

51983

1 Papers relating to German atrocities of breaching
the rules of War in Africa...

MV4M1:35.550K6 EG

2 Despatch to the Governor of the East Africa
Protectorate relating to Native Labour.

X:9.687.N2 FO

3 Correspondance with the Antislavery & Aborigines
Protection Society relating to Native reserves in
Southern Rhodesia.

V6133:41.N2 FO

V.346

33

S1983²

EUROPEAN WAR.

PAPERS

RELATING TO

GERMAN ATROCITIES, AND BREACHES OF
THE RULES OF WAR, IN AFRICA.

Presented to both Houses of Parliament by Command of His Majesty.

July, 1916.



LONDON:
PRINTED UNDER THE AUTHORITY OF HIS MAJESTY'S STATIONERY OFFICE
By DARLING AND SON, LIMITED, BACON STREET, E.

To be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LIMITED, 29, BREAMS BUILDINGS, FETTER LANE, E.C.,
28, ABINGDON STREET, S.W., AND 54, ST. MARY STREET, CARDIFF; or
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or
E. PONSONBY, LIMITED, 116, GRAFTON STREET, DUBLIN;
or from the Agencies in the British Colonies and Dependencies,
the United States of America and other Foreign Countries of
T. FISHER UNWIN, LIMITED, LONDON, W.C.

1916.

[Cd. 8306.] Price 9½d.

MV4NI:35.550K6

EG

16183

LIST OF PAPERS.

Cameroons.

	1914.	PAGE.
1. Brigadier-General Dobell to the Secretary of State for the Colonies	28 October	3
2. Do. do. do. do. ...	2 December	9
3. Do. do. do. do. ...	26 December	9
	1915.	
4. Major-General Dobell to War Office	19 September	15
5. The Senior Medical Officer with the Troops to the General Officer commanding the Allied Forces	10 November	17
	1916.	
6. Major-General Dobell to the War Office	28 January	17

East Africa.

	1914.	
7. The Governor of the East Africa Protectorate to the Secretary of State for the Colonies	11 December	72
	1916.	
8. Colonial Office to Foreign Office	7 March	74

German South West Africa.

	1915.	
9. Correspondence between General Louis Botha and German Military Authorities relative to the poisoning of wells	13 February to 25 June	74-9
10. Report of Commission of Enquiry into the treatment of Prisoners of War by the German Protectorate Authorities during the late hostilities		81

EUROPEAN WAR.

PAPERS

RELATING TO

GERMAN ATROCITIES, AND BREACHES OF THE RULES OF WAR, IN AFRICA.

CAMEROONS.

No. 1.

BRIGADIER-GENERAL DOBELL to the SECRETARY OF STATE FOR THE
COLONIES

(Extract.)

Government House, Duala, 28th October, 1914.

I attach a series of reports which I called for, all indicating that cruelty, amounting to brutality, has been shown to the native inhabitants by Germans and the soldiers under their command.

I have no very conclusive evidence of wounds being caused by expanding bullets but I have specimens of small arm ammunition, taken from German combatants, the use of which is contrary to the provisions of the Hague Convention.

Enclosures in No. 1.

EVIDENCE ON CRUEL TREATMENT OF THE CAMEROON NATIVES BY GERMAN SOLDIERS.

Collected by Major STATHAM, R.A.M.C., D.M.S.

The accompanying evidence was collected by me in the Military Base Hospitals established at Duala.

A considerable amount of trouble was taken to sift this evidence, and I believe most of it to be reliable. It is, however, difficult to obtain accurate evidence when everything has to be translated.

The fact that two of the witnesses who have not been able to communicate with each other for three weeks tell the same story, and the story affects the same case of cruelty, points to there being considerable truth in their statements.

The evidence was not taken on oath, but I do not think an oath in any way affects the veracity of an African's statement.

J. C. B. STATHAM,
Major, R.A.M.C.

Director of Medical Services, Allied Forces.

Duala,
21st October, 1914.

1. ENGONU, a carpenter, aged 25 years, made the following statement to me:—

"I was asleep in my house at Debombari, about four hours' walk away, at night, when some black soldiers opened the door and took me to two white men in uniform. I was tied by the hand and led with a rope. The Officer said to the soldiers 'Why do you bring any man to me alive? Go and kill them.' He then told the soldiers to kill me, and went away. The black soldiers commenced to hack me with matchets, and cut me about till I fell senseless, and I was left for dead. Also my brother was caught on the same night and killed with a knife (matchet). I saw his body as I

was being taken to the white officer. There was a woman with my brother, but I do not know what happened to her."

On examination the man was seen to have three scalp wounds, one skull wound severe, two on the right shoulder, one on the right arm, one on the left shoulder, one on the back, and one on the right leg, all caused by a large, sharp cutting instrument, probably a machet. There were also three on the hand as well as one where apparently the rope had cut into the flesh.

Case 2.—LIZA, a married woman of 21 to 25 years of age, usually living in Victoria, but who was resident in Duala for a month and a half before the British occupation, made the following statement:—

"On the 28th of September at Akwa I was just coming out of house, nursing a baby in my arms, and with my husband, when a German dressed in white civilian clothes, fired at both me and my husband, wounding us both. I was fired at twice. This white man had shot other people, and had killed three men and one woman. He was then caught by some troops" [from her description these troops appear to have been either French or British], "and taken away, I think to a canoe. The man used a rifle."

WOUNDS.—This woman has bullet wounds in both thighs. A child that was with the woman was not wounded, but died as a result of illness contracted some days before.

This witness speaks broken English. She knows Germans and is convinced that the man was a German. She is an intelligent witness.

Case 3.—MOSES, the husband of the last witness (Liza), who is in the Carriers Hospital, states:—

"On September 28th at Akwa, a German civilian at about mid-day, came to the house where I and other people were (eight in all). He killed three men and one woman. He wounded me, my wife, and one other woman. Then two black soldiers caught him and took him away in a canoe, I believe they were British soldiers. I did not know the German."

WOUNDS.—There was a gunshot fracture of the thigh. This man is an intelligent witness, and his evidence, though taken in a different hospital from that in which his wife was lying, corroborates hers. They had had no communication with each other since being wounded.

Case 4.—ELIZABETH, aged 20, states:—

"I was in the same house as Liza and her husband on the 28th of September. I was running out of the house when I was shot at and wounded by a German civilian, the same man, I think, that shot Liza and her husband. My husband Johannes was with me, but he ran away and escaped."

WOUNDS.—She was shot through the abdomen, but the bullet passed through the abdominal muscles only. She is pregnant. She is a fairly intelligent witness, and speaks broken English.

Case 5.—APIONI, a woman of 40 years, states:—

"I was shot at Banen, near Jabassi, by a German black soldier, about September 29th."

WOUNDS.—A gunshot wound of the right. [?] This witness is a half-witted woman and it is impossible to get satisfactory evidence from her.

Case 6.—ELIZA, aged 32, who has now left the hospital, stated before she left that she was passing in a canoe near Tiko, a place near Buea, with several others when some German soldiers fired at them from the bank and killed two women, and wounded her (Eliza) on or about the 8th October.

She was wounded in the right upper arm.

Case 7.—SAMUEL EQUERA, a native of Bassa, states:—

"When the Germans ran away from Duala and passed through Bassa, a German soldier came to collect carriers, and shot me because I tried to run away."

WOUND.—A gunshot fracture of the right elbow. This man is a fairly intelligent witness.

EVIDENCE AS TO THE USE OF SOFT NOSED BULLETS.

Several of the wounded show wounds which may have been caused by soft-nosed or expanding bullets.

I do not propose to give particulars of such cases because I do not consider such "wound evidence" very reliable, since (1) solid bullets in certain cases can cause explosive effects, difficult to distinguish from those of soft-nosed bullets. (2) The German enemy, both black and white, are using various types of bullets, such as (a) sporting bullets found with civilians, who quite possibly had no others, (b) large calibre .450 soft lead bullets, which would flatten to a varying extent on striking. These are used by many of the black troops.

As all these types of bullets are being used it is impossible to decide definitely whether a shattered wound has been caused by a solid cupro-nickel bullet deliberately converted into an expanding one, or by one of the various types of sporting bullet being used, or by the .450 calibre lead bullet.

I send with this statement, ten specimen bullets taken at Missellili from the pouches of German European prisoners of war, by one of my medical officers, Dr. Sharpe.

J. C. B. STATHAM,
Major, R.A.M.C.,
Director of Medical Services, Allied Forces,
Cameroon Expedition.

Duala,
21st October, 1914.

REPORT FROM A GERMAN SOLDIER (NATIVE), 17TH OCTOBER, 1914.

* * * * *

He had been instructed by his officer first not to shoot unarmed natives, but after they knew the English had occupied Jabassi he had instructions to kill every native they saw.

* * * * *

True copy

J. BROUGH, Major,
General Staff.

19th October, 1914.

EXTRACTS FROM A REPORT FROM LIEUTENANT KENTISH, R.E., DATED 8TH OCTOBER, 1914.

* * * * *

At 9 p.m. we were passed by a German patrol, afterwards found to consist of one officer, four men, and about a dozen labourers. We lay down in the bush and were not seen.

Enemy's patrol proceeded to burn Miang Village.

* * * * *

Reached Miang (Ndulu) on the way back about 5 a.m. and found the town a smouldering heap of ruins. Every house had been burnt except the school.

* * * * *

H. E. KENTISH,
Lieutenant, R.E.

REPORT No. I.

STATEMENT OF P. J. DODD, Clerk in charge of the S. O. K. Palm Oil Syndicate,
Cameroons.

(Written Statement.)

What I know about these two peoples shot was that on the 30th ultimo, 1914, this white man, by name Jos. Schmidt, came to Musoko near Abo with three soldiers

for the purpose of shutting the river that runs up to Miang and when stationed at the same day he found one man in a canoe pulling alone going upward of the river. All at once he took one gun from his soldiers and shoot him right away. I asked him how that meant but he replied by the order of the German Government. There and then he saw another canoe passing down to Duala with four pullers and again he cruelly shoot in and killed one more, altogether two. The rest swam and went away.

The three soldiers also are sent on a patrol on the river for the same injury and at times each of them can return with his report stating that Master I killed one and so forth, and all of whom I calculated to be four people.

Signed at Duala, 6th October, 1914.

Schmidt did not challenge the natives before firing them.—P. J. D. P. J. DODD.

Certified true copy.

Duala,
October 16th, 1914.

H. GWYNNE HOWELL,
Captain, General Staff.

REPORT No. II.

*October 19, 1914.

Bele and Bahundu have arrived from Butu on the Dibamba and report that three Germans and about fifty native soldiers from Bonepupa, have come to Butu and destroyed the farms and houses and killed four Dualas. The names of the Europeans are Damkohler, Schmidt, a Government official, and one unknown. The names of the natives killed are Ekoni, Sassanga, Peembombe, Behane Ekun.

On the 7th instant Dikoto Kame and Josef Priso with three others arrived and reported that about 30 Europeans and some 300 natives arrived in the Ndonga District. They are shooting the natives for their British sympathies. Up to date they have killed seven.

On the 4th instant Ebangisi Editea arrived from the Dibamba and reported that one European with about 50 native soldiers had arrived on Dibamba Beach, fired on the natives and killed and wounded several. He says that the Germans gave out that they intended killing all the Dualas on account of their English friendship.

Certified true copy.

Duala,
October 16th, 1914.

H. GWYNNE HOWELL,
Captain, General Staff.

REPORT No. III.

Bele, native of Duala living in Tiko, reports :—Since the English fired on Tiko, six days ago, German native troops have fired on all Dualas they see, and have killed one man and one woman. Their names are Budule, and Ndale, wife of Bebe. Joke, Chief of Dikomba, was fired at and killed by a German Reserve Officer—previously a farmer at Molivi—name unknown, who had been hiding in the Chief's house.

Uwanja Mutasi, of Bonamateki, arrived on the 9th October from that place and reports that twelve Europeans and about 100 native soldiers arrived there from Susa and killed seven native inhabitants.

Certified true copy.

Duala,
October 16th, 1914.

H. GWYNNE HOWELL,
Captain, General Staff.

REPORT No. IV.

Andreas Jengelli, native of Bell Town, left Mbonjo on the Mungo Creek on the 9th October. He states :—There are about ten Germans with 100 native soldiers in Mbonjo. They are shooting natives and burning the countryside. He says they have killed about 30 natives, men and women.

* This date is evidently incorrect. It is probably a typist's error for 10-10-1914.

The expressed German statement to the natives is, that the British may conquer the country, but they will find no inhabitants left. Hence the wholesale shooting of the natives.

Certified true copy.

Duala,
October 16th, 1914.

H. GWYNNE HOWELL,
Captain, General Staff.

REPORT No. V.

On board S.S. "Mole,"

October 10, 1914.

Toko Masombwa, native of Bonaberi, coming from Njanga reports that 15 Europeans and over 100 native soldiers arrived in Njanga yesterday morning. They fired on the Dualas in Njanga and killed several. They hung the King of Bomking and shot several of his people because they refused to take up arms against the English. They have given guns to three black men, names as follows: Blagojo, native of Togo; Mabala, native of Jaunde, and Dikume, native of Njanga. These men have been instructed to shoot anyone suspected of having British sympathies.

Certified true copy.

Duala,
October 16th, 1914.

H. GWYNNE HOWELL,
Captain, General Staff.

REPORT No. VI.

Duala,

October 12, 1914.

Statement of Ebongo Joe, late factory clerk for J. Holt and Company, Dibong Branch, Cameroons:—

I, Ebongo Joe, hereby declare that on October 2nd news came to Dibong that trouble would begin here almost immediately, so I proceeded to Jabassi for safety, after having locked up the factory.

On October 7th I returned to Dibong, and on my arrival found the factory broken open, and, with the exception of 10 bags of kernels, all cargo has been removed.

One Duala man, Ebumbo Elokan; one Duala man, Kumba; and several others whose names I do not know but who I could point out, informed me that they were actual eye-witnesses to the arrival of a European whom I know but not by name, accompanied by a policeman from Bodiman. The European instructed this policeman and one Dibong policeman, Jaumke, to break the place open, and then proceeded to remove all the goods.

On the same occasion one Duala man, Mahapinja, was shot dead. I do not know whether he was shot by the European or at his order, but the Duala man, Kumba, is an eye-witness, and would be able to give evidence on this point.

I do not know the European's name, but this can easily be ascertained on enquiry.

EBONGO JOE. His X Mark.

I, Duala man Ejang, corroborate the above statements. They are true in every respect.

Witness to translation and signature,
(Signed) EDWARD DIBOBE.

Certified true copy.

Duala,
October 16th, 1914.

H. GWYNNE HOWELL,
Captain, General Staff.

REPORT No. VII.

Lieutenant McCallum, attached to Lieutenant-Colonel Cockburn's column attacking Jabassi, reports on the 12th October :—

To-day I interviewed Chief Mfomu of Bodiman who informed me that a village at the top of a small creek about 600 yards from our anchorage was raided five days ago by German native soldiers, who shot five natives. I reconnoitred the creek and personally saw the graves.

Certified true copy.

Duala,
October 16th, 1914.

H. GWYNNE HOWELL,
Captain, General Staff.

REPORT No. VIII.

James Birrell, native of Accra, in charge of R. and W. King's Wuri factory, states :—

He left Wuri yesterday afternoon. After the "Fullah" left for Duala he says, two Germans (including the man Moring, said to be an American) came back to his store and tried to capture any natives about, including himself.

This man, Moring, stays at the entrance of the Dibombe Creek and shoots at any canoes passing.

When he (Birrell) heard they were looking for him, he fled into the bush and made his way down to Duala.

Lieutenant McCallum, attached to Lieutenant-Colonel Cockburn's column attacking Jabassi, reports on the 13th instant that Ntoko Beecroft came to him on that day and reported that the man Moring had killed an Akwa Town native called Ntona Makuri. The man knows the natives who saw Moring kill this man, but cannot obtain them while the Germans are at Njanga, as they are hiding in the bush.

Certified true copy.

Duala,
October 16th, 1914.

H. GWYNNE HOWELL,
Captain, General Staff.

REPORT No. IX.

Duala,
October 16th, 1914.

Statement of Ndumbe Toko.

Ndumbe Toko, native of Akwa town, living at Dibamba, reports that two Europeans, named Damkohler and Bruno Schmidt, with 100 native soldiers, many of whom were at Japoma when the French crossed the bridge and ran to Dibamba, are now at Dibamba and have shot four men, besides making prisoners of all Duala men, women, and children they can find. They have burned many of the houses and are spoiling all the farms, cutting down cocoa trees, &c.

The following men saw Damkohler shoot men :—

Ndumbe Toko.
Kina Dika (son of King Akwa).
Ewa Tutu (Akwa man).

Ndumbe Toko also saw Schmidt shoot and kill a man in a canoe. The man's name was Sase Ngane.

Many women and children have run into the bush, where there is no food for them. Many men have gone into Duala and these men wish to return to get their

women and children but are afraid to do so as they are certain to be killed if they are seen.

Certified true copy.

H. GWYNNE HOWELL,
Captain, General Staff.

Duala,
16th October 1914.

No. 2.

BRIGADIER-GENERAL DOBELL to the SECRETARY OF STATE FOR THE
COLONIES.

Government House, Duala,
2nd December, 1914.

SIR,

I HAVE the honour to forward for your perusal a translation of a captured message written by Lieutenant von Engelbrechten to Hauptmann Gaisser, lately commanding troops at Buea and Victoria, and now a prisoner of war.

2. I consider the message serves to indicate the attitude of mind of the Germans towards the native inhabitants of the Cameroons, and although our troops must, from time to time, employ native guides it is unnecessary for me to state that natives do not perform the other services indicated by the writer.

3. Prior to his employment on active service I believe Lieutenant von Engelbrechten acted as Private Secretary to the Governor of the Cameroons.

I have, &c.

C. M. DOBELL,
Brigadier-General,
Commanding the Allied Forces

Enclosure in No. 2.

[Translation.]

(From KAKE, 7th October, 1914, 11.6 a.m.)

The water-way between Mpundu and Mbonjo is dangerous on account of the Duala people living on the Mungo River sides. The runner service by canoe is therefore stopped.

All loads and letters I shall endeavour to forward via Mundame.

The telephone via Mbonjo is still open until further notice as long as it is not destroyed by the Duala people.

Several cases of Dualas attacking my soldiers and who openly help the English in taking over from them their safety and outpost service, show them the roads, and communicate with each other by call, horn, and flag signals—enforce on me the safety of my movements, *i.e.*, to treat the Duala natives and their intertrading compatriots on the Mungo, Abo, and Dibombe rivers as combatants in the war, and, in special cases, to treat them as rebels and traitors. I have ordered the destruction of all Duala villages. All Dualas met on the roads carrying weapons (matchets, bows and arrows, spears and also rifles) are to be shot. Prisoners will only be made when they are caught red-handed and can be legally tried and condemned to death. All Dualas still in the employment of the Government in the northern railway part of the Duala district will be arrested and sent under charge to Dschang. Bare district is going to do the same.

VON ENGELBRECHTEN.

No. 3.

BRIGADIER-GENERAL DOBELL to the SECRETARY OF STATE FOR THE
COLONIES.

(Extract.)

Government House, Duala,
26th December, 1914.

SIR,

I HAVE the honour to forward the attached correspondence (Enclosure No. 1) which has passed between Colonel Mayer, commanding the French troops, at present

at Edea, and myself on the subject of atrocities perpetrated by the Germans and natives under their command on the helpless and innocent inhabitants of this country.

The victims are in very many cases women and children and the injuries have been inflicted in the most brutal manner.

There can be little doubt that the Germans themselves, if not actually taking part in these enormities, are cognizant of them and in most cases must instigate them.

Their object, no doubt, is, while punishing those natives who they think have assisted us, to deter others from doing likewise.

Colonel Mayer's letter of 17th December also proves that we are now engaged in fighting not only the trained and armed troops of the Germans but that they have called to their assistance the inhabitants, who, in contravention of Article 33 of the Hague Convention concerning laws and customs of war on land, are in some cases armed with poisoned arrows.

The situation at Edea is not an isolated one; Major Mathieu reports from Kribi that the forces opposed to him are chiefly composed of unorganised hordes of natives who wear no uniform but are armed with rifles, bows and arrows, and spears.

Again, Major Law, commanding the British post on the Wuri River, has knowledge of repeated atrocities perpetrated by German troops and he has sent in many victims to be treated in hospital here.

It is difficult to know how to bring pressure on the enemy to put a stop to such brutal methods, but while answering a communication on the subject of alleged ill-treatment of Germans (Enclosure No. 2) I have protested to Mr. Ebermaier in the strongest manner possible (Enclosure No. 3).

The native question generally in this part of the country is becoming very serious. Those whom the Germans suspect of having British or French proclivities or of having assisted us in any way are attacked. These take refuge inside our lines or near our posts, and there are now many thousand refugees living in the small areas held by us. This results not only in a great shortage of food but the movements of patrols are sometimes considerably hampered owing to the number of these poor creatures who follow in hopes of getting food from deserted farms.

* * * * *

C. M. DOBELL,
Brigadier-General,
Commanding the Allied Forces.

The Right Honourable Lewis Harcourt, M.P.,
Secretary of State for the Colonies.

Enclosure 1 in No. 3.

(Colonne expéditionnaire du Cameroun.)

Le Colonel MAYER, Commandant les Troupes françaises, à QUARTIER-GENERAL
anglais, Duala.

No. 498.

Edéa, le 17 Décembre, 1914.

J'ai l'honneur de vous faire connaître qu'une patrouille d'une dizaine de tirailleurs allemands, est venue ce matin 7 heures dans un village à proximité d'Edéa et s'y est livrée à des actes monstrueux, en tailladant à coups de coupe-coupe une dizaine de femmes et des enfants en bas âge.

Le spectacle de ces êtres innocents, réfugiés à Edéa, était intolérable à voir. Cette patrouille aurait été envoyée par Monsieur Priester pour se venger d'un de ses chasseurs qui nous avait livré un fusil allemand.

* * * * *

La patrouille allemande, en poursuivant les indigènes, est tombée sur une embuscade : six ont été vus armés de fusils, trois armés de sagaies et de flèches; l'un de ces derniers a été tué, le reste a immédiatement pris la fuite dans la forêt, nos

tirailleurs n'ayant pu tirer que quelques cartouches, pour ne pas atteindre les indigènes interposés entre l'ennemi et eux.

* * * * *

MAYER.

No. 499.

Nouveaux renseignements reçus complétant le message No. 498. Les indigènes ont vu cinq allemands européens accompagnant la patrouille qui assassinait les femmes et les enfants; l'un de ces cinq allemands aurait été blessé mortellement par notre embuscade; nous n'avons pas retrouvé le corps.

La présence de ces cinq européens allemands prouve bien que c'est par ordre que ces assassinats sont commis.

MAYER.

Colonne Expéditionnaire du Cameroun.
Section d'Ambulance de Campagne.

RAPPORT RELATIF AUX BLESSÉS INDIGÈNES ADMIS A L'AMBULANCE LE 17 DÉCEMBRE 1914.

Les blessés indigènes admis le 17 Décembre comprennent 10 femmes, 1 fillette, et 2 hommes :

1. *Guiniène*, femme de 21 ans environ : six blessures.
 - (a) Amputation du 5^{ème} doigt et de son métacarpien, à la main gauche.
 - (b) Amputation du pouce et de son métacarpien, à la main droite.
 - (c) Ouverture de l'articulation du genou gauche, fracture de la rotule, section du ligament rotulien interne.
 - (d) Plaie profonde de la face externe de la jambe droite.
 - (e and f) 2 plaies de la région cervico-dorsale.
 Toutes blessures causées par des coups de coupe-coupe.
2. *Ohoblo*, femme de 25 ans environ, quatre blessures.
 - (a) Plaie profonde du cuir chevelu, région pariétale gauche.
 - (b) Plaie de la face antérieure du bras droit.
 - (c) Plaie de la face postérieure du coude droit.
 - (d) Plaie profonde de la cuisse droite, région trochantérienne (coupe-coupe).
3. *Gountoïé*, femme de 25 ans environ, trois blessures.
 - (a) Désarticulation totale de l'épaule gauche, section de tous les muscles, et fracture de la tête de l'humérus par choc direct.
 - (b) Plaie profonde de la jambe gauche.
 - (c) Section de l'oreille gauche et de la moitié gauche de la face depuis la région zygomatique jusqu'au bord inférieur du maxillaire inférieur, intéressant tous les tissus, et s'étendant en arrière jusqu'à la région occipitale (coupe-coupe).
4. *Loukma*, femme de 20 ans environ : une blessure.
 - (a) Plaie profonde du dos par coup de flèche ou de sagaie.
5. *Gomouna*, femme de 16 ans environ : deux blessures.
 - (a) Ouverture de l'articulation du poignet droit face dorsale, section de tous les tendons extenseurs et de l'artère dorsale du carpe (coupe-coupe).
 - (b) Plaie de la région cervicale.
6. *Guitten*, femme de 20 ans environ : une blessure.
 - (a) Plaie pénétrante du dos par coup de flèche ou de sagaie.
7. *Gomouné*, femme de 18 ans environ : une blessure.
 - (a) Plaie de la région médio-claviculaire gauche par coup de coupe-coupe.
8. *Oundièngue*, femme de 25 ans environ : une blessure.
 - (a) Plaie de la région cervico-latérale droite par coup de coupe-coupe. Cette plaie mesure 17 centimètres de long, s'étend depuis l'apophyse transverse de l'axis qui est à nu jusqu'en avant de l'oreille qui est coupée transversalement au niveau du conduit auditif. Tous les muscles latéraux du cou, sauf ceux de la gouttière vertébrale sont sectionnés, et leur rétraction donne l'impression d'une énorme perte de substance (coupe-coupe).

9. *Chiliky*, femme de 25 ans environ : 13 blessures.
- (a) Section des tendons extenseurs de l'index, du médius et de l'annulaire, à droite.
 - (b) Section du bord cubital de la main droite, intéressant les muscles de l'éminence hypothénar.
 - (c) Fracture du cubitus gauche par choc direct.
 - (d) Ouverture de l'articulation du poignet gauche.
 - (e, f, g, h, i) 5 plaies parallèles de la région postérieure du cou.
 - (j) Plaie de la face supérieure de l'épaule gauche.
 - (k, l, m) 3 plaies du cuir chevelu, dont une intéresse la table externe de l'os frontal (coupe-coupe).
10. *Nidimby*, fillette de trois ans, fille de *Chiliky* :
Plaies et estafilades de l'épaule gauche. Blessée dans les bras de sa mère.
11. *Onième*, femme de 40 ans environ : 4 blessures.
(a, b, c, d) 4 plaies de la tête et du cou, dont une intéresse la table externe du pariétal gauche (coupe-coupe).
12. *Bilomn*, homme de 50 ans environ :
Plaie pénétrante de l'abdomen par coup de feu.
13. *Oh*, jeune homme de 16 ans au plus
Plaie pénétrante de l'abdomen par coup de baionnette.

En dehors des 13 blessés amenés à l'ambulance, 7 femmes ont été pansées à l'Infirmier de M. le Médecin Major de 1^{re} classe Marque : elles étaient toutes atteintes de blessures diverses par flèche, coupe-coupe, ou sagaie; une de ces femmes ne portait pas moins de 11 blessures.

Enfin, d'après les renseignements recueillis par le Commandant Mechet, il y a eu 15 femmes tuées dans le village de Maffène d'où proviennent tous les blessés.

L'ambulance a antérieurement hospitalisé 3 indigènes mutilés par les Allemands, ils sont tous trois morts des suites de leurs blessures. Ce sont :

1. *Bandé Mayouga*, homme de 40 ans, admis le 29 Octobre 1914 à l'ambulance : quatre blessures.

- (a) Fracture du col fémoral par coup de feu.
- (b) Plaie de la cuisse droite par coup de feu.
- (c) Destruction de la paroi abdominale (flanc gauche) jusqu'au péritoine par coup de coupe-coupe ou coup de sabre.
- (d) Plaie par instrument piquant de la région précordiale. Mort le 4 Novembre.

2. *Iémèque*, homme de 40 ans :
Fracture esquilleuse de l'humérus gauche. Entré le 16, mort le 22 Novembre, 1914.

3. *Baya*, homme de 50 ans :
Plaie de la fesse et de la cuisse droites.
Entré le 17, mort le 25 Novembre, 1914.

Edéa, le 18 Décembre 1914.

Pour le Médecin Chef et par ordre,
le Médecin Aide-Major de 1^{ère} classe

BAUVALLET.

Vu

Le Colonel Mayer, Ct. les troupes françaises,
MAYER.

(Colonne expéditionnaire du Cameroun.)

RAPPORT SUR LES ATROCITÉS COMMISES PAR LES TROUPES ALLEMANDES SUR LES
INDIGÈNES DANS LE DISTRICT D'ÉDEA.

Depuis le début de notre occupation d'Edéa, nombre d'indigènes ont été massacrés dans le district par les patrouilles allemandes; il ne se passe guère de jour qu'un indigène ne vienne signaler de nouveaux meurtres.

Les principaux de ces attentats connus sont :

- Vers le 10 Novembre, massacre de 4 indigènes et 3 femmes à Dehane.
- Do. destruction du village de Makam.
- Do. massacres dans le village de Muang-Kong.

Vers le 15 Novembre, massacre d'indigènes au village de M'Bengue (Voie ferrée).

Do. massacre d'indigènes au village de Mapam.

20 Novembre, destruction du village de Bisseng (route de Dehane).

24 Novembre, fuite des habitants de la région de Njok-Sobe, Mapam, Okot sur Edéa, devant des patrouilles allemandes qui les terrorisaient.

10 Décembre, destruction de villages dans le district de Jasuku.

17 Décembre, massacre d'habitants dans les villages de Ekola, Karo Njock, Maflene: 6 indigènes tués à Ekola, 7 indigènes tués à Karo Njock, 2 indigènes tués sur la voie ferrée (la plupart des femmes). 20 femmes ou enfants grièvement blessés à coups de coupe-coupe.

A la suite de ces divers attentats, un certain nombre d'indigènes ont été soignés dans notre ambulance. Le massacre du 17 Décembre n'est ni plus odieux et ni plus répugnant que les précédents, tous se valent; mais il s'est produit presque sous nos yeux et nous avons vu, pour les avoir soignés à l'ambulance, une partie des femmes et des enfants blessée.

Vers 7 heures 30 du matin, une foule d'indigènes refluit vers nos avant-postes, se disant poursuivis par des tirailleurs allemands, puis arrivaient successivement se trainant ou portés par d'autres indigènes une dizaine de femmes et des enfants grièvement blessés à coups de coupe-coupe (ci-joint le rapport médical). La patrouille allemande mêlée à la foule des fuyards fut arrêtée à coups de fusil par nos avant-postes; nos tirailleurs ont compté 6 tirailleurs indigènes allemands, en uniforme, armés de fusils, et trois autres indigènes armés de flèches et de sagaies; l'un de ces derniers a été tué. Il n'a pas été vu d'européens allemands par nos tirailleurs, mais un casque a été trouvé par eux sur la route près du mort; les indigènes ont affirmé qu'il appartenait à un européen qui avait été blessé. Une femme indigène blessée et son mari affirment en outre avoir vu 5 européens marchant derrière la patrouille.

D'après les renseignements d'indigènes, cette patrouille aurait été envoyée par Monsieur Priester, pour se venger d'un de ses anciens chasseurs qui nous a livré un fusil pris à un tirailleur allemand, qui venait régulièrement dans son village.

Quoiqu'il en soit, il reste établi que les gradés allemands encouragent, ordonnent, et parfois dirigent eux-mêmes ces assassinats.

* - * * * * *

MAYER.

Déposition du nommé Et, de Edéa, qui a été envoyé le 17 Décembre pour enterrer les habitants tués par les allemands.

A Ekola, j'ai enterré sept cadavres, tous de femmes; j'ai laissé le cadavre d'un indigène de Njog Sobe, pour que les gens de Njog Sobe puissent l'enterrer. Les femmes étaient toutes tuées percées de coups de lance ou de coupe-coupe. Elles étaient horriblement mutilées. Plusieurs autres indigènes furent aussi tués par les allemands, mais ils étaient déjà enterrés par les gens du village. A un village les femmes furent surprises dans leurs cases, d'où on les a tirées, puis ensuite tuées.

Pour déposition conforme,
Le colonel Mayer, commandant les troupes françaises,
Edéa, le 18 Décembre 1914,

MAYER.

(Copie. No. 505.)

Renseignements du 19 Décembre, 1914.

* * * * *

Voici comment les allemands appliquent l'article 46 de la convention internationale de La Haye.

" Rapport de deux indigènes armés, envoyés par nous hier, 18 Décembre 1914, au village de Ngeng Dong, km. 18 de la route de Jaundé, pour vérifier si un campement

allemand, qui nous était signalé, existait bien en ce point :—Tout le pays entre Edéa et Ngeng Dong a été dévasté; il ne reste pour ainsi dire pas une case. Le village de Ngeng Dong a été complètement abandonné par les allemands, mais avant de partir les allemands ont tout détruit dans le village,—cases, chaises, tables”

Edéa, le 19 Décembre 1914.
Le colonel Mayer, commandant les troupes françaises,
MAYER,

Enclosure 2 in No. 3.

Translation of certified true copy of a document in charge of DON LUIS DABAN Y RUIS, Secretary-General for Spanish Guinea.

“Pass on as quickly as possible to Governor Barrera in Sta. Isabel. I am obliged to request your Excellency to transmit the following communication either by wireless or such other method as may seem most suitable to your Excellency to

1. Brigadier-General Dobell, General Officer Commanding the English and French Forces on the Cameroons Coast;
2. The Governor-General of Nigeria in Lagos :—

‘Jaunde, 26th November, 1914. I am informed that in Duala white women and children have been made prisoners of war and taken away to English and French Colonies. It is even said that time has not been allowed to pregnant and lying-in women to take away the most wanted necessities for themselves and their children. Further, the prisoners of war who have been taken away have not been allowed the necessary time to secure the property that they were leaving behind against robbery and plundering; these goods, so left behind, are said to have been plundered. Should these statements, which cannot be proved from here, rest upon the truth, I protest against these violations of the conditions of articles 43, 46, and 47 of the 4th Convention of the Second Peace Conference at the Hague.

“In reference to the same conditions I may express the expectation that commanders of forces in the places occupied will regard the conditions of Articles 55 and 56 of the said Convention in their treatment of buildings and agricultural undertakings.

EBERMAIER,
Imperial Governor of Kamerun.’

By forwarding these communications to the proper addresses your Excellency will have done a great service to humanity, and have earned the lasting gratitude of many helpless women and children.

With the expression, &c., &c.,

EBERMAIER,
Governor.”

Certified true copy at Santa Isabel de Fernando Po, 7th December, 1914.

LUIS DABAN.

Enclosure 3 in No. 3.

Government House,
Duala,

23rd December, 1914.

YOUR EXCELLENCY,

I HAVE the honour to acknowledge the receipt of a wireless message forwarded to me by the Secretary-General of Spanish Guinea, containing a protest made by Your Excellency against the manner in which women and children resident at Duala have been treated, and further accusing the Allied Forces under my command of violating certain Articles of the Hague Convention.

2. I trust that on being acquainted with the true facts of the case your Excellency will be convinced that the allegations are entirely without foundation, and that the information upon which they are based is completely false.

3. On the surrender of Duala to the Allied forces all women present in Duala were informed that they were at liberty either to remain in Duala or to depart with their husbands, who were prisoners of war.

In almost every instance the women decided to leave with the prisoners of war, and in no case was a statement made that any lady was unfit to undertake the voyage. Had this been done an opportunity would have been given her of travelling at a subsequent date or of finding her own way to Europe or elsewhere by mail steamer.

4. A considerable amount of baggage was taken away by the prisoners and deported persons at the time of their departure. Though by international usage the Allied forces are in no way responsible for baggage which prisoners of war are unable to take away with them, steps have since been taken to despatch further consignments of baggage wherever it was possible to identify ownership.

In addition, dépôts have been formed at Duala, Buea, and Victoria, and all property of prisoners of war that could be found and collected has been stored therein and safeguarded.

5. On the occupation of Duala by the Allied troops it was found that the European portion of the town was being overrun by natives. British and French officers were met in the streets by frightened German subjects, who, while imploring protection, stated that not only was their property being looted, but even their lives were threatened. The situation was at once taken in hand, and I did not hear of a single case in which a German subject was molested by any native.

6. I may add that the officers in charge of the Prisoners of War Bureau have received numerous letters from prisoners of war and deported persons expressing their thanks for the way in which they have been treated and the kindness and consideration shown them.

7. I now turn to another subject, and take this opportunity to bring to your Excellency's attention the barbarous manner in which German troops are carrying on warfare, especially in the Edea districts. With regard to this I enclose a report of the cases treated by the French medical authorities, which removes any doubt as to the facts of the case. This report can only contain a small proportion of the unspeakable atrocities actually committed by your troops.

It requires no reference to the Hague Convention to point out that the brutalities which have been committed against unarmed non-combatants and innocent women and children are contrary to every principle of civilised warfare and against every dictate of humanity.

I am unable to believe that such acts could be perpetrated without the sanction of your military authorities, and in some cases I have reason to think that Europeans were actually present directing operations.

In the name of humanity I request your Excellency to put an instant stop to such proceedings. Should they continue I shall be obliged to give directions that any German soldier captured and found guilty of taking part in these atrocities shall be deemed to have forfeited his right to be regarded as a prisoner of war and will be dealt with accordingly.

I would also draw your Excellency's attention to the fact that my subordinate commanders have reported cases of natives armed with poisoned arrows fighting in your ranks. This is contrary to Article 23 of the Hague Convention concerning the Laws and Customs of War on Land.

I need not point out to your Excellency that for my part I use the utmost endeavour that the laws and customs of war are respected by the troops fighting under my command and expect your Excellency to take similar measures.

I have, &c.,

C. M. DOBELL,

Brigadier-General,

Commanding the Allied Forces.

His Excellency,
Governor Ebermaier,
Jaunde.

No. 4.

MAJOR-GENERAL DOBELL to WAR OFFICE.

Government House, Duala,

19th September, 1915.

SIR,

In continuation of my letter No. 32/1915 of 20th July last, I have the honour to inform you that records as mentioned in your letter No. 0154/3927 (M. O. 5. a) of 9th June are being collected and will be despatched in due course.

2. I am, however, forwarding the attached correspondence and photographs received from the Colonel Commanding the French Contingent in the Cameroons as

the case appears to me to be of such a brutal nature, and so clearly unprovoked, that I consider it should be reported at once.

I have, &c.,

C. M. DOBELL,

Major-General,
Commanding the Allied Forces.

Enclosure in No. 4.

(Colonne Expéditionnaire du Cameroun.)

RAPPORT du Médecin Aide-Major de 1^{ère} classe BAUVALLET, Médecin Traitant à l'ambulance, au sujet d'un indigène Bakoko blessé par les Allemands.

Edéa, le 6 Septembre 1915.

N'Gouapé, indigène Bakoko, malingre et chétif, âgé de 25 ans environ, évacué du poste de la N'Gwé, entre à l'ambulance d'Edéa le 22 Août 1915. Raconte que, trois jours auparavant, étant allé chercher des "makabos" dans la brousse, a été poursuivi et blessé par des tirailleurs allemands. Ne se souvient pas avoir vu de blanc avec les soldats noirs. Est revenu en se traînant jusqu'au poste français où il a été pansé par Monsieur le Médecin Major de 1^{ère} classe CAMUS, et par Monsieur le Médecin Aide-Major de 1^{ère} classe Bozzo di BORGHO.

Présente à son admission à l'ambulance les blessures suivantes faites par instrument piquant et tranchant (coups de coupe-coupe) :—

(a) *Tête*.—(1) Plaie semi-circulaire, de 4 cms. de long, environ, de la région latéro-occipitale gauche, ayant intéressé seulement le cuir chevelu.

(b) *Thorax*.—(2) Plaie de 17 cms. de long, oblique de bas en haut et d'arrière en avant, s'étendant depuis l'apophyse épineuse de la 2^{ème} vertèbre dorsale jusqu'à la partie moyenne de la clavicule droite. Cette plaie à bords fortement éversés intéresse toutes les parties molles et les muscles jusqu'au squelette. La face externe du dôme pleural est à nu, sectionnée elle-même; elle donne, par un large orifice, issue à l'air, à chaque mouvement respiratoire.

(3) Plaie de 16 cms. de long, à peu près parallèle à la précédente, mais un peu plus postérieure et externe, intéresse les parties molles, les muscles ainsi que l'appareil ligamenteux de la voûte de l'articulation scapule-humérale droite.

Ces deux plaies ont déterminé un affaissement total de l'épaule droite.

(4) Plaie par coup de pointe de 4 cms. de long, au niveau de la gouttière vertébrale droite, de la 6^{ème} à la 8^{ème} dorsale, parallèle à la ligne des apophyses.

(5) Plaie par coup de pointe de 5 cms. de long, au niveau de la gouttière vertébrale droite, de la 11^{ème} dorsale à la 2^{ème} lombaire, ayant les mêmes caractères que la précédente.

(6) Plaie par coup de pointe, parallèle au rebord inférieur des fausses côtes, à la face postérieure du thorax, à gauche, s'étendant depuis l'apophyse épineuse de la 11^{ème} dorsale jusqu'à 7 cms. en dehors et un peu en bas de celle-ci.

(c) *Membres*.—(7 et 8) Sections des faces postérieures des deux avant-bras, avec fracture totale des deux os, à quelques centimètres des poignets. Les deux mains ne sont plus reliées aux avant-bras que par les tendons fléchisseurs et un mince lambeau cutané antérieur.

(9) Section des muscles de la région antéro-externe de la jambe droite, au tiers inférieur.

Les clichés photographiques de ces diverses blessures ont été pris par un photographe envoyé par le Quartier-Général, et sont joints à ce rapport.*

H. BAUVALLET.

No. 182.

le 10 Septembre 1915.

Vu et transmis,

Le Médecin Chef.

PASSA.

* See at end of book.

No. 362.

Vu pour la légalisation des signatures du Médecin Major de 2^{ème} Passa, et du Médecin Aide-Major de 1^{ère} classe Bauvallet.

Edéa, le 10 Septembre 1915.

Le Colonel Mayer Commandant les Forces Françaises
au Cameroun.

MAYER.

No. 5.

FROM SENIOR MEDICAL OFFICER, TROOPS, TO THE GENERAL OFFICER
COMMANDING ALLIED FORCES, NORTH CAMEROONS.

(Received in a despatch from the Governor-General of Nigeria, dated 18th December, 1915.)

Banyo,
10th November, 1915.

SIR,

I HAVE the honour to report to you the following flagrant and deliberate action of the German forces during the attack on Banyo hill by our troops on the 4th and 5th instant, and also during the action between the enemy and the mounted infantry on the morning of the 6th instant.

1. The enemy contravened Article 3, paragraph 9, of the Geneva Convention of July 6th, 1906, inasmuch as they repeatedly and continuously fired on myself and stretcher bearers, who were taking a stretcher up to get in Captain Seccombe, wounded, on the morning of November 5th, although we were all wearing brassards and the headman of stretcher bearers repeatedly waved a large Red Cross flag.
2. The enemy were also guilty of contravening section 4, paragraph 2, declaration 3, of the Hague Convention of 1907, by the use of expanding bullets, on November 4th, 5th and 6th.

With regard to No. 2 I had under my own care five wounded whose injuries had been made by such projectiles, and one other Medical Officer had three such cases; in all these cases there was not the slightest doubt at all that they were caused, not by the large bore .450 rifle used by the enemy, but by soft nosed expanding bullets with a hard casing.

I have, &c.,

F. E. BISSELL,

Captain, R.A.M.C. (R. of O.).

A/S.M.O. Troops.

(init.) W. W.

No. 6.

MAJOR-GENERAL DOBELL to WAR OFFICE.

General Headquarters, Duala,

28th January, 1916.

SIR,

I HAVE the honour to forward herewith evidence as to atrocities and breaches of international law by the Germans in the Cameroons.

2. The following documents are attached :—

- (a) Evidence of natives, affirmed before Mr. K. V. Elphinstone, M.A., of the Nigerian Civil Service.
- (b) Evidence given by British Prisoners of War, released by the Force under Lieutenant-Colonel Haywood in January, 1916.
- (c) Evidence from French Medical Officers and others, forwarded by Colonel Mayer, Commanding the French Contingent.

3. The Germans adopted a systematic policy of extreme brutality towards those natives who they considered might favour the Allied forces. From a military point of view they obtained a certain advantage by their methods in that the natives were terrified of the Germans and afraid to give information of their movements.

4. The principal massacres appear to have taken place among the Duala people, against whom special threats were always directed by the enemy. Before our occupation of Duala a great number of Dualas, including their chief, were hanged, and others imprisoned or otherwise punished.

The Dualas took no part in the operations, but the Germans appeared to consider that they favoured the British, and required to be treated accordingly.

5. On some occasions it is said that no Europeans were present during the enactment of the brutalities described, but sufficient evidence is here available to show that German Europeans encouraged such acts by personally cutting the throats of wounded British soldiers with knives, firing on peaceful inhabitants to terrorize them, and shooting natives without trial. In such circumstances as these it is extremely difficult to obtain the names of the Germans concerned, especially as the natives, as a rule, do not know, or take any interest in, the names of the Europeans whom they see on these occasions.

6. Captain M. J. Parker's sworn evidence as to the murder of British soldiers is very clear, but, again, it is extremely difficult to ascertain the name of the German concerned. It is to be hoped, however, that the date, place, and facts so clearly described by Captain Parker may ultimately enable these murders to be brought home to the man who committed them.

7. The shooting of the two wounded native soldiers at Garua by Von Crailsheim, which has been described, although contrary to British ideas in this country, and unjustified even on the grounds of necessity, is possibly according to the letter of the law, since they appear, in the absence of any guards, to have made some attempt at escaping from the hospital. Many German native soldiers have been captured by us and a number of their wounded treated in British hospitals. They have been given all the privileges of prisoners of war, but on their side they have not been expected to comply with the usages of civilized warfare, of which they know nothing. The execution at Garua, regarded from this point of view, is an unnecessarily savage reprisal.

8. I have already forwarded with my letter of the 19th September, 1915,* a clear case of the brutal mutilation of a harmless native by the Germans, together with photographs of the wretched man's present state.

There are many cases of the same nature now forwarded, and, as Mr. Elphinstone states in his report, evidence as to almost any number of similar cases is obtainable if more proof of the prevalence of these brutalities is required.

9. I draw special attention to the circular of Von Engelbrechten ordering reprisals, Von Hagen's speech to his men offering ten marks for each white man's head, and the murder and mutilation of our wounded.

I have, &c.,
C. M. DOBELL,
Major-General,
Commanding the Allied Forces.

Enclosure A in No. 6.

MURDERS AND ATROCITIES COMMITTED BY THE GERMAN FORCES IN THE CAMEROONS.

Evidence of natives taken before Mr. K. V. Elphinstone, M.A., of the Nigerian Civil Government, Chief Political Officer with the British Forces in the Cameroons.

Memorandum by Mr. K. V. Elphinstone, M.A., Chief Political Officer.

In forwarding the cases of murders committed by the German soldiers, I wish to make clear the following points.

2. It will be observed that in hardly any cases has hearsay evidence been taken; had I done so I could have produced an immense number of cases by this time. I have tried to avoid circumstantial evidence as well; but, as so frequently happens in murder cases, the circumstantial evidence is of the greatest importance. The usual evidence in the cases heard is: an alarm is raised of the approach of

German soldiers, all the villagers run away, and on coming back dead bodies are found either shot or bayoneted. To my mind the evidence is good enough, especially as no natives are in the possession of arms except those employed as soldiers or armed police by the enemy or by the Allies.

3. All the witnesses have been affirmed and not sworn. In the course of my experience in West Africa I have long come to the conclusion that for the most part an oath is ineffective and not binding, and therefore, if given, is an absurdity. The vast majority of the witnesses heard are pagans, to whom no form of oath is known or binding; I may add that the Germans were in the habit of "affirming" and not "swearing" a witness.

4. In every case a very close cross-examination has been held on every material point, and I have satisfied myself in every case that the witnesses have related what they believed to be true; I have turned away many who were not quite satisfactory under cross-examination.

5. The evidence has been taken, in fact, in exactly the same way as I am accustomed to take evidence in criminal cases.

6. There has been some reluctance on the part of the witnesses to come and give evidence; this I put down to two reasons, the fact that the witnesses had the trouble of coming to see me by canoe or road in the wet season and the fact that the natives can see no object in being put to this trouble.

7. Dates are not known to the natives except in a few cases of the highly educated men; therefore as far as possible evidence has been obtained of how long before or after an occurrence which can be fixed the events related occurred.

8. In many cases there are discrepancies in the evidence as to whether a certain individual was killed by a gunshot wound or bayonet wound; or whether a soldier first killed one man and then another, or *vice versa*. To my mind these discrepancies enhance the value of the evidence; I should look with grave suspicion upon evidence taken after a considerable lapse of time from several witnesses who at the time of the occurrences related had been labouring under the most intense excitement known to man, fear of death, and whose evidence agreed on all points.

9. Actual cases proved in which a European was concerned are rare: this does not, however, detract from the fact that the officers are entirely responsible for the acts of the soldiers. As a rule the black soldiers, "the point," are without a European; on the point's appearance the villagers run away. Further, patrols were sent out under no European supervision, whose deeds, if not ordered by the officers, must have been well known. In fact, many of the patrols were, as carried out by the soldiers, merely Duala hunts and looting parties, of whom no question would be asked. A common saying amongst the natives is that the Germans told them that the Allied Forces might take the country but that there would be no inhabitants left. C 1* bears out the above, being a letter from the Officer Commanding the German Troops acting on the Northern Railway.

10. The killing of civilians are the only cases gone into by me, except that incidentally evidence is sometimes given of looting. The crime of rape would probably be found to be common if evidence were taken; however, anyone of any knowledge of West Africa knows that the relations between a woman and her husband are on such a different pedestal to that of Christian and highly civilised communities that I have not troubled to go into the question. The fact of women having been taken away by the black soldiers merely shows a gross lack of discipline, but would not be looked upon as a crime in many districts if the value of the women was given in cash: too much stress, therefore, should not be laid on such evidence. It should be borne in mind that the civilians killed by the Germans are the natives of a country under their protection, whom they had ruled for many years; the murders were not committed by an invading army. In fact, owing to the treatment meted out, it was to the invading army to whom the wretched natives fled for protection; they very soon summed up the difference of treatment by the Germans and the Allied Forces.

11. The minutes of the evidence all marked "A" are arranged according to villages, to each of which is given a number, A 1, A 2, &c. The cases may be said to form four groups; A 1 to A 14 being cases up the Northern Railway line and the Mungo River as far as Nkongsamba, A 15 to A 21 being cases up the Wuri River, A 22 to A 24 being cases north of Bare, and A 25 to A 26 in the Edea district; A 27 is an isolated case in the Abo district.

* Enclosure in No. 2, page 9.

12. Appendices "B" and "C" contain copies of letters by British Officers and a translation of a letter from the Officer Commanding the German Forces acting on the Northern Railway line. These bear out the evidence of the cases and the statements made to me by some patients in the hospital whose evidence I was unable to take as I have that of the other witnesses; these statements are attached marked "D."

13. I could go on taking minutes of evidence of the murders committed at village after village; but they all have a certain sameness. If more cases are required I can obtain them; I have gone into only a small number of the cases.

14. The German officers concerned in these murders are as follows: The German troops operating up the Northern Railway line were under the command of Hauptmann V. Englebrechten (an Officer of one of the Guards Regiments): he has been in West Africa for some six years; he was in command of No. 4 Company: after Buea was taken his force was joined by the remnants of the Buea garrison, which has been under Gaiser, who was taken prisoner at Buea. Meinhardt, mentioned in "A," was an Officer under Englebrechten. The troops operating up the Wuri River were under Haedicke, in command of No. 1 Depôt Company; with him were Haveman, in command of a police force, Von Gasler, Distler, Kuntz, a trader (probably the Leopold Kuntz mentioned in "A"), Fischer, a trader, Frank (a road surveyor) and others. The troops round Edea were probably under Priester, the District Commissioner at Edea. It should be noticed that certain officers appear not to have allowed their troops to commit these murders, as for instance, Gaiser's troops in the Victoria and Buea country.

K. V. ELPHINSTONE,
Chief Political Officer.

CASE No. A 1.

The shooting of Wonja near Misellele.

Misellele is a village on one of the creeks flowing into the mouth of the Cameroon River. At this place there is a plantation which was managed by a German European named Guse. The German soldiers in the neighbourhood were probably a portion of Hauptmann Gaiser's command from Buea and appeared to have been placed under his orders.

Guse ordered a party of soldiers to visit Bupula, a small village close to Misellele, to capture Duala men, against whom special threats had been issued by the Germans. (See C 1.*) The victim was woken up in the night by a knock on the door, which he opened.

He was immediately shot dead by the German soldiers, who mutilated his body and took one of his hands back with them to report to Guse.

Held at Duala, 27th May, before Mr. K. V. ELPHINSTONE.

EDUBE GUNALE affirmed:—My husband name is Wonja Muna. He worked for Mr. Guse. Several months ago we were living at Bupula, quite close to Misellele. In the middle of the night I was woken up by someone knocking at the door. There were in the house Wonja Muna and his three wives, myself, Ebele and Esango. My husband went, we all followed. There were three German soldiers. My husband asked what they wanted. They did not answer. One soldier shot him dead. We were all close together. Then the soldiers looted the house. They cut off one of Wonja's hands. They took one woman, Esango, away to Mr. Guse.

EDUBE X her mark.

Interpreter and witness to mark:

DIBUSSI.

Affirmed before me:

K. V. ELPHINSTONE,
Chief Political Officer.

Certified true copy:

K. V. E.

Held at Duala, 27th May, 1915.

MIDE EBELE of DIBOMBARI, affirmed:—One day the two women, Edube and Ebele, came to me and said that their husband had been killed two days before. This was on the 11th September, 1914. They said that Esango had been taken prisoner, and that all their things had been looted. We went away and hid in the bush. After the British had landed at Duala, I came and told about the matter. The woman Esango, who was in prison here at Duala, was released. I was given a letter to go to Misellele. I went with my people. We found our boxes all empty in one of Mr. Guse's stores.

MEDE EBELE.

Interpreter and witness :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

Certified true copy :

K. V. E.

Duala, 14th June, 1915.

ESANGO GUNALE affirmed:—My husband's name was Wonja Muna. One night before the English came, five German soldiers came to my husband's house. There were present himself and his three wives. We were all called out. I did not hear the soldiers say anything. I was about ten yards away when they shot him; they shot twice. I went to fetch my baby so could not get away. I was caught. One of the soldiers cut off one of his hands with a matchet. The five soldiers took me to the canoe; they took down our boxes to the canoe. We then went to Mr. Guse. He told me nothing but had me put in the guard-room. There were also two men and one woman in the guard-room. I was kept all one day. The next day we were sent to Duala. The white man at the Palaver house did not say anything; I was kept two days in the old prison and was then sent to the new prison. I was eventually released by the English. The soldiers showed the hand to Mr. Guse; but I do not know if it was taken to Duala.

ESANGO X her mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

14th June, 1915.

Certified true copy :

K. V. E.

Duala, 14th June, 1915.

EBELE GUNALE affirmed:—I was a wife of Wonja Muna, who worked for Mr. Guse. This happened before the Germans had left Duala. The ships had come to the river. One night we were waken up. My husband went out. He was shot at once; he was shot twice. I managed to run away. There were five soldiers. When I came back I saw that one hand had been cut off the body. They were German soldiers.

EBELE X her mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

14th June, 1915.

Certified true copy :

K. V. E.

Held at Misellele, 11th September, 1915.

FRITZ WILLIAMS, clerk for Guse at Misellele, affirmed :—Guse had two soldiers who lived in the stable. I do not know what day this happened but I have the date in my office. One day Guse sent the two soldiers to Bopula. He ordered them to see if any Dualas were there, and to catch them; and if any English launch came to come and tell him. They were sent off in the morning. They went by canoe. They returned very early the next day; I saw them. They brought two women and some children and some three boxes. They told me to telephone to Guse that they had killed a Duala man; I did so: he told us all to come up. We came up to Guse. The soldiers said they had killed Wonja Muna as he had refused to come with them and had threatened them with a cutlass. They produced a hand cut off. They afterwards hung the hand up by the waterside on a stick. Guse said he had not ordered the soldiers to kill the man, only to catch him.

FRITZ WILLIAMS.

Witness to signature :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

Certified true copy :

K. V. E.

Misellele, 12th September, 1915.

Fritz Williams says that the date on which this occurred was the 13th September, 1914.

K. V. ELPHINSTONE, C.P.O.,
12th September, 1915.

Certified true copy :

K. V. E.

CASE No. A. 2.

Occurrences at Bonandale.

A party of German soldiers under a German officer suddenly appeared at Bonandale, a village near Bonaberi. The first thing the inhabitants knew was that the party opened fire on them. The Europeans with the detachment took part in the firing and a number of harmless people were killed.

Held at Duala, 20th May, 1915, before Mr. K. V. Elphinstone.

EPEYA NDUMBE OF BONANDALE, affirmed :—This occurred before the Germans left Duala. One day, about 2.0. o'clock p.m., I heard shots when I was inside my house and a lot of shouting. I ran out and saw every one running away. I saw some German soldiers along the Bonaberi road. I ran into the bush. As I ran I saw four men drop: Eboko Ndoko, Wunja Muangyangwa, Esume Dimwamwa, and Penda Bell. I hid in the bush. They must have remained in the town about two hours. I saw them as they left and I counted them—two Europeans and ten soldiers. I did not go back till 10.0. o'clock p.m. There were some other men already returned. I was shown three other bodies: Munjongi Ekwaka who belongs to my village and two other men who belong to Bona Puja, near Bojongo. They had taken some of our canoes but they did not loot the houses.

EPEYA NDUMBE X his mark.

Songo witness and interpreter :

ALBERT SONGO.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

Certified true copy :

G. A. R.

Held at Duala, 27th May, 1915.

SOLE OF BONANDALE affirmed :—One day about 2.0 o'clock p.m. I was in the village I saw some German soldiers and two Europeans come in. We did not run away. Suddenly one European shot off; Munjongi Ekwaka (a woman) fell down; she was about 150 yards from me. I know that this was the woman as I saw her body at that place when I came back. We all ran away and the soldiers shot at us. In the morning I returned. I saw lying dead, Eboko Ndoko, Masongo Yoko, Bonampako, a woman Kum : these had all been shot.

SOLE X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

Certified true copy :

G. A. ROBERTSON.

Held at Duala, 27th May, 1915.

BELLE MAKONG affirmed :—When I heard that the Germans were coming I ran away with other people. I heard shots going off, but I was not present. When I came back I was shown my brother's body; his name is Penda Bell. We buried him that evening. Penda was a fisherman.

BELLE MAKONG.

Interpreter and witness :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

Certified true copy :

G. A. R.

CASE No. A 3.

Murders at Bomono Ba Mbenge on the 30th September, 1915.

Bomono ba Mbenge is a village close to Bonaberi. The murders described were carried out by German native soldiers under the command of a German European. The case is very similar to the previous one described and is typical of the many murders that appear to have taken place under the direction of European officials.

Quotations from translation of letter dated 19th December, 1914, from Dr. M. A. Harberlin.

“On the 29th of September the German soldiers burnt the Duala town of Dibombari and shot several Dualas and the same thing happened in Bomono ba Mbange.”

Certified true copy :

K. V. E.

Held at Duala, 21st May, 1915.

DIBANDA MUNDINGO OF BOMONO BA MBENGE affirmed :—I wrote the date of this but I have not brought it along. One night I was woken up by shooting and shouting. I ran away into the bush. I only saw some of my people running. I hid all night in the bush. In the morning I came back with other people. We found every thing intact in the village; but we found killed with gun shots Njo Esambi and Kame Ndi men and Ngobo Mpa woman. There was also one woman Edimo To, shot in the

leg : she is alive. I heard afterwards that a white man was with the soldiers. I did not see the soldiers who did this, myself. The English had not come up then.

DIBANDA MUDINGO X his mark.

Interpreter and witness to mark :

ALBERT SONGO.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

On the 28th May, this witness returns with the paper on which he had written down the date : 30th September, 1915.

K. V. ELPHINSTONE.

Certified true copy :

G. A. R.

Duala, 28th May, 1915.

MUDINGO AKAME OF BOMONO BA MBENGE affirmed :—One night I was sitting in my house with another man. We heard shots. We ran away. I did not see soldiers. Next morning I came back I saw my brother, Bonanga Matiki, dead, shot through the body.

MUDINGO AKAME X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me .

K. V. ELPHINSTONE, C.P.O.

28th May, 1915.

Certified true copy :

G. A. R.

Duala, 28th May, 1915.

NJIMI OF BOMONO BA MBENGE, affirmed :—Some time ago, I was sitting outside my house talking. Suddenly I saw two German soldiers and one European coming. We all ran away because we had heard the Germans were shooting people. While I was running I heard several shots. I came back next morning. We found dead, Ngolo Mpa, a woman dead, shot through the chest, and wounded, one woman. Edimo To. I heard that there were other people shot, but I did not see them.

NJIMI X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.,

28th May, 1915.

Certified true copy :

G. A. R.

Duala, 28th May, 1915.

MUKURO ESAMBI OF BOMONO BA MBENGE affirmed :—One night, about 9 o'clock. several months ago, I was talking to some friends. Suddenly we heard several shots and we all ran away. I did not see the soldiers myself. I came back next morning; I found my brother, Njo Esambi, killed. He had been shot through the thigh from the back. After we had buried him I went away.

MUKURO ESAMBI X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.,

28th May, 1915.

Certified true copy :

K. V. E.

CASE NO. A. 4.

Murders at Bonamateke.

Bonamateke is close to Bonaberi.

Two men were shot and another wounded by German soldiers.

Duala, 28th May, 1915.

ANDREAS MEKWARI affirmed:—On the 29th September I heard a shot. Some people came running and said that the Germans were coming. We all ran away. I went with two men, Kinja Toto and Epanja Songe. We went to a house in the bush. About middle day two German soldiers came; they ordered us out. I asked them whether they would kill us. Then one soldier stuck his bayonet into my face. When I saw blood I thought I should die. We began to run away. My two friends were immediately shot dead. I was shot through the belly. I fell down and the soldiers left.

ANDREAS MEKWARI.

Interpreter and witness:

DIBUSSI.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

28th May, 1915.

Certified true copy:

K. V. E.

Witness has no scar on his face, but has a scar on the left side of his belly.

K. V. ELPHINSTONE.

CASE NO. A. 5.

Murders at Dibombari.

Dibombari is close to, and to the north of, Bonaberi. Meinhardt, the German mentioned by the witnesses, was originally an official in the German Forestry Department and was employed on the outbreak of war as a non-commissioned officer with the force acting under the orders of Hauptmann von Engelbrechten on the northern railway.

Von Englebrechten's instructions as to the treatment of natives have already been referred to and are given in C.1.

In the presence of Europeans a number of men were shot, and one man had his throat cut after being tied to a tree.

*Quotation from translation of letter dated 19th December, 1914, from
Dr. M. A. Harberlin.*

“On the 29th of September the German soldiers burnt the Duala town of Dibombari and shot several Dualas, and the same thing happened in Bomono ba Mbange.”

Certified true copy:

K. V. E.

Duala, 21st May, 1915.

EYUM NJANGA OF BWELELO, DIBOMBARI, affirmed:—I was in my house about 29th September. Some people came running into my town from Ngori, shouting that a white man had killed two men. All the people began to run away. I remained in my house looking out. I saw some German soldiers come; they came up to about 50 yards. I then saw a white man coming on a horse behind. I know him, his name is Meinhardt. He shouted in German for the headman, that is me: I know

"Hauptling." I got out of the window, and hid in the bush. During the night I saw the houses burning and I heard shots when I first ran out. Next morning I went to Bonaberi and reported to the officer. I went back to my village the same day. Then I found a great many houses burnt; but the soldiers had not looted the place. We found Lobe Penda still alive, shot in the right upper arm (he died the same day when we were taking him to Bonaberi). We found Ndia Njanga with his throat cut; he had been tied by the body, arms and forehead to a plantain. We found Ekwe Wanga shot dead outside his burnt house—he had small-pox. Kolo Sefo was shot in the foot, he is alive now.

EYUM NJANGA X his mark.
ALBERT SONGO,
Witness and Interpreter.

Affirmed before me :

K. V. ELPHINSTONE,
Chief Political Officer.

Certified true copy :

K. V. E.

Duala, 28th May, 1915.

ETAME EKWE OF BWELELO, DIBOMBARI, affirmed :—One day some time ago, I was sitting outside my house. I saw some German soldiers and one European coming. I know this European, but not his name; he looked after the labour. They came some 200 yards up to where I was. I heard a shot. When we asked why they had shot I was told that one of the soldiers had shot a pig. I saw the soldiers trying to catch some people to carry the carcass. We all ran away. They caught one old man who carried the pig. Next day I came back. The soldiers had come again during the night and had burnt part of the town. I slept in another part of the town. Early the next morning we saw soldiers coming. We all ran away; but my brother, Ekwe Wanga, had fever and could not run. I only heard one shot. After some time I came back and found Ekwe Wanga dead, shot through the body from left to right; he was lying five or six yards away from his house. I buried him. While doing so I heard another shot.

ETAME EKWE X his mark.

Interpreter and witness :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE,
Chief Political Officer.

Certified true copy :

K. V. E.

Duala, 28th May, 1915.

KAM EBONGE OF BWELELO affirmed :—I was away from the village. I came back early one morning and was told that the Germans were shooting people and that they had burnt some of our houses. I climbed up a pawpaw tree to get a pawpaw. I saw four German soldiers and a European coming. So I shouted to the other men. We all ran away in different directions. As I ran I heard a shot and then Lobe Penda call out he was shot. I only heard one shot. I came back again afterwards the same day and found Lobe Penda alive but shot in the left upper arm. We carried him away to the British, but he died on the road.

KAM EBONGE

Interpreter and witness :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE,
Chief Political Officer.

Certified true copy :

K. V. E.

CASE No. A. 6.

Murders at Yandong.

Yandong is a village in Dibombari. The incidents mentioned probably occurred during the first week in October, 1914. By this time the local natives were so terrified of the Germans that the mere rumour of their approach was sufficient to make them run away. Belange Pokossi probably means that the British had reached Maka and not Majuka, which is much further north and was not then in our hands. The third witness confirms this supposition.

Duala, 31st May, 1915.

EDIMO MODI YANDONG (Bakoko I), affirmed:—These events occurred at the end of September, 1914. I was fishing. A messenger came to me warning me not to go home as a German white man and soldiers had come asking for me. I went away to Bonaberi and informed the officer. He sent soldiers with me and Eyung Njanga. We never reached my country as rain came on; the soldiers went back. I went to sleep at a small farm. While there a messenger came and told me that Toko Mitsha had been killed by the Germans. The next day I went to my village. There I found Nyambi Mitsha, a man, and Bolanga Nyambi, both dead. The former had been shot in the arm and back, the latter in the back. There were also two men wounded, Mise Mbongo and Belinge Pokossi.

EDIMO MODI.

Interpreter and witness:

DIBUSSI.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

31st May, 1915.

Certified true copy:

G. A. R.

Duala, 1st June, 1915.

BELANGE POKOSSI affirmed:—There was one European and some German soldiers who lived in our town for two days. They took one man away and we heard he had been shot. The news came that the British had arrived at Mujuka. I heard shots in the town and ran away. I was shot through the right shoulder. I went to the doctor at Bonaberi.

BELANGE.

Interpreter and witness:

DIBUSSI.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

1st June, 1915.

Certified true copy:

G. A. R.

Duala, 1st June, 1915.

MISE MBONGO OF YANDONG affirmed:—I had run away and was living in the bush. I heard that the British had reached Maka. I went to try and find food. We went several of us together. When near our village we sent one man into the village to see if all was clear. He came back and said the soldiers were there. We then ran away. I met one German soldier in the bush who shot me in the arm.

MISE MBONGO X his mark.

Interpreter and witness to mark:

DIBUSSI.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

1st June, 1915.

Mise Mbongo has a scar on the right upper arm.

K. V. ELPHINSTONE.

Certified true copy:

G. A. R.

CASE No. A. 7.

Murder at Mbonjo.

Mbonjo is a village on the Mungo creek, 15 miles north-west of Bonaberi. A launch came up on the 5th October, 1914, and was fired on by the Germans living in the village. The headman had ordered the inhabitants to leave on the advice of a German-European officer. They went and hid in the bush. Some German soldiers went out to look for them, found them in the bush and caught four men; these four were found in the village on the arrival of a British patrol on the 7th, shot, with their hands tied behind their backs. The Germans returned after the British left and killed at least two men; a girl being killed in a neighbouring farm.

Held at Duala, 17th August, 1915.

DIPANDA MPO OF MBONJO affirmed:—I was in Duala when the English landed. I went up to Mbonjo. The Germans were in the town. Our headman told us to go to the bush. We all went. I went with my young brother Esenge. I found his body all swollen up on October 7th near the village under a plantain; he had been shot. He had left me two or three days. He had obviously gone to cut some plantains and been shot by the Germans.

DIPANDA MPO X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

17th August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 17th August, 1915.

TIKI TONGA OF MBONJO:—I live at Nkondoko which is one hour from Mbonjo. During the night of the 7th and 8th October, in the evening, some German soldiers came into our village. We all ran away; but my sister Ngo Ntonga was caught by them. I heard her screaming. I came back three days after. I saw no wound; the body was swollen up inside her own house. I saw no marks on her body.

TIKI TONGA X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

17th August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 17th August, 1915.

EPUPA MBONGO OF MBONJO affirmed:—We were many of us hiding in the bush at the beginning of October. Some German soldiers came on us and caught four men and six women: I was there. I afterwards saw two of them dead in Mbonjo: Mongo Ngale and Dipanda.

EPUPA MBONJO X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

17th August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 17th August, 1915.

KUNE LOKE OF MBONJO affirmed :—On the 5th October I ordered all my people to leave the town and hide in the bush. This we did. The same day a launch came up; the Germans who had been some time in my country fired on the launch and she went back. We had run away because of the ill-treatment. On the 6th the Germans set to work to catch us. I had collected some of our people in the bush. We saw some German soldiers coming; they told us not to run away; we did not believe them, so we ran. Four men and six women remained as the soldiers shot at us. I hid in the bush and saw the soldiers take Dipanda, Jombe Ewan, Mongo Ngole and Eyango Ewane and the six women; I followed behind; they went to Bakundu. I left them there. We got the women back afterwards. On the 7th some English soldiers entered Mbonjo; but the Germans had left. I saw the bodies of the four men already named: they had all been shot in the back; their hands were tied behind them still; they were lying within fifty yards of each other in the village along the road.

KUNE LOKE X his mark.

Interpreter and witness :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

17th August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 17th August, 1915.

EPANA NJOMBE OF MBONJO affirmed .—On the 7th October the English came into Mbonjo. On the 9th I came into Mbonjo and saw the dead bodies of Mueme and Nyambe. On the 7th I and other men, including Mueme and Nyambe, came with the English; these two men remained in the village when we left. I never saw them again alive.

EPANA NJOMBE X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

Certified true copy :

K. V. E.

MOTE KEME OF MBONJO affirmed :—On the 5th October the launch came up the river and fought with the Germans. I was not present, but my father told me as follows: My brother Ndongo Toko swam across the creek after the fight as he thought the Germans had gone. He went to the village with our father. When he got close to the village he was shot dead. My father ran away. I saw the dead body afterwards.

I also saw the bodies of Mueme and Nyambe in the barracks where the Germans had been. The bodies were rotten.

MOTE KEME X his mark.

Interpreter and witness :

DIBUSSI

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

17th August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 31st August, 1915.

MONGE MASANGO OF MBONJO affirmed :—The Germans were in Mbonjo some time. One day a German told us that we had better leave the village, as if there was a

fight we might get shot. I went with my brother Nkame Masango to our farm. Two days later we saw two German soldiers coming; we ran away; I heard a shot, and two days later I found the dead body of my brother. When I returned afterwards to Mbonjo I saw several dead bodies lying about.

MONGE MASANGO.

Interpreter :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

31st August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 31st August, 1915.

NOBI EWANI OF MBONJO affirmed :—The headman told us to go into the bush. I hid in the bush some days. There we were told that the English had entered Mbonjo. I came back the same day. I saw the dead body of my brother Penda Ewani. He was lying just outside his house; he had been killed with a bayonet and his genital organs had been cut off. I returned to the village two days after we had left it. Mbonjo is in two parts: the slave and the free villages. I and my brother lived in the slave part. The English soldiers were in the free part. While we were crying the English soldiers came to us.

NOBI EWANI X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

31st August, 1915.

Certified true copy :

K. V. E.

CASE A. 7 (a).

Murders at Babenga.

Babenga is on the Mungo creek. Some soldiers woke up the inhabitants during a night probably during the first week of October. The headman collected all the people; they were told by the soldiers that they were going to remain there as a post. When the people heard this they were afraid that the soldiers would ill-treat them, so they began to go. The soldiers immediately began to shoot them, killing four men.

Held at Duala, 1st September, 1915.

MAKA EWANE, headman of Babenga, affirmed :—Many months ago, one night I was woken up by a knocking on the door. I went out and found eight German soldiers; they said they wanted to see all the people. I went round to each door and called every one. Then the soldiers said they had orders to keep watch in our village. When the people heard this they began to run away; as they were afraid that the soldiers would behave badly. The soldiers began to shoot. They shot Londo Ngando, Masango Etuke, Munyange, and Fine Boy; they all died. I ran away. I went to Duala to report the matter and returned to Babenga the next day; we buried all four. The British soldiers came the same day.

MAKA EWANE X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

1st September, 1915.

Certified true copy :

K. V. E.

CASE No. A. 8.

Executions by German Native Soldiers in the Balong Country.

Bewang is in the Balong country.

The soldiers caught twelve men and brought them to a post at Bewang and put them amongst the carriers. During the night they were called out and shot; one man escaped by hiding amongst the carriers. It appears that no European was present at these executions.

Held at Duala, 28th September, 1915.

MBANE NAMBE OF BALONG affirmed:—The Germans were at Bewang, close to Balong. One day a message came for the headman. He ran away. The next day some German soldiers came and tied up twelve of us. I was allowed to go and get a sewing machine. We were taken to Bewang and put among the carriers; this was at night. Presently we were called out. I hid among the carriers. When the rest went out they were shot at once. I believe that there was no European present. As soon as I heard the shots I ran away.

MBANE NAMBE X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

Certified true copy :

K. V. E.

CASE No. A. 9.

Reprisals on the Native Population at Susa for Interference with German Soldiers.

Susa is a town consisting of several scattered villages on the Northern Railway. For several days about the 19th October, 1914, the German soldiers kept on shooting down the natives.

Held at Duala, 13th August, 1915.

DIPANDA MAPOKO affirmed:—This happened many months ago. One day, in the morning, I saw three German soldiers come into our village, Makimba, which is about forty minutes' walk from Susa. They first walked through the village and back again; they did no harm to us. We thought it would be a good thing to catch them. We sent one man to call the British: they did not come for a long time. Then the soldiers began to walk away. We collected together and thought we could catch them. The soldiers told us to keep away from them. We followed them, so one soldier shot Ewane Dikune dead; we all ran away. When the English soldiers came up we found the dead body of Ewane. They also wounded a small boy, Toko Tua.

One Sunday evening we buried a small boy. My brother, Mise Mapoko, went that evening to Mbomo Mbomo. The next day a small boy came and told me of a dead body. I went and found Mise killed with a bayonet. This happened before the death of Ewane. Mise was killed on the 19th October, 1914. Ewane was killed a week after, about. The day Mise was killed there was a big fight at Susa and Lala.

DIPANDA MPOKO.

Interpreter and witness :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

13th August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 13th August, 1915.

BASUKA WANG OF SUSA affirmed :—My father went away to Bomono. I heard that he had been killed by the Germans. Some four days after I went out and found the dead body of Nkapa; he had been shot from behind. Ekumi Matuki told me he had been shot by the Germans.

BESUKA WANG X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

13th August, 1915.

Besuka Wang recalled : My father died with Ewane.

BESUKA WANG X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

14th August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 13th August, 1915.

ELONG NTOKO OF BONABERI BA SUSA affirmed :—This happened the same day that Mise Mapoko was killed. Bony, a Malimba man, came and told us the European at Susa had sent him to tell us all to go into Susa as the Germans were coming. We started away at once. Before we all got out we saw many German soldiers coming; they began firing at us. We all ran away. We came to Susa railway station and went and lay down behind the English troops. The Germans came but were eventually driven off. In the evening I went out and found the body of my brother Mbangé Ntoko behind a house in the village : he had been shot in the back.

ELONG NTOKO X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

13th August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 13th August, 1915.

WARUBUMBU OF MANKULA, a SUSA town, affirmed :—One day some time ago we heard that the Germans were coming, and the English : the Germans ran away and came to our country. They scattered all about the village, which they eventually burnt. There were two Europeans with them. I ran away but I saw the soldiers shooting at my people. The next day the English came; they went the same day towards Mangamba. I came in and saw the dead bodies of Warubange, and Shunanga men and of Ndale, a woman. This was a few days before the death of Ewane. Ntin told me that a European shot at him but missed.

WARUBUMBU X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

13th August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 13th August, 1915.

MBOMO MBOMO OF SUSA affirmed:—I do not know the date of this, but it happened some months ago. The British soldiers were at Susa railway station. At 9.0 o'clock one morning, we saw nine German soldiers and one European coming down the road. We had two men whom we used to keep watch on the Germans; these men came in early in the morning and said the Germans were coming. We waited ready for them. I saw them coming down the big road. I saw the European: his name is Meinhardt. He used to work at Susa. I ran away to the English soldiers at Susa station. The English came out—six Europeans and many soldiers. The soldiers had green caps on. We did not find the Germans; they had gone. We found the dead bodies of Mise Mapoko, Ngoko Sanga, and Bokoto: these men had all been killed with a bayonet; the bodies had been dragged into the bush. Mise Mapoko was drunk that morning.

Some other men were, I hear, shot afterwards; I do not know personally about this.

MBOMO MBOMO X his mark.

Interpreter and witness to mark:

DIBUSST

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

13th August, 1915.

Certified true copy:

K. V. E.

Held at Duala, 14th August, 1915.

MATEKE EWANE OF BONABERI BA SUSA affirmed:—Many months ago, one morning, the German soldiers came into our village; I was caught and tied up with six others. During the day at some distance the Germans fought the English. In the evening I was set to build a shelter. I then ran away: during the night I met my brother Mbape Kwati; in the early morning we went to a farm to get something to eat. We were on a cross road when suddenly a German soldier shot my brother; he was within a few paces of us. I saw my brother drop. After two days I went and buried the body. My brother was killed a few days before the death of Mbange Ntoko.

MATEKE EWANE X his mark.

Interpreter and witness to mark:

ETIA.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

14th August, 1915.

Certified true copy:

K. V. E.

Held at Duala, the 14th August, 1915.

NGONG TOYA OF SUSA affirmed:—The British were at Susa railway station; they had been there some ten days. In the early morning two German soldiers came into the village. I did not see them at first; I heard my brother Ngoko Toya cry out; I ran up and saw two German soldiers and in the distance a European. I ran away to the bush and hid but came back in the evening. During the day I heard much shooting; that was the day there was a big fight. When I came back I saw my brother's body; he had been killed with two bayonets. I heard that Mbo Boto also had been killed that day. This occurred the same day as Mise was killed.

NGONG TOYA X his mark.

Interpreter and witness to mark:

ETIA.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

14th August, 1915.

Certified true copy:

K. V. E.

CASE No. A. 10.

Murders at Kake.

These murders are scattered over a week about October 14th and onwards. The Germans were continually sending patrols through these villages, shooting and bayonetting any natives whom they met. On October 14th the soldiers arrived by train and shot at the group of villagers collected to see the arrival of the train.

Held at Duala, 16th August, 1915.

MOTO TOTO OF KAKE affirmed: I am a brother of Mbonko, one of the Kake headmen. One day in October last, the Germans came to our village and tied up Nbonko and Nta, headmen, and others. The English were at Mpaka. Nta ran away. The Germans ran away when they heard that the English were coming; before running away they shot at the English. Three days after they came back again. This time they came by train. When the train stopped, some of our people collected at the top of the road to look. As soon as the soldiers were out, they began shooting the people. They only shot one man, Ngole Ko, as every one ran at once. They wounded Nkongo, Mukulu, and Oto who died subsequently. They then burnt the village. This happened on 17th October, 1914.

Moto Toto.

Interpreter and witness:

DIBUSSI.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

16th August, 1915.

Certified true copy:

K. V. E.

Held at Duala, 16th August, 1915.

DANIEL MBASI KO OF KAKE affirmed:—In October, the same day that the Germans shot Mbongo Mbom from the station, they killed my brother, King Ko. After all ran away, he and I came back to fetch some things. I had taken some things out of the house when I saw the German soldiers close. I called King Ko and ran away. I heard one shot. I went to Susa to the English; they came cut at once, but the Germans had left Kake. I found the body shot right through the body.

DANIEL MBASI KO X his mark.

Interpreter and witness to mark:

DIBUSSI.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

16th August, 1915.

Certified true copy:

K. V. E.

Held at Duala, 16th August, 1915.

NKWANKO OF KAKE affirmed:—Three days after the Germans had shot at our people in the village from the railway station, I and my brother Ngole Ko went to Kake to fetch some cotton goods left there. We went into the house. After a bit I saw some German soldiers close by; I ran away, but Ngole Ko was shot. I went to Susa and brought back Nkongole. We saw the dead body of Ngole Ko and buried him. We went to Susa. The next day I went back with my uncle Bonambela to find food. We saw the German soldiers and ran; but he was old. I heard him cry out: "I am dead." Five days afterwards, when the English had driven out the Germans, I went back and found the body; his belly had been cut open with a

knife. My brother, Ngole Ko, was shot on the 17th October. It was Mbongo Mbom shot from the station, not my brother.

NKWANKO X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

16th August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 23rd August, 1915.

TIKI KOKO OF KAKE affirmed :—I do not know the date. The English had come to Susa; the Germans had gone to Mujuka. One day we saw some German soldiers coming into our village; there were three Europeans with them. They began to catch some people; I ran away with others. They caught two men. I ran to Susa. I returned the next day and saw these two men dead; they had been bayoneted both in the bush near the houses; they had run away and been caught. Their names are Kofon and Titi Nyaka. The next day again I saw the body of Nkombe Dia; he had been shot inside his house. I heard about King Ko being killed; he was killed some three or four days before Kofon.

TIKI KOKO X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

23rd August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 23rd August, 1915.

NGOLO NJEKI OF KAKE affirmed :—This happened when there was a big fight at Susa. I was living at Susa. I went with my brother Titi Nyaka to Kake to get food. We had got inside Kake by Titi's house; he was picking plantains; I was quite close. Suddenly Titi called out : "Ngolo, I am caught." I saw two German soldiers kill him with a bayonet. I ran away to Susa. The English came out and fought the Germans at Kake. I buried my brother the same day as the Germans ran away. Titi was killed some eight days after King Ko.

NGOLO NJEKI X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

23rd August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 23rd August, 1915.

NTA MULOMBO OF KAKE affirmed :—These events happened in October when the English were at Susa. One day when the German soldiers were in a village, they came and told us that they had killed Penda Makuti and Ngoso Etoke. They were killed in a small village quite close. I went with others and buried them. I do not know why these two men were killed. They were in amongst the houses and had been shot. The name of the village is Pupa. Some eight days after we were told that Kombe had been killed. We went out and found the body on the road to

Kundang. I cannot say that he had been shot by the Germans, but the Susa people told us he had been. I heard about King Ko being killed; he was killed after Penda but before Kombe.

NTA MULOMBO X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

23rd August, 1915.

Certified true copy :

K. V. E.

CASE No. A. 11.

Murders at Miang.

These events occurred during the latter half of October or during November, 1914. Several men and women were in the house of Ngolo Mwele. The guests left about 10 p.m. One of them was shot. Ngolo Mwele then went and hid with his wives. They saw the soldiers go to the house of Mpondo, who had just returned to his house. Mpondo opened the door and was shot at once. After a bit, Mundo, one of Mpondo's wives, who ran out of the house to escape, was shot at, but missed. Then the soldiers entered the house, killed the other wife of Mpondo and brought out a youth Sepo Nusade; he was told he might go, and whilst going was wounded twice.

Held at Duala, 16th August, 1915.

MUNDO, WIFE OF THE LATE MPONDO, affirmed :—One day some months ago, late at night, some one knocked at the door of the house. My husband Mpondo opened the door and was immediately shot dead; he called out once. The soldiers then called but we did not answer; there were in the house myself, another wife Matio, and a boy Sepo Nusadi. After a bit I looked out and saw a soldier standing some little distance away. I told Matio we must run for it. She refused; I slipped out and was shot at twice but was missed. I then hid close by. The soldiers went to the house, went inside and shot; the next day we found Matio under the bed, dead. The soldiers brought out Sepo. They did not shoot at once; they left him with one soldier. Sepo went away and was shot twice by the soldier.

MPUNDO X her mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

16th August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 16th August, 1915.

NGOLO MUELE, HEADMAN OF MIANG ABO, affirmed :—I do not know when these events happened; but the British troops were in Kake, but not at Jabassi. Six soldiers came and stopped in my country; they used to be constantly changed from Susa; they were under Meinhardt who used to come to my village. One night my brothers Makola and Mpondo and the latter's wife Matio Longo were in my house. About 10.0 Makola went out to his house; I accompanied him some of the way; I turned back and heard a shot; I never heard the soldier call; the next day I saw the dead body which I buried. I ran away with my wives; I watched and saw three soldiers come to my house and knock; they then went to Mpondo's house; Mpondo and his wife had in the meantime returned to their house. The door was opened

and Mpondo was shot at once. The soldier went some little way off. After a bit Mundo, Mpondo's wife, ran out, was shot at but missed; the soldiers then went to the house and shot Matio inside the house. The soldiers all went away. The next day I buried all three bodies. I heard also that the same night they shot Miyungu Nkwat in my village, but I did not see this. The soldiers burnt some houses. The village was then deserted. I heard that the soldiers came back the next evening and burnt some more houses down by the waterside; they have certainly been burnt. After the soldiers had shot Matio they went inside and found Sepo Nusadi, a Duala boy of Bonaberi; he was brought out, but when they saw he was lame some of the soldiers did not want him shot; one did; so he was left with this soldier who told him to go; he went, and was shot twice; he fell down and was left for dead. He recovered however.

NGOLO MUELE X his mark.

Interpreter and witness :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

16th August, 1915.

Certified true copy :

K. V. E.

Held at Duala, 23rd August, 1915.

SEPO NUSADI OF BONABERI affirmed :—I live at Miang. Some months ago I was living in the house of Mpondo. There were in the house Mpondo, myself and his two wives, Matio and Mundo. During the night Mpondo was called out; he went out and was shot at and killed. After a bit I looked and saw four German soldiers. After some time Mundo told Matio to run with her. She refused. Mundo ran out and was shot at twice. Then two soldiers came into the house; they lit a lamp. They found Matio under a bed; they kicked her; she came out from the bed; they killed her with an axe. They then found me hiding. They took me. They told me to show them the headman's house. I showed them. They then let me go. I ran away and was shot at three times. The first shot missed me, the second got me in the left fore-arm and the third in the left shoulder. Two soldiers came and looked at me; they asked me if I was dead. I was left there.

SEPO NUSADI X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

23rd August, 1915.

Certified true copy :

K. V. E.

CASE No. A. 12.

Looting and Murder at Ndo Mianja.

A party of soldiers arrived at Ndo Mianja, looted the place and made some of the natives carry away the loot. On the road one man tried to escape and was shot and two other men bayoneted and killed by hitting them on the head with a stick. On the way they also caught a man at a farm, tied him up and cut his throat. This occurred on the 15th November.

Held at Mujuka, before Mr. K. V. ELPHINSTONE.

MBUNGE OF NDO MIANJA affirmed :—One day, some months ago, some seventeen German soldiers came to my town; there was no white man present. They said that they were looking for Dualas. I said there were none. They, however, caught thirteen of us. They looted the village. They tied us all in a line, gave us loads to carry and made us start. They took us along the Kumba road. After we had gone some distance they killed three of my men. Muketti asked the soldiers if he could not be loosed so that he could carry the load on his back. This was done. While he

was fixing the load he bolted into the bush, but was immediately shot in the head. Two other men, Elonge Penda and Obassi, tried to bolt, but could not as they were still tied up. One soldier fixed his bayonet and killed Obassi; another soldier beat out Elonge Penda's brains with a heavy stick. We then went on to Kumba, sleeping one night on the road. Here the soldiers ran away, as the English soldiers were coming. The soldiers were Bamums.

MBUNGE X his mark,
30th April, 1915.

Interpreter and witness to mark :

DIBUSSI.

Certified true copy :

K. V. E.

Held at Mujuka, before Mr. K. V. ELPHINSTONE.

EPITE OF NDO MIANJA affirmed :—Some months ago several German soldiers came into our village. They called the headman, the previous witness, and asked if there were any Duala men present. The headman said no. The soldiers then tied up some thirteen of us. They looted the village and put the loads on our heads. When we were on the road they killed three men. Elonga Penda was loosed by the soldiers as he wanted to carry his load on his back. He tried to run away and was at once shot. Two other men tried to escape. One, Obassi, was killed with a bayonet, the other, Muketti, was killed with a stick.

EPITE X his mark,
30th April, 1915.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

30th April, 1915.

Certified true copy :

K. V. E.

Held at Duala, 6th July, 1915.

BATAKA OF MUNGO affirmed :—I was staying at Ndo Mianja. On 15th November I saw nineteen German soldiers come into the town about 9.0 o'clock or 10.0 o'clock. The soldiers caught all the fowls and looted all the houses. I was arrested with others. We were tied up; we were given loads to carry. We started away on the Mujuka road. Muketti could not carry his load further, so he was killed by hitting him with a stick on the neck. Obassi tried to run away; he was killed with a bayonet.

As we passed Mukori Jemba's farm, they caught Dibobe of Balung. They tied him up and cut his throat with a knife.

On the way I got loose and threw myself into the water and got away.

BATAKA X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

6th July, 1915.

Certified true copy :

K. V. E.

CASE No. A. 13.

Murders and Brutalities at Koto Nduru.

Much the same story as A. 12, except that the soldiers murdered a small boy before leaving the village. One old man was suddenly bayoneted on the road. The soldiers also killed a man found on a farm.

Held at Mujuka, before Mr. K. V. ELPHINSTONE, 30th April, 1915.

NGODI BOBE OF KOTO (NDURU) affirmed:—Some months ago nine black German soldiers came into our village during the morning. They said they were looking for Dualas; we said there were no Dualas there. They caught hens and sheep. They looted our boxes as well. They then said we must carry these loads for them. We were roped together. My father and my young brother were given loads as well as myself. When we had gone some way, my father said that his load was too heavy. The soldiers would not let him change his load; after a bit the soldier who was looking after him, put his bayonet into him three times. He died at once. Before leaving our village, for some reason which I do not know, a soldier picked up my small brother by the feet and dashed his head into the ground; he did this twice and then kicked the body. The boy was only four or five years old and he died at once. We were not allowed to bury him. I do not know these soldiers; they were all Yaundis. At one place the soldiers left us to go and loot a farm. I and two other men ran away; they shot at us four times. We went into Mbonjo where the English soldiers were. This happened in October.

NGODI BOBE X his mark.
30th April, 1915.

Certified true copy :
K. V. E.

Held at Duala, before Mr. K. V. ELPHINSTONE, 7th August, 1915.

SONA BALUMBE OF KOTO (NDURU) affirmed:—Some months ago some twelve soldiers came to our village; they were German soldiers. They tied several of us up and looted the houses. They then tied us up. They made us carry the loads. After starting from the village they killed a small boy by throwing him on the ground; he was left dead. They then killed an old man who was with us. After that near a farm I managed to escape in a river. The soldiers shot off but hit no one.

SONA BALUMBE X his mark.

Interpreter and witness to mark :
ETIA.

Affirmed before me :
K. V. ELPHINSTONE, C.P.O.
7th August, 1915.

Certified true copy :
K. V. E.

Held at Duala, before Mr. K. V. ELPHINSTONE, 7th August, 1915.

KUM MBUSI OF KOTO NDURU affirmed:—This occurred some time ago. Twelve German soldiers came into our village one morning. They looted the houses and tied up some of us. We were then tied together and started away with the loads. After a bit one old man who could not carry his load was killed with a bayonet. On the road they caught a young boy who also belonged to our village; his name was Ebobusi. A soldier picked him up and threw him on the ground till he died; the soldiers said he was a Duala. After that they killed a man called Dibobi in the Farm Sono Sombi; he was also killed with a bayonet. After a bit I managed to escape along a river.

KUM MBUSI X his mark.

Interpreter and witness to mark :
ETIA.

Affirmed before me :
K. V. ELPHINSTONE, C.P.O.
7th August, 1915.

Certified true copy :
K. V. E.

CASE No. A. 14.

The Murder of Natives at Dibamba.

On the 2nd October, 1914, the soldiers began shooting the people who tried to escape across the river at Dibamba.

KUA TUTU affirmed:—At Dibamba my house is just across the creek from the house of Mr. Damkohler, in which was living Mr. Schmidt. When war broke out Mr. Damkohler went away; Mr. Schmidt came and sat down. During peace time one soldier and one clerk are always at Dibamba. They had orders to have all the town cleaned, which was done by the people. All the bush at the bank of the river was cleaned. One day we heard guns from the Yapoma direction. On the 2nd October I asked Kina Dika, who is my friend, to come and drink; he came across the creek. He came across about 2.0 o'clock. We had sat together a very few minutes when I heard a gun fired. I stood up and saw people running away, some to the bush and some crossing the water by canoe and swimming. I saw several soldiers the other side of the creek. I did not see any white man. The soldiers were shooting. I saw one man shot in a canoe, Ekwona Songe; he was shot dead and he fell into the water. I have never heard of his body being found. I then ran away. I do not know of any white man being present except Mr. Schmidt.

I heard that two other men were shot, Bekima Dibobe and one other man.

Duala Tutu would probably know about this; his house is next to mine.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

23rd March, 1915.

Certified true copy:

T. B. J.

KINA DIKA affirmed:—I am a Duala man. I was told that the order was that no Duala man should come into Duala from Debamba where I had gone to. One day I heard guns from Yapoma way. We did not know then that war had begun. On the 2nd October I was asked by a friend, Kua Jutu, to cross over the creek and drink with him. I went about 2.0 o'clock, and sat down with him on the verandah of his house which is close to the waterside. In a very few minutes we heard guns going off close by across the river and saw people running away into the bush and trying to cross the river by canoes and by swimming. I saw one man shot whilst in a canoe; I saw a soldier on the bank shoot him; the man's name is Ekwona Songe. I do not know the soldier, a black soldier. I then ran away.

(No signature.)

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

23rd March, 1915.

Certified true copy:

T. B. J.

CASE No. A. 15.

The Murders at Bodiman Personally Directed by German Europeans.

These murders occurred from October till well on in November at the time when the British troops finally withdrew from Jabassi and went to Dibombe; some occurred before the first attack on Jabassi on the 8th October, when a patrol launch, "Soden," re-named "Fulah," first went up the river. Marauding parties visited all the villages mentioned, killing indiscriminately.

Held before K. V. ELPHINSTONE at Duala, 30th August, 1915.

NYAME BUNJU OF KUKURUKO affirmed:—After the English came back from Jabassi the first time the Germans came and killed Nyamsi. The Fulah came to my country and we were told to run away. We did not. We heard the Germans were coming. We all ran away. I saw Nyamsi shot by the German soldiers. I

saw about eight soldiers but no European. I heard many shots. I came back in the evening and found the following dead : Nyamsi, Ndotu Nakala, Nyamsi Ngandu, and Makong Susu ; all had been shot. I also saw the dead body of a woman, Dumbu Sum, shot.

NYAME BUNJU X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE.

30th August, 1915.

Certified true copy :

T. B. J.

Held at Duala, 30th August, 1915.

MAPOKO DINDE OF BONASEKE affirmed :—This happened the day after the "Fulah" came down from Jabassi. We were frightened and ran away. Everyone began to run. I heard a shot; I was with Elongo Yam. Elongo Yam was shot while we were still in Bonaseke. I hid and saw five German soldiers. I came back and buried him the day the troops went up to Jabassi.

MAPOKO DINDE X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

Certified true copy :

T. B. J.

Held at Duala, 30th August, 1915.

NTA BOSAMBI OF BONASEKE affirmed :—This happened during October, 1914. The launch "Fulah" went up to Jabassi and came back the same day. I was at Ngange, a Bodiman town. The next day I suggested that my father and I should leave the town as we were afraid of the Germans. While we were talking I saw three Europeans and three German soldiers come into the town. As soon as we saw them we ran away. They shot my father at once in the back; he dropped down dead. I returned and buried him the day that there was the first big fight at Jabassi. The same day we buried several other bodies.

NTA BOSAMBI X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

30th August, 1915.

Certified true copy :

T. B. J.

Held at Duala, 31st August, 1915.

BELE ETAME OF BONAKWAKO affirmed :—The English had not come up to Jabassi, but one of their launches, the "Soden," had. The "Soden" came up and the English landed and burnt a shelter of the German soldiers. The next day the Germans came back; I saw four black soldiers and one European, Leopold Kuntz. They began to loot the houses and to shoot at us. We all ran away. I ran off and hid where I could see. I only saw Ngale Nkwe drop; but when I came back the next day I saw the dead bodies of Ngale Nkwe, Nkame Ngale, Ntome Ngale, Mbende Bekima. I went off to Wuri after this.

BELE ETAME.

Interpreter :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

31st August, 1915.

Certified true copy :

T. B. J.

Held at Duala, 31st August, 1915.

TOGO NYAMI OF BONATAME affirmed :—This happened when the British were still in Duala; they had not yet come up to Dibombe. One day the "Soden" called at our village; she went up stream; I spoke to the English on board; she came back and went down stream the same day. That night some German soldiers came; I saw the soldiers and I heard that there were Europeans but I did not see them. We all ran away and hid in the bush. In the early morning Bonge Sole, who was with me, said he would go and see if the Germans had left; he went and I heard a shot. After that I heard several shots. In the evening I came back and saw the following dead bodies, Bonge Sole, Longo Difom, Noang Kwedi, Mbongo Ngong, Lolo Ngunde, Wonga Nyamsi, Njok Bekima, Ndoki So, Penda Esom, Beloki Esom, and Twede Ndifom; all had been shot.

TOGO NYAMI X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

31st August, 1915.

Certified true copy :

T. B. J.

Held at Duala, 31st August, 1915.

ETUBE NFOMUN recalled :—On the 3rd October I ran away as I have already said. I went and hid at Nkodi. On the 5th October a shot went off and I ran away; after that I heard more shots. I came back and saw the following dead, a woman, Ngobe, and four men, Bonanako, bayoneted, Diwonjo Nto, Nyama Ngungu, and Kunda Nfomun, all shot. I was told that two German soldiers and three police had done this; they had looted the village.

ETUKA NFOMUN.

Interpreter :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

31st August, 1915.

Certified true copy :

T. B. J.

Held at Duala, 31st August, 1915.

NFOMUN OF BODIMAN affirmed :—I am headman of Bodiman. I received a letter from a German European, Kuntz, to come and see him at Nsakke. He had a farm at Nsakke. We got in a canoe and came to Nsakke; we arrived in the late afternoon; I do not know the date. The British were in Dibombe; they had not gone yet to Jabassi. While we were still in the river the Germans began shooting at us. They shot Ngole Nyong; he fell into the canoe; the canoe capsized; we all swam ashore. I got away to Madimba. There presently I saw a launch, the "Soden"; I got a canoe and told the British; they said they had already heard from my son. When we were shot at, I saw two Europeans amongst the soldiers; but I could not say if they shot at us.

NFOMUN X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

31st August, 1915.

Certified true copy :

T. B. J.

Held at Duala, 31st August, 1915.

ETUKE NFOMUN, SON OF NFOMUN, HEADMAN OF BODIMAN, affirmed:—My father received a letter from the Germans telling him to come to see them at Nsakke. We went by canoe. My father was in the canoe. As we came to the landing place the German soldiers opened fire upon us and killed Ngole Nyong. We all ran away. This happened on the 3rd October, 1914.

ETUKE NFOMUN.

Interpreter :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

31st August, 1915.

Certified true copy :

T. B. J.

Held at Duala, 31st August, 1915.

SHOGE NYEMI OF BANOKATA affirmed:—One day many months ago, some time after midday, I saw two Europeans and several German soldiers come into our village. We began to run away. The soldiers began to shoot off. I saw three men shot, Musongo Shoge, Ngole Yong, and Ntsama Nyambe. I did not see the Europeans shooting. I ran away. I have never returned to my village. This happened during the time when the British were at Jabassi. I heard that other people were killed, three women and two other men.

SHOGE NYEMI X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

31st August, 1915.

Certified true copy :

T. B. J.

CASE No. A. 15 (a).

The Murders at Bonasongali by the German Forces.

These murders probably occurred after the 9th November, 1914. A German force with six German Europeans entered Bonasongali and murdered nine people, including two young girls.

Held at Duala, 15th September, 1915.

SABOSO OF BONASONGALI BODIMAN affirmed:—The Germans were living at Bonetame, about two miles from my village. One day I was sitting in my house, a small boy, Dina So, came and told me that the Germans had arrived. I heard shots and at once ran away. I hid where I could see; there were six Europeans, many German soldiers and carriers. They were shooting the people; they also bayoneted some. There was one small girl not yet married, Kunga Ngale, who was caught and bayoneted. They killed Binangale, Longo Sali, Makonge Nyamsi, Njoba Bunji, Bonakferi, Afondo Nkadi, a small girl, Mbule Nkake, Soppo Bilaso, and the young girl, Kunga Ngale. The same day these soldiers went on to attack Dibombe. This occurred after the English left Jabassi. I came and buried these people the next day.

SABOSO X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

Certified true copy :

T. B. J.

CASE No. A. 16.

Murders at Mandimba Bodiman.

This occurred after the 9th November, 1914. A party of soldiers entered Mandimba by night and killed six people.

Held at Duala, 13th September, 1915.

BONANJEN OF BONA NYAMSI affirmed:—I went to live at Mandimba. One night I was woken up by one of the men sleeping in the house; he said the Germans were coming. I ran out and swam across the river. I saw a German soldier before running across: I heard several shots. I came back the next day. They had killed several people. They had bayoneted Yamusi, who was eventually sent to hospital.

BONANJEN X his mark.

Interpreter and witness to mark:

ETIA.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

Certified true copy:

K. V. E.

Held at Duala, 14th September, 1915.

MENGA MUELE OF BONANGANG affirmed:—I went to live at Mandimba. One night I was woken up by a knock at the door and told that the Germans were coming. I ran away and hid. I saw some German soldiers come into the village and two Europeans. They shot at the people running away. They killed several. I saw the dead bodies the next day when I returned. I saw three dead bodies.

MENGA MUELE X his mark.

Interpreter and witness to mark:

ETIA.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

Certified true copy:

K. V. E.

Held at Duala, 15th September, 1915.

NGALE MUNYELE OF BONA BONO BODIMAN affirmed:—I was living at Mandimba. One night I was sleeping under the cocoa trees. We had a scout along the road to tell us when the Germans were coming. We were told they were coming. We ran away. I could see the German soldiers coming as it was moonlight. They shot my father Seme Longo, Ndotu Ngang, Bona Ngale, Lambe, a woman, Boba, a woman, and Longo Lambo. This happened after the English left Jabassi.

NGALE MUNYELE X his mark

Interpreter and witness to mark:

ETIA.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

Certified true copy:

K. V. E.

CASE No. A. 17.

Murders at Ndogbonon.

A party of German soldiers came into Ndogbonon, shot several people, looted and burnt some houses and carried off six women. They killed four men and four women. This occurred during May, 1915.

Held at Duala, 29th July, 1915.

OWUN, HEADMAN OF NDOGBONON, affirmed:—When I was away some Germans came to my village and killed four women and four men and also took away six women. The names of the four men Kula, Miel, Ndumu, Bias; of the four women killed Ungelenge, Umanin, Ngeng, Numakit; of the six women taken away are Unanjama, Unatia, Munihambat, Umikomf, Umaho, Elok. I did not see the dead bodies myself. I only heard about it.

OWUN X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

29th July, 1915.

Certified true copy :

K. V. E.

Held at Duala, 30th July, 1915.

NYE OF NDOGBONON affirmed:—This happened about two months ago. One evening I heard shouts and came out of my house. Everyone was running away. I saw two German soldiers; they were shooting off. I saw Kula fall down; I afterwards saw his dead body. I ran away into the bush. I came back next day. I saw the dead bodies of Kula, Miel, Ndumu and Bias (men), and of Nemakit, Ngong, Ungelenge, and Umanin (women). The soldiers had taken away Onanjama, Unatia, Umikonif, Munihambat, Omaho, and Elok. I heard these women shouting; they have never come back again.

NYE X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

30th July, 1915.

Certified true copy :

K. V. E.

Held at Duala, 30th July, 1915.

SO OF NDOGBONON affirmed:—I saw two German soldiers and other people come into our village about two months ago. I saw the soldiers shooting because I ran away and hid where I could see the soldiers. They shot my wife Ngeng; I saw her drop. They burnt six houses. They shot altogether four men and four women; they tied up six women with ropes round their necks and took them off. The next morning, when other people came back, I came out of my hiding place. We buried the bodies. I did not see any white man.

SO X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

30th July, 1915.

The above is also confirmed by Nyola, who also saw the soldiers.

Certified true copy :

K. V. E.

CASE No. A. 18.

Murders at Jabassi.

These murders occurred in the scattered villages of Jabassi from October, 1914, to the end of July, 1915. In each case parties of soldiers entered the villages and shot down everyone they could. At the end of July, in Jabassi, a party of soldiers

and carriers under a European caught a woman, let her go, and then shot her; they also shot another woman and her small boy.

Held at Duala, 9th September, 1915.

NYAMSI KOTO OF LOKTOKA, JABASSI :—One day the Germans came to our village. We ran away. We hid at Nkunge. The next day some German soldiers came and shot at us. I ran away and hid; I could still see the soldiers. They shot four men dead; they also bayoneted these men on the ground. I was then told to go down to Wuri.

NYAMSI KOTO X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE.

Witness recalled: About six weeks ago we, some of us, went back to Jabassi. One day I saw some German soldiers come in. Two men were shot as they were getting some of their stuff, Bekima and Kombe. The "Soden" came up the same day and the Germans left.

NYAMSI KOTO X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

Certified true copy :

K. V. E.

Held at Duala, 9th September, 1915.

NTUMA NJONTEK OF BONADISAKE, PART OF JABASSI, affirmed :—This happened the first time the English went up to Jabassi; they went back to Dibombe. I was in Bonadisake. One day nine Europeans and 380 German soldiers came; they passed through; they came back again. I ran away. I received a message that I should come back. I refused. The next day I was in Nbonge; three soldiers came. I was tied up by them. I was brought before an officer. Presently we heard shots from Jabassi way. I was let go. When the soldiers came to Mbonge they began to shoot the people. They killed Bekubisa, Haia, Jene, Nyama, Manjole, Mutonga, Se, Mbanda, Manbonga, Makongo, Dehon, Lolo, Ngontong, Pem, Djumbi, and others. I saw all the dead bodies two days after.

NTUMA NJONTEK X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

Certified true copy :

K. V. E.

Held at Duala, 9th September, 1915.

NJAKA, HEADMAN OF JABASSI, affirmed :—The English soldiers went to Jabassi; they went back to Dibombe; I went with them. I was sent three days after to Jabassi. I went to Bonabike. After two days I saw some German soldiers come into the village; I ran away. The soldiers passed through and went to Jabassi; they came back. I received a message from Hoffman by a woman that I must send him food. I did not do so. This was in the evening. I went off with many of my people to Ndoghot, a Jabassi village. Early the next morning some German soldiers came in and began to shoot. I saw some soldiers. I had a gun; I shot back at them. I ran to Ndokoko. The next day I started for Dibombe. I met some German soldiers in John Holt's plantation; they did not see me. I shot off; they ran away. I went to Dibombe. I was then told to send for all my people.

They came and reported as killed: Ndip Loa, Yundo Ngopata, Ngobi Ngundi, a small boy, Malong Ngundi; Ngobi Ngundi was a woman. I myself saw all these people drop. They also told me of other people killed.

About six weeks ago I was back in my village when we heard some Germans were coming. We all hid. They passed through. They came back with carriers carrying planks. When in the village they caught a woman. After questioning her they let her go and then shot her; her name was Siliki. I could see this. Then a man carrying palm oil met them. He was going into his house; they did not speak to him; they shot him. After this I saw a European. I know him; he looked after the palm trees at Jabassi. I do not know his name. Then they shot a woman, Dikabo, and her small son; they tried to run away. The name of the small boy is Mbenga. They also bayoneted Nkondo, whom they caught and tied up. The "Soden" came up that day.

NJAKA X his mark.

Interpreter and witness to mark:

ETIA.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

9th September, 1915

Certified true copy:

K. V. E.

CASE No. A. 19.

Murders at Ndogojamme.

On the 7th October a party of soldiers under two Europeans shot two men in the morning in Ndogojamme. They afterwards returned in the evening and shot a woman and bayoneted a young girl.

Held at Duala, 30th August, 1915.

BASEK NLOKA OF NDOGOJAMME affirmed:—This happened on the 7th October, 1914. I wrote this date after the events in a book. A small boy came running and told us all to run away; his name is Ngwale Misadi. We did not know why. He asked if we had not heard the shots. We said "Yes"; and he said the Germans had shot two men. We then all ran away. I hid and saw two Europeans, one riding and some twenty German soldiers. They passed through the village on the road to Jabassi. After they had gone we came back. I went and saw the two men dead, both shot, Gegele and Ngamgon; we buried them. After that we heard some shots again; it was now midday. We all ran away. I crossed the creek. Presently we heard that the Germans had passed through. My wife, Mukuri, who is a leper, told me afterwards she saw the Germans pass through. We came back and found the dead bodies of a woman, Njoli, and her daughter, Ndotu, a young girl; the former had been shot, the latter bayoneted. The next day I sent to Jabassi to find out if the British had arrived. The British had arrived; so we went there. On the way we found the dead body of my uncle, Ngenu Dingon; he had been shot in the back. We took his body into Jabassi. Dingon Langem said he was present when Ngenu Dingon was shot by the Germans. After that I went to live at Ndogopo.

(Signed) BASEK NLOKA.

Interpreter:

DIBUSSI.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

30th August, 1915.

Certified true copy:

K. V. E.

CASE No. A. 20.

Murders and Executions at Bewang.

Describes how on two separate occasions parties of natives were caught. They were then made to go to an orange tree to pick oranges in turn and were shot as they did so. In the one case the party was first taken before an officer, who told them they would be killed as they had not provided the troops with food. One witness's evidence is probably mistranslated, as he says they were told to cut down the orange tree; but this may very well have been a mistaken order. Whether this refinement of cruelty originated from the European or soldier is not stated.

Held at Duala, the 28th September, 1915.

MAM BITOK OF BEWANG, JABASSI, affirmed:—When the Germans were driven out of Jabassi they came and stopped in my village. There were four Europeans and many soldiers. One night they tied up twenty of us. They took us the next day to Ntongla, who lives a little distance away. We were tied up in a house. The soldiers said they would kill us because we did not give them food. I do not know if the Europeans knew about this. We were taken out in turns and put to cut down an orange tree. As each pair cut the tree, they were shot by the soldiers. I was kept to the last with Mbum Teke. I came out of the house and saw the dead bodies; there must have been eighteen of them lying there. We were told to pick some oranges. We went to the tree; we were shot at. Mbum dropped; I was hit in the left thigh, but ran away. I was the only one who escaped.

I hear that altogether thirty-nine men have been killed out of our village; but this was all I saw.

MAM BITOK X his mark.

Interpreter and witness to mark:

ETIA.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

Certified true copy:

K. V. E.

Held at Duala, the 28th September, 1915.

NJEMON TITI OF BEWANG affirmed:—This happened when the Germans had been driven out of Jabassi. The Germans came and lived at Bewang. The British had not been into our country. One night the soldiers tied up eleven of us. We were taken before an officer who said that we were to be killed because we gave the British food. We were taken away and told to fetch oranges from a tree in turn; as the men went they were shot. The orange tree was near the station. I was missed and ran away. There were still five men left. We were shot at in the evening.

NJEMON TITI X his mark.

Interpreter and witness to mark:

ETIA.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

Certified true copy:

K. V. E.

CASE No. A. 21.

Murders at Ndokobao.

Describes the murders of several inhabitants of the different villages forming Ndokobao; this occurred about October 16th to 20th, 1914.

Held at Duala, 1st September, 1915.

NGO ESENGE, HEADMAN OF NYANGWA, affirmed :—One day many months ago the English came to my village. I gave them eggs, bananas, and pineapples. They went and fought with the Germans; they came back and went away towards Jabassi. The same day at sunset the Germans returned. I ran away because the German police, Manjaka, who was afterwards killed by the Germans, said that he would tell the Germans that I had helped the English. I hid where I could see; I saw eight Europeans and thirty soldiers. They began shooting; they killed Senge Nko, who is my father, Manteya, Beyum, Mangi, Mpeki, all men, and a small girl, Ngondi, who was killed with a bayonet.

NGO ESENGE X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

1st September, 1915.

Certified true copy :

K. V. E.

Held at Duala, 1st September, 1915.

TITI MAKUMBE, HEADMAN OF NDOKOBAO, affirmed :—The Germans were at Mukunda, close to my country. They used to come to my village. After the English had been at Jabassi two days the English met the Germans at my village and drove them out. The Germans had previously told us not to be afraid and run away. The Germans ran away. The English returned to Jabassi. At sunset two German Europeans and fifteen soldiers came into my part of the village Ndogbok, they passed on to Nyangwa which joins on to my village. Suddenly I heard shots. We all ran away. The next day I returned and found dead Senge Nko, Manteya, Beyum, Mangi Sengi, Mpeki, Mange Esenge, all men, and, Ngondi, a small girl.

TITI MAKUMBE X his mark.

Interpreter and witness to mark :

ETIA.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

1st September, 1915.

Certified true copy :

K. V. E.

Held at Duala, 2nd September, 1915.

TITI BENGA OF NDOGBOK affirmed :—I live at Ndobisang, a part of Ndogbok. Some ten days after the English took Jabassi, some German soldiers came into Ndobisang; they did not ask us any thing; they began to shoot; we ran away. The next day I buried Ekam, Bejen, Mongwan Jam, Masat, and Maleng Ngale, all men. They had all been shot. I saw the German soldiers myself, about six.

TITI BENGA X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

2nd September, 1915.

Certified true copy :

K. V. E.

Held at Duala, 2nd September, 1915.

MUSIK OF NDOGBOK affirmed :—Soon after the English came to Jabassi some German soldiers came to our village, Ndogbatong, part of Ndogbok. They began

shooting us. I ran away and came back the next day. I saw the German soldiers myself; I did not count then. I came back the next morning and found the dead bodies of Matanga, Beleba and Nyaka, all shot.

MUSIK X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

2nd September, 1915.

Certified true copy :

K. V. E.

Held at Duala, 2nd September, 1915.

NJAKI NGOLO OF NDOGBOK affirmed :—In the afternoon two or three days after the English had come to Jabassi the German soldiers passed through our village towards Jabassi; presently they returned and as they were passing through the village they began to shoot at us. They shot Mbika and Nduma. This was a few days before they came again and shot Mabon. I buried Mbika and Nduma the next day.

NJAKI NGOLO X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

2nd September, 1915.

Certified true copy :

K. V. E.

Held at Duala, 2nd September, 1915.

MANGA MAKIMBA OF NDOGBOK affirmed :—One evening I saw some German soldiers come in. We all ran away. I was sitting with three men, Nabon, Tito, and Nambo; they all ran off and were shot. The Germans came from two sides. The Germans slept at our village that night. The next morning I came in and buried the three bodies.

MANGA MAKIMBA X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

2nd September, 1915.

Certified true copy :

K. V. E.

Held at Duala, 2nd September, 1915.

BAYEK OF NDOGBOK affirmed :—The English drove the Germans out of Jabassi. About seven days after this, some German soldiers suddenly came in and began to shoot. They shot Senge, who was building his house. I saw him drop. I ran away. I came back afterwards and buried Senge.

Seven days after the German soldiers came again, six soldiers; they came by day time. They began to shoot at once; they killed Nvangi, and Elonga. I ran away. The next day I buried Elonga.

BAYEK X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

2nd September, 1915.

Certified true copy :

K. V. E.

Held at Duala, 2nd September, 1915.

ETONBI OF NYANGWA :—One evening many months ago the Germans came and shot my brother Koto. The Germans had fought with the English; some time after that the Germans killed my brother Koto. One evening six German soldiers came into the village. They passed me. They asked where the headman was; they were told Jabassi. They at once began to shoot. I saw my brother Koto fall down. I ran away. I came back the same night and buried him. I also helped to bury Sumkumbi; he had been shot. This occurred about six or seven days after the death of Beyum, Nangi and others.

ETONBI X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

2nd September, 1915.

Certified true copy :

K. V. E.

Held at Duala, 2nd September, 1915.

IYO IKO OF NYANGWA affirmed :—I was living in Nyangwa. One night I was woken up by shots. I ran out of my house. I ran away from the direction of the shots. I ran with my brother Kuntoko; we ran up against another lot of German soldiers who fired at us. My brother dropped; I ran away. Two days after when the Germans had been driven away I saw the body and buried it. Kuntoko's death occurred six days after that of Beyum, Nangi and others had been killed. My village is a little distance from that where they lived.

IYO IKO X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

2nd September, 1915.

Certified true copy :

K. V. E.

CASE NO. A. 22.

An Incident at Mburuku. Proceedings of an Enquiry held at Bare into the Circumstances in which Ngaibong of Mburuku and his Wife were Killed.

About the 19th February a man and his wife were proceeding along the road and were shot dead by two soldiers.

Proceedings of an Enquiry to ascertain the circumstances under which Ngaibong of Mburuku, and his Wife Eyaka, were killed at Mburuku by two native German Soldiers (names unknown) on or about the 19th February, 1915.

Firstly: DUMA affirms :—I live at Mburuku. One evening, about three months ago, I saw four native German soldiers on the road near Mburuku. The road leads from Nkongsamba; the soldiers were guarding it. Ekuku and I were in the bush close by.

We saw Ngaibong with his wife Eyaka coming along the road; when they had passed the soldiers who were concealed beside the road, and were about 15 yards from them (indicated), one soldier fired his rifle and shot Ngaibong, he fell down; the woman then ran and she was shot at by another of the soldiers and killed. Two of the soldiers then followed. Ekuku and I, we ran to Langum (Elengum). The two bodies were left lying where they had fallen.

Ekuku and I returned ten days later, and found the bodies still there. That of the woman was on the road, and the man's was in the grass a few yards away. We buried them in the grass near to the road.

DUMA X his mark.

The above statement of Duma was taken and affirmed before me at Bare this 19th day of May, 1915.

(Signed) WM. CORSELLIS,
Political Officer.

Certified true copy :

GEORGE A ROBERTSON.

Secondly: EKUKU affirms —I live at Mburuku. About three months ago Duma and I were in the grass, behind a bush on the Nkongsamba-Mburuku road. It was about 5.0. p.m. I saw four native German soldiers, who were on guard and in the grass beside the road. I saw Ngaibong and his wife Eyaka come along. After they had passed, and were about fifteen yards beyond the soldiers, one of the latter fired at Ngaibong, who ran a little way into the grass and then fell. I did not go to him then. When Ngaibong was shot, Eyaka ran away along the road. Another soldier fired at her, she fell down on the road. I saw her body after she fell.

The four soldiers then went out to look at the bodies, and then returned to where they had been in the grass. We ran away to Elengum

Ten days after, Duma and I came back and found the bodies, Ngaibong's in the grass, and that of Eyaka on the road. We buried them in separate graves near to the road at Mburuku on the Nkongsamba side, quite close to where they had been killed. I do not know any of the soldiers' names. There were European German soldiers at Mbuombong, about one and a quarter hour's march from Mburuku. I only heard two shots fired. I could not identify the two men who fired if I saw them again.

Ekuku X his mark.

The above statement of Ekuku was taken and affirmed before me at Bare this 19th day of May, 1915.

(Signed) WM. CORSELLIS,
Political Officer.

Certified true copy

GEO. A ROBERTSON.

CASE No A. 23.

An Enquiry held at Nkongsamba concerning Murders and Floggings by German Officers and Soldiers at Nsanju. (With a Photograph of one of the Survivors)*

A party of soldiers entered Po-Ewasum and caught five men. They bayoneted one man and took the remainder to Nsanju. Then they were brutally flogged by order of a European, they were also continually beaten by the soldiers. One man was taken away and either hanged or shot. They were kept eight days without food or water. On being released one man had to be carried and died on the road. A photograph of one of the victims is attached.

(B/24/15.)

Political Officer's Office,
Nkongsamba,

7th June, 1915.

Herewith forward a copy of the proceedings of an enquiry concerning the murder of a native of Po-Ewasum named Yungbasa, and also the maltreatment of three others, by German Europeans, at Nsanju on or about the 11th May, 1915.

2. Captain Norton Harper kindly took a photo of one of the victims a few days after the arrival of the latter at N'Samba, which I will send you

WM. CORSELLIS,
Political Officer.

To
The Chief Political Officer,
Duala.

Charge against German European of maltreatment of natives; also of causing the death of a native of Po-Ewasum, named Yungbasa, on or about the 11th May, 1915.

Firstly: EWANGBIL affirms:—I live at Po-Ewasum. Seventeen days ago twelve native German soldiers came to my town. One was named Bele of Jaunde. They caught five of us, myself, Ngodala, Nsule, Enono and Yungbasa in the town and afterwards they caught Iloilo in the market. We were running away when we heard that the Germans were at our town and they caught us and took us to Nsanju, four of us. It was about 8.0. o'clock at night when we reached Nsanju. They took us and put us in a house and tied us up with bush ropes. These marks on my arm were made then (lacerated wounds around both arms at elbows). There were five Europeans (Germans) at Nsanju. One of them, whom I do not know, gave the order to have us tied up. Then any soldier who had a stick came and flogged us (marks shown on head and all over body). I did not see when they actually hanged Iloilo. One white man outside shouted to the German soldiers to bring out Iloilo as he was going to be hanged. Eight soldiers took him out about thirty yards from the house. I heard Iloilo say, "I have worked for Germans twice, you must not kill me." The white man said, "I do not care about that." Iloilo's town was Ndoma. I heard nothing more and have not seen Iloilo since.

Q. Did you hear any shots after you heard Iloilo speak?

A. Yes, one shot near the house.

Q. Did you see anyone killed by Germans?

A. Yes, Ewangwa. It was at Muanlo. Two native soldiers held him down and one soldier had his bayonet fixed on his rifle and ran it through the back of Ewangwa's neck and also through several parts of his back. Ewangwa died at once. The soldiers left his body there. Yungbasa was flogged by order of one of the white men and was given twenty-five strokes with a thick elephant hide whip. I also saw native soldiers flog him each time they came to the house either night or day with sticks also rifles, and held his mouth if he tried to shout. They also flogged him with the flat of their bayonets.

I was with Yungbasa when he died on the road near Mamang, we had been eight days tied up by the Germans and had no food or water during that time. Yungbasa died the same day as the Germans let us go; he was not able to walk alone and we had to help him when we were let go.

The five white men were there and saw us go and saw the condition we were in. No white man ever came into the house to see us.

Q. Would you recognise any of the white men or native soldiers beside Bele if you saw them again?

A. No.

EWANGBIL X his mark.

Witness to mark:

EWANE

The above statement of Ewangbil was taken and affirmed before me at Nkongsamba, this 28th day of May, 1915.

(Signed) WM. M CORSELLIS,
Political Officer.

Secondly: ENONO affirms:—I live at Po-Ewasum. About seventeen days ago twelve native soldiers came to our town. I heard this and ran away with Yungbasa, Ewangbil, Nsule, Iloilo and others. The twelve soldiers caught us. Ewangwa was with us also. I saw one native soldier kill Ewangwa with his bayonet. Two men put him on the ground on his face and the third took his bayonet on end of his rifle and ran it through the back of his neck. Ewangwa died at once. This was beside the road near Muanlo. The body was left there. Yungbasa, Ewangbil, Nsule also witnessed this. Iloilo had not at this time been caught as he was in the market. No white man was there then. Later I saw the soldiers who caught us catch Iloilo in the market (Eshi) They then took the five of us to Nsanju. We met five European Germans there; one of them told the soldiers to take us into a house and tie us up. These marks are from being tied up (lacerated wounds on both arms at elbows). This was at night. I saw Iloilo taken out by eight native soldiers after a white man outside had shouted that "Iloilo had told the English where the Germans were and he was going to be hanged." I heard Iloilo say, "I have worked twice for the Germans." The white man said, "I don't care." I heard one shot after this. I don't know what

happened to Ilolo after that. I have not seen him since, dead or alive. Before killing Ilolo one white man said to give me twelve on my buttocks. I was given twelve by a native soldier with an elephant hide whip (buttocks very much lacerated). The native soldiers flogged me every time they came near me (suppurating sores and scars all over back, neck and shoulders).

Yungbasa was flogged and given twenty-five strokes on the buttocks by order of, and in the presence of, a European German. Then the native soldiers flogged him also when they came into the house both with sticks and the flat of their bayonets. They kept us tied up for about eight days; they heard that the English were coming and they took us up to Ngungu, then they heard the English had gone so they brought us back again. They gave us no food and no water for eight days. Then on the eighth day (two days after we had returned to Njangu), the same day as they let us go, Yungbasa died from flogging and want of food and water. He was a young man, and had not been sick before the Germans caught him.

Q. What did you do with Yungbasa's body?

A. We left his body as we were unable to carry it. He died at Mamang; the people there are friendly to the Germans and always tell them when the English come or go. They gave us no food.

Q. Would you recognise any of the white men or native soldiers again if you saw them?

A. No, except Bele, a native soldier who flogged some of us.

ENONO X his mark.

Witness.

EWANE.

The above statement of Enono was taken and affirmed before me at Nkongsamba, this 28th day of May, 1915.

(Signed) W. M. CORSELLIS,
Political officer.

Thirdly: NSULE affirms:—I live at Ngowanisim (Epoewasum). Seventeen days ago twelve native German soldiers came to my town. I knew one of them named Bele; when we heard they had come to Epoewasum we ran, but they caught Yungbasa, Ngodala, Enono Ewanbil and myself and took us to Njanju. They flogged Ewanbil and Nsule on the road. Ilolo was at Eshi market and was caught; they then took the six of us to Njanju. When we reached Nsanju we saw five German Europeans. I do not know if they were soldiers or not. One white man told the soldiers to tie us up. They tied us up inside a house. One white man ordered me to be flogged the next day. I was given twenty-five strokes on my buttocks with a big piece of elephant hide (buttocks lacerated and suppurating). Ewanbil, Yungbasa and Nsule also were flogged. They were taken out one by one. They held our mouths shut while we were being flogged. The night of the day on which we were flogged I heard a white man shouting "to bring out the man who had helped the English as he was going to hang him." Ilolo was taken out by eight soldiers. I heard him say, "I worked for Germans at Essosong." The white man said, "No, you have cloth you got from English." I did not hear any more or see Ilolo since.

I heard one rifle shot after he had been taken out. The native soldiers flogged us every time they came near us with sticks, also the flat of their bayonets.

Q. Was anyone else killed beside Ilolo?

A. Yes, Ngodala Ewangwa. He was killed on the Muanlo road. Two native soldiers held him down and another stabbed him with a bayonet through the back of his neck and also in his back. He died at once, his body was left on the side of the road. This happened the same day as we were first caught.

Q. How many days were you tied up?

A. Eight days in all; we were four days at Nsanju, then they took us to Ngunju for two days and then back to Nsanju for two days, then we were let go and Yungbasa died that same day. One white man told us to carry him. We were unable, but helped him a little way along the road, but he died at Mamang. We left his body.

Q. What do you think he died from?

A. Flogging and starvation. We asked often for food and water, but they never gave us either for eight days.

Q. Did the white man know you had no food nor water?

A. Yes, because they never asked if we had any.

Q. Would you know any of the white men or native soldiers again if you saw them, except Bele?

A. No.

NSULE X his mark.

Witness :
EWANE.

The above statement of Nsule was taken and affirmed before me at Nkongsamba, this 28th day of May, 1915.

(Signed) W. M. CORSELLIS,
Political Officer.

Certified true copy :
T. B. J.

CASE No. A. 24.

The Woundings and Hangings at Mpolbe.

A party of soldiers entered Mpolbe about the 15th March, 1915. They shot at the people. When the inhabitants returned they met sixteen men hanged and two small boys lying dead on the ground.

Held at Duala, before Mr. K. V. ELPHINSTONE, C.P.O., 1st April, 1915.

BEKUKA OF MPOLE affirmed :—About two or three weeks ago some people came into our village saying that the Germans were coming. One man, Njie of Orkot, had a wound in his hand. We all tried to cross the river. We stopped and watched them shooting the people and burning the houses. They left off in the evening. About three days after we went back to our village. I saw sixteen men hanged and two small boys dead on the ground.

BEKUKA X his mark.

Interpreter and witness to mark :
DIBUSSI.

Affirmed before me :
K. V. ELPHINSTONE, C.P.O.
1st April, 1915.

Certified true copy :
K. V. E.

Held at Duala, before Mr. K. V. ELPHINSTONE, C.P.O., 1st April, 1915.

MBENGE OF MPOLBE affirmed :—About two weeks ago the Bwadibo people came running into our village in the late afternoon. We all ran away and crossed the river by canoe. I went across with Mue, the headman; the Germans shot at us as we crossed. When we got across we watched the soldiers shooting and some of the village being burnt: this went on till the evening. The next morning we went to Edea to report this. After three days I was sent back with three others, Kuka, Bokongo, and Njie. When we got to our village we saw eighteen dead people; sixteen of these had various wounds and had been hanged with native-made rope. There were no women hanged. There were also two small boys lying dead on the ground.

MBENGE X his mark.

Interpreter and witness to mark :
DIBUSSI.

Affirmed before me :
K. V. ELPHINSTONE, C.P.O.
1st April, 1915.

Certified true copy :
K. V. E.

CASE No. A. 25.

Hangings and Murders at Ndonga.

The Germans had an engagement with the French on the 12th March, 1915; the Germans tried to cut the line at Elang. Before the engagement the Germans had caught several men; during the night the Germans retired and on the way hanged three men. There were two Europeans in charge.

Duala, 25th March, 1915, before Mr. K. V. ELPHINSTONE, C.P.O.

SONGE BETOTE, headman of Ndonga, affirmed:—About twelve days ago I saw some German soldiers coming to my town. I ran away and summoned the French. The French came about 4.0. o'clock, and they fought till 6.0. o'clock. The Germans then left. There were two French killed. Early next morning we followed the tracks of blood left by the Germans; about half a mile on these tracks we found five of my brothers hanged on trees; two were on one tree, the other three on different trees. Their names are Molom, Beke and Kinganga. They were hanged with ropes looted from my town. We took the bodies down and buried them at home.

Kuo Kinge was tied up by the Germans, but got away. He informed me that there were two German white men present with the soldiers.

SONGE BETOTE X his mark.

Interpreted by:

DIBUSSI, witness to mark.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

25th March, 1915.

Certified true copy:

K. V. E.

Held at Duala, before Mr. K. V. ELPHINSTONE, C.P.O., 1st April, 1915.

SONGE BETOTE recalled:—I found only three men hanged, not five. The facts are that I found three men hanged and I heard that two others had been shot.

SONGE BETOTE X his mark.

Witness to mark:

DIBUSSI, Interpreter.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

25th March, 1915.

Certified true copy:

K. V. E.

Held at Duala, 1st April, 1915, before Mr. K. V. ELPHINSTONE, C.P.O.

SINGA OF MBANDA affirmed:—Some little time ago I went towards Ndonga. I was there caught by the Germans. I was tied up. There was a lot of shooting and the enemy appeared. During the night the Germans left. In the morning they hanged three men, Molom, Beke, and Kinganga. I afterwards escaped after being taken further. When they hanged the men the two white men went to see.

SINGA X his mark.

Interpreter and witness to mark:

DIBUSSI.

Affirmed before me:

K. V. ELPHINSTONE, C.P.O.

1st April, 1915.

Certified true copy:

K. V. E.

Duala, 1st April, 1915, before Mr. K. V. ELPHINSTONE, C.P.O.

NDUMBE MUSONGO affirmed:—I am a Duala man trading at Ndonga. I was coming from market to Ndonga when I saw three Ndonga men tied up by two German soldiers. They called to me and I went up; the three soldiers were Yaundis. I was then taken with these three men to Ndonga and then tied up. There were two white men and some forty soldiers; there were tied up six men and one woman, all Ndonga men. When the shooting began we were placed behind a house with two soldiers to guard us. During the night the Germans retired; we did not go far as they did not know the road. In the morning three of the Ndonga men were taken some little distance away and hanged; I could see this done. They were named Molom, Kinganga, and Beke. We afterwards went to Esa near Sanaga. The German white men sent some soldiers to get fish. We heard two shots and I was told by their guide Esawe of Malimba that two men had been shot. I escaped afterwards.

NDUMBE MUSONGO X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

1st April, 1915.

Certified true copy :

K. V. E.

CASE No. A. 26.

Butchering of Women and Children at Tsobumbombi.

On the 13th February, 1915, a party of German soldiers appeared at Tsobumbombi. The people tried to run away but as they were caught they were killed or wounded with matchets. Some of the survivors have terrible matchet wounds. Nine women and girls were heard, and relate that as they ran away they were hacked about with matchets.

Duala, 1st April, 1915, before Mr. K. V. ELPHINSTONE, C.P.O.

GUNYEN OF TSOBUMBOMBI, a woman, affirmed:—One day in the morning, some two months ago, we heard the Germans were coming. I ran out of my house. I was caught in the village before I could get away. One soldier then wounded me with a matchet. (Witness has scars on both knees, on the back of the neck and right shoulder.) I fell down and I was left there.

GUNYEN X her mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

1st April, 1915.

Certified true copy :

K. V. E.

GAUTONI, a woman of Tsobumbombi, affirmed:—I was in my village when I heard that the Germans were coming. I ran out but was caught by a soldier outside the village. A soldier wounded me with a matchet on the left upper arm and left ear.

My son about four years old had his foot wounded by the same soldier.

My husband, Awondantet, hearing me, came back; but when he saw me fall he ran away; I saw him caught by several soldiers. The same soldier who had

wounded me, I saw knock him down with a cutlass, hitting him on the back of the head and cut open his belly with his matchet.

GAUTONI X her mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

1st April, 1915.

Certified true copy :

K. V. E.

SIRIKI OF TSOBUMBOMBI affirmed; a young married woman :—One day I heard that the Germans were coming. I rushed out of my hut and was caught at once by a soldier who drew his matchet and tried to kill me. (Witness has healed scars, two on the left wrist, two on the right hand, two on the back of the neck, one on the left shoulder.) I fell down and was left. I saw the same soldier kill my boy child who was still at the breast. I saw afterwards four German white men pass.

SIRIKI X her mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

1st April, 1915.

Certified true copy :

K. V. E.

DUNUINI, a young girl of Tsobumbombi, affirmed :—I was living in my village. In the morning time two soldiers appeared. We then all ran away; but I ran into a number of soldiers. I was caught by one. When he saw others running fast he drew his matchet and wounded me on the right wrist. He wanted to cut my head off but I put my hand at the back of my neck. (Witness has a large scar on the right wrist, a small scar on the back of her neck, and is unable to use the fingers of her right hand.) This occurred about two months ago.

DUNUINI X her mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

1st April, 1915.

Certified true copy :

K. V. E.

Held at Duala, 2nd April, 1915, before Mr. K. V. ELPHINSTONE, C.P.O.

BANYEL OF TSOMBI, a woman, affirmed :—I heard people saying that the German soldiers had come. We all began to run away. I ran into a party of soldiers. I was caught by two soldiers. They wounded me on the head and left ear with a cutlass. (There is a scar on the back of the head and left ear.)

BANYEL X her mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

2nd April, 1915.

Certified true copy :

K. V. E.

There are in addition four more witnesses who give much the same evidences, all carrying scars of wounds, and one small child whose mother is said to have been killed.

K. V. ELPHINSTONE, C.P.O.
3rd April, 1915.

Certified true copy :
K. V. E.

CASE No. A. 27.

Murder of Ndamé at Abo.

On the 8th February a man was caught by a patrol. He was taken some distance away and shot on the bank of a river near Nsakka on the Njanga river.

Held at Duala, 9th September, 1915.

EYUM OF BANDUKA affirmed :—On the 8th February I went with my father to collect palm kernels near Mpobo. I saw some German soldiers coming with carriers. I told my father. He did not believe it. I went and hid. They caught my father and took him along to Nsakka on the Njanga creek, near the waterfall. I followed behind. When they got to the waterside one soldier shot him. I do not know why. They burnt his load of kernels and oil. They then went into Nsakka and shot a woman. My father's name is Ndamé, the woman's Mujongi.

EYUM X his mark.

Interpreter and witness to mark :

DIBUSSI.

Affirmed before me :

K. V. ELPHINSTONE, C.P.O.

Certified true copy :

K. V. E.

CASE No. B. 1.

A Report by Commander R. S. Sneyd, R.N.

Government House, Duala,

8th June, 1915.

Commander R. S. Sneyd, R.N., has reported to me that when the "Fullah" engaged the enemy at Etima on the Nyong River on 28th May he observed the enemy firing on canoes containing parties of the native men, women and children, who could not by any possibility be supposed to have any hostile intention.

Commander Sneyd has made this report as it may, at some future date, be desirable to have actual witnesses of such actions on the part of the enemy. He is glad to be able to report that on this occasion the canoes and their occupants escaped damage.

Following is the translation of two passes taken from the bodies of two natives armed with flint-lock guns, who were killed at Etima on 28th May, 1915.

1.

NOTICE.

Partisans may not fight against hostile troops, but on the other hand they may fight against our own natives who have risen, or have incurred the guilt of treason against the country (Landesverrat).

The Military Commander,
VON HAGEN.

(24)

Owner,
MBA.

Chief,
NKU-BIKUE.
(Ewusok.)

Village,
Bipindi.

2.

NOTICE.

Ongba is ordered to accompany a carrier, Bikue-Neryge.—BANLER(?).
(?) 19th May, 1915.

Chief Political Officer,
Duala.
For information.

C. FULLER,
Captain,
Senior Naval Officer, Duala

CASE No. B. 2.

On the Nyong River—Extract from a Report by Lieutenant Carter, R.N.

C.P.O.

Extract from Report by Lieutenant Carter, R.N., Commanding Nyong Flotilla :—

“On 12th June fifteen men, eight women and three children arrived at the Nyong refugee camp from Mbakahe, a place in the bush about twelve hours north-east of Mbea. They had lived in hiding there for about six months, but the enemy attacked them on 8th of June, killing two men and taking away five women and one child.”

CASE No. B. 3.

A Report by Captain A. Giles, 1st Battalion Nigeria Regiment.

During the first operations against Jabassi I was assisting to keep communication with the aid of signallers from my own battalion. As this was a river operation, I was for the most part on the bridge of a branch boat. As we passed various villages the local inhabitants came out and cheered us; many of them shouted to us and holding their heads with one hand pretended to cut their throats with the other. The native pilot interpreted to me and told me that the villagers were very pleased to see us as the Germans had killed a number of them. Not long after we saw at different times three corpses floating down the river and also the bodies of two children.

While garrisoning Jabassi, villagers were frequently coming in asking for patrols to be sent to their districts as German soldiers were collecting carriers and shooting headmen who did not produce the required number; they stated that the Europeans were always one to two days behind and that the native soldiers were “on their own,” looting and murdering. These stories were discredited as we could never round up any of these alleged parties. On finding they were not believed the local natives started to bring the corpses of their murdered relatives. I saw two of these and doubtless should have seen more only for the fact that they had been carried for two days and our commanding officer objected to their being brought on to the verandah during lunch!

On proceeding from Jabassi to Nyamtam I personally saw three corpses of villagers, but did not examine them as they were very decomposed; also, in one or two villages were empty cartridge cases where no fighting occurred.

Somewhere near Fondonera on the way to Dschang a native was found very badly cut about; he stated that he had once been a policeman and took his discharge some years ago. On a German officer telling him to become a soldier he demurred and was ordered by the white man to be taken into the bush and dealt with. Some of the native soldiers took him away and left him for dead; he had one eye gouged out, was minus an ear and had three large cuts to the bone on his right arm. There were many lesser wounds—all had been done with a machet.

At Nkongsamba the villagers brought in the same sort of stories that one heard of at Jabassi.

One afternoon all the women and children of the village of Mbo came running into Bare seeking protection. They said the Germans had been there, killed numbers of them and had burnt the village; as they were speaking we could see flames and smoke in the distance. The king of Mbo who was under our protection at Nkong-samba said that about fifty of his people had been wiped out. I never actually saw any dead bodies of the local inhabitants in this district.

Later we heard that the kings of Manengoteng, Ndunge, and Melong, also that of Dschang, had been killed.

Duala,
7th June, 1915.
Certified true copy :

K. V. E.

A. GILES,
Captain,
1st Nigeria Regiment.

CASE No. B. 4.

A Letter from Captain Feneran, 1st Battalion Nigeria Regiment.

DEAR ELPHINSTONE,

The following cases of German ill-treatment of natives I have notes about. Owing to the circumstances of the cases most of them are based on hearsay evidence only. There were many cases reported from round Jabassi when I was there, but I did not take note of them, also round Bare :—

(1) On 17th October, 1914, a large number of natives came into my camp at Jabassi and stated that the Germans were firing at them whenever seen on the Jabassi-Nyamtam road. (Report only.)

(2) On 24th October, 1914, a Monrovia man named "John," a German reservist, was brought in to me by the natives. He was accused of murdering two women. He was, I believe, tried by court martial.

(3) On 27th October it was reported by natives that the German black soldiers were murdering natives at Makundi, a place about two and a-half hours from Jabassi. Two dead natives who had been shot were brought in from Makundi on the evening 28th. I saw the bodies and had them buried.

(4) On 31st October, at Jabassi, a patrol of mine got into the village of Ndokbeli on the main Jabassi-Nyamtam road, following up a patrol of Germans.

Captain Porter was in command of the patrol and Lieut. Allen was with him. White men were seen with this patrol. One old man was found dead from a bayonet wound and one young girl was killed. They had only just been killed. One native was brought in wounded (gunshot). I saw the wounded man on 31st and the corpses on 4th November.

(5) On 2nd November, 1914, a wounded native came in, having been shot by Germans on the main road. I saw this man and sent him to hospital.

(6) On 31st December, 1914, a patrol of my company brought in a German native soldier. He had been very badly cut about by matchets in the head, back, face, and arms.

He stated that it had been done by order of the white German under-officer. The man's injuries were so severe that one of his eyes had to be removed. The place he was found at was Fona Donepa, on the main Dschang road. Dr. Johnson and Captain Booth, R.A.M.C., operated on this man and know about the case. I saw him brought in and helped Captain Howell question him.

(7) At Bare, on 11th January, a mounted German patrol, consisting of about six white men and one native, came within six hundred yards of the Bare fortifications. On being fired at they returned towards Melong at a gallop. About fifteen minutes afterwards several shots were heard in the direction of Hamman's farm, and natives came in and reported that two women had been killed there. The women belonged to Mbo town, and probably Ndama, the interpreter at Bare, who is brother of the king of Mbo, probably could get you first-hand evidence.

Several wounded natives came in who had been shot by the Germans when they burned Mbo village. The Mbo people could give you all the evidence you want, I think.

Mbo mentioned is the Mbo village near Melonga, and not that near Dschang.

Yours sincerely,
E. C. FENERAN,
1st Nigeria Regiment.

CASE NO. C. 1.

Copy of Instructions written by Lieutenant (now Hauptmann) von Engelbrechten, of the Prussian Guard, who was commanding a German Force on the Northern Railway.

[See No. 2.*]

CASE NO. D.

Three Statements taken from Patients in the British Hospital at Duala.

The following are statements made to me by patients in the hospital. These have all now been discharged :—

Emanuel Maye was shot near Dihani whilst in a canoe by himself. The wound is described as serious in thigh and scrotum. Admitted to hospital, 16th February, 1915; discharged, 20th April, 1915.

Mpopo, of Batanga, was shot while in a canoe near Dihani, while going to buy food. He was admitted 25th January, 1915, suffering from gunshot wound (thigh), very dangerous.

Ndoe (F.) was in a canoe when going to her farm; was shot in the arm near Dihani. Admitted, 16th February, 1915; discharged, 20th April, 1915.

K. V. ELPHINSTONE, C.P.O.,
13th June, 1915.

Enclosure B. in No. 6.

STATEMENTS BY EX-PRISONERS OF WAR.

Sworn Statement by Mr. Newport Wright.

Duala, 28th January, 1916.

NEWPORT WRIGHT, sworn :—I complain about the way in which we were sent from Kribi to Ayos Hohe; we were sent by motor lorry to Bipindi; we were only allowed to take a small portmanteau and were given two broken camp beds for the use of four persons; we had not any blankets, food or cooking pots; at Bipindi we fortunately met Mr. Sonnenberg, who gave us food and telephoned to the Government at Kribi about cooking pots. He told me that the answer which he received was, "what do prisoners want with cooking pots?" All the way to Ayos Höhe we were compelled to beg provisions from various Europeans whom we met.

In Ayos Höhe we were tormented night and day by mosquitoes and the rations issued to us were both insufficient and of bad quality. Feldwebel Mayer told me that he would willingly swear that some of the money to be spent on the prisoners of war was being misappropriated by the Camp Commandant; he further told me he was absolutely disgusted at the way the camp was being run. On account of this we were compelled to sell our clothes and borrow money to buy "chop" from the natives to keep ourselves from starving. In Ayos Höhe we had a fair amount of freedom, but in Kolmaka Mr. Jameson, Solomon, and myself were placed in a separate fence in a house that had previously been used for keeping pigs in. We were unable to get sufficient exercise.

In January, 1915, I applied for permission for my wife to leave the camp. I received the reply that she could go to Bata or stay with the American Mission at Metet as a prisoner of war on parole; she accepted the latter and was compelled to sign a document stating that if she did anything detrimental to Germany or her allies she would be shot. I was informed that Ebermaier did this because the German ladies in Buea were compelled to sign a similar document. When the camp was moved to Kolmaka in August my wife was only two hours away, so she wrote to me that she had made an application to bring our son to visit me; the reply which I saw received by the Commander of the camp from Oberst Zimmermann read :—"I am very sorry for Mrs. Wright and child, but I am compelled to refuse her permission to visit her husband on account of the brutal treatment of the enemy to our married people in the Colony." At the same time my wife wrote that she had requested permission to send me a few small things in the way of "chop," but the reply was, "Mrs. Wright may send things to the camp if she agrees that they be divided among all the other prisoners."

During the rainy season the American Mission told us they sent us "bushels of garden truck," but we did not receive any.

About the treatment of natives. I saw Von Hagen of Ebolowa arrest my clerk and put him in chains for the simple reason he had been to England. Later, Assessor Lange took the civil charge of the Ebolowa station and the boy was released and kept as an ordinary prisoner of war.

Mrs. Dager, an American missionary, told me that Obam Elum of Makalat, Ebolowa district, was tied up to a tree and shot by the order of Von Hagen because he was unable to supply enough carriers.

I have seen large wounds and bruises on the native prisoners of war caused by soldiers flogging them because they have requested to go to the rear at night.

I am of opinion that had these people complained to the camp authorities they would have got no redress, and the soldiers would only have made things worse for them.

Breaches of International Law.

I was told by Mr. Schultzick that at the beginning of war Von Hagen made a speech to his soldiers, when he promised ten marks for each white man's head. I went to Von Hagen and complained about it, pointing out the seriousness of such speeches; he replied, "yes, I have made a speech to the soldiers, but rest assured, Mr. Wright, I will protect such an old friend as you."

NEWPORT WRIGHT.

Sworn before me :

K. V. ELPHINSTONE, C.P.O.

Statement by Dr. W. A. Trumper, Medical Officer, Nigerian Field Force.

Two members of the West African Medical Service, Dr. Lindsay and Dr. Trumper, were taken prisoners by the Germans at Garua in August, 1914.

Applications on two separate occasions were made by them to the Governor, Ebermaier, for their release in accordance with Geneva Convention and the replies thereto are attached.

On receipt of War Office telegram of 27th August, 1915, a list of German subjects taken prisoner in the Cameroons and a bag of letters was forwarded to Governor Ebermaier by Major-General Dobell, C.M.G., D.S.O., together with a letter asking whether it was proposed to further retain these officers as prisoners of war.

On 29th November, 1915, a copy of the arrangements made for the mutual exchange of medical personnel was forwarded to Governor Ebermaier, but to neither of these communications has any reply been received, though the receipt of the bag of letters was acknowledged at the time.

Nothing further was known of these officers until their release by the Column under Lieutenant-Colonel Haywood, D.S.O., on 8th January, 1916.

Jaunde,
13th February, 1915.

On the Report of 17th ultimo., I. No. 78.

The English Surgeon, Dr. Lindsay, is to be informed that I cannot accede to his request for liberation, since it has been proved that England is detaining German civil surgeons as prisoners of war, while reciprocity of action is, through England's fault, not guaranteed by the administration of the Geneva Convention. For this purpose I refer to the order of the 4th February, 1915, Kr. 6465, containing a protest sent by the Hamburg doctors to the doctors of England. As long as this reciprocity is not guaranteed, it is unnecessary to examine into and decide the question whether English doctors employed with the African troops are employed *exclusively* in medical work, and whether therefore Article 9 of the Geneva Convention applies to Dr. Lindsay.

EBERMAIER.

Jaunde,
15th November, 1914.

As long as the English military command in Africa keeps imprisoned German *civil* doctors, who have no relations whatever with the fighting forces, I must decline to go into a further examination of the questions of fact and law, as to whether English military and Government doctors here in Africa are *exclusively* to be employed for the purposes enumerated in Article 9 of the Geneva Convention of 6th June, 1906, or whether in particular they have only practised, and were only intended to practise, during the war in a certain limited activity.

The measures adopted in regard to yourself must therefore still stand. I cannot allow your liberation.

(Signed) EBERMAIER.

Duala,
23rd January, 1916.

With reference to report asked for by Captain Stretton the following have been my own experiences as prisoner of war in the Cameroons.

The attitude of military officers towards Doctor Lindsay and myself was invariably courteous.

The same could be said also of officials till we arrived at Jaunde.

When we arrived at that place, however, we were marched into the fort and left standing in the sun for about twenty minutes before a great number of natives who were sitting down.

As no one took any notice of us, we got out our chairs and sat down under one of the trees. Because of this, the civil officer in charge (Dettinger) said that we must be more modest in our behaviour, that we must not mention the Hague or Geneva Conventions again, that we should go to the Prisoners' Camp at Ajoshöhe as ordinary prisoners and not as officers, &c., &c.

Lieutenant H. W. Brown, who was taken into Garua with us, was treated in every way as well as was possible, and was given a military funeral. The native wounded prisoners were also well treated in the native hospital, but two who escaped after I had left Garua were caught about twelve miles away, brought back to Garua and shot by order of Hauptmann von Crailsheim.

With regard to the native troops, there can be no doubt that they kill wounded left on the field.

It was reported to us at Garua that Colonel Maclear was killed in this way. The European Germans either cannot or do not wish to control their men at such a time.

The native prisoners of war who were sent from Garua to Jaunde had chains round their necks, but these were, I believe, removed at Jaunde. The history of the prison camp is too long to be given here in full.

The site of the first camp (Ajoshöhe) was bad, being an ex-sleeping sickness camp, the worst place for mosquitos I have yet been in, and having no sanitation but what the prisoners themselves provided. The water, however, as in most German stations, was good.

Nearly every one was on parole and we were able to obtain a fair amount of exercise.

The food was insufficient in quantity and poor in quality, but could be, and was, supplemented by purchases made by the interned. Such purchases, however, were at very high prices and were mostly contrary to camp regulations.

Three Europeans for minor offences were confined in a small brick cell which had been used as a dynamite store and which was infested with jiggers. I had been asked to report on this building and had reported that it was unfit for the confinement of Europeans in a tropical country.

At Nkolemaka, the second camp, to which we moved at the beginning of August, 1915, there were very few mosquitos and conditions, except as regards exercise, were better, especially after a new under-officer replaced the one we had had before. The commandant of the camp very seldom visited the camp, and left nearly everything to the second-in-command.

The native traders from British and French Colonies were collected in the same places as ourselves.

They were knocked about by the native guard and no notice was taken of complaints. They were badly fed (cassava and plantain), and as far as I know only received a minute ration of salt twice in fourteen months. They were robbed of or had to sell nearly everything they possessed. The health of the prisoners, considering the conditions, has been surprisingly good.

Native soldiers insufficiently controlled by Europeans are the chief agents in ill-treating the natives of the country. They take women, &c., as they wish, and the natives fear to complain.

Hauptmann von Crailsheim defended his action in taking Doctor Lindsay and myself prisoners by—

1st.—That war in the colonies was uncivilised and did not come under the Hague Convention.

2nd.—That by depriving the Nigerian Government of our services he might prevent the despatch of further columns against the Cameroons.

3rd.—He also refused to believe that we were non-combatants.

W. A. TRUMPER,
Medical Officer,
Nigerian Field Force.

Statement by Dr. J. Lindsay, Medical Officer, Northern Nigeria.

Duala, 24th January, 1916.

I have seen the statement of Doctor Trumper and agree with the statements contained therein.

I attach two communications* from the late Governor of the Kameruns in reply to two applications from me to be released in accordance with the Geneva Convention. I may add that during my imprisonment no pretence was made of utilising my services.

JAMES LINDSAY, M.B., CH.B.,
Medical Officer,
Northern Nigeria.

Sworn Statement by Captain M. J. Parker, Sierra Leone Battalion, West African Frontier Force.

THE D.A.A. AND Q.M.G.,

I SEND you herewith a sworn statement by Captain Parker. His evidence is very clear except as regards the identity of the individual European.

The Hauptmann Priester could hardly have been at Hamann's farm; he was probably at Yaunde. But this individual, whose name may or may not have been as described, was probably one of the many Europeans enlisted for the war.

K. V. ELPHINSTONE,
Chief Political Officer.

27th January, 1916.

Held at Duala, 17th January, 1916.

MASKELL J. PARKER, sworn:—I am a captain in the Sierra Leone Battalion, West African Frontier Force, and was in action at Hamann's farm on 3rd February, 1915. At about 11.0 a.m. I was wounded and was eventually captured by the Germans. Shortly after I was hit I fell asleep; at least I remember nothing till I woke up suddenly just before dark finding one German native soldier pulling my broken leg, three others pointing their rifles within a few inches of my face, another holding a bayonet over my left shoulder, while a sixth was stripping me of my

* On pp. 63-64.

equipment, &c. One of the soldiers then said he was going to shoot me. I told him not to do so, whereupon he said he would tell his master. Presently his master (a European) came up, whose name I am almost certain I was afterwards informed was Priester. He looked at me for some time watching his men strip me and take a ring from my left hand, which he refused to return to me. I asked him to move the soldiers away so that I could get a little air. He said: "I cannot move them; they will not obey me." He then produced a small operating knife about six inches long, and said: "Do you want to live or die? It is quite easy to relieve people's sufferings with this." I told him I only had a broken leg and wished to live. One of the soldiers seemed to have an idea that Priester did not intend to kill me, and said: "Why do you not kill this white man; you killed the other white men."

At this moment a German European dispenser came up, whose name I believe to be Kla; he came to where I was and told Priester and the native soldiers to move away. They did not do so, however, till he had loaded his rifle and threatened to shoot anyone who did not instantly leave me.

The dispenser, having examined my wounds, went a short distance away with two or three of the soldiers to find a suitable stick for a hammock to carry me away. Two British native soldiers were lying wounded about five yards to my left, who asked for water. I looked round and saw Priester and one soldier standing by them. Priester told the soldier to get some water. As soon as he left, Priester stabbed them one after the other in the throat, with the result of immediate death. Not content with this he came round in front of me and cleaned his knife on his puttee. I do not know the nature of the wounds of these two men, but as they were able to talk coherently after lying in the sun for six or seven hours, there is to my mind little doubt that they might have been cured.

I do not think that I should be able to recognise Priester again; it was dark, and Priester was dirty and unshaved. I could not say what (if any) badges of rank he had on.

He struck me as not being of the type of a commissioned officer.

M. J. PARKER.

Sworn before me :

K. V. ELPHINSTONE, C.P.O.

27th January, 1916.

STATEMENT BY MR. R. TAGGART OF THE NIGER COMPANY.

Treatment of Natives.

I have been concerned in the following cases of ill-treatment of natives :—

(a) On or about the 23rd of September, 1914, two wounded English soldiers, who had been captured by the Germans at Garua, ran away from the hospital where they had been left practically unguarded. Two days later they were taken and brought in by natives. A German officer, Lt. Surèn, and some soldiers marched them round the town and they were then taken to a hill behind the fort and shot. I, myself, saw them being marched past the hospital and heard the shots. The German commander, Hauptmann V. Crailsheim, told me the same evening that they had gone down on their knees to him and begged for mercy, but he regarded it as his duty to shoot them.

(b) On the 20th August, 1914, the Niger Company's labourers, clerks, &c., in Garua to the number of twenty-three, including one boy of about seven or eight years of age, were taken to the fort, put in irons and locked in a cell for three days and nights, no arrangements being made for food or anything else. Later on seventeen of them were sent down to Jaunde in chains and for a considerable part of the journey of two months had to carry loads. When we left Kolmaka they were still with the Germans, with the exception of two who had died.

(c) In December, 1914, my boy, Toby, whom I had brought from Nigeria, was accused of gambling in the camp, and, although he was sick at the time and there was practically no evidence against him, he was sent as a prisoner from Ayos to Akonolinga. He was there kept in chains for about six months, and when I met him in Akonolinga in August, 1915, he was in a wretched state. Attempts which I made through our camp Commandant to have him removed to the native prisoners'

camp met with no success and he must still be with the Germans, probably as a carrier.

R. TAGGART.

Breach of International Law.

When I was first arrested by Hauptmann V. Crailsheim on the 13th August, 1914, I pointed out to him that, as a trader, I was protected by the Congo Act of 1884, in which there is a clause relating to the Niger and its tributaries. He admitted that my claim was good and released me, but, acting under instructions from Jaunde, re-arrested me a week later. I then made a protest in writing to the Governor, and in Jaunde received a reply from him to the effect that, though he admitted the application of the Congo Act, he considered the signatories were not thereby deprived of the right to take what steps they deemed necessary for the protection of their respective Colonies.

R. TAGGART.

Duala,
24th January, 1916.

STATEMENT BY MR. G. F. OGLESBY OF THE NIGER COMPANY.

I beg to complain that nineteen of the Niger Company's yard labourers, many of whom were German subjects, and also two native servants and two coloured clerks were, at the outbreak of war, put in a cell with chains round their neck, and left there for three days and nights without any official attention whatever. Food was only obtained through those who had wives. One of the two native servants mentioned above was a small boy who could not have been more than seven years of age, but who was only released after several days upon a protest being made to Captain Crailsheim by Mr. Taggart and myself.

About the 22nd September, 1914, the labourers were sent, always on the chain, and with their women, from Garua to Yaunde, where they were kept at work. During the war, two of the men died, but no official notification was sent to Mr. Taggart or to me. On the evacuation of Yaunde by the Germans, no attempt appears to have been made to repatriate these men, and I have lost trace of them.

GEO. F. OGLESBY.

Duala (Cam.),
24th January, 1916.

Enclosure C in No. 6.

ATROCITIES, WOUNDINGS, AND MURDERS OF THE NATIVE INHABITANTS OF THE CAMEROONS.

Reports forwarded by Colonel Mayer, French Army, Commanding the French Contingent.

Colonne du Cameroun.
(No. 1650.)

Edéa, le 7 septembre 1915.

Le Colonel MAYER, Commandant les troupes françaises du Cameroun, à Monsieur le MAJOR-GENERAL Commandant les forces alliées, Duala.

Objet.—Violences des Allemands envers les indigènes.

J'AI l'honneur de vous adresser ci-joint quatre rapports concernant des violences dont les Allemands se sont rendus coupables envers les indigènes.

Nous avons eu à constater bien d'autres violences semblables surtout dans les premiers mois de la campagne; nous savions que c'était une habitude chez les Allemands et nous n'avions pas cru devoir les signaler spécialement.

MAYER.

Colonne du Cameroun.
Bataillon N° 1.

CERTIFICATE I.

Certificat médical.

Nous soussignés, Dreneau, médecin-major de 2^e classe, Marque, médecin-major de 1^{ère} classe, et Cettou, soldat infirmier au bataillon N° 1, certifions avoir donné nos soins à deux femmes indigènes qui nous ont déclaré avoir été blessées par des Allemands. La première, soignée à Eseka le 16 mai, présentait des plaies par coups de sagaie à la partie supérieure de la cuisse droite, à la paroi abdominale, et au sein gauche. La seconde, soignée à Wum-Biagas le 20 mai, portait de profondes blessures par coups de coupe-coupe à la région cervicale postérieure (ayant mis la colonne vertébrale à nu), dans les deux régions scapulaires, à la face dorsale des deux mains et à la face postérieure des deux jambes.

En outre, un jeune homme d'une quinzaine d'années, atteint d'un coup de coupe-coupe à la face postérieure du coude gauche, a été rencontré le 19 mai au moment où la colonne débouchait sur la route de Jaunde, venant d'Eseka. Blessé par des tirailleurs allemands, ce jeune homme a été pansé à Wum-Biagas les 20 et 21 mai 1915.

DRENEAU.
CETTOU.
MARQUE.

Edéa, le 1^{er} septembre 1915.

MEDICAL CERTIFICATE I.

(Translation.)

We, the undersigned, Dreneau, Médecin-Major of the 2nd Class, Marque, Médecin-Major of the 1st Class, and Dresser Cettou, 1st Battalion, certify that we have treated two native women, who state they have been wounded by Germans. The first, treated at Eseka, on the 16th of May, presented spear wounds on the upper surface of the right thigh, on the abdominal wall, and on the left breast.

The second, treated at Wumbiagas, on the 20th of May, bore deep wounds made by a machet at the back of the neck, which exposed a portion of the vertebral column; others, in the region of the shoulder blades, at the back of both hands, and the backs of both legs. Besides these, a young man of 15 years of age was met on the 19th of May, when the column, coming from Eseka, debouched on the Jaunde Road. He had been wounded by German native soldiers and suffered from a wound made by a-machet at the back of the left elbow. This young man was treated at Wumbiagis on the 20th and 21st of May, 1915.

DRENEAU.
CETTOU.
MARQUE.

Edéa, 1st September, 1915.

Colonne du Cameroun.
Bataillon N° 1.

CERTIFICATE II.

Certificat médical.

Nous soussignés, Dreneau, médecin-major de 2^e classe, Marque, médecin-major de 1^{ère} classe, et Cettou, soldat infirmier au bataillon N° 1, certifions avoir vu, le 19 mai 1915, sur la route d'Eseka à Wum-Biagas, les cadavres d'une femme indigène et de son enfant âgé de quelques mois. Ces cadavres, étendus sur le ventre, au bord

de la route, portaient tous les deux à la région anale des traces de plaies par instrument piquant et tranchant (sagaie ou baïonnette).

DRENEAU.
CETTOU.
MARQUE.

Edéa, le 1^{er} septembre 1915.

MEDICAL CERTIFICATE II.

(Translation.)

We, the undersigned, Dreneau, Médecin-Major 2nd Class, Marque, Médecin-Major 1st Class, and Cettou, Military Dresser, 1st Battalion, certify to having seen, on the 19th of May, 1915, on the road between Eseka and Wumbiagas, the bodies of a native women and child a few months old. These bodies, lying on their abdomen by the side of the road, showed the marks of wounds in the anal region caused by some piercing or cutting instrument (spear or bayonet).

DRENEAU.
CETTOU.
MARQUE.

Edéa, 1st September, 1915.

Colonne du Cameroun.
Place d'Edéa.

CERTIFICATE III.

Le médecin aide-major E. RAYNAUD à Monsieur le COMMANDANT DU 2^{me} BATAILLON.

MON COMMANDANT,

Vous m'avez demandé un rapport sur les atrocités commises par les Allemands depuis le début de la campagne. Ces atrocités sont si nombreuses en Europe et si universellement connues que je n'ai pas cru devoir noter toutes celles dont ces barbares se sont rendus coupables au Cameroun. En voici seulement quelques exemples :

Le 30 Septembre, au village de Japoma, un cadavre d'indigène est trouvé au milieu de la route, le ventre largement ouvert et l'intestin hors de la cavité abdominale. La mort remontait à deux jours environ.

Le 7 Juin, un indigène venant des environs de Makondo est amené à l'ambulance d'Edéa avec une large plaie de la région cervicale antérieure. Le cou avait été sectionné au dessous du menton, entre les deux muscles sterno-cleido-mastoïde et la plaie s'étendait en profondeur jusqu'à la face postérieure du pharynx.

Le 29 Juillet, trois femmes furent surprises dans les environs de Banjob; l'une d'entre elles fut tuée, l'autre eut la malléole externe gauche complètement brisée par une balle; la troisième reçut de nombreux coups de coupe-coupe sur tout le corps, notamment dans la région cervicale postérieure; tous les doigts étaient sectionnés à leur base; et l'oreille gauche complètement décollée; la branche montante du maxillaire inférieur et l'os maxillaire étaient fracturés.

Le 31 Juillet une femme se présentait au poste de Ngwé avec une blessure s'étendant depuis la base du cou, jusqu'à l'articulation scapule humerale et en profondeur jusqu'à l'omoplate.

Le 22 Août, un indigène était apporté des environs de Banjob à l'ambulance d'Edéa, pour plaies multiples par coup de coupe-coupe; avec plaies pénétrantes par balle de la poitrine et de l'abdomen.

A Kribi, le 9 Décembre deux tirailleurs furent atteints par des balles en plomb de très fort calibre, qui furent extraites en présence des infirmiers du bataillon et du Docteur anglais Monsieur Miller.

Dr. RAYNAUD.

Edéa, le 31 août 1915.

Cameroon Column,
Edéa.

CERTIFICATE III.

(Translation.)

From Medical Adjutant E. RAYNAUD to the COMMANDANT OF THE 2ND BATTALION.

MY COMMANDANT,

You have asked for a report on the atrocities committed by the Germans since the opening of the campaign. These atrocities are so numerous in Europe and so universally known, that I had not thought it necessary to note all those of which these barbarians have rendered themselves culpable in the Cameroons; but here are only a few examples :—

On the 30th September, at Japoma village, the body of a native was found in the middle of the road, the abdomen opened up and the intestines lying outside the abdominal cavity. The death took place about two days earlier.

On the 7th June, a native, coming from the neighbourhood of Makondo, was brought in to the ambulance at Edéa with a large wound on the front of the neck. The throat had been cut below the chin between the two sterno-cliedo-mastoid muscles,* and the wound extended in depth to the back wall of the pharynx.

On the 29th of July, three women were surprised in the neighbourhood of Banjob—one of them was killed. Another had the external portion of the malleolus of the left foot† completely shattered by a bullet. The third received numerous cuts with a matchet all over the body, especially at the back of the neck. All the fingers were cut at their bases and the left ear completely cut off. The ascending ramus of the lower jaw and the maxillary bone (cheek bone) were fractured.

On the 31st July, a woman arrived at Ngwe Post with a wound extending from the base of the neck to the shoulder joint and reaching down to the shoulder blade.

On the 22nd of August, a native was brought from the neighbourhood of Banjob to the Edéa ambulance with numerous matchet wounds and penetrating gunshot wounds of the chest and abdomen.

At Kribi, on the 9th of December, two tirailleurs were hit by leaden bullets of large calibre, which were extracted in the presence of the battalion dresser and of Dr. Miller, an English doctor.

Dr. RAYNAUD.

Edéa, 31st August, 1915.

Colonne expeditionnaire du Cameroun,
Post de la Ngwé.

CERTIFICATE IV.

Ngwé, le 2 septembre 1915.

Le Chef de Bataillon GESLAND, Commandant le poste de la Ngwé, à Monsieur le COLONEL COMMANDANT LES TROUPES FRANCAISES, Edéa.

Objet : Au sujet d'indigènes mutilés par l'ennemi.

En réponse à votre demande de renseignements au sujet des mutilations dont auraient été victimes les indigènes réfugiés auprès du poste de la Ngwé, j'ai l'honneur de vous faire connaître qu'un certain nombre de nos protégés ont été blessés par des coureurs allemands (tirailleurs ou partisans) dans la zone qui échappe à notre surveillance immédiate et dans laquelle ils vont rechercher les tubercules et les fruits nécessaires à leur subsistance.

* Muscles joining breast bone to the side of the head and neck.

† Outside of left ankle.

Les blessures faits à ces malheureux ont revêtu un caractère de mutilation dans deux cas :

1° pour la nommée Nkonzaga (Chef Bozla de la région de Si Ndongi) atteinte d'une blessure à la tête causée aux moyen du coupe-coupe : cuir chevelu lacéré et détaché. L'intéressée a déclaré, en outre, que sur sept autres indigènes en compagnie desquels elle se trouvait, cinq ont été massacrés et deux autres emmenés par les quatre tirailleurs allemands qui les avaient assailli. Les faits ont eu lieu le 19 août à Si Ndongi, village d'origine de ces indigènes.

2° enfin, particulièrement pour le nommé Bâbec (captif Liogbako) assailli le 20 août par trois tirailleurs allemands dans la région de Song-Simont (Elogubon). L'état pitoyable de cet indigène a été décrit par le Médecin-Major de 1^{ère} classe Camus dans les termes suivants :

“ Cet homme était mutilé affreusement à coups de coupe-coupe : 1° sur le coté droit du cou, il portait deux entailles horizontales peu profondes ayant entamé superficiellement les masses musculaires; une troisième entaille qui, vraisemblablement avait suivi les précédentes, avait été causée par un coup d'une violence extrême ayant entamé jusqu'aux vertèbres cervicales toute la masse musculaire du cou. Cette troisième entaille partait de la face postérieure du cou jusqu'à une ligne perpendiculaire passant par le lobule de l'oreille droite. La plaie qui en était résultée était largement béante, tous les vaisseaux d'ailleurs peu importants qui avaient été sectionnés s'étaient taris par suite de formation de caillots oblitérants;

“ 2° les deux poignets pendaient retenus seulement par quelques tendons de la face extérieure de l'avant-bras; les parties molles et les deux os de chaque coté avaient été sectionnés nets par un coup violent de coupe-coupe;

“ 3° le blessé portait enfin dans le dos; dans la gouttière vertébrale droite et au niveau des reins, trois autres coups d'instrument tranchant ayant produit des dégâts purement musculaires mais assez profonds.”

Cet indigène, après un pansement sommaire, a été dirigé sur l'ambulance d'Edéa le lendemain, 21 août, par le convoi d'évacuation.

Ngwé, le 2 septembre 1915.
GESLAND.

Cameroons Expeditionary Column,
Ngwe Post.

CERTIFICATE IV.

(Translation.)

Battalion Commander GESLAND, Commanding Ngwe Post, to the COLONEL
COMMANDING FRENCH TROOPS AT EDEA.

Ngwe, 2nd September, 1915.

Subject :—Mutilation of Natives by Enemy.

In reply to your request for particulars on the subject of the mutilations of which the native refugees at Ngwe have been victims, I have the honour to inform you that a certain number of our protégés have been wounded by German native soldiers or partisans outside our protecting zone, where they go to collect roots and fruits necessary for their sustenance.

The wounds inflicted on these unfortunates have assumed the character of mutilations in two cases.

Firstly, a woman named Nkonzaga (Chief Bozla, District Si Ndongi), suffering from a wound of the head caused by a machet. The scalp was lacerated and detached. The victim declared, that of seven other natives whose company she was in, five were massacred, and two others led away by the four German soldiers who attacked them. This incident took place on the 19th of August at Si Ndongi. their native village.

Secondly, finally and particularly, the case of Babec (captured Liogbako), who was attacked on the 20th of August by three German native soldiers in the district of Song-Simont (Elogubon). The pitiable state of this native is described by Médecin-Major, 1st Class, Camus in the following terms :—

“ This man was frightfully mutilated by blows from a matchet : (1) On the right side of the neck, where he showed two shallow horizontal gashes which had cut open the muscular mass superficially. A third gash, which had probably followed the preceding ones, had been caused by an extremely violent blow, and had cut through all the neck muscles as far as the cervical vertebræ. This third gash extended from the back of the neck, as far as a perpendicular line drawn from the lobe of the right ear. The resulting wound was gaping widely. All the small vessels which had been cut had, however, been closed by the formation of obliterating clots.

“ (2) The two wrists hung suspended only by a few tendons of the back of the fore-arm. The soft parts and the two bones on each side had been cut clean through by a violent blow of a matchet.

“ (3) The wounded man had also sustained on the back, to the right of the vertebral canal, and in the neighbourhood of the kidneys, three other blows from a cutting instrument, which had produced purely muscular but fairly deep wounds.”

This native, after a preliminary dressing, was sent to the ambulance at Edca on the following day, the 21st of August, by the evacuating convoy.

GESLAND.

Ngwe, the 2nd of September, 1915.

No. 7.

EAST AFRICA.

THE GOVERNOR OF THE EAST AFRICA PROTECTORATE to THE
SECRETARY OF STATE FOR THE COLONIES.

Government House, Nairobi,

SIR,

British East Africa, 11th December, 1914.

I HAVE the honour to transmit herewith a copy of the Proceedings of a Court of Inquiry into the treatment of wounded by German forces.

I have, &c.,

C. C. BOWRING,

Governor's Deputy.

Enclosure in No. 7.

PROCEEDINGS of a Court of Inquiry held at Kedongai by order of Captain H. H. Sandbach, Commanding East Africa Mounted Rifles, on 29th September, 1914, to inquire into the alleged shooting of our wounded by the enemy on the 25th September.

President.

Major H. S. Laverton.

Members.

Captain Bingley.

Lieut. E. D. A. Gooch.

The Court having assembled proceed to take evidence.

1st Evidence.—LIEUT. THE HON. A. BAILEY, having been duly sworn, states that : On the 25th, during the action on the southern slope of the Ingito Hills, I had orders to retire my men and leave one section on the left to hold the enemy. As I was about to retire, I met Sergeant Simpson who told me my men had gone back. I then saw Lance-Corporal Barridge standing by Trooper Elliot. I said, “ Is he hit ? ” and he replied, “ Yes, may I stay with him ? ” I replied, “ Bring him out

quickly, if you can, on a mule." I then went and saw no more of either of the two men.

A. BAILEY.

2nd Evidence.—SERGEANT J. J. SCALLY, East Africa Mounted Rifles, having been duly sworn, states that : During the action on the 25th September, I received orders to retire, and, on going about twenty yards to the rear, I saw Trooper Elliot lying on the ground. I asked him where he was hit, and he replied, "Through the leg." I said, "Can't you move at all," and he said, "No." I said, "We are retiring and you are better off where you are, and if you try to move you will be hit again." When I left him he was perfectly sensible.

J. J. SCALLY.

3rd Evidence.—TROOPER W. HESSELTINE, Mgadi Defence Force, having been duly sworn, states that : During the action on the 25th September I was about the last to leave in our centre. As I was retiring I saw Lance-Corporal Barridge stooping over a wounded man, whom I afterwards learnt was Trooper Elliot, and the last thing I saw was Barridge falling. About half a minute before Barridge fell, I saw Elliot moving his head. I had previously heard Barridge call out to our men, "Don't shoot this way, there are wounded men here"; then he turned round, waved his arm and spoke to the Germans, and evidently pointing out wounded men to them. He had no rifle in his hands at the time.

W. HESSELTINE.

4th Evidence.—CAPTAIN C. J. WILSON, Medical Officer, East Africa Mounted Rifles, having been duly sworn, states : On the morning of the 26th I visited the scene of the fight, and, as far as I know, was the first person to do so. I found, myself, seven bodies lying in the bush, and the men with me afterwards found the eighth body. Trooper Elliot's body was identified by one of the men with me; on him I found three separate wounds, one through the lower part of the thigh, one in the right cheek, apparently caused by a bullet which had come out at the back of the head, taking away a large part of the skull, and a third, a clean wound on the left of the neck, and was such a wound as might have been caused by a bayonet or knife but could not have been caused by a bullet. In my opinion, I do not consider that the wound in the leg could have caused his death. I found Trooper Buller had a wound on the left side of the chest and a bayonet wound on the left side under the ribs. All the other wounded had only one wound each which I saw, all of which had apparently caused instantaneous death. As regards the body of Trooper Sommerville, I found a wound high up on the right side of the chest, which, in my opinion, was where the bullet had entered. It was larger than to be caused by an ordinary solid-nosed bullet, and the wound of exit on the right side of the back was large and jagged, and, in my opinion, the wound was caused by a soft-nosed bullet.

C. J. WILSON.

5th Evidence.—SERGEANT A. J. SIMPSON, East Africa Mounted Rifles, having been duly sworn, states that : During the action on the 25th September I passed close to Trooper Elliot on my way across to the left flank. He was lying on his back and I asked him what was the matter, and he replied : "I am shot through the leg." I never saw him again till next morning, when I found him lying in the same spot with a bullet wound through the head and what I should say was a bayonet wound through the back.

A. J. SIMPSON.

Opinion.

Having carefully considered the above evidence, the Court are of opinion that there is not sufficient evidence to show that our wounded were deliberately put to death, but the Court is of opinion that the enemy were using soft-nosed bullets.

President:

H. S. LAVERTON, Major,
East Africa Mounted Rifles.

Members:

A. C. BINGLEY, Captain,
Officer Commanding "E" Squadron,
East Africa Mounted Rifles.

E. D. A. GOOCH, Lieutenant,
"A" Squadron, East Africa Mounted Rifles.

No. 8.

COLONIAL OFFICE TO FOREIGN OFFICE.

Downing Street,
7th March, 1916.

SIR,

I AM directed by Mr. Secretary Bonar Law to request you to inform Sir E. Grey that in the War Diary of the General Officer Commanding, East Africa, the following appears under date 1st January, 1916 :

"Our motor ambulance was attacked on the Tsavo-Mgima road yesterday morning, four miles from Crater Hill. The driver was killed and one of the occupants wounded. The ambulance was clearly marked in several places with the Geneva Cross and was flying a Red Cross flag."

I am, &c.,
H. J. READ.

GERMAN SOUTH-WEST AFRICA.

No. 9.

CORRESPONDENCE BETWEEN GENERAL LOUIS BOTHA AND THE
GERMAN MILITARY AUTHORITIES.

I.

(Received in Colonial Office from the Governor-General of the Union of South Africa, 19th April, 1915.)

Headquarters of the Forces of the Union of
South Africa in the Field.

13th February, 1915.

SIR,

I HAVE the honour to address the following communication to you in connection with certain matters which have come to my notice.

I am unaware if the fact is within your personal knowledge, but on the occupation of Swakopmund by the forces under my command it was discovered that six wells from which water was to be drawn for human consumption had been poisoned by means of arsenic. In some instances bags full of the poison were found in the wells.

This act is, as of course you are aware, a violation of the terms of Article XXIII. (a) of the Hague Reglement, which "especially forbids" the employment of "poison or poisoned weapons" as a means of injuring an enemy.

I have no doubt that the forthcoming campaign will be conducted with the fullest vigour by the soldiers of either party, and with the energy which every country expects from those who fight its battles, but I venture to hope that you will sternly discountenance the continuance of such a disgraceful practice as that to which I have referred.

If the practice is persisted in, I shall, though with reluctance, employ such measures of reprisal, by the destruction of property or other means, as may seem to be advisable.

After the war has ceased, however, whatever its outcome may be, in South Africa the people of both countries will presumably continue to live in close proximity to each other, and while, as I have said, the campaign will no doubt be prosecuted with vigour on both sides, I shall be glad to know that I can rely on your co-operation to prevent any bitterness which is avoidable.

Any repetition of the shameful occurrence to which I have referred will produce a feeling on the part of the troops I command which will lead to regrettable actions which it is entirely within your power to avoid by discountenancing practices which, while perhaps causing unnecessary loss of life, will not retard by a moment my advance, nor deter my troops from doing their duty.

In the meantime, I must hold the Officer Commanding the German troops at Swakopmund or at the military post nearest to that place at the date of our occupation as responsible for the act of poisoning to which I have referred. Failing this officer, the responsibility must, of course, rest on the officer in supreme command.

I shall similarly regard any officer responsible, and, being responsible, as liable to pay any proper penalty for his act, who resorts to such actions in the future. I

trust, however, that my representations to you will result in your troops refraining from such deeds.

I have, &c.,

LOUIS BOTHA,

General,

Commanding-in-Chief the Forces of the Union
of South Africa in the Field.

The Officer Commanding the German Forces in
German South-West Africa.

II.

(Received from the Governor-General of the Union of South Africa,
19th April, 1915.)

Extract.*

(Translation.)

Karibib,

21st February, 1915.

DEAR SIR,

I ACKNOWLEDGE receipt of your writing of the 13th February, 1915. You have not seen fit at the time to reply to my predecessor's complaint that troops under your command were carrying on warfare in a manner which is contrary to international law. Nevertheless, I would not hesitate for a moment to inform you of the punishment of any person guilty of such a crime, if such person existed on our side, but I am sorry to say that you have been the victim of a gross deception.

You and your troops know that since the beginning of the campaign (and you may convince yourself of this by referring to the papers published in your own country) the troops under my command have orders, if they can possibly prevent it, not to allow any water supplies to fall into the hands of the enemy in a form which allows such supplies to be used by either men or beasts. Accordingly the officer who was in charge when Swakopmund was evacuated had several sacks of cooking salt thrown into the wells. These are your "bag full of poison." As you allowed us the necessary time, we tested the water by letting human beings and animals drink it, but we found that the salting of the water could be rendered ineffective in a short time. Thereafter we tried kopper dip, and we found that by using this material any enemy occupying the town would for some time have to rely on water brought from elsewhere. As this method would not prevent careless people drinking the water, a notice was put up in terms of instructions at every place which had thus been dealt with, and thereby all possibility of inflicting injury to the health of the enemy by unchivalrous means was forestalled.

I know that I can rely on my officers, but in this case I went further, and sent the oldest officer of my staff to Swakopmund to examine what had been done. He reports to me that he saw these notices before the town was occupied by the enemy.

Please convince yourself of this fact by asking any "gentleman" amongst your troops who was present when Swakopmund was occupied, and then judge who fights here with "poisoned weapons" by misrepresenting facts and hiding the main points of the issue.

* * * * *

With regard to your threats, I think I am acting in terms of your wishes if I publish them broadcast, but I fear that they, as well as your captain, with his well known "Remember," will only cause hilarity among the population of German South-West Africa.

With greatest esteem, General,

I have, &c.,

FRANKE.

To the General Officer

Commanding-in-Chief,

The Troops of the Union of South Africa,

General Louis Botha.

* COLONIAL OFFICE NOTE: The documents marked "Extract" contained passages dealing with other matters; these passages have been omitted.

III.

(Received from the Governor-General of the Union of South Africa,
19th April, 1915.)

Extract.

General Officer Commanding-in-Chief,
Union Defence Forces in the Field,
Swakopmund,

SIR,

28th February, 1915.

I HAVE the honour to inform you that your letter of the 21st February, in reply to my communication of the 13th idem, has reached me to-day from my outposts.

I note your explanation as to the use of poison in the water at Swakopmund, and regret to observe that the action apparently receives your support. I had hoped that at least your higher authorities would express their regret for the occurrence.

As a trained regular military officer of long experience you must be aware that the terms of Article XXIII. (a) of the Hague Reglement, already quoted by me, are an absolute prohibition of the use of poison, under any conditions whatever, and that no matter how many notices may be displayed, the breach of international law and the offence against the customs of civilised warfare are in no degree lessened by a statement to the enemy that the breach and offence have been committed.

I must therefore adhere to my statement that I hold the Officer Commanding the German Colonial troops in German South-West Africa personally responsible for this disregard of civilised usage.

I would observe, incidentally, that from the reports of my officers, whom I see no reason to disbelieve, no notices were to be found at the water when our forces reached it.

I also beg to reiterate my hope that the forces under your command will refrain from similar actions in future.

* * * * *

As regards the last paragraph of your letter, I regret that I do not follow the allusion to the "Captain," and prefer to think that the more responsible and reasonable section of the German population in German South-West Africa will regard a protest against the use of poison with less "hilarity" and more concern than your remarks would lead me to suppose.

I have, &c.,
LOUIS BOTHA.

Lieutenant-Colonel Franke,
Commanding the German Colonial Forces
in German South-West Africa,
Karibib.

IV.

(Received from the Governor-General of the Union of South Africa,
22nd May, 1915.)

COMMAND OF IMPERIAL TROOPS OF THE PROTECTORATE OF GERMAN SOUTH-WEST
AFRICA to the Commander of the Troops of the Union, General LOUIS BOTHA.

Extract.

Windhuk,
11th March, 1915.

DEAR SIR,

I CANNOT agree with your interpretation of Article 23 of the Hague Convention. "Poisoning" I understand to mean *secretly* adding matter which is injurious to the health of human beings. What, on the other hand, has been done with my permission, and will continue to be done, is merely effecting a change in the natural condition of the water in order to deprive the enemy of the use of this means of existence, which under South African conditions can only be replaced with difficulty. If your officers fail to pay attention to notice-boards measuring 25 by 50 centimetres you must order that your troops in future are only to use water in German South-West Africa after it has been chemically examined.

* * * * *

I have, &c.,
FRANKE.

G abis b ^{unmöglich} ~~unmöglich~~
 Idamine. ^{unmöglich}
 zu ~~was~~ ~~das~~
 zu ~~was~~ ~~das~~
 von ~~was~~ ~~das~~ Swakop
 größte Dorf ist
 mit Idamine
 Krüger 54
 so nicht mehr zu
 Ansehen.

Photograph of the message sent by Captain Kruger, referred to on page 77. The translation of the message is as follows :—

" Gabib (meaning the patrol at Gabib) has been instructed so far as possible to contaminate the Ida Mine. Observe extreme caution on entering Swakop and Ida Mine, and do not water there any more."

V.

(Received from the Governor-General of the Union of South Africa,
3rd May, 1915.)

Extract.

Field General Headquarters,
Union Forces,

SIR,

22nd March, 1915.

I HAVE the honour to inform you that I am in possession of the following message sent by Captain Kruger, of the Forces under your command, on the 10th instant, to Outpost, Pforte :—

“ The patrol Gabib has been instructed thoroughly to infect with disease the Ida Mine. Approach Swakop and Ida Mine with extreme caution and do not water there any more.”

I have questioned most carefully educated officers and men among the prisoners I have recently captured from you, and while they all express disgust and horror at the idea, they agree in saying that “ to infect with disease ” is a correct translation of the original, and the only conclusion possible is that water has again been poisoned by the introduction on this occasion of bacterial matter designed to produce an epidemic of disease, and that this has once more been done by the forces under your command.

I know you by repute as a gallant soldier and cannot bring myself to believe that you countenance such a practice as that to which I refer above. The employment of poison is, as I have before pointed out, a gross breach of the laws which govern civilised warfare and is a cowardly method of injuring an enemy to which no soldier should stoop.

There may be some explanation of the message which may throw a different light upon the matter, and, if this is so, I shall welcome such an explanation.

If no explanation is forthcoming, may I once more ask that you will set your face against such practices and instruct your forces to abstain from such acts, which can only bring dishonour on their action and their service.

I shall be glad to receive your early assurance that you have forbidden the use of poison and that you will deal severely with any contravention of your orders.

As the matter appears to stand, and in view of the fact that a recent Reglement provides that nations must accept responsibility for the illegal acts of their soldiers, it will be necessary at the conclusion of hostilities to consider carefully the action of Captain Kruger in the matter with which this letter deals.

* * * * *

I have, &c.,

LOUIS BOTHA,

General,

Commanding-in-Chief the Forces of the Union
of South Africa in the Field.

Lieutenant-Colonel Franke,
Commanding German Colonial Forces,
German South-West Africa.

VI.

(Received from the Governor-General of the Union of South Africa,
22nd May, 1915.)

Extract.

TELEGRAM.

From General BOTHA, Swakopmund, to DEFENCE, Capetown.

16th April, 1915.

0210. Following for repetition from self to Governor Seitz, Windhuk, begins :

* * * * *

Been compelled advise your military commander reserve to myself right to destroy anything as act of reprisal for flagrant breach of Hague Convention by poisoning water which spite representations Colonel Franke tells me he will persist in. Suggest you peruse correspondence this subject between Colonel Franke and myself when feel sure you will throw weight your influence against cowardly practice which will disgrace your nation.

* * * * *

ends.

VII.

(Received from the Governor-General of the Union of South Africa,
22nd May, 1915.)

Extract.

TRANSLATION of German *Radio* message from SEITZ, *Windhuk*, to General BOTHA, Cape Town, handed in at Windhuk at 5.15 p.m., and received here at 5.16 p.m. on the 23rd April, 1915.

In reply to your telegram,* I beg respectfully to inform you of the following : It is not true that we have ever used poison to make waterplaces useless.

* * * * *

VIII.

(Received from the Governor-General of the Union of South Africa,
5th August, 1915.)

General Headquarters of the Forces of the
Union of South Africa in the Field,
19th June, 1915.

YOUR EXCELLENCY,

WITH much regret I find myself compelled to bring to the notice of Your Excellency a further instance of water poisoning by the German troops.

The delay in advising Your Excellency of this case has been a consequence of my desire to be sure as to all the relative facts before taking any steps. I am now in possession of full details and sworn statements. The latter have been sent to my Government for transmission—as in previous similar instances—to the British Government

On the farm Bulsbout on the Swakop river, on the 1st May, 1915, on the occasion of the last advance by my troops, water from two wells, on being tested by the trained analysts—whose services are necessary with all portions of my forces in consequence of the systematic poisoning resorted to by Your Excellency's troops—gave a strong arsenic reaction. The water from these wells was thus dangerous to human life, and, no doubt, had it been used for drinking in its strongly poisoned condition, as at any time might have occurred, the death of some of my soldiers would have been the result.

I merely bring this to Your Excellency's notice and do not desire to labour the point of the breaches of the Hague Convention which have been committed in consequence of the deliberate policy of poisoning adopted by the Commander of Your Excellency's military forces, for my views have been fully and clearly expressed in this connection already.

Though the death of Union soldiers by means of poison will have no influence on the campaign, I feel it once more incumbent upon me to ask Your Excellency to consider if such methods are politic; as to their inhumanity there can be no doubt.

It will be necessary for my troops again to advance, and I should be glad to think that the fight can be fought fairly and cleanly.

Though the placing of notices on poisoned water does not in the smallest degree lessen the breach of international war law committed by the use of poison, which is unconditionally forbidden, the Commander of Your Excellency's forces has on a previous occasion stated that instructions had been given that notices of poison were to be displayed.

The most careful search on the occasion to which I refer above failed to reveal any trace whatever of warning notices.

I have, &c.,

LOUIS BOTHA, General,
Commanding-in-Chief the Forces of the
Union of South Africa in the Field.

His Excellency Dr. Seitz,
Imperial Governor,
German South-West Africa.

FIRST WITNESS.

GIDEON DANIEL PIENAAR, sworn, states :—I am a Lieutenant in *Heidelberg "B" Commando*, Right Wing, *Second Mounted Brigade*. I was in charge of the Advance Guard on 1st of May, 1915, when our Commando proceeded up Swakop River and

reached the farm *Bullsbout*. We got there about 12.30 p.m. I have been shewn Map 15, and f. 5. would about indicate the true situation of farm aforementioned. The Analyst accompanied my troops and we were together when the farm *Bullsbout* was reached. Then we took immediate steps to examine and investigate all water supplies. On the homestead there are in all *six wells*, with *two windmills*. Our investigations commenced with *windmill No. 1* to side of "*Packhouse*" (the central building in sketch). This windmill is connected by a pipe with *well Alpha* and also by a pipe with *Reservoir A*. The latter will be about 20 feet by 20 feet in area and is a strong cement work. All water samples taken from windmill here referred to and from *well Alpha* and *Reservoir A*. were found to be absolutely pure and uncontaminated. The *Reservoir A*. was completely full up to the top on our visit.

We then proceeded to *windmill No. 2*, situate as in sketch about 250 yards N.W. from central packhouse. This windmill No. 2 is connected by pipes with a *v* *U* *Beta* and by a pipe with another *Reservoir B*. The latter reservoir will be about 25 feet by 25 feet in area and also is a strongly cemented work.

All samples of water taken from this source were found pure and uncontaminated.

Then we proceeded to *well Gamma* in which the water is raised by a hand syphon pump. *Well Gamma* is situate on sketch about 200 yards from *Reservoir A*. Water sample taken gave very strong arsenic reactions. In my presence Analyst Loxton tested this well three times in succession to ensure correct report. It was strongly poisoned. I then saw that the well was marked. Then we proceeded to *well Delta*, wherefrom water is raised by handpump. There we also got a sample of water and analyst also reported it as strongly poisoned. We also marked this well.

G. D. PIENAAR, Lieut.

GIDEON DANIEL PIENAAR, continued :—The first dynamite discovered was on top of No. 1 windmill, and it was set with a detonator so that it could go off directly by any swift turn of wheel. I instructed Burgher Smith of my troop to remove charge and he did so. There were twelve sticks in the charge.

Then Burgher Smith was sent by me to examine windmill No. 2, on which a similar charge of nine sticks of dynamite were discovered.

I subsequently discovered about the homestead several contact and fuse mines unexploded.

Just about this time Colonel Collins and Brigade Major Brink came up and in their presence we found in the packhouse as aforementioned (central in figure) a box of detonators, about 500 sticks of dynamite, and a quantity of fuse. Here also we found a garden spray and a large quantity of arsenic.

G. D. PIENAAR, Lieut.

Sworn before me at Camp of 9th M.B.F.A., at Okasise, this 6th day of June, 1915.

P. SKINNER-CLARK, Major,
S.A.M.C., O/C 9th M.B.F.A.

J.P. for Cradock, C.P.,
Okasise, 6th June, 1915.

SECOND WITNESS.

VERNON THOMAS LOXTON, sworn, states :—I am Sergt. Analyst attached for duty to Right Wing of Second Mounted Brigade. I generally accompany advance guard and on morning of May 1st, 1915, I was in company of Lieut. Pienaar of Heidelberg "B" Commando, when we reached the farm *Bullsbout*. I have been shewn Map 15, and F. 5 would approximately express the true situation of farm referred to by me as *Bullsbout*. We reached farm about 12.30 p.m. and I immediately commenced testing water samples. I have had the evidence of Lieut Pienaar read over to me and I endorse the whole of his statements. I have also seen and examined the rough map-sketch made out by Major Skinner-Clark and am of the opinion that this sketch is as approximate to real positions as could be. It is a true representation. Water samples from *wells Alpha and Beta* and from *Reservoirs A. and B.* were tested by me and were found free from any contamination or poison. Water samples were safely drinkable. Water samples from *Gamma and Delta* wells were then tested repeatedly, and from both strong arsenic reactions were obtained. Copper testing plates were almost black. I was of the opinion that they had been deliberately poisoned by a strong solution of arsenite of sodium. I saw and examined the several

parcels of dynamite found strewn about homestead. I also saw detonators, fuses, and dynamite attached to Windmill. I subsequently discovered an unopened box of sodium arsenite (and so marked) containing from 60 to 70 lbs., together with a garden spray.

V. T. LOXTON, Sgt.
Analyst.

Sworn before me this 6th day of June, 1915, at Camp of 9th M.B.F.A., at Okasise.

P. SKINNER-CLARK, Major,
S.A.M.C., O/C 9th M.B.F.A.,
J.P. for Cradock.

SERGEANT V. T. LOXTON, sworn, states:—Further to my evidence given before Major Skinner-Clark, on the 6th June, 1915, in connection with the poisoned wells at Bullsbout, I did not see any notice stating that the water in the wells was poisoned, although I looked for such notices. I was with the advance guard, and was with the first party to visit the wells. Lieutenant Pienaar, Private Smith, and Sergeant-Major Frazer were with me, and were the first of our troops at the wells. None of them reported the presence of notices on the wells, marking them poisoned.

V. T. LOXTON, Sergt. Analyst,
Attached to 2nd Mounted Brigade.

Karibib,
15th June, 1915.

Sworn before me this 15th day of June at the Offices of the D.A.D.M.S., Karibib.

G. D. MAYNARD, Major,
D.A.D.M.S., Northern Force,

IX.

(Received from the Governor-General of the Union of South Africa,
18th August, 1915.)

Extract.

25th June, 1915.

YOUR HIGH WELL BORN,

I acknowledge with thanks the receipt of your letter of the 19th instant.

* * * * *

You again refer to the alleged contravention of the Hague Convention by poisoning water. I must place on record that water places have in our country to be regarded as war material, which will assist the enemy, and may therefore be destroyed. Accordingly when the Union troops began to invade the Protectorate, the late Commander of the Army of the Protectorate, with my sanction, ordered that, should our troops retire, the water holes were to be rendered useless. We never thought of poisoning the water holes, for in the few isolated cases where, owing to lack of other means, Cooper's dip, imported from the South African Union, has been used, the health and lives of your people have been safeguarded by the erection of warning signs at the water holes rendered useless through Cooper's dip. This has already been communicated to you by the Officer Commanding in his letter of the 11th March last, and he has laid special stress on the fact that he reserves to himself the right also in future to render water useless. The order to use poison as a means to carry on war has never been given. On the contrary, the use of poison has been specially prohibited. By the measures we took, we only intended to render water unfit for use. There never existed the intention to poison human beings. Any charge of such a nature I absolutely spurn.

With reference to the alleged poisoning of the water hole on the farm "Bulbout," I beg to say that this, if it is a fact, cannot be laid at the door of our troops. Above all, I must ask you in no way to connect this action with the Officer Commanding of our troops. The Officer Commanding has never given an order to poison a water hole, and would never have allowed such a thing if it had been brought to his knowledge

Yours obediently,
SEITZ,
Imperial Governor

To General Botha.

No. 10.

(Received from the Governor-General of the Union of South Africa,
6th May, 1916.)

TO HIS HONOUR THE ADMINISTRATOR OF THE
PROTECTORATE OF SOUTH WEST AFRICA.

REPORT OF COMMISSION OF ENQUIRY INTO THE TREATMENT OF PRISONERS OF WAR BY
THE GERMAN PROTECTORATE AUTHORITIES DURING THE LATE HOSTILITIES.

The Commission was appointed by Government Notice No. 28 of 20th October, 1915, by the Military Governor to enquire into and report upon the treatment received during internment—

- (a) By members of the Union Forces who were captured by the German Protectorate Forces during the recent hostilities in this territory and held as prisoners of war.
- (b) By non-combatants of British and other nationalities who were resident in this territory when war broke out and were detained by the German Protectorate authorities as so-called political prisoners.

The Commission sat at Otavifontein on 4th, 5th, and 6th November, at Tsumeb, on 8th November, and at Windhuk on 11th, 22nd, 23rd, 24th, 25th, 26th, 27th, 29th, and 30th November.

Hauptmann Schmidt, of the Imperial German Army, and Herr Regierungsrat Karlowa appeared before the Commission on behalf of the German Protectorate authorities and cross-examined witnesses and called rebutting evidence. Facilities were given them to call the necessary witnesses.

The Commission took all available evidence (avoiding mere repetition), in the Protectorate of members of the Union Defence Force and civilian prisoners of war, and now presents the following report along with the notes of evidence taken and annexures, including a statement handed in by the German representatives.

As a result of the evidence led before us we are satisfied that there was on the part of the German authorities a complete lack of organisation and preparedness for the reception of prisoners of war, and it is to this fact we must attribute some of the difficulties and trouble that arose. The Officer commanding the German troops in the field was alone responsible for their custody and treatment, but he had naturally very little time to devote to the matter. The various internment camps were situated in different districts of great extent, and each fell under the control of the Etappen Kommander or military officer in charge of the district, but he seems to have been merely a medium of communication between the commanding officer and the camp commandant. In the hands of the latter was the real control. There was no proper central control and no one to give a quick decision in such complaints as insufficiency of food, and there was no system of general inspection, medical or otherwise. Such a lack of system is all the more remarkable in a people always famed for the efficiency of their organisation. The difficulties were increased by the situation of some of the camps, especially that of Fransfontein, where the main body of the combatant prisoners were confined. To make it inaccessible to the advance of the Union troops, and to make escapes difficult, it was put in the wilds, well to the west of the railway, and as a result the forwarding of supplies over a bad road was a matter of great difficulty.

Most of the combatant prisoners were taken after the fight at Sandfontein, and the evidence put before us was chiefly from this source. After the surrender they were most courteously treated by Col. von Heydebreck, the German Commanding Officer, who congratulated them on their gallantry and promised them good treatment, and there is no doubt that he was sincere in this. His death shortly afterwards was a matter to be regretted by the prisoners of war.

After the fight the British wounded were attended to by two of their own doctors, Holcroft and Dalton, and were put under shelter for the night. They had some stretchers, most of which were borrowed and used by the Germans for their own wounded, with the result that serious cases had to lie on the floor. The only lamp the doctors had was also borrowed by the Germans, and the Union doctors had to dress their wounded in the dark. They had two ambulance wagons, the mules of which were borrowed by the Germans to transport their own wounded

to the hospital at Warmbad and afterwards sent back, the British wounded in consequence getting to hospital some thirty-six hours later than the German. The rule throughout was apparently—Germans first. After they reached hospital the British wounded were in all cases well cared for and treated. The Union doctors were not sent back to their own lines. Dr. Holcroft was sent to Outjo with the officers, and Dr. Dalton to Fransfontein with the men.

The unwounded prisoners were marched to the railhead, and part of the escort consisted of mounted and armed natives. A German officer told Capt. Welby, in presence of Lieut. Scott, that if they attempted to escape they would be followed and shot by the natives. This is a breach of the etiquette of war between white races in South Africa.

At the railhead the officers and men were separated, and the remainder of this report will deal with :—

- I. Officers,
- II. N.C.O.'s and Men,
- III. Officers and Political Prisoners in Windhuk Gaol,
- IV. Political Prisoners at Okanjande,
- V. Native Prisoners.

I. OFFICERS.

The officers on reaching Windhuk were marched to the Civil Gaol. They protested strongly against this, and after two hours' detention they were given quarters in the Fort. There the senior officer, Capt. Welby, sent in a complaint against the first day's rations, which certainly did not err on the side of plenty. The following morning they were paraded in the Fort, when Dr. Seitz, the Governor of the Protectorate, rode up and addressed them in a state of indignation against the officers and their complaint, his whole tone and demeanour being in a very marked contrast to that of Col. Von Heydebreck. He used words to the following effect, speaking in English :—" I understand you have made a complaint about your rations. You should be very thankful for what you get. We did not invite you to this country. You invaded our country and fought us with natives. You also used dum-dum bullets at Sandfontein, and now you complain of your food. We are not like you English people, with your beefsteaks and your ham and eggs. We are a frugal people; we have a small piece of bread and some coffee for breakfast, but you English must have your beefsteaks and your ham and eggs." On Capt. Welby remonstrating with him and pointing out that they did not get the rations they were entitled to, Dr. Seitz said, " It's a lie," and again referred to our using natives against them. He said it was a shame that we should come into his country, and that it was a lie that we were escorted by armed natives from Sandfontein. In our opinion language such as this used by an official in Dr. Seitz's position to officer prisoners of war is an unjustifiable indignity. The next day the rations were increased. Subsequently when written complaints were sent to Dr. Seitz complaining of insufficient rations no answers were received.

From Windhuk the officers were removed to the camp at Outjo on 4th October. There they undoubtedly suffered from insufficiency of food. The evidence of Dr. Holcroft was not available, but from the character and intelligence of the witnesses, as well as the figures they gave us, we entertain no doubt on the point. The evidence of loss of weight by the officers was very significant. Capt. Hale, who is a very spare man, lost 14 lbs., and Lieut. Gwatkin, who went into the field in very hard condition after a strenuous football season, had by March lost 21 lbs., a weight he had not been down to for fifteen years. Numerous complaints, written and verbal, were made, but no substantial redress was made. In the early part of 1915, when Col. Franke was in the neighbourhood, he visited the camp at the request of Capt. Welby. He listened to the complaint, satisfied himself that the officers were underfed, and told his adjutant that the ration was not sufficient and must be increased. The latter replied that it could not be done, as the scale was fixed by Dr. Seitz's order, and no increase was made. No evidence was led by the German representatives to controvert this, although Dr. Seitz and Col. Franke, the late Governor and Commander respectively, are still in the Protectorate. Between them must lie the responsibility for the insufficient food issued to the prisoners. It was suggested at the enquiry that the reason was that supplies were short, but no evidence was led in support of this, and it appears from the evidence supplied by the office of Col. Harvey, the A.Q.M.G. of the Union, that at the surrender more than two months' supplies of

grocery rations for the German troops were taken over, without allowing for a certain amount that might have disappeared at that time, while the supply of meat in the country was practically unlimited.

After the escape of Lieutenant Wakefield and Lieutenant Gwatkin, the rations of the remainder were cut down. Hauptmann Trainer, staff officer to Col. Franke, in his evidence explained that this was done not as a punishment but as a disciplinary measure. The distinction is a fine one, but what is apparently meant is that it was to prevent saving up rations with a view to escape. There was no evidence that this had been done or could be done in view of the limited ration, and this step seems to be quite unwarranted. The proper precaution is to restrict the liberty of the remaining prisoners, and this was effectually done, but it was accompanied by sanitary arrangements which were extremely offensive, a very real grievance which continued for some weeks before it was remedied.

The officers were treated with courtesy by the German officers in charge of them. To this there was one marked exception in the conduct of Lieut. von Stulpnagel, who was camp commandant for some time. His whole treatment of his prisoners was harsh and irritating, and he went out of his way to make himself disagreeable. This fact does not seem to be in dispute. He was in Windhuk during the sittings of the Commission, and was not called as a witness.

The officers were removed from Outjo, to avoid the British advance on 18th May. Hauptmann Ohlenschlager, the then Commandant, read out an order that they must give their parole not to escape on the journey to the railway at Otjiwarongo or they would be put in chains at night. They indignantly refused and protested. The Commandant apologised for the order and eventually arranged that they completed the whole journey in daylight, and so obviated the necessity of carrying it out. This order was an unjustifiable indignity to the prisoners. Who is responsible for it is not clear. Col. Franke ordered special precautions, but afterwards disclaimed ordering chains, and Hauptmann Ohlenschlager apologised for it. Between them it passed through the hands of Major Wehle, Etappen Kommander, who may be responsible for it.

After spending a night at Otjiwarongo under very unsavoury and filthy conditions, the officers were sent north and detained at Namutoni until they were released on 6th July. They were kept on the same reduced diet until 26th June, when for the first time they received a full ration and began putting on flesh rapidly. By a singular coincidence the N.C.O.'s and men who were then at Otavifontein also received a full ration for the first time on the same date, while the political prisoners in camp at Okahandja, which was further south and earlier reached by the Union troops, received a similar concession on 23rd May. It was denied by one of the German witnesses, but the inference is almost irresistible that this extraordinary coincidence of concessions was due to the advance of General Botha's army and the prospect of release.

II. N.C.O.'S AND MEN.

After a short stay at Windhuk in quarters that could not be called suitable or sanitary, the men were sent on to Camp at Fransfontein, lying some eighty miles to the north-west of Outjo.

Here we have again the same story of short rations, reduced almost to starvation point. The German Director of Supplies, Intendanturrat von Lagiewski, gave evidence as to the rationing of the German troops. It appears that they make a very proper distinction between field troops and garrison troops, the former drawing a fuller ration, but all the German troops in the campaign drew a field ration, even although merely guarding prisoners. He gave us a scale of diet drawn up for the prisoners on 6th October after consultation with the German medical officers. How that scale works out in practice we are not prepared to say. We are satisfied that the men did not receive it but something considerably less. All the figures as to rations we got from the men and all the general evidence support this statement.

Lieutenant Meyer Gossler, the camp commandant, frankly admits in his evidence that the prisoners only got half the rations that the German troops got, and that they lost weight in consequence. We listened at first with surprise almost amounting to incredulity to a series of witnesses detailing that they were so hungry that any exertion made them feel faint, of men waiting in a queue for hours for the privilege of catching blood when an ox was killed, of boiling the soft parts of the hide to extract nourishment from it, and other evidence of a ravenous feeling, but we were soon able to satisfy ourselves that it was all true and that the men were most of the time

in a half-starved condition. The older men stood it better, but the younger men were very much distressed. The evidence of the men was fully borne out by Dr. Dalton, Captain in the S.A.M.C., who was in medical charge. He gave his evidence with some heat engendered by his recollection of his experiences, but we look upon him as a thoroughly reliable witness. In our opinion the men suffered very considerable and quite unnecessary hardship through the issue of insufficient rations at Outjo; but they picked up again very quickly on the issue of full rations, and we have no evidence of any permanent ill-effects. We recognise that in some cases at least as a matter of temperament men will suffer from the effects of confinement, and we make allowance for that fact in making the above statement.

The scarcity of food was aggravated by the shortage of shelter and of clothing. Only one-third of the men could sleep under shelter at night. Now we know that in a climate like that of Fransfontein it is no hardship to sleep out of nights provided you are sufficiently clad and that it does not rain or is not too cold. These men were there during the rainy season, and before they left in the middle of May it was getting very sharp at night. They were insufficiently clad, for most of them had only one blanket, and many of them were short of trousers and boots. Clothing soon wore out, and the men could not replace it on repayment as the officers could. Many of them wanting trousers had to go about in kilts or loin cloths of sacking, and wore sandals of raw hide. The absence of boots was a genuine hardship, and many of the men suffered from septic sores on their feet, some of them very severe, caused by wounds from the rough quartz ground on which the camp lay. There was no scarcity of clothing in stock, as is shown by the evidence from the Union Quartermaster's Department, but the issues were quite inadequate. The men were gradually re-clothed, some before they left the camp in the middle of May, but all not before they were sent to Otavifontein, and even Tsumeb, shortly before their release. We have evidence of men making the railway journey to Otavifontein clad in helmet, tunic, shirt, loin cloth and sandals, a spectacle for the women and natives who saw them on the road. We may safely say that the experience of the N.C.O.'s and men was a very severe one. They came through it with surprisingly little sickness. That this was so is due to their being picked men in the prime of life and that the situation of the camp was a healthy one. It is fortunate that sickness was so slight, for the hospital arrangements were rudimentary and the supply of medicine totally inadequate, in spite of repeated remonstrances from Dr. Dalton.

From Outjo the men were sent to Otavifontein on 18th May. There they all slept in the open, but fortunately most were by this time better clad, for it can be very cold there by the water in May and June. The reduced rations were continued till 26th June, when Col. Franke apologised for the previous shortage. He said it was not by his orders but was caused by a misunderstanding, and they received full rations that day for the first time, to their great satisfaction. From there they were removed to Tsumeb, where for ten days before their release they lay in a barbed-wire enclosure miserably inadequate in extent and with sanitary arrangements so disgusting that a longer detention was almost certain to have led to a serious outbreak of sickness, but it was evidently only intended as a temporary place of detention.

III. OFFICERS AND POLITICAL PRISONERS IN WINDHUK GAOL.

Windhuk Gaol is the best prison in the Protectorate. We have examined it, and are of opinion that it cannot be called a good prison according to modern ideas of penal treatment. The appliances for seclusion and restraint are in some cases almost medieval. It was infested by bugs, which, in spite of many efforts, have not yet been wholly eradicated. The sanitary arrangements were primitive. The chief gaoler was a man, Meyer, who it is hardly denied was very harsh and almost brutal in his manner. He seems to have been as temperamentally unfit to have control of prisoners as gaoler as Lieut. von Stulpnagel was in his capacity as camp commandant, while Herr Todt, the visiting magistrate, did not strike us as being at all a sympathetic person. In this gaol were confined for different periods and under varying conditions a number of British officers, including Capt. Lembcke of the British Army, Capt. Borrius of the Defence Force, Capt. Geary, 1st S.A.M.R., and Capt. Munro, 5th S.A.M.R. Capt. Lembcke seems to have been in some respects favourably treated, for we have the evidence of a German officer that he was detailed to take him along with Mr. Scotland, a political prisoner, out for drives. The worst case is that of Capt. Geary. He was taken prisoner at Sandfontein, where he was acting as Intelligence Officer of "A" column. Although in uniform he was

subjected to the following indignities: (1) He was confined in a civil gaol and not under military detention. (2) He was kept in solitary confinement for six and a half months in a cell 13 x 7 feet. (3) The cell was infested with bugs, and the whole surroundings were unsavoury and insanitary. (4) His food was coarse and insufficient. (5) He was treated harshly and callously, and was threatened with confinement in a dark cell if he was found looking out of his window or speaking to anyone. (6) He was only allowed a short period of exercise morning and evening, and that in a yard along with convicted criminals. (7) No charge was laid against him, and no heed was paid to his protests.

As a result of his treatment he has been on sick leave since his release. He has recently been passed by a Medical Board as fit for service, but he still bears evident traces of the hardships he has suffered. The Germans regarded him as dangerous, and were entitled to take special precautions. Their proper course was to subject him to strict military detention under civilised conditions. The steps they took, and persisted in deliberately in spite of his protests, of confining him without trial in a civil gaol under harsh and degrading conditions were wholly unjustified. He was treated as a criminal and not as a prisoner of war.

The case of Capt. Munro differs only in degree from that of Capt. Geary. He was taken prisoner in British territory in the Kalahari on 19th February, 1915, and for some unknown reason was sent to Windhuk Gaol and subjected to treatment similar to that of Capt. Geary, although taken prisoner as an officer in uniform. Fortunately for him this detention only lasted twenty-four days. When he complained of being treated as a criminal he was visited by Lieut. Kalter, of the German Army, and threatened with ten days' solitary confinement for his complaint. When he replied that he had already served that period, all the satisfaction he got was to be told that he would get six months if he was not more civil.

There were also confined in the gaol at this time a number of so-called political prisoners. These were non-combatant enemies of the Germans, mostly British, who were in the Protectorate when war broke out and were arrested there. We took the evidence of a number of these, including Davis, Burton, Blake, McGravy, Loteryman and Niederluitman. The last four were detained for varying periods before being sent to camp at Okanjande. Davis and Burton, who had been resident in the Protectorate for ten years, were for some unknown reason confined in Windhuk Gaol for seven months under circumstances of great hardship. For some time they were only allowed exercise in the prison yard with criminals, but later on they were given exercise outside under guard. The gaol was then crowded, and they had to sleep ten in a small cell. The door was locked at night and not opened under any circumstances for twelve hours. There was a good deal of dysentery amongst the prisoners, and the resulting sanitary conditions were very disgusting.

IV. POLITICAL PRISONERS AT OKANJANDE.

Some three hundred political prisoners, men, women and children, were confined in camp at Okanjande, eleven kilometres East of Otjiwarongo. It is not easy to see why women and children were interned, and the suggestion of Hauptmann Ebeling, the camp commandant, that the women came voluntarily with their husbands, is only true in a limited number of cases.

We are satisfied that the rations issued here also were insufficient. When complaints were made the reply was that the prisoners could not draw more, but that they could purchase more. The shortage of food did not press very hardly on the prisoners because many of them were in a position to get their own supplies. There is evidence that there were hardships on the journey to the camp and on reception, a fact which seems to have been due to want of system. There was no resident medical officer, and the nearest doctor was seven miles away. There was some sickness and a few deaths in the camp, and the suggestion has been made in the case of two of the deaths that they were due to neglect. These allegations are more easily made than proved, and we do not find that the facts are established.

V. NATIVE PRISONERS OF WAR.

A number of native non-combatants employed by the Union Defence Force were made prisoners at Sandfontein. A few affidavits were laid before us made by these natives which afford *prima facie* evidence that their treatment as prisoners of war show instances of hardship and in one or two instances of what would be according to our ideas cruelty. It is doubtful if the terms of the reference cover the case of these natives, but assuming that it does there is one consideration that prevents

us pursuing the matter further. The treatment to which these natives were entitled as prisoners of war is by analogy that given by the Germans to corresponding natives in their military employ. Now it is a matter of common knowledge that the German treatment of natives in the Protectorate, and their ideas of what constitutes cruelty to natives, differ very widely from ideas prevailing in the Union, and the members of the Commission have a good working knowledge of how far these ideas are carried in practice. In these circumstances we did not consider it necessary to lead evidence on the subject, and we make no report on any alleged ill-treatment of these natives.

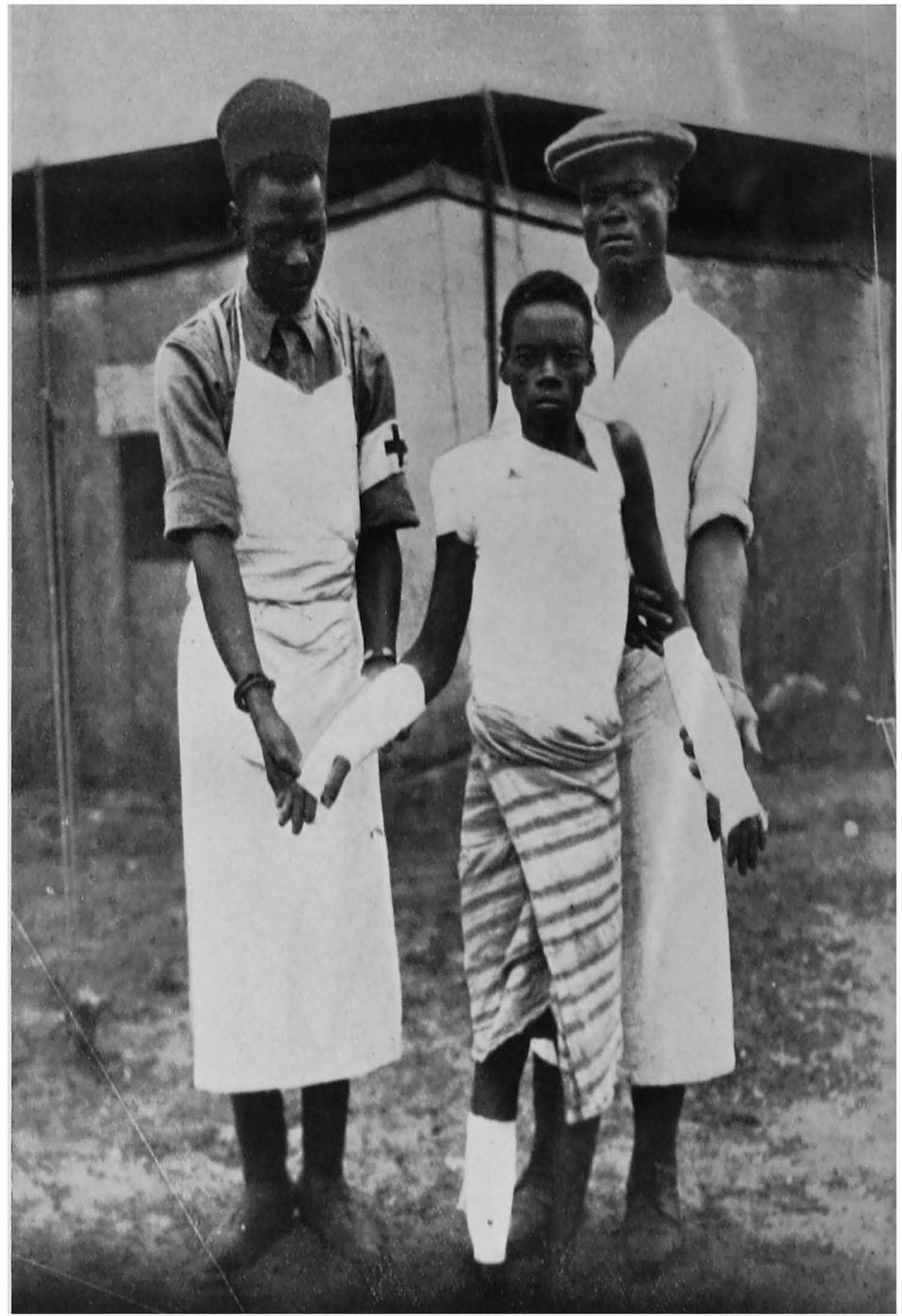
In our opinion

1. The withholding without cause of sufficient rations from the officers, and of sufficient rations and clothing from the N.C.O.'s and men, were a breach of the Hague Rules of War, Art. 7.
2. The following acts constitute breaches of the laws and usages of war, as laid down in the Manual of Military Law (1914 ed.), p. 234.
 - (a) The detention and treatment of Captains Geary and Munro in Windhuk Gaol,—Pars. 87 and 90.
 - (b) The detention of political prisoners Davis and Burton in Windhuk Gaol,—Par. 90.
 - (c) The address of Dr. Seitz to the officers in Windhuk Fort in October, 1914,—Par. 87.
 - (d) The order issued to the officers at Outjo on 18th May, 1915, that they must give parole or be put in chains at night on the march to Otjiwarongo,—Par. 87.

M. R. GREENLEES, *Chairman.*
 W. W. RUSH, *Lt. Col.,*
 W. S. BRIDGE, *Major,*
 Members.



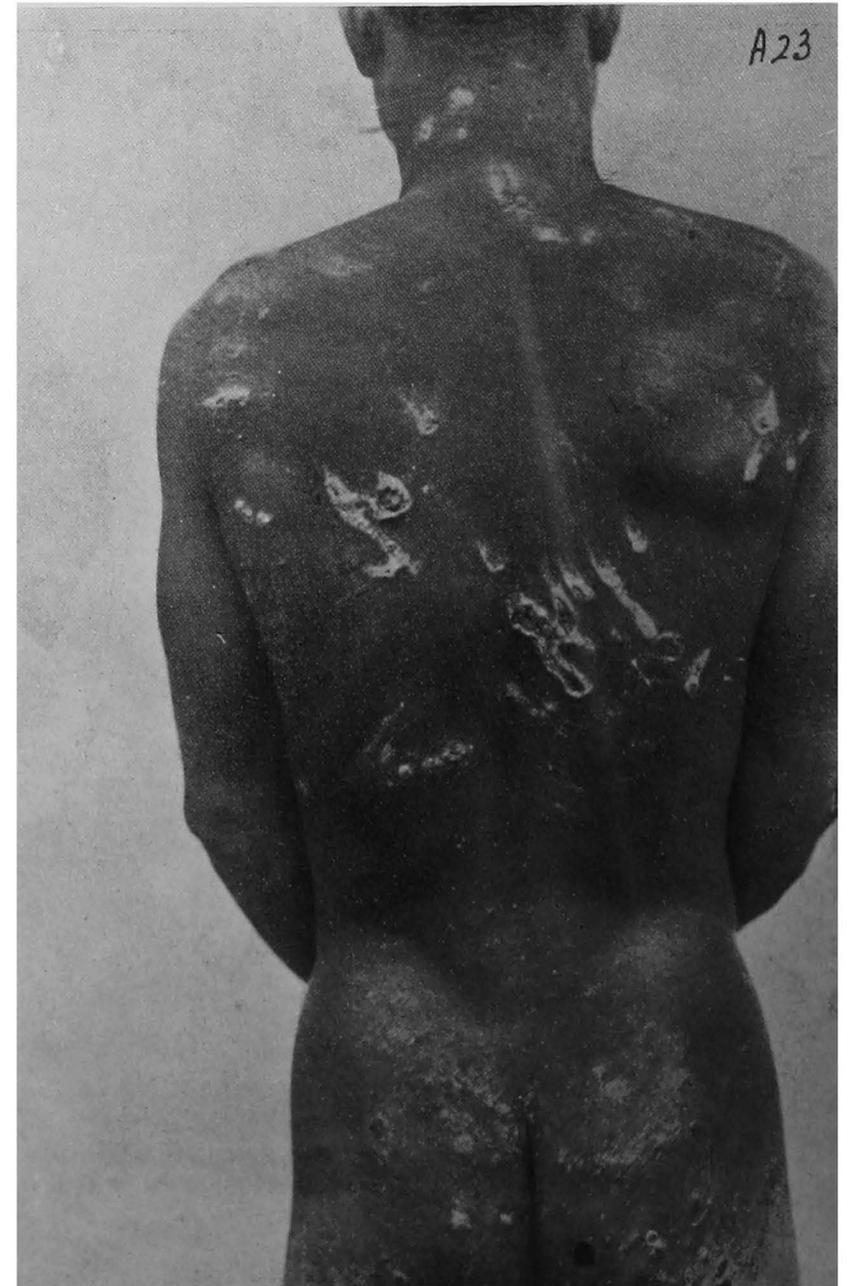
SEE PAGE 16.



SEE PAGE 16.



SEE PAGE 16.



SEE PAGE 52.

DESPATCH
TO THE
GOVERNOR
OF THE
EAST AFRICA PROTECTORATE
RELATING TO
NATIVE LABOUR,
and papers connected therewith.

Presented to Parliament by Command of His Majesty.

August, 1920.



LONDON:
PRINTED AND PUBLISHED BY
HIS MAJESTY'S STATIONERY OFFICE.

To be purchased through any Bookseller or directly from
H.M. STATIONERY OFFICE at the following addresses:
IMPERIAL HOUSE, KINGSWAY, LONDON, W.C.2, and 28, ABINGDON STREET, LONDON, S.W.1;
37, PETER STREET, MANCHESTER; 1, ST. ANDREW'S CRESCENT CARDIFF;
23, FORTH STREET, EDINBURGH;
or from E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN.

1920.

[Cmd. 873.] *Price 4d. Net.*

X:9.687.N2
Fo

TABLE OF CONTENTS.

	PAGE.
No. 1. Despatch to the Governor of the East Africa Protectorate, 22nd July, 1920	3
No. 2. Labour Circular No. I. :—23rd October, 1919... ..	6
No. 3. Labour Circular No. III. :—14th July, 1920	7
No. 4. The Bishops' Memorandum	8
No. 5. Note from the Acting Chief Secretary, East Africa Protectorate, 2nd July, 1920, enclosing Labour Circular No. II., 17th February, 1920	12
No. 6. Telegram to the Governor of Kenya (late East Africa Protectorate), 28th July, 1920 ...	12
Appendix I.—“The Master and Servants' Ordinance, 1910,” and amending Ordinances... ..	13
Appendix II.—“The Native Authority Ordinance, 1912,” and amending Ordinance	29

DESPATCH TO THE GOVERNOR
OF THE
EAST AFRICA PROTECTORATE
RELATING TO
NATIVE LABOUR,
AND PAPERS CONNECTED THEREWITH.

No. 1.

EAST AFRICA PROTECTORATE.

No. 1027.

SIR,

Downing Street, 22nd July, 1920.

You will be aware that considerable interest has recently been aroused by the publication in the East Africa Protectorate of a circular* by the Chief Native Commissioner in accordance with your directions on the subject of Native Labour, and having regard to the anxiety which the policy and phrasing of the circular have created in many quarters, I think it desirable to confirm the views which I have expressed when discussing the matter with you during your visit to England, in order that there may be no room for doubt as to the general policy of His Majesty's Government or as to the intentions of your Government in the matter.

2. I recognise that the problem of Native Labour supply in the East Africa Protectorate is one of the most difficult with which you were confronted, when you assumed the Governorship of the Protectorate early last year, it is a problem which has engaged, and will, I know, continue to engage the most careful attention of your Government and yourself, and I am glad to have this opportunity of expressing my entire confidence in your determination to pursue a policy which is strictly in accord with the wishes of His Majesty's Government, and which aims at the advancement and well-being of the native races in the Protectorate no less than the meeting of the settlers' requirements.

3. The criticisms of your action which have come to my notice are mainly due to the fear that "forced labour" or "compulsory labour" is being adopted by the Protectorate Government for supplying the needs of private employers. I have on a recent occasion referred in Parliament to the Native Authority Amendment Ordinance,† 1920, in accordance with which natives may be required to perform certain paid labour for the Government, *e.g.*, for the Government Transport Department and for work on the construction or maintenance of railways, roads and other work of a public nature, subject to the express provisos that no native shall be required to perform such work for more than sixty days in any one year and that any native who is fully employed in any other occupation or has been so employed during the preceding twelve months for a period of three months shall be exempted from such labour. To this extent I have agreed to compulsory labour for Government purposes, as I am satisfied that the position justified the measure. It will be observed that the provisions of this Ordinance do in fact meet the conditions laid down in the memorandum‡ sent to you by the Bishop of Mombasa on the 1st of November last when forwarding the views of himself and the Bishop of Uganda and other leading missionaries in East Africa. But I desire to make it clear that I should not be prepared to go further in regard to compulsory labour for the Government nor indeed do I think that you would wish to extend the principle. It has been suggested that the native should have the right to commute for payment of additional taxation the labour otherwise required of him under the Ordinance. I have not had the advantage of discussing this point with you personally; but, as at present advised, I should not be disposed to accept the suggestion. In other parts of Tropical Africa a system of rebates on taxation for labour performed has been in force from time to time; but, apart from the somewhat complicated machinery which is needed for the working of the system, I understand that the natives are themselves opposed to it, on the ground that they prefer to know precisely what their obligations are in respect of annual taxes, without any qualification as to rebates in certain circumstances. If the

* No. 2.

† Appendix II.

‡ No. 4.

option of payment of cash in lieu of the labour required by Government were granted, it would introduce exactly such an element of uncertainty in the native mind as to his total obligations for the year.

4. As regards compulsory labour for private employment, there could, of course, be no question of entertaining any proposals which involve this principle, and I know there has never been any intention on your part either to suggest or to countenance it. Needless to say, such a policy would be absolutely opposed to the traditional policy of His Majesty's Government, and I should not have thought it necessary even to mention it, had it not been that the policy embodied in the circular* of the 23rd of October, 1919, has been misinterpreted as implying this principle. I have no doubt, however, that the further explanatory circular,† which you have now issued, will have dispelled any misgivings on this point, which is one of fundamental importance, and I trust that it will now be clear to all that there is no question of force or compulsion, but only of encouragement and advice through the native Chiefs and Headmen. With such a policy I find myself in entire agreement, provided that the safeguards against abuse are—as I am satisfied that they are—adequate. On the other hand, from the point of view of the natives, I do not hesitate to accept your opinion, which my own experience corroborates, that in their own interests they should seek outside employment, when not engaged on work in their own Reserves, and that, as stated in the second circular, it is desirable that the young, able-bodied men should become wage-earners and should not remain idle in the Reserves for a large part of the year. On this point I observe that the Bishops' memorandum expresses full concurrence in the necessity for preventing idleness. On the other hand, from the point of view of the settler, it is necessary that there should be an adequate supply of labour, if he is to develop his holdings, and in my opinion the Protectorate Government would be failing in its duty if it did not use all lawful and reasonable means to encourage the supply of labour for the settlers who have embarked on enterprises calculated to assist not only the Protectorate itself but also this country and other parts of the Empire by the production of raw materials which are in urgent demand.

5. It has been objected that the principle of working through the native Chiefs and Headmen is unsound, and that this system is liable to most serious abuse. It cannot be denied that a native Chief may attempt to abuse his authority, and experience will show whether in fact this does often occur; but I believe that with the exercise of due watchfulness by the Government officials, this tendency, if it does manifest itself, can be promptly checked. The principle, however, is in my opinion right, inasmuch as it has long been the policy of the Government to work in native affairs, as far as possible, through the native Chiefs and Headmen, and to maintain the tribal organisation; and I feel sure that you would share my reluctance to take action which would tend to weaken rather than to strengthen the position of the tribal Chiefs and Headmen. Again, strong exception has been taken to the directions in paragraph 4 (3) of the circular of the 23rd of October, 1919, as to the keeping of records of the way in which native Chiefs and Headmen carry out the general instructions of the Government. I have no doubt that this criticism is based on a misconception; otherwise, it is difficult to see how it could be supposed that there is anything unreasonable in the Government requiring the co-operation of its subordinate officials. The case in point is the Government policy as to native labour; but it is obvious that in all their activities the native Chiefs and Headmen must be closely watched by the European officers responsible for the administration of the Protectorate; and that failure on the part of any Chief or Headman to assist the Government or unwillingness to act on the instructions conveyed through the responsible Government officers would naturally be taken note of and recorded.

6. While I am conscious of the fact that the anxiety which is evinced in certain quarters lest encouragement should degenerate into compulsion is quite genuine, I know that I may rely upon your Government to spare no pains to prevent abuses, and that every effort will be made to ensure that the instructions which you have issued are carried out in accordance with the unmistakable intention of the Government. The re-organisation of the Administrative Service, which has recently been sanctioned, should materially facilitate the task of the Government in this respect. I shall receive with interest your report on the working of the new system; but I

* No. 2.

† No. 3.

anticipate most satisfactory results from the formation of a special branch of the Administrative Service (including the Labour Inspectors for special duty in connection with Native Labour) directly under the Chief Native Commissioner working in the native areas and dealing solely with the administration of those areas and the care of the natives as distinct from other parts of the community; and I believe that this arrangement will in itself provide a safeguard of the greatest value against any attempt (if such were made) to exploit the natives or to recruit native labour by unlawful or improper means.

7. It has been overlooked, I think, in certain of the criticisms directed against the policy embodied in the circular that the Government does not contemplate obtaining native labour for a particular employer, and that the native is free to choose, assuming that he is willing to leave his Reserve and work, where and for whom he will work. This is important, inasmuch as the results must be that a good master who acquires a reputation for treating his labourers with justice and consideration should have little or no difficulty in obtaining an adequate supply of labour, and that there should be no fear of natives employed outside their Reserves being ill-treated or ill-cared for, quite apart from the strict legal safeguards contained in the Master and Servants Ordinances. Provided, therefore, that the Government by judicious advice through the native Chiefs and Headsmen can start the flow of labour, it may be hoped that in the natural course of events a greater number of natives will realise the advantages of working for the wages which employment brings, and that as their knowledge and their wants increase, they will appreciate the need for more employment and more wages to satisfy those wants, so that the supply of labour should become continuous, while the condition of the native himself will inevitably improve at the same time.

8. I need not detail the provisions of the Masters and Servants Ordinance, 1910,* and the recent Amending Ordinances; but I may say that it would be difficult to find a more comprehensive set of regulations to secure the well-being of natives employed outside their Reserves. I am satisfied that if these Ordinances are made more widely known, they will have the effect of removing much of the anxiety felt by those who are interested in the Native Labour question. I am therefore arranging that they should be published with the papers which I propose to lay before Parliament very shortly.

9. The encouragement of native women and children to take up employment has been strongly criticised, but in this respect the methods of employment and the intention of the circular of the 23rd of October, 1919, have clearly been misunderstood. The explanatory statement in the second circular will make it clear that women and children must return to their homes at night, and that only when the husband is employed and living on the plantation should his family be permitted to remain there at night. It is possible that it has not been realised that the labour performed by women and children is, in almost every case, coffee-picking, which is paid as piece work by results, and that it is a form of labour which is popular among the women and children, as they can earn good wages by this light work in half a day, and are then free to return to their homes.

10. Finally, objection has been taken to the fifth paragraph of the circular of the 23rd of October, 1919, relative to your desire to obtain a supply of labour from the adjacent Tanganyika Territory. Although no mandate has yet been received for the Tanganyika Territory, there is, in my opinion, nothing inconsistent with the spirit of the mandatory system in the recruitment of voluntary labour in the Tanganyika Territory for paid employment in the East Africa Protectorate. Before the War, when the Tanganyika Territory was a German possession, Wanyamwezi labour flowed into the British Protectorate; and provided that there is now in the Tanganyika Territory a surplus of labour over and above that required in the Territory itself, I see no reason to interfere with the recruitment of natives who desire to cross the border and earn wages. You will, however, note the important proviso that, if the Territory can absorb all its available native labour, no recruitment should be allowed for the East Africa Protectorate. I understand from the Administrator that at present there is a surplus, but that it is probably temporary. Under these circumstances, I have informed you that I approve of the recruitment of voluntary labour from that Territory subject to the limitation of the period of employment to six months in the first instance, and subject, of course, to your making

* Appendix I.

satisfactory arrangements to ensure proper feeding, clothing, transport, accommodation and medical attention, and on the understanding that the natives who are recruited may be accompanied by their women if they so desire. It has been arranged that the labour from the Tanganyika Territory is to be employed by the Government only, thus reducing the requirements of the Government of the East Africa Protectorate by an equivalent number of natives of the Protectorate, of whom it may be assumed that a proportion at least will be willing to offer themselves for work with private employers.

I have the honour to be,

Sir,

Your most obedient, humble servant,

MILNER.

Governor,
Major-General Sir E. Northey, K.C.M.G., C.B.,
etc., etc., etc

No. 2.

EAST AFRICA PROTECTORATE.

S. No. 17371. LABOUR CIRCULAR NO. 1.

Nairobi, 23rd October, 1919.

Native Labour required for non-Native farms and other private undertakings.

There appears to be still considerable shortage of labour in certain areas due to reluctance of the tribesmen to come out into the labour field; as it is the wish of Government that they should do so, His Excellency desires once again to bring the matter to the notice of Provincial and District Commissioners, and at the same time to state that he sincerely hopes that by an insistent advocacy of the Government's wishes in this connection an increasing supply of labour will result.

2. His Excellency trusts that those officers who are in charge of what is termed labour supplying districts are doing what they can to induce an augmentation of the supply of labour for the various farms and plantations in the Protectorate, and he feels assured that all officers will agree with him that the larger and more continuous the flow of labour is from the Reserves the more satisfactory will be the relations as between the native people and the Settlers and between the latter and the Government.

3. The necessity for an increased supply of labour cannot be brought too frequently before the various native authorities, nor can they be too often reminded that it is in their own interests to see that their young men become wage earners and do not remain idle for the greater part of the year. They should be informed that the Government is now taking steps to keep all native labourers while out of their Reserves under supervision, and the conditions of camps, etc., regularly inspected.

4. In continuation of previous communications on this very important subject, His Excellency desires to reiterate certain of his wishes and to add further instructions as follows:—

- (1) All Government officials in charge of native areas must exercise every possible lawful influence to induce able-bodied male natives to go into the labour field. Where farms are situated in the vicinity of a native area, women and children should be encouraged to go out for such labour as they can perform.
- (2) Native Chiefs and Elders must at all times render all possible lawful assistance on the foregoing lines. They should be repeatedly reminded that it is part of their duty to advise and encourage all unemployed young men in the areas under their jurisdiction to go out and work on plantations. They should be encouraged to visit plantations where their people are employed.
- (3) District Commissioners will keep a record of the names of those Chiefs and Headmen who are helpful and of those who are not helpful and will make reports to me from time to time for the information of His Excellency. The nature of these reports will be communicated to the Chiefs. In cases where there is evidence that any Government Head-

man is impervious to His Excellency's wishes the fact should be reported to me for His Excellency's information together with any recommendations you may desire to make.

- (4) District Commissioners will, as often as occasion requires, hold public meetings at convenient centres to be attended by the native authorities. At these meetings labour requirements, places at which labour is offered, nature of work and rates of pay must be explained. District Commissioners will invite employers or their agents to attend such meetings.
- (5) Employers or their agents requiring native labour will be invited and encouraged to enter freely any Native Reserve and there get in touch with the Chiefs, Headmen and Natives.
- (6) Requirements of native labour for Government Departments should be met as far as possible from the more remote areas which do not at present supply an appreciable number of men for labour on plantations.

5. His Excellency instructs me to state that constant endeavours will be made by this Government to obtain labour from the adjacent Conquered Territory in order that the supply of native labour in this country may be augmented. The Native Authorities might be informed of this and it be pointed out to them that should any considerable number of natives be so introduced into this country it will probably mean less money going into our native districts

6. It is hoped that the Resident Natives Ordinance, 1918, and the Natives Registration Ordinance, 1915, will soon become operative. The provisions of these Ordinances should help to ameliorate the position.

7. Should the labour difficulties continue it may be necessary to bring in other and special measures to meet the case; it is hoped, however, that insistence on the foregoing lines will have appreciable effect.))

JOHN AINSWORTH,
Chief Native Commissioner

No. 3.

LABOUR CIRCULAR No. 3.

Nairobi, 14th July, 1920.

Native Labour required for non-Native farms and other private undertakings.

Reference Labour Circular No. 1 of 23rd October, 1919.

1. Representations having been made to the Secretary of State for the Colonies to the effect that the circular referred to above may lead to abuse, His Excellency deems it advisable to emphasise certain points in order to prevent misconception.

2. The principle underlying the circular is contained in the third paragraph, viz., that it is in the interests of the natives themselves for the young men to become wage earners and not to remain idle in their Reserves for a large part of the year. The native authorities are therefore to exercise all lawful and proper influence to induce able-bodied male natives to go into the labour field, and it is their duty to advise and encourage all unemployed young men under their jurisdiction to seek work on plantations.

3. While it is the duty of Administrative Officers to see that the Native Chiefs fully understand and carry out what is required of them by the Government in this matter, it is equally their duty to see that the Native Chiefs do not abuse their authority. Care must therefore be taken to ensure that the Native Chiefs do not make any call upon them for labour the occasion either for favouritism or for oppression, and in particular that they do not attempt to bring pressure to bear upon men whose labour is needed for the cultivation of their own land in the Reserves.

4. It has been directed that where farms are situated in the vicinity of a native area, women and children should be encouraged to go out for such labour as they can perform. It must be distinctly understood that such women and children must return to their homes at night: only when the husband is employed and living on the plantation should families be allowed to remain there at night.

5. Finally, it must be clearly understood that it is a duty of first importance for Administrative Officers and other Government officials concerned to exercise

vigilance in regard to the Masters and Servants (Amendment) Ordinance, 1919, and to ensure that the provisions of this Ordinance are strictly observed.

No. 4.

THE BISHOPS' MEMORANDUM.

Native Labour.

A recent memorandum, from the Chief Native Commissioner, published in the East African papers, October 27, 1919, gives rise to serious thought.

With the main purpose of that memorandum, the prevention of idleness, and the meeting, by all legitimate means, of the demand for necessary labour, we are in entire accord. Labour must be forthcoming if the country is to be developed as it should.

2. There are, however, certain features in the memorandum which seem to us to be open to grave objection.

"Forced Labour"—like Slavery—is an ugly term, and suggests a great deal more than it necessarily involves. "Compulsory Labour" has a less repugnant sound to British ears; but even this term rouses suspicion, and is therefore generally avoided. It is carefully avoided throughout this memorandum. But while the *term* nowhere finds a place, how far the thing is suggested is certainly open to question.

3. The Government is up against an undoubted difficulty. On the one hand the country has been thrown open to settlers. They have poured in, are pouring in, and will pour in in increasing numbers. Every one of these settlers is a potential employer of labour, many of them on a large scale; all of them depend, for their very existence as farmers, on native labour. On the other hand there is the native population, a large but limited source of supply, living in their own Native Reserves, hardly as yet accustomed to travel outside in search of employment.

4. Hitherto the Government has stood between the two, in its proper role of Governor of both, has granted facilities to employers of labour to recruit, but has steadily refused to compel natives to work for the private benefit of European settlers.

5. The difficulty has become acute, increasing pressure is being brought to bear upon the Government to induce it to reconsider its native policy, and use its influence in inducing the native population to meet the demand of the labour market.

6. In the present memorandum technically no "Compulsion" is to be exercised, but "It is the wish of the Government that natives should come out into the labour field." To the native mind a hint and an order on the part of the Government are indistinguishable, particularly when the Governor himself calls upon the Administrative Officials, Provincial Commissioners, and District Commissioners, to exercise "an insistent advocacy of the Government's wishes in this connection." No District Commissioner can mistake the significance of these terms.

7. If any doubt should remain, the "wishes" of para. 1, have in para. 4, developed into definite "instructions." "All permanent officials in charge of native areas must exercise *every possible lawful influence to induce* able-bodied male natives to go into the labour field." Such influence, from such a quarter, acting on a primitive people, will unquestionably "induce" many natives to go out into the labour field.

8. But if the work of thus influencing potential labourers were confined to British officials, little harm might be done. It is when the further step is taken, and native chiefs are charged with the business of recruiting labour, that the door is flung wide open to almost any abuse. In the words of the memorandum, "The necessity for an increased supply of labour cannot be brought too frequently before the various native authorities." Again: "Native chiefs and elders must at all times render all possible lawful assistance on the foregoing lines. They should be reminded that it is *part of their duty to advise* and encourage all unemployed young men in the areas under their jurisdiction to go out and work on *plantations.*" The italics throughout are our own, but no one who knows anything of native life can have a moment's doubt as to what will be the effect on a native chief who is told by his District Officer that he must do a certain thing, and that it is part of his duty as a chief to do it. The words "advise" and "encourage" will, in such circumstances, acquire a very sinister meaning. The advice given and the encouragement afforded by the native chiefs will take a very practical form.

9. If any chief should show any reluctance to carry out his instructions, he too is to be induced, in a very practical way, to take action. "District" Commis-

sioners will keep a record of the names of those chiefs and headmen who are *helpful* and of those who are not *helpful*, and will make report to me (the Chief Native Commissioner) from time to time for the information of His Excellency. The nature of those reports will be communicated to the chiefs. In cases where there is evidence that any Government headman is impervious to His Excellency's wishes, the fact should be reported to me for His Excellency's information together with any recommendation he may desire to make." He would be a bold chief who, in the face of the foregoing, refused to carry out the Government's "wishes" in this matter. The suggestion in the case of any recalcitrant chief suggests that the capacity to send men into the labour market is to be the test of the efficiency or inefficiency of a chief. We confess we do not like this.

10. Nor does the memorandum confine itself to able-bodied *men*. "When farms are situated in the vicinity of a native area, *women and children* should be *encouraged* to go out for such labour as they can perform." This forms part of the instructions issued by the Government to its officials. Such instructions cannot but give rise to anxiety.

A circular, issued by the District Commissioner Kyambu, 17th October, 1919, shows that this anxiety is only too well founded. The circular reads as follows: "As I understand that a considerable amount of additional labour will shortly be required to get in the coffee crop, and as in view of this *I intend to arrange for a temporary supply of child labour* from the Reserves, I shall be glad if any coffee growers who may like to employ these children will write his name hereon, stating the number required, the time for which they may be most needed." Against such temporary employment of such children as voluntarily go to the plantations to help in the picking of coffee we have not a word to say; but we may fairly ask whether it is the business of the District Officer to arrange for such supply of child labour, what will be the effect on native education of such action, and what actual steps would be taken by the District Officer or by the native authorities to secure the services of these children?

11. With regard to the whole memorandum there are certain observations which should be made.

It introduces *compulsory labour*. Whether this is a good thing or a bad thing we are not now concerned to say. We confine ourselves for the moment to the fact. Labour may be made compulsory in one of three ways: by force of *circumstances*, as in civilised countries; by *law*, as with ourselves during the War; or by official pressure, which stops short of actual command, but aims at securing the identical results. Without the sanction of definite enactment, no native chief, who is told that it is the wish of the Government that he should find labour—who has the matter insistently brought before him, who is reminded that this is part of his official duty, and who is periodically reported as one who is helpful or not helpful to the Government in this respect—can or will mistake the meaning of it all. He must and will, to the limit of his powers, compel his people to go out to work; technically, there is no compulsion; practically, compulsion could hardly take a stronger form.

12. The memorandum apparently assumes that the choice lies between useful work done for the European and idleness in the Reserves. No one who has lived in a native Reserve will deny that there are days or months of practical idleness; but no one who has lived in a Reserve and had the opportunity of closely watching native life but will realise that the native has also his months of strenuous work, cultivating and planting, harvesting, building, &c. The native has also his home, his crops, and his plans for development. The demands on his time may not be constant, but they are insistent. To leave his own plantation, perhaps at a critical time, for the benefit of some one else's plantation; to leave his house unthatched, his crops unreaped, his wife unguarded perhaps for months at a time, in return for cash which he does not want on the "advice" of his chief—which he dare not disregard—is not a prospect calculated to inspire loyalty to the Government from whom the advice emanates. That Government must needs, in fairness, look at the native as well as at the European side of the question. No measure can be justified which involves, or may involve, injustice to the individual and threatens seriously to hinder the economic development of the native areas of the Protectorate.

13. The decision to "encourage" women and children to labour, bearing in mind the meaning that will inevitably be read into the word "encourage," seems to us a dangerous policy. The children below a certain age should be at home or

at school. The women must work at home; the plantation, the supply of the daily food, the cooking, the care of the children and of the home, depend upon the mothers and wives. To "encourage," as a native headman (with the fear of dismissal behind him) would "encourage," women and girls to go out from their homes into neighbouring plantations would be to court disaster, physical and moral. Whatever labour legislation is introduced, the women and children at any rate must be left out of it.

14. We do not disguise our anxiety, not as to the intention, but as to the practical effect of this memorandum.

Yet, when we have said this, we recognise that much in this memorandum is good and indeed necessary. Compulsory labour is not in itself an evil, and we would favour some form of compulsion, at any rate for work of national importance and provided that—

(a) It is frankly *recognised as compulsion* and legalised as such, not veiled under such terms as advice, wishes, encouragement. The native understands a definite order; he does not understand Government wishes as distinct from command.

(b) It is *confined to able-bodied men*, for in no case could it be tolerated that employers should indent for the labour of women and children. Certainly no British law will sanction this.

(c) The work be done *under proper conditions*, guaranteed by the Government. This is clearly the Government intention. "Chiefs should be informed that the Government is now taking steps to keep all native labourers, while out of their Reserves, under supervision; and the condition of camps, &c., regularly inspected," and, further, native chiefs are to be encouraged "to visit plantations where their people are employed."

It would be unwise on the part of settlers who depend on the Government for labour, and on the chiefs for their goodwill, to resent such inspection or visitation. The more open the whole thing can be the more easy will the labour question become.

(d) *The time of employment be limited and defined*. A man who has done his full share of work on the plantations should be free from further pressure. The tendency is always for the willing horse to be worked to death and the rest to go free. We would suggest sixty days as a maximum period of compulsory service in each year.

Compulsory labour may be regarded as taxation paid in the form not of cash but of labour and it would be well if it followed the same general lines. Taxation in the form of cash is legally imposed, and is of a fixed and known amount. It falls evenly on all, and when the amount has been paid in full the man who has paid it is free. It would be disastrous were the Government, in need of money and in the absence of legal sanction to collect it, to induce native chiefs to supply the deficiency by "encouraging" their people to contribute, with the knowledge that each chief would be reported on, favourably or unfavourably, according to the amount of money he had succeeded in collecting. Such a policy would make native life an intolerable burden. A known and fixed obligation is understood, and it is as necessary in questions of labour as in questions of cash. Each able-bodied man should know definitely the extent of his liability to the State, and when that has been discharged he should be free to attend to his own affairs.

(e) Compulsion be *exerted uniformly* and the willing tribes, as the Kavirondo or Kikuyu, be not pressed, and the unwilling, as the Masae, be excused. That the weaklings of a tribe, or those who are unpopular with the Chief, be not sent out and the best of the young men and the favourites of the Chief retained. Nothing short of a complete list, kept and checked by the District Commissioner in each District, recording the labour of each man, will prevent this.

(f) The labourer be *free to choose his sphere of service*, or at least that no man be compelled to work for any European or Indian employer who has proved himself incapable of managing native labour.

(g) *Reasonable exemptions be allowed*. All in regular employment as headmen, teachers, shop assistants, house boys, etc., should be exempt, and all whose work, while done for private gain, is yet of national economic importance. In this respect it must be remembered that an increasing number of Africans as well as Europeans are interested in the commercial development of the country.

(h) *As far as possible compulsory labour be used for Government work*, leaving voluntary labour available for work on private estates. This policy is foreshadowed in the memorandum.

15. With these provisions we would favour compulsory labour, as long as it is clearly a necessity. But we feel that the memorandum, as it at present stands, is liable to grave abuse, and places the Administrative Officers working in the Reserves, to whom the welfare of the people under their care is a primary consideration, in a very difficult position.

In any case it will be necessary to watch carefully the actual working of the present policy, and to see that compulsion, so long as it is practically necessary, shall be attended by a minimum of hardship.

16. We realise the difficulty in which both the Government and the Settlers are placed. We have no wish to add to that difficulty. We do not believe that there is the least intention, on either side, of exploiting natives for private ends; but experience has shown that it is highly dangerous to place in the hands of Native Chiefs and Headmen vague and undefined powers and still more dangerous to expose to these powers not only men but women and children.

17. Any form of compulsory service is certain to be intensely unpopular with the natives. There is no more fruitful source of native discontent in any country than the Corvee. Some form, however, of compulsory service we believe, in present conditions, to be a necessity. It remains to find the best form in which the compulsion may be exercised. We believe that the straightest road is the best—that the work will be best done directly, by Europeans, rather than indirectly through the native headman: and legally, by definite enactment, under which each man knows his obligations and their limits rather than by incessant appeals and demands, which leave the natives in a state of bewildered irritation, and will, we believe, fail to reach the desired end.

SUMMARY.

We believe that ideally all labour should be voluntary. We recognise that, at present, this is impossible, and that some form of pressure must be exerted if an adequate supply of labour necessary for the development of the country is to be secured.

We are convinced that the present proposals for securing labour, which stop short of definite enactment, but put large undefined powers in the hands of native chiefs, will lead to very unsatisfactory results, and that these powers will inevitably be abused.

We are strongly of the opinion that—

1. Compulsory labour, so long as it is clearly necessary, should be *definitely legalised*. Such a legal obligation would, from the native point of view, be more satisfactory than indirect pressure brought to bear through native Chiefs.

2. It should be *confined to able-bodied men*. No Government pressure should be brought to bear on women and children. When they work on plantations it should be of their own accord.

3. All compulsory work should be done *under proper conditions*, guaranteed by the Government, and secured by regular inspection and visitation.

4. The labour obligation of each man should be *clearly defined*, and the man be free on the completion of his time to follow his own business.

5. Such work should be exacted uniformly, from each tribe, and each individual man in the tribe.

6. Each man should be free to choose his own employer, none being forced to any particular plantation against his will.

7. Reasonable exemptions should be allowed; of all these in permanent employment or engaged in work of national importance.

8. The compulsory labour should be *directed primarily to State work*, leaving the voluntary labour available for work on private estate.

The Missions welcome His Excellency's general policy, as expressed in his recent memorandum, and recognise, in his labour proposals, the earnest effort to meet by all possible constitutional means a great and pressing need. We believe, however, that it places far too great a power in the hands of native chiefs and headmen, and we therefore desire to see it modified on the lines above suggested.

R. S. MOMBASA.

J. J. UGANDA.

J. W. ARTHUR.

Church of Scotland Mission.

No. 5.

THE ACTING CHIEF SECRETARY to THE UNDER SECRETARY OF STATE.

(Received 26 July, 1920.)

The Secretariat,
Nairobi,
East Africa Protectorate,
2nd July, 1920.

The Acting Chief Secretary to the Government of the East Africa Protectorate presents his compliments to the Under Secretary of State for the Colonies and has the honour to transmit two copies of Labour Circular No. 2, of the 17th February, 1920, issued by the Chief Native Commissioner.

Enclosure in No. 5.

LABOUR CIRCULAR NO. 2.

Nairobi,
17th February, 1920.

Native Labour required for non-Native farms and other private undertakings.

With reference to Circular 1 of the 23rd October, 1919, circulated to Provincial Commissioners and District Commissioners it would appear that different officers have construed the meaning and intention in various ways.

2. In particular there would appear to be a difference of opinion as regards the intentions of the contents of para. 4 (1) of the circular referred to. The wording of this part of the circular would appear to leave little room for doubt, as however, there would appear to be some doubt in certain minds it may be advantageous to amplify the matter as follows:—

“every possible lawful influence” means that officials including Chiefs and headmen should at all times remind natives within their jurisdiction that it is in every way desirable for them to go out into the Labour fields, and that unemployment in a Reserve is highly undesirable. There is no intention that Officers or Chiefs and Headmen should become recruiters of labour nor is it intended that men should be directed or ordered to proceed to particular employers, but there is the intention to induce the men by all lawful means to seek work. The Elders should also be induced to adopt an attitude of refusing to allow their sons to remain idle. When unemployed young men are found in a Reserve enquiries should be made as to what they are doing, and as to whether they have paid their Poll Tax. Normally the tax due by the young men should be paid by them individually. No actual force can be employed to compel a man to go out to work, he can, however, be forced to pay his tax. It is quite understood that the majority of District Commissioners do follow out the foregoing procedure, and that in certain cases the result is for the moment deemed to be unsatisfactory and that consequently officers despair of achieving success. It is felt, however, that insistence will gradually achieve ever increasing results, hence this attempt at reiteration.

JOHN AINSWORTH,
Chief Native Commissioner.

No. 6.

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR OF KENYA (late East Africa Protectorate).

TELEGRAM.

(Sent 6 p.m. 28th July, 1920.)

28th July.—Chief Secretary's memorandum 2nd July* received 26th July. Cancel Labour Circular number two which is unnecessary in view of circular number three.†

MILNER.

APPENDIX I.

EAST AFRICA PROTECTORATE.

No. IV.

1910.

In the Tenth Year of the Reign of
HIS MAJESTY KING EDWARD VII.

SIR EDOUARD PERCY CRANWILL GIROUARD, K.C.M.G., D.S.O., R.E.

Governor.

An Ordinance to regulate the relations between Employers and Natives employed as Servants and to control the recruiting and engagement of Natives for service within or without the Protectorate.

[21st March, 1910.]

Date.

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof :—

1. This Ordinance may be cited as "The Master and Servants Ordinance 1910" and shall come into operation on the date of its publication in the "Official Gazette."

Short Title.

Commencement.

2. In this Ordinance when not inconsistent with the context :—

Interpretation.

The word "Servant" means any Arab or Native employed for hire, wages, or other remuneration as a labourer, herdsman, artificer, domestic servant, sailor, boatman, porter, messenger, or in any employment of a like nature to any of the foregoing, and any Arab or native apprentice.

Servant.

The word "Native" means a native of Africa not being of European or Asiatic race or origin.

Native.

The words "Contract of Service" mean any contract whether in writing or oral, whether expressed or implied, to employ or to serve as a servant for any period of time, and any contract of apprenticeship as aforesaid.

Contract of Service.

The word "Employer" means any person or any firm, corporation, or company who or which has entered into a contract of service to employ any servant, and the agent, foreman, manager or factor of such person, firm, corporation or company, and where a servant has entered into a contract of service with the Government or with any Officer on behalf of the Government, the Government Officer under whom such servant is working shall be deemed to be his employer provided that no Government Officer shall be personally liable under this Ordinance for anything done by him as an officer of the Government in good faith.

Employer.

The words "Foreign contract of service" mean a contract of service made within the Protectorate and to be performed in all or in part outside the Protectorate and any contract for service with a foreign State; Provided, however, that a contract for employment of a domestic servant for service in the Uganda Protectorate or within the Dominions for the Sultan of Zanzibar or of a sailor for service on a vessel on lake Victoria Nyanza or on a vessel calling at the ports of the Protectorate or of the Dominions of the Sultan of Zanzibar alone shall not be deemed to be a Foreign contract of service.

Foreign Contract of Service.

The word "Parties" means the employer and employed under any contract of service.

Parties.

The word "Writing" includes printing.

Writing.

The words "Labour Agent" shall mean and include any person who shall himself or through agents or messengers, in his own name or otherwise, procure or attempt to procure, seek for engagement, conduct, take charge of, supply, or undertake to supply natives to be employed in work or labour of any kind, provided that the words "Labour Agent" shall not apply to any person who procures or engages or conducts natives for his own *bona fide* domestic, personal service or business exclusively.

Labour Agent.

The word "Month" shall mean a Calendar month.

Month.

The words "Railway Servant" mean any person employed by a Railway Administration in connection with the service of a Railway.

Railway Servant.

Words importing the plural or the singular may be construed as referring to one person or thing or to more than one person or thing and words importing the masculine as referring to females (as the case may require).

FORMATION AND INTERPRETATION OF CONTRACTS.

3. (1) A foreign contract of service shall be in writing and signed by the parties thereto, otherwise such contract shall be void.

Foreign Contract Service to be in writing.

(2) A contract of service, which, or a sufficient Memorandum whereof, is not in writing and signed by the parties thereto, shall not be in force for a longer period than one month from the making thereof.

Contracts not in writing and unsigned.

4. No written contract of service shall be enforced as against any servant who is unable to read and understand writing unless it bears an attestation, under the hand and seal of a Magistrate or of a Justice of the Peace to the effect that such contract was read over and explained to such party in the presence of such Magistrate or Justice of the Peace and was entered into by him voluntarily, and with full understanding of its meaning.

Attestation of Written Contract.

5. (1) Every foreign contract of service shall be approved and attested by a Provincial Commissioner and it shall be in the form in the Schedule hereto or to the like effect.

Approval and Attestation of Foreign Contract. Governor's assent Foreign Contract Service required.

(2) A Provincial Commissioner shall not approve any foreign contract of service without having first obtained the assent of the Governor to such contract, which assent the Governor may in any case withhold.

contracts of Service
not to be attested
unless in certain
forms.

6. No contract of service or foreign contract of service shall be attested by a Magistrate, a Justice of the Peace or a Provincial Commissioner unless it specify as accurately as may be :—

- (a) The nature and duration of the service.
- (b) The place or limits within which such service is to be performed.
- (c) The remuneration to be paid.
- (d) A stipulation by the employer to pay the wages of the employed monthly or at shorter periods unless otherwise expressly desired by the employed, and
- (e) In the case of a foreign contract of service a stipulation by the employer to provide the servant with sufficient means of returning if he shall desire to do so, at the termination of the contract, to the place at which he was engaged.

power to fix fees
for the attestation
of contracts.

7. The Governor may fix the fees to be paid to the Government on the attestation of contracts of service, foreign or otherwise, and may from time to time alter and vary such fees as he may think fit and such fees shall be paid by the employer on or before the attestation of the contract.

A receipt for the amount of the fees paid by an employer, signed by the Magistrate, Justice of the Peace or Provincial Commissioner, as the case may be, and bearing duly cancelled stamps for the amount paid, shall be delivered to the person paying the same. Save as herein provided a contract of service attested as aforesaid shall not be chargeable with any duty.

Security in Foreign
Contract of Service.

8. (1) When the employer in a foreign contract does not reside or carry on business within the jurisdiction, he shall give security by bond in the form in the Schedule hereto or to the like effect with one or more sureties to be approved of by the Provincial Commissioner attesting the contract and resident within the jurisdiction, conditional for the due performance of the contract in such sums as the Provincial Commissioner may consider reasonable.
- (2) A Provincial Commissioner may require any employer in a foreign contract of service to give the bond mentioned in the preceding Sub-Section with the like sureties.

Inducing persons
to proceed abroad
for informal
contracts.

9. Whoever
 - (a) Induces, or attempts to induce any person to proceed beyond the Protectorate with a view to being employed as a servant ; or
 - (b) Knowingly aids in the engagement of any person so induced, by forwarding or conveying him or by advancing money or by any other means whatever, unless there is a foreign contract of service with such person and unless the provisions of this Ordinance relating to foreign contracts of service have been complied with, shall be liable to imprisonment for a term of one year or to a fine of 1,000 Rupees or to both.

Penalty

Proviso.

Provided, however, that an employer of a domestic servant or sailor engaged under a contract of service shall not render himself liable to the aforesaid penalties by inducing or attempting to induce such domestic servant or sailor to proceed to any place within the Uganda Protectorate or within the dominions of the Sultan of Zanzibar beyond the Protectorate or to any port on Lake Victoria Nyanza.

Duplicates to be
attested, Custody of
originals

10. Two duplicate copies of every contract of service attested under this Ordinance shall be attested along with the original ; one duplicate shall be delivered to the employer and the other to the employed or in the case of a gang to the headman of the gang. The original of every attested contract shall be deposited with and preserved by the Provincial Commissioner of the Province within which the same was attested. An attested duplicate shall be evidence of the original.

Written Contract
valid for more
than two years.

11. A written contract of service other than a contract of apprenticeship shall not be binding or valid for a longer period than two years from the date thereof.

Termination of
contract where
duration not
expressed.

12. Every contract of service wherein no agreement is expressed respecting its duration not being a contract to perform some specific work without reference to time shall :—

- (a) if made and to be performed within the Protectorate be deemed to be :—
 - (i) in cases where the wages are not fixed by the contract or where the contract is to pay wages at any period or at any rate other than monthly, a contract at will, and determinable by either party at the close of any day without notice ;
 - (ii) in cases where the contract is to pay wages monthly or at a monthly rate, a contract for one month and determinable by either party at the end of any month without notice..
- (b) if a foreign contract of service, be determinable at any time upon notice of his intention to terminate the contract being given by either party to the other one month before the date of the intended termination in cases where wages are by the contract or local custom payable monthly or at longer intervals, or one week before the date of the intended termination in cases where wages are by the contract or local custom payable weekly or at longer intervals being less than monthly, or in all other cases one day before the date of the intended termination.

Contract expiring
journey may be
prolonged.

13. If the period expressed in any contract of service or foreign contract of service for the duration thereof shall expire, or if a servant shall seek to determine any contract wherein no agreement is expressed respecting its duration whilst the servant is engaged in any voyage or journey, the employer may, for the purpose of terminating such voyage or journey, prolong the period of service for a sufficient period to enable the voyage or journey to be terminated.

Provision of
Section 3 (2) and
not to apply to
contracts entered
into by Railway
servants and
persons in the
service of the Post
Office with regard
to which special
provision is made
by law.

14. Neither Section 3 Sub-Section (2) nor Section 12 of this Ordinance shall apply to a contract of service entered into by a Railway servant or by a person in the service of the Post Office if and so long as special provision is made by law with regard to the duration or the notice required for the determination of such contracts of service.

15. Whoever decoys away or unlawfully induces any servant to quit the service of his employer, or who knowingly receives or harbours any servant who may improperly quit the service of his employer, shall be liable to a fine of Rs. 100 and in default of payment, to imprisonment, with or without hard labour for any period not exceeding two months.

Penalty for decoying and harbouring servants.

APPRENTICESHIP CONTRACTS.

16. The Father, or in case of a fatherless child, the guardian of an Arab or a native child above the age of nine years and under the age of sixteen, may, with the consent of such child testified by his or her execution of the deed of apprenticeship, apprentice him to a trade or employment in which art or skill is required, or as a domestic servant, for any term not exceeding five years.

Apprenticeship of children by parents or guardians.

17. Whenever an Arab or native child under the age of sixteen years is without known relatives, and is without a guardian, a Magistrate of the District in which such child resides or is found, may authorise the apprenticing of such child to a trade or employment mentioned in the last preceding Section, and may appoint some fit person to execute the deed of apprenticeship and to act generally as guardian of such child.

Apprenticeship of children without known relatives or guardian.

18. An Arab or native of the age of sixteen years or upwards, not being under a deed of apprenticeship, and subject as in the twentieth Section of this Ordinance, may apprentice himself for a term not exceeding three years to a trade or employment in which art or skill is required or as a domestic servant.

When persons may apprentice themselves.

19. Every contract of apprenticeship may, with the consent of the parties thereto, and subject as in the next succeeding Section, be assigned.

Assignment of Contracts of Apprenticeship

20. Every contract of apprenticeship and every assignment thereof shall be by deed, and no such deed shall be valid unless attested by and made with the approval of a Magistrate having jurisdiction in the district where the person to be apprenticed shall be living, and unless such approval be certified in writing under the hand of the Magistrate on the deed of apprenticeship or assignment. Deeds of apprenticeship may be in one of the forms in the Schedule hereto, or to the like effect.

Contracts and Assignments invalid unless by deed approved.

21. Whoever removes or attempts to remove any apprentice under this Ordinance from the Protectorate during his apprenticeship without the authority in writing (the proof whereof shall lie on him) of the Provincial Commissioner of the Province where such apprentice resides shall be liable to imprisonment of either description for a term not exceeding 12 months, or to a fine not exceeding fifteen hundred Rupees.

Apprentices not to be taken out of jurisdiction.
Penalty.

22. Whoever induces or attempts to induce any apprentice to quit the service of his employer shall be liable to imprisonment of either description for a term not exceeding three months or to a fine not exceeding two hundred and fifty Rupees.

Decoying apprentices.
Penalty

23. If any person with whom any apprentice under this Ordinance has been placed shall retain such apprentice in his service after the stipulated period of service has expired, without any agreement between the parties for the payment of wages, the apprentice shall be entitled to recover from the person so retaining him wages at the ordinary current rate payable for service similar to that performed by such apprentice.

Apprentices retained after expiration of contract entitled to wages.

CARE OF SERVANTS.

24. During the period of service the employer shall at all times at his own expense cause every servant in his service to be properly housed and shall observe all reasonable directions which may be given by a Magistrate in respect of sanitary arrangements. Provided, however, the obligation of an employer as regards housing shall not by reason of this Section extend to any case in which a servant is able to return to his home at the conclusion of his daily work or to obtain suitable and proper housing at or conveniently near to his place of employment.

Housing of Servants.

25. During the period of the service of any servant employed at such distance from such servant's home as to render it impossible for him to return to his home at the conclusion of his daily work, the employer shall at his own expense cause such servant to be properly fed and to be supplied with sufficient and proper cooking utensils and means of cooking. Provided, however, that the obligations of an employer to cause his servant to be fed or to supply cooking utensils and means of cooking as aforesaid, as the case may be, shall not extend to any case when the servant is employed at a place where he can obtain for himself sufficient and proper food, or cooking utensils and means of cooking, and when it has been expressly agreed between the parties, at the time of entering into the contract of service, that the servant shall procure his food or cooking utensils and means of cooking at his own expense.

Feeding of Servants.

26. If, and whenever an employer is required by the provisions of this Ordinance to cause his servant to be housed or fed, he shall arrange for a proper water supply for the use of such servant.

Water supply for use of Servants.

27. An employer shall when necessary and if requested by a servant, supply him with a suitable blanket, and in the case of a porter engaged for a journey, also with a jersey and water bottle. In any such case unless expressly agreed to the contrary the reasonable cost of the article or articles supplied shall be paid by the servant and may be deducted from the remuneration of the servant, and until the whole or a portion of such cost shall have been so deducted or otherwise paid by the servant the article or articles supplied shall remain the property of the employer.

Blanket, etc., when necessary to be supplied if requested by a Servant. Unless otherwise agreed the cost to be paid by the Servant

28. An Employer shall when necessary provide sufficient tent accommodation for his porters engaged for a journey.

Porters to be provided with sufficient Tent accommodation.

29. Every employer shall provide his servants with proper medicines during illness and also (if procurable) medical attendance during serious illness, and any employer failing so to provide shall, in addition to his liability for breach of the section, be liable to pay any expenses incurred by a Magistrate in providing such Medical attendance.

Employer to provide Medicine and Medical attendance.

Employer to notify a Magistrate of the death of a servant and to deliver wages, etc., due or belonging to deceased to a Magistrate.

In certain cases servants to be returned to place of engagement at employers expense

To supply food for servant's consumption when returning to place of engagement.

30. If a servant dies during service, the employer shall give immediate notice thereof to the nearest Magistrate, together with a medical certificate, if procurable, of the cause of death. The employer shall pay to the Magistrate all wages due and deliver all property belonging to the deceased servant, for transmission through the agency of the Administration to the representatives of the deceased, to be distributed in accordance with the law.

31. Whenever any servant shall have been taken to the place of employment at the expense of the employer the employer shall at the termination of the contract of service, otherwise than by cancellation thereof by a Magistrate on account of any wrongful act or default of the servant, in like manner return the servant to the place of engagement should the servant wish to return.

32. Every employer shall on the termination of the contract of service provide at his own expense a sufficient supply of food for the servant's consumption on the way back to the place of engagement.

LABOUR AGENTS.

No Labour Agent to recruit Labour without a permit.

33. No Labour Agent shall recruit or seek to recruit any native to be employed in work or labour unless such Labour agent is in possession of a permit issued by the Provincial Commissioner in the form contained in the Schedule to this Ordinance or any form hereafter substituted therefor by or in accordance with any rules and conditions as the Governor may prescribe from time to time.

Application for permit to be made in writing.

A Bond may be required of Labour Agent.

Permits to be issued for limited time and for specified districts.

Labour Agent not to employ person to assist him in recruiting labour without first notifying the Provincial Commissioner.

Permit may be refused in certain cases.

Power to make rules.

34. Every application for a permit to recruit as aforesaid shall be made in writing and expressly state the name of the Labour Agent to whom the permit is to be issued. The Provincial Commissioner may require any person by whom an application for a permit is made to sign a bond for such amount as may be required for the fulfilment of the provisions of this Ordinance and of any rules or conditions prescribed by the Governor.

35. The permit shall be issued for a limited period, not exceeding in any case twelve months, and for a specified district or for specified districts only in the Province of the Officer issuing the same.

36. A Labour Agent shall not employ any agent for the purposes of assisting him in recruiting, unless and until he shall first have notified the Provincial Commissioner in writing of such employment and of the name of such agent.

37. A Provincial Commissioner may refuse the issue of a permit to any person who shall have committed a breach of the provisions of this Ordinance relating to labour agents or of any rule or conditions which may have been prescribed by the Governor.

38. The Governor may from time to time as he may think fit make, alter and revoke rules for any of the purposes following :—

- (i) Prohibiting the recruiting of natives in any specified districts, areas or places or regulating the recruiting of labour in such districts, areas or places.
- (ii) Providing for the proper clothing, feeding and housing of natives recruited by and at the expense of Labour Agents ;
- (iii) Prescribing the fees to be paid in respect of a permit to recruit labour ;
- (iv) Imposing such conditions upon Labour Agents and the recruitment of natives for work or labour as he may consider proper for the protection of natives.

All such rules, alterations and revocations shall be laid before the Legislative Council before the same are published in the " Official Gazette."

Penalties.

39. Any Labour Agent ; who shall without a permit hereinbefore provided for, recruit or seek to recruit any native to be employed in work or labour, or who shall having obtained a permit contravene any of the provisions of this Ordinance relating to Labour Agents, or who shall commit any breach of any rule or condition prescribed by the Governor shall be liable to a fine not exceeding fifteen hundred Rupees and in default to imprisonment with or without hard labour for a period not exceeding three months, and any permit issued to him may be cancelled by the Governor.

BREACH OF CONTRACT AND DISPUTES BETWEEN AND OFFENCES BY EMPLOYERS AND SERVANTS.

Complaint in cases of dispute between Employers and Servants.

40. Whenever an employer or servant shall neglect or refuse to fulfil any contract of service, or whenever any question, difference or dispute shall arise as to the right or liabilities of either party, or touching any misconduct, neglect or ill-treatment of either party, or any injury to the person or property of either party, under any contract of service, the party feeling aggrieved may make a complaint to any Magistrate or Justice of the Peace, who may thereupon issue a summons to the party complained against. Provided that a Magistrate holding a Subordinate Court of the third class or a Justice of the Peace shall forthwith forward such complaint to a Magistrate having jurisdiction to try the case.

The jurisdiction of Magistrate.

41. Every Magistrate holding a Subordinate Court of the first or second class and every special Magistrate shall have jurisdiction, notwithstanding that the person complained against may be an European, American or Asiatic, and notwithstanding anything in any Ordinance or Law respecting the jurisdiction of such Magistrate to the contrary, in all cases arising in their respective areas of jurisdiction between employers and their servants, and with reference to their relative rights and duties or to any matter or thing or offence to which provision is made by this Ordinance, and every such Magistrate shall have jurisdiction in any such case brought before him against any person being at the time within the area of his jurisdiction, whether the grounds of such case arose within such area or not or whether the person against whom such case is brought has his usual residence or place of abode within such area or not.

42. Whenever a complaint as aforesaid shall be made to a Magistrate holding a Subordinate Court of the third class or to a Justice of the Peace, and such Magistrate or Justice of the Peace shall issue process for the purpose of requiring or compelling the attendance of the party complained against, such process shall be made returnable before a magistrate holding a Subordinate Court of the first or second class or a special Magistrate having jurisdiction in the case.

A Warrant or Summons issued by Magistrate of third Class or Justice of the Peace to be made returnable before a Magistrate having jurisdiction to try the case.

43. If at any time after the laying of the complaint it appears to the Magistrate or Justice of the Peace, by information on oath, that the Party complained against is about to abscond, he may cause him to be arrested and detained in custody, unless he finds security to appear and answer the complaint and to abide the decision of the Court thereon.

Arrest of absconding Defendant.

44. A Magistrate having jurisdiction to adjudicate on any complaint made to him or forwarded to him for adjudication may, if it should appear to him that the matter of such complaint or of any cross complaint or defence could more properly or conveniently be dealt with in a civil action, order, at any time before judgment therein is delivered by him, that the remedy, if any, for the matters complained of shall be by an action brought in accordance with the law relating to procedure in civil action and not by complaint under this Ordinance.

A Magistrate may order that the remedy of complainant shall be by civil action and not by complaint under this Ordinance.

45. (1) Upon any complaint under this Ordinance the Magistrate may in addition to any jurisdiction he might have exercised if this Ordinance had not been made, exercise all or any of the following powers; that is to say:—

Discretionary powers of Magistrates.

(a) He may adjust and set off one against the other all such claims on the part either of the employer or of the servant arising out of, or incidental to the relation between them as the Magistrate may find to be subsisting, whether such claims are liquidated or unliquidated, and are for wages, damages or otherwise and he may direct the payment of such sum as he finds due by one party to the other party;

To adjust and set off claims.

(b) He may direct fulfilment of the contract, and in case where he might award damages for any breach of contract, he may in place either of the whole of the damages which would otherwise have been awarded or some part of the damages, direct the party committing such breach to find security to the satisfaction of the Magistrate for the due performance of so much of the contract as remains unperformed, and if the party neglect or refuse to find security, he may commit him to prison until he finds it, but the term of imprisonment shall not exceed three months.

To direct fulfilment of the contract.

(c) He may rescind the contract upon such terms as to the apportionment of wages or other sums due thereunder, and as to the payment of wages or damages or other sums due as he thinks fit.

To rescind the contract and apportion wages, etc

(d) When no amount of compensation or damages can be assessed, or when pecuniary compensation will not in the opinion of the Magistrate meet the circumstances of the case, he may in addition to the rescinding of the contract and discharging the parties therefrom, fine either party a sum not exceeding two hundred Rupees with imprisonment of either description in default of payment, for a term not exceeding one month.

To impose fines.

(e) Where it appears to the Magistrate that an employer or servant has been guilty of any offence under this Ordinance, he may, in lieu of or in addition to doing any of the acts or things, and to making any of the orders or directions authorised by paragraphs (a) (b) and (c) of this Sub-Section pass any sentence or judgment authorised by this Ordinance upon the person so offending, and may make any order or do any act or thing by this Ordinance authorised, or which may lawfully be done for giving effect to such judgment or order.

To pass any sentence or judgment authorised by this Ordinance.

(2) A person shall give security (hereinafter called the bond) under this section by a written or oral acknowledgment in or under the direction of the Court of the undertaking or condition by which and the sums for which he is bound, and such bond shall be forfeited and enforced in the manner provided for the forfeiture and enforcement of bonds under the law for the time being in force relating to procedure in criminal cases.

Form of security

(3) Save as in this Ordinance otherwise provided the provisions of the law for the time being in force relating to procedure in criminal cases respecting appeals and references and the levying of moneys ordered to be paid shall apply to all proceedings and all orders for the payment of money under this Ordinance.

Law relating to Criminal Procedure ordinary to apply to proceedings under this Ordinance.

(4) Anything in this Ordinance to the contrary notwithstanding, it shall be lawful for any Magistrate, having jurisdiction in any proceedings under this Ordinance whenever he shall consider that by following or by requiring the complainant to follow the procedure laid down by law for criminal cases the ends of Justice will or may be defeated, to adopt or order to be adopted for all or any purpose of the proceedings and at any stage thereof or for the levying of moneys ordered to be paid, all or any of the provisions of the law for the time being in force relating to procedure in civil cases.

When Civil Procedure may be followed.

46. Whenever any male person shall appear liable to have any of the orders specified in the last preceding section made upon him, or to be punished in any other manner provided by this Ordinance, if he shall appear to the Court to be under the age of sixteen years and to require punishment in the way of discipline rather than in any other manner, the Court may order him to be detained for one day in any suitable place of detention, and to be corporally punished with a light cane of such pattern as may be approved by the Court, such punishment not exceeding sixteen stripes on the bare buttocks, instead of any other punishment.

Punishment of Juveniles.

47. Any servant may be fined a sum not exceeding the amount of one month's wages and in default of payment of the same may be imprisoned with or without hard labour for any period not exceeding one month, in case he shall be convicted of any of the following acts:—

Offences by Servant Class 1.

(1) If he shall, after having entered into a contract, fail or refuse without lawful cause to commence the service at the stipulated time.

- (2) If he shall without leave or other lawful cause, absent himself from his employer's premises or other place proper and appointed for the performance of his work.
- (3) If he shall during working hours unfit himself for the proper performance of his work by becoming or being intoxicated.
- (4) If he shall neglect to perform any work which it was his duty to have performed or if he shall carelessly or improperly perform any work which from its nature it was his duty under his contract to have performed carefully and properly.
- (5) If he shall without leave, and for his own purposes, make use of any horse, vehicle, or other property belonging to his employer.
- (6) If he shall use any abusive or insulting language to his employer or to any person placed by his employer in authority over him, calculated to provoke a breach of the peace.
- (7) If he shall refuse to obey any command of his master, or of any person lawfully placed by his master in authority over him, which command it was his duty to obey.
- (8) If on entering into or for the purpose of obtaining a contract or service he shall give a false name or address.

48. Any servant may be fined any sum not exceeding the amount of two months' wages and in default of payment may be imprisoned with or without hard labour for any period not exceeding two months, or may be imprisoned without the infliction of a fine, at the discretion of the Magistrate, with or without hard labour for any period not exceeding two months, in case he shall be convicted of any of the following acts or instances of misconduct, that is to say :—

- (1) If he shall wilfully or by wilful breach of duty or through drunkenness do any act tending to the immediate loss, damage or serious risk of any property placed by his employer in his charge or placed by any other person in his charge for delivery to or on account of his employer.
- (2) If he shall, by wilful breach of duty or by neglect of duty or through drunkenness, refuse or omit to do any lawful act proper and requisite to be done by him for preserving in safety any property placed by his employer in his charge, or placed by any other person in his charge for delivery to or on account of his employer.
- (3) If being employed as a herdsman he shall fail to report to his employer the death or loss of any animal placed in his charge which he shall allege to have died or been lost, on the earliest opportunity of so doing after he shall have discovered or in the course of duty was bound to have discovered such death or loss or if he shall fail to preserve for his employer's use or inspection any part or parts of such animals as he shall allege to have died, which part or parts he shall by his employer have been directed to preserve, unless such herdsman shall prove to the satisfaction of the Court the death of such animal, or if it shall be made by his employer to appear that any such animal or animals alleged by him to have strayed away or otherwise become irrevocably lost, could not, under the circumstances of the case, have become irrevocably lost without his act or default.
- (4) If being employed in any capacity other than that of a herdsman he shall allege the loss of any property placed in his charge by or for his employer and it shall be made to appear by his employer that the property in question could not have been lost without his act or default.
- (5) If he shall without lawful cause depart from his employer's service with intent not to return thereto.

49. No fine or period of imprisonment undergone under this Ordinance by a servant shall have the effect of cancelling the contract of service.

50. No wages shall become payable to a servant for or during any term of his imprisonment under this Ordinance.

51. When the offence of which any servant shall be convicted under this Ordinance shall be the offence of absenting himself from or of departing from the service of his employer, then the period of his absence may on the application of the master and at the discretion of the Magistrate be added to the term of service originally stipulated. In such case it shall be the duty of the Magistrate convicting such servant to ascertain at the trial the period of absence, and to certify the same by some writing under his hand to be delivered to the employer and the period mentioned in such writing shall by all Courts and in all places be deemed to be added to the original term of service.

52. As often as any property of the employer shall be lost or damaged by means of any act or omission of his servant, it shall be lawful for the Magistrate, should he think fit, to fix the amount of compensation for such loss or damage, and make such order as to the payment thereof, either at once or by instalments out of wages to be yet earned or otherwise, as shall seem reasonable and just, provided that no instalment ordered to be paid out of wages shall exceed one half of the servant's monthly wage if the instalments are ordered to be paid monthly, or one half of the servant's weekly wage if the instalments are ordered to be paid weekly.

53. Any servant who receives from his employer any wages in advance and who without good reason quits the service of such employer before such advance is fully repaid or worked off, shall be guilty of an offence and shall be liable to imprisonment of either description for a term not exceeding three months.

54. No servant shall be convicted under any of the foregoing sections of this Ordinance unless the employer shall lodge his complaint without undue delay after he becomes cognizant of the offence or alleged offence.

Offences by Servants Class II.

either Fine nor imprisonment to have the effect of cancelling a contract.

and wages to accrue to a servant during period of imprisonment.

When a servant is convicted of absenting himself or departing from service period of absence may be added to term of service.

of loss, etc., of employer's property.

penalty on servant leaving service before working off advance of wages.

The limit within which complaint must be made by employer.

55. Any employer of any servant shall be liable to a fine not exceeding one hundred Rupees with imprisonment in default of payment or to imprisonment for a term not exceeding one month or to both such fine and imprisonment in case he shall be guilty of any of the following acts or omissions, that is to say :—
- (1) If he shall withhold the wages of such servant without reasonable and probable cause for believing that the wages so withheld are not really due. Penalty on employer.
- (2) If before or after the expiration of the contract of service, upon demand made and without lawful cause, he refuses to deliver or permit to be taken away any property belonging to such servant lawfully remaining or being upon such employer's land without reasonable and probable cause for believing that the property in question was lawfully detained. Withholding wages.
- (3) If he fails upon demand to supply or deliver to such servant the food, blanket or other articles stipulated for in any written contract of service, or if he supplies or delivers food, blanket or other articles not conformable to the said contract. Detaining Servant property.
- (4) If he shall fail to comply with any of the provisions or requirements of Sections 24 to 32 (inclusive) of this Ordinance. Failing to supply food, etc., stipulate for in any written contract.

56. Every person complained against or charged with an offence under this Ordinance shall be a competent but not a compellable witness. Non-compliance with provisions of Ordinance with regard to care of servant.

57. No person against whom a complaint is made under this Ordinance, who is not immediately before the hearing of such complaint in actual custody, shall be compelled to enter the dock or place usually assigned for prisoners under trial in the Court or shall be otherwise treated as under arrest during the hearing of such complaint. Provided that if in the opinion of the Magistrate before whom the complaint is heard, it shall be necessary in order to secure the attendance of such employer or servant, that he should be placed in custody, it shall be lawful for such Magistrate to cause such person to be arrested and detained in custody. Defendant a competent witness.

58. When the Magistrate imposes any fine or enforces payment of any sum secured by a recognizance or bond, the Magistrate may direct that such fine or sum when recovered, or any part thereof he thinks fit, shall be applied to compensate any employer or servant for any wrong or damage sustained by him by reason of the act or thing in respect of which the fine was imposed or by reason of the non-performance of the contract of service. Defendant not to be compelled to enter the dock except in certain events.

59. Whenever it shall appear to a Magistrate having jurisdiction to adjudicate upon a complaint made by a servant that such servant has not the means and is otherwise unable to obtain food for himself pending the determination of his complaint, he may cause such servant to be supplied with necessary food at the expense of the Government, but in such case the cost thereof shall be a debt due to the Government from such servant and may be deducted by the Magistrate from any moneys received by him for or on behalf of such servant or shall otherwise be paid by the servant. The amount of a fine imposed or a part thereof may be paid to the complaining party.

60. In any complaint under this Ordinance the process of the Court of the Magistrate for compelling the attendance of the party accused and of all necessary witnesses shall be instituted at the public charge and without any fees of Court. Provided always, that if at the trial the complaint shall appear to the Magistrate to be frivolous or vexatious, the party complaining shall be liable to a fine not exceeding one hundred Rupees, and to defray the costs of the process and of the witnesses in the case, and in default of payment of such fine and costs, shall be liable to be imprisoned for any period not exceeding one month. Provided, also, that such fine may be imposed upon the occasion of such trial and without any fresh action or proceeding for the recovery thereof. Servant may be fed at Government expense pending hearing of complaint. The cost to be refunded by servant.

MISCELLANEOUS PROVISIONS.

61. Nothing in this Ordinance shall prevent any employer or servant from being proceeded against according to law for any offence punishable under any law in force in the Protectorate. Costs of witnesses, etc.

62. Nothing in this Ordinance shall prevent any employer or servant from enforcing their respective rights and remedies for any breach or non-performance of any lawful contract of service made outside of the Protectorate, but the respective rights of such parties under such contract as well against each other as against third parties invading such rights may be enforced in the same manner as other contracts arising thereout may be enforced and as if this Ordinance had not been made, provided that whenever any such contract has been executed in conformity with this Ordinance it shall be enforced in the same manner as a contract entered into under this Ordinance. But no written contract the tenor and execution of which are not in conformity with this Ordinance shall be enforced as against a servant who is unable to read and understand writing. Any such contract shall be deemed executed in conformity with this Ordinance which is signed by the names or marks of the contracting parties and bears as concerns any illiterate parties an attestation to the like effect as is prescribed by section 4 thereof. Persons may be proceeded against if any offence punishable under any law in force.

If the contract was made in the United Kingdom or elsewhere in His Majesty's dominions or in a British Protectorate the attestation may be by any Justice of the Peace or other Officer authorised by law to take affidavits or to attest contracts of service; if made in any foreign parts the attestation may be by any Judge or Magistrate, being authenticated by the Official Seal of the Court to which he is attached, or by any British Minister, Consul, Vice Consul or Consular Agent. Saving as to contracts under Act relating to shipping abroad.

63. This Ordinance shall not apply to any contract made under or governed by any Imperial law relating to shipping, nor affect the rights and remedies of the parties thereunder. Saving as to contracts under Act relating to shipping.

64. The Governor may appoint such persons as he may think fit and as occasion may require, special Magistrates for the Protectorate or for any District or Districts thereof, who shall hold Office during the Governor's pleasure and whose appointments shall be notified in the "Official Gazette." Power to appoint Special Magistrate.

A Special Magistrate shall have and exercise with the limits of which he is appointed such powers, rights, duties and Jurisdiction as are vested in "a Special Magistrate" by virtue of this Ordinance, or may be exercised in relation to this Ordinance by a Magistrate holding a Subordinate Court of the first class.

65. Any Magistrate or Justice of the Peace may for any purpose under this Ordinance at any time enter upon any land or into any building where any servant is employed or housed.

66. Any person who shall give or shall offer to give any money or other gift to any Gazetted Native Chief or Headman with a view to securing a supply of labour, shall on conviction, be liable to a fine not exceeding one hundred and fifty Rupees.

67. The Governor may from time to time make, and when made, alter and revoke rules for any of the purposes following :—

- (1) Regulating the recruiting of labour for service out of the Protectorate ;
- (2) Regulating the engagement and embarkation of servants to be employed under a Foreign contract of service.
- (3) Generally for the better carrying into effect the provisions of this Ordinance.

68. The Governor may fix such penalties for the breach or non-observance of any Rule as he may think proper, not exceeding imprisonment of either kind for one month, or a fine of one hundred Rupees, or both, and where no penalty is imposed by the Rules the breach or non-observance of any rule shall be punishable to the extent aforesaid.

69. The Master and Servants Ordinance 1906 and the Master and Servants Amendment Ordinance 1907, the Native Porters and Labour Regulations 1902 and the Native Porters and Labour Amendment Regulations 1902 are hereby repealed.

Provided, however, that all contracts entered into under any of the said Repealed Ordinances or Regulations and existing at the date of the publication of this Ordinance and the rights, duties and obligations of the parties thereunder shall be governed and shall be enforced by, under and in accordance with the provisions of the said Ordinances or Regulations as if this Ordinance had not been made.

SCHEDULE.

FORM OF FOREIGN CONTRACT OF SERVICE.

MEMORANDUM OF AGREEMENT made this _____ day of _____ 19____ BETWEEN _____ (hereinafter called the Employer) of the one part, and the persons whose names appear in the Schedule hereto (hereinafter called the Employed) of the other part.

1. Each of the employed hereby contracts with the Employer to serve him at _____ in the capacity of _____ for the period of _____ to be computed from _____ the _____ day of _____ 19____.

2. The employer hereby contracts with the Employed that he will during the period aforesaid make to each of the Employed the payments and allowances set opposite his name in the Schedule hereto, and will at the expiration of the said period provide each of the Employed who desires it with sufficient means of returning to the place at which he was hired.

IN WITNESS whereof the said parties have hereunto set their hands or made their marks at _____ before the _____ the day and year _____ first above written.

Signature of Employer.

THE SCHEDULE.

Name and Marks.	Payments per.	Allowance for subsistence per.

The above-named parties set their hands or made their marks hereto in my presence, the agreement being assented to by them upon the same being read over and explained to them in my presence, and I hereby attest under my hand and seal that the agreement was entered into voluntarily by them with full understanding of its meaning and effect.

FORM OF BOND UNDER SECTION 8.

BE IT KNOWN unto all men by these presents that we (1) _____ are jointly and severally bound unto (2) _____ and to any one or more of them in the sum of (3) _____ to be paid to the said (4) _____ their and each of their heirs, executors, administrators and assigns. For which payment well and truly to be made as liquidated damages and not as a penalty, we bind ourselves jointly and severally and our heirs, executors, and administrators, and every one of them firmly by these presents. Sealed with our seals, dated this _____ day of _____ 19____.

The condition of the above-written obligation is such that if (5) (hereinafter called the Employer) the employer of the said (6) (hereafter called the Employed) do pay to each of the employed performing their part of the agreement after mentioned the several sums of money set opposite to their respective names in the Schedule to an agreement made and entered into between the employer and employed at on the day of 19 and attested by (7) in regular (8) payments to be computed from the day of their embarkation at (9) and also to find and furnish the said employed with the subsistence set opposite to their respective names in the said Schedule at regular (10) periods to commence as aforesaid, and do further at the expiration of the term of (11) computed from the day of embarkation of the said employed, provides the said employed or any of them desiring with sufficient means to obtain a passage or with a free passage and subsistence during which passages back to (12) the place at which the said agreement was executed, as agreed and promised by the said employer in the said agreement, and to execute, carry out and perform his part of the said agreement in all respects, then this obligation to be void, otherwise to be in full force and virtue.

Signed, sealed and delivered in the presence of }
 (To be signed and sealed by each of the obligants }
 and attested if practicable by the officer attesting the }
 relative agreement.)

- (1) Insert names and description of employer and one or more sureties resident within the jurisdiction.
- (2) Name and description of the employed.
- (3) Insert sum not less than half the total amount (less any advances) due by the contract.
- (4) Repeat names of employed.
- (5) Name or names of employers.
- (6) Names of employed.
- (7) Official name of officer before whom agreement is signed.
- (8) Weekly or monthly, &c., as the case may be.
- (9) Place of embarkation.
- (10) Weekly or monthly, etc., as the case may be.
- (11) Term of agreement.
- (12) Place of employment.

DEED OF APPRENTICESHIP UNDER SECTION 16.

This Deed made the day of 19, Between
 (a boy (1) above the age of nine years and under the age of sixteen, by
 of the (2) of the said
 of the one part, and
 of the other part

WITNESSETH as follows :—

1. The said by the authority of the said hereby binds himself apprentice to the said for years from the date hereof, and agrees during that term to faithfully serve the said and obey his lawful commands and not absent himself by day or night from the service of the said without leave.

2. The said agrees with the said that during the said term he will provide him with sufficient good food and drink and lodging and suitable clothing, and medical advice and medicine, and will instruct him or cause him to be instructed in the employment of , and will produce him to any Magistrate or Justice of the Peace whenever called upon by such Magistrate or Justice of the Peace so to do, and will at the end of the said term supply the said if he desires it with sufficient means of returning to his home.

IN WITNESS whereof (3) this day and year first above written
 (attestation when party or parties can read and write.)
 Signed sealed and delivered by the said
 in the presence of }
 Magistrate. }

(attestation when party or parties illiterate.)
 The mark of the said was made hereto and the Indenture was Sealed and delivered by him after the same was interpreted to him when he seemed to fully understand the same in the presence of

Magistrate.
 Approved.
 Magistrate.

, 19

- (1) Or "Girl."
- (2) "Father" or "guardian."
- (3) "The said have hereunto set their hands and Seals" or "have hereunto made their marks and set their Seals" or "the said has hereunto set his hand and Seal and the said has hereunto made his mark and set his Seal" as the case may be.

DEED OF APPRENTICESHIP UNDER SECTION 17.

THIS DEED made the day of 19, Between
 (a child under the age of sixteen years without known relatives and
 without a guardian) by of
 (who has been appointed by the (1) as the guardian of the said
 and to execute this deed on his behalf) of the one part and
 of the other part,

WITNESSETH as follows :—

The said _____ by the authority of the said Magistrate
 hereby binds himself apprentice to the said _____ for _____ years from
 the date hereof, and agrees during that term to faithfully serve the said _____
 and obey his lawful commands and not absent himself by day or night from the
 service of the said _____ without leave.

2. The said _____ agrees with the said _____
 that during the term he will provide him with sufficient good food and drink and lodging and suitable
 clothing, and medical advice and medicine and will instruct him or cause him to be instructed in the
 employment of _____ and will produce him to any Magistrate or
 Justice of the Peace whenever called upon by such Magistrate or Justice of the Peace so to do, and at
 the end of the said term will provide the said _____, if he
 desires it, with sufficient means of returning to his home.

IN WITNESS whereof (2) _____ the day and year first above written.
 (attestation and approval as in the preceding form).

- (1) State by what Magistrate appointed.
- (2) As in note (3) to preceding form.

DEED OF APPRENTICESHIP UNDER SECTION 18.

THIS DEED made the _____ day of _____ 19____, Between
 _____ (a person not under the age of sixteen years) of
 _____ of the one part and _____ of

of the other part.

WITNESSETH as follows :—

1. The said _____ hereby binds himself apprentice to the said _____
 for _____ years from the date hereof and agrees during that term
 to faithfully serve the said _____ and obey his lawful commands and
 not absent himself by day or night from the service of the said _____
 without leave.

2. The said _____ agrees with the said _____
 that during the said term he will provide him with sufficient good food and drink and lodging and
 suitable clothing, and medical advice and medicine and will instruct him or cause him to be instructed
 in the employment of _____

In WITNESS whereof (1) _____ the day and year first above written.
 (attestation and approval as in the form under section 16.)

- (1) As in note (3) to form under section 16.

LABOUR AGENTS PERMIT.

Application for permit by	Permission is hereby granted to.....
For.....	For the period of
Date of receipt.....	Months beginning
Date of issue of permit.....	And expiring.....
Date of commencement of.....	To recruit natives in the district of.....
Date of expiration of permit	As
.....	In the district of.....
.....	Upon the conditions endorsed hereto.....
.....

CONDITIONS ENDORSED ON PERMIT.

- 1. The recruiter shall obey all lawful requirements of any Magistrate while engaged in recruiting.
- 2. The recruiter shall comply with the conditions of the Master and Servants Ordinance 1910, with any rules published thereunder as regards feeding, clothing, housing and otherwise caring for any native recruited by him while such native is travelling to and from the locality in which he is to be employed, and shall further comply with any special conditions (if any) attached to this permit.

3. *Special Conditions if any:*

Passed in the Legislative Council the 28th day of February, in the year of Our Lord, one thousand nine hundred and ten.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

H. W. GRAY,
Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

R. M. COMBE,
Crown Advocate
 C. C. BOWRING,
Treasurer

Assented to in His Majesty's name this 21st day of March, 1910.

E. P. C. GIROUARD,
Governor.

No. IV.

EAST AFRICA PROTECTORATE.

In the Second Year of the Reign of

HIS MAJESTY KING GEORGE V.

Sir EDOUARD PERCY CRANWILL GIROUARD, K.C.M.G., D.S.O., R.E., *Governor.**An Ordinance to amend the Master and Servants Ordinance, 1910.*

Title.

[19th February, 1912.]

Date.

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof :—

- | | |
|--|--|
| <p>1. This Ordinance may be cited as "The Master and Servants Amendment Ordinance, 1912," and shall be read as one with the Master and Servants Ordinance, 1910, hereinafter referred to as the Principal Ordinance.</p> <p>2. The principal Ordinance shall be and is hereby amended as follows :—</p> <p>(1) By the addition to the interpretation of the word "Servant" in Section 2 of the Principal Ordinance of the words following :—
"and any Arab or Native to be exhibited in any
"capacity in any circus, show, or exhibition."</p> <p>(2) By the deletion of Section 63 of the Principal Ordinance and by the substitution therefor of the Section following :—</p> <p>63. (1) Save as is hereinafter otherwise provided this Ordinance shall not apply to any contract governed by any Imperial law relating to shipping or affect the rights and remedies of the parties thereunder.</p> <p>(2) Every agreement entered into in the Protectorate by a Master of any ship to which Part II of the Merchant Shipping Act, 1894, applies, for the engagement of any Native or Arab as a seaman, shall contain, in addition to the terms required by or under the aforesaid Act, a stipulation by the Master, that, if the service of the seaman engaged shall terminate for any cause whatsoever otherwise than by the death or desertion of the seaman or by the consent of the seaman to be discharged during the currency of the agreement, at any port or place other than a port or place within the Protectorate or the Dominions of the Sultan of Zanzibar, he will make adequate provision, as is hereinafter defined, for the maintenance and return of the seaman to the port in the Protectorate at which he was engaged.</p> <p>(3) If a Master of a ship to which Part II of the Merchant Shipping Act, 1894, applies carries any Arab or Native to sea as a seaman without entering into an agreement containing a stipulation required by the preceding Sub-section he shall, for each offence, be liable to a fine not exceeding 150 Rupees.</p> <p>(4) In the preceding Sub-sections the term "Arab or Native" shall include only Arabs and Natives of, or ordinarily resident in, the Protectorate or the Dominions of the Sultan of Zanzibar or in the Uganda Protectorate.
The term "adequate provision" shall mean such provision as a Master is required by the Merchant Shipping Act, 1906, to make in respect of the maintenance and return of a seaman to whom the provisions of Section 32 Sub-section (1) of the said Act are applicable.</p> <p>(5) The provisions of Sub-sections (2) and (3) of this Section shall not apply to the engagement of an Arab or Native as a seaman on a vessel calling at the ports of the Protectorate or of the Dominions of the Sultan of Zanzibar alone.</p> | <p>Short Title.</p> <p>Amendment to Principal Ordinance.</p> <p>Section 2.</p> <p>Section.</p> |
|--|--|

Passed in the Legislative Council the 12th day of February, in the year of Our Lord one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

T. S. W. THOMAS,

Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

R. M. COMBE,

Crown Advocate.

H. A. SMALLWOOD,

Treasurer.

Assented to in His Majesty's name this 19th day of February, 1912.

E. P. C. GIROUARD,

Governor.

No. III.

1915.

EAST AFRICA PROTECTORATE.

In the Fifth Year of the Reign of
HIS MAJESTY KING GEORGE V.

SIR HENRY CONWAY BELFIELD, K.C.M.G., *Governor.**An Ordinance to amend the Law Relating to Master and Servants.*

[6th February, 1915.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof :—

Short title.

1. This Ordinance may be cited as "The Master and Servants Amendment Ordinance, 1915," and shall be read as one with the Master and Servants Ordinance, 1910, herein referred to as the Principal Ordinance.

Labour Agent.

2. To the definition of Labour Agent in Section 2 of the Principal Ordinance shall be added the following proviso :—

And provided that the words 'Labour Agent' shall not apply to any messenger or servant who procures or engages or conducts natives for his employer's domestic, personal service or business exclusively.

Passed in the Legislative Council the nineteenth day of January in the year of Our Lord one thousand nine hundred and fifteen.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

E. P. EVANS,

Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

C. C. BOWRING,

Chief Secretary.

J. W. BARTH,

Attorney General.

Assented to in His Majesty's name this 6th day of February, 1915.

H. C. BELFIELD,

Governor.

No. I.

1916.

EAST AFRICA PROTECTORATE.

In the Sixth Year of the Reign of
HIS MAJESTY KING GEORGE V.

SIR HENRY CONWAY BELFIELD, K.C.M.G., *Governor.**An Ordinance to amend the Law Relating to Master and Servants.*

[January 25th, 1916.]

Date of Assent and Commencement.

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof :—

Short Title.

1. This Ordinance may be cited as "The Master and Servants Amendment Ordinance, 1916," and shall be read as one with the Master and Servants Ordinance, 1910, hereafter referred to as the Principal Ordinance and all Ordinances amending such Ordinance.

Cognisable offence.

2. Notwithstanding anything in the Principal Ordinance to the contrary any act or instance of misconduct punishable under the provisions of Section 48 (5) of the Principal Ordinance shall be a cognisable offence and a Police Officer may arrest without warrant a person accused of such an offence.

Punishments

3. In Section 48 of the Principal Ordinance :—

(a) for the expression "the amount of two months wages" shall be substituted the expression "Rs. 75/-" and

(b) for the expression "two months" wherever it occurs shall be substituted the expression "six months."

Passed in the Legislative Council the twenty-fifth day of January, in the year of Our Lord one thousand nine hundred and sixteen.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

T. S. W. THOMAS,
Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

C. C. BOWRING,
Chief Secretary.
J. W. BARTH,
Attorney-General.

Assented to in His Majesty's name this 25th day of January, 1916.

H. C. BELFIELD,
Governor.

No. XXX.

EAST AFRICA PROTECTORATE.

1918.

In the Ninth Year of the Reign of
HIS MAJESTY KING GEORGE V.

CHARLES CALVERT BOWRING, C.M.G., *Acting Governor.*

An Ordinance to amend the Master and Servants Ordinance, 1910.

[December 31st, 1918.]

BE it enacted by the Acting Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Master and Servants Amendment Ordinance, 1918," and shall be read as one with the Master and Servants Ordinance, 1910, hereafter referred to as the Principal Ordinance, and all Ordinances amending such Ordinance.

2. The Principal Ordinance shall be and is hereby amended as follows:—

(1) By the deletion in section 47 of the Principal Ordinance of the words "fined a sum not exceeding the amount of one month's wages and in default of payment of the same may be imprisoned with or without hard labour for any period not exceeding one month," and by the substitution therefor of the following:—

"punished with rigorous imprisonment for a term which may extend to one month, or with a fine not exceeding Rs. 50/, or with both such imprisonment and fine, at the discretion of the Magistrate."

(2) After the word "language" in section 47, sub-section (6) shall be added the words "or be guilty of insulting behaviour."

(3) Notwithstanding anything in the Principal Ordinance to the contrary it shall be lawful for an employer and servant to enter into a contract of service either orally or in writing for a period of time composed of 30 completed days' work whether completed in succession or otherwise, in this Ordinance referred to as a "30 days' contract," and in the event of such "30 days' contract" being in writing, it shall not be necessary to comply with any of the formalities prescribed by the Principal Ordinance in the case of written contracts. Provided that subject to the provisions of Section 51 of the Principal Ordinance in no event whatsoever shall such a contract extend beyond a period of 42 consecutive days and on the expiration of such period the servant shall be entitled to the payment of all wages accrued due in respect of the number of days he has worked in the proportion which such number of days bear to 30.

4. If any servant employed under a 30 days' contract shall be absent from work through illness, the employer shall at his own expense, if the servant is residing on the employer's premises, cause such servant to be properly fed during the period of his illness, for the unexpired period of 42 days.

Passed in the Legislative Council the eighteenth day of December, in the year of our Lord one thousand nine hundred and eighteen.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

C. E. SPENCER,
Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

J. W. BARTH,
Acting Chief Secretary.
I. L. O. GOWER,
Acting Attorney General.

Assented to in His Majesty's name this 31st day of December, 1918.

C. C. BOWRING,
Acting Governor.

EAST AFRICA PROTECTORATE.

In the Tenth Year of the Reign of
HIS MAJESTY KING GEORGE V.

MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B., *Governor.*

*An Ordinance to amend the Master and Servants Ordinance, 1910, and the Ordinances
Amending the same.*

[20th October, 1919.]

Date of
Assent and
Commence-
ment,
Preamble.

WHEREAS it is expedient to make further and better provision for the inspection of labour and for the enforcement of the conditions affecting the health and well being of servants.

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof :—

PART I.

APPOINTMENT OF INSPECTORS OF LABOUR AND THEIR RIGHTS, POWERS AND DUTIES.

Short Title.

1. This Ordinance may be cited as "The Master and Servants Amendment Ordinance, 1919," and shall be read and construed as one with the Master and Servants Ordinance, 1910 (hereafter referred to as "the Principal Ordinance"), and with all Ordinances amending the same (all of which Ordinances with the Principal Ordinance and this Ordinance are collectively hereinafter referred to as "The Master and Servants Ordinances, 1910-19").

Appointment
of Inspectors
of Labour.

2. (1) The Governor may from time to time appoint such inspectors (under the title of "Inspectors of Labour") and such clerks and servants as he may deem necessary for the purposes of the execution of this Ordinance and of the Principal Ordinance and of all Ordinances amending the same, and may constitute, if he shall think fit, a Principal Inspector of Labour with an office in Nairobi; and may, either generally or in particular cases, regulate the cases and manner in which the Inspectors of Labour or any of them are to execute and perform the powers and duties of Inspectors by this Ordinance conferred, and may remove such inspectors, clerks and servants.

(2) Notice of the appointment of every such Inspector of Labour shall be published in the "Official Gazette."

Powers of
Inspectors of
Labour.

3. An Inspector of Labour under this Ordinance shall, for the purposes of the execution of the Master and Servants Ordinances, 1910-19, have power to do all or any of the following matters or things; namely,

(1) to enter, inspect and examine at all reasonable times by day and night any labour encampment or any farm or holding or other land whatsoever or any house, building or other erection whatsoever and every part of any of the aforesaid when he has reasonable cause to believe any servant, other than a domestic servant, is living, residing or employed thereon or therein; and after such entry as aforesaid or otherwise to make such enquiry and examination as may be necessary to ascertain whether the provisions of the Master and Servants Ordinances, 1910-19, or of any Rules issued thereunder are being complied with so far as regards any servant living, residing or being employed in any such labour encampment, farm, holding or other land or in any such house, building or other erection as aforesaid; and, if he shall deem fit, to take with him, in any of the cases aforesaid, a police constable or constables;

(2) At all reasonable times and without undue interference with his work to require the production of any servant, contracts of service, labour wage or other register, certificate of physical fitness or other document whatsoever relating to servants from any person required by any law in force to be in possession of the same;

(3) To enter, inspect and examine any hospital buildings and all latrines and other sanitary arrangements and any water supply;

(4) To inspect and examine all food provided for the use of servants and to take samples thereof and to ascertain if reasonable medicines and dressings are provided for the use of servants. Any sample taken under this provision shall be taken in duplicate in the presence of the employer and shall be sealed in the presence of the employer, and one sample so sealed shall be left with the employer.

(5) To order that the surroundings of buildings used for housing of servants shall be kept clean, cleared and in a sanitary condition;

(6) (a) To take cognisance of any offence under any of the provisions of the Master and Servants Ordinances, 1910-19, committed by an employer and to report the facts to the Chief Native Commissioner, who may direct such officer as he may appoint to take proceedings. Such officer may prosecute and appear in his own name in respect of the same; and

(b) To institute and/or to appear on behalf of any servant in any civil proceedings by a servant against his master in respect of any matter or thing or cause of action arising out of or in the course of the employment, whether such civil proceedings shall be contemplated or instituted by the servant himself or be civil proceedings ordered by a Magistrate in lieu of criminal proceedings pursuant to the provisions of section 44 of the Principal Ordinance;

(7) To attest all written contracts of service required by law to be attested or any alteration in the same in all respects as a Magistrate or Justice of the Peace can now by law attest contracts of service under the provisions of the Principal Ordinance.

Medical
Inspection.

4. A Government Medical Officer may for the purposes of the execution of the Master and Servants Ordinances, 1910-19, exercise the powers conferred upon an Inspector of Labour by

section 3 (1) to (5) inclusive of this Ordinance and shall further have power to do all or any of the following matters or things, namely :—

(1) To order any servant who in his opinion is sick and is incapable of recovering his health or strength under conditions prevailing at the place of employment to return to the place of engagement or to proceed to a native civil hospital. In any such case the employer shall at the earliest opportunity and at his own expense send such servant to a native civil hospital or to the place of engagement ;

(2) To condemn food provided for natives which in his opinion is unfit for human consumption ; no food condemned under the provisions of this section shall be given or sold to any native ; if an employer object to any condemnation of food under this provision two samples of the food shall be taken in the presence of the Medical Officer and of the employer and one such sample shall be sealed and sent to the Government Analyst and the other sample shall be sealed and left with the employer.

(3) To condemn any house, building or other erection whatsoever in which any servant is living or employed if in his opinion such house, building or other erection is unfitted by either its construction, situation or condition for the purpose to which it is put. No such house, building or other erection so condemned shall be used for the aforesaid purpose until a Government Medical Officer has subsequently certified that the house, building or other erection may be used for such purpose ;

(4) To order the supply of such variety of food for a servant as he may deem necessary ; provided that the cost of the food supplied under any such order shall not exceed the normal cost of rations ordinarily supplied by employers to servants in that district at the time.

(5) To order the employer to supply a servant working under a written contract of service with one or more suitable blankets or with clothing. In any such case the reasonable cost shall be paid by the servant and may be deducted from the remuneration of the servant and until the whole or a portion of such cost shall have been paid or deducted or otherwise paid by the servant the blanket or blankets or clothing supplied shall remain the property of the employer.

(6) To inspect all drugs and medicines provided for the use of servants.

5. In respect of orders given under clause (5) of section 3 of this Ordinance and in respect of orders given under clauses (2) to (5) inclusive of section 4 of this Ordinance there shall be a right of appeal within a period of 14 days to a magistrate holding a Subordinate Court of the first or second class or to such other person or body of persons as the Governor may by notice in the "Official Gazette" appoint for the purpose. Appeal.

6. Every person who wilfully delays an Inspector of Labour or a Government Medical Officer in the exercise of any power granted by this Ordinance or who neglects or fails to comply with any requisition or order of an Inspector of Labour in pursuance of section 3 hereof, or with any order of a Government Medical Officer in pursuance of section 4 hereof, or to produce any contract of service, register, certificate of physical fitness or other document whatsoever which he is required by or in accordance with this Ordinance to produce or who conceals or prevents any servant from appearing before or being examined by an Inspector of Labour or a Government Medical Officer or who attempts so to conceal or prevent a servant shall be guilty of an offence and on conviction by a magistrate entitled to hold a Subordinate Court of the first or second class shall be liable to a period of imprisonment of either description not exceeding one month or to a fine of Rs. 100 or to both. Offences.

PART II.

POWER OF GOVERNOR-IN-COUNCIL TO MAKE RULES.

7. (1) In addition and without prejudice to any existing powers vested in the Governor, it shall and may be lawful for the Governor-in-Council to make Rules prescribing, either generally or in particular cases or for particular areas, the mode in which all or any of the duties imposed upon an employer by the Master and Servants' Ordinances, 1910-19, shall be performed by such employer, and/or prescribing the acts necessary or requisite to be performed by such employer for the due fulfilment of any such duties imposed upon him as aforesaid ; Power of Governor-in-Council to make Rules.

(2) In particular, but without limiting the generality of the foregoing sub-section, such Rules may prescribe or define, either generally or in particular cases or for particular areas, the acts requisite or necessary to be performed by an employer in respect of all or any of the following matters, that is to say :

(a) the housing accommodation of servants, including sanitary arrangements ;

(b) the feeding of servants, in cases where food is to be supplied by the employer under the contract of service including the amount, kind and variety of food to be supplied.

(c) Medical attendance on and supply of medicines to servants.

(3) The power given to the Governor by sections 38 and 67 of the Principal Ordinance to make Rules shall be exercisable by the Governor-in-Council and such sections shall be and are hereby amended. Provided that any Rules now made under any such section shall remain in full force and effect ;

(4) In section 68 of the Principal Ordinance there shall be inserted after the word "Governor" the words "in Council."

(5) All Rules made by the Governor-in-Council under the Master and Servants' Ordinances, 1910-19, shall be submitted to the Legislative Council at the next sessions thereof.

PART III.

PROVISIONS IN REGARD TO MEDICAL CERTIFICATES OF PHYSICAL FITNESS OF SERVANTS.

8. Subject to provisions of Part III of this Ordinance,

(a) no person shall, notwithstanding anything in the Principal Ordinance or any Ordinance amending the same contained, employ or cause to be employed any native who has been recruited for labour by a Labour Agent as a servant under any contract of service, and

(b) no Labour Agent shall engage or enter into a contract of service on behalf of an employer,

Prohibition against employment of natives without Medical certificate first had and obtained.

unless and until such native shall have been first examined by a Government Medical Officer and a certificate in writing shall have been obtained from such Government Medical Officer that such native so examined by him as aforesaid is physically fit to perform the duties under or the work contemplated by the proposed or intended contract of service.

Medical
examination.

9. A Government Medical Officer shall examine free of charge every native brought to him by an employer or Labour Agent for examination in accordance with the provisions of the preceding section.

Prohibition against
employment of
natives under the
parent age of
years.

10. Notwithstanding anything hereinbefore contained no native under the apparent age of 16 years shall in any case be employed or be caused to be employed as a porter, fuel cutter, trolley or rickshaw boy or in any other class of labour for which in the opinion of a Government Medical Officer he is physically unsuitable.

Native rejected on
medical examination
to be returned home
at expense of re-
cruiter or other per-
son producing such
native for Medical
examination.

11. Any native who has been rejected by a Government Medical Officer after such examination as is hereinbefore mentioned as physically unfit for the work for which he has been recruited or in which he is intended to be employed shall be returned to his home or place of recruitment at the expense of the party who recruited him or produced him for medical examination.

Proviso.

Provided that failing the return to his home or place of recruitment at the expense of the party who recruited him or produced him for medical examination any Magistrate or Labour Inspector may return such native to his home or place of recruitment and any expenses incurred thereby shall be recoverable summarily as a civil debt from the Labour Agent who recruited him.

Limitation of appli-
cation of Ordinance.

12. Provided always nothing in section 8 of this Ordinance contained shall apply or in anywise affect the law relating to any contract of service which has been duly made at the date of this Ordinance.

Fines.

13. Any person employing any native in contravention of the provisions of Part III of this Ordinance or otherwise contravening any of the provisions of Part III herein shall, on conviction by a Magistrate entitled to hold a Subordinate Court of either the first or second class, be liable to a term of imprisonment of either description not exceeding six months or to a fine not exceeding Rupees 1,000 or to both.

PART IV.

INTERPRETATION.

Interpretation

14. Save where the context otherwise requires for the purposes of this Ordinance the expression "Government Medical Officer" shall include any medical officer and any assistant surgeon or sub-assistant surgeon in the employment of the Government specially appointed for the purpose of Part III of this Ordinance.

Passed in the Legislative Council the sixteenth day of August, in the year of Our Lord one thousand nine hundred and nineteen.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

C. E. SPENCER,

Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

C. C. BOWRING,

Chief Secretary.

J. W. BARTH,

Attorney General.

Assented to in His Majesty's name this 20th day of October, 1919.

EDWARD NORTHEY,

Governor.

No. VI.

1920.

EAST AFRICA PROTECTORATE.

In the Tenth Year of the Reign of

HIS MAJESTY KING GEORGE V.

SIR CHARLES CALVERT BOWRING, K.B.E., C.M.G., *Acting Governor.*

An Ordinance to Amend the Law Relating to Master and Servants.

[February 11th, 1920.]

Date of Assent and
commencement.

BE it enacted by the Acting Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof :—

Short title.

1. This Ordinance may be cited as "The Master and Servants Amendment Ordinance, 1920," and shall be read and construed as one with the Master and Servants Ordinance, 1910, hereafter referred to as the Principal Ordinance and all amendments thereof.

2. Section 15 of the Principal Ordinance is hereby repealed and the following section is hereby substituted therefor :—

15. Whoever decoys away or unlawfully induces any servant to quit the service of his employer or who attempts to decoy away or attempts unlawfully to induce any servant to quit the service of his employer or who knowingly harbours any servant who may improperly quit the service of his employer shall be liable on conviction to a fine not exceeding Rs. 1,500/- or to imprisonment of either description not exceeding 6 months or to both such fine and imprisonment.

Passed in the Legislative Council the twentieth day of January, in the year of Our Lord one thousand nine hundred and twenty.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

J. G. HAMILTON-ROSS,

Acting Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

W. J. MONSON,

Acting Chief Secretary.

I. L. O. GOWER,

Acting Attorney General.

Assented to in His Majesty's name this 11th day of February, 1920.

C. C. BOWRING,

Acting Governor.

APPENDIX II.

No. XXII.

EAST AFRICA PROTECTORATE.

In the Third Year of the Reign of
HIS MAJESTY KING GEORGE V.

HENRY CONWAY BELFIELD, C.M.G., *Governor.*

An Ordinance to make further and better provision in regard to the powers and duties of Native Chiefs, Councils and Headmen recognised or appointed by the Governor and to provide for the enforcement of Native Authority.

[16th October, 1912.]

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council :—

1. This Ordinance may be cited as "The Native Authority Ordinance, 1912."

2. (1) It shall be lawful for the Governor to appoint any Chief or other Native he may think suitable or any Council of Elders to be the Official Headman or Collective Headman (hereinafter referred to in the singular only as Headman) of any area which shall be specified in such appointment, and to make the Headmen of any area subordinate to the Headman of any other area ; and it shall be lawful for the Governor at any time to suspend or cancel any such appointment. Every appointment under this Section and every suspension or cancellation of such appointment shall be notified in the "Gazette,"

All persons appointed as Headmen under the Village Headmen Ordinance, 1902, shall be deemed for the purposes of this Ordinance to have been appointed under this Ordinance.

(2) Whenever a Council of Elders is appointed the Collective Headman of any area, the Provincial Commissioner in whose Province such area is situate shall from time to time appoint or shall cause the members of the Council to appoint, from among the Members of the Council, a President and a Deputy President of the Council, and any order of the Council issued under this Ordinance shall be issued through the President or in his absence through the Deputy President.

3. It shall be the duty of every Headman to maintain order in the area in respect of which he shall have been appointed, and for such purpose he shall have and exercise the jurisdiction and powers by this Ordinance conferred over the Natives residing or being within such area.

4. A Headman may employ any person or persons subject to his jurisdiction to assist him in carrying out the duties imposed upon him by this Ordinance or otherwise by law, and any person so employed may carry out and give effect to any lawful order given by a Headman.

5. (1) A Headman may interpose for the purpose of preventing, and shall, to the best of his ability, prevent the commission of any offence by any Native within the local limits of his jurisdiction.

(2) A Headman knowing of a design to commit an offence by a Native within the local limits of his jurisdiction may arrest or direct the arrest of the Native so designing, if it appears

Repeal.

Penalty for decoy servants.

Short title.

Appointment of Headman.

Duty of Headman to maintain order.

Headman may employ persons to assist him in carrying out his duties.

Power of Headman to prevent crime and to arrest offenders.

to such Headman that the commission of the offence cannot be otherwise prevented. Any person arrested under the powers conferred by this Sub-section shall, unless he be released from arrest within 12 hours of his arrest, be taken before the District Commissioner.

- (3) Every Headman receiving information that any Native who has committed a cognizable offence triable by some Court other than a Native Tribunal, or for whose arrest a warrant has been issued by a Magistrate is within the local limits of his jurisdiction shall cause such Native to be arrested and to be taken forthwith before the District Commissioner.
- (4) Every Headman receiving information that any cattle or other live stock or other property of any description which has been stolen outside the local limits of his Jurisdiction has been brought and is within such local limits he shall cause such cattle or other live stock or other property to be seized and detained pending the orders of the District Commissioner, and shall forthwith report such seizure and detention to the District Commissioner.

Headman may compel the attendance of Natives before Native Tribunals. Neglect of person neglecting to attend ordered.

6. Any Headman may compel the attendance before a Native Tribunal of any Native within the local area of his jurisdiction and subject to the jurisdiction of such Tribunal.

Power of Headmen to issue orders for certain purposes

Any such Native as aforesaid who when directed to attend before a Native Tribunal shall, without reasonable excuse, fail or neglect to attend as and when directed, may be arrested by or under the orders of a Headman and taken before such Tribunal.

7. Any Headman may from time to time issue orders to be obeyed by the Natives residing within the local limits of his jurisdiction, for any of the purposes following:—

- (a) restricting the manufacture or distilling of Native intoxicating liquors and the supply of such liquors to young persons;
- (b) prohibiting or restricting the holding of drinking bouts;
- (c) prohibiting or restricting the cultivation of poisonous or noxious plants and the manufacture of noxious drugs or poisons;
- (d) prohibiting or restricting the carrying of arms;
- (e) prohibiting any act or conduct which in the opinion of the Headman might cause a riot or a disturbance or a breach of the peace;
- (f) preventing the pollution of the water in any stream, water course, or water hole, and preventing the obstruction of any stream or water course.
- (g) regulating the cutting of timber and prohibiting the wasteful destruction of trees;
- (h) requiring the able-bodied men to work in the making or maintaining of any water course or other work constructed or to be constructed or maintained for the benefit of the Community to which such able-bodied men belong, provided that no person shall be ordered or required to work as aforesaid for more than six days in any quarter;
- (i) preventing the evasion of any tax or legal duty;
- (j) regulating the movement of Natives from the jurisdiction of one Headman to that of another;
- (k) preventing the spread of infectious disease, whether of human beings or animals;
- (l) requiring Native subject to his jurisdiction to report the presence within the local limits of his jurisdiction of any property stolen or believed to have been stolen outside such local limits; and
- (m) for any other purpose approved by the Governor in writing.

Administrative Officers may require Headman to issue orders for any of the purposes enumerated in Section 7.

8. (1) Whenever a Provincial Commissioner or District Commissioner shall consider that, for the proper administration and good government of the area for which any Headman has been appointed, it is necessary or desirable that any order or orders should be issued for any of the purposes enumerated in the preceding Section he may direct the Headman to issue and enforce such order or orders as aforesaid as to the Provincial Commissioner or District Commissioner may seem proper.

Case of neglect by Headman Administrative Officers may issue orders.

If any Headman shall neglect to issue any order which he may be directed to issue as aforesaid, the Provincial Commissioner or District Commissioner may himself issue the order or orders.

Power to direct cancellation of any order

(2) Whenever a Provincial Commissioner or District Commissioner shall consider that any order issued by a Headman should not have been issued or should not be enforced he may direct the Headman to cancel the order or to refrain from enforcing the order, and if any person shall have been convicted before a Native Tribunal of failing to comply with such order may quash the conviction and order the repayment of any fine which may have been recovered.

Penalty on Natives disobeying orders.

9. Any Native who shall without lawful excuse, disobey or shall fail to comply with any lawful order issued or given by a Headman under this Ordinance or by a Provincial Commissioner or District Commissioner under the powers conferred by the preceding Section, shall be guilty of an offence and shall, on conviction before a Magistrate or before a Native Tribunal having jurisdiction over such Native, be liable to a fine not exceeding seventy-five Rupees and in default of payment to imprisonment of either description for a term not exceeding two months.

Administrative Officers may order Natives occupying Crown land outside Reserve to remove from the Reserve. Penalty.

10. Whenever a Provincial Commissioner or District Commissioner shall find that any Native being the member of a tribe or community, for the occupation of the members of which land has been reserved, is cultivating or occupying unalienated Crown land outside the lands so reserved he may order such Native to remove from such land on to land reserved for the tribe or community to which such Native belongs.

Any Native who shall, without lawful excuse, neglect to obey an order issued under this Section, shall be guilty of an offence and on conviction before a Magistrate shall be liable to a fine not exceeding seventy-five Rupees and in default of payment to imprisonment of either description for a term not exceeding two months, and any hut or crops belonging to such Native on the land from which he has been ordered to remove shall be forfeited to the Government, and may be destroyed or otherwise dealt with as the Magistrate in his discretion may direct.

11. Whenever a Headman shall satisfy a Provincial Commissioner or a District Commissioner that the attendance of any Native before a Native Tribunal having jurisdiction over such Native is required and that the Native is residing outside the local limits of the jurisdiction of such Tribunal, he may, in his discretion, issue process for the purpose of compelling the appearance of such Native before the Native Tribunal.

Administrative Officers may issue process to compel attendance of Natives before Native Tribunals.

12. (1) Any Headman may be fined any sum not exceeding three hundred Rupees and in default of payment may be sentenced to imprisonment of either description for a term not exceeding six months, in case he shall be convicted before a Magistrate of any of the following acts or neglects, that is to say :—

Offences by Headmen.

(a) If when summoned by a Provincial Commissioner, District Commissioner, or a Superior Headman, or by the President or Deputy President of a Native Council to attend any Native Council or to meet a Provincial Commissioner or District Commissioner, he shall, without good and sufficient excuse, neglect to obey such summons.

(b) If he shall wilfully neglect to exercise the powers by this Ordinance conferred upon him for or in respect of the prevention of offences and the bringing of offenders to justice, and the seizure of property stolen or believed to have been stolen.

(c) If when directed by Provincial Commissioner or a District Commissioner to issue orders for any of the purposes specified in Section 7 of this Ordinance, he shall wilfully neglect to issue the orders directed.

(d) If he shall wilfully neglect to enforce any orders issued by him under the directions of a Provincial Commissioner or District Commissioner or issued by a Provincial Commissioner or District Commissioner under the powers conferred by Section 8 Sub-Section (1) of this Ordinance.

(e) If he shall neglect to cancel an order when directed by a Provincial Commissioner or District Commissioner under the powers conferred by Section 8 Sub-Section (2) of this Ordinance or if he shall enforce or attempt to enforce any order after he has been ordered as aforesaid to refrain from so doing ; and

(f) If he shall wilfully neglect to enforce any lawful orders issued by a Headman to whom he is subordinate.

(2) All or any of the members of a Native Council appointed to be the Collective Headman of any area may be proceeded against either jointly or separately for any act or default punishable under this Section, and on proof of the facts constituting an offence by the Council, each such member shall individually be liable to the penalties prescribed unless he shall satisfy the Magistrate that he was in no way responsible for or a party to such act or neglect.

(3) Any member of a Native Council appointed as aforesaid shall on conviction before a Magistrate be liable to the penalties in Sub-section (1) of this Section prescribed, if he shall, without good and sufficient excuse, neglect to obey a summons by a Provincial Commissioner, District Commissioner, or a Superior Headman, or a President or Deputy President of a Native Council, to attend any Native Council, or to meet a Provincial Commissioner or District Commissioner.

13. The Governor may make and, when made, alter or revoke Rules to provide for the remuneration of any Headman by a rate to be levied on the Natives subject to, and residing within the local limits of the jurisdiction of such Headman.

Remuneration of Headmen.

14. In this Ordinance :—

The term "District Commissioner" shall include an Assistant District Commissioner ;

The term "Native" shall mean any Native of Africa not being of European race or origin, and includes any Swahili or Somali ; and

The term "Native Tribunal" shall mean a Native Tribunal recognised or appointed by the Governor under Section 10 of the Courts Ordinance, 1907, or under any Ordinance which may hereafter be substituted for such Ordinance.

Interpretation.

15. Wherever in any Indian Act applied to the Protectorate or in any Ordinance, Regulation, Rule, or other law, reference is made to a Village Headman, such Act, Ordinance, Regulation, Rule, or other law shall be construed and read as if a Headman appointed under this Ordinance were therein substituted for a Village Headman.

Laws applying to Village Headmen to apply to Headmen appointed under this Ordinance.

16. The Village Headmen Ordinance, 1902, is hereby repealed.

Repeal.

Passed in the Legislative Council the 16th day of September, in the year of Our Lord one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

E. P. EVANS,

Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

C. C. BOWRING,

Chief Secretary.

R. M. COMBE,

Attorney General.

Assented to in His Majesty's name this 16th day of October, 1912.

HENRY CONWAY BELFIELD,

Governor.

EAST AFRICA PROTECTORATE.

In the Tenth Year of the Reign of
HIS MAJESTY KING GEORGE V.

SIR CHARLES CALVERT BOWRING, K.B.E., C.M.G., *Acting Governor.*

An Ordinance to Amend the Law relating to the Powers and Duties of Native Chiefs, Councils and Headmen Recognised by the Government and to Provide for the Enforcement of Native Authority.

[February 11th, 1920.]

Date of
Assent and
Commence-
ment.

Short title.

Amendment
to Section of
Principal
Ordinance.

BE it enacted by the Acting Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof :—

1. This Ordinance may be cited as "The Native Authority Amendment Ordinance, 1920," and shall be read and construed as one with the Native Authority Ordinance, 1912, hereinafter referred to as "The Principal Ordinance."

2. Section 7 of the Principal Ordinance shall be and is hereby amended as follows :—

I. By the addition of the following clause :—

(*m*) the provision of paid porters for Government servants on tour and for the Government Transport Department and of paid labour for work on the construction or maintenance of railways and roads wherever situated in the Protectorate and for other work of a public nature whether of a like kind to the foregoing or not. Provided always that no person shall be required to work under the provisions of this clause :—

(*a*) for a longer period than 60 days in any one year ;

(*b*) if he be fully employed in any other occupation or has been so employed during the preceding 12 months for a period of 3 months ;

(*c*) if he be otherwise exempted under the provisions of any direction issued by the Governor, and

II. The word "and" at the end of clause (*l*) is hereby deleted.

III. Clause (*m*) shall become clause (*n*).

Passed in the Legislative Council the twentieth day of January, in the year of Our Lord one thousand nine hundred and twenty.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

J. G. HAMILTON-ROSS,

Acting Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

W. J. MONSON,

Acting Chief Secretary.

I. L. O. GOWER,

Acting Attorney General.

Assented to in His Majesty's name this 11th day of February, 1920.

C. C. BOWRING,

Acting Governor.

SOUTHERN RHODESIA.

CORRESPONDENCE

WITH THE

Anti-Slavery and Aborigines Protection Society

RELATING TO THE

NATIVE RESERVES IN SOUTHERN RHODESIA.

(*In continuation of [Cd. 8674].*)

Presented to Parliament by Command of His Majesty.
February, 1920.



LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased through any Bookseller or directly from
H.M. STATIONERY OFFICE at the following addresses:
IMPERIAL HOUSE, KINGSWAY, LONDON, W.C.2, and 28, ABINGDON STREET, LONDON, S.W.1;
37, PETER STREET, MANCHESTER; 1, ST. ANDREW'S CRESCENT, CARDIFF;
23, FORTH STREET, EDINBURGH;
or from E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN;
or from the Agencies in the British Colonies and Dependencies,
the United States of America and other Foreign Countries of
T. FISHER UNWIN, LTD., LONDON, W.C.2.

1920.

[Cmd. 547.] *Price 5d. net.*

TABLE OF CONTENTS.

Serial No	From or to whom.	Date.	Subject.	Page.
1918				
1	The Anti-Slavery and Aborigines Protection Society	October 16	Suggests the appointment of a Commission or Select Committee to consider in conjunction with the Union Government the question of the native land settlement south of the Zambesi; asks that a Delimitation Committee may be appointed to confer as to Southern Rhodesian lands; proposes that native costs in recent land case may be provided from public funds.	1
2	To the Anti-Slavery and Aborigines Protection Society	November 22	States that the Secretary of State regrets he cannot agree to the proposal to appoint a Commission to consider the native land settlement question. He is of opinion that the matter of native costs in the recent reference to the Privy Council must be left to the British South Africa Company and the Legislative Council of Southern Rhodesia.	4
1919				
3	The Anti-Slavery and Aborigines Protection Society	February 21	States that an appeal has been received from the Rev. Shearly Cripps against the eviction of the Mashonas in the Sabi Reserve from a twelve mile wide strip intended for a railway; proposes to send the appeal to the Press.	4
4	To the Anti-Slavery and Aborigines Protection Society	March 4	States the position with regard to evictions from the native reserves and requests that, if Mr. Cripps's letter is published this letter should be sent to the Press at the same time.	5
5	The Anti-Slavery and Aborigines Protection Society	March 17	Replies to No. 4 and presumes that the Chartered Company is not yet empowered to allocate to itself portions of the 6,000,000 acres of reserves.	6
6	To the Anti-Slavery and Aborigines Protection Society	April 4	Gives the history of the appointment of the Native Reserves Commission. In view of the letter from Mr. T. H. Harris in the "New Statesman" asks that the whole of the correspondence be published.	8
7	The Anti-Slavery and Aborigines Protection Society	April 14	Enunciates the governing principle held by the Society regarding native land reserves; encloses copy of a letter published in the "Bulawayo Chronicle."	9
8	Ditto	April 30	States that the recent correspondence as to the Rhodesian Reserves is now ready for the Press and that the Committee of the Society are of opinion that it should not be published until after the Secretary of State has given a considered reply to the Society's representations; asks whether Lord Milner would agree to the amendments indicated.	10

Serial No	From or to whom.	Date.	Subject	Page
		1919		
9	The Anti-Slavery and Aborigines Protection Society	May 3	Transmits copy correspondence between Rev. Shearly Cripps of Mashonaland and the Administrator of the British South Africa Company in Rhodesia relative to a protest against the reduction of the Sabi Reserve.	11
10	To the Anti-Slavery and Aborigines Protection Society	May 29	Conveys, in reply to No. 8, views of Secretary of State as to the question of the reserves in Southern Rhodesia and as to publication of the correspondence and the question of payment of the costs in the native case in the special reference to the Judicial Committee of the Privy Council.	13
11	The Anti-Slavery and Aborigines Protection Society	June 6	Regrets His Majesty's Government is unwilling to take any action with regard to Southern Rhodesia native land question.	16
12	Ditto	July 29	Understands that the British South Africa Company's officials are warning natives that they will be evicted unless they remove from their cultivated lands, and proposes to circulate among missionaries and others interested extract as quoted from No. 4.	17
13	To the Anti-Slavery and Aborigines Protection Society	August 6	States, in reply to No. 12, that the Secretary of State has no observations to offer on the proposal to publish the extract from the Colonial Office letter of 4th March.	17
14	The Anti-Slavery and Aborigines Protection Society	August 22	Draws attention to the reported removals of natives from the reserves, and inquires whether the British South Africa Company is acting upon the recommendations of the Reserves Commission without waiting for the Order in Council referred to in No. 4.	18
15	To the Anti-Slavery and Aborigines Protection Society	August 30	Transmits copy of the Report of the Chief Native Commissioner, Southern Rhodesia, for 1918.	18
16	Ditto	September 8	Transmits extract from a memorandum by Mr. Atherstone, the Surveyor-General of Southern Rhodesia, regarding his position in relation to the Native Reserves Commission, and asks what steps the Society proposes to take to correct the statements circulated by the Society with regard to Mr. Atherstone	19
17	The Anti-Slavery and Aborigines Protection Society	October 21	Replies to No. 16 as to steps to be taken to correct statements made with regard to Mr. Atherstone, and states the attitude of the Society towards the matters in dispute.	21
18	To the Anti-Slavery and Aborigines Protection Society	December 18	Comments on various statements of the Society as to the Southern Rhodesia Native Reserves Commission.	26
		1920		
19	The Anti-Slavery and Aborigines Protection Society	January 6	Encloses memorandum protesting further against the eviction of the natives from their lands in Rhodesia.	30

Serial No	From or to whom	Date	Subject	Page
20	To the Anti-Slavery and Aborigines Protection Society	1920. — January 29	Criticises generally statements in No. 19 and encloses copy of a letter from Mr. H. S. Keigwin, a Native Commissioner of Southern Rhodesia.	35

APPENDICES.

I.	Report of the Lords of the Judicial Committee of the Privy Council, delivered the 29th July, 1918	Page 40
II.	Report by the Surveyor-General, reprinted from the Native Affairs Committee's Report of 1910	Page 52

V6133:41.N2

FO

SOUTHERN RHODESIA.

CORRESPONDENCE

WITH THE

Anti-Slavery and Aborigines Protection Society

RELATING TO THE

NATIVE RESERVES IN SOUTHERN RHODESIA.

No. 1.

THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY to
COLONIAL OFFICE.

(Received 17th October, 1918.)

[Answered by No. 2.]

Denison House, Vauxhall Bridge Road, London, S.W.,

SIR,

16th October, 1918.

WE beg leave to submit to you certain considerations affecting native races in South Africa, which, in our opinion, point to a unique opportunity for securing a general native land settlement of both occupation and ownership south of the Zambesi.

1. The Committee of the Society, acting upon legal advice, assumed large responsibilities in the recent reference of the Rhodesian Land Case. This responsibility was undertaken because we were advised that there was a possibility of securing from the Judicial Committee a declaration upon Imperial obligations, towards native races of the British Commonwealth, which might open a new era in the evolution of Colonial development. In this respect the judgment was disappointing, but the general question of title having by the judgment been disposed of, the duty and responsibility of defining these Imperial obligations towards the native races of Southern Rhodesia is now clearly thrown upon the Crown.

2. The second element in the situation is that arising within the Union from the land legislation of General Botha of 1913 and subsequently. His Majesty's Government is aware that the Society had advised the natives of the Union territories not to oppose the principle of legislation which had received Royal sanction, but to work for an extension of the beneficial features of the proposals. The situation to-day, as His Majesty's Government know, is very much that of an *impasse*, and is certainly one of great difficulty.

3. We are of opinion that in securing a settlement of the land question of Southern Rhodesia the opportunity might be taken to adjust this problem with those of the Protectorates and of the Union territories. The amendment of certain parts of the Act of Union appears to have been contemplated by the terms of that Act in the course of next year, and this, coupled with the new situation created by the War, points to the probability of some political reconstruction in South Africa affecting the Protectorates; and it would seem important that any land settlement of Southern Rhodesia should harmonize with that of the Protectorates.

In view of these issues, all of them of large and capital importance, we appeal to His Majesty's Government to seize the opportunity to take steps in conjunction with the Union Government to set up a Commission, or possibly a Select Committee, to consider and report upon the application of broad principles of land settlement amongst the races of Africa south of the Zambesi. We are watching closely the movements of political and industrial thought in these territories, and are firmly convinced that the present time is opportune for securing a settlement satisfactory alike to the white colonists and to the indigenous races.

SOUTHERN RHODESIA.

The more particular object of our appeal with regard to Southern Rhodesia arises from the recent judgment.* The submissions we propose laying before His Majesty's Government are twofold:—(a) Land Tenure; (b) The provision of costs

We submit that whatever the tenure accorded to the natives, it should be a secure one, and should be extended to all indigenous people wherever they have been settled on the "unalienated" land recently in dispute.

If this can be secured to the natives by the Secretary of State, it would follow that the present system of imposing upon certain natives rent as well as direct and indirect administrative taxation would automatically cease.

One effect of the judgment would seem to be that large revenues derived from native sources, certainly not less than £100,000, and placed to the credit of the commercial accounts of the Chartered Company, will be passed over to the administrative account. We submit that these funds would be of incalculable benefit if they could be treated as a Trust Fund, and placed under the control of the Native Commissioners for, amongst other purposes, the improvement of native conditions by providing such badly needed facilities as wells of water for the people, and dipping tanks for their cattle.

The Secretary of State will have observed that whilst vesting in the Crown a legal title to Southern Rhodesian land, the Judicial Committee devoted a considerable portion of their judgment to the native position, and say in one place:—

"Their Lordships think it sufficient to say that, except in so far, if at all, as the rights of the Crown are subject to those of the natives and the Company, nothing has been shown to have happened or to have been done that would prevent the Crown, if and when the Company's tenure of the administration of Southern Rhodesia determines, from disposing of the lands then remaining unalienated by any lawful means and in favour of any persons or purposes, as it may duly be advised."

Our Committee does not wish to press the legal aspect of the question so much as to appeal to His Majesty's Government now that full control rests in the Crown to confer upon the natives of Southern Rhodesia occupation rights both adequate and secure.

We ask that a Delimitation Committee, including a representative from the Native Affairs Department, be appointed under terms of reference, which will include the following:—

1. Final delimitation of reserves as recommended by the 1917 Reserves Commission, subject to the proviso that no native tribe which can show that it has been in beneficial occupation of its lands for a period of twenty years be removed against the wish of the people themselves.

2. The granting of secure occupancy title to natives on "unalienated" land outside the reserves in all cases where they can show beneficial occupancy for a period of twenty years.

We also ask that the natives on the "unalienated" land outside the reserves may be relieved from the obligation of paying both a direct administrative head-tax and a rent for land, and that they may be placed on the same footing as the natives on the reserves who pay a head-tax only for administrative purposes.

Our second appeal to the Secretary of State is that the native costs of the recent reference to the Privy Council should be paid from public funds. We rest this appeal primarily upon the resolution* passed by the Legislative Council which provided that the costs of the inhabitants and people should be defrayed out of revenue. We submit respectfully that to limit the operation of this resolution to the 10,000 white settlers and deny it to the 800,000 native inhabitants would be manifestly unjust, and we venture to support this plea by the following considerations:—

(1) The revenue from which the costs will under this resolution be drawn is provided as to approximately one-half by the native inhabitants, who not only pay an appreciable share of the indirect but the entire direct taxation of the Protectorate.

(2) The Judicial Committee stated:—

"By the disinterested liberality of persons in this country, their lordships had the advantage of hearing the case for the natives, who were themselves incapable of urging, and perhaps unconscious of possessing any case at all. Undoubtedly this enquiry has thereby been rendered more complete. . . ."

(3) The white settlers did not undertake the presentation of the native case, but a reference to the speeches of counsel for the settlers will show how considerable a part of his case Mr. P. O. Lawrence was able to make of the material prepared under instructions of the Society on behalf of the natives

* Resolution appended (see page 4).

(4) We were glad to note that in the speech of the Attorney-General the Crown was also able to make effective use of some of the native material, particularly one of the affidavits, which the representative of our solicitors had been able to secure at considerable expense in South Africa.

(5) The Committee of this Society assumed the responsibility for raising funds to meet the costs, first, because we believed that subject to the Judicial Committee agreeing to allow a statement of the native case, strong grounds could then be advanced for the payment of native costs, and secondly because we believed that an appeal to the native chiefs would result in large funds being provided by the natives. When the representative of our solicitors reached South Africa he was informed by the High Commissioner that, in view of conditions arising out of the War, the Secretary of State could not permit any appeal being made to the chiefs to contribute to the costs of their case. The solicitors and the Society immediately gave instructions to their representative to act in strict accordance with this expression of the wishes of the Secretary of State.

For these reasons we appeal to the Secretary of State to place the coloured inhabitants of Southern Rhodesia upon the same footing as to costs as that of the white inhabitants. The total costs of the case are not yet complete, but we believe that by the exercise of rigid economy they are less than those of either of the other parties to the reference. The costs are estimated to amount to about £7,000, and for the purpose of meeting them, the Society raised loans of slightly over £6,000.

The question of providing the costs for the native case from public funds is of relatively secondary importance, except to our Society and its friends, but to them it is a burden of considerable weight, and we venture to suggest that the expression "inhabitants and people of Southern Rhodesia" in the resolution of the Rhodesian Legislative Council must in fairness be taken to mean inhabitants and people, regardless of colour.

It is suggested that these costs would be a legitimate charge upon the large sums of money derived from native sources and hitherto placed to the commercial credit of the Company, but which, by the happy issue of the judgment, will now be refunded to the administrative accounts.

Failing that method, we would urge that the costs should, with those of the Crown, be borne by the Treasury, because the result of the judgment must mean a considerable ultimate relief to the financial liability of the Crown.

On the major question of land tenure it appears to us that the British Commonwealth has arrived at an epoch in Colonial development pregnant with great issues for good or ill, and that amongst these none is greater than that of a land settlement on just and sound lines between the white and coloured races of Africa south of the Zambesi. We are happy to believe that there are men well-informed and of large experience and responsibility who would willingly devote the time and thought necessary to a comprehensive study of the situation, and to report the result of their deliberations; such a report would probably prove an invaluable contribution to a new era in what promises to become the United States of South Africa.

We are, &c.,
T. F. VICTOR BUXTON,
 President.
HENRY BENTINCK,
 Chairman.
CHARLES ROBERTS,
 Vice-Chairman.
E. W. BROOKS,
 Treasurer.
J. H. OLDHAM,
 Representing the Edinburgh Committee.
HAROLD G. JUDD,
 Representing the Glasgow Committee
TRAVERS BUXTON,
 Secretary.
JOHN H. HARRIS,
 Organizing Secretary.

Annexure to No. 1.

THE FOLLOWING RESOLUTIONS WERE PASSED BY THE LEGISLATIVE COUNCIL OF RHODESIA.

(1) THAT, with reference to the submission of the questions of the ownership of the unalienated land to the Privy Council, the Administration be requested to provide the sum of £5,000 to defray the cost of presenting the case of the inhabitants and people of Rhodesia to the Privy Council.

(2) That the sum so provided be placed at the disposal of a Committee of three or more of their own number, selected by the elected members of the Legislative Council, with authority to the members so elected to expend the amount, or so much thereof as they may deem necessary, in collecting evidence and ensuring the presentation of the claim of the inhabitants and people to the best advantage, including the engagement of such professional assistance as they consider advisable.

No 2.

COLONIAL OFFICE to THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY.

SIR,

Downing Street, 22nd November, 1918.

I AM directed by Mr. Secretary Long to refer to the letter of the 16th October,* which was left by the deputation from the Anti-Slavery and Aborigines Protection Society which waited upon him on that date in order to submit certain considerations affecting native races in South Africa, and to request you to inform your Committee that a copy of the letter is being sent to the High Commissioner for South Africa.

2. Mr. Long has considered carefully the representations of your Committee as to the possibility of securing a general settlement of the native land question for the whole of Africa south of the Zambesi, but he regrets that he cannot regard as practicable the suggestion that His Majesty's Government and the Union Government should appoint a Commission or Select Committee to report on the matter, whilst as regards the special question of land settlement in Southern Rhodesia the proposals made by your Committee do not appear to be consistent with the principles on which the Native Reserves Commission of 1915 was appointed and carried out its work.

3. Mr Long has also considered the further representations of your Committee to the effect that the native costs of the recent reference to the Privy Council regarding the ownership of the unalienated lands in Southern Rhodesia should be paid from public funds, but he fears that this is a matter which he must leave to the British South Africa Company and the Legislative Council of Southern Rhodesia.

I am, &c.,

HENRY LAMBERT.

No. 3.

THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY to COLONIAL OFFICE.

(Received 22nd February, 1919.)

[Answered by No. 4.]

MY LORD,

Denison House, Vauxhall Bridge Road,

London, S.W., 21st February, 1919.

WE have received an earnest appeal from the Rev. Shirley Cripps in Mashonaland to make some further effort to save many thousands of Mashonas from the impending eviction from their ancestral homes.

Our Committee has no reason to question the facts set forth by Mr. Shirley Cripps. This gentleman has been the trusted representative of the Society for the Propagation of the Gospel in the Charter District for seventeen years, and his

devotion to his native flock is well-known. It is only after fruitless appeals to the Chartered Company locally that he, in common with other missionaries and certain settlers, now urges us to bring the facts to the notice of His Majesty's Government and the public of this country.

The immediate danger is with regard to the Sabi Reserve, occupied by nearly 40,000 people. In view of the possibility of a railway being built, a strip twelve miles wide is to be cut off the reserve throughout the district, involving a total of nearly 300,000 acres. The normal "railway strip," where white interests may be affected is, we understand, a width of fifty yards only. Mr. Cripps informs us that the taking of this twelve-mile-wide belt will involve the eviction of a large part of the 40,000 persons, and the destruction of their kraals, ancestral grounds, native farms, and, in fact, the obliteration of a considerable native agricultural industry which has been so patiently built up that the natives in this area are using 1,400 ploughs.

We gather that no immediate steps are contemplated for the construction of a railway, and until there is some probability of the land being really required for that purpose, we cannot see any necessity for commencing the evictions. The removal of natives from a twelve-mile belt seems a needless act of cruelty when it is remembered that a fifty-yard strip only is required when it affects white men. We also observe that the land to which it is proposed to move these thousands of people is only six miles away, and that although they could have settled there at any time within the last hundred years, it has remained uninhabited. This seems to show conclusively that the land from which the people are to be evicted is at least more habitable and fertile than that to which they are to be expelled. The significance of this is obvious.

Our Committee is, of course, aware that this proposed eviction was recommended by the "Reserves Commission," but the circumstances (which have already formed the subject of representations by our Committee) attending the constitution and procedure of that Committee were so notorious that the missionaries and many settlers believed that its recommendations could not be acted upon.

Our correspondents in Southern Rhodesia are urging upon us the importance of early publicity, and therefore, unless any special reasons exist in the opinion of the Secretary of State for delaying publication, we propose sending this appeal to the Press.

We have, &c.
 TRAVERS BUXTON,
 Secretary.
 JOHN H. HARRIS
 Organising Secretary.

No. 4.

COLONIAL OFFICE to THE ANTI-SLAVERY AND ABORIGINES
 PROTECTION SOCIETY.

[Answered by No. 5.]

SIR,

Downing Street, 4th March, 1919.

I AM directed by Lord Milner to acknowledge the receipt of your letter of the 21st February* regarding the position of the native occupants of the Sabi Reserve in Southern Rhodesia.

2. As your Committee will observe from the report of the Southern Rhodesia Native Reserves Commission [Cd. 8674], this reserve was 1,553,536 acres in extent, and was occupied by 37,000 natives, giving an acreage per head of 41.9. It is proposed to reduce the reserve by about 291,800 acres, an area which will clearly contain only a small proportion of the native population.

3. Your Committee are apparently under the impression that it is proposed to evict forthwith the natives at present resident on the belt of land which is to be excluded from the reserve. I am to point out, however, that the Native Reserves Commission (*vide* paragraphs 43 and 44 of the Final Report) contemplated that an ample period of grace should be given to natives living on the surrendered reserves. The present position is that, under the provisions of Article 85 (1) of

the Southern Rhodesia Order in Council of 1898,* no natives can be removed from the reserves except after full inquiry by, or by order of, the Administrator in Executive Council, approved by the High Commissioner. As no Order in Council reconstituting the reserves in accordance with the recommendations of the Commission has yet been made, this safeguard, of course, still holds good; and though no definite statement can be made as to the terms of the proposed Order in Council, regarding which the Secretary of State is still in communication with the High Commissioner, it is contemplated that the Order will provide that for some period of years no native shall be removed from any of the surrendered areas, except in accordance with the provisions of Article 85 (1) of the 1898 Order in Council.

4. The attention of your Committee is specially directed in this connexion to paragraph 59 of the report of the Commission, which made it clear that the proposed reduction of the Sabi Reserve would have been suggested apart from any question of the land being required for the railway. As the Commissioners state, "the country along the line that a railway is likely to take is thinly populated, and it will be no hardship for the kraals affected to move in the course of several years a maximum distance of six miles."

5. I am to add that Lord Milner is not aware of any circumstances connected with the constitution and procedure of the Commission which should give rise to the belief that its recommendations should not be adopted. The Commission was appointed by the High Commissioner for South Africa with the full approval of His Majesty's Government, and was presided over by an officer who has since been promoted to be Governor of Uganda.

6. Lord Milner would be obliged, if your Committee still think it necessary to publish your letter, if this reply could be sent to the Press at the same time

I am, &c.,

HENRY LAMBERT.

No. 5.

THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY to
COLONIAL OFFICE.

(Received 18th March, 1919.)

[Answered by No. 6.]

Denison House, Vauxhall Bridge Road,

London, S.W., 17th March, 1919.

SIR,

WE beg to acknowledge your letter of 4th instant,† which has been laid before our Committee. We were requested to say that the Committee welcomes the information that it is not proposed to "evict forthwith" the natives from the Sabi Reserve, and that we are informing our correspondents in Rhodesia, but that our Committee deplors the fact that these evictions are apparently only a matter of time.

The members of our Committee were much impressed by the statement that "Lord Milner is not aware of any circumstances connected with the constitution and procedure of the Commission which should give rise to the belief that its recommendations should not be adopted." We beg to submit a few of the principal reasons for this view. Others are the subject of enquiry, and, if substantiated, we propose bringing them to the notice of Lord Milner.

For several years there has been an agitation in Southern Rhodesia for cutting down the native reserves. There is, of course, nothing surprising in this

* NOTE.—Article 85 is as follows:—

"85. (1) No natives shall be removed from any kraal or from any land assigned to them for occupation, except after full inquiry by, and by order of, the Administrator in Executive Council approved by the High Commissioner.

"(2) If any person without such order removes or attempts to remove any native from any kraal or from land unless in execution of the process of a competent court, he shall, in addition to any other proceedings to which he is liable, be guilty of an offence against this Order, and on conviction before the High Court shall be liable to imprisonment, with or without hard labour, for any period not exceeding two years, or to a fine not exceeding one hundred pounds sterling, or to both."

† No. 4.

fact, which is fairly common in Dependency territories. But this agitation for cutting down the reserves has been fostered very largely by the Land Department of the Chartered Company, the head of which is a very efficient and vigorous servant of the Commercial Branch of the Company. This gentleman (Mr. Atherstone) has been recognised locally as the leader of the agitation for cutting down the reserves. The defence of the integrity of the reserve lands has been led by the missionaries, and, to their honour, by the officials of the Native Affairs Department.

In 1914, after discussion with the Company, a Commission of three was agreed upon. Two names were suggested, one an official in Bechuanaland, and another an ex-official of the Company. His Majesty's Government, in agreeing to the appointment of this Commission, pointedly and in writing suggested to the Company the obvious desirability of their nominating as the third member an official of the Native Affairs Department. The Chartered Company completely ignored this suggestion, and made the surprising nomination of Sir F. Newton – surprising because so important and arduous an undertaking as travelling through and investigating the reserves seemed an impossible task to impose upon Sir F. Newton. In a very few weeks what had locally seemed obvious happened; the Commission held its first sitting on June 4th, 1914, and as early as July 14th Sir F. Newton's place was taken by Mr. Atherstone, the head of the Company's land department, and the recognised leader of the movement for cutting down the reserves. When the Company discovered that their original nominee could not serve, another opportunity clearly presented itself to carry out the wishes of His Majesty's Government and allow an official of the Native Affairs Department to act as alternate member. The omission to do this is another striking illustration of the Company's determination to ignore the suggestion of His Majesty's Government. Thenceforward it can hardly be a matter for surprise that, by reason of his position and access to information, the Company's chief land agent became the dominating influence on the Commission.

These are the principal reasons which gave rise to the sanguine belief held locally that a report issued by a Commission so heavily weighted against the natives could hardly be accepted as an impartial document. To our Committee it was no surprise that, when issued, the report recommended the cutting down of the native reserves by 6,000,000 acres and substituting elsewhere 5,000,000 acres, without any knowledge of the number of natives destined for ultimate eviction—a result deplorable for the natives, but, as the late Sir Starr Jameson said, a result “very satisfactory” for the shareholders of the Chartered Company.

Our Committee begs to say that nothing in the White Book shows whether His Majesty's Government approved or regretted the action of the Company in so deliberately ignoring Lord Harcourt's emphatic and obviously equitable suggestion that a representative of the Native Affairs Department should be placed on the Commission, or of the procedure by which the Company's chief land agent became a substitute for Sir F. Newton.

As we understand that evictions, when they do begin, will probably commence with the Sabi Reserve, we would point out that when, in 1910, Mr. Atherstone first urged cutting down this reserve, he appears to have done so upon a miscalculation of fifty per cent. in the density of the population. If he did not, in fact make such an error, then the alternative must be accepted that the population has increased by fifty per cent. in four years, in which case it would seem most undesirable to reduce the reserve.

In view of your communication of 4th instant, we do not propose publishing the correspondence until Lord Milner has had an opportunity of considering the above explanation. But in view of information in our possession, we beg leave to enquire whether we are to understand, as would appear from paragraph 3 of your letter under reply, that the Chartered Company is not yet empowered to allocate to itself portions of the 6,000,000 acres of reserves.

We are, &c
TRAVERS BUXTON,
 Secretary.
JOHN H. HARRIS
 Organising Secretary.

COLONIAL OFFICE to THE ANTI-SLAVERY AND ABORIGINES
PROTECTION SOCIETY.

[Answered by No. 7.]

SIR,

Downing Street, 4th April, 1919.

I AM directed by Lord Milner to acknowledge the receipt of your letter of the 17th March * regarding the Southern Rhodesia Native Reserves Commission.

2. Lord Milner thinks it well to point out that this Commission was appointed on the initiative of His Majesty's Government, and that two out of the three members who composed it were nominated by Lord Harcourt, who was then Secretary of State for the Colonies. As regards the appointment of Mr. Newton (now Sir F. Newton), the British South Africa Company explained, in nominating him, that the appointment would leave the senior officer of the Native Department (i.e., the Chief Native Commissioner), who, if the appointment had been made from the Native Department, would naturally have been selected, free to give evidence before the Commission; a view which was accepted by Lord Harcourt. Subsequently the High Commissioner for South Africa, Lord Gladstone, telegraphed that, as the proceedings of the Commission appeared likely to be protracted and to entail absence in remote districts for long periods, the Administrator of Southern Rhodesia had recommended the appointment of Mr. Atherstone, the Surveyor-General, who had valuable knowledge of the land generally, and especially the reserves, as an alternate member for Sir F. J. Newton. The High Commissioner stated that he proposed to approve the appointment, and his proposal was agreed to by the Secretary of State.

3. As regards your Committee's observations regarding Mr. Atherstone's views as to the reserves, it may be pointed out that, as will be seen from paragraphs 41-42 of the report of the Native Reserves Commission, these views were founded on figures which showed that some of the areas, among them the Sabi Reserve, which had been assigned to the natives, were found on being surveyed to be far in excess of what had been supposed. It is relevant in this connexion to mention that a Conference of Superintendents of Natives in 1909 (which included Mr. H. J. Taylor, Chief Native Commissioner since November, 1913) reported: "In certain localities the reserve land is excessive, while in others it is insufficient for the needs of the particular community, and that condition necessitates a careful readjustment," and further that the Native Reserves Commission (paragraph 36, page 21, of [Cd. 8674]), in referring to the Lands Office of the British South Africa Company, stated that it "had shown itself to be candid and reasonable There has been no attempt to influence the Commission in favour of the white settler as against the native."

4. As regards the last paragraph of your letter, Lord Milner is advised that, pending the issue of the proposed Order in Council referred to in the letter from this Department of the 4th March,† the lands which it is proposed to release from the reserves in accordance with the recommendations of the Commission must still be regarded as native reserves.

5 I am to add that Lord Milner notes with regret that Mr J. H. Harris wrote to the "New Statesman" regarding the Sabi Reserve without waiting for the receipt of a reply from this office to your letter of the 21st February.‡ Lord Milner would be glad if, in the circumstances, your Committee would now publish the complete correspondence.

I am, &c..

HENRY LAMBERT.

* No. 5.

† No. 4.

‡ No. 3.

No. 7.

THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY to
COLONIAL OFFICE.

(Received 16th April, 1919.)

[Answered by No. 10.]

Denison House, Vauxhall Bridge Road,

London, S.W., 14th April, 1919.

SIR,

WE beg to acknowledge your communication of the 4th instant,* and in conclusion desire to say that our Committee holds very strongly to the following governing principle with regard to land reserves for natives, viz. :—

That once native reserves have been officially allotted to indigenous tribes the title to them should be a secure one, and that portions of reserve land should only be alienated from the natives for indispensable public works, and then only upon the same conditions as those applying to the alienation of lands occupied by white settlers.

It is because the recommendations of the Rhodesian Reserves Commission so flagrantly violated this principle that our Committee has ventured so strongly to criticise the terms of their report.

The explanation offered to His Majesty's Government by the Chartered Company for their neglect of the emphatic request for the appointment upon the Commission of an official of the Native Affairs Department appears to us to be a singularly weak one. A reference to the despatch in question shows that Lord Harcourt at no time expressed a desire for the nomination upon the Commission of "the senior officer," but for the nomination of "a senior officer," of whom there were several, including Mr. Taylor's colleague, Mr. Jackson. The Secretary of State will remember that Mr. Jackson served on the Commission of 1911, and his nomination would therefore have been specially appropriate.

The point of the Society's allegations, however, is not directed towards the responsibility for the appointment, but to the fact that the official ultimately nominated as alternate could not, by reason of the office which he held, and his previous commitments upon the question he was called upon to decide, be regarded as unbiassed, and that he was consequently unsuited to occupy a dominant position where impartiality was above all things essential. Our Committee has plainly stated that this official was the principal commercial land agent for the shareholders of the Company, whose first official duty must always be that of controlling as much land as possible and securing the best terms for the shareholders in sales and leases. Secondly, that he had for years worked as strenuously to obtain a reduction of the reserves in the interests of the shareholders, as the missionaries and officials of the Native Affairs Department had sought to maintain the reserves in their integrity.

We observe that these serious allegations are not contested, and we therefore respectfully urge upon Lord Milner the propriety of his reconsidering the whole subject. Failing this, we urge that when the Order in Council is issued the Company's powers of eviction shall be severely limited, and that provision shall be made for ample compensation for natives evicted from their kraals and gardens.

We beg now to draw the most earnest attention of His Majesty's Government to a statement which, so far as we are aware, has not been contradicted, and which appeared in the "Buluwayo Chronicle" on the 6th of December last. This statement alleges that, without waiting for the Order in Council, the Company is actually taking for its own commercial ranches, and thereby for its own commercial benefit, a large portion of the land cut off from the native reserves. It is unfortunate that the Company should have presumed thus far to anticipate His Majesty's Order in Council, and such action, if it has taken place, is directly contrary to the assurances given to our Committee by Lord Milner in paragraph 4 of his letter under reply. It was the knowledge of this extraordinary fact, if it be a fact, and of the private intimations of impending evictions which led to Mr. Harris sounding, over his own signature, a warning note in the "New Statesman."

* No. 6.

We beg to thank Lord Milner for his permission to issue to the Press the complete correspondence.

We are, &c.,
 TRAVERS BUXTON,
 Secretary.
 JOHN H. HARRIS
 Organising Secretary.

Enclosure in No. 7.

"THE BULUWAYO CHRONICLE," 6th December, 1918.

Native Reserves.

SIR,

IN the last annual report of the British South Africa Company the following passage occurs on page 11: "The Company's ranches and estates—certain land intervening between the Tokwe and Nuanetsi Ranches **reverted* to the Company as the result of the recommendations of the Native Reserves Commission. **It has consequently become* possible to incorporate the Tokwe Ranch with the Nuanetsi Ranch, with the object of securing greater economy in working expenses and better control over the movements of stock."

What does this mean in plain English? Apparently that certain land, formerly native reserve, has been annexed by the Company for their own commercial undertakings. Did the Company cast envious eyes upon this "Naboth's vineyard," and was this one reason for the appointment of the Native Reserves Commission? It would be interesting to know if the Imperial authorities have been informed of the Company's action, and whether it meets with their approval. Surely this is another urgent reason why the administration of Rhodesia by a commercial company should cease at the earliest possible moment

I am, &c.,
 RHODESIAN SETTLER.

The Editor, "Buluwayo Chronicle."
 Umtali. November 28th.

No. 8.

THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY to
 COLONIAL OFFICE.

(Received 1st May, 1919.)

[*Answered by No. 10.*]

Denison House, Vauxhall Bridge Road, London, S.W.,

SIR,

30th April, 1919

THE recent correspondence with the Secretary of State upon the question of the Rhodesian reserves is now ready for issue to the Press, but Sir Victor Buxton, our President, and the Committee are of the opinion that, in view of the nature of the discussion at the deputation to Lord Milner on Tuesday, this should not be published without first ascertaining whether Lord Milner would prefer that we should refrain from issuing it until after we have received a considered reply to the Society's representations.

In any case it would seem desirable to amend this before publication in one or two particulars. We beg to ask whether Lord Milner would allow us to substitute the words "Surveyor-General for the Company" (descriptive of Mr. Atherstone) for "Commercial Land Agent for the shareholders of the Company."

We also beg to ask whether, in the event of immediate publication, Lord Milner would permit us to append the following:—

"Subsequent to the above correspondence a deputation from the Committee was received by Lord Milner, who discussed fully with its members the land question of Southern Rhodesia as it affects the natives."

I am, &c.,
 TRAVERS BUXTON,
 Secretary.

No. 9.

THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY to
COLONIAL OFFICE.

(Received 5th May, 1919.)

Denison House, 296, Vauxhall Bridge Road, London, S.W.1.

SIR,

3rd May, 1919

At the request of the Rev. Shearley Cripps, of Mashonaland, I enclose here-
with correspondence* which has just taken place between Mr. Cripps and the
Administrator of the British South Africa Company in Rhodesia.

Yours truly,

JOHN H. HARRIS.

Enclosure in No. 9.

YOUR HONOUR,

Enkeldoorn, Mashonaland, 3rd October, 1918.

I AM forwarding to you the materials I have gathered for a protest against
the proposed reduction of the Sabi Reserve. I gather from your official communi-
cation received by me last week that my former protests are now both thrown out
by yourself or by the Lord High Commissioner. I should like your own opinion,
though, on the materials enclosed. If you do not think it worth while for me,
after my former futile protests, to put this third one into shape and present it
myself in South Africa, will you please, of your kindness say so, and return the
materials to me? It seems to me that a protest framed by somebody more influ-
ential and able than myself in such matters might obtain a hearing at home.

Yours sincerely, &c.,

ARTHUR S. CRIPPS

MATERIALS FOR A PROTEST AGAINST THAT PROPOSED REDUCTION OF THE SABI
RESERVE (CHARTER DISTRICT, MASHONALAND) TO WHICH, WITH OTHER RECOM-
MENDATIONS OF THE SOUTHERN RHODESIA NATIVE RESERVES COMMISSION, THE
BRITISH COLONIAL OFFICE HAS GIVEN A GENERAL ASSENT.

Put together by Arthur Shearley Cripps.

(For the most part of his time since March, 1901, resident in Charter
District, Mashonaland.)

THE PROPOSED REDUCTION.

ON page 44 of the Commission's papers occurs the following recommendation
as to the reserve in question: "This is a very large reserve, and is thinly populated
throughout; moreover, it marches with other large reserves, and forms altogether an
immense tract of reserved land. The Commission is of opinion that some consider-
able reduction should be made in the total area of this reserve. It understands
that it is proposed to build a railway from Umvuma to Odgi We recom-
mend, in lieu of a definite geographical line, that a belt of land twelve miles wide
be surrendered, with the railway as its central line. This belt of land will amount
to approximately 291,800 acres"

SUGGESTIONS FOR A PROTEST.

1. It is submitted that:—

1. As it appears on page 22 of the Commission's printed papers, a statement
(given in August, 1908: was it not given when the British South Africa Company
were considering the advisability of providing the Lemco Company with a tract of
ranching ground?) was made by the Surveyor-General of the Territory, which
contains the following significant passage:—

"Allowing a most liberal estimate of land for this total population and
their stock, as well as making provision for large increases in both, the
reserves (in the Charter District) can well be reduced by 1,000,000 acres."

The author of this very questionable statement became in due course a member
(alternate) of the Reserves Commission, which has advised a less reduction than
this individual had already publicly advocated, a less one, but still a very grave one

* NOTE.—The correspondence received consists only of Mr. Cripps' letter and memorandum.

2. The investigation as to the details of the Sabi Reserve, made before the Commission arrived in the Charter District, appears to have rested for the main part not on inquiries made from the local Native Administrative Department, but on a report made by a specially paid investigation agent representing and paid by the Commercial Branch of the British South Africa Company (at that time an interested claimant of Southern Rhodesia's unalienated land).

3. Apparently the members of the Commission, on their official visit to the reserve, did *not* visit personally the part they considered likely to be surrendered under the terms of their recommendation.

4. According to the summary of evidence tendered to the Commission (section 65, page 62), the Native Commissioner of the district was not in favour of surrendering any of the Reserves. A missionary of long residence in the district (section 66) is recorded in the same summary to have submitted documentary evidence as to the increase in population and to the desirability of retaining the present Sabi Reserve without curtailment. Native chiefs (section 64) from the same district are recorded to have stated that their country had been cut up into farms, and consequently, in addition to the native tax, they had to pay rent to the farmers. Another native chief (section 63) stated that half his land had been given out in farms, and that owing to pressure being put on natives on farms, his country was becoming congested. Another (section 63) stated he was alarmed at a railway survey being made through his country, and it would mean that farms also would be surveyed. He and another chief referred to the pressure caused by natives from farms settling in their country. Other chiefs (sections 57 and 60) gave evidence—two of them to the effect that they were living outside the reserves, and these asked that sufficient land might be provided for them and their people, two of them (living on the reserve in question) as to the land they occupied having been handed down to them by their ancestors, and their hope that none of it was to be taken from them.

Very little practical sympathy seems to have been evoked from the Commission in response to this body of evidence, and with regard to one of the last-mentioned chiefs' plea (that of Chief Magaya) it is noteworthy that the great bulk of his ancestral land has been marked for surrender, should the Commission's anticipation as to the likely railway route prove true.

5. Moreover, should the Commission's forecast as to the route taken by the proposed railway be justified, it may be estimated that a population of about 4,000 natives, at present living on the indicated twelve-mile belt, may be disturbed. In that case the northern part of the dismembered reserve may prove very inadequate for those who by natural tribal affinity may be drawn to seek accommodation among the dwellers thereon, rather than in the southern part. The twelve-mile belt, as proposed, may, by dint of private farms and consequent restrictions on cattle movement, interpose a very formidable barrier between the northern and southern relics of this great reserve—by far the most valuable land settlement asset of our district's large native population—a district much affected already by the taking up of farms.

6. There is a very large proportion of ground estimated as bad—waterless or rocky—by the Native Department,* I suppose, in this Sabi Reserve, the sum of whose total acreage sounds so highly imposing. The acreage assigned to natives in Southern Rhodesian reserves may impress English readers of the Commission's papers quite favourably as compared with other South African reserve acreages. But who that knows either the Rhodesian granite veldt, or the details of Rhodesian land settlement, as circumscribed by local conditions of soil and climate, is likely to consider about 30½ acres per head an excessive provision for all natives of the Charter District? Yet it seems that this was what was provided for them approximately when the Commission was deliberating, this only—according to a rough estimate.

7. It appears to be very likely that the native population on the reserves of the district has made a large increase since the Commission sat. (The method recently laid down for estimating native population from number of tax-payers seems likely to have under-estimated natives considerably.) Also it would appear that a considerable number of natives have moved from private lands on to our reserves since then.

*A Native Department official writes to me: "If I remember rightly, I estimate a quarter or one-third as bad, i.e., mountainous or rocky ground, and dry, waterless stretches."

8. The Charter District is surely in one way the leading district in all Mashonaland in revolutionizing its agriculture under European influence. A recent computation made the ploughs owned by natives in the district no fewer than about 1,400. Why should this district, then, be singled out for such drastic reserve land diminution? The reason seems far from obvious. Where in the Commission's papers is there any special notice of any substantial outstanding agricultural progress that this particular district (Charter) has made?

9. *No attempt is being made to unreasonably block a railway's construction through the reserve in question.* The argument as to section 84 of the Order in Council (1898) on page 25 of the Commission's papers may be open to question, and a *quid pro quo* compensation elsewhere (in that case) should be obtained in respect of the ordinary fifty-yard-wide strip required for railway purposes, but it is submitted in all earnestness that only a fifty-yard strip ought to be taken at most for a railway (*not a twelve-mile belt*) just as would probably be taken in the case of adjacent land to the Sabi Reserve belonging to the Lands and Minerals Exploring Company

10. As to the objection (if urged) that the reserve is too large for a single reserve, and marches with other large reserves, why not seek to provide some new tract of reserve-land in substitution for any moderate area subtracted from the Sabi Reserve? (There is much land acquired very cheaply not very far away. Any Land Board sitting on questions arising out of the land judgment might well consider in this connection the million acres or so taken up by the British South Africa Company at a curiously low figure per acre or morgen (some ten years, perhaps, ago), for their Rhodesdale Estate).

ARTHUR S. CRIPPS

Charter District, Mashonaland,
3rd October, 1918.

No. 10.

COLONIAL OFFICE to THE ANTI-SLAVERY AND ABORIGINES
PROTECTION SOCIETY.

[Answered by No. 11.]

SIR,

Downing Street, 29th May, 1919.

I AM directed by Viscount Milner to acknowledge the receipt of your letter of the 30th of April,* regarding the recent correspondence with your Society on the question of the reserves in Southern Rhodesia and the deputation which was received by his lordship at the Colonial Office on the 29th ultimo.

2. As explained to the deputation, Lord Milner is not prepared to question the competence of, or recommendations made by the Southern Rhodesia Native Reserves Commission of 1915, which was appointed by one of his predecessors, and the report of which had been examined and approved by the High Commissioner for South Africa and adopted by another of Lord Milner's predecessors. A copy of a memorandum prepared in this Office, which deals with the general question of the position of the natives in the Southern Rhodesia reserves is enclosed.

3. Lord Milner does not feel that he can agree to publication of the correspondence being made simply with the correction suggested in the second paragraph of your letter of the 30th of April,* as it would appear that both your letters of the 17th of March and the 14th of April† were written under a misapprehension regarding the position of Mr. Atherstone. Lord Milner does not now think it necessary to press for the publication of any of this correspondence, but if the Society desire to publish it, he considers that it must be published in complete form, including the present letter.

4. As his lordship stated to the deputation, he has been informed by the British South Africa Company that Mr. Atherstone is not, and has never been, a member of the Company's Land Settlement Department, or a servant of the commercial branch of the Company. The head of the Company's Land Settlement Department is Mr. Frank Inskipp. Mr. Atherstone holds the office of Surveyor-General of Southern Rhodesia, and is a purely administrative officer.

* No. 8.

† Nos. 5 and 7.

5. I am further to enclose a copy of a letter which has been received from Mr. A. S. Cripps, of Southern Rhodesia, calling attention to certain inaccuracies contained in your original letter of the 21st of February.*

6. I am to take this opportunity also to refer to the penultimate paragraph of your letter of the 14th of April,† which it is observed is based on an anonymous communication to the *Bulawayo Chronicle*, and I am to remark that the case in question appears to be that of the Matibi Reserve, which is dealt with on page 48 of [Cd. 8674], where the reasons given for reducing the reserve are that it is "immensely in excess of all possible requirements, present and future," and "no hardship will be inflicted on the scattered natives occupying these immense tracts of land." The area of this reserve before the reduction recommended by the Commission was 3,480,000 acres, giving an acreage per head of 568 acres.

7. Lord Milner has carefully considered the question of payment of the costs of the native case in the special reference to the Judicial Committee of the Privy Council, and is satisfied that he cannot take any action. He can only adhere to the view of his predecessor communicated to you in the Colonial Office letter of 22nd November.‡

I am, &c.,

G GRINDLE.

Enclosure 1 in No 10.

POSITION OF THE NATIVES IN THE RESERVES IN SOUTHERN RHODESIA.

Memorandum.

THE Southern Rhodesia Order in Council of 1898, which is the main instrument relating to the administration of Southern Rhodesia, provides in Article 81 that, "The Company (British South Africa Company) shall from time to time assign to the natives inhabiting Southern Rhodesia land sufficient for their occupation, whether as tribes or portions of tribes, and suitable for their agricultural and pastoral requirements, including in all cases a fair and equitable proportion of springs or permanent water." The Order in Council also provides (section 85) that "no natives shall be removed from any kraal or from any land assigned to them for occupation, except after full inquiry by, and by order of, the Administrator in Executive Council approved by the High Commissioner."

Large areas of land have been set aside as reserves for the natives by the British South Africa Company in pursuance of the terms of the Order in Council; and in 1913 His Majesty's Government suggested, in view partly of the rapid increase of white settlement in Southern Rhodesia, that it would be desirable to appoint a Commission to examine the reserves and inquire into their sufficiency for the present and future requirements of the natives. The British South Africa Company agreed to the appointment of this Commission on the understanding that the delimitation of the reserves thus to be arrived at should be final, and that Article 81 of the Order in Council of 1898 would then be revised accordingly. This condition was accepted by Mr. Harcourt, who was then Secretary of State for the Colonies. The correspondence leading up to the appointment of the Commission, with the reports issued by it, are printed in the Parliamentary Paper [Cd. 8674] (a copy of which accompanies this memorandum). The Commission was composed of two representatives nominated by His Majesty's Government, viz., Mr. R. T. Coryndon (then Resident Commissioner of Swaziland and now Governor of Uganda), Chairman, and Colonel E. C. F. Garraway (now Resident Commissioner of Basutoland) and one member nominated by the British South Africa Company, viz., Sir F. J. Newton (Treasurer of Southern Rhodesia), for whom Mr. W. T. Atherstone (Surveyor-General) was appointed later to act as alternate. The result of the inquiries of the Commission indicated that in some cases an enlargement of the reserves was necessary, but that in other districts areas of land had, owing to inaccurate surveys, been set apart which were altogether excessive for the requirements of the natives in those districts. In one case (that of the Sabi Reserve) the reserve, the size of which had originally been fixed by the Native Commissioner at 400,000 acres, was found in fact to contain over a million-and-a-half acres (see paragraphs 41 and 42 of the report). It may be mentioned that the acreage per head of the population on the reserves was found to be 50 55 acres, being very greatly in excess of that in

* No. 3.

† No. 7.

‡ No. 2.

any other South African territory except the Bechuanaland Protectorate (*vide* Statistics on page 66 of the report). Allowing for reductions in some places and extensions in others, the recommendations of the Commission involved on the whole the reduction of the reserves from 20,491,151 acres to 19,428,691 acres. It will be seen, on studying the Commission's report, that this result was only arrived at after a most careful examination of the whole question and of each individual reserve.

The recommendations of the Commission were accepted by His Majesty's Government, after consultation with the High Commissioner for South Africa; and Mr. Long, who was then Secretary of State for the Colonies, informed the Company that he would be prepared, in pursuance of the undertaking previously given, to agree to the repeal of Article 81 of the Order in Council of 1898, which would be replaced by a provision finally securing the reserves as readjusted in accordance with the Commission's recommendations.

It has apparently been thought in some quarters that these proposals involve the immediate eviction of the natives at present resident in the portions of the reserves which are to be surrendered. This is not the case. The Native Reserves Commission (*vide* paragraphs 43 and 44 of the Final Report) contemplated that an ample period of grace should be given to natives living in the surrendered reserves.

The present position is that, under Article 85 of the Order in Council of 1898 (quoted above) no natives can be removed from these areas except after full inquiry by, and by order of, the Administrator in Executive Council, approved by the High Commissioner. As no Order in Council reconstituting the reserves, in accordance with the recommendations of the Commission, has yet been made, this safeguard still holds good; and though no definite statement can be made as to the terms of the proposed Order in Council, regarding which the Secretary of State is still in communication with the High Commissioner, it is contemplated that the Order will provide that for some time to come no natives shall be removed from any of the surrendered areas except in accordance with the provisions of Article 85 of the 1898 Order in Council. Even then in the majority of cases there should be no necessity for compulsory removal, as it is usually open to natives to enter into labour agreements with new white settlers or to stay on as rent-paying tenants; and so long as the lands remained unsold the natives would no doubt, if unwilling to move, be able to stay on subject only to the payment of the usual rent, which is now £1 per annum per male adult.

The question has been raised as to the position created by the judgment of the Judicial Committee of the Privy Council in the special reference as to the ownership of the unalienated land in Southern Rhodesia. This judgment does not in any way affect the position of the natives, which is determined solely by the provisions of the Order in Council. These provisions will be maintained except in so far as it is necessary, as explained above, to amend them in order to give effect to the recommendations of the Native Reserves Commission.

Colonial Office,
April, 1919.

Enclosure 2 in No. 10.

Enkeldoorn, Southern Rhodesia,

YOUR HONOUR,

31st March, 1919.

I BEG to submit, with regard to a memorial addressed to you, dated the 21st of February, 1919, and signed by the Secretary and Organizing Secretary of the Aborigines Protection Society, wherein a protest of my own against the imminent reduction of the Sabi Native Reserve, Charter District, is championed, that certain inaccuracies appear to have crept into the appeal as it has been addressed to you. I have asked the Organizing Secretary of the Aborigines Protection Society to forward you the text of my own protest (presented not to the Chartered Company here, but to the Imperial Resident Commissioner), for I think it is right for you to see it, should the matter be still under discussion.

I myself believe that the case against the reduction of the reserve in question is a strong one. It would, indeed, be a pity if it should be prejudiced by any inaccuracies of statement, however slight. With regard to the memorial that has

been addressed to you, I hasten to submit the following trustworthy corrections and suggestions, which you may regard as approximately up-to-date (having been compiled in the present month):—

The 1,400 given as the number of native ploughs applies to the whole district of Charter.

The population affected by the proposed reduction would probably number three or four thousand souls.

The land they would have to remove to is not only six miles away, but in many cases the natives would have to move considerable distances to find suitable places.

The ground adjoining the twelve-mile strip is not necessarily all bad and uninhabitable.

From the latest communication there is no intention of interfering with the natives on the twelve-mile strip, and it is probably safe to say they are secure for some years, according to at least one opinion that carries weight, there being no prospect apparent of a railway being built in the near future. Yet I would submit that their tenure is precarious. On the other hand, other facts are to be remembered, amongst them the probable eviction of a large population from the Exploring Lands and Minerals Company's ground. Many, in fact the majority, I am told, will have to find refuge on the Sabi Reserve, and are likely to settle on what will later be the twelve-mile strip. The people warned to leave by the Exploring Lands and Minerals Company's local ranger represent a population of about two thousand souls. I am glad to hear that, in response to representations made, his Company have now extended the time of grace to 1920. Many, as I understand, are fulfilling, or have fulfilled, their obligations so that the position is much relieved. As to the statement in the aforesaid memorial that the missionaries and many settlers believed that the Reserves Commission's recommendations would not be acted on: Speaking for myself, I was enthusiastic about the presentment of the natives' case in the Southern Rhodesia Land Hearing as tending to counterbalance the real danger to native interests threatened by the Southern Rhodesia Reserves Commission.

In conclusion, I most earnestly deprecate the reduction of the Sabi Reserve for reasons stated in my own memorial of protest, which I presented to the Resident Commissioner out here, and (on his final rejection of it) forwarded to the Organizing Secretary of the Aborigines Protection Society. I earnestly ask your honour to move for the production of my own memorial, as forwarded, and to give it your earnest consideration in the interests of Mashonaland in particular, and our Empire generally.

Yours respectfully,

ARTHUR SHEARLY CRIPPS.

The Right Honourable Viscount Milner,
His Majesty's Principal Secretary of State
for the Colonies,
Colonial Office, London S.W.

No. 11

THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY
to COLONIAL OFFICE.

(Received 7th June, 1919.)

SIR, Denison House, Vauxhall Bridge Road,
London, S.W., 6th June, 1919.

WE are instructed by our Committee to acknowledge your communication dated 29th ultimo,* and to say that we much regret that His Majesty's Government is unwilling to take any action either upon the land question or upon the question of the costs incurred in preparing the case for the Judicial Committee of the Privy Council.

* No. 10.

Lord Milner will, we are confident, agree that the Society has spared no effort to obtain some measure of satisfaction before, as a last resort, making an appeal to the British public here and in the Dominions and Dependencies.

We are, etc.,
TRAVERS BUXTON,
 Secretary.
JOHN H. HARRIS.
 Organizing Secretary.

No. 12

THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY to
 COLONIAL OFFICE.

(Received 30th July, 1919.)

[Answered by No. 13.]

Denison House, Vauxhall Bridge Road, London, S.W.,
 29th July, 1919.

SIR,

OUR Committee is receiving a considerable amount of evidence which points to the fact that several officials of the British South Africa Company are warning native occupants that they will be evicted unless they remove from their cultivated lands.

As this conduct is causing much anxiety to the missionaries, and is at the same time leading to unrest amongst the natives, our Committee proposes, unless Lord Milner disapproves, to circulate among the missionaries and others interested in the fate of the natives, the following passage from the communication of the Secretary of State to the Society, dated 4th March last* :—

“The present position is that, under the provisions of Article 85 (1) of the Southern Rhodesia Order in Council of 1898, no natives can be removed from the reserves except after full inquiry by, or by order of the Administrator in Executive Council, approved by the High Commissioner. As no Order in Council reconstituting the reserves in accordance with the recommendations of the Commission has yet been made, this safeguard of course still holds good; and though no definite statement can be made as to the terms of the proposed Order in Council, regarding which the Secretary of State is still in communication with the High Commissioner, it is contemplated that the Order will provide that for some period of years no native shall be removed from any of the surrendered areas except in accordance with the provisions of Article 85 (1) of the 1898 Order in Council.”

We are, &c.,
TRAVERS BUXTON,
 Secretary.
JOHN H. HARRIS,
 Organizing Secretary.

No. 13.

COLONIAL OFFICE to THE ANTI-SLAVERY AND ABORIGINES
 PROTECTION SOCIETY.

SIR,

Downing Street, 6th August, 1919.

I AM directed by Lord Milner to acknowledge the receipt of your letter of the 29th of July, † and to inform you that he has no observations to offer on the proposal to circulate an extract from the letter from this Department of the 4th of March last* regarding the position of the natives in Southern Rhodesia.

I am, &c.,
HENRY LAMBERT.

No. 14

THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY to
COLONIAL OFFICE.

(Received 23rd August, 1919.)

[Answered by No. 15.]

Denison House, Vauxhall Bridge Road, London, S.W.,

22nd August, 1919.

SIR,

WE beg leave to draw the attention of Lord Milner to the explicit character of the assurances given to the Committee of this Society with reference to the removal of natives from six million acres by which the reserves in Southern Rhodesia have been reduced.

The general tenor of replies to the Society's representations, and to questions in Parliament, has been that no such removals could take place yet, whilst on the 4th March* last the Committee was reassured by Lord Milner pointing out that "the present position is that under the provisions of Article 85 (1) of the Southern Rhodesia Order in Council of 1898 no natives can be removed from the reserves except after full inquiry by, or by order of, the Administrator in Executive Council approved by the High Commissioner. As no Order in Council reconstituting the reserves in accordance with the recommendations of the Commission has yet been made this safeguard of course still holds good, and though no definite statement can be made as to the terms of the proposed Order in Council, regarding which the Secretary of State is still in communication with the High Commissioner, it is contemplated that the Order will provide that for some period of years no native shall be removed from any of the surrendered areas except in accordance with the provisions of Article 85 (1) of the 1898 Order in Council."

Our Committee anticipated that this reply to the Society had been brought to the notice of the British South Africa Company with a view to preventing any removals, of which some evidence was reaching us. We are now confronted with what appears to be authoritative evidence that the fears entertained by our Committee, and the statements made by it, have all along been well founded. In the issue of *South Africa* for 16th August the following passage occurs in a paragraph upon the report of the Native Commissioner, Mr. H. J. Taylor: "The changes necessary in consequence of the recommendations of the Native Reserves Commission are being carried out without difficulty, the natives moving unhesitatingly to the land which has been allotted for their exclusive use."

Our Committee begs to ask whether the Society is right in assuming that the British South Africa Company is acting upon the recommendations of the Reserves Commission without waiting for the issue of the Order in Council to which Lord Milner referred in his letter of 4th March last.*

We are, &c.,

TRAVERS BUXTON,
Secretary.JOHN H. HARRIS,
Organizing Secretary.

No. 15

COLONIAL OFFICE to THE ANTI-SLAVERY AND ABORIGINES
PROTECTION SOCIETY.

SIR,

Downing Street, 30th August, 1919.

I AM directed by Lord Milner to acknowledge the receipt of your letter of the 22nd of August† regarding the removal of natives from territory formerly included in the native reserves in Southern Rhodesia, and to transmit to you a copy of the report of the Chief Native Commissioner, Southern Rhodesia, for the year 1918.

The full text of Mr. H. J. Taylor's remarks will be found on page 2 of the report.‡

I am, &c.,

HENRY LAMBERT.

* No. 4

† No. 14

‡ An extract only is printed.

Enclosure in No. 15.

EXTRACT FROM THE REPORT OF THE CHIEF NATIVE COMMISSIONER FOR SOUTHERN RHODESIA FOR THE YEAR 1918.

GRADUAL effect is being given to the recommendations made by the Native Reserves Commission. The changes are being carried out smoothly and satisfactorily. There has been no necessity to exercise compulsion; natives are moving of their own accord into the areas assigned, wherever they feel disinclined to remain on land no longer reserved for their exclusive occupation. The certainty of tenure thus conferred is greatly appreciated by the natives, and it is to be anticipated that this factor will react on the use which they will make of the land. It is proposed to undertake the survey of the areas reserved wherever there is any difficulty in determining the boundaries during the course of the coming year.

Arrangements are being concluded to carry out a programme of road construction in native reserves. Financial assistance will be given to the natives on terms which have been accepted by the chiefs and headmen.

No. 16.

COLONIAL OFFICE to THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY.

[Answered by No. 17.]

SIR,

Downing Street, 8th September, 1919

WITH reference to recent correspondence regarding the Southern Rhodesia Native Reserves Commission, I am directed by Viscount Milner to transmit to you the accompanying extract from a memorandum which has been submitted by Mr. W. J. Atherstone, Surveyor-General of Southern Rhodesia, regarding his position in relation to the Commission.

Lord Milner would be glad to know what steps the Society proposes to take to correct the statements with regard to Mr. Atherstone to which circulation has been given in the two pamphlets issued by the Society, and in the letter from Mr. Harris, published in the "New Statesman" of the 8th March.

I am, &c.,

HENRY LAMBERT

Enclosure in No. 16.

MEMORANDUM BY THE SURVEYOR-GENERAL.

(Extract.)

THE SECRETARY,
DEPARTMENT OF ADMINISTRATOR,

Native Reserves in Southern Rhodesia.

UNDER cover of your minute of 19th May certain correspondence, being particularly the letter dated 17th March last from the Anti-Slavery and Aborigines Protection Society to the Colonial Office, and the Colonial Office letter of 4th April, in reply, has been submitted for the favour of my remarks. I regret that, through indisposition, my reply has been delayed.

I am very glad to have this opportunity to make some statements on the subject in some little self-defence against the allegations averred against me, quite unjustifiably, and in some explanation of matters affecting the native reserves and the Native Reserves Commission report. Mr Harris has also asserted on other occasions that publicly and privately I have never ceased to press for the reduction of the native reserves; that is not true, and it is an unfair and unreasonable statement to make.

To deal, however, with the letter of 17th March from the Anti-Slavery and Aborigines Protection Society, it is stated therein that "for several years there has been an agitation in Southern Rhodesia for cutting down native reserves, etc."

"There is, of course, nothing surprising in this fact, which is fairly common in Dependency territories. But this agitation for cutting down the reserves has been fostered very largely by the Land Department of the Chartered Company, the head of which is a very efficient and vigorous servant of the commercial

branch of the Company; this gentleman (Mr. Atherstone) has been recognized locally as the leader of the agitation for cutting down the reserves." Though I am an inhabitant of Southern Rhodesia I have heard and know nothing of any such agitation, and I am certainly in no way connected with it; I feel myself on perfectly secure ground in asserting that there is no agitation of the kind by any responsible body or individual. As has been pointed out elsewhere, I am not the head of the Chartered Company's Land Department, nor a servant of the commercial branch of the Company.

There are two occasions only, whether they be considered to be public or private is immaterial, in which I have dealt with the reduction of native reserves. I will take the last first, as it can be dismissed in a few lines. I wrote a statement that I considered some of the very small reserves should, for sundry reasons given, be done away with as reserves; before dealing with the matter I submitted it to the Chief Native Commissioner, who called for reports from the Native Commissioners; the general opinion expressed by the Native Commissioners at that time was against me, and I let the subject drop. As some confirmation of my views I may refer to paragraph 75 of the report of the Native Reserves Commission, a decision to the determination of which at the time I purposely made no observations.

The first occasion on which I dealt with a matter of reduction of reserves arose in 1908. Mr. Longden, an elected member of the Legislative Council, brought forward, so far as I now remember, some motion that the native reserves as then defined should be considered to be a final allocation of land for the purpose, and that they should be demarcated and surveyed. The ministerial head, who replied to Mr. Longden, asked me for some observations and figures on the subject. In compliance with this request I wrote a minute to him, which ultimately, by consent, was reproduced in the appendices to the report of the Native Affairs Committee of Inquiry, 1910-11.* That minute of mine dealt solely with the aspect as to whether the time was opportune for the demarcation and survey of the reserves as a final assignment. It did not pretend to be a disquisition on reserves, or the final requirements of the needs of the natives; my knowledge of the subject then was quite inadequate for me to state what my opinion would be in regard to the future needs of the natives or what new reserves, if any, might be necessary; I merely desired to show that, with such information as I had before me, I did not consider that the reserves should at that time be beaconed and surveyed as a final assignment. In those days reserves could readily be increased under the provisions of the Order in Council of 1898, but it was scarcely possible to reduce existing reserves; therefore, if excessively large reserves were beaconed and maintained indefinitely and new reserves as proved requisite were created, reserved areas would become greatly in excess of all legitimate requirements. And it might be remembered that at the time that I wrote the minute it was intended only for the private information of the ministerial head to whom it was addressed.

With these exceptions, and the evidence I gave, by request, before the Native Affairs Committee of Inquiry, 1910-11, I have not concerned myself with the policy, the demarcation, or the constitution of native reserves, nor with native interests (all of which are, to my knowledge, in most capable and sympathetic hands), till I was appointed as an alternate member to Sir F. Newton on the Native Reserves Commission. In this connexion I think I might make some reference to the Society's statement that, by reason of my position and access to information, I became the dominating influence on the Commission. To anyone with knowledge of the personalities of the three members of the Commission this, of course, would appear ludicrous. I was, after all, only an alternate to Sir F. Newton, and all decisions taken were done with all the members being present.

Reference is made to figures of population quoted by myself in regard to the Sabi reserve. I find from my minute, written in August, 1908, and referred to above, I stated the Native Commissioner, when recommending the area as a native reserve (the recommendation being made in, about, 1901) estimated the population for which it was required at 21,438. The Commission's report, dated 16th December, 1915—some fourteen years later—gives the population of the Sabi reserve as 37,000

4th June, 1919

W. J. ATHERSTONE.

* See Appendix II., page 52.

THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY to THE
COLONIAL OFFICE.

(Received 22nd October, 1919.)

[Answered by No. 18.]

Denison House,

SIR,

Vauxhall Bridge Road, London, S.W., 21st October, 1919

WE beg leave to acknowledge the receipt of your letter dated the 8th September,* enclosing an extract from a memorandum by Mr. W. T. Atherstone, and stating that Lord Milner would be glad to know what steps this Society proposes to take to correct the statements with regard to Mr. Atherstone, to which circulation has been given in the two pamphlets issued by this Society and in the letter from Mr J. H. Harris, published in the *New Statesman* of the 8th March last.

In reply we are directed by our Committee to say that they regret that in their letter of the 17th of March last† Mr. Atherstone's official position was inaccurately referred to as that of a servant in the commercial branch of the British South Africa Company, instead of that of a professional or technical servant of that commercial company in a capacity dealing with the land, in all of which, except that already alienated to white men, the Company deemed itself (at that time) to have a commercial interest. The Committee will arrange that a proper correction shall be inserted in all copies of the published documents on this matter remaining in their possession, both of this passage and of any other that may appear, in view of Mr. Atherstone's representations, to be too unguardedly worded. They will also be glad, with Lord Milner's concurrence, to publish this acknowledgment of the misdescription referred to, together with the observations that follow, both upon this point and on the rest of Mr. Atherstone's memorandum.

But, in the first place, and before proceeding further with the reply to your letter, the Committee desires to point out that this Society neither makes, nor has intended, any personal imputation to Mr. Atherstone's discredit. That gentleman is, of course, fully entitled—it may even be regarded as his duty—to entertain a strong opinion on land policy and to press it when opportunity presents itself. What the Society is concerned with in this connexion is not, most certainly, to attack or disparage Mr. Atherstone—and they would greatly regret if anything they have written was interpreted by him as reflecting injuriously on him—but to secure an effectual recognition of this really important fact, namely, that to appoint an official of high authority in the service of the Chartered Company, directly interested, as it was, at the time, in the reduction of native reserves—an official whose opinion decidedly conflicted, and was widely known to conflict with, that of the Native Commissioners of the country upon this subject, and who was already publicly committed to such a reduction—upon a Commission of three, established to decide impartially upon the delimitation of these reserves, was not, *prima facie*, a defensible step in constituting a *quasi* judicial tribunal. It certainly was not, in fact, a procedure well calculated to confirm public confidence and satisfactorily to terminate a burning question of justice to South African native peoples.

With regard to Mr. Atherstone's objections to the arguments which have been used on behalf of this Society; our Committee considers that it has reliable ground for stating and maintaining the following propositions:—

The cutting down of the native reserves in Rhodesia in the interest of the Chartered Company (which claimed at that time to be entitled to all unalienated and the native reserve lands) is a policy which has been unequivocally and publicly advocated and discussed in common talk continuously for a number of years, by settlers and officials in Rhodesia.

The Society has spoken of this advocacy of policy as an "agitation." Mr. Atherstone says that he has heard and knows nothing of any such "agitation," that he is certainly in no way connected with it, and that there is no "agitation" of the kind by any responsible body or individual.

The Committee does not desire to dispute about the propriety of a name. It is prepared to substitute the term "contention" used by the Native Affairs Committee of Inquiry of 1910 in this connexion, for the term "agitation." The fact

that there has been such advocacy of policy in common discussion will hardly, the Committee conceives, be questioned. As has already been observed, "there is nothing surprising in it, and it is fairly common in Dependency territories." It is hardly necessary to refer to the case of East Africa as an example.

The authority, publicity, and importance of the Report of the Native Affairs Committee of Inquiry of 1910, above referred to, will again not be disputed. That report, paragraph 73, states:—

"The extent of reserves necessary has formed subject of question; it being contended by certain witnesses that the amount is excessive. The Surveyor-General" (Mr. Atherstone) "shares this view very decidedly."

Our Committee is not prepared to discredit the information which it has received to the effect that Mr. Atherstone's view, as above recorded, was matter of common knowledge and repute amongst persons in Rhodesia interested in this question on both sides, and that such knowledge and repute strengthened and fostered the contention of those with whom he so decidedly agreed.

It seems to our Committee fairly obvious, and the Committee believes that Lord Milner will recognize, that in such a community as that of Rhodesia, the case could hardly be otherwise. So far as our Society is aware, all authoritative statements with regard to the land of Rhodesia emanate from Mr. Atherstone, and it is to him that private individuals, as well as the Company's administration, look for land statistics. One of the official reasons given for substituting Mr. Atherstone for Sir F. Newton was, in fact, Mr. Atherstone's presumed knowledge of the land situation. Our Committee considers it fair, therefore, to say that, by reason of his position as Surveyor-General and his published opinions, he stood at the head of those to whose contention for the reduction of the native reserves we have referred, and, whilst it readily accepts the assurance conveyed in Mr. Atherstone's memorandum that he has not actively promoted any such agitation, it has reason to believe that he altogether under-rates the effect of his known and officially recorded attitude upon the question, and the far-reaching influence of his written and spoken expressions in favour of reducing the reserves.

It was because this effect was known, or at any rate believed in, by those whose case we are in this matter presenting, that such strong feeling has been expressed by their spokesmen in regard to the constitution of the Commission, especially when Mr. Atherstone's views were given effect to in the Commission's Report of 1917, to the extent of recommending the dispossession of natives over an area of six million acres of land, and reducing the whole reserves by one million acres. Our Committee begs leave to assure Lord Milner that neither the Committee nor any of the Society's officers invented this basis of criticism. Their surprise, indeed, is that the objectionable character, if not the short-sighted impolicy, of such an appointment to the Commission has not apparently been manifest to the Colonial Office.

Mr. Atherstone protests against a statement made by Mr. Harris in a letter to the *New Statesman*, that he has never ceased to press for the reduction of native reserves. Mr. Harris is responsible for his letter, which our Committee has no doubt was founded by him on reliable information, and they do not propose to take any steps in regard to it. But if Lord Milner should desire them to take into consideration the propriety of such a statement being made by one of their Secretaries, they would first inquire whether, in the proceedings of the Native Reserves Commission, Mr. Atherstone did or did not advocate the reduction of native reserves, or whether the reduction recommended by the Commission was carried against his view by his colleagues.

In view of the foregoing, and of the fact that the more information our Society obtains upon this expropriation of native reserves the more unjust and oppressive it appears, we beg leave to state the Society's attitude fully. At the same time we respectfully venture to express the opinion that if Lord Milner would submit the whole facts of this proposed expropriation in Rhodesia to a Select Committee of Parliament, or to any body of impartial men in this country, they could not fail to reach the conclusion that the Society's contention is correct, namely: *That the composition and work of the 1917 Reserves Commission was not calculated to produce impartial recommendations, and that the scales of justice were heavily weighted against the natives.*

It is, we submit, essential to consider the 1917 report in conjunction with that of the 1910 Committee appointed by the Chartered Company and composed of men who really knew the native question, including Mr. Stanley N. G. Jackson, the well-known Native Commissioner at Victoria. A large number of witnesses appeared

before this 1910 Committee, including officials, missionaries, and natives. Mr. Atherstone, the Surveyor-General, also appeared as a witness, and urged the view which the Committee say he held "very decidedly," that the native reserves were excessive. When this Rhodesian Committee of 1910 reported, they said:—

"The testimony of the Native Department officials is substantially against him (Mr. Atherstone). They point out that in certain reserves a large portion of the soil is poor, that water is deficient, and that certain localities are wholly unsuitable for human occupation."

This attitude of the 1910 Committee upon the reserves was not at all to the advantage of the Chartered Company, and it was adopted by men whose official positions we believe could not be terminated except by the consent of the Secretary of State, whilst we believe we are correct in stating that in this respect the position of the Surveyor-General was held at the pleasure of the Company, and could be terminated without any reference to the Secretary of State.

The 1917 Commission, upon which none of the Native Commissioners, in spite of Lord Harcourt's expressed opinion, were allowed to serve, set aside this 1910 opinion to the advantage of the Company at that time (1917) to the extent of 1,000,000 acres net, and dispossessed the natives over the other 5,000,000 acres, that is they recommended the removal of the natives from 6,000,000 acres to 5,000,000 acres elsewhere. This result, Sir Starr Jameson stated publicly, was "very satisfactory," to the shareholders, and constituted a real victory for those views which Mr. Atherstone had stated so "very decidedly," but which had been so emphatically rejected by the Rhodesian Committee of 1910.

The Chartered Company, being fully aware of the attitude of Mr. Atherstone upon the question of reserves, should, in our opinion, have drawn the attention of His Majesty's Government to it, whilst we cannot but express our regret that His Majesty's Government did not insist upon Lord Harcourt's equitable suggestion that a Senior Native Commissioner should serve upon the Commission. With the ultimate appointment of an official of Mr. Atherstone's known attitude this recommendation of the Secretary of State became, in our opinion, imperative. Our Society begs leave to say that it was the composition of the Commission as a whole which made the appointment of the Surveyor-General so regrettable; our Society would probably not have ventured a criticism if some element of impartiality had been on the Commission in the person either of a missionary, or, as His Majesty's Government advised, of a Senior Native Commissioner.

Nor was this all, for, according to available records,* the Chairman was one of the six hundred members of Dr. Jameson's force, who was entitled by the infamous "Victoria Agreement" to select six thousand acres of the best Matabele land, gold claims, and his share of the "loot" seized from the Matabele.

Moreover, there was upon the Commission no missionary, no representative of the public, no unofficial member of a Legislative Council; nor was a single native called to give evidence (in the accepted sense of the term "evidence") upon a matter which vitally affected many thousands of industrious natives. The Commissioners' explanation of this is that, they "felt that we might do more harm than good by questioning the natives upon a matter of which they were very likely to misunderstand the real scope, and to which also no effect could be given for a year or more."

The cursory examination of certain chiefs whom the Commissioners did consult, is not evidence, and it is only fair to the Commissioners to point out that they do not claim it as such, for they say:—

"We did not, as a rule, examine native chiefs unless there was some point to be elucidated or some definite information to be gained."

We beg now to adduce certain opinions of white men in Rhodesia. We cannot vouch for the accuracy of these opinions, but submit them to Lord Milner as an indication of the mind of the average man in Rhodesia. The names of some of these gentlemen we are not yet permitted to disclose in a document which we presume will become public, but the Society is prepared to supply them at once in confidence to Lord Milner.

The writer from whom the first extract is taken is a Rhodesian settler, and he says:—

"The three Commissioners might just as well have been three Chartered Company's directors, for, first, Bob Coryndon had never known any other master than the Chartered Company."

* "The Downfall of Lobengula," pages 12 and 292.

“Garraway was in Chartered Company’s employ as a District Surgeon in Bulawayo. . . . Newton, we all know, was actually in the Company’s employ.”

“I am convinced that the wrong done to the natives will be righted when the full facts are in the hands of the Home Parliament; for with all our faults real injustice is always righted by our people.”

This is the view of an ordinary white settler, who, as he says in his letter to a third party, is “not in touch with the A.P.S.” (Anti-Slavery and Aborigines Protection Society).

The following quotation is from one of the most respected men in Rhodesia, known, we believe, to Lord Milner, and certainly to every High Commissioner in South Africa during the last twenty-five years. and highly respected both in Rhodesia and in wide circles in this country; moreover, we understand he possesses probably more knowledge of native conditions than any other white man in Rhodesia. This gentleman says:—

“No time ought to be lost in getting the decision of the Rhodesian Government set aside, based on the report of the Reserves Commission. In response to the call of the British South Africa Company not a few of these local natives went to German East and elsewhere to serve their country, and they come back to find about 1,000,000 acres of land have been filched away. If you can get this restored it will be a tremendous boon. Anyhow, the carrying out of this recommendation should be delayed until a *fairer and more competent authority has been appointed to go into the matter and recommend.*”

A third correspondent, a leading citizen of Bulawayo, draws attention to the fact that the reserves have never been really surveyed, a statement for which there appears to be some warrant in the Reserves White Book. This gentleman says:—

“Now you may take it from me, most emphatically, the native reserves of Rhodesia have never been surveyed, and their total area can only be roughly approximated, because the greater portion of the land contiguous to the reserves is still unsurveyed. How easy for an error to be made of, say, five per cent on a million acres! Should the Commercial Department of the Company now take over a million acres, and it be found later that the area was over-estimated, what provision is there for restitution or compensation? I would suggest that inquiries be made, whether the area had been surveyed, if so, when, and by whom paid for, the Administration or commercial side?”

The fourth quotation we take from the Rev. Shearly Cripps, the well-known missionary of the Society for the Propagation of the Gospel, whose criticisms of the composition and work of the Commission have been quite as severe, if not more so, than those of our Committee. The following extracts are taken from the written protests (copies of which have come into our possession) from this gentleman to the High Commissioner in South Africa and to Lord Milner:—

“The author (Mr Atherstone) of this very questionable statement upon the excessive areas of the reserves became in due course a member (alternate) of the Reserves Commission, which has advised a less reduction than this individual *had already publicly advocated*,* a less one, but still a very grave one.”

A statement made direct to His Majesty’s Government, which shows that in the Charter Districts the public attitude of the Company’s Surveyor-General was well-known

Then follows a very serious allegation, which, if it had not been made officially to His Majesty’s Government, our Committee could scarcely have credited:—

“The investigation as to the detail of the Sabi Reserve made before the Commission arrived in the Charter District appears to have rested for the main part not on inquiries made from the local Native Administrative Departments, but on a report made by a specially paid investigation agent representing, and paid by, the Commercial Branch of the British South Africa Company” (at that time an interested claimant of Southern Rhodesia’s unalienated land).

If it is true that this procedure was adopted in the Charter District it would appear important to ascertain if it was also adopted elsewhere. If it was, this fact,

* Italics ours.—A. S. and A. P. S.

apart altogether from the composition of the Commission, would shatter the last vestige of confidence held by any disinterested person in the Commission's report.

The Committee of the Society expressly desires to state that it cannot accept any responsibility for an allegation so serious, but as it has been made to His Majesty's Government direct by a missionary of widely known literary reputation and of eighteen years' residence in Southern Rhodesia, it cannot be set aside without inquiry into its truth.

A fifth quotation is from a published letter in the *Bulawayo Chronicle*, 6th December, 1918, where the writer states that the Chartered Company was already adding to its cattle ranches areas of land cut off from the native reserves!

"What does this mean in plain English? Apparently that certain land, formerly native reserve, has been annexed by the Company for their own commercial undertakings. Did the Company cast envious eyes on this 'Naboth's Vineyard,' and was this one reason for the appointment of the Native Reserves Commission?"

The Committee of the Anti-Slavery and Aborigines Protection Society begs once again to appeal to His Majesty's Government to consider the advisability of dealing in broad and generous spirit with the natives of Southern Rhodesia. The technical misdescription of an official in the pay of the Chartered Company does not seem to our Committee to be of an importance in this correspondence with the Colonial Office commensurable with that of the unprecedented situation whereby an entire people has been dispossessed of every vestige of tribal ownership of land—divested of tribal rights over huts, homesteads, gardens, and what every student of Africa knows to be most sacred—the graveyards of their dead. The responsibility for the situation cannot be fairly visited on any one individual, nor limited to any one event, but it must not be overlooked that the situation owes its origin to a document which the Judicial Committee of the Privy Council has now declared for all time to be utterly worthless.

The members of our Committee have decided that it is their duty to attempt to secure the following objects:—

- (a) To obtain in those lands where there are no white men a secure title for all tribal units in the lands they are now beneficially occupying.
- (b) To secure payment (upon the same conditions as those of the white settlers) of the natives' costs of the Privy Council's reference.

The Committee of the Society has determined upon the above policy because the members are confident that these modest requests will appeal to the common-sense and justice of British citizens, and that it will receive increasing public support until they have been acceded to by some means or other, either now or in the immediate future.

Their claim that a revision of the situation may properly be strongly pressed for is reinforced by the circumstances that, whereas when the Commission, whose findings are impugned, was appointed the title to unalienated lands was undetermined and widely presumed or claimed to be vested in the Chartered Company, it is now decided to be vested in the Crown, and the natives, in their claim for justice and consideration, stand in this matter directly over against the British Sovereign and people to whom especially they have been accustomed to look for the vindication of their equitable rights against private and alien interests.

We are, &c.,

CHARLES ROBERTS,
President.
HENRY BENTINCK,
Chairman.
SYDNEY OLIVIER,
Vice-Chairman.
C. W. BROOKS,
T FOWELL BUXTON,
Joint Treasurers.
TRAVERS BUXTON,
Secretary.
JOHN H. HARRIS,
Organizing Secretary.

COLONIAL OFFICE to THE ANTI-SLAVERY AND ABORIGINES
PROTECTION SOCIETY.

[Answered by No. 19.]

SIR,

Downing Street, 18th December, 1919.

I AM directed to acknowledge the receipt of your letter of the 21st October,* relative to the Southern Rhodesia Native Reserves Commission.

2. The terms of reference to this Commission are set out on pages 15-16 of the Parliamentary Paper [Cd. 8674], in which the report of the Commission was published. Briefly, its duty was to make recommendations with a view to the final assignment of the native reserves in Southern Rhodesia.

3. In the pamphlet issued by your Society, entitled "An Appeal to the Parliament and People of Great Britain, the Dominions, and the Dependencies," the following account is given of the circumstances in which the Commission came to be appointed:—

"The story opens about 1910, when an agitation was started and fostered by the Chartered Company's Land Surveyor for cutting down the reserves in the interests of the Company. The Native Affairs Department and the missionaries were 'substantially against' the Land Surveyor. The knowledge of the agitation reached the ears of the High Commissioner. Some two or three years later a casual visit from one of the Directors to Lord Gladstone in the delightful surroundings of Arcadia, in Pretoria, led to the discussion of the question. This was the first official step, the rest was easy. A Commission of three members was appointed, and Lord Harcourt urged upon the Chartered Company the desirability of nominating a senior official of the Native Affairs Department. The Company ignored this suggestion, and nominated a gentleman who obviously could not serve, and when what was recognized locally as obvious, had become inevitable, a 'substitute' was found by the Company in the person of their Land Surveyor, who had for years publicly acted as the head and leader of the agitation for cutting down the reserves."

4. Apart from other inaccuracies, this account overlooks the fact that the question of the native reserves in South Africa, including Southern Rhodesia, was examined by the South Africa Native Affairs Commission, 1903-5. In their report, which was published in 1905 as a Parliamentary Paper [Cd. 2399], the Commission made the following recommendations:—

"That the time has arrived when the lands dedicated and set apart, or to be dedicated and set apart, as locations, reserves, or otherwise should be defined, delimited, and reserved for the natives by legislative enactment.

"(2) That this should be done with a view to finality in the provision of land for the native population, and that thereafter no more land should be reserved for native occupation."

The eventual necessity of the appointment of a special body with a view to a final assignment of the Native Reserves in Southern Rhodesia on the lines recommended in the Report of the South Africa Native Affairs Commission, 1903-5, had long been recognized by His Majesty's Government before any active steps were taken by them for that purpose, but it was not thought, until December, 1912, that the time had come to consider the appointment of such a body. In that month definite instructions were sent by the Secretary of State for the Colonies (Mr. Harcourt) to the High Commissioner (Lord Gladstone) to furnish a report on the subject. The outcome of the High Commissioner's report was the appointment of the Southern Rhodesia Native Reserves Commission. The initiative in the appointment of the Commission was thus taken by His Majesty's Government, acting solely in the interests of the natives of Southern Rhodesia, and it was further taken without prior consultation with the British South Africa Company, and without reference to any commercial interest of the Company.

There is accordingly no foundation whatever for the suggestion made in the "Appeal" that the Commission originated in a private arrangement between Lord Gladstone and a Director of the Company, or in any agitation in Southern Rhodesia.

5. It would, however, be correct to say that the appointment of such a Commission, while not expressly recommended in the Report of the Southern Rhodesia Native Affairs Committee, 1910-11, was necessary to carry out the following recommendations of the seventy-fourth paragraph of that report:—

“On the question generally, the Committee find that the reserves are adequate in area for the present needs of the natives, and for the reasonable expansion of the population in the future. The present delimitation of some reserves is, however, inconvenient. There are many small detached areas from which it would be advisable, if possible, to remove the occupants, in order that they may be located in the larger reserves, the size of which should be increased proportionately. The Committee learn that certain readjustments are otherwise necessary. Subject to these being carried out, we recommend that the various reserves be demarcated, and that the assignment be ratified by legislative enactment, so as to secure finality in regard to land reservation for exclusive native occupation.”

This Committee is described in your letter as “composed of men who really knew the native question, including Mr. Staley N. G. Jackson, the well-known Native Commissioner at Victoria.” It may be as well to add that the Report of the Conference of Superintendents of Natives (which included Mr. Staley Jackson), dated 16th October, 1909, and printed as one of the appendices to the Committee's report, also contained the following paragraph:—

“We consider that the aggregate area of the lands reserved for natives in Southern Rhodesia is ample for their present and future requirements, but would point out that in certain localities the reserve land is excessive while in others it is insufficient for the needs of the particular community, and that this condition necessitates a careful readjustment.”

6. The general history of the reserves in existence at the time of the appointment of the Southern Rhodesia Native Reserves Commission is set out in their report, but it is desirable to explain that these reserves were set apart for the occupation of the inhabitants of Southern Rhodesia as “tribes or portions of tribes,” i.e., for occupation under tribal conditions, and that the question to be determined by the Commission was the amount of land required for such occupation. The obligation imposed on the British South Africa Company to provide land for such occupation was not in any way less than the Crown would have assumed itself had the territory been under its direct control, and there is no suggestion that the provision made was inadequate. The fact that the unalienated lands have now been adjudged to be the property of the Crown does not in any way affect or entail the reconsideration of the recommendations of the Commission.

7. Lord Milner has already informed the Society that he is not prepared to question the recommendations of the Commission, the report of which had been examined and approved by the High Commissioner for South Africa and approved by his predecessor. The Society evidently attach great weight, and justly, to the views of the Native Department. It may, therefore, be pointed out that in deciding to recommend the adoption of the report the High Commissioner was largely influenced by the fact that the recommendations were understood to be generally acceptable to the Native Department, and nothing has occurred since to show that the views of the officials of the Native Department were misjudged. On one point of the first importance, viz., the movement to the reserves of the native occupants of those areas which are to be surrendered, it is expressly stated in the report (paragraph 44), that the Commission had the opinion of the Chief Native Commissioner that their recommendations were adequate.

8. It is estimated that the total number of natives on the land recommended by the Commission to be added to the reserves is 42,100, and that the total number of these in the surrendered areas is 48,000. Of these latter, the occupants of the Ramaquabane Reserve who are to be transferred to the new Semokwe Reserve number 12,900. The grounds for this particular transfer are set out in detail in the Commission's report (page 58 [Cd. 8674]), and the Society will have observed that the transfer had the approval of the Chief Native Commissioner, the Superintendent of Natives of the Bulawayo Circle, and the Native Commissioner of the District, and was assented to by the chief and his headmen. This movement of natives is described by the Commission as the most important recommended by them. The number of natives affected by the other surrenders is thus some 35,000, and when it is remembered that these surrenders amount to over 6,500,000 acres, it is

clear that the Commission did, as stated in the report, exercise particular care to comply with the instruction in their terms of appointment to bear in mind that the removal of natives from existing kraals and lands on a considerable scale should be avoided.

9. When the proposed Order in Council is issued assigning the reserves recommended by the Commission, the natives of Southern Rhodesia will have reserved to them by law, for their exclusive tribal occupation, over 19,000,000 acres of land. The Society continue, however, to cast reflections on the composition of the Commission, and now add further animadversions on the manner in which the Commission discharged its duties. It is idle to speculate whether identical recommendations would have been made if the Commission had been differently constituted, and Lord Milner has already informed the Society that he is not prepared to question the composition of the Commission. The gentleman nominated by Lord Gladstone for appointment as Chairman of the Commission was Mr. (now Sir) Robert Coryndon, the present Governor of Uganda. Lord Gladstone regarded him as eminently fitted to be Chairman by his experience of native affairs in Rhodesia, and by his experience in the settlement of Swaziland. At the time of his appointment to the Commission he had been for seven years serving directly under the Crown in Swaziland, for the first few months as Deputy Resident Commissioner, and afterwards as Resident Commissioner. In June, 1916, he was appointed Resident Commissioner of Basutoland, and in November, 1917, he was transferred to his present appointment. At the time of his transfer to Swaziland, he was Administrator of North-Western Rhodesia. The Chairman of the Society has recently drawn attention in the House of Commons to the fact that Sir R. Coryndon took part in the Matabele War of 1893, in terms which appeared to suggest that Sir R. Coryndon's bearing arms in that emergency, an emergency in which Imperial forces were also employed, unfitted him for subsequent service under the Crown, and for the chairmanship of the Southern Rhodesia Native Reserves Commission. From any such suggestion Colonel Amery recorded his emphatic dissent. The other gentleman selected by Lord Gladstone was Colonel Garraway, who was subsequently appointed to be Resident Commissioner of the Bechuanaland Protectorate, and is now Resident Commissioner of Basutoland. He is well known for his sympathy with the interests and feelings of the native races of South Africa. It is understood that he was connected with the service of the British South Africa Company for a few days at the end of 1895, when he was transferred from the Bechuanaland Police, with which he was employed as surgeon, to a similar position in the service of the Company. Neither gentleman has ever served in the Company's commercial department, and the same applies to Sir F. Newton and his alternate, Mr. Atherstone, the Treasurer and Surveyor-General of the Administration of Southern Rhodesia.

10. The Society's allegations against Mr. Atherstone have been effectively disposed of by the memorandum communicated in the letter from this Department of the 8th September* and it is much to be regretted that the Society should not be able to see that they have done him any greater injustice than that involved in a "technical misdescription." It is impossible for anyone who accepts (as the Society do) the statements made in Mr. Atherstone's memorandum to take such a view of the extract from the Society's "Appeal" quoted at the beginning of this letter, or of the following extract from another pamphlet of the Society called "A Great British Injustice to Native Races" — "A situation was actually created under which the Company's Chief Land Agent, who for years had been privately and publicly advocating the cutting down of reserves, was appointed." It is noted that the Society disclaim responsibility for Mr. J. H. Harris's letter to the *New Statesman* in March last, but as he is one of your co-signatories it is desirable to call attention to the fact that his remarks about Mr. Atherstone were of the same tenour as those officially promulgated by the Society. They were to the effect that the Company "ultimately secured as the principal and most active person on the Commission the presence of their Chief Land Agent, who had for years been prominently identified with proposals for cutting down the native reserves."

11. With the high opinion which it is evident the Society entertain for the Native Commissioners of Southern Rhodesia there can only be cordial agreement, and it is very satisfactory to gather that the Society in this respect endorse Lord Buxton's statement at Salisbury on 26th August, which ran:—

"Three things have struck me since I have had to do with Rhodesia as High Commissioner, and these have been emphasized on every occasion that I have had to deal with Rhodesia

"The third thing with which I have been struck, and I hope you will like me to say so, is the sympathetic administrative treatment of the natives and the attitude of the Europeans in Rhodesia in regard to the natives. I do not want on the present occasion to say more than that on the point. I may have an opportunity of referring to it again at greater length elsewhere as High Commissioner, and, therefore, in some sense responsible for the interest and welfare of the natives in Rhodesia. I have taken, naturally and hereditarily, a great interest in the question, and this I can say, and I desire to say it emphatically and seriously, that what I have seen and have learned the administrative treatment and the attitude of mind of the Europeans in Rhodesia with regard to the natives compares favourably with any other community in which Europeans have control of the natives."

If, however, it is held that Mr. Atherstone was unfitted for membership of the Commission by reason of the advice that he had given to the Administration in 1908 that certain reserves were excessive, the same view must be taken of all the signatories (including Mr. Staley Jackson) of the report of the Conference of Superintendents of Natives already mentioned, in which also the opinion was expressed that in certain localities the reserve land was excessive. One of the correspondents quoted in your letter mentions that the native reserves are for a large part unsurveyed. This fact, which was present to the mind of Mr. Harcourt when he took action for the appointment of the Commission at the end of 1912, appears to show that there was a special propriety in associating an expert surveyor with the work of the Commission.

12. As to the manner in which the Commission conducted their work, the care and zeal, and the sympathy for native interests with which the Commission carried out their duties are abundantly clear from their report. They had the advantage, as stated in the report, of being accompanied throughout every district by the Native Commissioner, or one of his staff, and doubtless this substantially contributed to the fact that their recommendations received the general approval of the Native Department. In the "Appeal" of the Society, it is stated that "no natives were allowed to give evidence before the Commission." The Reverend A. S. Cripps himself, in a published pamphlet, has described this statement as "obviously misleading." It is expressly stated in the report: "the projected movements of the Commission were advertised from time to time in the local Press in order to give the fullest opportunity to those interested to give evidence which might facilitate the inquiry. The officials of the Native Department were requested to notify the chiefs in their respective districts with the same object"; and, again, "every opportunity was afforded to officials, members of the public, and native chiefs and headmen to give evidence, though, as a rule, little advantage was taken of it." Further the summary of evidence appended to the report records the tenour of the evidence given by a number of native witnesses. The Society now seek to justify this misstatement by describing the evidence given by the native witnesses as not "evidence" in the accepted sense of that term, and by quoting a part of the following passage in the report:—

"The evidence given by the officials of the Native Department was relevant and valuable. We did not as a rule examine native chiefs unless there was some point to be elucidated or some definite information to be gained. In many reserves it was not possible, for various reasons, to consider any alteration of boundary, and in some other cases the direction which our recommendations must take was so obvious that the local chiefs were not examined. We felt that we might do more harm than good by questioning the natives upon a matter of which they were very likely to misunderstand the real scope, and to which also no effect could be given for a year or more."

13. Your letter is intended to convey the impression that the report of the Commission has given rise to a very great wave of indignation throughout Southern Rhodesia. No communications have reached His Majesty's Government from the territory which lend any support to such a suggestion. Only two protests have been received, one from the Reverend A. S. Cripps, who objects to the reduction of the Sabi Reserve, and the other from certain missionaries, who object to the reduction

of the Chiduku Reserve. Mr. Cripps, who protested to the High Commissioner, was informed by Lord Buxton that the arguments which he had advanced were not sufficient to justify the reconsideration of the Commission's recommendation. As to the comment which you make on the first extract from the protest by Mr. Cripps, enclosed in the Society's letter of the 3rd May,* it is observed that Mr. Cripps has merely derived his information from paragraph 41 of the Commission's report, in which passages from Mr. Atherstone's memorandum of August, 1908, were embodied. As regards the second extract, it is difficult to see what impropriety there can have been, either in the Company's obtaining a report on the district in question, or in the Commission's taking any such report into their consideration. The evidence taken by the Commission in regard to the Sabi Reserve appears in the summary appended to their report.

14. The high motives animating Mr. Cripps in protesting against the reduction of the Sabi Reserve are fully recognized, but as the Society relies on his support in the animadversions which it has made on the personnel of the Commission, it should be mentioned that Mr. Cripps was one of three missionaries who interviewed Lord Buxton at Salisbury on the 26th August. At this interview there was a discussion on the reflections on the integrity of the Southern Rhodesia Native Reserves Commission, contained in a pamphlet issued by Mr. Cripps, and at the end of the interview Mr. Cripps told Lord Buxton that he would strike out of his pamphlet the paragraph to which His Excellency had taken exception.

15. There is no objection to the publication of your letter, together with this reply, but I am to add that it is proposed to lay the whole correspondence with your Society before Parliament.

I am, &c.,

HENRY LAMBERT

No. 19.

THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY to
COLONIAL OFFICE

(Received 7th January, 1920.)

[Answered by No. 20.]

Denison House, Vauxhall Bridge Road,

SIR,

London, S.W.1, 6th January, 1920.

I BEG leave to enclose a memorandum in reply to the last letter† from the Department on the subject of the Reserves Commission, to which it seemed to my Committee important to reply on several points. I regret that with every attempt to make the reply as brief as possible it has grown to a greater length than we anticipated.

We shall appreciate hearing from you the number and price of the White Book as soon as convenient.

I am, &c.,

TRAVERS BUXTON,
Secretary.

Enclosure in No. 19.

Denison House, Vauxhall Bridge Road,

SIR,

London, S.W.1, 6th January, 1920.

WE beg leave to acknowledge the receipt of your letter of the 18th of December last† which was submitted to our Committee, and to which we are instructed to reply as follows.

This letter deals with:—

- (a) Certain passages in documents published by the Society, to which exception is taken.
- (b) The substance and grounds of the appeal made by the Society to the Colonial Office, on behalf of the natives, as set forth in their correspondence with the Department.

* No. 9.

† No. 18.

The Committee, whilst it is quite prepared to accept criticism on (a), begs leave once more to point out that it is a matter distinct from (b) and of very much less public importance, and that, even if exception might reasonably be taken to any passages in their pamphlets in regard, for instance, to the position or responsibilities of individuals concerned in the history of the dealings with native land rights, this ought not to be allowed to prejudice consideration of those substantial facts in the case which they have presented to the Colonial Office, and which cannot be so disposed of, or are common ground.

The Committee feels quite sure that the Secretary of State will allow that, in judging of the ultimate merits of the claims of the natives of Southern Rhodesia to remain undisturbed on their lands, as urged by the Society in their letters to him, it is not reasonable to confuse these two topics, and they therefore, in their reply, take leave to keep them distinct.

In the Society's letter of the 21st October, 1919,* it was stated that they were quite prepared to substitute the word "contention" for "agitation" as the first local and unofficial step in securing a reduction of the Reserves. In the recital of events which led up to the appointment of the Rhodesian Reserves Commission, as set forth in the fourth paragraph of your letter under acknowledgment, it is now made clear to the Society for the first time that at the date in question, namely, December, 1912, His Majesty's Government had taken no account of the evidence contained in the local Native Affairs Committee's report, for the effect of that report is completely excluded from reference in that recital, and the action taken is affiliated directly to the report of the Commission of 1903-5. The Society had always presumed, and they consider not unnaturally, that His Majesty's Government was duly cognizant of the facts illustrated in this report, with which our Committee has all along been familiar. When, therefore, this part of your letter was read to our Committee, the members were greatly impressed with what seemed to them to have been a remarkable ignoring of material elements in this history, but they are bound to accept the assurance that the High Commissioner was also unaware of and unaffected by the local "discussions" or "contentions" disclosed in the 1910-1911 report, and that therefore the Society has been mistaken.

The facts, as now made clear, appeared to our Committee to account for much of what has been incomprehensible to our Society in the manner in which the matters in question have been dealt with. We are further, however, instructed to point out that the first letter in the White Book [Cd. 8674] unquestionably makes it also appear that the first definite *official* step in the matter was taken "as a result of an interview with Mr. Malcolm" (one of the Company's directors) and the High Commissioner, presumably at Arcadia, Pretoria.

There is not in this, nor in any other public document at our disposal, any indication whatever of the information which is now contained in your letter under acknowledgment, namely, that "in that month—December, 1912—definite instructions were sent by the Secretary of State for the Colonies, Mr. Harcourt, to the High Commissioner, Lord Gladstone, to furnish a report on the subject."

Our Committee realizes that the publication of this important circumstance may have escaped notice,—if so, a reference to it would be appreciated,—but the Committee feels sure that the Secretary of State will recognise that if a Public Department withholds from Parliament any record of such important particulars as that now communicated to the Society, namely, that the initiative in the appointment of the Commission was taken by His Majesty's Government, surprise can hardly be felt at any misrepresentation of history that may result from commentators accepting such documents as complete.

We would also point out in this connexion that the Committee had relied to a considerable extent upon the underlined passage in the following statement in the 1910-1911 report of the Rhodesian Native Affairs Committee:—

" that in certain reserves a large portion of the soil is poor, that water is deficient, and that certain localities are unsuitable for human occupation. Be that as it may, *as the assignment has been formally effected by the Company and approved by the Administration, it is questionable whether it can be materially varied as regards extent.*"

If the Society had known that the instructions now referred to had followed so closely upon the publication of the foregoing, and had been given without regard to it, the Committee would have immediately approached the Secretary of State upon the subject.

* No. 17.

Our Committee does not propose dealing further with what the Society regards as being the relatively less important matters, namely, the misdescription of an official by designating him as a "Land Agent" instead of a "Land Surveyor," or the history of this inception of the Reserves Commission, because it holds, rightly or wrongly, that the treatment by which the natives of Southern Rhodesia have been entirely dispossessed of all their land rights is of far greater public importance, and can only regret that it has not yet been able to persuade His Majesty's Government to accept the same view.

With regard to (b), it is common ground that the South Africa Native Affairs Commission of 1903-5 reported:—

"That the time has arrived when the lands dedicated and set apart or to be dedicated and set apart, as locations, reserves or otherwise should be defined, delimited and reserved for the natives by legislative enactment. That this should be done with a view to finality in the provision of land for the native population and that thereafter no more land should be reserved for native occupation"

This recommendation, it is important to remember, was made at a time when the assumption was fairly general that the natives of Rhodesia had lost their land rights—primarily by a Concession now declared "*valueless*." But even so, the recommendation was that Native Reserves should be *delimited* with a view to finality, not that natives should be removed from lands they already occupied. The Society has never raised any objection to this recommendation, nor has it in fact ever objected to a reduction of the reserves, provided such reduction only involved the alienation of uninhabitable, waterless or rock areas. But the reference to this passage appears to them to be the less relevant in criticism of what they have urged, both because what they have urged is quite consistent with it, and also in view of the fact that it was apparently ignored by His Majesty's Government for more than seven years. The Commission, we desire to emphasize, was of opinion that *the time had then come* for establishing *finality*; but His Majesty's Government are now proposing, after fifteen years' further sufferance (notwithstanding this report) of beneficial occupation, which has materially strengthened the claim of the natives to protection in such settlement, to approve the eviction of many thousands of them from their ancestral tenements and from lands brought into cultivation through years of industrial effort, without even, so far as appears, any intention of providing such compensation or solatium, for rebuilding their homes and preparing new farms, as would be the right of any persons so dealt with by the Government of any civilized State.

In your letter the opinion is expressed that the fact that the unalienated lands have now been adjudged to be the property of the Crown does not in any way affect or entail the reconsideration of the recommendations of the Commission. Whatever may be the justification of this opinion, it is astonishing to the Society, for it is incredible to them that the principle suggested can be interpreted as absolving the Crown from exercising its proprietary rights as paramount in succession to the extinct sovereignty, with special regard to the equitable claims of the natives, on the ground that another party, heretofore illegally claiming and exercising ownership, would not have done so. This opinion appears to our Committee to be in the most direct and violent conflict with the administrative principles affecting dependency land as laid down by the Colonial Office itself in the despatch of Lord Crewe, dated 15th July, 1908,* and addressed to the Governor of Fiji and also with the policy adopted in other African Protectorates.

Not merely is such an interpretation in conflict with the declared policy of the Crown in other Protectorates, but it also violates repeated public professions of the principle of trusteeship for the interests of native races in British Dependencies. It has always been held hitherto by the British Colonial Office that even conquest did not entitle the British Crown to confiscate absolutely all tribal rights in land—the only other claim is that of Concession, which in this case has been authoritatively adjudged "*valueless*."

It is admitted in the Colonial Office letter that it is now proposed to evict and remove from their established settlements not less than 35,000 natives. It is not denied that these people regard this prospect with great distress, and that missionaries interested in their welfare protest against it. The hardship

* H. L. 205, October, 1908

entailed in such an eviction is obvious to any student of African affairs—kraals will be destroyed, fields which have taken years to bring into a state of cultivation will have to be abandoned, all that the word “home” means to the African will be confiscated, whilst the people will see their most sacred places ruthlessly “developed” by white men to whom their homes and pasture lands will be sold.

The Committee observes that you state in paragraph 7 that:—

“The Society evidently attach (as we assuredly do) great weight, and justly, to the views of the Native Department. It may therefore be pointed out that in deciding to recommend the adoption of the Report the High Commissioner was largely influenced by the fact that the recommendations were understood to be generally acceptable to the Native Department, and nothing has occurred since to show that the views of the officials of the Native Department were misjudged.”

The grounds of this “understanding” are not indicated, but in a later passage (paragraph 12) this presumed approval is alluded to as a “fact.”

The members of our Committee must confess their inability to frame a reply suitable to this point because they cannot bring themselves to believe that His Majesty’s Government is unaware of the following passage which actually occurs in the Reserves Commission Report:—

“In a few cases, however, it has been impossible to avoid the fact that our recommendations have not been in accordance with the wishes of the Native Commissioner of the district.”

It is just such sentences as this that greatly increase our concern at the fact that the Company ignored Lord Harcourt’s explicit suggestion that a senior official of the Native Affairs Department should form part of the Commission. But the obvious hardship, serious though it be, involved in bringing about the eviction of 35,000 people, is but a part of what the Society fears. Their reading of the report of the Judicial Committee, coupled with the declaration of Sir Charles Coghlan on behalf of the Rhodesian settlers, leads them to anticipate that whatever the amount of the award fixed by Lord Cave’s Commission, that award will attach certainly to the lands occupied exclusively by the 115,000 natives outside the reserves, and possibly to those assigned to the 400,000 natives in the reserves. There will thus be set up a powerful incentive to evict another 115,000 natives outside the reserves, and possibly varying numbers over a period of years within the reserves. This is a most disquieting prospect.

The Society does not overlook the fact that His Majesty’s Government has repeatedly referred to the *final* delimitation of the native reserves, but again their reading of the situation is that this, too, is subject to the Order in Council of 23rd May, 1894, which seems to them, in the present circumstances, to render very precarious any land held anywhere in Rhodesia occupied by natives, whether reserved or not. Clauses 28 and 29, shortly stated, provide that, “upon good and sufficient cause shown,” the Company can secure such lands for the purpose of “mineral development,” “sites for townships,” “railways,” or “for any public works.”

Thus, if the suggested *finality of delimitation* is to be subject to the Order in Council of 1894, the Society must again emphasize that the natives of Rhodesia are not merely without ownership, but without security of occupation, for by a long experience they have learned how easy it is for vested interests to establish a “good and sufficient cause” for the eviction of native inhabitants from their lands.

With regard to the composition of the Reserves Commission, the Committee has nothing to add to, and nothing to withdraw from, what it has already written on that subject. It must, however, be pointed out, as the significance of what we wrote on its behalf has apparently escaped the Colonial Office, that we did not “suggest”—nor did its Chairman in the House of Commons—“that Sir R. Coryndon’s bearing arms in that emergency, an emergency in which Imperial forces were also employed, unfitted him for subsequent service under the Crown and for the chairmanship of the Southern Rhodesia Natives Reserves Commission.” What the Committee did suggest, and holds, is that a gentleman who owed the beginning of his official career to the fact that he took part in an attack on a country under an agreement which was being drawn up by the promoters of that attack, at the same moment that the highest representative of His Majesty’s Government in South Africa was giving formal assurances that no such thing was contemplated—an agreement that those who took part in it should receive large grants of natives’

lands and large shares of cattle to be seized from the natives—that this gentleman was, quite apart from any judgment of the quality of his subsequent service in Basutoland or elsewhere, not a suitable person to choose for the chairmanship of a Commission appointed to determine questions of those natives' rights still remaining in such land and property as he and his companions in arms had left to them.

Nor does the Committee conceive that if what is now publicly known as to the origins of the first Matabele War had been known to Lord Gladstone at the time, his Lordship would have selected Sir R. Coryndon for that position.

It is explained in your letter that the initiative in the appointment of the Reserves Commission was taken by His Majesty's Government, "acting solely in the interests of the natives, and without reference to any commercial interest of the Company." This statement is true only in so restricted and special a sense that the study of its meaning and of the background of the conditions out of which its degree of truth arises leads directly to confrontation with those salient and dominant facts of the whole position which the statement, as it stands, ignores.

It is true that Southern Rhodesia, having been invaded and being in process of colonization and settlement by Europeans, it is in the interest of the natives that some residue at least of the land of which they were the prior occupants should be reserved to them. Just so might a magistrate send a complainant to prison, solely in his own interest, to protect him from having his pockets picked any more, and without any reference to the commercial interests of the defendant.

But Sir S. Jameson himself represented the result of the Commission's labours as being highly satisfactory to his shareholders; and it appears allowable to presume that in expressing this judgment it was their commercial interests that he had in mind.

It is not a fact that the general policy of segregation of racial settlements in South Africa looks solely to the interests of the natives. It is no doubt conceived in part with that view, but it arose out of the demands of Europeans made in their own interests; and obviously, if Europeans had not come (in their own interests) into these countries, the policy would never have been heard of. But our Committee would venture to remind His Majesty's Government that, although the policy of segregating white and native land interests is being pursued within the South African Union, such a policy could only be applied in Southern Rhodesia by setting aside clause 33 of the 1894 Order in Council, and in the absence of information to the contrary, it is assumed that no such injustice is being contemplated.

It is still less true that the expropriation of natives from the lands which they have settled on and cultivated in Rhodesia looks solely to their interests. Such a proposition would be ridiculous, and the Society does not suggest that the Colonial Office meant to advance it. The expropriation of natives has only become expedient because it has been and is advantageous to Europeans to take either now or in the future, the lands which they have brought into a comparative state of cultivation. However desirable and right it may be to protect native occupants from unlimited further encroachments of this kind in the interests of the stronger race, it is quite unnecessary from this point of view to evict those who have still so far been allowed to remain in their own homes.

The Colonial Office has remonstrated with the Society for employing in its publications phraseology deemed misleading. The Society, for its part, deprecates the use by the Colonial Office, in its letters intended for publication, of a statement which, read as it stands, and by persons not familiar with the whole situation and history, would be so misleading as that which we have quoted.

The salient and dominant facts of the position, which the Colonial Office throughout this correspondence has appeared to treat as non-existent or negligible, are briefly these—The Mashonas and the Matabele (somewhat in the relations, though on a more barbarous level, of the Saxons and the Normans in early England) were settled in this country before Europeans came there at all. Europeans, desiring the land, picked a quarrel with the Matabele (the Society need not again rehearse the scandalous circumstances, which are much better understood now than they were at the time) and under pretext of a title doubly vicious—both in respect of this wrong and of the worthlessness of the Lippert concession—appropriated and alienated vast tracts of land and herds of cattle, ignoring any rights, not only of the Matabele overlords with whom they had picked their quarrel, but of the Mashonas (whom they used to assist them in "smashing" the Matabele, but gave to them no land or "loot," as they did to their white followers), who had perhaps

a closer and more legitimate interest in the soil, and imposed rents and taxation upon them for occupying their own settlements. The Colonial Office does not appear, in this correspondence, to recognize any kind of injustice or hardship to the natives in these operations, and, so far from entertaining the idea of insisting on any redress now that the illegality of the whole of the proceedings has been established beyond all question, proposes to continue and develop the process of expropriation, apparently without any compensation for disturbance, representing this policy as adopted "solely in the interests of the natives themselves."

Our Society most strongly protests against the final adoption of such an attitude by His Majesty's Government.

We beg leave to reaffirm that our Society intends to pursue, until its objective is attained, its attempt to secure the following objects:—

- (a) To obtain in those lands where there are no white men a secure title for all tribal units in the lands they are now beneficially occupying
- (b) To secure payment (upon the same conditions as those of the white settlers) of the natives' costs of the Privy Council's reference

Our Society has committed itself to this task because its members believe the above policy to be just, moderate, and in the real interests of the white men, no less than of the natives. They assure His Majesty's Government that neither lapse of time nor the obvious difficulties will be allowed to deter them from this objective, because they are convinced that sooner or later His Majesty's Government will be led to accept the views of the Society in a matter vital to Great Britain's widely proclaimed attitude of trusteeship for the inhabitants of British Dependencies.

As our Committee proposes publishing this reply and its communication of the 21st October,* with an advertisement clearly announcing the issue of the White Book, and urging the public to study it; we should appreciate being informed as early as possible of the number and price. This course would avoid any unnecessary printing, and would materially assist in making known the position of His Majesty's Government.

We are, &c.,

TRAVERS BUXTON,
Secretary.

JOHN H. HARRIS,
Organizing Secretary.

No. 20.

COLONIAL OFFICE to THE ANTI-SLAVERY AND ABORIGINES
PROTECTION SOCIETY.

SIR,

Downing Street, 29th January, 1920.

I AM directed to acknowledge the receipt of your letter of the 6th instant,† enclosing a memorandum on the subject of the native reserves in Southern Rhodesia and of the Society's costs in the recent Reference to the Privy Council, and I am to inform you that your letter and memorandum will be included in the Parliamentary Paper which it is proposed to issue, the number and price of which will be communicated to you as soon as possible.

2. The Secretary of State does not propose to examine in detail all the statements contained in your memorandum, but I am to observe that he does not understand why your Society supposes that the High Commissioner of South Africa or the Secretary of State overlooked the Southern Rhodesia Native Affairs Committee's Report of 1910, or why it should apparently be supposed that the policy of appointing the Native Reserves Commission was adopted at the instigation of Mr. Malcolm, seeing that the Blue Book containing the Report of the Commission [Cd. 8674] makes it quite clear (see particularly letters Nos. 1 and 2) that the British South Africa Company had been opposing the appointment of a Commission. Nor is it clear why your memorandum should express surprise at learning that the initiative in this matter was taken by His Majesty's Government, seeing that your Society, at least since the letter from this Department of the 4th April last,‡ must have been fully aware of the fact.

* No. 17.

† No. 19.

‡ No. 6.

3. With respect to the statement in your letter of what your Society regard as the substance and ground of their appeal, it appears to the Secretary of State that the Society's observations are largely based on a misapprehension of the legal and historical position. Legally, as is pointed out in the Colonial Office memorandum of April, 1919,* the decision of the Judicial Committee of the Privy Council in the land case does not in any way affect the position of the natives, which is determined solely by the provisions of the Orders in Council. This has been the position ever since 1894, when, as stated in the words of the judgment of the Privy Council, by the will of the Crown and in exercise of its rights, the old state of things, whatever its exact nature, as it was before 1893, passed away and another, and, as Their Lordships did not doubt, a better, was established in lieu of it. The Crown then became responsible for seeing that the natives were adequately provided with land for tribal purposes, and the supervision of the Imperial authorities has been exercised ever since, and will continue to be exercised as long as Southern Rhodesia does not enjoy full responsible Government.

4. It is observed that your Society state they do not object to the reduction of the reserves provided that such reduction only involved the alienation of uninhabitable, waterless or rock areas, and that their main objection is to the removal of natives from lands which they have already occupied. I am to point out in this connexion that it is understood that not a single native is affected by the reduction of the Shangani Reserve by 545,000 acres, and very few can be affected by the reduction of the Gwaai Reserve by 877,000 acres, in regard to which the Commissioners state that the portion recommended for surrender is practically uninhabited and of no use to the natives (see page 54 of [Cd. 8674]). I am to call attention also to the position as regards the Matibi Reserve (see page 49 of [Cd. 8674]), which is a large and very sparsely populated reserve, the northern part of which is stated to be immensely in excess of all possible native requirements present and future. These reductions alone account for over 4,000,000 acres. The other surrenders, as pointed out by the Commissioners, are largely in the nature of exchanges, the reasons for which are set out fully in the Commission's Report.

5. The Secretary of State does not propose to say anything further on what appears to him to be a quite baseless attack on Sir Robert Coryndon. With regard, however, to your Society's remarks regarding the first Matabele war, I am to remind you of what Mr Gladstone said in the House of Commons on the 9th November, 1893, as to the cause of that war, viz:—

“The immediate cause lies in the two demands made upon Lobengula, that he should put an end to a system of raids, which means after all the destruction of peace and industry in the country, and that he should withdraw his demand for the delivery over to him of a number of Mashonas, whom there is every reason to believe it is his object and intention to put to death.”

Further, as to the responsibility of the Imperial Government Mr. Gladstone said:—

“I can assure the Right Honourable Gentleman that we have not the smallest idea of any attempt to dissociate ourselves from responsibility for the war now unhappily being carried on. On the contrary I feel that while the Company, of course, has its own responsibility—and it is a serious responsibility—in respect to that war, yet the Government is obliged to acknowledge, as we do acknowledge, its responsibility also. It must have the chief share of responsibility, and any share that the Company may have must on this occasion be regarded as subordinate and secondary for the time to the responsibility that weighs upon Her Majesty's Government. We have deeply lamented it; we have endeavoured to avert it: the necessity for it has come upon us: that necessity we have frankly met and recognized.”

6. With regard to the Society's costs in the Privy Council Reference the Secretary of State has nothing to add to what has been said in previous letters from this Office

7. I am to take this opportunity to enclose a copy of a letter from Mr. H. S. Keigwin, a Native Commissioner and Assistant Magistrate of the Southern Rhodesian Administration, which has been communicated by the British South Africa Company, and which your Society will no doubt be interested to read.

I am, &c.,

HENRY LAMBERT.

* Enclosure 1 in No. 10.

Enclosure in No. 20.

DEAR SIR,

144, Folkestone Road, Dover, 27th December, 1919

THOUGH not attempting a detailed answer to Mr. J. H. Harris' Appeal to the Parliament and People, I feel I can contribute some experienced criticism of some of the more important statements which may be of use to the Directors.

Bearing in mind the people we are dealing with, I feel it is important to point out my special qualifications in this matter. I have been for 17 years in close touch with the natives, for 9 years in actual charge of the largest district. From 1903 to 1906 I was among the Matabele, from 1906 to 1919 among the Mashona. In 1910 I was Secretary of the Native Affairs Commission, the recommendations of which were hailed by the missionaries, who saw in them a great measure of recognition and encouragement for their efforts on behalf of the natives.

Previous to my service with the British South Africa Company, I had been a scholar of one of England's greatest schools, and had graduated in Honours at Cambridge. My sympathies had been greatly with the Church and with Missionary Societies, among which I number many friends. My reports for years have shown that I was ever on the look out for anything that would help the natives to a larger life, while my training and subsequent work stand for a wide-minded and humane policy, just as wide—just as humane as that of any of the A.P.S.

I state all this in order that it may be understood that I have not, because of my residence in Africa, lost the right of being accepted as a fair and liberal-minded administrator of natives. I wish this to be thoroughly understood, so that the words I am about to write may not be set aside as those of a superficial thinker, or, worse still, of a time-server of no deep conviction.

The first point I would draw attention to is that when the Reserve Commission went round the country every Native Commissioner was given every opportunity to prepare his case, to consult with his natives, and then to state that case to the Commission, and produce any natives who desired, or were desired, to give evidence. I make bold to state that in almost every case the recommendations made by Native Commissioners were, as in my case, the mature calculations of years of first-hand experience of the requirements. Take my own district, Lomagundi. In 1902 an acting official of no experience in Native Administration, and with little knowledge of the country and the people, had proposed certain very small and scattered Reserves. My predecessor found these quite inadequate, and in 1909 he set about selecting larger and better-situated areas. In 1910 I took up the work where he had left it, and from then till the advent of the Reserve Commission I had this matter constantly in my mind. I travelled to every corner of the District, to some parts many times, covering thousands of miles, and discussing the question with all the natives. I was most careful to consider their wishes. I studied the question of soil pasture, building sites and water. Though my District was from 16,000 to 20,000 square miles in area I got to know every part of it and almost every native. When the Commission came I asked for over half a million acres of new reserves.

They were rather surprised, but they visited the localities, interviewed the chiefs, heard my juniors and cross-examined me most closely. As you will see from their report, they granted every acre I asked for. Mr. Atherstone was with them all the time, and was in entire sympathy with my views. And yet this is the district where more land was granted for native reserves than in any other. I can only emphasize my statement that this generous recognition of the natives' requirements exemplifies the entire fairness with which the natives have been treated.

My second point concerns the value of the soil. Mr. Harris admits that the area of the reserves is large. He says the soil is of a notoriously poor character. Now this is a statement that is either merest hearsay, and so of little value, or it is based on a very cursory inspection of a small area. In either case it is a misstatement. He says eighty-five per cent. of the reserves is granite. What percentage of Rhodesia is granite? Probably not less. What percentage of occupied farms is granite? What percentage of land previously worked by natives was granite?

My experience is that, with few exceptions, the natives have always worked granite, and actually prefer granite. In my district I was always trying to get the natives to work stiffer soils, but with very little success. There are a few small tribes that have worked rich pockets, but they even work granite as well, because they know the granite is safe. How

many a fine field of mealies or corn had I seen washed clean out in the rains, and nothing but the granite, or bush-veld lands to help them out! If we had set aside reserve lands of heavy chocolate or red soil, the natives would have refused to go to them. It must be remembered that the natives were primarily a pastoral people, and most of them preferred the granite as being the best for cattle. They knew that almost any soil will produce the crops they want, but granite offers best grazing. I doubt now whether granite is not considered by Europeans as the best country for mixed farming. It is certainly not the worst.

And now for the third—and, perhaps, most serious—point. Mr. Harris states that “the natives will pay almost anything rather than go into these territories; also that for the last hundred years and more there was nothing to prevent the natives from settling on these lands, but they have deliberately refrained from doing so.”

Let me deal with the latter part first.

This cannot surely be meant to apply to the Matabele, who have not been in the country for a hundred years, and who are to-day very largely on the same, or similar, ground to where we found them. As to the Mashona, they were always on the move, and it is rare to find a piece of country that has not been previously worked. The bush grows up again so quickly after a land is left that unless you can get to know from old natives you would never guess where lands had been. My own experience is that, with the exception of the richer and stiffer soils there is scarcely an acre of arable land that has not been worked at one time or another. The explanation of that, and of their choice of granite is the same. They chose the soil that was easiest to work. They relied on the burning of trees and weeds for fertilizing, and so they continually changed their lands, getting probably not more than two years' crops off the same piece. In my district, the Zwimba people, now in their reserve west of Hungani River, have been there before, and have zig-zagged across the river back for generations, as far as one can ascertain. The country on both sides is practically identical. The only consideration that limited their range was the popular understanding as to the jurisdiction of the different chiefs.

The contention that they have been driven away from ground hallowed by burials is very largely concocted. At one time I believed that this might be true. My experience proves to me that it is not a sound objection. Except in the case of the grave of some big chief, which is, as a rule, tended by his brothers, there is really no reverence shown for graves after a few years, and even that of the big chief rarely survives his generation. It is an idea that has in some cases been put into the natives' heads, and is not genuine. The native memory is short, and rarely profound. If there is any objection other than that of constitutional objection to effort, it is usually inspired by one or two old people, who dislike change, and want to die where they have lived. That is a natural feeling, and I personally have respected it in more than one instance. But, obviously, if the old were always waited on, it would never be possible to make the move. It is usually the thought of the work entailed, the cutting of poles, the erecting of new huts, and the making of new lands, all at a distance from the kraal, and then the carrying of their grain, a far larger labour than the carrying of their goods, to the new site. These are the things that most often prompt the conservative and unprogressive native to raise objections to move. A native finds it hard to throw his mind forward to anything. A move means a mental as well as a physical effort. He will always avoid it if he can, and in cases where it means a move to a distance, he will resist it to the last.

But there is a far more serious reason for some of those now outside the reserves remaining where they are, and being willing to pay almost anything rather than move into the reserves. Mr. Harris's statement is true, but true for a reason of which I would prefer to think him ignorant. The native will pay to stay where he is, because it pays him, and that it may do in many ways. There is, I believe, proximity to employment, especially for such as have good posts in offices and stores in towns. These and a few others are there for good reasons. But the great majority are there for reasons of gain in its worst form. I say with full realization of the seriousness of my assertion that the great majority of natives who have elected to stay where they are, and this most especially in proximity to towns, mines, and farms, are there to make what they can from the illicit sale of beer, and its attendant evils of prostitution, fraud, theft, and so forth. I speak of what I know. Years ago I had to get the Manager of the Eldorado Mine to co-operate

with me in suppressing the evils attendant on the visits of local men and women to the mine. There used to be strings of women, carrying pots of beer, or baskets of produce, visiting the mine and stopping there overnight, or perhaps for several nights. The Kaffir Beer Ordinance helped us to stop that, and at least openly it seemed there was an improvement. But I soon found that the mine boys were going to the kraals and the same evils were going on. How often have I had it said to me, "Why don't you move those natives away? My boys are always getting drunk and not turning up to work on Monday?" Often I have wished I could move all these kraals into the reserve, where they would at least be among their own people, and where we have power to lessen this evil traffic. It is the proximity to the natives, who are earning regular money, and who are probably without their own women, that prompts these kraals to pay to stay where they are. I know, too, that the heads of these kraals live on the proceeds of this evil traffic. Look up the cases of sale of Kaffir beer, and you will find the culprits are from these kraals. I know from bitter experience that what I say is true. It has been one of the greatest stumbling blocks in my path when I have desired to improve the natives. And these are the people that Mr. Harris would champion, and hold up as having been wronged by the Government. I wish I could get the opportunity of saying a few words on the public platform to a meeting of his supporters. They cannot know the facts, and Mr. Harris in his zeal has not tried to see anything that might injure his case.

I am aware that there are a large number of natives on private lands, who are there because of a mutual advantage accruing to the owners and themselves. I do not say that these are of a bad type, or engaged in nefarious practices. But they are certainly there not so much because they object to the reserves, but because it suits them. Some, as in Belingwe, look after sections of the Europeans' herds, some because they actually work for the European. But I do suggest that their lot might not be so good nor their chance of getting good terms with the European owners so strong, if it were not for the fact that both sides know that there is always the reserve for the natives to go to if they wish.

Mr. Harris's figures are not the latest, and his number of those who are outside the reserves is probably far over the true figures. He gives the total outside as over 300,000. In my district until quite recently, when the revised areas of reserves had been declared, several thousands of natives, who were actually living on that land, which has now been declared reserves, were counted as being on "unalienated" land. The same no doubt occurred in other districts. So that to-day his figures could be appreciably reduced. In any case there are so many considerations weighing with different natives, which even a Native Commissioner has some difficulty in fathoming, that it is impossible for Mr. Harris, or his informants, to form a true estimate of the position. He must know that, and it makes it all the more wrong, and really stupid, of him to slash out in such truculent fashion in his attack.

But there is one point whereon he is technically correct, and it is a thousand pities that it should not be dealt with without delay. Technically, and legally, I believe, it is correct to say that the native has no right to a single acre, because these reserves have not yet been formally assigned. Clear up this point, and Harris would not have a single sympathizer.

It is generally accepted in Rhodesia that these territories are set aside solely for the native. The Commission was for that object, and it told the natives so, just as every Native Commissioner has told them. The Administrator has told them so, the Chief Native Commissioner has told them. The natives realize it, and appreciate the point that it is country in which the European cannot buy a farm, nor settle. I maintain, and speak with experience, of the endorsement of native opinion, that this provision of reserves for natives only is the most popular, the most equitable, and the most sensible Administrative action. The total area is generous, the type of soil is suitable. The obligation, if any, now rests on the native. One has only to look back a few years, and one sees the Matabele as fugitives from Tschaka defeated later and driven north by the Boer, exposed to an attack by them at any time, a wandering section of a tribe, scarcely yet settled in the country to which they had fled. But for our arrival and the consequent ordering of the country, they would have done little in the way of agriculture, but would have carried on their brigandage till wiped out by some stronger force, or driven further north to begin it all over again. Longer established, but by no means indigenous, the Mashona were a motley crowd of mixed tribes, with no central tribal control, no

military organization, a prey to the first army that should attack them. They lived mostly in the hills, planting lands in the bush, never sure whether they would not be wiped out in the night. To-day they are down in the open, with ample room for lands, growing rich in flocks and herds, men and women secure from attack, free, and unmolested. Both tribes have the protection and the advice of the Native Department, while provision for their education and development is every day increasing. That a man can so shut his eyes to this beneficial result of less than thirty years' Chartered rule, and try to make out these same people to be the victims of ruthless spoliation passes understanding.

I am afraid this is both long and disjointed, but I offer it as the testimony of one who has had actual experience, and who yields to none in his sincerity for the welfare of these people.

I am, &c.,
H. S. KEIGWIN.

The Secretary,
British South Africa Company.

APPENDIX I.

SPECIAL REFERENCE AS TO THE OWNERSHIP OF THE UNALIENATED LAND IN SOUTHERN RHODESIA.

REPORT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL,
DELIVERED THE 29TH JULY, 1918.

Present at the hearing.

EARL LOREBURN.
LORD DUNEDIN.
LORD ATKINSON.
LORD SUMNER.
LORD SCOTT DICKSON.

[*Delivered by LORD SUMNER.*]

In view of the unusual character and general importance of the questions involved in this reference, their Lordships will state, publicly and fully, their reasons for the report, which they propose humbly to lay before His Majesty. It will be convenient to give some account of the history of the matter before coming to the particular points in controversy.

Under ordinances and regulations having the force of law and with the approval and assent of the Crown, the Company—the British South Africa Company to give it once for all its full title—has for many years past granted land and interests in land in Southern Rhodesia to numerous alienees. In a few cases it has purported to make grants to itself, but these may be disregarded. It is conceded, on the one hand, that by so doing it acquires and enjoys no further or better title than it had before, and, on the other hand, that under the Company's grants in their favour other parties acquire and enjoy a full and indefeasible title. There still remains unalienated a vast area of land, which consists partly of native reserves, partly of land in the Company's own occupation for ranching or other purposes, partly of country altogether waste and unsettled. It is to this area, known as "the unalienated lands," as to which the Company has never granted to others estates or interests therein, and so long as it does not so grant them, that the present case refers.

The Company was incorporated by Royal Charter on the 29th October, 1889, and, in accordance with clause 25, a deed of settlement was subsequently executed, which further defined the objects and purposes of the Company. It was a commercial enterprise, but among its objects were the following:—

"To undertake and carry on the government or administration of any territories, districts, or places in Africa, and generally to exercise all rights and powers granted by or exercisable under the charter, and particularly to improve, develop, and cultivate any lands included within the territories of the Company, to settle any such territories and lands, and to aid and promote immigration, to grant lands for terms of years or in perpetuity, and either absolutely or by way of mortgage or otherwise."

It was provided further:—

"Article 101 (2) the directors shall, as far as practicable, cause the accounts of the Company in relation to its African territories and property to be so kept that the cost of administration and police and the revenue, if any, derived therefrom shall appear separately from receipts in respect of commercial operations."

There is no doubt that, from the first, of all the lands included within the territories of the Company, none were of more importance or of more immediate interest than what is now called Southern Rhodesia.

Before 1898 this country consisted of two regions, not very clearly distinguished from one another, called Matabeleland and Mashonaland, and of these countries in and before 1893 Lobengula was the paramount chief, as his father Umsiligas or Moselikatse had been before him. Both were chiefs or kings not so much of a determinate territory as of their peoples or tribes. Thus, in his treaty of friendship and alliance in 1836 with the then Governor of the Cape Colony, Umsiligas is described as "King of the Abaqua Zooloo or Qua Machoban,"

and the treaty of 1888 describes his son, Lobengula, as "ruler of the tribe known as Amandabele together with the Mashona and the Makalaka, tributaries of the same." As a matter of right, the relation of the Mashonas to the Matabele was perhaps ambiguous; as a matter of fact it was mere sufferance and subjection, but questions of this kind are now immaterial, for about 1888 Her Majesty Queen Victoria recognized Lobengula as Sovereign of both peoples. The British Government stated to the Portuguese Government that he was "an independent King," "undisputed ruler over Matabeleland and Mashonaland," who had not parted with his sovereignty, though his territory was under British influence, and in 1889 the Colonial Secretary wrote to Lobengula himself saying that he, Lobengula, "is King of the country" (i.e., of Matabeleland), "and no one can exercise jurisdiction in it without his permission." Lobengula's sovereignty over what is now Southern Rhodesia is therefore the starting-point of the history of the land question there.

After a fashion Lobengula's was a regular Government in which the actual rule was his. He assigned to individuals "gardens" for their personal cultivation. Under a system of short tillage and long fallows no occupation lasted long, except perhaps that of the kraals themselves, which he apparently respected. The community was tribally organized. It had passed beyond the purely nomad stage though still remaining fluid. It practised a rude agriculture chiefly of mealies. Its wealth was mainly in cattle, and of that wealth the great bulk belonged to the King. What individual rights his subjects had is very doubtful.

No principle of legitimacy attached to the dynasty of Lobengula. Though he succeeded his father and left sons behind him, there was neither successor nor pretender to his throne. He had under him a kind of senate and a kind of popular assembly. He was expected to consult the council of indunas or chiefs in matters of moment. The assent of the assembled people added authority to his public acts and to their resentment or superstition he sacrificed his indunas as evil counsellors or ministers.

Among all the peoples belonging to the Bantu stock, who at different times have inhabited various regions of South Africa, there have no doubt been similar institutions and similar ideas and practices on the subject among others of their tribal lands. Contact with white men, and still more residence under their rule, have enlarged those ideas, and doubtless even in Lobengula's time there were races in South Africa, such as the Basutos, for example, who had made considerable progress, both in the idea of transferable property in tribal land and in usages for ensuring the assent of the tribe to alienation of it, but it does not appear that this was so with the Matabele, probably because of the isolation in which they lived:—

"When they were governed by their own customs and laws the notion of separate ownership in land or of the alienation of land by a chief or anyone else was foreign to their ideas" (1906 T.S. 135).

It cannot be said of the Matabele and the Mashonas in Lobengula's day that they had progressed towards a settled policy further than this, that they acknowledged a sovereign in the person of a tyrant.

The present case, accordingly, raises no question of white settlement among aborigines, destitute of any recognizable form of sovereignty. Equally little is there question of the rights attaching to civilized nations, who claim title by original discovery or in virtue of their occupation of coastal regions, backed by an unexplored interior. On the other hand it would be idle to ignore the fact that, between the subjects of Her Majesty Queen Victoria and those of this native monarch, whose sovereignty she was pleased to recognize, there was in all juridical conceptions a great gulf fixed which it would, perhaps, be only fanciful to try to span.

Matabeleland and Mashonaland chiefly lay on the high interior plateau of South Africa. The latter at any rate was well watered, but both were cut off from the sea and from white settlements by belts of unhealthy coast lands or by great tracts of arid and almost waterless country. They had been visited and explored for years by missionaries and by hunters and by traders, but they were served by no navigable highway and communication with them by oxwagon was tedious, hazardous, and slow. They had been to some extent prospected for minerals, and even before 1889 it had become manifest that the savage solitude, in which the Matabele people lived, could not long endure. As early as 1880 and 1882, to pass over previous concessions which came to nothing, Lobengula had granted mining concessions between the Ramaquaban and Shashi Rivers to predecessors in interest of the Tati Company. In 1888 the Assistant Commissioner stationed in Matabeleland reports, "there is quite a crowd of Europeans here at present and the chief does not know which way to turn," and on the 5th December the High Commissioner, transmitting to the Colonial Secretary a copy of a mining concession granted by Lobengula to Mr. C. D. Rudd, observes:—

"The rush of concession hunters, to Matabeleland has . . . produced a condition of affairs dangerous to the peace of the country. I trust, therefore, that the effect of this concession to a gentleman of character and financial standing will be to check the inroad of adventurers as well as to secure the cautious development of the country with a proper consideration for the feelings and prejudices of the natives."

It was under these circumstances that the Company commenced operations. The Imperial Government desired to avoid the scandal and disorder, to which a scramble for the natural resources of the country would lead, unless the white immigrants were placed under effective control, and to secure the aboriginal inhabitants in the conditions necessary to their tribal mode of life, until they should have become adapted to take their place in a civilized community. If this could be done without undertaking direct administrative responsibility, so much the better. On the other hand, those who had petitioned for the grant of the charter to the Company were influenced by patriotism as much as by profit, and desired to further the development of British South Africa consistently with Imperial policy and progress. Lobengula for his part was perturbed by the solicitations of the white suitors, who crowded round him, bearing gifts, to the value of which he was keenly alive, and pressing him for concessions, the nature of which he but dimly understood. As for his people, they were uncomprehending but apprehensive spectators.

The charter was granted in terms carefully adapted to meet this situation. The Colonial Secretary was influenced by the consideration that—

“if such a Company is incorporated by Royal Charter, its constitution, objects, and operations will become more directly subject to control by Her Majesty's Government than if it were left to these gentlemen to incorporate themselves under the Joint Stock Companies Acts, as they are entitled to do. In the latter case Her Majesty's Government would not be able effectually to prevent the Company from taking its own line of policy, which might possibly result in complications with native chiefs and others, necessitating military expenditure and perhaps even military operations.”

Accordingly the field of the Company's operations was so defined that, while the existing Protectorate south of 22° south latitude remained unaffected, beyond that boundary the Company was empowered to acquire from the lawful rulers (subject to the approval of the Secretary of State) certain powers of government or administration, and by clause 33 a “novel principle” was introduced, by which the administrative and public portion of the charter was made terminable at the end of twenty-five years, with provisions for shorter renewals, a provision which “precludes any objection, which might otherwise be made, that the grant of a charter locks up indefinitely a large portion of South Africa in the hands of a commercial association.” Approval was given to the Company's acquisition of the Rudd Concession, a concession from Lobengula of the exclusive right to minerals throughout his entire territory, but warning was expressly given that—

“whenever the Company thinks it necessary that there should be an armed police force in Lobengula's country, or elsewhere beyond the Protectorate, it will be proper that it should organize its own police . . . but it will, of course, be very important before introducing such a force into Matabeleland, whether in order to maintain the rights conferred by the concession granted to Mr Rudd and others or for any other lawful purpose, to ascertain clearly that its presence there will be acceptable to Lobengula The Company no doubt understands that the concession above referred to does not confer such powers of government or administration as are mentioned in clauses 3 and 4 of the charter. These powers will have to be obtained whenever a proper and favourable time for approaching Lobengula on the subject arrives.”

About two years afterwards Lobengula granted another concession, which recited as follows —

“Whereas I have granted a concession in respect of mineral rights and the rights incidental to mining only . . . and whereas large numbers of white people are coming into my territories, and it is desirable I should assign land to them, and whereas it is desirable that I should once and for all appoint some persons to act for me in these respects,”

and then proceeded to grant to Edward Amandus Lippert the exclusive right “to lay out, grant, or lease, for such period or periods as he may think fit, farms, townships, building plots, or grazing areas.” Now Herr Lippert was a German financier from Johannesburg, and he did not represent the group which was principally interested in the Company. This concession was assignable, a feature which probably constituted its chief value in Herr Lippert's eyes. At any rate it was not long before the Company bought it—at what price does not now matter.

Meantime, in the middle of 1890, and with the consent of the High Commissioner for South Africa, the Company sent a pioneer force to occupy Mashonaland. Their goal was some 1,700 miles from the southern coasts. They marched on foot for 1,000 miles, of which 400 were through dense forest, where their road had to be cut day by day. They arrived at their destination to find that, when the rains fell and the rivers rose and the drifts were closed, they were prisoners in the promised land, and such was the cost of transport that food rose to £70 a ton. Thus it was plain from the outset that if Mashonaland was to be developed for white settlement, a great mileage of communications of all kinds, roads, bridges, telegraphs, and ultimately railways, would be necessary, and that only after this had been proceeded with could any considerable number of white settlers be found or any land revenues worth mention be gathered in. Land grants were, however, promised to the pioneers, and in many cases were applied for. Power was given to the High Commissioner by Order in Council, dated the 9th May, 1891, to exercise in Mashonaland among other regions—

“all powers and jurisdiction which Her Majesty, at any time before or after the date of this order, had or may have within the limits of this order, and particularly from time to time by proclamation to provide for the administration of justice, the raising of revenue, and generally for the peace, order and good government of all persons within the limits of this order.”

The proclamation, under which the High Commissioner exercised these powers generally, was dated the 10th June, 1891. Three articles in this proclamation need particular mention—

“Article 43—No occupation or ownership . . . by any person of European birth or descent in respect of any land within the limits of the said order, and no concession or grant of any right, title or privilege to deal with or authorize the occupation or ownership of any such land shall be recognized as valid or legal until approved in such mode as the High Commissioner shall appoint.

“Article 45.—No concession or grant heretofore or hereafter made by any native chief . . . and no . . . document of procuration heretofore or hereafter granted by any such chief coupled with an interest in favour of some other person . . . shall be recognized by any Court of Law unless and until sanctioned and approved by Her Majesty's Secretary of State.

“Article 46—Nothing in this Proclamation contained shall be deemed in any wise to abridge or impair the powers, privileges, authorities or jurisdiction of the High Commissioner or of the British South Africa Company.”

By a separate proclamation, dated the 27th June, 1891, magistrates were appointed to exercise jurisdiction respectively at Fort Victoria, Fort Salisbury, Hartley Hill, and Umtali,

and in due course the Secretary of State signified his approval of both the Rudd and the Lippert Concessions. The Company under its powers made Regulations as to arms and liquor, police, and weights and measures, appropriate to a nascent settlement.

It was not long before the Administration thus established, resting on the assumption of jurisdiction by the Crown within the territorial sovereignty of a native ruler, and yet subject to the recognition of his rights as such, was no longer suitable to the condition of the country. The Matabele natives were wont to attack and massacre their neighbours from time to time and impi, or bodies of warriors, more or less disciplined and sometimes numbering thousands, were sent out by the King for this purpose. They raided Lomagunda early in the year 1892, and later sundry kraals in the direction of Tuli. In 1893, although 6,000 Matabele were absent on the warpath in the Barotse country, an impi was despatched against the Mashonas, it surrounded and penetrated the Company's settlement at Victoria, murdered many Mashonas, and threatened the white settlers. A collision followed, and operations against Buluwayo were undertaken. The Company raised a force, and when it approached Buluwayo, Lobengula, with a large body of Matabele, withdrew north-westward toward the Buby River in November. If any settlement was to be effected his capture, or his expulsion from the country, was necessary, for the Matabele people would not come in till they knew that there was no chance of his return to punish them for their surrender. Negotiations were useless. For some time his intentions, and even his whereabouts, were unknown. According to the evidence of his brother-in-law, Ingubugubu, he attempted to settle on the Shangani River and then fled again. At last, in February, 1894, trustworthy news came in that he had died in January of fever or smallpox, and this is the last that ever was heard of him. King Lobengula's kingdom perished with him. Probably he and his power were unregretted by the Matabele; it is certain that, as a result of his defeat and flight, where he had formerly reigned an undisputed monarch, there was now no longer any sovereign left. It has been suggested that, these operations were not really war, nor was their result a conquest; that, truly speaking, the Company simply restored order, which for the moment he had disturbed, stepped into his vacant place, as the leading inhabitant of all those regions, and discharged the royal functions, which he had abandoned, in the interest of peace, order, and good government. This argument is fanciful. Before Lobengula fled the white forces had fought three battles, one against an impi of 5,000 and the others against impi of 7,000 or 8,000 men. To those who recalled Isandula, fought not many years before, or the history of the earlier wars, which had driven Lobengula's father out of the Transvaal, the Matabele warriors were no mean foes. Not only were the Company's arms engaged but also Crown forces, namely, the Bechuanaland Border Police. Those who knew the facts at the time did not hesitate to speak, and rightly, so, of conquest, and if there was a conquest by the Company's arms then, by well settled constitutional practice, that conquest was on behalf of the Crown. It rested with Her Majesty's advisers to say what should be done with it.

Comparing 1891 with 1894, a great change had occurred. In 1891 the Company, deriving from its charter capacity to administer and govern, and from the Crown permission to do so, subject to the Crown's directions, could only seek the source of its actual administration in the governing Sovereign of the country, King Lobengula. In 1894 there was no native sovereignty under which it could exercise administration. Yet there was no change in the predominant objects either of the Crown or of the Company. The Crown was more than ever anxious to assure to the natives, now left without any political headship, security and prosperity under new conditions and new influences. In respect of the external relations of the country its policy was unaltered. The Company had made a beginning of white settlement under Lobengula's régime and was loyally anxious to continue it under whatever new régime the Crown might be advised to establish. In law the difference was crucial, and everybody saw that a new chapter had opened for Matabeleland and Mashonaland. As the Colonial Office wrote to the Company on the 4th November, 1893.—

"Correspondence has hitherto proceeded upon the supposition that at the close of hostilities it would be practicable to open negotiations with Lobengula in his capacity of King, and to come to a settlement with him as representing the Matabele people. But the circumstances have now, to all appearances materially altered, owing to the success achieved by the forces of the British South Africa Company, which has apparently resulted in the defeat of Lobengula and the destruction of his power. It seems, therefore, probable that when the hostilities come to an end, there will be no responsible chief left on the Matabele side with whom negotiations for a durable settlement could be entered upon with advantage; and it remains for Her Majesty's Government to consider in what manner the pacification and future government of the country can be best brought about."

A period intervened in the early part of 1894 when all arrangements were provisional pending discussion of the new settlement. Mr. Rhodes, addressing the Volunteers at Buluwayo on the 19th December, 1893, said.—

"It is agreed that the High Commissioner and myself should discuss the whole of the future mode of settlement to be hereafter decided upon. There will probably be reserves for natives, and the remainder will be what I might call public land, so that you will be the first entitled to select land . . . There will be thus native reserves, free grants to yourselves, and the balance of Crown land, not to be sold under 3s. per morgen . . . All these arrangements with regard to the settlement are subject to approval of the High Commissioner, and that is one of the principal reasons why I am hurrying down to Cape Town to confer with him."

On the 29th December the High Commissioner telegraphed to the Marquess of Ripon:—

"No Government is established in Matabeleland beyond what may be necessary to maintain order. There is no present extension of the Government of Mashonaland to Matabeleland. There is no appropriation of land. These questions are all dependent on future arrangements to be discussed between myself and Mr. Rhodes, and approved by Her Majesty's Government."

The conversations between the High Commissioner and Mr. Rhodes, who, since the 4th May, 1890, had held the Company's power of attorney in South Africa, were reported to the Colonial Office. In the result an agreement was entered into between Her Majesty's Government and the Company, dated the 23rd May, 1894, signed by the High Commissioner and sealed with the Company's seal, and effect was given to its provisions in the Matabeleland Order in Council of the 18th July, 1894. The first twenty-three clauses of the agreement applied to Mashonaland as well as to Matabeleland. Provision was made for the conduct of the administration by the Company under an Administrator and a Council of Four; for a Judge and Resident Magistrates; for legislation by ordinances, including ordinances for taxation, direct and indirect. The Administrator, the Judge, and the Members of Council were to be appointed by the Company with the approval of the Secretary of State, and the salaries of the Administrator and the Judge were to be paid by the Company. Then followed provisions relating to Matabeleland only. A "Land Commission" was to be appointed to deal with all questions as to native settlements, which was to "assign to the natives now inhabiting the said portion (i.e., Matabeleland) land sufficient and suitable for their agricultural and grazing requirements and cattle sufficient for their needs," the Company retaining "the mineral rights in, over, and under all land so assigned to natives." The Matabeleland Order in Council, 1894, gave effect to these provisions, and particularly paragraph 7 ran: "The Company shall have and may exercise the general administration of affairs within the limits of this Order" (which included both Matabeleland and Mashonaland); and by paragraph 26 it was provided that "there shall be a Court of Record, styled the High Court of Matabeleland, with full jurisdiction, civil and criminal, over all persons and over all matters within the limits of this Order," which was to administer the law of the Cape Colony in general. Where natives were in litigation with one another native law was to apply, so far as it was not repugnant to natural justice or to morality or to any Order in Council, Proclamation, or Ordinance.

A despatch from the Marquess of Ripon to the Acting High Commissioner, dated the day after this agreement was signed, states its nature and effect and the view of Her Majesty's Government so exactly that it is well to quote it in full. It referred first to a speech in the House of Commons by the Under-Secretary for the Colonies, in which, expressing "the general views of Her Majesty's Government," he had said:—

"In the charter no distinction is made between Matabeleland and Mashonaland, the latter being already practically occupied and governed by the Company. Nor can the point be ignored that the mining and land concessions held by the Company are applicable to Matabeleland as well as to Mashonaland, i.e., to the whole territory claimed by Lobengula. We must also bear in mind that the greater part of the operations now proceeding have been undertaken on the responsibility and at the expense of the Company."

The Colonial Secretary proceeded to say that Her Majesty's Government—

"came to the conclusion that under the existing circumstances there were serious objections to the creation of a Crown Colony in that region, or to placing Matabeleland under the direct administration of the High Commissioner. They determined, therefore, to avail themselves of the machinery at work in Mashonaland under the charter of the British South Africa Company and Her Majesty's Order in Council of the 9th May, 1891, and to extend the existing system with such modifications, as might be considered necessary, to that part of the country known as Matabeleland. They considered it essential, however, with a view to securities for good government, that the powers of guidance and control vested in the Imperial Government by the provisions of the charter and under the Order in Council should be exercised somewhat more fully than heretofore over the actions of the Company throughout their administrative area, especially in regard to the rights of and protection over the natives. . . . Her Majesty's Government . . . have finally decided on a scheme for the future administration of Mashonaland and Matabeleland, of which a copy is enclosed." (This was the above-mentioned agreement.) "This scheme, in which the substance of Sir H. Loch's proposal is embodied, has been agreed to by the British South Africa Company. . . . The new scheme of administration does not purport to supersede Her Majesty's Order in Council of the 9th May, 1891, or the British South Africa Company's charter of the 29th October, 1889, but should be read in connexion with those instruments as containing a development and reform of the existing scheme of administration."

The settlement of 1894 is of capital importance, because the rights and the system under which Southern Rhodesia has been since administered were in all essentials settled then. The Administrator published Survey Regulations in April, 1894, and a Registry of Deeds was established in May. The first paragraph of the Survey Regulations provided that any person entitled to receive a grant of land (which referred, *inter alia*, to pioneer and police grants, and to the rights of the Matabeleland Volunteers) might obtain a provisional title-deed on making application to the Company. In connexion with surveying and delimiting lands there were provisions for the service of notices on adjoining "owners," and for other proceedings by or in relation to them, and paragraph 27 provided that "for the purposes of these regulations the Administrator shall be deemed and taken to be an owner with regard to vacant or unallotted lands, and also with regard to native reserves." Next year the High Commissioner approved certain amending regulations, introduced "to remove all doubts alleged to have arisen with respect to the validity of acts done under and by virtue of the Survey Regulations of 1894," which provided that judicial notice should be taken of the said Survey Regulations . . . and all acts done . . . thereunder should be deemed and be taken to have been lawfully done, and that all unsurveyed land, held under grant from the Company, should be deemed to be held subject to the terms and conditions in those regulations. Further amended regulations were approved in 1898, and in adapting to Southern Rhodesia Survey Regulations in force in the Cape Colony, it was provided that for "Crown lands," the expression therein employed in antithesis to private property, there should be read in Southern Rhodesia "British South

Africa Company's land." In other regulations and documents similar expressions were used. On several occasions the attention of the Colonial Office was drawn to the subject of the ownership of unoccupied land in these parts of South Africa. Thus, in 1894, the Tati Concession Mining and Exploration Company (Limited) claimed to own all the land in its territory, and, in reporting to the High Commissioner, the Land Commission, constituted under the Matabeleland Order in Council of 1894, observes:—

"The Commission presumes from the terms of the Order in Council that all lands assigned by it for the occupation of natives are to be considered as 'Crown lands,' but for the sake of removing any doubt which may exist it is of opinion that the ownership therein should be declared to be vested in the British South Africa Company."

It does not appear, however, that, except in so far as the amended Survey Regulations of 1895 may deal with the subject, anything was done to declare definitely how this matter stood. In November of that year correspondence took place between the Company and the Colonial Office as to the strip of land along the eastern border of the Bechuanaland Protectorate, called the "railway strip," which was given up by the Chiefs Bathoen, Khama, and Sebele, for the construction of a railway to Buluwayo. As to this the Secretary of State instructed the High Commissioner that the Company "can consider itself owner of so much of the strip as has hitherto belonged to the three chiefs," and that the settlement with the Company "will include acquisition by them of title of land given up by Khama, Sebele, and Bathoen," but, when the Company itself wrote that it understood this land was to be "vested" in the Company, Mr. Chamberlain's reply was that, as the three chiefs had verbally abandoned their lands in the railway strip to the Government, he authorized the Company to take possession of them, and considered that "a transfer of any part of them by the Company would confer a good title," and there it was left.

The administration of Southern Rhodesia involved heavy cost. As must have been foreseen all along, the construction of roads, bridges, telegraphs, and railways was highly necessary, and could not but be expensive, while no adequate return for this outlay could be expected for a considerable time. It is not contested that there has been all along a deficit on administrative account in Southern Rhodesia, which the Company has had to meet from its own resources, and that the accumulation of annual debit balances now amounts to a large sum. How this sum is made up is not material to the present inquiry.

For several years the published accounts of the Company did not distinguish between sums received as consideration for, or in connexion with, the alienation of lands and other revenue, such as telegraph receipts, auction duty, and judicial fines collected in the course of administration. In 1896 the Secretary of State drew attention to the terms of Article 17 of the Charter, which required the Company to furnish before the commencement of each financial year an estimate for the ensuing year of its expenditure for administrative purposes and of its public revenue, and added:—

"The Company is not itself engaged in mining operations, nor does it engage in trade in any larger sense than Colonial Governments ordinarily do, which sell State property and produce, work railways and steamboats, or render services to the community, such as those of posts and telegraphs, which cannot properly be regarded as commercial undertakings. Mr. Chamberlain considers that in these altered circumstances all the receipts of the Company would properly appear on the revenue side of their estimates and accounts."

The Company did not challenge this, and after considerable delay, largely unavoidable, rendered accounts in purported compliance with this request, to which the Colonial Office took no exception. More has been made of this point and of the Company's conduct in regard to the form of its accounts at different times than they really deserve. What was done cannot be regarded either as an abandonment of its rights in the matter, if any, or as the foundation of a new right, if none theretofore existed. Mere erroneous acquiescence by the first party in the view of his rights asserted by the second neither extinguishes title in the one nor creates it in the other.

After the suppression of the Mashona rising of 1896, Her Majesty's Government took up the question of rendering more effective the machinery for the control of the Company's administration by the Crown, and eventually, in October, 1898, "The Southern Rhodesia Order in Council, 1898," was passed. This Order applied both to Matabeleland and to Mashonaland. It provided for the creation of a Legislative Council consisting of nominated members and elected members. One limitation on the powers of the Council should be quoted:—

"No fiscal vote or resolution shall be proposed in the said Council except by the Administrator acting on the instructions of the Company, or by his authority in writing previously obtained."

This Order superseded the Matabeleland Order in Council of 1894, but, apart from the creation of a Legislative Council, it generally followed the same lines with various extensions and supplementary provisions. It required the annual publication of detailed statements of the revenue and expenditure of Southern Rhodesia, and an annual audit of the accounts of the Company relating to all sums received and moneys expended by the Company, in connexion with the administration of Southern Rhodesia. From the supplementary Southern Rhodesia Order in Council, 1911, there need only be quoted two Articles:—

"6. The Legislative Council shall not consider any vote, resolution, or ordinance for the appropriation of any part of the public revenue or for any tax or impost that has not been first recommended to the Council by the Administrator during the same Session."

"7. Ordinances interfering with the land and other rights of the Company shall not be proceeded with except with the consent of the Administrator."

The Legislative Council was duly brought into existence and soon showed an active interest in the country's affairs. In 1902 the contention was raised in the course of its debates that the Company, "admitting for the moment for the sake of argument, but not otherwise, that it was the owner of the land in this country and the minerals under the ground," ought, as

an administrative body, to tax itself as a commercial body "in proportion to the property and interests which the said Company has in this territory." Here began the present controversy. In the face of doubts and contentions thus raised, the Company proceeded to remodel its annual estimates and accounts by excluding proceeds of land sales and other such receipts from its estimate of its administrative revenue. Presumably it regarded them as being in the same position as consideration received for the grant of mining rights, and carried them to its private commercial account. Eventually, on the 17th April, 1914, the Legislative Council of Southern Rhodesia passed a resolution as follows —

"(1) That the ownership of the unalienated land in Southern Rhodesia is not vested in, and has never been acquired by, the British South Africa Company as their commercial or private property, and that such powers of taking possession of, dealing with or disposing of land in Southern Rhodesia as have been or are possessed by the British South Africa Company have been created by virtue of authority conferred by Her Majesty the Queen in Council, and her successors upon the Company, as the governing body charged for the time being by Her Majesty in Council and her successors with the general administration of affairs within the said territory and responsible for the maintenance of law, order, and good government therein:

"(2) That if by the exercise of the said powers and the taking possession of, dealing with and disposing of the said land or by any other means, the British South Africa Company have acquired an ownership of the said land, such ownership is so vested in them as an administrative and public asset only, and the Company in their capacity other than a Government and Administration have no dominium or estate in or title to the said lands or to any moneys or revenues derived therefrom.

"(3) That on the said Company ceasing to be the Government of the said territory, and ceasing to exercise the administration of affairs therein all such lands as may be unalienated at such time shall be and remain the property of the Government of the said territory which shall take the place of the said Company, and the possession and administration of such land shall pass to such Government as public domain."

These contentions were disputed by the British South Africa Company, and, by Order in Council, dated the 16th July, 1914, His Majesty was graciously pleased to refer to this Board for hearing and consideration the *Question* "whether the contentions put forward in the said resolution of the 17th April, 1914, are well founded?" Their Lordships' jurisdiction in such matters arises under section 4 of "The Judicial Committee Act, 1833"

Counsel have been heard on behalf of the Company, of the elected members of the Legislative Council and of the natives respectively of Southern Rhodesia, and, finally, of the Crown. The Company is in possession of the unalienated lands, but, as this is not an action of ejection or a controversy depending upon the onus of proof, possession alone does not avail. The case raises positive questions as to ownership, and if their Lordships are not satisfied that the unalienated lands are the property of the Company, it is their duty to say so. They have to ascertain what the Company's rights are in order to decide whether or not they amount to ownership

The rights of the Crown again, on behalf of whom the Attorney-General asked for a positive declaration of right, are equally matters of proof. Theoretically it is possible to say that the unalienated lands do not belong to anybody, but this conclusion would be unreal, for the whole administrative policy and legislative system of rights in Southern Rhodesia rests on grants from the Company entered on a public register by way of solemn recognition and record of title of ownership. In a sense the Crown's position is residuary, for if these lands are not shown to belong to any private owner, the practical conclusion would seem to be that they are the Crown's, but here, too, unless it can be made to appear how and why they are the Crown's, the question of ownership cannot properly be answered in the Crown's favour.

The case of the elected members is in great measure identical with that of the Crown. In so far as they traverse the Company's case and dispute its rights, their contentions differ from those of the Crown in immaterial respects. In one point they are at issue with the Crown. They contend that the unalienated lands are the property of the Crown and not of the Company, but that even the Crown's power of dealing with them is now limited. With far-sighted care for the interests of unborn generations they urge that these lands are really an endowment for the future of Southern Rhodesia, and that, if and when the Company's administration comes to an end, the possession and disposition of the lands will not revert to the Crown, but that the Company's successors in the administration will, *ipso facto*, be entitled to the lands then remaining unalienated as administrative assets for the country's benefit. This involves the proposition that, by some action or course of events which binds the Crown, these lands have already been disposed of, prospectively, but definitively, so that the Company's successor in the administration, though newly appointed by direct commission from the Crown at its pleasure, would receive the lands not directly from the Crown but by succession to the Company. Such a case would be singular, for in general an administrator, when he resigns his commission to the Crown surrenders with it the property which he has been commissioned to administer. No such action or event was indicated, and this part of the case was only faintly urged. Their Lordships think it sufficient to say that, except in so far, if at all, as the rights of the Crown are subject to those of the natives and the Company, nothing has been shown to have happened or to have been done, that would prevent the Crown, if and when the Company's tenure of the administration of Southern Rhodesia determines, from disposing of the lands then remaining unalienated by any lawful means and in favour of any persons or purposes, as it may duly be advised.

By the disinterested liberality of persons in this country, their Lordships had the advantage of hearing the case for the natives, who were themselves incapable of urging, and perhaps unconscious of possessing any case at all. Undoubtedly this inquiry has thereby been rendered more complete. Although negative in form, since their case in answer to the questions mentioned in the order of reference was primarily that the unalienated lands were the property

neither of the Crown nor of the Company, in substance their case was that they were the owners of the unalienated lands long before either the Company or the Crown became concerned with them, and from time immemorial, that their title could not be divested without legislation, which had never been passed, or their own consent, which had never been given, and that the unalienated lands belong to them still. Hence, if the Company had any title at all, which was denied, it was only the title of a trustee, the beneficial interest remaining in the natives, and the legal title and right to possession reverting to them whenever the Company ceases to govern the country.

The evidence, by which this case was supported, was respectable but slender. The exigencies of the War had curtailed the collection of further materials in South Africa, but it is by no means certain that in any event any such could have been found. Their Lordships were invited to undertake or to direct some further inquiry, at a future date and under happier circumstances, but what power they were supposed to have for that purpose, or how this reference could be adjourned or provisionally disposed of pending such inquiry, did not appear. As the argument stood, it was really matter of conjecture to say what the rights of the original "natives" were and who the present "natives" are, who claim to be their successors in those rights.

Between 1893 and 1914 there has undoubtedly been much migration, emigration, and immigration of natives in Southern Rhodesia, and the aborigines of Lobengula's time have both changed and been scattered. It was said that the rights of the Matabele did not extend beyond a radius of sixty miles from Buluwayo, and that beyond that the Mashonas were the race entitled. Whether the Matabele or the Mashonas of to-day are, in any sense consistent with the transmission or descent of rights of property, identical with the Matabele or the Mashonas of more than twenty years ago is far from clear, and the fate of the Makalakas and the Maholies, once the slaves of Lobengula, is as obscure as their original rights. Lobengula was called a trustee of the lands for his people, an expression convenient and often used, but in this connexion altogether lacking in precision, and his right to alienate them was denied without the consent of his people in *pitso* assembled. It seems to be common ground that the ownership of the lands was "tribal" or "communal," but what precisely that means remains to be ascertained. In any case it was necessary that the argument should go the length of showing that the rights, whatever they exactly were, belonged to the category of rights of private property, such that upon a conquest it is to be presumed, in the absence of express confiscation or of subsequent expropriatory legislation, that the conqueror has respected them and forbore to diminish or modify them.

The estimation of the rights of aboriginal tribes is always inherently difficult. Some tribes are so low in the scale of social organization that their usages and conceptions of rights and duties are not to be reconciled with the institutions or the legal ideas of civilized society. Such a gulf cannot be bridged. It would be idle to impute to such people some shadow of the rights known to our law, and then to transmute it into the substance of transferable rights of property as we know them. In the present case it would make each and every person by a fictional inheritance a landed proprietor, "richer than all his tribe." On the other hand there are indigenous peoples, whose legal conceptions, though differently developed, are hardly less precise than our own. When once they have been studied and understood, they are no less enforceable than rights arising under English law. Between the two there is a wide tract of much ethnological interest but the position of the natives of Southern Rhodesia within it is very uncertain; clearly they approximate rather to the lower than to the higher limit. Lobengula's duties, if describable as those of a trustee, were duties of imperfect obligation. Except by fear or force he could not be made amenable. He was the father of his people, but his people may have had no more definite rights than if they had been the natural offspring of their chieftain. According to the argument, the natives before 1893 were owners of the whole of these vast regions in such a sense that, without their permission or that of their King and trustee, no traveller, still less a settler, could so much as enter without committing a trespass. If so, the maintenance of their rights was fatally inconsistent with white settlement of the country, and yet white settlement was the object of the whole forward movement, pioneered by the Company, and controlled by the Crown, and that object was successfully accomplished, with the result that the aboriginal system gave place to another prescribed by the Order in Council.

This fact makes further inquiry into the nature of the native rights unnecessary. If they were not in the nature of private rights, they were at the disposal of the Crown when Lobengula fled and his dominions were conquered—if they were, any actual disposition of them by the Crown upon a conquest, whether immediately in 1894 or four years later, would suffice to extinguish them as manifesting an intention expressly to exercise the right to do so. The Matabeleland Order in Council of 1894 and the Southern Rhodesia Order in Council of 1898 provided for native reserves, within which the tribal life of the natives might be continued under protection and control, and to the rest of the country the Company's officers and white men were admitted independently of any consent of the natives. The Company's alienations by grant are unquestionably valid, yet the natives have no share in them. The ownership of the reserves was, at least administratively, vested in the Company under the Southern Rhodesian Native Regulations promulgated by the High Commissioner in 1898, and with the consent of the Crown other dispositions of those reserves can be made by the Company from time to time. By the will of the Crown and in exercise of its rights, the old state of things whatever its exact nature, as it was before 1893, has passed away and another, and, as their Lordships do not doubt, a better, has been established in lieu of it. Whoever now owns the unalienated lands, the natives do not.

Like the natives, the Company desired to find a title, which would ante-date the conquest of Lobengula in 1893, and would confer such prior rights in property, or rights equivalent to property in the unalienated lands, as would be classed among the private rights, which a conqueror is deemed to respect, unless by appropriate action or legislation he expressly affects them. For ten years after 1893 the Lippert Concession is little heard of, but it was a grant from

Lobengula, while he was still sovereign of the country, and it referred to the lands generally. Accordingly it formed a part, and not an unimportant part, of the Company's case.

The Lippert concession was not one of those public acts by which one independent sovereign, however humble, enters into political relations with the agents of another. Instruments of that character have been common enough in the history of the British Empire. They derive their juridical character from their recognition and adoption by the Crown, and in interpreting them it must be borne in mind that they are State documents. The Lippert concession is not of this character. Like the Rudd concession, it received the approval of the High Commissioner on behalf of the Crown, but it is essentially a private contract though entered into by the concessionnaire with the paramount chief, and, like other legal documents, its effect must depend upon the construction of its terms according to ordinary legal rules. It is, indeed, of importance to the Company's case largely because it confers private rights, and is not in any sense a mere public act or act of State. Private concessions of large extent and of ambitious character, when obtained by white financiers from untutored aborigines, are generally and justly objects of close scrutiny, but their Lordships are relieved from the duty of inquiring into the circumstances under which this grant was made by the fact that competent officials reported to the High Commissioner, after making full inquiry under his direction, that the concession had been properly obtained and that its terms correctly expressed Lobengula's intentions and exactly reflected his understanding of the matter. This is a testimony to his enlightenment and acumen, which perhaps goes beyond what might have been supposed. It is still right not to leave out of account the known character of the King and his subjects, but there need be no hesitation about examining the language used in limiting the area and nature of the rights granted by the terms of the instrument, read in their substantial if not in their technical meaning. The Company did indeed contend for a canon of construction, alike novel and singular. Lobengula, it was said, had granted to Herr Lippert the right to allot the land to others and to take money in return; to dispose of the surface for one hundred years without being called to account, to do all that an owner could do and make out of it all that an owner could make. Thus he granted to him all the right of dealing with land of which he had any knowledge, and his ignorance of the nature of an estate in fee ought not to derogate from the amplitude of a grant, which was as wide as he knew how to make it. He reserved at any rate nothing but money considerations for himself, and, when the Lippert and the Rudd concessions fell into the same hands, the King had, in substance, sold his country out and out to the Company. Their Lordships cannot accept this argument. As well might it be said that a savage who sold ten bullocks, being the highest number up to which he knew how to count, had thereby sold his whole herd, numbering, in fact, many hundreds. In the questions referred to the Board ownership and property mean ownership and property as civilized people understand these words. They cannot be satisfied by any such general right of disposal as is here suggested. Their Lordships think that the real question is, what does the Lippert concession say?

Thus read, it is plain that the concession did not give the concessionnaire the right to use the land or to take the usufruct. It did not make any land his nor did it enable him to make it his own. What land he appropriated to others was to be appropriated in Lobengula's name. There were no words of conveyance—no estate or interest in land was vested in Herr Lippert. The concession was at most a personal contract. If it bound Lobengula's successors, they were such successors only as came to his throne under his title, and not successors to his sovereignty who came to it by right of the sword. If Lobengula broke the contract or revoked the concession, Herr Lippert's claim was a personal one, and was not supported by any right in or to the land. The Company, indeed, never acted under the concession. Its grants were not made in Lobengula's name nor did it pay the annual *douceur*, upon which the rights under it were conditional. The consequences of the construction which the Company puts on the document would indeed be extreme. It would follow that Herr Lippert was, or could become at pleasure, owner of the entire kingdom—for nothing is reserved in favour of the inhabitants—from the kraals of the King's wives to his father's grave or the scene of assembly of his *indunas* and his *pitso*. Thenceforward the entire tribe were sojourners on sufferance where they had ranged in arms, dependent on the good nature of this stranger from Johannesburg even for gardens, in which to grow their mealies, and pastures, on which to graze their cattle. The Lippert concession may have some value as helping to explain how and why the Crown came to confer the administration of Southern Rhodesia upon the Company, but as a title deed to the unalienated lands it is valueless. Accordingly it becomes unnecessary to consider either the powers of Lobengula to dispose of tribal lands or the effect of the approval and recognition of the concession by the Crown, and of the occupation which it is suggested that the Company enjoyed under it. The Crown recognised the concession for what it might be worth on its true interpretation, and the Company's occupation, whatever it rested on, did not rest on the Lippert concession. Recognition could give no title where none existed already. It is true that sundry speeches to shareholders, wise and otherwise, were quoted in which the Company claimed to own the whole country, though the Lippert concession was but little relied on and but rarely mentioned; but though these were sent to the Colonial Office, it is not shown that they were or ought to have been read there, or that, if they were read, the Crown was bound to take any notice of these domestic matters.

In default of the Lippert concession the Company places great reliance on occupation, long-standing and undisturbed. It is true that the period required for a title by prescription under Roman-Dutch law, which has been applied to Southern Rhodesia, has not yet elapsed, and that the Company's possession has not been held adversely to the Crown. Laying aside the language of directors' speeches and the form of the Company's accounts, because of their ambiguity, no one can say that its possession is not at least as referable to the administrative position, which it held under the Crown, as to an enjoyment independent of the Crown, or that it is inconsistent with the recognition of the Crown's overriding title. The fact of occupation is, however, relied on in various ways. It commenced, at any rate in Mashonaland before 1893. The Company does not (nor could it do so) assert a conquest for its own benefit, but it says that, enjoying certain rights under its charter, it occupied extensive tracts of country without objection from Lobengula during his reign, and then, after his flight and on a still larger scale, it took to itself the disposal

of a masterless land, now left vacant for the first comer who should prove strong enough to hold what he took. Thenceforward, with the recognition of the Crown or at least without its dissent, the Company claims that it did openly all that an owner could do, and enjoyed every advantage that ownership could have given, conveying land in its own name to grantees of its own choice, fixing the price and applying the purchase-money as it saw fit, and consistently doing what only an owner ought to do, under the very eyes of the Crown, and in a manner which cannot be reconciled with any title outstanding in the Crown. Thus, if the Crown did not give the land into the Company's hands, yet it was content to leave in the Company's hands all that it found there. The word "estoppel" was not indeed used, but the Company did not scruple to suggest that, if after all its expenditure in Southern Rhodesia, incurred in the belief that it was undisputed owner of the unalienated lands, the Crown succeeds in asserting a competing title, then it has not been fairly dealt with.

The questions in this reference refer to property and not to mere occupation. This must never be lost sight of. The charter simply gave capacity to own and to grant land, but in itself it granted none. It used, indeed, the expression "the Company's territories," but this referred to the area, within which those capacities might be exercised, and did not amount to an anticipatory grant by the Crown of land, which in 1889 was not the Crown's to bestow. The fact of occupation and especially the circumstances, under which it was taken and enjoyed, are significant and helpful in estimating what the rights of the Crown were and how far, if at all, the Crown conferred rights over the land on the Company, but in itself and by itself occupation is not title.

The Crown does not claim to have annexed Matabeleland and Mashonaland. No proclamation of annexation has ever been issued. Accordingly the Company contends that for want of it these regions have never belonged to the Crown, but that it has deliberately disinterested itself in regard to their ownership, and the conclusion suggested is that, if no one has now a better title than the Company, the inchoate title consisting of occupation is for present purposes property enough.

No doubt a proclamation annexing a conquered territory is a well understood mode in which a conquering power announces its will *urbi et orbi*. It has all the advantages (and the disadvantages) of publicity and precision. But it is only declaratory of a state of fact. In itself it is no more indispensable than is a declaration of war at the commencement of hostilities. As between State and State special authority may attach to this formal manner of announcing the exercise of sovereign rights, but the present question does not arise between State and State. It is one between sovereign and subject. The Crown has not assented to any legislative act, by which the declaration of its will has been restricted to one definite form or confined within particular limits of ceremonial or occasion. The Crown has not bound itself towards its subjects to determine its choice upon a conquest either out of hand or once and for all. If Her Majesty Queen Victoria was pleased to exercise her rights, when Lobengula was defeated by her and her subjects, as to one part of the dominions in 1894 and as to another part not until 1898, if she was pleased to do so by public acts of State, which indicate the same election and confer the same supreme rights of disposition over his conquered realm as annexation would have done, it is not for one of her subjects to challenge her policy or to dispute her manner of giving effect to it. The fact being established that a conquest of Lobengula and his dominions had occurred, the question is what Her Majesty's Government thereupon elected and intended to do in Her Majesty's name. It cannot be said that not to annex forthwith was a renunciation of all right to annex at any time, or that a disposition of the public lands in the conquered territories, as ample as if formal annexation had taken place, is less operative than if that form had been employed. The true view seems to be that if, when the Protecting Power of 1891 became the conquering power in 1893, and under the Orders in Council of 1894 and 1898 set up by its own authority its own appointee as administrator, and sanctioned a land system of white settlement and of native reserves, it was intended that the Crown should assume and exercise the right to dispose of the whole of the land not then in private ownership, then it made itself owner of the land to all intents and purposes as completely as any sovereign can be the owner of lands, which are *publici juris*, and that the forms of an annexation to itself followed by a grant and conveyance to others for the purpose of grants over to settlers do not avail by their presence or their absence to affect the substance of these acts of State.

It is true that strong expressions as to the importance and the significance of annexation in connexion with land ownership are to be found in the official despatches. Thus in 1885 Lord Derby writes that before annexation titles cannot issue in the name of the Queen but of the chief, to whom the land originally belonged, and in 1895, Lord Ripon, also speaking of Bechuanaland, states that it is a protectorate and therefore Great Britain does not claim the land rights, but both of these statements are made in reference to a territory, in which the existing sovereignty of native chiefs continued and was respected, and neither dealt with regions in which the Crown had created the special administrative system established for Matabeleland and Mashonaland by the Orders in Council of 1894 and 1898.

It is therefore necessary to examine the circumstances and features of that system in order to determine first of all, with what intention the Crown thus dealt with those countries; and, secondly, what is the true legal effect of those dealings as between the Crown and the Company. In 1894 the field was clear, for the native sovereignty was gone. There was relatively little in the nature of private ownership to encumber it. The Company's mineral rights under the Rudd concession, which were private rights, and have been continuously recognised by the Crown as valid, affected the surface in a very minor degree, and the white settlers, who held land by grant or occupation prior to 1894, and were recognised as private owners, fully entitled, affected the question even less. Beyond the Lippert concession, such as it was, the Company had acquired no general rights, administratively or otherwise, that presented any difficulty or are now material. Its powers had been created; its capital had been subscribed, and it was willing to raise more; its operations had begun and its staff was on the ground. The hands of Her Majesty's Government also were free. The existing Protectorate of 1891 did not preclude another form of administration, either concurrently with or in substitution for it. The exercise of the powers given by

the Foreign Jurisdiction Act did not operate as a negation of the exercise of other powers in the present, still less as a renunciation of the right to resort to them in the future. No interference was immediately to be apprehended from outside, for the Banyai Trek of 1891 had been stopped, and there was no threat of a repetition of it, and whatever Her Majesty's foreign policy and relations might require or be, the position in South Africa was for the time being not one of embarrassment. White settlement and the consolidation of British influence were objects common to both Crown and Company. Both desired to encourage white settlers generally to select and acquire land, and, on compliance with the prescribed formalities, they were to become absolute owners of their holdings. Plainly, if white settlement was to take place, the administration must go to considerable expense in developing the country, of which communications of all kinds were among the most pressing needs, while returns could not be looked for till some later period, possibly remote. It was also plain that the necessary effect of that expenditure, if judiciously made (as the growth of population and prosperity in Southern Rhodesia shows in the main that it was), must be to appreciate the unalienated lands, so that when sales had reimbursed outlays, the unsold residue would enrich its owners whoever they might be. In these conditions and with these facts before it the Crown elected not to incur the cost and responsibility of direct administration, but to entrust it to the Company, a commercial concern, which happened to be already administering part of the region, and the Company accepted the employment and undertook the burden of financing the administration.

One thing is most notable. Nowhere is there any express grant of the unalienated lands by the Crown to the Company. The hypothesis that the Crown settled the lands, by conveying to the Company in trust to sell them and apply the proceeds to the necessities of administration, need not be considered. Not only is there no declaration of any such trust, no beneficiary named and no trust indicated, but there is no conveyance at all. The Crown never and the Company always executed the grants to the settlers. The deeds are under the Company's seal, attested, be it observed, by the administrator and not by the directors or secretary. Nor was any instrument given to the Company, such as would correspond to the commission, which it is the practice to confer on a colonial governor or administrator or to a power of attorney, authorising the Company to sell and convey lands on behalf of the Crown. Again these are matters of form. No law restricts the power of the Crown to confer the authority necessary for the above-mentioned purposes to one particular type of instrument. The ordinances and regulations, under which this system of making grants to settlers was carried on, had full legal effect. They are legislative acts under which, if the natives had enjoyed rights in the nature of private property, those rights would have been expropriated with sufficient clearness, and under which, as it was, the Company became empowered to grant in particular cases and in detail that of which the Crown was in this way disposing generally. In effect this code authorised the Company to dispose of lands owned by the Crown and to give title on its behalf. If one thing is more completely agreed in this matter than another it is that the grantees obtain an indisputable title and, as the Company is not shown to have any ownership of its own, then to make the title indisputable, it must have been given by the Company on behalf of the Crown, which had so acted as to warrant the conclusion that it had taken to itself the ownership and the right of disposal. It is not that there was an intermediate grant by the Crown to the Company followed by the Company's grant to the alienees. The implication of a universal grant of the unalienated lands by the Crown to the Company without a word said or a paper signed is an impossible conclusion. The Company contends that the way in which it has in fact disposed of the unalienated lands and their profits and proceeds, indicates some sufficient form of ownership of the land and of title to the moneys. The elected members say the said moneys are applicable only to defray the current costs of administration and do not belong to the Company as a commercial concern. Presumably, if and when these revenues by themselves suffice to meet the expenditure of the current year, it is meant that the Company would under all circumstances be bound so to apply them and could not by otherwise disposing of them justify resort to its powers of taxation generally. It may be said at once that the use of the word ownership in this connection is a misuse of terms. The uncontested disposal of lands, as upon a grant for value, may be indicative of ownership in the grantor or it may not; if, as is here the case, it is otherwise explained and is indicative of a particular authority from the Crown in that behalf as owner, no further or other inference arises from the practice of disposing of the lands direct. As to the revenue thence accruing other considerations arise.

If a landowner, desiring to develop his estates, for sale, loath or unable to meet immediate outlay or to take personal trouble, employs a commercial agent, natural or incorporate, to do this for him, obviously he would, if matters stopped there, come under definite legal obligations to his employee. English law in such a connection speaks of an implied contract, not that it supposes that the parties actually made a parol agreement but forgot to record it, or had identical intentions in mind but omitted to express them, but this is the accepted terminology, under which legal effect is given to such relations. In the present case, however, their Lordships do not propose to deal with the question referred to them under any terms of art peculiar to municipal law. They desire to take a broader view.

Alike by the common and by the civil law certain legal incidents attach *de jure* to the relationship, which is constituted by the grant of an authority on the one hand, to be exercised for the benefit of the grantor, and the exercise of that authority by the recipient of it on the other according to his mandate. It is not that this arises out of some unexpressed stipulation: it is annexed to the relationship. True it is, that by stipulation these incidents can be rebutted and negated, and the stipulation may be express or implied; it may be established by words and writing or by circumstances and conduct. One of these incidents is this. If in the exercise of the authority conferred, the party authorised is obliged to expend his own moneys in the discharge of the authority conferred upon him, it is incident to the relationship, that he is entitled to look to his principal and employer for reimbursement. This may be so either absolutely or *sub modo*: it depends on the circumstances of the case. He may be entitled to claim repayment directly in money or only to reimburse himself in a particular way or to have the opportunity of reim-

bursment secured to him from a particular source. This again depends on an inference from the whole circumstances of the case, to be collected, just as stipulations excluding such reimbursement altogether might be collected, by considering the intention of the parties. The material point is that the right to reimbursement presumptively exists. If it is to be negatived this has to be shown affirmatively by inference from what is said or done.

Since it was certainly necessary for the Company in the exercise of its authority as administrators of Southern Rhodesia under the Crown to expend its own moneys for the purposes of the administration—a thing clearly obvious from the first—the question is what, if anything, limits or excludes the right to reimbursement therefrom arising? Has it been excluded by an express agreement? In 1894, before the issue of the Matabeleland Order in Council, what was called an agreement was entered into between the Company and the Crown, but it did not purport to reduce into writing the entirety of their relations. In form it was unilateral. It did not deal with the general question of rights of property. It made no provision for the grant of powers by the Crown, and left to implication or to separate arrangement the nature and extent of the authority under which the Company was to act. It is correctly described by its authors on the part of the Crown as an arranged scheme for the outlines and general form of the administration to be established. This then will not suffice to exclude the right to reimbursement by express agreement. Nor do the general circumstances rebut the presumption of such a right. It is true that there is in private affairs a presumption that if a commercial agent is employed he is entitled to a reasonable remuneration for his work, and yet no one suggests that the Company has any claim to remuneration. This, however, finds its own explanation in circumstances which do not affect the right to reimbursement. The Company had extensive mineral interests, which might under a good administration of the country become highly valuable. Obviously it desired to keep in its hands after the fall of Lobengula the administration, which it was already carrying on for its own benefit as well as for that of settlers, and it is not unreasonable to suppose that in a public matter like administration its directors were not minded to drive a hard bargain with the Crown. There is nothing, however, to show that to gratuitous administration, as far as the services of its own officers were concerned, the Company either would or could propose to add the gratuitous endowment of that administration at the expense of the shareholders.

It is, moreover, to be collected from the communications which passed between Mr Rhodes and Lord Ripon, and still more clearly from the course pursued, that the Company was not intended to have any right to call directly upon the Crown while its administration continued. It was to sell land, to fix prices, to arrange terms of payment, to apply the revenue from the land and the proceeds of the sales, and if in process of time sales increased or prices went up year by year, then the advances to be made in the early years might be expected to diminish and eventually to cease, and the process of reducing the adverse balance on account of past development might begin and finally be carried to a successful issue. Once, in February, 1898, the Company proposed a definite arrangement in the form of what they called a "principle," that "all future administrative expenditure not met by revenue, as also a fair proportion of past expenditure of the same nature should . . . be regarded as a first charge upon the country, and eventually be constituted a public debt." This was a proposal to saddle a young community, not yet advanced to self-government, with a charge, first on the land alienated as well as unalienated, and then upon the personal liability of the taxpayers, a charge which must be satisfied whether the sales of the lands and the administration revenue prospered or not, and it is not surprising that it met with no support from the Crown. The reply in July was that Mr. Secretary "must decline to pledge Her Majesty's Government in advance to acknowledging anything in the nature of a public debt or of a charge on the administration, as distinguished from the Company itself, which has been placed in possession of all the assets of the country." In a word, the Queen's Government refused to relieve itself of an Imperial liability by transferring it to a local population still imperfectly organized. It is possible that this refusal was not intended to be final, for Mr. Attorney, in his argument before their Lordships on behalf of the Crown, admitted that "these adverse balances, so far as legitimate, must, when the time comes, be converted into a public debt." Accordingly, the matter remained one between the Company and the Crown, and the Company continued to be entitled to apply the proceeds of land sold in reduction of the proper cost of the administration, whether incurred in the current year or in the past.

Furthermore, the charter itself reserved to the Crown the right, at the end of twenty-five years from its date and thereafter at the end of every succeeding decade, to repeal so much of the charter as relates to administrative and public matters, and thereby to put an end to the Company's capacity to administer Southern Rhodesia, and this right is in addition to whatever right the Crown might have independently of this reservation to revoke its appointment of the Company as administrator and to repeal the Order in Council. The Company's right to reimbursement was therefore limited thus far at any rate, that it had not any perpetual or immutable right to continue to conduct the realization of the unalienated lands for the purpose of accomplishing its own reimbursement. On the other hand, nothing confers on the Crown under the form or by the procedure of exercising this power, the right to take away from the Company a right already accrued or a title already conferred upon it. Hence it follows that, in the event of the exercise of this power by the Crown, the Company must have the right to look to the Crown to secure to it, either out of the proceeds of further sales of the lands, by whomsoever made, or, if the Crown should grant away these lands or proceeds to others, then from public funds, the due reimbursement of any outstanding balance of aggregated advances made by it for necessary and proper expenditure upon the public administration of Southern Rhodesia. With items or details, with the amounts or the book-keeping of such expenditure, and with the terms of reimbursement their Lordships have nothing to do.

It may be a matter of regret that, on a subject so important, it should have been thought fit to leave the rights of the parties to be ascertained by a legal inquiry, whether, on a review of the whole circumstances and history of the transactions, there can be found any sufficient evidence of an intention to exclude a legal right, which arises *prima facie*, by operation of law from the

relation in which the Crown placed the Company towards itself, but so it is. In matters of business reticences and reserves sooner or later come home to roost. In 1894 a single sentence, either in an Order in Council or in a simple agreement, would have resolved the questions which have for so many years given rise to conflicting opinions in Southern Rhodesia, and all the more easily because at that time the value of the whole of the country was unproved and problematical. Matabeleland and Mashonaland were rich in promise, the right to enjoy the fruition might well have been determined before, and not after, the field was tilled and the harvest began to whiten. As it is, the conclusion is one of legal inference, but there is some satisfaction in reflecting that nothing has appeared upon the record to show that this conclusion differs substantially from that which would have commended itself to the negotiators on both sides, if they had thought it opportune to deal with the question.

Their Lordships will humbly report to His Majesty that they affirm the first paragraph of the resolution passed on the 17th April, 1914, and deny the third, and that as to the second they say that, so long as the British South Africa Company continues to administer Southern Rhodesia under the Crown, it is entitled to dispose of the unalienated lands in due course of administration, and to apply the moneys or revenues derived therefrom in duly reimbursing all proper outlays on administrative account in the current or in past years, and, if its administration of Southern Rhodesia should be determined by the Crown, then the right to look to the Crown to secure to it (either out of the proceeds of further sales of the lands by whomsoever made, or, if the Crown should grant away these lands or proceeds to others, from public funds), the due reimbursement of any outstanding balance of aggregated advances made by it for necessary and proper expenditure upon the administration of Southern Rhodesia. This, however, and the other rights hereinbefore mentioned, do not vest in it dominium or estate in or title to the said unalienated lands.

APPENDIX II.

NATIVE RESERVES—SOUTHERN RHODESIA.*

REPORT BY THE SURVEYOR-GENERAL.

THERE are two points raised in Mr. Longden's final reply in the debate on the matter of native reserves and the survey thereof, i.e., the reserves are very much larger than they were supposed to be, and the definition of these reserves by erection of proper beacons.

The statement contained in the first is quite true in many cases, and I will proceed to detail a few in confirmation. The converse applies in a few instances, though with one exception the differences are not material.

When recommending the Sabi Reserves the Native Commissioner estimated it contained 400,000 acres, and was required for a population of 21,488. According to the maps this reserve scales 1,554,000 acres, and its boundaries are in several parts defined by survey. Very long stretches of rivers form the boundaries in most parts, and where these rivers abut on the Melsetter District they are defined by survey also. Thus it is very probable that the map area is not very wide of the mark. The present population of this reserve is 26,000 souls. This reserve is in the Charter Native District. In the same district is the Narira Reserve, which is estimated to contain 38,000 acres for a population of 4,785. The correct area is about 111,351 acres and the present population 3,000 souls.

To deal with the Charter District as a whole, the four reserves total 1,737,241 acres; the population thereon is 31,500 souls; the population in the whole Charter District is 49,000 souls, the married men numbering 4,125, the stock in the whole district is 7,000 cattle and 31,000 sheep and goats, and 40,500 acres are under cultivation. These are the estimated figures. Two of the reserves are fixed by surveys. Allowing a most liberal estimate of land for this total population and their stock, as well as making provision for large increases in both, the reserves can well be reduced by one million acres.

Then I might turn to the Ndanga Native District. Ndanga Reserve, estimated area (when proposed) 100,000 acres for 22,000 souls; present population thereon 24,000 souls; map's area 639,195 acres. The four reserves in this district were estimated at 168,500 acres; the map areas are 775,781 acres. The population of the whole district is very large, i.e., estimated at 66,000 souls, there are 11,226 married males. Stock estimated at 20,000 cattle, 47,550 sheep and goats, and it is estimated 60,000 acres are cultivated. Should it ever be required to put this population on the reserves, the present reserves would be none too great. But it appears to me that the disposition of reserves might with advantage be reviewed and altered to meet the requirements of the country as a whole. The present population on the Ndanga District Reserves is 32,300 souls, 6,290 being adult males, and the cattle thereon number 9,760; acreage under cultivation, 29,500.

Chibi Native District.—Chibi Reserve was estimated at 768,000 acres for 14,185 people; map area is 1,051,920 acres; present population 22,400, 5,200 being adult males. The Native Commissioner estimated that, owing to the mountainous nature of some parts of the reserve, and other parts being waterless, some 448,000 acres alone would be fit for cultivation. As the whole reserve is more or less sketched on the maps it is not possible to say which is the more correct area. But I think, in view of the enormous areas of the two reserves, Chibi and Mtibi, of this district, general figures may be considered. The areas of the two reserves total 4,537,860 acres; the present population thereon is 29,900 souls; present number of cattle 12,000. The figures for the whole district are 33,500 souls, of whom 4,179 are married males; cattle 12,880; sheep and goats 36,400; acres cultivated 28,500. Originally the Native Commissioner estimated there would only be 1,344,000 acres fit for cultivation. Allowing a liberal

* This report is an Appendix to the Report of the Native Affairs Committee of Inquiry, 1910-11, presented to the Legislative Council of Southern Rhodesia in 1911.

estimate of land for the present population of the whole district and their stock, plus a large increase, the reserves would still be largely in excess of requirements, and, considering the enormous extent of country they cover, it would appear advisable to reconsider their constitution. Some parts of the Mtubi Reserve would form an excellent game reserve, and this should be well worthy of consideration. The Native Commissioner also makes this suggestion.

The Gutu and Chilimanzi Native Districts might be dealt with together, as statistics given in the Chief Native Commissioner's yearly report refer to these as one district.

For the Gutu Reserve the estimated population was 22,750, and the acreage required about 50,000 acres, the present population on the reserve is 12,300, of which 4,300 are adult males, the map area is 562,015 acres. The Native Commissioner, when he submitted the boundaries for approval and subsequent proclamation, made the following remarks.—“The reserve forms about half of Gutu's country, and probably there is more land in it than is really required, but it is very difficult to say without going over the country, especially as there is a good deal of granite in some parts of it. If the reserve is found to be too large later on, parts of it can be easily thrown open.”

The Chilimanzi Reserve was estimated at 40,000 acres, on which there were about 400 adult natives with another 400 adults living just outside. The map area of this reserve, as defined by the Native Department, is 215,430 acres, the population now thereon is 6,564, of which 1,800 are adult males, cattle are 1,560, acreage cultivated is estimated at 16,250 acres.

The three reserves of these two districts total 885,418 acres; the present population thereon is 20,176 souls, cattle 10,372. The population in the whole of the two districts is 41,000 souls, of which there are 6,848 married males, cattle are 17,000, sheep and goats 48,500, acreage under cultivation 19,217. Bearing in mind that all the natives of a district are not likely to settle in reserves, the acreage now held as reserves in these districts is really more than is requisite. But especially so does this become the case when all these reserves before mentioned are considered, with others adjoining, as a whole, and in their relative positions huge areas adjoin each other and others are quite near. For over-estimation I might also mention the three reserves. Mutema, Murvusha, and Mutambra, in the Melsetter District. Mutema estimated area 42,330 acres, map area 135,175 acres; present population is 3,000, of which 730 are adult males; cattle 316, sheep and goats 1,336. Murvusha estimated area 33,865 acres, map area 146,746 acres, present population is 1,880, of which 438 are adult males; cattle 60, sheep and goats 1,138. Mutambra estimated area 31,748 acres, map area 86,778 acres; present population 871, of which 259 are adult males, cattle 20, sheep and goats 260.

Dealing with these three reserves as a whole, the total extent is 368,699 acres, the population on them and on the adjoining vacant land is 10,909 souls, of which there are 2,858 adult males; the stock of this population is 675 and 5,497 sheep and goats. These reserves also adjoin other huge reserves, and it seems to me their extents are very large. The Native Commissioner reported that in the flat country of the Sabi Valley there are only small parts which can be worked by natives, owing to the absence of water, and that droughts are frequent and severe; also that if it were possible to irrigate on a large scale the valleys would be very productive, otherwise they are not fit for occupation.

I have no figures for the Maranka Reserve, but the acreage is very large, being some 554,000 acres in extent. This reserve adjoins some of the others previously referred to. Without going into further specific details, still I might mention that the native reserves in North and South Mazoe and in Mrewa in extent total 2,700,700 acres, the present population in these reserves being 31,884 souls, of which there are 8,570 adult males, these people own 3,885 cattle. In the whole of these three districts there are estimated to be 36,645 souls, of whom 6,042 are married males; the cattle total 4,540, and sheep and goats 25,620. It is obvious therefore that these reserves are extremely excessive.

So far I have only dealt with the Mashonaland reserves, but, with the exception of the Shangani and Gwaai Reserves, the Matabeleland reserves, taken as a whole, are not so excessive. And I understand the land in the Shangani and Gwaai Reserves would hardly be of use for other purposes. However, for the population for which these two reserves are required, their extents are enormous, and should be considered in any similar manner to the others mentioned.

I have gone into the above matter somewhat at length, as it also bears upon the consideration of the question of beaconing the reserves. It seems to me obvious that the reserves taken as a whole are excessive; and it hardly appears that their disposition is in every case to the advantage of the country.

In my opinion many of the reserves should be reduced in area; and this can only be done after proper inspections, the advantages of the country as a whole and the interests of the natives being taken into proper consideration. I think, consequently, that it is not desirable to beacon any one reserve till it is finally decided that such reserve is of proper dimensions and in a suitable position.

On the general question of beaconing reserves it has been shown, in previous correspondence, that of the ninety-eight reserves tabulated, twenty-two are demarcated by beacons which are fixed by existing surveys. Eighteen have definitely known boundaries, which can be followed on the ground; and some sixteen others are in such outlying parts or have such known boundaries that they would not hamper land settlement work, and in many cases can be traced for any other purposes.

Of the remainder, twenty-one are partly beaconed by existing farms which are surveyed, and in addition to which many of the remaining sides are rivers and streams, though in some of these cases it is difficult to tell on the ground where the reserves begin and end along these rivers and streams. The latter remark applies also to the remaining reserves—not above referred to, and which have rivers and streams for many of their boundaries.

If the reserves were beaconed in such places where their boundaries are at present not beaconed, and where these cannot be followed upon the ground by natural lines, it would help in only a very few instances settlers seeking land to suit their requirements, and for such cases the Estates Office have on their staff a man capable of assisting proper selection; where this is

accomplished, and the selection is beaconed and surveyed, further beaconing of the reserves naturally results. The beaconing of long lines boundaries of reserves would be of no practical value to anyone, unless many line beacons were placed, which would naturally mean much expense. The beacons at the end only of such long lines would not be of any greater value than the points given in the definition of the reserves, where such points can be traced upon the ground. Where such points cannot be traced upon the ground a beacon would, of course, prove useful, but, as I have stated above, it would not be of much practical value for defining long boundary lines, unless many intermediate beacons were also placed. And if these intermediate beacons had to be placed on lines it would mean much survey work and great expense.

In lieu of having very long, straight lines between points as boundaries, it would be feasible to place beacons more or less in sight of one another, and on as prominent points as possible, following more natural boundaries. This would be a great advantage, provided always the reserves are not increased thereby. This procedure could be gradually carried out as farms, lying more or less along reserve borders, are selected and subsequently surveyed. With the aid of various officials, I would not anticipate much difficulty generally, on the part of an applicant for land, in placing a farm more or less along a reserve border, sufficiently in proper position, so that when survey is completed the applicant finds he can obtain what is useful to him.

Should it be decided to beacon any of the reserves, the beacons placed should contain plates, with full description of what they represent.

From what I have learnt, I believe that reserves contain land which is not used, and not desired, by natives, but which might be useful for other purposes. And it seems quite probable that many reserves could, with general advantage, be altered in position and shape, or, in parts, absolute relocation. For this reason, and the fact that, in my opinion, many reserves should be reduced in area, I do not think it is an opportune time to generally beacon the reserves.

Any alteration of reserves would, of course, entail careful and lengthy inspections.

W. J. ATHERSTONE,
Surveyor-General.