

*Judgment of the Lords of the Judicial Committee of the Privy Council on the Petition of Mgomini and others for special leave to appeal from certain Convictions and Sentences by a Court Martial sitting at Richmond, in the Colony of Natal; delivered the 2nd April 1906.*

---

Present :

THE LORD CHANCELLOR.

EARL OF HALSBURY.

LORD MACNAGHTEN.

LORD DAVEY.

LORD JAMES OF HEREFORD.

LORD ATKINSON.

SIR ARTHUR WILSON.

[*Delivered by The Lord Chancellor.*]

THEIR Lordships thought it right to sit at the earliest moment to hear an application which they were informed concerned a matter of life or death. Having heard it, their Lordships are unable to advise His Majesty to grant this Petition. It is not an appeal from a Court, but in substance from an act of the Executive. Evidently the responsible Government of the Colony consider that a serious situation exists, for Martial Law has been proclaimed. The Courts of Justice in the Colony have not been asked to interpose; and, apart from questions as to jurisdiction, any interposition of a judicial character directed with most imperfect knowledge both of the danger that has threatened or may threaten Natal, and of the facts which came before the tribunal of war, would be inconsistent with their Lordships' duties. Their Lordships will therefore humbly advise His Majesty to dismiss the Petition.

