

Return of 2

RM

GH(3 719

Z144 Knutsford to Havelock 19/1/89

Refer to No.185 of 2/12 "respecting the obligations of HMG towards Usibebu.

I have fully considered your observations, and I can only add that I am still of opinion that there was no positive obligation on the part of HMG to restore Usibebu to his old location however desirable such a course might be on various grounds, it could be done consistently with the interests of the country. You will, I feel sure, agree with me that no useful object will be effected by the further discussion of this point.



4547
4547
C5892

The Distribution of Police in Zululand. 273

No 123 Havelock to Knutsford 31/1/89 p184

Encloses map of the ditribution of the Zululand police force.

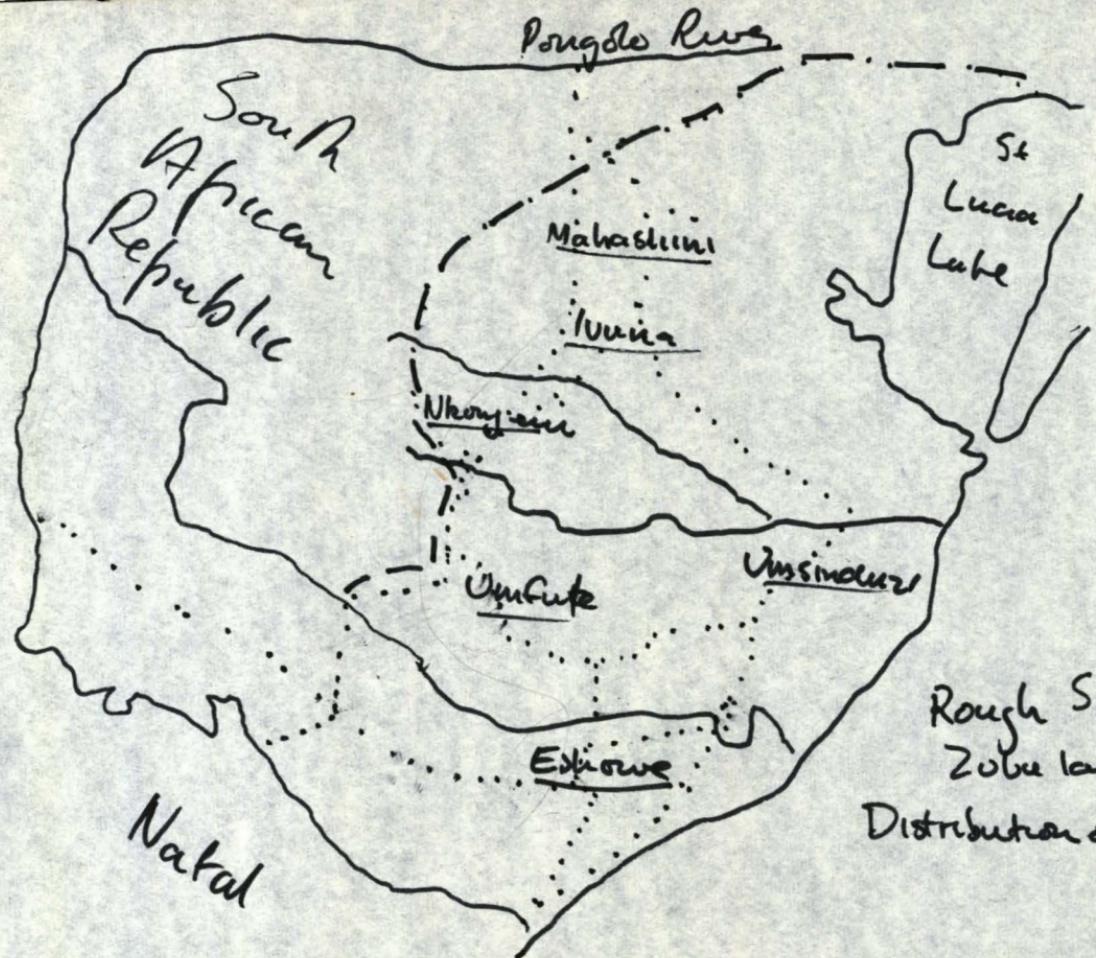
"It will be seen that there are strong Police posts at Ivuna and at Mahashine. Ivuna is the seat of magistracy of the Ndawandwe district. It occupies a commanding position between Usibebu's locationa dn the lands of the Usutus under Dinuzulu and Undabuko. Mahashine is the site of one of the principal Usutu kraals. It forms a point of observation for the district occupied by the suts, and commands the route from that distrcit across the 'Mkusi River into the SAR and Swziland. The polcie camp at Mahashine is about 14 miles distant by road from that at Ivuna. Communcation by heliogrph can be obtianed between it and the posts at Ivuna and Nkonjeni.The pst at Nkonjeni forms a connecting linkd between Ivuna and Entonjaneni. At the latter palce, there is a detachment of regular troops. At Umfule, the seat of magistracy of the Entonjaneni district, on the road from Entojanenei to Eshowe, there is antoher Polcie post. /184/ There is a detachment of 50 pdlcie under a sub-inspector at the seat of magistrcty of the Lower Umfolosi district, about 50 miles north east of Eshowe , on the coast road to Ivuna..

This chain of Police posts brings under a fairly complete degree of control and observation the most populaous and important districts of Zuluand. The posts are all connected by roads, which, in ordinary weather, are practicable for wheeled vehicles.

Enc Osb to Havelock 12/12/88 p185

60 non-commissioned officers and men under one sub-inspector at Ivuna
60 " two Mahashine
20 one Nkonjeni
10 one Umfulle
50 one Lower Umfolsi
50 the Commandant and one sub
inspector at Eshowe

250



Rough Sketch of
Zululand Showing
Distribution of Zulu kraals

CO 427/7

310

Escombe to CO 4/1/89 printed in C5892

Sens printed reoc d of proceedings re arrest of Dinizulu & again appeals for trial before an indepednet tribunal

Minutes. "This gives us a better record to lay before the L.O. than that contained in 124. It is quite plain that the Governor and Mr Shepstone have no ground for saying either that Dinuzulu surrendered voluntarily or consented to be returned to Etschowe. The affidavit of Sergeant Major Shakleton shows that he came with an armed party and with a warrant, that he ~~xxxxx~~ announced that he had come to arrest Dinuzulu and that he ~~xxxxxxxxxxxx~~ there surrounded the house with his sentries. Dinu ulu said nothing, asked no question and made no resistance - but this does not make the transaction anything but an arrest. A man is not bound to resist and assault the officer of the law in order to keep alive his rig hts. /further legal argument continues/

Law officers report is not printed.

- 189

Illegalities by Officials

269

C5892

GH 7/8
2 13

Nov 17 Havelock to Knutsford 17/1/89 Tyrrell
Enc 1 Sec fo Zululand to Dumat and Campbell 9/1/89 p169
Enc 2 Osb to H
Enc 3 Repcrof of proceedings in Case No 39 Ass Comm LenTyrrell
Reprot by Osb on above 29/12/88

H reports this as it this type of thing that has led to reports in newspapers and alleged mal-administration of Zululand. As it happened the case had already been rpeorted to me and I had queashed and set aside the judgments. Tyreel inflicted fines and lashes without sumbitting the proceedings to Osb as requiried. H comments /" Besides being illegal, the proceedings adopted in this case by Mr. Tyrrell, the Acting Resident Magistrate, were, I consider, injudidious. ...I am now making arrangments for relieving Mr. Tyrrell I propose also to transfer Mr. Addion to another district. /

see also
C5892/174/Enc

CO 327/4

5165

Hav to Knut 35 9/2/89 printed as No 24 in Africa 373 pp.36-7

Minutes "oncru in ir A Havelock's proposed approval of Mr. Osborn's recommendation in this case - and add to print" SW 12/

Agreed up the line /

Despatch refers to C5892/110 (xerosed) and encloses remmuncationations reporting complaints by chiefs of irregular proceedings of counsel for the defence in summonisng wihtnesses.. I approve of Osb's redommencation that the irregularity be overlooked. /

Enc 1 Knight to Osborn Melmoth 19/1/89 Weekly report.

The ~~summons~~ defence is not referring to me or the chiefs when they summons witnesses from this district

Enc 2 Rpeort by Osborn 6/2/89 p 37

" I am very loth to take any step or to direct any steps to be taken in the matter of witnesses for the defence, believing it would be best to let the accused Chiefs have the fullest possible facility to prcure evidence, and, with that object, even to stretch a point in their favour as in this instance. The slightest action taken by the authorities by way of regulating their proceedings in procuring wintnesses would, I feel certain, be by way of regulating their proceedings ~~in~~ in procuring wintnesses would, I feel certain, be at once purposely misconstrued, and misrepresneted by their Euroepan advisers. I ~~not~~ think, for the same reason, it is advisable to allow such wihtnesses to come straight to Eshowe without first ^{going} necessarily to report themselves at the Magistra e's office in their district. Any question arising between a native Chief and any member of his tribe

in regard to the latter ignoring his authority had better be left to the Chief himself, to be dealt with by him according to the Native law."

CO427/7

6898

Escombe to CO 27/2/89

Letter not in minute paper. Comments on qualification of Rudolph and Fannin. HEC will bear the cost of the defence. Suggest a Commission be appointed to sit in Natal

Minutes. "I think Lord Knutsford was at onetime inclined to propose a grant in aid of the expenses of the defence; but if a whole cloud of intrigues are called before the Special Commission just to spin out time, it would be impossible for the Govt to assent to pay for them. ~~When the~~ evidence is received and considered the question of some grant for the defence can be reconsidered." E F 5/4/89

When the

10537-30. The following is a list of the names of the
men from the town of New Haven, Conn., who
have been killed in the service of their country.
Names of the men are arranged in alphabetical
order, and the date of their death is given in
the following table: The names of the men
are arranged in alphabetical order, and the date
of their death is given in the following table:
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the following table: The names of the men
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of their death is given in the following table:

Factors in the 1889 Resistance

Havelock

- 1) Dissatisfaction of Zulu in New Republic after hope that resistance would lead change in Settlement
- 2) Zulu credibility
- 3) Distrust of British will & power to protect settlers
- 4) (3) increased by 2/6 + 23/6
- 5) A small ~~tiny~~ body of Zulu ~~who~~ ^{genuinely} (not like D)
- ~~but~~ main ~~main~~ ^{main} factor is fear of Royalists

Osborn

- 1) (1) about: Blames the rains in his failure to realize the role the Boers were playing.

GH(Z)720

2216

Burgess to the Governor of Zululand 14/3/89

Request ~~is~~ that as a Pressman he can search the Criminal Record Books for the Eshoe Magistrate's Court for certain months in 1888. Enclsés letter to RC and reply

Burgess to RC 9/3/89

~~Governor~~ ~~is~~ ~~xxix~~

Burgess to Governor 17/4/89

"I can only conclude that YE has been suffered to remain in ognorance of the condition of the country over which you are Governor, as I cannot beleive that you hold the opinion that rongs and injstices perpetrated by the Magistrates ought not to be exposed except with the consent of the very men who are immediately reponsilbe for them.

The evidence led in the course of the ~~xxix~~ trials before the Speical Court indicates systemic wrong and oppression which it is simply impossible to coneal, and I hoped that YE would be desirous of affording me, one of the only two representatives of the Press now in Zululand, a full opportunity of searching the records of the different courts of the country. It appears to me to be my duty to make as thorough an investiagion as I can into the wrongs done to a people who seem to have no othermeans of redress than the publicity which the Press may afford them.

The following wrong acts have come under my personal notice on the evidence given in the course of the present trials: a system maintained by the magistrates ~~so~~ of capturing and holding for ransom Usutu women & children by the government police and levies; the Magistrates violating the law, exercising their own will & pleasure, inflicting floggings at will and in a summary manner, superintending the beating of Her Majesty's subjects with sticks and stones, - in one case superintending an admitted attempt to extort evidence by means of torture in the shape of flogging men, one in manacles, and of mental torture in the shape of the firing of a gun at one spot as if to convey to a man isolated at another spot the belief that his supposed accomplice had been shot.

These are but a few of the circumstances which justify me in claiming on behalf of the Press full facilities for enquiring into the records which ought to be public in the different courts of the country. YE's refusal has deprived me of the opportunity of bringing public light to bear upon these facts so fully as I perhaps might otherwise have done.

It appears to me from all that is being disclosed around me that the proceedings in Zululand as regards the crimes of the prisoners who have been and are being tried before the Special Court are of far less moment than as regards the crimes of those who are placed in an official position over the suffering Zulus."

Acting A?G^t report 20/3/89 Now law - up to the discretion of the Magistrate

Minutes on Burgess request ~~xxxtet~~
Osborn 25/3/89
"...Mr Burgess appears to be employed here solely as Clerk to Messrs
Dumat & Campbell not in the capacity of a Pressman in which he seeks to
obtain access to the Records."

Minutes After Burgess 17/4/89 letter /
Osborn 7/5/89 "Mr Burgess has since the opening of the CSC on the 15th November
until its last adjournment on the 27th April been working in the capacity
of clerk to Messrs Dumat & Campbell; he was not here as a pressman.
I have every reason to believe that he wished to search the records out of
curiosity* and to futher the objects of his employers."

His impudent sweeping statements and charges against the officials of Zululand in regard to their administration of Justice are as untrue as they are audacious. He dares to make these allegations on the mere assumption that an inspection of the Magistrate's records at Eshowe would support his allegations. I have, I may say, constant access to those records, and I know of nothing wrong in connection with them.

I was not present in the Special Court during the recent trials and cannot therefore form an opinion as to the extent of ^{credence} ~~xxxxxx~~ that should be given to Mr. Burgess' statement of wrong acts on the part of Magistrates as shewn in the evidence adduced. If there is any truth in his statements, the circumstances recorded in the notes of evidence could be enquired into.

It is not true that a system ~~if~~ is maintained by the Magistrates of capturing and holding for ransom Usutu women and children by the

Government ~~invaded~~ police and levies. Some individuals were taken priosners and held for ransom by the natives according to their law and custom, but this was never counteanced by the Government, and, when the distrubances were finally over, all such individuals were ordered to be released from detnition without ransom, and they were released. To have given a peremptory order of the kind sooner would have been dangerous as the native forces employed would, instead of capturing priosners, have put them to death. It is to be remembered that the Zulus are still only a barbarous people, and have none of the moral restraints which largely govern civilised peoples.

I will only add that Mr Burgess' pecuniary condition is such as to shelter him from legal proceedings for his libellous assertions in his letter, and he is presuming on that condition.

I have a proper record ofaceous Justice, yes I have I aroitselfs

and I am a proper record ofaceous Justice, yes I have I aroitselfs

GH(Z) 720

Z219

MO to Hav 15/3/89

Draws attention to the good services rendered by Surgeon William Pope of the ^Army Medical Dept. After N~~im~~xx Zibhebhu's defeat attended ~~40~~ 40-50 natives with severe gunshot and assegai wounds at Nkonjeni. And elsewhere. /

CH(3) 350

CESS

Digitized by srujanika@gmail.com

the following message was received from the Office of the Secretary of Defense:

GH(Z) 721

Escombe to Hav 6/5/89
Dumant to Escombe 3/5/89

Descriptpion of the day of setnencing. Can't help feeling that I've read it before. The show of force, the fear that the Usuthu will escape based on rumours / "seduosly circulated by that curse of the Zululand Government the official natives of low class"

Aibiebhu in Court

This is an important letter and should be Xerosed

Transcutaneous and transmucosal measurements of HbA_{1c}

... bser ev' i fort mifet dled'ing. patonies to yh edt to mof'fines
escece illiw mifus' ejt jasf xsef edt, eomol lo wold off. ericed th
bafmifm edt to eamre walt yd betafwotc vifoufes". anoum no beasd
"anif wof lo nevifet fufiello edt froommrevo
fimo' ni mdeaidia

before) ed effuso fra tutte le strade mi sis si affidò.

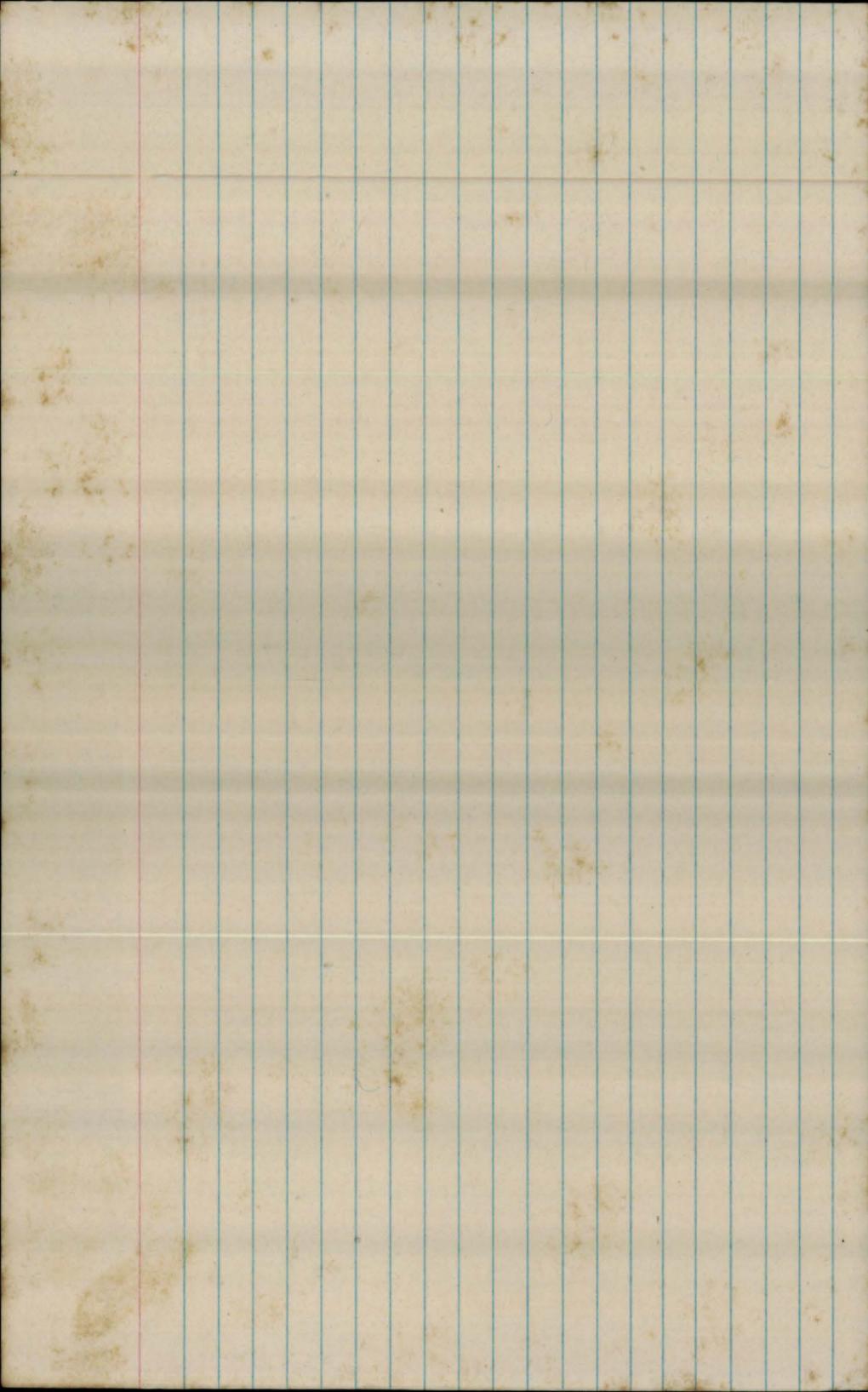
GH(Z) 721

Z /354

Osborn to Havelock 27/4/89

Judgement passed today / "With the view of preventing any attempt at disturbance or breach of the peace, Lt Col Thompson commanding Troops at Eshowe, at my request, was good enough to station at the Court House, a detachment of troops for moral support of the police, and I am glad to state that perfect order prevailed throughout the proceeding of the day.

XXXXTHE



GH(Z) 721

Z396

Osborn to Havelock 11/5/89

Reply to yours No 179 of 29/4/ directing me to report the arrangements which I propose to make consequent on the imprisonment of the Chiefs setneced by the CSC for the charge of the people under the Chieftainship of each, I havethe honour to submit the following proposals:-

The sutu people of whom Dinuzulu was the head consist of small section of various distinct tribes, which were, from time time , collected by Cetywayo and, from political motives, kept by him under his direct Cheiftainship. It is difficult to estimate their total number, but I do not think they form a numerous party. Those in Zululand reside almost entirely in Ndwandwe and Lower Umfalosi Districts.

With regard to the sutu living at Ndwandwe I woul Phtotocipied

GH(Z) 721

Z 367

Escombe to Havelock 3/5/89 Town Hall Durban

Prisoners should be released on bail pending S of S consideration of cases

Minutes Watler Wragg PMB 7/5/89

"To grant this request would be, in my opinion, prejudicial to the peaceful settlement of Zululand and most dangerous. If the Zulu chiefs, who have been sentenced, be now enlarged on bail, the whole of Zululand will be startled and will be speedily in a state of ferment; the effect upon the law-abiding section of the Zulus, who have already suffered for their loyalty, would be pernicious."

V

GH(Z)

Z 691

Extract from Times of Natal 28/9/89

Want the Zululand Govt do something about the widow of Klaas Louw now
penniless in Durban?

Minute ⁰ born 8/10/89

Louw was warned repeatedly that his position was unsafe. "He considered that the terms of friendship upon which he had always been, and still was with the ^U suto Chiefs and party would ensure his safety.

This is what he replied to me when I personally warned him."

Doubtful whether we can do anything

C5892

May 1892 - Havelock

299

No 157 Havelock to Knutsford 14/5/89

Ref to last para of No 121 in which you ask whether the acts alleged to have been done by Siziba and others were an offence under any law in force in Zululand. Herewith O's report / "It is to be gathered from Mr. Osborn's report that the acts ~~were~~ in question would form a breach of native law, somewhat akin to contempt of court, and would be punishable by fine. /Para P/ I would observe that native law is in force in Zululand in the same manner and to the same extent as in Natal."

Enc Osborn to Havelock 10/5/89 p236

"I have the honour to state that there is no statute law in Zululand under which the acts alleged to have been done by the defendants in the case tried before Mr. Tyreel constitute a punishable offence. Under native law, a native doing anything in direct and wilful contravention of any lawful order received from his Chief or from a Resident Magistrate would be liable to punishment by fine for contempt of authority or for defying authority. The principle appears to be identical with that obtaining in ordinarily cours established by law, where summary punishment for contempt is a recognised power vested in the court; the difference being that, in the latter case, the offence is as a general rule, dealt with only if committed in or during the sitting of the court, or otherwise in connexion with the proceedings of the court.

By native law, disobedience or contempt of a lawful order given by a Chief or by a magistrate is punishable, whether such ~~order~~ was given in court or in connexion with the sitting of the court or otherwise."

No164 Knutsford to H Sir C B H Mitchell 24/6/89 p250

"Although it appears that the persons flogged had, by their disobedience, committed an offence under native law, I need scarcely observe that no such punishment as /251/ flogging ought to have been inflicted upon them; and I greatly regret that Mr. Tyrell should have passed the sentence in question, and caused it to be carried out.

I request that you will cause a special circular to be issued to all magistrates in Zululand, explicitly informing them that corporal punishment should under no circumstances be ordered, except in the cases in which it may be clearly prescribed as the statutory punishment; that it should never be ordered for contempt or disobedience of the magistrate, as its infliction in such cases is illegal; and that strict attention must be paid to the requirement of the law, as to the necessity of reporting to the Chief Magistrate, before having any sentence of corporal punishment carried out, even where statutory authority for such punishment exists.

It might be added that punishment (other than corporal) for mere contempt of the magistrate, or disobedience to his orders, should be very sparingly inflicted, and in no case without due deliberation."

CO 427/5

11747

Hav to Knit 14/5/89 93 printed as C5982/157

Minutes. "I think some kind of explicit warning might well be given to all officers in Zululand that corporal punishment should under no circumstances be ordered except in the cases in which it may be clearly prescribed as the statutory punishment: that it should never be ordered for 'contempt' or disobedience of the Magistrate as such a course is illegal and strict attention must be paid to the requirement of the Regulation as to the necessity of reporting before carrying out any sentence even under authority."...SW 12/6

"This case has ~~pre~~xx formed the subject of a complaint by the Usutus to Mr. Escombe, and of question in the commons, and I would suggest the publication of the paper" E F 12/6 and signed up the line.

Knut thinks the warning should be given and the paper not published unless asked for in the Comons. /

GH(z) 722

Z427

Wragge to Hav PMB 25/5/89

Although he assented to undertake duties of Pres of C S C withoug
renumeration did not know that it would last for so long. He presided
at 98 sittings ~~xx~~ / "Every word of the recorded evidence of the 247 witness
, examine during the trials, was written by me. / / For that work and for the
prepara ion of the bulky volume, which the printed evidence will form and
which is requiried by the S of S, I have not, as Y E is aware, receibed any
kind of renumeration" / _ and so asks for some money._

CO 427
15002

Mitch to Knut 124 1/7/89

In view of the possibility of an appeal does not think he should now submit his report on the case

Minutes "Leave to appeal was refused this morning by the Judicial Committee. Mr Justice Wragg will be here next week, and we can then communicate with him. His Report will not be accepted by the friends of the Usutus as of any weight, but it may ~~give~~ guide us in the preparation of the evidence, which I understand will extend to 900 printed folio pages. I would not press him to report formally, if he is still disinclined to do so when he arrives. It is no part of his duty to make the Report under the Proclamation EF 30/7/89" inged up the lin

"I would not press him for a Report, but should be glad to have one K 1/8"

Max CO 327/4

4553

Hav to Knut 31 4/2/89 reprinted in C5892 and in CP373/19 from which these notes are taken.

overing letter. Prelim inquiry into the killing of Msutshwana has been delayed by Z falling of a horse and injuring himself. I teleged MO on 18/1 asking about proceedings thinking that sufficient time had been given for recovery and received enclosed reply. I enclose various enclosures. Have since been informed that Z is under arrest at Ehswe pending charges.

Enc 1 Osb to Hav 19/1/89 /tyrell says that prelim enquiry could not take place through Z's illness and will now start and Z has been summonsed. Tyrell says however that some of the witnesses have been summoned to attend as witnesses for CSC where Z has also to appear. These will probably dealy the matter further.

Max Tyrell to Res Comm 12/1/89 Says just what Osb says. /

Enc " Ha to Osb 24/1/89

Report by Gallwey 23/1/89 /Z should appear as a witness at CSC before his the inquiry into Msutshwana's death is started /

C O

CO Minutes seen no comment.

CO 427/6

17610

Mitch to Knut 6/8/89 137 and reprinted in C5982

"Forwards copy of series of telegrams on subject of movements & recall of -
He is now at Ehsowe."

Minutes "It appears that Mr Osborn was sublimely unconscious of any reason
why Usibebu should be detained at Ehsowe, & had no idea of detaining him.
Indeed it would almost seem that he sanctioned his departure "

singed up the line.

GH 72 (Z) 721

Z 338 confidential

Knutsford to Havelock confidential 29/3/89

Minutes Osborn entered the Natal Service Septr 1853 at the ago of 20

Conf reply 24/5/89

/Acks Hav's conf of 11/3/89 / "relating the possibility of the retirement of Mr M Osborn from the office of RC in Zululand.

I do not think it desirable that any change in the administration should take place at all events until after the completion of the trials before the special Judicial Commission, but I think it right to take this opportunity of saying that HMG fully appreciate the loyalty and good feeling with which Mr Osborn has placed himself at their disposal, and are sensible of the zeal and ability with which he has always discharged his duties."

/Find out about the pension and the extent of Natal's responsibility /

/There is also a confidential letter, extract here from K to Hav 29/3/89 /

287
GH721

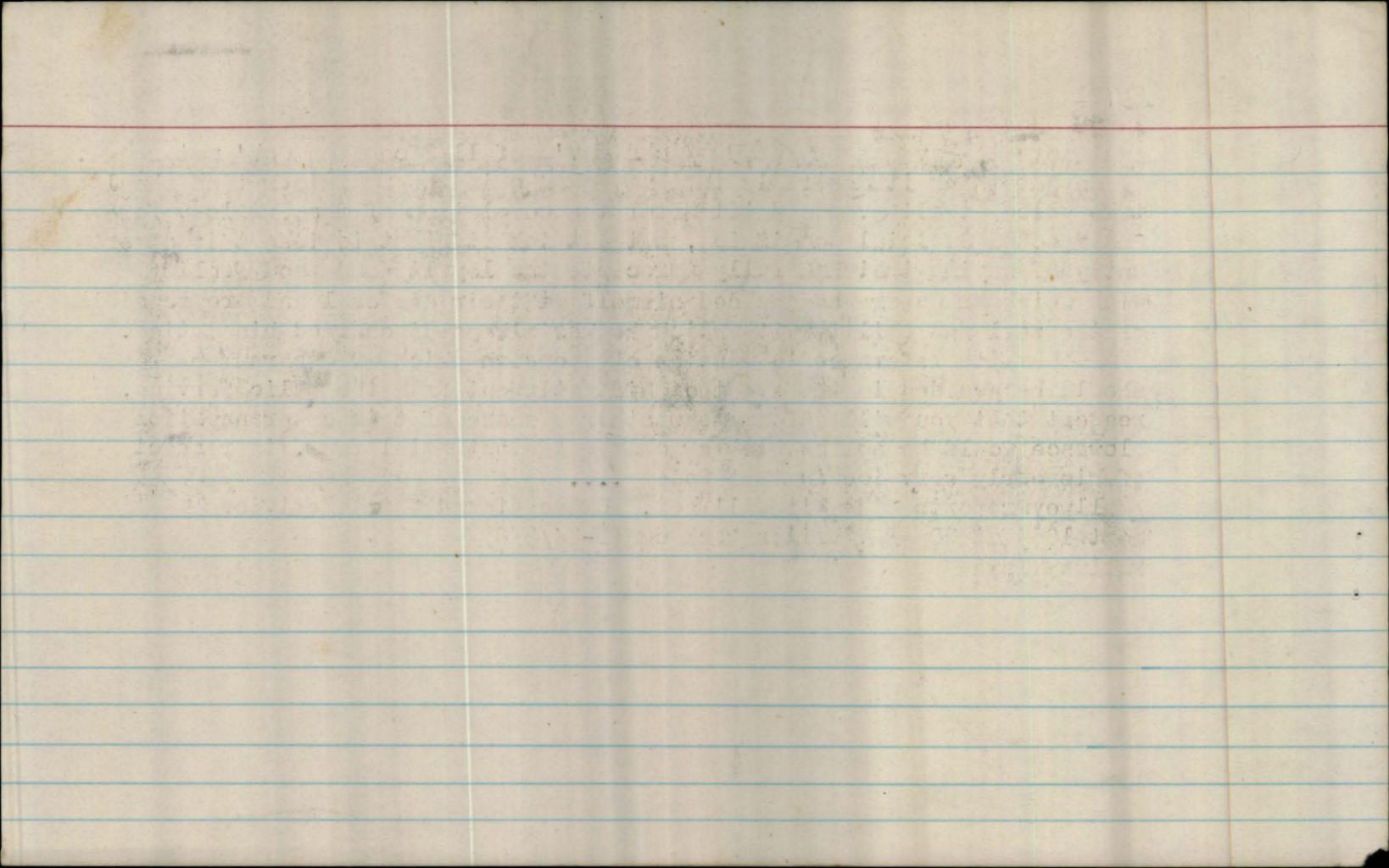
Z 338 confidential

Knutsford to Havlock 29/3/89 Acks Hav's of 11/2 conf on Osb' retirment. "I do not think it desirable that any change in the administration should take palce at all events until after the completion of the trials before The Special Judicial Commission, but I think it right to take this opportq untiy of saying that HMG fully apreciate the loyalty and good feeling with which Mr Osborn had palced hismelf at their dësposal and are sensible of the zeal and ability with which he ahs always discharged his duties.

With refernece to wuarion of pension which Mr Osborn should be awarded in the event of his retirment from the pulic Service, I request that you will inform me whether a share of this superannuation allowance would be admissible as acharge against Natal fund, in respect of his early serv ice in that Colony...."

Gallwey reports that it will not. Osb enetered Natal Serivice Sept 1853 at 20 Hav writes back confl-24/5/89

Gallwey says



ZA 218

Tyrel to Res Com Ivuna 24/1/89 /this letter badly torn/

Msigaba brother of Msutshwana has informed me that the people of the kraals referred to in your letter rebuilt and occupied their kraals immediately the ~~policemen~~ policemen left and have been occupying them ever since giving no reason for the disregard of my order. these people built on the edge of the bush/ when I sent polciemn there they

the kraals to avoid the
ned in hding until
the polci e had left the
, in the bush in question
eral retreat during
nces.

usually appear
his borhter

and me this my their kraals with theexception
of kraals oabove mentioned. I thin it a pity that a small number of men
like this should be left in a spot where they can so easily defy the usual
polcie force sent on errands of this description as reported before they
refused to Konza to Uisbebu & have rebuilt huts overthrwon by my orders I
should like to know what stronger measure I can adopt to enforce obedience."

