

THE COURT OF THE SPECIAL COMMISSIONERS FOR ZULULAND

November 15th 1888 to April 27th 1889 (London 1889)

/Summary of contents . Kinship details on clan cards. Material relevant to events or themes not directly connected with the resistance for which the Zulu were put on trial noted on individual's record cards or on 'theme' cards/

No	Name	Indictment	Result	Sentence	Page
1	Somhlolo	High Treason, Rebel-Guilty: High Treason lion, and Public Violence		5 years: hard labour	6-49
2	Umsomkele Ndabayake Mtateni Masekwana Lugoloza Dhlemdhlem	High Treason Rebellion, and Public Violence	Guilty, severally High Treason	12 5 years severally Hard labour	67- 142
3	Nsuguzonke	Murder	Guilty: Culpable Homicide	12; hard labour	51-65
4.	Ndabuka	High Treason, Rebel- lion, and Public Violence	Guilty: High Treason	15 years without hard labour	143- 362

5	Tshingana	High Treason, Rebel-Guilty: High lion, and Public Treason Violence	12 years: without hard labour	363- 544	
6	Dinuzulu	Murder	Crown enters <u>a Nolle Prosequi</u>	Discharged as to that indictment	7- 858
7	Dinuzulu	High Treason, Rebel lion, and Public Violence	10 years: without har labour	Guilty: High Treason	576- 856
8	Uxibilili Umarabele Utangweni Umabonsana	Shooting with intent to commit m murder	guilty not guilty " "	8 years: hard labour	545- 575
9	Umpikwa Usiyabi	Murder	guilty Not guilty	Sentenced to death discahrged	859- 884

Application for the arrest of Zibepu.....Refused.....885-896

- iii Index to the notes of evidence
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- xi Explanatory notes by the President
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1 Proclamation (by Havelock appointing the three Commissioners on 16/10/88.

~~xxxxx~~ [Zulu Land Nov 1888]

p6

NO I Indictment that Somhlolo son of Mvundhlana is guilty of High Treason Rebeelion and Public Violence. In that in June and July 1888 at Hlopekulu mountain they committed high treason and 2 on 2/7/88 at Hlopekulu they made war against the Queen and 3 in June and July 1888 he assisted Tshingana in Rebellion against the Queen.

p8 Registrats Record Prisoner pleaded not guilty, on 16/11/88 and WY Campbell withdrew after applying for a month to prepare the prisoner's defence.

17/11/88-19/11/88 39/ witnesses for the defence called. 20/11/ prisoner gave his own defence and 21/11 called his witnesses and judgemnt given on 22/11.

p10 Notes of evidence recorded by the President. Mabele gives evidence for State. Despite witnesses atttemptsto dissuade him prisoner obeyed Tshingana's messengers and went to him at the Hlopekulu. He joined through fear and a Dutchman threatened him. p13 Matshana ka Vundhlana gives evidence that Somhlolo acted under protest. Tshingana acted on orders of Dinuzulu out of fear of Zibhebhu who was to attack him.

p15 17/11/88 Nondhlenle ~~gi~~ from one of Mkosana's kraals gives evidence. Somhlolo was forced to go to Tshingana on pain of death and the Biyela who went to Tshingana feared Z. p19 Mdeli who lives under Somhlolo p21 Unsunswana. /"e fired/" could a person have stayed at home and not have been killed? We were all afraid, we were afraid of each other ..."

p23 Mansel gives evidence An account of the attack of 2/7. 19/11 Evidence continued p25. p27 JH Osborn gives evidence p28 Bukwana gives evidence Somhlolo went to Tshingana through fear p30 Addison gives evidence p31 Knight gives evidence Describes how Somhlolo was loyal before defecting and believes he did so through fear. p34 Prisoner's declaration on 21/9/88 Joined the Uauthu to save himself and his people.

p35 Somhlolo gives evidence in his defence on 20/11 He acted unwillingly through fear. p41 For Somhlolo Hlanguzana reports that he was sent by a Dutchman living in Zululand (Van Rooyen) to go to Tshingana He had lied earlier to protect the Dutchman. p42 Matata p43 Mahlabinwana 21/11 p44 Sikonyana Confirms what had gone before and that Somhlolo had not taken part in the fight and that he was angry with Tshingana and refused a feast that he had offered him. p46 Deputy Attorney -General addressed the Court for the prosecution. ^{Conspiracy} Goes through the history of Uauthu resistance Somhlolo joined the Uauthu "in law, he who joins a lawless party is responsible with them for lawless acts committed by that party after he joins" 2 Hlopekulu fight "Somhlolo's alleged inaction at Hlopekulu fight does not affect his liability" 3 Assisting Tshingana Prisoners fear no excuse in law. This is explained to the prisoner who makes statement He left his people though fear and in an attempt to save them from Dinuzulu / "my heart did not think of war, it thought only of death and and I went to hide myself"

CO 427/6

16051.

Report on visit to Zululand in C5982

.... Mitch to Knut 129 16/7/89

Minutes seen

/Arrived Eshowe 12/7. "Eshowe has already become a village of some pretensions, and the road from Tugela is now a very fair one. / /The public buildings are barely sufficient for the requirement of the place, and as the colony develops, must be gradually increased."

/Zululand Police very efficient. £21,579 hut collected at the time compared with £10,950 at this time last year and has been paid with alacrity. The Usutu alone made difficulties, pleading poverty and asking to be exempted from this year's tax. As however, I was convinced that, in a great majority of cases, this plea was untrue, I directed the Resident to insist on the payment, ~~having~~ leaving him discretion in cases where there was real poverty. These people are now paying their taxes, and there will probably be but few instances where it will be necessary to exercise indulgence./

/Saw the imprisoned chiefs./ "These men had literally no complaints to make except that they were not allowed freedom or, in their own words, to 'see the grass'. / /The ration issued to each of them is large being about four times that of an ordinary European. The three first named

/Nd and Nt/ are each allowed an attendant who brings them their food and does all that they may require. They are averse to taking exercise, but they are permitted to do so outside the gaol whenever they desire at

at proper hours. The two cells occupied by them are sufficiently commodious, and larger than the huts which they ordinarily inhabit. Indeed their almost solitary grievance expressed to me was that their attendants were not permitted to constantly occupy the same cells as their chiefs....

I see no reason to suppose that the mild form of imprisonment under which they are detained is having, or is likely to have, any bad effect on their bodily or mental health. / / I am glad to be able to terminate this brief despatch by stating that I believe Zululand to be at present in a state of peace and apparently of contentment."

C) 427/1

14884

Hav to Holl No 11 28/6/87

/Establishment: gives details of establishment these notes taken from 2 minute by C O official

Resident Commissioner	M. Osborn	Salary £1000+ £200 for travelling	Approved by Treasury in 13218
Secretary & Accountant	A.S.Windhan	£300	"
Sec for Zululand	G.Browne	£100	"
Ass. Comm. & Res Man	<i>NA. & L.M.</i> A L Pretorius	£450	Two old three additional asst Comms. approved at salary not exceeding the old rate of £450
"	<i>Monyani & N.</i> JLKnight	£450	Treas /13218
"	<i>L.M. & N.</i> A S Shepstone	"	"
"	<i>N.F.</i> R H Addison	"	"
Commandant of Zululand Police	G Mansel	£600	No increase
Sub Inspector of ditto	J H Osborn	£250	One old and two additional subaltern approved Treas 13218
"	Lt C E Pierce	"	"
"	vacant		

Clerk to
Res Comm

W S Windham £175

Increase of £25 a proved Treas/
13218

Clerk & Zulu
interpeter

M Oftebro £125

A Muirhead "

A J E Maritz "

vacant

vacant

Hrav - Hol 28/6/87

/I reported the appointment of Knight to you in 20/4 and told you of his his character and qulaifications: in addition he speaks Dutch, an important qulaifiecation/ The appointment of A J Shepstone to thenew office at Lwr Mfolosi: he is / "...I consider admirably weal qualified, ~~but~~ by training and experinece, for this office. He bears a hight character, he knows the Zulu language thoroughly, and is well acquatned with the country and it people He was recommended to me by Sir Herny Bulwer for an appointment of thid kind..." /The office at Ndwandwe is especially important because D N and M reside there and I have appointed Addison/ "who has been strongly recommended for the post by Mr. Osborn. Mr Addison has served for four years in the Reserve Territory Carbineers, and druing that time he has aquired considerable experience in the affiars of Zululand. He has a perfect knowlege of the Zulu language.

Minutes discuss the finacial aspects."I presume nothing need by said as th the permance of these appointments. Zululand, unlike Basutalnad & Bechanalnd, is likely to be durable, & if it should eventlyly be annexed to Natal, and

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Natal should have responsible Government, the Zulu pensions will be on the same footing as the pensions of existing Natal officials..."

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and should have been the government, and the conditions will be on the
the other as the actions of existing level of initial...

CO 427/7

14229

Havelock to Under so of S 16/7/89

/Observation on proclamation concerning mining/

Minutes. "It is a somewhat important question of policy which might be further discussed with Sir A Havelock verbally. It is more than probable that Zululand will be incorporated with Natal before many years.

The adopted of the Bechuanaland Law, however might have the effect of rendering the Natalians less anxious for this result, which would be a desirable result. E F 24/7/89

I would follow Sir A Havelock's advice & have the same system in Zululand and Natal. Herbert and Knutsford tends to agree.

The letter. /Acks theirs of 8/7 enclosing Hav's proclamation II of 1889 to make better provision as to Mining in Zululand and the request for comments/ "Your remark that the Proclamation appears to contemplate an extinction of individual property in land in Zululand, and you say that the S of S presumes that some such extension is inevitable. You add that the Proclamation proceeds, however, upon the assumption that the right of Mining in private lands is to be abandoned to the owner, who alone is to have the right to prospect or mine, or to allow prospecting or mining; and that it is only in case the owner neglects to exercise these rights of prospecting or mining, that his land can be turned into a public gold field. You then proceed to say that, as private property in land hardly exists at present in Zululand, the question is practically free from vested interests but that it appears desirable to the S of S that the Government should have full power to proclaim a public gold field, and to issue prospecting

licenses on any land, the owner of the land to be compensated for surface damage &c. / / I would beg leave to say, in the first place, that in view of the close relations of Zululand with Natal, and in view of the probable incorporation of the former country in the latter, at no very distant date, it has, as I understand, with the approval of the Sec of State, been taken as a guiding principle, that the Laws enacted for Zululand should, as far as possible, be made to assimilate with the Laws of Natal. It would seem that this principle is perhaps more important in its bearing on laws affecting the tenure of land, and the the privileges and rights of the owners of land, than on most other classes of Laws. And, I would point out, that the Zululand Mining Proclamation has been made, in pursuance of this principle, mutatis mutandis, identical with the Natal Mines Law....

With respect to your observation that private property in land hardly exists at present in Zululand, and that, consequently, the question is practically free from vested interests / must point out that quit rent tenure is the system in Privos B and that is where some of the best gold mining prospects exist.

CO 427/6

18803

Minutes

Mitch to Knut 27/8/89 Forwards supplementary estimates for 1889

Osb to Mitch 16/8/89

Knut to ~~Mitch~~ Treasty. 19/10/89

"The total expected excesses amount to £9462, but of this total £2000 is the for the repayment of the balance of the advance from Imperial funds, and is not properly expenditure....by far the largest amount being the charge for the Spec Comm for the trial of the Zulu Chiefs implicated in the recent disturbances the total cost of this trial was £4454, the expense having been much increased, as the Lords Comrs. are aware, by the great number of witnesses summoned for the defence, and other dilatory proceedings.I am to recommend that the Lords Comrs shou sanction these Supplementary Estimates as they stand. The total expenditure of the year could not possibly have been foreseen with accuracy in view of the changing circumstances of Zululand & Lord Knutsford feels that great credit is due to those for the administration for the highly satisfactory results of the period in question."

"add that His lds. concourse that as the advance is now paid off their lds. will not require to have the Estms. of Zululand submitted to them in future.

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