

427/7

12132

Question in Commons by Mr Bradlaugh asking wheter ~~the~~ the S of S /
"is aware that Natives in Zululand are frequently flogged by order of the
local authorities. / Wheter his attention has been drawn to the fact
that it was proved at Etshwoe on 15th April that three Natives were flogged
with a cat, and that the cat was a rein cut up and fastened on to a stick
, with some pieces of iron at the end of the strips " / will an inquiry
be made /

/ Answer from cutting given on 24/6/89 /

/ De Worms answers that under Zululand laws flogging may be used for
any rime except murder but it must be confirmed by the Chief Magistrate.
The S of S has no info on the other questions but the info will be called
for on the question of the cat. /

Minutes / SW points out that the only case the CO has is Gov 11747 /
"That only came before us because of its irregularity. It is not likely
to be the only case. E F " / Fairfield proposes an answer promising
investigation byt Bramsont amends this as / "there are so many
falsehoods sent home from Zululand, that we must be cautious about these
statements.

Also in the paers is a letter from Bradlaugh to De Worms with a cutting
from the Natal Advertiser 16/5/89 ~~which is~~ which is a letter from Goerge
Burgess about the cat. and the three men being held down and flogged. /

Draft of letter to Hav on this question eventually in C5892 dated 27/6/89

printed in
C5892

12133

printed in
C5892

Question in Commons on 20/6/89 by Thomas Ellis asking wheter he he had info on Addison extracting info by torture, flogging, isolating men and firing a gun. and wehter while the trials at Ehsowe were proceeding the lands of those charged were parititoned amongst Z's party rendering 60 homesles..

Answer from Newspaper cutting. De Worms answered that S of s had no info on Addison. He had info on slight adjustments to boundaried whut that it had naused no suffering to the Usuthu/ "The Zulus do not recongize indifical property in land, and it is within the competence and prt of the duty of the supreme power to assing to the various section of thepeopultion their palces of reisdence and the land on which they are to subsist.

Ellis asked again about flogging and Bradlaugh about the Cat but the S of S had no info was De Worms'reply./

Minutes /Reply based directly on Fairfield's minutes_/

Dqrft of S of S to Hav 28/6/89 eventually published in C5892_/

ZA 21

This is intersting. The basic documents can be found in C5892/174 /Encs but ZA 21 has these and Addisons and Tyrell's reorts. He should be colseley compared

Tyrell to Osb Eshwale 16/2/89 "he first 3 sheets of the sta ement appear to refer to mat ters which took place previous to my arrival at Ivuna. On page no 4 mention ismade of a fine of 10 head of ca tle No such fine was inflicted by me. The only time I fined any of the late Umstywananas people was during the month of Dec 88 when I fined five men 20/- each & one man 10/1, the chief represen ing the tlae Umstywana I fined £5 these fines were reproted to Y H in my return of cases adjudicated during Dece,ber 88. I am at a loss to understand the charges made against the native polcie of threatening to burn certain huts - as I gizve them strict orders (the only time they were sent to overtrun the huts of certain 8 kraals) that they were not to burn anything, but simply to ovetrun the huts & order the people re removewith all their proterty to the outside of Uisbebu olocation. On their return these messengers reported tath they had faithlffly carriedout my orders:

With regard to Umstuywanas people generally , my orders were that anyone who wished to 'konza' to Uisbebu migh do but lx any who did not must remove(of course with all their property)from that chief8s locasion.

No one reported to the me that ZZ's people had made thei mselves objectionable to Wombe and his follwoers during their remvoal to Ingwenmnyama. I told themthat they ould get redress form the Mag and not to go to Law Agenst s and others lutside the gvot. Wasnot aware that the polcie had interfered with the cattle they drove to the coast.

If it is true that Z forbade suthu to remove corn thaeen he should be
punished for this. No report came to me about food being carried away
It is difficult for me to report on this as no dates are given in the
statement. / " I venture to think that if the police & Uisbebu's
people were examined upon the subject of enclses statement it would be
found to be somewhat exaggerated.

Addison to Osborn 2/3/89 Ivuna As regards detention of Izinduna Nkowana
and Wombe Ka Mfusi enclse copy of the court records ' charged with
concealing arms on 9/11/88 and found guilty but discharged as they
have been detained a month already and have now delivered the guns)
Enclses deposition of people involved in the alleged molestation of
Msutswanan's people /

Before Addison on 19/2/89 Topolozana ka Nonzwenzwa under Hlbui of Nqutu
" I am a messenger of this office. I was sent with another messenger
Nda-bayake by Mr Tyrell to turn out the people belonging to Umstywana's
tribe who had not konza'd with Wombe ka Fusi to the chief Sibebu. His
was... (23/12/88 we started and slept at Mabilwanana's kraal near the
wagon road in Zibebu's location. On our arrival we met a woman
who said that Z had given her permission to stay so we did not turn
her off. The next day we got to Wombe and told him we had come from the
Mag to turn off those who had not gone to Z for permission to
remain. Wombe called up the men of the tribe and they came the next day
and they were thankful that Zibebu had given them permission to stay.
Then word came from Z / " that Ntandweni, Umdidi & Umbahala were not to
move their corn from their kraals as they had taken the corn belonging
to Somfula one of Sibebu's people on hearing this the three men and

the people belonging to their kraals adi. If Sibebu takes our corn from us he cannot live in the land he has given us you have to go alnoe to Sibebu we will becime wanders upon the face of the earh. the follwing day, we went to turn off the kraals we pulled down the pies in the huts and made the people tei up their household goods and go away. imx most of the kraals we found only women, and nost of the men ran away into the bush ~~wxxxx~~...we did threaten to burn the kraals but did not do so we did this to frithten them by burning them. We meant pulling off the thatch from the huts. Mr Tyreel did not tell us burn the kraals & on our returne we dound some of the poles in the huts we had pulled first, he been erected again, and the people returned to their kraals but they had feld on our aproach we did not kill any cattle. I did not see Nomazatewana Sibebus Induna but I know that he was staying at Wombe's Kraal I heard that there was a dispute about some corn which was being carried by one of Sibebu's men, and was spilt by Luyongo bother to Mbabala and Sibebu's men had hit him". / We only really turned off 5 kraals and we only threatned to burn kraals We didn't kill any cattle Msunduka ka Mhlegwa under A before Addison on 26/2/89 Kives nr Msutshwana's kraal nr Gundinbani hill placed in charge of Mgamule ka Nzobo's kraal about 5 mohts ago Was sent there by Z and the people left and went to Wombe and the people left the next morning they tried to return a leittle while ago but I refused Z said he wanted to keep Mgamule's corn as he had taken the corn of Mofmula Mandhla Mokulu Sikonyana a ~~xxxx~~ and myself after Ndumu. Nest witness says the same thing - about 4 months privsly Mgammule was tunred out

Boefre Addison on 2/3/89 Msikaba ka Fusi of the Dhle

"I am borhter to the late chief Umsutywana I remeber my borther Wom e being summoned by Mr Tyreell Debmer 1888 ...and being unable to attnedon acccount of illness, he sent me. The Magistare asked if he Wombe had moved from 'ibebu' location I said / "had not and not been to Z becasue he found Nonoxcwana at hiskraal and he has told the Mag that he would go to Z and ask permission to stay and the people had been wating after Wombe was released so they could all go together to Z. They were now watiaing for Wombe to recover. I counted the kraals of Ms thwana for Tyreel they were 9 of 'usi's and 13 of the peoples. Ty ell said I'll fine Wombe for contemp of court and fined him £5 for arming after Msutshwana's death and all the kraals you have counted I want a fine of one head from. Our people came and paid a hdead. I paid the fine of £5 ~~xxx~~ Tyreell asked where the people where and I said they were afraid and in the bush / "There are no cattle left Undidid paid a fine of a besast. There were five head of cattle paid. They were fined 20/- each and they sold their czattle and paid the fine. The whole tribe was fined and they could not pay the fine as Sibdbu had taken the cattle when he killed Umsutywana. Then the magistrate said the polcie are to go and turn the people out of their kraals who have not appeared before me tody. They are to pull down the huts He said to me Tell Wombe when he goes to Sibebu he is to tell me Sbebu's answer. / ~~E~~ had told Wome to move over from where he was to the Ingwenmyana river. ~~thaxxxxxxxx~~ Then Somfula's boys came and said that Z had ordere Babala ka Fuse Mpunswana ka Fuse Umdidi ka Sobyeni Indwnn ka Mdcobo Notiyamana ka Mdcabo must leave their corn as they had tekn Somful's. / "The people said, What does the son of Mapita say? What are we to live on when we move it shows he does not

want us. We thought he would let us live in our old kraals and now he cuts us in half, then all the people tied up the household goods and went to the kraals of Umsutywana that are in the forests and the people said after Wombe has been to Xibebu then Sibebu sends an impi to turn them out of their kraals. I reported to Mr Tyrell that the people had deserted Wombe & left him alone, he does not know how he can go alone to the place Sibebu pointed out to him. "Tyrell said he thought Wombe better go to the place Z pointed out and Wombe prepared to move but then mess age came from Z saying if you go to that place walk on his feet. The women and children fled to the bushes and Z then moved his people away from the kraal and left them at Mgamule's and Matshobana's kraal. Tyrell then asked me if Wombe had moved to the place Z had pointed out and I told him of Z's warning. then I was cross questioned on the letter that had come from Ehsowe saying the the Dhlebe were living in the bush and being turned out by Z's men on the police's orders. Answers some of the questions raised by the statement taken by Dumat and ect and says now that all the Dhlebe are now in their kraals with the exception of the kraals of Mgamule and Matshobana"

// These statements are dreadfully confusing. // Nevertheless read sb's minute on p330 and consider that there is evidence of kraal burning threats by the police themselves. //

...these statements are dreadfully convincing. // Nevertheless read
...a minute on 550 and consider that there is evidence of Kruai
...being threats by the police themselves. //

...now in their Kruai with the exception of the Kruai of Ngama and
...at about 1000 by 1000 and set and says that all the Kruai are
...police's orders. ... some of the police's orders by the
...Kruai were living in the bush and being turned out by a man on the
...questioned on the letter that had come from the Kruai saying the
...I had pointed out and I told him of a woman. ... then I was con-
...and I had pointed out a Kruai. ... I then asked me if I had moved to the
...then moved his people away from the Kruai and left them at Ngama's
...walk on his feet. ... the woman and children told to the Kruai and I
...move but then mess a come from I saying if you go to that place
...thought I had better go to the place I pointed out and "I had pointed to
...alone to the place I had pointed out to him. "I had said he
...suggested "come a little time later, he does not know how to
...them out of their Kruai. I had pointed to the Kruai that the people had
...said after "I had been to Kruai then "I had pointed to him to turn
...and went to the Kruai of "I had pointed to him in the forest and the people
...now he cuts us in half, then all the people tied in the household goods
...went as. We thought he would let us live in our old Kruai and

Z A 8

Zululand No 8

Hav to Osb 15/1/89

/Has learnt from Tyrell's weekly report dated 22/12 forwarded with your Minute of 7/1 and from other correspondence that steps are being taken to eject Usumthu from land described as Z's location by Knight's line.

In your minute mentioned above you say the Wombe brother of Mstushwana had not moved out of Z's district by Knight's line and after warnings were fined £5 and five others £1 and one 10/-./ "Now, I would call your attention to the fact that no approval has been as yet expressed of the boundaries of Uisbebu's location in accordance with Mr Knight's revision, ~~the result of which~~ .../Refers Osb to S of S's despatch No 47 of 2/8/88 where he says that no definite decision action in the matter of Z's boundaries should be taken./ "Such being, as I understand it, the present position of the question of the boundaries of Uisbebu's location, I request that you explain to me the action which has been taken, apparently with your concurrence, in ejecting and punishing Usumtus found to be in occupation of land 'included in Uisbebu's location by Mr Knight's line.' You should communicate, at the same time to me the directions, if any, which you gave to the Resident Magistrate of the District, in pursuance of the instructions conveyed in the S of S's Despatch, forwarded for your information and guidance, with my Despatch No 263 of the 31st August, 1888"

Attny Genl

1/16/8

Attny Genl to Res Comm Eshowe 29/1/89

p150

"AS I received from you the depostions in the enclsod case and am not aware where Catp Tye who took them now is, I retransmit them to you with the following directions. / / You will please cause the three natives Umkuzo, Umankefu /?/ and Usikisana /?/ to be released from custody, and have their evidence taken as against Umpikwa and Usinyati /?/ who are both indicted for the wilful murdering Cecil Vivian Tonge / / I presume that Mr Suanders as a J.P, for the territory of Zululand is the official who can best take the evidence of these three men.

61251

CO 427/4

3637

Hav to Knut 22/1/89 15

Minutes " Since our despcth of 11th of ^December (23927 was written we have some reason to atler our view of Jouh unn for the worse. See 25886/88 & 264/ I would acknowlege and say that Lord Knutsford considers that the proposal may now be regarded as inadmissaable. ^Whatever the personal qulaities of John ^Dunn, he is now an~~d~~ old man, and none of his innumerable half-cast progeny are likely to inherit those gifts which have produced weatlh and influence for him E F 21.289."

Hav's desp. No, he can't go north.

Enc Osb to Hav 22/1/89 there is no place for him to go in northern Zululand. ✓

CO427/5
12417

Future of Zululand

301

C5892

Nol62 Havelock to Knutsford 27/5/89 p248

(Extract)

Asked the Res Comm three questions 1 The attitude of the Zulu people, especially the Usuthu, towards the Government 2 Whether the military in Zululand could be reduced 3 The expediency of removing D and N and T from Zululand if their sentences of imprisonment are allowed to take ~~effect~~ effect."

A o says on Zulu attitudes to Govt confirms my own feelings. The Zulu value the security offered by British rule and dread the release / "of the misguided Chiefs whose ambition and disloyalty have already caused them so much misery. O think the military could be reduced, if the sentences passed will be allowed to take effect but not if there is any doubt as to the decision of HMG H agrees. All concerned agree that D, N AND T should be deported.

Enc Osborn to Havelock 15/5/89 p248

/The great relief on the part of the Zulu now that they Usuthu leaders have been sentenced, and are all grateful to the Government. The Usuthu (most of whom are in the Transvaal and some in the Ndwanwe district, say/ "they have been informed by their European advisers that the judgements passed on the Chiefs and other ringleaders by the C of S C will not be approved by the Queen, and that H M will order not only /free the chiefs but establish D as King. But if the sentences are carried out the Usuthu will not cause trouble. / " The tribes, like those of Umkele and of Somhlolo, who joined Zululand in the disturbances did not form part of the Usutu section. They were induced to take the part they did in consequence of the gross misrepresentations, and of the threats of the Usuthu

Usuthu Chiefs that they would casue their destruction should they fail to take up arms. The Chief Somekele personally~~xabex~~ had no deliberate intention of taking up arms against the authority of the overnment; he was led into committing himself to the extened he did for the reasons stated. The tirbes of the chiefs referred to have, since the distrubances came to an end, behaved in an orderly and law-abiding manner, and seem anxious to snow, as they often express themsevels, that they did not take the part they did of their own choice, but they were led into doing so by threats and by representations by the usutu Chiefs that a 'commando' of Beers was coming to driveout the British foocials and establish Dinuz^u King over Zululand, and that all those who fliled to join Dinuzulu's cause would then be exterminated. / Except for a small section of Usuthu at "dwardwe and eslewhere most Zulus are loyal and quiet, many taken up employment in Natal and the Tvl and all is quiet....If the Usuthu chiefs are imprisoned in Zululand or Natal / # p250 "The very fact of their being in either of the two places would be sufficient to keep alive a smouldering currnedt of actibe disloyalty amonst the Usutu..." / which would unsettle the people, this would be so if they were in Natal too for most of the natives there were born in Zululand and there present loyatly would be~~risakxxxx~~ esposed to the / "dangerous intrigues which are sure to be carried on by partisans of the Chiefs." / hey should be snet across the sea /

CO 427/5

12417

Hav to Knut 99 27/5/89 Extract rprinted in C5982

Minutes " I have seen Sir A E Avelock and talked over the future of the chiefs with him. /He is against their impirsonemnt in Zululand or Natal and said he would prefer there being realised than being 'interred' as Esc suggests in Zululand. / "He is not favourable to the idea of removal to Bechunaland, because he thinks that Miss Colenso would intrigue with them there, and also argues that it would be necessary to keep them under close guard in Bechunaland than on an Island.....Of all Island he continue to advocate St Helena on account of its hea hiness and adaptability for cattle which are a necessity for these chiefs. Ifind he would acquiesce in some act of clemency being announced contemporanesouly with the removal of the prinosers to St Henelan - such as a reuction of the setences. to 5 years and the remission of the setences of impriosnment on omhlolo and Somkeli, who should, however, be fined smarltly for their conduct. /iscussed probmes of detnetion on St Helena - but of course all must wait till we goet the evidence and examin it.

/Hav and Mr Lindsay, and old member of the Leg Co came to me toeday and said the prioners can't bek kpet anywhere in SA / "He apprehended as much mischief from clean /?/ Germans who afe used by stupdi Doers to carry out their intrigues - as from the Colenso party. / St H seems alright to me / /Knut says ~~thenx~~try the Cape and if not St H Hav says the Seychelles would be to hot. Long minutes follow on the legal difficulties /of removal and detntion /

10687

APS CO 25/5/89 Seen - in 5892

1166

CO 427/ 11646 APS to CO 8/6/89 APS to CO in 5892
On ibhebu and the charges against him.
Minutes and rely all seen.

12862 APS to CO 26/6/89 in 5892
minutes /This minutes show the CO trying to counter the suggestions,
or avoid, none of them bring forward new evidence on the treatment of
Z. The officials want to believe the best of their underlings. when
it seems they have done wrong then they call for info. so as shift the
responsibility firmly on to them. /

14689 APS to CO 24/7/89 printed in C5892 On Zibhebhu and the
imprisonment of Uthuthu chiefs.

Minutes "I don't suppose that the Aborigines Society would accept an
honourable ~~punishment~~ banishment to S. Helena as a sufficiently
satisfactory solution to the question to justify the abandonment of further
agitation /crossed out 3 litigation; but as I fancy that they must know
that they will bet very little by litigation, it might be worth while to
sound them in some friendly unofficial way as to their views on the
subject. The repayment to Miss Coenso of a reasonable sum in respect
of the cost of witnesses's for the defence has been more than once mooted.

CO427/7

9435

APS to CO 10/5/89 /printed in C5892 O bservation on CSc and request that the setneces be, if not annuled, not confirmed until full representations have been made by defence and a special inquiry be held into Zulu affairs with the view to a new settlement of Zululand. Minutes /Fairfiled says that the S of S is waiting the minutes of evidence and when they come will consider the APS's fe resentations. / "Things are in train to bring about Mr Osborn's Retirement (5169) It has generally been assumed that the next Commissioner is not to be of the "white Kaffir" class.... As to appointing A commission, I do not suppose Lord Knutsford would agree to authorise an inquisition into past charges and counter charges, unless there is some thing in the evidence which we have no reason to anticipate; ~~but the English members of the proposed joint commission into Swaziland~~... EF 16/5/89 I rather expect that the Zululand authorities are tired of Usebebu, and that after his trial for homicide, he will be given some punishment which will dispose of him as a political factor in the situation. EF

I entirely agree with one setnece in this letter at the bottom of page 2. 'The evils which now afflict Zululand which grievously embarrassing the loyal position of its inhabitants are a fruitful source of rapidly increasing disloyalty' Those evils are in number & I class them in the following order - Miss Olenso - Undabuko - The Ab. Prot. n. Sicity. Dinuzulu - /Bramson thinks the letter should be dismissed but Herbert feels that a lengthy answer should be given pointing out that HMG are to review the proceedings carefully .

Draft reply in

C5892 delete

22/5/89

I think this might be hinted at at the same time. It would be a better employment of Zululand Funds than briefing Counsel in the Privy Council
EF 26/7/89

/Herbert then applies that the problem is what to do with Z - It must be discussed with Havelock / "As to Dinuzulu & his friends I fear the APS & others will be content with nothing less than the release of the prisoners to live in Zululand. If they are in any way consulted they will render impossible even the very lenient course which we now contemplate." Herbert 26/7

"Aks Sir A Havelock to come here & discuss this matter. I do not think Usibebu can be allowed at once to return to his location. The charges against him must be somehow disposed of. 2. I fear no good would be gained by approaching the APS as suggested....~~xxx~~ K 27/7

I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy.

CO427/7

13381

Question in Commons on 11/7 by Thomas Ellis on what happened to the case against Z.

Answer is based on note written by Havelock to Fairfield on 8/7. Has heard in an informal report by the Governor that the case against Z has been dismissed. The Gov is not altogether satisfied and has sent the case to the Chief Mag for further consideration. In the meantime Z remains at Ehsowe.

/Minute in Hav's hand./

"Mr. Thomas Ellis. Question respecting Usebebu "

/Z was accused of being responsible for the murder of Mstushwana in June 1888 if not of having been the instigator of the crime. Saunders undertook the preliminary investigation. It took several weeks and ended at the end of May and resulted in the dismissal of the case and the discharge of the accused. The evidence, the mag's decision, and MO's report reached me just before I left Natal. I sent them to Galleway who found fault with the Magistrate's action and thought that Z should have committed for trial/ "and pointed out (I think), that there still remained a process by which the accused could be re-arrested and recharged. I returned all the papers to Mr. Osborn with an instruction that he would consider Sr. M. Galleway's report, with his legal Adviser (Mr. Koch), and that they would take such further proceedings as the case might seem to him to demand. If I remember right, the process for the re-charging of the accused would be required to be initiated by Mr Osborn, as Chief Magistrate" AEH 8/7/89

14088

Ellis asks on 16/7/89 whether the Chief Magistrate has power under law to reconsider whether Z should be prosecuted or not and, if so, whether he would also be the magistrate who would sit as judge and jury to try Zibhebhu.

Answer This is a question for the Governor to decide - if a special tribunal should be provided.

/Answer provided by Herbert's minute/

in C5892

14164 Ellis asks in Commons on 16/7/89 whether Z, at the end of May though charged with murder was allowed to return home - and if so on whose responsibility was this taken

Answer Our info is that he remains at Emsworth

Dfart reply teleg 1/8/89

"Usibebu should not return home nor take up duties connected with position of native chief at present."

14254 and 15105 by Mr Baumann and the Earl of Kingston dated 18/7 and 29/7 respectively ask what law Zibhebhu is still detained although his case has been dismissed.

15974 Ellis asks on 9/8 what troops are now in Zululand, whether they can be withdrawn and what was the expense incurred by troops since the disturbances which followed Z's restoration.

Answer. The force is about 1000 men and the local authorities say they cannot be withdrawn until the S of S decided on the settlement and the chiefs. The S of S for war military expenses caused by the disturbances amounted to £52,000 from April to Oct 1888. From 1/12/87 to the extra cost of troops

[N.B. + this is
excess
cost]

+ £ 7,333 from

1/12/87 - 31/10/88

+ £ 042 from

1/1/88 - 31/3/89

∴ Total £ 65,375

CO427/7

1085

Minutes "In pursuance of previous minutes - I attended at the Judicial Committee today - when Dinizulu was granted leave to appeal - & I gathered enough to show that the Governor's warrant under the Law 20 of 1880 will be held bad. It would therefore not do to proceed with his trial, whether the Special Commission has or not jurisdiction to do so. But as his complaint is that he was taken illegally out of Natal without being given the law allowed by the Fugitives Offenders Act - we might admit the complaint & send him back to be dealt with then under the Fugitives Offenders Act" JB 22/1

Council Office to C O 14/1/89 / Gives info when ~~appeal~~ petition will be heard

Draft teleg sent 23/1/89 "Dinizulu leave to appeal allowed. from arguments advanced by counsel and observation of JC of PC in the course of the argument it appears to me that your warrant of 17 Nov will be held to be bad. If so I am advised that illegality of removal from custody of Natal Police Force by whom he was detained as prisoner under warrant of Shepstone must be held to follow and ~~any~~ subsequent proceedings possibly invalidated and therefore you must not proceed with trial of Dinuzulu without fresh preliminary proceedings. It would be improper under the circumstances to release from arrest in Zululand in order to re-arrest at once but it will be prudent to send him back to custody of Natal Police force to be dealt with under Fugitive Offenders Act taking great care to observe all formalities prescribed therein.

CO 427/7

2812

Dinuzulu Appeal Case

Council Office to CO 7/2/89 printed in C5892 Minutes seen

7790 Council Office to CO 16/4/89

Minutes Nothing important

14933 Council office to CO 26/7/89

/Sends Dinuzulu's appeal to the Council. notes it will be heard on 30/7

Minutes "The Proclamation creating the Court is at p.125 of African 370 the indictment is at o.119

This appeal alleges "Manifest error" in the proceedings, judgement, conviction & sentence. The chief grounds alleged are 1 the creation of a Special Court 2 the pre-judgment implied in the terms of the Proclamation 3 intimidation of the witnesses 4 non-proclamation of the Proclamation in Zululand & in the Zulu tongue 5 inadequacy of the evidence & proof. SW 26/ The grounds of appeal as 'error' are utterly frivolous, and as they want leave to appeal without giving security for costs, I think the Crown ought not to be represented on the occasion - next Tuesday. Dinuzulu has another appeal pending as to his irregular treatment in Natal and removal to Zululand. / /I do not use this paper to analyse the grounds of error, but as the paper is in so poor a state but every specific point can be answered, and the general insufficiency of the evidence if of course no general ground of error at all. EF

~~Deacons~~ / A Law officer should be retained to attend the meeting /

Newspaper cutting of the refusal of the leave to appeal

The counsel for Din puts the point that the Governor has now power to appoint a Special Commission - he might have power to make laws but not appoint a special commission. The Lord Chancellor said that the Legislature in this country had such power, and counsel said that it was not a law for good government in Zululand to create a special court which did have trial by Jury, and this came from Natal Law which allowed trial by Jury, and the court did not follow the ^{rules} ~~laws~~ and regulations laid down for Zululand.

Lrd Chancellor "...it appears to their Lordships that there is no foundation for that contention in this case. The authority which is given to the Governor and the authority which he exercises by his proclamation appears to cover everything that he has done in this case in the way of constituting the tribunal, which was able to try the offence, and I do not think it will be necessary to go into the various allegations which have been made by Mr. Rigby with reference to the original Constitution and law prevailing in Zululand."...."It appears to me that nothing could be more destructive to the administration of criminal justice than that a sort of notion that any criminal case which was tried in any colony from which an appeal lay to this Committee can be brought here on appeal, not upon the broad grounds of some departure from the principles of natural justice, but because some form or technicality had not been sufficiently observed. That is a principle which, I believe, never has been permitted, and never, I trust will be permitted."

CO 427/4

2324

Hav to Knut Tel 1/2/89 rprinted No 2 in CP 373 p.1

1438150
CP 370
/Refers to teleg of Knut of 23/1 and 30/1. Attny Genl / "can see no means of obtaining letal extradition warrant for popposed removal of Dinizulu Natal Reason to belive Dinizulu's Counsel will make applciation for order prohibiting his proposed removal. No way of sending him back to custody of Natal police force except force majeure and surreptitiously. Do you wish this course to be taken, and it appears to me objectionalbe and hazardous course. Attny Gnel assumes that it is our duty to await decision of Privy council and act accordingly. Attny Genl assumes that if Order of Supreme Court of Natal should be reversed, effect may be Privy Council may issue necessary order to send back Dinizulu Natal in order to enable takeing proceedings under Fugitive Offenders Act.

Teleg of 30/1 is that Law officers state that if inuzulu was returned to Natal a fresh warrante substantially the same as the former might be issued under 35 section of Fugivive Offenders. Act. /

Minutes " I pointed out on 1053 that Dinuzulu might refuse to go back to Natal. here is no legal reason for sending him in that particular direction. there is legal reason for keeping where he is* although hardly for trying him pedning proceedings in the P.C. The very language in whcih Sir A E Havelock describes the only way of getting him back to Natal seems to suggest a negative answer. E/ F 2.2.89

Sir M Gallwey doesnot see that the appeal will hardly go on if Dinizulu ~~is~~ restored to the Natal custody, from which he complains that he ~~wxxx~~ has been woonglfully taken - & that he could not complain if his grievance was thus removed / This must go again to the Law officers with the proposed teleg that as Din complains of being improperly removed from Natal you must restore him to custody of Natal Poilce with veiw to his removal under a legal warrant. Drfat teleg eventually set out oas No 5 in C P 373

5/2/89

"... removal ~~by~~ of Dinuzulu by force or surrepitiously undesirable. "ince teleg of an 23 Law Officers state that reuslt of appeal to Prviy council would not affect competency of Speical Commission to deal with case or validity of i its proceedings therein. Dinuzulu will be befroe it, and it is not competent to examine question of validity of warrant by which he has been deproted. With ref /to your teleg of 14/1 deprecating postpponemnt / "consider with Attotny General wether to proceed with trial upon preliminary proceedings already commenced or wati decisionoof Privy Council"

2 | Swazi - Cattle dispute

283

GH 719

Z136

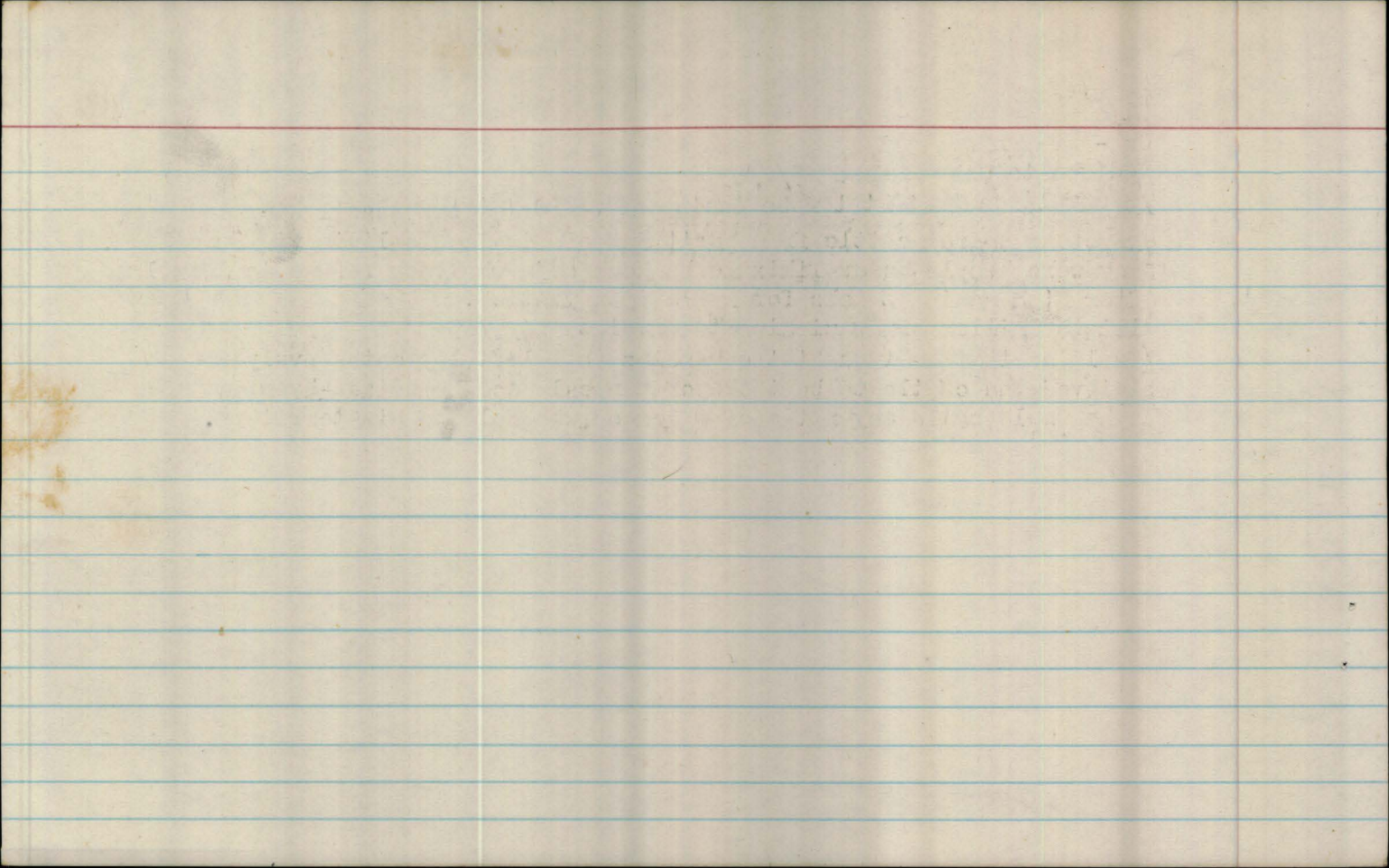
Osb-Hav Eshowe 11/2/89

Addison to Osb Ehsowe 5/2/89

/Z complains that at the beginning of Jan 1889 the Swazil King and Shepstone seized cattle from poritions of his people living in Swaziland. They were people under Tikizane ka Nomagedje who took refuge in Swaziland after Etshaneni Z asks for H E's intervention.

Allister Miller or Swazi King to Havelock 4/3/89

/^uxplains that he thought the ^Mandlazi had left 18 months pvsly and bleieved the ca tle to be those of ^Dinuzulu and he seized by right as he would seize any cattle of a person who feld to his territory. /



CO 427/5

13094

Hav to Knut 101 30/5/89 printed in C5982

Minutes. L^Fairfiled suggests it should be acknowledged and Hav's actions approved of / "in regard to thosemen who were imporperly fined, and ask if the fines have been refunded. ^The actin ^Magistate was the Mr Tyreel, who has been recnety found to have bveen guilty of irregularity in regard to flogging.

On the general question, I would say that obviouly no final decision can be ~~taken~~ until the termination of the proceedings against Usebebu for homicide; that in the mean time of course no persons living within Mr Knight's lines will be distrubed on the ground that they are not adherents of Ussebeby; nad that speaking braodly it is not the S of S's wish that the lines as finally drqwn should involve the necessity of any further removals EF 6/7 " L and so on up the line._/

CO 427/5

13092

Hav to Knut ~~13092xxx~~ onfl 30/5/89

Minutes seen /this is ancient history, let sleeping dogs lie/

Enc Osb to Hav onfl 27/5/88 / I was ordered last Feb by you to censure Dunn. I didn't carry it out while the CSC was sitting because of work involved. then after the CSC it was time to collect hut tax and I did not want to do anything which might interfere with the prompt payment of Hut tax by those under him / "and should a difficulty arise in respect to the Tax due from John Dunn's people, there is the possibility of its spreading to toehr tribes. Under ordinary circumstances, I would not attach much, if any importance to these considerations, but I fear that the proceedings of the counsel for the defence and their agents, white and black, during the late trials of the chiefs, have had a mischievous effect upon the people generally in fostering a belief that the laws and local authorities may be defied with impunity. Even the proceedings and judgements of the Court of S C, it is given out by the friends and defenders of the chiefs, will be entirely quashed by the S of S.

3. boundary between Zululand and Tongaland. It seems to me important that at the instructions contained in ...desp of 4inst should be carried out, and the Hut tax collected from Sobonda and Ncamana, before the reprimand be conveyed to John Dunn. Y E will remember that Sobonda has more than once expressed the desire to be placed, with his tribe, under the chiefships of John Dunn, and that the latter did nothing to discountenance the application,

a though he was informed that the proposal could not be allowed. On the contrary, there seems reason to believe that he directly countenanced Sobandoa's proposal. / / It should be borne in mind too that John Dunn, up to a few years ago, acted as the Agent of the Natal Government in the procuring of Matonga labourers for public works &c, a position which

/?/ for him, in the eyes of the Tongas and other natives, official status and influence, advantages which it is no likely he has allowed to lapse as far as he could help it, and I know that he is still in communication with the Tonga chiefs."

291
C5892

Nol55 Havelock to Knutsford 10/5/89 p231

Have transferred Addiosn from Ass Comm and Res Mag Ndwandwe to the same position of Nqutut diestict and Gibson will reverse the process.

"Mr Gibson has not, before his recent appointment to a magistracty been in any way employed in Zululand. He ~~will~~/The disadvantage of his ingorance of the area will be more than counterbalnced by the confidence placed in him as he has not been invled in the diputes there between usuthu and Z_/



CO 427/5

11741

Hav to Knut Pirnted as C5892/155

Minutes "We had better approve and pulbish becasue the charge is made for political reasons. It will tend to paci^y the friends of the 'sutus here, who have a holy horror of 'Dick'. E F 11.6.89

Z A 9

N D 107/89 (note this is one of the very few letters which are in these Archives which are from a Res Mag to the ~~Res~~ Chief Mag - what die happen to all the others. If the above N.D. stands for Ndwandwe district then there have been a lot of communciations in the year. But I have been unable to trace most of these.)

J Y Gibson to Osb 28/6/89 Ivuna. /I have the honour to submit that it is of extreme importance, at the present time, that some steps should be taken to æquinat that section of the people living in this district, knwons as the Usutu, with the position in which they have been palced by the recent distrubances, and the fact of the convic6ion of their late chi efs

These pople occupy a tract of alnd of undefined limits, sitate between the reputed locations of Sibebu, Mnymanana and Siwety and are subject to no responsible chief, but follow the guidance of men who were indunas under Dinizulu* who have no authority except that deræved from him, and whose interests lie in preserving the allegiance to him of as many people as possible. This they try to effect chiefly by the infusion of a belief that he will shortly be released from custody and restored to his chieftainship."

7/It is essential that the Usuthu be made to understand that D is no their chief and they are not to call thesmelfs Usuthu. I have in a;revious letter (no 103 of 21/76) t at I recommend Mankulumana to be chief of these newly designated people

CO 427/6

20679

Mitch to Knut 160 22/9/89

Minutes /shoudn't pe printed./ "There is a sort of understanding that Lord Knutsford is to review the Evidence and case in a judicial spirit; and if this is pulbished, the firends of the Zulus will complain that the Zululand Officials have been attmetping to bring colateral considerations of expediency to bear on Lord Knutsford's mind."

/printing dealyed./

Enclsodure MO to Mitch Minute 16/9/99

"This statement shows the agitation that is being kept up amongst the natives and consequent unrest. I thsows too that even the Usutu living in the Transvaal are being operation upon by the agitatos. The conluing part of the statement is entirely in accordance with what is believed will be the case should Cinuzulu be relaesed , by all natives who are not usutu, by the missionaries and toehr Euroepans, and by muself too."

Sub enclosure ~~Deposition~~ of Sitshitshili before Res Mag Nkandla on 9/9/89 before A J Shepstone.

/Lives near Babanango and chief of the Sibisi tribe. On ~~3/8x~~ 3/9 Ubivamax I returned to my kraal from Fryheid district

Ivisited the Qulusi and they talked of Dinuzulu's realese from custody. which they said would come about this month and for wachich they were collecting money to send to him. hey were selling their cattle to natives from Jo8Berg who had money for the rasing the some required.

They also said that the Zululand government had given Din a position of territory recently allotted to Zibhebhu in the Ndwandwe district and then when ^U was released the ^Usuthu would not allow Z to occupy his position in that district and the only chance he would have of occupying would be by English support.

304
ZA 21

Weekly Reprot Ndwandwe 1-7/7/89 Gib son

"I would beg to point out in this connection that the frequency of messages from Dinuzulu to the Usutu people, which appears to obtain, must necessarily militate greatly against the settlement of the minds of the latter. It would seem to me that such freedom of access to Dinuzulu* is afforded these people as to make them to take his instructions upon all subjects; and that they are consequently more under his influence than mine."

under the influence of the wine."

his instructions were all accepted; and that they were content only with
access to Dickinson's a forced peace people to make them to take
him to the latter. It would seem to me that such freedom of
it is necessary right to exactly as with the settlement of the
peace at from himself to the at the peace, which appears to obtain,
it would be to point out the connection that the freedom of
Weekly Report November 1-7-1900 and son

305
C5892

~~Nol65~~ Nol75 Colonial Office to Havelock 9/7/89 p330

/Transmits~~observations~~ Nol65 from APS and various other documents and previous correspondence for your comments.

Nol76 Havelock to Colonial Office. London 13/7/89 p330

/Comments on above./

07-08

Under the following conditions, the Government of the United States of America, hereinafter referred to as the Government, has agreed with the Government of the Republic of the Philippines, hereinafter referred to as the Republic, that the Republic shall have the right to use the Government's military and naval forces in the Philippines for the purpose of maintaining order and security in the said Republic.

of the new Republic of the Philippines, and the Government of the United States of America, hereinafter referred to as the Government, has agreed with the Government of the Republic of the Philippines, hereinafter referred to as the Republic, that the Republic shall have the right to use the Government's military and naval forces in the Philippines for the purpose of maintaining order and security in the said Republic.

CO 427/7

15975

Ellis asks question on 14/8/89 in Commons ~~whether~~ on whether on 24/8/88 Res Mag at Ehsowe setnedced Nratu, alias Umsidusi, to 50 lashes which were inflicted in 10 instalments.

Wheter on 20/11/87 Sikwata, Mahlatini, Ngunya recieved 25 lashses each withou ref. to Chief Magistrate

Whether Mgongosa Umlnusuza and others in Jan 1888 were flogged at Ndwandwe without trial and without ref to Chief Mag.

Answer No info, but will call for returns _/

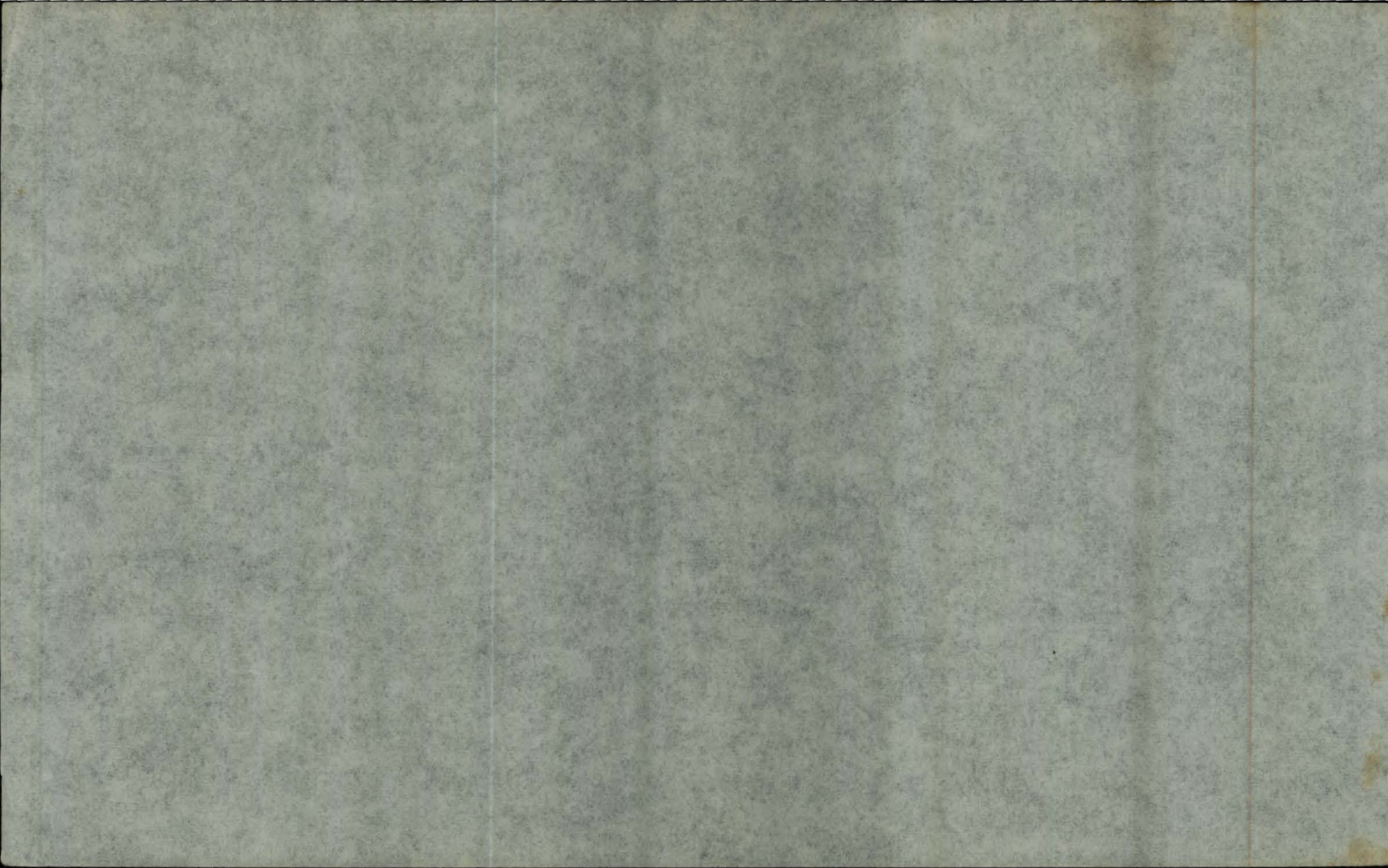
Asks for ifno

1891

This is a copy of the original manuscript of the
first volume of the "History of the State of New York"
by John Burdett, published in 1801. The manuscript
is written in ink on paper and is in good condition.
It contains a detailed account of the early history of
the state, from its first settlement to the time of
the Revolution. The work is divided into three parts,
the first of which is devoted to the history of the
state from its first settlement to the time of the
Revolution. The second part is devoted to the history
of the state from the Revolution to the time of the
War of 1812. The third part is devoted to the
history of the state from the War of 1812 to the
present time. The work is a valuable source of
information for the student of New York history.

John Burdett





Trail - defence

294

C5892

Nol70 Havelock to Knutsford 31/5/89 p256

/The basis for the Remonstrance on behalf of the Zulu Chiefs/
p256-311 -320.

Nol73 Havelock to Knutsford p321

Enc Res Comm to Havelock

/The ~~officials~~ defend themselves./

Nol74 Mitchell to Knutsford 11/6/89 p325

Enc1 Dumat and Campbell to Sed for Zululand.

/The mistreatment of Msutshwana's people from the time of his death given
by his Mtaminemidwa

Enc2 Minute by Res Comm p329_/

Gr 78
252

Nol70 Mitchell to Knutsford 11/10/89 p407-417

[Out reply to the above.]

Gibson to Osborn Ivuna 5/7/89

/Has made enquiries into the establishment of the boundary between the people of Mnymanana and the U^Usuthu and went to the Bululwana stream/
 "Mnymanana was very indefinite in his statement of his wishes. He said that the land given to his father by Tyaka extended to the Ivuna stream, that he considered the same boundary should now be adopted and that the usutu people should be removed to the land properly belonging to them namely the Mahlabantini"

/There are 14 kraals of Mnymanana's people east of the Buluwana stream. One of them is about half a mile from the Mahashinickraal camp and built on a kraal vacated in the recent troubles by the U^Usuthu. This is ~~sxxx~~ Butelezi spread which is very recent. There are no U^Usuthu kraals between the Sikwebezi and the Bulwanana but many Buthelezi including Mnymamanana's Mantinuwini kraal.

Mankulumana's kraal is two miles from the Bululwana on the western slope of the Mahashini range. Mankulumana is brother of Mgojana killed at Ndunu on 23/6/88. He recommends that the boundary should be the Sikwebezi from this its junction with the Bl Umfolosi to its junction with the Bululwana then up the Buluwana to the Tvl. This will necessitate the removal of the 14 kraals mentioned above and will cause much dissatisfaction, but I think the greater hardship would be to exclude the U^Usuthu from their old residences as the Govt say they do not wish to ~~exclude~~ the U^Usuthu from their ~~codecc~~ other than those tried.

punsih

Z152 The first of many depositions on the gathering of Ushu in the Eshowe district. Threats are reported. The superiority of the Ushu and their advisers over the courts. Threats against

Z and Sokwetshata. Also in Z153 and

Z159 Depositions taken before CRSaunders at Eshowe on 20/2/89 from Nomabitshi A policeman in disguise conversed with Ushu and learnt that / "The Ushuto* had assembled to make a combination to give no evidence against Dinuzulu and further they had met to consider messages that had been sent to the Ushuto indunas by the chiefs Majiya and Mshingwayo Mavumengwana and Habana. He said these chiefs had sent to say they would do all they could to assist Dinuzulu and prevent the trials taking place here. He said that Miss Colenso had instructed the Ushuto Indunas to assemble the Ushuto in the District and warn them to give no evidence against D and even if they knew anything against him not to state it at the trials and further they were to persuade all the people they could who had given evidence at the preparatory examination to contradict the statement they had then made.

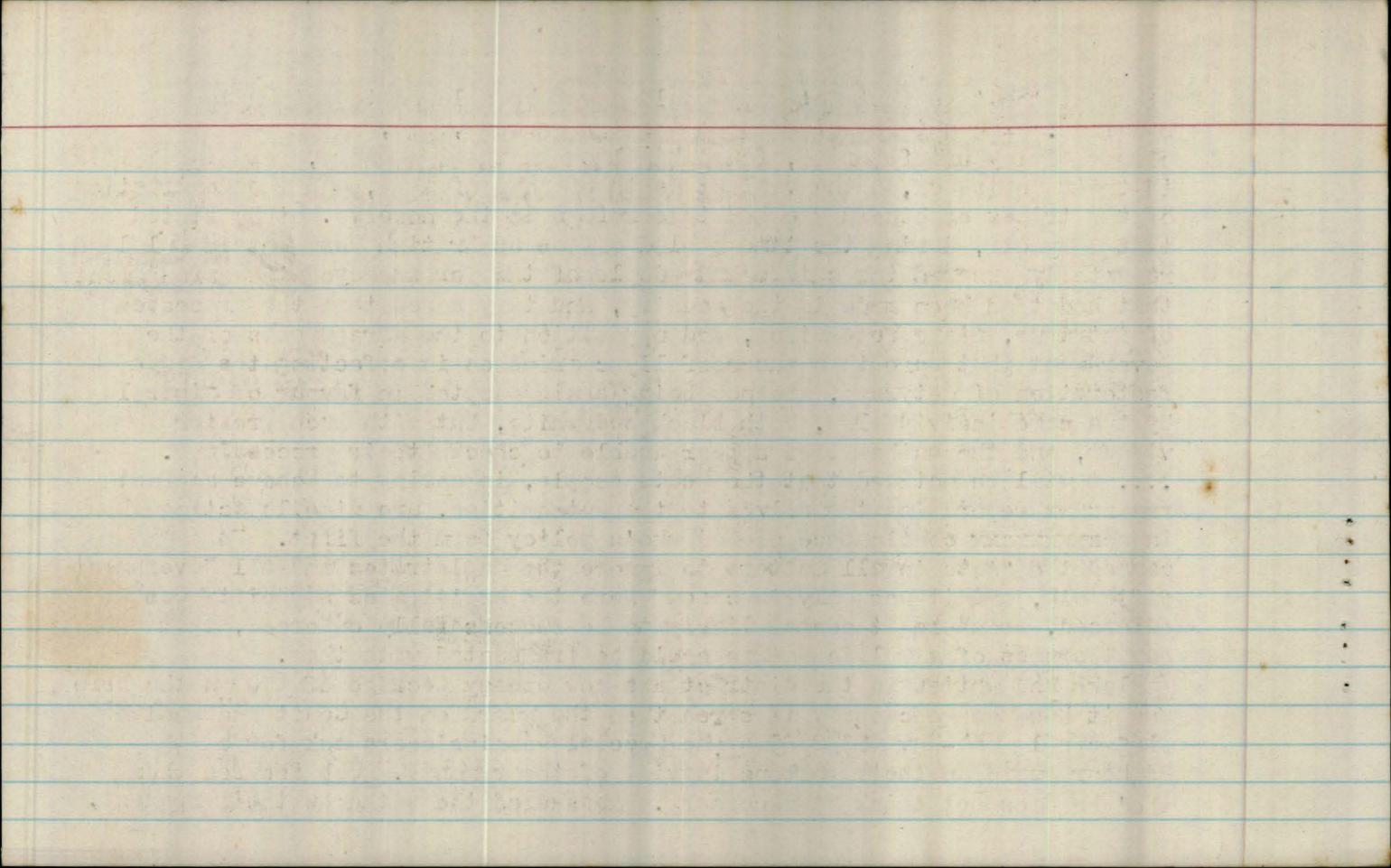
Z163 Minute /MO notes on 23/2/89 that / "it is impossible to say how far these statements may be true. They tend to show at all events that there is a widespread idea that the Ushuto mean to do some mischief and that they make use of utterances which have a very unsettling & mischievous effect upon the loyal natives & a careful watch is being kept on their doings". /Further depositions on unsettled state, Ushu flocking in, threatening people who didn't support with vilence when D was released and the country restored through Miss Colenso's efforts. / It is pointed out

"that this time they were determined to die with Dinuzulu, and not allow him to die alone as his father had done. " / Also that they would rush the gaol and free D. / Libhebhu is convinced something is going to happen

Zl640db - av Eshowe 22/2/89 46-5/3/89 / Believes that there are several hundred Usuthu in the District ostensibly to be present at the trial of Dinuzulu. It is said that about 300 have been called by D's counsel some came from the RTVL They do not report and ignore the pass law. The following headmen have arrived. Majumba and Lupehle for Sikobobo, both leaders of the Qulusi. Indauna Magunya, Qezu of the Pangesweni, Mahanana ka Mpande. They arrive at night, armed, lodge themselves in kraals nearby the owners being made to believe that they are here by authority of D's counsel / "which they are generally assured is superior to that of the local officers of the Government. No steps by the Magistrate to check or regulate these proceedings of the Utsutu appeared practicable without affording the counsel for the defence a plausible excuse for complaining that their witnesses are being interfered with. " / Have therefore asked them for a list of their witnesses which they promise but have not, and will not I believe, furnish. / / The wild rumours being spread are unsettling the chiefs. - that D will be released, be made King and so forth. / "On my assuring them of the permanency of the present arrangements of HMG in respect to Zululand, they replied that similar assurances were given at the close of the War of 1879. Zululand was then divided into 13 territories, and a chief appointed over each: these chiefs would never have consented to accept the appointment, but for the assurance given

v79

"them at the time that Cetywayo would never be allowed to return to Zululand. ~~the chiefs relied upon the assurances~~, but, after a comparatively brief period, found him back in their country, resulting in their depist on, & the violent death of some of them, and the destruction of the tribes of others who had take refuge in the Reserve. they stated that I myself, during the time I hled office as British Resident in Zululand repeatedly assured the chiefs and people of the permanency of the arrangements that had then been made in the country, and they added that the processes of intrigue, misrepresentation, and opposition to the arragnments of the government that were then successfully carried on in effecting the restoration of Cetywayo, are now being again adopted in favour of Dinuzulu by the same individuals, both black and white, but with much greater vigour, and the authorities appear unable to check their proceedings.It will be noticed that the Usutu people, in coming to Eshowe and not ~~reporting~~ reporting themselves to the authorities, are simply acting in ~~accordance~~ continuance of Ndabuko's policy from the first. He caused the Usutu in all matters to ignore the Magistrates and all Government officials, and it was only in cases where the Magistrates authority was enforced, or where it seemed likely to be success fully enforced, that any business of a public nature could be transacted with them. / Balcks and whties in the district are now uneasy because of the suthu here and it has been encessary to strengthen the guard on the Court and gaol Z165 confl Osb-Dav 23/2/89 / The Special Commissioners ask for a 24 hour guard on their persons in view of the rumours. Osb assures them tho' he does not think it necessary. Reassured the withdraw their request.



CSC Trial Sentence

287

C5892

Nol39 Havelock to Knutsford Teleg undated received 27/4/89 p205
"Speicla Commission terminated. Regel Chiefs fo nd guilty of high
treason; sentenced to imprisonment - Undabuko fifiteen years, Tshignana
twelve, Dinuzulu ten. Indictment for murder in case of Dinuzulu withdrawn."

Nol47 Havelock to Knutsford 1/5/89 p215

/Announces the verdict and stating that troops were stationed at the Court
House on the day on which judgement was given as information had reached
the Res Comm that there was to be a rescue attmept.

Enc O-H 27/4/89 p215

Res Comm to Gov, Natal Teleg 27/5

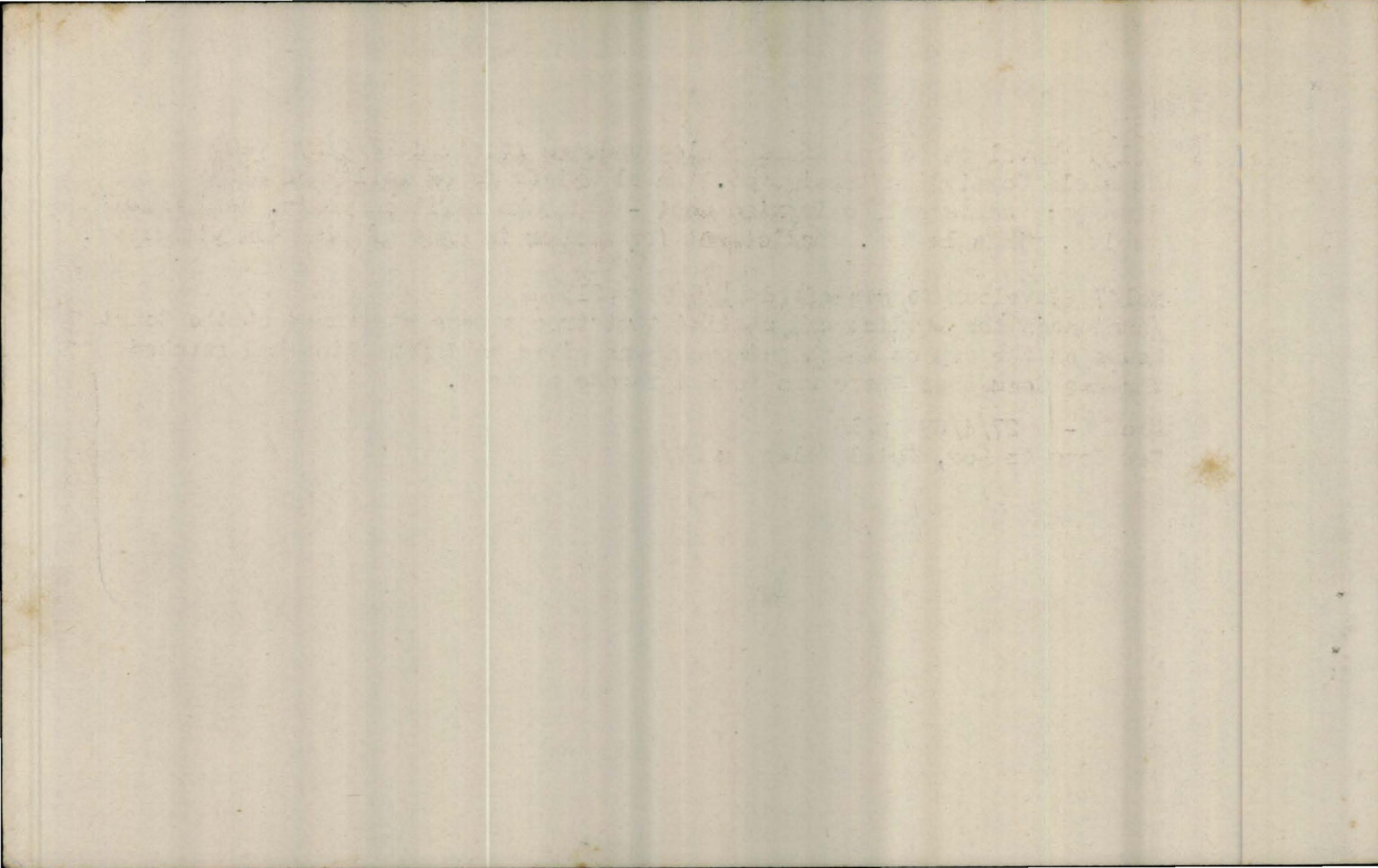
Minutes on 8354 " seen

CO 427/4
8354

mins
seen

CO 427/5
10785

mins
seen



CO 427/7

E F 20/7

14464

Minutes Bear in mind "he is most inaccurate and reckless in his statements"

Dumat to CO 19/7/89

CO to Dumat 25/7/89 /No point in seeing him until evidence has been studied_/

16737 Dumat to to CO 18/8/89 Printed in C5892

Minutes /Pick out certain points contradicted by MO and reply

C O to Dumat 27/8/89 printed in C5892

17974 Dumat to CO 5/9/89 also in C5892

Reply Not seen seen but dated 20/9 and appearing in African 373

~~Kentford to Dumat~~ Co to Dumat.

Minutes. ~~to Dumat~~ "Mr Dumat has been told that I decline any further to correspond direct with him. / /Acknowledge & say that his statements are at variance with those which I have received from officers on the spot, ~~and that as was pointed out to him....~~"

.....

CO 427/7

3929

Question in commons on 25/2/89

~~Minix~~ /M'Arthur asks whether the sentence of hard labour passed on Somkeli and others was being enforced. Whether HMG has been informed that Ndabuko has resderved his defence as he is unable to obtain letal assistance. Whether Din's trial will be proceeded with after the JComm of the Priv C has given permission to appeal against the proceedings of the CSC.
/ "And whether the course to be taken by the authorities in Natal as regards the other Zulu chiefs will be be guided by the precedent established in ~~in the case~~ the case."

Minutes

- 1 The setnece is not being enfroced - the chiefs will be detained as before the trial pending the conside tion of HMG .
2. The report of N's case has not yet been recieved.
3. The trial of Din will be proceeded with / "he has not appealed against the proceedings of the Court befroe which he is to be tried; those proceedings have not commenced so far as we know. His appeal was against a judgment of the Supreme Court of Natal upholding a warrant signed by the Governor for the removal of Dinizulu into Zululand from Natal. The wannat purported to be issued under a Colonial Law, & the applicability of that Law is the question in dispute. * The Governor of Nayaal might have issued a valid warrant gor the removal of Dinizulu under the powers conferred by the 35th section of the Fugitives Offenders Act 188; 1"
4. Question not clear but as D is to be tried last his case cannot set

a precedent JB 23/2/

/Fiarfield answers that on question 3. "I can not help thinking that the L.O. in giving an opinion that Dinuzulu could be dealt with under S.35, were misled by Dinuzulu's own advisers into assuming that he could have been tried in Natal as well in Zululand (s.f. of his Petition pl8 of Record) If this assumption had been correct, then an order under S.35 ~~could~~ would have been legal; but the assumption was not correct, and therefore the case is not within S.35 which applies or meant to apply only to cases where a man can be tried ~~with~~ both in the place where he is and in some other place. (marginal note " The section does not say so - tho' the note does - but the note is not the law JB" / Of he can only be tried in some other place and not in the place where he is then the earlier section ought alone to be resorted to /?/ To say that Section 35 applies in all cases, is to make nonsense of the Act, for ~~xxxx~~ such a mode of regarding it sweeps away all the 'safeguards' provided by Parliament. I would not therefore emphasize this expression of opinion given us by the L.O. in the answer to this question, as it may only seem to excite criticism and discussion in Parliament - where it may be assumed that the Colonial Office are asserting a genuine right to ~~resist~~ resort /?/ to clause 35 in all cases and thus give the /?/ to all the safeguards provided in the earlier part of the Act. " EF 23/2

"Having regard to all the circumstances of the case' a warrant under sec.35 would it seems to me ~~be~~ be conducive to the interests of justice; & the section is wide enough to cover Dinuzulu's case. We can hardly avoid referring to the L.O. opinion, as that is really the only justification for going on with the trial: if they are wrong, which I do not think, the responsibility of acting upon it is removed by our having taken it JB23/2"

/Knut says adopt Bramstons' answer down to *and then say that the result of the appeal to the JC of the PC will in no way effect the competence of the CSC K 24/2

Newspaper cutting of de Worms answer_/

Further cutting from unnamed and undated letter in newspaper from Charles Hancock, Temple, 2/3 criticising the answer. The reply he says is at variance with the view laid down by the JC of the PC. Here the Lord Chancellor said "If your objection is well founded, there is no jurisdiction to try him...and anybody who with notice proceeds to try him now would be guilty of a very grave dereliction ~~and breach~~ of duty."

/And yet Knut has said that the decision in no way affects the competency of the CSC. Gives an editorial from the Times of Natal on the duplicity of the Zululand govt and the home govt apparent in the reply by de Worms on the question of Somkeli's imprisonment_/

/EF comments on the underlined words. Where did he get these words - EF supposes from the short hand writers report. Would like a copy_/

427/7

4882

/M'Laren asks a question (CO given notice on 6/3) on the underlined words above_/ Minutes /Only the reply. First in Knut's hand then copied neatly. also the newspaper version of De Worms in the commons.

/No appeal is actually pending, but leave has been granted. The

jurisdiction of the CSC does not depend on the validity of the warrant which removed Din from Natal. 2 "I am informed that the Lord Chancellor did use the words in question, but he was under the impression that if the trial proceeded and sentence of death were passed, Dinuzulu might be executed before the appeal could be heard" /Instructions were sent long ago to avoid this. On the Gov's advice the Sec of S has considered it proper that the trial should now proceed /

CO 427/7

14046

Minutes

Havelock to CO 13/7/89 printed in C5892

Lomments on the trial of Z and the treaemnt of ^Usuthu in prionsen in
respect of a letter by the APS of 26/6_/_

Drfat CO to APS 18/7/89

CO 427 /4

4600

Hav to Knut 6/2/89 confl

Minutes "Mr Morcom was wrong in supposing that the S of S was 'Unduly alalremd' at the ex parte observation of Counsel. His Lordship's opinion as well as that of the Law Officers was formed in a condn of the Pirnted Document in the Case. E F 4/3/89"

/Hav sends some observations by Morcom addressed in a private letter to Gallwey after a presula of your teleg of 23/1/ "I have read the S of S's telegram; he seems to be unduly alalremd at the statements of Counsel on an exparte motion, and to be suggesting a mischievous way of avoiding what he fears to be the result of an adverse decision of the Privy Council, some months hence. But some steps will be necessary to be taken and they should be taken within, say, the next twenty days, and extreme secrecy should be observed. If the Speical Commissioners finish their business before anything id sone, and, as the S of S driection not to p proceed with the trial is peremprtoty, an appciation for bail is, in my opinion, inevitable, and intre nous, Wragg* says he will notcome back a thrid time. IfDinuzulu is released on bail, the effect on the Zulu people will bemost unsettling. If any known attmpt is made to remove Dinuzulu from Zululand to Natal it will be opposed, and, although a person who has been wrongly extradited may claim to be returned, I am not aware that he can be forced to eturn. And, in the present case, Dinuzulu's advisers will not be anxious to have him returned to Natal merely to have matters put straight. If any attmpt at removal were suggested, I am ofopinion an applicaition owuld be made to interdict his f oricible

myself on this matter with too great a degree of freedom,
I beh that YL will accept as my excuse for having done so,
my anxiety to prevent, at all risks, a recurrence of the
disastrous disturbances of last year."

removal from this territory."

I have no doubt that the misrepresentations of Dinuzulu's defenders to which colour has been given by the dealing which has already taken place in the trial and punishment of the leaders of the rebellion, have already worked mischief even among the well-disposed in Zululand. A further dealing in the trial of Dinuzulu will aggravate this mischief, and his release on bail would intensify it to a great degree. I fear that the disbelief in the permanence and finality of any course of action which the British Government in Zululand may mete upon, a disbelief which has been infused into the Zulu mind by the experience of past events, but which recent circumstances were tending to remove will be revived and strengthened. I fear, also, that a suspicion which was aroused by the circumstances attending the restoration of Cetshwayo, that the views of the local Government are not always completely in accord with those of HMG, and which suspicion is, I doubt not now being renewed and propagated by ~~Miss Coen~~ Miss Coen and those working with her, will ~~grow~~ grow into certainty. The loyal will be discouraged and alarmed; the disloyal will be induced to re-commence their machinations, Disquietitude and suspicion will take the place of the rest and confidence that ~~we~~ have so lately been established.

So important to the maintenance of good order in Zululand do I consider the detention of Dinuzulu that I would venture to suggest that, in the event of the case against him before the Special Court being abandoned in consequence of the legal difficulties which present themselves, authority be given to me to pass an enactment legalizing his detention and imprisonment, as a political prisoner during the Queen's pleasure. As precedent for such an enactment, I would give West African enactments. and he should then be deported to Natal or the Cape / "If I should have expressed myself on

CO 427/5

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Hav to Knut 1/5/89 printed in C5892

This includes Excombe's report on the meeting with usuthu oafter the rraisl and aone which I have always wnated to Xerox

Minutes "The Statements by the Zulus are worth reading; these may be something in their complaint that they have, many of them, lost their homes in the various recnet redistributions of Zululand, & probably it would be well for some effort to be made by the Zululand Govt to esnrue that they all have locations. ... S W 29/5

"...these statments will no doubt be refuted when we get the reports JB 29/5"

1870

1871

1872

1873 1874 1875 1876 1877 1878 1879 1880 1881 1882 1883 1884 1885 1886 1887 1888 1889 1890 1891 1892 1893 1894 1895 1896 1897 1898 1899 1900

1901 1902 1903 1904 1905 1906 1907 1908 1909 1910 1911 1912 1913 1914 1915 1916 1917 1918 1919 1920 1921 1922 1923 1924 1925 1926 1927 1928 1929 1930 1931 1932 1933 1934 1935 1936 1937 1938 1939 1940 1941 1942 1943 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000

2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100