

Return of 2

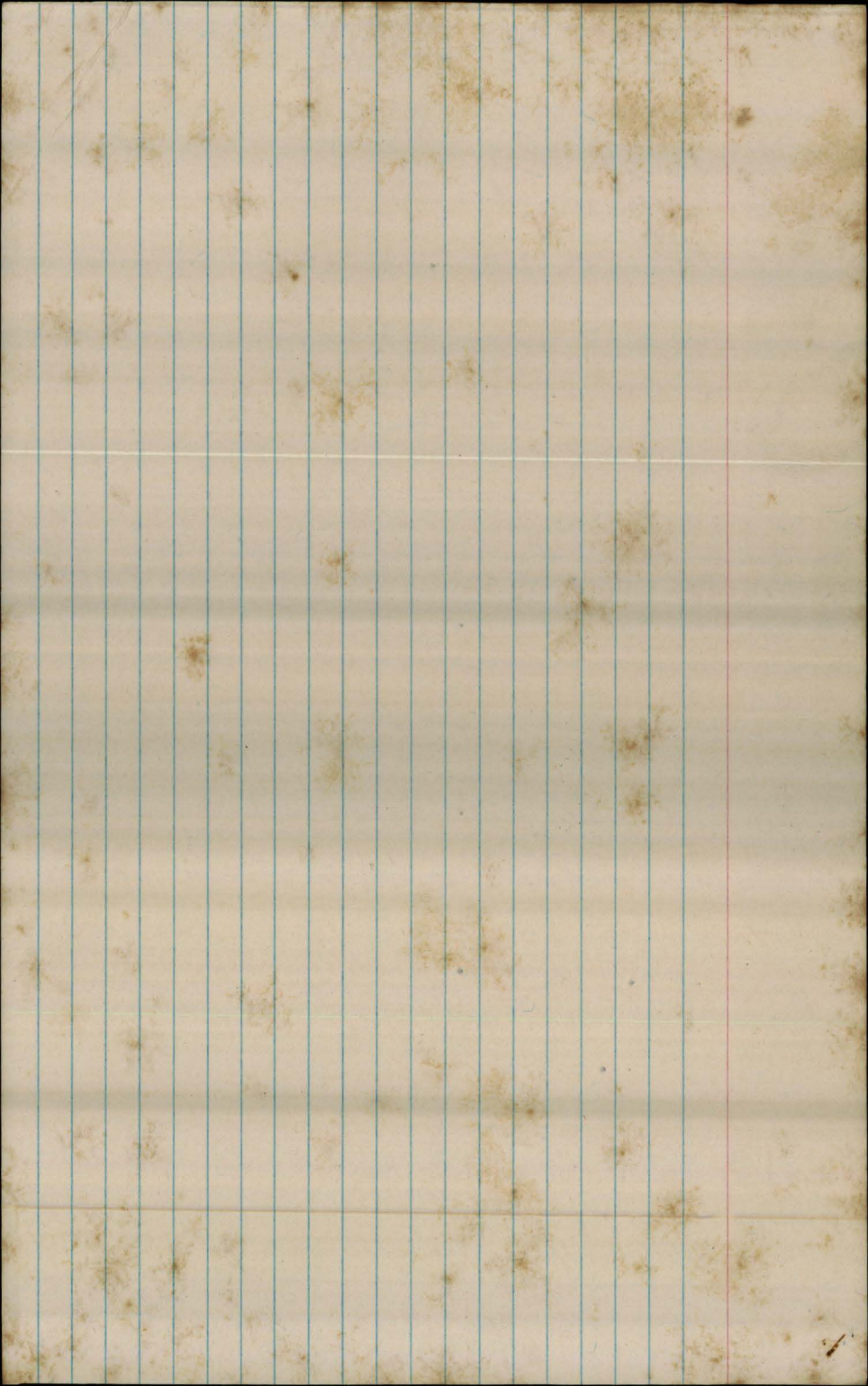
RM

GH(2 719

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, if 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. 11



C047/4
4547

Doc Distribution of Police in Zululand. 273

C5892

Nol23 Havelock to Knutsford 31/1/89 pl84

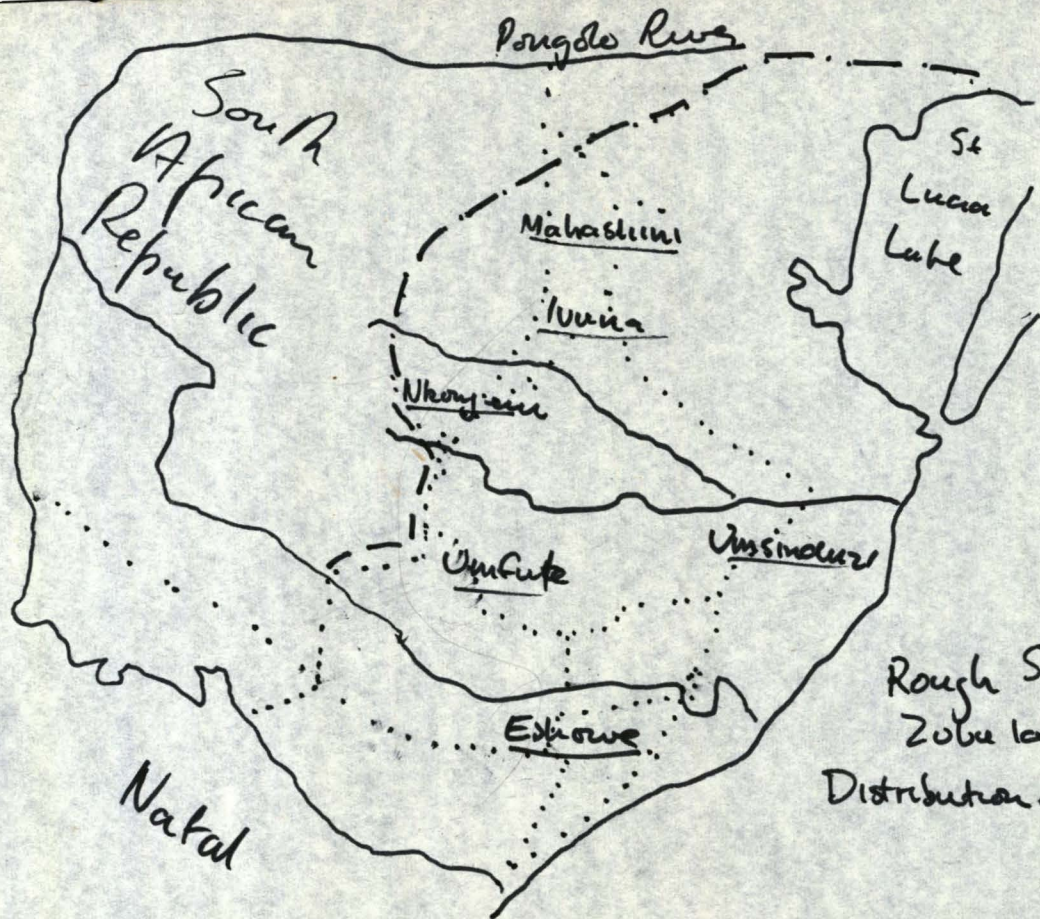
Encloses map of the distribution of the Zululand police force.

"It will be seen that there are strong Police posts at Ivuna and at Mahashine. Ivuna is the seat of magistracy of the Ndwandwe district. It occupies a commanding position between Usibebu's location on the lands of the Usututu under Dinuzulu and Undabuko. Mahashine is the site of one of the principal Usututu kraals. It forms a point of observation for the district occupied by the Usututu, and commands the route from that district across the 'Mkusi River into the SAR and Swiland. The police camp at Mahashine is about 14 miles distant by road from that at Ivuna. Communication by heliograph can be obtained between it and the posts at Ivuna and Nkonjeni. The post at Nkonjeni forms a connecting link between Ivuna and Entonjaneni. At the latter place, there is a detachment of regular troops. At Umfolozi, the seat of magistracy of the Entonjaneni district, on the road from Entonjaneni to Eshowe, there is another Police post. /184/ There is a detachment of 50 police under a sub-inspector at the seat of magistracy of the Lower Umfolozi district, about 50 miles north east of Eshowe, on the coast road to Ivuna..

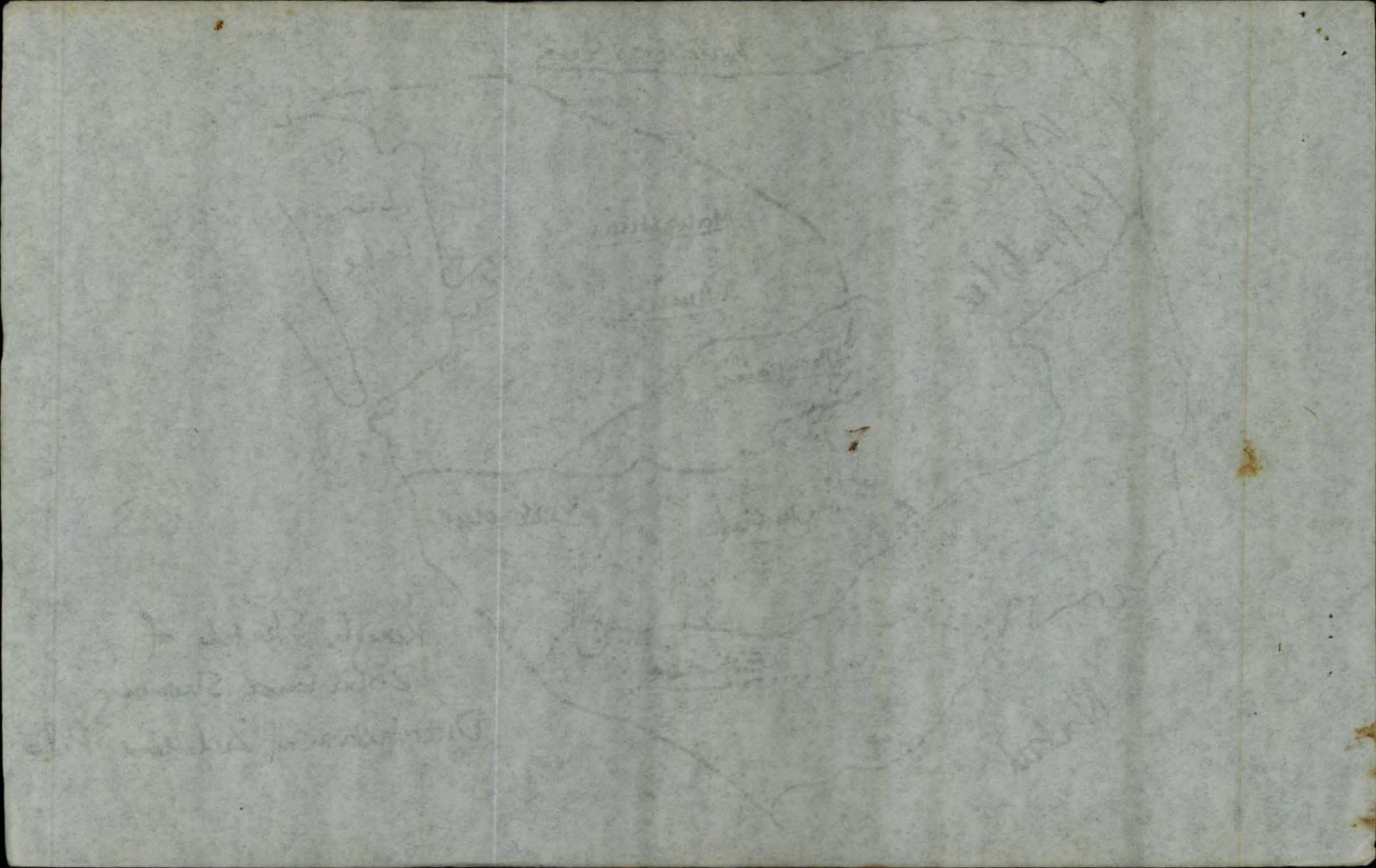
This chain of Police posts brings under a fairly complete degree of control and observation the most populous and important districts of Zululand. The posts are all connected by roads, which, in ordinary weather, are practicable for wheeled vehicles.

Enc Osb to Havelock 12/12/88 pl85

60	non-commissioned officers and men under one	sub-inspector at Ivuna
60	"	two Mahashine
20		one Nkonjeni
10		one Umfule
50		one Lower Umfolosi
50		the Commandant and one sub
		inspector at Eshowe
<hr/> 250		



Rough Sketch of
Zululand Showing
Distribution of Zululand Poles



CO 427/7

310

Escombe to CO 4/1/89 printed in C5892

Sens printed record of proceedings re arrest of Dinuzulu & again appeals for trial before an independent tribunal

Minutes. "This gives us a better record to lay before the L.C. 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 ~~xxxx~~ announced that he had come to arrest Dinuzulu and that he ~~therein surrendered~~ there surrounded the house with his sentries.

Dinuzulu 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 rights. /further legal argument continues/

Law officers report is not printed.

10-10-10

10-10-10

10-10-10

10-10-10

- 1-89

Illegality by Officials

269

C5892

Noll17 Havelock to Knutsford 17/1/89

Tyrrell

Encl Sec fo Zululand to Dumat and Campbell 9/1/89 pl69

Enc2 Osb to H

Enc3 Repcrof of proceedings in Case No39 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 newsppapers and alleged mal-administration of Zululand. As it hpappened the case had already been rpeorted to me and I had queashed and set aside the judgments. Tyreel infliced fines and lashes without sumbitting the proceedings to Osb as requried.

H comments /" Besides being illegal, the proceedings adopted in this case by Mr. Tyrrell, the Acting Resident Magistrate, were, I consider, injudicious. ...I am now making arrangments for relieving Mr. Tyrrell I propose also to transfer Mr. Addion to another district."/

GH 713
2 13

See also
C5892/174/Enc1

THE UNIVERSITY OF CHICAGO

PHILIP ALBERT TAYLOR

PH.D. THESIS

THE UNIVERSITY OF CHICAGO

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PH.D. THESIS

THE UNIVERSITY OF CHICAGO

PHILIP ALBERT TAYLOR

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THE UNIVERSITY OF CHICAGO

PHILIP ALBERT TAYLOR

PH.D. THESIS

THE UNIVERSITY OF CHICAGO

PHILIP ALBERT TAYLOR

CO 327/4

5165

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

Minutes "oncu 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 ~~communications~~ reporting complaints by chiefs of irregular proceedings of counsel for the defence in summonisng witnesses.. 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 procure 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 witnesses would, I feel certain, be by way of regulating their proceedings ~~x~~ in procuring witnesses would, I feel certain, be at once purposely misconstrued ~~x~~ and misrepresented by their European advisers. I ~~xx~~ think, for the same reason, it is advisable to allow such witnesses to come straight to Eshowe without first ^{going} necessarily to report themselves at the Magistrate'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 one time 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. ~~Whether~~ evidence is received and considered the question of some grant for the defence can be reconsidered." E F 5/4/89

When the

Factors in the 1889 Resistance.

Household

- 1) Disaffection of Zulu in New Republic of the
hope that resistance would lead change in Settlement
- 2) Zulu credibility
- 3) Distrust of British will & power to protect layals
- 4) (3) increased by $2/6 + 23/6$
- 5) (17 small ~~being~~ body of Zulu who ^{genuinely} supported D.)
~~but~~ but main point factor is fear of Royal strike.

Oborn

- 1) (1) above: Blames the rising in his failure
to realise the role the Boers were to play.

1875

1875

1875

1875

1875

1875

1875

1875

1875

1875

1875

GH(Z)720

~~E~~ Z216

Burgess to the Governor of Zululand 14/3/89

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

Burgess to RC 9/3/89

~~Governor to RC~~

~~a~~ Burgess to Governor 17/4/89

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

The evidence led in the course of the ~~tax~~ trials before the Special Court indicates systematic wrong and oppression which it is simply impossible to conceal, 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 investigation as I can into the wrongs done to a people who seem to have no other means 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 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. Y.E.'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.' report 20/3/89 /Now law - up to the discretion of the Magistrate

Minutes on Burgess request ~~after~~

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 further the objects of his employers.

His impudent sweeping statements and charges against the officials of Z 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} ~~evidence~~ 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 ~~a~~ not true that a system ~~of~~ is maintained by the Magistrates of capturing and holding for ransom Usutu women and children by the

Government ~~taxes~~ police and levies. Some individuals were taken prisoners and held for ransom by the natives according to their law and custom, but this was never countenanced by the Government, and, when the disturbances were finally over, all such individuals were ordered to be released from detention 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 prisoners, 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.

His important sweeping statements and charges against the officials of Zululand in regard to their administration of justice are as untrue as they are insidious. 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 evidence that should be given to Mr. Burgess' statement of wrong acts on the part of Magistrates as shown in the evidence adduced. If there is any truth in his statements, the circumstances recorded in the notes of evidence could be easily disproved. It is not true that a system of ransom was maintained by the Magistrates of capturing and holding for ransom Zulu women and children by the

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 ~~Nkomo~~ Zibhebhu's defeat attended ~~4~~ 40-50 natives with severe gunshot and assegai wounds at Nkonjeni. And elsewhere._/

CH(2) 720

2219

MO to HAV 15/3/89

Draws attention to the good services rendered by Surgeon William Pope
of the Army Medical Dept. After Mahmud Elsharif's defeat attended
* 40-50 natives with severe gunshot and assegai wounds at
Kongoni. and elsewhere.

GH(Z) 721

Escombe to Hav 6/5/89

Dumant to Escombe 3/5/89

/Description of the day of sentencing. Can't help feeling that I've read it before. The show of force, the fear that the U^suthu will escape based on rumours / "seduously 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 Xeroxed

CH(2) 721

Escorted to Hov. 6/5/69
Demand to Escorted 3/5/69

Description of the day of sentencing. Don't help feeling that I've read
it before. The show of force, the fear that the victim will escape
based on rumors "sedulously circulated by that cause of the Minkland
Government the official natives of low class"
Alibi in Court

This is an important letter and should be looked

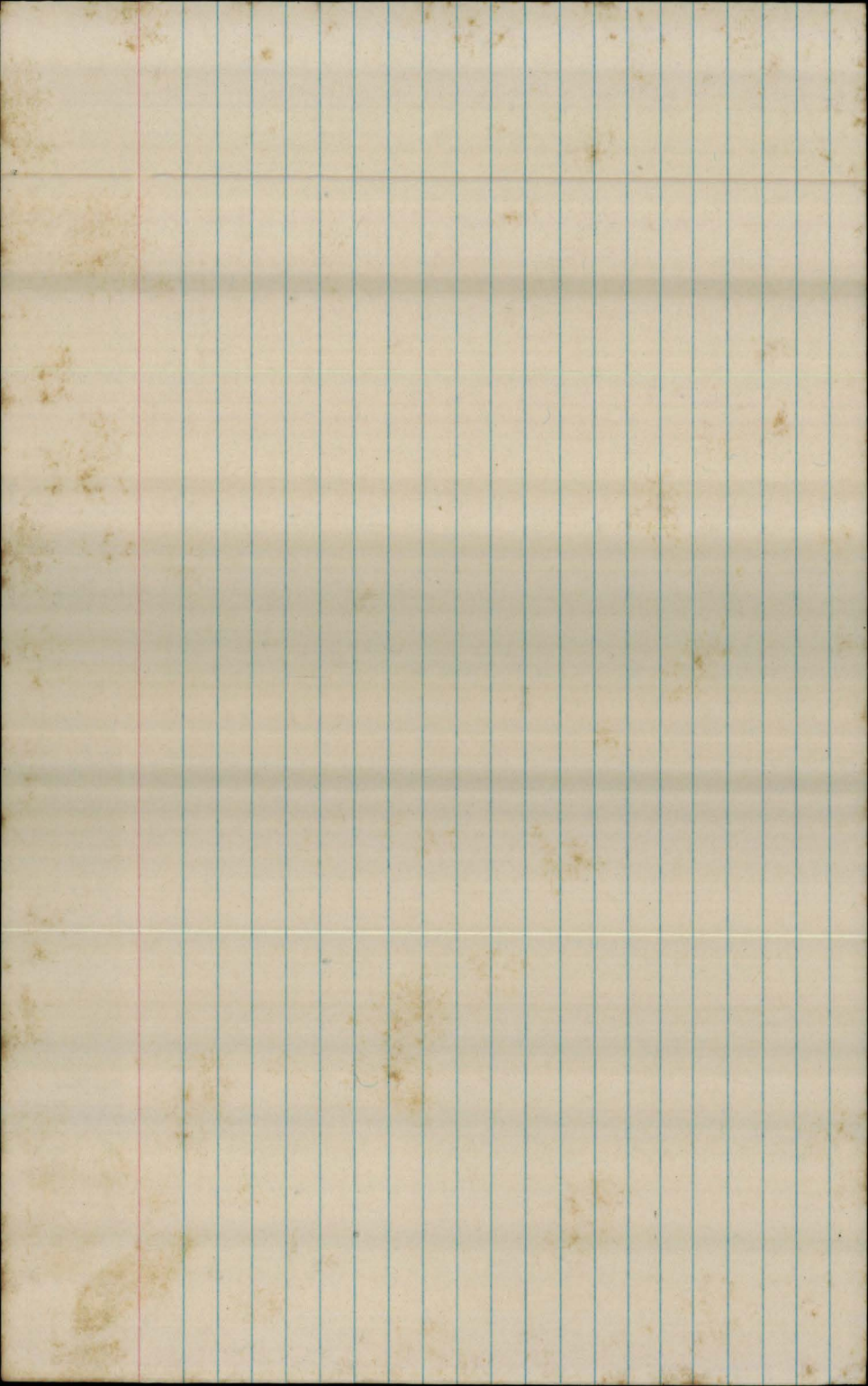
GH(Z) 721

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

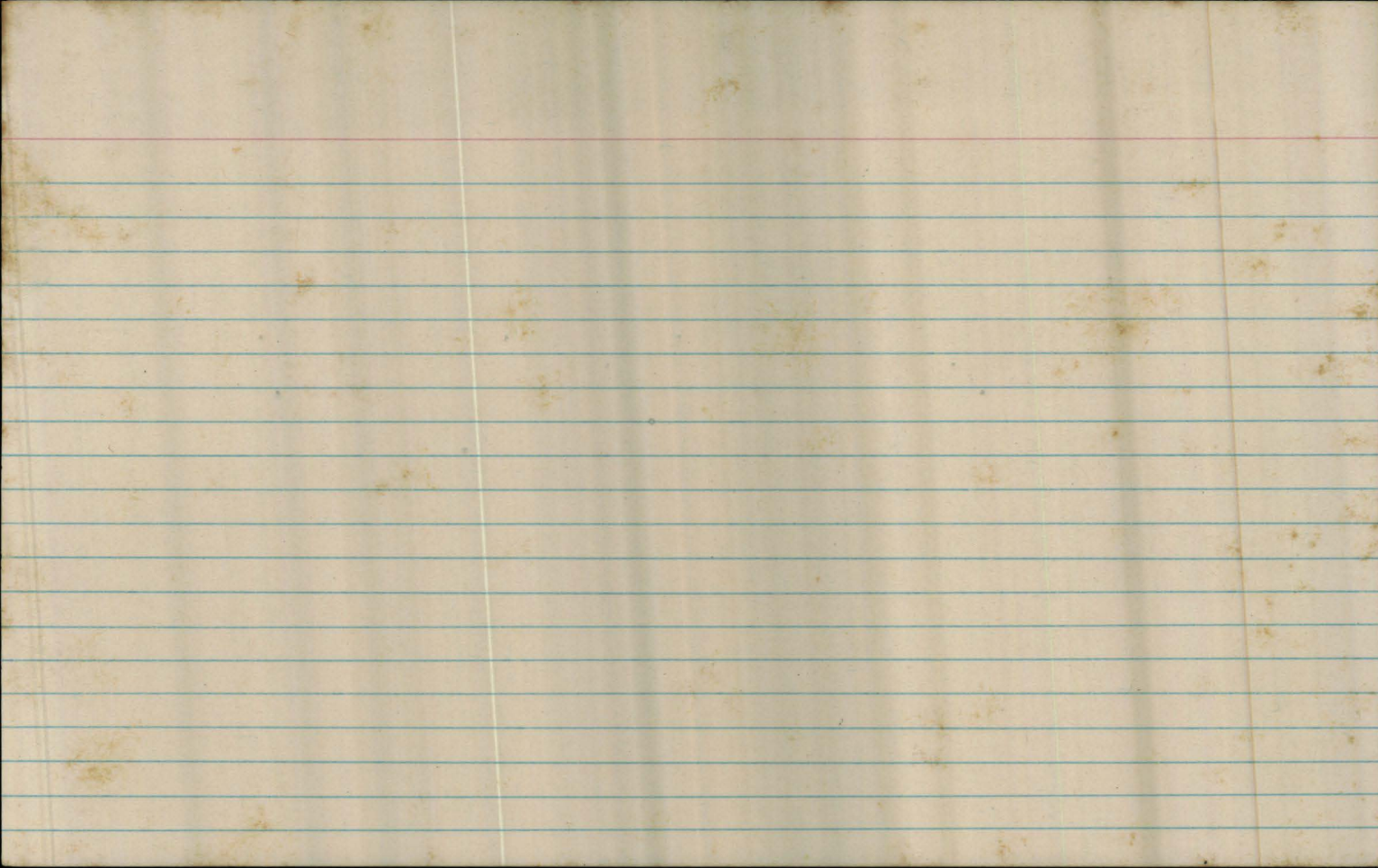
Z396

Osborn to Havelock 11/5/89

/Reply to yours No179 of 29/4/ directing me to report the arrangements ~~whch~~ 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 ^Usutu living at Ndwandwe I woul Phtotocipied



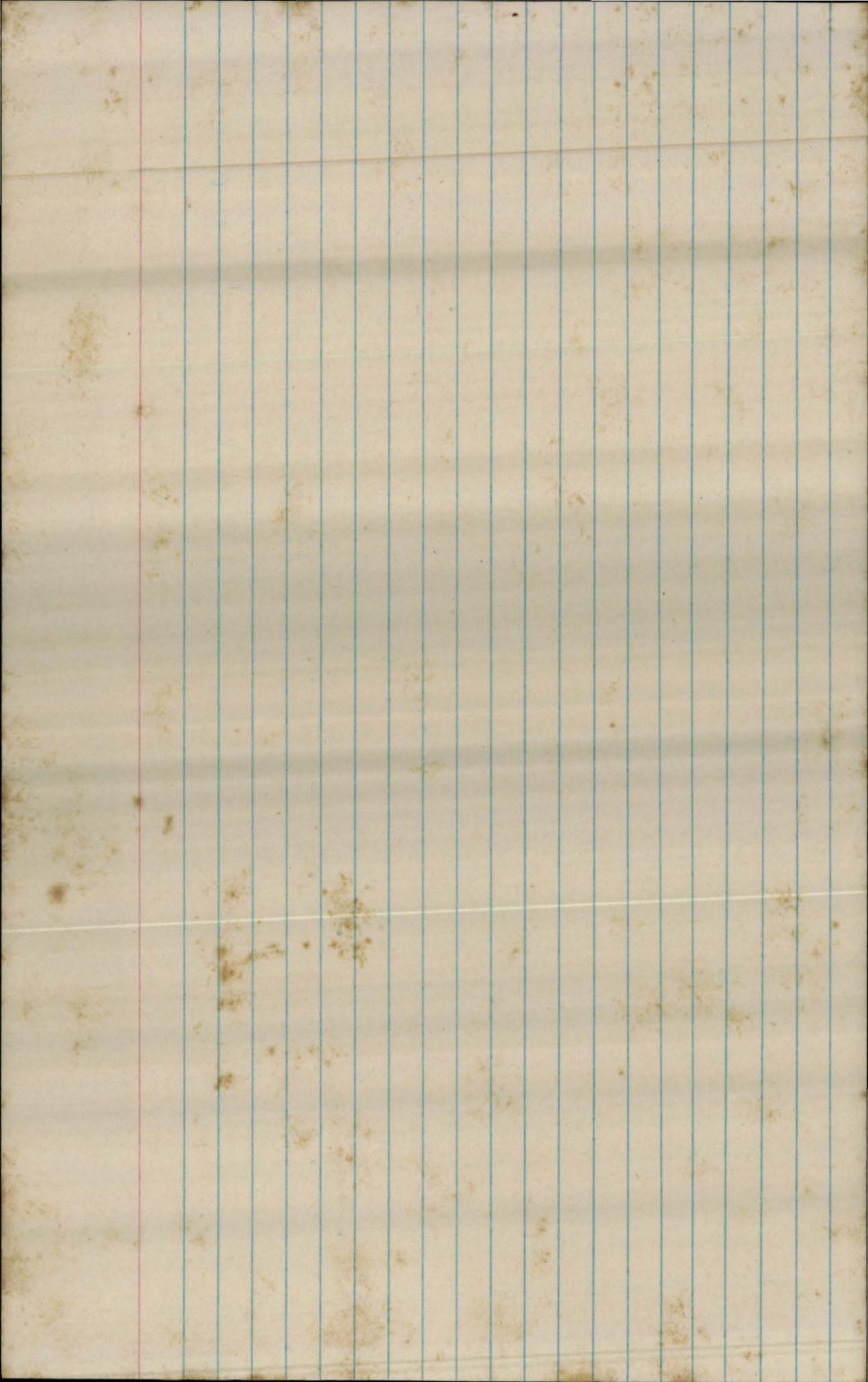
GH(Z) 721
Z 367

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

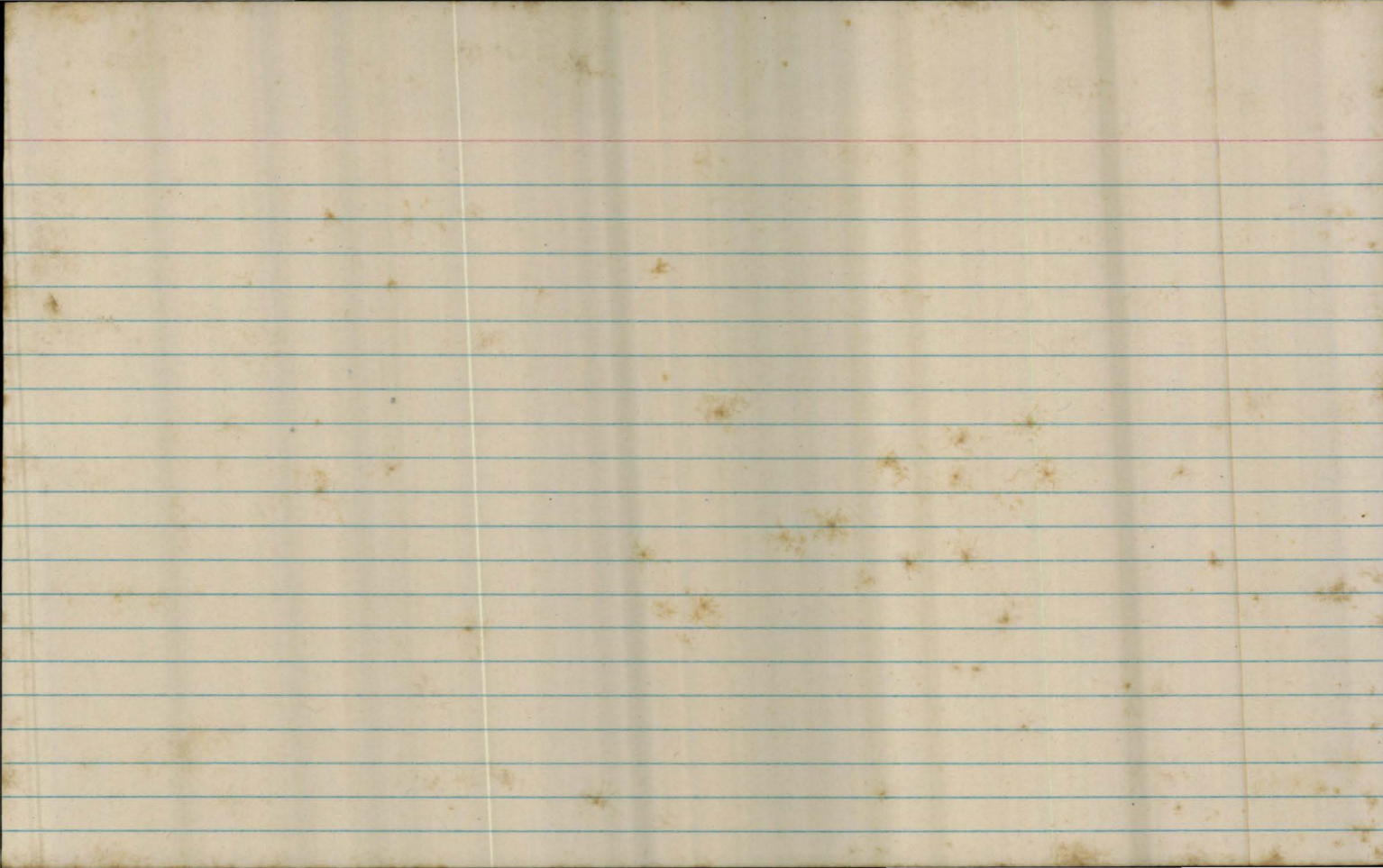
/Want the Zululand Govt do something about the widow of Klaas Louw now ~~penniless~~ penniless in Durban?_/

Minute Osborn 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 Utsu 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

Nol57 Havelock to Knutsford 14/5/89

Major Robt - illegality 299
/Ref to last para of Nol21 in which you aks whether the acts alleted to have been done by siziba and others were an offence under any lawy 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 rom a breach of native law, somewhat akin to contempt of court, and would bepunsihable by fine. /ParaP/ I would absoeve 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 defendatns in the case tried before Mr. Tyreel constitute a punsihable offence. Under native law, a native doing anything in direct and wilful contravention of any lwful order received from his Chief or from a Resident Magistrate would be liable to punishment by fine for contempt of authority of for defying authority. the pprinciple appears to be idnetical with that obtianing in ordinary cours established by law, where summary punishment for contempt is a recongised power vested in the court; the difference being that, in the latter case, the offence is as a general rule, deatl 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 contmept of a lawful order given by a Chief or by a magistrate is punsihable, whether such ~~wx~~order was given in court or in connexion with the sitting of the court ot otherwise."

Nol64 Knutsford to M 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 ~~prevexx~~ 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 Commons. _/

GH(Z) 722

Z427

Wragge to Hav PMB 25/5/89

/Although he assented to undertake duties of Pres of C S C without remuneration 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 witnesses, examine during the trials, was written by me. / /For that work and for the preparation of the bulky volume, which the printed evidence will form and which is required by the S of S, I have not, as Y E is aware, received any kind of remuneration" / and so asks for some money. /

to have the 23rd

although he seemed to understand the value of the 23rd

information did not know that it was lost for so long. He needed

at 23 sitting in "very poor of the recorded evidence of the 23rd witness

examining within the whole, as written by me. For that matter, for the

portion of the 23rd volume, which the written evidence will form and

which is required by the 23rd, I have not, as Y H is there, need to say

kind of newspaper story, and so again for some money.

CQ 427

15002

Mitch to Knut 124 1/7/89

/In veiw of thepossiblity of an appeal does not think he should now submit his re ort on the case_/

Minutes "Leave to aoedal was refused this morning by theJuidicial Committee
Mr Justice Wragg will be here next week, and we can them communciate with him HisRpeort will not be accepted by the firnds of the Usutus as of any weight, but it may ~~give~~ guide us in the prenasal of the evedicne, which I understand will extend to 900 printed folio pages. I would not p ess him to report formally, if he is still disicnlined to o so when he arrives. It is no part of his duty to make the Report under the Procla,tion
EF 30/7/89 inged up the lin

"I would not presshim for a Report, but should be glad tohave one K 1/8"

~~Mayx~~ CO 327/4

4553

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

Covering letter. Prelim inquiry into the killing of Msutshwana has been delayed by Z falling off 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 Ehsowe 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 summonsed to attend as witnesses for CSC where Z has also to appear. These will probably deal with the matter further.

~~Enc~~ 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 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

"Forwardx 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 alsmot seem that he sanctioned his dpearture "
singed up the line.

GH ~~72~~ (Z) 721

Z 338 confidential

Knutsford to Havelock confidential 29/3/89

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

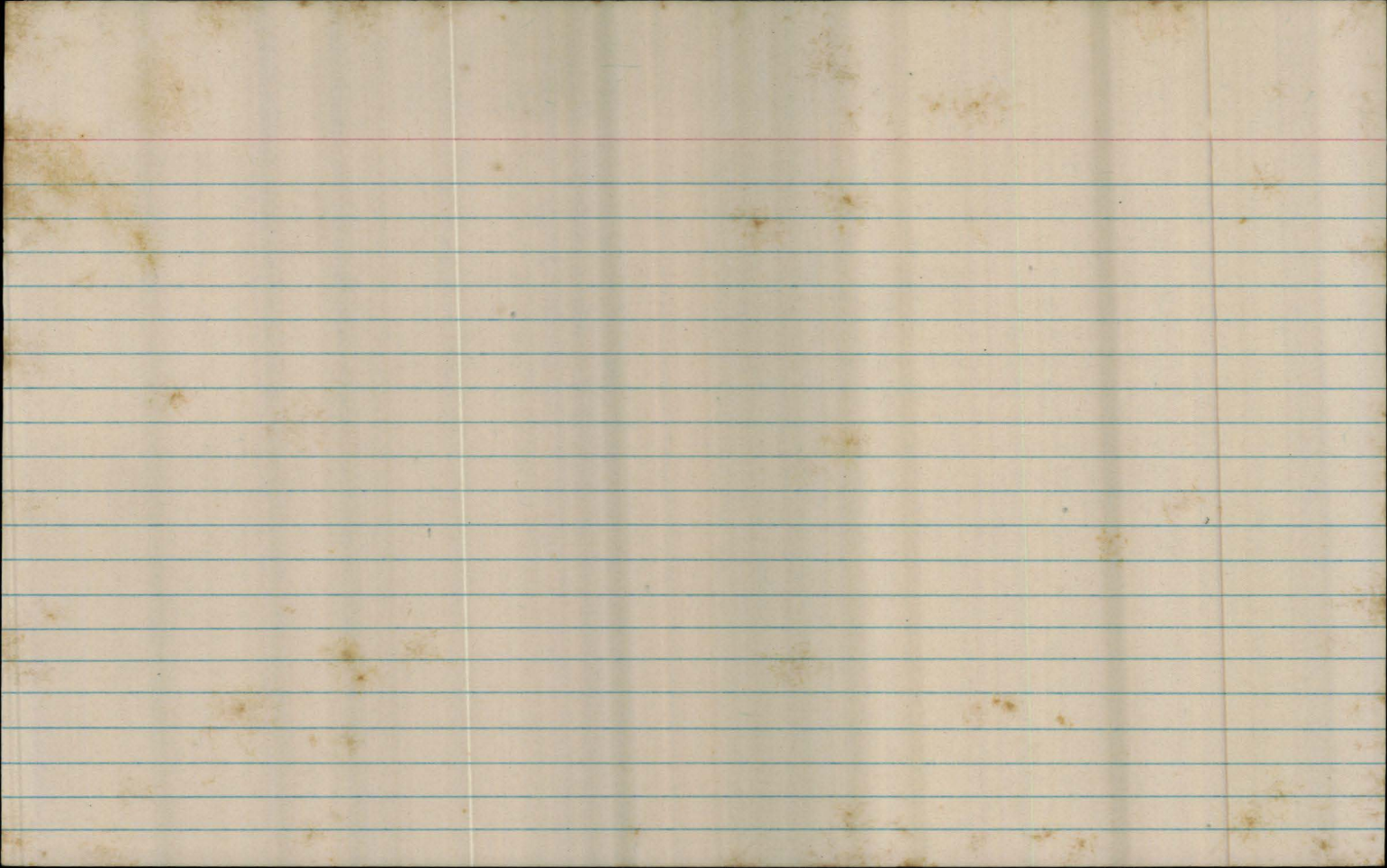
Conf reply 24/5/89

/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 chagne 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 reponsibility_/

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



282
GH721

Z 338 confidential

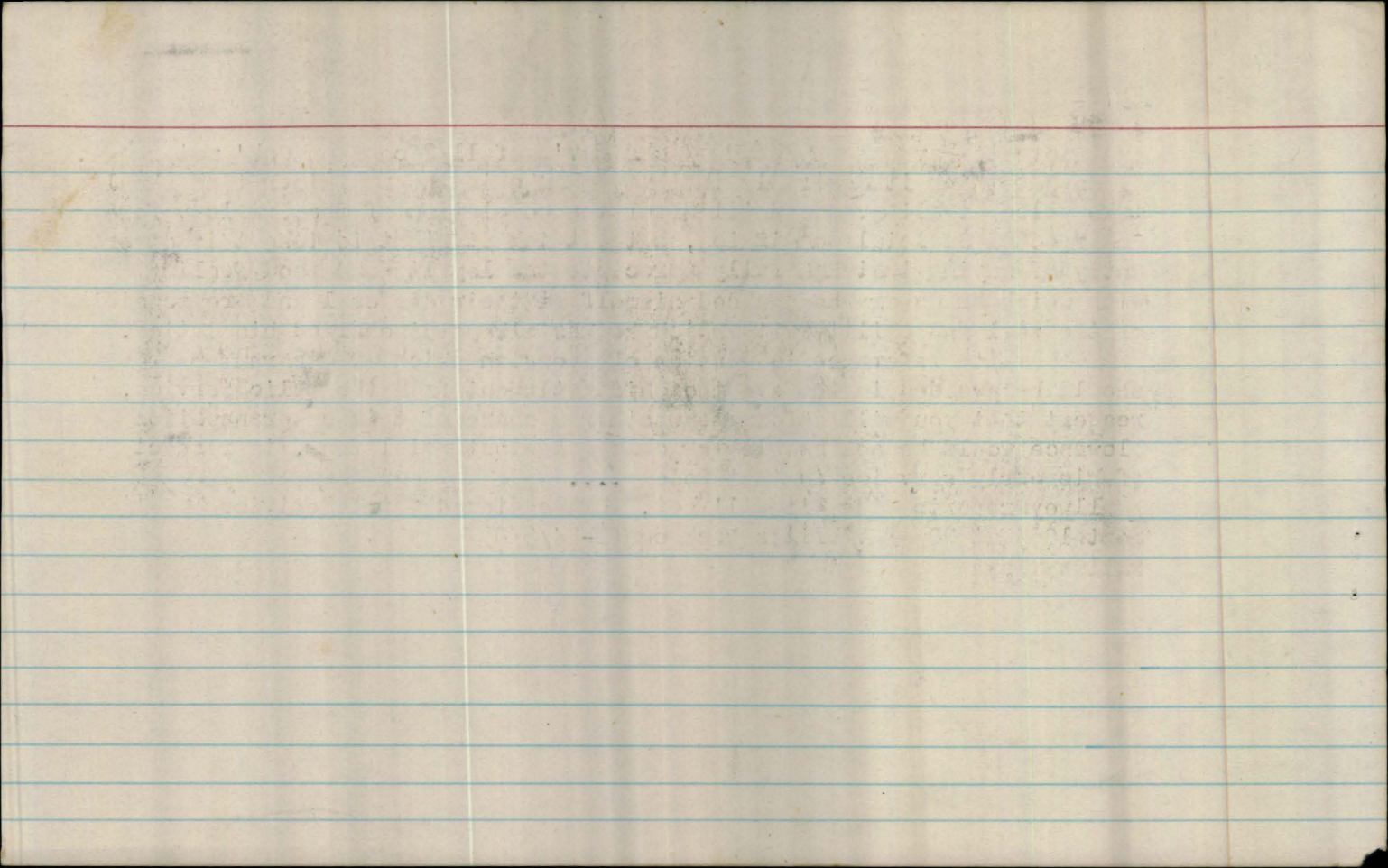
Knutsford to Havlock 29/3/89 /Acks Hav's of 11/2 conf on Osb' retirement.

"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 had placed himself at their disposal and are sensible of the zeal and ability with which he has always discharged his duties.

With reference to variation of pension which Mr Osborn should be awarded in the event of his retirement from the public Service, I request that you will inform me whether a share of this superannuation allowance would be admissible as a charge against Natal fund, in respect of his early service in that Colony...."

/Gallwey reports that it will not. Osborn entered Natal Service Sept 1853 at 20 Hav writes back conf-24/5/89

Gallwey says



ZA 216

Tyrrel 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 ~~police~~ 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 the exception 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 overthrwn by my orders I should like to know what stronger measure I can adopt to enforce obedience."

Letter to Hon Com Ivona 24/1/89 this letter badly torn

My dear brother of Ivona, I am informed that the people of the Khasia
 refused to sign your letter and occupied their Khasia immediately the
 unknown 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 policemen there they
 the Khasia to avoid the
 had in doing until
 the police had left the
 the bush in question
 exact retreat during
 noon.

My dear brother
 his brother
 and me this my their Khasia with the exception
 of Khasia above mentioned. I think it is likely that a small number of men
 like this should be left in a spot where they can so easily defy the law.
 Police force sent on errands of this description as reported before they
 refused to Khasia to Khasia & have rebuilt huts overthrown by my orders. I
 should like to know what stronger measure I can adopt to enforce obedience."