you of the strong desire of Her Majesty's Government to co-operate as far as possible with the Colonial Legislature, and to endeavour in every case to procure its voluntary concurrence before insisting upon any material alterations in matters respecting which the elective members may entertain decided opinions. On the other hand, you will clearly understand that Her Majesty's Government, while they are unable to surrender the management of affairs to a Responsible Ministry, are, nevertheless, keenly alive not only to the discredit and difficulties arising out of the present system, but to the very grave risk of becoming involved in the results of transactions to which they were not originally parties, and over which they have necessarily had little or no power of exercising an effective control. As matters now stand, Her Majesty's Government feel that the obligation has been forced upon them of insuring as far as possible the good government of the natives and the safety of the European population, and to this end that they are desiring no greater concession of power than the necessities of the case demand.

I have, &c.  
(Signed) CARNARVON.

## No. 8.

*The Earl of Carnarvon to Sir Benjamin C. C. Pine, K.C.M.G.*

Sir,

*Downing Street, February 19, 1875.*

WITH reference to my despatch of the 3rd December,\* I have now the honour to acquaint you that Major-General Sir Garnet Wolseley, G.C.M.G., K.C.B., who has been appointed by the Queen to succeed you in the administration of the Government of Natal, will proceed to the Colony by the mail that brings this despatch.

I sent a telegram to you yesterday conveying this information, which I hope will have reached you in time to enable you without inconvenience to complete your arrangements for leaving the Colony before his arrival.

I have, &c.  
(Signed) CARNARVON.

## No. 9.

*The Earl of Carnarvon to Sir H. Barkly, G.C.M.G., K.C.B.*

(Extract.)

*Downing Street, February 19, 1875.*

I HAVE the honour to acquaint you that the Queen has appointed Major-General Sir Garnet Wolseley, G.C.M.G., K.C.B., to administer the Government of Natal during the interval between Sir B. Pine's retirement and the assumption of office by his successor. Sir Garnet Wolseley will proceed to Natal by the steamer which bears this despatch.

I shall be obliged by your giving Sir Garnet the great advantage of a free communication of your views and experience with respect to all those matters connected with Natal which are of special importance at the present moment. . . . .

It will be desirable that during Sir Garnet Wolseley's administration of the Government, you should abstain from any exercise within Natal of your functions as Her Majesty's High Commissioner; of course, inviting his attention, whenever you think it expedient, to any native questions which appear to you to demand any particular action.

\* *Vide* No. 28 of Command Paper [C. 1121] of February 1875.

## No. 10.

*Sir Benjamin C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—(Received February 20.)*

My Lord,

*Government House, Natal, January 15, 1875.*

REFERRING to the third paragraph of my despatch of 31st December last,\* on the subject of Putili's tribe, I have now the honour to send to your Lordship copy of a letter received from Mr. Henrique C. Shepstone, late Commissioner in the district in which the tribe is located.

2. I trust that this letter, together with the communications already made, will convince your Lordship that the statements made to you on this matter have been founded on imperfect information.

I have, &c.  
(Signed) BENJ. C. C. PINE.

## Inclosure in No. 10.

Sir,

*Durban, January 4, 1875.*

IN accordance with your wish, I have the honour to report, for the information of his Excellency the Lieutenant-Governor, that during my stay in Weenen and Klip River counties I several times visited the Amangwe location, for the purpose of seeing the people and how they were settling down.

I found no complaints; all the people had returned to their old Kraals, the majority of which had been on private farms; all who had been living in the location had returned to their old homes, with the exception of a few Kraals, which had been in a small portion of the location close under the Berg, which portion had, before the pardon of the tribe, been given to a few Kraals of loyal natives to occupy. The people thus dispossessed of their former sites have found other places in the remaining portion of the location, which was quite large enough for all who wished to go into it.

There were, at all events, no complaints made to me on the subject, though, when I collected the natives, I personally told them that I had come to see how they were getting on, and to hear if there was anything they wished to say to me.

On the last occasion of my visiting them they were nearly all comfortably settled down, and many of them working in their gardens. There was then no distress from want of food among them, but, in anticipation of the probability there was of a scarcity of food, I arranged for advances in money to be made to all able-bodied men, and for the supply of food for all the aged and decrepit and women and children. Of this means of relief I have since heard that they have availed themselves.

I have, &c.  
(Signed) H. C. SHEPSTONE,  
*Late Commissioner Weenen and Klip River Counties.*

The Hon. the Acting Secretary for Native Affairs,  
&c. &c. &c.  
Natal.

## No. 11.

*Sir Benjamin C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—(Received February 20.)*

My Lord,

*Government House, Natal, January 19, 1875.*

I HAVE the honour to acknowledge your Lordship's despatch of the 3rd of December last,† conveying your decision on the subject of the late revolt of Langalibalele and his tribe.

2. As I have learned that the Government of the Cape feel themselves unable to carry out your Lordship's view regarding the location of the late Chief in that Colony, I have, with the advice of my Executive Council, thought it best to publish your despatch, accompanied by a Memorandum setting forth this difficulty. I would have abstained from publishing the despatch until further instructions were received from your Lordship, had not public feeling become so excited in this Colony as rendered it expedient that the whole case be known, rather than that the public mind should be kept in painful suspense, by vague and mischievous rumours.

\* No. 3.

† *Vide* No. 26 of Command Paper [C. 1121] February 1875.

3. I do most earnestly hope that such arrangements can yet be made as will prevent the necessity of attempting to send the late Chief back to this Colony.

4. I may perhaps hereafter feel myself compelled to take the liberty of making some other remarks on your Lordship's despatch; but there is one passage on which I desire at once to offer explanation.

Your Lordship says that you are sensible that the difficulty of my position was enhanced from the fact that I was brought face to face with the delicate questions which were arising between the Government and the Chief, at a time when Mr. Shepstone was absent from the country.

This passage implies that I took some action in the matter during that period. I beg to inform your Lordship that I took none whatever.

It is true that important information was received as to the Chief's proceedings during Mr. Shepstone's absence, but I carefully abstained from sending my messenger to the Chief, or taking any proceedings whatever, until Mr. Shepstone's return.

I have, &c.

(Signed) BENJ. C. C. PINE, *Lieutenant-Governor.*

No. 12.

*Sir Benjamin C. C. Pine, K.C.M.G., to the Earl of Carnarvon.—(Received February 20.)*

My Lord,

*Government House, Natal, January 19, 1875.*

I HAVE the honour to acknowledge your Lordship's despatch of the 3rd December last,\* conveying to me my recall from the Government.

2. I fully appreciate the considerate manner in which your Lordship has made this intimation to me; but I cannot the less deeply feel the pain and the humiliation of being subjected to such a seeming rebuke at the end of a long, and not, I hope, useless public service.

I have, &c.

(Signed) BENJ. C. C. PINE.

No. 13.

*The Earl of Carnarvon to Major-General Sir Garnet Wolseley, G.C.M.G., K.C.B.*

Sir,

*Downing Street, February 23, 1875.*

I HAVE to acknowledge the receipt of Sir B. Pine's despatch of the 15th January,† inclosing a Report furnished by Mr. Henrique C. Shepstone on the subject of the Settlement of the people of Putili's tribe.

I have, &c.

(Signed) CARNARVON.

No. 14.

*The Earl of Carnarvon to Major-General Sir Garnet Wolseley, G.C.M.G., K.C.B.*

Sir,

*Downing Street, February 24, 1875.*

I TRANSMIT to you, for your information, a copy of a correspondence with the Wesleyan Missionary Society, on the subject of the Native Marriage Law of Natal, No. 1 of 1869.‡

I have, &c.

(Signed) CARNARVON.

\* *Vide* No. 28 of Command Paper [C. 1121], February, 1875.

† Nos. 5 and 15.

‡ No. 10.

No. 15.

*Colonial Office to the Wesleyan Missionary Society.*

Gentlemen,

*Downing Street, February 24, 1875.*

I AM directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 13th instant,\* written on behalf of the Wesleyan Missionary Society, calling his Lordship's attention to the evil effects which, in the opinion of the Society, may result from the Native Marriage Law of Natal, No. 1 of 1869.

Lord Carnarvon desires me to request that you will inform the Society that he is aware that the condition of the native population of Natal requires careful consideration, and that it has engaged, and is still engaging, his serious attention with the view of forming a conclusion what steps may be taken in the matter.

I am, &c.  
(Signed) W. R. MALCOLM.

No. 16.

*The Earl of Carnarvon to Major-General Sir Garnet Wolseley, G.C.M.G., K.C.B.*

Sir,

*Downing Street, March 31, 1875.*

I HAVE received Sir B. Pine's despatch of the 19th of January,† acknowledging mine of the 3rd December‡ which conveyed the decision of Her Majesty's Government on the subject of the late revolt of Langalibalele and his tribe.

With reference to Sir B. Pine's remarks in the 4th paragraph of his despatch, I have to observe that, in my despatch to which he refers, it is not stated or implied that Sir B. Pine took any action during the absence of Mr. Shepstone or without his advice. On the contrary, what was perhaps unfortunate was the absence of action at a time when prompt and judicious communications with Langalibalele might have prevented the difficulty from attaining serious dimensions. And Sir B. Pine himself states, in his despatch of the 30th October, 1873,§ that "immediately after his arrival, Mr. Shepstone's expedition to the Zulu country took place, which delayed action."

It is, however, sufficiently apparent that my object, in the paragraph of the despatch of 3rd December to which Sir B. Pine has taken exception, was not to censure, but rather, by recognizing any difficulties in his position in this respect, to make whatever allowance seemed just for the errors which, in my opinion, were then unfortunately committed.

I have, &c.  
(Signed) CARNARVON

\* No. 5.

† No. 11.

‡ *Vide* No. 26 of Command Paper [C. 121], 1875

§ No. 6 of Command Paper [C. 1025] of 1874.



EUROPEAN CORRESPONDENCE relating to Affairs  
in Natal.  
(In continuation of C. 158 of February 1876.)

1696

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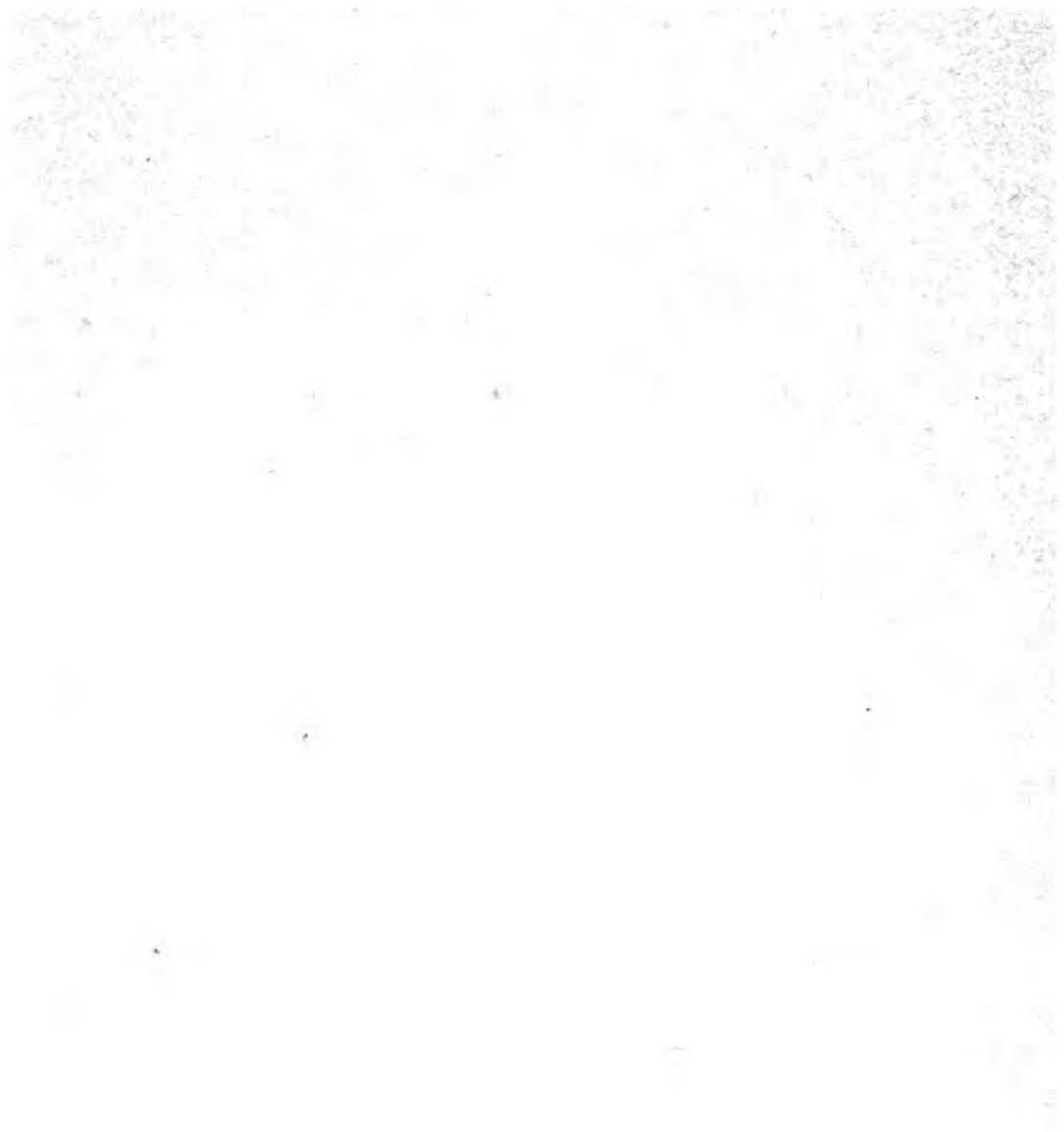
*Presented to both Houses of Parliament by Com-  
mand of Her Majesty. April 1875.*

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LONDON:  
PRINTED BY HARRISON AND SONS.



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