

SOUTHERN RHODESIA

PAPERS

RELATING TO THE

SOUTHERN RHODESIA NATIVE
RESERVES COMMISSION, 1915.

Presented to Parliament by Command of His Majesty.

October, 1917.



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SOUTHERN RHODESIA

PAPERS

RELATING TO THE

SOUTHERN RHODESIA NATIVE
RESERVES COMMISSION, 1915.

No. 1.

COLONIAL OFFICE to THE BRITISH SOUTH AFRICA COMPANY.

SIR, Downing Street, 18th December, 1913.
WITH reference to the letter from this Department of the 6th September last,* I am directed by Mr. Secretary Harcourt to state that the High Commissioner for South Africa has reported, as a result of an interview with Mr. Malcolm, that he understands that your Directors are now favourably disposed to the idea of the appointment of a Commission for the definition of the native reserves in Southern Rhodesia. Mr. Harcourt would be glad to know whether this is the case, and if so, what proposals the Board have to make in the matter.

I have, &c.,

HENRY LAMBERT,

For the Under Secretary of State.

No. 2.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received, 19th January, 1914.)

SIR, 2, London Wall Buildings, E.C.,
London, 16th January, 1914.
IN reply to your letter of the 18th ultimo,† I am to say that the proposed Commission for the delimitation of Native Reserves in Southern Rhodesia was the subject of discussion at interviews between the High Commissioner and Mr. Malcolm both on the 8th October and 2nd December.

2. Without losing sight of the considerations submitted in my letter of 30th July, 1913,* the Board have weighed carefully the views indicated in your letter of the 6th September last,* and also the reasons which led the South African Native Affairs Commission of 1903-5 to their conclusions stated in Section 207 (1) and (2) of their Report.‡

"(1) 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 and 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."

3. As Mr. Harcourt has been informed by the High Commissioner, the Board is now disposed to favour the appointment of a Commission, to be instructed to make recommendations for a final settlement of the boundaries of native reserves instead of for a provisional settlement as at first suggested in Lord Gladstone's letter of the 30th April last to the Secretary of State. Mr. Malcolm gathered from the High Commissioner that His Excellency was disposed to agree to this policy.

* COLONIAL OFFICE NOTE.—The correspondence previous to the discussion between Lord Gladstone and Mr. D. O. Malcolm, one of the Directors of the British South Africa Co., is not printed.

† No. 1.

‡ COLONIAL OFFICE NOTE.—The Report of the South African Native Affairs Commission, 1903-1905, was published as [Cd. 2399], April, 1905.

4. Mr. Malcolm understood the High Commissioner to agree also that a final settlement, arrived at through the medium of the proposed Commission, would involve the substitution for the present clause 81 of the Southern Rhodesia Order in Council, 1898,* of a clause directing that the reserves as finally assigned were not to be used for any other purpose.

5. The High Commissioner suggested at the interview on the 2nd December that the Commission, if appointed, should also be instructed to submit recommendations as to any steps that might be taken to induce natives to make the best possible use of the land set apart for them. The Board entirely concur in this suggestion.

6. If, after receiving Lord Gladstone's latest despatches, the Secretary of State is favourably inclined to the present proposals, the Board would be glad to have an opportunity of considering the terms of reference and the personnel proposed for the Commission. The Board is itself of opinion that the Commission should be invited to submit recommendations for any modifications that may be desirable in the areas of the reserves as at present constituted, since it is particularly important, in a permanent settlement of the nature proposed, to insure that the land reserves for natives, and that left for occupation by European settlers, shall be as suitable as possible to their respective requirements and well-being, and should not impose obstacles upon the eventual development of the Territory.

7. It is presumed that the question of the remuneration to be paid to the Commissioners and of the allocation of the cost as between the Imperial Government and the British South Africa Company would be decided in the light of the precedents established by other similar cases.

I am, &c.,

A. P. MILLAR,

Assistant Secretary.

No. 3.

COLONIAL OFFICE to the BRITISH SOUTH AFRICA COMPANY.

SIR,

Downing Street, 8th April, 1914.

WITH reference to your letter of the 16th January last,† I am directed by Mr. Secretary Harcourt to transmit to you a draft of the terms of reference to the proposed Native Reserves Commission, which have been prepared by the High Commissioner, and to enquire whether they meet the views of your Directors.

2. Mr. Harcourt believes that the Company may wish for the insertion of words enabling the Commissioners, if they think fit, to make recommendations for any readjustments of the reserves that may be necessary, and to meet this point he would be willing to insert the words "or to be in any other way unsuitable" after the words "insufficient as aforesaid" and to substitute "in addition to or in substitution for existing Reserves" in place of "as additional Reserves" on page 2 of the terms of reference. At the end of the paragraph, after "necessary," he proposes to add "bearing in mind in any recommendations which you may make that the removal of natives from existing kraals and lands on a considerable scale should be avoided."

3. Mr. Harcourt accepts the Company's view that the delimitation now contemplated should be final, and he is prepared to agree to the revision of clause 81 of the Order in Council of 1898 in the light of the Commission's Report, after such final assignment of land as may be recommended has been completed.

4. The High Commissioner proposes that the Commission should consist of three persons—a chairman to be nominated by the High Commissioner, one member to be nominated by the Southern Rhodesia Administration, and the third to be agreed upon by both. As chairman Lord Gladstone wishes to nominate Mr. R. T. Coryndon, C.M.G., and Mr. Harcourt agrees that he is, both by his knowledge of native affairs in Rhodesia and by his experience in the settlement of Swaziland, eminently fitted for the position. As the second member the Administration will no doubt wish to nominate a senior officer of the Native Affairs Department. For the third member Major E. F. C. Garraway, C.M.G., formerly of the Bechuanaland Protectorate Police and the South African Constabulary, and until recently Military Secretary to the Governor-General of the Union, is suggested, and Mr. Harcourt hopes he will be acceptable to the Administration.

* The Order in Council is printed in the Return H.C. 130 of 1905.

† No. 2.

5. With regard to the question of the remuneration of the Commissioners, I am to observe that in the case of the Land Commission of 1894 the whole cost was borne by the British South Africa Company, and it is in accordance with precedent that the expenses incurred in the work of delimitation of Reserves should fall entirely on local revenues. Mr. Harcourt thinks therefore that the whole cost of the Commission should be borne by the Southern Rhodesia Administration. The remuneration suggested by the High Commissioner is as follows:—

- (a) Chairman £5 5s. 0d. per diem, and the other members £4 4s. 0d. per diem, from the date of the assembly of the Commission in Rhodesia until the Commission concludes its labours or goes into recess, less, in each case, any official emoluments or pension drawn during the period, which would be paid from the usual sources. As Mr. Coryndon would continue to draw salary as Resident Commissioner of Swaziland, and Major Garraway his pension, the charge on Southern Rhodesian revenues would be correspondingly reduced. If a recess is found necessary, the questions of pay and allowances during recess to be considered later.
 - (b) Actual travelling expenses from place of residence to Rhodesia and back in the case of members not residing within the territory.
 - (c) (1) Transport by road and rail in Rhodesia; (2) necessary camp staff, equipment and rations; (3) medical attendance if required; (4) board and lodging when Commission is not in the field.
6. Mr. Harcourt would be glad to have an early reply to this letter.

I am, &c.,

HENRY LAMBERT.

Enclosure in No. 3.

COMMISSION BY HIS EXCELLENCY THE HIGH COMMISSIONER.

To

GREETINGS:

WHEREAS in terms of Clause 81 of the Southern Rhodesia Order in Council, 1898, areas of land known as Native Reserves have been assigned by the British South Africa Company to natives inhabiting Southern Rhodesia for their occupation:

And whereas it is expedient that Native Reserves should be finally assigned and demarcated and that thereafter there should be no further assignment;

Now know ye that I, reposing great confidence in your zeal, knowledge, and ability, have authorised and appointed, and do by these presents authorise and appoint you the said

to be my Commissioners, and you the said

to be Chairman, for the purpose of making recommendations to the end aforesaid;

And I do charge and direct you to visit and examine the existing Native Reserves and to have especial regard to the sufficiency therein of land suitable for the agricultural and pastoral requirements of the natives, including in all cases a fair and equitable proportion of springs or permanent water;

And I do further charge and direct you to report whether any of the said Reserves are insufficient for or in excess of the requirements of the natives occupying them. In so doing you shall have regard not only to the present requirements of the natives but also to their probable future necessities consequent upon the spread of white settlements to areas now occupied by natives but not falling within the Reserves and to the probable extension of those requirements by reason of the natural increase of population;

And I do further charge you in case any Reserve shall appear to you to be insufficient as aforesaid to examine such other areas as may be indicated to you by divers authorities as suitable and to recommend the assignment as additional Reserves of such portions thereof as you may deem to be desirable and necessary;

And, moreover I desire that you shall recommend what steps might be taken in order to induce and encourage natives to use and occupy to the best advantage the Reserves assigned to them;

And I do hereby desire and request that you, or any two of you, using all diligence, do report to me in writing your proceedings by virtue of this Commission; And I further will and direct, and by these presents ordain, that this Commission shall continue in force until you shall have finally reported upon the matters aforesaid, or, otherwise, until this Commission shall be by me revoked;

And I do hereby instruct that you do report to me your several proceedings from time to time as the same or any part thereof may respectively be completed and perfected;

And, lastly, I do desire and request that all public officials, European residents, native chiefs, headmen, and others the inhabitants of the Territory of Southern Rhodesia should be assistant to you in the execution of these presents, by furnishing all such information having reference to the same as it may be in their power to impart.

In witness whereof I have hereunto set my hand and seal this
day of _____ 1914.

No. 4.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received 21st April, 1914.)

2, London Wall Buildings, E.C.,
London, 20th April, 1914.

SIR,

I AM directed to acknowledge the receipt of your letter of the 8th instant* on the subject of the proposed Native Reserves Commission and to say that the enclosed draft of the terms of reference, with the additions suggested by Mr. Harcourt in the second paragraph of your letter, are regarded by my Directors as satisfactory.

2. The Directors note that Mr. Harcourt accepts their view that the delimitation now contemplated should be final, and that he will be prepared to agree to the revision in due course of Clause 81 of the Order in Council of 1898.

3. The suggestions made in paragraph 4 of your letter are quite acceptable to the Directors. They concur as to Mr. Coryndon's suitability for the post of Chairman and likewise agree to the appointment of Major E. C. F. Garraway, C.M.G., as the third member of the Commission. They will inform you as soon as possible as to the nomination of a member to represent the British South Africa Company.

4. The Directors agree to the cost of the Commission being borne by the Company and to the scale of remuneration, travelling allowances, &c., suggested in the fifth paragraph of your letter, but they would be glad to be informed of the precise amount of the official emoluments drawn by Mr. Coryndon and of the pension drawn by Major Garraway which will fall to be deducted from the remuneration drawn by them as Commissioners. They would also be glad to learn what is the earliest date on which Mr. Coryndon and Major Garraway will be able to commence work in Rhodesia, in view of the near approach of the winter season when travelling off the line of railway is easiest.

I am, &c.,
D. E. BRODIE,
Secretary.

No. 5.

THE HIGH COMMISSIONER to the SECRETARY OF STATE.

(Received 4th January, 1915.)

SIR,

High Commissioner's Office, Pretoria, 9th December, 1914.

I HAVE the honour to transmit to you copies of an Interim Report by the Southern Rhodesia Native Reserves Commission, which was handed to me by Mr. R. T. Coryndon, the Chairman of the Commission, during his recent visit to Pretoria.

I have, &c.,
BUXTON,
High Commissioner.

Enclosure in No. 5.

SOUTHERN RHODESIA NATIVE RESERVES COMMISSION, INTERIM REPORT, 1914.

Salisbury, 29th November, 1914.

MAY IT PLEASE YOUR EXCELLENCY,

WE, the undersigned, having been appointed under the Commission of Your Excellency's predecessor, dated the 5th of May, 1914, to inquire into and report upon the adequacy and suitability of the Native Reserves in Southern Rhodesia, and to make recommendations upon a variety of matters connected therewith, have the honour to submit a preliminary report upon the result of our investigations as far as we have carried them.

2. We consider that it would be inadvisable at this stage to deal with any question of detail or to make any definite recommendations. This report, however, gives a brief record of the manner in which the existing reserves came into being, and indicates the general direction of our inquiries.

3. The Commission held its first meeting at Salisbury on the 4th of June, 1914, when all transport and other arrangements were completed, and a definite programme of work was decided upon.

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.

4. A sketch* of the route followed by the Commission and a brief record of mileages and dates, together with a précis† of the evidence taken, is attached to this report. The Commission was accompanied through each reserve by the Native Commissioner of the district. Every courtesy and assistance was afforded by the Native Department throughout.

5. Prior to 1894 no legal provision existed for setting aside land for the exclusive use of the indigenous natives of the territory.

The occupation of Mashonaland, in September, 1890, was followed by the entry of a limited number of European settlers, the majority of whom were attracted by the mineral resources of the country. The members of the original pioneer force, some 200 in number, received the right of selecting farms of 1,500 morgen in Mashonaland. No conditions of occupation were attached to the pioneer grants, and many of them were not at once located. Rights to mark out farms were also granted to members of the police force taking part in the occupation, and to a few civilians; but these were given subject to beneficial occupation within a specified period, and a number of the rights lapsed owing to non-fulfilment of this condition. On the whole the number of farms occupied in Mashonaland during the first three or four years after the arrival of the pioneer expedition was very small in proportion to the vast area opened up, and the indigenous native tribes scattered through the country were not exposed to any pressure or inconvenience from the presence of the European settlers.

6. Matabeleland was occupied towards the end of the year 1893, and on this occasion also each member of the forces engaged received the right to select a farm.

In the first few months of 1894 settlers poured into the country in considerable numbers, and many of them obtained rights to farms. The Matabeleland farms were 3,000 morgen in extent—double the size of those in Mashonaland—and those assigned to members of the column were free from the condition of occupation. In addition to individual grants, a number of land and exploration companies received the right of selecting large blocks of land for future development as farms and ranches. The great bulk of these rights were exercised immediately.

7. Most of the early settlers in Matabeleland selected their allotments on the gold belts—on land which is locally known as "formation." This type of country contains the heavy red and black loams (sibovu) which were favoured by the Matabele proper, as distinguished from the indigenous Makalanga tribes, who preferred the granite country and "sand veld" (tshebetshebe) for purposes of cultivation. It followed that the Matabele began to feel the pressure of European settlement within a very few months after the occupation. By the middle of 1894 practically the whole of the gold belt areas of Matabeleland had been alienated to companies or individuals, and although a large number of the farms granted were not at first actually

* Not transmitted to Colonial Office.

† These are not printed.

18. The general effect of the lack of system above indicated is that the reserves in Southern Rhodesia, numbering to-day 104 in all, range in size from under 5,000 acres (e.g., Msinyanga, Shitowa, and Matiza) up to hundreds of thousands of acres, as in the case of Belingwe No. 2, 1,002,102 acres, Sabi, 1,548,735 acres, and Matibi, 3,475,170 acres.

19. After the receipt of the Native Commissioners' recommendations, some time was taken up in an inspection of the selected areas with a view to their accurate delimitation. In the absence, however, of a general survey of the whole territory, it was found most difficult to furnish a proper description of the boundaries with a view to the provisional protection of the reserves, and the Administration was not then in a position to undertake the heavy cost of a special survey to effect this object.

20. At the time (1896) it was felt that no hardship would be inflicted upon the natives by the absence of a Proclamation formally constituting the reserves, as in the majority of cases they were residing on land which would ultimately be set apart as such, and the Administration considered that their interests would be safeguarded by a rule prohibiting the alienation of any land until the Native Commissioner of the District had furnished a statement that it was not situated within a provisional reserve and was not likely to be required for that purpose.

As a matter of fact very considerable changes had been made in the boundaries and areas of the Matabeleland reserves as first approved in 1897, and it was not until the end of 1902 that they were established by the Executive Council in what was at the time regarded as a final form.

21. In a despatch (dated 31st December, 1897) to the Secretary of State recommending the adoption of the areas selected for Matabeleland, the High Commissioner (Sir A. Milner) made the following remarks:—

" I fully recognize the necessity of reserving for the present a considerable amount of land for the occupation of natives desirous of living together under the old tribal organization, and it is, of course, necessary that the land so set apart should be both suitable in quality and adequate in extent. The delimitation of suitable Native Reserves is, however, not a matter which can be settled for good and all at the present stage. Any scheme which may be adopted is likely to require considerable modification as the general settlement of the country proceeds and our knowledge of the numbers, capabilities, and disposition of the natives increases.

" The selection of the additional reserves has been a matter of no small difficulty, owing to the fact that so large an amount of the best land in the country was in the first days of the occupation alienated to syndicates and private individuals. A great deal of this will probably revert to the Company, owing to the failure of the private owners to fulfil the conditions on which it was granted. But for the moment the amount of suitable land in good situations which it is possible for the Company to deal with freely is limited. I am confident that the setting aside of the districts now fixed upon, including the Gwaai and Shangani (some portions of which, according to the best information I can get, are quite suitable to the purpose if other portions are not), will greatly facilitate the solution of the native question. The arrangement for the occupation by natives of these considerable areas, or even of a large portion of them, is probably as much as the Administration can immediately accomplish, and it is better not to attempt too much all at once. If, when these areas are completely surveyed and definitely allotted to such natives as must be immediately provided for, it is found that further reserves are required—and I am not by any means certain that such a necessity will arise—it will be time to consider what other land can be set aside for the purpose. You will observe that the reserves in question are confined to Matabeleland. With regard to Mashonaland the officers of the Company are at present engaged in selecting reserves, which will shortly be submitted to you for approval."

In replying to this despatch, the Secretary of State said: "I agree with you that the assignment of reserves should not be treated as final."

22. The obligation recognized by the British South Africa Company of providing reserves for such of the native population as could not be satisfactorily accommodated on private lands was formally confirmed by the Southern Rhodesia Order in Council of 1898,* clause 81 of which reads as follows:—

* Printed in House of Commons Return No. 130 of 1905.

"81. The 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."

A further clause (No. 82) left the decision of questions relating to the settlement of natives on land in Southern Rhodesia in the hands of the Administrator in Executive Council, subject to a review by the High Commissioner.

23. At the time when this Order in Council was promulgated some progress had been made with the inspection of provisional reserves, but it was not until the end of 1902 that the Administration was in a position to submit the proposals in a concrete form. The reserves for Mashonaland were approved by the Executive Council of Southern Rhodesia by a resolution dated the 27th October, 1902; and those for Matabeleland on the 5th November, 1902.

24. Of recent years it has been found that, owing to defective topography, some of the areas selected by the Native Commissioners cannot be satisfactorily located, and the difficulty of determining the boundaries has thrown a considerable amount of labour upon the Administration. During this period also the progress of European settlement has been comparatively rapid, and an accurate definition of the boundaries of the reserves, with the object of drawing a clear division between land available for Europeans and that set aside for natives, has become a matter of paramount importance. It has been discovered that, owing to the somewhat haphazard manner in which the reserves were originally marked out, land has been assigned to natives which is quite unsuitable for their purposes, though desirable from a European point of view, while land eminently fitted to carry a native population, and actually inhabited by natives, has been left open.

25. Finally it should be noted that, owing to certain alterations of district boundaries, the large and important district of Gwanda, with a population of 15,000 natives, is unprovided with reserves; in the Mtoko district no reserves have been defined; while in the Darwin and Sebungwe-Mafungabusi districts, although provision has been made for certain areas to be set aside, no boundaries have hitherto been indicated, and the reserves exist merely on paper. Each of these cases will be dealt with in a later report.

26. It has already been mentioned that the first tendency of the European landowners was to retain the natives on their farms as tenants, in the expectation that they would provide a constant supply of agricultural labourers conveniently close to their doors. Within the last few years, however, it has gradually come to be realized by many farmers that they have not been getting a reasonable return for their encouragement of native tenants. Even where the tenants entered into agreements to supply their landlords with labour they have often been tempted away by the more attractive conditions of work at the mines and in towns, and any convenience enjoyed by the landowners has, in many cases, been more than outweighed by certain disadvantages mainly connected with the rapid increase, under favourable conditions, of native cattle and small stock.

27. From the last annual report of the Chief Native Commissioner it will be seen that the number of cattle owned by the natives of Southern Rhodesia has increased from 55,155 on the 31st March, 1902, to 377,000 on 31st December, 1913, while sheep and goats have increased in the same period from 257,000 to 893,000. These figures apply to the stock owned by natives generally, whether living in reserves or otherwise. The rate of increase has been more rapid in Matabeleland than in Mashonaland, probably because the Matabele are more reluctant to kill or trade their livestock than the other tribes of the country.

28. Stock farmers, in Matabeleland particularly, have begun to find that the pasturage on their land is insufficient to maintain both their own cattle and those of their native tenants. Though this shortage has been aggravated by the drought of the last few years, there is, so far as we are at present able to judge, no indication that the advent of normal rains, followed by improved pasture, will have the effect of bringing natives back to settle upon European farms to any appreciable extent. However this may be, the difficulty is indisputable, and was brought out clearly in the evidence of several important witnesses. The consequence has been that in many instances farmers have been compelled to give their tenants notice to quit, and this enforced, but gradual, exodus of natives from the settled areas has been the most important influence in the comparatively rapid occupation of the reserves during

the last two years. Though natives are naturally conservative, and have hitherto shown a disinclination to leave their former surroundings for districts which are strange to them, it is now obvious that their reluctance to move is diminishing. This is due partly to an inevitable breaking down of old tribal prejudices, and partly to the fact that the earlier of these enforced movements from the farms have convinced them of the obvious advantages of securing a new freedom upon areas of their own choice in the larger reserves.

29. The tendency of the ejected tenants is to betake themselves to the nearest reserve, and, in consequence of the influx of newcomers, some of the smaller areas are becoming inconveniently overcrowded. The only alternative is that they should travel further afield and settle in the unoccupied parts of more distant blocks. The Commission has thus been confronted with the position that, while some of the smaller reserves (and especially those surrounded by occupied farms) are already becoming congested, others contain large tracts of good country so sparsely populated as to be practically running to waste.

30. The initial question which the Commission has been directed to consider is that which relates to the sufficiency of suitable land in the existing reserves; and, in determining this, it has first to ascertain for what class of natives the reserves are intended.

The Order in Council of 1898 (clause 81) lays it down that the persons to be provided for are "the natives inhabiting Southern Rhodesia."

It might be argued that this definition was not meant to include any beyond the indigenous tribes, and that it should not be regarded as referring to natives of other African States, who, for purposes of their own, have entered and settled in the territory. On the other hand, many of such immigrants have so far become a part of the permanent native population that it is almost impossible to dissociate them from the indigenous tribes; many have intermarried with natives of the country and have voluntarily placed themselves under the tribal control of local chiefs; some, moreover, have acquired a domicile to the extent that they are paying the poll tax. These the Commission proposes to include within the term "indigenous."

31. A special class consists of those sections of alien South African tribes which have come in with the consent of the authorities and have been granted land for their separate use. Cases in point are the two settlements of Bechuana natives in the reserves (so-called) of Mphoeng and Raditladi, in the Bulalima-Mangwe district, and the colony of Fingoes on the Bembesi River in the Bubi district. The Commission considers that the Bechuana natives settled now for many years upon the Mphoeng and Raditladi Reserves should be taken to come within its terms of reference; but that the Fingoes, who came into Rhodesia under a definite contractual agreement with the British South Africa Company, cannot be considered in any way as coming within the scope of our inquiries. The Bechuana Reserves referred to were approved by the Secretary of State as a part of the general policy of native settlement, while the area occupied by the Fingo labour colony was always termed a "location," not a reserve, and has never formed the subject of correspondence or discussion with the Colonial Office in the sense indicated above.

32. The Commission considers that, while any floating alien population should be disregarded, no differentiation can be made between the various elements of the tax-paying population, which must be held to enjoy equal rights, including the right to dwell in the native reserves. The number of "domiciled" aliens, however, is inconsiderable, and, as they will continue to live almost entirely in the towns or on the mines, the Commission does not propose to make any definite reference to them at this stage.

33. The native population, according to the returns in the Report of the Chief Native Commissioner for the year 1913, is 712,783, and it has been ascertained that about 400,000 of these are at present living on reserves, the remaining 312,000 being found on occupied or unoccupied farms or on unalienated land. The total area of the existing reserves, as computed by the Survey Department of the Administration, is 21,738,222 acres. The average amount of land available for the population now settled on the reserves is therefore about 54 acres per head, and if the whole of the native population of Southern Rhodesia were settled upon the reserves the average amount of land per head of the population would be about 30½ acres.

34. The corresponding figures for other parts of South Africa, as provided recently by the various Administrations concerned, are:—

AREA AND POPULATION OF NATIVE RESERVES IN VARIOUS PARTS OF SOUTH AFRICA.

Country.	Area of Native Reserves (Acres)	Total Native Population.	Population on Reserves.	Acres (on Reserves) per Head of Total Population.	Acres (on Reserves) per Head of Population now therein.
Basutoland*	6,587,520	400,058	400,058	16·4	16·4
Swaziland	1,601,179	108,733	84,000	14·7	19
Bechuanaland Protectorate	56,640,000	123,803	117,000	459	484
Pondoland	12,608,050	1,519,939	1,145,645	8·8	11
Transkei					
Remainder of Cape Province } Zululand	3,905,610	214,969	430,528	6·6	14·7
Remainder of Natal Province	2,425,698	788,429			
Transvaal Province	1,861,026	1,219,845	486,846	1·5	4·2
Orange Free State Province	156,750	325,824	69,184	0·5	2·3
Southern Rhodesia	21,732,222	712,783	400,000	30·49	54

* NOTE.—Practically the whole area of Basutoland is reserve.

The above table is inserted as being of general interest. We do not at this stage of our inquiry propose to analyse it in terms of the conditions obtaining in this country. It affords, however, a basis for a general comparison of the ratio of the population to the reserved areas in other parts of South Africa, where conditions enable such a comparison to be made.

35. It is extremely difficult to arrive at the actual and normal rate of increase of the population of Southern Rhodesia. Estimates made in the earlier stages of the country's development are untrustworthy, but the figures for the last few years may be quoted with more confidence. In the five years ending 31st December, 1913, the population (estimated) increased from 697,181 to 712,783, or at the rate of about 2·27 per cent. Assuming this rate to be maintained, the population might be expected to double itself in about forty-four years. The Commission does not, however, at this stage, feel justified in going more deeply into this question or in expressing an opinion as to whether this estimate is correct. The general figure is stated now only in connexion with the table given in the preceding paragraph.

36. Before leaving the subject, reference may be made to the means at present adopted by the Native Department in computing the numbers of the native population. All calculations are based on the annual returns of tax; the number of taxpayers (the adult male members of the population) is multiplied by 3·5, and the result given as the "estimated native population." This method the Commission regards as being too arbitrary to have much value; it constitutes, however, the only source of information available, and our calculations must of necessity be based upon the figures derived from this somewhat unsatisfactory system.

37. It will be impossible, until the examination of the reserves has been completed, to give with any degree of certainty an estimate of the amount of comparatively useless land in the reserves, and the Commission has reason to believe that large areas of land now so regarded, owing to the lack of water, may eventually, by systematic well-sinking and other means of irrigation, be brought under cultivation or made available for stock-raising.

38. The sudden immigration of a European community into a country previously inhabited only by African natives living in a state of tribal barbarism, and the rapid growth of that community, must have the immediate effect of dislocating the whole normal process of tribal development. The natives cannot at once become assimilated to European conditions of life, and it is necessary to set apart areas in which those who are not ready for the new order can continue to live under their old tribal conditions. That the extent of land so required in Rhodesia could not at first be ascertained was inevitable, and was recognized by the use, in section 81 of the Order in Council, of the words "from time to time," which implied that a final settlement could only be attained by gradual adjustments to suit the changing needs of the two elements of the population.

39. But certain students of native affairs in Rhodesia appear to have regarded these words as meaning that, as the native population increases, every individual is to retain an indefeasible right to land sufficient for his occupation and suitable for his agricultural and pastoral requirements according to the primitive methods of native life. If this interpretation be allowed it is evident—granting that European

the last two years. Though natives are naturally conservative, and have hitherto shown a disinclination to leave their former surroundings for districts which are strange to them, it is now obvious that their reluctance to move is diminishing. This is due partly to an inevitable breaking down of old tribal prejudices, and partly to the fact that the earlier of these enforced movements from the farms have convinced them of the obvious advantages of securing a new freedom upon areas of their own choice in the larger reserves.

29. The tendency of the ejected tenants is to betake themselves to the nearest reserve, and, in consequence of the influx of newcomers, some of the smaller areas are becoming inconveniently overcrowded. The only alternative is that they should travel further afield and settle in the unoccupied parts of more distant blocks. The Commission has thus been confronted with the position that, while some of the smaller reserves (and especially those surrounded by occupied farms) are already becoming congested, others contain large tracts of good country so sparsely populated as to be practically running to waste.

30. The initial question which the Commission has been directed to consider is that which relates to the sufficiency of suitable land in the existing reserves; and, in determining this, it has first to ascertain for what class of natives the reserves are intended.

The Order in Council of 1898 (clause 81) lays it down that the persons to be provided for are "the natives inhabiting Southern Rhodesia."

It might be argued that this definition was not meant to include any beyond the indigenous tribes, and that it should not be regarded as referring to natives of other African States, who, for purposes of their own, have entered and settled in the territory. On the other hand, many of such immigrants have so far become a part of the permanent native population that it is almost impossible to dissociate them from the indigenous tribes; many have intermarried with natives of the country and have voluntarily placed themselves under the tribal control of local chiefs; some, moreover, have acquired a domicile to the extent that they are paying the poll tax. These natives the Commission proposes to include within the term "indigenous."

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Remainder of Natal Province	2,425,698	788,429	486,846	1·5	4·2
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Orange Free State Province	156,750	825,824	69,184	0·5	2·8
Southern Rhodesia	21,732,222	712,788	400,000	80·49	54

* NOTE.—Practically the whole area of Basutoland is reserve.

The above table is inserted as being of general interest. We do not at this stage of our inquiry propose to analyse it in terms of the conditions obtaining in this country. It affords, however, a basis for a general comparison of the ratio of the population to the reserved areas in other parts of South Africa, where conditions enable such a comparison to be made.

35. It is extremely difficult to arrive at the actual and normal rate of increase of the population of Southern Rhodesia. Estimates made in the earlier stages of the country's development are untrustworthy, but the figures for the last few years may be quoted with more confidence. In the five years ending 31st December, 1913, the population (estimated) increased from 697,181 to 712,783, or at the rate of about 2·27 per cent. Assuming this rate to be maintained, the population might be expected to double itself in about forty-four years. The Commission does not, however, at this stage, feel justified in going more deeply into this question or in expressing an opinion as to whether this estimate is correct. The general figure is stated now only in connexion with the table given in the preceding paragraph.

36. Before leaving the subject, reference may be made to the means at present adopted by the Native Department in computing the numbers of the native population. All calculations are based on the annual returns of tax; the number of taxpayers (the adult male members of the population) is multiplied by 3·5, and the result given as the "estimated native population." This method the Commission regards as being too arbitrary to have much value; it constitutes, however, the only source of information available, and our calculations must of necessity be based upon the figures derived from this somewhat unsatisfactory system.

37. It will be impossible, until the examination of the reserves has been completed, to give with any degree of certainty an estimate of the amount of comparatively useless land in the reserves, and the Commission has reason to believe that large areas of land now so regarded, owing to the lack of water, may eventually, by systematic well-sinking and other means of irrigation, be brought under cultivation or made available for stock-raising.

38. The sudden immigration of a European community into a country previously inhabited only by African natives living in a state of tribal barbarism, and the rapid growth of that community, must have the immediate effect of dislocating the whole normal process of tribal development. The natives cannot at once become assimilated to European conditions of life, and it is necessary to set apart areas in which those who are not ready for the new order can continue to live under their old tribal conditions. That the extent of land so required in Rhodesia could not at first be ascertained was inevitable, and was recognized by the use, in section 81 of the Order in Council, of the words "from time to time," which implied that a final settlement could only be attained by gradual adjustments to suit the changing needs of the two elements of the population.

39. But certain students of native affairs in Rhodesia appear to have regarded these words as meaning that, as the native population increases, every individual is to retain an indefeasible right to land sufficient for his occupation and suitable for his agricultural and pastoral requirements according to the primitive methods of native life. If this interpretation be allowed it is evident—granting that European

rule will eliminate tribal wars and check human and animal diseases—that there can be no limit to the extension of the native reserves; and if the argument is pursued to its logical conclusion the whole of Southern Rhodesia will, in course of time, be required for this purpose.

This extreme view is only mentioned to show the absurdity which it might involve. The Commission is of opinion that it cannot be assumed that every unborn native is to enjoy an indefeasible right to live on the soil under tribal conditions and by the primitive and wasteful methods of cultivation practised by his forefathers.

40. All native education tends the same way, that is, towards the breaking down of the old tribal system; and the presence of an industrial and progressive European farming community, with all the examples which it holds up before the eyes of the natives, is in itself one of the strongest of educative forces. Development of this character should not create a need for additional reserved areas, unless it is assumed that the number of natives capable of existence only under tribal conditions will continue to increase in spite of all the civilizing forces alluded to above—an assumption which is tantamount to a denial that progress is taking place at all.

41. The cumulative effect of the available evidence goes to show, in the view of the Commission, that the aggregate area of the reserves in Southern Rhodesia is more than sufficient for the present and future needs of the native population. If, therefore, any congestion is found in particular districts, what is required is either a readjustment of areas or a redistribution of population, while no efforts should be spared to induce the natives to make better use of the land assigned to them. This conclusion involves a careful consideration of each reserve on its own merits, and no final recommendations can be made until all, or practically all, have been inspected, and until we have been able to tabulate and co-ordinate the figures and the information we have collected.

42. The last point on which the Commission is specially charged to make recommendations is that relating to the means to be taken to induce natives to use and occupy reserves to the best advantage. We are of the opinion that the time has not yet arrived when definite recommendations can be made upon this subject. There are, however, one or two points upon which we would wish to make a brief comment.

43. The Commissioners have found that the territory generally—the southern and western districts more especially—is suffering from the effect of a prolonged drought. In Matabeleland the small streams have completely dried up, while larger rivers, such as the Gwaai, Manzamnyama, and Shangani, have been reduced to a chain of disconnected pools which are sometimes several miles apart. The grazing has fallen off, and in the more congested areas has almost disappeared; cattle have had to be shifted from their old pasturage to the neighbourhood of distant water holes; and there has been a good deal of privation and suffering, owing to the recent meagre harvests and loss of trade and stock. This condition of affairs may be only temporary, but it must, nevertheless, be regarded as liable to recur, and it is in any case of the highest importance that the natives should have some permanent water supply to fall back upon in seasons when, owing to scanty rainfall, they cannot depend on the rivers and the springs.

44. The Commissioners were struck with the way in which the natives have combated this difficulty in one small reserve, that of Thabas Induna. Here their water supply is derived solely from a number of wells which they have constructed at their own expense and with their own labour. A dry area of about 26,000 acres has thus been made capable of supporting 1,500 natives, 1,200 cattle, and 2,500 head of small stock. In their choice of sites, and in the actual work of construction, the natives have, to some extent, been advised by their Native Commissioner, but both the initiative and the actual work were entirely their own.

45. This was the only instance in which the Commissioners observed any attempt on the part of the natives to help themselves, but they see no reason why well-sinking should not be taken in hand in several of the other reserves, notably those of Nata and Gwaai. They are advised that, almost throughout the territory, underground water supplies exist at a comparatively small depth from the surface, and if these can be tapped in one district there seems no reason why successful experiments should not be made in others. The Commissioners are informed that the Administration is fully alive to the desirability of stimulating the natives to increase the water supply by their own efforts, and that in several districts Native Commissioners are making tentative efforts to encourage well-sinking. We feel that this matter is one of some importance, as a sound and comprehensive scheme, either under

Government control or otherwise, would render habitable, and perhaps prosperous, a great area which to-day is practically useless.

The Commission has heard no suggestion that the natives are too poor to bear the cost of such work; indeed, having regard to the general dearth of water and pasturage, they have been greatly impressed by the abundance and good condition, in Matabeleland particularly, of the cattle and small stock.

46. The methods of cultivation employed by the natives are capable of improvement in many directions. The plough is replacing the hoe generally throughout Matabeleland, and in some parts of Mashonaland, but in ignorant hands cultivation with the plough has an unsatisfactory side. The Commissioners have it from Father Biehler, and from other witnesses, including the Chief Native Commissioner, that the possession of a plough impels natives in many instances to turn up large areas in a reckless and very inefficient manner, with the result that pasturage is reduced and timber destroyed, while the amount of grain harvested per acre of land cultivated is far smaller than it should be. This wasteful use of land is, we believe, a matter which calls for attention. It is obvious that, with an increasing population, the goal to be kept in view is to increase the yield per acre, and not to increase the cultivated area at the expense of the yield. There are other points, such as the use of mechanical cultivators, the employment of fertilizers, and the rotation of crops, which need hardly be pursued in this connexion.

47. Your Excellency's Commission has found that certain Matabele chiefs are very wealthy in cattle, and may give the following instances:—Chief Gambo, Nata Reserve, owns approximately 5,000 head; Chief Hole, Matopo Reserve, 5,000 head; Chief Maqina, Matopo Reserve, 3,000 head; Chief Nyangazonke, Matopo Reserve, 2,000 head; Chief Mpini, Ramaquabane Reserve, 2,000 head—this does not include sheep and goats. It will be noticed that three of these chiefs are located in the Matopo Reserve, and that they own between them no less than 10,000 cattle. The Native Commissioner of the Matopo district stated, in his evidence before the Commission, that there was only one reserve in his district, the figures for which are:—area, 51,200 acres; population, 6,760; cattle, 1,500; and small stock, 10,000. He stated that the reserve could not graze more than 1,500 head to-day and perhaps 4,000* head in a year of good rains and pasture. He added that the reserve was not overcrowded, and that if necessary he could place 2,000 more natives upon it, provided they had no cattle; if, however, they were to bring their cattle he could not find room for them, for the reserve was already stocked up to its limit. Natives on the reserve, other than the chiefs mentioned, own about 1,200 head between them. Of the 11,200 head now owned by natives located upon the reserves, no less than 9,700 head must find their grazing and water outside the reserve, that is either upon unalienated land of the British South Africa Company or upon privately owned farms.

48. A similar condition of affairs occurs along the Manzanyma River (Nata Reserve), and in a lesser degree in the Gwaai Reserve, where, owing to the entire absence of water away from the few rivers, the whole of the cattle on the reserve must be concentrated along the river banks. The consequence is that the available water and grazing is insufficient, and the congestion must have a bad effect upon the condition, birth-rate, and value of the herds. On the Manzanyma it is probable that at least 50 per cent. of the cattle belong to one man.

49. This matter is one which must ultimately be dealt with by the Administration, in conjunction with others which we have mentioned under the principle indicated in paragraph 50, for it concerns directly the obligation of the Administration to encourage the natives to make the best use of their reserves. It is obvious that no reserve can be used to the general advantage of the native population of the district if practically the whole grazing of the reserve is consumed by the cattle belonging to one chief. In spite of the fact that a chief's cattle are in some degree his people's wealth, the Commission considers that, having regard to its instruction referred to above, it is a question well within the limits of debate whether such a condition is a sound one.

50. The Commission has carefully refrained from entering into questions arising from past disputes as to the actual boundaries of the reserves, but has based all its inquiries, and will frame its recommendations, upon the official definitions of the reserves as originally approved by the Administration and sanctioned by the

* We quote the figure given to us, but we cannot endorse it; we do not consider that this reserve could carry more than 2,500 head, even in a good year.

Secretary of State, with such modifications as have subsequently been authorized in the same manner.

51. The terms of reference include the specific instruction to consider not only the present but the future needs of the native population; the extent of these needs must depend very largely upon the birth-rate. The estimated rate of increase has already been considered (see paragraph 35). We have stated that we do not at this date feel justified in either criticizing or endorsing the estimate, and not until we have completed our investigation of the northern portion of the territory shall we be able to submit any definite figure. We wish, however, to assure Your Excellency that this point has not been lost sight of.

52. Your Excellency will have noted from the second paragraph of this report that your Commission does not, at this stage of its inquiry, deem it advisable to do more than record the history of the reserves and give a short account of its progress. The map* which accompanies the report will indicate the amount of country covered since the middle of June. Much of this country is remote and difficult for wheeled transport. In several districts the lack of water involved some hardship to the animals, and in others the mountainous character of the country and the absence of roads rendered travelling both slow and difficult. The actual route shown on the map does not, of course, represent the whole of the ground covered and examined by the members of the Commission.

53. The précis† of the evidence heard by the Commission is inserted in order to indicate the general nature of our inquiries. Every facility was afforded to the public to give evidence, and every encouragement was given to witnesses, but very few members of the public availed themselves of the opportunity.

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.

54. Mr. F. J. Newton was compelled by his administrative duties to leave the Commission on the 7th July, and Mr. W. J. Atherstone, Surveyor-General of Southern Rhodesia, was, with Your Excellency's approval, appointed to act as his alternate. Mr. Atherstone joined the other Commissioners in the Insiza Reserve on the 14th July, and accompanied them on all subsequent inspections.

55. The labours of the Commission have been greatly facilitated by the cordial co-operation of the Chief Native Commissioner and his staff, and of the officers of his department in the various districts visited; we desire to take this opportunity of recording our obligations to them for the assistance they have rendered throughout.

Special mention should also be made of the excellent arrangements made by the Controller of Defence for the transport of the Commissioners over upwards of 2,000 miles of country by motor and mule wagon.

56. Before closing this report it will be desirable to indicate the proposals for the resumption of the work after the close of the wet season.

Your Commissioners consider that their field work should be recommenced in May, 1915, and they propose, with Your Excellency's approval, to assemble on or about the 1st of that month.

The inspection of the remaining reserves will probably occupy about five months, and it is hoped that it may be possible to present a final report to Your Excellency, before the end of November, 1915.

We have, &c.,
 R. T. CORYNDON, Chairman.
 F. J. NEWTON, Member.
 E. C. F. GARRAWAY, Member.
 W. J. ATHERSTONE, Member (alternate).

H. MARSHALL HOLE, Secretary.

His Excellency
 The High Commissioner
 for South Africa.

No. 6.

THE HIGH COMMISSIONER to the SECRETARY OF STATE.

(Received 20th January, 1916.)

High Commissioner's Office, Cape Town,

SIR,

31st December, 1915.

I HAVE the honour to inform you that the work of the Southern Rhodesia Native Reserves Commission is now completed and that their final report was handed to me by the Chairman at Pretoria on the 20th instant.

2. I enclose four copies of the report. My observations and those of the Resident Commissioner will be transmitted to you in due course.

3. In furnishing a copy of the report to the Administrator of Southern Rhodesia, I am requesting that it may be treated for the present as confidential.

I have, &c.,

BUXTON,
High Commissioner.

Enclosure in No. 6.

THE SOUTHERN RHODESIA NATIVE RESERVES COMMISSION.

Salisbury, Southern Rhodesia,

YOUR EXCELLENCY,

December, 1915.

We have the honour to attach for Your Excellency's information the final report* of the Southern Rhodesia Native Reserves Commission.

The Commission was appointed by Your Excellency's predecessor on the 5th May, 1914, to visit and examine the existing Native Reserves and to make recommendations in order that Reserves should be finally assigned and demarcated, with special regard to a sufficiency of agricultural and pastoral land and permanent water. The Terms of Reference are attached.

We have the honour to be,

My Lord,

Your Excellency's obedient Servants,

R. T. CORYNDON, Chairman.

F. J. NEWTON, Member.

E. C. F. GARRAWAY, Member.

W. J. ATHERSTONE, Member (Alternate).

A. H. HOLLAND, Secretary.

His Excellency

The Right Honourable

Viscount Buxton, G.C.M.G.,

Government House, Pretoria.

COMMISSION BY HIS EXCELLENCY THE HIGH COMMISSIONER,

To

ROBERT THORNE CORYNDON, Esquire, C.M.G.,

FRANCIS JAMES NEWTON, Esquire, C.V.O., C.M.G.,

MAJOR EDWARD CHARLES FREDERICK GARRAWAY, C.M.G.,

GREETING:

WHEREAS in terms of Clause 81 of the Southern Rhodesia Order in Council, 1898, areas of land known as Native Reserves have been assigned by the British South Africa Company to natives inhabiting Southern Rhodesia for their occupation;

And whereas it is expedient that Native Reserves should be finally assigned and demarcated, and that thereafter there should be no further assignment;

Now know ye that I, reposing great confidence in your zeal, knowledge, and ability, have authorised and appointed, and do by these presents authorise and appoint, you the said ROBERT THORNE CORYNDON, Esquire, C.M.G., FRANCIS JAMES NEWTON, Esquire, C.V.O., C.M.G., MAJOR EDWARD CHARLES FREDERICK GARRAWAY, C.M.G., to be my Commissioners, and you the said ROBERT THORNE CORYNDON to be Chairman, for the purpose of making recommendations to the end aforesaid;

And I do charge and direct you to visit and examine the existing Native Reserves and to have especial regard to the sufficiency therein of land suitable for the agricultural and pastoral requirements of the natives, including in all cases a fair and equitable proportion of springs or permanent water;

And I do further charge and direct you to report whether any of the said Reserves are insufficient for or in excess of the requirements of the natives occupying them. In so doing you shall have regard not only to the present requirements of the natives but also to their probable future necessities consequent upon the spread of white settlements to areas now occupied by natives but not falling within the Reserves and to the probable extension of those requirements by reason of the natural increase of population;

And I do further charge you in case any Reserve shall appear to you to be insufficient as aforesaid or to be in any other way unsuitable to examine such other areas as may be indicated

* NOTE.—Owing to an error in printing the main Report has been printed in small type.

to you by divers authorities as suitable and to recommend the assignment in addition to or in substitution for existing Reserves of such portions thereof as you may deem to be desirable and necessary, bearing in mind in any recommendations which you may make that the removal of natives from existing kraals and lands on a considerable scale should be avoided;

And, moreover, I desire that you shall recommend what steps might be taken in order to induce and encourage natives to use and occupy to the best advantage the Reserves assigned to them;

And I do hereby desire and request that you, or any two of you, using all diligence, do report to me in writing your proceedings by virtue of this Commission;

And I further will and direct, and by these presents ordain, that this Commission shall continue in force until you shall have finally reported upon the matters aforesaid, or, otherwise, until this Commission shall be by me revoked;

And I do hereby instruct that you do report to me your several proceedings from time to time as the same or any part thereof may respectively be completed and perfected;

And, lastly, I do desire and request that all public officials, European residents, native chiefs, headmen, and others the inhabitants of the Territory of Southern Rhodesia should be assistant to you in the execution of these presents, by furnishing all such information having reference to the same as it may be in their power to impart.

In witness whereof I have hereunto set my hand and seal this fifth day of May, 1914.

GLADSTONE,
High Commissioner.

THE SOUTHERN RHODESIA NATIVE RESERVES COMMISSION. FINAL REPORT.

PART I.

A BRIEF SURVEY.

1. EXPLANATORY.—Your Excellency's Commission has not thought it necessary to provide a detailed return of its actual routes, or of dates; the routes are shewn on Map No. 1.* The journeys by mule wagon and on horseback totalled 3,492 miles, much of which was over country in which roads were very bad or non-existent. The journeys by motor-car amount to 1,549 miles, and by train to 5,404 miles. The inspection of Matabeleland and a small portion of Mashonaland was completed in 1914; the remainder of the latter territory was completed during this year. The Commission began its enquiries on the 4th June, 1914. It went into recess on the 30th November of that year, and recommenced work upon the 1st May, 1915. The actual field work was completed on the 11th November.

2. The Commission has visited every district with the exception of Sebungwe and Wankie (parts of which are at present infected with trypanosomiasis), and the great majority of the reserves, and has examined the conditions on the spot. 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. Particular care has been exercised in complying with the instruction to avoid hardship to natives where we have recommended the abolition of certain reserves or the alteration of boundaries. Finally we have indicated what steps we consider necessary to encourage natives to use their reserves to the best advantage.

3. The Commission has not deemed it necessary to burden its report with the whole of the evidence taken. Much of the evidence was necessarily of the same character, and differed only in the figures and in minor details. We have, therefore, thought it sufficient to attach only a summary of such evidence. The actual evidence as taken is, of course, preserved.

Certain statistical tables are attached. We have not thought it necessary to supply many comparative tables of population and areas in other countries. The figures of population of Southern Rhodesia, as supplied to us, have varied so much at different times, and the information at our disposal in other directions is so vague, that many of the results tabulated can only be regarded as approximate.

4. POPULATION AND AREA.—The total area of Southern Rhodesia is computed to be 153,247 square miles; of this area, the native reserves actually defined and approved by the Secretary of State amounted to approximately 32,017 square miles, that is 20·9 per cent. of the total area of the territory. In addition to these defined reserves, certain areas were to have been demarcated later in the districts of Darwin and Sebungwe; the central points of such areas were indicated, but no actual demarcation was attempted.

Some anomaly existed in the relative size of the reserves and in their distribution in the districts of the territory. In the Chibi district, 55 per cent. of the total area of the district consisted of native reserves; in the Mrewa district, 84 per cent.; Mazoe, 17 per cent.; Umtali, 36 per cent.; and Matopo, 4·5 per cent. No reserves at all were defined or indicated in the districts of Mtoko, Gwanda, and practically in Wankie; the total area of these three districts is approximately 21,727 square miles.

5. The largest individual reserve (Matibi) contains approximately 3,485,941 acres; the three smallest are, respectively, 2,783, 3,700 and 4,067 acres. One single block of reserves, that is a number of individual reserves which march together, has a total of no less than 5,173,479 acres; a second block totals 3,686,109 acres. There are 21 reserves which measure less than 25,000 acres each. The total number of the approved reserves was 104.

* Of the maps No. 2 only is reproduced.

The native population is estimated to be 732,153, of which about 405,376 are living on reserves. The total area of the reserves is given as 20,491,151 acres. The natives actually living on the reserves are therefore occupying 50·55 acres per head; and if the whole of the native population were settled upon the reserves the area per head would be 28 acres.

6. WATER.—It was in a sense fortunate that the Commission's travels in Southern Matabeleland coincided with the third year of a severe drought. In some districts the country was as dry as it had been within living memory. The question of the available supply of water for native use, not only for the present but for an increased future population, was therefore forced upon our attention.

The country most lacking in surface water may be described roughly as south of a line running in a south-easterly direction from Wankie to Belingwe and on to the border. It seems clear that provision will have to be made sooner or later for the supply of water for the use of natives and their stock in many parts of the country south of this line.

Hardly a single river in the whole of the country under consideration runs for more than seven or eight months in the year; in most of them the waterholes dry up before the end of the winter. In parts the rainfall is both small and variable. The matter derives some additional importance from the fact that the largest herds of native-owned cattle in Southern Rhodesia are in this part of the country, and, as the herds have increased very rapidly since the Matabele Rebellion in 1896, the problem of the supply of water for them becomes acute in every dry year.

7. To the north of the line, that is, roughly, north of Gwelo and Victoria, the conditions as to water are very different. Except in one or two large areas it is unlikely that the question of providing water for native use will ever become acute. Much of the country, for instance between Salisbury and Umtali, is admirably watered. There are, however, many small areas scattered throughout the native reserves of the territory in which it may perhaps be necessary to consider in the future some scheme of wells or boreholes if their full capacity is to be used.

8. In the Thabas Nduna reserve (Map No. 10) the Commission found that a small and isolated native community had attacked the water question with admirable spirit and success. It is a small reserve, thickly populated and entirely without surface water except during the rains. Under the advice of their Native Commissioner they had sunk twelve wells and had procured a permanent supply of good water sufficient for 1,702 people and 1,100 cattle. The conditions were no doubt exceptional, for most of the adult males were experienced workers and comparatively wealthy and intelligent. Nevertheless, it is a clear indication that the success which has been achieved there can and will be accomplished (under adequate encouragement by the Government) in other and more remote reserves.

9. SOIL.—The comparative values of the different soils of the territory and their suitability for white and native use was a matter of constant enquiry and comment during journeys which totalled over 5,000 miles by road throughout every portion of Southern Rhodesia. There is an immense variety of type and of value. A responsible official with special opportunities of forming an opinion considers that 85 per cent. of the total area of the territory is granite. We cannot venture to confirm this estimate but we believe that it is not far from correct.

Much of this granite country consists of rough hills covered with large boulders and capped by huge masses of bare rock; of this type, the mass of the Matopo mountains is a good example. Several of the reserves, such as Makoni and Maramba, are almost entirely composed of such rocky hills; while many others, such as Maranka and Chindamora, contain a great number of rough kopjes but with level stretches of land between them and valleys of good arable soil. Some few parts have a dark fairly rich soil, but the great bulk is a coarse light coloured sand, easy to work and capable of very fair crop results under reasonable fertilisation. Throughout this granitic country there are many patches, some of considerable extent, of a hard iron-coloured red soil of fair quality, and of dark chocolate or blackish loam in the broader depressions—such as the Mazoe valley—which are rich and valuable.

10. In Matabeleland also the great bulk of the country is granitic. There are, however, considerable areas of "formation," that is, diorite or ironstone—red and black soils covered with thorn bush, much like the country round Bulawayo. There is another type of country, again with granite as its basis, which covers much of the western part of the territory, notably the Shangani reserve. It consists of a series of high sandy ridges from three to fifteen miles broad, well covered with a good class of timber, and with narrow valleys usually holding water. This country merits some consideration, for the long ridges, or "gusu," are quite waterless, and offer but poor grazing. The soil itself is of fair quality, but until water is obtained, this "gusu" country, though potentially of some value, can carry but a small population.

11. The Commission found that the tendency of the two main branches of the native population, the Matabele and the Mashona, to prefer certain types of soil for cultivation was very marked. The former have as a rule preferred the darker and heavier soils, a preference which they probably brought with them in their comparatively recent pilgrimage from the non-granitic countries of their origin. They are, however, showing signs of favour towards the lighter soils, and no doubt as their use of the heavier land outside their reserves becomes more restricted by white occupation, they will grow more reconciled to cultivating the granite sands. In the same way the Mashona have always preferred the light coloured and easily worked soil of which so much of their country consists. There are few indications as yet of any general desire to cultivate those areas of red or black soil which do occur in their reserves. We recognise this national tendency, but we have not placed too much importance upon it, for it is not a permanent factor. As their mental horizon widens and the use of machinery and better methods of cultivation are acquired, both sections of the native population will come to make good and willing use of all the soils within their reserves, heavy loam or light sand.

12. A few Native Commissioners have asked for an especially generous allocation of reserve for their population because of the amount of non-usable or absolutely waste land in their districts. It is advisable here to review very briefly the position in other South African "native" territories, such as Basutoland, Swaziland, and the Bechuanaland Protectorate. The immense range of the Maluti mountains in Basutoland makes a considerable proportion of the whole country quite uninhabitable; in Swaziland there are many thousands of acres of

hillside too steep and rocky to be of any but the most limited use; and in the Bechuanaland Protectorate many hundreds of square miles of country are absolutely waterless. It is true that a number of areas in Mashonaland are covered with steep and rough granite hills, but all except the very worst of these can carry some population in the valleys. The Matopo range itself, than which there are few more mountainous areas, carried a very considerable native population before the Pioneer Column entered the country and doubtless it will do so again. The Commission, while it does not care to make a definite statement upon the subject, considers that the proportion of waste land is not greater in Southern Rhodesia than in the other territories referred to.

13. It must be borne in mind that the great bulk of the country now occupied by the natives is, generally speaking, of their own choosing. In certain districts and over certain areas the inevitable progress of white settlement has driven the indigenous inhabitants further afield; this is particularly the case in the heavily settled country round the towns of Salisbury, Gwelo and Bulawayo. But, as a rule, the country to which the native population is retiring—those of them who do not remain upon farms and ranches—is country which was selected for them by the Native Commissioners in the early years as being suitable land which they had themselves chosen and settled upon. If, speaking generally, much good land has been occupied by whites, there is much good land remaining to the native population throughout more than 30,000 square miles of reserves.

14. **AGRICULTURE.**—Upon this factor the Commission has little to say at this point except to draw Your Excellency's attention to the fact that throughout the territory the agricultural methods practised by the natives are of a primitive description. It is probable that they have altered or improved but little during a century. In certain districts there are heartening evidences of improvement, but they are limited in area and generally of a simple nature, such as the use of the plough instead of the hoe, and the cultivation of a little extra land for the purpose of selling the produce to traders. The crops grown are limited in number and of moderate quality. Not the least noteworthy feature is the great waste which characterises their methods of choice and rotation of lands, tillage, and harvesting. Immense areas of bush-covered lands are demuded every year to yield poor crops for two or three seasons, and then to lie fallow for from six to ten years, while old overgrown lands are brought again into use or fresh areas of bush are cut down. The timber so destroyed is burnt on the land to provide an easy but inadequate fertilisation. These methods must have some effect upon such factors as rainfall and veld erosion. The process of improvement will be slow, but it will be certain; native ideas upon such subjects are conservative. The question will be dealt with at a later stage; it is sufficient now to emphasise the fact that the adequacy of the reserves to future native needs must not be measured by their present agricultural methods.

15. **CATTLE.**—Similar primitive and wasteful methods characterise the pastoral side of the present native life. The cattle are generally of a poor class, and show the evidences of in-breeding, careless grazing, and the use of unsuitable bulls. In the south and south-west the stock shows the benefit of fresh and good blood from the Bechuanaland Protectorate and is of a fairly good class, but throughout Mashonaland the cattle are very light and small. They are, however, hardy and strong, and respond to good breeding methods.

16. The Commission was surprised and concerned at the great number of cattle owned by certain of the Matabele chiefs. Two chiefs own 5,000 head each, and several own 3,000 and 2,000 head. On the Matopo reserve of 51,200 acres three chiefs living on the reserve own 10,000 head between them. The point is an important one in relation to grazing, for the reserve referred to cannot carry even in a good year more than 3,000 head at the most, and it is clear, therefore, that 7,000 head of cattle belonging to the reserve must graze outside it, either upon private farms or upon unalienated land. We are aware that, among the Matabele particularly, a chief's cattle are usually distributed among his people and are used by him as a means of governing and controlling them; the herds are moreover of great benefit to the people, especially in famine years. But the Matabele are large cattle owners throughout their country, and the problem of grazing the herds which cannot be accommodated upon the reserves is one of constant difficulty and is the cause of some friction with white settlers.

17. In 1902 the cattle in Matabeleland numbered 16,000; to-day they have increased to 155,417. It is this general ownership of cattle which has caused so many of the Matabele to move off occupied farms, where they would otherwise have been content to remain, for there is seldom sufficient grazing on the farm to support the stock both of the white owner and the native tenant. Considerable sums are paid by many Matabele by way of grazing rents outside the reserves.

In Mashonaland the cattle have increased from 39,155 in 1902 to 250,763 in 1914. Owing, however, to the larger area and to a better natural water supply, the question of cattle ownership and available grazing has not, and probably will not, become acute.

18. **TSETSE FLY AND TRYPANOSOMIASIS.**—The fly-infested areas of Southern Rhodesia are all in the Sebungwe, Hartley, and Lomagundi districts; the rest of the country is free. It is difficult to estimate the fly area, but it is probably in the neighbourhood of 5,000,000 acres. It is very unfortunate that a portion of the Sebungwe fly area is infected with sleeping sickness. The Administration has, however, taken prompt and energetic steps to cope with the position. Nothing can be done with such areas at present; they are equally uninhabitable by black and white. The areas are all in the low hot bush country, land which is rich and valuable in itself, though it is as yet remote from the possibility of development. We have not visited the Sebungwe district as we believed that no good object would be achieved by doing so, but we have figures of areas and population sufficiently accurate to enable us to form an opinion as to their needs in respect of reserves. Our recommendations in regard to this district are stated on page 55. With regard to the Lomagundi and Hartley districts we have made recommendations which we believe are adequate.

19. **CHANGE IN NATIVE LIFE.**—It is not necessary for the purposes of this Report to attempt any detailed survey of the distribution of tribes or an analysis of their character. Your Excellency is already acquainted with the general position in that direction. It is, however, advisable to bear in mind the effects which the white occupation and the rapid development of

mines and settlement have had upon a primitive people. Many natives retain vivid memories of complete freedom under primitive tribal conditions, and several old chiefs from the midlands, where white settlement has been more closely forced upon their attention, made shrewd comments to the Commission upon the contrasts of life to-day and the time before the white occupation. As a general rule we have found that the chiefs and headmen have no serious complaints, except in a few cases where their ancestral kraal sites have been gradually alienated for farms in past years: "Apart from this or that particular matter we live in peace; the Government looks after us well; we have nothing to complain of."

20. The general effect of this introduction of civilised life was to break up the old tribal conditions under which the natives have lived from time immemorial. That this process is going on rapidly is clear from all our enquiries, and is stated definitely in the evidence given before the Southern Rhodesia Native Affairs Committee in 1910-11. The effect of such a break-up at this stage upon native life and morals is deplored by some observers. But the native outlook is changing, and in time more stable conditions will come about—indeed the rapidity of white settlement, with all that it means in education and example, indicates that development will probably be more rapid in the next quarter of a century than it has been in the last.

21. One of the most potent causes of this gradual change is the facility of travel and communication. We have found that the hostility between neighbouring families and clans and tribes is diminishing, and that intermarriage between them is becoming more general. There is another tendency, due to the weakening of old prejudices and custom, to which we wish to draw Your Excellency's attention. It is the freedom with which during the last few years the bulk of the native population is coming to regard the idea of movement either from one part of the district to another, or from farms to unalienated land and to reserves. We had anticipated the possibility that natives who might be compelled to move from some small reserve which was to be surrendered to a larger neighbouring reserve might exhibit some hostility to the idea, but we were glad to find that our anticipations were unfounded. It became clear from the evidence of Native Commissioners and others that natives had learned to accept the idea of such movements with equanimity, and that there was as a rule no need to anticipate hostility in this direction. The point is an important one in view of the definite instruction to us that "the removal of natives from existing kraals and lands on a considerable scale should be avoided."

22. There are, however, other reasons for this acceptance of the idea of a general movement which would undoubtedly have aroused some hostility ten or fifteen years ago. Of recent years native tenants generally have been charged a certain rent by owners of unoccupied farms, and by the British South Africa Company as controlling all unalienated land. This rent is as a rule paid freely, but the natural result is for the natives to move gradually and without compulsion towards the enhanced freedom of the life upon their own reserves.

23. There are evidences of other changes in native life to which it is hardly within our province to refer. But among them is one which is pertinent to our enquiry. It is concerned with the ability of the people to adapt themselves to the changing conditions so as to enable the increasing population to win a sufficient livelihood from areas which, while amply sufficient to-day, will be incapable of expansion in the future. The speculation is dealt with in paragraphs 64 to 67.

24. There is one other point to be made under this heading. It concerns the tendency of natives to leave a reserve and not only to seek work on farms, but to live on them, and the tendency of farmers to push native tenants off their farms either because of friction or because of lack of grazing on the farm for the cattle of both owner and tenant. These tendencies are stronger or weaker in different districts; they are constantly varying, and in any case are not to-day of great significance to our problem. Apart from farm work the great market for labour is the mines. There seems to be an indication that a class of "Industrial workers" will grow up, in fact it appears to be inevitable if the material progress of the territory continues at anything like its present rate. By an industrial class we mean that class of young men between the ages of say fifteen and thirty who will go out to work, on mines chiefly, as a regular practice. During this fifteen years of their life they will spend but little time on the reserves and will do little work upon them; their families living on the reserves will be supported by the wages earned outside them by the workers.

25. DENSITY OF POPULATION ON EXISTING RESERVES.—Reference has been made to the great variation in the size and position of the existing reserves; a similar variation exists in the density of the population now living on the reserves. These differences in density are the result partly of obscure tribal distributions before the occupation and the natural tendency to collect about the best soil, and partly the pressure of white settlement in certain districts. In some of the smaller reserves the density almost amounts to congestion, but this is sometimes the result of causes other than that of European pressure. The Chikwanda Reserves A., B., and C., for instance, have only 11.6 acres per head of the population, and almost unlimited room for free expansion; while the Gabaza Reserve, entirely surrounded by farms, most of which are occupied, has 38.8 acres per head—there is but little difference between them in the quality of soil. Similar variations are noticeable in the larger reserves. Population will no doubt tend to concentrate along the border of a reserve, where circumstances are sufficiently elastic, in order to obtain the advantages of labour and trade with a friendly and progressive white community. In some instances the scarcity of population over large areas is due to the arid or mountainous nature of the reserve, but it is not so in all cases. In the actual physical aspects of the reserves the differences are very marked. It is not the least part of the problem before us to devise an allocation which can be justly applied at the same time to the rolling highlands of Melsester and to the almost tropical valley of the lower Sabi river immediately below them.

26. But beyond the factors indicated above, the Commission has found an added difficulty in the discrepancy of the figures of population supplied to it by the officials of the Native Department. Not only do the figures submitted by the various Native Commissioners differ, often considerably, from those given in the Chief Native Commissioner's reports, but there has been often a great difference in those given to us by the same Native Commissioners at different times and as the result of a subsequent and more careful examination. While we have made

every endeavour, with the willing assistance of the Native Department, to secure the latest and most reliable figures of population, we cannot pretend that the results given in our tables are anything but approximate. The point is referred to elsewhere; it is only mentioned here in order to explain any discrepancy which may be observed between the figures given in our statistical tables and those in the departmental returns.

27. The Commission believes that on the whole the population as given by the Chief Native Commissioner's report is under-estimated. This was the general opinion of a considerable number of Native Commissioners. We have, of course, taken the accepted figures as our basis, but we have borne in mind the possibility that the population is actually larger than the returns show it to be, and our recommendations are accordingly made on a rather more generous scale than would otherwise have been the case.

28. BIRTH-RATE AND INCREASE OF THE NATIVE POPULATION.—It has proved impossible to obtain figures of the increase of the native population since the white occupation sufficiently full and reliable to enable the Commission to attempt an estimate of the birth-rate. A study of Table No. 5 on page 43 of Appendix shows, of course, an increase year by year, but the increase is so irregular as to lead to the conclusion that the methods employed in the calculations were neither uniform nor complete. The figures before the census of 1904, and that census itself, are admittedly very incomplete. It is only within the last ten years that any regularity is apparent, and that term is much too short upon which to found a reliable estimate of birth-rate.

29. The estimates of the Native Commissioners, the bulk of whom have been many years in the service of the department, vary very considerably. Most, however, are certain that the increase has been rapid in the last twenty years. One Native Commissioner is sure that the population in his district has doubled itself in the last twenty-five years; another estimates that a certain tribe in his district will double its numbers during the next twenty-five years; both are men of experience and ability. On the other hand, a senior official of experience who has spent twenty years in his district is confident that there are no more natives to-day within a hundred miles of his station than there were twenty years ago; there is nothing in the character of the respective districts or in their population to justify this discrepancy. We have put this question to probably every responsible native official in the country, and their answers show a wide divergence of opinion. We refer, of course, to the natural increase, and not to increase by immigration.

30. The figure in the returns which is most likely to be correct is that of the adult male taxpayers. No doubt the relation of such taxpayers to the total native population is in fact constant, but unless the actual relationship is known, and unless the returns of taxpayers are accurate, it is impossible to do more than to make an approximate estimate on that basis of the total population. The increase in the taxpayers, as shown by the Chief Native Commissioner's returns during the last ten years, has been at the average rate of 1·9 per cent. per annum. On this basis the population would double itself in approximately 37 years.

31. Every witness who was questioned on the subject stated that infant mortality was considerable. Some officials spoke of it as excessive, and as the chief reason why the general rate of increase was slow in their particular districts, and it was described by various witnesses as "normal," "heavy," or "excessive." No doubt it varies with the tribe and with the character of the climate and country they occupy, and all witnesses agreed that it would become much less as education and knowledge spread among the people. It is reasonable, however, to predict that there will be some natural balance between the rate of infant mortality and the birth-rate, such, for instance, as that in the course of years the greater proportion of babies brought to adult life will be balanced by the tendency to have smaller families.

32. With regard to our comments in paragraphs 26 and 28 upon the figures of the population, it may be questionable whether any good purpose would be served by an accurate computation of the population at the expense of a considerable increase in the staff and cost of the Native Department, and by a more accurate topography of the large and remote reserves at a very largely increased cost for surveys. We draw attention to it only because we recognise that our tables and our figures may be challenged, and because it will be quite obvious that, in the absence of correct and adequate maps of the reserves, we cannot achieve finality as clearly as we could have wished in respect of the actual boundaries.

It is the case that the districts in Southern Rhodesia are often immense and that the native officials are comparatively few in number. We fully realise that the work of the Native Department runs smoothly, that the native tax is paid promptly and willingly throughout, and that the natives are controlled with both sympathy and justice. But at the same time the Commission is so dependent upon figures of population and area and upon map topography that it must of necessity be somewhat handicapped by any uncertainty in these respects.

33. THE ALIEN NATIVE POPULATION.—The scope of our enquiries throughout has been limited to the indigenous native population of the country, but there are now so many aliens in their territory, and their influence, direct and indirect, is likely to become so noticeable, that we must deal shortly with the question. The returns show that there are at this moment no less than 40,500 alien natives in Southern Rhodesia, that is, 5·5 per cent. of the total indigenous population. Of this number probably 95 per cent. are adult males, so that their proportion to the indigenous taxpayers of the territory is not less than 21·9 per cent. The great bulk of these aliens are engaged in mining; more than half of them were brought in by the Southern Rhodesia Native Labour Bureau. They are generally a floating population, and stay in the territory only for the period of their working contract. Probably not more than a total of 8,000 of such aliens have settled in the territory, married local women, and become taxpayers. The influence of these people upon the indigenous population is no doubt considerable, though it may be at present a little obscure; it is probable that it will increase in the future. But it is chiefly social and economic, and, on the whole, it has a very slight effect upon the tendency or the capacity of the local natives either to move into or to make the best use of their reserves.

34. In addition to this class of alien there is a small number of Bechuana natives who were brought into the territory by the Government and who have lived on their two reserves in the south-west corner of Matabeleland since 1893; they pay tax and are amenable to the Southern Rhodesia laws in every way. Their total number is not more than 1,850. While

they are quite satisfied with their reserves in this country, it is possible that they will gradually in the course of time return to the Bechuanaland Protectorate; in the meantime they exercise little influence, good or bad, upon the indigenous population in their vicinity. The only other colony of alien natives is the Fingo location near Bulawayo. These people, to the number of, approximately, 1,150 were brought to this country, many with their families, in the years 1898-1900 under a definite contractual agreement with the British South Africa Company. They were allotted land on which to live, but this land has never been regarded in any way as constituting a reserve and we have not dealt with it at all. We believe they were not a success as workers and that they have given some trouble to the Administration in regard to the tenure of the land they occupy and in other directions. They are gradually drifting back to the south and to other parts of this territory. Their influence upon the local natives has not been great in one direction or the other.

35. **CONFLICTING INTERESTS.**—Your Excellency's Commission was gratified to find so little evidence of conflict in respect of the occupation of particular areas of land by white and black. It is due partly to the fact that the area of the territory is very large while the population is by comparison small and evenly distributed, partly to the amenable nature of the native population, and partly, we suppose, to a natural genius for native administration which is shared by most British colonial governments. It is quite inevitable that some conflict of interest must have grown up, but it has never reached a stage at any point where active hostility has become apparent. The natives have, of course, no united policy, and are, as a people, almost inarticulate. Roads, railways, mines, farms, and towns have grown without any natural check over certain districts, and the farmer and the rancher have acquired interests which are valuable and jealously guarded. It is only in these districts that we have found difficulty in drawing a geographical line, which is practically all that our duty demands, between the legitimate ambitions of the settler on the one hand and the present and future interests of the indigenous native on the other.

36. We have stated the reasons why an open conflict, which might easily have come about, has not arisen in this direction. The Lands Office of the British South Africa Company, with whom lies the general direction of white settlement, has, so far as our duties are concerned, shown itself to be candid and reasonable. It is naturally interested in the allocation of the reserves, and has afforded some assistance to the Commission by supplying it with a mass of information as to the physical character of many of the reserves and areas near the reserves, and also with suggestions as to the particular areas which it considers to be suited for native or for white settlement. There has been no attempt to influence the Commission in favour of the white settler as against the native.

37. Whatever influence has been brought to bear in favour of the settler has been balanced by the influence of the Missions and the Native Department on behalf of native interests. We have not found it to be intolerant or excessive in either case. White missionaries and the clergy who are closely in touch with the natives have shown as a rule a broad point of view, and, though there may be some conflict between their attitude and that of the settler and that of the Administration, the differences have never become acute.

38. The various interests which are created or accentuated by railway development cannot be said to "conflict" with either native or white interests; they are in reality for the benefit of both. There should be little difficulty in allocating, or rather in co-ordinating, the claims of both in respect of present and proposed railways, so that the greatest benefit shall be assured to each in terms of their respective capacity for making use of them and the rapidity with which they are likely to do so. We may repeat that we have found the ambitions of the Estates office and the claims of the white settler to have been reasonably expressed and no more than natural, and the attitude of the missionary and the native official, who are the advocates of native interests, to have been neither intolerant nor exaggerated.

39. **AREAS AND BOUNDARIES.**—Your Excellency's Commissioners have already referred to the difficulties they have experienced with regard to the figures of population; no less uncertainty has been found in respect of the boundaries defining the present reserves. Some of the definitions which were approved by the Secretary of State cannot be traced upon the existing map. Several rivers employed as boundaries take a course on the map different from that shown in the definition submitted to the Colonial Office; and many points mentioned in the written definitions do not agree with the map by many miles, or by the points of the compass, or else do not exist at all. The anomaly was largely due to the fact that at that time very little was known of the topography of the reserves. The only maps available were rough sketches made by officials who had no expert knowledge of mapping, and the only completed map then in existence was on a scale of approximately sixteen miles to the inch. It is probable that some of the recommendations of the Native Commissioners were not thoroughly checked before being sent to England, but it would have been very difficult to do so on the small scale maps then available. The measures recommended by the Commission in connection with boundaries are stated in paragraphs 77 and 78.

40. The areas given throughout this report must be taken as approximate. In a few cases where small reserves are entirely surrounded by surveyed farms the areas are no doubt practically accurate, but in the immense and remote reserves like that of south-eastern Matibi it is quite impossible to guarantee anything like accuracy in the areas we give. Inaccuracies in this matter will, of course, affect the important figures of the acreage per head of the population in each reserve, but in the smaller reserves where the acreage figure is of particular value any inaccuracy in the area is not likely to be great, while in the large reserves the acreage per head is so high that a mistake would be of no great comparative importance. The only means of measuring areas upon a map where there are no known points already fixed by survey available for use is by planimeter or some other similar instrument. The results of such measurement, though they are not necessarily accurate, are constant, and there is no tendency for the instrument to register either a greater or less area than is actually dealt with. Any inaccuracies therefore which are recorded—but which it is impossible to discover without a survey—are probably "compensating errors," and therefore the aggregate of such calculations by planimeter are likely to be not very far from correct.

41. The Commission wishes to draw Your Excellency's attention particularly to the question of the very large reserves and to make it clear that the present area of several of these reserves is due to error. In a statement written in August, 1908, and handed to the Southern Rhodesia Native Affairs Committee of Enquiry in 1911, the Surveyor-General of the territory gave the following significant evidence (Appendix, p. 57):—

"When recommending the Sabi Reserve the Native Commissioner estimated it contained 400,000 acres, and was required for a population of 21,438. According to the maps the reserve scales 1,554,000 acres, and its boundaries are in several parts defined by survey....."

"In the same district is the Narira Reserve, which was 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....."

"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....."

"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....."

"Chibi Reserve was estimated at 768,000 acres for 14,185 people; map area is 1,051,920 acres....."

"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 275,430 acres....."

"For over estimation I might also mention the three reserves—Mutema, Murvusha and Mutambara, in the Melssetter district. Mutema, estimated area 42,330 acres, map area 135,175 acres. Murvusha, estimated area 33,865 acres, map area 146,746 acres. Mutambara, estimated area 31,748 acres, map area 86,778 acres."

42. The Native Commissioners who, some years ago, applied for the reserves which are dealt with above by the Surveyor-General considered that the total of 1,522,443 acres was sufficient for the purposes of their districts, and they believed that the sketches which they submitted with their recommendations contained approximately that area. When, however, it became possible to place their sketches upon the map with some approach to accuracy the Survey Department found that the areas together amounted to no less than 4,137,181 acres. They contain, in fact, 2,614,738 acres more than they were supposed to and more than was estimated as being necessary. We are not concerned to consider at this stage whether the areas quoted above are adequate or whether the reserves are in excess of requirements—the point is dealt with elsewhere; but we wish to point out the fact that these immense reserves referred to in the previous paragraph are due to error, and are nearly three times the size they were intended to be.

PART II.

THE FUTURE.

43. MOVEMENT AND CHANGE.—We have stated that we think there will be little difficulty or real hardship involved in securing gradual movements from small reserves surrendered to the larger reserves retained or created in the vicinity; we see no reason whatever to anticipate hostility. The movement to the reserves from farms, occupied or not, and from unalienated land is subject to causes with which we do not deal. It seems, indeed, that the process will be largely voluntary, and that the necessity can hardly arise for any sort of compulsory removal. There cannot, after all, be hardship so long as the native population is assured in the possession of land more than sufficient in quantity and quality; there may be some inconvenience in the actual movement from one area to another. The process in effect would be that the natives occupying a certain reserve would be informed that the area was no longer a reserve, and the position would be further explained to them. If they wished to move, the Native Department would do all it could to arrange and facilitate the movement, either to the definite reserve provided as an exchange or to larger reserves in the neighbourhood. If, on the other hand, they elected to remain for a certain time upon the surrendered area they would be quite aware that when the period of grace elapsed they would be liable to the same rent or labour contribution which is uniformly imposed outside the reserves.

44. It would materially assist the general end in view if time were assured for the process of movement, and we therefore make certain suggestions in respect of every surrendered area in order to secure this. The areas recommended to be surrendered would be divided into two classes. In the first, there will be no necessity to take definite action, that is, where the area concerned is remote and thinly populated, or not populated at all; the few occupants however would be informed of the position, and also any other natives who might wish to move on to the areas. The land would be available for sale to white settlers, but no occupation should be permitted and no rent be charged those natives who were in occupation when the surrender was notified to them for at least two years after such notification. If the occupants wish to remain on the areas there would probably be no objection to their doing so. The Native Department would watch the interests of the few people concerned to prevent interference and to see that no avoidable friction with white settlers occurred. In the second class, where the areas and the population upon them is larger, the principle would remain the same, but great care would be taken to explain the true position. No occupation by whites would be allowed and no rent would be charged the original occupants for a term of at least four years from the date that the notification is made to them that the area is no longer a reserve. There seems to be no reason why any particular part of the surrendered area should not be occupied by white purchasers, in case they should apply to do so, before the period of grace is over, so long as a definite statement is obtained beforehand from the Native Department to the effect that that portion of the

area is entirely free from native occupation. We have the opinion of the Chief Native Commissioner that these recommendations are adequate; he considers that no hostility need be anticipated if the Native Commissioner of the district uses tact and energy in encouraging the voluntary movement from the surrendered areas. He is anxious that ample time should be allowed, but he concurs with the opinion of the Commission that if the period of grace is too long the people are not unlikely to think that the move indicated was not really going to take place.

45. The relationship between indigenous farm labour and the occupation of the reserves will gradually develop and settle itself along lines which are not as yet sufficiently important to need analysis. The rent charged by the Company and the farmers is gradually inducing the natives to go into reserves of their own accord. The process is slow, and has been in operation so long now, and is so universal, that no feeling on the subject is evinced. There appears to be a likelihood that gradually there will grow up a class of farm labourers who will become identified with certain types of agriculture, and, perhaps, with certain families, and will live on farms and not on reserves. This class is already in existence in the Transvaal and in other parts of the Union. To what extent it will develop in this country it is almost impossible to forecast. It does not appear to be necessary to make any specific recommendation in this matter.

46. There are indications, confirmed by several witnesses of experience, that the natives of the territory, particularly the Mashona tribes, will exhibit a very considerable power of absorbing new conditions and of profiting by them. Hitherto progress has been slow, but the Mashonas appear to have a reserve of intelligence which, once awakened, will develop rapidly. This is indicated in the widespread desire for education. Specific recommendations are made in Part III. in these directions. We can only state here that we have not neglected the principle that it is essential to foster this power of assimilation of new ideas and methods if the natives are to get the best value out of their reserves.

47. **FUTURE NEEDS.**—The problem before the Commission is not so much to calculate and satisfy the needs of the natives to-day as to estimate what their numbers and their wants will be and to what stage of capacity they will have attained within a period for which it is possible to make a forecast, and then to assure ourselves beyond any doubt that they have amply sufficient land in respect to what that land is capable of supporting. Our recommendations are framed throughout in terms of the constant process of change and improvement which is going on, and in the conviction that if we err in degree at all it is on the side of generosity to the people who lived in this country for generations before the white man came.

48. It is probable that it would have been a wise general policy to have allotted only a better class of land to natives and less of it, for white farmers with their scientific methods might have been expected to get a better result from land of moderate and poor quality than natives. The point must remain, however, somewhat a speculation, partly because vested interests limit our choice so much, and partly because land averages out in value as a rule in dealing with very large areas. A particular farm may be definitely good or definitely bad, for the area is small, but good and bad will average over an area of a quarter of a million acres—and there are to-day no less than eighteen reserves each in excess of that figure. It is occasionally of no advantage to assess this or that small reserve as being of this or that definite value, for we are often unable, for the reasons given, to adjust the numbers of the people accurately to the value of the soil. In the larger reserves there appears to be no need for any very accurate estimate of soil values, even if it were possible on so considerable a scale, for, as we have said, the quality in each extensive reserve can only be assessed at an average value. As to the limitation of our power of increasing the area of certain small reserves in the settled districts, we may state there are approximately 5,002 surveyed farms in Southern Rhodesia of which 2,082 are occupied.

49. The Commission has given much attention to the question as to whether the natives will develop their capacity to make the best use of the soil as rapidly as they will increase in numbers, in other words whether they will have achieved the power to win double the yield off the same area by the time the population has doubled. The Native Commissioners to whom we have put the question are as a rule inclined to think that it will be the case, though one of them coupled his opinion with the proviso that it would depend upon the continued rapid development of white settlement and industry, and another that it would depend on the growth of a native industrial class which would not live upon the reserves itself, and would, on the other hand, assist their dependents who did live upon them with their money earnings. In every case the Native Commissioner assumed that an ample allocation would be made for them to-day.

50. If the assumption is granted that their capacity for getting the best out of the soil will grow at the same rate as the population, then it is clear that an allocation of land that is more than sufficient for them to-day will also be sufficient for their needs in, let us say, fifty years' time. If the guarantee is placed beyond doubt that a more than ample allocation is made to-day, we are prepared to think that such an allocation will also suffice for their future requirements.

51. The Commission wishes to make it clear to Your Excellency that it has not attempted to come to any decision as to what is an ample allowance of land per head of the population and then to apply that figure to the reserves to-day. Even with considerable discretion as to the readjustment of boundaries, the present diversity in size and distribution of the reserves has convinced us that that method would have involved a greater disturbance of settled conditions than was justified, without securing a more equitable or generous allocation. The method which we adopted, speaking generally, was to consider each reserve or block of reserves and the requirements of each district, and to either increase the area of the reserve or to create new reserves in such a manner as would secure the best result. In cases of small reserves in settled districts we have, where it was possible, increased the area, and where that was not possible we have created a new reserve. In those districts where there were no reserves at all we have recommended the creation of large tracts of land into new reserves which will be in every case more than sufficient for all future needs. Our recommendations in this respect involve the creation of fourteen entirely new reserves with an acreage of 3,082,075, and increases to existing reserves amounting to 812,120 acres.

52. In paragraph 41 we showed that the great areas of some of the reserves were in the first place due to error; there can be no doubt that they are very greatly in excess of all possible requirements. The increases referred to in the previous paragraph have made the excess more marked. We have referred to the Matibi Reserve, where a population of 6,131 has 568.6 acres per head. A somewhat similar position exists in regard to the Shangani and Gwaai reserves. These areas were laid out by the Land Commission appointed by Order-in-Council in 1894. They were intended to accommodate "the natives of Matabeleland"; at that time there were no other reserves in the territory. Since then, however, many other reserves were created, but no reduction in the areas of the Shangani or Gwaai reserves were effected. The combined area of the three reserves (Matibi, Shangani and Gwaai) is 6,496,422 acres, and they are so sparsely populated as to give 397.5 acres per head, or 1.6 natives to the square mile. It is extremely improbable that the population will as much as double itself in fifty years. In view of the manner in which they came into being, the Commission is unable to recommend on the score of native needs that these three reserves should remain as they are defined to-day. The decreases recommended in regard to them are considerable, and serve to balance the creation of new reserves. They are shown on Maps Nos. 4, 9, and 11.

52. After completing the work of allocation throughout the territory the Commission has calculated what the balance is in the direction of increase and decrease. The result shows a net reduction of 2,778,860 acres from the total of the existing reserves. It is possible that any recommendation to reduce the area already assigned may be challenged. We have, therefore, decided to recommend a further increase to a total area which we are convinced Your Excellency will already regard not only as just but as generous. This increase, we recommend, should be embodied in three reserves in the Darwin, Nyamandhlovu, and Sebungwe districts, containing a total of 1,716,400 acres. We have placed these three reserves upon the maps; they are coloured pink, and are hatched with black lines.

54. It is possible that our estimate of the rate of native development may have been too liberal, and our estimate of their rate of increase too conservative; the creation of the three new reserves referred to above will ensure that any possible margin of error will be on the side of generosity to the natives. They will, in fact, be "reserve reserves."

55. Your Excellency may be glad to have some statistics as to the acreage per head in other territories. These figures are given in Table No. 8, page No. 46 of Appendix.* It is clear that the Southern Rhodesian native is in a better position with 26.5 acres of land (which is the figure resulting from the final recommendations of the Commission) than the Basuto with 16.5 acres, or the Swazi with 14.77 acres. The South African Natives Affairs Commission of 1905, in connection with individual tenure, gave the general figure of four morgen (8.4 acres), plus a commongage as being sufficient for a family. If a family in this country is taken to consist of five persons, and if an estimate of 20 acres is allowed for every head of cattle and one acre for every sheep or goat—which is a very liberal estimate—and moreover if a million acres of land is added as a margin to cover waste and rocky land, the figure arrived at on the basis quoted by the South African Native Affairs Commission would be 15.4 acres per head. We have stated that our recommendations will have the result of securing for them 26.5 acres per head.

56. There is one other point which should be mentioned. It is that at no time will every native be living on the reserves. Approximately half the total population is living outside the reserves to-day, either on farms or on unalienated land. As land not now alienated is taken up by farmers and farms not yet occupied are settled, a large proportion will drift on to reserves, but a considerable number will always remain on ranches and farms as resident or floating tenants and labourers; there will also be a considerable number living in mining compounds and as servants in the towns. It is impossible to estimate what the proportion will be, but a calculation that, at any one time, from fifteen to twenty per cent. of the total population will be living outside the reserves will probably not be too liberal. It follows, therefore, that although the reserves as recommended have been provided to take the whole native population of Southern Rhodesia, not more than eighty to eighty-five per cent. will ever be settled upon them at one time.

57. It has been impossible in some cases to adjust boundaries to coincide with the present distribution of the smaller clans and the convenience of chiefs. Wherever it was possible and politic we have done so, but many of those clans which were not closely controlled and knit together had already commenced the inevitable process of distribution and breaking up. An instance is that of the reserves south of Victoria. There the attempt was made at the commencement of the administration of the Native Department to settle each notable chief and small clan in a small separate reserve. In course of time chiefs died and clans broke up and moved away, and the result to-day is that the Commission has been compelled to recommend that two of the reserves be surrendered, that others be incorporated as one, and a new area of equal size be created in the neighbourhood, and that the seventh and last of this block be moved bodily twenty miles to the south. On the other hand, in the remoter parts of the immense areas such as Sebungwe and Matibi, the question of reserves has probably never occurred to the inhabitants; they neither know nor care whether they are living on reserved land or not, and indeed are probably unaware of the distinction.

58. The Commission desires to draw Your Excellency's attention to the Sabi Reserve in connection with the question of future railway development. The population in this reserve as given by the Native Commissioner is 37,000, the area is 1,553,536 acres, and the acreage per head is 41.9. It is thinly populated throughout, and is one of a block of reserves which march together, and which total no less than 4,696,400 acres. The Commission had recognised some time ago the necessity for reducing the area of this block, and they have apportioned the reduction between the various reserves in a manner least detrimental to native interest. We have not experienced much difficulty in effecting the readjustment in the other reserves concerned, but the position in the Sabi reserve is not so clearly defined as to offer an obvious solution. We understand that it is proposed to build a railway at some future time between Umvuma and

* See p. 56 of this volume.

Odzi, and that this line will take a course running east and west through the North Sabi reserve. We have therefore decided to recommend that the necessary reduction in this reserve should take the form, in lieu of a definite geographical boundary, of a belt of land twelve miles wide with the proposed railway as its central line. (Map No. 5.)

59. We have regarded the reduction of a certain area in the Sabi reserve as necessary in any case, and the area which this belt will contain, namely, about 291,800 acres, is no larger than an area which a reduction independent of any railway would have involved. 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. There is ample land both north and south of the proposed belt to take those natives who will decide to move.

60. Section 84 of the Order-in-Council of 1898 lays it down that where land is taken from a native reserve for public purposes such as that of a railway, a liberal compensation in land is to be given in exchange. But, as a matter of fact, only a very small proportion of the belt recommended above would be utilised exclusively for railway purposes; we presume that such purposes would be provided for by a strip of land a few hundred feet in width. And, moreover, we think that it was not the intention of the Order-in-Council to apply to a case such as this, where not only is no compensation necessary, but where actually a reduction of area would have been recommended. It may, moreover, be open to argument whether the section of the Order-in-Council referred to will operate here, for the land will be withdrawn from native reserve before the railway is built. There is finally another point to which we wish to draw attention. It is that the value of the reserve on each side of the twelve mile belt will be greatly enhanced by the construction of the railway. Its value for sale will not be affected, since it cannot be alienated, but the greatly increased facilities for traffic, access, and trade, and the creation of new and neighbouring markets for their produce in future years will, we think, outweigh any loss which the natives may allege.

61. So far as the Commission knows there has been no friction in a direction from which it might have been expected—that is, from white occupation of reserves. We believe that at present the only authorised occupation by whites is in the case of Mission stations and schools and traders. It is an administrative point, and it only comes within our scope because if anything like indiscriminate or general occupation were permitted the natives would be precluded from occupying their reserves to the best advantage. We consider, briefly, that a very limited occupation should be allowed, and suggest that permission to occupy should only be given for Mission schools and stations, approved white traders, wayside hotel sites where a public road passes through a reserve, and finally for outspan sites. In every case the right of any occupant to plough and graze cattle should be carefully limited.

62. EXISTING INTERESTS.—On this question the Commission has taken the view that it would not be justified in considering solely the interests of the native population of the territory. Those interests are closely bound up with European developments; white and black must live together, side by side, for many generations. Moreover, the interests are often not capable of being sharply divided. Where it was possible to draw a distinction and to comply with suggestions made to us in the native interest, we have endeavoured to frame our recommendations so as to secure that benefit. It was sometimes impossible to meet the native position without coming face to face with some white interest already existing or guaranteed or earmarked in connection with some progressive scheme of white development. In such cases a closer examination has generally shown that the position was capable of adjustment, and that the main benefit could be secured for the native without inflicting unnecessary hardship upon the settler.

63. Upon this question of hardship it should not be assumed that the native is bearing more than his fair share. The Commission is sitting twenty-five years after the white occupation, and the interests of black and white in certain directions and in a few areas have grown so close together, and in some cases so interlocked, that it was not possible to effect a division without inflicting inconvenience and occasionally some loss and hardship upon one or the other. It might appear to Your Excellency at first sight that, in recommending the surrender of some small reserve or of a portion of a large one, the Commission was actuated only by the desire to improve the position of the white man. That, however, is not the case, for it has more than once been clear that in confirming the white man in possession of a certain area we are securing the truest benefit to the native by moving him therefrom. There is no clearly defined policy or principle which can be applied to this question of existing interests except the policy that the interests of white and black must be dealt with as having some reasonably close relationship with one another, and the principle that if you deal honestly by the one you will be dealing honestly by the other.

64. CATTLE, AGRICULTURE, WATER, &c.—A brief survey of these matters is given in paragraphs 6 to 17. The Commission sees no reason to anticipate that progress and development in relation to them will take anything but a normal course. An important point with regard to cattle is that of grazing. That, however, is a question which will adjust itself. As grazing becomes restricted and therefore comparatively costly, and as cattle cease to be practically the only medium of exchange and lobola, the present large herds under individual ownership will decrease and the wealth represented by them will be put into some other form. There is probably a definite connection between cattle and agriculture in this direction, for large individual herds do not survive as a rule with close cultivation. As the necessity for the latter arises in the course of time as communal and tribal life becomes less strong, the large herds of to-day roaming over miles of country will automatically diminish and be replaced by some form of agricultural industry which will demand greater energy and will give a better return. Cattle will no doubt continue to increase steadily; but the increase will be more uniform and will accommodate itself to the circumstances of the country. The common factor which determines such questions as these will gradually come into force, and the same forces and requirements that apply to the white man will gradually apply to the black man in this as in other economic directions.

65. The same natural laws of development will come into operation with regard to agriculture proper, the tilling of the soil, cultivation, and harvesting. The white authority

will guide and guard and encourage the process of development while the native community is taking its first steps towards civilisation. But the need for such guidance will not be so insistent as the education of the native proceeds and their powers of assimilation and competition develop. The shockingly wasteful methods of agriculture and the comparative indolence and their natural improvidence will disappear, and in their place will come a measure of industry and intelligence sufficient to enable them to accept and profit by the same economic influence and advantages as the white man.

66. As time goes on and scientific methods are uniformly brought into use by white farmers, a closer cultivation will become necessary and farms will be cut up into smaller holdings. We do not suppose that there is a great difference in general soil values between good parts of Southern Rhodesia, such as the Mazoe and Penhalonga valleys, and in other comparatively recently settled countries, such, for instance, as the western states of Canada; but there is a great difference in the average size of the farms. As farms are cut up in this territory closer cultivation will become necessary, and some similar process will take place automatically in the agricultural methods of the natives who are living among the Europeans throughout the territory. And the result in both cases will be that a livelihood will be won from a smaller area of land. It is particularly the case that fertilisation, rotation of crops, and irrigation will have a wonderful effect in improving results from the light granitic soil of which so much of the country consists.

67. In the meantime the native of the country must not assume that he can demand as a right the immense areas of land which would be necessary if he were to continue to practise his primitive methods of agriculture and pasture while his numbers were increasing. If that right was granted he would soon come to need the whole of the territory for his scattered improvident lands and his small kraals, miles apart. He will not, indeed, make such a claim for himself, but it is conceivable that some of his advocates and friends may, with the best intentions, do so for him.

68. There has been nothing in the attitude of the Administration, so far as we have seen, either to limit the areas set aside for the exclusive use of the native or to delay the time when these areas will be economically developed. The Commission believes indeed that any desire to set aside areas quite unnecessarily large for future needs would not be in the truest native interest, for it would have the effect of retarding what should be the aim of all who are put in the position of trustees of this native interest, and that is liberal education and sound progress.

69. The present position with regard to the natural water supply is indicated in paragraphs 6 to 8.

There are many parts of Southern Rhodesia, as elsewhere in South Africa, where surface water is very scanty, and where it is physically impossible to include in all cases "a fair and equitable proportion of springs or permanent water" in areas which we are recommending for native use. Fortunately it is a position which can be largely alleviated by an artificial provision of wells and boreholes. The reserves where such provision is most necessary are those of Gwaai and Nata. In these cases about eighty per cent. of the total area is uninhabitable under present conditions, but we understand that the Administration has already attacked the question with good results.

70. There appears to be no reason why any particular time should be indicated for the commencement of such work; it will depend upon the necessities of the reserves concerned. There is, we believe, sufficient water for the native population to-day, and the Commission cannot recall a case, except in the Gwaai reserve where the whole population is congested along the banks of the Gwaai river, where there appears to be an urgent need for artificial provision of water. But as the population increases it will be necessary for it to spread over areas within the reserves where to-day there is practically no natural water for six months of the year. As these necessities arise they can be met, and we are making certain recommendations on the subject. The provision of water in those portions of reserves which are badly supplied with springs or rivers to-day will be a strong factor in enabling the natives to attain to a uniform and progressive occupation of the land assigned to them.

71. **BOUNDARIES AND POSITION OF RESERVES.**—Some remarks have already been made on the question of areas and actual boundaries in paragraphs 39 and 40. It is likely that certain boundaries were never pointed out clearly to the natives in the early years of the Administration, for the Native Commissioners concerned would have been anxious not to commit themselves or the natives under their charge to any boundaries about the position of which they themselves were for some reason not satisfied. It is also likely that in some cases unofficial understandings were permitted in the course of years to crystallize into accepted beliefs. In only a few cases will the position so created be affected by our work, for we have been careful to take note of such instances and to frame our recommendations as far as possible in accordance with them.

72. 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. In many reserves, such for instance as Sebungwe, Lomagundi, and Lower Matibi, the point did not arise at all, for, as we have said elsewhere, it is improbable that in the remoter parts the natives ever knew that they were living upon reserved land at all, or else that the boundaries had ever formed the subject of discussion. In other cases, however, we were informed that the natives concerned knew very well where their native reserve boundaries were. In recommending a readjustment of boundary, therefore, in these instances, we are compelled to place the Native Commissioner in the awkward position of having to initiate and encourage a movement of people from land to which he himself had assured them that they could go with safety. But it is inevitable that such cases should occur during readjustments of the boundaries of twenty million acres of land which is already divided into over one hundred reserves. We are fortunate, equally with the natives, that such instances are so few in number.

73. We have, as far as possible, done away with reserves on the border of this country where it marches with Portuguese territory or with the Transvaal or the Bechuanaland Protectorate. Every official witness was in agreement with our view that reserves in such a

position offer exceptional facilities for the practice of various offences, such as contraventions of cattle regulations, the liquor law, the law against carrying arms, and so on. In one case (Ingorima, south, and Mafusi) we were unable to recommend the surrender, for, though the reserve is on the Portuguese border, it is fairly well populated, and there is no other reserve on the high veld to which the occupants could be moved, and we could not recommend their transfer to the unfamiliar conditions of the low veld. There are only four such reserves altogether which we have recommended for surrender.

74. The Commission considers that on the whole moderately-sized reserves distributed evenly throughout the territory are better than small reserves in the settled parts, together with very large ones in remote districts. It was not possible to secure this object as completely as we would have wished, but those readjustments and new reserves which we have recommended have, we believe, improved the position in this direction.

75. The chief objection to very small reserves is that, as they can never carry any considerable population, the small contribution which they make towards the solution of the problem before us is not sufficient to balance the objection to them on administrative grounds. In a few cases, where they were situated near towns or mines, they had become a resort for both native and coloured persons of low character, and in no such case was the Native Department averse to their abolition. The very large reserves, on the other hand, place their occupants so far from adequate control and from centres of education and progress that their development becomes unnecessarily retarded.

76. The Commission is of opinion that it is possible to hasten to a harmful extent the inevitable breakdown of tribalism and the communal life under which the people had been living from prehistoric times until twenty-five years ago. There is no indication that the process has been unduly hastened in this country, but it is coming about naturally at a fairly rapid rate in the settled areas. It does not seem wise, therefore, that one part of the native community should reach a stage of comparative development while the other, and perhaps the larger, part should remain under conditions which are not as yet far removed from primitive savagery.

77. The Commission has two recommendations to make upon the question of boundaries. The first is, that the earliest opportunity should be taken to point out the new boundaries to the natives interested in them, and to explain the position to them. The bulk of the chiefs are aware that the Commission has visited the territory and they are looking forward to a decision as to their own districts. There appears to be no reason why they should not be informed as soon as possible either that their boundaries remain as previously pointed out to them or, in case of readjustment, what their new boundaries will be.

78. The second point deals with those boundaries where, owing to a lack of topography upon the map, we recommend that the line should run direct from one point to another. In most cases reserves will be bounded either by river courses or by surveyed farms, but there are a few instances where such clear and natural boundaries are unobtainable at present. In a few cases these straight lines are of some length, though, as a rule, they are short and therefore suitable. The longest is 35 miles; no other line is over 19 miles, and most are much shorter. We recommend that the longer, straight lines should be inspected as soon as Your Excellency's approval is notified, and where possible a series of natural points, such as hills or prominent rocks, should be selected to correspond with the line recommended. As it will very seldom be possible, we suppose, to obtain such points exactly in the direct line, we recommend that a limit be placed beyond which the final demarcation may not extend either in the direction of excess or reduction. We think that limit should be 100 acres upon every mile of length of the line. As an example we refer to the northern portion of the Eastern boundary of the Chiweshwe (or Negomo) Reserve in the Mazoe district (Map No. 4). This line is one of the longest and is shown to be actually 16 miles in length, and the limit of acreage would therefore be 1,600 acres. Upon inspection it will no doubt be found that some suitable hill points will be discovered east and some west of the line, and none very far from it. It is probable that the variation from the areas of individual reserves as given in this report will be "compensating," that is, that if the area of one reserve is reduced, that of the next reserve may be increased; in no case can it be great.

PART III.

RECOMMENDATIONS IN REGARD TO THE MORE EFFICIENT USE OF RESERVES.

79. Your Excellency's final instruction to your Commissioners was "to recommend what steps might be taken in order to induce and encourage natives to use and occupy to the best advantage the reserves assigned to them," and this part of our duty has been kept steadily before us throughout our investigations. We have the honour now to submit suggestions—first, as to the initial steps which the Administration might take so as to put the natives in the right path to make use of and develop their reserves; and second, as to how the natives might be induced, encouraged, and aided in the task of beneficial occupation and development, and therefore how they may best help themselves.

80. WATER.—The problem of water comes first. The Commission has borne in mind the necessity enjoined upon it for providing water, either from springs or rivers, in all its recommendations. There are, however, in Rhodesia, as in other parts of South Africa, places where natural supplies at all times of the year are not procurable without artificial methods. It should be the duty of the local officer to satisfy himself as to the adequacy of a water supply all the year round; he should advise his Government if, in his opinion, the provision is inadequate, and if so as to what steps are needed to satisfy the reasonable requirements of the occupants. Some-

thing has already been said of what has been effected by individual effort under good advice in one small reserve (paragraph 8); it will make clear what can be effected elsewhere in this direction. The importance of the question is derived from the fact that adequate provision will render habitable large areas which to-day are almost useless. One need only refer to the Gwaai reserve, where at least five-sixths of the total area has no surface water whatever during nine months of the year. It is obvious that should a system of boreholes be provided in the course of time a large proportion of this land, which is of fair quality and capable of supporting a considerable head of stock, will become habitable and useful.

81. It seems that it will be to the advantage of the Administration to provide the water in the first place, and, since it is the natives who will derive the immediate and the future benefit, it seems to be equally their duty to provide not only the bulk of the labour, but to pay in the course of time a great portion of the cost. This refund of cost might perhaps be secured by the payment of a lump sum by every native who enters the reserve after and in consequence of the provision of water; this will serve the purpose of providing for a great portion of the original cost, and a small water tax levied on everyone who uses the water would supply an annual sum adequate for the maintenance of the wells without taxing the resources of the natives unduly. A similar necessity will arise in the case of white farmers over many parts of the territory, but they will, of course, do the work and pay the cost themselves.

82. There appears to be no necessity for the institution of any system of water provision immediately; there is to-day ample room for the native population upon areas already supplied with natural water, except perhaps in the Gwaai reserve; as, however, the thinly populated portions of the reserves gradually become congested, and where the pressure can be relieved by opening up dry areas, the Administration would be wise to consider the institution of some system of water provision.

83. A second point which it appears is a direct obligation on the Government is that of providing adequate roads and rights-of-way for the use of the native population. The factor of easy and free communication is of benefit to every community, and particularly so when it is desired to educate and develop a backward native population. We consider that such roads and rights-of-way should be provided to and from all necessary points; that is, from reserve to reserve, and from reserve to main road, town, mine, and railway siding. A minor point is that stiles should be provided at fences upon old and recognised footpaths. The provision of facilities for the movement of native cattle should also be borne in mind. The Commission has not enquired into the present law on the subject; it desires, however, to draw the attention of the Administration to the need of adequate provision.

84. **BOUNDARIES.**—A third matter is that of the boundaries of the reserves. It appears to the Commission that so soon as a decision shall have been taken relating to any particular reserve or reserves it should be the immediate duty of the Native Commissioner of the district to point out on the spot the official boundaries of each reserve to the chiefs and headmen concerned, and then to instruct them as to the most effectual method of demarcating those boundaries in a lasting and unmistakable manner. In this work of marking the boundaries there appears to be no reason why the natives should not themselves contribute the greater part of the labour, since the result is as much for their benefit as that of the adjoining land owner. Your Commission does not think it necessary to make more definite recommendations in this report.

85. **AGRICULTURE.**—We have described elsewhere the present methods of agriculture employed by the natives of the territory. While great and lasting improvement can only come through education and their own efforts, much can be done by the Administration to effect substantial changes for the better in agricultural and pastoral conditions. The most effectual way, in the opinion of the Commission, is to convince the natives that their methods are capable of improvement. This will probably be secured by object lessons and practical instruction. Whether such an object would be furthered at any reasonable cost by the institution at this stage of their progress of model or experimental farms on or near reserves for the express benefit of natives, is doubtful. The experience of the Administration in the matter of medical attendance and dispensaries does not, we understand, encourage such a view.

86. It should not be assumed that either the Matabele or the Mashona are altogether ignorant or unintelligent in either of these branches of industry. The Matabele native is, and has been for many years, a considerable cattle owner, and he imagines himself to be in some ways an expert pastoralist; the Mashona, on the other hand, is an agriculturist, but it must be confessed that he is as yet a poor one. Natives are intensely conservative, and generally suspicious at the outset of suggestions as to new methods, whilst improvidence and indolence are characteristics the eradication of which will be a slow process. Their own practices, though they may appear primitive and misguided, are based generally upon reason and the experience of years, and should not therefore be hastily condemned. It is very probable, however, that such methods cannot be having a good effect upon either the rainfall or the preservation of timber trees and the soil.

87. In the meantime, or until the time has arrived when model farms and agricultural schools and institutes can be introduced with an appreciable prospect of benefit, we think that the Administration can be of great assistance by seeing that unremitting encouragement is given by the Native Commissioners in the direction of improved methods. In the course of their travels through their districts many opportunities must be presented for timely advice and instruction, and, though the results may not at first be very apparent, the effort should be maintained with unremitting zeal. It is upon the Native Commissioners and their staffs that the natives have learned to depend, and much good may result from an increased activity in this direction. There are also many exceptionally intelligent natives, including retired police and messengers, some of whom are educated, whose services as advisers and instructors might be utilized with advantage. The expenditure of a moderate sum in the distribution of selected seed

and approved bulls would also do much to stimulate interest as well as improve the quality of the respective products.

88. **EDUCATION.**—The foregoing appear to be the principal obligations devolving upon the Administration and its officers to assist the natives in the due use and occupation of the land assigned to them. It is not, however, in the direction of Government assistance that the natives must look finally to secure their own benefit; the greatest factor is education and encouragement to rely on themselves for assistance and not on their native officials. It is the duty of the Administration, and in a measure of the European society of the territory, to help the native along this path, and improvement in general social conditions must largely depend upon the influence of the missionary and the good example of the European settler. A moderate sum is at present disbursed by the Administration in the cause of native education. We believe that it is not so much as it might be, or probably as the Administration would wish, and it will no doubt be augmented when conditions become normal. In the meantime it is recognised that in those centres where special attention has been devoted to general education, there are clear indications of progress, both in social conditions and in agricultural and pastoral methods.

89. There is no royal road to this goal; it cannot be expected that progress will be more rapid than in other native countries under similar conditions. While the Commission is anxious to comply with its instructions it does not feel that any good purpose would be served by formulating and urging more detailed proposals, or putting forward "counsels of perfection" which it might be difficult to put in practice or impossible to enforce. Time and great patience are indispensable in order to achieve the object sought in Your Excellency's instruction as quoted at the head of this chapter. We feel that that achievement must be left to the vigilant and careful guidance of the local Administration.

90. **OBLIGATIONS OF CHIEFS.**—There is, however, a final point which we desire to mention and which we believe can be made a useful factor for progress. It is that chiefs and headmen should be induced to recognise and to discharge that obligation towards their people which does in fact rest upon them. They should recognise that to some extent they hold the reserves in trust for the people who are, and ought to be, the true owners and beneficiaries. The native community should be educated to grasp the idea that the chiefs and headmen are merely trustees and guardians of the people, if such an idea can be correctly reproduced in a way that they can understand. Many chiefs are vested with authority and draw money subsidies from the Administration, and with these privileges they have also obligations and responsibilities towards the people they are required to control and protect. They do render some assistance to the Government in facilitating the machinery of administration and in the detection of crime, but their obligations are wider and deeper than that, and any success in inducing them to recognise such responsibilities towards their people will be of real value.

91. The Commission does not consider it advisable to make any reference to individual tenure. It is in the first instance not directly within the scope of our terms of reference, and, secondly, it is clearly too early to expect that any direct benefit would accrue to the native interest by the introduction of any such policy within the reserves.

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PART IV.

RECOMMENDATIONS IN REGARD TO INDIVIDUAL RESERVES.

<u>BUSHU RESERVE.</u>	Map No. 4.	<u>MAZOE DISTRICT.</u>
Area of Reserve	33,864 acres.
Population	1,600
Acreege per head	21·1

RECOMMENDATION.—The Commission recommends that this reserve should remain unaltered. The Native Commissioner in his evidence states that he considers it sufficient for the requirements of the natives. It is a good reserve, and has excellent soil. It will accommodate a considerable number of natives from the immediate vicinity, while there is a large extent of reserved area in the Madziwa reserve across the Umfurudzi river to the north, and in the several reserves in the Mrewa district to the east. The reserve is defined as follows:—Bounded on the south by the farms "Lion's Den," "Wapley," "Wolley" and "Ellerslie"; on the west by a straight line, six and a half miles in length, drawn due north from the north-west beacon of "Lion's Den"; on the east by a straight line, seven and a quarter miles in length, drawn due north from the most northerly beacon of "Ellerslie"; on the north by a straight line joining these two northern points.

<u>CHIKORE RESERVE.</u>	Map No. 4.	<u>MAKONI DISTRICT.</u>
Area of Reserve	71,962 acres.
Population	300
Acreege per head	239·9

RECOMMENDATION.—This reserve is very rough country. The soil is granite and capable of cultivation in the valleys only. It is well watered and suitable for native population. It contains only a small population, and probably will never be able to carry a large number of people, owing to its mountainous character. It should remain unaltered. It is defined as follows:—Bounded on the north-west and north by the Nyagadzi river; on the east by the Nyangombi and Mwarazi rivers; on the south-west by a line drawn from a point on the Mwarazi river opposite a beacon on a hill abutting on this river, and some two to three miles above the junction of the Nyangombi and Mwarazi rivers in a north-westerly direction through the said beacon and through a second beacon on another hill in the direction of Dakatome hill to the beacon on this latter hill, and thence to a beacon on a hill situated near the Nyagadzi river and a short distance below the junction of the Nyagadzi and Mabindu rivers, and continuing on to the Nyagadzi river.

<u>CHIKWAKWA RESERVE.</u>	Map No. 4.	<u>SALISBURY DISTRICT.</u>
Area of Reserve	108,578 acres.
Population	2,823
Acreege per head	38·5

RECOMMENDATION.—The Commission recommends that this reserve remain unaltered. The Native Commissioner in his evidence states that this is a good reserve. The soil generally is good, and it is well inhabited and cultivated. It is not recommended to surrender any portion of it, and it cannot be increased. It serves a useful purpose, and will be ample for future needs. The boundaries are as follows:—From the junction of the Umwindsi and Inyagui rivers, up the latter to its junction with the Nora river, thence up the Nora to its junction with the Chinyika river, thence up the Chinyika to the south-east beacon of the farm Chinyika, thence along the eastern boundaries of the farms "Chinyika," "Vuta," "Mashona," "Vley," "Mashona Kop," "Neptune," "Colga," "Oribi," and "Ivanhoe," and the north-eastern boundary of Strath Lorne to the Umwindsi river, thence down the Umwindsi river to the starting point.

<u>CHIMANDA RESERVE.</u>	Map No. 4.	<u>DARWIN DISTRICT.</u>
	New Reserve.	
Area of Reserve ... ..	...	267,100 acres.

Bounded on the north by a series of straight lines joining the hills from east to west, Tsimburgwe, Chirihe, Ngoma, Nahwa and Msiri Swiji (Pulpit rock); on the east by the Donga river, from the nearest point to Tsimburgwe hill to the Mazoe river; on the south by the Mazoe river, on the west by a line drawn from Msiri Swiji hill southwards to Zunje hill and thence to the bifurcation of the Ntokwe river, near its source, thence down the Ntokwe to the Mazoe river.

CHIMANDA AND MSHOWANI RESERVES.DARWIN DISTRICT.

Map No. 4.

Area of the two Reserves	476,080 acres.
Population	5,881
Acreage per head	80'95

RECOMMENDATION.—Five reserves in the Darwin district were originally approved by the Secretary of State, but none of them were ever defined or demarcated, though definite areas in morgen were assigned to them. Of these five the Commission recommends that the two areas named above be surrendered; that three of the five be retained and defined; and that one new reserve be created. The two areas above recommended to be surrendered are in unsuitable localities, thinly inhabited, and are not at present regarded by the natives living on them as having been definitely reserved. The other three areas approved generally by the Secretary of State are recommended to be retained and defined (see pages 33, 34, 35). A new reserve is recommended to be created (see page 36). The Darwin district is remote from white settlement, and no questions of removal or of conflicting interests can arise, and no hardship will be involved on the native population. The four reserves recommended are more than ample for all possible needs.

JETA & CHINDAMORA RESERVES.SALISBURY DISTRICT.

Map No. 4.

Total area of present reserves	214,613 acres.
Population	3,401
Acreage per head	63'1
Area as recommended	197,818 acres.

RECOMMENDATION.—It is recommended that a small area be surrendered from the southern portion of the combined reserves. This portion has been unoccupied for some years, and is not needed by the native population, as there is ample room in the great bulk of the reserve left untouched for the requirements of the present occupants and those likely to move into it, both present and future. The Commission has good reason to believe that the small area recommended to be surrendered will be of much greater use for white settlement than for native use. The new boundary is a good one. The loss of this small area of 16,795 acres will involve no hardship to the natives, for, as we have said, it is uninhabited. The Native Department approves of the recommendation. The area to be surrendered is that portion of the reserve lying south of a line drawn between the north-east beacon of the Borrowdale Estate and the western beacon of the farm "Halstead." It is suggested that, unless there is any administrative reason to the contrary, the name Jeta be done away with, and the whole area be called the Chindamora Reserve. The remaining reserve is defined as follows:—Bounded on the north by the Poti river; on the east by the farms "Bonny" and "The Vale," and a line joining the south-west beacon of "The Vale" and the most westerly beacon of "Saratoga"; on the south by "Halstead," a line joining the most westerly beacon of "Halstead" with the north-east beacon of "Borrowdale," and section No. 1 of "Borrowdale"; on the west by the farms "Theik Sinoi" and "Pote," and the Poti river.

CHINYIKA RESERVE.SALISBURY DISTRICT.

Map No. 4.

Area of Reserve	13,504 acres.
Population	346
Acreage per head	39

RECOMMENDATION.—The Commission considers that this reserve should remain unaltered. It is in much the same position as the small reserves of Mzingwane and Inyati, in Matabeleland, and while it does not, owing to its small size, contribute much to the solution of the problem before the Commission, it will be useful as the seat of the Native Commissioner's station of the Salisbury District, and to accommodate a certain number of people which the Native Department may for various reasons wish to place upon it. There appears to be no reason for retaining the farm boundaries or names shown within the reserve on the map. The reserve is defined as follows:—Bounded by the properties "Gilnockie," "Guernsey," "Grazeley," "Bellevue," "Warrendale," "Mashonganyika," "Bains Hope," "James and Gardiner," so as to exclude them all.

CHISWITI RESERVE.DARWIN DISTRICT.

Map No. 4.

New Reserve.

Area of reserve	188,800 acres.
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Bounded on the north by a line joining the beacon near the Nyatandi river, and marked 1,578 on the map, with the beacon Binya; on the east by the Nyatandi river from the beacon marked 1,578 to its source, and by a straight line from the source of the Nyatandi due south to the Danga river; on the south by the Chiweshwi reserve; on the west by a line joining the beacon Binya with the beacon Chimaia.

CHIPADZI OF CHIWARIDZA RESERVE.MAZOE DISTRICT.

Map No. 4.

Area of Reserve	7,054 acres.
Population	600
Acreege per head	11.7

RECOMMENDATION.—This reserve is recommended for abolition. The Native Commissioner, Mazoe, the Chief Native Commissioner, and the Superintendent of Natives, Salisbury, are all of opinion that it should be done away with. The area is small, and does not carry a large population at present, and it can never do so. It is entirely surrounded by occupied farms, and is near the Mazoe railway line. The district is already well occupied by white settlers, and the Commission is of opinion that there is some risk of the area becoming in time a stronghold for native malefactors and a source of trouble to the Administration and the neighbourhood, as has been the case under similar circumstances elsewhere; see Mlinya reserve, page 47. An addition is being recommended to the Chiweshe reserve in this district (below), which will be more than ample to take the few people now living on the Chiwaridza reserve. There is no sound reason for its retention.

CHIWESHE—NEGOMO RESERVE.MAZOE DISTRICT.

Map No. 4.

Area of present Reserve	247,635 acres.
Population	7,900
Acreege per head	31.3
Area as recommended	286,335 acres.

RECOMMENDATIONS.—The Commission recommends an increase in the area of this reserve. It is at present thinly populated, has fair soil, and is well watered. The increase is recommended in order to accommodate natives from the west and east, though it is not likely that any very large number will ever need to move into it. We believe that this area, referred to above, will more than compensate for the surrender of the small Chiwaridza (Chipadzi) reserve. In view of the fact that there is another reserve in the Darwin District with a similar name, we recommend that this reserve be called the Negomo reserve, which is its alternative title. The whole reserve, as recommended, will be defined as follows:—Bounded by a line drawn from the point on the Ruia river where the southern boundary of Lawley's Concession crosses it up the Ruia river to the northern beacon of Chomkuti, thence along the north-western and western boundaries of the farms Chomkuti, Brockley, Makori and Duntarvie, thence along the northern boundaries of Simoona Estate and Moore's Concession to the south-east beacon of Nyachura, thence to the south-east beacon of Tekke, and along the eastern boundaries of Tekke, Arda and Hasfa to the north-east of the latter, thence direct to Chitonzwa hill, thence to Humanje hill, thence to Mt. Chaona, thence to the western beacon of Lawley's Concession and along the southern boundary of the latter to the Ruia river.

CHIWESHWI RESERVE.DARWIN DISTRICT.

Map No. 4.

Area of Reserve	339,209 acres.
Population (approximate)	4,622
Acreege per head (approximate)	73.3
Area as recommended	250,386 acres.

RECOMMENDATION.—The Commission recommends that a portion of this reserve be surrendered. It should, however, be borne in mind that the surrender is not from definite boundaries approved by the Secretary of State, but from the area which was marked out by the Native Commissioner of the district years ago, before any European settlement had taken place and before the necessities of the population and the district had become known. Of the five reserves approved by the Secretary of State, none of which were defined, two are recommended for surrender (page 32), two remain unaltered, and this reserve is reduced. There is, however, a new reserve in the north-west of the district recommended to be created. We are convinced that it would have been unwise to have maintained this reserve as it was originally defined by the Native Commissioner. The reserve as recommended is defined as follows:—Bounded by a line drawn from Mt. Chimaia to the junction of the Spekateka and Danga rivers, thence down the Danga to its junction with the Ruia river, thence up the Ruia to its junction with the Ruiana river, thence up the Ruiana to its source near Bwezero hill, thence to Bwezero hill and thence to Mt. Chimaia.

FUNGWI RESERVE.MREWA DISTRICT.

Map No. 4.

Area of Reserve	153,661 acres.
Population	2,805
Acreege per head	54.7

RECOMMENDATION.—No alteration is recommended in this reserve. It is very suitable land for the natives of the district, although, owing to its low altitude and the great heat in summer,

it is unsuitable for white settlement. The type of country and the native occupants are quite different from those of the neighbouring Maramba reserve. It is essentially "low veld" country, and this reserve will serve a useful purpose in providing for the requirements of natives of that type. It is defined as follows:—Bounded on the north-west and north by the Mazoe river, on the south-east by the Nyadire river, and on the south-west by the Maramba reserve.

<u>GWEDI RESERVE.</u>	Map No. 4.	<u>SALISBURY DISTRICT.</u>
Area of Reserve	43,035 acres.
Population	925
Acreage per head	46·5

RECOMMENDATION.—This reserve is very thinly populated at present, and is a long distance from the Native Commissioner's station. The Commission is of opinion that little hardship will be inflicted on the present native population by moving them gradually on to other reserves. The fact that the reserve is thinly populated in spite of its central position and proximity to Salisbury seems to indicate that its abolition will be no great loss to the native community. There are less than one thousand people, including children, altogether, and there would probably be no need for the bulk of these people to move for several years. The soil is not of fair quality, and is better suited for cattle than for agriculture. The Chief Native Commissioner concurs in the wisdom of the step we are recommending. It is recommended that this reserve be surrendered.

<u>NORTH INYANGA RESERVE.</u>	Map No. 4. New Reserve.	<u>INYANGA DISTRICT.</u>
Area of Reserve	190,965 acres.

RECOMMENDATION.—On the evidence of the Superintendent of Natives, Umtali, and the Native Commissioner, Inyanga, the Commission recommends the creation of this new reserve. It is a fairly large tract of country and sparsely occupied at present, but it is recommended as compensation for the three present very small reserves in this district and for the area Scotsdale which are recommended for surrender. This reserve will take the natives at present living on the reserves about to be surrendered; and also a large number of the Chief Katerara's people who are at present on farms, and in Portuguese territory. This reserve will also be of use to accommodate any overflow of natives from the neighbouring Mtoko district and from the northern part of the Inyanga district. It is very rough and is unsuitable for European settlement. The area recommended for the reserve is bounded as follows:—By a line beginning on Chiromba hill on the Ruenya river near the Portuguese border and running south-east to Mazira hill, thence south to Shuende hill, thence to the north-east beacon of the St. Swithin's block and along the north boundary of this block to the beacon on the Nani Police reserve, thence to the beacon on Mt. Nani, thence west to the junction of an unnamed river shown on the map with the Ruenya river, and thence down the Ruenya river to the southern border of Lawley's Concession, thence along the boundary of this property to its south-east beacon and along its eastern border to the Ruenya river, and thence along this river to the first named point on Chiromba hill.

<u>KANDEYA RESERVE.</u>	Map No. 4.	<u>DARWIN DISTRICT.</u>
Area of Reserve	38,521 acres.
Population	615
Acreage per head	62·6

RECOMMENDATION.—The Commission recommends the retention of this reserve unaltered. It is part of the Chiweshwe reserve, and we suggest that it should be incorporated with it; we believe it was called the Kandeya reserve because a chief of that name resides upon it. It is good land though not well watered. It has never been properly defined, and the boundaries we recommend are practically those which have been recognised by the Native Commissioner of the district. It is defined as follows:—Bounded by a line drawn from a point of the Ruia river where that river crosses the north-eastern boundary of Lawley's Concession down the Ruia to its junction with the Matondwi river, thence up the Matondwi to its source, thence direct to the northern beacon of farm "Thorn Hill," thence direct to the most easterly beacon of Lawley's Concession, thence along the north-eastern boundary of Lawley's Concession to the Ruia river.

<u>KUNZWI AND MSUNGU RESERVES.</u>	Map No. 4.	<u>SALISBURY DISTRICT.</u>
Area of present Reserves	63,877 acres.
Population	1,182
Acreage per head...	54
Area as recommended	22,527 acres.

RECOMMENDATION.—The Commission recommends that a portion of these reserves be surrendered. This is approved by the Native Commissioner, Salisbury. The portion recommended

for surrender is south of a line drawn from the junction of the Nora and Nyambanje rivers to the north-west beacon of the farm "Middlesex." There are considerable areas of reserve in the neighbourhood, and little hardship need be involved in a gradual movement from the small area recommended for surrender. The portion remaining will be ample for present and future needs. The boundaries of the reserve as recommended are as follows:—Bounded on the north and west by the Nora river; on the east by the Inyangui river; on the south by a line drawn from the north-west beacon of the farm "Middlesex" to the junction of the Nora and Nyambanje rivers.

MADZIWA RESERVE.DARWIN DISTRICT.

Map No. 4.

Area of Reserve	50,373 acres.
Population	1,230
Acreeage per head... ..	40·9

RECOMMENDATION.—The Commission recommends that this reserve should remain practically unaltered. The soil is good, and the area is sufficient for present and future requirements. Its position in the southern part of the district will serve the useful purpose of accommodating natives from that portion of the country. It is ample for all needs, as it is near the large reserves in the Mrewa district and the large Chiweshwe reserve to the north. It is defined as follows:—Bounded by a line drawn from the south-east beacon of Lawley's Concession to the most westerly beacon of the farm "La Belle Esperance," thence along the south-western boundaries of this farm and "Furn," and along the southern boundary of the latter farm to its south-east beacon, thence to Mt. Darwin, thence to Dikitira hill, thence south along the old telephone line to the Umfurudzi river, thence up the Umfurudzi river and that one of its headwaters which passes immediately south of the most easterly beacon of the farm "Batcombe," thence along the south-east boundary of this farm and the eastern boundary of "Butleigh" to the north-east beacon of the latter farm, thence direct to the starting point.

MANGWENDI RESERVE.MREWA DISTRICT.

Map No. 4.

Area of present Reserve... ..	593,562 acres.
Population	12,902
Acreeage per head... ..	46
Area as recommended	375,677 acres.

RECOMMENDATION.—The Commission recommends that portion of this reserve be surrendered. The Native Commissioner Mrewa suggests the surrender of part of the area which we refer to and states that, while he is convinced that the remainder of the portion recommended can be surrendered without doing violence to native interests, he is unable to make the recommendation in view of the fact that he himself suggested the present boundaries years ago. The total area of reserves in this neighbourhood is very considerable and there is ample room in them for those natives now living upon the portions we recommend for surrender. The reserve as recommended is defined as follows:—Bounded by a line drawn from the junction of the Inyangui and Chibakwi rivers to a point on the range of hills running north from Mt. Zhombuki and about six miles from the said mountain, thence to Mt. Zhombuki, thence to the junction of the Nyaderi and Kurinda rivers, thence to the south-west beacon of the farm Nyazikatzi, and along the southern boundaries of Nyazikatzi, Nyamademu, and Zete to the south-east beacon of the latter, thence to a point due east of and some nine miles from the south-east beacon of the farm "Athlone," thence along the boundaries of the farms "Athlone," "Exeter," "Koo-doo Range," "Alpha," "Glen Noe" and "Caskie Ben" to the southern beacon of the latter so as to exclude all these farms, thence to the northern beacon of "Mount Pleasant," thence along the boundaries of the farms "Mount Pleasant," "Mignon," "Bimi," "Rupture," "Sussex," "Suffolk," "Kent" and "Middlesex" to the Inyangui river, thence down the Inyangui river to the starting point.

MARAMBA RESERVE.MREWA DISTRICT.

Map No. 4.

Area of Reserve	194,721 acres.
Population	2,136
Acreeage per head	91·16

RECOMMENDATION.—The Commission recommends that this reserve remain unaltered. It is a large reserve and sparsely populated, but is very rough and hilly. Its boundaries correspond with the original tribal boundaries, and the Native Commissioner of the district is of opinion that it should remain unaltered. He believes that only twenty per cent. of the land is available for cultivation under the present methods, but the valleys between the mountains are of good soil. It is not well watered. It is defined as follows:—Bounded on the north-west by the Mazoe river; on the north-east by the Funzwi reserve; on the south-east by the Nyaderi river; on the south by the Shamba river and a line drawn from the source of the Shamba river to a point on the Mazoe river some ten miles below the junction of the Mazoe and Inyangui rivers.

MSANA RESERVE.SALISBURY DISTRICT.

Map No. 4.

Area of present Reserve...	...	...	...	...	74,218 acres.
Population	...	...	...	...	2,839
Acreage per head	...	...	...	...	26.1
Area as recommended	...	...	...	...	38,218 acres.

RECOMMENDATION.—The Commission recommends that a small portion of the northern portion of this reserve be surrendered. This portion is in the vicinity of the Shamva and other mines, and from an administrative point of view would be better if it were not confined to exclusive native use. It is thinly populated, and there is an ample sufficiency of land in the remainder of the reserve for all native requirements. The reserve, as recommended, is defined as follows:—Bounded on the north by a line drawn through a well-defined range of hills forming the southern watershed of the Nyamasanga river, extending east to the Umwindi river and west to the Chindamora reserve; on the east and south-east by the Umwindi river and the farms "Frascati," "Marsala" and "Saratoga"; on the west by the Chindamora reserve.

MTOKO RESERVE.MTOKO DISTRICT.

Map No. 4.

New Reserve.

Area of suggested Reserve	520,880 acres.
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RECOMMENDATION.—There having been no defined reserve ever laid out in this large district, and the Commission being convinced of the necessity for a reserve, it recommends that a definite and adequate reserve be created. The majority of the natives in the district are already living on the area it proposes. The soil is light throughout all this portion of the country; it is very rough and with comparatively little arable land. While the reserve, owing to its generally poor quality, will never carry a large population it is ample for all requirements, and is the best arrangement which the Commission could make. It marches with very large reserves in the Mrewa district. The reserve will be defined as follows:—Bounded by a line drawn from the nearest point on the Nyaderi river to the Hill Mtuwa running through this hill to the hill immediately behind the present Native Commissioner's Station (this hill has no native name), thence to the Mtemwa hill, thence to Jeta hill, thence to Myata and Mapaca hills, thence to the most northerly peak of Susamoya range, thence north to the Nyachinonga range and along the crests of Nyachinonga, Inyarugwenje and Tsutskwe ranges, and continuing in this line to the Nyamakaranga river, thence down this river to its junction with the Nyaderi river, thence up the latter river to the starting point.

MZARABANI RESERVE.DARWIN DISTRICT.

Map No. 4.

New Reserve.

Area of Reserve	297,800 acres.
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RECOMMENDATION.—The Commission recommends the formation of this new reserve in this district. No definite recommendations as regards the boundaries of reserves in this district have yet been made, and the Commission, after examination of the district, and on the evidence of the Native Commissioner, consider this a suitable area. It is situated in low-lying veld below the escarpment of the Mavuradona mountains and will serve a useful purpose in taking natives from that country who would not come into a reserve on the plateau. The area is considerable, but the reserve is badly watered; it is thinly populated. It is, however, as suitable a selection as could have been made in that neighbourhood. It is defined as follows:—Bounded on the north-east and north by the Hoya river from its junction with the Umsengedzi river to that one of its sources rising some three and a half miles west of Mafindu trigonometrical beacon; on the south by a line taken along the crest of the Mavuradonna mountains from a point above the Hoya source referred to, to a point on the Umsengedzi river some four miles to the south of Bandilombidzi trigonometrical beacon; on the west by the Umsengedzi river.

NALIRE RESERVE.SALISBURY DISTRICT.

Map No. 4.

Area of Reserve	...	...	...	...	5,642 acres.
Population	...	...	...	...	290
Acreage per head	...	...	...	...	19.5

RECOMMENDATION.—The Commission recommends the surrender of this small reserve. From evidence taken by the Commissioners, they are of opinion that it is not only not required by the natives, but that it is undesirable. Many complaints were made by the neighbouring farmers as to the difficulties they experience in connection with their labourers and with minor thefts, and the beer drinking which is carried on in this reserve. There were other complaints in regard to the annoyance and risk of movements of cattle against the East Coast Fever regulations by native owners. A number of Cape boys and other coloured persons have settled upon the reserve, and their influence upon the natives is not a good one. It is further pointed out

that the reserves are created for the use of the indigenous natives of the country, and not for alien or coloured people. There is ample reserved area in the neighbourhood to which the present occupants can retire as it becomes necessary. There is no good reason for its retention, as it can never be of material value as a reserve.

<u>SCOTSDALE RESERVE.</u>	Map No. 4.	<u>INYANGA DISTRICT.</u>
Area of Reserve		63,496 acres.
Population		530
Acreage per head... ..		119·8

RECOMMENDATION.—The Commission are recommending the abolition of this reserve, as in the case of the other three small reserves in this district, chiefly on the evidence given them by the Superintendent of Natives, Umtali, and the past and present Native Commissioners, Inyanga. It is situated on the Portuguese border and is therefore undesirable from a political and administrative point of view. There will be ample room for the present native inhabitants on the new area in the district recommended as reserve by the Commission (page 34). It is very thinly inhabited at present. It is remote from white settlement, and no hardship will be inflicted on the natives by the gradual transfer of the reserve to a more adequate and more suitable and larger area in the vicinity.

<u>SIPOLILO RESERVE.</u>	Map No. 4.	<u>LOMAGUNDI DISTRICT.</u>
Area of Reserve		131,225 acres.
Population		3,012
Acreage per head		43·5
Area as recommended		122,780 acres.

RECOMMENDATION.—The boundaries of this reserve are well defined and intelligible to the natives. Ninety per cent. of the land is granite soil and good grazing, and the water supply is good almost everywhere in the reserve. Portions are very broken country, granite and ironstone kopjes, with small valleys containing good soil. It can carry a great number more natives than are to-day living on it, but there are 9,600 natives at present living on farms and on unalienated land round the reserve, many of whom will have to be provided for. The Native Commissioner, Lomagundi, suggests a slight alteration in the existing boundaries of this reserve. The Commission recommends that the south-western boundary be defined as follows:—From the junction of the Mpingi and Mwembezi rivers in a south-westerly direction to where a line from the junction to Mt. Chiwi crosses the Mambare river, thence up the Mambare river to Mt. Dedzi, and from Mt. Dedzi in a northerly direction along the existing boundary. The alterations suggested will provide a better boundary than the present dotted line; the area to be surrendered is negligible. Otherwise the reserve is as approved by the Secretary of State and as shown on the existing map. The reserve will be defined as follows:—Bounded by a line drawn from the junction of the Dande and Impinge rivers up the Dande to the point in the line joining Gurungwe Hill with the Geodetic Station Nyamanji, thence direct to Gurungwe Hill, thence to the north-west beacon of the farm "Disi" and along the western boundary of that farm to the Mabare river, thence down the Mabare to the point in the line joining Chiwe Hill with the most southerly beacon of the farm "Czarina," thence to that beacon and along the south-eastern boundary of "Czarina" to the Impinge river, thence down the Impinge to the starting point.

<u>UZUMBA RESERVE.</u>	Map No. 4.	<u>MREWA DISTRICT.</u>
Area of present Reserve		502,325 acres.
Population		7,485
Acreage per head		67·11
Area as recommended		446,225 acres.

RECOMMENDATIONS.—This reserve is sparsely populated, and is more than is requisite for present and future requirements. The Native Commissioner suggested the surrender of a comparatively small portion at the south-eastern corner, and the Commission has concurred in that suggestion, as a greater area has been proposed for surrender from the adjoining Mangwendi reserve on the south. The Commission thinks this may be considered to be an equitable arrangement, notwithstanding that this reserve abuts on the large reserves in all directions, including the new reserve proposed for the Mtoko district. Uzumba has good soil, well suited for native requirements, and it is comparatively well watered. This reserve, as recommended, is defined as follows:—Bounded on the north by the Maramba reserve; on the east by the Nyadderi river; on the south generally by a line drawn from a point on the Nyaderi river, opposite to Mt. Mtuwa, to a point eleven miles to the northward of Zhombuki Hill and on the continuation of a line drawn along the range of hills of which Zhombuki forms the southern point, thence to a point on the said range which is the north-eastern point of the Mangwendi reserve, and thence to the junction of the Inyagui and Chibakwe rivers; on the west by the Inyagui and Mazoe rivers.

WEYA RESERVE.MAKONI DISTRICT.

Map No. 4.

Area of Reserve ..	...	...	...	...	54,746 acres.
Population ..	...	...	...	...	2,800
Acreage per head ..	...	...	...	...	19.5

RECOMMENDATION.—The Commission recommends that this reserve should remain unaltered. Its boundaries are well defined, and it is sufficient for the present and future requirements of the native population. The soil is of fair quality, and the area is capable of supporting a considerable population. The reserve is defined as follows:—Bounded on the north-east by Williamsdale; on the east by Inyati Block; on the south and south-west by the farms Claremont, Mparura, Maruma, and Tynwald, a line from the northern boundary of the latter farm to the north-east beacon of St. Benedict, the farm Benedict and the surveyed northern boundary of the old Fairfield Estate; on the north-west and north by the Mafuri river and the farm Muskwe.

CAPE BOY RESERVE.HARTLEY DISTRICT.

Map No. 5.

Area of Reserve ...	...	...	...	...	6,699 acres.
Population ..	...	...	...	...	75
Acreage per head ..	...	...	...	...	89.3

RECOMMENDATION.—The Commission recommends that this reserve be surrendered. The Native Commissioner, Hartley, in his evidence, states that of the total population only nineteen are men. The soil is of fair quality and it is fairly watered. This was one of the reserves submitted to the Secretary of State, but it is not now clear whether it was to have been earmarked for the use of coloured persons (or "Cape boys") and not indigenous natives, as seems to be indicated by its title. There is to-day only one coloured person on the reserve, and a very small population of natives. We have no hesitation in recommending its surrender, and this course is strongly supported by the officials of the Native Department. Its abolition will inflict no hardship, while its retention ensures no good purpose.

CHIDUKU RESERVE.MAKONI DISTRICT.

Map No. 5.

Area of present Reserve ..	...	...	...	...	343,584 acres.
Population ..	...	...	...	...	13,700
Acreage per head ..	...	...	...	...	25.8
Area of Reserve as recommended ..	...	...	...	...	278,924 acres.

RECOMMENDATION.—The majority of the evidence with reference to this reserve is to the effect that a small portion of land at its southern end should be surrendered. The Superintendent of Natives for the Umfali circle and both the present and past Native Commissioners of the District agree that no hardship would be inflicted on the natives, who would still retain a liberal allowance of land. The Commission recommends the surrender of this small triangular piece of land. It would comprise that part of the present reserve south of the Inyazura river. This piece of land is thinly populated. The Commission also recommends the exchange of a piece of the reserve on its northern border at the farm Lesbury. The exchange is a very small matter and is recommended to save hardship to a progressive farmer in the neighbourhood who would otherwise lose the benefit of a considerable piece of irrigation work, and that portion of the farm to be given up is now occupied by natives. The land to be exchanged is equal in area and does not exceed 1,500 acres. It is shown on the map.

The reconstituted reserve is defined as follows:—Bounded on the north by a line drawn from the most westerly beacon of the farm "The Willows" along the southern boundary of that farm to the south-west beacon of Lesbury, thence southward along a range of hills for a mile, and thence north-east to a beacon about midway in the present southern boundary line of "Lesbury," thence to the north-east beacon of that farm, and thence to its south-east beacon, thence along the southern boundary of Cheronza to its south-east beacon; on the east by the farms Recondite, Lesapi Falls, Rocking Stone, Mount Tikwiri, Tiny, Cotleigh, Charlton and Everton; on the south generally by the Inyazura river to its junction with the Machiki river, and the Machiki to its junction with the Rusawi river; on the west by the Rusawi river, and the south-eastern boundary of the farm "Chiswana"; on the north-west by a straight line joining the most easterly beacon of Chiswana with the most westerly beacon of the Willows.

CHIKWANDA RESERVES A. B. AND C.GUTU DISTRICT.

Map No. 5.

Area of existing Reserves ..	...	...	...	...	99,943 acres.
Population ..	...	...	...	...	8,617
Acreage per head ..	...	...	...	...	11.6
Area of Reserves as recommended ..	...	...	...	...	195,143 acres.

RECOMMENDATION.—The Commission recommend that these three reserves be made into one, and a certain additional piece of land be added to the reserve. The reasons for the recommendation are that the reserves are very thickly populated and closely cultivated, and more

land will be required to support any increase of population. Moreover, by adding the area suggested a certain kopje which is regarded as sacred by the natives will be included in the reserve. The two small pieces of unalienated land which at present lie between reserves A and B, and between reserves B and C, should also be included in the reserve. The alterations recommended will mean an increase of 95,200 acres to this reserve, but the Commission considers such increase to be necessary. The reserves are as nearly thickly populated as any they have seen in the territory. In view of the many other neighbouring reserves we consider that the allocation we suggest will be ample for present and future needs. The reserve as recommended is defined as follows:—Bounded by a line drawn from the junction of the Mungesi and Mashambara rivers up the Mungesi and along the north-eastern boundary of Mara ranche, and the north-western boundaries of Mara ranche and Yettom, and the north-eastern boundary of Cleveland to its north beacon, thence direct to the north-east beacon of Marowa, thence along the northern and western boundaries of Marowa, and the northern boundaries of Dromore, Good Hope, Spring Field, Sand Drift, Welgevonden, and Welkom Hoek to the Popotekwe river, thence up the Popotekwe river, and round the southern, eastern, and northern boundaries of Verlos back to the Popotekwe river, thence up the Popotekwe river to the southern boundaries of Merrilies, Morpeth, and Dysart to the Mtilikwe river, thence down the Mtilikwe to its junction with the Chingwanombi river, thence up the latter river to its source, thence direct to the source of the Mashambara river, thence down that river to its junction with the Mungesi river, the starting point, excluding, however, the alienated farm Excelsior.

CHILIMANZI RESERVE.CHILIMANZI DISTRICT.

Map No. 5.

Present area of Reserve	275,431 acres.
Population	8,830
Acreeage per head	31·2
Area as recommended	234,791 acres.

RECOMMENDATION.—This is a large reserve, and the Native Commissioner in his evidence states that it would hold another 12,000 natives. He stated that there is about one-third of the reserve which is not used by natives, the soil being of a nature that they do not work. He states that it would not prejudice, or be a hardship to, the natives if a portion of the southern part of the reserve was surrendered. The few natives at present on it are all new comers. The Commission recommend that the portion of the reserve lying south of a line drawn from the beacon on the Ngesi river between the farms "The Falls" and "Nantes" on the south-west border of the reserve to the northern beacon of the surveyed farm "Ireland" on the Shasha river on the south-east border of the reserve be surrendered; this part is sparsely populated. The reserve is capable of carrying many more people than at present. We see no reason why this comparatively small area should not be surrendered. The reserve will then be defined as follows:—Bounded on the north by the farms Ensimoen, Richmond, Vosges, Kombisa, Makanya, Guseen, and Chakastad; on the east by the Shasha river; on the south by a line joining the northern beacon of the farm "Ireland" to the north-east beacon of the farm "The Falls"; on the west by the Ngesi river.

GABAZA RESERVE.HARTLEY DISTRICT.

Map No. 5.

Area of Reserve	27,155 acres.
Population	700
Acreeage per head... ..	38·8

RECOMMENDATION.—The Commission recommend that this reserve be surrendered. It is a small reserve and undesirable from administrative and other points of view. It is almost entirely surrounded by occupied farms and is on the line of a proposed railway from Salisbury to Enkeldoorn. The native population is very small, and no hardship would be inflicted on them by inducing them to move gradually on to the neighbouring Mondoro reserve. The Native Commissioner concurs in this view, and is of opinion that the Ganga and Mondoro reserves are sufficient for all the requirements of the natives in that part of the district. There are no other reasons, such as the existence upon it of ancestral graves or sacred places, for its retention, and we believe that no opposition would be evinced by the occupants to its abolition. The Chief Native Commissioner and the Superintendent of the Salisbury circle concur in this view.

GANGA AND MONDORO RESERVES.HARTLEY DISTRICT.

Map No. 5.

Total area of present reserves	434,377 acres.
Population	10,905
Acreeage per head	39·8
Area of reserves as recommended	409,402 acres.

RECOMMENDATION.—These two reserves may be regarded as one. The Ganga reserve is small and partly surrounded by occupied farms. The Commission recommends the surrender of a portion of the north-eastern end of this reserve, namely, that portion of the reserve lying east

of the Marirangwe River following the western tributary to the farm Greendale. An area in the west of the Mondoro reserve is also recommended for surrender. It is a small triangular piece from the Old Hunter's road drift on the Umsweswe river along the Old Hunter's road to the drift on the Ngesi river, and up on the west by the boundaries of the surveyed farms "Hunter's Drift" and "Triangle" to Bumba beacon, from Bumba beacon to the south-east beacon of the farm "Eve" and thence northwards along the eastern border of this farm to the Umsweswi river and along that river to where it meets the Old Hunter's road. To compensate for the surrender of these portions, the Commission recommends the addition of an area of land lying west of the Ganga reserve along the surveyed farms and extending to a line joining the south-west beacon of Malhawe to the north-east beacon of Emojeni. These recommendations are made with the approval of the Native Department. The Commission considers that the changes recommended are in the best interests of both white and black occupants in the neighbourhood. The reserves together will be defined as follows:—Bounded by a line drawn from the point where the Marirangwe river crosses the south-eastern boundary of Greendale near the west beacon of Buiker, down the Marirangwe to its junction with the Umfuli river, thence down the Umfuli to its junction with the Doronanga river, thence up the Doronanga and along the western boundaries of the farms "Gorali," "Brakveld," "Adlams Rest," and "Wheelerdale," and the north-western boundary of "Werwaching" to the Ngesi river, thence down the Ngesi river to the drift on the Old Hunter's road, thence northerly along that road to the drift on the Umsweswe river, thence down the Umsweswe to the eastern boundary of "Dawn," thence along the eastern boundaries of "Dawn," "Rutala Hills" and "Elandfontein" to the Sivundazi river, thence down that river to its junction with the Umfuli river, thence up the Umfuli to its junction with a stream emerging from the farm "Fort Martin," then up that stream to the southern boundary of "Fort Martin," and along the southern, eastern, and northern boundaries of that farm, and the eastern boundary of farm "Emojeni" to its north-east beacon, thence direct to the south-west beacon of farm "Malham," thence along the southern boundaries of "Malham," "Beverly" and "Linden Park," the eastern boundary of "Linden Park," the southern boundaries of "Sandringham" and "Rock," the eastern boundary of "Rock," and the south-eastern boundaries of "Nyadgori," "Serui Source" and "Greendale."

GURAJENA RESERVE.CHILIMANZI DISTRICT.

Map No. 5.

Area of Reserve	20,177 acres.
Population	770
Acreage per head	26.2

RECOMMENDATION.—The Commission recommends the surrender of this reserve. It is not thickly populated, there are not many natives concerned; there would be no hardship inflicted on the present population by their gradual movement on to the adjoining Chilimanzi reserve. There are many other reserves in the district, and all near enough to allow of the disposal of any surplus native population. It is well watered, having a river along each of its sides. The soil is stated to be poor, and it could never carry many more than are occupying it to-day under the present agricultural methods. The Native Commissioner of the district is not opposed to its surrender.

GUTU RESERVE.GUTU DISTRICT.

Map No. 5.

Present area of Reserve	632,993 acres.
Population	21,339
Acreage per head	29.66
Area, as recommended	465,683 acres.

RECOMMENDATION.—This is a very large reserve, and the amount of land is in excess of the present and future requirements of the natives. The Commission recommends the surrender of three portions of it, and the addition of a piece lying at the north-west corner of the reserve. This is suggested by the Native Commissioner, whose evidence is to the effect that no hardship will be inflicted on the natives at present residing in the portions recommended for surrender, provided their movement is encouraged voluntarily and gradually. There is no tribal objection to the recommendations. The net result will be that the existing reserve will lose 180,330 acres. We consider, however, that, in view of the great size of the neighbouring Sabi and Ndanga and other reserves, the area retained for exclusive native use will be amply sufficient for present and future needs. The portions recommended for surrender are as follows:—

(A) A piece of the north-east of the reserve bounded by a line beginning at the junction of the Nyambonga and Nyadzidza rivers running south-west to the west point of the Narira hills, thence to a point on the Devuli river where it would be intersected by a straight line drawn from the west point of the Narira hills to Chomfuli kopje, thence on up the Devuli to where it crosses the present northern boundary of the reserve, and on along that boundary in an easterly direction to the Nyadzidza river, then down this river to its junction with the Nyambonga river.

(B) A strip of land at present in the reserve, lying outside a line drawn from Chomfuli kopje to Chaira mountain, and on from there to where the Devuli river becomes the south border of the reserve.

(C) A triangular piece of land enclosed by a line drawn from Chomfuli kopje to Gongwe mountain, thence on up to Mazongororo kopje and south again from there to Chomfuli. The

area that the Commission recommend adding to the present reserve is an area enclosed by the following boundaries:—From Mazongororo Kopje to the south-west beacon of the farm "Belmont," thence round the south and east boundaries of this farm to the Devuli river and down this river to where it crosses the present border of the reserve. The reserve, as finally recommended, will be defined as follows:—Bounded by a line drawn from the junction of the Nyadzidza and Nyamhonga rivers down the Nyadzidza to its junction with the Devuli river, thence up the Devuli to a point opposite Mt. Msizi, thence to Mts. Msizi, Chaira, Chomfuli and Mazongororo, thence to the south-west beacon of the farm "Belmont," thence along the southern and eastern boundaries of that farm to the Devuli river, thence down the Devuli to a point in the line joining Mt. Chomfuli with the west point of the Narira hills, thence direct to the west point of the Narira hills, thence to the junction of the Nyadzidza and Nyamhonga rivers; exclusive, however, of 1,500 morgen of the Caledon estate extending north of the Devuli river near Mt. Rasa and of the Mission Farm "Gutu."

INGORIMA NORTH RESERVE.MELSTER DISTRICT.

Map No. 5.

Area of Reserve	23,070 acres.
Population	Nil.
Acreage per head	Nil.

RECOMMENDATION.—The Commission recommends that this reserve be surrendered. The evidence of the Native Commissioner is to the effect that it is uninhabited. It is on the Portuguese border, very useless land and practically inaccessible. No purpose whatever would be served by its retention and there are good administrative reasons against reserves on the Rhodesian border.

INYANGA RESERVE.INYANGA DISTRICT.

Map No. 5.

Area of Reserve	20,149 acres.
Population	425
Acreage per head	47.4

RECOMMENDATION.—This reserve should remain as it is though it is not at present fully populated. The soil is very good in the valleys, and it is well watered, but the country is broken and rough. It is well cultivated, and its boundaries are well defined. It is the only reserve in the neighbourhood. It is defined as follows:—Bounded by the properties "Turners," "Sterkstroom," "Scotsdale," "Inyanga Block," "Inyanga Valley," "New Hanover," "Aberdeen," "Ngarawe," "Zewa," "Yahokwe" and "Ngajessi," so as to exclude them all.

NDANGA RESERVE (639,195 acres).NDANGA DISTRICT.JIRI RESERVE (201,537 acres).MAKOURI RESERVE (22,604 acres).

Maps Nos. 5 and 6.

Area of present Reserves	863,336 acres.
Population	49,373
Acreage per head	17.48
Area as recommended	1,163,096 acres.

RECOMMENDATION.—The Commission received very detailed evidence on the subject of these three reserves from the Native Commissioner of the District, and recommends that certain changes be made. It suggests, unless there is an administrative reason to the contrary, that the three reserves be made into one, and that the reserve thus formed be known as the Ndanga reserve; there appears to be no object in keeping three distinct names, as there are common boundaries to all. The Commission recommends the following surrenders from these reserves: (a) The portion of the Makouri reserve lying west of the Chiredzi river; the present boundaries of this area are very inconvenient as they form a wedge-shaped piece without natural boundaries between occupied farms. (b) A portion of the Jiri reserve on its north-west side; this portion is very thinly populated. (c) A comparatively small piece of the Ndanga reserve lying north of the Turgwi river from its confluence with the Mujichi river. The land which the Commission recommends being added to these reserves will much more than compensate for that surrendered. The Ndanga reserve is thickly populated, and well watered, though rough and hilly. The soil is rich in the valleys. Over 10,000 natives at present living outside the Reserve, are likely to come in in the course of time. There would be no hardship at all to the natives in this readjustment of boundaries. All movement would be done slowly. The new reserve as recommended is defined as follows:—Bounded by a line drawn from the junction of the Devuli and Chiwaka rivers to Mt. Hubvuni, thence to Mts. Sidza, Mari, Chipotwe, Ruwuzhe, Mureyi, Nyarunwe, and Siya, following the last line to the Turgwi river, thence down the Turgwi to a point in the prolongation of a line joining Mts. Makondi and Hoha, thence to Mts. Makondi, Hoha, Manaza, Nyamandwi, Simanuriki, Mutudza, Ngwane, Machena, and Mbamba, thence to a point on the Chiredzi river in the northern boundary of Chiredzi ranche, thence following the

northern boundary of this ranche to the beacon on Mt. Gwangwangwa, thence to Mts. Charowedza, Zoza, Wuni, and Tsazahomi, thence to the junction of the Mtilikwe and Mushavukwe rivers, thence up the Mtilikwe to its junction with the Tshibaka river, thence up the Tshibaka to its junction with the Nyamasikane river, and up the latter river to its source, thence direct to the source of the Nyabesi river and down the Nyabesi river to a point due south of the southern beacon of the farm Vlak Fontein, thence direct to that beacon, thence along the eastern boundary of Vlak Fontein and the southern boundary of Iram to the Rurgwe river, thence down the Rurgwe to its junction with the Chiredzi river, thence up the Chiredzi to the southern boundary of the farm Allendale, thence along the southern, eastern, and northern boundaries of Allendale back to the Chiredzi river, thence up the Chiredzi to its junction with the Msore river, thence to Mts. Chinyangara, Muyeyi, Mundandi, Garakacha, Chembazi, Marangara, Mutendwi, and Rutonga, thence to the nearest point on the Nandari river; thence down that river to its junction with the Mungezi river, and down the Mungezi to its junction with the Devuli, and down the Devuli to the starting point.

MAFUSI AND INGORIMA SOUTH RESERVES.

MELSETTER DISTRICT.

Map No. 5.

Total area of Reserves	19,832 acres.
Population	1,950
Acreage per head	10·2

RECOMMENDATION.—The Commission recommends that these reserves remain unaltered; they form part of the Lusita valley and are very broken and steep. The soil is good and fertile. They are not thickly populated, and the Commission would have liked to recommend their surrender because they are on the Portuguese border, but as they are the only reserves on the high veld in the Melsetter district, and as there would be some difficulty in placing the present inhabitants, the Commission recommends that they remain unaltered. They are defined as follows:—Bounded by the farms Glencoe, Forest Glade, Bloemhof, Uit Kyk, Knutsford, and Fern Creek and by the Anglo-Portuguese boundary line.

MAKONI AND MANICA RESERVES.

MAKONI DISTRICT.

Map No. 5.

Total Area of Reserve	166,500 acres.
Population	3,025
Acreage per head	55

RECOMMENDATION.—These reserves should remain unaltered. Their boundaries are well defined and the quantity and quality of land are sufficient for the present and future requirements of the natives in the vicinity. A portion of each of these reserves is at present within the boundaries of the Inyanga district (Makoni 1,833 acres, Manica 39,649 acres, with a total population of 825). The Commission suggests that these two reserves be made into one, and called the Makoni reserve, unless there are administrative reasons to the contrary. They are well cultivated but thinly populated. It is very rough and broken country and very well watered. Wherever the soil is suitable for native cultivation, it has been tilled, and produces good crops. It is surrounded by farms and many of the natives at present living on these farms will eventually have to be accommodated in these reserves, which will be ample for their requirements. It is defined as follows:—Bounded by the properties "Lesapi valley," "Timaru," "Wick," "St. Triashill," "Bannockburn South," "Mount Gondo," "East Castles," "Castles," "Ejenja North," "Osborne," "Amberwell," "Buffalo bush," "Zita reserve," "Clare estate," "Ruati," "Kwapassi reserve," "Mt. Zonga," "The Chase," "Forest hill," and "Makoni," so as to exclude them all.

MANGENE RESERVE.

CHARTER DISTRICT.

Map No. 5.

Area of Reserve	29,420 acres.
Population	3,100
Acreage per head	9·5

RECOMMENDATION.—This reserve must remain unaltered. It is very thickly populated now, and there is no room for any increase in the population under the present methods of agriculture. The soil is good on the whole, and well watered. The paramount chief Mtekedza resides on this reserve; his tribe is a very old one, and there are strong objections to their being moved from this land. It is defined as follows:—Bounded by the properties "Worcestershire," "Norah Lee," "Homanshurt," "Altona," a line from the southern beacon of "Altona" to the north-east beacon of "Totten," the properties "Totten," "Gabajena," "Money Putt," and "Hampshire" so as to exclude all the properties mentioned.

MARANKA RESERVE.UMTALI DISTRICT.

Map No. 5.

Area of Reserve	553,968 acres.
Population	4,800
Acreege per head	115.4
Area as recommended	468,868 acres.

RECOMMENDATION.—The Commission recommends that that part of the reserve west of the Makuni river from the farm "Pulpit Rock" to the Sabi be surrendered. In the event of the river Makuni not being correctly shown on the existing map the Commission recommends that the area to be surrendered should not exceed 100,000 acres. The Superintendent of Natives, Umtali, is of opinion that the reserve as recommended is large enough to accommodate all the natives at present living south of the railway line in his district. It is very rough but contains good soil and is well watered. The area recommended to be surrendered forms a very small part of the total area of the reserve. The reserve as recommended will be defined as follows:—Bounded on the north by the farms "Pulpit Rock," "Madzadza," "Chimbiti," "Samwambeia," "Maraleli" and "Wild Park"; on the east by the Odzi river; on the south-west by the Sabi river; on the west by the Makuni river.

MYSINYANGA, SHITOWA, AND MATISA RESERVES.INYANGA DISTRICT.

Map No. 5.

Total area of Reserves	10,559 acres.
Total population	500
Acreege per head	21.12

RECOMMENDATION.—These three small reserves are treated together and are recommended for abolition as a result of the evidence given to the commission by the Superintendent of Natives, Umtali, the late Native Commissioner, Inyanga, and the present Native Commissioner there. They recommend their being done away with on account of their small size, intertribal complications, and difficulties arising between Europeans and natives. There would be no difficulty in gradually moving the present small number of native inhabitants, and the Commission is recommending new and much larger reserves in this district (see pages 34 and 46). There are no natives living on Mysinyanga. There appear to be no reasons for the retention of these reserves.

MUTAMBARA RESERVE.MELSETTER DISTRICT.

Map No. 5.

Area of reserve	84,662 acres.
Population	1,000
Acreege per head	84.66

RECOMMENDATION.—The Commission recommends that this reserve remain unaltered. The Native Commissioner stated in his evidence that although the reserve is sparsely populated in parts it is thickly populated in the north-east and along the Nyanyadzi river in the south. The bulk of the reserve is low veld and along the Sabi river. There is, however, a small portion to the north-east where the altitude is comparatively high and where a few natives are living. We do not recommend an alteration. The boundaries are as follows:—From the junction of the Odzi and Umvuvuvu rivers, thence east up the latter river to the north-west beacon of the farm Quaggas Hoek, thence along the western boundary of this farm, along the northern boundaries of the farms "Ruwara" and "Grasslands" to the northern beacon of "Lime Cliffs," thence south along the western boundaries of the farms "Lime Cliffs," "The Flats," "West End," "Moosgwe" and "Shinja" and part of the southern boundary of the farm "Nyanyadzi river", thence down the latter river to its junction with the Odyi river, thence up the Odyi to its junction with the Umvuvuvu river.

MUTEMA RESERVE.MELSETTER DISTRICT.

Map No. 5.

Area of reserve	135,175 acres.
Population	2,500
Acreege per head	54

RECOMMENDATION.—This reserve should remain unaltered. It is low veld, with very good land along the rivers, where most of the natives live. Away from the rivers much of the country is stony and dry. It forms part of the Muwushu reserve on the north, and we consider that no good purpose would be served by recommending any alteration to its boundaries. It can accommodate a considerably greater number of people than it now carries. It is defined as follows:—Bounded on the north by the Changadzi river; on the east by the farms "Zebra," "Brackenbury," "Rookwood" and "Highlands"; on the south by the farms "New Year's Gift" and "Buffels Drift" and by the Tanganda river; on the west by the Sabi river.

MOWUSHU RESERVE.MELSETTER DISTRICT.

Map No. 5.

Area of reserve	146,746 acres.
Population	3,550
Acreage per head...	41.05

RECOMMENDATION.—This is a reserve in a low veld, altitude, 1,700 feet. It marches with the Mutema reserve on the south and the Mutambara reserve on the north. There is plenty of rich land very suitable for cultivation along the Sabi river, and nearly all the natives at present in the reserve are settled there. There is very good grazing and a quantity of dense bush away from the river. Both this reserve and Mutema reserve can take a much larger population than at present. It is defined as follows:—Bounded on the north by the Nyanyadzi river; on the east by the farms Nyanyadzi, Biriwiri, Admiral, Ash Bourne, Brooklyn, and Zebra; on the south by the Changadzi river; on the west by the Sabi and Odzi rivers.

NARIRA RESERVE.CHARTER DISTRICT.

Map No. 5.

Area of reserve	111,351 acres.
Population	5,700
Acreage per head	19.5

RECOMMENDATION.—The Commission recommends that this reserve remains unaltered. The evidence of the Native Commissioner of the district is to the effect that there is a sufficiency of soil and water for the requirements of the natives at present on this reserve, but that there is little room for a larger population under the present methods of agriculture. Eventually the surplus population will be accommodated on the Sabi reserve. It has good soil, extensively cultivated and well watered. This reserve is composed of two parts, defined as follows:—PART I. Bounded on the north by the Wiltshire estate; on the east by the Sabi reserve; on the south by the Lancashire estate; on the west by Spurwing, Ngosi, Kildoon, and Gungubu. This area is surveyed. PART II. Bounded on the north-east and south by the Sabi reserve; on the west by the Lancashire estate. This area is surveyed.

NYAMARUNDU RESERVE.VICTORIA DISTRICT.

Map No. 5.

Area of reserve	30,478 acres.
Population	1,710
Acreage per head	17.78

RECOMMENDATION.—The Commission recommends the surrender of this reserve. It is not very thickly populated. As compensation for the surrender of this reserve, the Commission is recommending additions to the Chikwanda reserves. There should be no hardship involved to the natives at present on this reserve if the movement is effected gradually. We are convinced that there is sufficient room for the people now on this area in the considerable reserves to the east and west of it. We believe that it is in the best interests of the neighbourhood that this area should no longer be devoted to the exclusive use of the native population.

SABI RESERVE.CHARTER DISTRICT.

Map No. 5.

Area of Reserve	1,553,536 acres.
Population	37,000
Acreage per head	41.9
Area as recommended, approximately	1,261,736 acres.

RECOMMENDATION.—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 considerable reduction should be made in the total area of this reserve. It understands that it is proposed to build a railway from Umvuma to Odzi, and that it is likely that the line will run a few miles north of the Narira reserve and then about due east to the junction of the Machiki and Rusawi rivers, and thence on to the Salisbury-Umtali line near Odzi station. We recommend, 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. We think there will be little hardship involved, for no kraal will have to move more than six miles in any case to reach reserve, and there is ample land north and south of the belt referred to, to accommodate those natives who may be living on the belt (see paragraphs 58 to 60 of the Report). The reserve will be defined as follows:—Bounded on the north, north-east and east by the Sabi river; on the south by the Devuli river; on the south-west by the Nyadzidza river; on the west generally by the Lancashire estate, Narira reserve, and the Wiltshire estate; exclusive, however, of the mission farm Gwenda and a belt of land six miles wide on each side of a railway line to be constructed between Umvuma and Odzi.

SEKI RESERVE.SALISBURY DISTRICT.

Map No. 5.

Area of Reserve	88,736 acres.
Population	4,983
Acreege per head	17'8

RECOMMENDATION.—This reserve should remain unaltered. Its boundaries as laid down at present are well defined. The soil is mostly granite, with numerous well watered valleys. It is well populated and a good percentage of the arable land is cultivated. It cannot carry many more natives than are on it to-day under their present methods of agriculture. It marches with the Shiota reserve in the Marandella district and is similar in all respects to that reserve. It is defined as follows:—Bounded by a line drawn from the point where the Nyatsimi river crosses the southern boundary of the farm "Longlands" in an easterly direction along the southern boundaries of "Longlands" and "St. Mary's" to the south-east beacon of the latter, thence direct to the south-west beacon of "Iddesleigh Extension" and along the southern boundary of this farm to the Hunyani river, thence up the Hunyani river to the "Dunstan Estate," thence southerly along the western boundary of that estate, and along its southern boundary back to the Hunyani river, and up the Hunyani river to the farm "Ardlussa," thence southerly along the western boundary of "Ardlussa," and along the southern boundaries of "Ardlussa" and "Great Bromley Estate" to the north-west beacon of "Hedon," thence along the western boundary of "Hedon" till the Nyarasheshi river is reached, thence westerly down the Nyarasheshi river and down the Nyatsimi river to the starting point.

SERIMA RESERVE.CHILIMANZI DISTRICT.

Map No. 5.

Area of Reserve	47,973 acres.
Population	2,400
Acreege per head	15'82

RECOMMENDATION.—This reserve should remain unaltered. It is very suitable for natives and the north end of the reserve has very good soil. It is well watered and can accommodate the whole of the Serima tribe. The majority of these natives are on the reserve now and it is thickly populated. A portion of the reserve consists of hills where there is good grazing and good early grass. The formation is chiefly granite. It is defined as follows:—Bounded by the properties Eastdale Estate, Lorn, Haig, Edina, Benholm, Fortress, Strathearn, Surat, Chatsworth, Clare, Bucks, Granby, Beema and Grassland, so as to exclude them all, and further by a line joining the north-east beacon of Granby with the south-east beacon of Beema.

SHIOTA RESERVEMARANDELLAS DISTRICT.

Map No. 5.

Area of Reserve	159,185 acres.
Population	9,158
Acreege per head	17'38

RECOMMENDATION.—This reserve should remain unaltered. The soil is good; it is suitable for growing tobacco and is good grazing land. It cannot be increased in size, as there is no unalienated land adjoining it. It is now well populated and will not carry a much larger population. It is defined as follows:—Bounded on the north by the farms Guildford and Guzha and the Nyatsimi and Nyarasheshi rivers; on the east by the farms Hedon, Stow, Nungubu, Rhodesdale, Poltimore, Endsleigh, Chudleigh Extension to the western beacon of the latter; on the south by a line drawn from the western beacon of Chudleigh Extension to the north-east beacon of Chikuba and by the Umfuli river; on the west by the farms Liege, Landen, Carisbrook, and Nyaringondo.

SOSHWÉ RESERVE.MARANDELLAS DISTRICT.

Map No. 5.

Area of Reserve	28,488 acres.
Population	1,801
Acreege per head... ..	15'8

RECOMMENDATION.—The Commission recommends that this reserve remain unaltered. It is well populated and sufficient for native requirements at present, though it will doubtless be required to carry a larger population in the future. It is a small reserve and of average quality. It is defined as follows:—Bounded on the north by farm "Deay"; on the east by the farms "Bonn" and "Calne"; on the south by a line drawn from the south-west beacon of "Calne" to the western beacon of "Delta"; on the west by the farms "Eirene" and "Alexandra."

UMGESI RESERVE.CHARTER DISTRICT.

Map No. 5.

Area of Reserve	42,470 acres.
Population	2,200
Acreege per head	19'3

RECOMMENDATION.—This reserve is fully populated and cultivated and should remain unaltered. It is a small reserve and can take only a few more people. It is stated by the Native Commissioner that it cannot be increased to the south as the land is not at all suitable. There is, however, room in the Mondoro reserve which marches with it on the north to take the surplus population. It is defined as follows:—Bounded on the north by the Ngesi river, on the east by the farms Ngesi Poort, Change, and Mooi Laagte; on the south by a line drawn from the mid western beacon of Mooi Laagte to the northern beacon of Manese Poort, thence to the northern beacon of Glen Connor, thence to the north-western beacon of this farm and thence to a point five miles along the Rhodesdale north-eastern boundary south of the Ngesi; on the west by Rhodesdale.

UMTASA SOUTH RESERVE.UMTALI DISTRICT.

Map No. 5.

Area of existing Reserve	12,805 acres.
Population	1,250
Acreege per head	10'24
Area as recommended	15,493 acres.

RECOMMENDATION.—This reserve should remain as at present laid down and a small increase be made to its area. It is quite inadequate for the present requirements of the natives, but it can only be increased by the inclusion of one small area which is described hereafter. There would be strong objection on the part of the natives to leaving the reserve, as the land has been in possession of Umtasa and his ancestors for generations. The small area recommended to be added was surveyed originally as a farm. It contains a fair amount of arable soil and is of fair quality. Most of Umtasa's present gardens are on it. The area is 2,688 acres. The present reserve is very broken and hilly and soil is available for tillage only in small patches in the valleys. It is too rough to allow of ploughing, except on a very limited scale. Stock is increasing rapidly and has doubled its number in the last few years. In the south-west corner of this reserve is the sacred hill called Binga Huru, where the ancestors of the present chief have been buried for many generations. Accommodation for the surplus population and stock is being found on an area of unalienated land in the district which is being recommended as a new reserve (below). The present reserve, together with the addition recommended, is defined as follows:—Bounded by the properties Jerain, Inyashuuti, Banks, Savillen, Wye, Kingsley, Oliphant's Hoek, Umtasa's Mission, Peniart Lucha, Lynnfield so as to exclude them all.

UMTASA NORTH RESERVE.UMTALI DISTRICT.

Map No. 5.

New Reserve.

Area of Reserve	61,591 acres.
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RECOMMENDATION.—The Commission have been influenced in recommending the formation of this new reserve by the urgent necessity for providing sufficient accommodation for Umtasa's people. The Commission interviewed Umtasa himself, who pointed out that his present reserve was very inadequate. The evidence of the Chief Native Commissioner, the Superintendent of Natives, Umtali, and the Native Commissioner of the district all goes to prove that this chief deserves special consideration. His tribe is one of the oldest in Mashonaland, and have lived where his kraal now is for many generations. The area now proposed contains good soil and a large proportion of it is capable of cultivation; it is well watered, suitable for native use and would be welcomed by the people concerned. The population at present is not great, though an influx is to be expected. It is defined as follows:—Bounded by a line drawn from the most southerly beacon of Holdenby along the Anglo-Portuguese boundary to beacon No. 4 on Mount Panga, on the Anglo-Portuguese border, and thence to the most easterly beacon of the farm Korsten and by the properties Korsten, Faith, Mount Ruunji, Hondi Gorge South, Hondi Gorge North, Rapangu, Inyawari, Frobisher, Chipungu waterfall, and Holdenby so as to exclude them all.

WEDZA RESERVE.MABANDELLAS DISTRICT.

Map No. 5.

Area of Reserve	260,758 acres.
Population	7,837
Acreege per head	33'2
Area as recommended	207,458 acres.

RECOMMENDATION.—The Commission recommends that a portion of this reserve be surrendered. It is not thickly populated and, in view of the extensive reserves adjoining it on the south and east, no hardship would be inflicted by the surrender of a comparatively small part at the southern end of the reserve. We recommend that a portion south of a line drawn due

west from the junction of the Mchiki and Rusawi rivers be surrendered. The reserve is defined as follows:—Bounded on the north by the farms "Ropako," "Zana," "Ballinard Extension" and "Wye Valley," and by a line joining the south-east beacon of "Zana" with the south-west beacon of "Ballinard Extension"; on the north-east by the Rusawi river; on the south by a line drawn from the junction of the Mchiki and Rusawi rivers due west to the Sabi river; on the south-west by the Sabi river; on the west by the farms "Rundu," "Mungo," "Injina," "Mawiri" and "Chimanza."

ZIMUNYA RESERVE.UMTALI DISTRICT.

Map No. 5.

Area of Reserve	26,245 acres.
Population	1,500
Acreage per head	17.5

RECOMMENDATION.—This reserve should be retained as it is. It is surrounded by farms and its boundaries are well defined. The soil is poor and light and covered with bush; the greater part of it is suitable for native cultivation. Influx of further population from neighbouring farms may be expected. It is defined as follows:—Bounded by the properties "Dora Estate," "Dora," "The Rhine," "Zimunya's Town," "Howth," "Clydesdale" and "Gilmerton" so as to exclude them all.

ZIMUTU RESERVE.VICTORIA DISTRICT.

Map No. 5.

Area of Reserve	47,410 acres.
Population	1,896
Acreage per head	25

RECOMMENDATION.—The Commission recommends that this reserve remain unaltered. The soil is fair and the water supply is sufficient; the area is sufficient for the population, and will take some increase. There has been some difficulty in placing the written definitions of this reserve upon the map, but the difficulty has now been removed, for the definition below includes all the area about which there can be any doubt. Your Excellency approved, in your letter of the 9th of November, 1915, that an area, 1,000 by 2,000 feet in extent, should be allocated to the Beira and Mashonaland and Rhodesian railways for the purpose of a railway siding at the site of the present Zimutu station. This approval should be given effect to in the final demarcation of the reserve. This reserve will be defined as follows:—Bounded on the north by the farms Chatsworth, Ingogo, and Rocklands; on the east by the Popotokwe river; on the south by the farms Umyambi, Koolala, Branksholm, and Copota; on the west by the Umyvuma-Victoria railway strip, excluding also a piece of land 2,000 feet in length by 500 feet in breadth from the centre of the railway line around the Zimutu railway siding. As this piece of land is so small we have made no recommendation as to compensation under Section 84 of the Order in Council of 1898.

MLINYA AND BERE RESERVES.VICTORIA DISTRICT.

Map No. 6.

Area of Mlinya	19,049 acres.
Population	879
Acreage per head	21.7
Area of Bere	11,704 acres.
Population	570
Acreage per head	20.6

RECOMMENDATION.—These two small reserves are recommended to be surrendered. The Superintendent of Natives, Victoria, who is also the Native Commissioner of the district, is in favour of this course, and a deputation of Victoria district farmers who gave evidence before the Commission were also of the opinion that these reserves were undesirable and unnecessary. They are near the town of Victoria, and the late Resident Magistrate of the district also gave evidence as to the desirability of abolishing them, for they have become the resort of loose characters from among the native population and are a centre for much beer drinking and some immorality. There is no room for future expansion on these small reserves. The Chief Mlinya no longer lives on the reserve which was originally created for him. The Commission has no hesitation in recommending their abolition. There is ample reserved area in the neighbourhood to which the few present occupants could retire in the course of a few years. The Commission has received no evidence in favour of their retention.

CHARAMBILA, MAPANZULA, MGABI, ANDSHUMBA RESERVES.VICTORIA DISTRICT.

Map No. 6.

Area of present Reserves	94,146 acres.
Population	7,877
Acreage per head	11.95
Area as recommended	101,131 acres.

RECOMMENDATION.—These four small reserves march together in the south part of the Victoria district, separated by only a triangular piece of unalienated land in the centre. The Superintendent of Natives, Victoria, is of opinion that there is no object in having three or four small reserves adjoining, and that it would be better to have them made into one reserve. The Commission concurs with this opinion and recommends that these four small reserves should be incorporated into one reserve, and increased by the addition of the triangular piece of land lying between them. This small piece is unalienated and has always been regarded by the natives as reserve. The Commission suggests, unless there is an administrative reason to the contrary, that this combined reserve be called the Victoria reserve. The reserve as recommended is described as follows:—Bounded by a line drawn from the most southerly beacon of Morgenster along the south-eastern boundary of this farm to the Mzero river, thence down the Mzero river to its junction with the Mtilikwe river, and down the Mtilikwe to a point due east of Vimvi hill, thence west through Vimvi hill to the Musokwezi river, thence direct to the eastern beacon of the triangular south-east corner of Inyanda block, thence northward along the eastern boundary of Inyanda block to that one of its beacons being the most northerly on the Pioneer Column road, thence direct to the south-west beacon of Tentergate, and along the southern boundary of Tentergate and the south-western boundaries of Longdale, Mzero, and Morgenster to the starting point.

<u>CHIBI RESERVE.</u>	Map No. 6.	<u>CHIBI DISTRICT.</u>
Area of present Reserve	682,330 acres.
Population	12,843
Acreage per head	53·1
Area as recommended	585,510 acres.

RECOMMENDATION.—This reserve was approved by the Secretary of State in 1908. It is a very good reserve, but much larger than is necessary for either the present or future requirements of the natives residing on it or in the vicinity. It adjoins the Matibi reserve, which also covers a very large area. The soil is good, and it is good cattle country. There are ranges of granite hills, interspersed with good valleys, and open flats which carry good grass. The portion of this reserve which is in excess of native requirements and which the Commission recommend should be surrendered amounts to 96,820 acres. It is in the southern portion of the reserve, and is east of a line drawn from the Dimbele hill, on the Lundi river, eastwards to the Manjanjamduku hill, thence to the eastern portion of the Mawaia mountain, and thence to the Shangamiti hill, thence north to the Manama hill on the Tokwe river. This is the portion suggested by the Native Commissioner as capable of being surrendered without inflicting any hardship on the natives. A readjustment of the northern boundary is asked for by the Native Commissioner. It will make a much better boundary than the present dotted line and will involve only a difference of a negligible area. The Commission recommends this alteration. The new line will run from the most westerly beacon of the Liebig ranche on the Tokwe river to Borave hill, thence to Butchinda hill, thence to Bora (Boya) hill, continuing in a straight line to the Nyarashangwe river, down that river to its junction with the Nyaratedzi river, thence to the Gowa hill, and continuing in a straight line to the Lundi river. The area left in the Chibi reserve taken in conjunction with the area left in the Matibi reserve (below) and the Belingwe No. 2 reserve adjoining (page 53), will be a very generous allocation for the present population of the district and the surrounding country. The Commission recommends the alterations as defined. The reserve will then be defined as follows:—Bounded by a line drawn from a point on the Tokwe river at the most westerly beacon of Inyanda Block down the Tokwe to a point opposite to Manama hill, thence to that hill, thence to Shangamite hill, thence to the eastern portion of Mawaia mountain, thence to Manjanjamduku hill, thence to Dimbili hill and continuing to the Lundi river, thence up the Lundi to a point in the prolongation of the line drawn between the junction of the Nyarashangwe and Nyaratedzi rivers and Gowa hill, thence along that line to the said junction of the rivers, and up the Nyarashangwe river to a point in the prolongation of a line joining Bora and Butchinda hills, thence along that line through Bora hill to Butchinda hill, thence to Borave hill, and thence to the starting point, excluding, however, the two alienated farms "Golden hill" and "Chibi" near the northern border.

<u>MATIBI RESERVE.</u>	Map No. 6.	<u>CHIBI DISTRICT.</u>
Area of present Reserve	3,485,941 acres.
Population	6,131
Acreage per head	568·6
Area as recommended	824,596 acres.

RECOMMENDATION.—This reserve is an enormous tract of country and sparsely populated. The soil is good and is especially suitable for cattle. It stretches from the Old Pioneer road south and east between the Lundi and Nuanetsi rivers to the Portuguese border, a total area of approximately 6,300 square miles. There are ranges of granite hills with numerous valleys and stretches of open country, and with considerable areas of dark soil. The Commission recommends the surrender of the following two portions of the reserve:—(A) An area of land enclosed by a line starting from the junction of the Magwie river with the Lundi river, thence up the Magwie to its source to the nearest point to the Sarahura hill, thence to that hill, thence to the sources of the Goronye river, thence down the Goronye to its junction with the Nuanetsi river, thence down the Nuanetsi river to the junction of the Tshomponi river and about three miles below the Mangwisi hill as shown on the large scale lithograph map, thence up the

Tshomponi river to its source, thence across the watershed to the source of the Mkombe, shown on the same map as being south of the Rangani Rand, thence down the Mkombe to its junction with the Lundi river, thence up the Lundi to the Mangesi junction mentioned above. (B) An area lying south-west of a line formed by the Tshingwesi river as marked on the map referred to above from its junction at the Tshipundu pool on the Lundi river to its source at the Tshitera hill, thence across the watershed to the source of the Tshikombedzi river down this river to the Nuanetsi river, down the Nuanetsi to the Portuguese border, along the border to the Lundi river, and up the Lundi to the Tshipundu pool mentioned above. Owing to the uncertain topography of the map referred to, and the impossibility of guaranteeing that the boundaries described in A and B above will prove, on survey, to be as defined, we recommend that the reserve which lies between the areas A and B shall not in any case exceed 500,000 acres.

The effect of these recommendations is that the total area will be reduced from 3,485,941 acres to 880,000 acres; the single immense reserve will become two smaller, but still considerable, areas, the northern measuring 400,000 acres and the southern 480,000 acres. As the only method of measurement, in the absence of any survey, is by planimeter, the areas given above must be approximate. The reason for the surrender of the most northerly of the two areas defined is that the present reserve is immensely in excess of all possible requirements, present and future; the southern area is surrendered because the Commission is of opinion that it is very unwise to have a native reserve on the Portuguese border (*see* paragraph 73). No hardship will be inflicted on the scattered natives occupying these immense tracts of land. The country is remote from white settlement, and will probably remain so for a number of years. The two reserves to be retained will be defined as follows:—

PART I.—Bounded on the north-east by the Lundi river; on the south-east by a line drawn from the junction of the Lundi and Magwie rivers up the Magwie to the nearest point to Sarahura hill, thence to that hill, thence to the source of the Goronya river and down that river to its junction with the Nuanetsi; on the south-west by the Nuanetsi river; on the north-west by the Pioneer Column road.

PART II.—Bounded on the north-east by the Lundi river; on the south-east by a line drawn from the junction of the Lundi and Tshingwesi rivers up the Tshingwesi to its source near Tshitera hill, thence to the source of the Tshikombedzi river and down the Tshikombedzi to its junction with the Nuanetsi; on the south-west by the Nuanetsi river; on the north-west by a line drawn from the junction of the Nuanetsi and Tshomponi rivers up the Tshomponi to its source, thence to the source of the Mkambe river and down the Mkambe to its junction with the Lundi.

Mtilikwe Reserve.VICTORIA DISTRICT.

Map No. 6.

New Reserve.

Area of Reserve...	94,398 acres.
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RECOMMENDATION.—The Commission is of opinion that a new reserve will be necessary in this part of the Victoria District in order to accommodate the natives who will be moved from the present Mlinya and Bere Reserves when the latter are surrendered. The Superintendent of Natives, Victoria, who is also the Native Commissioner of the district, strongly recommends this, and asks for this piece of land as being suitable and sufficient for the requirements of the surplus native population. It is a very rough country, but is liked by the natives. Both the reserves to east and west of it are thickly populated. It is defined as follows:—Bounded on the north by the farms "Kelvingroo" and "Inyoni" and the Sebakwe river, on the east by the Tshibaka river; on the west and south-west by the Mtilikwe river.

MUSIKWANU RESERVE.MELSETTER DISTRICT.

Map No. 6.

Area of Reserve...	...	...	...	...	40,354 acres.
Population	...	...	...	...	3,840
Acres per head	...	...	...	...	10.5

RECOMMENDATION.—The Commission recommends that this reserve remain unaltered. It is fully occupied now, and the Native Commissioner considers the natives require more land in the neighbourhood. The Commission are recommending the formation of a new reserve, on the west side of the Sabi river in the Ndanga district and adjoining this reserve (*see* below), which will not only accommodate the overflow from this reserve but other natives in the southern end of the Melsetter district. It is not deemed advisable to recommend the creation of a reserve on the same side of the Sabi river and north of Musikwanu, and the country immediately to the south is occupied by surveyed farms. This reserve will be defined as follows:—Bounded on the north by the Nyamvuvu river; on the east by Chikore Farm; on the south-east by the farms Mhungura, Pangela, Chengwe and Gumera; on the west by the Sabi River.

NDANGA EAST RESERVE.NDANGA DISTRICT.

Map No. 6.

New Reserve.

Area of suggested reserve	95,350 acres.
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RECOMMENDATION.—The Commission recommends the formation of a new reserve in the east of the Ndanga district, as it is required to accommodate both the natives who are now

scattered over various parts of the unalienated land in the vicinity, and those who will move from the Sagwenzi reserve in the Melsetter district, which is recommended for surrender. There are also a certain number of natives who are at present living in the extreme south of the Melsetter district to whom the suggested area will be useful. The Native Commissioner, Ndanga, is in favour of this new reserve being formed. It is defined as follows:—Bounded on the north by a line drawn from a point on the Sabi river, opposite to the south-west beacon of the farm Mamzvera to the highest point on the Bangarupinja range of hills; on the east by the Sabi river; on the south by the Mrondonzi river; on the west by a line drawn from the highest point on the Bangarupinja range along that range to its southern spur, thence to the junction of the Chompibi and Mkwadini rivers, and then south to a point on the Mrondonzi river eight miles up from its junction with the Sabi river.

NYADJENA RESERVE.

Map No. 6.

VICTORIA DISTRICT.

Area of Reserve...	...	...	...	...	33,462 acres.
Population	...	...	...	...	4,203
Acreage per head	...	...	...	...	7.96

RECOMMENDATION.—The Commission recommend the abolition of this reserve. The Chief Nyadjena and most of his followers are living further south on land adjoining the N'danga reserve. Both the Superintendent of Natives, Victoria, and the Native Commissioner, N'danga, are strongly in favour of the existing reserve being done away with and a new area laid out as reserve where the Chief now is living. This the Commission are recommending. As in most other cases, this is not precisely an abolition but a substitution of territory. The present reserve is not properly defined, and the substitution will give better natural boundaries, with little loss of area.

NYADJENA RESERVE.

Map No. 6.

VICTORIA DISTRICT.

New Reserve.

Area of Reserve	78,400 acres.
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RECOMMENDATION.—The Superintendent of Natives, Victoria, who is also Native Commissioner of the district, strongly recommends the surrender of the present Nyadjena reserve (above) and the substitution for it of this suggested reserve. The Chief Nyadjena is living, with most of his tribe, on this land at present, and it is suitable in every way for a reserve. The southern portion has large valleys containing good grazing, and it is well watered. The Chiefs Nyadjena and Maregene have always lived in this vicinity. The Commission recommends it to be made a new reserve. It will march with the N'danga reserve. It is defined as follows:—Bounded by a line drawn from the junction of the Mtilikwe and Nyamawonga rivers down the Mtilikwe to a point opposite Zomba range, thence along this range to its southern point, thence to Gandama Hill, thence to Zimegana Hill, thence in a line to Chijimbgi Hill till the north-eastern boundary of the Tokwe River Ranch is reached, thence along this north-eastern boundary to the northern beacon of the ranche, thence to the southern beacon of Nukorsi River Ranch, thence along the south-eastern and eastern boundaries of the Nukorsi River Ranche and its extension to the Nyamawonga river, thence down that river to the starting point.

SAGWENZI RESERVE.

Map No. 6.

MELSETTER DISTRICT.

Area of Reserve	...	...	...	...	27,515 acres.
Population	...	...	...	...	1,300
Acreage per head	...	...	...	...	21.1

RECOMMENDATION.—The Commission is of opinion that this reserve should be surrendered. It is on the Portuguese border, and the evidence of the Native Commissioner is to the effect that it is difficult to control and undesirable from an administrative point of view (see paragraph 73 of the Report). There would be no hardship inflicted on the natives by their movement to the new reserve recommended to be created in the N'danga district (page 49); both the country and the type of the native inhabitants are similar. The population of the reserve is small, and no good purpose would be served by keeping it where it is on the border.

TSHANETSA, KASHANKARARA, TSHUMSIMBI,
GUNDUZA, and DANDAWE RESERVES.

Map No. 7.

LOMAGUNDI DISTRICT.

Total areas of reserves approximately	...	...	...	...	105,189 acres.
The population is unknown.	...	...	...	...

RECOMMENDATION.—None of these small reserves have ever been defined, and the evidence placed before the Commission, both by the Native Commissioner and others, is all strongly in

favour of their abolition. Their population at present is very small; in the case of Tshanetsa it is shown as "nil." The Commission has proposed areas for four large reserves (see Sipolilo (page 37), Urungwe (below), Magondi (below), and Zwimba (page 52). These will be more than ample for the present and future population. We recommend that all the small and undefined reserves named above be abolished. The whole arrangement for this district is an exchange, not a surrender.

MAGONDI RESERVE.LOMAGUNDI DISTRICT.

Map No. 7.

New Reserve.

Area of proposed Reserve 88,260 acres.

RECOMMENDATION.—The Native Commissioner, Lomagundi, applies for the creation of this reserve, and his reasons are that it is required for the accommodation of the Chief Magondi and his people who are now occupying this land. This tribe moved to this area partly on account of having to pay rent for the land on which they were previously living; it was placed here by the Native Commissioner. It is unsuitable for European settlement, and is greatly desired by the tribe, and should be sufficient for all their needs. The boundaries of the reserve as recommended are as follows:—From a point where the Muchi river flows through the Mchekakasungabeta Hills, following down that river to its junction with the Wasanje River, thence down the Wasanje river to its junction with the Umfuli river, thence up the latter river to a point to be beaconed at the southern foot of the Mchekakasungabeta Hills, thence north along the crest of those hills to the point first named.

SANYATI RESERVE.HARTLEY DISTRICT.

Map No. 7.

Area of Reserve 98,710 acres.

The population is unknown.

RECOMMENDATION.—Although the evidence shows this reserve to be very sparsely populated and situated in a tsetse fly area, the Commission is of opinion that it should remain as a reserve. Fly areas are not constant and may possibly be coped with successfully in the future. This reserve will probably be required to take the native population which might be compelled to move owing to European occupation of farms in the future in the northern part of the Hartley district. The Commission recommends that this reserve should remain substantially as it exists to-day. Some slight modifications have been adopted in its boundaries by way of improvement and giving more regular lines. It will be defined as follows:—Bounded by a line drawn from the junction of the Umniati and Sakugwe rivers running up the Sakugwe for a distance of seventeen miles direct, thence to the highest point on the Nyamsinu Hills, thence to the highest point on the Nyarupisa Hills and continuing in this direction to the Umniati river, thence down the Umniati river to the starting point.

SEBUNGWE RESERVE.SEBUNGWE DISTRICT.

Map No. 7.

New Reserve.

Area of Reserve, approximately 235,800 acres.

The population is unknown.

RECOMMENDATION.—The Commission recommends the formation of a new reserve in this district. The existing areas already set aside as reserves in this district contain a total of 203,187 acres, and are undefined. The Commission recommends in addition to these undefined areas a large reserve which will be sufficient to take the surplus population from the remainder of this thinly populated district. The district is remote from European settlement, and it will in all probability be many years before any natives will be required to move into it. The reserve is defined as follows:—Bounded on the north by the Tshota and Gungugwe rivers; on the east by the Sanyati river; on the south by the Mvumvudsi river; on the west by the watershed from the source of the Tshota river to the source of the Mvumvudsi river.

URUNGWE RESERVE.LOMAGUNDI DISTRICT.

Map No. 7.

New Reserve.

Area of new Reserve 472,412 acres.

RECOMMENDATION.—This is one of the new reserves recommended by the Commission to replace those several small areas which are being surrendered (see page 50). Some difficulty

was experienced in selecting a suitable area for a reserve in this portion of the Lomagundi district, as tsetse fly has to be avoided in places and water supply had to be considered. The Commission took the evidence of the Native Commissioner, the clerk to the Native Commissioner, who is stationed at Urungwe, and also the evidence of a member of the Lands Settlement Department who knows the district thoroughly and has resided there for many years. An accurate definition of this reserve is necessarily somewhat difficult, owing to the scanty topography available, but the map attached to this report will point out the proposed boundaries to Your Excellency. This reserve would come within the recommendation in paragraph 78. The reserve as suggested is a large one, but it is the only one in the vicinity. The district, as a whole, is not thickly populated, and this reserve should be ample for present and future needs. The soil is good and will support a large population. It will be defined as follows:—Bounded by a line drawn from a point on the Naodsa river, opposite an unnamed hill, and shortly below the junction of Naodsa and Kamsanga rivers in a south-easterly direction to Chisumba Hill, thence generally southwards through Gwiwa and Mutimrengwa Hills to Chiniri Hill, thence westwards to Kawayi Hill, thence north-westwards to Zemaiwe Hill, thence westerly to Bashungwe Hill, thence generally northwards through other hills not yet named, to Nyongwicha Hill, and thence north to the top of the range lying to the north of and along the Gachegache river, thence to a point on the Naodsa river opposite to Nurige Hill, thence up the Naodsa river to the starting point.

ZWIMBA RESERVE.LOMAGUNDI DISTRICT.

Map No. 7.

Area of present Reserve...	...	...	...	175,672 acres.
Population	...	...	...	5,264
Acreage per head	...	...	...	33.37
Area as recommended	...	...	...	203,822 acres.

RECOMMENDATION.—The Commission heard a considerable amount of evidence with reference to this reserve. The bulk of this was to the effect that the area required increasing, and an addition was suggested by the Native Commissioner. The Chief Chirow and his tribe have been living on this suggested additional area for generations. There would not be room for this chief and his people in the reserve as it is at present. The area to be added lies to the west of the present reserve. The increase is necessary as it includes the only safe water supply in the western portion, the Muchi river. This whole reserve will probably be required to hold a considerable number of natives in the future.

The whole reserve as recommended will be defined as follows:—Bounded by a line drawn from the junction of Hunyani and Karoo rivers up to Hunyani till the farm Rothwell Extension is reached, thence along the south-west boundary of Rothwell Extension and the north-west boundary of Mowbray to the Umsengaisi river, and down that river to the south-east beacon of Renardia, thence along the eastern boundary of this farm to its northern beacon, thence to Chembere Hill, thence to the Geodetic Station Mtjekwe on the Mcheke Kasingabeta Range, thence along the crest of this range to a point in the prolongation of the line joining the hills Nyazurgwe and Ngarire, thence along this said line to the Karoo river, and down the Karoo to its junction with the Hunyani river.

BELINGWE NO. 1 RESERVE.BELINGWE DISTRICT.

Map No. 8.

Area of present Reserve	...	...	...	177,154 acres.
Population	...	...	...	3,820
Acreage per head	...	...	...	46.37
Area as recommended	...	...	...	259,984 acres.

RECOMMENDATION.—This reserve should remain unaltered; another area is recommended as an addition. The soil is granite and sandy with occasional vleis, but portions are of heavier land. The latter is more used by the Matabele than by the Mashona. Between the Sabi and Lundi rivers the land is rough, but the soil on the southern border is of good quality. It is the only reserve in the neighbourhood to which natives over a large area to the north and west can retire, and is hardly adequate as it exists to-day. The Commission recommends the addition of an area of unalienated land to the north-east. The combined reserves will be defined as follows:—Bounded by a line drawn from the western beacon of the farm Umgulugulu, along the southern boundary of this farm to the Sabaise river, thence down the Sabaise river to its junction with the Lundi river, and down the Lundi to the drift on the Upper Belingwe-Victoria Road, thence westwards along that road to the Sabi river, thence down the Sabi to the north-western boundary of Zeederberg's Block, and along that boundary and the north-eastern boundary of Laing's Syndicate Block, to its northern beacon, thence along the eastern boundaries of Bannockburn, De Beers Block and Torwood Lee, and the northern boundary of Torwood Lee to the beacon B. R. 11., thence along a beaconed line from B. R. 11. to B. R. 14 on the southern boundary of Mkatisi, thence along the southern boundary of Mkatisi, the eastern boundary of Walsh Farm Block, the south-eastern boundary of Lubongo, and the southern boundaries of Pakame and Guruguru to the starting point.

BELINGWE No. 2 RESERVE.BELINGWE DISTRICT.

Map No. 8.

Area of Reserve	...	...	...	...	1,005,208 acres.
Population	...	...	...	...	23,335
Acreage per head	...	...	...	...	43.1
Area as recommended	...	...	...	...	846,468 acres.

RECOMMENDATION.—This is a very large reserve and the Commission considers it is in excess of native requirements. We recommend that a small portion of it be surrendered. The Native Commissioner, Belingwe, states in his evidence that the natives in his district do not require the whole of the present reserves, and moreover the Commission is recommending an addition to Belingwe reserve No. 1. The reserve is well watered and contains much good land. It is capable of supporting a very large population. The area recommended for surrender is thinly populated, and it is in a portion of the district which will never feel pressure from natives now living in the settled country to the west. Compared to the reserve which remains the area recommended to be surrendered is small both in size, population, and value. The boundaries of the reserve will be as follows:—Bounded on the north generally by the properties Anglo-French Syndicate Block, Lower Doro, Grimstone, High Peak, M'Belengwa, the Lou Estate, and Newcastle, a line joining the south-east beacon of Newcastle with the southern beacon of Mnene, the properties Mnene and Brooklands, and the Ingesi river; on the east by the Lundi river and the Pioneer Column Road; on the south by the properties Wedza Block, Lubisi, Inanda, Hluku, Vukwe, Bangwe and Reserve; on the west generally by the properties Matabe, Makoslu, Indhlela, Beckmans Farm, Grass Pan, Krantz Kloof, Itaga, Good Luck, Good Hope, and Hillside Arcadia.

INSIZA RESERVE.INSIZA DISTRICT.

Map No. 8.

Area of Reserve	...	...	...	...	64,321 acres.
Population	...	...	...	...	684
Acreage per head	...	...	...	...	94.03

RECOMMENDATION.—That this reserve remain as it is. The soil is light and sandy, but is suitable for cattle. Water is scarce in the interior of the reserve, but plentiful in the two rivers (Umzingwane and Insiza). It is essential that this reserve should be retained, for, though it is at present but thinly populated, it is surrounded by farms and by a large native population. It is defined as follows:—Bounded on the north by Glass block; on the east by the Insiza river; on the south by Nyamini farm; on the west by the Umzingwane river.

LOWER GWELO RESERVE.GWELO DISTRICT.

Map No. 8.

Area of Reserve	...	...	...	...	100,535 acres.
Population	...	...	...	...	3,000
Acreage per head	...	...	...	...	33.5
Area as recommended	...	...	...	...	130,625 acres.

RECOMMENDATION.—All the evidence brought before the Commission is to the effect that this reserve should be increased. The Superintendent of Natives, Gwelo, strongly recommends this. The chief water supply, upon which depends the value of the reserve, is the Vungu river, and at present access to that river is entirely cut off by the Vungu block, we believe now the property of the Charterland General Exploration Company. There are other places from which water may be obtained in the reserve but they are uncertain and entirely inadequate. We were informed that an arrangement exists between the native inhabitants of the reserve and the owners, or agent, of the Vungu block to the effect that the former have access to the water in the Vungu river in return for certain grazing facilities and labour provided by them. At any time, however, this arrangement may be withdrawn by the owner, and, indeed, he may fence off all access by the natives to what is practically their only water supply. The reserve is a large one and of fair quality. It has, to-day, a not inconsiderable population, and it will be required to hold a larger population in the future. We recommend that an arrangement be come to with the owner of the block in question under which the portion of the block north-east of the river will be added definitely to the reserve. The Commission feels it necessary to make the above recommendation. The reserve will then be defined as follows:—Bounded by a line drawn from the most southern beacon of the farm "Duart" along the south-eastern boundary of that farm to the Gwelo river, thence up the Gwelo river to the north-western boundary of that farm, and the north-western and south-western boundaries of that farm, and the south-western and south-eastern boundaries of the farm "Brookley Estate" to the Gwelo river, thence up the Gwelo river to the south-west boundary of the farm "Broomrigg," thence along that said boundary, and along the north-west boundaries of "Buda" and "Sandwich," and the north-eastern and north-western boundaries of "Bathurst Block" to the Vungu river, thence down the Vungu river to the south-east boundary of Thompson's farm, thence along that said boundary to the eastern beacon of that farm, thence direct to the most southern beacon of the farm "Duart."

QUE QUE RESERVE.GWELO DISTRICT.

Map No. 8.

Area of present Reserve	20,572 acres.
Population	2,571
Acreege per head	8
Area as recommended	46,392 acres.

RECOMMENDATION.—The Commission recommends an extension of this reserve. The present reserve is surrounded on three sides by occupied and surveyed farms, and is well populated and cultivated; large amount of European settlement round it; it will be required to hold a considerable population in the future. The addition is recommended by the Superintendent of Natives of the district. The additional area is handed over by the Rhodesdale estate for native use, and is of fairly good quality and with a fair water supply. The combined reserve will be defined as follows:—Bounded by the properties Nyamawera, Ashdale, Wyanko, Mhizu, Umhlali, Lochiel, Urusungwe Block, Ermelo, Wodehouse, Ardpatrick, Garryowen, Sunbury, Loads, and Roslin so as to exclude them all and by the line joining the eastern beacon of Roslin to the western beacon of Nyamawera.

SELUKWE RESERVE.SELUKWE DISTRICT.

Map No. 8.

Area of Reserve	158,740 acres.
Population	7,404
Acreege per head	21'43

RECOMMENDATION.—This reserve has well defined boundaries, being almost surrounded by surveyed farms, and it should remain unaltered. The soil is good, and the reserve contains good grazing. It can carry a considerable extra population, and there will probably be a large influx from the neighbourhood, much of which is thickly settled by white farmers. It cannot be reduced or surrendered. It is defined as follows:—Bounded on the north by the farms "Hilton," "Chiltern" and "Rayston"; on the east by the farms "Senangwe," "Estancia," "Normandy," "Virginia," "Tchibwisa," "Montana" and "Endymion" and the line from the south-west beacon of "Endymion" to Mt. Boukwane; on the south by a line from Mt. Boukwane to the north-east beacon of "Limerick" and by the farms "Limerick" and "Umgulugulu"; on the west by the farms "Guruguru," "Gumdula," "Goli," "Donga," "Ifusi," "Ndwanga," "Pink'un" and "Muirhead."

GWAAI RESERVE.NYAMANDHLOVU DISTRICT.

Map No. 9.

Area of present reserve	1,377,867 acres.
Population	2,600
Acreege per head	529'95
Area as recommended	500,000 acres.

RECOMMENDATION.—This is a very big reserve and the Commission considers it unnecessarily large for the requirements of the district, and recommends that a large portion of it be surrendered. The portion which is recommended for surrender is the western half of the present reserve. The whole population of the reserve is collected along the banks of the Gwaai river, for there is practically no surface water during the rainless part of the year over the remainder of the reserve. It is not likely that there will be a large influx of natives from the neighbouring districts. The portion recommended for surrender is practically uninhabited. It is impossible to suggest a definite boundary as there are no landmarks available, the country being flat and bush covered. We can only suggest that the dividing line be a line drawn north and south so as to include an area of 500,000 acres within the reserve along the Gwaai river and that the remaining area be surrendered, as it is of no use to the native population and in any case is not required by them. The reserve as recommended will be defined as follows:—Bounded on the north by a line drawn from the junction of the Gwaai and Insuza rivers to the beacon G.R. 1 and along a beaconed line westwards through consecutively numbered beacons in the direction to the point G.R. 11 south-western side of, and near the 1,469½-mile peg on, the Bulawayo-Victoria Falls Railway Line; on the east by the Gwaai river from the junction of the Gwaai and Insuza rivers to the junction of the Gwaai and Khami rivers; on the south by the Nata reserve; on the west by a line drawn north and south so as to include not less than 500,000 acres within the reserve.

GWAAI RESERVE.NYAMANDHLOVU DISTRICT.

Map No. 9.

New Reserve.

Area of Reserve	600,000 acres.
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An area of 600,000 acres of the existing Gwaai reserve and immediately to the west of the reserve as recommended above.

PASHU, SIBARA, AND IMPAMPA RESERVES.SEBUNGWE DISTRICT.

Map No. 9.

Total area of the Reserves	... ..	203,187 acres.
Population of the Reserves is unknown.		
Population of the whole district is 26,809.		

RECOMMENDATION.—These reserves were approved by the Secretary of State in 1911. Central points were taken and an arbitrary circle drawn round each point upon the map; each circle was to comprise 32,000 morgen, or 203,187 acres in all. Since this arrangement was made the question of tsetse fly has become a serious problem in that district, and the Administration has, with a view to controlling the spread of the fly, depopulated the circular reserves and has moved the people into a fly-free country to the south. It is impossible to foretell what the movement of the present fly areas will be; a continual contraction and expansion takes place in all fly belts. There is some probability that the fly will gradually disappear, as has been the case in other neighbouring areas during the last twenty-five years, but it is possible that they may spread considerably before the gradual disappearance commences. Under these circumstances the Commission feels that no good purpose would be served by a recommendation either to surrender or define the reserves. It is quite possible that one or more of the three areas may become habitable within a few years, but so long as they remain infected they cannot be considered from any point of view. As these three reserves become free of tsetse fly and habitable, it is recommended that the Administration be required to define and demarcate them in the immediate neighbourhood of the present circular reserves; in no case is the demarcated reserve to exceed the area of the existing circle, that is, 67,729 acres. We consider at the same time that the three reserves are in any case inadequate, and we have recommended in addition an area of, approximately, 281,820 acres in the north-east part of the district (page 51); this part was suggested by the Medical Director as the most suitable place under the circumstances. The Sebungwe is an immense district (approximately, 15,187 square miles) and is thinly populated. It is remote from any white population, and it will probably be years before the tide of European settlement invades the district. There is no need to define the three circular reserves more clearly than they are at present.

SHANGANI RESERVE.BUBI DISTRICT.

Map No. 9.

Area of present Reserve	... ..	1,632,614 acres.
Population	... ..	7,612
Acreage per head	... ..	214.48
Area as recommended	... ..	1,087,329 acres.

RECOMMENDATION.—The Commission considers this reserve is much larger than is required for either the present or future requirements of the natives of this district, and recommends that it be decreased in size. The Native Commissioner of the district is also of this opinion, and states that it is more than needed. It is good land in places, and, if water were provided, a large area of it which to-day is available only during the rainy season could be made habitable. The Native Commissioner asks for a small piece of land approximately 31,470 acres at the south-east corner of the present reserve, and this the Commission recommends be added. The portion recommended to be surrendered is the piece of the present reserve lying west of a line drawn north and south through a point fifteen miles up the Gwampa river from its junction with the Bubi river. The reserve, as now recommended, is defined as follows:—Bounded by a line beginning at beacon S.R. 1 and running along the eastern border of the present reserve as far as beacon S.R. 6 on the Shangani river, thence south-east along this river to its junction with the Guluwe river, thence in a westerly direction to the Gulungushi Vlei which is the source of the Gwampa river, thence down this river to a point on it fifteen miles from its junction with the Bubi river, thence along a line due north to the Kana river, thence east up the Kana to beacon S.R. 11, thence in a beaoned line east to beacon S.R. 18, thence to beacon S.R. 19, and thence through beacon S.R. 20 back to beacon S.R. 1.

WANKIE RESERVE.WANKIE DISTRICT.

Map No. 9.

New Reserve.

Area of Reserve	317,481 acres.
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RECOMMENDATION.—From evidence given to the Commission by the Chief Native Commissioner, the Superintendent of Natives, Bulawayo, and the Native Commissioner, Wankie, we are of opinion that a native reserve should be defined in this district. There is no reserve at present and there is a native population of 5,856. The area recommended is rugged and mountainous, but there is good soil along the rivers. It is very difficult to select an area in this district, as much of it is almost entirely without water. The area recommended, however, is approved by the Native Commissioner who states that thirty-five per cent. of the total population of the district is already settled upon it. It is well watered, and, though it is rocky and hilly, it is liked by the natives who have lived in it for generations. It will support easily all the surplus people of the district. The boundaries are defined as follows:—From a point on the eastern boundary of the Wankie coal area where the Inyantue river finally leaves the area,

thence down that river to its junction with the Gwaai river, thence down the latter to its junction with the Zambesi, thence up the Zambesi to its junction with the Matetsi river, thence up the Matetsi river to its junction with the Omba river, thence south in a straight line to the junction of the Gwamba and Deka rivers, thence down the Deka to the north-west boundary of the Wankie coal area, thence along the north-west, the northern, and the eastern boundaries of the Wankie coal area to the starting point.

GWANDA RESERVE.GWANDA DISTRICT.

• Map 10.

New Reserve.

Area of Reserve	225,411 acres.
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RECOMMENDATION.—The Commission is impressed with the necessity of creating a new reserve in the southern part of the territory; there is not to-day any reserve in this whole neighbourhood. We have, however, recommended the creation of a new reserve on the Semokwe river (page 58), and the one retained in the south-eastern part of the present Matibi reserve is the only other one anywhere near the southern border of the territory. We consider that the area now suggested will be sufficient to accommodate all the natives of the Gwanda district who are ever likely to go into it, together with their future increase. The soil is very good on the whole, but the water supply in the central parts is inadequate; that, however, is characteristic of the whole of this part of Southern Rhodesia. The Native Commissioner of the Gwanda district approves of the area recommended, as does the Superintendent of the Bulawayo circle. It will be defined as follows:—Bounded by a line drawn from the southern beacon of the Seear lock on the Shashani river and running along the eastern boundaries of the Seear and Kanya Blocks to the south-west beacon of the farm Pelele, thence along the southern boundaries of the farms Pelele, Malote Gobateme, Zhokwe, and Crocodile to the Tuli river, thence along the Tuli river to the nearest point to the Msandane mountain, thence to this mountain, and thence in a straight line westward to the starting point.

INYATI RESERVE.BUIH DISTRICT.

Map No. 10.

Area of Reserve	...	...	...	...	7,088 acres.
Population	...	...	...	...	225
Acreege per head	...	...	...	...	31.5

RECOMMENDATION.—This reserve should remain unaltered. The soil is poor, but it is fairly watered, having the Inyati river on one side. It is of little use as a reserve but is the site of the Government offices for the district, and no good purpose would be served by surrendering it. The conditions are generally similar to those of the Mzingwane reserve. It is defined as follows:—Bounded by the properties Lortondale, Inyati Mission, hundred acre lot on left bank of Inkwekwesi river, Finchams, and Huntsman so as to exclude them all.

MATOBO RESERVE.MATOBO DISTRICT. (To remain unaltered.)

Map No. 10.

Area of Reserve	...	...	...	...	51,431 acres.
Population	...	...	...	...	7,500
Acreege per head	...	...	...	...	6.85

RECOMMENDATION.—This reserve is well defined and should remain as it is. The soil is sandy and granite, but with some "formation." There are good patches of land for agricultural purposes, and the water supply in ordinary years is good, except in the centre of the reserve. The reserve is very thickly populated and is not capable of carrying a much increased population. Most of the cattle in this reserve are owned by the chiefs; three chiefs alone, resident on the reserve, own between them 10,000 head, the great bulk of which must obtain their grazing outside the reserve (see paragraph 16). Recommendations are being made for a new reserve in the Bulalima-Mangwe district, adjoining this reserve (see page 58), which will take the overflow population from this area and the natives in the vicinity to the north. The present reserve is defined as follows:—Bounded on the north-west by Mt. Edgecombe; on the north-east by the farms Valley Junction, and Kezi, and the Mwewe river; on the south-east by the farms Montana Vista and Tabas Nyoni, and a line from the western beacon of Montana Vista to the northern beacon of Thabas Nyoni; on the west by the Shashani river.

MATOBO RESERVE.MATOBO DISTRICT.

Map No. 10.

New Reserve.

Area of Reserve	124,579 acres.
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RECOMMENDATION.—From evidence given by the Superintendent of Natives, Bulawayo, and the Native Commissioner, Matobo district, the Commission is of opinion that a new reserve is

required in this district. The Superintendent of Natives informed the Commission that there are many natives at present living on the ground recommended as reserve, that they have never been charged rent for this ground, and consequently look upon it as reserve. It is required also to take the surplus population from the present Matobo reserve. The Commission recommends that the latter be re-named, and that this new reserve be called the Matopo reserve. It is in the Matopo hills, and the name will be in every way more suitable for it. The Commission recommends that it be created a new reserve. It is defined as follows:—Bounded on the north by the properties the Matoppo Block, Society Brethren in Christ, Absent, and Essexvale; on the east by Glen Lategan, The Range, Long Field, The Grange, and Hollins Block; on the south by Zwemele Block, Leilavale, Kozi, and Gwanda Vale; on the west by the Tuli river.

MPHOENG RESERVE.BULALIMA-MANGWE DISTRICT.

Map No. 10.

Area of Reserve	...	...	...	...	95,208 acres.
Population	...	...	...	...	1,700
Acreage per head	...	...	...	...	56

RECOMMENDATION.—This reserve should remain as it is. The population is almost entirely Bechuana who, together with the occupants of the neighbouring Radithladi reserve, settled in this country in 1895. The reserve should remain as it is so long as the Bechuana natives, or a very considerable portion of them, continue to occupy it. For agricultural and pastoral purposes the soil is good, and is sufficient for the requirements of the natives. They are large cattle owners, and the water question is occasionally a source of trouble. It is defined as follows:—Bounded on the north by Ingwesi farm and Shesha Mangwe; on the south-east by the farm Lewisdale and a line from the western beacon of this farm to a beacon on the Ramaquabane river; on the south-west by the Ramaquabane river; on the west by the Umpakire river and the B.S.A. Company's reserve and woodland. It is a surveyed area.

NATA RESERVE.BULALIMA-MANGWE DISTRICT.

Map No. 10.

Area of Reserve	...	...	...	...	855,166 acres.
Population	...	...	...	...	12,934
Acreage per head	...	...	...	...	66.12

RECOMMENDATION.—This is a very large reserve, but the water supply away from the rivers is very scanty and much of the interior of the reserve is practically useless under present circumstances. The Commission recommends that the boundaries of this reserve remain unaltered and as shown on the existing map, with the exception of a very small triangular piece of land in the south-east corner of the reserve. This is recommended for surrender solely in order to simplify the defined boundary. A line drawn from the south-west beacon of the farm "Pandis," to the north beacon of the farm "Tjedu" should be made the boundary of the reserve at this point. The land running between the two farms should be surrendered; it is negligible in size and value. In view of the very small area recommended to be surrendered the reserve is described as remaining unaltered and not as being decreased in area. The reserve will be defined as follows:—Bounded on the north by a line drawn from the junction of the Nata and Tgwani rivers to the northern beacon of the Sedgwick Syndicate Extension; on the east generally by the Sedgwick Syndicate Extension, Zizoomba, Kalaka, Dhlula, Burton's Grant, Mananza, a straight line from the most westerly beacon of Mananza to the junction of the Manzamnyama and Natane rivers, the Manzamnyama river from the said junction to the north-western boundary of Sandown North, Sandown North, Kirby Block and Pandis; on the south by a line from the south-west beacon of Pandis to the north beacon of Tjedu, and the farms Tjedu, Tjankwa, Burnt Side and the British South Africa Company's reserve; on the south-west and west by the Tegwani river.

NTABAZINDUNA RESERVE.BUBI DISTRICT.

Map No. 10.

Area of Reserve	...	...	...	...	26,221 acres.
Population	...	...	...	...	1,702
Acreage per head	...	...	...	...	15.4

RECOMMENDATION.—This reserve is well defined, and fairly well populated, and should remain as it is. The soil is good, but the natural water supply is very limited. This difficulty has been dealt with by the natives themselves, who have sunk twelve wells and obtained a plentiful supply of good water. There are 3,000 acres of this reserve under cultivation, and it is in a flourishing condition. It is the only area near Bulawayo and is very necessary. It is defined as follows:—Bounded by the properties Annaley, Battlefield Block, British South Africa Company's reserve, Heany Junction farm, Imbesu block, Maldon, and Gravesend, so as to exclude them all.

RADITLADI RESERVE.BULALIMA-MANGWE DISTRICT.

Map No. 10.

Area of Reserve	25,290 acres.
Population	700
Acreage per head	36.12

RECOMMENDATION.—This reserve is sufficient for the requirements of the natives living on it. They are chiefly Bechuana, who came into the territory from Khama's country in 1895. The soil is good for agricultural purposes and for cattle, though in dry years water is scarce. The reserve should remain unaltered so long as a fair proportion of the Bechuana natives, for whom it was originally granted, remain upon it. Your Commissioners are informed that these natives are gradually leaving the reserve, and we therefore recommend that if the Bechuana natives are reduced to less than two hundred in all on the reserve it should be surrendered and the natives upon it should be encouraged to move into the adjoining Mphoeng reserve, where, we consider, ample land of a similar quality is available for them. It is defined as follows:—Bounded on the north by the Ramaquabane reserve; on the east by the Umpakire river; on the south by the farms Rockhaven and Blackwater; on the west by the Ramaquabane river and the British South Africa Company's reserve. It is a surveyed area.

RAMAQUABANE RESERVE A AND B.BULALIMA-MANGWE DISTRICT.

Map No. 10.

Area of Reserve	126,541 acres.
Population	12,900
Acreage per head	9.8

RECOMMENDATION.—This reserve as it exists at present is very crowded, and as it is bounded on three sides by European settlement, and on the fourth by the Bechuanaland Protectorate, there is no room for further expansion. The Commission recommends that this reserve be surrendered and that a new and larger reserve be created in another part of this district.

The Commission, accompanied by the Native Commissioner, inspected a large tract of country on the Semokwe river with this end in view. The Chief Mpini and his headmen are willing to make the exchange, but we are informed that some of his people are not anxious to move. We are convinced, however, that there will be no hostility to the move if ample time is allowed for this purpose. The area to which they will go is more than double the size of their present reserve, of a greatly superior type of soil and with a better water supply. On the present reserve almost all access to the Ramaquabane river, which forms the Rhodesian border at this point and is at the same time their main water supply, is cut off by a wire fence erected under the cattle regulations. The new reserve proposed is dealt with below and is shown on map 10. This is the largest and most important individual movement which the Commission is recommending to Your Excellency, but it has no hesitation in doing so as it is convinced that the transfer is entirely in the best interests of the occupants of the present reserve and of the whole population in that part of the district. The arrangement is in fact an advantageous exchange of territory, and not merely the abolition of the above named reserve. It has the approval of the Chief Native Commissioner, the Superintendent of Natives of the Bulawayo circle, and the Native Commissioner of the district.

SEMOKWE RESERVE.BULALIMA-MANGWE DISTRICT.

Map No. 10.

New Reserve.

Area of suggested Reserve	278,748 acres.
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RECOMMENDATION.—The Commission has recommended the abolition of the present Ramaquabane reserve in this district (above); it is intended that this reserve defined below shall take the place of the Ramaquabane area. It will serve also to take any surplus population from the Matopo District on the north, and any overflow from the present Matopo reserve (page 56). The character of the soil is good and the water supply adequate along the Shashani river; to the west and in the centre, however, the water supply is uncertain and inadequate. This, however, is the general condition of the country in this part of Southern Rhodesia, and no better selection could be made. With an artificial supply of water in the centre and on the west the area is capable of supporting a large population. We consider that the reserve as recommended makes ample provision for the occupants of the present Ramaquabane reserve and for the requirements of the district. The land was inspected by the Commission accompanied by the Native Commissioner of the district, and also by the son of the principal chief of the Ramaquabane reserve and some of his followers, who profess themselves well satisfied with the country. The proposed reserve is at present very thinly inhabited. The recommendation is approved by the Chief Native Commissioner and by the Superintendent of Natives for the Bulawayo circle. To avoid confusion with the present reserve it is suggested that this reserve be called the Semokwe reserve. It will be defined as follows:—Bounded by a line drawn from the most westerly beacon of the farm Tabas N'Yoni on the Shashani river and running up the river to a point due east of the south beacon of the farm Mount Pleasant, thence due west to this beacon and thence to the north beacon of the farm Woodstock, thence along the eastern boundaries of the farms Woodstock and Newlands to the Bembeswana river and down that river to its junction with the Semokwe river, thence down the Semokwe river and along the eastern boundaries of the

farms Pleasant View, Alexander and Grootfontein and along the southern boundary of the latter farm to the Semokwe river again and down the Semokwe to its junction with the Simpiti river, thence in an easterly direction to a point on the Shashani river nearest to the Mystery mine, thence up the Shashani river to a point ten miles south of the Antelope mine, thence in a north-easterly direction to the south-west beacon of the farm Alicedale, thence to the most easterly beacon of Tabas N'Yoni, and along the south-east and south-west boundaries of this farm to the starting point at its most westerly beacon.

UMZINGWANE RESERVE.UMZINGWANE DISTRICT.

Map No. 10.

Area of Reserve	4,764 acres.
Population	80
Acreege per head	59.55

RECOMMENDATION.—This reserve is surrounded on all sides by occupied land and should remain unaltered; it is the site of the Government offices for the district. The soil is of fair quality and it is well watered and sufficient for the requirements of the population. No good purpose would be served by doing away with this reserve. It is defined as follows:—Bounded by the properties "Duncal," "Springvale," "Hilton" and "Worringham," so as to exclude them all.

OMAY RESERVE.SEBUNGWE DISTRICT.

Map No. 11.

Area of Reserve	660,500 acres.
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Bounded on the north by the Zambesi river; on the east by the Omay river; on the south by the footpath passing through Picaninyemba and Manyobe Vlei on to the Sengwe river; on the west by the Sengwe river.

PART V.

CONCLUSION.

92. Your Excellency's Commission desires to place on record its appreciation of the assistance given to it by the Chief Native Commissioner, the Controller of the Defence Force, the Estates Office, and the British South Africa Police. To the Native Department we feel particularly grateful for the anxiety displayed to meet every request for information and assistance and the invariable courtesy shown to us. Through every district we were accompanied by the Native Commissioner or one of his staff, and every effort was made both to facilitate our work and promote our comfort. To the Controller of the Defence Force the Commission was indebted for excellent transport arrangements and for much capable and willing assistance in the direction of horses and equipment. The Estates Office afforded us every information in its power in regard to land values and white settlement, and in every way endeavoured to meet our wishes. The British South Africa Police also did all it could to provide equipment, supervise railway transport, and further our work in other ways.

In conclusion the Commission desires to draw special attention to the excellent work performed by its secretaries, Mr. H. Marshall Hole in 1914 and Mr. A. H. Holland in 1915. To both we are grateful for much capable and willing assistance. Mr. Holland's work in connection with the compilation of this report has been very considerable in amount and accurate and exhaustive in character.

R. T. CORYNDON, Chairman.
 F. J. NEWTON, Member.
 E. C. F. GARRAWAY, Member.
 W. J. ATHERSTONE, Member (Alternate).
 A. H. HOLLAND, Secretary.

Salisbury,
 Southern Rhodesia,
 16th December, 1915.

PART VI.

APPENDICES.

A.

SOUTHERN RHODESIA NATIVE RESERVES COMMISSION.

SUMMARY OF EVIDENCE.

1. 5th June, 1914. *W. Edwards*, Native Commissioner, Mrewa. Gave evidence as to the numbers and density of native population, nature of soil, rate of increase of population, area per head, etc. There are four large reserves in the district. In answer to definite questions, witness made recommendations as to possible reductions in the area of the reserves. Mr. Edwards has been Native Commissioner, Mrewa District, for twenty years.
2. 5th June, 1914. *E. T. Kenny*, Native Commissioner, Gutu. Gave evidence on the same lines as No. 1. There are one large and three small reserves in the district, and, in reply to questions, witness made certain recommendations as to readjustment of boundaries. Mr. Kenny has been eighteen years in the Native Department, seven of which he has been in charge of the Gutu District.
3. 6th June, 1914. *Dr. A. Fleming*, C.M.G., Medical Director to the Administration. Gave evidence as to the tsetse fly areas in the Lomagundi and Sebungwe Districts and in measures taken to cope with the position.
4. 13th June, 1914. *C. L. Carbutt*, Native Commissioner, Bulalima-Mangwe. Gave evidence on same lines as No. 1. The district contains one large, a portion of a large, and three smaller reserves. Witness recommended an additional reserve. Mr. Carbutt has been two years in charge of the Bulalima-Mangwe District, and, altogether, eighteen years in the Native Department.
5. 13th June and 9th July, 1914. *H. M. G. Jackson*, Native Commissioner, Bulawayo, and Superintendent of Natives, Division IV. Gave evidence on the distribution of reserves in the district under his control, and on the general principles of policy. Has been a Native Commissioner for twenty years, out of which he has been seven years a Superintendent of Natives (five years in Division V., Gwelo Circle, and two in Division IV., Bulawayo Circle).
6. 16th June, 1914. *Chief Magawu* and other natives. Gave evidence as to the inadequacy of the Ramaquabane Reserve.
7. 16th June, 1914. *Bariwaong* and other natives. Gave evidence as to their difficulties in the Raditladi Reserves owing to the dearth of water, otherwise they were satisfied with their reserves.
8. 17th June, 1914. *Chief Sipako* and other natives. Gave similar evidence to No. 7, but dealt with Mphoeng Reserve.
9. 17th June, 1914. *Rev. Father Biehler*, in charge of the Jesuit Mission at Empandine. Gave evidence on the wasteful methods of cultivation adopted by the natives, and made suggestions as to the possibility of increasing the water supply in the Bulalima-Mangwe District by sinking wells.
10. 19th June, 1914. *Chief Gambo*. (An important Matabele Chief.) Gave evidence dealing chiefly with the water supply in the Nata Reserve. (A full report of this witness's evidence will be found in Appendix B, page 66.)
11. 2nd July, 1914. *P. S. Inskipp*, Commercial Representative of the British South Africa Company. Pointed out that the large areas set aside for natives are not made use of but are locked up and unimproved, and that some of these areas are suitable for European settlement.
12. 8th July, 1914. *F. G. Elliott*, Native Commissioner, Matopo. Gave evidence on the same lines as No. 1. There is only one small reserve in the district, which had become congested owing to the influx of natives from surrounding European farms. The witness made recommendations for an additional area being set aside as a reserve. Mr. Elliott has been seven years in charge of the Matopo District and eighteen years altogether as a Native Commissioner in Southern Rhodesia.
13. 8th July, 1914. *Magina*, an Induna of the Matopo Reserve. Complained of the insufficiency of water on the reserve and of its inadequate size.
14. 13th July, 1914. *W. E. Farrer*, Native Commissioner, Insiza. Gave evidence similar to No. 1. There is only one small reserve in the district, and that is inadequate. The witness made recommendations for the setting aside of a further area to accommodate Chief Muduna and his following. Mr. Farrer has been sixteen years in the Native Department as Assistant and full Native Commissioner. He has been Native Commissioner, Insiza, for one year.
15. 13th July, 1914. *Zibka*, Induna and other natives of the Insiza Reserve. Stated that they were satisfied generally with their reserve.
16. 24th July, 1914. *A. A. Campbell*, Native Commissioner, Belingwe. Gave evidence on the same lines as No. 1. There is one very large reserve and one smaller reserve in the district. In reply to questions, the witness admitted that a portion of the larger reserve might be surrendered, and that the reserve could accommodate natives from other districts. Mr. Campbell has been nineteen years as Native Commissioner in Southern Rhodesia, including two years in the Belingwe District.
17. 28th July, 1914. *S. W. Greer*, Assistant Native Commissioner, Belingwe. Stated that the smaller Belingwe Reserve could accommodate further natives. Mr. Greer has been thirteen years in the Native Department, five of which he has spent in the Belingwe District.
18. 28th July, 1914. *Chiefs Matoni, Nyezhleni, and Wedza*, Belingwe Reserve, No. 2. Matoni complained of the inadequacy of the reserve and of the scarcity of water.
19. 10th August, 1914. *P. Forrestall*, Native Commissioner, Chibi. Gave similar evidence to No. 1. There are two very large reserves in the district, considerable portions of which Mr. Forrestall considered might be surrendered without prejudice to the natives. Mr. Forrestall has been Native Commissioner, Chibi, for nineteen years, and for three years previous was Native Commissioner in other districts.
20. 11th August, 1914. *C. W. Cary*, Magistrate, Victoria. Sent a written memorandum urging the desirability of abolishing the Mlinya Reserve near Victoria.
21. 11th August, 1914. *W. E. Thomas*, Native Commissioner, Victoria, and Superintendent of Natives, Division II. Gave evidence on the general undesirability of small, patchy reserves, and advocated their consolidation. Mr. Thomas also recommended the abolition of the small Mlinya and Bere Reserves, near Victoria. Mr. Thomas, before being appointed to his present post in November, 1913, was for seventeen and a half years a Native Commissioner in Matabeleland. Mr. Thomas was in Rhodesia before the occupation of the country in 1890.
22. 11th August, 1914. *J. F. Halliday*, Victoria. Gave evidence which dealt with the general policy of native reserves. The witness considered that the areas set aside as reserves were excessive.
23. 11th August, 1914. *W. Godlard* and other farmers, Victoria. Strongly urged the abolition of the Mlinya Reserve.
24. 24th August, 1914. *F. W. T. Posselt*, Acting Native Commissioner, Wankie. Gave evidence similar to No. 1. Mr. Posselt stated that at present there was no reserve in the Wankie District,

- and he recommended that one or two areas should be set aside for this purpose. Mr. Posselt has been seven years in the Native Department.
25. 24th August, 1914. *R. Walsh*, Manager of British South Africa Company's ranches. Gave evidence as to existence of good ranching areas in certain native reserves.
 26. 24th August, 1914. *L. G. Robinson*, Native Commissioner, Nyamandhlovu. Gave evidence on the same lines as No. 1. There is a portion of one large reserve—the Gwaai—in this district. The witness stated that the principal drawback to the reserve was the dearth of water. Mr. Robinson was seventeen years in the Native Department, out of which he was three years in charge of the Nyamandhlovu District.
 27. 24th August, 1914. *Madhloli* (a native of Nyamandhlovu). Gave evidence as to the dearth of water in Gwaai Reserve.
 28. 15th October, 1914. *A. T. Holland*, Native Commissioner, Chilimanzi. Gave evidence similar to No. 1. There are three reserves and a portion of a fourth in the district. In reply to questions, Mr. Holland was of opinion that portions of the reserves could be surrendered without hardship to the natives. Mr. Holland has been fifteen years in the Native Department, out of which he has been eleven years in the Chilimanzi District.
 29. 30th October, 1914. *W. S. Bazeley*, Native Commissioner, Ndanga. Gave evidence on the same lines as No. 1. There are three reserves in the district. Mr. Bazeley was of opinion that the reserves should be consolidated into one, and that portion could be surrendered with advantage but that further areas should be included. He was further of opinion that the whole of the boundaries are in need of adjustment. Mr. Bazeley has been eleven years in the Native Department, five of which he has been stationed at Ndanga.
 30. 5th November, 1914. *L. F. Bibra*, Acting Native Commissioner, Gutu. Gave evidence generally corroborating the evidence given by Mr. Kenny (No. 2). He has been fourteen years in the Native Department, and acted in the Gutu District for six months.
 31. 5th November, 1914. *Chief Gutu*. Suggested that a further area should be added to the Gutu Reserve.
 32. 10th November, 1914. *E. A. Campbell*, Surveyor to the British South Africa Company's ranches. Stated that a portion of the area proposed to be added to the Nyajina Reserve was very thinly populated and that the soil was not suitable for native cultivation but is very suitable for ranching.
 33. 10th November, 1914. *S. N. G. Jackson*, Native Commissioner, Gwelo, and Superintendent of Natives, Division V. Mr. Jackson's evidence dealt mainly with reserves in the Victoria Circle, of which he was for many years Superintendent of Natives. Witness acquiesced in the abolition of two small reserves, but deprecated reductions elsewhere. Mr. Jackson has been twenty years as a Native Commissioner. In addition to Native Commissioner he has been a Superintendent of Natives since 1st December, 1907, first for Division II, Victoria Circle, and then from 1st November, 1913, for Division V., Gwelo Circle.
 34. 18th November, 1914. *Rev. C. Harper*, Wesleyan Missionary. Gave evidence as to the irregular relations between European traders and native women in the Nata Reserve.
 35. 18th November, 1914. *H. J. Taylor*, Chief Native Commissioner. Mr. Taylor's evidence dealt with general questions affecting population and the reserves, and the policy of the Administration in respect of them. He dealt in detail with the various suggestions put forward by the Commission for the improvement of the existing reserves, and made proposals as to certain new reserves and surrenders which he considered necessary. Mr. Taylor was appointed Chief Native Commissioner, Matabeleland, on 1st May, 1895, and Chief Native Commissioner for the whole of Southern Rhodesia on 1st November, 1913.
 36. 11th May, 1915. *W. S. Taberer*, Superintendent of Natives, Division I., Salisbury. The evidence given dealt with the Gwibi Reserve, Salisbury District. The witness was of opinion that this reserve should be retained. Mr. Taberer has been eighteen years in the Native Department, and was Chief Native Commissioner, Mashonaland, from November, 1901, to November, 1913.
 37. 28th May, 1915. *H. Rawson* and four members of the Enterprise Farmers' Association. The evidence dealt with the reserves in the eastern part of the Salisbury District. The witnesses asked that the lower part of the Chindamora Reserve, the whole of the Nalira, Chinyika and Chikwakwa Reserves be thrown open for European occupation, and the natives moved into the reserves in the Mrewa District.
 38. 28th May, 1915. *Major R. Nesbitt*, V.C., Native Commissioner, Salisbury. Gave evidence on the same lines as No. 1. There are five medium size and four small reserves in the district. In reply to questions, witness made suggestions for surrendering portions of two of the reserves. Major Nesbitt has been Native Commissioner, Salisbury District, since 1st October, 1909.
 39. 10th June, 1915. *Mrs. Wing*, a farmer, near Shamva. Requested that a small portion at the south of the Bushu Reserve should be surrendered.
 40. 20th June, 1915. *J. W. Posselt*, Native Commissioner, Charter. The evidence dealt principally with the Ngesi Reserve, which the witness was prepared to surrender if the lower portion of the adjoining Mondoro Reserve, Hartley District, was included in the Charter District. Mr. Posselt has been Native Commissioner of the Charter District since the 1st May, 1902.
 41. 26th June, 1915. *E. W. Morris*, Native Commissioner, Marandella. Gave evidence in regard to the density of population, particularly in regard to the Shiota Reserve, and upon other local matters. Mr. Morris has been nineteen years in charge of the Marandella District.
 42. 26th June, 1915. *L. C. Meredith*, Native Commissioner, Hartley. The evidence was similar to No. 1. There is one large and four smaller reserves in the district. Witness, in reply to questions, was of opinion that one small reserve could be done away with without hardship being imposed on the natives. He also recommended that on account of tsetse fly the Sanyati Reserve should be surrendered; there are no natives on it at present. Mr. Meredith has been a Native Commissioner for sixteen years, out of which he has been one year in the Hartley District.
 43. 1st July, 1915. *Venerable Archdeacon Upsher* and the *Rev. Lloyd*, in charge of the English Church Missions near Rusapi. Gave evidence as to the wasteful methods of cultivation adopted by the natives, the waning of the tribal system, and the mortality rate among the natives.
 44. 6th July, 1915. *Paramount Chief Umtassa*. The evidence dealt chiefly with the small extent of land which had been left for his people. His reserve is only 12,805 acres, and he pointed out that it consisted of rocky hills which they were unable to cultivate, and he asked that land be added to the reserve, which had been the home of their forefathers for centuries. (See No. 45.)
 45. 8th July, 1915. *T. E. Hulley*, Native Commissioner, Umtali, and Superintendent of Natives, Division III. Gave general evidence as to the reserves in the Umtali Circle, and made recommendations for providing additional land for Umtassa's people in the Inyanga District, and also for creating a reserve in the north of that District. Mr. Hulley has been nineteen years in charge of the Umtali District and Superintendent of Natives, Division III., Umtali Circle, since November, 1907.
 46. 9th and 26th August, 1915. *H. M. Jackson*, Native Commissioner, Bulawayo, and Superintendent of Natives, Division IV. Gave evidence on reserves in the districts in his circle, and also made recommendations for surrendering portions of existing reserves and for creating new areas. (Vide also No. 5.)

47. 19th July, 1915. *C. I. Carbutt*, Native Commissioner, Bulalima-Mangwe. Gave evidence as to a new reserve to be created and also to other areas to be surrendered. (*Vide also No. 4.*)
48. 19th July, 1915. *G. M. Schmolke*, Manager, Imbesu Estate, Tabas Induna. Stated that the Tabas Induna Reserve was overcrowded, and complained of natives using his water, breaking his fences, and burning the grass.
49. 21st July, 1915. *Rev. Father Loubiere*, S.J., Jesuit Mission, Zwimba Reserve. Gave evidence to the effect that there was ample room in reserve for the natives and their cattle, and also as to the mortality rate among the natives.
50. 21st July, 1915. *Rev. J. H. Loveless*, Wesleyan Mission, Zwimba Reserve. Gave similar evidence to No. 49.
51. 10th and 22nd October, 1915. *T. B. Hulley*, Native Commissioner, Umtali, and Superintendent of Natives, Division III. Gave evidence on the same lines as No. 1. There are one large and two small reserves in the district. In reply to questions, witness was of opinion that one small reserve could be surrendered without hardship to the natives. Witness also reiterated previous evidence given (*vide No. 45*). Mr. Hulley has been nineteen years in charge of the Umtali District.
52. 22nd August, 1915. *F. E. Hulley*, Clerk to Native Commissioner, Lomagondi. Gave evidence as to the requirements in Urungwa Sub-district and recommended that a large reserve should be created there and that the small reserves should be surrendered. Mr. Hulley has been six years in the Native Department, two of which he has been in charge of the Urungwa Sub-district.
53. 23rd August, 1915. *Chiefs Magondi, Chirou*, and nine headmen, Lomagondi District. Asked that the land they were living on outside the present Zwimba Reserve might be created a reserve as the land had been the land of their ancestors for generations, and also asked that permanent water might be included in the area.
54. 25th August, 1915. *W. G. Coates Palgrave*, Assistant Native Commissioner, Lomagondi. Mr. Palgrave supported the evidence given by Magondi and Chirou (*vide No. 53*). Mr. Palgrave has been seven years in the Native Department, three of which he has spent in the Lomagondi District as Assistant Native Commissioner.
55. 25th August, 1915. *H. S. Keigwin*, Native Commissioner, Lomagondi. Gave evidence similar to No. 1. There are two medium and five small reserves in the district. He recommended that the five small reserves should be surrendered and two large reserves created in lieu thereof. Mr. Keigwin has been twelve years in the Native Department, five of which he has been in charge of the Lomagondi District.
56. 25th August, 1915. *C. H. Howell*, British South Africa Company, Land Inspector, Lomagondi District. Supported the recommendations made in No. 55. Mr. Howell has been thirteen years in the district.
57. 2nd September, 1915. *Chiefs (1) Maromo, (2) Gungubu, (3) Chebese, and (4) Matsibiri*, Charter District. (1) and (2) are living outside the reserves, and ask that sufficient land be provided for them and their people. (3) and (4) are living in the Narira Reserve, and stated that they had sufficient land for their people, and are quite content provided the present boundaries are not curtailed.
58. 3rd September, 1915. *Chiefs Nerutanga, Mabu-rutse, and Makumbi*, Sabi Reserve. All of whom stated that they were very well satisfied with the land set aside for them, and hoped that no farms would be surveyed in their country.
59. 8th September, 1915. *E. W. Morris*, Native Commissioner, Marandella. Gave similar evidence to No. 1. There are two medium size and one small reserve in the district. In reply to questions, witness was of opinion that the small reserve should be surrendered, and also made recommendations as to surrendering a portion of the Wedza Reserve without imposing any hardship on the natives. Mr. Morris has been nineteen years as Native Commissioner of the district.
60. 9th September, 1915. *Chiefs Magaye and Chel-sunge*, of the Sabi Reserve. Stated that the land they occupied had been handed down to them by their ancestors and hoped that none of it was to be taken away from them.
61. 9th September, 1915. *A. H. Bowker*, Assistant Native Commissioner, Charter. Gave evidence similar to No. 1. His evidence dealt with the centre and southern portion of the Sabi Reserve. He stated that the infantile mortality was exceptionally high, especially in the south-east portion of the reserve. Mr. Bowker has been five years at his present station and thirteen years in the Native Department.
62. 13th September, 1915. *E. T. Kenny*, Native Commissioner Gutu. Amplified the evidence given by him on 6th June, 1914, No. 2, and he made further recommendations as to portions of the reserves which could be surrendered imposing the least hardship on the natives.
63. 13th September, 1915. *Chiefs Ranga, Kwenda, and Muyenri*, of the Narira Reserve. Ranga 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. Kwenda stated he was alarmed at a railway survey being made through his country and it would mean that farms would also be surveyed. Kwenda and Muyenri also referred to the pressure caused by natives from farms settling in their country.
64. 15th September, 1915. *Chiefs Mtekeloa and Mrambgha*. Stated that all their country had been cut up into farms and, consequently, in addition to the native tax, they had to pay rent to the farmers.
65. 3rd and 15th September, 1915. *J. W. Posselt*, Native Commissioner, Charter. Gave evidence on the same lines as No. 1. There are three small and one very large reserve in the district. He supported the evidence given in Nos. 63 and 64. He stated that he could place all the natives at present on farms in one or other of the reserves in the district. He was not in favour of surrendering any of the reserves. He handed in a letter from the Rev. A. S. Cripps, of the English Church Mission, addressed to the Commission (*see No. 66*). Mr. Posselt has been thirteen years in charge of the district.
66. 14th August, 1915. *Rev. A. S. Cripps*, in charge of the English Church Mission, Charter District. Owing to absence from the Territory, Mr. Cripps submitted documentary evidence as to the increase in population and to the desirability of retaining the present Sabi Reserve without any curtailment. Mr. Cripps has been in the district since 1901.
67. 18th September, 1915. *W. F. Thomas*, Native Commissioner, Victoria, and Superintendent of Natives, Division II. Mr. Thomas amplified the evidence given by him on 11th August, 1914 (*vide No. 21*); and he also made recommendations as to reserves to be surrendered and others to be created in his circle.
68. 21st September, 1915. *S. N. G. Jackson*, Native Commissioner, Gwelo, and Superintendent of Natives, Division V. Gave evidence similar to No. 1. There are two small reserves in the Gwelo District. He made recommendations for increasing these two reserves. He also gave evidence on the distribution of reserves in the districts in his circle and on general principles of policy. For previous evidence given, *vide No. 33*.
69. 3rd July, 1914, and 22nd September, 1915. *B. Lanning*, Native Commissioner, Bubi. Gave evidence on same lines as No. 1. There are one very large and two small reserves in the district. In reply to questions, he made recommendations for adding to the Shangani Reserve and also to surrendering a portion of the same reserve. He also strongly recommended that if any areas are alienated in the future from the ownership of the Fingoes in their location, they should be added to the Thabasinduna Reserve and not sold to white farmers. Has been in charge of the district for nineteen years.

70. 13th October, 1915. *W. Edwards*, Native Commissioner, Mrewa. Amplified the evidence given by him on the 5th June 1914 (*vide* No. 1). A full report of Mr. Edwards's evidence is given in Appendix B to the Report.
71. 22nd October, 1915. *C. Crewe*, Native Commissioner, Inyanga. Gave evidence on the same lines as No. 1. There are five small reserves and a portion of the Makoni-Manica Reserve in the district. He recommended that four of the small reserves should be surrendered, and made recommendations for creating two larger reserves in lieu thereof. Mr. Crewe handed in a memorandum by Mr. Moodie, the late Native Commissioner of the district, in support of this recommendation. Mr. Crewe has been five and a half years in the Native Department and has only been two months in charge of the Inyanga District, immediately previous to which he was for nine months in charge of the Melsetter District.
72. 23rd October, 1915. *E. N. Morkel*, Acting Native Commissioner, Mtoko. Gave evidence as to the nature of the soil, increase of population, and as to the suggested area to be created a reserve. There are no reserves in the district. Mr. Morkel has been three and a half years in charge of the district and thirteen years in the Native Department.
73. 16th and 21st October, 1915. *Chiefs Kowo, Makoni, and Rundi*, of Mtoko District, with their headmen. Each gave evidence as to the extent of country falling within their tribal area.
74. 25th October, 1915. *Chief Chinyereri*, Fungwi District. Stated that he and his people were very well satisfied with the land they occupied. They had lands to plough and got good crops from them, and they trusted that the existing area would not be reduced.
75. 27th October to 9th November, 1917. *Chiefs Mahuwani, Dodito, Norwedza, Nyamaropa, Matopo, Madseva, Kandeya, Chiveshi, and Mutumba*, of the Darwin District, with their headmen. They all stated that they were all prepared to leave the demarcation of the reserves to the judgment of the Commission, but they hoped that the question of providing permanent water and lands for cultivation in the reserves would be borne in mind.
76. 9th November, 1915. *D. M. Powley*, Native Commissioner, Darwin. Gave evidence on the same lines as No. 1. There are five reserves in the district but none of the boundaries have been demarcated. In reply to questions, Mr. Powley made recommendations for surrendering some of the existing reserves and for creating another. Mr. Powley has been thirteen years in the Native Department and nine and a half of which he has been stationed in the Darwin District.
77. 10th November, 1915. *Bushu, Chief*. Stated that he was quite satisfied with the Bushu Reserve and would not like to move into Darwin District, though Zudu and a member of his followers had done so, and some others contemplated moving also.
78. 16th November, 1915. *A. Drew*, Native Commissioner, Mazoe. Gave similar evidence to No. 1. There are one large and two smaller reserves in the district. He recommended the surrender of the smallest reserve and an increase to the large reserve. As to the Bushu Reserve, in reply to questions, Mr. Drew was not in favour of surrendering this reserve though he was of opinion the natives could be moved into the Darwin District. Mr. Drew has been a Native Commissioner for twenty-one years, seven and a half of which he has been at Mazoe.
79. 23rd November, 1915. *Dr. Thos. Stuart*, farmer, near Salisbury. Complained of the class of natives on the Nalire Reserve, and recommended that it should be surrendered.
80. 26th November, 1915. *C. Crewe*, Native Commissioner, Inyanga, recently Native Commissioner, Melsetter. Gave evidence dealing with the Melsetter District on the same lines as No. 1. There are seven reserves in the district. Mr. Crewe made recommendations for surrendering two reserves and for adding to other reserves.
81. 29th November, 1915. *The Venerable Archdeacon E. H. Etheridge*, Church of England. Brought forward for consideration the small area of the Umtassa Reserve and the inadequacy of the Inyanga Reserves. He also gave evidence in regard to the position and size of the reserves, the definition of their boundaries, the agricultural methods adopted by the natives, the establishment of industrial schools for natives, and the rate of increase in the population. A full report of Archdeacon Etheridge's evidence is given in Appendix B to the Report.
82. 7th December, 1915. *H. J. Taylor*, Chief Native Commissioner. Amplified the evidence given by him on the 18th November, 1914 (*vide* No. 35), and gave valuable evidence on a large number of minor questions of policy.
83. 9th December, 1915. *W. S. Taberer*, Superintendent of Natives, Division I. Concurred generally with the recommendations made in regard to the reserves in his circle.
84. 14th December, 1915. *F. W. Inskipp*, Director, Land Settlement. Made recommendations as to the survey and demarcation of the boundaries of reserves when they had been finally approved.

B.

EXAMPLES OF EVIDENCE.

SOUTHERN RHODESIA NATIVE RESERVES COMMISSION.

W. EDWARDS, Native Commissioner, Mrewa District, examined at Katio's old Kraal, Mramaba Reserve, on the 13th October, 1915.

I have been twenty years and six months in the Mrewa District.

The reserves in the Mrewa District are Mangwendi, Uzumba, Maramba, and Fungwi.

The total area of the four reserves is 1,444,269 acres, with a total population of 25,328.

The Mangwendi reserve is 593,325 acres, and has a population of 12,902; Uzumba, 502,325 acres, population 7,485; Maramba, 194,721 acres, with population of 2,136; Fungwi, 153,661 acres, and a population of 2,805.

The four reserves are contiguous. The Mangwendi was the original Noe reserve.

I marked out the reserves after the Mashona rebellion, either in the end of 1897 or beginning of 1898.

Acres per head of population in the Mangwendi reserve is 46; Uzumba, 67.1; Maramba, 91.1; Fungwi, 57.7. The acreage per head for the total area being 57.03.

The acreage available for cultivation I estimate as follows:—Mangwendi, fifty per cent.; Uzumba, thirty-three per cent.; Maramba, twenty per cent.; Fungwi, twenty-five per cent. This is under the present conditions of agricultural methods. I exclude heavy vlei land and bush, for at present natives do not use vlei land and do not stump the bush. Vlei and bush land I put as grazing land and not available for cultivation.

The fifty per cent. of arable land in the Mangwendi reserve I would call thoroughly good laud. The arable land in the Uzumba reserve is also what is termed very good, but it is a very difficult reserve to deal with from an agricultural point of view, as the country is very broken and the good soil is consequently scattered. The Maramba reserve is the worst in my district, owing to the hilly nature of the country, a large extent of which is composed of bare granite kopjes. In some cases, owing to the nature of the country, the kraals are four or five miles apart. Most of the Fungwi reserve lies below the escarpment and has an altitude of not more than 1,600 to 1,800 feet. I do not consider there are 500 acres of open country in the whole of the reserve. The drawback in the Fungwi reserve is the want of rain; it is practically a waterless country, the rainfall being from sixteen to eighteen inches a year. The natives move down to the rivers in the winter. Owing to the altitude this reserve is not suitable for white occupation. The Fungwi reserve could carry a very much larger population, but the high veld natives will not move into the low veld, and vice versa; we have tried it and found it hopeless.

INCREASE IN POPULATION.—I am convinced that the population has nearly doubled itself during the past twenty-five years. I am satisfied this is so, both from memory of the country twenty years ago and also from the figures available in my office. The increase in the population is very rapid, but I do not think this rapid rate will be maintained, because (1) introduction of diseases recently; syphilis (this disease was never heard of in this district when I first came here) and consumption, (2) change of life, food, &c., and mode of living. One reason is that men are away from their homes longer, and so fewer babies are born; polygamy is dying out and cost of living is increasing, and mission work and civilization generally all tend to reduce the number of children born. At a guess only (since no one knows) the population will take longer than twenty-five years to double itself. I would put it at thirty-five years.

As a rule the natives moving into and out of the district practically balance, but this year more have come in than have gone out of the district. Pressure not yet noticeable in other districts is the cause for the move into this district.

I am of opinion that in good reserves such as Mangwendi ten acres per head of the population should be allowed for present and future use, always on the understanding that agricultural methods will improve considerably, as they must. If the present wasteful methods were allowed to continue they would need thirty-five acres. Methods *must* change, they are doing so now slowly; it is inevitable. The growing demand for grain by traders is inducing better methods of cultivation, and there is also an indication of improved methods of planting through imitating the white farmers.

I estimate that the natives cultivate two and a half acres per head of population (including children). In the Mangwendi reserve the acreage is higher and in the Fungwi lower. The higher acreage in the Mangwendi is due to their being nearer trading stations.

Assuming two and a half acres per head are cultivated, at three bags rukwesa per acre (for feeding purposes it is about equal to maize) it works out at about four pounds per head per diem, and half of this goes in trading and beer. This three bags per acre includes beans, nuts, and sweet potatoes, which give much less return per acre than maize or rukwesa.

In Maramba which is my poorest reserve, and which is very rough and hilly, I think fifteen acres per head would be necessary.

I quite agree with the opinion given by one of the Native Commissioners, "that in view of the possible and probable improvement in methods and the growth of a 'working' population, as distinct from agricultural population, it is likely that twice the number of people could live on any particular good reserve in twenty to thirty years' time. This principle is true only if there is a large growth of outside workers; twice the population could then *live* on the area but not grow food on it; they would have to purchase much of their requirements outside." But I place the acreage per head at 10 and not 19.5 as in the reserve which the Native Commissioner had in his mind.

This opinion is dependent upon the growth and development of the white population in Rhodesia, for if the country does not go ahead and there are not sufficient labour markets the pressure and also the inducement for natives from fifteen to thirty years of age to go outside the reserves in search of work, then the ten acres will not be sufficient for double the present population.

Another point is that of waste. To-day there is much waste in harvesting and in the preparation of food. This will improve, of course, by the purchase of hand mills and such simple machinery; also in beer making there is much waste which will gradually cease.

Stock.—I estimate that there are 11,300 cattle and 88,000 small stock in the district. About fifty per cent. of the former are in the Mangwendi district and very few in the Fungwi district, while the small stock is distributed evenly throughout.

There has been no tsetse fly for the past fourteen years, and I am glad to say there has not been a single case of African coast fever.

Missions.—The principal Mission is at Mrewa itself with six outstations from eight to sixteen miles round about, all belonging to the American Episcopal Methodist Church. The Jesuits have a site at Chikwira's kraal but have done no work up to the present.

Attitude of the Natives.—The natives in this district are very satisfied, they give no trouble and pay their tax well, not a sixpence outstanding, and this year it was all paid in cash in eight days after tax collecting commenced.

I believe in large reserves for the convenience of administration, and also because they are under better control and are an available outlet to absorb the exodus from farming areas and other increase. I do not necessarily mean immense areas like Mtibi, but generous areas. I am certainly against small reserves which will rapidly become congested. All *boundaries* should be natural and not surveyed arbitrary lines.

If I was asked what areas I should recommend be surrendered, I would suggest (1) a strip of about 77,000 acres on the south-east side of the Mangwendi reserve which could be surrendered without inflicting hardship, as very few natives reside there, owing to the nature

of the soil being unsuitable for their methods of cultivation; (2) an area of about 111,000 acres on the eastern side of the Umbumba reserve adjoining the Mtoko district. This area, too, has very few natives residing on it; (3) an area of about 20,000 acres at the junction of the Nyagui and Mazoe rivers running from the junction up Nyagui river.

W. EDWARDS,
Native Commissioner.

THE SOUTHERN RHODESIA NATIVE RESERVES COMMISSION.

The Venerable Archdeacon ETHERIDGE, examined at Salisbury on Monday, 29th November, 1915.

I have been doing Mission work in Mashonaland for over fifteen years and for twelve of which I was in charge of the S. Augustine Mission in the Umtali district.

I should like to bring forward particularly the question of the Umtassa reserve in the Umtali district. The reserve is very small and the soil in it is practically worthless. The natives living on the reserve have to rent some ground outside the reserve for their gardens. I consider Umtassa deserves special consideration, more especially because his father was loyal during the rebellion and took care of the property of Europeans for them during that time.

Another special case I should like to bring forward is that of the Inyanga reserves; there are five small reserves and a portion of the Manica reserve in the district. The area of the reserves amounts to about 135,000 acres with a population of 18,000. This provision appears very inadequate compared with 593,000 acres in the Umtali district; 595,000 acres in the Makoni district; 448,000 acres in the Marandella district; and 612,000 acres in the Salisbury. I have mentioned these four districts as they provide for about the same population. It naturally follows that if this amount of acreage is required in the four districts the area provided for Inyanga is inadequate. Of course, it may be said that the amount provided in Inyanga is sufficient and in the other districts is too much, but I do not think this is the case.

On the question of the general policy of reserves, I am in favour of large reserves rather than small; both from a native and European point of view I consider large reserves preferable.

From a native point of view a large extent of ground is desirable as it gives a greater chance of developing native life if experiments can be carried out on a larger scale, both from a missionary and administrative point of view.

From a European point of view small reserves in the centre of a farming community lead to constant friction, owing to straying of stock, right of way across farms, &c.

These two points I consider deserve notice.

Position of Reserves.—I do not consider it advisable that native reserves should be placed only in remote districts, but that they should be created in every district throughout the country. My reason for making this suggestion is that natives in remote districts are the least progressive, and therefore, for the good of the natives, and also for Europeans, I consider the natives should be brought closer into touch with the centres of civilization, and for this reason I should not like to see the natives driven away to live in the remote districts.

I am also of opinion that good roads should be made to and through reserves. This tends to a civilising effect and encourages natives to own transport.

Definition of Reserves.—Finality as far as possible should be come to as to the position of reserves. Natives in the past have constantly been informed that the ground they have been moved on to is a reserve and afterwards it has been found out that this is not the case. This naturally causes suspicion in the native mind that the officials have broken faith.

I therefore consider that the natives should be informed as definitely as possible where the reserves are, and that the boundaries of the reserves should be properly surveyed and demarcated. I think that in selecting reserves every care should be taken to provide for the support of the future as well as that of the present population both in regard to soil and water. I have brought this point forward as a feeling exists that the soil set aside for the natives is of too light a character, and that when the natives in the future are in the habit of using ploughs, &c., they will want better soil to cultivate.

Agriculture.—I have not noticed much improvement in the methods of cultivation except in a few cases of those natives who have worked at missions or on farms. Their methods are very wasteful. I could not say how many acres would be required to be cultivated for each head of population. I consider, however, that the improvement in the methods of cultivation will be more rapid during the next ten years than it has been in the past, owing to more natives working on farms and seeing for themselves the benefits of civilised methods.

As a rule Mission boys working at Industrial Missions show considerable intelligence, but I regret that the majority when they return to their homes revert to the primitive methods of their ancestors.

On the whole, I think the men now work harder in the lands than the women.

Industrial Schools.—There is no doubt that the natives throughout the country are very anxious to see schools established. The natives who do now attend schools show considerable intelligence and when they return to their homes they do make slight improvements in their methods of living. For instance, in some districts I know some of the natives have gone in for growing European vegetables.

I should very much like to see the recommendation contained in the Native Affairs Commission Report as regards the establishment of Government experimental farms in reserves carried into effect as soon as possible.

Increase in Population.—My opinion is that the population is increasing, but I have not prepared any figures on which I can base an estimate as to how long it will take the population

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to double itself. The infantile mortality in all the districts I know is very high; this is due, I think, to want of care of the children. I have often interviewed old women as to the number of children they have reared, and I am often informed that they have reared one or two out of five or six.

THE SOUTHERN RHODESIA NATIVE RESERVES COMMISSION.
The Evidence of Chief GAMBO, Nata Reserve, 19th June, 1914.

The Chairman explained the objects of the Commission. Gambo stated that he settled on the Nata reserve shortly after the Matabele war of 1893. He considered the reserve was adequate, but now natives are beginning to move off farms and coming into the reserves. The reserve he considered was big enough for him and his own people and that they were quite satisfied. The principal cause of congestion in the reserve is due to the scarcity of water. The only water in the reserve is the Manzamnyama river and a little in the Tegwani river. The former has been a good river, but this year there is not enough water for human beings or animals. Lower down the river there is sufficient grazing for the time being, but it will not be enough if farmers are allowed to bring their stock in to graze. He added that it would be his misfortune if his cattle died inside the reserve from drought, provided other people, who had no right in the reserve, are not allowed to graze their cattle within its boundaries. At present the cattle of one white farmer strayed into the reserve.

Gambo was of opinion that the whole of the country between the Tegwani and Manzamnyama is empty of people because of the drought. It is good land and when there are good rains the people can live there. Water stands in pools on the ridge in the wet season, but subsequently dries up. Formerly the reserve was quite adequate, but it is now becoming overcrowded.

As long as there was grazing the native cattle were doing well, but this year he was afraid they would lose heavily, owing to the scarcity of grass.

The principal crops of the Matabele are mealies and amabele, while that of the Makalungus are nyauti, ropoko, monkey nuts, and beans.

As to permanent water other than rivers in the reserve, Gambo said many pans had dried up this year which have never been dry before. Quite recently a native who was working at Ngamo when coming on a visit to the reserve, a journey of five days, had to carry water with him as there was none to be obtained *en route*. There are water holes all over the country. They are shallow wells and meet the requirements when the rains are good and the water near the surface.

Last year he lost 34 head in the reserve from poverty. Most of the natives in the river valley have cattle belonging to him. Most of the people in the reserve have from two to four head of cattle. He was of opinion that the game do not suffer from drought as they always move to neighbourhood of water.

He stated that the Nata reserve was not as healthy as the Khami.

In reply to questions as to whether if the Government found water the people would live round it and pay for the cost by small annual instalments or in a lump sum, Gambo stated that the majority of people could not afford to pay anything, but a man like himself, who owns many cattle, would be able to pay, and that if, say, fifty head of cattle would pay for a permanent supply of water he would like to try it in a good season, but at present they were having a hard time as their stock was dying and they were very poor. He anticipated a severe famine this year and they would have difficulty in supporting life.

Gambo added that the question of providing a water supply would have his consideration, and that if a water supply was provided there would be no difficulty about filling up the country with people.

The Chairman in reply informed Gambo that he should approach the Administration in regard to the water supply as it is not a matter which really concerned the Commission; he added that Gambo must realise that the natives must do something for themselves and must not expect the Government to feed them with a spoon all their lives. If the natives cannot supply money for sinking the wells they can supply the labour. It was not a thing in which they would be helping the Government, but they would be helping themselves.

C.

TABLE No. 8.
COMPARATIVE STATISTICS OF VARIOUS PROVINCES AND TERRITORIES
IN SOUTH AFRICA.

Province or Territory.	Total area of Province or Territory in acres.	Area of Native Reserves in acres (approximate).	Total Indigenous Native Population.	Indigenous Population now on Reserves (approximate).	Acreage per head if whole population was on Reserves.	Acreage per head of population now on Reserves.	Number of Cattle owned by Natives (approximate).
Pondoland and Transkei ...	11,636,597	8,822,000	1,519,939	862,050	8.5	10.2	1,528,710
Bechuanaland and remainder Cape Province.	166,376,532	4,096,000		283,595		14.4	
Zululand and remainder Natal Province.	12,587,068	5,952,000	953,398	430,528	6.2	13.8	212,076
Transvaal Province ...	69,915,582	2,240,000	1,219,845	436,846	1.8	5.1	475,311
Orange Free State Province	32,263,757	147,300	325,824	69,184	.45	2.1	255,220
Basutoland ...	6,587,520	6,587,520	400,058	400,058	16.5	16.5	432,748
Swaziland ...	4,274,014	1,606,143	108,733	94,000	14.3	19.1	57,500
Bechuanaland Protectorate	176,000,000	56,640,000	125,000	119,000	453.1	476	335,000
Southern Rhodesia ...	98,078,320	20,491,151	732,153	405,376	27.99	50.55	406,180

No 7.

COLONIAL OFFICE to the BRITISH SOUTH AFRICA COMPANY.

SIR,

Downing Street, 1st February, 1917.

WITH reference to your letter of the 2nd December,* I am directed by Mr. Secretary Long to request you to inform your Directors that, after considering the observations of the High Commissioner for South Africa on the Report of the Southern Rhodesia Native Reserves Commission, he has decided to accept the recommendations of the Commission as a whole.

2. The extent to which the area of the Reserves will be affected by the adoption of these recommendations may be summarised as follows:—

	Acres.	
Area of existing Reserves	20,491,151	
Area remaining when recommendations are adopted	19,428,691	
Difference ...	1,062,460	
Reduction of Matibi Reserve	2,661,345	
Reduction of Gwaai Reserve	877,867	
Reduction of Shangani Reserve	545,290	
	4,084,502	
Other reductions ...	2,588,553	
		6,673,055
Area of new Reserves recommended	3,082,075	
Increases to existing Reserves	812,120	
New "reserve" Reserves	1,716,400	
	5,610,595	
Difference ...	1,062,460	

3. The re-assignment of the land in accordance with the Commission's recommendations should be effected by the Company under Article 81 of the Order in Council of 1898, and Mr. Long will then be prepared, in pursuance of the undertaking given in the letter from this Department of the 8th April, 1914, to agree to the repeal of that Article. The reserves should be finally secured by Order in Council, which would provide that they shall not be altered except with the consent of the High Commissioner. The land released from the existing reserves will, of course, revert to the category of "unalienated land," and in respect of ownership be subject to the decision of the Judicial Committee of the Privy Council in the case now *sub judice*.†

4. In submitting his views on the recommendations of the Commission, the Resident Commissioner makes the following remarks on one small point of detail:—

"Upon reference to Map 5 it will be noticed that a small piece of land to the north-west of the Chiduku Reserve is left blank. It is the piece in which the letter "M" of the work Makoni is printed. It is not included in the Chiduku Reserve nor is it coloured as a portion proposed for surrender. The Commission presumably regarded it as not having formed part of the Reserve. In that view they were, I think, mistaken. In 1911 the Administrator addressed to Lord Gladstone a despatch of the 23rd December, proposing to eliminate from the Chiduku Reserve a strip, of which the above-mentioned piece of land is a portion. Some further correspondence ensued and the proposal was eventually allowed to drop. There is no doubt that the Chiduku Reserve was more than fifty per cent. larger than it was estimated to be at the time of its allocation, and that it contained abundant accommodation for any natives who might be displaced by the proposed surrender. It was also difficult to identify the boundaries described by the Native Commissioner who was responsible for its demarcation. I have reason to believe, however, that upon looking further into the matter,

* Not printed.

† See [Cd. 7509].

Sir William Milton came to the conclusion that the strip which he had proposed to surrender must be regarded as part of the Reserve, and he decided not to proceed with the application. The portion of that strip with which I am now concerned, viz., the blank space on the map, was reported in 1912 to contain eight kraals with a native population of 894. It is a relatively small piece of land, and its population could presumably be accommodated without any difficulty within the Reserve as delimited by the Commission, but it lies in a district in which a neighbouring mission takes much interest, and its surrender would probably arouse some protest from the missionaries in question. In the circumstances, and having regard to the absence of any definite recommendation by the Commission, I would suggest that this particular piece of land should be included within the Chiduku Reserve, unless some adequate reason for its exclusion can be shown by the Administration. There is nothing to indicate that the Commissioners would have excluded it had they believed it to form part of the Reserve."

Mr. Long considers that, in the circumstances, the price of land referred to should be included in the reserves to be fixed by the new Order in Council.

5. Mr. Long desires to call special attention to the remarks in Part III. of the Report as to the assistance which might be afforded to the natives by the Administration in the beneficial occupation of the reserves. The Company will no doubt bring these recommendations to the notice of the officers of the Native Department.

6. I am to add that Mr. Long is asking the High Commissioner to convey to the members of the Commission an expression of his appreciation of their work, which has evidently been carried out in a most careful manner and which has resulted in a report which should be of great value to the Administration.

I am, &c.,

HENRY LAMBERT.

No. 8.

THE HIGH COMMISSIONER to the SECRETARY OF STATE.

(Received 4.3 p.m., 5th April, 1917.)

TELEGRAM.

Referring to paragraph No. 4 of letter to British South Africa Company* enclosed in your despatch 1st February† after consultation with Resident Commissioner I recommend that area in question be excluded from Chiduku reserve, subject, however, to understanding that it shall be regarded not as if it had never belonged to reserve but as if it had been surrendered. Effect of suggested proviso would be to place area in same category with regard to question of ownership as land released from reserves in accordance with recommendations of Commission. In other words it will become part of unalienated land of which ownership is still *sub judice*.

Administrator agrees and is anxious for settlement of this point. Buxton.

No. 9.

THE SECRETARY OF STATE to the HIGH COMMISSIONER.

(Sent 4.25 p.m., 11th April, 1917.)

TELEGRAM.

Your telegram of 5th April,‡ Chiduku Reserve: I agree.—Long.

* No. 7.

† Not printed.

‡ No. 8.

No. 10.

THE BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received 6th October, 1917.)

2, London Wall Buildings,
London, E.C.2, 5th October, 1917.

SIR,

I AM directed to forward, for the information of the Secretary of State, a copy of a letter, dated 24th July last, which has been received from the Administrator of Southern Rhodesia, and which contains his views on the suggestions made by the Native Reserves Commission in Part III of their Report respecting the steps which might be taken in order to encourage the natives of Rhodesia to utilise to the best advantage the Reserves assigned to them.

I am, &c.,

A. P. MILLAR,

Assistant Secretary.

Enclosure in No. 10.

THE BRITISH SOUTH AFRICA COMPANY.

Administrator's Office,
Salisbury, 24th July, 1917.

(Received 19th September, 1917.)

(No. 523.)

SIR,

WITH reference to paragraph 5 of your letter of the 20th February, I have carefully considered the suggestions made by the Native Reserves Commission in Part III. of their Report, with regard to steps which might be taken in order to induce and encourage natives to use and occupy to the best advantage the reserves assigned to them, and have also obtained the views of several persons, including missionaries, who, I have reason to know, are specially interested in native questions.

As a result, it must, I think, be agreed that the recommendations made by the Commission are fair and reasonable, and show that the question received close attention. While, as was to be expected, opinions differ as to the results which might be obtained by giving effect to the various suggestions made, there is undoubtedly a consensus of opinion that, in the words of the Commissioners, "there is no royal road to progress." The civilization of the natives in Southern Rhodesia must be, as everywhere else, a matter of very gradual development.

2. With regard to the more or less definite suggestions made by the Commissioners, I submit the following observations:—

(a) *Water*.—The importance to the natives of a good and pure water supply is unquestionable. Malaria, bilharzia, dysentery, enteric—all diseases from which natives constantly suffer—have as a rule their origin in water: while without an ample supply it is frequently very difficult for stock to weather the droughts to which parts of the country are subject.

The Report draws attention to the inadequate supply in parts of the Southern and Western portions of the country, and particularly in the Gwaai and Nata Reserves. In these reserves the suggestions of the Commissioners have been to some extent anticipated. In the Gwaai Reserve several boreholes have been sunk with satisfactory results, the Company advancing the money required. The powerful Chief Gambo, who died a few months ago, visited the locality, and as a result decided to have three boreholes sunk in the Nata Reserve at his own expense, while another chief, Ziyabanywa, in the same reserve, has since entered into a contract for a borehole to be sunk near his kraal. A beginning has, therefore, been made in the policy of assisting the natives to obtain a good supply in areas not provided with natural water. The financial arrangements to be made will no doubt differ according to circumstances, but it is clear that as a general rule the natives should, as the Commission advises, bear at any rate an appreciable part of the cost. In this connection, the Rev. S. Dorman, of the Presbyterian Church, writes to me:—

"The Commission recommends that the Administration should, in the first place, provide sufficient water and that the natives who are to benefit

(v) Lastly, it must not be forgotten that the natives in Southern Rhodesia are by no means all of the same type, and that what may be justifiable and desirable in one part of the country may be found quite impracticable in another. During the last 2½ years I have visited the great majority of the native districts and met many large gatherings of Chiefs and Headmen, and nothing has impressed me more than the differences which exist in the various localities in bearing, manner, and address, and in the degree of authority exercised by the Chiefs over their own people. Differences of this kind make it all the more difficult to lay down hard and fast rules for the development of the natives and their lands. Much must inevitably be left to the sympathetic encouragement of the Native Commissioners, the great majority of whom, I have observed with satisfaction, are in close touch with their natives and are very ready to give them such assistance as lies in their power.

I have the honour, &c.,
DRUMMOND CHAPLIN,
 Administrator.

The Secretary,
 The British South Africa Company,
 London.

Annexure to No. 10.

BRITISH SOUTH AFRICA COMPANY.

2, London Wall Buildings,
 London, E.C.2, 6th October, 1917.

SIR,

I AM directed to refer to your letter, No. 523, of the 24th July last, with regard to the recommendations contained in Part III. of the Native Reserves Commission Report, on the subject of the encouragement of natives to put to the best possible advantage the Reserves assigned to them.

The Directors are in agreement with the views on this point which are expressed in your letter, and I am to convey to you an expression of their appreciation of the evident care which you have devoted to this subject.

I am, Sir, &c.,
A. P. MILLAR,
 Assistant Secretary.

His Honour,
 The Administrator,
 British South Africa Company,
 Salisbury, Southern Rhodesia.

SOUTH AFRICA

FIRST REPORT

OF A

Committee appointed by the Secretary of State
for the Colonies to consider certain questions
relating to

RHODESIA.

Presented to Parliament by Command of His Majesty.



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COLONIAL OFFICE NOTE.

On the 7th March, the Secretary of State for the Colonies appointed a Committee to consider certain questions relating to Southern and Northern Rhodesia. The Committee consisted of:—

The Right Honourable Earl Buxton, G.C.M.G., late Governor-General of the Union and High Commissioner for South Africa (Chairman).

Sir Henry Lambert, K.C.M.G., C.B., Assistant Under-Secretary of State, Colonial Office.

Mr. R. M. Greenwood, C.B.E., of the Treasury Solicitors' Department.

Lieutenant-Colonel Sir E. W. M. Grigg, K.C.V.O., D.S.O., and

Major W. Waring, M.P.

THE TERMS OF REFERENCE WERE AS FOLLOWS:—

“The Committee is asked to advise:—

(1) When and with what limitations (if any) Responsible Government should be granted to Southern Rhodesia.

(2) What procedure should be adopted with a view to working out the future constitution.

(3) Pending the coming into effect of Responsible Government what measures will be required to enable the British South Africa Company to carry on the administration.

It is also desired that the Committee should consider the future of Northern Rhodesia generally and the nature of the reply to be returned to the recent petition: and in particular advise:—

(1) Whether the question of the British South Africa Company's claim to the land and minerals, and to the administrative deficits should be referred to the Privy Council for settlement.

(2) Or alternatively, whether the claim should, if possible, be settled by agreement between the Crown and the Company.

(3) Whether it is possible to terminate Chartered Government pending the settlement of these questions, and, if not, what further constitutional development is possible in the meantime.

(4) Whether a Commission should be sent to Northern Rhodesia to take evidence as to the views of the white settlers on the Company's claim, and on an alteration of the form of Government, and on the measures to be taken in the event of an alteration, to ensure the solvency of the territory.

(5) What steps should be taken in the event of a termination of Chartered Government to safeguard the interests of the natives.”

The cost of printing and publishing this Report is £24.

SOUTH AFRICA.

FIRST REPORT

OF A

Committee appointed by the Secretary of State for the
Colonies to consider certain questions relating to
RHODESIA.

THE RIGHT HONOURABLE WINSTON S. CHURCHILL, M.P.

SIR,

WE were appointed on the 7th of March to consider certain questions relating to Southern and Northern Rhodesia. The Committee has held nine meetings.

2. We decided at our first meeting that, in view of the urgency of the questions affecting Southern Rhodesia which were referred to us, and especially in view of the early meeting of the Legislative Council, we would deal first with the position of Southern Rhodesia before proceeding to consider the questions affecting Northern Rhodesia.

3. In the opinion of the Committee, no advantage was to be gained by asking for oral evidence. The documents placed before us by the Colonial Office, the Memoranda of the British South Africa Company, and the Resolutions of the Elected Members, appeared to be sufficient to enable us to consider and to arrive at a decision on the various questions referred to us.

4. Our Terms of Reference as regards Southern Rhodesia were as follows:—

(1) When and with what limitations (if any) Responsible Government should be granted to Southern Rhodesia.

(2) What procedure should be adopted with a view to working out the future constitution.

(3) Pending the coming into effect of Responsible Government what measures will be required to enable the British South Africa Company to carry on the administration.

5. We think it may be well to preface the Report with a short historical account of Southern Rhodesia as far as the present position is concerned.

6. The Administration of Southern Rhodesia is at present in the hands of the British South Africa Company under the Charter granted in 1889. The Charter reserved to the Crown the power at the end of twenty-five years from the date of the Charter, and at the end of every succeeding period of ten years, to add to, or repeal any of the provisions of the Charter relating to administrative and public matters.

7. In 1894 the first Matabeleland Order in Council was passed, and, in 1898, after the Jameson Raid and the Matabele and Mashona revolts, a further Order in Council was issued. Under the provisions of the latter Order the Imperial Government took definite powers to exercise control over the administration of the country. They appointed a Resident Commissioner to represent locally the High Commissioner, and an Imperial Commandant General to be the head of the Police and armed forces. At the same time the Legislative Council was established to which, in the first instance, the settlers were to be entitled to elect a minority of the members. Since then the elected element on the Council has been greatly developed; and the Council now consists of thirteen Elected Members and six Members nominated by the British South Africa Company.

8. In 1914, when the period of twenty-five years expired, His Majesty's Government decided, with the concurrence of the newly elected Legislative Council of Southern Rhodesia, which had adopted a Resolution asking that there might be no change in the form of Administration, to continue the administrative provisions of the Charter.

9. It was felt, however, that the circumstances of Southern Rhodesia were changing, and that His Majesty's Government would not be justified in binding themselves to a continuance of the Company's Administration for a full period of ten years. They accordingly obtained the consent of the Company to a modification of the Charter. Under a Supplemental Charter it was provided that if, at any time after the 29th October, 1914, the Legislative Council of Southern Rhodesia should by the absolute majority of the whole number of the members of the Council, as then constituted, pass a resolution praying the Crown to establish in Southern Rhodesia the form of Government known as "Responsible Government," and should support such resolution with evidence, showing that the condition of the Territory—financially and in other respects—was such as to justify the establishment of Responsible Government, it would be lawful for the Crown to accede to the prayer of such resolution and to modify the Charter accordingly. There is no power, however, to institute any other form of government (except with the consent of the British South Africa Company) before the end of the period of ten years, which expires in October, 1924.

10. The main question on which the Election of April, 1914, of the Legislative Council took place, was whether the Administration of the Company should continue for the present. The Members who advocated this course were returned in a large majority.

11. In May, 1919, when a further election was in prospect, the Elected Members of the Legislative Council passed a Resolution to the effect that, as the issues which would arise at the election would turn on the desirability of terminating the administration of the British South Africa Company and of replacing it by some other form of government more suited to the needs and requirements of the Country, the Secretary of State should be requested to state, for public information, what proof of fitness, financially and in other respects, would be considered sufficient to justify the grant of Responsible Government to Southern Rhodesia.

12. Lord Milner, in his reply, of 12th August, 1919, stated that apart from the important question arising out of the small number of the white, as compared to the native population, he could not regard the Territory as equal, at its present stage of development, to the financial burden of Responsible Government; that it would have to meet onerous charges in connexion with capital and other expenditure, while the result of the findings of the Judicial Committee would adversely affect its financial position. He went on to mention possible alternatives: Incorporation in the Union, Representative Government, and a continuance, for the present, of the Company's Administration. He stated that he was personally inclined to the view that it would be best, in the interests of all concerned, to carry on under the present system until the situation became somewhat clearer; but that this would not necessarily involve the maintenance of that system for five years.

13. The election took place in April, 1920. Out of the thirteen Elected Members twelve were returned pledged to the introduction, at an early date, of Responsible Government. The other Member, Mr. Fletcher, was in favour of a scheme of Representative Government, and did not advocate the continuance of Chartered rule.

The voting, as analysed by the Resident Commissioner, was as follows:—

For Responsible Government, including Labour vote	...	...	4,663
For Representative Government under the Crown	...	...	420
For Union with South Africa	...	...	814
For continuation of the British South Africa Company's Administration	...	...	868
			<hr/>
			6,765

The total number of registered voters (not including one Constituency in which there was no poll) was 11,098. It will be seen that, out of the 6,765 voters who polled, not more than 868 voted in favour of the continuance of Chartered Company administration.

14. At the first meeting of the new Legislative Council, in May, 1920, a Resolution was passed praying that Responsible Government should be established forthwith in Southern Rhodesia. This resolution was supported by all the Elected Members, with the exception of Mr. Fletcher, and also received the support of one of the Nominated Members.

15. The Resolution (which is printed in Appendix I.) sought to prove to the Secretary of State that Southern Rhodesia was, financially and in other respects, in a position to undertake the obligations of Responsible Government.

16. The Secretary of State replied to this Resolution on the 6th August, stating that the matter was receiving his attention, but that he could not, for the moment, give a definite answer.

17. After some further communication with the Elected Members and with the British South Africa Company, Lord Milner, on 22nd December, 1920, replied in a Memorandum to the representations of the Elected Members. (See Appendix II.)

18. The substance of the Memorandum was as follows:—

The Secretary of State stated that he appreciated the desire of the majority of the Elected Members to take over the Administration, and the willingness of the British South Africa Company to be relieved of its responsibilities, and that "in principle, he was entirely disposed to give effect to that desire." His difficulty, however, was as to the moment when this could be done. Various reasons for delay were detailed; and he proposed that the present administration should continue until after the next General Election, which, in the ordinary course, would take place early in 1923. If, as a result of that election, there should be another expression of opinion by the new Council in favour of Responsible Government, then His Majesty's Government would take the necessary steps for bringing Responsible Government into force not later than October, 1924. The remainder of the Memorandum referred to the question connected with a proposed Loan to provide money required for Public Buildings and other Works, to the question of the unalienated lands, and to the award of the Cave Commission; points which will be dealt with later.

19. In January, 1921, the Elected Members replied at considerable length to this Memorandum (see Appendix III.). They traversed some of the arguments of the Secretary of State in favour of delay, and especially urged that Responsible Government should be brought into force at a very much earlier date than that proposed by him. They emphasized that the mandate given at the recent election was clear and unmistakable, and had proved that the Country was practically unanimously in favour of Responsible Government; and argued that as the question of the fitness of the Country, financially and in other respects, was no longer in question, that it was unreasonable to insist that the grant of Self-Government must be preceded by another election.

They dealt also with the question of the Loan, of the Land, and of the Cave Award.

20. This, then, was the political position in Southern Rhodesia when the Committee were asked to undertake their duties.

21. It is necessary, before proceeding further, to deal shortly with another aspect of the question.

Until the year 1914, the British South Africa Company believed that, in view of certain concessions which the Company had obtained from Lobengula, and of other circumstances, the unalienated land in Southern Rhodesia belonged to the Company absolutely.

So much was this the case, that in 1913 Mr. Rochfort Maguire, speaking on behalf of the Company at Salisbury as Visiting Director of the Company, made a definite statement to the effect that, in view of the fact that the land and minerals belonged to the Company, the Board did not make any claim for past deficits; and that no debt in respect of them would be placed on the Country when the Company relinquished their administration.*

22. In April, 1914, the Elected Members passed a resolution asserting that the British South Africa Company were not owners of the land, but that it belonged to the Government which would sometime or other supersede the Company. This view was stoutly disputed by the Company; and, in July, 1914, the question at issue was referred to the Judicial Committee.

23. From time to time, previously to 1914, the Elected Members had raised the question whether the Company did actually own the land. His Majesty's Government for long declined to intervene; but, at the end of 1913, in view of the approaching expiration of the twenty-five years' term of the Charter, decided that the question ought to be referred to the Judicial Committee of the Privy Council.

* See Appendix I to Cd. 7645.

24. The Judicial Committee reported in July, 1918.* They stated that the unalienated land belonged to the Crown and not to the British South Africa Company; but that, until the administration of the Company should be determined by the Crown, the Company were entitled to dispose of the unalienated lands in the due course of Administration, and to apply the monies or revenues derived therefrom in duly reimbursing all proper outlays on administrative account in the current or in past years. If, they went on to say, the Administration of Southern Rhodesia by the Company should be determined by the Crown, then the Company would 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, 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."

25. Some doubt was felt in regard to the Judgment whether, when the administration of the Company was determined by the Crown, the Company were entitled to demand that the Crown should meet the amount of the accumulated deficits, and other disbursements, by a "cash" (or bond) payment, or whether the amount in question should be charged only against the proceeds of the sale of the land.

26. Lord Milner informed the Elected Members in his Memorandum of December, 1920, that while the new Administration would have to meet that portion of the Cave Award which related to Public Works and Moveable Assets, "with regard to the remainder of the Award, the unalienated land would remain in the hands of the Crown's nominees until the sum due to the Company has been liquidated"—in other words, that the accumulated deficits would be charged against the proceeds of sale of the unalienated land.

27. After the decision of the Privy Council, it became desirable to ascertain the amount which the Company would be entitled to claim for accumulated deficits, and other disbursements, if and when the administration was determined by the Crown. A Special Commission was appointed in July, 1919, of which Lord Cave was Chairman, to examine and report what amount would have been due to the Company if their administration had been terminated on 31st March, 1918. The Imperial Government and the British South Africa Company undertook to accept the decision to which the Commission might come.

28. The total claim of the Company, as placed before the Cave Commission, to 31st March, 1918, amounted to £8,800,000, less net receipts from land, about a million sterling. In addition, they claimed that they should be credited with the accumulated interest on the deficits, as ascertained.

The Commission awarded† the Company £4,400,000, less a sum to be deducted in respect of (a) value of lands appropriated by the Company to its commercial purposes and (b) the proceeds or value of lands and rights alienated by the Company for considerations other than cash, but plus the value of the Public Works, which might be taken over by the new Administration, estimated at about £830,000. (See paragraph 89.)

The Commission rejected the Company's claim for interest.

29. With this Preface we proceed to indicate our views on the various points submitted to us.

30. Lord Milner, in his Memorandum of December, 1920, to which reference has already been made, definitely stated that if the electors re-endorsed the view which they had expressed at the Election of April, 1920, in favour of Responsible Government, it would be granted.

We are not concerned, therefore, with the question of principle; nor whether the grant of Responsible Government to Southern Rhodesia is advisable or not; nor whether there is any other feasible alternative, such as the continuation of the Company's administration, the introduction of a system of Representative Government, or the incorporation of Southern Rhodesia into the Union of South Africa.

31. It may be noted, however, that the recommendations which we make would in no way preclude, nor prejudice, the incorporation of Southern Rhodesia into the Union by mutual agreement if, in the deliberate opinion of the Electorate of Southern Rhodesia, this appeared at any time to be a desirable course.

* The full Judgment is printed in Cmd. 547, Appendix I.

† The Report is printed in Cmd. 1129.

32. The position, then, at the time that the Committee was appointed was this:—The Elected Members had asked that Responsible Government should be brought speedily into operation; the Secretary of State had agreed in principle to the grant of Responsible Government, but for various reasons desired some considerable delay; and the Company had acquiesced, and indeed desired, to be relieved of their responsibility.

33. It is obvious to the Committee that the position in Southern Rhodesia is unsatisfactory; and that it would be an advantage to all parties—to the Imperial Government, to the Company, and to the people of Southern Rhodesia—that the present anomalous state of affairs should be brought to an end as soon as possible.

The period that must elapse between the present date and the coming into force of Responsible Government, if desired by the Country, will necessarily be, administratively and financially, a period of some difficulty and friction.

34. So long as the Company believed themselves to be owners of the land they were willing to spend their money liberally in carrying on the administration. But, clearly, under present circumstances, the Company would be neither willing nor able to spend their shareholders' money on any object from which they could not be sure of reimbursement with interest or profit.

35. The conclusion to which we have come, therefore, is that in the interests of Southern Rhodesia and of all concerned, the question whether the Territory is, or is not, prepared to adopt Responsible Government ought to be decided one way or the other at the earliest possible moment.

36. We have come further to the conclusion that, before Responsible Government is actually granted, the electors of Southern Rhodesia should be given a definite opportunity of expressing their opinion for or against its adoption.

37. The electors, as recently as 1920, had an opportunity of expressing their views on the abstract proposition for or against Responsible Government, and we do not consider that any advantage would be gained by insisting on a vote on this abstract question. We consider that much the better plan would be for a scheme of Responsible Government to be drawn up in detail, as soon as possible, and placed before the electors for their acceptance or rejection.

38. The citizens of Southern Rhodesia would thus be in a position to realize exactly what Responsible Government—constitutionally, administratively, and financially—would actually mean to the Country; and they would accept or reject the scheme with full knowledge of the position and of the step that they were taking.

39. We have also come to the conclusion that this expression of opinion would be better obtained by means of a Referendum rather than by a General Election. Under a Referendum the issue would be clear cut, and the decision of the electorate would not be affected by side issues, nor by the personal equation and the local circumstances which inevitably arise in a contested election. The saving in cost also would be appreciable.

40. We are specially concerned that, when the question of Responsible Government is again put to the Country, there should be a clear understanding and knowledge, on the one hand, of the responsibilities it will entail, and on the other, of the limitations which will accompany it.

41. It is in our opinion very desirable that as far as possible the draft scheme which it is proposed to place before the electors for their decision by Referendum should be an agreed scheme.

42. We had then to consider how the Referendum could best be brought about and how soon it could take place.

43. We propose later on in our Report to make clear what, in our view, would be the main lines on which a scheme of Responsible Government for Southern Rhodesia must be drawn; and to set out the obligations the Country would have to undertake both as regards Personnel and as regards Finance in connexion with Responsible Government.

44. We shall also, in accordance with the Terms of Reference, state what reservations are, in our opinion, necessary in connexion with the grant of Responsible Government to Southern Rhodesia.

With these objects in view, we recommend as follows:—

45. That the Report of the Committee should be published, and be sent to the Elected Members for their consideration and that of the public in Southern Rhodesia. At the same time, it would be sent to the British South Africa Company for their observations.

If there appeared to be general agreement in Southern Rhodesia with the Report of the Committee, the Colonial Office would draft a Constitution on the lines of the Report. This draft should either be sent out to Rhodesia for full criticism locally by the Elected Members and the public; or, before being so sent out, should first be considered in London in conference with the Colonial Office by a deputation of Elected Members. In drafting a Constitution of this kind a number of questions necessarily arise in which local knowledge would be of great importance, and we incline to think, also, that this latter course would have considerable advantage both in saving of time and the avoidance of misunderstanding.

Indeed, it might appear to be advantageous if, without waiting for the constitution to be actually drafted, a deputation of the Elected Members were invited to come to England to discuss the whole question with the Secretary of State.

46. If, on the other hand, the Elected Members took serious objection to any material part of the Report of the Committee, the Secretary of State should invite them to send a deputation to England to discuss the matter with him, with a view to arrive, if possible, at an agreement; whereupon the Colonial Office would draft the Constitution.

47. It appears to us that, whatever may be the procedure, it would be better that, in the first instance, the Constitution should be drafted by the Colonial Office rather than in Rhodesia. The Colonial Office possess facilities and opportunities for drafting which are not available in Rhodesia. It should be made clear that the draft constitution was only a draft, and was open to the freest criticism.

48. The drafting of a constitution is, of course, a somewhat lengthy process, and the distance between England and Rhodesia makes postal communication and consultation somewhat slow. But, if the above procedure were followed, and if in the main the general lines of the proposal made by the Committee were accepted by the Elected Members, the subsequent discussions and communications need not occupy any very lengthy period of time. We believe that, in these circumstances—unless unforeseen difficulties arose—the draft constitution should be ready to be submitted to a referendum by April or May, 1922.

49. If, however, considerable differences of opinion in reference to principle or details arose, it would hardly be likely that the Referendum could take place before March or April of the following year.*

50. If the vote on the Referendum went in favour of the draft Constitution it would be necessary to decide how best to bring Responsible Government into force. The first step which it is necessary to take is to give Southern Rhodesia the status of a Colony. It is at present a Protectorate administered under the Foreign Jurisdiction Act, and this position clearly cannot continue under a system of Responsible Government. Immediately, therefore, before Responsible Government comes into force, a Proclamation or Order in Council should be issued annexing Southern Rhodesia to the King's Dominions.

51. There are, in our judgment, two practical methods, and two only, by which the grant of Responsible Government can be satisfactorily brought into effect.

(1) Annexation, followed by Letters Patent setting up Responsible Government.

(2) Annexation, followed by an Act of the Imperial Parliament setting up Responsible Government.

52. An Act of Parliament would be the most public and solemn form of settlement. But, on the other hand, if reliance had to be placed on an Act of Parliament, considerable and inexpedient delay might be caused in bringing Responsible Government into force. No guarantee could be given by the Imperial Government as to when such a Bill would be considered, nor whether it would be passed at a particular time; and unforeseen Parliamentary exigencies are the rule rather than the exception.

53. We have come to the conclusion, therefore, that scheme No. (1) would be the best method of procedure to adopt.

54. There are good precedents for the grant of Responsible Government by Letters Patent; for instance, Responsible Government was granted to the Transvaal, in 1906, by Letters Patent.

55. It should be mentioned that section 150 of the South Africa Act (of Union) refers to Rhodesia, and provides that the King, with the advice of the

* We understand that weather conditions in Rhodesia would make it inadvisable to hold a Referendum or an Election between October and March in any year.

Privy Council, may, on Addresses from the Houses of Parliament of the Union, admit to the Union the Territories administered by the British South Africa Company on such terms as are expressed in the Addresses and approved by him. This section does not, however, appear in any way to bind the hands of the Crown in dealing with the Constitutional question in Southern Rhodesia.

56. It is not necessary for us to discuss the actual procedure which would have to be followed in connexion with the Annexation of the Territory and the issue of Letters Patent; these are matters for the Legal Advisers to the Colonial Office to decide at the time.

57. We are asked to state what Limitations, if any, should be placed on the grant of Responsible Government to Southern Rhodesia. This being so, it seems necessary to consider what Responsible Government would actually imply, and what Reservations we propose should be adopted.

58. For the main lines of the Constitution to be conferred on Southern Rhodesia, we have looked to the precedent of Natal, which received Responsible Government, in 1893, in circumstances similar to those of Southern Rhodesia at the present time. Natal, when it received Responsible Government, in 1893, had a White population, in round figures, of 47,000, a Native population of 456,000, and an Indian immigrant population of 41,000. Southern Rhodesia now has a White population of about 33,000, and a Native population of some 770,000. The powers of Responsible Government, with regard to internal affairs, which we propose for Southern Rhodesia are therefore, with certain necessary differences and reservations, drawn in conformity with those conferred in 1893 upon Natal.

59. In considering the form of Responsible Government to be conferred on Southern Rhodesia, we have not been oblivious of the great changes which have taken place in the organization of the Empire since 1893. In that year there were many self-governing Colonies in the Empire enjoying Constitutions of the same type and status as that conferred upon Natal. But the organization of the Empire has since been transformed by the formation of the Commonwealth of Australia and of the Union of South Africa, and by the position in the Councils of the Empire which all the Dominions have now acquired. It seems to us, however, that these changes in no way affect the principle on which Responsible Government should be granted to a new Colony with regard to internal affairs.

60. The following (without entering into details) are the main provisions which we suggest might be incorporated in the Letters Patent conferring Responsible Government on Southern Rhodesia:—

(a) *The Governor*.—The Governor would be a Constitutional Governor appointed by the Crown. His salary would be "reserved."

He would correspond direct with the Secretary of State, but copies of correspondence affecting the High Commissioner should be supplied to the latter, to whose position we refer later.

The Governor would take the place of the High Commissioner as controlling the armed forces of Southern Rhodesia, and would act in that capacity on the advice of his Ministers, who, under Responsible Government, would, of course, have full responsibility for preserving Law and Order and the defence of the Country.

He would attend and preside at the meetings of the Executive Council, which would consist of the existing Cabinet Ministers; and he would be guided by the advice of the Executive Council.

The Governor would also have power to summon, prorogue, or dissolve the Legislature.

The Governor would have the ordinary powers of a Governor with regard to assent and reservation of Bills, and the usual machinery for disallowance of Bills would be set up.

The Prerogative of Mercy in Capital and other cases would be vested in the Governor, but in regard to the latter he would act on the advice of his Council. As regards Capital sentences, he would consult the Executive Council in each case; but in the final resort he would have the sole responsibility of deciding to refuse or to grant pardon or reprieve.

The Governor-in-Council would make all appointments, subject to the Reservations which we suggest later on. The Commissions of existing Judges and Magistrates would continue during good behaviour.

Presumably, the new Government will take over the whole of the existing Civil Service, and secure them any pension or other rights to which they are entitled.

(b) *Parliament*.—It would seem advisable, following all precedent in South Africa, that the Legislature should consist of a Legislative Council and a Legislative Assembly.

Taking into consideration, however, the smallness of the white population of Southern Rhodesia from which can be drawn those able and willing to devote a considerable portion of their time to public work, we propose that the Legislature should at first consist of a Legislative Assembly only; the Letters Patent should therefore provide that there shall be a Legislative Council constituted as may by Law be determined; and that, meanwhile, the Governor, with the advice and assent of the Assembly only, shall have power to make laws for peace and good government.

The present Legislative Council consists of thirteen Elected Members; and a Legislative Assembly, numbering twenty-six to thirty Members, would probably be found sufficient when Responsible Government was first introduced.

The Legislature would have full control (subject to the Reservations referred to later) over the revenue and the expenditure of the Colony.

The Legislative Assembly would be elected for four years; and there should be a Session within each twelve months. Members should take the oath of Allegiance. They would elect a Speaker and draw up rules of Procedure.

The existing Electoral Laws would remain in force. The existing Franchise (under which natives can qualify and can claim to be placed on the Register) is a high one. We propose that the franchise should remain as at present, but that the Legislative Assembly should have unrestricted power to alter it if they so desired (subject to the reservation affecting the native voters, which is dealt with later).

(c) *The Cabinet*.—The Cabinet would consist of Members of either House, and would be composed of the Premier (who should be also the Minister for Native Affairs) and not more than five Colleagues.

The salaries of the Ministers should be fixed salaries, and should not be affected by the particular offices which they might hold.

61. So much for the main lines which we think that Responsible Government in Southern Rhodesia should follow. But under our terms of Reference, we are specifically asked to state whether, in our opinion, any Limitations or Reservations should be made, if and when Responsible Government is granted to Southern Rhodesia.

There are two Limitations or Reservations which, in the circumstances of the case, appear to us to be essential.

(1) The Natives are entitled to be secured in their existing position, and to be ensured against discriminating disability or restrictions.

(2) In consequence of the judgment of the Privy Council followed by the Cave Award, special provision must be made for dealing with the disposal of the unalienated Land in Southern Rhodesia.

62. *Natives*.—As regards the Natives, we note the observations of Sir Charles Coghlan, the Leader of the Responsible Government Members in the Legislative Council, which, we understand, are endorsed by the other Elected Members.

Speaking on 12th May, 1920, in the Legislative Council, Sir Charles said:—

“So far as the native population was concerned, he would say that we could carry on the conditions given to us by the British South Africa Company, and we should submit to all the guarantees which the Imperial Government might choose to lay down in that respect. He would go so far as to say that we would be quite content with the authority over the natives given to the British South Africa Company to-day, and that the Imperial Government should see that we carried on the good work the British South Africa Company had done in that direction.”

63. At present, under the Southern Rhodesian Order in Council of 1898, the High Commissioner and the Secretary of State have considerable powers of control over the Administration so far as it affects the Natives.

In our opinion, the present procedure, which we understand works very well and without friction, and to the advantage of the Natives, should be altered and disturbed as little as possible.

We propose, therefore, that with certain necessary alterations and omissions, that part of the Order in Council of 1898 which deals with Native Administration should be taken as the basis for the Reservations which appear advisable in the interests of the natives.

64. The principal points would be, shortly, as follows:—

(1) The appointments of the Secretary of Native Affairs, Native Commissioners, and Assistant Commissioners would be made by the Governor in Council, but subject to the approval of the High Commissioner. The salaries of these officers would be fixed by the Governor in Council with the approval of the High Commissioner, and could not be reduced or increased without his approval. The High Commissioner would have the power to require the suspension or removal of any of these officers for misconduct.

(2) The requirement of the Order that no conditions, disabilities, or restrictions shall, without the previous consent of the Imperial authority, be imposed on natives by law which do not equally apply to persons of European descent (save in respect of arms, ammunition, and liquor) must be preserved. Their right to the franchise must be protected.

(3) The Native Reserves vested in the High Commissioner by the Order in Council of 9th November, 1920, amending that of 1898, must remain inalienable, except in the special cases provided for by the Order of 1920.

(4) The right of natives to acquire individual title to land must be preserved, even though in practice it is very improbable that many natives are in a position to avail themselves of these rights.

(5) The High Commissioner should also retain the right given to him by the Order of 1898 to call for special reports on questions relating to natives, and to remit in whole or in part fines imposed on Chiefs or tribes for misconduct.

65. The substance of these provisions should, in our opinion, be embodied in the instrument of Government, whether Letters Patent or Act of Parliament, granting the new constitution.

66. In our opinion, it would be advisable—even if somewhat premature for immediate application—that Constitutional provision should be made for the eventual creation of Native Councils in the Native areas, and for the summoning of Conferences of natives on the lines of the Native Councils and of the Native Conferences instituted under the Native Administration Act, 1920, of the Union.

67. *Unalienated Land.*—Under the Judgment of the Privy Council—by which all parties are bound—the Company, when they relinquish their administration of Southern Rhodesia, are entitled to claim the reimbursement of the accumulated deficits and other disbursements as assessed under the Cave Award.

68. As already indicated (paragraph 26) the greater part of the Award in question will be charged against the proceeds of the sale of the unalienated land in Southern Rhodesia. Under the Privy Council Judgment the unalienated land belongs to the Crown. The new Government of Southern Rhodesia will not be able, therefore, to claim the unburdened ownership of the land, and the land must be charged with the claim of the British South Africa Company.

69. A very difficult problem is thereby created.

The Company have to look to the sale and the disposal of the unalienated land, and to that alone, to liquidate the greater portion of their claim. It is to their interest, therefore, that the land should be so dealt with, and disposed of, as to produce the largest possible amount of cash, and as speedily as possible.

But in the general interest of the development of the Country, and with a view to attracting settlers, it may well be that the land should be disposed of at comparatively low prices, and that the total actual receipts from the sale of the land would be of minor importance.

70. Taking into account these conflicting interests, it is clear to us that neither the Crown nor the British South Africa Company nor the Southern Rhodesia Government should be the sole authority or arbiter in the matter.

We propose, therefore, the creation of a Land Board, and that the control of the land should be exercised through the High Commissioner upon the advice of the Land Board. The Board would consist of three members (with the necessary Secretarial assistance), the cost of which would be paid from Rhodesian funds, but would not be subject to the vote of the Legislative Assembly. One member would be nominated by the High Commissioner, one by the Company, and one by the Governor-in-Council. The High Commissioner's nominee would be Chairman, and, subject to the approval of the respective nominating Authorities, each member would be empowered to appoint an Alternate to act for him during his absence. Questions relating to the administration and disposal of the Crown lands would come before this Board and be made the subject of recommendations to the High Commissioner. If the Board were not in agreement upon any recommendation, the

dissenting member would submit a minute recording the grounds of his objection to the High Commissioner, and thereupon the High Commissioner could, at his discretion, refer the matter to the Secretary of State for decision. The Imperial Authority would thus be in a position to adjust the balance fairly as between possible rival policies for the disposal of the land; and to secure that, on the one hand, land settlement was not unduly delayed, and that, on the other hand, the Company's security was not rendered nugatory. So soon as the charge in respect of the deficits had been liquidated, the remaining balance of the Crown land would be handed over to the Government of Southern Rhodesia.

71. We fully realize the obvious objections to such a Body, and the seriously conflicting interests which would arise in its administration; but we have, in the circumstances, no alternative to propose. The arrangement, however, could be terminated at any time if the three parties concerned—the Company, the Crown, and the Southern Rhodesia Government—were able to arrive at a friendly business arrangement, whereby the charge against the land would be redeemed, and the land left to be dealt with by the Government as they thought best in the interests of the Country.

72. Before leaving this question, we should like to call attention to a point which the Cave Commission left unsettled, viz., the value of certain deductions which fall to be made from the Company's claim for Administrative deficits. These are (a) the value of the land appropriated by the Company for its commercial purposes, (b) the proceeds or value of lands and rights alienated by the Company for consideration other than cash.

73. The Cave Commission regarded these inquiries as too lengthy to undertake itself, and suggested a valuation with "an arrangement for referring to a proper Tribunal any difference that may arise in relation to such land or rights." The British South Africa Company have, however, represented that the course proposed by the Commission appears necessarily to involve the indefinite protraction of complicated and costly legal proceedings. The practical difficulties of this course arise not only from the number of the individual grants which may have to be dealt with, but from the fact that the circumstances of individual cases differ so widely, that many of them may have to be dealt with as, so to speak, separate lawsuits. Moreover, the trouble and expense of an individual case may be very considerable, notwithstanding that the amount involved may be relatively small. The Company therefore urge that the two questions referred to above should be settled by agreement.

74. With regard to (b), we feel that there is great force in the Company's argument against further prolonged litigation. It was clearly the intention and the desire of both parties when the Commission was appointed that a final settlement should be arrived at, and though the circumstances of some of the grants are extremely complicated, the sum involved is relatively small. The Company estimate it at £40,000, but even assuming that this figure should be considerably higher, the total sum involved is insignificant compared with the total sum which has been in dispute before the Cave Commission.

No question of immediate payment arises, and we suggest, therefore, that if the British South Africa Company are willing to accept this method, the decision as to the amount of the deduction to be made under (b) should be left to the new Land Board, who should be required to decide the claim within a fixed period and from whose decision there should be no appeal.

75. With regard to (a) the Company estimate the deduction at £330,000. An independent valuation, which is necessarily easier where land only is concerned, has always been contemplated (see the Cave Award, page 10). Valuers have in fact, we understand, already been selected, but before they can get to work it is necessary to decide the dates at which the Company is to be regarded as having appropriated the different pieces of land. We suggest that the Crown and the Company should each appoint a representative to go through the cases, and to decide, if possible by agreement, as at what date each piece of land should be valued, and whether any special conditions should be taken into consideration by the valuers. In any case in which they fail to agree a reference to an independent legal tribunal would be necessary. A Judge of the High Court of Southern Rhodesia would seem to be suitable for this purpose.

76. *The High Commissioner.*—The statement of the Reservations that we propose, and the fact that the High Commissioner will be the Imperial Officer concerned, makes it necessary to consider what his position would be under Responsible Government.

77. At present the Governor-General of the Union is also the High Commissioner for Basutoland, the Bechuanaland Protectorate, and Swaziland, and for the Territories of Northern and Southern Rhodesia. No difficulty or friction has arisen since the Union owing to this dual position. The two duties do not clash.

78. The prestige of the Governor-General in the Union and of the High Commissioner in the Territories and in Rhodesia, as regards Natives—and prestige counts for much amongst the Natives—is enhanced by the fact that the same person holds both offices.

79. We do not propose, therefore, any alteration in the position or status of the High Commissioner.

80. But obviously, in the future, the High Commissioner's control of Rhodesian affairs (especially in Northern Rhodesia, if Northern Rhodesia is affected by the grant of Responsible Government to Southern Rhodesia) will be less direct and comprehensive than it is at present.

But, nevertheless, the High Commissioner will remain for certain purposes an integral portion of the new constitution. He could continue to exercise on behalf of the Crown his present functions of control over Native Affairs. He would deal, as heretofore, with appointments, salaries, and disciplinary proceedings in the Native Department. The Native Reserves, and any Statutory powers in respect thereof, would remain vested in him. He would be independent of Ministerial advice; and would stand towards the Government in much the same position as he now occupies towards the Company's Administration. Recommendations affecting the Native Affairs Department would be submitted to him by the Governor as they are now submitted by the Administrator.

81. We do not, however, disguise from ourselves that the Reserved Powers which we have recommended should remain under the authority of the High Commissioner may lead to friction between the High Commissioner and the Governor, either personally or as Governor-in-Council, and that the handling of affairs will require good will and common sense on both sides. But we are entitled to expect that both the High Commissioner, the Governor and the Government will be endowed with these qualities.

82. Apart from the Reservations, which appear in present circumstances to be necessary, Southern Rhodesia will enjoy the full Status and responsibilities of a self-governing Colony, as explained in paragraphs 58 and 59.

83. We are also asked to advise:—

“Pending the coming into effect of Responsible Government, what measures will be required to enable the British South Africa Company to carry on the administration?”

84. The conclusion to which we have come, is that no special measures are required to enable the British South Africa Company to carry on their administration during the next year or two.

85. It is clear that, after the decision of the Privy Council and of the Cave Award which refused to grant interest on the accumulated deficits, the British South Africa Company cannot be expected to spend any further money in meeting expenditure out of its own resources (which means out of the pockets of the shareholders), or to provide for deficits which may arise.

There seems no reason, however, why, on the present basis of revenue and taxation, the Administration should not be able to carry on during the next two years. There have, it is true, been administrative deficits of recent years, but, on the whole, it appears that the expenditure from revenue incurred on public works has more than accounted for the deficits.

Such capital expenditure will, in the next few years, not be met from revenue, but presumably from the Treasury advance of £150,000 a year promised by the Secretary of State in his Memorandum of the 22nd December, 1920. (See Appendix II.) If, however, an estimated deficit arises, it will have to be made good by taxation.

86. We would point out, moreover, that if the Administration of the Country cannot be adequately carried on during the next two years without exceptional financial aid, the prospect of a balance between revenue and expenditure, when the Administration is taken over by the new Government, is somewhat gloomy, for the expenditure will hereafter be increased by the Interest and Sinking Fund on one and a-half millions of debt.

87. We have already shown (paragraph 60 (b)) the obligations which would be involved on the Country as regards Personnel if and when Responsible Government comes into force.

A Legislative Assembly of twenty-six to thirty Members would be at once required; and later, in all probability, a small Legislative Council as well. From these would have to be chosen a Premier and a Cabinet of five Colleagues, a Speaker and a Chairman of ways and means.

88. We think it advisable, also, to make quite clear the financial liabilities which will be placed on the Country in the event of the grant of Responsible Government.

89. We have obtained from the Colonial Office (see Appendix IV) the views of the Secretary of State as to what these liabilities would be.

They are as follows (in round figures):—

	£
Public Works	830,000*
Moveable Assets	250,000
Debtor Balances less Creditor Balances	113,000
	1,200,000
Loans from Imperial Government for, say, two years	300,000
	£1,500,000

In addition there will have to be paid the value of the land on which the public buildings are placed—a small item.

Public Works.—The Public Works, which will be taken over by the new Government can be considered as assets, but not as realizable assets. The figure given is arrived at, we understand, on the basis of actual expenditure by the Company of £1,600,000, less the expenditure on roads, and the depreciations included in the Cave Award.

Moveable Assets consist of stores, transport vehicles, livestock, equipments, arms, etc.

Loans from the Imperial Government.—Lord Milner in his Memorandum of December, 1920, stated that in order that the development of the Country might not be checked, and that money required for public buildings and other works might be available, His Majesty's Government would advance up to £150,000 for each of the three completed years from 1st April, 1921, till Responsible Government came into being. The advance was to be conditional on the passing of an Ordinance providing for interest and repayment, and the Elected Members at once engaged to pass the necessary Ordinance. We have therefore assumed that these advances, which are in fact indispensable, will be available as required.

90. It would thus appear that the total capital expenditure for which the Country would be liable would be about one and a-half millions. This would involve a charge for interest and Sinking Fund of over £100,000 a year. There would be no other debt on the Country, but loans for public works would have to be raised from time to time.

91. The Rhodesia Government will not be in possession of the land until the liability to the Company has been liquidated, nor of the minerals, with the exception of a half interest in certain Mining Licences, etc.† But it is not so much what a Government itself may own, as the collective wealth of the Country, on which its credit and prosperity are based.

92. *The British South Africa Company.*—Before very long the British South Africa Company will cease to administer Southern Rhodesia. In closing our Report, we think it only fitting that we should pay a tribute to the great Imperial, commercial, and colonizing work that the Company have accomplished.

* *Note.*—This assumes that the "depreciation" mentioned in the Cave Award will be included in the charge against the land, and that all the public works are taken over by the new Government.

† *Colonial Office Note.*—The position with regard to the mining revenue is explained in the despatch from the Secretary of State to the High Commissioner printed on page 20.

93. If it had not been for the enterprise, courage, and resource of Cecil Rhodes, the Territory which is now Northern and Southern Rhodesia would not have been secured for the Empire, but would have fallen into alien hands.

That was thirty years ago. Since that time, in spite of varying fortunes and manifold and great difficulties, the British South Africa Company has administered the vast tract of Country—covering nearly 450,000 square miles—which was placed under its control by its Charter.

The Company, though they have not yet been able to pay a dividend to their shareholders, have built up and developed the Territory in a liberal and enterprising spirit, meeting out of their own resources, for many years, any deficits between the Administrative expenditure and the revenue received from taxation.

94. But government by a Chartered Company of an organized and civilized Territory, which Southern Rhodesia has become, is an obvious anomaly and anachronism; and it is natural that its citizens should desire a system of government more in accordance with the present position of the Country. This desire the Company have, we think, fully recognized.

95. We believe that we are justified in saying that, whatever complaint the citizens of the Territory may have against the Chartered Company as an institution or in other ways, the Administration, as such, enjoys their confidence, and that publicly and privately they have freely recognized the efficiency and courtesy of the Civil Service of the Country.

We understand, also, that the relations in the Legislative Council between the Administrator and his Officials and the Elected Members have been throughout of a cordial and friendly character.

96. Such a state of affairs should, we think, be more widely known; for it is equally creditable to the citizens of the Territory and to those who have been responsible for so many years for its government under the Charter.

97. The people of Southern Rhodesia have themselves a record of loyalty and patriotism second to none within the Possessions and Protectorates of the Crown; and they have proved themselves, in times of war and in times of peace, worthy of the confidence of His Majesty's Government.

98. We have, as already stated, proposed that there should be somewhat strict reservations on behalf of the natives of Southern Rhodesia.

These we consider necessary in present circumstances, and, indeed, the Elected Members themselves volunteered to agree to them. But we would like to say that this offer is in keeping with the general attitude of the white population towards the natives in Southern Rhodesia, and the administration of native affairs in the Territory which, so far as we can ascertain, are quite satisfactory.

Conclusions.

99. We now proceed to sum up our Recommendations in regard to Southern Rhodesia, on all of which the Committee are unanimous. We propose to deal separately with the questions concerning Northern Rhodesia which have been referred to us.

We recommend:—

(1) That in the interest of Southern Rhodesia, and of all concerned, the question whether Southern Rhodesia is or is not prepared to adopt Responsible Government should be decided one way or the other at the earliest possible moment (see paragraph 35).

(2) That before Responsible Government is actually granted, the electors of Southern Rhodesia should be given a definite opportunity of expressing their opinion for or against its adoption (see paragraph 36).

(3) That as the electors have so recently expressed their views on the abstract proposition for or against Responsible Government no advantage would be gained by another vote on this abstract question. A scheme for Responsible Government should, therefore, be drawn up in detail and placed before the electors for their acceptance or rejection. The scheme should be put before them in such a way that they will be able to realize exactly the obligations—Constitutional, Administrative, and Financial—that Responsible Government will actually involve, and the limitations which will accompany it (see paragraphs 37, 38, 89-91).

(4) That this opinion would be better ascertained by means of a referendum rather than by a General Election (see paragraph 39).

(5) That the Report of the Committee should be published and be sent to the Elected Members for their consideration and that of the Public in Southern Rhodesia (see paragraph 45).

(6) That if there appeared to be general agreement in Southern Rhodesia with the Report of the Committee, the Colonial Office would draft a Constitution on the lines of the Report. This draft should either be sent out to Rhodesia for full criticism locally by the Elected Members and the Public: or, before being so sent out, should first be considered in London in Conference with the Colonial Office by a deputation of Elected Members (see paragraph 45).

(7) That it might be advantageous if, without waiting for the Constitution to be drafted, a deputation of the Elected Members were invited to come to England to discuss the whole question with the Secretary of State (see paragraph 45).

(8) That if, on the other hand, serious objection were taken by the Elected Members to any material part of the Report of the Committee, the Secretary of State should invite them to send a Deputation to England to discuss the matter with him, with a view to arrive, if possible, at an agreement (see paragraph 46).

(9) That if the vote on the Referendum should favour the introduction of Responsible Government, a Proclamation or Order in Council should be issued annexing Southern Rhodesia to the King's Dominions (see paragraph 50).

(10) That annexation should be followed by Letters Patent setting up Responsible Government in Southern Rhodesia (see paragraphs 51-54).

(11) That the main lines on which a scheme for Responsible Government to be applied to Southern Rhodesia should be based, should (with certain necessary differences and reservations) be such as to place the Colony of Rhodesia in the same position in regard to internal affairs as the Colony of Natal when the latter was granted Responsible Government in 1893 (see paragraph 58-60).

(12) That certain Limitations or Reservations should be made if, and when, Responsible Government is granted to Southern Rhodesia, i.e.,

(a) That the Natives should be secured in their existing position, and ensured against discriminating disabilities or restrictions.

(b) That special provisions must be made for dealing with the unalienated Land of Southern Rhodesia.

(13) That with regard to the natives, the existing authority and control of the High Commissioner under the Southern Rhodesia Order in Council of 1898 should be substantially maintained (see paragraphs 61-66).

(14) That as regards the Land, a Land Board should be created, and the control of the unalienated land should be exercised through the High Commissioner on the advice of the Land Board. The Board to consist of three members; one to be nominated by the High Commissioner, one by the Company, and one by the Governor-in-Council. There would, under certain circumstances, be an appeal to the Secretary of State (see paragraphs 67-71).

(15) That the Land Board should, if the Company is willing, decide the amount of the deduction to be made from the total of the administrative deficits, on account of lands and rights alienated by the Company for considerations other than cash (see paragraph 74).

(16) That, in order to enable a valuation of the lands appropriated by the Company to its commercial uses to be made, His Majesty's Government and the Company should appoint each a representative to decide, if possible in agreement, the date as at which such valuation should be made, and that failing agreement, a Judge of the High Court of Southern Rhodesia should decide (see paragraph 75).

(17) That the High Commissionership should continue as at present to be held by the Governor-General of the Union (see paragraphs 76-81).

(18) That no special financial assistance should be given to enable the British South Africa Company to continue their administration until Responsible Government is brought into force. We, however, regard the £150,000 per annum for public works promised by the Secretary of State as indispensable to carry on the proper administration of the Country (see paragraphs 83-86).

100. We are much indebted to our Secretary, Mr. H. N. Tait, for the valuable assistance he has given to us.

BUXTON.
HENRY LAMBERT.
E. W. M. GRIGG.
WALTER WARING.
R. M. GREENWOOD.

H. N. TAIT,
Secretary.

12th April, 1921.

APPENDIX I.

Resolution passed by Legislative Council of Southern Rhodesia in May, 1920.

"That in terms of section 2 of the Supplemental Charter, 1915,

"1. This absolute majority of the whole number of members of the Legislative Council of Southern Rhodesia humbly prays the King's Most Excellent Majesty in Council to establish forthwith in Southern Rhodesia the form of government known as Responsible Government, which this territory urgently requires for the proper development of its resources and the freedom and prosperity of its people.

"2. The said absolute majority of the Legislative Council tenders, pursuant to the said Supplemental Charter, the following evidence in support of the above resolution:—

"(1) As to financial fitness:

"(a) The information contained in the administrative records and accounts of expenditure and of the revenues raised by taxation from the people of this territory during the past twelve years; and

"(b) the declared policy of the British South Africa Company that the people of this territory shall for the future be required to provide the cost of the public services.

"The above, it is humbly submitted, establish that the territory is fully self-supporting and must for the future depend upon its own financial resources.

"(2) As to fitness in other respects:

"That the record of the people of Southern Rhodesia establishes that they are capable of fulfilling, in the interests of all the inhabitants thereof, irrespective of race, the duties of self-government, and are equally as able to bear the responsibility thereof as other peoples of the Empire to whom the rights of self-government have been granted in the past.

"That should the references to the facts above stated be considered insufficient proof to justify His Majesty in Council in acceding to the prayer in this resolution contained, the people of this territory are prepared and hereby tender to adduce any further evidence required in such manner and method as His Majesty the King in Council may be graciously pleased to direct."

APPENDIX II.

Lord Milner's Memorandum of 22nd December, 1920.

MEMORANDUM.

THE Administration is authorized to discuss with the elected Members of the Legislative Council the question of the future government of the territory on the following lines:—

The Secretary of State appreciates the desire of the majority of the elected Members, as representing the people of Southern Rhodesia, to take over the Administration, and the willingness of the British South Africa Company to be relieved of it. In principle he is entirely disposed to give effect to that desire, and his difficulty is as to the moment for doing it. The whole political position of South Africa is full of uncertainties; there is a steady influx of new settlers into the territory who will naturally desire to be consulted as to the constitution under which they will have to live; and the details of the new constitution are a matter which will require very careful consideration, and probably discussion with the elected Members.

For all these reasons it appears to the Secretary of State to be inevitable, as a matter of practical politics, that the present Administration should continue until after the next general election, which in the ordinary course will take place in the early part of 1923. If, as the result of that election, there should be another expression of opinion by the new Council in favour of responsible government in terms of the Supplemental Charter of 1915, His Majesty's Government will take the necessary steps for granting it by a date not later than the 30th of October, 1924. Meanwhile, in order that the development of the country may not be checked,

and that money required for public buildings and other works may be forthcoming, His Majesty's Government will provide such sums as may be required for capital expenditure not exceeding £150,000 for each of the three complete financial years beginning from 1st April, 1921, which will precede the establishment of responsible government. The provision of this money will be conditional on the passing by the Legislative Council of an ordinance empowering the Administrator to borrow the amounts required at such rate of interest as the Secretary of State may approve, and enacting that any interest, for the payment of which in addition to ordinary administrative expenses administrative revenue may prove insufficient, shall be added to the capital sums borrowed, and providing that the repayment of the principal and any arrears of interest shall be reckoned as a debt to be discharged out of the proceeds of the first loan raised by the new Administration after the grant of responsible government.

In considering this matter the elected Members will naturally wish to know what will be their position with regard to the Cave award. It will obviously devolve upon the new Administration to pay that portion of the award which will relate to (1) public works, including the obligations of the Crown under Clause 33 of the original Charter and Clause 3 of the Supplemental Charter of 1915 in regard to public works, under which term will be included, in addition to actual buildings, the land occupied by or necessarily used in connexion with them; (2) Moveable assets acquired by the Company for the purpose of the Administration of Southern Rhodesia. With regard to the remainder of the award the unalienated lands will remain in the hands of the Crown's nominees until the sum due to the Company has been liquidated. It will, of course, be open to the Southern Rhodesia Authorities, by agreement with the Crown's nominees, to take over, after the establishment of self-government, any portion of these lands which they need for public purposes and are in a position to pay for.

The Secretary of State hopes that a settlement on these lines will commend itself both to the elected Members of the Council and to the Company. In the event of the elected Members being unable to intimate their agreement he thinks that it would be desirable for them to send a delegation to London for the purpose of personal discussion with him. He hopes, however, that such a step, which would probably involve delay in the provision of the money required for public works, will not be considered necessary, and that all parties concerned will acquiesce in the arrangement now proposed.

APPENDIX III.

Reply of Elected Members of Legislative Council to Lord Milner's Memorandum.

(1) The Elected Members of the Legislative Council of Southern Rhodesia, in thanking the Secretary of State for the Colonies for his reply to the resolution asking for Responsible Government passed at the last session of Council, note with satisfaction that there is now no difference of opinion between him and the representatives of the people of this country as to the right of the people to take over the administration, his only difficulty being as to the moment for effecting this object. The Elected Members are gratified that the objections he has expressed in the past have now ceased to weigh with him.

(2) The reasons for his difficulty are stated as follows:—

(a) That "the whole political position of South Africa is full of uncertainties."

(b) That "there is a steady influx of new settlers into the Territory, who will naturally desire to be consulted as to the constitution under which they will have to live."

(c) That "the details of the new constitution are a matter which will require very careful consideration and probably discussion with the Elected Members."

The Secretary of State deduces from the above that it is

"inevitable, as a matter of practical politics, that the present administration should continue until after the next general election, which, in the ordinary course, will take place in the early part of 1923";

and proceeds to state that

"if, as the result of that election, there should be another expression of opinion by the new Council in favour of Responsible Government in terms of the Supplemental Charter of 1915, His Majesty's Government will take the necessary steps for granting it by a date not later than the 30th October, 1924."

"Difficulties" Discussed.

The Elected Members proceed to deal with the suggested difficulties seriatim.

(a) That "the whole political position in South Africa is full of uncertainties."

So far as Southern Rhodesia is concerned, it is admitted on all hands that the present form of government is unsuited to the needs of the country, and the grant of self-government at an early date by removing the present uncertainty will not only stabilize this country's position, but will enable it to play a more responsible and effective part in the solution of the problems which confront South Africa as a whole. It is, therefore, urged that such uncertainty as may exist constitutes an additional reason why the request of the country for self-government should be granted without delay.

(b) That "there is a steady influx of new settlers, who will naturally desire to be consulted as to the constitution under which they will have to live."

The Elected Members suggest that this is not an objection of substance, and that it should not influence the Secretary of State or the people of this country in the direction of delay. The Secretary of State has recognized the absolute right of the people of Southern Rhodesia to self-government in 1923 even if there should be no influx of settlers. Should there be such an influx, it may be safely assumed that they will share the desire of their fellow British subjects for self-government, the grant of which will, moreover, prove an additional attraction to fresh settlers. In any event, the wishes of the present population (which the Secretary of State recognizes as reasonable) were expressed at the last election upon a completely new and up-to-date register, and should not be defeated by the views of a new and probably fractional element with a comparatively small knowledge of the conditions.

(c) That "the details of the new constitution are a matter which will require very careful consideration and probably discussion with the Elected Members."

While agreeing to this, there appears to the Elected Members to be no reason why that consideration should not begin at once, and why the constitution should not be framed and submitted to them within the next few months.

Members Oppose Delay.

(3) For the reasons given the Elected Members are unable to concur in the view that there should be a delay till 1923 before any step is taken in the direction of self-government. Still less do they think that the grant of self-government must be preceded by another election, or that an election, if held prior to such grant, should be subject to the terms of the Supplemental Charter.

As to the first point, the mandate given by the last election was clear and unmistakable, and there is no doubt that it represents the practically unanimous feeling of the people of the country. If the Secretary of State should feel any doubt on this point when the constitution has been settled, and considers that it ought to be submitted to the people, the question can be simply and expeditiously decided by means of a referendum.

A New "Mandate" Depreciated.

As to the second point, the terms of the Supplemental Charter as regards the required majority, namely, ten out of thirteen Elected Members, were more than fulfilled at the last election; the fitness of the country financially and in other respects is no longer in question, and to require the people once more to secure an artificial majority of upwards of two-thirds of the total constituencies, owing to the existence of a nominated and unrepresentative element in the Legislative Council, is in substance to leave the question of our future at the mercy of a minority of the electorate. The Elected Members wish to emphasize that by once fulfilling the conditions laid down in the Supplemental Charter a new situation has been created which continues whether their request is immediately granted or not. It must be pointed out that any further delay ignores the emphatic and unanimous

desire expressed at the last election for the termination of the present form of administration, which is, in the opinion both of the Elected Members and the British South Africa Company itself, no longer necessary.

Acceptance of Loan Proposals.

(4) The Elected Members are pleased that the Secretary of State recognizes the necessity of a loan for capital expenditure. The lack of this provision in the past has seriously prejudiced the progress of the country, especially as regards education, and its continuation even for a short period will have a cumulative effect in this direction. The extent to which the country has been injured by its inability to provide money on capital account may not have been fully realized by the Secretary of State. The Elected Members, therefore, gladly accept the offer of the Imperial Government, and are prepared to pass the necessary Ordinance relating thereto. They desire to point out that immediate provision for the essential capital charges of the country is so urgent that there should be no delay in the matter, and that it should not in any way be dependent on the conclusion of the negotiations arising out of the Secretary of State's memorandum.

Liabilities Under Cave Award.

(5) Cave Award.

(a) Public Works.

The Elected Members regret that they cannot agree that it will

"obviously devolve on the new administration to pay that portion of the award which will relate to public works, including the obligations of the Crown under clause 33 of the Charter and clause 3 of the Supplemental Charter of 1915 in regard to public works, under which term will be included, in addition to actual buildings, the land occupied by or necessarily used in connexion with them."

The claim of the British South Africa Company is for the whole of their expenditure under this head, whether the works still exist or not. The Elected Members are prepared to accept the principle of payment only for what the country receives and agrees to take over, and to this extent are willing, as between themselves and the Imperial Government, to submit to the obligations imposed, or, rather, to accept the privileges conferred, upon the Crown by so much of clause 33 of the Charter as refers to public works. As regards the land upon which such public works are erected, the Elected Members do not consider it equitable that they should be expected to pay present-day value for land which for many years past has been set aside for public purposes, and owes its present value largely to the enterprise of the people of this country. Should the Imperial Government be unable to concur in the views now put forward, the opinion of the Elected Members is that the matter must be referred to an independent legal or other agreed authority for decision, and such reference need not defer the grant of self-government.

The proposal in regard to movable assets requires no comment.

(b) Remainder of Award.

It is noted that it is proposed that the unalienated land shall remain in the hands of the Crown's nominees until the sum due to the British South Africa Company has been liquidated. The Elected Members would, however, urge that this very arrangement emphasizes the necessity for the grant of self-government at the earliest possible date, so that the new Administration may be able to negotiate with the Imperial Government to end an undesirable state of affairs bound to retard the development of the country.

(6) In conclusion, the Elected Members hope that the Secretary of State will accept the modifications now suggested to his memorandum, and that it will not be necessary at the present stage for a delegation to go to London for personal discussion; but should he, on further consideration, require their attendance, they will accept his kind invitation, for which they beg cordially to thank him.

The above reply was approved by the Elected Members by twelve votes to one, Mr. R. A. Fletcher being dissentient.

C. P. J. COGHLAN,
Chairman Elected Members.

Salisbury,
23rd January, 1921.

APPENDIX IV.

Correspondence between the Rhodesia Committee and the Colonial Office regarding the liabilities which will be placed on Southern Rhodesia when the British South Africa Company's Administration is terminated.

THE RHODESIA COMMITTEE to COLONIAL OFFICE.

SIR,

Downing Street, 12th March, 1921.

I AM directed by Lord Buxton to state that it would be of material assistance to his Committee if they could be informed of the views of the Secretary of State as to the amount of the liabilities which will be placed on Southern Rhodesia when the British South Africa Company's administration is terminated; and also whether the sum awarded by Lord Cave's Commission in respect of the depreciation of public works and buildings will be regarded as a charge against the land, or, if not, how this item will be dealt with.

In this connexion, I am to enclose a statement prepared by Lord Buxton which represents the position as he at present understands it, and I am to inquire whether it is in accordance with the views of the Secretary of State. The sum of £830,000 for public works included in this statement is the difference between the full cost of the works, buildings, and roads as stated by the Company in their claim, and the amount awarded by the Commission for roads and depreciation, and is taken as representing approximately the compensation which would be payable in cash to the Company under Article 33 of the Charter.

I am, &c.,
H. N. TAIT,
Secretary Rhodesia Committee.

Enclosure.

Liabilities which will have to be taken over by the Government which succeeds to the British South Africa Company (in round figures):—

	£
Public Works	830,000*
Moveable Assets	250,000
Debtor Balances less Creditor Balances	113,000
	£1,193,000
	say £1,200,000
Loans from Imperial Government for two years	£300,000
	£1,500,000

Besides this there will be the value of the land on which the public buildings are placed—a small item.

COLONIAL OFFICE to THE RHODESIA COMMITTEE.

SIR,

Downing Street, 12th March, 1921.

I AM directed by the Secretary of State to acknowledge the receipt of your letter of the 12th instant, and to request you to inform Lord Buxton that the Secretary of State considers that the sum awarded by Lord Cave's Commission in respect of the depreciation of public works and buildings must be regarded, like the other administrative deficits, as forming a charge against the land. The Secretary of State therefore agrees with the statement prepared by Lord Buxton as to the amount of the liabilities which will be placed on Southern Rhodesia when the British South Africa Company's administration is terminated, though, of course, in the event of Responsible Government not being granted until October, 1924, the loans from the Imperial Government would by that date amount to £450,000.

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

* This assumes that "depreciation" will be included in the Cave Award as a charge against the land.

*Despatch from the Secretary of State to the High Commissioner for South Africa.
(Referred to in Colonial Office Note on page 12.)*

SIR,

Downing Street, 17th March, 1921.

WITH reference to my despatch No. 69, of the 17th February,* forwarding copies of the report of the Southern Rhodesia Commission, I have the honour to inform Your Royal Highness that, for the purpose of obtaining guidance as to the principles on which it should proceed for the years subsequent to the 31st March, 1918, in apportioning receipts or expenditure, as the case may be, between the administrative and commercial sides of its undertaking, the British South Africa Company asked that the Commission might be invited to state the principles upon which it proceeded in dealing with the following questions:—

(1) What items of mining revenue have been treated as administrative and commercial, respectively?

(2) Has the credit of five per cent. to the Administration for the collection of commercial mining revenue been accepted as correct?

(3) Have expenditure upon and receipts from the Bechuanaland Protectorate telegraphs been properly treated as administrative?

(4) Has the charge against the Administration of fifty per cent. the cost of the Company's Head Offices, and of the Directors' visits to Rhodesia, been accepted as correct; if not, what principle has been followed in deciding this question?

(5) Have the expenses charged against the receipts from land been awarded in full; if not, what proportion has been allowed, or what specific items have been disallowed?

(6) What is the figure as at 31st March, 1918, upon which depreciation of the Public Works and Buildings should be calculated for subsequent years, and on what principle should the calculation be made?

(7) Has the Company's statement of the buildings which should be treated as Public Works been accepted?

(N.B.—Information on this point is necessary in order to settle the allocation of future rents as between administrative and commercial receipts.)

2. Viscount Milner approached Viscount Cave accordingly, and Lord Cave has furnished the following replies to these questions:—

(1) The mining revenue was apportioned as follows:—

<i>Administrative.</i>	<i>Commercial.</i>	<i>Half Commercial and Half Administrative.</i>
Registration.	Royalties on gold, etc.	Prospecting Licences.
Transfers.	Royalties on coal.	Extra Licences.
Site Rents.	Royalties on pebbles.	Inspection by work. Pro- tection Claims and Alluvial Licences (after deducting refund of claims). Extra work Certificates. Inspection by payments. Coal selection fees. Miscellaneous.

(2) The Administration was given credit for five per cent. on the royalties collected, and the remaining expenses of the Mines Department, after deducting the five per cent. commission, were apportioned between the Administrative and Commercial sides in proportion to the revenue (other than royalties) accruing to each on the basis of calculation adopted in paragraph 1.

(3) The expenditure upon and receipts from the Bechuanaland Protectorate Telegraphs were treated as Administrative on the assumption that the Crown would wish to take over this system.

(4) The Head Office expenses from 1894 were allowed as a charge against the Administration to the extent of the £10,000 per annum plus forty per cent. of the expenses of the Directors' visits to Rhodesia. For the pre-1894 period a smaller allowance was made.

(5) The expenses charged against the receipts from land have been allowed in full.

(6) The figure at 31st March, 1918, upon which depreciation of Public Works and Buildings should be calculated for future years is £831,243, arrived at as follows:—

* The report of the Commission is printed in [Cmd. 1129].

Total cost	£1,691,538
Less cost of roads and depreciation allowed to 31st March, 1918	£860,295
	<u>£831,243</u>
This sum is composed of:—	
Buildings	£669,176
Telegraphs	£162,067
	<u>£831,243</u>

The principle upon which depreciation was calculated up to 31st March, 1918, is not regarded as affording a basis for calculation in the future.

(7) The Company's statement of the buildings which should be treated as Public Works has been accepted.

I have, &c.,
(For the Secretary of State)
L. S. AMERY.

BRITISH SOUTH AFRICA (TAXATION OF NATIVES).

RETURN to an Address of the Honourable the House of Commons,
dated 24 February 1903,—for,

RETURN showing the RATES of TAXATION now paid by NATIVES in
the several Parts of BRITISH SOUTH AFRICA."

Colonial Office,
May 1903. }

M. F. OMMANNEY.

(*Mr. Herbert Samuel.*)

Ordered, by The House of Commons, to be Printed,
8 June 1903.

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1903.

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BRITISH SOUTH AFRICA (TAXATION OF NATIVES).

Return showing the Rates of Taxation now paid by Natives
in the several Parts of British South Africa.

No. 1.

THE EARL OF ONSLOW (FOR THE SECRETARY OF STATE) to HIGH COMMISSIONER
VISCOUNT MILNER.

(Sent 4.10 p.m., February 20, 1903.)

TELEGRAM.

February 20, No. 3. Return required for Parliament showing the rates of taxation now paid by natives in the several parts of British South Africa. Please send particulars by post as soon as possible. Repeat this telegram to Cape and Natal.

Southern Rhodesia, Bechuanaland Protectorate,
Basutoland.

No. 2.

HIGH COMMISSIONER VISCOUNT MILNER to MR. CHAMBERLAIN.

(Received March 28, 1903.)

SIR, High Commissioner's Office, Johannesburg, March 2, 1903.

I HAVE the honour to acknowledge the receipt of your telegram, No. 3, of the 20th February, asking for particulars showing the rate of taxation now paid by natives in the several parts of British South Africa.

The Southern Rhodesia Hut Tax Ordinance of 1894, imposed a tax of 10s. per annum on every male native in respect of the occupation of every hut occupied by him during any part of the year. Owing to the unsettled state of the country, payment was not generally enforced until 1898. The revenue derived from this source amounted on March 31st, 1899 to 70,582*l.* This Ordinance was repealed by Ordinance No. 12 of 1901, which extended the 10s. tax to every male native, whether married or single, for every hut occupied by him or by any woman or women dependent on him. The Hut Tax revenue for the year ending March 31st, 1903, is estimated at 100,000*l.* Customs duties on goods used by natives for the year ending March 31st, 1902, is reckoned approximately at 16,000*l.*

In the Bechuanaland Protectorate a Hut Tax of 10s. per annum is payable in respect of every hut occupied as a dwelling place, and 5s. per annum by every male native of full age, not being the occupier of a separate hut. This tax produced during the year ending March 31st, 1902, a trifle under 10,000*l.*

A revenue is also derived by the sale of permits for the purchase of ammunition. The revenue derived from this source is about 200*l.* per annum. The Customs duties for the Bechuanaland Protectorate for the year ended March 31st, 1902, amounted to 9,758*l.*; I cannot say what proportion is paid by natives.

The Basutoland natives pay Hut Tax at the rate of 1*l.* per annum for every hut erected for the occupation of a family. In computing the liability of any person to payment of this tax, it is held that the payment of 1*l.* per annum is due for each wife, whether a separate hut is erected for the use of such wife or not. The Hut Tax returns show that about 17 per cent. of the married men in the country are polygamists. The amount of the Hut

Tax last year was 60,755*l*. As regards indirect taxation, the Customs Union Tariff is in force in Basutoland, and the articles, chiefly purchased by natives, form a large proportion—about one half—of the total of imported goods. 33,000*l*. was realised by Customs in Basutoland in the year ending June 30th, 1902, exclusive of a portion of the Customs retained as transit dues by the Cape Government.

A separate despatch* is being addressed to you as regards the Transvaal and Orange River Colonies.

I have, &c.
MILNER,
High Commissioner.

Natal.

No. 3.

GOVERNOR SIR H. E. McCALLUM to Mr. CHAMBERLAIN.

(Received March 28, 1903.)

Government House, Pietermaritzburg, Natal,
March 4, 1903.

SIR,

WITH reference to your telegram of the 20th February, No. 3, received through the High Commissioner, I have the honour to inform you that the only direct tax on the natives of this Colony is the Hut Tax of fourteen shillings per hut.

2. The Tax is imposed under the provisions of Law 13, 1875, copy of which I enclose.

3. It is generally admitted that this amount of taxation is far too low, and may be reasonably increased.

I have, &c.
HENRY McCALLUM.

Enclosure in No. 3.

(No. 13, 1875.)

(Signed)

HENRY BULWER,
Lieutenant-Governor.

LAW.

(Enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof.)

“To repeal and re-enact, with amendments, Laws No. 6, 1857 and No. 1, 1869,”

Preamble.

Whereas it is expedient to increase the present rate of taxation upon native huts, and to abolish the fees now payable to the public revenue for the registration of Native Marriages, and for the translation of Native married women and children from an inferior to a higher house, and with such view to repeal and re-enact, with amendments, the Laws No. 6, 1857, and No. 1, 1869:

Be it therefore enacted by the Lieutenant-Governor of Natal with the advice and consent of the Legislative Council thereof, as follows:—

Repeal of laws 6, 1857, and 1, 1869.

1. Law No. 6, 1857, entitled “For regulating the Taxation on Native Huts,” and Law No. 1, 1869, entitled “To enable the Lieutenant-Governor to impose Fees on the Registration of Native Marriages, and on certain other customs and usages of the Natives, and to make provision for remunerating the Chiefs of such Natives,” shall be and the same are hereby repealed: Provided that all proceedings, matters, and things lawfully had or done, and all rules, regulations, orders and appointments made before the commencement of this Law, by, under, or in pursuance of the said repealed Laws or

Proviso.

either of them shall, so far as they are not repugnant to or inconsistent with any of the provisions of this Law, be of the same force and effect, to all intents and purposes, as if no such repeal had taken place, and that no suit or proceeding which shall, at the time of the commencement of this Law, be depending in any court shall abate or be discontinued or be in anywise prejudiced or affected, but shall be proceeded with, heard and determined, and the decision thereon enforced as if this Law had not been passed; and that no appeal depending at the time of the commencement of this Law, or which may then be brought from any decision theretofore pronounced, or from any decision thereafter to be pronounced in any suit or proceeding then pending and undecided, shall be affected by the provisions of this Law; but the same may be respectively instituted, proceeded with, heard and determined, and the judgment or order thereon enforced as if this Law had not been passed; and that all offences committed and penalties incurred before the time of the commencement of this Law against any of the said repealed provisions, shall and may be tried, enquired into and enforced, and every conviction or order made or given before the time of the commencement of this Law, shall and may be enforced and proceeded with as if this Law had not been passed.

2. For the year 1876, and for every succeeding year; until otherwise enacted, there shall be levied upon every hut occupied by a Native within this Colony a tax of Fourteen Shillings sterling: Provided that all houses of European construction inhabited by Natives having only one wife, and otherwise conforming to civilized usages shall be exempt from Hut Tax.

Native Hut Tax regulated.

3. The Lieutenant-Governor may, from time to time, appoint such persons as he may think fit, to be collectors of Hut Tax, and may, with the advice of his Executive Council make and frame such rules and regulations, and give such orders, and, in cases of non-payment or evasion of Hut Tax, impose such fines and penalties as he may deem expedient for the due collection of the said Hut Tax, and for carrying out the provisions of this law; and such rules, regulations, and orders may from time to time alter, vary, amend, or annul, and all such rules, regulations and orders shall have the same force and effect as if they had been enacted in this Law.

Governor may appoint Collectors; and (with advice of Executive Council), make rules, &c.

4. From and after the commencement of this Law no fee or charge shall be payable under Law No. 1, 1869, for the registration of any Native Marriage, or for the registration of any translation of a Native married woman or child from an inferior to a higher house. Provided, however, that it shall and may be lawful for the Lieutenant-Governor in Council from time to time, as occasion may require, to make regulations regarding the registration of such marriages, and the payment of such other fees thereon, in such manner and upon such conditions and subject to such restrictions as may be deemed expedient.

Fees for registration of Native Marriages, and for translation of native women abolished; but Governor empowered to make regulations.

5. The Lieutenant-Governor may from time to time appoint such persons and make such orders, and in cases of non-payment or evasion of any fees, impose such fines or penalties as he may deem expedient for the due collection of the said fees and enforcement of such regulations; and in lieu of the provision for the payment of Native Chiefs or other Native Officers, or persons acting as such in this Colony, made by Section 3 of Law No. 1, 1869, hereby repealed, there shall be payable to the said Native Chiefs or other Native Officers, or persons acting as such, in acknowledgment of such services as may be demanded of them by the Government under this Law and the Native Administration Law, such sums, not exceeding an annual sum of One Hundred and Fifty Pounds to any one Native Chief or other Native Officer, as shall from time to time be voted by the Legislative Council and approved of by the Lieutenant-Governor.

Governor may appoint persons, &c. Allowances to Native Chiefs and officers.

6. The terms "for the year" and "for each succeeding year" shall be held to mean; and shall mean, the tax collected during the year.

Hut Tax year defined.

7. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement.

Given at Government House, Natal, this Seventeenth day of December, 1875.

By command of His Excellency the Lieutenant-Governor,

F. NAPIER BROOME,
Colonial Secretary.

Cape Colony.

No. 4.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received March 28, 1903.)

SIR,

Government House, Cape Town, March 11, 1903.

I HAVE the honor to transmit to you, with reference to your telegram to the High Commissioner of 20th February, No. 3, a copy of minute from Ministers respecting the rate of taxation now paid by natives in the Cape Colony.

I have, &c.

WALTER HELY-HUTCHINSON.

Enclosure in No. 4.

MINISTERS to GOVERNOR.

(Minute No. 1/131.)

• Prime Minister's Office, Cape Town, March 7, 1903.

Ministers have the honor to acknowledge receipt of His Excellency the Governor's Minute No. 129, dated 23rd ultimo, submitting copy of a telegram received from His Excellency the High Commissioner on the subject of the taxation now paid by natives in the several parts of British South Africa.

In reply, Ministers have the honour to state that, in regard to taxation, there is no differential treatment between natives and other inhabitants of the Cape Colony, excepting only where land is held on what is here known as "communal tenure," when each married native male is liable to a hut tax or "ground rent" of 10s. per hut per annum, and, in the districts to which the Glen Grey Act, No. 25 of 1894, has been extended, certain adult males pay a labour tax of 10s. per annum, as defined by Sections 33 to 36 of that Act.

Ministers desire to point out that the position of the native holding land under "communal tenure" is better than that of the European, or even of the native who possesses land under "individual tenure" or title, the latter being subject to a higher rent than the location native.

Ministers further desire to draw attention to the fact that under Sections 33 and 34 of the Glen Grey Act it is only the vagrant native who is aimed at, and that the proceeds of the tax are by the 35th Section, set apart for purposes of local self-government, with a view to the amelioration of the condition of the natives themselves.

J. GORDON SPRIGG.

Annexure to No. 4, being sections 33 to 36 of the Glen Grey Act, 1894.

Labour Tax.

Labour tax. 33. Every male native residing in the district, exclusive of natives in possession of lands under ordinary quitrent titles, or in freehold, who in the judgment of the Resident Magistrate is fit for and capable of labour shall pay in to the public revenue a tax of ten shillings per annum: Provided that upon any native satisfying the Resident Magistrate that he has been in service or employment beyond the borders of the district for a period of at least three months during the twelve months preceding the date on which the said tax is payable, such native shall be exempt from payment of the tax for that year; and provided further that such native shall become exempt from any further payment of such tax so soon as he shall have satisfied the Resident Magistrate that he has been in service or employment beyond the borders of the district for a total period, consecutive or otherwise, of not less than three years. To every such

native as in the latter proviso mentioned a certificate in a form to be prescribed by the Governor shall be given by the Resident Magistrate, stating that he is exempt from further payment of the said tax.

34. The Resident Magistrate may from time to time exempt for one year from the payment of the aforesaid tax any native who may for good and sufficient reasons be proved to the satisfaction of the said Magistrate to be unable to leave his location for the purpose of entering into service or employment, or who may, with the permission of the Resident Magistrate first had and obtained, have been *bond fide* within the said district in service or employment at an adequate wage or remuneration for the period of three months provided for by the last preceding section, and every member of a Location Board and of the District Council shall, during his term of office, be exempted from payment of the said tax. Exemptions from labour tax.

35. The said tax shall become due and payable upon the 1st day of January in each year, or so soon as any such native as aforesaid shall in any year come to reside in the district, and the proceeds thereof shall be devoted to the establishment and maintenance of schools for the education of the natives of the district in trades and agricultural labour under such regulations as may be framed by the Governor from time to time. Due date and application of proceeds of labour tax.

36. In case the said tax shall remain unpaid for a period of three months from the date upon which it becomes due, it shall be lawful for the Resident Magistrate to issue his warrant requiring the messenger of the court to levy and raise the amount due by sale of the goods and chattels of the person making default. Should the proceeds of such sale not be sufficient to meet the payment due, or should the person in default not be in possession of any property, he shall, if found at any time, at any place within the district, be deemed and taken to be an idle and disorderly person, and, upon conviction thereof, shall be subject to the provisions of section four of Act 23 of 1879, as amended by sections two and three of Act 27 of 1889, and become liable to the penalties prescribed therein; and upon a second or subsequent conviction shall be liable to imprisonment with hard labour for a period not exceeding twelve months: Provided that upon payment of the amount due, together with any costs incurred, or upon his showing good and sufficient cause why he should be exempted from payment, the said person shall be relieved from the operation of this section. Recovery of arrear labour tax.

Transvaal and Orange River Colony.

No. 5.

GOVERNOR VISCOUNT MILNER to Mr. CHAMBERLAIN.

(Received May 9, 1903.)

Sir, Governor's Office, Johannesburg, April 16, 1903.

With reference to your telegram No. 3 of February 20th, and to my despatch of March 2nd,* I have the honour to inform you that the taxes now payable by natives in the Transvaal consist in the first place of a consolidated tax, amounting to the sum of 2*l.*, payable annually by every adult male aboriginal native domiciled in the colony. If such native has more than one wife by native custom he is liable to a further tax of 2*l.* for each additional wife.

This tax was imposed under Ordinance No. 20, of 1902, a copy of which was forwarded to you in my despatch of September the 8th, together with an explanatory memorandum by the Commissioner of Native Affairs showing the various taxes payable by natives under the laws of the late South African Republic which this ordinance was designed to consolidate.†

The consolidated tax became payable on the 1st of January of this year, but owing to the unsettled condition of the country it was decided to postpone collection until this month. By the 1st April it was anticipated that many natives would have received payment of their claims to compensation, that the crops would have matured, and that there would be no

* Nos. 1 and 2.

† The Ordinance and Memorandum are printed at pp. 183-186 of [Cd. 1551.] April 1903.

difficulty in obtaining employment for those who had to earn by labour the small sum required. There has been no organised collection of taxes from natives within the Transvaal between the year 1899 and the present date.

The Transvaal Government also levies a dog tax of 10s. per annum, payable by every coloured person for each dog owned by him, or in his possession. This tax was imposed under South African Law No. 3 of 1891, and is still enforced.

It is difficult to estimate accurately the amount contributed by the natives in the form of indirect taxation. The only items imported exclusively for native consumption, which can be separated from the general customs returns, are kaffir picks and hoes and beads, and upon these the sums of £4,614 and £2,115 respectively were collected as customs dues during the year 1902.

In the Orange River Colony coloured persons of the male sex, between the ages of 18 and 70, are, under Chapter LXXI. of the late Orange Free State, re-enacted by Ordinance No. 3 of 1902, subject to a poll tax of 10s. per annum.

The collections from this source amounted in 1898 to £19,685, in the financial year 1900-01 to £10,165, and in 1901-02, notwithstanding the unsettled condition of the country, to £12,186.

The enlarged Legislative Council will shortly be asked to consider a proposal to raise the poll tax from 10s. to £1.

In addition to this all natives travelling to and fro across the frontier of the Colony pay 1s. pass fee for each journey. The revenue derived from this source amounted in 1898 to £9,781.

Moreover, municipalities have the power under Section 2 of Law 8 of 1893 to impose a tax to be fixed by municipal regulations on all coloured adults residing in the locations under their control.

I have, &c.
MILNER,
Governor.

BRITISH SOUTH AFRICA (TAXATION
OF NATIVES).

RETURN showing the RATES of TAXATION
now paid by NATIVES in the several Parts of
BRITISH SOUTH AFRICA.

(Mr. Herbert Samuel.)

Ordered, by The House of Commons, to be Printed;
8 June 1903.

[*Price 1½d.*]

NATAL.

REPORT

OF THE

NATIVE AFFAIRS COMMISSION,
1906-7.

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

January, 1908.



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January, 1908.

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HENRY McCALLUM,
Governor.

COMMISSION.

By His Excellency COLONEL SIR HENRY EDWARD McCALLUM; Royal Engineers, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Aide-de-Camp to His Majesty, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

To His Honour Henry Cooke Campbell, Imperial Service Order, Justice of the Peace, President, Native High Court; The Honourable Sir Thomas Keir Murray, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Justice of the Peace; The Honourable Sir James Liege Hulett, Knight Bachelor, Member of the Legislative Assembly of Natal, Justice of the Peace; The Honourable Coenrad Johannes Birkenstock, Member of the Legislative Council of Natal; Colonel Herbert Edward Rawson, Royal Engineers, Companion of the Order of the Bath; Maurice Smethurst Evans, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Member of the Legislative Assembly of Natal, Justice of the Peace; and the Reverend James Scott.

Whereas I have deemed it necessary to appoint a Commission for the purposes of enquiry into matters concerning Native policy and administration in this Colony:

NOW KNOW YE that I, reposing great confidence in your zeal, knowledge, and ability, have authorised and appointed, and do by these presents authorise and appoint you the said Henry Cooke Campbell, Thomas Keir Murray, James Liege Hulett, Coenrad Johannes Birkenstock, Herbert Edward Rawson, Maurice Smethurst Evans, and James Scott to be my Commissioners for the purpose of enquiring into and reporting upon matters concerning Native policy and administration, and legislation affecting Natives, with special reference to the following subjects:—

1. The definition of the word "Native."
2. The amendment of the Code of Native Law, and its extension to the Province of Zululand.
3. Exemption of Natives from the operation of Native Law.
4. The marriage of Natives amongst themselves, and with others than Natives by Christian rites.
5. Acts relating to identification and other passes.
6. Contracts between Native tenants and their landlords.
7. The Courts Act of 1898.
8. The limitation of interest upon money lent to Natives.

Bills recently prepared by the Government dealing with the subjects above enumerated will be placed before the Commission for consideration, together with papers relating thereto, and the Commissioners will be at liberty to extend their inquiries into all matters which may be relative to these measures.

9. Education; industrial training; the ecclesiastical control of religious activities.
10. Labour, and the relation of landlord and tenant with reference in particular to the following questions:
 - (a) The law of Masters and Native servants.
 - (b) Rents and the terms of occupation of private lands by Natives; the rendering of personal services in lieu of rent or in repayment of loans.
 - (c) Touting for labour.
 - (d) Facilities for promoting the supply of Native labour.
 - (e) The regulation and limitation of togt labour; the employment of Natives as ricksha pullers.

- (f) Municipal and township regulations affecting the employment of Native labour.
 - (g) The entry into and the departure from the Colony of Native labourers, whether by land or sea; the transit of Native labourers to other Colonies.
11. The political and administrative aspects of the work of the Natal Native Trust; the control of lands vested in the Trust whether as locations or mission reserves.
 12. The desirability or otherwise of the control by Magistrates of the police employed in duties connected with the Magistrates' offices and courts.
 13. The adequacy or otherwise of the machinery employed in the administration of Native affairs, and in the administration of justice between Natives and the qualifications to be required of persons engaged in such administration; the powers of native Chiefs; the advisability or otherwise of separating the Native judicial and political business from the duties of the Magistrates' Courts.
 14. The cost of administration and the fair share therein of the Native population with particular reference to the sufficiency or otherwise of the present contribution to revenue by Natives in this Colony.
 15. The illicit sale of liquor to Natives and restriction of beer drinking.
 16. Generally to enquire whether any of the existing laws require amendment with a view to removing any just cause of dissatisfaction on the part of the Natives.

AND I do require you, the said Commissioners, to elect your own Chairman.

And for the better effecting and enabling you to carry out the purposes of this my Commission, I do give and grant unto you, or any five or more of you, full power and authority to call before you, or any five or more of you, and to examine such persons as you shall judge necessary, or in your judgment may be required, and by whom you may be the better informed on the subject herein submitted for your consideration, and any matter connected therewith; and also to call for, have access to, obtain extracts from, and examine all such judicial and official books, documents, papers, and records as in your judgment may be required, and as may afford information on the subjects of this enquiry; and to enquire of and concerning the premises by all other lawful ways and means whatsoever.

And I do hereby authorise and instruct you, or any five or more of you to report to me under your hands, with all convenient speed upon the several matters and points herein referred to, and submitted to you for consideration.

And I do authorise and empower the Commission hereby appointed to appoint Committees from themselves, consisting of not less than Three Members of the Commission, to meet from time to time, at such places as the Commission may deem necessary, to enquire into any of the subjects hereby submitted for consideration; subject to such powers and authorities as may be conferred upon them by the said Commission:

And I hereby reserve to myself, the power and authority from time to time to nominate and appoint some fit and proper person to be a member of the said Commission, in the place of any present or future Member of the Commission who shall die, or resign, or become incapacitated to act, or who shall absent himself without good cause from three consecutive sittings of the said Commission without the leave of the Chairman of the said Commission; and also I reserve to myself, power to increase the numbers of the said Commission by the addition of such members as may seem desirable.

Given under my hand and the Public Seal of the Colony, at King's House, Durban, Natal, this twenty-first day of September, One Thousand Nine Hundred and Six.

CHARLES J. SMYTHE,
Prime Minister.

REPORT OF NATIVE AFFAIRS COMMISSION, 1906-7.

Pietermaritzburg,
25th July, 1907.

May it please your Excellency,—

We, the Commissioners appointed by the Commission of Your Excellency's predecessor, dated the 21st September, 1906, authorising and directing us to inquire into and report to you upon matters concerning Native policy and administration, including legislation, affecting the Natives, and also with special reference to a variety of subjects enumerated therein, have now the honour to submit the result of our investigations for Your Excellency's information.

2. The design of the inquiry being both general and particular, the powers Design Inquiry conferred have been used in the manner intended and to the fullest extent by collecting information from all sources, European—official and unofficial—Native and others; all being invited who could further the investigation, by advice or suggestion, or the results of their observation and experience.

3. It is believed that no similar local inquiry has collected such a mass of Evidence carefully prepared evidence, all of which was noted and abridged by a highly qualified officer, and thereafter returned to many of the witnesses for revision and signature.

4. The feeling of unrest which has prevailed throughout the Colony, as well Witness as beyond its borders, for some years past, was fully evidenced by the truly extraordinary number of persons of all classes, often at great personal inconvenience, who appeared before the Commission to assist in the inquiry. A large number who could not attend sent in replies to questions and original papers, which will be found with the evidence. Long before the conclusion of the evidence, it was felt that ample information had been obtained to enable the Commission to arrive at a conclusion, but, at the same time, it was equally evident, in view of the immense importance of the questions involved, that an opportunity should be afforded to all, and especially to the Natives themselves, to give full expression to their views. This Native Evidence prolonged the investigation stage of the work longer than was actually necessary to reach a result, but the time so spent has not been without its compensations in the feeling left upon the community, and particularly upon the Natives, that the examination of the various points was marked by patience and thoroughness, and an appreciative and sympathetic consideration of the views and recommendations of all alike. So much, therefore, by way of preface and explanation of the procedure adopted.

5. The Commission held its first meeting on the 16th October, 1906, for the Extent of Inquiry purpose of electing a Chairman and deciding upon the course to be followed. This being done, evidence began to be taken on the following day, and was received from time to time up to the 18th June, 1907. To facilitate this object, 34 places were visited, at which statements by 301 Europeans were received, together with those of 906 Natives and others, who addressed the Commission personally or by delegation.

6. So highly did the Natives appreciate the opportunities afforded them of expressing their views that at least 5,500, including Chiefs and headmen, exempted and Christian Natives, attended, and, on the whole, spoke, as they were invited to do, with remarkable freedom.

7. A review of the question would be incomplete without special reference to the condition of the Natives. Having interviewed so many of them, and weighing their statements in conjunction with those of Europeans, it is possible to estimate correctly their position, economically and socially, as well as their temper and mental attitude towards the dominant race. Condition of Natives

8. As nothing is to be gained by reticence, the opinion is here expressed that the chasm between the races has been broadening for years, and that the attitude Attitude of Natives of the Natives is now one of distance and distrust. In their inexact and unreflective

Natives connect Government with troubles.

way, they attribute all their troubles to the Government, which they believe either originates or permits or sanctions all that has changed their life from the simplicity of the past to the uncertain conditions of the present. Reasoning as they do, they see the hand of Government in the high rents and labour demanded by landlords; the various taxes they have to pay; the numerous passes or permits they have to be provided with; the restrictive, unfamiliar, and unknown laws they have to submit to; the compulsory service they have to render upon public works; and the disintegration of their tribal and family systems. These are amongst their most prominent complaints and will be more specifically dealt with later.

Native obligations and means.

9. Notwithstanding that their obligations, both public and private, have, to some extent, been increased during the recent past, their present ability to meet them has been considerably lessened by the loss of their cattle by disease, their crops by locusts, by a growing neglect of cultivation, especially by the women, and by a general reduction in wages and openings for employment.

Mental attitude of Natives of Natal and Zululand contrasted. Zululand delimitation.

10. The condition and temper of the Natives in Zululand were in marked contrast to what exists generally throughout Natal. This is to be attributed solely to the fact that they have been left more to themselves, and have not been suffering from the exactions of landlords. Still, they were apprehensive in several districts about the alienation of their lands for European occupation, a policy which, undoubtedly, contains the germs of unrest. The vital necessity of reserving more of Zululand for the overflow from Natal, as well as for the natural increase of the resident population, is one of the most pressing aspects of the question, and must receive immediate attention. It may as fittingly be stated now as later, that the struggle for land, which is present in their minds, is simply the struggle for life, and a lack of administrative forethought has to be noticed with respect to the wasteful use of land reserved for Natives, particularly in Natal, where the full and economical occupation of the Locations has been glaringly neglected. The closer settlement and more beneficial use of the Native reserves, both in Natal and Zululand, form an important ingredient of the scheme which will be referred to later on and cannot longer be delayed with either credit or safety. The impelling forces of ambition and actual necessity being absent, they are unfitted by nature to rapidly recover their position against all these adverse circumstances. Hence, their condition may be described, generally, as poor and discontented, the youths more independent and selfish, and less disposed to submit to authority, and the women and girls becoming idle and indifferent to marital and filial restraints.

Struggle for land.

Native deterioration.

11. In addition to their restricted means and resources, a very large number are indebted to Europeans, and, in some cases, to Indians and others, for money advanced at high rates of interest, or to secure their labour at low wages. And, whenever their creditors seek the aid of the Courts to enforce claims, whether for rent or loans, it but affords them another illustration, in their distorted view of things, particularly when their cattle are seized and sold judicially, that the Government sides with their oppressors.

Native indebtedness.

Past Policy, its leading features.

12. It would be an obvious omission in an inquiry of this nature not to make some attempt, however difficult the task, to describe, or, at least, to indicate, so far as it has been understood, the line of action followed in the past in the Government of the Natives. In remarking thereon, and while not wishing to exaggerate the defects and absence of clearness, the common doubt is shared regarding the fundamental and guiding principles of these methods, and the specific objects intended to be secured. It has, by those professing acquaintance with the subject, been variously styled as a policy of action; by others, as a policy of inaction; and, by some, including an ex-Governor, as no policy at all. A policy of action implies a plan with a clearly-defined and well-considered objective, while a policy of inaction implies studied inactivity for a set purpose. But, although there is some foundation for the taunt that the Government is without a Native policy, because of the absence of persistent purpose, high aim, or clear principles, it would be an injustice to pronounce it non-existent or wholly featureless. Its leading features seem to have been the preservation of peace, in reducing the size of tribes, and curtailing the powers of Chiefs; in assisting the educational efforts of Mission Societies; and, while tolerating the continuance of Native Law in a modified form, permitting exemption from it by personal effort and attainment.

Native Policy : Absence of definiteness and consistency in action.

13. Regrets at the absence of definiteness in construction, and of consistency and persistency in action, might have been balanced or removed if any marked degree of success could be claimed under any of these heads. There is unrest in

the land, and, although we have striven to give them peace, we have been far from assiduous in teaching them the arts of peace. We have not generously enough met their cry for education, assistance, and advice, and, for some years, the desire of many to emancipate themselves from Native Law has been studiously discouraged.

14. To sum up, we have not satisfied any of the various classes which go to form the Native section of the community. The exempted Native believes that, while asking for bread, he has been given a stone, by being denied the full privileges of the European; the Christian, or educated, Native wants more education, fixity of land tenure on Mission Reserves, and suitable avenues for the employment of his children; the half-caste frets because his cry to be freed from Native Law, and be legally classified with his European ancestor has been persistently ignored, and, as a contrast to these strivings for improvement, there is the kraal-native, representing the great mass of the population, who simply desires to be left alone, preferably under the sway of his Chief, to live his own life of sensual stagnation.

General
Native
dissatisfac-
tion.

15. In taking this brief survey of Native feeling at the present time, reference should be made to a special grievance entertained by the educated and exempted Natives, and about which they feel considerable irritation. Although employed on several occasions in the defence of the Colony, and of the Empire as well, their desire for permanent enrolment, as part of the defence force of the Colony, has not received the appreciation and recognition which they and their sympathisers considered appropriate. It is part of Native character, and, indeed, of human nature generally, to look for a public reward for a public service. The form they wish it to take is that it should be an abiding expression of trust in them, and a distinguishing mark of the loyalty of their class, and the readiness they have always shown to come to the aid of the Government. The desire to be enrolled is neither unusual nor untried, and the manner in which their expectations may be considered will, undoubtedly, profoundly affect them one way or the other. Having given many proofs of their faithfulness, they say they can and should be trusted, and, knowing their feelings, it is no false inference to draw, that a rebuff will create another disturbing element, and give further cause for disaffection and loss of political stability. It would be a tactless blunder to do anything, or refrain from doing anything, by which this class would be constrained to drift further from, instead of drawing closer to us. The half-castes, who are wholly attached to us, have presented requests to be allowed to form themselves into Rifle Associations. They should also have a willing ear lent to their petitions, and, if they cannot be met in that form they might in another equally advantageous to the country, and acceptable to themselves.

Native
military
service.

Desire of
half-castes
to form
Rifle
Associa-
tions.

16. A policy, like other things, can only be judged by its results, but short of having given them peace and security for many years (the immense benefits of which are self-evident, and by many Natives gratefully acknowledged), and assisting to a limited extent in their education, no marked degree of individual progress in agriculture, architecture, or handicrafts, manners, or morals, can be discovered as due to direct Government action.

Results of
past policy.

17. Unwelcome feelings of disappointment at the comparative barrenness of results would be quelled if persistent attempts had been made to improve the calibre of the Chiefs; to secure the more economical occupation of the Locations; to induce them to acquire industrial habits, and to become better cultivators; to improve the unsatisfactory and strained relations arising from high rents between landlords and Native tenants; to protect them against the spoliation of the usurer; or, in any other way, to raise them in the scale of civilisation, and to bind them to us by the ties of sentiment and self-interest.

18. Reliance, fortunately, could be placed, in the earlier days of the Colony, as much, if not more, upon inter-tribal rivalries than upon the absolute loyalty of any particular tribe to punish contumacy and secure obedience to the laws of the country. Recent events have, however, shown that these once acute animosities can no longer be relied on to maintain order, and that community of blood and speech are sufficient upon common cause to set them at rest, and to unite once disunited tribes. Moreover, as the evidence shows, the cleavage between the Station and the Kraal Native is not so marked as it once was, and that even the exempted Native believes that he has a right to speak for all classes in seeking some amelioration of the conditions from which they are alleged to be suffering. Should, unfortunately, occasion require it, other and more dependable means for the preservation of order will have to be relied on in the future.

Inter-tribal
rivalries no
longer
acute.

Past failure of efforts to reconcile to changed conditions.

19. Weighed and wanting must be the reluctant verdict upon past efforts to reconcile them to changed conditions of rule and policy, and to convert them into an element of stability and strength. Let the question be fairly put and plainly answered. What is to be the destiny of this Colony, with its overwhelming Native population? Noted for their fecundity and virility, they will not die out or succumb to ordinary adversity, and, as we can neither assimilate nor destroy them, political forethought and common sense alike call for a settlement of the question on a broad, enlightened, and permanent basis.

Para-mountancy of the white race.

20. The Natives must be made clearly to understand, and to realise that the presence and predominance of the white race will be preserved at all hazards, and that all attempts to destroy its hegemony, whether overt or covert, such as the Ethiopian propaganda, will be promptly punished, instead of being disdainfully treated, as in the past.

Warnings unheeded.

21. A general hypnosis seems to have settled upon the country and its rulers, unheeding alike the mutterings of the disaffected, and the warnings of the few who were more alert to the signs of the times. Having taken up the burden, enormous as it is, of governing these people, the dictates of courage and wisdom demand the lightening of the load, rather than its abandonment; but the task is so huge, and the subject so complicated, with its internal and external conflict of interests, that its settlement is nothing short of a life's work, involving, at the same time, perpetual adjustment and proper correlation to other parts of the body politic.

Native Reserves in Natal and Zululand an outlet for surplus population.

22. Seeing that the vast majority must, perhaps, for generations yet, live under a modified and supervised tribal control, immediate preparations should be made for filling up the Native Reserves in Natal and Zululand with all those for whom room cannot be found on private lands, or who, in any way, wish to improve themselves. The salvation of the Colony depends upon relieving the congestion on private lands in Natal, by providing an outlet for the people, primarily into Zululand, and also into our own Locations. Those not so affected, or disposed to go, would comprise the landowners, the exempted and educated classes living on Mission Reserves and elsewhere, farm servants, and all those who wish to escape from the pressure of tribalism.

Control of Natives to be entrusted to highly-skilled officers.

23. Not only special measures of this nature, but also the direct control of the Natives in general, must be entrusted to highly-skilled and carefully-selected officers, possessing the attributes of born rulers, imbued with an ever present sense of their responsibilities, and with an intense desire for the welfare of the people. Faced by the many problems of this interminable question, the ordinary Minister, with his uncertain tenure of office, is satisfied if he tides over difficulties and maintains the *status quo*, and he is thus under disabilities from the commencement.

24. It is, therefore, intended to discuss elsewhere the absolute necessity for relieving the Minister for Native Affairs from the duty of attending to the details of Native management, reserving to him merely the direction of the final approval of a policy, and dividing the responsibility of arrangement and action between a permanent Council and a number of specially qualified Executive Officers.

The "Native Question" after 60 years of occupation.

25. It is remarkable that, at this date, after more than sixty years of occupation, we should still be in search of the best methods of governing the Natives. The deserts of a Government are evidenced by the number of questions it may be burdened with, or be endeavouring, more or less successfully, to settle, or by the growing discontent of a section of the people. Why should we have an unsettled perplexing "Native Question" in a more or less acute state, and why should its solution apparently be more remote and uncertain than ever? The several Commissions of Inquiry in the past, and particularly the present, indicate or support one or more of the following postulates; lack of knowledge, poverty of resource, erroneous methods, and want of self-reliance; all of which imply a confession of weakness and an acknowledgment of failure. The lengthy agenda submitted to the Commission must be accepted as evidence of imperfection and maladjustment, or want of adaptability somewhere.

Native legislation during period of Responsible Government.

26. Strictures like these may appear severe, but are by no means unwarranted, and are directed as much against legislative measures as administrative methods, especially, since the adoption of self-government. It is more than supposition that the domain of statutory law has been more intrusive since the advent of Responsible Government than formerly. Since then, there has undoubtedly been an increase in the control asserted by the State in the habits of the Natives, mainly in the supposed

interests of the Europeans. The Parliamentary enactments of one kind or another, since 1893, especially applicable to the Natives, number no less than 48, while another 13 failed to become law. The laws, and parts of laws, having special relevance to Native administration in Natal and Zululand, to the number of 66, have, together with 12 sets of regulations on various subjects, recently been collated, and form not only a respectable volume, but matter for the most serious reflection in relation to this question. A study of all these enactments is more than sufficient to give weight to the complaints of Natives that they are ignorant of the laws to which they are expected to yield obedience, and to lend force to their appeal for a more reasonable consideration of their interests.

27. In thus alluding to the supplanting, by statutory or restrictive law, of the adaptable and dynamic force of human personality in the control of a simple and semi-savage people, there is need to give a shock to the political instincts of the dominant race, and to appeal to them to apply the principles of political science in the government of these people. The Natives have practically been denied a voice in the management of their own affairs, and yet it may be asked if it can be regarded as either reasonable or feasible that a people accustomed for ages to the patriarchal system, the leading feature of which is a paternal despotism, can be successfully ruled by a system wholly remote and based on loyalty to, and reverence for, an ideal or notion of an abstract character. We do not look for sympathy from our public officials, but only integrity and a sense of duty and responsibility in administering laws which we believe to be just and suited to our conditions and ideas of life. But, with a people accustomed to, and comprehending no other than, personal rule, it is essential that the magnetic and powerful influence of human condescension and sympathy should not be ignored as indispensable to their successful control. Putting law in the place of sympathy has had the natural effect of inhibiting and neutralising their confidence. Formerly, the tribe was their cosmos, and tribal patriotism their highest altruism. Each thought and acted as a tribal unit in the enlargement of one tribe, or the preservation of another, the stimulus of which was varied by the excitement of hunting and the chase; but now the only variety in the monotony of tribal life is an occasional faction fight, which, by the way, our Courts take much too seriously. Such as they were, these things filled their lives, and bounded their aspirations: but all this has been changed, and the hunter and warrior of yesterday is too often expected to become the industrial unit of to-day. Having now no collective aim in life, without a ready and effectual means of expressing their opinions, the future uncertain, and, with the prospect of further burdens, need it excite surprise that the past, with its lingering trail of consciousness, should still influence their thoughts and reveal itself in a desire to return to old habits and modes of life? It is idle to expect a people to be raised to higher standards of thought and living, otherwise than by the slow process of evolution, the more so when it should be remembered the extent to which they proclaim their lack of imagination and initiation in the style of their dwellings, the poverty of their cultivation, deficiency in the power of computation, ignorance of letters and of the arts generally.

28. Is it to be wondered at then, as the evidence abundantly shows, that the more intelligent and reflective among the Natives so frequently drew comparisons between the consideration and treatment shown them in the pre-Responsible Government days, when the personal factor had sway, and what it is to-day when this element has been practically eliminated altogether? A system of Government which disregards natural laws, and leaves out of account the idiocracy of a people, is doomed to failure.

29. These remarks are intended to lead up to the suggestion that both the administrative and legislative sides of the Government should earnestly re-consider the whole scheme of Native administration. If this be delayed or neglected, the warning should be given that, without claiming the possession of predictive powers, the cumulative effect of the immense mass of evidence justifies the right to foretell, with reasonable accuracy, what the result of a refusal to adopt and apply alleviative measures will be, viz., continued discontent and distrust, and a possible further explosion of the pent up forces of disaffection. Relying upon the diagnosis which has been made, mere palliatives will not suffice, as the rill of discontentment to-day will, if not controlled, become the torrent of malcontentment to-morrow. We should not expect a race yet in its childhood to act in a manner befitting developed and matured humanity; hence their inclination to appeal to force rather than to reason for a redress of what they regard as their wrongs.

Principles of political science in Native Government.

Natives accustomed to personal rule.

Individual and tribal lives.

Elimination of personal factor in Native Government.

Necessity for alleviative measures, administrative and legislative.

Causes
of late
rebellion.

30. Although the discovery of the causes of the late Rebellion is not within the scope of this inquiry, it may be permitted to say that they were both material and psychological. It was primarily a revolt against restrictive conditions, assisted by a natural desire, common enough, as history shows, amongst subject races, to return to their own mode of tribal and family life. All their views of Government, its acts and omissions, benefits and defects, are largely coloured and shaped by the feudalistic traditions of their lives, which, by preventing the development of self-reliance and individual character, has taught them to regard their rulers as the only and natural sources of power, punishment, reward, and welfare. This explains why their attitude towards the Government has been one of alternating expectation and despair. The belief that the conditions they were finding intolerable were attributable in one way or another to Government action or inaction, explains why so little injury was done to private property during the late disturbances. Looking upon Government as the maker and enforcer of laws, the imposer and collector of taxes, the fountain of all authority, with its officers everywhere, they wonder why their family system is permitted to crumble to pieces, and their daughters go astray; why they are compelled, through the Courts, to pay heavy rents and usurious interest; to submit to the overbearing conduct of the Police, and to laws they were ignorant of, and in the making of which they had no voice. Yet all the time we were flattering ourselves that, by giving them peace, a stable Government, and a pure judiciary, we were doing our whole duty to and by them. We never stopped to think that our system had become too impersonal for the masses, or to see the pathos in a simple people looking for fatherly advice and assistance from a purely judicial officer, or longing to consult an exalted and virtually inaccessible Minister. The head of the Native Department has never been approachable by the multitude, while to the Chiefs he was accessible only to a limited extent, and in accordance with certain formalities. We live and move and think on different planes, and to make them contented and satisfied with our rule, our methods must be less artificial and complicated, and nearer the compass of their understanding.

Government
connected
with bene-
fits and
troubles.

Present
Native
system too
impersonal
for the
masses.

Revela-
tions of
Native
feeling.

31. The evidence contains what, to many will be deemed startling revelations of Native feeling. A few Natives went the length of saying that the days of Tshaka were to be preferred to the present; other regretted not knowing of a place where they could escape the white man's rule, and live as they liked. These exceptional utterances should not be passed over in silence because spoken by a few, as there is reason to believe they represent the thoughts of many. Fortunately, the public perception of the proper relationship of the two races is better and clearer than it was. With the enlargement of thought on the subject, it is being more and more realised that the ideas of Native management cannot be stereotyped, but must move concurrently with the trend of events, and the march of progress. We have been allowing philanthropy, on the one hand, and selfishness on the other, to run away with wisdom, and have been seeking to unduly hasten or divert the natural course of evolution. We have, with the best motives, bestowed upon them a large measure of personal liberty, which has only been accomplished by curtailing the power of the Chiefs, and removing most of the restraints suitable to their immature condition, but the result has been a misapplication of their freedom, to the detriment of their social system, which requires subjection to superiors. For the information of those persons who are apt to revile the people of this Colony for a supposed desire to deny the Natives the common rights of mankind, the following particulars may be noted in passing regarding their position or standing in the State. Legal status may be somewhat difficult of definition, but, in the case of Natives, the civil rights they enjoy, and which have been confirmed to them by law, compare very favourably with those possessed by Europeans. For instance, the European can only sue or be sued in the Colonial Courts, while, to the Native, both his own Courts and the Colonial are open. He can, equally with others, possess movable and immovable property, and if, for his own good, he is restricted in the use of liquor, firearms, and franchise, he enjoys a much wider connubial experience than the European.

Elasticity
of Native
manage-
ment
essential.

Civil status
of Natives.

Points
of diver-
gence.

32. However close divergent races may be drawn together, there is always some point where they cease to understand each other; but, if recent events have taught us anything, a mere study of Native character and aspirations is less to the purpose than the clearer perception which we have gained of defects in our system of administration. As wisdom has been shown in the preservation of their own civil laws in a modified form, political sagacity requires that the same course

should be followed in determining the form of civil administration best calculated to secure peace, order, and individual improvement, and most suitable to their national character. Personal rule supplies the keynote of successful Native control, to the exclusion of a mere bureaucratic system of administration, or the frigid and rigid operation of positive law. New conceptions work slowly. Still, it may be asked, with all deference, whether Parliament is the best qualified body to make laws by which almost every act of these people is to be governed. It is apparent to all who understand the situation, that the Natives are being over-administered, and that they are ignorant of many of the laws which affect themselves.

Personal rule the keynote of successful Native control.

33. Parliament, in 1891, retracted the power it vested in 1887 in the Administration of the country, and has, since then, enacted all laws affecting the Natives, not only of a general character, but also those regulating their relations with each other. Considering its origin and composition, Parliament stands virtually in the relationship of an oligarchy to the Natives, and, naturally, it studies more the interests of the constituencies to which the members owe their position, than to those who had no voice in their election, more particularly when the interests of the represented conflict with those of the unrepresented.

Parliament an oligarchy to the Natives.

34. There is here presented a striking syncretism, which cannot be approved by either political science or philosophic thought; and the continued attempt to blend irreconcilable principles and interests through such a body, must inevitably fail in gaining security or giving satisfaction. The need for an approach to some simple yet effective form of personal control, as what the Natives best comprehend, and what their natural propensities and habits require, has been commented on by several witnesses. The following extract bearing on the point is taken from the statement of one of our most intelligent and thoughtful Magistrates:—

Failure to recognize principles

“Uniformity in administrative principles should be specially aimed at. The treatment of Natives in general must be of an autocratic nature. The masses are scarcely out of their childhood, and a certain amount of strict discipline is as essential to their well-being as it is to the well-being of any body, scholastic or other, under special government. Fair dealing and absolute justice under the tight rein of severity for wrong-doing, yet withal a sympathetic hearing where there is a grievance, and an unqualified right to have that grievance patiently listened to, are among the elements necessary for the good government of the Natives.”

35. The administration of Native Affairs must, if it is to be successful, have a self-contained constitution of its own, based on the autocratic principle of control. Seemingly, it cannot be reiterated too often that the form of Government which we have devised and evolved for ourselves, throughout many centuries, cannot be coordinated to a people so widely different. Races so divergent, if ruled alike, must draw apart and become antagonistic, unless one party greatly predominates, and forces the weaker into submission. Wisdom and justice point to a better way, the natural and scientific as opposed to the theoretical and artificial. A recent writer has aptly said:

Native administration to have a self-contained Constitution.

“Equality results not from artificial restraints, but springs from likeness in essentials, and a political system which works admirably when applied to homogeneous equals results only in chaos when generalised into a nostrum and administered universally.”

These admirable words succinctly portray the natural consequences of precipitancy or similarity of treatment, and, being based on experience, should serve as a warning against the fundamental error of ruling radically divergent races alike. The same writer goes on to say:

“It has been demonstrated that the white and black races are opposites in many cardinal points. The one has a large frontal region of the brain, the other a larger posterior region; the one a great reasoner, the other eminently emotional; the one domineering but having great self-control, the other meek and submissive, but violent, and lacking in self-control when the passions are aroused.”

As legislation does not change the nature of things or alter the essence of national character, ethnological differences cannot be disregarded, and our methods must be re-adjusted upon a natural basis. Natural law is but the orderly sequence of cause and effect, and, except by following its lead, nature will not come to our aid.

Political system of control now more artificial than natural.

36. Too much has been expected from the Magistrates, in their relations with the people, and harsh words have frequently been uttered where they have failed to realise expectations. Their critics have been content to attribute failure solely to personal defects, without tracing it to its real source. Whatever their personal qualifications, Magistrates are only parts of a political system, which, as regards the Native, is more artificial than natural. They have come to regard them, not as their friends and protectors, but simply as the collectors of taxes, and the punishers of wrong-doers. In all their dealings with the Natives, they are trammelled and hedged in by law and rule, which allow no room for the display of those personal qualities of head and heart, which form the strongest bond between a foreign ruler, fitted for dominancy, and a dependent people. They cannot right wrongs without the formalities of legal proceedings, or even advise without committing themselves to opinions which may militate against their freedom of judgment as judicial officers. A system of Government which fails to cultivate sympathy, on the one hand, and loyalty, on the other, stands self-condemned, and should be replaced by another framed more on natural conditions and the habits and temperament of the people.

Restoration of confidence essential.

37. In conformity with this reasoning, and profiting by the experience of the past, it cannot be too strongly urged that a restoration of a feeling of confidence, as well as dependence, are essential elements in the future of the country. The sole way of attaining that end is by giving proof that the ruling race is much more concerned with improving than exploiting them. In many ways the Natives are, in a sense, but children, and should not only be protected from the inherent weaknesses of undeveloped humanity, but guided through the shoals and quicksands of the transition stage, to the higher and firmer ground of individualism, when, alone, they will be fitted to be ruled in the same manner as the higher race. But until that goal be reached, it is indispensable for the peace of the country, and for their own good, that the system of their Government should be an approximation to a benevolent despotism. Let it be shown that the Government acts as a benevolent and sympathetic father, and not as a complicated and distant machine, and the distrust and resentment which now exist will speedily be replaced by feelings of trust and mutuality of interest.

Government as a benevolent and sympathetic father.

Natives easy to govern.

38. Some, while agreeing that such aims are desirable, may say they are Utopian; others may describe them as both theoretical and impossible. Both of these conclusions will be wrong, as the object in view is not only practicable, but easy of accomplishment. These people are admitted by all competent judges to be wonderfully easy to govern, if only they are dealt with in the right way. Allegiance and dependence are amongst their most striking characteristics. These sentiments owe their existence to the patriarchal system, and are the product of close personal relationship and common interest. If we place over them sympathetic officers, wiser and better and more helpful than their own Chiefs, more fatherly than official, interesting themselves in their daily lives, not bound down by rigid rules, but acting as counsellors and protectors, these feelings of allegiance and dependence will, in time, be transferred to ourselves.

Native administrators to be more fatherly than official.

Frequent changing of officers misunderstood.

39. Sufficient has now been said to indicate that we have been moving too fast in our endeavour to impose an advanced political system upon a race yet in its infancy, clinging to the past, and fearful of the strange and unknown. But, before proceeding to outline the suggested scheme, it should be remarked that the movability of ruling officers, which is the chief feature of Responsible Government, not only passes their comprehension, but even excites their apprehension. They understand why the Governor, as representative of the Sovereign, should be changed, but it fills them with astonishment that Ministers should come and go without apparent reason. Not only do Ministers change, but their ideas of treatment vary also, and this raises suspicion, and engenders distrust. The seat and centre of authority should, therefore, be visible and permanent, accessible and helpful at all times and under all circumstances.

Centre and seat of authority to be visible and permanent. Parliament to grant a Charter to the administrative side of Government.

40. To obviate the disadvantages inherent in a political system which we may approve for ourselves, but which is not in its essentials adapted to a people yet under the patriarchal system, Parliament should be urged to grant a charter to the administrative side of the Government within such limits as will be indicated, enabling it more effectually to control and improve the Natives, much in the same way as a township can be better governed by a Municipality than by the central authority of the country. It is no part of this proposition to divorce Native

administration from the general government of the country, and the bogey cry of an *imperium in imperio* need not, therefore, be raised. Neither should it be denounced as visionary or empirical, for it can be supported by both experience and analogy. In addition to Municipalities, all Incorporated Societies control their own affairs, within the terms of their constitutions, and so does our own Railway Department, which is merely continued as an institution by Act of Parliament, but makes its own rules and regulations to carry on its own work. Reference might also be made to the British Army, which exists only by the will of the Legislature without interference in its internal economy.

41. Enough, therefore, has been advanced to show there is abundant precedent for the proposal, and, if any further statement be necessary, it will be sufficient to point out that the Legislature, by Law 44 of 1887, went far in the same direction, by delegating to the administrative side of the Government the codification of Native Law, and the preparation of rules relating to the Natives. Parliament, however, for some undisclosed reason, withdrew this power by Law 19 of 1891, since when all changes in purely Native Law have been made solely by the Legislature, a body which cannot claim to be specially equipped for the purpose. Moreover, all such changes have been introduced without any reference to the people themselves, who thus have just reason to complain that they are in ignorance of such laws—and, indeed, of many other enactments affecting themselves—until they are told to obey them, or punished for not obeying them. It is in this respect that Parliament may rightly be regarded as an oligarchy in its relationship to these people, notwithstanding all that has been and may be said about the general representation of the Natives being included in the special representation of the Europeans. To show how baseless such arguments are, it may safely be asserted that the Game Laws, the Pass Laws and the Morality Act, among others, would not have taken their present form, had Native opinion and feeling been fully understood and insisted upon in Parliament. It is partial and ill-considered legislation of this character which forces the Natives to seek some voice in the Councils of the State, the Christian Natives calling for it in Parliament; the others, in a less definite form.

42. Parliament should, therefore, not grudgingly or reluctantly, but in a broad and enlightened spirit, from an honest conviction of its necessity and wisdom entrust some of its own powers, formulated as a Constitution, to the Administration for the purpose of securing a more effective and progressive control over the Natives. In the Constitution, the powers and duties of the Governor as Supreme Chief should be clearly defined, in the performance of which, as the principal administrative officer, he should be free from the review or interference of any Court or person.

43. There should also be provision in this Charter for the creation of a Council or Board (Native Council or Advisory Board on Native Affairs), to which all important matters, including proposed legislation, should be referred for report. It should consist of seven members, nominated by the Governor in Council, four official and three non-official, one of each class retiring annually by rotation; the former to be selected from officers, such as Commissioners and Magistrates, and the latter from persons well acquainted with the Natives and their affairs, in whom they are likely to have confidence. With regard to the appointment of the unofficial member after the first year, there arose a difference of opinion among the Commissioners regarding the manner of his selection; some thinking that it should be by exempted Natives, to whom might be granted that measure of political enfranchisement and no more, other members deemed such a proposition illogical, seeing the exempted Native is not under Native Law, and also because this class of Native should in time be granted the Parliamentary Franchise, in a special form, to be hereafter explained.

44. Whatever acts, having the effect of law, which were initiated or approved by the Council, would be submitted to Parliament for ratification, in the same manner as provided by the Statute of 1887. The great advantage of such a Council would lie in its composition, all being experts in Native matters, and, through its official members, reliable exponents of Native views and feelings. It would be a safeguard against hasty, partial, or unjust legislation, and could be relied upon with confidence, both by Government and Parliament, to express Native opinion with accuracy and assurance. It is proposed that the Commissioners, whether members of the Board or not, should assemble the Chiefs and Headmen of their

Analogy
and
precedents

Former
powers
granted to
Adminis-
tration.

Native
representa-
tion a
baseless
argument.

Parliament
to delegate
some of its
powers to
the Adminis-
tration.

Creation
of an
Advisory
Board on
Native
Affairs.
Its compo-
sition.

Procedure.

respective districts at stated times, and as occasion may require, to discuss all matters, social, economical, political, or otherwise, affecting themselves, much in the same way as is customary amongst Native tribes.

Appointment of Commissioners.

Their duties and powers.

45. To proceed now to specifically notice the Commissioners, to whom reference has already been made. In the estimation of the Commission, they should be the principal, and not the subordinate, executive officers in any scheme of Native administration. It is not possible here to set out in detail what their duties should be, but, to make their office effective and operative in many ways, they should be entrusted with powers as large and wide as the needs of the people, in the capacity of advisers and protectors, and promoters of peace and progress in all directions. Whatever rules it may be necessary to frame for their guidance, care should be taken not to obscure or eliminate the personal factor of helpful humanity by the impersonal factor of mechanical injunction, but they should be clothed with discretion, ample enough in the hands of wise and capable officers, to meet all ordinary wants. Being more enlightened in the science of Government, and with a wider knowledge of human nature, they should be used to supplant the Chief in the estimation of their people, and thus gradually help with other agencies to break down the tribal system. One of their special duties should be to advise the Supreme Chief in the selection of Chiefs, and to supervise the acts of Chiefs in order to check maladministration or malpractices of any kind. They should also have a general supervisory power over Magistrates, on behalf of the Natives, without, however, possessing any direct judicial authority, it being feared that even with only an appellate jurisdiction, their mobility and usefulness as administrative officers might be impaired.

Magistrates.

46. To raise the calibre of the Magistrates, and enlarge their authority as administrative officers, would not meet the case. Even if the standard of their attainments were to be advanced, the subordination of the administrative to the judicial side of their office would seriously impair their usefulness, more so as almost everywhere, except in Zululand, they are now overburdened with purely judicial work. While there should be more Magistrates to overtake the ordinary work of the Country, it is the essence of the scheme that the principal directing and controlling officers should not be burdened with office work, but be free to carry out their duties amongst the people themselves. The Magistrates, as well as the Chiefs, should be considered as subordinate to, and deputies of, the Commissioners in purely administrative matters.

Title of Minister for Native Affairs.

Prime Minister as Ministerial head of the Native Department.

Secretary for Native Affairs.

Tribal system and Chiefs.

Its immediate abolition deprecated, but silent and gradual disintegration to be aimed at.

47. Another integrant of the scheme is the abandonment of the title of "Secretary for Native Affairs," as denoting one of the existing political officers of the Crown, and, in lieu thereof, the adoption of the title of "Minister for Native Affairs," to be invariably held by the Prime Minister. The too frequent appearance of the movable Minister at public assemblages of the Natives is deprecated. It has been thought politic in the past for them to proclaim their assumption of office by their presence, and to make public announcements of one kind or another. Shortly afterwards, they disappear, and the Natives, in their simplicity, wonder what crime they have committed that they should have vacated office. All this confusion and uncertainty leads to estrangement, and would, in a great measure, be avoided if it became the rule for the Prime Minister to become also the Ministerial head of the Native Department.

48. The title of the Under Secretary might be changed to that of Secretary for Native Affairs. This would avoid confusion, and could be done without any necessity to change the Constitution Act of 1893. This officer should also be Permanent Secretary to the Advisory Council.

49. There remains to be discussed the position which the Chiefs and the tribal system should occupy in the scheme which has been propounded. It is admitted by most competent judges that tribalism must for the present, and, indeed, for a long and uncertain period, remain as a necessary institution, and an indispensable component part of the government of the Natives. With a full confession of all its defects, political, moral, and social, and as a bar to individual progress, to attempt to sweep it away would be suicidal, and lead to worse evils than now surround it. Paradoxical as it may seem, it is proposed, concurrently with its maintenance, closer regulation and supervision, that means should be adopted for its silent and unobserved disintegration. It should be remembered that the growth of the system has been a natural process, and that organic development is equally necessary to its supersession and extinction. Tribes or portions of tribes are of

all dimensions—some are too large and others are too small, and their areas are scattered and ill-defined. Concentration is recommended, with some manageable standard of size.

50. To control the growing lawlessness of young men and women, Chiefs and kraal heads should be entrusted with more authority in the direction of securing social order and the maintenance of discipline amongst their people. The loosening of the family tie fills husbands and fathers with alarm, and the fabric of their social system is disappearing before the inroads of misapplied and abused personal liberty. Social evolution in relation to these people is a question that demands much more encouragement by Government than it has received in the past, because, apart from its manifest advantage to the individual, it is a political engine of the highest importance in reducing the power of the Chief, and consequently achieving the disintegration of the tribal system. As they become fitted by character, education, and intelligence, they should be encouraged to dissociate themselves from tribalism by every agency and means that can be devised for their welfare, so that the system will gradually disappear, more by internal force than by external law.

Increased authority of Chiefs and kraal heads in social matters. Social evolution.

51. It will be helpful if some of the agencies for the accomplishment of this end be enumerated, viz., the spread of education and industrial habits; exemption from Native Law; the greater utilisation of Mission Reserves, with a view to an advancement of the Natives; establishment of communal settlements in locations, to be controlled by village councils; conditional titles to land on Mission Reserves and Location settlements; encouragement to become permanent resident servants, and their emancipation from the power of the Chief; the establishment of locations in connection with towns under Municipal direction; the use of the office of Native Commissioner for supplanting the authority of the Chief, and, as a moral agency, for the elevation of the people. By these and other means the fetters of tribalism will be loosened, and the system perish by natural decay.

Agencies suggested for bringing about the decay of tribalism.

52. In order to understand more fully the proposed policy for the future government of the Natives, a recapitulation of its leading features will now be given:—

(I.) SUPREME CHIEF.

This office to be retained by the Governor, as heretofore, with clearly defined and enlarged powers, including punishment by fine, imprisonment, deportation, and transportation, for enforcing the administrative duties of his office, with provision to appoint and dismiss Chiefs, and to hold Courts or inquiries, and to delegate his powers to others. Decisions involving deposition or deportation should not be arrived at on papers, as has been the case, but only after full inquiry or trial. The Bill intended to be introduced into Parliament last year contained many approved alterations affecting this office.

Supreme Chief's powers.

(II.) COUNCIL FOR NATIVE AFFAIRS.

To be composed of four official and three non-official members, to be appointed by the Governor in Council, one of each to retire annually by rotation. Its functions would be to revise the existing Code of Native Law; frame rules and regulations for the guidance of administrative officers; report upon the appointment of Magistrates and other administrative officers; the occupation of Locations, the management of Mission Reserves and communal settlements, and other cognate subjects; report upon contemplated legislation affecting the Natives; and consider all other matters referred to it by Government. To give it a definite and assigned position, it should be created by Act of Parliament in the suggested Charter, wherein its powers would find expression. Its Secretary should be the proposed Secretary for Native Affairs.

Native Council, its constitution and duties.

(III.) NATIVE COMMISSIONERS.

At least four of such officers should be appointed for the Colony, including Zululand, all of equal rank. They should be appointed in the same way as other principal Government officers, and be answerable direct to the Prime Minister, with whom they should, as a matter of routine, communicate through the Secretary. To what has already been said, indicating the wide scope and supreme importance of their office, it should be added that they constitute, in the Commission's opinion, the leading feature in the proposed scheme of Native policy.

Native Commissioners, a leading feature in proposed policy.

(IV.) MAGISTRATES.

Increase
of Magis-
trates.

The number of these officers should be increased by the sub-division of the larger existing divisions, regard always being had in their allocation to distance and population. It has been deemed advisable that their present limited administrative powers should be retained, and that they might, without any derogation of their office, be used, as occasion required, as deputies or assistants of the Commissioners. There is no suggestion that their judicial functions should be curtailed or interfered with, or that, in this respect, they should be under the review, in the ordinary legal sense, of the Commissioners.

Magistrates
as deputies
of the Com-
missioners.

(V.) CHIEFS.

Chiefs as
peace
officers.

The heads of tribes should be regarded more as peace officers, and be held responsible for the preservation of peace and order within their respective tribes or wards. If their jurisdiction were territorial, rather than personal, a means would thereby be created of weakening allegiance to the hereditary head of the clan. They should be chosen with regard to personal fitness as well as by virtue of descent, and be deposed for unfitness or malpractices of any kind. They should have power to check and punish for petty crimes, such as theft or assault, and for offences against decency and social order. They should be authorised to order moderate birchings in public as a judicial sentence, and impose fines up to £5 or its equivalent in property, but all fines should be reported to the Magistrate of the Division, who should be empowered to review, record, and allocate the same within assigned proportions between the Chief and the Treasury. All of them should receive letters of appointment in English and Zulu, defining their duties, powers, and obligations, and they should be formally installed in their offices by the Native Commissioner, or even, if found desirable, by the Supreme Chief in person. Their duties would be regulated by rules approved by the Council for Native Affairs, as also would those of the Commissioners and Magistrates.

Selected
for
personal
fitness.

Fines
imposed by
Chiefs to
be reported
to and
allocated
by
Magistrate.

(VI.) LOCATION AND MISSION RESERVE INSPECTORS.

Location
Inspectors,
their
duties.

As active agents, their duties should (acting in conjunction with Chiefs and others) include the closer settlement of all Native areas; the encouragement of better methods of agriculture; the rectification of boundaries and disposal of disputes; the allocation of lands for cultivation and grazing; the conservation of water and the sinking of wells; and other matters appertaining to their office, in conformity with simple rules for their guidance and in subjection to their superior officers.

53. Having delineated, with some detail, the organisation of the necessary civil establishments for the efficient control of the Natives, and, at the same time, leaving no room for the accusation of indulging more in destructive, rather than constructive criticism, it is now proposed to describe with some degree of definitiveness the objectives which should stamp and characterize the future policy of the Government.

Locations
to carry a
larger
population.

No further
alienation
of land in
Zululand.

Exemption
from
Native
Law.

Village
settle-
ments and
land

tenure,
Conditional
titles in
Mission
Reserves.

- (a) The preparation of the Locations in Natal and the Reserves in Zululand for carrying a much larger population, in order to relieve the congestion upon private lands, and eventually to confine the tribal system and the operation of Native Law to those areas.
- (b) The cessation of further alienation of land in Zululand, and the strict reservation of all Locations and Reserves for Native occupation, with ample provision for the introduction of civilising and elevating agencies therein.
- (c) Generously conceived and sagaciously executed means of escape from Native Law and tribalism, by special exemptions, and the better utilisation of Mission Reserves and the establishment of Village Settlements, under an inceptive form of self-government (including local taxation), and the issue of conditional titles thereon, to secure fixity of tenure and beneficial occupation, especially cultivation.
- (d) The issue of conditional titles in the already established Mission Reserves, concurrently with an attempt to secure the surrender or purchase of the practically free titles already granted for portions of such lands.

- (e) Encouragement to adopt the calling of farm servant or agricultural labourer, as opposed to mere tenancy, and, as such, escaping the rule of the Chief and the payment of Hut Tax, under certain conditions. Encouragement to Natives to become farm servants.
- (f) The promotion by precept, example, and experiment of agriculture, and the consequent diminution of the importance attached to pastoral pursuits. Improved agricultural methods.
- (g) The spread of education up to, but not beyond their own growing needs, and a knowledge of the value of industry and labour. Education and industry. The Native as tenant.

54. One school of politics advocates complete interspersion, including the subdivision of Locations into farms, as a panacea against the evils of tribalism, but, to apply this doctrine effectively, squatters on farms must be limited to labour requirements, placed under a modified serfdom, and reduced to the level of retainers. This, undoubtedly, minimises conflict of interest, furnishes control, and secures the supremacy of the landlord's position by bringing the tenant under his direction to the exclusion of the Chief. Other States have adopted this plan of interspersion, leaving the neglected remainder to follow the tribal organisation in remote reserves, or on lands unfitted for European occupation. To them, this was the Alpha and Omega of Native Government, and it, undoubtedly, had the merit of a measure of success. The underlying principle of such action was repression, ending in passivity and submission, the antithesis of the nobler course which generates trust and develops contentment. But even if the policy pursued elsewhere were in consonance with our ideas, tribal rule has become too general and hardened to admit of violent change, and attention must accordingly be centred upon present conditions.

55. The way must be opened for them to congregate in the Locations, where they should be strictly supervised, induced to become better cultivators, and be influenced by the direct application of civilising agencies. The visible leaders in these reformatory agencies would be the Official, the Missionary, the Medical man, and the Teacher, each, in his own sphere, helping to raise the standards of thought and life, and preparing them to forsake the trammels of tribalism, and enter by progressive stages into the higher status of individualism. Civilising agencies in Locations.

56. The Locations should be the home of the ejected farm tenant, of whom an increasing yearly number may be anticipated. The avenues for emancipation from tribal rule should be well arranged and understood, and outside exemption from Native Law should lead, in material things, to the Mission Reserve, the village settlement, and farm service. The granting of unconditional titles anywhere, and especially to those under tribal control, and following polygamy and other Native customs, is strongly condemned. On the other hand, conditional titles in specified areas, such as Mission Reserves, and the suggested village settlements, are strongly advocated, and should have their place in any progressive scheme of Native management. Unconditional ownership of land condemned. Conditional titles in specified areas advocated.

57. Even if Government is not prepared to give effect to the recommendations for the gradual restriction of a modified tribal rule to Locations, and its slow extinction there by material agencies and subtle forces of personal enlightenment, these areas must be regarded as safety valves for the pressure upon private lands, and be prepared to carry a much larger population. A beginning should be made in Natal, and thereafter extended to Zululand. Locations an outlet for surplus population.

58. The task of reconstructing our Native policy requires courage as well as knowledge, mingled with a sympathy which should be more shrewd than sentimental. The Commission would fain hope that it is laying down the foundations of the new edifice, but the raising of the superstructure must depend upon the courage and capacity to be found elsewhere. There is no room for self-congratulation in this. We must move with the age by drawing upon the stores of experience, the stream of progress ever demanding the rejection of old ideas, and the adoption of new methods. Courage and sympathy needed in re-constructing future policy.

59. An endeavour will now be made, in reliance upon the insight gained, and in harmony with the preceding conclusions, to return answers to the special subjects named in the order of reference. The recommendations will be confined to enunciating general principles, avoiding details as far as possible.

(1) *Definition of the word "Native."*

60. A definition has been attempted, in one way or another, by some seven or eight statutes, with a resultant conflict of opinions and confusion of ideas as to what Definition of the word "Native."

persons or classes fall within the definitions given. The object of these attempts has been to declare not only those who are subject to Native Law, but also those, who, being without the domain of that Law, have been placed under certain restrictions in the use of liquor, the possession of firearms, and the exercise of the Parliamentary franchise. The question is, therefore, not without its difficulties as racial, legal, personal, and political considerations are involved. Its bearing upon those who should and should not come within the operation of Native Law has received the most attention, and it was resolved to recommend that only those who are, racially and of full consanguinity, connected with some African tribe following the tribal system, accepting polygamy and the rule of a Chief, or any one of these customs or conditions of life, should be placed under Native Law. This proposition is intended to be far reaching in its effects, as it not only affords a clearer exposition of the term than any others which have been attempted, but it is expressly designed to release that large body of intelligent and respectable persons known as the "half-castes" from the operation of this law, and from which they have been desirous of freeing themselves for years. As a rule, they are monogamists, and conform their lives to civilised usages, and their aspirations, notwithstanding many drawbacks, are impressively towards the legal position of their "white father," objecting to their being thrust down to the level of their "black mother." The exceptions to the general emancipation of this class would be the few who, with the sanction of Native Law under which they have been living, have contracted polygamous marriages. These being known could, if necessary, be registered as exceptions to the general liberation of the rest. There are already a considerable number of this class who are the offspring of lawful marriage, and these associate with the majority who have sprung from irregular or unknown unions. The foregoing remarks apply more particularly to the majority whose position is most anomalous. Contemned by the European, and distrusted by the Native, moral duty and political expediency alike demand that the representations which appear in the evidence should be generously entertained. To give effect to this recommendation would be a simple, yet skilful, diplomatic move, and it would not injure the community if they were also freed from the disabilities regarding the use of liquor and firearms. A considerable number of them have for years, rightly or wrongly, been on the Voters' Rolls, a fact that intensifies the confusion regarding their exact legal status. There are many members of the same mixed origin from the Cape Colony, Mauritius, and St. Helena, who have never been deemed in any sense to be under Native Law, and it is strongly urged that the time has come when all who attune their lives according to those of the dominant race should live under the same laws, and exercise the same privileges. In laws imposing disabilities, the classes intended to be brought within their operation should be specifically named, without attempting therein to define the term "Native."

Suggested definition.

Exclusion of Half-castes from proposed definition.

Present anomalous position of Half-castes.

(2) *The Amendment of the Code of Native Law and its Extension to the Province of Zululand.*

61. As already observed, all purely Native Law should be prepared or approved by the Council for Native Affairs after the views of the Natives thereon have been ascertained by and through the Commissioners and Magistrates. That there is need for amendment is abundantly established by the evidence. Very great stress was laid by the Natives themselves on the urgent necessity for affording relief in the recovery of unsatisfied considerations upon marriage (lobolo). Since the ravages by Rinderpest (1897-1898) amongst their cattle, and more recently by East Coast Fever, there have been insurmountable difficulties for prospective husbands in procuring the requisite number of cattle, resulting in much irregularity and immorality, jeopardising family relations, and proving detrimental to social order in general. The total disregard of Native feeling and morals, for so long, cannot but excite surprise, and supplies a forcible illustration of the wisdom of more sympathetic treatment, and the necessity for some means, more prompt than ordinary Parliamentary action, to grant relief or change a custom. The Code of 1891, when cattle were abundant, provided for the transfer of the agreed consideration before marriage, and barred all such actions after a fixed date, but circumstances have so altered since then, and as no such embargo exists in Zululand, the necessity for relief has been shown. The form that this should take, not being without its difficulties, and being essentially a matter closely affecting the Natives, should be

Recovery of lobolo.

left for the decision of the Council for Native Affairs in the manner already described.

62. The powers of the Governor, in his capacity as Supreme Chief, are defined in the Code. As to which particular enactment these should best appear in, it is suggested they would more appropriately find a place in the Charter or Constitution already referred to, providing for the government of the Natives.

Powers of the Governor as Supreme Chief.

63. A study of the Code by experts will, in the light of the experience gained of its working, and of the changed circumstances of the Natives, doubtless lead to several alterations, which need not be detailed here. There was an almost unanimous expression of opinion by Magistrates and others that there should be a Code, and, that to secure uniformity, it should have the force of law, and be extended to Zululand.

Codification of Native law and its extension to Zululand.

(3) *Exemption of Natives from the Operation of Native Law.*

64. The principle of exemption is not only advocated as favourable to the individual, but as one of the most powerful political devices for the disintegration of tribalism. The Commission is of opinion that the standard for acquiring the privilege should not be exacting: a reasonable degree of learning, such as reading and writing, either in English or Zulu, good character, and conformity to civilised customs, [would] be all that should be necessary: and, further, that the benefits conferred should descend to children. The opinion is also expressed that exemption should be granted by operation of law and not depend upon the will of an official, that is, the legal tests should be plain, official interference determining only whether the required standard had been reached. The exempted Natives feel very strongly the position in which children born subsequent to the issue of their parents' Letters have been placed by recent decisions of the Courts, and there is much force in their plea for uniformity in the family. There was some divergence of opinion amongst witnesses with respect to the withdrawal of the certificate of exemption, for any criminal act or for reversion to Native life and custom. After consideration, it appeared to the Commission that Letters should only be revoked for fraud in their obtaining, leaving the offender, upon conviction for any other crime, alone answerable by ordinary judicial sentence. To avoid the implication of innocent wives and children, the punishment for any crime (save the fraud mentioned) should be personal to the offender.

Exemption as a device for the disintegration of tribalism, Qualification for exemption. Children of exempted parents.

Revocation of exemption.

65. As already mentioned, the Commission differed with respect to the expediency of allowing the franchise in any form to any class of Natives. The minority (Sir T. K. Murray, Mr. Birkenstock, and the Rev. J. Scott) were of opinion that the exempted Natives, possessing certain personal qualifications, might be granted the right to elect annually one of the non-official members of the proposed Council for Native Affairs, and be confined to that mode of electoral privilege and representation. The majority of the Commission contended that the exempted Native should be permitted individually to qualify for the Parliamentary franchise by means of education and the possession of landed property or income, and by a system of registration based upon compliance with certain tests, have their names entered upon a special electoral roll, applicable to the whole Colony; also that the Colony should constitute one electoral district, to return one up to three members (the maximum), upon a defined numerical basis, to be fixed by Parliament. Such member, or members, to be selected by ballot from European candidates, nominated by the Governor in Council. They would be members for the Colony, and, although specially representing the exempted class, would be competent to express the views of the whole body of educated Natives. The opinions of the Kraal Natives would find satisfactory expression through the Commissioners and Council for Native Affairs, by whom they would be adequately protected and represented. It was deemed sufficient to submit these views for consideration without argument one way or the other.

Native franchise.

Native representation.

66. Objections may be raised to the consideration of this question on the grounds that it is not expressly referred to in the agenda. This is the case, but it, nevertheless, falls within the terms of Item No. 16 of the References, as do many other representations and grievances, and it is mentioned now for the sake of convenience. Not one of the many educated and exempted Natives, who expressed themselves very strongly upon the question of direct Parliamentary representation, suggested that one of their own race should be their member. Their readiness to be represented by selection from nominations made on their behalf was an exhibition

Natives desire to be represented by Europeans.

of moderation, political wisdom, and confidence in the European, which was highly commendable.

(4) *The Marriage of Natives amongst themselves, and with others than Natives by Christian Rites.*

Marriages by Christian rites. The issue of Christian marriages.

67. Marriage between Natives by Christian rites should be more fostered and promoted than it has been, by removing some hindrances to it, viz., by enabling a licence to be issued in the Magisterial district of the bridegroom as well as of the bride, and by permitting a marriage already held under Native Law to be celebrated and registered as a monogamous or Christian marriage. The provision in Law 46, 1887, that the children of Christian marriages can only lawfully contract similar marriages, is not approved of, and should be withdrawn, it being deemed sufficient that they should stand in the same relation to marriage, its kind and form, as their parents did, and exercise a free choice thereon. Christian marriage of itself simply leaves the parties under the same law as it found them, and the obligations entered into by them should not bind the children.

Mixed Marriages.

68. In the proposed Bill, submitted to the Commission on this subject, it is intended to make void future marriages between Natives and persons of other races. While most strongly deprecating marriage between Natives and persons of other races, especially Europeans, the proposal to forbid wedlock by law is not concurred in. Fortunately, there are few of such unions, and their numbers are unlikely to be seriously increased, for reasons more or less patent, and which need not be entered upon. Society marks its aversion very severely by ostracising the delinquents, and, if it be considered proper for the State to notice such undesirable unions, it might be confined to the deprivation of some civic right, such as the loss of the franchise, but even this is not recommended.

Illicit intercourse.

69. The forms of sexual relations which, however, do most urgently require to be forbidden by law are concubinage and indiscriminate intercourse, especially between whites and blacks. No nation can tolerate members of an alien race tampering with their women, and nothing is more calculated than the debauchment of their girls to stretch the endurance of even the most submissive people to the breaking point. The evidence teems with references to this unpalatable subject, the cumulative effect of which cannot be disavowed or ignored. It constitutes one of their principal grievances, and was emphasised by them, with an intensity of purpose and warmth of feeling, which showed the extent of the evil, and its resultant injury to themselves. Moreover, the mischief is not confined to the Natives. It is recoiling upon the race most guilty of such practices, especially in the direction of concubinage. We are distinctly losing in moral reputation, and, at the same time, producing a harvest of legal, social, and political problems by an ever increasing number of bastards. Leaders of thought on the question of sexual intercourse between diverse races, especially the woolly and straight-haired, find there is something deeper in racial antagonism than individual prejudice or selfishness. Such a high authority as the late Mr. Herbert Spencer denounced the marriage of divergent races, declaring the question a—

“biological one, and that, especially in the second generation, the result would be an incalculable mixture of traits and a chaotic constitution.”

Chief offenders. Excision of evil a positive duty.

70. The evidence all too clearly shows who, in the estimation of the Natives, are the chief offenders, and it is not only in the power of the Government, but a positive duty, to begin by some immediate administrative act to excise this evil, which, like a canker, is insidiously destroying our reputation for morality and equity. The Morality Act imposes severe imprisonment upon Native men going with white women, who also may be penalised, but avoids the converse, and they do think, and frequently say, in reference to this law, with telling scorn, “If your men may, with impunity, go with ours, why may not we go with yours?” One old native, in vehement and passionate language, suiting gesture to word with dramatic effect, asked: “What were these white things which their girls were bringing home on their backs in such numbers? What did the Government mean by allowing their girls to bear so many white children? Did they want to breed mule drivers?” In allusion to the fact that men of mixed race invariably drive Government conveyances. Native Law and practice sanction the penalising of, and the reparation for, illicit intercourse among themselves, and these methods have been confirmed

and enlarged by the Code by the addition of imprisonment and flogging. Here are substantial grounds for discontent and resentment, and, as proofs of solicitude for their welfare are wanted for their satisfaction, suitable measures should be adopted for penalising these acts by whomsoever committed. The only exception which should be made should be those of settled concubinage, where, if there are children, and, in their interest only, registration of the existing arrangement, within a certain time after the passing of the law, should be required, in order to escape the penalty.

Registration of certain cases of concubinage.

(5) *Acts relating to Identification and other Passes.*

71. The practical utility of the Identification Pass Act and its Regulations has had few vindicators. Except from landlords, as giving them some hold over their tenant-servants, they received but a dubious support, while others asserted the failure to adequately attain the objects desired, their requirements in the country and smaller towns being generally unobserved. The issue of the passes is without charge, and entails an immense amount of work at the Magistrates' Offices, particularly when renewals, at the small fee of 1s., are sought. The advantages of the system are said to be the tracing of absconding servants, and, in a lesser degree, criminals. To counterbalance these benefits, are the additional labour developing upon officials; the obstruction put in the way of labour supply; the loss, interchange, loan, and theft of passes; and the fact that very many instances of employment occur without the pass, and the question arises, Is the gain worth all the labour and worry involved? The Act should be repealed, and, if personal identity be deemed essential when employing servants, some better system devised than a perishable bit of paper and an imperfect description.

Identification Pass Act.

Repeal of Act in favour of a better system.

72. Some improvement is suggested in the present form of "Outward" and "Inward" passes, by restricting them to one visit for a reasonable time up to one year, and also removing some ambiguity therein, but all regulations relating to such passes should be framed upon concurrent action by all the neighbouring Colonies.

Inter-Colonial action in regard to outward and inward passes.

73. Cattle Driving Passes, from the evidence, seemed to have played a part in reducing stock thefts, but even with them improvements are recommended, as, for instance, in providing greater facilities for the Natives to obtain them, increasing the distance where they are now not necessary, withdrawing the obligation altogether within locations and other Native areas, and allowing the permission to the Chief of each ward or district to take the place of the pass. If the annual ownership certificates for horses are to be retained, the same rule should be extended to Zululand, but, whatever their effect may be in checking the theft of horses, it must be remembered that their legal necessity is very harassing to the Natives.

Increased facilities for obtaining cattle driving passes. Cattle driving passes in locations unnecessary.

Ownership certificates harassing.

(6) *Contracts between Native Tenants and their Landlords.*

74. Outside the purely Native aspect of the various questions, this item forms, for several reasons, the crux of the inquiry. It is in respect of the ownership and occupation of the land that the conflict of interest becomes the most acute and penetrating. When land was abundant and sparsely populated, there was no difficulty in finding room for natural increase, and for the multitude of refugees who flocked into the Colony for safety. At first, squatting on farms only entailed an obligation to render service, but, as numbers increased beyond the requirements of the farmer, a small rent per hut was imposed, and from such inchoate beginnings there have sprung the present unsatisfactory relations between landlord and tenant, owing mainly to increase in rents, and also to the frequency of ejectment. It is not an over-statement of the case to say that the position contains the germs of much unrest, and, by reason of its immensity and importance, warrants and demands the intervention of the State. As land becomes more in request, the Native, either unable to meet the increased rent, or to adjust himself to new conditions, has to go, and it is just here that the crisis will be found. If land were abundant, it would not much matter, but with Locations full, according to present wasteful methods of occupation, where are they to go? In all this there has been a lamentable lack of administrative forethought in allowing indiscriminate squatting on Crown Lands, and in failing to provide for other sites when these lands were sold. Even to this day, it is not thought incumbent upon any official, when Crown lands are sold, to notify to the Government-paying tenants thereon that owner-

Native land tenure.

Relations between landlords and tenants.

Indiscriminate squatting on Crown Lands.

ship has passed, and their obligations been transferred elsewhere. Such things cannot adjust themselves on equal terms with unequal races. Under the tribal system, the duty to find land devolved upon the Chief, and shortage of land was rectified in primitive times in violent ways. But all that is now past, and Government does not take the place of the Chief in finding sites, the wanderer being left to do that for himself. Our exclusive and protective ideas which surround the ownership of land, are the opposite of theirs, which ignore personal title and recognise only a right of occupation. An Ordinance passed in the year 1855 attempted to limit the number of squatters on private lands, but long since its provisions have fallen into desuetude, and it has become a dead letter. Considerably more than half the Natives of the Colony are living on private lands, distributed between the farms of the resident owner and the absent proprietor, and, to a much less extent, on properties held in freehold by the Natives themselves, who are just as ready as the European owner to claim rent. On the occupied farms they live under different conditions, to pay rent, to render service, or to do both, while on the unoccupied farms, the rule is to pay rent, and be free to dispose of their labour. Contrast has been drawn between the shabby hut and squalid surroundings of kraals on farms as compared with those on Locations. This is to be attributed chiefly to uncertainty of tenure, and constant liability to ejection.

Native ideas of ownership of land.

The Squatters Law a dead letter.

Half the Natives of Natal on private lands.

Conditions of tenancy.

Insecurity of tenure.

Recommendations.

75. After much deliberation upon this question, it was agreed to recommend:—

- (a) That there be only two distinct classes of farm occupants recognised by law, viz., the servant and the tenant, the former paying no rent.
- (b) That those classified as servants be registered in the Magistrate's Office, and their numbers limited to the requirements of the owner for labour.
- (c) That the number of the tenant class be not restricted by law, but left to the will of the landlord. This class to be free to dispose of their labour.
- (d) That the number of tenants (huts) on farms, where there is no resident European, be limited in the meantime, with the aim eventually of causing this description of tenancy, known as "kafir-farming," to cease altogether.
- (e) That where rents demanded from tenants exceed £2 per hut per annum, the conditions of the tenancy be registered in the Magistrate's Office, and, in case of dispute, adjusted by the Magistrate, after consideration of all the circumstances of the case.
- (f) That in cases of dispute regarding rents exceeding £2, a reasonable time up to two years may be granted by the Court to tenants in which to make fresh arrangements before proceeding to ejection.
- (g) To make it easier for tenants to pay rents, the year of occupation should end on 31st July (instead of as at present, 30th June), when crops will be fully harvested.

Servants.

Tenants.

Rents.

Termination of year of occupation.

76. Apart from their fickle and inconstant service, and their natural aversion to work (labour being a burden to the natural man), there are far too many of them, having regard to the closer cultivation and occupation of farms by Europeans, to be domiciled on private lands, where Governmental control cannot be applied in all directions. To use a familiar phrase, the Natives on the farms of absentee landowners are "getting out of hand," while exactions for rent neutralise the contentment which naturally springs from freedom. These rents, as has been remarked, have a tendency to increase, and are sometimes swelled by additional impositions for increase of stock and use of ploughs, until they are beyond their means readily to meet, when judged more by their disinclination, than by their physical capacity to work. The gospel of work is being continually preached, ostensibly for their benefit, but as much, if not more, from selfishness, forgetful of what should be patent, that the Native, like others, must first be taught to work for himself before he will work for others, and even then it will not exceed the measure of his needs.

Farms of absentee landowners.

Increase of rents.

Encouragement of the Native to become a farm servant.

77. The desideratum on occupied private farms is to encourage the settlement thereon of the Native as a farm servant or agricultural labourer, and not as a mere tenant, a phase of this intricate question which has already, although only to a limited extent, met with encouraging success. The splendid example set by the Newcastle Colliery in providing decent cottages for married Natives, and paying

them good wages, shows what can be done by studying mutuality of interest. Some landlords are disposed to give this a trial, seeing in it the rudiments of development, but Government aid and encouragement are wanted, first by public officers persuading the Natives to become regular agricultural labourers, and by showing a readiness to free them from taxation when giving themselves up to regular employment, and living with their wives on the employer's premises.

(7) *The Courts Act of 1898.*

78. This reference to the Commission is not self-explanatory. The Bill submitted does not call for any particular comment, and is, in general, approved. At one time, it was thought possible to replace the Native High Court by distributing the work now performed by it between the Magistrates, the Supreme Court, and the proposed Commissioners, the latter to have only a special civil appellate jurisdiction. On further consideration, it was decided that the important functions of the Commissioners, as Administrative Officers, ought not to be interfered with by holding a Court for the hearing of cases. At the same time, it was agreed to suggest that the Native High Court might very advantageously have its criminal jurisdiction added to by the inclusion of certain crimes, when committed by Natives, and which are now tried before a Jury. Then, again, it was felt that this Court was in a very special sense the Court of the Natives, and one to which they desire to appeal, and seeing they form the vast majority of the population, and live under their own system of law, custom, and usage, it is only ordinary consideration, and no more than what is right, that they be consulted regarding its abolition, should that at any time be seriously contemplated.

Native
High
Court.

Increased
criminal
jurisdiction.

79. As having a close connection with the Court, and, also, because of a provision in one of the proposed Bills to place certain restrictions against the appearance of lawyers in Native Civil Cases, attempts were made to gauge Native opinion on the subject. They did not go so far as one of Shakespeare's characters, and say, "Let us kill all the lawyers," but they did say frequently quite spontaneously, and with remarkable unanimity, as can be gathered from the evidence, that lawyers should be debarred from appearing in civil cases. The legal profession is a powerful profession, and can make its voice felt both in and out of Parliament, but, notwithstanding its power and its privileges, can the voice of the people chiefly interested be treated with disdain? The ethics of the bar, based on the subtleties of our own law and practice, are beyond the comprehension of these simple people, with the result that the profession, as a whole, bears an evil rather than a good reputation among them. They "fleece us and teach us lies" is one of their direct and forcible, yet humiliating, expressions towards some members of a profession which does so much to preserve its honour and dignity. As touching the personal aspect, it should not be overlooked that professional advocacy is something which has been imported for individual and private ends into Native juridical practice, to which it is wholly unknown. Natives have, consequently, a false conception of what the engagement of Counsel really means, it being a common belief among them that the payment of a lawyer's fee is something akin to the purchase of justice, and the higher the fee, the more likely they are to get what is being purchased. But, apart from all this, the customary and legitimate fees, for such services, are much beyond the means of these people, who have frequently to borrow the amount or dispose of property in order to meet such demands. Seeing, therefore, that Native feeling and opinion have been expressed so widely and so freely, it is recommended that effect be given to their wishes by excluding lawyers from appearing in Native civil cases in Magistrates' Courts, *pace* the majority report of the Native Suitors' Commission to the contrary.

Lawyers,
their
appearance
in Native
cases.

Native
unanimity.

Reputation
of legal
profession.

Native
miscon-
ception.

Counsel's
fees.

Exclusion
recom-
mended.

80. Against the debarment of lawyers from appearing in Native civil cases, it has been argued that their presence and intervention are necessary to protect suitors from the delays and inattention which, it is stated, they suffer from at Magistrates' Courts. Allowing that some ground exists for these allegations, it is believed that the creation of the new office of Commissioner, part of whose functions would be that of Adviser and Protector, will afford all the security needed against the irregularities and indifference which it is feared do occasionally mar the proceedings in Magistrates' Courts. But, apart from personalities, the complications and delays of our official and judicial methods of business, undoubtedly have a share in impelling Natives to seek costly assistance, notwithstanding the views generally held by them, and by many Europeans as well, to the contrary. They would be

Commis-
sioner as
Protector.

better—certainly “better off,” and would welcome with delight—if allowed ready access to a sympathetic and helpful official adviser; and it is just in critical positions like this where they are helpless to help themselves, that Government should show its fatherly interest by removing difficulties of our own creation from their way, and enable them more and more to be less dependent on others for the transaction of their own business.

(8) *The Limitation of Interest upon Money Lent to Natives.*

81. The information on this point revealed a lamentable condition of affairs, showing the extent to which cupidity can go in trading upon the weakness and necessities of others. In reliance upon this information, the provisions in the proposed Bill are generally approved. It seems to cover the most usual form of money-lending, viz., to secure labour, generally at a lower than market rate of wage, but if not so intended, it should extend to that also. “Sufficient unto the day is the evil thereof,” is a practical maxim of a Native’s character, and he is ready to promise anything to obtain a present advantage. The extent to which borrowing money is resorted to was a revelation, and the demoralising result both upon the lender and borrower, particularly the latter, even more so. One prominent witness gave it as his opinion that debts so contracted had much to do with the revolt, the Natives having become callous and indifferent, and seeing no other way of escape from the intolerable load of accumulating interest. Debts are also contracted in order to escape imprisonment, as the alternative of the non-payment of fines imposed by Magistrates, under conditions obviously to the disadvantage of the borrower. Such cases would not be so numerous if the fines imposed upon Natives were not so frequently beyond their means. It should be remembered that, speaking generally, they are a poor people, and even when possessed of property, coin does not form to any large extent one of their available assets. The Prison Reform Commission (*Gazette*, page 309, June, 1906), in discussing the principles which should guide Courts in awarding penalties used these words:—

“Apart from the offence, the income or earning power of the offender should, as a just and equitable principle, be taken into consideration when awarding a fine, in place of fixing it upon what is customary, or upon a mere arbitrary basis.”

These remarks are commended to the attention of Magistrates. In one case, it was stated that the Native agreed to work out the debt at 20s. a month, the interest on which alone amounted to 25s. a month. One shilling per pound per month, equalling sixty per cent. per annum, is quite an ordinary rate, while one hundred and fifty (2s. 6d. per £ per month), two hundred, and even higher percentages were by no means uncommon, and the business is so profitable that it is being reduced to a system, one rule of which is to put up with occasional losses, rather than sue, and thus endanger a reputation for readiness to help the Native when in need. The evidence shows that the time has arrived for strong measures to be adopted for suppressing this evil.

82. It is a debatable point which course is the more politic to follow, to regulate the practice of money-lending to Natives, or to prohibit it by making such claims irrecoverable at law. After consideration, it was agreed to submit the following resolutions on the subject:—

(a) That loans for interest should not be recoverable unless upon an attested written document; that, seeing free trade in money is established in the Colony, the rate of interest be the subject of contract, but that no higher rate than fifteen per cent. per annum (3d. per £ per month) be recovered upon any action, the Courts having power at the same time to inquire into all the circumstances of the loan;

(b) That every promissory note or other liquid document of debt should specify the amount borrowed, the rate of interest agreed, together with any other consideration given or to be given, and the date of repayment;

(c) That with regard to loans to secure labour, the terms of repayment to be the subject of contract, but, failure to implement the agreement,

Money lending to Natives.

To secure labour.

Money borrowed to pay fines.

Fines to be more in proportion to earning power of offender.

Rate of interest on money lent.

Strong measures recommended.

Recommendation.

Limitation of interest.

Principal and interest to be expressed in document.

Breaches of labour contract.

should not be enforceable under the Masters and Servants Act, but only by civil process;

- (d) That store-debts should not be recoverable against a kraal head, except when incurred personally, or by his authority. Store-debts.

(9) *Education: Industrial Training: the Ecclesiastical Control of Religious Activities.*

83. The educated Native has been very pronounced in his views regarding what appears to him, and to several of the missionaries as well, the comparatively small pecuniary support given by Government to further education. They ask very pertinently, Why is it that the Government has not erected school buildings for them, as has been done for the Indians? whom they refer to as aliens, while they are children of the soil. The Government is not at the present time engaged in directly educating the Natives, but only assisting the work by grants in aid, for the most part to or through Missionary Societies. Natives are leaving the Colony in search of education. This is not a desirable state of matters. To put a check on it, it is suggested that more liberal assistance be given to the training Institutions at present in existence, and that, so soon as funds permit, the Government establish a central training Institution, especially for teachers, where the sons of Chiefs and leading men may, if they so desire, get a plain education, and some training in industrial work. A considerable number of low grade schools are being established without Government supervision. These are coming into existence owing to the requirements of Government being out of proportion to the grants made. It is suggested, if the grants cannot be increased at the present time, the conditions governing grants should be modified to induce such schools to come under Government control. Education.
Education by Government of Indian and Native people compared.
Greater assistance suggested.
Central training Institution for sons of Chiefs and Teachers.
Unsuper-vised schools.

84. The following tables, for the year ending 30th June, 1906, show the cost to Government of Native Education as compared with that of other sections of the community, not including cost of administration, inspection, buildings, furniture, rents, and stationery:—

	Europeans.	Indians.	Natives.	Coloured (including Half-castes).	
Average enrolment	12,199	3,396	11,071	643	Comparative cost, &c., of education.
Average attendance	10,212	2,428	7,851	498	
Amount spent per head on average enrolment	£ s. d. 5 7 8½	£ s. d. 1 9 1½	s. d. 12 8½	£ s. d. 2 19 1	
Amount spent per head on average attendance	6 8 7½	2 0 8½	17 11	3 16 3½	

ACTUAL EXPENDITURE ON EDUCATION IN RELATION TO THE POPULATION DURING THE YEAR 1904.

	Population (including Zululand and the Northern Territories).	Total Amounts of Expenditure (including Administration, Inspection, &c.).	Percentage of Aggregate Expenditure.
		£ s. d.	
Europeans	97,109	84,677 7 5	85.75
Indians	100,918	4,490 10 1	4.54
Natives	904,041	7,573 14 3	7.68
Mixed (including Half-castes)	6,686	2,006 16 0	2.03
	1,108,754	98,748 7 9	100.00

Note.—1904 has been chosen, as the Census was taken that year.

85. Not being financially able to erect even a fair number of central schools, the aid of the various Missionary Societies is indispensable for the continuance of the work of education, and, having regard to the work already done, and to their Co-operation of Missionary Societies.

Creation of Board of Advice.

close and abiding connection with the cause, the formation of a small Board of Advice, upon which all the denominations might be directly or indirectly represented, is strongly recommended. This would be a graceful act of recognition of the services rendered by these Societies in the cause of education for so many years, and be helpful in the settlement of general principles and broad rules for the guidance of the Education Department. To effect this would not require more than one, or at the most, two meetings during the year. The Chairman and convener of the Board would be the Superintendent of Education or the Senior Inspector. As it is most desirable that the Native Department should be directly cognizant of all matters affecting the Natives, it would follow that the Department should have a voice in settling the Native educational policy of the Government, and it is accordingly recommended that an officer of that Department should have a seat on the proposed Advisory Board.

Native Department to have a voice in Native educational policy.

Training in Agriculture.

86. The improvement of agriculture will be generally admitted as a most important element in the education and advancement of the Natives. The Supervisors of Locations, who act under the Commissioners, should do all possible by precept and encouragement to induce Natives to undertake better methods, and endeavour to grow crops which they have not hitherto tried. The process will admittedly be slow and disappointments many, but effort should not cease. Attached to the residence of each Supervisor should be experimental plots as object lessons, in which the effects of manuring, deep ploughing, and systematic planting could be shown, and where new products could be tried. Prizes might also be given for the best huts and gardens, and the distribution of these rewards made the occasion of a visit by the Commissioner. It is also suggested that, at the same centres, there might be started in an inexpensive way, small industrial schools, in which the rudiments of such trades as would be useful to the people in their daily lives might be taught, sufficient to make them helpful at their homes, and of greater use to those, especially farmers, who might employ them. It is especially urged that such experiments should not be started on a large scale; show them the advantages of better methods and more technical skill, and then let the demand come from the people themselves. It has been before mentioned that the measure of their needs should be the measure of their education. It is not true wisdom to turn out a few highly skilled artisans, who, there is reason to think, would find a difficulty in getting suitable employment, but rather to raise the working status of the mass, and particularly to encourage by all means better methods of agriculture. Questions like these, and industrial training in general, which are acknowledged to be full of difficulty, would be proper to be discussed by the Board referred to.

Industrial schools.

Control of religious activities.

87. The remaining portion of this subject, the ecclesiastical control of religious activities, refers to the erection of buildings used for Divine Service at places in Locations where there is no resident Missionary. The Natal Native Trust laid it down that no such places should be erected or allowed to remain except a male Missionary be resident on the spot. The object of this condition was to provide for close supervision over Native Evangelists or Preachers, in order to check seditious teaching. A number of Preaching Stations were dismantled in consequence of the decision of the Trust. The Missionary Societies affected contended that, so long as the Native Ministers and Evangelists were duly accredited by, and connected with, any of the local Mission Churches, they were under sufficient supervision if visited periodically, and that the destruction of the buildings was in a measure helping the cause of Ethiopianism, against which the decree was really aimed. The Commission, after careful consideration of the case, both from papers and *viva voce* statement, is of opinion that the Trust was needlessly alarmed, and that the order should be withdrawn. Had the Trust been a body distinct from the Executive Council, simply a continuing administrative, and not a political body, subject to a frequent change of personnel and policy, the unfortunate incidents, resulting in destruction of property and seeming opposition to the preaching of the Gospel, would most probably not have occurred.

Government restrictions as regards mission work in Locations: withdrawal recommended.

(10) *Labour, and the relation of Landlord and Tenant, and other connected Questions.*

Tenant-service System.

88. The relation of landlord and tenant has been in some of its aspects discussed under paragraphs 74-77. Where a tenant is required to render service, either

in lieu of rent or in reduction thereof, the rate of wage is comparatively low, ranging from 3s. to 15s. a month, and generally for a period equal to six months out of the year. In a large proportion of cases, this service is not continuous, but intermittent, at the pleasure of the landlord, according to the exigencies of his operations. This description of agreement has the effect of locking up much labour, as the tenant can only leave the farm for short, and probably uncertain, periods, and at the will of the landlord. It would be an immense gain to the labour supply of the country, if the tenant-service system were replaced by an arrangement which would produce more reciprocity between Master and Servant. Several suggestions were submitted for alteration in the Masters and Servants Act, and such of them as can be recommended are now offered for acceptance. The process of Magistrates' Courts in connection with the arrest and trial of an absconding servant should be simplified in favour of the employer residing out of any town by not requiring his attendance to lay information, and again at the trial. Corrective authority of a parental character might be permitted farmers and others living at a distance from Magistracies with respect to juvenile Native servants. The form of corporal punishment allowed to Magistrates should be confined, as at present, to the use of a rod or cane, and a discretion should be allowed the Court as to the age when it might suitably be inflicted. The lash should not be used, and every endeavour should be made to keep offending servants out of gaol, and, where imprisonment is necessary, they should be more extensively employed in movable prisons upon the public roads.

Amendments of Masters and Servants Act.

Corporal punishment.

89. The time has arrived for Government, directly or indirectly, making or assisting in making arrangements for developing the labour possibilities of the Native. Nothing so elaborate as a series of schools of industry is here suggested, but simply the establishment of a system by which the Native will be able to go from his distant home to labour centres. It is his desire to do this that, often in the first instance, leads him into debt for the amount of his railway fare and other expenses along the road, to the great advantage of the lender. Whether the lender fancies himself a philanthropist in assisting the Native to reach labour centres, or a public benefactor in helping to increase the supply of labour, need not be discussed; the fact remains that the Natives, to a large extent, when engaged by contractors, are not receiving the full amount of the wages earned. Profits arising from their labour should accrue only to the actual employer, the contractor, or recruiter, making his terms with the employer. But whatever its details, it is necessary to its success that the Native should be assured that he will be protected in going to and from the labour centre, and receive the wages earned. There appear to be only two satisfactory methods of starting and working a project that will induce the mass of idlers to join a stream of more or less constant workers, viz., by its becoming a Government monopoly, or else very closely supervised by Government officers. If it is not to become a Government monopoly, it is urged that all such recruiters should be *bona fide* residents in the Colony, should enter into a substantial bond for the due performance of all conditions contained in the licence issued to them, and that such licence should provide:—

Labour.

Protection to Natives going to and from labour centres. Labour recruiters.

That all Natives engaged should receive the full standard rate of wages in the district, and be employed at the work for which they were engaged;

Recommendations.

That if advances are made, such advances should not bear a higher rate of interest than 15 per cent. per annum;

That any other advances or consideration, e.g., cattle, should be shown in the books of the recruiter, and the value there stated;

That the books of the recruiter should at any time be open to Government inspection;

That all Natives engaged should be taken with a record of numbers, wages, &c., to the Magistrate of the district, whose duty it should be to ascertain that the Natives fully understand the contract.

It is also suggested, as experience may show to be necessary, that Labour Bureaus should be opened at the most important labour centres, and the one at Johannesburg should be immediately reopened, and all the Natal Natives sent up by recruiters should be passed through that office, and a record kept. Recruiters should not be allowed to tout for Natives on occupied farms without the explicit consent of the occupier. Every facility should be given by the officers at the Labour Bureaus, and at Magistracies for the transmission of the wages of Natives to their homes,

Establishment of Labour Bureaus. Touting on farms.

Provision of Native Rest-Houses. Travelling expenses advanced.	and at the more important Magistracies and elsewhere rest-houses for Natives travelling should be erected. In order that the Natives who do not wish to engage with a Labour Bureau Agent should have all possible facilities, it is recommended that, in cases of known Natives wishing to travel to labour centres, Magistrates should be empowered to advance warrants, which will entitle them to receive railway tickets to such centres, the advance to be a first charge against their wages.
System of apprenticeship of Native Youths. Transmission of Native wages.	90. But if the Native is, in the future, to become the valuable labour asset to himself and the Colony which is so desirable, it is to the rising generation that we must look. Ingrained habits are notoriously difficult to alter or eradicate, and it should be our aim to prevent the formation of idle and irresponsible habits by teaching the young Native other and better ways. It is thought possible by proper explanation to, and co-operation with, the Chiefs and Kraal Heads to initiate a system of apprenticeship of youths to responsible European employers under proper safeguards as to teaching, food, clothing, housing, &c. It is essential, though, to get the people themselves to desire this, and, it is suggested, that this would be a proper matter to be taken up by the Commissioners and those working under them.
Native labour at present wasteful and uneconomic. Town Locations.	91. All the Magistrates should be receivers, transmitters, and payers-out of sums deposited by Natives as wages. Fathers and kraal heads who are dependent on the earnings of their boys to pay taxes, rents, &c., are often in difficulties through the non-receipt of expected moneys. Moreover, ready facilities for making remittances remove many temptations from young men when in town for spending their wages on themselves. The arrangements made some time ago to get them to remit their wages through the Post Office were faulty, and not taken advantage of to any extent. It is regarded as essential to the future of the Native that he should recognise that, if he is to live, he must work. His heritage is slipping away from him, and the place he should occupy in the industrial arena of the Colony is being taken by aliens, the indentured Indians. But we, on our part, must do all that is possible to encourage him, and, above all, give him some hope in his work that, as he improves and becomes efficient, he will receive an increasing reward; primarily, by giving him inducements to work for himself on better lines as a peasant cultivator, and also to give more reliable and trained labour to the European employers. The Commission regard the present state of Native labour in the Colony as wasteful and uneconomic in the extreme, and urge the authorities to do all possible to encourage the Natives on the different lines mentioned.
Togg labourers and Ricksha Pullers. Lack of control.	92. With regard to the employment of labour in Municipalities, it is desirable that locations should be established, in accordance with Act No. 2, 1904, for the segregation and occupation by day labourers and others, including women visiting their relations and the towns for work. It is competent for Borough authorities under the above Act to lay off such Townships, and arrange for their government and control in all particulars. With respect to those towns which have still considerable open areas, it is recommended that attention be drawn to the desirability of the establishment of these locations before such lands become alienated for other purposes.
Evils of personal freedom. Moral and physical injury.	93. The regulation and limitation of togt labour, and the employment of Natives as ricksha pullers, is unquestionably a subject of more importance than would appear at first sight. It is a class of labour which is under very little or loose control, a circumstance which is detrimental to morality and social order among a people to whom restraint in a form more powerful than public opinion or conscientious scruples is still necessary. This is especially the case with ricksha pullers, who come and go, work or idle, as they please, and ply their calling at all hours with practically no supervision. This large amount of personal freedom is in itself injurious to a people not yet able to use it in the right direction for the strengthening of personal character. Loose and dissipated habits and social disorder and crime are among the results of an undue amount of personal freedom. The calling of the ricksha puller is stated more or less freely to be injurious to health. While there is not much reliable evidence upon the point, it may safely be assumed that the work is attended with some physical risk, but, whatever that may amount to, it dwindles in importance before the moral injury which they and the European also suffer by exposing to them in our towns at night the "seamy" side of the white man's life. However much all this may be deplored by moralists, it would appear that, owing to its convenience, all that can be done is to reduce the evils attaching to the industry and occupation, with the view of their gradual abolition, by licensing only such number of pullers as may be necessary for the
Limitation of Licenses, &c.	

business, and by exercising over them a stricter control; by shortening the hours for plying for hire at night; by reducing the size of the vehicle to convey one passenger only; and to submit Town Regulations applicable thereto, (and, indeed, to all matters affecting Natives in towns), to the Native Department before being approved by the Governor in Council. Many Natives expressed themselves strongly in favour of the abolition of the industry as a degrading occupation.

(11) *The Political and Administrative aspects of the Work of the Natal Native Trust and the Control of Lands vested in the Trust, whether as Locations or Mission Reserves.*

94. It is not clear what particular questions are raised by this reference. The duties and powers of the Trust are set out in the Letters Patent which created it, and in the deeds of grant under which the properties are held by the Trust. It is understood that beyond some tree planting, fencing, watercourses for irrigation, and the construction of a few roads, no attempt has been made to improve the vast estate which is controlled by the Trust, in order to make it more habitable or carry a larger population. Attention has elsewhere been drawn in this report to the very great importance attached to the establishment of village settlements in the locations as a means of enabling Natives to dissociate themselves from the tribal system, and, by the grant of conditional titles to allotments, give more encouragement to agriculture and industry generally, and foster a spirit of dependence upon the Government instead of upon their own Chiefs. As already indicated, a commencement might be made in this direction upon the Mission Reserves, where the resident Natives are more advanced and ready to fall in with such a scheme. The Trust, being the Government of the day, must at times be affected by political considerations which might influence the Ministry in a manner and to an extent not necessarily appreciable by a purely administrative Trust. There is difficulty in recommending a change, because it may not be possible to construct a body of that nature without creating a new department. It would not do to substitute the proposed Council for Native Affairs, as its duties will be specially consultative and deliberative, and, moreover, it is not contemplated its meetings should be frequent. The Commission must, therefore, content itself with expressing the opinion that a change of Trustees is desirable, but, at the same time, pointing out that the Trust ought out of its own legitimate revenues to provide for the cost of its own administration on whatever basis that might be constructed. So long as the Trust remains constituted as it is, there should be the closest possible connection between it and the Native Department, not only between the Minister, as head of the Department and one of the Trustees, but also between the principal officers of the Department and the Trust, the Secretary of one being the Secretary of both.

(12) *The desirability or otherwise of the control by Magistrates of the Police employed in Duties connected with the Magistrate's Offices or Courts.*

95. The evidence and the insight gained into the working of the Police Force give rise to a number of reflections, a few only of which will be touched upon. As a purely Police Force for the prevention and detection of crime, its cost to the country is enormous. The district officers, whose position and duties might, to some extent, be compared to those of Superintendents of urban police, as a matter of fact do little of the actual or regular police work of their stations, that being undertaken by Sergeants, Troopers, and, in outlying Magistracies, mostly by the Native constables. The officer's duty is chiefly confined to a general oversight, by means of inspections and through correspondence. Wherever the Europeans of the force are not native linguists, and, unfortunately, this is commonly the case, they are of little use to the Magistrate as a reliable source of information upon any change of Native feeling or opinion, or of any movement which it may be desirable should be known to the authorities. Even for the due performance of ordinary police duties in Locations, a knowledge of the language is essential, as, without it, the Europeans are dependent upon others for intelligence worthy of credence. The Location Supervisors, already referred to, would be a much better source of information regarding any agitation or possible unrest. The evidence further shows incontestably that the stamp of Native now enlisted compares most unfavourably with the class of men who acted as Constables before the force was unified, in 1894, and assumed its present semi-military character. The terms of their engagement for three years,

Arrogance of Native police. it is generally agreed, militates against a selection of the best men. In the estimation of many, whose judgment may be relied on, the disposition of the Native constable to be arrogant and overbearing is traceable to these two causes, the acceptance of young men of doubtful character, and the spirit of militarism which pervades the force.

Position of Magistrate in regard to Police. 96. The position which the Magistrate should occupy as the leading official and the representative of the Government in his Division, has suffered in the estimation of the Natives by reason of his displacement as former head of the Police. His previous relationship to the police and their duties presented some objectionable features, which obliged him in a sense to be head constable and prosecutor. But it is most desirable, and strongly urged, that he should be placed in a position which the Natives would regard as controlling the appointment of the Native constables, and their proper attitude towards the Native population. To accomplish this, the Native police should be treated as a district force, and its members appointed and dismissed by and paid through the Magistrate. By leaving the terms of their engagement with the Magistrate, a much better stamp of men would be forthcoming, better work and more satisfactory relations with the inhabitants being secured.

Native Police to be a District force under the Magistrates.

Central Office a necessity.

97. Treating the Native branch as merely a district or local force would in no way interfere with the European side of the establishment, their engagement, or discipline. For many reasons, such as the maintenance of the Criminal Investigation Department, correspondence abroad, and securing cohesion at home, a central office must remain a necessity. A prosecuting officer belonging to the force (a married linguist, by preference) and such numbers of European constables as the white population of the district warranted for the execution of judicial process and so forth, should still be maintained.

Suggested withdrawal of Out-Station in Native Districts. Chiefs to be more relied upon for maintaining order in their tribes. Harsh and unnecessary arrests. Patrols in force.

98. The opinion is also expressed that the ordinary police outstations should be withdrawn from Native districts and locations. When the troopers occupying them happen to be ignorant of the language, their presence there as viewed by the Magistrates, Missionaries, and other authorities, is productive of more harm than good. More reliance should be placed on the Chiefs for the preservation of peace and order therein. The Chiefs ought to fill a useful and definite place in the police system of the country, and be made use of in ordering the appearance (instead of resorting to arrest) of their tribesmen before Magistrates. Several regrettable instances of harsh and unnecessary arrests, merely to secure attendance, were brought to notice. A plea commonly put forward for the frequent presence of the Police in Locations, is to detect evasions of Hut and Dog Tax, but when it is known that evasions, especially of the Hut Tax, are rare occurrences, and that the actual work of checking is largely done by the Native Constable, the plea loses much of its value. An occasional patrol in numbers through the Native districts would be of more avail in impressing the people with the mobility and ubiquity of the defence forces of the Colony for checking crime or lawlessness of any kind than the lonely out-station now relied on.

(13) *The adequacy or otherwise of the Machinery employed in the Administration of Native Affairs, &c.*

Selection of Magistrates. Consideration of appointments by proposed Council for Native Affairs. Age of Magistrates.

99. This item has, in its principal points, been dealt with under other divisions. The creation of more Magistracies has been recommended, and it has not been thought advisable to deprive Magistrates of their administrative or political duties. While these duties would, under the proposed scheme, form the principal part of the Commissioners work, the Magistrate would, when occasion required, be his local deputy. Some stress was laid, mainly by European witnesses, on the care which should be exercised in the selection of Magistrates, and the need for strengthening the Magisterial bench generally. Appointments have in the past been made which cannot be justified, but it is hoped the suggestion, that all nominations of administrative officers should receive the consideration of the Council for Native Affairs, will improve matters in this respect in the future. One objection made was to the age of some of the occupants of these offices, it being, in the opinion of some witnesses, very undesirable that young men should be raised permanently to these positions. That this should be the rule will be freely conceded, as Natives have more respect for age, gravity, and good mien, than is usually supposed.

100. Having regard to the difficulty experienced in procuring a sufficient number of competent European Interpreters of the Zulu language, which has been commented upon by both Europeans and Natives, it is recommended that greater care be taken in their selection, and that a trial be given to qualified Natives as Interpreters, when suitable vacancies occur. This recommendation is not made without a knowledge of the failure of a previous experiment in this direction, but, allowing those unfortunate occurrences their due weight, the hope is entertained that further trial of engaging educated Natives will have a better result. The employment need not be confined to interpretation, but others might also usefully be employed as head constables at Magistrates' offices, a class of appointment which was urged very generally by educated Natives.

Inter-
preters.Trial ap-
pointment
of qualified
Natives.

(14) *The Cost of Administration, &c., and the sufficiency or otherwise of the present Contribution to the Revenue by Natives.*

101. As the proportion of the cost of administration fairly chargeable to the Natives can only be assumed, no attempt will be made to answer this part of the question. The direct contributions to the Treasury by them for the year ending June 30, 1906 and 1905, were as follows:—

Cost of
Native
Adminis-
tration.

	1906.		1905.	
	Natal.	Zululand.	Natal.	Zululand.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Hut Tax	121,374 18 0	44,184 14 0	120,992 16 0	47,252 16 0
Dog Tax	15,509 10 0	4,089 10 0	15,470 10 0	4,350 0 0
Squatters' Rent	4,499 19 0	—	8,823 15 6	—
Poll Tax	68,500 1 0	7,990 6 0	—	—
Pass Fees (including Fees under Act 49, 1901).	3,694 12 0	555 14 0	4,250 16 0	422 6 0
Fees on Medical Licences	2,539 0 0	650 10 0	3,249 0 0	842 12 6
Fees on Native Christian Marriage Licences.	454 10 0	62 0 0	397 10 0	66 10 0
Fines and Fees of Court	28,695 4 7	3,684 10 0	34,069 16 2	7,267 6 6
Totals	245,267 14 7	61,217 4 0	187,254 3 8	60,201 11 0

102. Some inquiries were instituted to obtain data on which to reach an approximation of the indirect contribution by Natives to revenue through customs dues, but, unfortunately, this was not obtainable. All, therefore, that can be done is to say that the consumption of dutiable goods is generally on the increase, especially among the educated and more advanced class.

Indirect
contribution
by
Natives to
revenue.

102a. The evidence will show that the only objection raised to the Hut Tax was that it was levied upon the huts of widows and bachelors. The law imposes the tax on all occupied huts without regard to the sex or condition of the occupants. The imposition of the tax upon every hut has a direct tendency to overcrowding to avoid the payment, but this course is mainly adopted to escape landlords' rents, which range very much higher than the public tax. In any future alteration of the Hut Tax Law, it is recommended that the hut of the young men be exempted. The Dog Tax was frequently made the subject of opposition, on the ground, among other things, that dogs were now of no use except as watchers and scavengers, and that it was derogatory to Government to take money for such animals, and so forth. Keeping in mind that the tax was designed as a protection to sheep farmers, and not to enrich the Treasury, it is submitted for consideration that one dog, free of duty, be allowed to each kraal. Further reasons will be given for this suggestion later.

Hut Tax—
Suggested
exemptions.

Dog Tax.

103. Poll Tax was objected to, as was to be expected, not only because it was a new burden, but because it was making the sons less inclined to assist their fathers than formerly. (Mutuality of interest and reciprocity of assistance was, in kraal-life, a very real and active principle, children being required by enforced custom to account for their earnings to their fathers, but the force and observance of this commendable custom has for long been on the wane, the young men spending much of their wages upon themselves. They have made this tax, which is personal to themselves, a reason for contributing less to the parental store, according to the statements of old men, repeated time after time and in many places. The

Poll Tax.

The Census followed by the Poll Tax.

generality of the statement consequently lends it credibility. It should be recalled that this tax was imposed by Parliament at the ordinary session of 1905, the year following the taking of the census. The general enumeration connected with the census was resented by the Natives, who, not understanding its true import, were naturally suspicious of the intention of the Government. Great pains were taken to allay their fears that it meant neither confiscation nor fresh impositions, but merely a counting. Had there been a body like the proposed Council for Native Affairs to report upon such a measure and to describe what effect it would have upon the Native, particular stress would, undoubtedly, have been laid upon the repeated asseverations of the census officers and the reflections of the Natives thereon. Incidents of this nature augment distrust, and emphasise the wisdom of diffusing information regarding the intention of Government, of studying Native feeling, and of consulting Native opinion.

Imperfect promulgation of Tax.

104. The object and proper incidence of the Poll tax upon themselves were, unfortunately, imperfectly, and, perhaps, erroneously conveyed to them. It was baldly represented as a capitation or head tax, which, by a simple mental transposition, became converted to a payment for "the head," which was as simply followed by the question, "Why should I pay for my head, is it not my own? and if I have to pay for my head this year, why not for my hands or feet next year?" Whereas, it should have been described to them as a tribute due to the Government by the young unmarried men, the wage-earners, who were not contributing their proportion of taxation.

Increased Hut Tax preferred. Consolidation and increased tax.

105. The advantages of simplicity of policy, and continuity, as well as consistency, of action, having been fully demonstrated, it is advisable to adhere to well-established methods, if working well, before resorting to new modes for attaining the same object. As the Hut Tax is well understood and regularly collected, with remarkably few evasions, an addition to it would have been better received than the introduction of a novel, and, as it turns out, an imperfectly understood form of taxation. In accordance, therefore, with these views, a consolidation of the several items of taxation is advocated, to take the form of an increased Hut Tax, upon a higher scale in Locations, and a lower scale in Zululand and upon farms. In view of the substantial gain to the Natives which would follow the introduction of the proposed changes in ameliorating their condition and strengthening their control, the merging of taxation should be so arranged as to result in an increase of the total amount of their direct contributions to the Treasury. A large increase thereto is neither proposed nor expected.

Suggested methods of relief.

106. Concurrently with an increased Hut Tax, relief should be given in other directions; viz., by abolishing the rent of £2 per hut on Crown lands (now a vanishing amount), the tax upon the bachelor's hut, a modification of the Dog Tax, and the corvée or compulsory labour on public works. This latter question is one of great importance, and will be discussed at some length later on.

(15) *The illicit sale of Liquor to Natives and restriction of Beer-drinking.*

Liquor restrictions. Views of Exempted Natives.

107. Little need be said regarding the first portion of this question. Prohibition has wisely been the law of the land for many years, and the more reflective among them, kraal as well as educated Natives, approve of its wisdom. Still, it should be mentioned that, among the exempted class, a number are to be found who resent the restriction under which they continue to labour, from two standpoints, one being that it shows lingering distrust against them, the other that the use of liquor was one of the privileges to which they believed exemption entitled them, and, while having no wish to use liquor, they claim the right to do so. The reason for withholding the free use of liquor from the Natives is that, generally speaking, they are incapable of moderation in the indulgence of their appetites, but it does become a question whether the exempted Natives, having raised themselves to a higher level, might not be allowed to promote the growth of a public opinion which, by reacting on the community, would exercise a restraining force in the direction of repression, if not continued prohibition. The Indian is allowed the use of liquor within limits, which were supposed to be safe, but which experience shows to be fallacious, and this circumstance is used as an argument by them that the foreigner is more trusted than the native of the soil. There is evidence to show that the Half-castes of Zululand have, until recently, been in the habit of using liquor, not being supposed to be under the legal disability applicable to

Withdrawal of liquor restrictions as regards Half-castes.

Natives in general, and the liberty not having been abused, the removal of the restriction from this class has already been suggested.

108. As regards the manufacture and use of their own beer, testimony is abundant that it is more largely made and consumed than formerly, to the detriment of the people, by increasing idleness, immorality, and impoverishment. Efforts, commendable in motive, but mistaken in method, have, for several years, been in operation to check gatherings merely for the sake of drinking beer. Young and old, of both sexes, attend them, to the prejudice of peace, order, and morals. Established usage, which forbid or restrained the presence of women from other kraals at such gatherings, is now no longer observed, and home duties, such as the care of children and the tending of gardens, are neglected. Elaborate regulations on the subject, while putting no restriction on the use of beer by families in their homes, require the sanction of the Magistrate to a public gathering, and then the feast must not be held on a Sunday or a public holiday. The inclusion of the "holiday" has provoked many a smile. But it has become the practice to send Native Constables to these gatherings, a doubtful expediency at the best, for, while intended to check fighting, it does not check licentiousness, and it has the effect of making the responsibility of the kraal-head sit lightly upon him, in the presence of the representative of law and order. Chiefs and headmen should be taken into our confidence in matters primarily affecting themselves, and, if the growing evils of these frequent gatherings and immoderate drinking generally, were sedulously and sympathetically brought home, we would soon have them ranged on the side of order, and, by their influence over the people, secure what cannot be accomplished by restrictive regulation or the presence of the policeman. Allowing that farmers and employers of labour are interested in this question, it is essential that Chiefs, Magistrates, Commissioners, and the Council for Native Affairs should all have a voice in any attempt to restrict the use of beer. On the subject of beer-drinking, and, as supporting the views here expressed, an extract from an announcement lately made by a Chief to his people, shortly after his installation, may be appropriately inserted here. Among other things he proclaimed:—

"Let the making of beer by kraal heads cease.

"The girls must not be allowed to go to wedding dances without the permission of the father, and not sleep at the kraal where the wedding takes place, without his permission. This is bad. I want the girls to ask permission from their fathers, and they to tell their daughters when to return from the dance, and that before sunset.

"With regard to the women, I do not speak. I have prohibited my own wives and women-folk from going to weddings, because I do not like women to go and come back at night.

"If they go to a wedding, they must ask the kraal head of the locality, and, if such kraal head disapproves, the women must stay at home.

"When the women are given beer, it should always be given to them in the open kraal, and not in the huts. On no account are they to stay till sunset, but must go home before.

"When young men go to weddings, they must go in single file, and not in troops (amaviyo), crying the battle-cry.

"When young men want to drink beer, they are not to go in a troop, but singly or in twos."

These excellent injunctions are the spontaneous efforts of a Chief to check the growing disposition to be disorderly, and merit the special commendation of the Government.

109. The sale of beer among themselves is an innovation upon Native custom. It tends to restrict the hospitality for which they are proverbial, and indicates one of the many changes which marks their contact with the ways of others. Here, again, the influence of the headmen, the conservative element, should be employed in preference to police regulations to control or restrict this growing practice, about which the Chiefs loudly complain. In towns, where beer should be procurable, not only its sale, but also its manufacture should be regulated and taken entirely under Municipal control, a suggestion which is very earnestly urged upon the attention of the various Corporations and Town Boards throughout the Colony.

(16) *Generally to inquire whether any of the Existing Laws require amendment with a view to removing any just cause of dissatisfaction on the part of the Natives.*

Native grievances.

110. The last item in the Order of Reference was accepted as an invitation by the Commission to inquire into grievances generally, whether proceeding directly from legislation, or from their altered conditions of life, resulting from our presence and rule among and over them. The subjoined list testifies to the manner in which they made use of the occasions offered them to ventilate their complaints. Over and over again they expressed their gratitude to the Government for calling them together to speak freely about their affairs, and it looked as if, in unburdening themselves, they took full advantage of the patience of the hearers and recorders of their statements. The assembling of the Chiefs and headmen at the various Magistracies to meet the Commissioners, as representing the Supreme Chief and the Government, to listen to their views and wishes and ascertain their feelings, was such an unusual event in their experience, that a full explanation of its purpose had to be given at each meeting. When this was rightly understood, their satisfaction was most marked, and, Native like, they found some relief in the mere recital of their complaints. There were, however, some doubters among them that grievances would not be redressed, and, although the Commissioners were most careful not to make promises, except that their statements would be forwarded and submitted for consideration, there is ground for apprehending they may be expecting too much. They were invariably told to wait patiently, as the inquiry was tedious and arduous, for the replies which would be returned to them. These explanations are appended in order to show their present attitude of expectation towards the Government in considering their petitions and affording them some relief.

Natives and the Commission.

Natives sceptical of good intentions of Government. Native anticipations.

Absence of periodical meetings with Chiefs and Headmen regretted.

Change of sentiment in relation to Natives needed.

Native complaints.

111. They were not slow in contrasting the former frequency of informal and friendly gatherings with officials, to discuss the acts of Government in relation to their own affairs, and the infrequency of such meetings now, and in expressing the hope that these would become the rule and not the exception. A patriotic and loyal people, in highly organised societies, may safely be entrusted with the right to criticise the acts of Government and the conduct of public servants, but this deeply cherished privilege which belongs to such communities, is not what they seek or what they ought to have. All they want is for the headmen occasionally to meet their administrative officers, to be informed of the intentions of Government, and to discuss matters which concern their daily lives, their children, their cattle, and their crops. Nothing would be more calculated than simple methods like these to bridge the chasm which now exists between the dominant and the subject race. But this can only be accomplished by a transformation of sentiment and a change of system. Let their rulers be quick to praise, as well as quick to punish, less official and distant, more fatherly and accessible, patient, helpful, sympathetic, and, without venturing too far along the paths of anticipation, they would cling to us like children, and half the rural police could be dispensed with. One with the qualities of a born ruler, and understanding the genius of the people, would be more potent to control them than a posse of policemen, and, at the same time, do what the policeman cannot, lead them to better things.

112. The following is a digest of their complaints as noted:—

(a) *Among ordinary Natives:—*

- Absence of a general protector of Native interests and welfare.
- Difficulty of access to the Secretary for Native Affairs.
- Unsatisfactory promulgation of laws.
- Excessive rents charged by Europeans.
- Too many laws—over-legislation and administration.
- The Poll Tax and its effect upon the young men in adding to their reluctance to assist their fathers.
- The Dog Tax.
- Compulsory labour on roads and public works.
- Harsh methods adopted by the Police.
- Arrest of members of a tribe by Police without the Chief's knowledge.
- Attendance of Police at social gatherings.
- Interference by Europeans of various classes with women and girls.
- Usury.

Unfair terms made by Europeans when advancing money in return for labour.
 Want of power by Chiefs to control their tribes.
 Loss of authority by kraal heads over subordinates.
 Personal freedom allowed children, boys as well as girls, to the disregard of parents.
 Facilities for women obtaining divorce.
 Legal obstacles in recovering balance of lobolo.
 Appearances by lawyers in their cases, and excessive charges made by them.
 Punishment, by removal, of Chiefs without form of trial.
 Want of consideration and delays at Magistrates' and Post Offices.
 Want of consideration on the Railways.
 Beer-drinking restrictions.
 Multiplicity of passes and difficulty in procuring same.
 Interference with the rights of way by fencing off old paths.
 Forest regulations.
 Game laws.
 Registration of births and deaths.

(The foregoing list does not include a number of purely personal grievances, as well as objections to the East Coast Fever Regulations.)

(b) *Among Exempted and Christian Natives:—*

Inadequate representation in Parliament.
 Improper interference by European men with Native girls.
 Want of Government schools.
 Absence of employment for their educated sons.
 Children of exempted Natives debarred from acquiring status of parents by descent.
 Difficulties in obtaining exemption in spite of apparently satisfying conditions of the law.
 Liability for service in time of war without being enrolled and trained for the defence of the country in time of peace.
 Inability now to buy land.
 Obligation to construct expensive dwellings on land purchased, *i.e.*, purchased out of Crown Lands.
 Rents on Mission Reserves.
 Want of attention at Magistrates' Courts.
 Obligation to give royal salute to Magistrates, their Clerks, and the Police.
 Being obliged to crouch in an abject way when paying taxes to Magistrates.
 Obstacles in the way of holding religious services in Locations.
 Withholding of Licences to Native Clergy to celebrate marriages.

(c) *Among Half-castes:—*

Inclusion within the scope and operation of Native Law.
 Difficulty in obtaining education.
 Refusal to form Rifle Associations.
 Obligation to construct expensive buildings on land purchased from Government.

113. Nothing special can be gained by analysing the above list or ranging the items in order of seeming importance. Some of them may be regarded as grave, others groundless, some slight, others solid, but none can be pronounced contemptible or wholly unworthy of notice. Many of them, doubtless, could be explained away or removed by a better understanding. But discounting many of them to the utmost, what would be the comment if a section of any hypothetically well-governed community sought redress from their rulers on so many grounds? It would surely be one of surprise at the patience of the one, and the imperception of the other. There is such a thing as the irony of fact as well as the irony of fate, a conception which finds its echo in the remarks at one of their meetings, "Why ask us what our grievances are, does the Government not know them? If not it ought to."

114. Discontent is but the nemesis of disregard, and heed should be given to some of their complaints, of which the following are the more pressing:—

Special
complaints.

- (1) Excessive rents on private lands.
- (2) Improper interference by Europeans with females.
- (3) Diminished controlling power by Chiefs, and especially kraal heads.
- (4) Multiplicity of passes and delays in obtaining them.
- (5) Greater facilities for exemption and inclusion of children thereunder by descent.
- (6) Elevation of half-castes to legal status of Europeans.
- (7) Representation—the mass preferring (significantly in Zululand) a guardian, or recognised spokesman, for advocacy or communication with Government; the more advanced seeking direct Parliamentary representation by Europeans.
- (8) Inadequate facilities for education.
- (9) Insufficient promulgation of laws.
- (10) Want of consideration and delays at public offices and on the Railways.
- (11) Compulsory labour on public works.

All these have, in their proper places, been already commented upon, save the last two, viz., the want of proper consideration at Post and Magistrates' Offices and on the Railways and the compulsory labour system.

Treatment
of Natives
at Magis-
trates'
and other
Offices.

115. The harsh and inconsiderate treatment to which Natives are said to be frequently subjected at Magistrates' Offices by Junior Clerks and Native policemen, was dilated on by many Europeans as well as by themselves. For an applicant to come a long distance merely to get a pass, and to be kept waiting for hours, and sometimes days, does us no credit, and stands self-condemned. It may be a conventional form of ceremony or decorum for a Native Chief to keep an inferior waiting his convenience, but all our methods should not only be creditable to ourselves, but also instructive to them. Reference was also made to their treatment at Post Offices and Railway Stations, the latter of which, it was gratifying to know, was receiving attention. Such conduct so frequently complained of shows a want of common consideration, and an ignorance of human nature; and those at fault should learn that dignity may be maintained without austerity, and that there is no condescension in the performance of a duty even to a racial or social inferior. All of such complaints would be non-existent if Magistrates, particularly, would supervise closely the conduct of their subordinates, and see that the requirements of all applicants receive prompt and courteous attention. But surely all this ought to have been well known to the Native Department as the Guardian of Native interests. It ought not to have required a Commission to make the discovery, censure conduct, or suggest the patent remedy. And in this connection reference should be made to another complaint, viz., the abuse of the supreme form of Native salutation "Bayete." Its general use is a matter of derision, when accorded to petty Chiefs, clerks, and policemen, and if to them, forsooth! what form of salute is left for the Governor of the Colony? Magistrates should be instructed to have the practice forbidden, and the salutation reserved for whom it is due. The custom is different in Zululand in the case of ordinary officials, and the same should be followed in Natal.

Abuse of
the Royal
salute
"bayete."

Com-
pulsory
labour.

116. Compulsory service on public works has been in operation for many years, and the popular conception and justification of the system is, that it is analogous to the duty which members of tribes owe to their Chiefs. It has also been compared to feudalism, which, in its social aspects in the Middle Ages, entered very largely into the government of most European nations, where military and other services had to be rendered in return for protection and residence. The Native tribal system, while not strictly resembling either, possesses some of the characteristics peculiar to the feudal and communal forms of Government. Although lands were not held by the Natives under military tenure, military service had necessarily to be rendered by each male member of the tribe. Neither can the Native rightly be regarded as a tenant or vassal holding lands on any express condition beyond fealty to the Chief and to the common cause, yet, as a soldier, he had regimental duty to perform, such as the erection of military kraals, which were simply barracks for his accommodation. And if he was called upon to render the Chief some personal service, such as the construction of huts or the cultivation of gardens, this was

Tribal and
feudal
systems
compared.

Duty to
Chief
described.

not done as a vassal, but as a retainer. Moreover, this kind of work lasted but a comparatively short time, and partook somewhat of the nature of a family gathering, being done in a leisurely fashion, forming the occasion for feasting, which went far to lighten the labour. The tribal system also presents a sharp contrast to one inherent quality of feudalism, whereby a portion of the inhabitants of each feudal domain were usually bound to the soil, and subject to a species of slavery under varying conditions.

117. Although *Corvée* has been used as a convenient term, its technical meaning—the unpaid labour of a vassal to his feudal superior—does not correctly apply to the conditions of service imposed upon the Natives. In France, the *corvée* was a private personal service to a feudal lord, until converted into a royal or public servitude during the early part of the 18th century, as an ingenious and convenient means of constructing and maintaining the roads. It continued in force there until, during the great Revolution, it was, in 1794, swept away with other intolerable burdens which had been imposed upon the peasantry.

118. These cursory comparisons and contrasts are intended to show that the modified *corvée* or *isibalo* (enrolment) as the Natives call it, does not find its parallels either in the feudal, communal, or tribal forms of Government, and that, instead of striving to support it by analogy, it would be more satisfactory to treat it as a question of present day policy and economy. It is in force only in the Locations in Natal and the Reserves in Zululand. Chiefs are requisitioned to supply men according to the size of their tribes, and the number in service averages about 3,000, on an engagement of six months' duration. This apparently large number is employed in the maintenance of nearly 6,000 miles of roads in Natal and Zululand, and constitutes about 15 per cent. of the total number of young men in Natal Locations alone. They receive an ample ration of maize meal, are provided with tents and huts, and receive a wage of 20s. a month. There is no proper system of rotation or limitation of calls, much being left in the way of selection to the whim, caprice, and partiality of the Chief and his *indunas*, who are known to call out the same men over and over again, while favourites, and those who bribe them (often substantially) escape altogether. A shorter period than six months would, in itself, have gone far to diminish the dislike to the service. The Native and Public Works Departments and the Magistrates might long ago have concerted some simple rules by which the system could have been stripped of some of its most objectionable features. For instance, no one should have been liable to be called out for more than two or three periods of service, and the wages for each subsequent enrolment should have been raised; young raw lads should be paid at a lower rate than men; and those who could prove a reasonable amount of private service should have been exempted from one or more periods of public employment, or, possibly, altogether.

119. Although the work on the roads is intensely unpopular, mainly because of its compulsory nature, the personal aspect of the question is, perhaps, not the most important, the labourers being well treated, and receiving a fair wage, much higher than is ordinarily paid by farmers to their tenant-servants about which, by the way, there is no outcry, except on the part of the Natives concerned. In its public aspect it furnishes a contributing factor against the proper occupation of the Locations; it being asserted that, so strong is the dislike to the service, many refrain from living there, in order to escape, even when Hut Rent has to be paid elsewhere. The closer settlement of the Locations being one of the prominent features of the policy proposed herein, anything that militates against giving this its full effect should be removed.

120. In addition to all that has been specially advanced against it, there remains the full force of modern public opinion, which is strongly opposed to the constraint of labour in any form, and it is accordingly urged that Government should without loss of time, devise some satisfactory substitute for procuring labour for public works. This can, it is suggested, be done in two ways: (1) Through the proposed public labour bureau, with or without private recruiters or contractors; or (2) arranging through or with the Location Chiefs to recruit men for public works, remunerating them by a capitation bounty. Market rate of wages would have to be paid, and the contract should be on the monthly basis. Contracts for sectional maintenance and repairs would necessarily enter into the consideration of any change of system.

Personal service under feudal system.

Comparisons and contrasts.

Numbers of Natives employed on road parties.

Partiality of Chiefs in calling out Natives.

Limitation of period of service.

Unpopularity of service.

Natives avoid Locations to escape road service.

Public opinion opposed to constraint of labour. A suggested substitute.

Abolition
of com-
pulsory
labour part
of proposed
scheme of
readjusting
Location
taxation,
&c.

Special
matters
calling for
rectifica-
tion.

121. Its abolition should not be merely effected on papers, but be publicly promulgated and explained throughout the Locations as part of the proposed scheme, if adopted, of re-adjusting Location taxation, by consolidating the dues within those districts, raising the Hut Tax to the higher scale, and abrogating the Poll and modifying the Dog Tax. It is important that its withdrawal should be effected concurrently with the change in taxation. The cancellation or even abridgement of the powers now vested in the Supreme Chief to call out Natives in times of emergency or for service in the public weal forms no part of this proposal. That question has been well considered, and those powers should remain unaltered.

122. Before drawing the report to a close, it is requested that the special matters selected from the evidence, and appearing in the appended list, being more or less urgent, and calling for rectification, may form the subject of separate administrative inquiry and action, without reference to any of the general propositions submitted herein:

- (1) The advisability of creating more Magistracies with special regard to distance and population.
- (2) More attention and consideration at all offices. All business (Court-work excepted) should be disposed of as it arises at Magistrates' Offices.
- (3) The use and abuse of the salute of "Bayete," and the issue of instructions forbidding its general application beyond the provisions of the Code.
- (4) Where deprivation of rights or position may be intended as the result of administrative action, the desirability of not deciding thereon except after open inquiry or trial.
- (5) The reference to the Native Department of all Borough By-laws before confirmation.
- (6) Directions to Magistrates to be guided by the spirit of Section 76 of the Code in maintaining discipline at kraals.
- (7) Pending legislation, Magistrates, as public officers, to be urged, when attesting promissory notes for money lent to Natives, to inquire into the amount, circumstances of loan, and rate of interest, as a means of affording them some protection.
- (8) Arranging for Magistrates' Offices receiving, remitting, and paying out wages (subject to a small commission, say, 3d. per £) as a simple and safe means of earnings of sons reaching kraal heads in distant places thus helping to increase the supply of labour.
- (9) Adequate means for acquainting Natives with contemplated and completed legislation.
- (10) The publication in the Zulu language of Laws and Regulations specially applicable to the Natives.
- (11) Police out-stations—the advisability of withdrawing them from Locations, Native districts, and Mission Reserves.
- (12) Police methods—unnecessary arrests and handcuffing of kraal heads should be avoided. Notifying attendances to and through Chiefs, where practicable, should be resorted to.
- (13) The employment of educated Natives as Interpreters and Policemen, and at the principal Railway Stations.
- (14) Official notification to tenants of intended and completed sale of Crown Lands.
- (15) Inquiry into the ability of kraal Natives and others complying with the Crown Lands building clause, its feasibility and comparison with the advantages of cultivation as a more practical condition.
- (16) Consideration of joint action with neighbouring Colonies in connection with Inward and Outward Passes, and immediate revision of the existing rules and forms to remove doubts.
- (17) Reserve for the education and welfare of the Natives. The desirability of increasing the sum of £10,000, as, by natural increase and the incorporation of Zululand and the Northern Districts, the Native population has increased by 100 per cent. since 1893.
- (18) The application of the rents collected from Natives on Mission Reserves.
- (19) The position and claim of the Native Mission at Impapala, Zululand, to special consideration and compensation. (See evidence of Sir Charles Saunders, Mr. C. R. Glynn, the Rev. J. D. Taylor, the Rev. H. D.

Goodenough, and Plant Makanya; also the report of the Zululand Delimitation Commission, 1902-4.)

- (20) The reconsideration of the action of the Native Trust in dismantling buildings used for worship where at a distance from the Station of the superintending Missionary.
- (21) Repeal of the Act requiring registration of Births and Deaths, having regard to Native feeling thereon, the incompleteness of records, the exclusion of Zululand from its operation, and the cost of such registrations.

There is no desire to elevate this inquiry into an epoch-making event, but there is every wish and every expectation that it may mark a new departure in the Government of the Natives of this Colony, and in the expression of this hope the Commissioners have now the honour to subscribe themselves,

Your Excellency's obedient servants,
 H. C. CAMPBELL (Chairman).
 THOS. K. MURRAY.
 J. LIEGE HULETT.
 C. BIRKENSTOCK.
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July 25, 1907.

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UNION OF SOUTH AFRICA.

PAPERS

RELATING TO

CERTAIN TRIALS IN GERMAN SOUTH WEST AFRICA.

No. 1.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

MY LORD,

Downing Street, 3 June, 1916.

I HAVE the honour to transmit to Your Excellency, for the consideration of your Ministers, a copy of a note which has been received from the United States Ambassador respecting the sentence passed on Walter Böhmer in South-West Africa:

I have, &c.,

A. BONAR LAW.

Enclosure in No. 1.

The American Ambassador presents his compliments to His Majesty's Secretary of State for Foreign Affairs, and has the honour to transmit herewith a copy of a Note Verbale of the Imperial Foreign Office, No. III b 15099/81797, dated 2nd May, 1916, received through the Embassy at Berlin, relative to an alleged report that a German non-commissioned officer, Walter Böhmer, a member of the German forces in South-West Africa, was sentenced on the 14th October last to five years' imprisonment for having shot two natives and wounded two others.

Mr. Page will be happy to transmit to Berlin the substance of any reply that His Majesty's Government may desire to make.
London, 22nd May, 1916.

(Translation.)

III b 15099/81797.

NOTE VERBALE.

Information has been received from a reliable source that Vize-feldwebel der Reserve Walter Böhmer, who was enrolled in the Protectorate troops in German South-West Africa when these were reinforced, was sentenced on October 14th, 1915, by a British Civil Court to five years' imprisonment for manslaughter because he had shot two Hereros on May 20th, 1915, and wounded two others. The action with which Böhmer was charged took place in the regular execution of his duties as Officer Commanding the Farm Guards (Farmschutzkommando), and his sentence is contrary, not only to the express agreement concluded when the Protectorate was surrendered on July 9th last, but also to the existing principles of international law, inasmuch as it referred to official action which occurred previous to the surrender.

The Foreign Office request the American Embassy to move the American Embassy in London to protest to the British Government against the sentence, and to ask for an explanation of the Government's motives.

The Foreign Office would be glad to receive an early reply concerning the answer of the British Government.

Berlin, May 2nd, 1916.

No. 2.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1 September, 1916.)

SIR,

Governor-General's Office, Pretoria, 31 July, 1916.

I HAVE the honour to transmit to you herewith, with reference to your despatch of the 3rd June,* a Minute, No. 1106, from Ministers on the subject of the sentence passed on Walter Böhmer in South-West Africa.

I have, &c.,

BUXTON,

Governor-General.

No. 1.

Enclosure 1 in No. 2.

Minute 1106.

Prime Minister's Office, Pretoria, 28th July, 1916.

Ministers have the honour to acknowledge receipt of His Excellency the Governor-General's Minute, No. 9/59/152, of the 4th instant, and in reply to inform His Excellency that the facts regarding the case against Walter Böhmer are as follows:—

Böhmer is a farmer in the Protectorate. During hostilities he held some military position at Seeis, but on the approach of our forces, according to his own statement, he was told to lay aside his uniform and return to his farm, his only other instruction being that he was to protect the neighbouring farmers against natives. He did not retain his rifle.

On the 21st May, 1915, four native servants of a neighbour of accused deserted from their service after some form of dispute with their master, and set out for Windhuk. Accused was told of this by telephone. These natives had to pass accused's farm, and when they approached his homestead he got ready his weapons, a combination gun and a double-barrelled shot gun, and summoned his own natives to his assistance. He then called to the four men to approach and they did so. The accused says that when they were ten paces away he ordered them to stop and sit down, that they refused and continued to approach slowly, that one at least had a kerrie in his hand and that he fired because he was afraid this would be thrown at him. He did not go so far as to say definitely that this man made any actual motion as if to throw the kerrie. He fired in all four or five shots, and the first two, from the shot gun, each killed one of the natives. The other two natives ran away, both being wounded in their flight. The medical evidence to the effect that one of the deceased was shot in the right breast and the other in the right side, both at from ten to fifteen paces distance, does not corroborate accused's story that the natives were advancing upon him when he fired.

During all this accused's own natives were standing by. The evidence given by them and the two who escaped is to the effect that the four natives halted in a line when accused told them to, but refused to sit down as he ordered, saying they were going to Windhuk, and that accused shot them on account of this refusal.

The Court declined to accept accused's version of the affair and found him guilty of a contravention of Section 212 of the German Criminal Code, *i.e.*, intentional killing without deliberation; and sentenced him to five years' imprisonment.

Accused did not raise the defence that he was at the time a member of a military organisation, acting in accordance with his duty in that capacity. In fact, this position has never before been put forward in connection with the case, although it has been the subject on more than one occasion of representations to the Administrator by local German officials, nor has the existence of a Farmschutz-Kommando hitherto been brought to notice.

The offence was committed in territory already in the occupation of Union military forces.

Ministers have ascertained that in 1912 accused was convicted by a Protectorate Court of beating to death with a "makoss" a native who was in a weak condition and consumptive. He tied his victim hand and foot and beat him till he himself was tired, and then called on his native servants to continue the thrashing. For this offence he was fined £50 or 100 days' imprisonment, and the Court commented severely on the inhumanity of his conduct, but found mitigating circumstances in the facts that his wife was at the time lying in child-bed and the native was of bad character.

Numerous cases of a character similar in general features to the charge against Böhmer have come before the Special Criminal Court of the Protectorate since it was constituted in October, 1915.

Ministers desire to point out that this tribunal is a military court established for the express purpose of administering the criminal law of the Protectorate while in the occupation of our military forces.

Ministers see no reason for interfering with the decision of the Court in this case or others of a similar nature.

F. S. MALAN.

No. 3.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1 September, 1916.)

SIR,

Governor-General's Office, Pretoria, 9 August, 1916.

I HAVE the honour to forward to you copy of a report* addressed to the Administrator of the Protectorate of South-West Africa by the Crown Prosecutor, together with the various documents enumerated therein, which include a record of the trial and a copy of the judgment of the Special Criminal Court which was held at Windhuk on the 17th April, 1916, and which found Lieutenant Venuleth not guilty on the charge of murder.

I have, &c.,

BUXTON,

Governor-General.

* The report itself is not printed.

DOCUMENTS ENCLOSED IN No. 3.

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(8) Minute addressed to the Administrator by the Secretary dated 6th December, 1915	23
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Enclosure 1 in No. 3.

128/5

PRELIMINARY EXAMINATION.

In the Case of

THE KING

versus

CARRY VENULETH

for Murder.

Witnesses for Prosecution.

Otto Oatiritu.
 Katjise Wikolka.
 Smith Tongande.
 Ludicicus Theodora Grobler.
 Johann Rapecki.
 Desmond Drew.
 Wilfred Thomas Wood.
 James McKinnon.
 Albert Schulze.
 Hans Bauszus.

District of Omaruru.

Name of accused : CARRY VENULETH.

Name of prisoner committed for trial : CARRY VENULETH.

Crime with which charged : Murder.

Apprehended on 13th October, 1915.

Committed for trial on the 18th February, 1916, on a charge of Murder, by Major THOMAS EDWARDS, Military Magistrate, and meanwhile to be detained in the Omaruru Prison.

Whether bail found or not : Bail believed to have been found in Windhuk.

T. EDWARDS, Major,

Military Magistrate.

Omaruru, 20 February, 1916.

Case 35/15.

PREPARATORY EXAMINATION.

In the Court of the Military Magistrate, holden at Omaruru, in the Protectorate of South-West Africa, under the provisions of Martial Law, before NORMAN KENNEDY, Lieutenant, Detached Assistant Military Magistrate for the district of Omaruru, on the 15th day of October, 1915.

REX

versus

CARRY VENULETH, Farmer, and officer on parole, adult male Austrian subject.

Charged with the crime of Murder.

Corporal Bradshaw appears as Public Prosecutor and asks for a remand of eight days on the grounds of there being no interpreter available.

Granted.

N. KENNEDY, Lieutenant,

Assistant Military Magistrate.

15 October, 1915.

Accused protested that the Court had no jurisdiction, and also handed in a statement. The Court asked if he would give any assistance in obtaining statements for him, and he replied no; Court decided to go on with the case.

N. KENNEDY, Lieutenant,
Assistant Military Magistrate.

15 October, 1915.

Otto Oatiritu, duly sworn, states: Am a Herero, reside, Okonjati. Know accused; works for him, during June of this year I was on the farm, accused was there. I know natives Kitjerereko and Kaiege. I saw them on the farm during June. The accused, my master brought them to near the house and make them fast to a small cart; this was about 11 a.m. I then went out on to the veld with the cattle, when I returned in the evening about 5 p.m. the two natives were still fastened to the cart; I was by the cattle kraal about 50 yards from the house. I saw my master come out of the house and go to the cart, which was only a few yards from the house. My master and one soldier went to the cart and unloosened the natives and took them away into the veld. Katjise and myself then took some sheep and were going to take them to another cattle post; my master said "You must go away"; we were going in the same direction and in front of my master; Katjise and myself kept looking back, and heard three (3) shots fired; when we looked back we saw the natives, a man and a woman, standing on the road on the other side of a small bush; my master and another soldier were standing near the natives; my master was about three yards away from the natives. I saw the male native fall down; accused fired the shot; I was about 20 yards away; Katjise was with me; I saw my master fire again and the native woman fell down; I saw my master fire another shot at the male native who was on the ground. Katjise and I then went on with the sheep to where we had to go; we had not far to go and returned about 6.30 p.m.; we passed the place where my master had fired at the natives; we passed about eight yards away and saw the natives lying on the ground. I saw that they were dead but did not feel them. I saw the bodies lying in the same place about 6 a.m. next morning; later on about 9 a.m. two white men, soldiers, and two native soldiers took the bodies away about 150 yards and they made a grave and buried them. I am quite certain that accused fired the shots at the natives, he used a rifle.

By Accused: Mr. Venuleth is who I have referred to when I have said "my master."
I only saw you and one of the soldiers.

OTTO OATRITU His X mark.

1st witness:

P. S. BRADSHAW.

2nd witness:

A. CLAUSEN.

Before me:

N. KENNEDY, Lieutenant,
Assistant Military Magistrate.

23 October, 1915.

Katjise Wilkolka, duly sworn, states: Am a Herero; lives on farm Okonjati. Know accused. I work for him; during June I was on accused's farm. I know natives Kitjerereko and Kaiege. I saw them on farm Okonjati. I do not know the day, but it was about 11 a.m.; when I brought the sheep to the water they were sitting down by the cart, quite close to my master's house; after watering the sheep I returned to the veld with them; I returned in the evening about 6.30 p.m. The natives Kaiege and Kitjerereko (a man and a woman) were still sitting by the cart. I then, as ordered by my Missus the day before, drove the sheep away, to another kraal; the last witness Otto was with me; we went towards Sunup; when we were driving the sheep away I saw accused with the two natives mentioned in front of him; we were in front of accused; he asked where we were going; we told him and he said all right you can go; we went on and kept looking back. Accused followed with the two natives; we saw the master and the two natives standing; I saw accused fire at the natives; Otto and I were about 50 yards away. I saw one native fall down; I saw my master fire again and the other native fell down; I saw my master fire again at the male native as he was still alive. I am quite certain that it was accused who fired the shots. Otto and I then went on with the sheep to the kraal and then returned; we passed where the natives were lying. I did not see them. I passed about 60 yards away, I did not see the bodies again.

Accused has no questions.

By Accused: I only saw the master and the two natives.

KATJISE WILKOLKA His X mark.

1st witness:

P. S. BRADSHAW.

2nd witness:

A. CLAUSEN.

Before me:

N. KENNEDY, Lieutenant,
Assistant Military Magistrate.

23 October, 1915.

Smith Tongande, duly sworn, states: Am a Herero, lives Okonjati. Knows accused, I work for him. During June I was on farm Okanjati, I know natives Kitjerereko and Kaige, I met them on the veld the first time. I saw them about 5 p.m. one day; they were fastened to a cart. I did not see the natives taken away from the cart. I was working in the cattle kraal when I heard some shots. I looked out and the natives had been taken away from the cart. The next morning I went to where I had heard the shots fired from and saw the bodies of Kitjerereko and Kiege lying dead on the veld; I did not examine them; I do not know what became of them.

Accused has no questions.

SMITH TONGANDE His X mark.

1st witness:

P. S. BRADSHAW.

2nd witness:

A. CLAUSEN.

Before me:

N. KENNEDY, Lieutenant,
Assistant Military Magistrate.

23 October, 1915.

Ludicicus Theodora Grobler, duly sworn, states: Am a Corporal in 2nd Regiment S.A.M.R. stationed at Omaruru. On the 13th October, 1915, I executed a warrant on accused on farm Okonjati and arrested him on the charge of Murder; accused made no statement. I took possession of two German military rifles, one he handed me as soon as I arrived, the old one, marked "A"; the other accused handed to me later on marked "B." I found seven rounds of ammunition in the magazine of rifle marked "A" and four rounds of ammunition in a clip in accused's office, they were hanging on the wall.

Accused has no questions.

L. T. GROBLER, Corporal.

P. S. BRADSHAW.

A. CLAUSEN.

Before me:

N. KENNEDY, Lieutenant,
Assistant Military Magistrate.

23 October, 1915.

Public Prosecutor applies for a remand of three days for the purpose of obtaining further evidence and accused also wishes to call a witness.

Granted.

N. KENNEDY, Lieutenant,
Assistant Military Magistrate.

23 October, 1915.

REX versus VENULETH.

FOR DEFENCE.

N. K.

26 October, 1915.

Johannes Rapecki, duly sworn, states: I am a Corporal in the German Active Forces. At the end of May or the beginning of June we, a patrol of three men, came from Okosongutu to Okonjati. The rest of the patrol was spread over the veld. Corporal Schulze was in charge of the patrol; we were ordered to look all round the veld as there should be a lot of Bushmen about and loafers. About ten kilometers before coming to Okonjati we saw something moving in the bush; we saw Bushmen creeping through the bushes; we caught two of them; a man and a woman, the others ran away; the woman had a haversack on in which was a large kitchen knife; the woman was a Bushman; we also found some arrows on the woman; on the man we found bow and arrows; the man was also a Bushman; he also had a kerrie. I took the things away from the natives and brought the natives to Lieutenant Venuleth on farm Okonjati; he said there are the scoundrels who stole my small stock; he then gave them some food; afterwards he called a court martial composed of himself (accused), Corporal Schulze and myself; the two natives were sentenced to death by the court. Accused gave me and Lance-Corporal Ritter an order

to shoot the natives; we took them in the veld. Accused stayed in his house, this was about 5 p.m.; we shot the natives. Corporal Ritter and I shot them; we buried them the same evening. We returned and reported to Lieutenant Venuleth that the two natives were dead.

By Public Prosecutor: I belong to the Signallers Corps. The patrol we were on was a military patrol. I did not see any police at Okosongutu. I do not know if there were any police at Bergkeller. We had no instructions as to where we were to take any natives we caught. Accused was our leader, he does not belong to the Signallers. In peace time I belong to the Signallers but in war time I belong to the accused's commando, the Mining Commando. I did not see any meat with the two natives. I did not look around for any meat. The proceedings of the court martial were taken down in writing by accused. I did not sign the proceedings; it was the first court martial I had ever been on. The whole of accused's commando were on patrol; there were eight or ten of us.

Ritter is now at Aus.

The natives were standing under a tree when we shot them; we fired together and they fell down; three shots were fired; I fired two and Ritter one. The woman was not dead at once so I shot her through the head with my second shot. Schulze was not present when the natives were shot which was four or five hours after the court martial. There was a guard over the prisoners; they were not fastened up; the natives were charged with theft by accused, and he was the only evidence on any theft.

JOHANN RAPECKI.

P. S. BRADSHAW.
A. CLAUSEN.

Before me:

N. KENNEDY, Lieutenant,
Assistant Military Magistrate.

Court resumed 11 a.m., 2 November, 1915.

Public Prosecutor applies for a further remand of eight days.
Granted.

N. KENNEDY, Lieutenant,
Detached, Assistant Military Magistrate.

2 November, 1915.

Court resumed 10 November, 1915.

Public Prosecutor applies for further remand for further evidence. Accused also wishes to call a witness.

Granted for eight days.

N. KENNEDY, Lieutenant,
Detached, Assistant Military Magistrate.

10 November, 1915.

Court resumed 15 November, 1915.
Prosecution with consent of accused, reopens.

FOR THE PROSECUTION.

Desmond Drew, duly sworn, states: I am a Captain, S.A.M.R., stationed at Omaruru. On 6th September, I was on farm Okonjati and conducted a post-mortem on the remains of two incomplete skeletons of natives; one was that of a male, and was almost complete; the other that of a female, the greater part of whose chest and left arm could not be found. The male skeleton: The skull with the remains of portions of the scalp and the vertebræ attached was in two portions, the right half of the occipital bone was broken into fragments, some of which remained attached to the skull and tissues of the neck; a number of the fragments were missing. The whole of the base of the skull on the right side was comminuted. The greater part of the right upper jaw was missing, these injuries might have been caused by a bullet; from the appearance of the bones I should think that wound of entry was at the back of the head the exit wound through the right upper jaw.

Female skeleton: There was a large hole on the right side of the occipital bone irregular in shape about 2 inches by 1½ in.; there was a smaller hole over the right eye about the size of a shilling; the injuries might have been caused by a bullet.

Cause of death: In both cases was laceration of the brain, result of said injuries.

Natives Katjise, Smit and Thomas were present at the examination and identified the remains. The remains were more than two months old; the injuries were caused by a rifle bullet in my opinion and was fired from a short distance; there was no evidence of two wounds in the

male skull; I found no evidence of any other injury. By Accused: I cannot say what sort of a rifle was used but in my opinion the wounds were not the result of shots from a pistol.

DESMOND DREW, Captain.
S. A. M. R.

Before me:
N. KENNEDY, Lieutenant,
Detached, Assistant Military Magistrate.

Witnesses:
P. S. BRADSHAW.
A. CLAUSEN.

15 November, 1915.

Wifred Thomas Wood, duly sworn, states: Am a Sergeant 2nd Regiment S.A.M.R., stationed at Omaruru. On 23rd August I arrived on farm Okonjati. On following morning I investigated a charge of alleged murder and made a plan put in and marked "C" the various places marked on the plan were pointed out to me by native Otto; I caused the grave to be opened and saw two skeletons of what appeared to be natives, and had the grave filled in again.

Accused has no questions.

W. T. Wood, Sergeant,
S. A. M. R.

Before me:
N. KENNEDY, Lieutenant,
Detached, Assistant Military Magistrate.

James McKinnon, duly sworn, states: Am a Rifleman 2nd S. A. M. R. Kalkfield. On 5th September, was on patrol on farm Okonjati. I accompanied Dr. Drew and was present when he held a post-mortem on two incomplete human skeletons.

The grave was identified by Katjise Smit, and Thomas, and also the body of the female native.

Accused has no questions.

J. MCKINNON, 2280 Rifleman,
S. A. M. R.

Before me:
N. KENNEDY, Lieutenant,
Detached, Assistant Military Magistrate.

Witnesses:
P. S. BRADSHAW.
A. CLAUSEN.

Prosecution closed.

FOR DEFENCE.

Albert Schulze, duly sworn, states: I was a corporal in the Mining Commando of the German Forces, my officer was Lieutenant Venuleth. In the beginning of June, 1915, I was ordered by Lieutenant Venuleth to proceed from Okosongutu on patrol to Okonjati and to look for natives in the bush and also to shoot game; near the water hole Orgere the bush was very thick; we found there about ten (10) natives; two of these we caught, a man and a woman, and shot two (2) dogs which they had in their possession. The natives had a bow, five or six arrows (poisoned), a knife and an axe. We took the two natives to Okonjati, there they were charged before a court-martial for stock theft and as spies. The theft of stock was proved and the two natives were sentenced to death; this was done to make an example of them. Corporal Rapecki and Lance-Corporal Ritter carried out the order of the Court by shooting the natives; there were three shots fired.

Cross examined by Public Prosecutor: We caught the natives because we were ordered to do so. We found a sheep skin and sheep legs where we arrested the natives; there was a camp there where they had been for some time. I did not see any meat; the woman was carrying a bag made of skin slung over her shoulder; it had a small knife in it. There were about (11) eleven members of the Mining Commando on the farm Okonjati at this time; the whole commando was there. Lieutenant Venuleth, Corporal Rapecki and myself were the members of the court-martial (Standgericht). The theft was proved by Lieutenant Venuleth, some natives of his, and by Miss Beker; the charge of espionage was not proved.

The proceedings and evidence was not taken down in writing; it is not necessary in the case of a Standgericht. A Standgericht can only try military cases; it cannot deal with criminal cases; the country was under martial law and sheep stealing came under that law. I saw Corporal Rapecki and Lance-Corporal Ritter take the prisoners away; I heard shots fired; I went down to the bodies; the woman had two shots. At the moment that I heard the shots fired accused came from his house and said to me "Now the case is finished" or words to that effect.

Accused gave the order for the natives to be shot; it was not a written order; such was not necessary.

I was the senior Corporal, and detailed Corporal Rapecki and Lance-Corporal Ritter to carry out the sentence.

A. SCHULZE.

Witnesses :

P. S. BRADSHAW.

A. CLAUSEN.

Before me :

N. KENNEDY, Lieutenant,

Detached, Assistant Military Magistrate.

15 November, 1915.

IN THE COURT OF THE MILITARY MAGISTRATE FOR THE DISTRICT OF OMARURU.

In the case of REX *versus* CARRY VENULETH, charged with the crime of Murder.

Case re-opened in terms of instructions contained in Telegram No. C.B. 102, dated the 20th December, 1915, from the Crown Prosecutor, Windhuk, to Magistrate, Omaruru.

On this the 12th day of January, 1916, in the presence of and hearing of the accused then and there in his sound and sober senses, appeared before me, Major THOMAS EDWARDS, Military Magistrate for the said district.

For the Crown: Mr. Poppe.

For the Defence

Interpreter: Mr. A. Clausen.

Hans Bauszus, sworn, states : Am a member of the Active Forces of the German Empire. I hold the rank of Major. I am at present a prisoner of war on parole. I used to be stationed at Keetmanshoop before the war. I went through the late campaign in this Protectorate. I know the procedure of Military Courts Martial on active service. From August, 1914, to July, 1915, martial law as known under the German Government was in force in the Protectorate. In May, June and July, 1915, the majority of the German forces were between Kalkfeld and Waterberg. I know accused's farm Okonjati. It lies in the area then thickly occupied by German troops—our advanced pickets were on the line Epako, Otjitalnamaparero, Okonjati, Okozongutu and on the eastern wing Okakeroa. The active outposts were lying on the hills but the forces about 150 strong (a company) were stationed at the water holes. The force on the farm Otjitalnamaparero was lying at the water hole on the farm quite close to Mr. Mechlenberg's house. The company at Otjitalnamapera was under a captain and other officers, three or four lieutenants. As far as I am aware a company was always at Otjitalnamaparero until the 21st day of June. Major Ritter was in charge at Kalkfeld, he had charge of the line from Kalkfeld to and including the company at Otjitalnamaparero. I was in charge of the line from Otjitalnamaparero to Omatako. Accused's farm lay in my area of control from the 18th or 19th of May until 21st June. In the area under my command I had complete control. I had the power of life and death. I would have, however, to report to the Commander-in-Chief, Colonel Franke, who was at Otjiwarongo. I was quartered at the time at Otjipane. Between the 1st and 21st of June I was at Otjipane or in the vicinity. I used to go to Kalkfeld with Major Ritter. Accused came to me at Otjipane between the 10th and 15th of June as far as I can remember. Accused was not under my immediate command but was under Colonel Franke. Accused was employed on special service in mine laying. His visit was in connexion with this. A junior officer coming into the area under my control would have to report to me. Okonjati is by road 30 kilometres from Otjipane. It is about 8 to 10 kilos. from Otjitalnamaparero and 30 from Kalkfeld and 20 kilos. from Okozongutu. Okozongutu from the 29th of May to the 21st of June was in my area of command. Accused was an officer who had volunteered and being an Austrian his services were accepted. Accused had a small commando. He only came into my area to strengthen it by laying mines. As long as a mine-laying party was under the protection of the company or force in charge of the outposts it would have to concern itself solely with mine-laying operations. As soon as it is out of the protection of the outposts it acts as a separate force and it acts as a separate force and must protect itself. An officer who was in charge of mine-laying operations when those operations are completed would be in the same position as any other patrol. He could search for natives and arrest them to see if they are hostile, and he could also search for stock. In the event of any one being arrested it would if possible be necessary to take the prisoner for trial to the officer in command of the area, and the only persons who could try such persons would be Major Ritter and myself. Since August, 1914, the Government published a special Proclamation giving certain officers the right to try Native cases of any nature whatever. Those officers had the power to inflict death sentences and to carry out the sentence without confirmation by the Governor. Major Ritter was appointed for his area. I was also appointed; my jurisdiction was over the area over which I had military command. The farm Okonjati and Otjipane were both in the area over which I had command. I had to report all sentences given by me. This was a special jurisdiction. In addition to this every officer has the power

to try by Standrecht. A Standrecht is a court appointed with summary jurisdiction when for any reason it is impossible to bring prisoners before the proper authority for trial. It was possible for accused to have sent to Otjitalnamaparero to the camp there for trial the two bushmen he is alleged to have caught. So far as I am aware there was between the 19th of May and the 21st of June nothing to have prevented the accused from sending any native prisoners from Okonjati to Otjimpene where I was. If accused had nothing else to do it was certainly his duty to have sent them to me for trial. In the case of any great emergency it could have been possible for accused to have sent prisoners under escort to the camp 8 or 10 kilos. away at Otjitalnamaparero to be sent on to me by the company stationed there. That company belonged to another district, but it could have been done. To the best of my recollection accused came to see me at Otjimpene between the 10th and 15th of June; he came alone. I think accused came from Otjitwarongo. Accused made no report to me about having held a standrecht. As accused came to me before he laid mines, after that I did not see him. On the 21st I went to Otavifontein. It might have been before the 10th accused came to me. It is not possible that accused would have come to me *via* Okonjati. He came from Otjitwarongo by rail. He brought an order from Colonel Franke for me. Every patrol was under the duty of having to do police work when necessary. Accused's patrol could have done this without reference to me. From the 19th of May until the 21st of June in the district under my command I know of no circumstances which existed and which would have made it necessary to call a standrecht. A standrecht is a court to try the non-commissioned officers or privates for minor offences under military law. A standrecht is a court of summary jurisdiction under an officer. It is the adjudication on a case by the senior officer of the patrol or company having the prisoner. This court is only allowed when circumstances do not permit of the case being taken to the ordinary or usual court. A patrol sent out under a non-commissioned officer could not form a standrecht. Prisoners taken would have to be brought back to the officer sending out the patrol. Such a patrol under a commissioned officer could form a standrecht and try a prisoner but it would be necessary for the officer to report the circumstances, such as fear of the prisoner escaping, which made him take that course. I have been once on accused's farm. I do not know his house. So far as I know there were no troopers on the hills near the accused's house. A standrecht is a trial by one officer only—the highest officer present. Under the regulations the officer could call other officers or non-commissioned officers to assist him. A standrecht has the power of life and death. Officers on a standrecht have to follow the procedure laid down in the Military Criminal Code. I cannot quote the section. The prisoner would have to be present at the trial. The accused would have to have the nature of the crime with which he is charged explained to him. In case of native prisoners this would have to be done through an interpreter. This is laid down in a special regulation published in Berlin about 1899 or 1900, dealing with the trial of natives in war time. It is easy to get an interpreter. All the native batmen would know German and a native language. Witnesses would have to be called unless the officer caught the offender red-handed. European witnesses are sworn, natives are not sworn. The prisoner has the right to question the witnesses through the president of the court. Full proceedings are not recorded, merely a résumé. The charge is recorded. The witnesses who give evidence and the sentence. The accused can defend himself in any way he can. Witnesses for the defence are sworn. A sentence of death can be at once carried out. The sentence must be reported to the Commander-in-Chief through the commanding officer of the president of the standrecht. The commanding officer would send the proceedings on to the Commander-in-Chief with his remarks. Notice of the holding of a standrecht would have to be sent by telegram or letter to the Commander-in-Chief through the commanding officer if possible. The person carrying out a sentence would not require to be authorised thereto in writing.

If the two deceased in the present case were not caught red-handed by the accused it would have been necessary under the standrecht regulations for evidence to be led to the court. During the beginning of June, Colonel Franke was travelling about between Otjitarongo and Kalkfeld and the stations north and east of them. Standrecht courts are for cases of espionage, theft of Government property, and for similar cases and for generally keeping the peace. I do not know that it is a principle that a president of a court could be both complainant and judge. I have never heard of such a case. The jurisdiction of a standrecht over natives is death or corporal punishment. The usual punishment is death. Most of the offences against military property are punished with death. There is no principle in German law that a wife of a man charged with theft, if found in possession of the stolen things, would be presumed to be acting under the coercion of the husband. The accused was in my area for about fourteen days. He was on patrol on the outpost lines. He was not staying at his farm Okonjati.

Cross-examined: If it were sending prisoners closer to the enemy I would not have sent prisoners to the company at Otjitalnamaparero.

To bring a standrecht court into being is a very serious matter. It is only called into being in most exceptional circumstances when no other course is possible. It would then be regular for the same person to be judge and complainant. If in addition to being caught actually stealing stock, prisoners were found in possession of poisoned arrows and bows I should,

if I were president of a standrecht, sentence them to death. Because they were in possession of arms in a military zone.

Re-cross-examined: If the enemy were 187 miles distant it would not be dangerous to have sent the two natives prisoners to the camp at Otjitalnamaparero on the ground of shooting them nearer to the enemy. I at the time did not know how far they were away.

By the Court: A patrol coming on a party of natives and calling on them to stop are obliged to shoot at the natives if they do not obey the order.

H. BAUSZUS, Major.

Witness :

A. CLAUSEN, Interpreter.

Before me :

T. EDWARDS, Major,
Military Magistrate.

Remand granted until Friday 14th instant at 10 a.m.

T. EDWARDS, Major,
Military Magistrate.

12 January, 1916.

Crown applies for a remand until the 26th instant to enable witnesses to attend. Accused, on bail, offers no objection.

Granted.

T. EDWARDS, Major,
Military Magistrate.

14 January, 1916.

Resumed 26 January, 1916.

Johannes Rapecki, sworn. I was a corporal in the German Army in this Protectorate. I am at present a detained witness in the present case, in which I have already given evidence. I was in the accused's mining commando during the months of May and June. There were from ten to twelve men. They were Lance-Corporal Ritter, Private Wopst, Private Klein, Private Martaler, Corporal Friedrichs, Corporal Saverbaum, Corporal Schulze. These are all I can remember. Ritter and Wopst are in the camp at Aus. Accused was in charge of the commando. About the end of May or the beginning of June I was laying mines in the vicinity of Okozongutu. There were about six of us there. Corporal Schulze was in charge. Accused visited us but went away again. When we left Okozongutu we went to Okonjati and from there to Otjiwarongo. When we went to Okonjati we stayed there four to six days. We then went direct to Otjiwarongo. We left Okozongutu on or about the 4th or 5th of June. We stayed at Okonjati for four or six days, so it would be about the 11th of June that we left Okonjati. When we left Okonjati there were troops at Kalkfeld. I do not know if those at Otjitalnamaparero were still there. I knew that some troops had been on that farm. We laid mines at Okozongutu in the beginning of June. The next mines we laid were at Gorab-Otavi. Some mines were laid between Etjo and Otjitalnamaparero. I was not with this mine-laying party. I was at that time "advance" express rider to the accused. I never went to Major Bauszus or Major Ritter with a despatch. I often went about with the accused as orderly. The mines were laid between Etjo and Otjitalnamaparero, I think at the end of June or the beginning of July. I went from Okonjati to Otjiwarongo by ox wagon. When the mining commando left Okonjati it scattered. Our headquarters were Okonjati. Accused was living in his house there. Corporal Schulze was in command of the party at Okozongutu. During the time we were laying mines no patrols were sent out. We had sentries on duty every night on the way to Okonjati; the party went from Okozongutu in twos and none of the different parties joined up until we reached Okonjati. I got no instructions from Corporal Schulze. Private Kleyn was with us too. I do not know where Kleyn is; Corporal Schulze told us, after we were lined up, to break off in twos. Schulze told us to search the bush and also to shoot game. We were told to search the bush because there were all sorts of natives in the bush. Kleyn, Schulze and I had gone six, seven or eight kilos. when we saw something in the bush. When we approached we saw something running away. Schulze and Kleyn went to the left and I to the right. My horse became restless and I only saw several natives creeping through the bush. I challenged them but they did not stop. I did not shoot. The bush was so thick that it was useless to shoot. As I came nearer to Schulze I found that he had captured two natives. He was quite close to me in the bush, about eight, ten or twelve paces away. I heard Schulze challenge but not Kleyn. I heard no shot. The two natives were old and could probably not get away. I heard no galloping of horses. The bush was too thick for galloping. I do not know whose farm the natives were on at the time that they were caught. Where they caught the natives was eight kilos. from Okozongutu. The natives Schulze and Kleyn

caught were Bushmen, one male and one female. Their age was about 45 or 50 years. We took the natives to the accused at Okonjati. It was about eight kilometres from where we caught the natives to accused's house. I am a fair judge of distances. At the place the natives were caught by Schulze and Kleyn I do not remember seeing any sign of a habitation. Whilst I was searching the bush I saw places where natives had camped. The female prisoner wore an old sack round her body and had a haversack slung over her shoulders. In this there was a long knife and some strips of leather, and in her hand was something. I do not know if it was the bow or the arrow. It was one of these. The man had also either a bow or arrows, and a kerrie. I cannot say if either had both a bow and arrows. Schulze took the things away from the natives. As far as I remember he did. If I said before I took them away I was wrong. When I came up to where the natives had been caught I do not know whether the bows and arrows had already been taken away. If I had caught the natives, seeing it is said they had poisoned arrows, I would have at once have taken them away. I suppose the others did so. We found no skins where the natives were caught, only pieces of old clothes. We caught the natives between nine and eleven o'clock in the morning. We reached accused's place at about mid-day. By mid-day I mean between 12.0 noon and three o'clock. It took us two and a half to three hours to reach accused's place. Accused was at home when we arrived. I think Schulze and Kleyn went up to the front of the house. I off-saddled a short distance away. Accused came out of the house. I heard him say "those are the scoundrels who have stolen my small stock," and he told us to stand them next to the house. We put the two native prisoners between the outhouse and a small building which is in a state of ruin. I do not remember if any carts were standing at that place. There may have been some there. The waggon I went away in afterwards stood between the dwelling-house and the outbuildings. I saw the natives actually put between the outbuildings and the ruin. The natives sat down in the shadow of the wall of the broken-down house. I do not remember who was put on guard over them. I was not. By that time some of the party from Okozongutu had come. It might have been two that had come. There were no other soldiers about. About two or three hours afterwards accused came to me and said that he wanted to hold a standgericht. I do not know if it were a standgericht or a standrecht. I know no difference. I know nothing about these things. I was quartered in front of the prisoners in sight of the prisoners. They got only meal issued to them, which they cooked. Where I was quartered, were then Schulze, Ritter, Wobst and I. I do not know where the others were. I believed all the others had arrived but I do not know. I do not know who was on guard. The natives were not tied. They were, as far as I know, never tied. I was quartered about four yards at most from the native prisoners. I know that all the time that someone was standing guard over the natives. I do not know if the guard was armed. It is usual for guards to be armed. When accused told me he wanted to form a standgericht Schulze and I went on to the verandah and the porch of accused's dwelling. Accused, Schulze, and I were there. When the accused came to me and said he was forming a standgericht, Schulze and I went with accused to his porch. Accused then spoke about stealing and running away when challenged and we unanimously sentenced them to death. We sat down. The natives remained where they were at the ruin. I and Lance-Corporal Ritter got an order to shoot the two natives. The order was given to us in the house where we were. Ritter and I then went and took the natives from where they were at the corner of the ruin to about 150 to 200 yards in the direction of Okozongutu and there we shot them. The three of us at the trial sat in accused's hall; accused did the talking. He said the natives had stolen his small stock. It took us about five minutes, a quarter of an hour or twenty minutes to come to a decision. Schulze spoke in addition to accused. I also spoke. No one else spoke, there was no one else there. I know of no one else there. I never saw anyone else there. After the death sentence I went to where I was quartered. I stayed there for about half an hour, then Schulze came and told me again that Ritter and I had to shoot the natives. I had previously been ordered by accused to do this in the hall of his house where we decided the matter. Accused made some writing while the trial was going on. Accused had a sheet of paper in front of him and wrote on it. Some writing was done by accused. I do not know whether pen and ink or pencil was used. The document "Exhibit 1" looks like the one. I know of no one coming before us to give sworn evidence. No one was sworn by the accused. No native interpreter was present. The accused told the natives they were going to be shot. He went to them and said "You are sentenced to death for theft and attempted escape." There was no interpreter. Accused spoke to the natives in German. They nodded their heads to show they understood. The words used by accused were "Because you have stolen and because you ran away when challenged you are sentenced to death." This was said to the natives where they were sitting near the ruin where they were taken by the accused's orders after their arrival. The natives were never brought before us in the hall of accused's house. I know Miss Bekker; she did not come and give evidence. I shot the natives at 4.0 o'clock or 4.30. I shot the woman. The first shot did not kill her, so I fired another (a second shot). No skins of any description were produced at the court in the hall of accused's house. I do not remember the date on which the natives were charged with having stolen property of accused. I left the corpses lying on the ground. So far as I know the natives were never taken away from the side of the ruin from the time they were first put there until the time they were taken away to be shot. Schulze and Kleyn arrested the natives.

No meat was found on them. No skins were found. It was eight kilos. away from accused's house. Where the natives were caught I could find no meat or skin. The bush was too dense. Five or six hours elapsed from the first time I saw the natives in Schulze's possession until I shot the one of them. From the time of sentencing the natives to death to the time of executing the sentence was from one to two hours.

Adjourned to 2.30 for lunch.

T. EDWARDS, Major,
Military Magistrate.

26 January, 1916.

Resumed 2.30 p.m.

Johann Rapecki, under same oath: On our way from Okozongutu I was never further away from Schulze than 200 yards. I was often much less and could see him in the thick bush. We were all armed with rifles, ammunition, and side arms (bayonets). I never heard a shot fired between Okozongutu and accused's farm. I saw no dead dogs anywhere on the journey. After the shooting of the natives I remained on accused's farm Okonjati for three or four days. The commando was scattered. There were only six men on Okonjati. We were quartered there and during that time we did not do much. Schulze was there too during those days. We were actually having a rest. I saw no patrols coming to Okonjati. I do not know if the camp was still at Otjitalnamaparero at that time. Otjitalnamaparero is twelve or fourteen kilos. distant. At the execution I saw no natives watching. The huts (pontocks) are about one hundred yards from the road to Okozongutu.

Cross-examined: I am excited to-day; that may account for the picture of what happened seeming quite different to the other day. When accused spoke to me this morning he spoke of nothing but my illness.

Re-cross-examined: As far as I know I have said nothing to-day different to what I said the other day. I am feeling nervous. I am prepared to be examined by the medical officer.

By Court: The accused charged the natives with having stolen between 60 or 70 small stock. These are the only figures I remember. There may have been others.

JOHANN RAPECKI.

A. CLAUSEN, Interpreter.

Before me:

T. EDWARDS, Major,
Military Magistrate.

Albert Schulze, sworn: I have already given evidence against accused in this case. I was in accused's mining commando. In the end of May and the beginning of June I was in the neighbourhood of Okonjati and Okozongutu, I was in charge of a mine-laying party at Okozongutu. Accused was not there. He came once there for about an hour. We finished our work about the beginning of June. We were between six and eight men on the party. The names are Rapecki, Friederich, Klein, Martala, I do not remember the others. Klein is working in Swakopmund. We did not post guards. We were too few. We had a guard of three men from a picket of about twenty to prevent our being surprised by the enemy. The picket was posted about four kilos. away from us at the Okozongutu Police Post. When we left Okozongutu we went direct to Okonjati. I and two others went on the right side of the road. Three others went on the left-hand side of the road. If there were others they would have gone along the road. We rode close together, I and the other two. We were always in touch with each other and could see or hear each other. We were searching the bush for natives and at the same time trying to shoot some game for food. Rapecki and Klein were with me. We were always close enough to hear each other call. When we got in the neighbourhood of Ovigere we came in touch with natives. This was about half-way to Okonjati and about ten or twelve kilos. from Okozongutu. I there came to a place cleared in the thick bush which could take from ten to fifteen people. When I came up I saw a number of natives leave the clearing. I saw them a moment and then they were gone. Then two dogs appeared and I shot them both. I challenged the natives but they did not stand. The bush was too thick for me to shoot at them. On the shots being fired, Rapecki and Kleyn closed on me and they drove the Bushmen on to me. They caught the Bushmen. I do not know which of them caught them. When they came to me they had the two Bushmen. These natives were a male and a female Bushman. The woman had something over her loins and something over her shoulder. I don't know what. They had poisoned arrows. The man

had the arrows. They also had a bow. The man had this, the woman had a knife in a sort of canvas shield. She also had a small chopper, about eighteen inches, used to chop roots. I know that the arrows were poisoned because they had black points. It is my opinion that the arrows were poisoned. If Rapecki said the woman had the bow or arrows only, I would not say he was wrong. He was there before me, because he and Kleyn brought the natives to me. I found on the cleared space a sheep skin. It was fresh; it appeared to have been killed about three days. The skin had no brand. There were also pieces of skin lying about, small pieces. There were no bones. There was no meat. I got off my horse to search. I showed no one the clearing. I gave Kleyn, who had a quiet horse, an order to search the bush, and Rapecki had a restive horse, so I told him to look after the natives; I myself searched the camp. There were no pieces of old clothes lying about. The natives were brought to quite close to the camp by Klein and Rapecki before I saw them. It might be fifty or one hundred yards. After I saw the natives and gave Klein the order to search the bush and Rapecki the order to watch the natives, I returned and searched the clearing. I did not take away the things I found there. I did not tell the others about them. I disarmed the natives; at any rate I was carrying most of the arms, but I did not worry to take the skins. I say the truth. If Rapecki says that he heard no shots and saw no dogs near and that I and Klein caught the natives, I will not say he lies, he may not have heard the shots. There were no bones there. The legs I mentioned last time I gave evidence were not bones. It was not fresh bones that would be evidence. We took the two natives to accused's farm. I reported the matter to accused. I cannot remember how or where accused was. I cannot remember where accused was. I handed over the natives to accused and reported the facts. There were some of our people there who had come from Kalkfeld I think. I left the matter in their hands." As far as I remember accused called Rapecki and me a few hours later and declared to us that the native male prisoner at some previous time on the adjoining farm had stolen small stock of his. He said "Thunder! this man had already stolen small stock belonging to me. My natives told me of that." That is what accused first said after he called us. We then had a conversation as to what we should do, whether we should shoot them or not. I felt sure that it was a proper military court. It was a standrecht. The reasons why we sentenced accused was (1) because they were Bushmen and therefore outlaws; (2) because they were found in the bush without any pass, and as there were many natives in the bush we wanted to make an example of them; (3) because two or three natives stated that they had stolen sheep before and we thought the skin we found was that of a stolen animal, and to protect ourselves against further theft, our opinion being that if we let him go he would steal again. We also expected the British to appear every day, so we also had a conversation about espionage. All these points together made us come to the decision to sentence them to death by shooting them. As far as I remember in the afternoon I received an order to shoot the natives. I ordered Corporal Rapecki and Lance-Corporal Ritter to carry out the sentence. The natives were shot behind the verf. I viewed the bodies afterwards. I do not know who buried them. When they came in the natives were put at the corner of a broken house. They were given food there. We were lying close to the same spot. It was about nine o'clock we found the prisoners. We reached Okonjati about two hours later. The prisoners were given some food. We also had some. I do not know when accused came out, he was in the yard every five minutes. We had the standrecht, whatever it was, in front of the store-room. Whilst the proceedings were going on we stood. No writing was done during the proceedings of the court. The proceedings were very informal. We came to a decision there in front of the store-room. We were all aware of the seriousness of the situation. There were present, as far as I remember, only accused, Rapecki, and myself. I am not certain if anyone was in the vicinity. I know of no one. It was not necessary to call witnesses; as we were going to make an example of them Rapecki and I were enough. The accused made no statement to the court. This did not come into the question for which we wished to sentence them. For me the main point was to make a general example for the natives in the bush. I do not know who told the natives of the sentence. I was not present when. I do not remember how long elapsed between the sentence and the execution. They were shot in the afternoon. As far as I know it all took place the same day. After the case we stayed on Okonjati a few days. It might have been six, seven or eight days. We went to Otjitalnamaparero and back again after the trial. The 2nd reserve company were there when I arrived there. At the actual time no record was made out. I saw one some time after. It was a long time after, accused showed it to me. No witnesses were heard. The prisoners were not brought before the court, and allowed to defend themselves. It is my opinion that that was unnecessary for a standrecht. In war time the court is called a standrecht, in peace time it is called a standgericht. I do not know very much about it. I know nothing of accused ever having caught any Bushmen. Accused was not present when the Bushmen were caught. The first time he saw them was when I brought them in. Fraulein Becker did not give evidence at the trial. She may have been there. I do not know. I gave evidence but not under oath. Klein was not called. It was not necessary. I was about 20 yards from the clearing when the natives sprang away. I remember one man, he was a very tall man. He was not a Bushman. I could not say if the others were Bushmen. After the shots were fired to carry out the sentence of the court the accused came down the yard towards me and said "Now the matter is finished" or words to that effect. I am quite certain that

no evidence was called. I am not mistaken about where the court was. It is not the case that accused called us into his hall and we there sat down and discussed the case.

Cross-examined: There was no rest for us after we reached Okonjati from Okozongutu; we had a lot of mines to lay and were very busy. It was the hardest time we had during the war. After having heard the record read witness says: I did not mean that I did not know whether the court was a standrecht or a standgericht. I am quite clear as to what a standrecht is. The court we held was a standrecht.

By the Court: I believe there was a cart at the back of the ruin. The natives were not tied up. The soldiers were all about and had to watch them.

A. SCHULZE.

Before me :

T. EDWARDS, Major,
Military Magistrate.

Case adjourned until the 18th of February, the date being agreed upon between the Crown and the accused.

T. EDWARDS, Major,
Military Magistrate.

26 January, 1916.

Resumed 18 February, 1916.

Desmond Drew, sworn : Am Medical Officer in charge at Omaruru. On the 26th ultimo I examined a German named Rapecki just after he had given evidence in the Court. Rapecki told me he was suffering from malaria. He had just left the witness box. I found no evidence of his suffering at the time from an attack of malaria. His pulse was normal and his temperature was normal. Rapecki had no tremors and I could find no trace of agitation or mental disturbance. The answers returned to my questions showed the man to be quite normal.

No questions by accused.

D. DREW, Captain,
S.A.M.C.

Otto Watiritu, sworn, recalled : I have already given evidence in this case under the name Otto Oatiritu. I remember that in June last there were two natives shot at accused's farm. These natives before they were shot were sitting down at the side of a cart which was beside a small house then in a state of ruin. One of the natives was a man and the other was a woman. Both of these natives were Berg Damaras. I am quite certain of this.

Accused has no questions.

OTTO WATIRITU His X Mark.

M. TIMBO, Native Interpreter.

Before me :

T. EDWARDS, Major,
Military Magistrate.

Katjise Wikolka, sworn : Herero male adult. I have already given evidence in this case. I remember in June last two natives were shot on accused's farm. Before these natives were shot they were sitting down beside a cart. The cart was near a broken-down house. It is the last building from the accused's dwelling house. The natives were Berg Damaras. One was a man, the other was a woman. I am certain they were Berg Damaras. I knew them before. They used to stay with a Herero man named Katshiho alias Jacob of Omingonde. Both the man and the woman who were shot were old. The last time I saw the two natives it was some time before they were shot. It was before the War. I am certain they were Berg Damaras. I know what a Bushman is. I would not mistake one for a Berg Damara. I saw the natives last before the war.

Accused has no questions.

Native Interpreter : M. TIMBO.

KATJISE WIKOLKA. His X Mark.

Before me :

T. EDWARDS, Major,
Military Magistrate.

Smith Tongande, sworn, recalled : I have already given evidence in this case against the accused, who is my master. I remember two natives being shot last June on accused's farm.

Before they were shot the two natives were sitting at the side of a cart which was alongside an old house, the house was the building further from accused's dwelling. One of the natives was a man, the other was a woman. They were Berg Damaras. I saw the bodies after they were shot. I was accused's cattle herd. I have been in his employ for over six years. The accused had lost no great stock. I do not know if accused had lost any small stock.

Accused has no questions.

SMITH TONGANDE. His X Mark.

M. TIMBO, Native Interpreter.

Before me :

T. EDWARDS, Major,
Military Magistrate.

Katjise Wilkolka, under same oath, recalled : I was small stock herd for accused from the beginning of the war until the time the two natives were shot. During this time I did not lose 367 head. There were none lost but some died from poverty; these were all reported. I know nothing about accused having caught any one killing any of his sheep.

KATJISE WIROLKA. His X Mark.

M. TIMBO, Native Interpreter.

Before me :

T. EDWARDS, Major,
Military Magistrate.

Crown Case closed.

Accused committed for trial.

T. EDWARDS, Major,
Military Magistrate.

Accused informed that the bail bond entered into by him at Windhuk allows him his liberty until, under the terms of it, he is required at Windhuk.

T. EDWARDS, Major,
Military Magistrate.

18 February, 1916.

WARRANT OF APPREHENSION.

To all Constables and others charged with the execution of Warrants.

Whereas it appears from information laid on oath before me that one Ober Lieutenant Venuleth or Veneluth of Okonjati has committed the crime of Murder.

Now this is to require and authorise you in His Majesty's name to apprehend the said Ober Lieutenant Venuleth and bring or cause him to be brought before the Military Magistrate, Omaruru, there to be dealt with according to law.

Given under my hand at Omaruru, this 8th day of October, 1915.

O. DIMMICK, Captain.
Justice of the Peace, Omaruru District.

Description.

Ober Lieutenant Venuleth—Christian name unknown, lately employed as Mining Officer, to the German Forces; previously belonging to the Austrian Army.

Preparatory Examination.

In the Court of the Military Magistrate for the District of Omaruru, holden at Omaruru in the Protectorate of South West Africa.

Before Norman Kennedy, Lieutenant, Detached, Assistant Military Magistrate.

On the 15th day of November, 1915.

Rex versus Carry Venuleth, adult male, Austrian subject, 42 years of age, born at Vienna, Austria.

Charged with the crime of Murder.

In that during the month of May, 1915 (the exact date being unknown to the prosecution), and at or near Okonjati in the district of Omaruru, the said Carry Venuleth did wrongfully, unlawfully, and with malice aforethought, assault, kill, and murder one Kitjerereko, in his lifetime a native adult male, whose occupation and residence are unknown to the prosecution, and one Kiege, an adult native female, whose occupation and residence are unknown to the prosecution, by shooting the said Kitjerereko and Kiege with a rifle, or (by virtue of the position then held by the said Carry Venuleth as an Oberlieutenant in the German Army) causing the said Kitjerereko and Kiege to be shot with a rifle, and did then and thereby give or cause to be given to the said Kitjerereko and the said Kiege divers hurts, wounds, and injuries from which said

hurts, wounds, and injuries the said Kitjerereko and the said Kiege did die, and thus the said Carry Venuleth the said Kitjerereko and the said Kiege did kill and murder.

For the Crown : Corporal P. S. BRADSHAW, 2nd S.A.M.R.

For the Defence :

Interpreters :

German : A. CLAUSEN.

Native : MANUEL TEMBU.

The prisoner, being in his sound and sober senses, and having had the evidence read over to him, states : I reserve my defence.

VENULETH, Oberlieutenant.

Accused committed for trial on the charge of Murder.

Witnesses :

1. P. S. BRADSHAW, Corporal.

2. A. CLAUSEN.

Before me, this 15th day of November, 1915.

N. KENNEDY, Lieutenant,

Detached, Assistant Military Magistrate.

PREPARATORY EXAMINATION.

In the case of the KING *versus* CARRY VENULETH charged with the crime of Murder.

At Omaruru in the district of Omaruru on the 18th day of February, 1916, in the presence and hearing of Major THOMAS EDWARDS, Military Magistrate for the said district, appeared CARRY VENULETH, 43 years of age, born at Vienna, Austria, by trade or occupation a farmer residing at Okanjati in the district of Omaruru, who, having heard the evidence adduced in support of the charge made against him, that upon or about the 9th day of June, 1915, and at Okanjati, in the district of Omaruru, the said CARRY VENULETH did wrongfully and maliciously and with malice aforethought assault, kill and murder one Kitjerereko, in his lifetime an adult male Berg Damara, whose occupation and residence are unknown to the Prosecutor, and one Kiege, an adult female Berg Damara, whose occupation and residence are unknown to the Prosecutor, by shooting or causing to be shot, by virtue of the position then held by the said CARRY VENULETH as an Oberlieutenant in the German Army, the said Kitjerereko and the said Kiege by a bullet or bullets fired from a rifle, and did then and there and thereby give or cause to be given to the said Kitjerereko and the said Kiege divers hurts, wounds and injuries from which said hurts, wounds and injuries the said Kitjerereko and the said Kiege did die, and thus the said CARRY VENULETH the said Kitjerereko and the said Kiege did kill and murder. And being asked what he will say in answer thereto and being at the same time cautioned that he is not obliged to make any statement that may incriminate him, and that what he shall say may be used in evidence against him, he declares

I reserve my defence.

VENULETH,

Ober Lieutenant.

The above declaration was freely and voluntarily made by the said CARRY VENULETH, who was then in his sound and sober senses, and having been read over and interpreted to him he adhered to the same and affixed his signature thereto in the presence of the subscribing witnesses and

As witnesses :

A. CLAUSEN, German Interpreter.

T. EDWARDS, Major,

Military Magistrate.

18 February, 1916.

RECOGNIZANCE.

Be it remembered that on the Twenty-eighth day of November, 1915, personally came before me CARRY VENULETH and Dr. ALBERT STARK, and acknowledged themselves to owe to our Lord the King, the said Carry Venuleth the sum of Two Hundred and Fifty pounds Sterling (£250) and the said Dr. Albert Stark as surety and co-principal debtor the said sum of £250 (Two Hundred and Fifty Pounds Sterling) of good and lawful money of this Province to be made of their several goods and chattels, lands and tenements, respectively, to the use of our said Lord the King his heirs and successors, if the said CARRY VENULETH shall make default in the condition underwritten.

The condition of this Recognizance is that if the said CARRY VENULETH shall appear in the Court of the Resident Magistrate for the district of Windbuk at Windbuk on the 26th day

of November, 1915, to answer a charge of Murder and at all such times and places to which the case may be postponed, then this Recognizance shall be null and void or else remain in full force.

CARRY VENULETH,
Dr. ALBERT STARK.

Taken and acknowledged the day and year above written before me, the aforesaid.

H. E. GADD, Major,
Military Magistrate.

Certified true copies of the original documents at Windhuk, this 27th day of June, 1916.

A. J. WATERS, C.P.

Enclosure 2 in No. 3.

Translation.

103.

CRIMINAL JURISDICTION WITH REGARD TO NATIVES.

GERMAN SOUTH-WEST AFRICA.

Decree of the Imperial Chancellor with regard to the exercise of the Criminal Jurisdiction and Powers of Punishment with regard to Natives in the German Protectorate of East Africa, Kamerun, and Togo, dated 22nd April, 1896 (Col. Gaz., p. 241), applied to the Protectorate of German South-West Africa by Decree of the Governor, dated 8th November, 1896 (G. Col. Legial. 11, p. 294).

By virtue of the Imperial Ordinance of the 25th February, 1896, the following is laid down with regard to the exercise of the Criminal Jurisdiction and Powers of Discipline with regard to Natives in German South-West Africa in connection with the decree of the 27th of the same month;

Competence.

Criminal Jurisdiction and Procedure in the case of the coloured population are exercised by the Governor. In the various Districts the Magistrate or independent Chief of the District takes the place of the Governor. The Magistrate or independent Chief of the District is entitled to delegate his powers, on his own responsibility, to his subordinate officials for their Division, but is bound to inform the Governor to what extent he has made use of his powers of delegation. The right to inflict punishment shall not be given to non-commissioned officers even if they be in charge of a station. The Officer in Charge at Cape Cross, who retains his former powers, is exempted from the operation of this section.

II. Punishments.

(2) The following punishments may be inflicted:—Corporal punishment (flogging and whipping), fine, imprisonment with hard labour, imprisonment in irons, death.

(3) Corporal punishment cannot be employed for the punishment of natives of better standing.

(4) No female of any age whatsoever shall be liable to be flogged or whipped.

(5) The only punishment in the case of males under 16 years shall be whipping.

(6) Flogging shall be carried out with an instrument specified by the Governor, whipping with a light cane or rod. A sentence to flogging or whipping may be carried out in one or two instalments. Where flogging is inflicted the number of strokes shall not at any one time exceed twenty-five, and where whipping is inflicted the number of strokes shall not at any one time exceed twenty. The second instalment cannot be inflicted before the expiry of a fortnight from the first.

(7) The execution of a sentence of flogging or whipping must always take place in the presence of a European appointed for this purpose by the official empowered to exercise criminal jurisdiction (para. 1), a medical man, for instance, where one is available.

(8) Before the infliction of punishment is begun the person convicted shall be examined in order to ascertain his physical condition.

(9) The medical man called in, or, in his absence, the European present at the flogging, has the right to stop or suspend the infliction of the flogging or whipping, if the state of health of the person convicted appears to make such a proceeding necessary.

(10) Sentence of imprisonment to more than six months requires the sanction of the Governor, to whom the passing of the sentence must be immediately reported. The execution of the sentence shall be postponed until such sentence is received, unless the delay involved is likely to make the execution of the punishment impossible.

(11) The final decision in the case of a death sentence is the sole prerogative of the Governor. In cases where a magistrate has imposed such a penalty the fact shall be reported forthwith to the Governor, to whom the records in the case should be forwarded.

(12) A record of all criminal cases is to be kept in a book on the following lines :—

No.	Name.	Crime.	Sentence.	Date of Sentence.	Remarks.
—	—	Theft. Murder.	20 strokes with cane. Death.	26th June, 1896. 1st August, 1896.	— Confirmed by the Governor, 12th November, 1896.

(13) The Captain (Headman or Chief) or his substitute shall be present during the criminal proceedings. In the case of serious crimes the Magistrate shall call in several reputable natives to assist him, though the sole responsibility shall rest with the Magistrate. Minutes of the proceedings must be taken and the verdict must be given in writing.

(14) In the case of outlying stations and official expeditions into the interior of the country the provisions contained in Sections 1 to 13 of this Ordinance apply, save that with regard to the exercise of criminal jurisdiction the officer in charge of the station or the Chief of the expedition is substituted for the Magistrate.

(15) In case the procedure laid down in Section 11 cannot be adhered to in the case of outlying stations or expeditions into the interior (Section 14) in case of mutiny, hostile attack or any pressing emergency owing to urgent reasons but on the contrary the immediate execution of the death sentence upon a native seems required by the circumstances, then the officer in charge of the station or expedition shall institute summary proceedings against the accused after, if possible, calling upon—at least—two assessors to assist him, and shall thereafter forward the minutes of the proceedings with the sentence passed and reasons therefor, together with a report of the circumstances, to the Imperial Governor. If it should have proved impossible to call upon assessors as prescribed, the reason which made this impossible should be entered in the minutes.

(16) If Martial Law is declared in any portion or locality of the Protectorate by the Imperial Governor, his substitute, or, in the event of urgent danger, by an independent Government Official or Military Commander, then the summary proceedings laid down in Section 11 of this Ordinance immediately come into force as against natives who render themselves liable for punishment.

III. *Disciplinary powers of Magistrates and Officers in charge of outlying stations.*

(17) Natives who are employed as servants or under a contract to work may on the application of their masters or employer be sentenced as a disciplinary measure by any officer entrusted with the exercise of criminal jurisdiction (Sections 1, 14) to the following punishments, viz. :—Corporal punishment together with imprisonment in irons or imprisonment in irons alone for a period not to exceed 14 days, for the following offences :—Continued neglect of duty and idleness, insubordination or unwarranted desertion from their place of service or employment as well as any other serious breach of the condition of service or employment. The provisions of Sections 2 to 9 and 12 with regard to judicial punishments are applicable to disciplinary punishments.

IV. *Concluding Provisions.*

(18) Magistrates and officers in charge of stations, or, as the case may be, leaders of expeditions or their substitutes in case of their absence are required to furnish a quarterly return of all punishments carried into effect to the Governor. These reports are to be submitted to the Imperial Colonial Office.

(19) This Ordinance comes into force on the day of its publication in the various districts and stations. Contrary regulations are simultaneously repealed.

(20) This Ordinance, as far as the administration of the judicial proceedings is concerned, is only applicable to disputes among the natives belonging to the same Captain, as far as is compatible with the terms of the Protectorate Treaties.

Certified true copies of the original documents at Windhuk, this 27th day of June, 1916.

A. J. WATERS, C.P.

Enclosure 3 in No. 3.

Translation.

Minutes of Court Martial held on the 9th of June, 1915, at Okonjati. [See Enclosure 4.]

I was arrested at my farm Okonjati on the 13th October and brought to Omaruru under escort. I protest against this unlawful interference with my liberty.

I was informed by the policeman who arrested me that I was charged with murder. This can only refer to the following matter. I was sent by my commanding officer at the beginning of June to Okonjati to secure a large band of cattle thieves. I was at the time the senior officer in the neighbourhood and it was therefore my duty to preserve order there. Two bushmen were convicted of stock theft and sentenced to death by a court-martial appointed by me and under my presidency.

Several herdboys belonging to my farm were retained as witnesses. Their evidence was not needed for the simple reason that they only knew what I had told them namely, that I had at last captured the thieves and had condemned them.

(Signed) C. VENULETH.
Lieutenant of the Royal and Imperial Austrian Army
and of the Protectorate Active Troops.

P.S.—I wish to add that I reported the matter after my arrival at Otavi to my Commanding Officer Lieutenant-Colonel Franke, who approved of my action. I say this for this reason, that at the time Lieutenant-Colonel Franke was the only person to whom I was responsible.

(Signed) VENULETH.

Omaruru, 15th October, 1915.

Certified true copies of the original documents at Windhuk this 27th day of June, 1916.
A. J. WATERS, C.P.

Enclosure 4 in No. 3.

Translation.

REPORT.

Okonjati,
9th June, 1915.

Proceedings of a Court Martial held at Okonjati on the 9th June, 1915, upon two Bushmen, names unknown.

The members of the Court were :

Lieutenant Venuleth, President.
Corporal Schulze.
Corporal Rapecki.

Statement of facts : The two Bushmen were discovered by Lieutenant Venuleth in the middle of October on the Farm Schonbrunn busy slaughtering two wethers, near a small cattle post. When the stock were counted it appeared 367 head had been stolen. Moreover all over the neighbourhood a considerable quantity of stock had been stolen (Okaturua). On 9th June, Lieutenant Venuleth searched the bush and found about 12 natives in it. He only succeeded in capturing the two in question.

The unanimous decision was that the crime of stock theft had been proved and that they should be shot.

This sentence was carried out on the 9th June by Corporal Rapecki and Lance-Corporal Ritter under the orders of Lieutenant Venuleth.

VENULETH, Oberleutnant.

Okonjati, 9th June, 1915.

Certified true copies of the original documents at Windhuk this 27th day of June, 1916.

A. J. WATERS, C.P.

Enclosure 5 in No. 3.

SIR,

Windhuk,
1st December, 1915.*Rea v. Venuleth.*

In accordance with my verbal interview with you in this matter, I now beg to enclose a sworn declaration by Lieutenant Venuleth setting forth the circumstances under which he felt obliged to sentence the two Bushmen and for the death of whom he is now being prosecuted for murder.

I also enclose a sworn declaration by Hauptmann Trainer, which corroborates the statement of my client, that he reported personally the matter to his Commanding Officer, who approved of the measure he had taken.

From the declaration it clearly appears that the shooting of the natives took place after a properly constituted court-martial found the natives guilty, which court was held by a responsible commanding officer in accordance firstly with the German Military Code, secondly with sections 15 and 16 of Act No. 103 of 22nd April, 1896, in regard to the criminal jurisdiction and disciplinary punishment of natives, such in an area which at the time when the trial took place and the sentence was carried out was not occupied by the Union forces.

No detailed record of the proceedings was made by Lieutenant Venuleth, only a concept which, he informs me, has been handed in by him at the preparatory examination held at Omaruru, but as soon as he was in a position to do so he reported the matter to his Commanding Officer, who in the presence of members of his staff expressed his approval of the measures taken.

For the above reasons, I beg to submit :—

- I. That my client even if he acted illegally, was only responsible to his Commanding Officer as the shooting was ordered by him in his capacity as an officer and not as a private individual;
 - II. That the case does not come under the jurisdiction of the Special Criminal Court because the area where the sentence was carried out was at the time not occupied by the Union forces;
- and I therefore respectfully pray, that Lieutenant Venuleth may be finally discharged from further prosecution.

I am,
Sir,
Your obedient Servant,
D. STARK.

The Crown Prosecutor for the
Protectorate of South West Africa,
Windhuk.

Certified true copies of the original documents at Windhuk this 27th day of June, 1916.

A. J. WATERS, C.P.

Enclosure 6 in No. 3.

Translation.

I was present when, in the beginning of June, 1915, Lieutenant Venuleth returned from a patrol and reported verbally to his Commanding Officer Lieutenant Colonel Franke, that he had held a court-martial at Okonjati and had sentenced two Bushmen to death which the court found guilty of stock theft.

Lieutenant Venuleth was a responsible officer commanding a troop detailed for the laying of mines and as such was directly responsible to the Commanding Officer.

And I declare the truth of the above under oath.

Windhuk, 8th December, 1915.

TRAINER.

Certified true copies of the original documents at Windhuk this 27th day of June, 1916.

A. J. WATERS, C.P.

Enclosure 7 in No. 3.

Translation.

In the beginning of June, 1915, and thereto ordered by the Officer Commanding the Protectorate Troops, Lieutenant-Colonel Franke, I went as a responsible military commander of a patrol of 11 men, being a troop detailed for the laying of mines, from a point north of Otjipau to Otjosongattu, with instructions there to place mines.

In the neighbourhood of Otjosongattu all the men had been commandeered for active service, including the police. Every where on the farms women and children were left unprotected, and wherever I passed a farm with my patrol, I heard the same complaint in regard to marauding and plundering bands of natives and received the request for protection of life and property, as the numbers of such bands were daily increasing.

During this time the Union troops were at a distance of about 300 km (186 miles) from the German troops.

On account of these complaints, I considered it to be my duty to assist the settlers and I scouted out the bush. On this occasion I met with a band of 15 natives armed with bows and arrows, who did not halt when called upon, but disappeared in different directions. At their camping place I found numerous skins and bones of slaughtered cattle.

I succeeded in catching two of the Bushmen, and took them to the farm Okonjati.

There I formed a court-martial consisting of myself as president and two senior non-commissioned officers of my company and made a short record of the proceedings.

The unanimous judgment of this courtmartial was that the accused were guilty of stock theft, and the sentence was death by shooting. I may add that we had suspicions that the Bushmen were also spies but this was not taken into consideration at the trial.

The reasons why the court found the accused guilty of stock theft were as follows :—

1. The complaints of the population of continual stock thefts.
2. The fact that the accused were Bushmen, not vagrant Hereros.
3. The further fact that in the north the Bushmen are a great nuisance and always stealing cattle.
4. The fact that we found at the camping place of the Bushmen a great number of skins and bones of cattle.
5. And finally that I recognised in the two accused natives the Bushmen who had stolen and slaughtered a sheep in October 1914 on my own farm.

At the time I did not have the Bushmen punished in the first place, because it was only a small loss, and further because I had then no authority and I did not want to bring them to the police, as this would have meant the greatest trouble.

For the above reasons, the court came to the conclusion that the two prisoners were guilty of stock theft and sentenced them accordingly.

At the first opportunity I reported the matter to the commanding officer. This was about nine days afterwards and happened in the presence of Hauptmann Trainer. The commanding officer then expressed his approval of the measures I had taken.

The above I declare hereby under oath.

C. VENULETH,
Ober-Lieutenant.

Windhuk, 1st December, 1915.

Certified true copies of the original documents at Windhuk, this 27th day of June, 1916.

A. J. WATERS,
Crown Prosecutor.

Enclosure 8 in No. 3.

THE ADMINISTRATOR,

Administrator's Office, 6 December, 1915.

In connexion with the case of Venuleth, who has been committed for trial for murder, you will observe that Colonel Franke has been interesting himself with a view to obtaining the release of Venuleth on the ground that he acted in a military capacity and that his action was confirmed by Colonel Franke as his superior officer. On Mr. Waters's recommendation I agreed to the release of Lieutenant Venuleth on bail pending your return.

On the 1st December Captain Trainer, as representing Colonel Franke, had an interview with me at which Mr. Waters was also present. In the course thereof Captain Trainer put forward the claim that Venuleth's action was governed by military reasons, and that such was not subject to review, and consequently that, under German military law he was justified in the course he took.

We pointed out to him that it was difficult to understand how it could be maintained that Lieutenant Venuleth's action was covered by military requirements, seeing that the alleged court acquitted the prisoners on the charge of espionage but convicted them on the charge of stealing cattle belonging to Venuleth himself.

Captain Trainer offered to bring up Mr. Schmidt to explain the German law on the subject, but I informed him that I preferred Dr. Kohler, the late Referent for Justice, and

who at the present time is acting as Dr. Kastl's representative, and accordingly on the following day Dr. Kohler had an interview with Mr. Waters and myself in which he admitted that there was nothing in the German law which provided for an officer or any other individual acting as a judge in a case in which he himself was the complainer, the only witness, and in this case some of the evidence goes to show that he was also the executioner.

The following day Captain Trainer again saw us, and pressed strongly the view that any action taken by Venuleth was in his military capacity and not subject to review, seeing that it took place before the 9th of July.

In jocular terms he said that if we were not prepared to agree with his view it would be necessary for him to proceed to Capetown to interview General Botha, as the latter had told him that if difficulties were raised at any time he was to come and see him. I hinted to him that although he might proceed to Capetown to interview General Botha no guarantee would be given that he would be permitted to come back, and that Maritzburg was rather a more desirable place of residence than Windhuk. And—still in the same jocular strain—he pointed out that when the case was brought to the German authorities through the American Consul-General at Capetown they would probably retaliate by imprisoning or taking similar action in the case of ten or more of our officers.

It struck both Mr. Waters and myself that, although Captain Trainer spoke jocularly, it was with full intention of attempting to bluff us into agreeing with his requests, and you will probably recall that His Excellency Dr. Seitz tried on the same thing with me when I was at Grootfontein in connection with the recovery of the diamonds.

However, this may or may not prove a matter of much importance, but when I impressed on him the view that the Court acquitted the natives of espionage, which was a military act, and convicted them of theft of cattle belonging to Venuleth himself, it was difficult to understand how it could be justifiably regarded as affecting the military operations. Captain Trainer admitted that many of the acts which had been done during the war by the military and other officials would fall to be dealt with by their own courts, both military and civil, after cessation of hostilities, and that many of these individuals would be severely dealt with and probably get much more severe sentences than would be imposed by our courts. What they resented was any action taken by us in respect of deeds which had been performed prior to the 9th of July.

I think the position we should take up is that the Administration of the Protectorate as a constituent part of a Sovereign State was entitled to administer its own laws, &c., up to the date it ceased to be a portion of a Sovereign State, and that all its powers and functions devolve upon its successor in office, namely, the Military Governor and subsequently yourself, and that there is no reason why action should be deferred until the close of the War in order that officers or any other individuals might escape trial by the law courts of the present Administration for deeds committed by them which are not covered by the ordinary conditions of warfare. And as to what constitute acts of war I incline to the view that we should not regard the decision of Colonel Franke, given verbally for the most part, as conclusive, but that we should allow the courts to determine for themselves whether the case is one which should be heard and decided by them.

In the end Captain Trainer agreed to remain in Windhuk until you return, and he will probably call upon you within the next few days to discuss the question *de novo*, but I am placing these few notes on record so that you can have some idea of what really transpired in this connection.

J. COLLIE,
Secretary.

Certified true copies of the original documents at Windhuk, this 27th day of June, 1916.

A. J. WATERS,
Crown Prosecutor.

Enclosure 9 in No. 3.

IN THE SPECIAL CRIMINAL COURT OF THE PROTECTORATE OF SOUTH-WEST AFRICA IN THE
OCCUPATION OF THE MILITARY FORCES OF THE UNION OF SOUTH AFRICA.

ALFRED JOHN WATERS, Crown Prosecutor for the said Protectorate, who prosecutes for and on behalf of His Majesty the King, presents and gives the Court to be informed that CARRY VENULETH, an adult male Austrian farmer residing at Okanjati in the district of Omaruru, is guilty of the crime of Murder as defined in Section 211 of the Criminal Code of the German Empire:

In that upon or about the ninth day of June, 1915, and at or near Okanjati in the district of Omaruru, the said CARRY VENULETH did wrongfully and unlawfully and maliciously kill and murder one KITJERERKO, an adult male native whose occupation and residence are to the Prosecutor unknown; And one KIEGE, an adult female native whose occupation and residence are to the Prosecutor unknown.

In the event of the conviction of the said CARRY VENULETH of the charge set forth herein, the said Alfred John Waters, in his capacity as aforesaid, prays that sentence in due form of law be passed on the said CARRY VENULETH.

Dated at Windhuk this 24th day of March, 1916.

A. J. WATERS,
Crown Prosecutor.

Certified true copies of the original documents at Windhuk, this 27th day of June, 1916.

A. J. WATERS,
Crown Prosecutor.

Enclosure 10 in No. 3

IN THE SPECIAL CRIMINAL COURT OF THE PROTECTORATE OF SOUTH-WEST AFRICA IN THE OCCUPATION OF THE MILITARY FORCES OF THE UNION OF SOUTH AFRICA.

Holden at Windhuk on this 17th day of April, 1916.

Before—

MATTHEW ROBIN GREENLEES, President.
Colonel W. W. RUSH } Members.
CORNELIUS HERMANUS WESSELS }

REX *versus* CARRY VENULETH.

Charged with the crime of Murder as defined in Section 211 of the Criminal Code of the German Empire.

For the Crown : Crown Prosecutor.

For Accused : Dr. Stark and Dr. Lorentz.

Interpreters : C. H. Poppe and Dr. Lorentz.

The Accused being arraigned, pleaded Not Guilty.

Judgment : Acquitted and discharged.

M. R. GREENLEES,
President of the Court.

J. COETZEE,
Registrar of the Court.

REX *versus* CARRY VENULETH.

17th April, 1916.

Court resumes at 10 a.m.

Indictment read to accused, and Dr. Stark, on behalf of accused, hands in plea marked "A," and addresses the Court in connection therewith. Dr. Lorentz interpreting the address in English. Court decided plea could not be decided upon without hearing evidence. Points raised are reserved.

Indictment read to accused, who pleaded not guilty.

The following evidence was adduced in the presence of the accused then and there in his sound and sober senses :—

Desmond Drew, sworn, states : I am a captain in S.A.M.C. station at Omaruru. On the 6th September last I was on the farm Okanjati, about thirty to forty kilometres to the south-east of the northern line. I held a post-mortem examination on the bodies of two natives. Boy Katjesi is the boy who pointed out the bodies to me. One body was that of a male, the other of a female—of the male body the skull was broken into two portions, the right half of the occipital bone was broken into fragments. Some of these fragments were attached to the skull and the tissues of the neck. Some of the fragments were missing. The whole of the base of the skull on the right side was broken into fragments. The greater part of the right upper jaw was missing, blown away. The injuries were, I should say, bullet-wounds. Of the female skeleton the greater part of the chest and left arm were missing. There was a large hole in the skull on the right side of the occipital bone. The hole was irregular in shape about 2 inches by 1½ inches. There was a smaller hole over the right eye as large as a shilling. These injuries, in my opinion, had been caused by a bullet.

The cause of death was laceration of the brain caused by these bullet wounds in both instances. I think they were rifle bullet wounds. The people had been dead certainly more than two months. They were old people. Teeth were worn down. Male skull had portion of scalp attached, and, as far as I can recollect, had grey hairs attached.

Defence : No questions.

2. *Otto Watiritu*, Herero, sworn, states : I know accused. I worked for him. I know Kitjirereko and Kiego. I remember the day they were shot. They were living in the veld

for I don't know how long. The accused shot them, personally, with a rifle. I did not see them do anything before the shooting. The day the deceased were captured is the first time I saw them. They came from the veld. They were brought there by accused and a German soldier. Accused fastened deceased under the cart. This was in the afternoon early. They were there all the time. The deceased were shot about half-past five. Accused was at his house. He loosened deceased from the cart and took them to the veld. I was there when Sergeant Wood (identified) came there. One of the natives, Etiro, and soldiers buried the deceased. I was not present. One of the deceased was a man, the other a woman. The deceased had no skin or meat as far as I know. They were unarmed.

Cross-examined by Dr. Stark: I did not see who bound the natives to the cart. I personally saw accused himself loosen the natives. One soldier was with him. I was about thirty yards away when deceased were shot. It was an almost open place. A soldier accompanied accused to where deceased were shot. I saw the soldier but he had no rifle. I personally saw the accused shoot the two deceased himself. He shot the man first. He fired three shots. Two at the man, one at the woman.

By Court: The deceased were Klipkaffirs. I do not know whether deceased killed sheep of accused. The deceased were living in the veld.

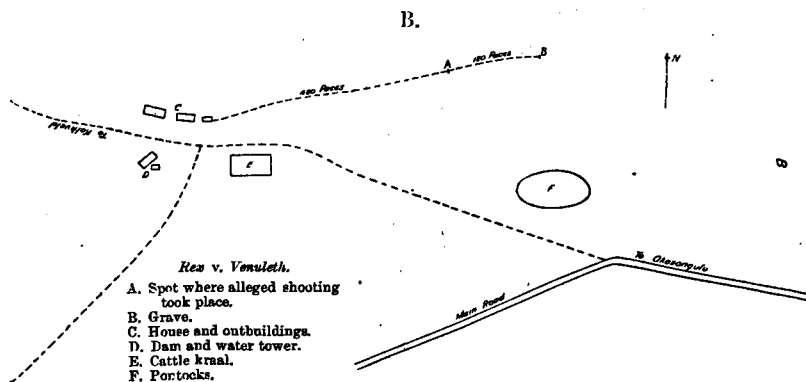
3. *Katjise*, Herero, sworn, states: The accused is my baas. I knew the two deceased. I remember the day they were shot. The accused himself shot them. A soldier was with him. I do not remember him as there were so many soldiers. The deceased were brought there when I was in the veld herding goats. When I saw the deceased first in the afternoon when I came from the veld they were tied to the cart underneath. The deceased were shot almost sundown. I cannot say the exact hour. The deceased came from the veld. I was there when the doctor came there. I showed him where the deceased were buried. They were Berg Damara-Hereros.

Cross-examined by Dr. Stark: I saw the accused with the two natives going into the veld after he had loosened them. There was one soldier with him. Both had guns. This was, I should say, about half-past five. My Missus told me to bring strange stock away, and in doing so saw accused, soldier and natives going to the veld. I actually saw the deceased shot by the accused himself. He fired three shots. He shot first at woman. The second shot was fired at the woman. The first only wounded her. The third shot was at the man. I did not go to view the bodies; I went home. I knew the two deceased for a long time. The deceased, I know of my own knowledge, never worked for anybody. They merely lived in the veld.

4. *Lodewikus Theodorus Grobeler*, sworn, states: I am a corporal in the 2nd S.A.M.R. I arrested accused on 13th October, 1915. He made no statement. He handed me two rifles.

Defence: No questions.

5. *Wilfred Thomas Wood*, sworn, states: I am sergeant in 2nd S.A.M.R. I went to accused's farm on the 23rd August last and made rough sketch of situation as pointed out by boy Otto (B). Explanation is on the back. I was shown the bodies of two natives in a grave. The British troops I think were at Omaruru on the 9th June. I am, however, not certain.



(Signed) W. T. WOOD,
Sgt. S.A.M.R.
24th August, 1915.

Defence: No questions.

6. *Johannes Repecki*, sworn, states: I am corporal in German Army and was on active service with troops here in late campaign. I was in the mine-laying commando under accused. At one time I as stationed on accused's farm. This was at end of May and beginning of June

last year. The other members were Schultze, Ritter, Martala, Klein as far as I can recollect. The accused was the only officer. From Okanjati we went to Okosongatu to lay mines. I do not know how far the British troops were away then. While coming back to Okonjati from Okosongatu we received instructions about natives, namely, to search the bush and shoot game. We had to look for natives. Accused gave me the instructions. We had to do this on the way from Okosongatu to Okonjati. I found natives between Okosongatu and Okonjati. I do not know on whose farm. There were from eight to ten men—our party. We captured two natives. A man and a woman. They were elderly people. They were in the bush. We called to them and they would not stop. There were about (15) fifteen of them. I was to the right of Schultze and Klein. I personally did not catch any. We caught the two. They were armed with bows, poisoned arrows, a knife and a kerrie. The man I cannot certainly say what he had. I am certain the arrows were poisoned. The points were black. They had one bow. I do not know for certain who carried it. I did not see any skins or meat with them. They were, in my opinion, Bushmen. This happened about eight kilometres from the house at Okonjati. We took these two natives to Okonjati. We did not tie them up. We got to Okonjati between 9, 10 or 11 o'clock. When we got there we gave them to accused. He put them at a corner. Let them sit there about ten to fifteen paces from the house. They were not tied up. I cannot remember whether there was a cart near. They were prisoners; I could not say if they were guarded. We did not want them to escape. A Court was formed by accused as Convener. I cannot say what kind of Court it was. It may have been a Standgericht. The members of the Court were Schultze and myself. I was a member. We stood. I was in the capacity of a member. Schultze was the other member. The Court was held, as far as I can recollect, in the yard. The Court was held in order to shoot the natives. They were at the corner. Quite close to us. They could have heard what we said. I do not remember the proceedings of the Court. I only remember we sentenced them to death. The charge was because they would not stop when called upon, because being in possession of poisoned weapons, and espionage. The charge was based on Schultze's report. I cannot remember who said the charge against the natives was the foregoing. I do not remember whether the natives were told of the charge. The natives I cannot remember whether they said anything or not. It is such a long time ago. Since I gave evidence before the magistrate I was sick. I do not know whether the natives were charged. I do not remember them pleading guilty or otherwise. I don't remember whether witnesses were heard. I do not know if any witness was heard. The natives were sentenced to death because they would not stand when called upon, because of the weapons, and because of espionage. They were guilty of espionage because they ran about in the bush. These were the only reasons why they were guilty. I do not know whether their running in the bush was the only reason of their guilt of espionage. Mention was made of theft of goats. Accused mentioned this. He said these are probably the people who stole my small stock. That is all he said about the matter. We certainly mentioned the theft but that was not the reason of the sentence. As far as I can recollect this was all that was said against the natives. The accused first said the deceased should be shot. I then got instructions from N.C.O. Schultze that Ritter and myself should shoot them. We did so. They were executed behind the Location. I do not think any of accused's natives were about at the time. The deceased was buried after execution. I do not know whether anybody spoke to the natives at the trial. As far as I can remember only the three of us were present at the Court. There was nobody to interpret to the natives. I do not know whether the deceased had any opportunity to call witnesses. The proceedings were written down by the accused as far as I can recollect. I do not know what he wrote. I do not know on what he wrote. I do not know whether there was much of it. I did not get a written order to execute the natives. I do not know whether I would execute a white man without written order. I can remember a lady by the name of Miss Becker. I did not see her at the trial. Nothing was produced that I am aware of. I cannot remember anybody giving evidence. The accused did not say these are the natives who stole my sheep. It was mentioned and as far as I know the only thing that was mentioned besides the finding of them in the bush and the charge, as far as I recollect they were found guilty of the charge. The stealing was not taken into serious consideration. At the time I gave evidence previously I was ill of malaria and headache. I gave evidence about October. Since then my memory has not much improved. I always had a bad memory. I don't think I am mistaken in saying espionage was mentioned. I have since thought about it seriously. I do not know that espionage was mentioned in the protocol. To the best of my recollection I am not making a mistake.

Cross-examined Defence: It is a fact that at the time I was a member of the patrol under N.C.O. Schultze. This patrol had special instructions to search bush for natives and to shoot game. Our instructions were to arrest natives when found. I do not know whether differentiation was to be made with passless natives and those who had passes. Schultze was in command and I know very little of these instructions. During the course of our patrol we came across a number of natives. We called upon them to stop. They did not do so. The patrol caught only two of the natives. Schultze and Klein, I believe, caught these natives. Both natives were armed with a bow, arrows, knife, and a kerrie. I cannot remember whether these weapons had been taken by Schulze and Klein or whether natives still had them when I came to them.

We then took them to the farm. Accused was at the farm. Schulze was in command of patrol. Schulze had to report to his officer. I stood some distance away and could not hear very well what was reported. I could only see he was making his report. This was about 10 or 11. It may have been later. Shortly after the natives were brought I was informed that a Court would be constituted, with myself as member, by the accused. I cannot remember how accused convened this Court. I do not know the difference between Kriegsgericht, Standgericht and Standrecht. I was aware that the Court was constituted with accused as chairman. Both Schulze and myself were allowed to talk, in addition to accused, at this Court. As far as I can recollect the Court was constituted because the natives would not stop when called upon, because of their weapons, and because of espionage. I cannot recollect that at this Court the report of Schulze was taken into consideration. I can remember that before the verdict of the Court was given first one and then the other of the members of the Court were consulted. I then got the order to shoot the natives. The order was given through the accused. The senior N.C.O. received the order. Schulze is his name. Schulze instructed Ritter and myself. As far as I can remember Ritter shot the man. I shot the woman. I shot twice at the woman. The accused then was at his house.

Crown Prosecutor applies for witness to be treated as hostile, Court refused application.

By Court: We were standing together when the trial went on. There were no tables or chairs. There were no witnesses as far as I recollect. I have never before been a member of a Court. Have never previously seen a Court-Martial. I was not sworn in as far as I remember. The accused did not swear me in. I did not sign a record of the proceedings. I gave my opinion on the verdict. It was because natives would not stop, were in possession of arms, and for espionage, they were sentenced to death. I am certain on the point of the arrows there was a sticky surface.

7. *Albert Schultze*, sworn, states: During the campaign here I was serving under accused. I was carrying out certain duties at Okosongatu—from where I returned to Okonjati. The accused was at Okosongatu when we left it. He instructed me to ride back to Okonjati and to search the bush for natives along the way. I was in charge of patrol—Repecki was next in command. At the waterhole Ovigeri we found between ten and fifteen natives. They all ran away except two who were brought to me by two members of my patrol. These were a man and a woman. These were caught in the bush. Ovigeri is about half way between Okonjati and Okosongatu, about eight kilos. from each. I do not know on whose property they were. I believe Ovigeri is Government ground. The natives were of middle age. The bush was so thick that they could only be seen a short while. My attention was drawn away because two dogs came from their laager. These dogs I shot. The two we caught were armed with a bow, five or six poisoned arrows, a knife, an axe, and, I believe, a kerrie. The axe is what they use for digging up roots. They had no meat or skins with them. I cannot say that the kaffirs were committing espionage. When I see armed natives in the bush, I took it for granted that they were spies. Every native carrying a bow and arrow or otherwise would be liable to trial as a spy. The natives were taken to Okonjati. They went willingly, walking in front of us. When we arrived there the natives were taken to the vicinity of our laager and guarded by our men. They were not fastened. I then reported to accused. I told him that I had found the natives in the bush, that they would not stop when called upon, and that they were armed. I also further reported that in the camp where the natives were I found the skin of a freshly killed hamel. That was my report. I could not say whose sheep it was. The accused told me that the natives were to be fed and that afterwards they would be tried. They were tried; accused constituted a Court of himself as President, myself as member. I would have the same power in such Court as an officer. N.C.O. Repecki was also a member. At this Court I again made my report and it was also stated that these natives were running about the bush, and because the British troops were expected to attack us at any time they were also charged with espionage. The charge of espionage was spoken of at the Standrecht by all. On the strength of my report they were sentenced to be shot. This was the whole proceedings. The three men came to the conclusion that they had to be shot. I don't think I forgot anything. Theft was spoken about, but they were not found guilty of that. It was said that the man had previously stolen stock from accused but this was not considered in arriving at the verdict. The accused mentioned these thefts from him. He recognised the man as the earlier sheep thief. He did not say how he knew they had stolen his sheep. The natives had nothing to do with the Court. They were not present. At the Court my report was sufficient. They were not informed of the charge. They were not asked whether they were guilty or not guilty. My report was the only evidence given. The second evidence was that Repecki said they refused to stop when ordered to do so. They were not asked to call evidence. I did not make my statement under oath, neither did Repecki. No oath of office was administered or taken by the accused or by me. Court took place in the accused's yard. We did not sit down. No written record was made of the Court proceedings. It was not necessary. I had frequently sat on similar Courts previously. Always on natives. Never on white men. Proceedings were always conducted in the same manner. The result was always the same. An officer was always the President. Always the senior officer of the place.

Court adjourned till 2.30 p.m.

Court resumed at 2.30 p.m.

Albert Schultze continuing : I was N.C.O. during Native Rebellion 1904-1906. Practically the same charges were laid : to wit, natives found in the bush or charged with having escaped. These natives fought against us for fully two years. In this instance I cannot say that they did not fight against me. My right as a N.C.O. is to shoot any native found in the bush and armed, on sight. The court arrived at the unanimous decision that death was to be the penalty. I do not remember who was the first to decide. Usually the youngest man starts in a standrecht, if the one says yes, and the other says no, the final decision is with the President. That is the proper way. It may have been done in this case. I am not certain. Sentence was carried out. I gave the N.C.O. Repecki and Ritter instructions to shoot the deceased. My instructions came from accused as President of the court. It was not in writing. Was not required. In the case of a white man written instructions are not necessary. He is shot at once. I know that a protocol of proceedings was made because I had read it. I do not know when it was made. The same day or later. I cannot say. I read it a few days after the execution. It may have been later. I did not sign it. On my report the two people were sentenced.

Protocol produced, marked "C." Witness reads it. The natives were sentenced on my report. The things mentioned in protocol were mentioned. Everything that happened is not mentioned in protocol. It is a fact that protocol states sheep were stolen in October from accused by deceased. I did not write protocol. Accused showed it me. I do not know whether I pointed out to him the incorrectness. I mention that I maintain a protocol is not necessary. It is so that protocol says natives were sentenced on account of stock theft. This, however, was not the main cause of sentence. I do not know why the protocol was written. I was aware that these matters had to be reported to Colonel Franke. I do not know whether protocol was written for that purpose. In previous standrechts in which I took part no protocol was made of the proceedings. A report must always be made to the officer commanding or the officer in charge in that particular area. I cannot say why accused had not previously in his explanations made any mention of espionage. I was in early expectation of British attacks. They advanced so quickly. I had not to wait until they arrived. I had to be on the *qui vive*. Every native in the veld is dangerous, especially in war time.

Cross-examined by Defence : I was the senior non-commissioned officer of the patrol. When I left Okosongatu I had special instructions. We had to go in the direction of Okonjati and search the bush for natives. I had to go and look specially for Bushmen. The term of Bushmen included Bushmen in particular and natives generally. Such natives were to be tried by standrecht. As an N.C.O. I had that right. If a native does not stand when called upon to do so he is liable. During my journey through the bush I found old and new laagers of natives. This is one of the places where natives can hide exceedingly well. We came upon a number of natives. They were called upon by me to stop. They ran away. I first of all shot the two dogs. Had I then had the opportunity I would have shot the natives. The bush was too thick. Two of the natives were captured. They were armed with a bow, five or six poisoned arrows, knife, axe and I think a kerrie. I personally took these arms from the natives. I took the natives to accused's farm and reported to him the facts. As I made the report verbally I cannot give the exact words. The report was in the sense that natives were found in bush with weapons. They would not stand when called upon and that the skin of a freshly slaughtered hamel was found. Accused immediately I reported went and looked at the deceased. He recognised the man as a person who had previously stolen sheep from him. We may have spoken about this but it was not taken into consideration later when the court sat. Accused then called me and Repecki together as a court with himself. The difference between krieggerecht, standgerecht, and standrecht I know. The sentence on natives was imposed because they were in bush armed, would not stop when called upon. The same statement I made before the standrecht. It was taken into consideration by the court that they were only suspected but not guilty of espionage. It was taken into consideration about the theft of sheep because we found the skin. The question of the natives being stock thieves fell to the ground. Repecki and myself were permitted to talk about the subject at the standrecht. I cannot say who spoke first. It could not have been the accused as that is not allowed. I gave the order to execute the sentence of the court. I instructed Repecki and Ritter to do so. The accused was quite close to me when the shots were fired and said to me "Now the matter is finished."

Re-examined by Crown Prosecutor : I had the right to try these people myself through my instructions as N.C.O. of German Army. As patrol leader I had that right. As soon as danger arrives I can do anything I like. If I had seen any British troops from Ovigeri to Okonjati I would have shot the natives. There was no danger then. My power depends entirely upon circumstances. Accused stated that he recognised the deceased man as one who had previously stolen sheep. He may have said how he recognised him. It may be that his boys told him so. I don't know. I would treat a man caught in the lines as a spy, white or black. The mere suspicion of espionage is sufficient to find them guilty. The

stock-theft was not the main reason of sentence to death. They were found guilty because they would not stand when called upon and were found with arms.

By Court: The other reasons were suspected espionage and that they had killed small stock which were probably stolen and that in my opinion, being bush people, they should be shot at sight. I had the right to shoot because they would not stop, because they had arms and were suspected as spies. If I had the opportunity I would have shot them. I called and they ran into the bush. I had the right to shoot these natives. Repecki brought them to me. I could have shot them. I knew that they would come before a standrecht and I knew what the verdict would be. It is quite sufficient if they do not stop when called upon. I do not know whether these natives took part in the campaign against us or not. I knew that before the war natives roamed about the bush and stole stock. Before the war I was a private individual. No native gave evidence. Miss Becker did not. It was a military court. I did not say so at the preparatory examination.

8. *Percy Scarr Bradshaw*, sworn, states: In October last I was stationed at Omaruru and commenced preliminary examination in this case, appearing for prosecution. At beginning of proceedings accused handed in protocol, also written protest. Written protest "D."

Cross-examined by Defence: I did not ask accused for these documents. He brought them as an objection to the proceedings.

9. *Hans Bauszus*, sworn, states: I am major in German Army, Protectorate Troops. In June last I was in Otjipane, up to 21st June. I know accused. He was at that time under direct orders of Colonel Franke with a mining commando and with instructions at certain places to strengthen the defences by mines. At beginning of June he was in the area under my command at Okosongutu. I was at his farm before accused was there. That farm was in my command area. In this district I was commanding officer. Accused was not under my control. He only had to carry out my instructions to fortify certain places with mines. That was his only duty as far as I was concerned. If he found it necessary to get into touch with the commanding officer there is no necessity for a standrecht. In beginning of June there was bad communication between me and Okonjati and I do not know whether he had sufficient time to send prisoners to me. The distance was about 35 kilometres. I heard later that Union troops then were at Omaruru and at Osongusumassa in easterly direction. This was from Okosongutu about 50 kilometres. I cannot say that there was a necessity for him to hold a standrecht then. I do not know what other things he had to do. Every patrol was instructed to arrest armed natives and to bring them along with them. The general instructions were that they were to be brought to the commanding officer, as he alone could legally try these people. The charge against armed natives if found at our outposts in the war zone, so that they are a source of danger to our men, and they may be charged with imparting our position to the enemy. They had either to arrest and take them to the lines; if they refused to stand to shoot them. They could be charged with suspected espionage if found in the lines of our outposts. It depends entirely on the judges whether they will be satisfied with the mere fact that the possession of arms is sufficient. The carrying of bows and arrows, being dangerous, is included under arms. In June last the accused was just in the line of my outposts. The procedure of a standrecht is a summary trial. No actual mode of procedure is laid down, but the law of ordinary court-martial should be followed. There is a special law called the feldgericht—specially for natives, in terms of paragraphs 15 and 16 of Law 8th November, 1896 (page 329, 1914, Taschenbuch). Natives would be tried under these provisions. I would follow as near as possible the form laid down at a feldgericht in order that queries may not later on be raised. I personally always saw that a protocol was taken. I would have the accused before me. If I had caught them in the act, I would shoot them on the spot. If I found a spy or a deserter or anyone who deserts to the enemy I would shoot him down at once. I would, however, have to be certain, otherwise I must take evidence. I could swear in such men giving evidence, but the patrol leader could not do so. Accused would be told what the charge against him is. He would have a chance of calling witnesses when available. It must be observed that standrecht is only resorted to in the most extreme urgency. Accused would be allowed to make a statement in his own defence. The sentence of the standrecht is immediately executed, otherwise the necessity for standrecht does not exist and accused may be brought before the ordinary court. Somebody is then ordered to execute the sentence. In this instance I would have handed my report to Lieutenant-Colonel Franke. Accused had a party of twelve men. I do not know if he had opportunity of transport or had other things to do, so that he did not send natives to me. If I had been in the accused's position I should have shot natives without any formality, both man and woman, because they had run away. I do not know why they could not have been brought before an ordinary court. As far as I know I cannot give an opinion on the point as I do not know what the difficulties were. Accused did not meet me again at Otjipane. I heard afterwards that accused had immediately reported the matter to Colonel Franke. It is not altogether necessary for him to have reported to me. He might have done so as he was in the district of my command. He was, however, under direct command of Colonel Franke. He was carrying out my wishes in regard to mine laying. After the 9th June I had no letter from him. We retreated

hurriedly and our lines of communication were in disorder. My statement before the Magistrate as between the 10th and 15th is a mistake. All I remember is the accused coming to Otjiwarongo to ascertain from me which particular spots I wanted strengthened in my lines. He then went from me to Okosongutu. I was not allowed to give him any further instructions. I only had to tell him where I wanted the mines laid. I did not give any further instructions. Every evening I got Morse signals how far he got with the mine laying. I had two more stations at Etijo and Omataku, from where I got the information.

Cross-examined. Defence: I said that I personally would follow the procedure of the feldgericht and instructed officer in my commando to do so. At a standrecht I would alone form the court. I would be the court under the sections referred to by me. A judgment of the court (standrecht) if not properly carried out would not be upset or invalidated. Paragraphs 15 and 16 of the Law of November, 1896, lay down the procedure of a feldgericht, not of a standrecht. This old ordinance was brought into force again in beginning of the war. Later on a further order was made by the Officer Commanding (Gazette No. 21 of 1914) *re* treasonable acts. The natives would have stood if they had a clear conscience, but not having such, ran away. According to my opinion the accused could form a standrecht.

By Court: I would have called a feldgericht. A standrecht I would call catching a man in the act and shooting him. Accused could not call a feldgericht as I was the only one to do so. I cannot understand that in this case the witnesses were the judges. Accused should have given deceased twenty-five strokes for the theft. I would not call a gericht. I would give him twenty-five lashes if I were personally concerned. I have not heard of a standrecht where two members are witnesses, the president the accuser, and the accused absent. This unfortunate matter was brought about by Schultze. He (accused) had the right without any formality on the report of Schultze to shoot them without formality. Some patrols of ours were led astray by natives. In the present case I, knowing that natives lie in the bush stealing sheep, would have thought they were there for sheep stealing, but if caught in the outpost lines, they are there for some purpose. Most of the cattle had then been driven north and if notwithstanding this armed natives are found the suspicion of ulterior motives is strong. Naturally if they took away our slaughter stock, it would be a hostile act. The decree of 1896 gives me power of death over natives. It does not there state what offences are punishable by death. It is left at my discretion for what offence to inflict death sentence. It all depends upon the emergency that has arisen.

Crown Prosecutor closes his case.

Court adjourned till 10 a.m. to-morrow the 18th April, 1916.

18th April, 1916.

Court resumed at 10 a.m.

Defence.

1. *Carl Bender*, sworn, states: I was called up with the troops as officer in the late war in South West Africa. In the months of May and June I was doing a lot of patrol work. Major Bauszus was my senior officer. I remember getting instructions as regards natives caught in the bush. These instructions were that when we captured natives in the bush we should deal with them under the standrecht. I know the nature of a standrecht. I am aware that there are no formalities about a standrecht. I was aware on what grounds these standrechts were constituted. Just after outbreak of hostilities an order was issued that all natives found under suspicious circumstances were to be immediately tried by standrecht. Every officer who had a command of his own could try by standrecht. I am aware of the fact that natives without passes on being hailed and refusing to stop were to be tried by standrecht. I can give instances when natives were so tried. In Aus some cases took place. These natives were caught at the outpost lines, sentenced at Aus and hanged. Sentenced by a feldgericht, Aus.

Cross-examined by Crown Prosecutor: We had instructions to try all natives captured by standrecht. It was an order issued in the beginning of the war. I have it not with me. It was read out to each commando or each company. They were issued by von Heydebrech, the Commander-in-Chief. The instructions applied to every native whose movements were suspicious. We had the right to shoot him down because he could not give a proper explanation of his movements and had no pass. I would make enquiries about this. I would first enquire from the native the reason of his presence there. If I did not catch him personally, I would require evidence to be given before me about him. When I talk about suspicious circumstances, I mean when the native cannot give a proper explanation of his movements. If he can't give a satisfactory explanation, I take it for granted that he is there for espionage purposes. If one of my men brought a native alleged to have stolen a sheep from him a year previously, I would not bring him before a standrecht. If he can give a satisfactory explanation and I know where he is staying, I would allow him to go back to his farm. If there happened to be native huts in our lines, and they belonged to a farm, I would not shoot the occupants on sight, but if I found them roaming in the veld on their own free will, I would shoot them down. My authority for that I had already received. In June, Major

Bauszus personally gave me the order, again verbally. The natives at Aus were tried for espionage.

Court: By a standrecht, I understand when I am in command of a commando I am entitled to deal with the natives under standrecht. As long as there are reasonable grounds for suspicion I can try them.

2. *Carl Schmidt*, sworn, states: I was Legal Adviser to Martial Law Courts with troops. I am the only official to deal with martial law cases during martial law in the Protectorate. I know the old laws in force regarding the treatment of natives in war-time and expeditions. It is the Law of 1896 which deals with the matter. I can state that this Law was again enforced on 19th August, 1914, by the Governor. The procedure is subject to certain formalities. The accused must have the opportunity to be defended. If it is hard to get them to understand, an interpreter must be obtained. In serious cases, two accusers must be obtained for the Court. In case of death sentence, a protocol must be taken, which need not be done when the case is tried, but may be made afterwards, and the sentence, together with a report, must be handed to the Government. All this is stated in documents handed in "D." These Acts were taken from me by Union troops. I got them back from the Government. There are other orders issued by the Government regarding treatment in the field, particularly this with reference to Government Notice published in the *Amtsblad* No. 21 of 15th September, 1914. This applies to treasonable acts and not espionage alone. This order is one of our orders taken from previous wars. It was first brought in force in 1898, and in the Protectorate by wireless from Neuen, in Germany, on the 14th or 15th August, 1914. It was then notified in *Amtsblad* and therefore published in the Protectorate. It was also put on the notice boards. If one proves the wording and sense of this particular notice, one comes to the opinion that it is an order which has nothing to do with court procedure. That, further, only by officers, and not in legal courts, trial takes place. A civil court cannot try cases of this nature. Neither military nor civil court can try such cases. This order is not a judicial court order. The writing itself contains no formality to be followed at particular courts. No regulations outside this regulation are in existence which cover the grounds of this particular order. It is within the power of the particular officer dealing with the case that he is not bound by any particular procedure, more especially by judicial regulations. When an officer tries a case under this particular notice whereby he is not bound by any particular regulation as to how to proceed, the following results are arrived at. It is not taken into consideration that the procedure is as laid down for courts. This is my opinion. The commanding officer is not bound by law to listen to the people or give them a hearing by this particular Notice, to allow the accused legal assistance, to call witnesses, or to swear them in. When a commanding officer hears a witness he cannot administer the oath to him, because, in his extra judicial proceedings, no legal remedy is available to swear in the witness. Further, he is not legally bound to take a protocol of the matter of his decision and of the verdict given by him, or the grounds of his judgment, to make them known either verbally or in writing. In particular, also, there is no method of procedure in such courts. No writing is necessary of the sentence. That is the conclusion come to, and the accused has a right of appeal. The way of the commanding officer has is to convince himself of the guilt. It is *his duty*, not according to his discretion. He must, of course, convince himself of the guilt, but he is not bound by certain fixed regulations. Under commanding officers, in the sense of this regulation, must be understood every officer who acts independently in the execution of a military order. The word "befugd" does mean that he is entitled, not that he is bound. When the facts are given, treasonable acts do not include only espionage, but all inimical acts against German troops. When, therefore, natives are found roaming in the bush, armed, with the intention possibly of using these arms against us, we can consider this a treasonable act, because then, as our subjects, they have taken up arms against us. Many times the expression standrecht has been used. Standrecht is not a general technical legal expression. I understand under standrecht the total meaning of extraordinary measures. It is possible that, in some special cases, a certain order lays down in which cases standrecht can be applied, and it has occurred that, erroneously, the application of orders like the one published has been called standgericht. Generally speaking, a standrecht procedure occurs when somebody is treated in this informal standrecht manner. These measures have nothing to do with the ordinary judicial procedures. They are purely military measures, which are the consequence of German higher military law. I believe the ordinary courts of justice ceased operations in Windhuk the end of April, 1915. In Omaruru, I believe, in May, but I am not certain. For the accused only military courts were competent. The accused entered active service from the non-active service, and, in consequence of his appointment, became "actief" during the period of the appointment. He was, therefore, in regard to any punishable act, subject to Military Law, Section 1. of the Military Code, page 16. On the questions as to whether after his discharge from military service, he was still subject to military law for such punishable acts committed during the period of his appointment, Section 10, page 21 of military code applies. This regulation generally enacts that the accused, for acts committed during the period of his appointment and before discharge, after discharge still remains subject to the Military Code. The competent court in this case was, therefore, a German

military court. I know from my own knowledge that towards the end of June and beginning July courts-martial were held at Tsumeb. According to Military Code, the commanding officer was the competent officer to bring accused to court. Commanding officer was C.O. Protectorate Troops, Colonel Franke. It is the duty of such commanding officer to have punishable acts committed by his officer tried by a military court. This is laid in paragraph 156, page 62, Military Code. If, therefore, the commanding officer has, in an official way, taken notice of the report and takes no further action, his approval must be assumed. The Military Code provides for a number of cases in which persons, subject to military law, under certain circumstances partly must be heard by civil court and partly can be heard by a civil court. These regulations are found in paragraphs 2, 3, 4 and 9 of Military Code, page 18, 19 and 20. (In the case in which a civil court knows that a case has been tried before a military court, it could only revise such case provided the military law which was applied was infringed upon.) A civil court cannot revise a case which is only subject to a military court. I was present as legal adviser of the troops at the surrender at Khorab. I remember that after conditions of surrender at Khorab were put in writing, certain conditions were subsequently made verbally between General Botha and Dr. Seitz to the effect that no military measures of whatever nature previously taken should be subjected to the test of any court of the Union. I have heard General Botha express himself to that effect. I have in this case to limit myself and think of my privilege of not disclosing secrets. It has been discussed that certain military measures should not subsequently be followed up. General Botha discussed these certain measures, and added that no military measure of whatever nature should be subsequently investigated. Of course, the General excepted all ordinary criminal acts, for instance, murder, theft, and all acts punishable under the criminal law. I understood from the General that all cases of military measures would be dealt with by our own military courts. We have, in several instances, afterwards asserted ourselves in regard to such cases. From the German military point of view, I consider that, even if accused did not act correctly, he committed a breach of military law. It is possible that the act committed by accused is in some measure amenable to civil criminal law, but even in such case he would only be subject to the German Military Code, and, in support of this, I take into consideration Sub-section 2 of Section 10 (page 21) of Military Code. I have stated the word German, because I understood from General Botha that all previously taken military measures would not be enquired into by the Union Government but, later on, dealt with by ourselves. A number of convictions of natives were given, in which they were proved by the feldgericht that they had committed treasonable acts. There is particularly one case which applies to the case now before the Court. I have, in an official way, received a report that in May or June a patrol of ours came to a farm and fell into the hands of our then still native subjects, who bound and handed them over to the Union troops. I have been unable to investigate this case officially. I believe, however, that this can be proved by one of the witnesses then present. It has been reported to me by officers who took part in the campaign twelve years ago that, in particular, Herero women in a fanatical way induced their males to take up arms and have also treated our soldiers who fell into their hands in a brutal manner:

Cross-examined by Crown: I do not know whether the promise by General Botha is recorded, but am certain that he will bear out my contention when asked. I said that we had previously taken up this attitude. I do not know whether this has been accepted. In one case I have received that impression, and I cannot understand why no further steps have been taken. I have not been told definitely that the Union authorities have accepted our view. This promise was of considerable importance. I recognised that at the time, although, according to international law, we were already protected. I have already said that, in my opinion, when a man like General Botha makes such promise, no writing is necessary. I did not have the influence to cause this to be included in the terms of surrender. We know everybody heard the General express himself that way. We are still certain that he will bear us out if matter is placed before him. I have referred to Governor's enactment regarding treatment of natives. In ordinary way natives would be tried thereunder. This gives special provisions for trial of natives in war-time. There are also certain regulations in the Military Code to members of foreign countries generally. It is laid down in the Governor's Act that a report must be made to the Governor, but only when judicial action was taken. Report must be made even after sentence has been carried out. Protocol "C" read by witness. I have not seen this document before. This is a protocol as would be made by a layman, not a legal man. It is possible that it may have been meant for the Governor, the C.O., or anybody. It is not addressed to anybody. The protocol does not refer to the Ordinance. The report is made by the official, not by the person who commits the action, because the matter is reported according to the protocol in which reasons for sentence are given. Protocol "B" is a report by accused as President of Court of a case heard and death sentence passed for stock theft. By reading the Protocol I can only come to the conclusion that sentence of death was passed for stock theft, but I do not know what other considerations accused may have had. In any case, Protocol does not mention any. Taking the document as it is, I could not give my opinion whether this is a report in terms of the Ordinance, because I do not exclude from my opinions that in sentencing for stock theft that accused considered stock theft as a treason-

able act. Protocol does not say so. Every commanding officer, after having taken such action, would naturally commit his action to paper in order to prevent subsequent unpleasantness. I have only taken legal conclusions in this matter. Under the Notice in Gazette No. 21, officers can shoot natives at sight, without saying anything later. It is, of course, necessary, according to his military duty, afterwards to report to his superior officers. He only reports facts. If officer desires reasons, he has to give them. A careful man would always give facts and reasons and all particulars. An officer acting under this notice must be satisfied that treasonable acts were committed. Ordinarily, he would satisfy himself as he likes—not in a formal way. For instance, if an officer personally catches a native in a treasonable act, or the matter is reported to him by one of his subordinates, he needs no proof. The report is sufficient, but he must be convinced that the report constitutes the proof. Because these are extraordinary proceedings there are the exceptional measures prescribed. When, in my opinion, a native is found committing a treasonable act, it would be an exceptional case, and, therefore, could be dealt with by these exceptional measures. When a commanding officer meets a native in the act of committing a treasonable act, he is entitled to deal with him in this exceptional way without referring him to a feldgericht. It all depends on the circumstances whether the officer in such a case considers it his duty to deal with a native under standrecht or to bring him before a feldgericht. The three natives hanged at Aus were tried by feldgericht. As far as I can remember, the offence was treason. I have already explained how women act in time of war, and, therefore, consider it possible that a woman with a few arrows and an axe for digging roots could have acted as women did in the Herero revolt. By having a few arrows, the axe, and possibly a knife in her possession, she could, under the circumstances, be guilty of a treasonable act. The natives in this instance were found in our outpost lines, although and notwithstanding the fact that at this time practically no stock was left there, and notwithstanding the fact under these circumstances avoided our presence. The natives were, therefore, found in the position where daily an attack from the enemy could be expected and at the time in which natives had actually attacked one of our patrols. At least one report to that effect had been made. I, therefore, consider that quite possible. In giving this opinion, I took into consideration that the British troops were 50 to 100 miles away, but I take it that also British posts have advanced outposts. I do not know how far apart the troops were at that date. The Crown Prosecutor mentioned that the deceased were peaceful natives who had been living there. The accused, of course, could consider, if they are harmless natives why are they armed and why do they run away when called upon? If a military officer in the execution of his duty would hurt a civilian, he would be tried by a military court. The military court cannot give damages. We make a difference between damages caused by acts which would fall under the Civil Code and under the Military Code. It is not quite correct when I say, generally, that a military court has no power to give damages. It is possible, apart from punishment for assault, may name the damage to be given. The civilian cannot prosecute in a civil court for the injury itself, but may do so for the damages for loss suffered. (*Question: If a military officer, under the cloak of his military powers, commits a murder, would the civil courts have jurisdiction over him?*) (*Answer: An officer on active service can only be tried by military courts. After his discharge from active service, Section 2 of Military Code must be applied in the case of offences committed during the period he was on active service.*)

Court adjourned to 2.30 p.m. to-day.

Court resumed at 2.30 p.m.

Witness, continuing, stated: The interpretation placed by me upon Section 16 of the Administration of Justice Act of the German Empire is that the introduction speaks of the ordinary civil courts, the third sub-section speaks of the exceptions to the rule laid down in the first sub-sections. Military courts are, in so far, exceptional courts for the fact that they are not civil courts. The regulations of the Military Code are embodied in the Military Procedure Code of the 1st December, 1898, and in the introductory Act to this Law. It does not follow that when a wrong decision is given by a military court the civil court can revise such decision. The word lawful (*gesetzlich*) in the section mean those legal rules laid down in the Military Code, the Protectorate Law, or other Laws. The section does not mean that when the law is not followed by a military court the civil courts can step in. If, in any way, the regulations of the Military Law or *Standrechten* have been infringed upon, the decision in the matter lies in the first place with the principal military officer, next with the higher military court. The word "*gesetzlich*" refers to rules made by the Legislator. For instance, the Imperial Military Law, which has been made by the German Parliament, and the extraordinary orders which have been quoted this morning have been issued by the Kaiser by virtue of Section 3 of the introductory Law (page 3), and this particular order has been transmitted in this particular case by wireless telegraph. (*Question: Assuming that the accused has committed the crime of murder and that a German military court would convict him, and that the Germans will not regain possession of the Protectorate, would he get off scot free?*)

(*Answer: In that case a German military court would find him guilty and the sentence*

be carried out. It would remain with the German military authorities to deal with the matter. If the Germans do not retain the country the matter would be settled by extradition. For murder extradition would be possible, not at present but afterwards. I admit that this is a military court.)

Mr. Lorentz stated that his translation this morning was defective and the translation of the answer given to the question asked at page 32, nine lines from the bottom of page should read, "That a civil court revising any judgment given by a military court would by doing so commit a breach of the Law." instead of as there stated (marked ()).

Court: I have heard all the evidence given in this case. In my opinion accused had the right to hold the court. I take it that in the first place the question has to be answered whether a treasonable act is committed or not. In that case the accused has applied the extraordinary measure which was published. If it was not a question of treasonable actions but of stock theft the regulations of the Kaiser would apply only then if, in the opinion of the accused, the stock theft with the other offences committed by the natives are taken in consideration. It all depends upon circumstances and, in my opinion, in the circumstances stock theft could be a treasonable act. Stock theft in 1914 could in June, 1915, be treated as a treasonable act. It remains the same. If stock theft was committed in 1914 it was perfectly reasonable to be adjudicated upon in 1915. Theft of stock committed by natives from an ex-Austrian officer during October, 1914, would be a treasonable act, when the natives were armed and were going to use these against us. There are cases in which natives used these arms before that date. In 1913 it was necessary to take measures against stock theft committed by natives in the north. If, according to the evidence of Schultze and Rapecki, the natives were sentenced for treasonable practices, and if their statement is correct the standrecht would have been the correct procedure in this case. When it is only stock theft without any connection with other acts the right procedure would have been for the accused to act in terms of the Governor's regulations. I cannot come to the opinion that, even if the accused would not have the right to try them, Major Bauszus had maintained that he was a competent officer as a commanding military officer. The same officer also stated that the accused was a responsible officer acting on his own account. As a responsible commanding officer he would have been entitled and bound to try the natives in terms of the Governor's regulations. I have heard of other instances in which these extraordinary irregular measures were taken. In normal circumstances I am bound by the regulations laid down, but not in these extraordinary circumstances. I was not legally prevented from trying natives who stole my own sheep, but it would have been tactless. It depends upon whether I was acting in the judicial way or the extraordinary way whether I would have told the accused what they are charged with. In these extraordinary cases it was not necessary to hear the accused. In an ordinary judicial procedure for stock theft I would have been bound by ordinary regulations. The court that sentenced these natives to death must be considered a standrecht if accused sentenced them for stock theft in conjunction with treasonable acts. The standrecht has as object the intention of the military authority to try cases of treasonable acts in a most expeditious manner when circumstances demand it. In Germany we have several instances of military courts, the Court of Appeal and the Imperial Military Court. The civil courts cannot revise but express their opinions on such decision. A person subject to military law, tried and sentenced by military court for theft, for instance. The injured person who has been robbed has applied to the civil court for damages. The civil court would test whether theft had actually been committed. It may be that the civil court comes to a different decision, namely that no theft was committed; the court would not grant plaintiff any damages. The person would then in a way have been acquitted for theft by civil court, but the sentence of military court would stand unless a higher court revises the sentence. In the event of the opposite happening then the person sentenced in the civil court would find remedy in the higher civil courts. The military courts could never revise the civil court decision. The civil courts have no jurisdiction over a soldier committing a punishable act in the course of his duties: If a German officer with German soldiers finding himself in a town and illegally orders his troops to fire whereby persons are killed cannot be tried by civil courts. Such case happened in Germany shortly before the War. Ordinary criminal courts have no jurisdiction in such cases, only the military courts. Assuming the case of a German officer in military operations having a grudge against a civilian, takes the opportunity during operations of having such person brought before him at a standrecht, sentences him to death, and has him executed. Supposing at conclusion of campaign officer returns to civil life and civil courts determine that a crime was committed under the cloak of his duties and that the court held was illegal, the officer in such case, if he misuses his powers, he has committed a crime against life on the one hand which would be a breach of the general criminal law, on the other hand he has committed a breach of the Military Code. In that case the question of which court, civil or military, is competent would arise, and then, in accordance with Section 10, subsection 2 last sentence Military Code, the military court would be competent. The civil court would consider themselves as having no jurisdiction and would be bound to come to such decision. If military court take no proceedings the civil court would not assume jurisdiction but approach the higher military courts. The Military Strafgerichtsordnung is the ordinary code

used in times of peace and war. In war extraordinary terms are added. The word standrecht is not a legal expression. If the word had not been used it is because it is used in older laws. When this word is used in the older law it is for that reason. I do not use that expression but would apply the more modern military law.

Georg Trainer, sworn, states: I was General Staff Officer to Officer Commanding Protectorate troops. During hostilities I was near the Commander. In June, 1915, I was near to him. I remember an occasion on which the accused made a report in my presence. I personally heard it. I can more or less give the words used. Accused reported that he had sentenced two natives under standrecht and shot them for being in the advance parts of the troops. The accused did not mention that these natives had previously stolen stock from him. The Commander-in-Chief replied nothing to this report. It would have been the duty of the Commanding Officer to take cognizance of the matter in the event of it not having been legal. If he was going to take action I am the man to whom he would report. I was at that time the only officer on the Staff who was always present with the Commanding Officer. If I had got instructions from him I would have transferred them to Mr. Schmidt, the Kriegsgerichtsrat. As I did not receive such orders I take it for granted that everything was in order and the matter settled. I can say that at that time our war laws were still being carried out. Our law remained in force until 9th July. I have heard the evidence of the witnesses. I would form the conclusion that if these people were caught within the fighting zone I would have done the same thing. I would say that a treasonable act was sufficient to sentence the natives as accused did. If I had been in the accused's place, from what I have heard of the witnesses, when a trustworthy N.C.O. makes the report made, with the knowledge I have of the natives, the evidence of the report of the N.C.O. would have been sufficient for me and I would have shot the natives under a standrecht. I am aware of the fact that during the last war and before it we were troubled with native spies. I went through the Rebellion in 1904. I remember that also the wives of the natives were then causing a lot of trouble by inciting the natives: I saw this at Ovambu where the women rushed at the men, inspiring them. I was present at the peace settlement at Korab. On German side there were Dr. Seitz, Colonel Franke, Colonel Bethe, Major Bauszus, Kriegsgerichtsrat Schmidt, and myself. I came late to the conference. I came towards the end. I remember that a Treaty was concluded to the effect that no following up of acts committed by the German troops would be made by the Union Government, on a protest by the accused. This happened on the 25th October. Letter and reply (E and F) handed in. This arrangement was definitely come to. It was not put in writing.

Cross-examined by Crown: I see that General Botha repudiated the arrangement. I have another idea about the matter. When accused made report to Colonel Franke he said in his report that it was treasonable acts. He mentioned stock theft but did not say "I do not recollect him saying that it was his own stock that had been stolen." If the charge had been merely stock theft a standrecht could be held if it happened in the advanced outposts. If a man takes my food or ammunition it is treason, because I am a soldier. If he takes it from anybody else it is theft. Civil people cannot hold a standrecht. It depends on circumstances whether a standrecht can adjudicate upon theft from civilians. If Colonel Franke knew that irregularities had happened I do not think he would have interfered. Accused reported that in the outpost lines natives were captured with weapons and mentioned also *inter alia* that these natives had been killing stock. The killing of stock was not the only thing mentioned. As far as we are concerned the matter of accused is settled. I naturally endeavoured to get this case quashed as it is an infringement of our higher military law. I have spoken to several officials here and it has always been pointed out to me that if the charge had been one of espionage or treason the position would have been different. I did not say that there was no question of espionage, only stock theft. I could not get in touch with accused, so did not know. I was not told that if espionage were the case the matter would drop. I knew that it would make a great difference to the case if espionage were also mentioned. I made an affidavit in the case on 8th December last after I had some of these interviews. The objects were to get the proceedings stopped. Affidavit produced "G." In this no espionage is mentioned. This came from accused's attorney. I stated distinctly that the court found the natives guilty of stock theft and that that was the report by accused. Standgericht was a typing error. The affidavit does not mention that the natives were in possession of weapons. I may have said that accused was a fool because he had not straight away said he had shot the natives for espionage.

Court: I have not seen the protocol "C." Protocol read by him.

Otto Karl Ziegler, sworn, states: I have listened to proceedings of this Court. I was present at first portion of Peace Conference at Korab. I was not present when the subsequent agreement was made. I was there on the first day when General Botha gave our Commanding Officer, Colonel Franke, the distinct undertaking that he would take no action against any of our officers and men for any acts done by them during the War. He only made one distinct exception namely, Maritz, who was not a German officer. No acts in connection with the German Army with Maritz would be inquired into. I have not read but subsequently heard

of the agreement arrived at by General Botha and Dr. Seitz. I cannot give anything definite about it.

Paul Boeck, sworn, states: I was called up with troops during the last War. I remember of the patrol of ours being caught by natives, bound, robbed, and handed over to Union troops. Two members of patrol are known to me, farmer Farber and Stetter, of the active troops; a third I cannot remember. This patrol was overtaken in the bush between Omaruru and Okahandja.

Court adjourned to 10 a.m. to-morrow the 19th April, 1916.

This 19th day of April, 1916. Court resumed at 10 a.m.

For Defence: Dr. Stark asks for recall of

Georg Trainer, who, sworn, states: Yesterday afternoon a sworn affidavit by me was handed in wherein only stock theft was mentioned. The affidavit could be enlarged upon. This affidavit was not written by me, this was done in the office of Dr. Stark and the document only generalised, all minor details being omitted. In what I declared yesterday it was left out that the natives were carrying arms. It was made for the purpose of showing that the British Courts have no jurisdiction. The strong point of the affidavit was that the accused made a report to his commanding officer. I am aware that my evidence will be stronger than that of Repecki and Schultze. When this report was made espionage was not mentioned. Subsequently it was mentioned. When the report was made it was taken for granted that treasonable acts were committed. I made a statement to the Crown Prosecutor, in a private conversation about espionage being included. I spoke with him about the matter. I tried to explain that the English Government had no jurisdiction in any respect. Crown Prosecutor told me that if espionage was proved he would have to withdraw. I had no necessity to put forward my argument to the Crown Prosecutor, as he was no judge of mine. If it was possible at that stage to bring witnesses to prove treason I would congratulate him on bringing them forward. There can be no doubt that General Botha acted as representative of the Union Government in the Treaty between himself and Dr. Seitz.

Cross-examined—Crown: When Dr. Stark drew up affidavit he was acting for accused, and it was drawn up for the purpose of stopping this case. All things I undertook were at the request of my commanding officer asking me to do so. At the time I did not know how British Courts deal with such matters. I did not [know] that if espionage were the ground of conviction the case would be withdrawn. Notwithstanding this I mentioned only stock theft. I did not think espionage a minor detail. I was not bound to tell the Crown Prosecutor everything I knew. Accused did in his report mention espionage. I did say in reply to Dr. Stark that [when] the report to Colonel Franke was made it was taken for granted that espionage was proved. He did not mention treason. The report was about treason. I have no record of this report. I took it for granted that treason had been proved, because the natives were caught in our outpost lines killing stock, and were armed.

Accused, Carry Venuleth, sworn, states: I am farmer at farm Okonjati, am in country for nine years. I am an Austrian. Formerly I was Active Officer for fifteen years with the cavalry and the infantry. I volunteered in the War as an officer. On the 25th October, 1914, I entered upon duty with the rank of volunteer captain in the Coastal Guards. In 1914, when I was called up I caught natives near a well slaughtering sheep. I was then not called up yet. I came to this cattle post and met a native who had just cut a hamel's throat. I scolded the native and chased him away. I did not make enquiries whether he was in service. He was a Bushman and Bushmen in our part of the country do not take service. Towards the end of the War but prior to the landing of the British troops at Walvis Bay I was not in full command, but, as my direct superior officer was roughly thirty kilometres from where I was stationed and the post I had command of was held by me on my own account, and my commanding officer being not quite accessible daily, I was practically in command. For the remainder of the war I was, in view of the special orders I had received, practically independently responsible. The separation of my particular commando was only later on ordered by Colonel Franke. "Q." My separate command dates from —? I cannot exactly say as I have my papers not here. But I think it is about from the beginning or middle of May. At this time I received my order direct from my commanding officer, Colonel Franke. As commanding officer of this particular commando I was all [over] the place during the War. Also as C.O. at Kilo. 8 before Swakopmund I was continually between the opposing troops. I was also riding patrol despatches. During this time I cannot say definitely whether all natives who were carrying on espionage were dangerous to the Protectorate. I have personally caught many natives at Swakopmund and on patrol duty who were guilty of espionage; for example, I found on one patrol between Swakopmund and Khan 64 native spoors, which proceeded from the British lines up to our particular lager at Dorstriviermund. We met on another patrol a mounted native with a German police cap on whom we could not catch, but who when called upon turned round and disappeared amongst the rocks. Other instances I could give of what happened before Swakopmund. In June I was with my commando at or near the farm Okosongutu. I cannot remember the date. It may be end May or beginning June when I received these orders. We had finished the laying of a mine at Okosongutu. I thereupon

instructed Non-commissioned Officer Schulze as follows :—" Ride with your men in extended order through the bush to Okonjati, I heard that in this particular bush large bands of natives were running about. Try to pick up these bands." I rode on the road whilst the patrol marched to the left and right of the road in terms of my instructions. Shortly after my arrival at Okonjati my patrol under N.C.O. Schultze arrived. N.C.O. Schultze reported as follows :—" I have in the thick bush approximately between Okosongutu and Okonjati come across a large number of native vagabonds. When I called upon them they would not stand but used the thick bush to escape, which prevented me from using my firearms. In their lager I found the skin of a freshly-killed hamel, bones and pieces of skin. It was possible only to catch the two natives I have brought with me. They were armed. They had the weapons which I now carry with me, which were one bow, a handful of poisoned arrows, kierre, knife, and a Herero axe." This is the gist of the report. I therefore ordered N.C.O. Schultze to sit down and give these natives food. I stayed away a short while from the company to think over the matter. After a short while I returned, and remarked to N.C.O. Schultze that one of the Bushmen was known to me for a long while as a stock thief and that some months previously I found him whilst killing one of my sheep. I thereupon called my two N.C.O.'s Schultze and Repecki to me and informed them that we would now try these two Bushmen. I reiterated to N.C.O. Repecki the report made to me by N.C.O. Schultze and that was to be the charge laid against these particular natives. I asked the length of service of the youngest N.C.O. Repecki for his verdict. The reply was "death." I then asked Schultze; he also said "death." I confirmed this sentence and sentenced them on the strength of Schultze's report and further on the fact that we had to deal with notorious stock thieves. The execution was carried out shortly afterwards. I was close to my house. The two Bushmen were shot about 1,000 metres from my house. Shortly after the shots were heard Schultze reported to me that the execution had been carried out. I reported this matter the first opportunity I had in the presence of Captain Trainer and Lieutenant-Colonel Franke at Otavi. I can remember the words of my report. I reported to Colonel Franke about my actions from the time he had sent me away, and also the matter of the Bushmen. The words of my official report were approximately as follows :—" I found in our mining zone close to our outpost lines, thieving natives, who were armed with bows and poisoned arrows and would not stand when called upon to do so. I had the two natives shot in terms of standrecht."

This was my official report. At this opportunity I also informed Colonel Franke that the natives in the zone Kalkveld Eoehannius were showing signs of rebellion, stealing cattle all over the place, and which was very serious in view of the fact that most farms were occupied by women only. I knew that such a lot of thieving was going on. I heard this from all sides when I passed with my patrol. The reports of stock thieving and extreme impertinence of natives and the people who made direct reports were so general that I cannot give individual names of those who reported to me. The standrecht was formed principally on the report of Schultze, on the grounds of this particular report alone, the natives were sentenced to death. Schultze I know from the beginning of the War. I know Schultze as a trustworthy and quiet man of great intelligence, in one word as the best N.C.O.

Of the weapons I tested the arrows in presence of Schultze and we came to the conclusion that they were poisoned. The arrows I broke. The other weapons I threw away. I had previously handled poisoned arrows, they are at the point covered with a sticky black mass. The only conclusion we could come to were that the arrows had been poisoned. I am aware of the danger of poisoned arrows. I know of a few instances where Europeans who had been hit by these arrows died as a consequence of such hits. I remember two cases, namely of police sergeants. No formalities are necessary at a standrecht, in my opinion. When I did not hear the natives, I did so, because in my experience natives will not speak the truth. In addition the report by Schultze made a crime patent straight away. I knew that the procedure could be without any formality. There was no necessity to try the natives. A trial like the one we had was not necessary. I could simply have ordered them to be shot. This is included in the meaning of a standrecht. I asked Repecki and Schultze to form a court because it was a question of tact which prevented me to have the natives shot on my order straight away. It has been said here, that the one native had from a private person previously stolen a sheep. I therefore did not want to do the natives an injustice and wanted them to be sentenced properly. I may here mention that I did not in any way influence my two N.C.O.'s in their verdict and sentence. I was aware of the Government Notice about standrecht. It was a command given to certain officers at the beginning of the War. I am not aware of the old Government Ordinance of 1896. I have heard about it now. Did not know it then. I have previously been a member of a standrecht. During my active service in Austria I had more than one opportunity to take action in strikes and disturbances and riots, to proceed with the troops on which occasions standrecht was proclaimed. There was no formula as in a court of law. Anyone who would not obey an officer's orders was shot down. For example, at such a riot an order was given that no one was allowed to enter a shop. When a few people would not obey this order and stormed a shop they would without trial be shot. The orders were known to me when I held the standrecht. They were about treasonable acts. To get the meaning hereof that is probably the main thing with which this matter deals. What a treasonable act is can only be determined by a commanding

officer who has all facts before him. When spoken about so many other things have to be considered which months afterwards would be hard to prove. In such case one must rely solely on the integrity of the commanding officer. I will give examples where treasonable acts are committed. In an ordinary court procedure, naturally it would be seldom that a man would be sentenced to death for stock theft. If for instance I lie in Namib desert with a patrol. I have three tins of corned beef which have a value of 2s. If these are stolen it is a treasonable act. In place of the tinned meats let us take a hamel. I received special instructions with regard to treasonable acts. I do not whether they were verbal or written instructions. One instruction however is well known to me. This is approximately as follows:—"Whoever is found in our outpost lines moving with arms and who does not stop when called upon will be dealt with according to this particular instruction." The ground of the sentence was only on the report of N.C.O. Schultze. I cannot now answer the questions whether "if I found natives at a freshly killed sheep alone I would sentence them to death." I cannot answer the question whether "if I had the opportunity of sending these natives to another court, I would not have held the standrecht." I cannot remember minutely the circumstances under which it happened. I knew that the procedure was informal. Of the form of the so-called protocol these were only personal notes. I made these notes afterwards in order to have something in my possession in case I be asked about the matter. I emphasise that these notes were intended to be handed over to my superior officer, but that the object of the paper was to have the data for my report. In December I was arrested and in very bad circumstances kept at Omaruru in no wise befitting an officer. I felt grievously hurt at this treatment and wanted to prove that this particular inquiry could not deal with a question of murder. I looked through my papers therefore and found these notes, which I handed to the Magistrate at Omaruru on the grounds that I thought with them in his hands he would for himself see that it deals with the action of an officer which I knew, in view of General Botha's remarks, could not be enquired into. I also thought that the Court would withdraw the charge of murder and no longer interfere with my liberty. If you look at the form of this protocol you will see that such a document cannot be handed to one's commanding officer, but that is primarily a private memo. of notes. When I reported the matter to Colonel Franke he was satisfied with a verbal report. Had he required a written report I would have given a detailed statement of all facts of the case. Certainly not as crude as in my notes.

Cross-examined—Crown Prosecutor: I made the affidavit handed in marked "H." I cannot say whether I instructed Dr. Stark to write the Crown Prosecutor a letter. I gave him my defence with instructions to do everything in my interest. I cannot say whether I told him all the facts. German officers have printed instructions as to how to act. They give regulations and instructions as to procedure in courts-martial, but at these courts the procedure is as in civil courts. These printed instructions I cannot now remember. The German Government had nothing to do with me. My commander only issued instructions. As an officer in the campaign I cannot remember whether I received verbal or written instructions. In the book of regulations there are regulations about standrecht. I do not know in what article these are contained. I do know the last time I heard about the procedure "standrecht." The natives I found in the bush in October included one of the two who were shot. The man is he. I do not know his name. I knew him as a notorious stock thief. Firstly this man had been running about the bush for years, as I heard from my native servants. I caught him myself. Thirdly: Every native who is in the bush steals. There are other facts for calling him a notorious stock thief. The skins that were found in their lager. Natives do not wear sheepskins. Further when I reported to the police in October that stock had been stolen from me, there were a great many skins and bones where these natives were roaming. I am not quite certain that he is the same man as was brought to me by Schultze. I do believe so, however. The position of Union troops at that time I do not know, as for some time I had not been in contact with our troops. As far as I was aware at that time enemy patrols were seen at Osomsombasa about thirty to forty kilometres away. The different statement in my affidavit can be explained by when I saw that the British troops were 300 km. away from us I meant thereby the border of the country held by them in effectual occupation. I did not say so, but had it in my mind. My ideas could have changed from day to day. In a statement like that differences must occur. When I made the affidavit for my defence I stated that the boundary of the occupied territory by British troops was about 300 kilometres away, approximately the railway line to Swakopmund. Naturally patrols will come very close to enemy line. I never thought of sending the natives for trial to Major Bauszus. I had no ground for doing so. That was not the usual procedure. The standrecht procedure is only for cases of extreme urgency, which was that natives wandering armed in our outpost lines, who would not stop when called upon and so without a doubt must have had bad consciences. Nobody but myself can say whether this was a question of emergency. Only the commanding officer can say whether it is a matter of emergency or not. An active officer is always looked upon as having some sense. I cannot remember any further inaccuracies in my affidavit of 1st December. The main points in that affidavit are covered by the evidence of witnesses. I did not know that Dr. Stark was going to send it to Government. I do not remember the exact date this affidavit was made. (Affidavit handed to accused, who reads it.) I remember the occasion the affidavit was made.

Court adjourned to 2.30 p.m.

Court resumed at 2.30 p.m.

Cross-examination of accused continued: I have had an opportunity of reading over affidavit. This affidavit is certainly the truth, but some points are missing, and was made with the object to satisfy the Court that it had no jurisdiction, but a great many points now important are left out. I cannot say whether this affidavit has any untruths in it. This morning I was told that the British troops were 300 kilos. away. It is so said in the affidavit. When I made it, I took it that the main body of opposing troops were 300 kilos. apart. In the affidavit it states that the standgericht was not satisfied with the question of espionage. If I should now say under oath, I say it was not fully proved. The different points under which the natives were caught have to be considered. I cannot directly state whether or not they were convicted of espionage. Under the circumstances under which these natives were caught, all officers would have grave suspicions of espionage. The question of espionage was one of the main points which brought me to my decision. I cannot say that they were convicted of espionage. I can only mention the reasons of their conviction, amongst which was espionage, because this is one of the points mentioned by Schultze in his report. In affidavit all grounds of conviction were not mentioned. Espionage was not proved. It would deal with the interpretation put on the word espionage. I would, under certain circumstances, convict a man against whom a charge has not been proved. The protocol "C" are hurried notes compiled. I cannot exactly say when, whether during or after the trial. I will not state that the so-called protocol was made during the trial. I do not think this was made during trial, but later. I made notes during trial. This protocol is as little a detailed statement as this affidavit. This applies also to document "D" handed by me to the magistrate. These documents are only to prove that a murder was not committed and that this court has no jurisdiction. I am satisfied that had these documents not been handed in, I would not have been standing here to-day. The documents stated that the natives were convicted of sheep stealing; whose sheep they were I cannot say. The fact that there may have been a hamel of mine does not affect the case. The protocol states that in October, 1914, two wethers were stolen from me. The position is that we have taken up the standpoint from the beginning that this court has no jurisdiction. The natives were not sentenced for stealing two sheep of mine. (*No answer to question: Whether these documents were drawn to convey a false impression?*) This document also states that both were considered stealing. I cannot now remember well. There were several natives present, including some of my own. This was in October. The male deceased was caught cutting the sheep's throat. The statement that the second bushman shot also stole sheep I cannot remember. I have been nine years in the country. I am aware of the laws affecting natives both in peace and war. I cannot say where these laws are contained. I can explain why Dr. Stark wrote that the natives were tried under the law of 1896, because Dr. Stark is a jurist, I only an officer. I gave Dr. Stark a general *résumé* of the case. I told him that the natives were shot for espionage or treasonable practices. I cannot say the exact words. As things stand now, he made a serious blunder by not mentioning this in his letter. I heard the evidence of the two N.C.O.'s before the magistrate. It cannot be right that both said they were not shot for espionage but for stealing two of my sheep. The outpost line of the German troops was a little way behind the place where we put the line. I cannot describe the exact line, because I was a commanding officer of my own troop, seldom in contact with the main troops. I know only that a small protection post was placed in the line where I was operating. I cannot say exactly where our advance posts lines were. I know this much, that, on the road from Okosongutu to Osongosomasa, an advanced outpost was placed. Further, I knew that larger companies of ours were lying at Kalkveld. In the affidavit it is stated a standgericht was held. Standrecht and standgericht have no defined meaning. It was attempted in exhibit "H" to apply some term to the court that sentenced these prisoners. It would have been better to use an adjective and to have said they were tried "standrechtlich." I consider a native woman with bow and arrows a danger to the troops. Men or women are alike in such cases.

Dr. Stark: I would have given the same sentence if I had not recognised one a stock thief. I would in such case have shot them immediately. I have been on the farm nine years. From time to time natives have been wandering in the bush. In war-time they increased. It has happened that they killed my sheep, but nothing in particular. They were never captured or punished. In October I rode about on a young horse. I saw the native. Did not catch him. He ran away. I did not attempt to catch him. I was not happy, neither was I very excited about the matter. After my arrest I knew it was very unlikely that I would be prosecuted for a military act. I took it that for all acts done by me as an officer I could not be prosecuted. From the time that I reported the matter to my commanding officer and he approved of it, I thought nothing further could be done. I did not consider the question whether sheep stealing was a military act, as there were so many other points to consider. I did not consider this point when making my protocol. I knew natives charged with doing treasonable acts could be condemned and shot without trial. Under circumstances, I thought natives charged with stock theft could be shot without trial. I know that

a standrecht could not convict a man for stock theft only. The natives were tried and condemned for treasonable acts, together with certain other circumstances.

Question: Why did you three times put in writing that they were condemned for theft?

Answer: Because we were all, the other gentlemen who dealt with the matter were of the opinion. All officers from the eldest to the youngest are of the same opinion. At that time I had no reason to interest myself in military law. I was then quite certain of the points that are now raised. I said the natives were shot for treasonable offences and this constitutes a defence. We have spoken previously about the matter. Because we think this Court not competent to deliver sentence in this matter. Those are the grounds why I put in the protocol that they were shot for sheep stealing. I do not hold the documents to be untrue. These are things left out. When I say that natives were shot for theft and not for treasonable acts, it is true, because the theft was also a treasonable act. A treasonable act was put before us done by notorious stock thieves. All circumstances constitutes it a treasonable act. In my documents I did not put stock theft because I thought it was a treasonable act. Everybody who had anything to do with the matter immediately saw that the theft of stock had so much to do with the matter although at actual trial it was taken into least consideration, so it is a matter that can easily be thought about in a stockraising country. Up to the time I consulted Dr. Schmidt I considered stock theft was a good defence.

Question: Was it in interest of N.C.O.'s to give a verdict in your interest?

Answer: No.

Crown Prosecutor: addresses Court, quoting Arts. 42, *et seq.*, Hague Convention. Section 358, *et seq.*, Military Manual, British Officers. Section 364, Section 404, *et seq.* Copy of instructions Franco-Prussian War. Risley on Law of War, etc.

Dr. Stark for Defence addresses Court. Quotes Section 211—Ohlshausen, translation read—*Militairgesetzbuch*. Sections 118, 119, 120.

Court adjourned to 10 a.m. to-morrow 20th April, 1916.

Court resumed 10 a.m. this 20th April, 1916.

President delivered judgment.

Windhuk, 15th April, 1916.

The Special Criminal Court for the
Protectorate of South West Africa,
Windhuk.

Holden at Windhuk in the District of Windhuk on the 17th day of April, 1916.

REX *versus* CARRY VENULETH.

To the Honourable the Judges of the Special Criminal Court for the Protectorate of South West Africa.

Gentlemen,

Take notice that a plea will be made in terms of Section 164 of the Criminal Procedure Code of the Transvaal Colony, Ordinance No. 1 of 1903, by me for and on behalf of Carry Venuleth, that this Honourable Court has no jurisdiction to try the accused for the charge of murder for the following reasons, to wit:

First: That only a German Military Court is competent to try the alleged punishable act.

Second: That the final articles of the Hague Conference, namely Articles 42, 43 *and seq.*, while stating that the occupying State shall have the right to the administration of justice makes the condition that this only refers to that part of a country which has actually been occupied.

Third: That the alleged punishable act was committed in a part of the Protectorate which, according to the Proclamation of General Botha of 12th May, 1915, published in the Official Gazette No. 1, did not fall under that portion which was declared as having been occupied in that the alleged punishable act has been committed on the 9th June, 1915, at the farm Okonjati, north of the proclaimed area: that the proclamation which made martial law applicable to the whole of the Protectorate has been published on the 9th of July, 1915.

Fourth: That therefore at the time the act was committed the German military authorities were competent in that at the time the proclamation of the 9th of May, 1915, was published the German Army was concentrated in the area which fell outside of the proclamation: That courts-martial were held in that area by the German military authorities until the date of the surrender of Khorab.

Fifth: That it has therefore only to be proved whether the act was reported to the then competent authorities and decided by them: That evidence will be brought before this Honourable Court that such is the case.

Sixth: And that finally that it was one of the conditions of the surrender at Khorab that no further steps would be taken in regard to any previous military measures.

I am, Gentlemen,
Your obedient Servant,
G. STARK.

" F. "

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M.G. 19/42,
Headquarters, Union Forces,
Protectorate, South-West Africa,
Windhuk, November 17th, 1915.

Subject: *re* Lieutenant Venuleth.

SIR,

IN reply to your letter, No. J2217 of 8 October, 1915, I have the honour to inform you that Lieutenant Venuleth was not permitted bail, as the English law does not provide for release on bail of persons charged with murder.

With regard to the question of accommodation, as previously stated, the cell in which he was imprisoned is the same as used by your Government for white persons, and is now used by us for the same purpose. I may mention, however, that Lieutenant Venuleth has been committed for trial, and leaves Omaruru for Windhuk about the 18th instant.

With regard to the prosecution of persons for breaches of international or civil law committed prior to the terms of surrender, General Louis Botha "repudiates the statement" that any such promise was made.

An undertaking was given that no vindictive attitude would be adopted by the Union Government against persons who had assisted your forces in various ways, but there was no promise whatsoever that offences of a more serious nature would remain unpunished.

BERRANGE,
Colonel,
Officer Commanding Union Forces in Protectorate.

Lieutenant-Colonel Franke,
Okawayo, *via* Karibib.

Enclosure 11 in No. 3.

VERBATIM REPORT OF JUDGMENT IN *re* REX *v.* VENULETH.

The facts of the case are that the accused has been a farmer for the last nine years at Okajate, in the Omaruru District, which is the scene of the alleged crime. Before he came to this country he was an officer in the Austrian service, and during the war in the Protectorate he held a commission in the German Army, and held a detached command in charge of a mine-laying party. Being in charge of that party, he was necessarily very near the outpost line of the Germans, because, of course, mines are laid between the enemy and own troops and not behind or amongst one's own forces. While on that duty he sent out a patrol into the bush at or near his own farm to shoot game and to catch natives. A considerable number of natives were roaming at large in the bush, and, according to the ideas of the German military authorities, were a danger to the safety and secrecy of the German military occupation. Two Bushmen, or natives, roaming in the bush were caught by the patrol, both elderly. They had between them, when caught, a bow, poisoned arrows, and one or two other weapons. The point has been made, and rightly made, here, that one of these natives was a woman; but it was explained by the German officers and soldiers who gave evidence that in fighting with natives very little difference can be made between male and female in this matter, one being as dangerous as the other, and, of course, sitting as we are now, one has got to consider this case largely from their point of view, considering it from the circumstances of the time, and very largely through German eyes. These two natives were brought up to the accused, who was then at his own farmhouse, and a court of sorts, called a *standrecht*, was convened, of which accused was convener, and two non-commissioned officers, Schulze and Rapecki, were the other two members. It cannot be said in any true sense that this so-called court tried these natives. If the charge against them was

that of treasonable acts, this court seems to have been called together, not so much to try, as a mere record of conviction; whereas, if the charge against them were stock-theft, the whole procedure was hopelessly bad. The accused, Venuleth, was at once president and complainant. According to his own account the only evidence was his own remarks and the statement of Schulze, a member of the court. No charge was made against the native accused. They were not present; no evidence was led; they were convicted and sentenced in their absence. They were found guilty and shot. Now, it is difficult to mention any principle of justice and law which has not been violated if this court really meant to try these natives. These are shortly the principal facts of the case up to that stage, and, before considering the important question of what the natives were found guilty of by this court, we have got to consider the question of jurisdiction which has been raised by the defence. Now, under the Proclamation constituting this court, jurisdiction of the very widest sort is given over everyone in the Protectorate and for all offences; the only exception made in the original Proclamation was that there was no jurisdiction over the members of the Union Defence Forces. It is certainly wide enough to include jurisdiction over the German soldiers in their military capacity, but this Court is sitting here administering German criminal law. Now, under the German law, it is quite clear that the German army has always been treated as a thing apart from and above the law, in a sense that we are not accustomed to; but it is quite clear that, under the German law, the ordinary criminal court had no jurisdiction over German soldiers in the execution of their duty. This means an alteration in the German law which is not lightly to be presumed, and we come to the conclusion that we have no jurisdiction over German soldiers acting *bonâ fide* in their military capacity, but we have jurisdiction over them in cases of ordinary crime or if they are using military forms simply as a cloak to cover the committal of ordinary crimes; that is to say, that in this case we have jurisdiction over the accused only if we are satisfied that he was not acting *bonâ fide* and in his strict military capacity.

As to the plea that under the Hague Convention we have no jurisdiction because the scene of the alleged crime was not yet in the occupation of the Union Forces, we think, although there is no direct authority on this subject, that the true view of the Convention is that jurisdiction accrues to the occupying Power over the occupied territory even for acts committed before the occupation, provided there is no conflicting jurisdiction. Another point taken by the counsel who has defended the accused extremely ably was, that, after the surrender of the German Forces at Khorab, an agreement was entered into between General Botha and the German Commander, Colonel Franke, which has been called the Treaty of Khorab. Now, because the terms of settlement at Khorab were in writing, what it is intended to import into this case is a statement that beyond that General Botha entered into an agreement that no steps would be taken against German soldiers for any offences committed during the war. That, of course, is purely an *ex parte* statement, and we have evidence on behalf of the Union Forces that they have never regarded it in that way. That something of the sort was said is probably true—is no doubt true—but I think it is obvious that it must be confined to acts of war which caused some irritation at the time, especially the question of the alleged poisoning of wells—and that it cannot in any case be considered so as to cover the circumstances of the present case.

It is further said by the defence that our jurisdiction is ousted because after the execution of these natives the fact of the execution was reported to Colonel Franke by the accused, and confirmed by that officer a few days after the execution on the 9th June. Now it is quite clear that at that time Colonel Franke had a good deal more to occupy himself with than troubling about the death of natives at the hands of German troops, and when this report was made verbally by the accused it was accepted without any attempt at investigation or enquiry which must precede confirmation, because no one can affirm any act without having the facts before him.

Now, to return to the facts of the case: the most important question is, what were these natives found guilty of and executed for? The two alternatives are, treasonable acts, and stock theft. There is possibly another, and that is, a combination of the two. As regards the contention of the defence that these natives were found guilty of treasonable acts, there are only three witnesses in the case who speak directly to this—the accused and the two non-commissioned officers who formed the court, and their evidence now is all to the effect that these natives were shot for treasonable acts; that they were found guilty of being within the outpost lines; and that they would not halt when called upon, and there is a strong suspicion of espionage in the case. Now, as regards the two non-commissioned officers, that evidence is undoubtedly subject to a little suspicion; it was given somewhat late in the day, and their evidence at the preparatory certainly was not quite to the same effect; there their evidence rather was towards stock theft, with certain circumstances of treasonable acts. As regards the circumstances of the case, we must consider, in favour of the accused, that he was on the outpost line at the time; that the enemy were fairly near; the patrols were on hand, and that they were an enemy who had then undoubtedly acquired the reputation of moving and striking with extraordinary quickness. These are facts which we are bound to take into consideration in trying to arrive at the state of mind of the accused at the time. Now, if the offence was

"treasonable acts," under German Law this very informal so-called trial was quite sufficient and the execution of these natives could be justified. Not so in the case of stock theft, if this is a case of stock theft; for then undoubtedly the trial would not be sufficient. The accused had power to condemn natives to death for stock theft; under German Law he seems to have been empowered to condemn them to death for practically anything during war time; but before conviction for stock theft there must be a more formal tribunal in the shape of a feldgericht, in which evidence must be led and a charge made according to ordinary ideas of legal procedure. Now, this was undoubtedly not done, and if we are to hold that these natives were executed on the ground of stock theft after a trial which was completely illegal, and if in addition to that we are to hold that there was malice or animus on the part of the accused against these two natives, then a charge of murder against the accused can be made out. Now, as supporting the charge that these natives were executed for stock theft there is very little direct evidence; there were some statements at the preparatory, but these have since been gone back upon, and there is the candid admission by the accused that he recognised the male native as a man whom he had before found in the act of committing stock theft; and in addition to that there is the extraordinary fact that on three occasions the accused put into writing the fact that he had convicted these natives on the ground of stock theft. The first is in that curious document called the protocol which he produced at the preparatory; the second, the statement made at the preparatory in writing; and the third is an affidavit on the 1st December, when he was attempting to have these proceedings quashed. Now, in a case with a certain amount of mystery attached to it, if there is one clear fact at all, it is this, that but for this statement in writing the accused would not be standing in that dock to-day. Had he made the statement at the time, and proved it, as he intended to prove now, that these natives were shot on the grounds of treasonable acts, that would be a good defence, and the accused has only himself to blame for being here because he made these statements. Now, there remains the question, which this Court has to decide, on what grounds these natives were actually shot—treasonable acts, or stock theft. There is the evidence—the direct evidence—of treasonable acts, although that evidence is not quite satisfactory. As regards the stock theft theory, the evidence is scanty, although there is a very strong suspicion raised by the subsequent statements of the accused, and it is quite obvious that "treasonable acts" as a defence has only been raised by the accused now. This fact is, of course, in one sense double-edged, especially as regards the charge of murder, because while it may indicate that the accused is not a reliable witness, it also tends to show that if he executed these natives for stock theft he did not know he was wrong in doing so summarily, for if he had he would naturally have suppressed the fact at the defence, and in one sense it is in his favour that he persisted in stating stock theft. Now, the Crown has got to prove the killing here, and after that the onus is on the accused to show under what circumstances the natives were killed. The case is one of very considerable difficulty; the evidence is somewhat scanty on the Crown side; a certain amount of direct evidence for the accused is not particularly satisfactory, and, in addition to the trouble which always must arise where one is dependent on translation, there was in this case a very extraordinary amount of difficulty in getting direct answers from most of the witnesses, including, I am afraid, even the expert witnesses; one began to wonder at one stage whether the words "yes" or "no" really existed in the German language, because it was impossible to get straight and direct answers. In these circumstances, we have given this case very careful consideration, and the conclusion we have arrived at—not without great difficulty—is, that these natives were sentenced and executed both for treasonable acts and for stock theft, although what stuck in the mind of the accused, at least afterwards, most strongly was that act of stock theft. Accused did not know the regulations for trial under the Imperial Decree of 1896; he did not know that stock theft was not a good defence until Hauptmann Schmidt was consulted; then he seems to have arrived for the first time at a true conception of the law on the subject, and up to that time he had pinned his defence down to stock theft. Hence, many mis-statements and much confusion. Now, if these natives were executed partly for treasonable acts, although partly for stock theft, the conviction was good, however informal, for the German Military Law, as we have seen, recognises the most summary tribunal, the most summary and informal tribunal, for treasonable acts. We therefore arrive—not without difficulty—at the conclusion that the natives were executed partly for treasonable acts, and in so doing we feel that we give the accused the benefit of the doubt. We have to repeat that his action and his evidence have been subject to very grave suspicion, and that he has no one to blame but himself for being here to-day. The result is that we find him not guilty, and he is acquitted and discharged.

Noted and transcribed by me,

B. G. LAGERWALL.

Certified true copies of the original documents at Windhuk this 27th day of June, 1916.

A. J. WATERS,
Crown Prosecutor.

COLONIAL OFFICE to FOREIGN OFFICE.

(EXTRACT.)

Downing Street,
14 September, 1916.

WITH reference to previous correspondence I am directed by Mr. Secretary Bonar Law to transmit to you, to be laid before Viscount Grey of Fallodon, a copy of a despatch* from the Governor-General of the Union of South Africa, enclosing a report of the proceedings in the trial of Lieutenant Venuleth, an officer of the German forces in South West Africa, for the murder of two natives.

It appears from these papers that two elderly natives, a man and a woman, were arrested on the 19th of June, 1915, and were tried by a court-martial consisting of Lieutenant Venuleth, Corporal Schulze, and Corporal Rapecki. It will be seen that some doubt existed as to the charge or charges on which they were tried, but, accordingly to the minutes of the court-martial and Lieutenant Venuleth's own written statements of 15th October and 1st December and the evidence of the two German non-commissioned officers at the preparatory examination, the offence was stock theft, and Lieutenant Venuleth himself stated that he recognised in the two accused natives the Bushmen who had stolen and slaughtered a sheep in October, 1914, on his own farm.

If the natives were in fact tried and condemned in this way "the whole procedure," as the Court which tried Lieutenant Venuleth observed, "was hopelessly bad. The accused, Venuleth, was at once President and complainant. According to his own account the only evidence was his own remarks and the statement of Schulze, a member of the Court. No charge was made against the native accused. They were not present; no evidence was led; they were convicted and sentenced in their absence. They were found guilty and shot. Now, it is difficult to mention any principle of justice and law which has not been violated, if this Court really meant to try these natives."

The Court, however, which tried Lieutenant Venuleth for murder held, "not without difficulty," that the natives were not executed exclusively for stock theft, but partly for acts which were treasonable, and, giving the accused the benefit of the doubt, acquitted him.

The matter, therefore, as regards Lieutenant Venuleth is concluded; and Mr. Bonar Law has no observations to make on it as far as he is concerned, but the proceedings and especially the evidence given by the two German non-commissioned officers who sat as members of the court-martial with Lieutenant Venuleth are of great interest, as showing the attitude of the Germans towards the native populations of their Colonies.

No. 5.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 30th September, 1916.)

Governor-General's Office,
Pretoria,
30 August, 1916.

SIR,

I HAVE the honour to transmit to you herewith a Minute, No. 1226, from Ministers, of the 25th of August (with enclosure), on the subject of proceedings of the Special Criminal Court in the Military Protectorate of South West Africa.

I have, &c.,
BUXTON,
Governor-General.

Enclosure 1 in No. 5.

Prime Minister's Office,
Pretoria,
25 August, 1916.

(Minute 1226.)
Ministers have the honour to forward herewith, for the information of His Excellency the Governor-General and transmission to the Secretary of State for the Colonies, four copies of a report of the proceedings of the last Session of the Special Criminal Court held in the Military Protectorate of South West Africa.

LOUIS BOTHA.

SPECIAL CRIMINAL COURT OF THE PROTECTORATE OF SOUTH WEST AFRICA IN OCCUPATION OF THE
MILITARY FORCES OF THE UNION OF SOUTH AFRICA.

The Special Criminal Court of the Protectorate of South West Africa reopened at Windhuk on the 5th April, 1916. Mr. Advocate M. R. Greenlees again presided and the members of the Court (two sitting with the President on each case) were Majors Gadd, Wessels, Edwards, and Eadie. Lieutenant-Colonels Rush and Curtis also acted. Mr. Advocate Greenlees presided throughout, and Major Wessels took part in every trial. The Crown Prosecutor conducted the Crown cases. Mr. C. H. Poppe acted for the Crown Prosecutor in a few cases.

At Windhuk, nineteen cases were heard from the 5th to the 20th April. The Court proceeded to Omaruru on the 23rd idem. There the session opened on the 25th, between which date and the 12th May a further nineteen cases were tried. Returning to Windhuk the Court sat from the 18th to the 23rd May, when four more cases were dealt with and the session concluded.

All German subjects were tried under the provisions of the German Criminal Code. British subjects were tried under military law. The procedure was that of the Transvaal Province.

All offences and crimes are comprehensively dealt with under the German Criminal Code, and in this respect the laws not infrequently differ from that of the Union. Especially does this apply to the crime known to our law as "Murder." The German law distinguishes between a murder deliberately committed and a murder done on the spur of the moment, and only in the former case can the capital sentence be inflicted. Again by culpable homicide in this report must not be understood, except in the case of British subjects, the crime known by that name in the Union; the term is merely used in order to describe the offences defined by certain sections of Strafgesetzbuch and includes murder committed without deliberation mentioned above. As these crimes were committed by Germans on natives and *vice versa*, the plea of absence of the essentials of murder was put forward with at least a modicum of justification, the feeling between the Germans and Bushmen and their faith in each other being such that killing is not infrequently resorted to as the direct result of fear as much as anything else. Among the cases briefly dealt with below there is one in which a native was convicted of murder and sentenced to death—this being the only case in which capital punishment was awarded.

Of the 57 persons indicted the tried 23 were Germans, 3 Europeans domiciled in the Protectorate prior to the surrender, all of Dutch extraction, 23 were natives and German subjects, and eight were British.

A resumé of the cases dealt with is set out below* :—

6th April, 1916.

Katai and seven others.—Theft.—The accused, all Bushmen, were charged with the theft of four head of cattle, the property of one Baumgarten, a German farmer, of the District of Grootfontein. They all pleaded guilty and were sentenced to four years imprisonment with hard labour.

Rex versus Daniel Diergaard.—Theft.—Accused, a Bastard, stole nineteen head of cattle from Gird, Gous, and van der Merwe, farmers, of the District of Windhuk. Diergaard brought the cattle to Windhuk and sold them to speculators there. He pleaded guilty and was sentenced to three years imprisonment with hard labour.

Rex versus Sarrup.—Theft.—Sarrup, a Bushman, pleaded guilty to stealing five head of cattle belonging to a farmer of Gobabis, named Hans van Hatten. On the outbreak of hostilities complainant was called upon to join the German forces, and it was whilst he was on active service that the Bushman helped himself to the stock. The skins were identified at accused's hut, and two accomplices, also Bushmen, turned King's evidence. Sentence of two years hard labour and six lashes was imposed.

7th April, 1916.

Rex versus Hermon Holtz.—Murder.—Holtz, a German farmer of Sturmfeld, Gobabis, killed Fritz, a native whom he charged with deserting from his service. Accused was on trek when he came upon a German named Voss, for whom Fritz was acting as servant. Voss gave the native up through fear of Holtz, who was in an excited state, and accused and deceased left in company for the former's farm. On arrival at the farm two other native servants saw Holtz strike the servant Fritz on the head with a very heavy knife and afterwards saw deceased going along a road in front of accused, who at this stage was carrying a gun. Accused came back some time afterwards without deceased, inspanned a wagon, took the same road, and on his return shortly afterwards brought back the body of Fritz. Native servants witnessed all this and on examining the dead body found bullet wounds in the back and stomach. Accused had gone to another man on the farm, Frederick Sauer, and asked him to drive out to the veld where a native Fritz was lying. The accused told this man he had wounded Fritz. Sauer found

* COLONIAL OFFICE NOTE :—Only those cases which seem to bear on the relations of the Germans to the native population are printed. The omitted cases relate to theft of Government property, culpable homicide, and miscellaneous offences.

Fritz in a dying condition. Holtz then told Sauer that the boy had threatened to strike him in the morning; that he (Holtz) tried to get a piece of wood to defend himself but that he could only reach a knife, with which he struck Fritz on the head. Holtz said that in the afternoon, on the veld, Fritz attacked him with a stick, whereupon accused shot him. Accused told another farmer that he was attacked by the boy in the veld whilst he (accused) was relieving himself and that he shot the native in self defence. The defence was that Fritz had lost one of Holtz's cows through neglect, that Holtz scolded him, to which he replied with insolence. Holtz was going to give deceased a blow with his hand whereupon deceased picked up a stick. Accused states that he tried to get a piece of wood but, failing in this, picked up a knife and used it on deceased, striking, however, with the broad side of the blade. Later accused and deceased started out in search of the missing cow, and it was then that accused shot Fritz, who was making an attack on him. According to Holtz the deceased after being shot admitted he had himself to blame for his injuries. Holtz left his water bottle with deceased and went for assistance. Accused was found guilty of culpable homicide under mitigating circumstances and sentenced to two years' imprisonment.

8th-10th April, 1916.

Rex versus Carl Georg Schroeder.—Murder.—Accused, a German farmer residing at Kampe, in the District of Maltahöhe, on Christmas Day, 1915, killed Johannes Xatjindu, a native servant employed by him. On the afternoon of that day Schroeder went to the huts of the servants and instructed deceased to attend to the lambs, which was deceased's usual duty. Deceased refused to carry out the order and some words passed between him and accused. At the place where the altercation took place there were a number of other native servants. Accused had complained to deceased about the loss of small stock, and charged him with negligence. Schroeder approached deceased with a sjambok and a revolver. He first struck him with the sjambok and afterwards fired three shots from the revolver, from the result of which wounded deceased died in hospital about six weeks later. Schroeder declared that as he approached deceased the latter picked up a stone with the intention of attacking him, and that he (Schroeder) acted in self-defence. None of the native witnesses saw deceased threaten accused. Schroeder was found guilty of culpable homicide under mitigating circumstances and sentenced to two and a half years' imprisonment with hard labour.

Rex versus Jacob Casob.—Theft.—Accused, a native, admitted the theft of one head of cattle from a German farmer, Fritz Duval, at Teufelberg, in the Outjo District, and was sentenced to three years hard labour and ten lashes.

14th-15th April, 1916.

Rex versus Hendrick Stoetzer.—Murder.—Stoetzer, a German farmer of Gobabis, was charged with the murder of Hans, a native herd in his employ, in August, 1915. Accused pleaded not guilty. The Crown witnesses were natives, fellow servants of deceased, and deposed that Stoetzer had words with Hans regarding his work, during which time, holding deceased by the arm, he led him away from the house. After the two had gone a few yards shots were heard and Hans was seen to fall. The native witnesses stated that Hans went along without struggling and that he never in any way threatened accused. It was established that when Stoetzer caught hold of deceased's arm, the latter had a jackal trap in his hand. Stoetzer said that he acted in self-defence, as deceased threatened him with this trap. Asked to account for the possession of the revolver at that particular time, he stated that he was carrying it for his protection. Stoetzer, however, fired not one but three shots, all of which took effect and any one of which was sufficient to disable the deceased, according to medical testimony. Accused pleaded that, as a result of ill-health and accidents which had befallen him, he had become exceedingly nervous; so much so, that when the native threatened him he drew the revolver and remembered very little of what followed. Stoetzer buried the body of deceased immediately, but made no effort to bring the death to the notice of the Police. It was only after several weeks had elapsed that the matter came to the ears of the authorities, and then through the instrumentality of a native servant from accused's farm. The Court found accused guilty of culpable homicide, and passed a sentence of five years' imprisonment with hard labour.

17th-20th April, 1916.

Rex versus Carry Venuleth.—Murder.—This was by far the most important and interesting case heard during the session. The facts are sufficiently stated in the judgment, which follows *verbatim*. [See page 42.]

Rex versus Isaac Thithis.—Theft.—Accused, a Hottentot, pleaded not guilty to a charge of stealing 37 goats, the property of one Bleicher, a German farmer residing at Gibeon. In December, 1915, Bleicher lost between 40 and 50 small stock, and 37 of these were found in accused's possession shortly after. He was convicted and sentenced to two years' imprisonment with hard labour and six lashes.

25th April, 1916.

The following cases were heard at Omaruru:—

Rex versus Antonius Setecki.—Assault with intent to do grievous bodily harm.—Accused, a German farmer, of Omaruru District, employed a young native herd named Jacob. This boy lost two calves belonging to his master, who set about punishing him by locking him in a room, where he left him tied with riems round his neck and hands, the latter being secured by placing behind the knees a stick to which the riem was attached. In this position Jacob was kept for one night. Next day he was taken out by the farmer to the horse ridden by Setecki, tied thereto by a riem fastened round the neck. Failing to find the calves, Setecki beat the native with a stick, and then threw the riem which was tied round the boy's neck over a branch of a tree, hoisted him up till his toes just touched the ground, kept him in this position for a time, and then let him down. Accused repeated this treatment three times at intervals of four to five kilos., during which the boy was compelled to follow, secured to the horse as before. One eye-witness corroborated complainant's story, which was also adequately supported by marks on the boy's throat and on the trees and the ground underneath, as well as by the spoor *en route*. Accused refrained from giving evidence himself, and was fined £100 or nine months' hard labour.

25th-27th April, 1916.

Rex versus Marie van Weiher.—Accused, a German woman residing in the Omaruru District, was on the outbreak of war left on the farm of her husband, who was called up for service with the German troops. The husband, an officer and a "freiherr," was eventually killed in action with the British troops. A German woman came to stay on the farm with accused after the death of her husband, and this woman witnessed the shooting of Opapa, an aged native, which led to the arrest of Mrs. von Weiher on a charge of murder. Deceased and other native servants deserted from the farm, and the two women went in search of them. The next day one of the deserters, deceased, was traced and ordered by accused to return to the farm. Deceased was told to run in front of the horse, but declined to do so, though he agreed to return to the farm. Accused warned him she would shoot him if he did not obey, and immediately afterwards fired a shot. According to accused's companion, this shot was fired in the air; the native witnesses, on the other hand, declared that it took effect in the foot of deceased. The companion stated also that after the "first or second" shot was fired, deceased closed with accused, who had jumped from her horse, and that a struggle on the ground took place, during which two more shots were fired. In proof of the struggle, a mark, alleged to be a bite, and a torn dress were brought to the notice of the Court. The native witnesses, however, denied that accused and deceased closed in a struggle. Four shots were fired and four wounds were found on the deceased's body. Both the second and third were clearly each sufficient to disable the native, as each broke a thigh and the fourth pierced his heart. The medical evidence showed that he had received four bullets, one of them through the foot. For the defence it was urged (1) that the natives were impertinent owing to the close proximity of the British and the withdrawal of the German troops; (2) that the German authorities had told accused that they could afford her no protection, and that she was to be prepared to defend herself against natives; (3) that accused was mentally deranged as a result of the loss of her husband.

The Court found accused guilty of culpable homicide under mitigating circumstances, and sentenced her to pay a fine of £300, or, in default of payment, to undergo eighteen months' imprisonment. The fine was paid.

27th April, 1916.

Rex versus Fritz, Massinab, and Langman.—Accused were Bushmen living in the Grootfontein District. Fritz was for a period in the employ of Europeans, but for some years had apparently lived as one of a predatory band of Bushmen who infest the bush in this as in some other parts of the Protectorate. He was charged with the murder of two German farmers, Ohlroggen and Korting, on the 15th September, 1915, on the farm Goroab West, in the District of Tsumeb, by shooting them with a rifle. Some Bushmen, servants of a farmer named Eckstein, the owner of Goroab West, had run away. He with other natives, Ovambos, went to a waterhole and found one of them, whom he took back to the farm. He also took five or six Bushmen women, his object being, as he stated, to induce their husbands to follow them, when he hoped to obtain their services as labourers. The chief of the party living at this waterhole was one Max, who was away at the time but returned later in the day. All the accused were said to be members of his band. The party possessed two rifles and a few cartridges. Max ordered accused Fritz to take some of the other men, armed with the guns and bows and arrows, and go next day to recover the women.

When they reached the farm, Fritz carrying a Mauser rifle, Eckstein was away in the lands and a German named Augebauer was near the house. The latter was shot at and wounded, but no evidence was forthcoming as to who fired the shot except Fritz's admission that he did it. Eckstein then fled to the next farm and returned with two other men, Ohlroggen

and Korting. They were unarmed. In the meantime the Bushmen had disappeared into the bush near the road. Eckstein left his companions and went to his natives in the lands to find out what had happened during his absence. Ohloggen and Korting continued on the road. A shot was fired from the bush where the Bushmen hid, and Ohloggen fell. Korting ran away, but was killed at once by another shot from the same spot.

There was no direct evidence as to who fired the fatal shot, but it was proved that Fritz was in the party and carried a Mauser. There was some evidence that Massinab and Langman were also with the party, but armed only with bows and arrows. No one could see any of the Bushmen when the shots were fired, although they were last seen shortly before in the immediate vicinity of the spot from which the shots came.

Fritz on three separate occasions admitted his guilt. He gave as his reasons :-

- (1) That he acted under the orders of Max.
- (2) That Max told him to kill Eckstein because the women had been carried off and that he was not near enough to Eckstein to kill him, so he shot Ohloggen and Korting instead.
- (3) That the Germans have often killed Bushmen (a matter of common knowledge) and Bushmen were entitled to retaliate.

The statement made by Fritz at the Preparatory Examination is worth reproduction in full. It was as follows :-

Johannes Fritz, duly cautioned, states: I am a Bushman; about two years ago I was employed by a Mr. Bucherin in the Grootfontein District. I was not treated well by Mr. Bucherin, so I left his service and lived in the bush. One day a Bushman, named Max, who is a headman of a Bushman family, came to me and told me that he had shot a white man named "Ludwig" on the farm "Guntsas"; he then gave me a rifle (Martini pattern) and told me to come with him, as I was a good shot, and the Germans would soon be chasing him, and that I could help him shoot the Germans. From that time I followed Max, and he was my captain and I had to do everything that Max ordered me to do. About the time the rains came last year, Max instructed me to accompany him, together with five other Bushmen named Noib, Acherob, a son of Noib, and Jakob, to the farm of a German named Friboln, where he intended killing the Europeans because he, Max, had no tobacco left; so he said we must kill the white man and take his tobacco. When we reached the farm house, the white man was not there, so we helped ourselves to his tobacco and clothing and also money. As we were standing outside the house, Max went over to the dwelling of the farm servants and was captured by three natives (a Bushman, Herrero, and a kaffir). When I perceived that Max had been caught, I immediately went to his assistance and shot all three of the natives, who died. I know the name of two of these natives; the kaffir's name was "Koisib," the name of the Bushman was "Caikabas," and I do not know the name of the Herrero. This occurred in the Grootfontein District. After that we were chased by the German police, so came and lived at the waterhole named Herab, in the Tsumeb District. On the 14th September, 1915, Mr. Eckstein, of Gorocob District, came to Hebab and took some of Max's Bushwomen away from his farm. Max then instructed me to proceed to Eckstein's farm, accompanied by Noib, Massenob, David and Acherob, and told me to kill Eckstein and bring his (Max's) people back. We arrived at Eckstein's farm in the morning and waited in the bushes at the back of the house. I saw Mr. Angebauer and shot at him; I cannot say whether I hit him. I then saw Andries in the mealie fields and went down to him and told him he must not accompany white men when they went into the bush and stole Bushwomen who were doing no harm. I then intended to go to Gorocob East in pursuit of Eckstein, who had gone away, and it was then I perceived three white men and two Ovambos coming from the direction along the road. I then went into the bush near the road and waited for them. Before they reached me, Eckstein left the other two white men and went towards Andreas in the mealie field, and the other two white men came past me. I shot the big man (Ohloggen) first, and the small man (Korting) turned round and ran back, and I shot him also. I then fired at Eckstein once, and Eckstein fired three times at me. When I shot these two white men I was accompanied by Acherob; the others were some distance away in the bushes. I did not follow Eckstein after this, but took my people whom Eckstein had stolen and returned to Hebab. Max did not accompany us, because he was suffering with sore eyes. All the crimes I have committed were done on the instructions of Max; he is my captain and I cannot refuse to do anything he tells me to do. The Bushmen who accompanied me did not fire at the white men; I did all the shooting. Noib fired once at the house, just after I had shot at Angebauer, but did not shoot anyone. Acherob murdered a Kaffir named Fritz by striking him on the head with a log of wood at New Desenberg, in the Grootfontein District, about the time the rains came last year.

Max has a Martini-Henri pattern rifle, but has no ammunition for it. The others have bows and arrows.

JOHANNES FRITZ X His mark.

The Court acquitted Massinab and Langman, as there was no evidence to directly implicate them, but sentenced Fritz to death.

Rex versus Simon Ncaib.—Theft.—Ncaib, a Berg Damara, pleaded guilty of the theft of forty-three sheep belonging to a farmer named Carl Jaspersen, of Otjumue, Omaruru District. Sentence of two years' imprisonment with hard labour and ten lashes was imposed.

28th April, 1916.

Rex versus Ludwig Dohling.—Attempted Murder.—Accused, a German farmer, of the Waterberg District, was charged with the attempted murder of a female Herero. He pleaded not guilty. A small boy, Hans, the son of complainant, was in accused's employ, and had on a former occasion been peppered with small shot by him for some trifling misdemeanour. Subsequently he ran away home. Dohling followed the boy and a struggle took place between the native woman and accused. The latter succeeded in getting the boy away, tied him with a riem, and led him to the farmhouse on the property where he was found. The complainant, with other relations, followed and demanded the release of her son. The farmer declined to accede to the request; a struggle followed, accused hitting out with the butt of a revolver, complainant with a stick. Then accused fired at complainant hitting her in the thigh; again he fired, the bullet this time lodging below the woman's chest. This shot brought the woman down, but he fired a third shot, the bullet entering the stomach. The woman certainly used the stick on accused before he fired, but only after receiving considerable provocation. While all this took place, a man and a woman (Germans) were standing by. The defence, as in almost all these cases, took the form of self-defence, but was not accepted, and accused was found guilty of the charge and sentenced to eighteen months' imprisonment with hard labour.

2nd May, 1916.

Rex versus Langmann and Jonas.—Murder.—The first accused is a Herero, the second accused a Berg Damara. They were charged with the murder of Paul Luther, a German farmer in his lifetime residing at Omahoro, District of Omaruru, where the crime was committed. Deceased, accompanied by native servants, went in search of small stock which he had lost. This party reached the "werft" of accused, where they found some girls, who took alarm and ran to the men. Deceased, with the object of frightening these girls, fired a shot in the air. He and his native servants followed the girls and came upon accused. Deceased approached these men holding his rifle at his hip. Langman jumped underneath the rifle and caught hold of it. Luther called to his servants for help, but before they could release him, Jonas, the second accused, came up and struck deceased with a bar of iron on the base of the skull. He fell dead, and his body was further mutilated after death. The second accused admitted that he killed Luther, was convicted of culpable homicide, and sentenced to two years' imprisonment with hard labour. The first accused was acquitted.

Rex versus Johann Binkowski.—Murder.—Binkowski, a police sergeant during the German regime, was charged with the murder of a native near Kabnonyama, in Omaruru District, in May, 1915. In his official capacity accused had been engaged in the investigation of the murder of Luther referred to above. A party led by Binkowski came upon the spoor of natives and followed it; later captured several of them. Binkowski's party was armed but the natives behaved in a docile manner. The murdered man, Petrus, was amongst the natives. Petrus had worked for Luther but had deserted, and was identified to Binkowski, who first struck him with a stick and then twice shot at him, the last shot causing immediate death. Binkowski interrogated natives whom he had with him, some of whom said Petrus had taken part in the murder of the farmer, whilst others absolved Petrus of the crime. The accused had given instructions that all natives whom they met were to be shot. When Petrus met his death he had nothing in his hand and was not resisting arrest, and the police patrol had little to fear, though they found a loaded rifle on the spot where deceased was shot. The acting German magistrate of the District at the time had instructed Binkowski to endeavour to track Luther's murderers. This official gave evidence at the trial and stated that, in accordance with orders of the German Government, he told accused to deal severely with suspected natives, but admitted that the orders did not mean that such persons were to be shot without trial. Accused reported the result of his investigations to the German magistrate, and mentioned casually the shooting of Petrus. The magistrate took no action against the accused, but in Court admitted that he might have done so had he seen fit. This point is noteworthy in the face of the plea that the Court had no jurisdiction, as the acting German magistrate, who knew of the death of Petrus, did not consider it necessary to charge Binkowski with murder. When British troops occupied this part of the country, Petrus's body was discovered lying unburied, and the British police received reports which led to accused's arrest. It was established that Petrus was not one of the murderers of Luther, though evidence was forthcoming that Binkowski had been told that he was. The German magistrate sought to impress the Court with his power in the matter, but the fact that proceedings were not taken by him against the police sergeant did not absolve the latter from the consequence of his action as was urged by counsel for the defence. The

Court found accused guilty of culpable homicide and sentenced him to eighteen months' imprisonment with hard labour.

6th May, 1916.

Rez versus Frank Juzek.—Murder.—Accused, who, like Binkowski, was a German police officer, was charged with the murder of a native, named Fritz, at Okambahe, in January, 1915. This boy was in custody, under accused's charge, for theft. He got away and was recaptured and tied up by accused. He again escaped and was again caught. He was then knocked about and lashed by accused and thrashed by his orders. Next day the boy, whose hands were tied behind him and whose feet were in leg-irons, was unable to move and accused kicked him severely and stamped on him. The native after became very weak and brought up blood. The following day he was dead. Owing to the interval which had elapsed no medical evidence could be obtained as to the cause of death.

For the defence an attempt was made to fasten the ill-treatment of Fritz on to one of the Crown witnesses, but this failed and accused was found guilty, in the absence of proof of the cause of death, of assault with intent to do grievous bodily harm, and sentenced to two years' hard labour.

The following cases were heard at the second sitting at Windbuk :—

18th May, 1916.

Rez versus Georg Frederick Nauhas and Theodor Jakubowski.—Murder.—Nauhas and Jakubowski, German farmers of Gobabis, were charged with the murder of Thabagab, an adult Bushman, on the farm Nabatzaub, in the District of Gobabis, in January last. An Herero in the employ of accused found deceased amongst his master's cattle, captured him, and took him to the farmers. Nauhas put a chain around deceased's neck, tied him to a cart wheel, and ordered a native to flog him with a twisted riem which he produced for the purpose. This native, a Berg-Damara, thrashed deceased for close upon an hour. Later, the accused, Jakubowski, appeared on the scene. Jakubowski recommenced the thrashing of the Bushman, who, when the thrashing ceased, was left tied to the cart wheel all night. Next morning the man was found dead; whereupon the second accused is alleged to have said, "Now the jackal is dead, that is nice." The servants were ordered to throw the body in the veldt, but they disregarded the order and buried it. British police found the grave, exhumed the body, and instituted proceedings. The accused pleaded not guilty. Nauhas said he had lost thirty head of cattle which were stolen from him at intervals within a short period. He admitted that he had deceased thrashed with the object of finding out who the thieves were and where they lived. According to his own showing, Nauhas induced Jakubowski, the second accused, to continue the thrashing. Deceased was an old man living on the farm of a German named Coenrad, and there was no evidence that he belonged to a marauding gang. The flogging was systematic, with a view to induce confession or betrayal, but failed to secure its object. This class of German farmer follows, in its treatment of natives, methods which have been repeatedly shown to have had the approval of the German police authorities, but are wholly repugnant to our ideas. No medical evidence of the cause of death could be procured, and accused were convicted of assault with intent to do grievous bodily harm, and sentenced, No. 1, to eighteen months', and No. 2 to twelve months', imprisonment, with hard labour in each case.

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REPORT
ON THE
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AND
THEIR TREATMENT BY GERMANY.

Prepared in the Administrator's Office, Windhuk,
South-West Africa, January 1918.

Presented to both Houses of Parliament by Command of His Majesty.
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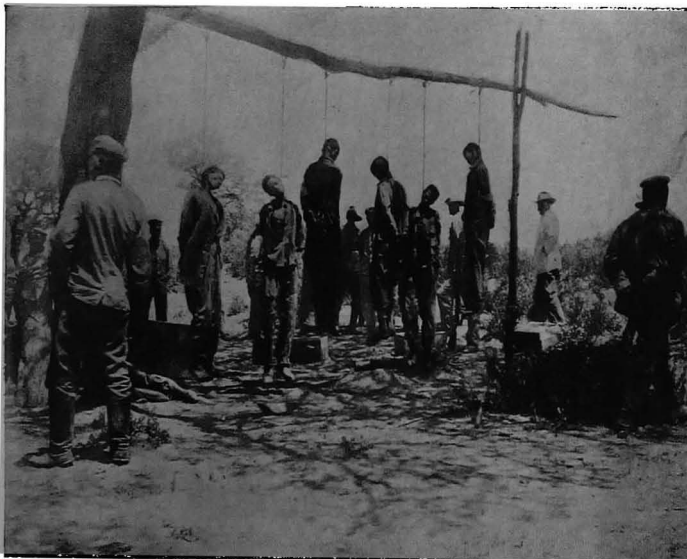
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were subjected to forced labour of the worst kind, and the masters regarded their native servants as slaves without rights and amenable only to the lash. The servants regarded their German masters as their inveterate enemies from whom there was no escape.

This was the position as I found it when, in July 1915, I was entrusted with the task of putting the affairs of this Protectorate in order. The endeavour to secure the establishment of better relations between white and black has been uphill work indeed. All the obnoxious provisions in the German native code have been repealed by me and others more in keeping with the practice in force in the Union of South Africa have been substituted. The love of inflicting severe corporal punishment on their native servants is, however, strongly retained by the German farmers, and though clearly diminishing as the result of numerous convictions obtained in our courts, cases still occur with far too much frequency. I am satisfied that, owing to the wide extent of the country, the scattered situation of the farms, and the fact that here and there natives are still terrorised, and therefore reluctant to lodge complaints, many cases never reach the courts.

The natives, freed from the oppression under which they had suffered for 25 years before our advent into this country, and in their simple way of thinking unable to understand why after having conquered the Germans here we did not utterly despoil them of their property, have also since the Occupation provided a considerable amount of difficulty for the Administration. The terms under which the German forces of South-West Africa capitulated in July 1915 provided that the civil population and the reservists then under arms would be allowed to resume their normal avocations, and at once there arose throughout the Protectorate a strong demand for native labour. The natives, after the ill-treatment to which they had been subjected by their former employers, were in a very large number of cases most reluctant to accept service, and much patience has been required to teach them that it is necessary to work to live and that the liberties they now enjoy also carry obligations, and that while our officials afford protection to all and assist every labourer to secure fair treatment and a fair wage, it is incumbent on them to perform their labour in a proper manner.

The native policy now in force here has been based largely on the practice of the Transvaal, and under it it is our endeavour, in order to reduce vagrancy and crime amongst the native population, to see that every able-bodied native who has no visible means of support is in some kind of employment. At first there were constant representations from the farming community that no labourers were forthcoming. Natives had deserted right and left from the farms on which they had been located before our troops occupied the country. There was a strong disinclination in many cases to re-engage with former masters, and when engagements were entered into refusals to remain were frequent. The knowledge, however, that we do not tolerate the ill-treatment of natives and that our courts make no distinction, where an offence has been committed, between white and black, has gradually spread, and that knowledge, coupled with the fact that heavy sentences have from time to time been imposed on Europeans for offences against natives when such have come to light, has done much to reassure the native mind, and the situation has become easier of late, though there still is an undoubted shortage of labour, which seemingly cannot be made good out of the existing native population. A case of "chickens coming home to roost!" And we have seen the spectacle of the Luderitzbucht Diamond Mining Companies from 1908 to 1914 importing thousands of coloured labourers from the Cape of Good Hope at great expense and at a high rate of wages, because the Protectorate could not supply sufficient labour from within its own borders, where but a few years before over 90,000 native lives had been ruthlessly sacrificed.

It goes without saying that the present native policy is strongly disapproved of by the German inhabitants of this country. It has been frequently and openly stated by German farmers that our permanent stay in this country might prove tolerable were our native policy altered to suit their views. They bitterly resent any curtailment of the rights they formerly exercised to punish how and when they pleased. For some months after the close of the campaign constant applications were received from Germans for the return to them of the firearms they had surrendered "in order to afford them protection from the natives." About November 1915 alarming rumours were set in circulation by Germans that a rising by the natives was imminent and that no European's life would be safe. We were besought on all sides to provide protection. Confidential inquiries which were set on foot showed

not a shadow of substance for these reports, and I declined to move, as I was certain that these stories were deliberately spread for the purpose of coercing me into allowing the farming population to have firearms with which again to menace their native servants.

In Part II., Chapter III., will be found a statement of the number (35 in all), and description of serious cases (*i.e.*, cases necessitating trial before the chief tribunal of the Protectorate, the Special Criminal Court) of murders of, and assaults on, natives by Europeans since our Occupation. On the other hand, there have been but two cases of a similar kind where natives were involved with Europeans, and in one of those cases there was a suggestion that the Europeans had been tampering with the natives' womenfolk.

In the lower courts no fewer than 310 cases of ill-treatment of native servants by their masters have been heard and penalties imposed since the establishment of those courts on 20th September 1915.

A letter full of interest on this question of native treatment in the event of the return of Germany to power in South-West Africa came into my hands some time ago. It was addressed to the late Governor of this country, who is at present on parole, by one of the principal ex-officials (also on parole) of the late Administration, and it contained a number of speculations as to the future of the Protectorate and the measures to be adopted "on resumption of control by the German Government." A considerable portion of it was devoted to the discussion of future native policy. The writer urged the need for the organisation as soon as peace is declared of a strong force of police to cope with the natives, and ventured the opinion "that it is an open question what impression will be made on the natives by the re-transfer of power to the German authorities." He strongly blamed the present German inhabitants for frightening the natives *with constant threats of thrashings and hangings as soon as German rule is restored.*

It is common knowledge to the officials of the Administration that such threats are often made, as they have formed the subject of frequent complaints by natives and numerous convictions in our courts.

He went on to advocate the limitation to the utmost of the movement of natives from farm to farm or district to district, and, in order to improve the native labour supply, that Ovamboland should be effectively occupied.

To that country the Germans had never really penetrated. The climate is malarious, and between Outjo, Tsumeb, and Grootfontein lies a wide stretch of waterless country difficult to pass.

He added that if Germany failed to do this her prestige amongst those tribes (which it should be noted are still intact) in the north and north-east would cease. He concluded by stating—

It is a well-known fact that some of our countrymen have not always acted in manner free from objection. Unreliable men of this kind in an out-of-the-way colony of the German Empire are not merely insufferable but they are a danger. Such persons must be removed without any consideration. If no criminal proceedings can be instituted against them banishment should be the punishment. . . . The Government should refuse them assistance, and it is precisely in the rendering of assistance in procuring native labour, to which a blunt refusal must be given and may be given, that a weapon is available to make them tired of the country.

He had been learning the lesson of the past; but I fear that however heartily the German colonists would endorse his views on the subject of the control of the natives and the anticipated spoliation of Ovamboland, but few supporters would rally to his cry for the ejection of farmers who ill-treat their servants. Their sole idea is complete domination over every one who has a dusky skin.

In the suggestion that farmers who are guilty of constant ill-treatment of their native servants should be denied native labour he is, apparently unconsciously, merely repeating what His Excellency the German Governor had already, so long ago as 1912, threatened to do. This threat was contained in a secret letter, now in my possession, from the Governor to all the District Heads, and a translation is reproduced in Chapter XXII. The words of the Governor in that letter contain what will probably be considered as the most damning piece of evidence of all that has been collected as to the point to which the ill-treatment of natives had been carried.

He admitted therein that the natives did not obtain justice in the courts, expressed his regret that he was powerless to influence the courts to improve matters, and threatened by administrative means to stop the native labour supply of persons who continually ill-treat their servants.

His Excellency was then new to the country, and as the threatened rising of the natives of which he had fears did not take place he seems to a certain extent to have accommodated himself to local conditions, for on 20th April 1914 we find that he presided over a meeting of the District Heads and other principal officials of the colony at Windhuk, whereat *inter alia* the following exchange of views took place. These are taken from the confidential minutes of the meeting:—

The Governor : By virtue of the von Lindequist Ordinances we have at present a kind of compulsory labour. An extension of this compulsion as desired by the Landesrat would hardly have any prospects of fulfilment at home. . . . The question arises whether any alteration of the von Lindequist Ordinances is necessary and if such alteration would serve any purpose. In my opinion an improvement in the present conditions is not possible.

Bezirksamtmanne Schultze and Boehmer and Court Assessor Weber declare the Ordinance to be sufficient.

Bezirksamtmanne Wasserfall : . . . In the district the continuous increase in the number of native stock has proved very detrimental. (*Note*.—He obviously means that through the increase in the sheep and goats which the natives were allowed in special cases to own, the natives are becoming independent again).

The Governor : It will become necessary to force the natives to sell small stock which they possess beyond a certain number.

The Governor : It is far more necessary to enforce strict adherence to the existing provisions of the Ordinances than to issue new provisions. I declare it to be the general opinion of this meeting that nothing should be altered, but strict adherence should be enforced; especially in the case of natives who appear at any police station it must at once be ascertained exactly from whence they have come (? so that they may be placed out to labour).

At a later stage in the proceedings *Bezirksamtmanne Boehmer* of Luderitzbucht ventured the opinion that fines and imprisonment might be admitted in cases of disciplinary punishments instead of the lash and manacles, but this received no endorsement from anyone else.

Bezirksamtmanne Schultze represented that it was very necessary to take energetic steps against the Bushmen, and urged that the only efficient measure would be to transport them.

The Governor (evidently thinking of public opinion in Germany) retorted that this would be impossible.

Bezirksamtmanne von Zastrow, of Grootfontein : It might serve the purpose if a portion of this people was transported. The rest would very soon become aware of this and would behave themselves accordingly as they fear removal from their native country more than death.

Bezirksamtmanne Wellmann, of Swakopmund : An understanding should be arrived at with the Walfish Bay authorities in respect of the return of natives (? who have sought refuge there) who have committed a breach of their labour contracts.

The Governor : I am afraid that any such discussions would be unsuccessful.

Bezirksamtmanne Wellmann then referred to the practicability of extending the contracts of service of Ovambos who had come south to seek work, and he also urged that corporal punishment should be introduced for native women who loaf about the locations without employment.

The Governor : The extension of the service contracts system to the Ovambos would be risky. The whole labour question in East Africa came about through an attempt of that kind. The utmost care must be exercised with regard to the banishment of the Bushmen to Swakopmund as a lot of them have already died in consequence of their removal there. The main reason for this is that they are entirely unaccustomed to the food. (*Note*.—He should have added, "and climate which is damp and foggy and totally unlike the hot and dry area in the interior which is inhabited by the Bushmen.") It

is necessary that the Bushmen be first made accustomed to the new food somewhere inland before they are removed to Swakopmund.

These extracts from the discussion do not betoken much desire to improve the lot of the natives of the country, though there is a note of alarm at the suggestion to bring the Ovambos under the labour contract system and an indication of some solicitude for the unfortunate Bushmen who were being sent to their deaths on the cold and bleak sand wastes of Swakopmund.

Of almost equal interest and value to Governor Seitz's secret letter are the letters reproduced in Part II., Chapter II., from Bezirksamtman Boehmer, of Luderitzbucht, and Acting Bezirksamtman Heilingbrunner, the first written on 31st January, 1908, the second on 14th June 1911, and the third on the 21st April 1913. These are contained with a number of other letters in a dossier in the German records, marked "Misshandlungen von Eingeborenen durch Weise (Specialia)." ("Ill-treatment of natives by white men—Particulars.") Matters had evidently reached a climax when in 1913 Herr Boehmer was forced to write to the Imperial Governor that "the law courts are utterly useless."

Another extremely objectionable feature in the social fabric of the Protectorate moulded by the Germans has been the licentiousness in the relations between the European male population—soldiers, police, and others—and native women, regardless of objections to such intercourse on the part of the women themselves and their male relatives. With the destruction of the tribal system which followed the events of 1904–1905, and the distribution of the surviving population as labourers amongst the European settlers, native women in large numbers were forced into concubinage with Europeans, with the inevitable result that the natives speedily acquired a contempt for their masters, who in turn have endeavoured to maintain their positions by a policy of severity often amounting, as a perusal of the report will show, to the grossest brutality.

As a colonist, the German in South-West Africa, speaking generally, has been a failure. He has never shown the slightest disposition to learn the natives' point of view, to adapt his ideas to the long-established customs and habits of the people, or to fall in with the ways of the country. When he arrived here he found the natives both rich and comparatively numerous. His sole object seemed, as soon as he felt strong enough, to take the fullest advantage possible of the simplicity of these people and despoil them utterly. When the process did not, by means of the system of trading that sprang up, which in itself was often but a thinly disguised form of chicanery and knavery, go quickly enough, rapine, murder, and lust were given full play with the disastrous results of which we see evidences every day around us.

This is all the more strange, as in the Cape of Good Hope and Natal German settlers have proved themselves, at all events in years past, adaptable and successful colonists. Possibly the reason may be found in the fact that in those British possessions the German emigrant found a clean-cut line and well-defined understanding between the European element and the aborigines. As a pioneer on his own account in savage lands, and as a colonist left to his own devices without the influence and advice of persons of other nationality who have had longer colonial experience than he has had, he has proved himself, at all events in South-West Africa, to be utterly incapable and unsuitable.

The land here, when colonising was decided on in earnest in Berlin, and after the missions, companies, and traders had been allotted their selected portions, was at first given out, for the most part, to soldiers who had taken their discharges in this country and had expressed a desire to settle here; rough men who, when released from the military organisation under which they had been trained, carried with them to their new possessions the militarist methods and aggressive ideas towards the natives with which they had become imbued during their term of active service here. In their view the native was an out-and-out barbarian, little better than the baboons which frequent the kopjes, and to be treated and disposed of at the sweet will of the master. The police, too, brought up in the same environment and drawn from the same organisation, were no different. If anything they were worse, as they were principally selected from the non-commissioned ranks of an army in which the severity of the sergeant is proverbial.

Later, when the rough work was deemed to have been completed, officialdom in Berlin bethought itself of a German colonial aristocracy. It is said locally that the Kaiser took a deep personal interest in the matter, and that to his influence we

owe the presence of the large number of persons of rank who are settled in the better portions of the Protectorate. If one can believe the tales that are circulated by the less favoured portion of the German community about their more distinguished brethren, amongst the latter were included no inconsiderable proportion of persons who were no ornament to the caste to which they belonged.

It is interesting to read what Leutwein, who was Governor of this territory for 11 years, has to say on the attempts of Germany to establish colonies. In Chapter XV., pages 542, 543, and 544 of the book he published after his recall to Germany, he remarks, referring to the earlier avowed policy of Germany, which was one of attempting to "reconcile the original inhabitants to their fate":—

I have personally assisted in conducting this policy in perfect unanimity with the original population, all the more for the reason that the war with Witbooi had opened my eyes at the very beginning of my colonial activity concerning the difficulties experienced in suppressing native risings in South-West Africa. Since that time I have used my best endeavour to make the native tribes serve our cause and to play them off one against the other. Even an adversary of this policy must concede to me that it was more difficult, but also more serviceable, to influence the natives to kill each other for us than to expect streams of blood and streams of money from the Old Fatherland for their suppression. That this policy has proved itself impossible of being carried through uninterruptedly for reasons which will be found in my foregoing expositions is, however, no proof that it should not have been tried at all.

In this connection it will be interesting to review for a moment the British world-wide Empire. A census of the population in the same which was ordered in 1901, and the results which have been published a short while ago, has elicited the fact that of approximately 400 million subjects of the King of England, only 54 millions or 13½ per cent. are whites, *i.e.*, that the latter are even less in numbers than the white subjects of the German Empire. In truth, it would certainly be worth while studying in what manner these 54 million whites within the British Empire succeed in dominating over the 350 millions natives. It appears impossible that this should be done on the whole by a policy of force and suppression, as such a policy could not be carried through. There consequently only remains the supposition that the British understand better than ourselves how to interest the natives in their cause and to make them subservient to the same.

They seem to apply completely different systems, according to the character of their colonial territories and their inhabitants. We know, for instance, that in the Cape Colony, a country in which the suppression of native risings would present just as many difficulties as in our South-West Africa, they have simply made full citizens of the natives.*

Only when a native tribe would not accommodate itself to law and order, as, for instance, the robber-like Korannas, they have destroyed such tribe by armed force, but not without the assistance of the other native tribes. Of course, they got rid of a portion of their restless Hottentot tribes by the immigration of the same into our present Protectorate, as we have seen in Chapter I., pages 1-3 (the Orlams). However, in Basutoland, where a war-like tribe resides in a rather uninviting and mountainous country, the English have been satisfied with nominal rule, and in order to prevent any disturbance have not permitted a white immigration into that country.

* * * * *

In fact, it requires a special understanding of the usages and customs of the natives if a white race is to remain master in its own house under the

* He reproduces in a footnote a letter, dated Banksdrift (Transvaal), 25th January 1904, from a Herero, who had been recruited for the mines at Johannesburg, containing the following sentence, which he says proves that the writer has very quickly recognised the difference between English and German treatment of natives:—

"I inform you that the country of the Englishman is really a good country; there is no ill-treatment; whites and blacks stand on the same level, and if he strikes you (unreadable) everywhere you like. And there is plenty of work and plenty of money, and even if your Baas is there, he does not hit you, but in case he hits you and has contravened the Law, he is punished accordingly."

numerical conditions as they exist in the British Empire. And unless a nation understands that art it should rather leave colonising alone; for it will hardly experience joy therefrom.

I must in fairness say that there are notable exceptions to the general rule as we have found it here, men who take a keen and intelligent interest in their pursuits and in the welfare of the natives and who treat their natives reasonably; but their numbers, according to the information at my disposal, are relatively few. It is difficult to eradicate the pernicious influence of the adventurers who seem to have dominated the policy of this country in the earlier days of the establishment of German influence.

Enough should be found in this report to convince the most confirmed sceptic of the unsuitability of the Germans to control natives, and also to show him what can be expected if the unfortunate natives of this part of Africa are ever again handed back to the former *régime*. For their pains in making the statements and for their share in furnishing the information that has been brought together herein, those whose names are mentioned and their associates would become—if, indeed, they have not already become—marked men, and their “removal” would only be a matter of time. A campaign of smelling-out, the police sergeant as the witch-doctor, with all its attendant evils and horrors would most assuredly be inaugurated.

Native opinion here is unanimously against any idea of ever being handed back to the tender mercies of Germany, and any suggestion of the possibility of an act of that kind on the part of Great Britain produces the utmost consternation.

Before closing these introductory remarks, I desire to express my obligations to the compilers of the accompanying chapters for the assistance they have rendered. The framer of Part I. is Major T. L. O'Reilly (Attorney of the Supreme Court of South Africa, Transvaal Provincial Division), Military Magistrate of Omaruru in this Protectorate, to whom, owing to the extent of the ground to be covered, has fallen the larger share. Major O'Reilly has been here in an official capacity for nearly three years past and is well acquainted with the country and its inhabitants. Part II. has been prepared by Mr. A. J. Waters, B.A., Crown Prosecutor for the Protectorate, who has been stationed here since October 1915. Both have attacked the tasks assigned to them with much assiduity, and beyond indicating to them the lines on which I wished them to proceed and exercising a general supervision over the work, the credit for any value this report may possess will be theirs.

Government House,
Windhuk,
South-West Africa,
19th January 1918.

E. H. M. GORGES,
Administrator.

Part I.

NATIVES AND GERMAN ADMINISTRATION.

CHAPTER I.

HOW GERMAN INFLUENCE WAS INTRODUCED INTO S.W. AFRICA.

In her colonies the missionary has always been Germany's advance agent, and the pioneer of her trade. Later on, the missionary and the merchant have, hand in hand, paved the way for German influence, ascendancy, annexation, and government. It was a favourite saying of Prince Bismarck's that "the missionary and the trader must precede the soldier." Of this system South-West Africa is a striking example.

So long ago as the year 1814, the British Government (of the Cape of Good Hope) sent one Von Schmelen, a German missionary, to carry on mission work among the Hottentots, living across the Orange River, in Great Namaqualand. Von Schmelen settled at Bethany and, later on, having attached himself to the then rising clan of Afrikaner Hottentots, under Jager Afrikaner, he moved north with them. Jager Afrikaner made his headquarters in Southern Damaraland; his village was named Schemelen's Hope, in honour of this most adaptable of missionaries, who, having taken a Hottentot girl to wife, became an influential member of the tribe. The present town of Okahandja, near Windhuk, is said to be on the site of Schmelen's Hope.

Once he was firmly established, Von Schmelen appears to have forgotten all about the Cape Government. He placed himself in direct communication with Berlin. His reports on the country and its inhabitants, which, from time to time, reached Germany, had the result of attracting other German missionaries to South-West Africa.

Eventually, about 1840, the Rhenish Mission Society of Berlin began to take official notice of this new field for missionary labour and enterprise. By the year 1867 thriving mission stations had been established at nearly every important centre in Great Namaqualand and Damaraland.

These good missionaries had to support and maintain themselves and families. They could only do so by combining religion with business. Accordingly, it was found necessary to establish a general store, in conjunction with each mission station, from the profits of which the missionary could live. There the natives could obtain goods, clothing, arms and ammunition, and groceries in exchange for cattle and sheep and the products of the chase.

Whether this combination of shop-keeper and evangelist was calculated to have the best of spiritual results, in so far as concerns the simple savages, it is difficult to say. That progress was slow there can be no doubt, as it took 30 years of preaching and trading before the first Herero convert, a pious old lady of Otjimbingwe, forsook the worship of her ancestors and allowed herself to be baptised. Report has it that her example was soon followed by many others.

As the field of missionary labour was extended, by the founding of new mission stations, it followed, under the circumstances, as a natural result, that the field for mercantile achievement expanded in proportion. In fact, the volume of mundane business by far exceeded the harvest from religious work.

In the early fifties of the last century, that is, about 10 to 12 years after the Rhenish Mission had commenced its labours, the monopoly was rudely broken by the intrusion of Cape Colonial cattle traders from the south. These new comers had no fixed stores. They "trekked" or "smoused" about among the natives, selling or exchanging goods from their heavily laden ox-wagons and receiving cattle, sheep, and produce in exchange. Having disposed of their goods, they returned to the south and sold their cattle and sheep, at good profits, in the Cape markets. The missionaries felt this competition very keenly. Not only was it keenly felt, it was also deeply resented. The more so, because the majority of the rivals was composed of English traders (*grossenteils englische Händler*). Moreover, these rivals were certainly not brother missionaries, as they are reported to have sold dop brandy to the natives!

In 1860, or thereabouts, competition grew so keen that the missionaries decided on a determined effort to oust their adversaries. The trader from the Cape had the advantage of wagon transport, but this advantage was, to a certain extent, neutralised by his great distance from his markets and the impossibility of replacing broken-down vehicles in those desert wilds. If the missions could only build and maintain in good repair on the spot a sufficiency of wagons and supply the necessary number of tradesmen to carry this out, half the fight was won. In this way it was hoped that the "thieving and lawless dealings" * of the English traders would be effectively checked.

It was at this juncture that an inspired missionary suggested that, in addition to converting the natives, they should be taught "useful trades and handicrafts." * The sympathetic Society thereupon arranged for certain competent artisans to migrate from Germany with their families and to settle at Otjimbingwe, the headquarters of the Mission.

The wagon-maker Tamm from Thuringen and the blacksmith Halbich from Schlesien are worthy of a niche in history. They were the first real colonists of South-West Africa. Not as missionaries to convert, not as profit-seeking traders to exploit the native, but as honest workmen did they come with hammer and saw in hand, prepared to earn their daily bread by the sweat of the brow, to teach the dusky savage the dignity of labour, the usefulness of honest work, that *laborare est orare*. Tamm and Halbich were followed shortly afterwards by two other tradesmen, whose names are not obtainable, and also by the merchant Redecker. The latter took over the general management of the Mission's stores. In due course wagons were built. Then it was found necessary to allow the colonists (Tamm, Halbich and the unnamed two) to travel with loaded wagons among the natives and open up an opposition trade, under the auspices and with the blessing of the Rhenish Mission Society. They sold, so the records of the Mission inform us, "all things which the English traders sold except liquor." Yet, notwithstanding this, they could make little headway. The Cape traders more than held their own, and large droves of cattle found a yearly market in Cape Town and elsewhere.

The irritated missionaries ascribed their failure to the reason that their motto was "genuine goods and no humbug and cheating."

In 1864 war broke out between the Hereros and the Hottentots. The Hereros, led in battle by the English traders Frederick Green and Haybittel and the traveller Andersson, signally defeated the dominant Afrikaner Hottentots, under Jonker Afrikaner, and freed Hereroland (Damaraland) from Hottentot oppression. As a result of this war the Hereros regained their territory and the independence which they had partially lost to the Hottentots over 25 years previously.

The war dragged on, however, and peace was not restored before 1870. In the meantime the missionaries, like their secular opponents from the Cape, specialised in the sale of arms and ammunition, and there is reason to believe that a very brisk trade was carried on.

The active intervention of Green and other traders on the side of the Hereros was resented by the Hottentots. In 1868 a Hottentot raiding party plundered Andersson's store at Otjimbingwe, and also that of the Rhenish Mission. This sent the Mission's representatives post haste to Berlin, and in 1869 the Society petitioned the King of Prussia for protection. They asked for the establishment of a Prussian Naval Station at Walfish Bay. The King assured the missionaries of his warmest interest; but the outbreak of the Franco-Prussian war distracted further attention for the time being.

In 1870 peace between the Hottentots and Hereros was once more restored, and this stimulated the Mission to fresh interest in its trading ventures.

It was then recommended by the missionary in charge that a special merchant should be appointed to trade "as a branch of the Rhenish Mission." This, however, did not look nice, and a Limited Liability Company (ostensibly a separate and entirely independent concern) was floated in Germany in 1873 for the purpose of trading "in the Mission fields of the Rhenish Mission Society." The Society undertook to give this company all the assistance and support possible, and in return therefor was to receive fifty per cent. (50%) of the net profits. A special proviso was also made to the effect that only devout persons (Christlich gesinnte) were to be sent out for work as managers and traders.

* P. Rohrbach and German Mission Records.

The Rev. Hugo Hahn, one of the prominent missionaries who had controlled the Otjimbingwe Station for some years, resigned on the establishment of this company. He also disbanded the labour colony and closed down the Industrial School. Mr. Hahn's contention was that the Mission could more strongly influence the natives by keeping trade under direct control.

The main object of the newly formed company was to develop the cattle business and open up an export trade to Europe. Owing, however, to the inevitable transport difficulties, the incapacity and, sad to relate, the dishonesty of the "Christianly minded" folk, who had come out to manage the business, very heavy losses were sustained. In six years these totalled over 200,000 marks (10,000*l.*), and the outbreak in 1880 of another Herero-Hottentot war ruined all hopes of recovery. The company was hopelessly insolvent and went into liquidation.

In the interim an event of great importance had taken place. In the year 1876, a British commissioner, Mr. W. C. Palgrave, visited the country with a view to ascertaining the wishes of the native chiefs in regard to control by Great Britain, and also for the purpose of reporting to the Cape Government on the desirability or otherwise of "the extension of the limits of this Colony, on the West Coast of this continent, so as to include Walfish Bay and such tract of country inland as may be found expedient and approved of by Her Majesty" (*vide* Commission by Sir Henry Barkly, Governor of the Cape of Good Hope, to William Coates Palgrave, Esq., dated 16th March 1876).

Palgrave was well received by the Herero people, who, on 9th September 1876, handed him a petition to Sir Henry Barkly, signed by 58 chiefs, under chiefs, and headmen, in the course of which they say :—

We want to live at peace with each other, and with our neighbours, and we want to have our country kept for us. We wish to see our children grow up more civilised than we have had any chance of being, and so, after many meetings amongst ourselves, we have agreed most humbly to ask Your Excellency to send some one to rule us, and be the head of our country. . . . We also most humbly ask that Your Excellency will everywhere make it known that the sea boundary to our country is in your possession, and that we have given you the right to such ground as may be required for its protection, as well as for the building of towns and villages in the vicinity of all landing places.

The Bastards of Rehoboth and several Hottentot tribes also asked for British protection and control.

In his report to the Cape Governor, Mr. Palgrave recommended the annexation, as British territory, of the whole coastline of Great Namaqualand and Damaraland, and the appointment of a British Resident in each of these areas. Instead of following this advice the British Government annexed, in 1878, only Walfish Bay, and a few square miles of desert sand in the immediate vicinity thereof.

Of this fact, German enterprise was not slow to take advantage. The next important step towards the extension of German influence and the acquisition of what Great Britain had apparently definitely discarded as worthless, is represented by the activities of Adolf Luderitz, a merchant, of Bremen, who arrived in the country in 1882.

From 1882 to 1890 the merchant missionaries were gradually reinforced by the professional merchants, and the work of building up German trade and influence, to the exclusion of Britain and the British, was recommenced with renewed vigour. This period is aptly described by Governor Leutwein as the days of the "Merchants' Administration" (*Kaufmannischer Verwaltung*), and deserves to be dealt with in some detail.

CHAPTER II.

FIRST ACQUISITIONS OF LAND.

It did not take Luderitz very long to discover that, after Walfish Bay, the bay at Angra Pequena (now known as Luderitzbucht) was the best port on the coastline between the Orange and the Kunene rivers.)

By deeds of sale, dated 1st May and 25th August 1883, the chief of the Aman Hottentots of Bethany, Joseph Fredericks, sold to Luderitz that territory which is situated between the 26th degree of Southern Latitude and the Orange River, bounded on the west by the sea and on the east by a line running 20 miles inland from north to south.

Early in 1884 a party of German scientists and prospectors visited Damaraland and Great Namaqualand, and inquired into the mineral and agricultural possibilities.

On the 24th April in the same year, Prince Bismarck, by telegram, formally sanctioned the hoisting of the German flag at Angra Pequena and placed Luderitz and his acquisition under the protection of the German Empire.

Greatly encouraged by these special marks of Imperial recognition, Luderitz went further afield, and on the 19th August 1884 he entered into another deed of purchase with the captain of the Topnaar Hottentots, who lived near Walfish Bay, whereby he acquired from that half-starved and improvident chieftain the proprietary rights in the remainder of the coast belt from Degree 26 South to Cape Frio (hundreds of miles to the north), near the Kunene mouth. To avoid complications the area already annexed by the British at Walfish Bay was specially excluded. It is interesting to observe that the agent for Luderitz on this occasion was one, J. Boehm, described as "the missionary of the Rhenish Mission at Walfish Bay," and that probably no one was better aware than was the said Boehm of the fact that the Topnaar chief might, with equal validity and right, have sold Australia to Luderitz.*

Nevertheless, the agreements served their object. They were required for the purpose of inducing the German investor to participate in the schemes of Luderitz. Armed with these documents, Luderitz proceeded to Germany, where, in 1885, he succeeded in floating a company called the "German Colonial Company for South-West Africa," with a capital of 300,000 marks (15,000*l.*). (This company is not to be confused with the wealthy and entirely distinct German Colonial Company: Deutsche Kolonialgesellschaft).

It was publicly stated in Germany at the time that the shareholders of the company had taken over his desert acquisition from Luderitz out of motives of pure patriotism in order that the country which might in the future prove valuable would not pass into the hands of a foreign Power.

Of the actual colonising and constructive work done by this company with its 15,000*l.* capital, much need not be said, for the simple reason that nothing much was done.

Dr. Paul Rohrbach in his book† (page 223), says:—

The mere idea of doing something substantial towards the opening up of a country like South-West Africa, with such ridiculously small working capital, is about as absurd as the idea of a man who would try to cut a tunnel through the Alps with a pickaxe. In fact, all that the company has done from the time it was founded up to the present time (1907) has been to sit on its land and mining rights and to wait until some one came along who was prepared to pay for them.

However true Rohrbach's statement may be, the fact remains that Luderitz received all the help he required from the German Government. On the 21st October 1885 the Government Controller of the newly formed company, Dr. Goering, arrived with the Secretary Nels, and the Police Superintendent Goldammer. Goering was a kind of commercial agent, with certain limited powers and jurisdiction over German settlers in the country, but with not the slightest authority to promise the protection of Germany to the natives. Aided by the missionary, Carl Büttner, Dr. Goering immediately proceeded, however, to make "Protection Agreements" with such native chiefs as he had persuaded to ask for the protection and good will of the Emperor. In return for such protection the chiefs were required to give Germans favoured-nation treatment, and they undertook to give no facilities or rights to others than Germans, without the Emperor's consent. Amongst these, Kamaherero, the chief of the Okahandja Hereros, styled "Chief Captain of the Hereros in Damaraland," entered into such an agreement on the 21st October 1885. Writing of these agreements (which, owing to their importance,

* The Hereros, hearing of this, on 29th December 1884 made a Deed of Cession of Hereroland to the British Crown. (See Cape Blue Book, A.5-85).

† "Deutsche Kolonial-Wirtschaft."

will be more fully dealt with later on) Governor Leutwein remarks, "those persons who promised this protection in the name of the German Emperor had not the slightest authority to do so." (*Elf Jahre Gouverneur*, page 13.)

It is of more than passing interest to South Africans to note that, in the very same year when the German flag was hoisted at Angra Pequena, a party of Transvaalers and Cape colonists, under the leadership of Willem Jordaan, purchased the whole of the vast area in the north which is now known as Grootfontein District, from the Paramount Chief of Ovamboland. At Grootfontein, Jordaan, in 1884, founded the Republic of Upingtonia, distributed farms to his burghers, drew up a constitution, had a Volksraad election, and became the first President. In addition to the land rights, Jordaan had, with the approval of his people, acquired personal rights to all minerals in the rich area where the Tsumeb Copper Mine now is. In olden days the Bushmen had worked these mines on tribute to the Ovambo ruler, and their existence was well known. It is hardly necessary to state that this move greatly upset the ambitions of Luderitz and his associates, and that Jordaan's achievements were viewed with grave apprehension and distrust. The problem was solved in 1886 by the murder of Jordaan while on a journey through Ovamboland to Mossamedes. The Ovambo chief Nechale was responsible for this murder, but it was done, so Germans allege, at the instigation of Kamaherero, the Herero Chief of Okahandja, who nursed a grudge against Jordaan for having, some years before, helped the Hottentots against the Hereros. This may or may not be so. It is difficult to prove who was the instigator; but others had even greater interest than Kamaherero in the removal of Jordaan. The ever candid Dr. Rohrbach says, referring to Jordaan's death and the break up of the Republic, "Jordaan's settlement failed not for natural but for political reasons . . . the political situation was unfavourable."

As soon as Jordaan's death (1886) became known, Dr. Goering took steps to advise his followers at Grootfontein that the German Emperor could not for one moment tolerate the idea of a Boer Republic in "his territory." The awed and embarrassed Republicans packed up their goods and chattels and trekked off in all directions: some went back to the Transvaal and the Cape, while others joined the Boer colony at Humpata in Angola. This was the end of Upingtonia.

It is not to be imagined that the British traders in the country viewed the work of Goering and his Gesellschaft with equanimity and indifference. On the contrary, every obstacle was placed in their way; but persons situated as the British traders were could not fight the new-comers on equal terms. Nevertheless every effort was made, both by the Cape Government and the traders, to secure and retain British influence, in the hope that the country would eventually be placed under British rule, thereby ensuring the destruction of German designs and ambitions not only on South-West Africa, but also on the whole of the sub-continent. The men on the spot saw the danger clearly, but it was neither understood nor appreciated in London.

In 1888 matters came to a head and well nigh ended disastrously for the German agents. Teutonic writers appear to be unanimous in describing the event as "almost a political catastrophe." The prime cause of all the trouble was an English trader and prospector named Robert Lewis. He is to this day affectionately remembered by the Hereros as Bobbie Lewis. Germans confidently assert that Lewis was the paid agent and emissary of the late C. J. Rhodes. In any event, Lewis, who had traded extensively throughout Damaraland and Great Namaqualand, was very popular with the natives and exercised considerable influence over the chiefs. In fact, when Mr. Palgrave visited the Hereros in 1876-1877 and received their request for British protection, Mr. Lewis and the missionary Brincker acted as interpreters for him at all the principal discussions. The one aim and object in the life of Lewis was to get the Germans out of the country.

On a certain day in 1888, at a meeting at the Herero headquarters, Okahandja, the old Chief Kamaherero, in the presence of his councillors informed Dr. Goering that he recognised no German claims to control his country and his people. He gave Goering and his staff to understand that "if they did not wish to see their heads lying at their feet they should be out of Okahandja and well on their way to Germany before sunset."

Goering and company did not stand on the order of their going; they retired in haste and made for Otjimbingwe. There they hurriedly disposed of or packed all the company's goods and fled in terror to Walfish Bay to the protection of the British Residency.

From Walfish Bay the fugitives proceeded to Berlin and appealed to the German Government for protection against the machinations of Lewis, who has been described as—

the agent in the country of Cecil Rhodes, who in all manner of shameless ways and with matchless impudence carried on activities dangerous to the Commonwealth. (Dove; Deutsch S.W. Afrika, page 14.)

Dr. Paul Rohrbach refers to Lewis as—

an English trader who had long lived among the Hereros and had from the very beginning been a most bitter enemy to the Germans. Lewis (continues Rohrbach) had so long practised on Kamaherero and his people with schnapps, promises, and all sorts of lies that the Hereros repudiated their agreement made three years previously with Dr. Goering.

It has already been pointed out on the evidence of Governor Leutwein that Dr. Goering had no authority to bind the German Crown to any agreements, and that therefore Lewis as a private individual had quite as much right as Goering to influence or deal with the Hereros.

If there were any question on this point, the reply of the Imperial German Chancellor to the further appeals for protection removes all possible doubt. The company and its fugitive representatives appealed for the "practical protection of the German Empire" to enable the company "to carry out and make effective their rights and interests in Damaraland." (At that time they had neither rights nor interests in Damaraland.)

To this the Chancellor replied (*see* C. von François, D.S.W.A., page 31):—

That it could not be the function of the Empire, and that it lay outside the adopted programme of German colonial policy to intervene for the purpose of restoring, on behalf of the State, organisations among uncivilised peoples; and, by the use of military power to fight the opposition of native chiefs towards the not yet established business undertakings of German subjects in overseas countries. He could therefore give no promise, on behalf of the Empire, that the peaceful pursuit of mining and suchlike undertakings in South-West Africa would be ensured by the military forces of the Empire.

This declaration was hotly assailed in the German mercantile press, and the various companies and missionary societies created a great uproar.

In March 1889 the missionary Brincker of Okahandja (the gentleman who, with Lewis, had acted as interpreter for Commissioner Palgrave) wrote a strong letter of protest to the Chancellor, in the course of which he remarked:—

To make agreements with Kamaherero is useless. It is like making agreements with a baby. Here the rights granted are of value only in proportion to the power behind the recipient. If a share of the treasure is to be assured a European Power must be established here, so that each case of arrogance on the part of the natives and each case of damage to vested interests may be punished. Under such protection the cattle-farming of the natives will develop, every European undertaking will be secured, and the labour of the missionaries will prosper.

In conclusion, the enthusiastic Mr. Brincker ventured the opinion that 400 soldiers and two batteries of artillery would be required to achieve his ideals.

It will be interesting to observe how the cattle-farming of the natives actually did develop under "such protection." At the time Brincker wrote, the Herero people possessed cattle which could be estimated in tens and, probably, in hundreds of thousands. Within 12 years after the furnishing of "such protection," the surviving Hereros did not possess an ox, a heifer, or a calf between them. They were forbidden by German laws to own large stock.

In view of the agitation in Germany following on his reply to the petitioners, the Chancellor somewhat modified his attitude, and later on in the year 1889 the first German soldiers, 21 in number under command of the brothers C. and H. von François, arrived in South-West Africa and marched to Otjimbingwe. Captain C. von François left portion of his command at Otjimbingwe and hastened in person to Okahandja to pay his respects to Kamaherero. From Okahandja he proceeded on a similar mission to Omaruru to greet the Herero chief Manasse. He was, how-

ever, so icily received by both potentates that he returned in haste to Otjimbingwe, evacuated the place and fell back on Tsaobis on the main transport road to the coast, where he built a fort and awaited developments.

CHAPTER III.

GERMANY'S DECLARED POLICY IN REGARD TO THE NATIVE RACES.

In the year 1884, shortly after Prince Bismarck had cabled the Emperor's blessing and the protection of Germany to the merchant Luderitz at Angra Pequena, another event of great importance took place. In November of that year Prince Bismarck convened the famous Berlin-Congo Conference, which sat at Berlin until February 1885. Under Bismarck's guidance the Conference declared all equatorial Africa to be a kind of free trade area, granted France a large slice of the lower Congo, and, in addition to other decisions, made it the duty of all Colonial Powers to come to an agreement with one another on the occasion of fresh aggrandisements. "English colonial monopoly," states a German writer, "was thereby broken and a juster distribution of colonial possessions was at all events inaugurated."

The Conference went further, and before breaking up the conferring Powers solemnly and emphatically pledged themselves and placed on record their recognition of the sacred duty—

- (1) Of preserving the aboriginal races of Africa.
- (2) Of watching over their interests.
- (3) Of cultivating their moral and material advancement and development.

In July 1890, Germany was again very prominent at the Anti-Slavery Conference in Brussels, when it was placed on record by solemn pledge and resolution that it was the emphatic desire of the conferring Powers effectively to protect the native races of Africa from oppression and slavery.

It is not to be wondered at, therefore, knowing what Germany's declared and avowed native policy was, that the statesmen and people of Great Britain had no hesitation in welcoming that Power into the arena of world colonisation as a co-partner in the great work of civilising and uplifting the heathen races of the earth. It was apparently in this spirit and on those pledged assurances at Berlin and Brussels that Great Britain allowed Germany to annex the 322,450 square miles of territory in South-West Africa, and by a stroke of the pen placed the Ovambos, Hereros, Damaras, Hottentots, Bastards, and Bushmen of that vast land under the guardianship and control of the German Emperor.

Referring to this event a German historian writes :—

In consideration of the increasing expansion of German dominion, the first thing needful seemed to be a more definite determination of the German and English spheres of influence, so as to secure a firmer foundation for the civilising labours of the two nations. With this object, the much-discussed Anglo-German Agreement was concluded, which extended to Africa and also brought the island of Heligoland, off the German coast, into the possession of Germany. The great value of this acquisition to the German Fleet and to the defence of the mouths of the Elbe, Weser, and Jade is now universally recognised. (Historian's History of the World: Vol. XV., page 556.)

After annexation had become an accomplished fact and German statesmen had done their work, true German opinion began to reveal itself and, not many years after annexation, the real German policy was made horribly manifest to the unfortunate natives of South-West Africa.

Commenting on this policy, the effects of which had never been so strongly evidenced as just after the second and last Herero rebellion in 1904, Dr. Paul Rohrbach, the accepted and candid oracle of German colonial policy (who in 1890 was a highly placed official in the German Colonial Office), writes as follows :—

The decision to colonise in South-West Africa could after all mean nothing else but this, namely, that the native tribes would have to give up their lands on which they had previously grazed their stock in order that the white man might have the land for the grazing of his stock.

When this attitude is questioned from the moral law standpoint, the answer is that for nations of the "Kultur-position" of the South African natives, the loss of their free national barbarism and their development into a class of labourers in service of and dependent on the white people is primarily a "law of existence" in the highest degree.

It is applicable to a nation in the same way as to the individual, that the right of existence is justified primarily in the degree that such existence is useful for progress and general development.

By no arguments whatsoever can it be shown that the preservation of any degree of national independence, national property, and political organisation by the races of South-West Africa, would be of a greater or even of an equal advantage for the development of mankind in general or of the German people in particular, than the making of such races serviceable in the enjoyment of their former possessions by the white races. (*Deutsche Kolonialwirtschaft*, page 286.)

CHAPTER IV.

FIRST STEPS AFTER ANNEXATION.

When, in 1890, Captain C. von François was formally appointed to act as Administrator of the newly annexed territory, he found matters in a very chaotic state. The Kaufmännische Verwaltung (Merchant Administration) of the fugitive Dr. Goering, who had now returned, had been wrecked by Robert Lewis. Von François had first to dispose of Lewis, and then by judicious application of honeyed words and the eating of more humble pie than was exactly desirable, if the prestige of the Fatherland were to be upheld, to mollify the ruffled natives and re-secure their adherence to the Protection Agreements.

Lewis gave no further trouble. The annexation by Germany disposed of him, and it is reported that he left the country shortly afterwards.

Von François' position was extremely precarious, as he had only 21 soldiers. Moreover, contemporaneously with his arrival, war had broken out afresh between the Hereros under Kamaherero and the Hottentots, led by that wonderful character and fine soldier, Hendrik Witbooi, the chief of the Kowese (Queen Bee) Hottentots.

Hendrik Witbooi and his father, the chief Moses Witbooi, refused from the outset to make any Protection Agreements with Goering or in any way to encourage a German influx. In fact, when in 1886 the missionary Rust, on behalf of Goering, presented a drafted and prepared agreement to Moses Witbooi merely for favour of signature, the old chieftain was so enraged that he closed the Mission church and forbade Rust to hold any further religious services there. He dispensed with the missionary and became High Priest of his own people, a practice which his son and successor, Hendrik, followed to the day of his death. It was waste of time, therefore, to try and negotiate with Witbooi, so Goering and von François turned their attention to Kamaherero. By promising that the German Emperor would send soldiers to help the Hereros against Hendrik Witbooi, they eventually prevailed on Kamaherero to re-affirm the agreement of 1885 which he made with Goering and which on Lewis's advice he had repudiated in 1888.

Goering immediately after this wrote to Hendrik Witbooi on 20th May 1890, from Okahandja, as follows:—

To the Chief Hendrik Witbooi.

I am informed from Namaqualand that it is your intention to carry on the War against the Hereros and that you intend, as you have hitherto done, to destroy villages and steal cattle.

The German Government cannot however tolerate your constant disturbance of the peace of a land and people which are under German protection, and whereby work, trade, and travel suffer.

You will therefore be compelled by all means to restore Peace, which is necessary in the entire land.

I request you to cease your interminable wars, make peace with the Hereros and return to Gibeon. I, or a Representative who will later succeed

me, am prepared to intervene in order to restore Friendship. That the English Government is supporting us in our efforts to secure peace has been made plain to you, to your disadvantage, as they have stopped import of your munitions through British Bechuanaland.

That the German Government possesses quite other powers to damage you, will be made plain.

Therefore I again earnestly request you to make Peace if you wish to preserve yourself, your land, and your people.

The concluding paragraph is worthy of note in view of what occurred shortly afterwards at Hornkranz.

Hendrik Witbooi received the letter and ignored it. The threats and the information therein conveyed did not fail, however, to make a deep impression. Accordingly, on the 30th May, Hendrik Witbooi wrote the following characteristic letter to his hereditary enemy, Kamaherero, at Okahandja :—

To dear Captain Maherero Tjamuaha.

To-day I write to you in your capacity as the Paramount Chief of Damaraland, because I have received a letter from Dr. Goering which tells me great things and which has shown me the necessity of addressing you.

From the contents of Dr. Goering's letter I hear and understand that you have placed yourself under German protection, and that thereby Dr. Goering has acquired full influence and power to order and arrange things and to interfere in the affairs of our land, even to intervene in this war which of old has existed between us. You astonish me and I greatly blame you because you call yourself the Paramount Chief of Damaraland and that is true. Because our arid country has only two names "Damaraland" and "Namaland" that is to say Damaraland belonging to the Herero nation and is an independent nation and is an independent kingdom, and Namaland belongs only to all the red coloured nations in independent kingdoms, just as the same is said of the lands of the white people, Germany, England, and so on.

They are independent kingdoms and all the different nations have their own heads and each head has his own land and people, over which he alone can rule, so that no other person or chief can order or compel him. . . . For in this world each Head of a nation is merely the representative of our Almighty God and stands responsible alone to that God, the King of all Kings, the Lord of Lords, before whom we all, who live under the Heavens, must bend the knee. . . .

But, dear Captain, you have now accepted another Government; you have surrendered to that Government in order to be protected by another human Government from all dangers, chiefly and foremost to be protected from me in this war. . . . You are to be protected and helped by the German Government, but dear Captain do you appreciate what you have done? . . . You have looked upon me as a hindrance and a stumbling block (steen des aanstoots) and so you have accepted this great Government in order to destroy me by its might . . . but it appears to me that you have not sufficiently considered the matter, having in view your land and people, your descendants who will come after you and your Chieftain's rights. Do you imagine that you will retain all the rights of your independent chieftainship after your shall have destroyed me (if you succeed)? That is your idea, but dear Captain in the end you will have bitter remorse, you will have eternal remorse, for this handing of your land and sovereignty over to the hands of white people.

Moreover, our war is not so desperate that you should have taken this great step (here Witbooi recapitulates the reasons for the war and the steps which will bring about peace and points out that he and Maherero are competent to make Peace, in the same way as they are competent to make war, without "outside interference"), but notwithstanding all this, I do hope that our war will end and will be succeeded by Peace? But this thing which you have done, this giving of yourself into the hands of white people for government, thinking that you have acted wisely, that will become to you a burden as if you were carrying the sun on your back. I cannot

say whether you have sufficiently pondered over and whether you actually understand what you have done by giving yourself into German Protection.

I do not know whether you and your Herero nation understand the customs and laws and policy of this Government, and will long remain in peace and content thereunder. You will not understand and will be dissatisfied with Dr. Goering's doings, because he will not consult your wishes or act in accordance with your laws and customs. This you will discover too late however as you have already given him full powers.

Continuing, the old Hottentot statesman adds that the Hereros and Germans were never friends, and that this agreement between them is made merely "to destroy me as Herod and Pilate of old banished their differences and enmities and combined in order to remove the Lord Jesus." In conclusion, Witbooi hopes that he will never descend to such "unbelief and little faith" as to rush for protection for himself and his people to any other than the "Lord of Heaven . . . the best Protector." (This letter is quoted by several German writers, and is copied into H. Witbooi's journal, which is in the writer's possession. There is no doubt as to its authenticity.)

Lengthy extracts from a lengthy letter are quoted, because the words of the chief explain the Hottentots' instinctive mistrust of the Germans and indicate the only reason why the Hereros accepted German protection.

The independent and liberty-loving Hottentots wished to remain entirely free and unrestricted by foreign Governments. The proud and peacefully disposed Hereros, on the other hand, regarded the Hottentots on their southern flank as a standing menace to the security of their large droves of cattle. The Herero lived for, and practically worshipped, his lowing herds. His traditions, religious ceremonies, and national rites necessitated that he should own cattle, the more the better. Cattle spelt power to him in this world and felicity in the next. It was to preserve his cattle, therefore, that the Herero accepted German protection; for was he not told that the mighty German Emperor would send troops to annihilate the Hottentots and give him peace? This promise, like all German promises made to the natives, was never kept. It was not seriously made; it was merely a trick. When, in after years, the German Emperor did send his armies to Hereroland, they came for quite another purpose.

Having unburdened his views on the Germans to Kamaherero, Hendrik Witbooi showed what he thought of Dr. Goering's demands by prosecuting his war* against the Hereros with renewed vigour and invincible determination. The harassed Hereros looked in vain to von François for the promised German military assistance. What could von François do? He only had sufficient troops to form a personal bodyguard, and there was no immediate prospect of reinforcements for offensive purposes; in fact, he could not venture to ask for any, as his definite instructions from Berlin, when he landed, were "to take no sides but to remain strictly on the defensive."

¶ Eventually von François, driven nearly to desperation by the taunts and recriminations of his Herero allies, decided to pay a personal visit to Hendrik Witbooi at the latter's village at Hornkranz. The old chief, who in all his wars regarded the persons and property of the white people as sacred, received von François coolly but courteously. With his usual thoroughness, Hendrik Witbooi caused the minutes of their interview to be carefully entered in his journal by his secretary. A few extracts from this delightful exchange of views will not be out of place here.

The meeting took place on 9th June 1892.

(1) Address of the German Captain Commissioner (his words) to Captain Witbooi:—

I have heard many things about you from white people and also from Bastards. I hear that you always restore any property of white people or Bastards which may fall into your hands, as they take no part in this war. . . . This pleases me greatly and I approve of your friendliness, your just acts and your wisdom, in that you injure or prejudice no one who takes no part in this war . . . but here are very many complaints concerning the Hereros on account of their stupid and unlawful acts. . . . The Government has asked me what should be done, so I replied and said

* It appears that this war originated owing to the murder of certain Hottentot horse-dealers by the Okahandja Hereros, and that Witbooi was not on this occasion the aggressor.

that first of all I will go to Hendrik Witbooi and speak to him. Therefore have I come to you, in order to speak. I have come as a friend to give you good advice, and to ask you if you will not as all* the other chiefs of this land have done, namely, to put yourself under German protection. . . . In the next ship Europeans will arrive and these people must be protected, and the German Government is pledged to protect all who come under its protection. . . .

(2) *The Chief (Hendrik Witbooi) answers :—*

Yes, I have heard of your coming and of your intentions. . . . In the first place are your people sent here by the German Emperor?

(3) *Von François replies :—*

Yes, we have been sent by the German Government. Dr. Goering was sent and I am now his successor and have my official capacity.

(4) *Chief Hendrik Witbooi says :—*

In the second place allow me to ask you what is protection? and from what are we to be protected? From what danger and difficulty and trouble is one chief protected by another?

(5) *Von François answers :—*

From the Boers and other strong nations who wish to force their way into this land. They wish to come and live here and work and do as they please, without asking permission from the chiefs of the land. Even now on my journey I met Boers who have already arrived and wish to approach on the side where Willem Christian is. But because they know that his land is already under Germany's Protection they have neither power nor right to enter; and, chief, you must clearly understand that the chiefs will not be deprived of their rights and laws. The chief (Witbooi) will have jurisdiction over his own people as is the case with the chief at Rehoboth.

(6) *The Chief (Witbooi) says :—*

So, I understand it. To me it is a matter of wonder and impossibility, and I cannot conceive that a chief, being an independent chief and ruler over his own land and people (for every chief is this), able to defend his people against all danger or threats . . . can, if he accepts protection from another, still be regarded as a chief—as an independent chief. . . . Every one under protection is a subject of the one who protects him. . . . Moreover, this Africa is the land of the Red chiefs (i.e., Hottentots) and when danger threatens a chief, and he feels he is unable alone to oppose such danger, then he may call upon his brother chief or chiefs of the Red people, and say, "Come brother or brothers and let us stand together and fight for our land Africa and avert this danger which threatens our land" for we are the same in colour and manner of life, and although divided under various chiefs, the land is ours in common.

(7) *Von François replies :—*

Yes, what the captain has just said there is right and true; I myself could never do that—I mean agree to stand under another chief; but the captain must well understand that he is not being forced to submit to protection; it is left to his own free will and choice and the captain should consider and ponder over it.

(At this juncture von François points out that only people under German protection will be allowed rifles and ammunition, and that it would be pathetic to see Witbooi's "brave and efficient" men fighting their enemies with the butt ends of their guns owing to lack of powder and shot. He also volunteered the information that Witbooi's wars with the Hereros had so riveted the attention of all the nations of the world that the "Germans, English, Russian, French, Spanish, and Italian nations" have unanimously decided to prohibit further export of munitions to the country.)

(8) This news intensely annoyed Hendrik Witbooi, who remarked that he was quite unable to "praise" such a decision, and a long discussion followed as to the justice of such a step.

* This is a deliberate misrepresentation.

(9) After a time the German Commissioner got a chance to speak again, and said :—

I think the chief can now, after all is said and done, make peace with the Hereros. In the last battle he gave them a severe knock on the head, a fact which greatly delighted and pleased me, because the war hinders everything . . . and if, after the chief makes peace with the Hereros, they again try to do anything wrong to your people, the German Government will take care to prevent it and it will not take so long to do that as the chiefs' war has taken—but it will be over in 14 days.

In reply to this feeler the chief deftly evaded further discussion by reverting to the question of arms and ammunition; he resolutely refused to discuss peace.

Shortly afterwards the German Commissioner left, his errand having been fruitless, as he thought. Yet Hendrik Witbooi had received a great shock. For the first time it dawned upon him that his country had been annexed by Germany with the consent of England, and that he, the Paramount Chief of Great Namaqualand, was a German subject.

He was not slow to decide what steps to take in his own interests and those of his people.

Goering had stated in his letter of May 1890: "I again earnestly request you to make peace if you wish to preserve yourself, your land and your people," and the hint of von François about the Europeans who would arrive in the next ship did not fall on dull ears. Witbooi decided to open peace negotiations with the Hereros through the mediation of the Bastard chief at Rehoboth, and, by August 1892, a formal treaty of peace had been signed. He also decided to send a protest to the British Government, through the Magistrate at Walvis Bay.

CHAPTER V.

THE MASSACRE AT HORNKRANZ.

For the first 12 months after the annexation the German Government had left von François practically to his own resources, and nothing definite was decided on in regard to the occupation and settlement of South-West Africa. In the beginning of 1891 the great Kolonialgesellschaft, or Colonial Company, began to move, and inquiries were instituted through the German missionaries on the spot as to whether it would pay to retain and develop the country.

To this the Mission Inspector, Dr. Buttner, replied
(Von François, D.S.W.A.)

"Damaraland is a key (gate) to South Africa which we should not let pass out of our hands." He also went on to advise that "the troops should intervene," and that "the best time to beat Hendrik Witbooi would be to attack him when, after one of his usual defeats by the Hereros, he is retreating to the south." Dr. Hopfner reported (referring presumably to the Hereros) that "if the German Empire would not or could not give the guaranteed protection to the natives, and if the troops had to tolerate the reflections cast upon them (as would appear from reports in the press), it would be better to surrender the land at once."

The German Colonial Company decided to follow Buttner's views, and in May 1891 the following resolution was passed at a meeting held in Berlin :—

That this meeting regards the Colony of South-West Africa as one of the most valuable German dependencies. Owing to its situation that colony is destined to secure to German influence its decisive position in South Africa. The favourable climate and the available uninhabited areas make settlement by German farmers and agriculturists possible on a large scale. In order to promote the development of the colony in the right direction and to utilise for the benefit of the Mother-country all the advantages there to be derived, the Imperial Colonial Administration should come to the help of the spirit of German enterprise by securing peace there and the establishment of an organised administration. This meeting gives utterance to the conviction that the costs of an established Government on the lines followed by the English in Bechuanaland will very soon be covered by the revenues of the colony.

To this the Chancellor, Count von Caprivi (who had succeeded Prince Bismarck) replied to the effect that the present position was very unfavourable, but that, in view of the fact that it was hoped, shortly, to form a new and strongly financed company, and also that the financial resources of the Colonial Company of South-West Africa would probably be increased before long, he would hold out a possibility, if the contingencies mentioned came to pass, of compliance with the wishes of the Kolonialgesellschaft, as expressed in the resolution.

Early in 1892, in view of the continued war between Witbooi and the Hereros, the German garrison in the country was increased to 200 troops. Again the Hereros expected active help in terms of promises made, but none was forthcoming. Von François preferred to make the personal visit to Witbooi of which details were given in the preceding chapter to congratulate Witbooi on his victories and to endeavour to persuade him, like his Herero enemies, to accept German protection. While resolutely refusing to entertain any German offers of protection or peace mediation, Hendrik Witbooi and his people were careful to maintain personal friendship with the new-comers. German traders came and went; their cattle and goods were never touched; and on official matters Witbooi invariably sent prompt and civil replies to any communications from the German Administrator, who by this time was established in the new headquarters at Windhuk.

While maintaining this correct and amicable attitude, the old chief, in addition to cherishing his powers as chief, jealously guarded the rights of his people in their land. He would sanction no German farmers in his country. Early in 1892, Goering's rejuvenated Colonial Company decided to start an experimental wool farm. Merino sheep were imported, and a German farmer named Hermann placed in charge of the stock. Without in any way consulting the chief, Hermann established himself at Nomtsas, in Witbooi's territory, and commenced farming operations.

The Herero war did not occupy all Hendrik's time, so he decided to write to Hermann. The letter is of interest because it shows the courtly temperament and dignity of the old warrior

It is as follows:—

Hornkranz,
20th May 1892.

MY DEAR FRIEND HERMANN,

I SEND these few lines to you. We have never yet seen one another, but I now hear something about you, through reports received from people—namely, that it is your intention to go to Nomtsas, and to live there. I don't know, however, whether this is true. I can hardly believe that you would do such a thing. It has been told to me for truth though, so I feel compelled to let your honour know, in good time, that I cannot approve of this. I do not give you permission to go and live at Nomtsas and to start big works there. So will you please be so good not to remain on the place, but to return. I cannot agree because, very shortly, the land will be required for some of my own people.

I entreat you, my dear friend, to understand me rightly and correctly; do not take offence, because I mean well towards you, and that is why I am sending this letter to you, in good time, to advise you—so that you may be saved the trouble and expense of starting extensive work on the ground.

With hearty greetings—I am—

Your friend
the Captain Hendrik Witbooi.

In August 1892, when peace with the Hereros was certain and the treaty was being considered at Rehoboth by the delegated representatives of Witbooi and Maherero, Hendrik decided to bring his apprehensions to the notice of the British Government.

Writing from Hornkranz on 4th August 1892 to the "English Magistrate" of Walvis Bay, he states:—

I feel obliged and compelled to advise you of the position and circumstances under which I now live, I mean of the position of the Germans who have come into our land . . . for I hear things and I see things which to me are impossible—things which are neither just nor good—and therefore I write to you, the English Magistrate, in the hope and encouragement which is based on the old friendship which my late grandfather had with the English Government . . . which ancient friendship I acknowledge to

this day We have seen and have learnt from experience that we can agree with the English in business and in ordinary life and if it can be thought or said that any nation should have a preference over this Africa that can be said of the English because they were the first to come into this land and we have become acquainted with them in business and personal friendship . . . that friendship is quite sufficient for us. I require no other sort of friendship or treaty with a white nation . . . that is my view of the English Government and of the old friendship of my grandfather towards you English and I in my day still rely on that old friendship. But now I see another man who is an entire stranger to me. His laws and deeds are to me entirely impossible and unintelligible and untenable. Therefore I write this letter to Your Honour in the hope that you will, in reply, advise me of the full truth in regard to my questions concerning the coming of the Germans; because the works of the Germans are encroaching on my land and now even my life is threatened they come to destroy me by War without my knowing what my guilt is I have been told that it is their intention to shoot me and I ask Your Honour. Perhaps you can tell me why? Perhaps you will know because you are parties to a treaty and of you English and Germans the other nation can do nothing without the knowledge of the other; because as I have heard (and I ask Your Honour) that the English Government and the German Government held a big meeting and discussed to whom this land Africa should be assigned—for the purpose of concluding Protection Agreements with the Chiefs of the land; and thereupon you English surrendered the land to the Germans. But you also said at the meeting that no Chief should be compelled by force; you said that if a Chief were willing and understood to accept the Protection he could accept it That was your decision in your meeting and you unanimously agreed. So also has it come to pass that some Chiefs have accepted German protection. Those Chiefs to-day bitterly regret it, however, and are full of remorse, for they have seen no result from the nice words (lekkere woorden) which the Germans spoke to them. The Germans told those Chiefs that they wished to protect them from other strong nations, which intended to come into the land with armies and deprive the Chiefs, by force, of their lands and farms; and that therefore it was their (the Germans) desire to protect the Chiefs from such stupid and unjust people . . . but so far as I have seen and heard, it appears to me wholly and entirely the reverse. The German himself is that person of whom he spoke, he is just what he described those other nations as. He is doing those things because he rules and is now independent, with his Government's laws; he makes no requests according to truth and justice and asks no permission of a chief. He introduces laws into the land according to his own opinions and those laws are impossible, untenable, unbearable, unacceptable, unmerciful and unfeeling (ongevoelig). . . . He personally punishes our people at Windhuk and has already beaten people to death for debt. . . . It is not just and worthy to beat people to death for that. They were five people in all. Four Bergdamaras and one of my red men. . . . He flogs people in a scandalous and cruel manner. We stupid and unintelligent people, for so he regards us, we have never yet punished a human being in such a cruel and improper way. He stretches persons on their backs and flogs them on the stomach and even between the legs, be they male or female, so Your Honour can imagine that no one can survive such a punishment . . .

Secondly when some Damaras fled to my farm they went to sleep there, being tired; then there came four white men, who are under the (German) Captain, accompanied by a Bastard and there on my farm they murdered six of the Damaras.

So already eleven persons have without reason been murdered by the Germans . . . therefore I write and ask Your Honour whether you know of these things and of the deeds and intentions of the Germans.

The chief then goes on (his letter covers 14 foolscap pages and is too long to insert in full) to assert that his land was conquered by his grandfather from the Chief Oasib, and that he again, years later, defeated Manasse, the Red Chief, who disputed his title.

So Namaqualand was purchased by us in blood, twice over, from our grandfather's days even to mine, and it is clear therefore and unquestionable

that Oasib's territory is mine according to all well-known laws of War and thus, because I am an independent Chief, I have not submitted myself, my land, and my people to German protection.

Growing more and more eloquent as he proceeds, he points out how all trading rights and concessions in his area have invariably been given by him to Englishmen, and he asks in spite of all this and of their ancient friendship, "Have you English delivered me into the hands of the Germans?"

After alleging that the English must have been misled by the Germans at that "meeting" (he has probably in mind the Anglo-German Conference of 1890), the Hottentot chief continues:

Therefore, my dear Magistrate, I write to you as a true friend, that you may know the depth of my feelings, for I complain to you of the inmost heavy feelings of my heart and it hurts and pains me much and brings remorse when I consider that your people have allowed such persons into our country. I send you this letter and I request you to give it to the Cape Government—let all the great men of England know of it so that they may have another meeting and consider this position of the Germans and if possible call these people back. Because they are not following the Agreements and Resolutions on the strength of which you let them enter this land. . . .

The quotations are from a copy of the letter in Witbooi's handwriting recorded in his journal. Whether or not the Magistrate of Walvis Bay ever received this letter which was sent by hand "by one of my own men"—or whether any notice was taken of it when received cannot* be said, but there is ample food for reflection and possibly for self-reproach.

Having unburdened his very soul to the Magistrate of Walvis Bay, Hendrik Witbooi remained at his chief village, Hornkranz, and awaited results. His conscience was clear; he was at peace with the Hereros and with everyone else. He ruled his people, settled disputes, conducted Church services, preached and prayed and wrote letters.

This tranquillity was not to last very long.

In the beginning of 1893 the German garrison had been increased to about 250 soldiers with two batteries of artillery.

The Peace of Rehoboth between the Hereros and the Hottentots had rendered German military intervention unnecessary. Notwithstanding this, the garrison was reinforced and Captain von François received (says Leutwein)—

the simple instruction to uphold German domination under all circumstances. It was left to him to do so either by means of attack or defence. The Commissioner decided, after weighing all the circumstances, for the purpose of intimidating the others, to give one of the native races an impression of our power. He considered that the Witboois would be suitable for this purpose. . . . The humiliation of Hendrik Witbooi would exercise the greatest influence on the others.

The German ex-Governor may be allowed to continue in his own words his brief description of this treacherous and most disgraceful piece of business:—

Under preservation of the greatest secrecy, the troops on the morning of 12th April 1893 attacked Hornkranz, the location of Witbooi. The chief apparently reckoned on a formal declaration of war, and was completely taken by surprise; he was peacefully drinking his morning coffee. Yet he succeeded, by judicious flight, in saving himself† and nearly all his fighting men. Only wives and children fell into the hands of the troops. . . . The troops were, probably owing to over-estimation of the achieved results, returned to Windhuk.

Leutwein is careful and brief, so we have to go elsewhere for further information. Captain K. Schwabe, of the German Army, who was senior Lieutenant with the forces under von François, writes, describing incidents of the fight:—

Suddenly a Hottentot warrior stepped from behind a rock and aimed at a distance of at most 20 paces at an advancing soldier. Instantaneously the

* Since writing the above it has been ascertained that the letter was duly received and sent to the Cape Government, and was by them transmitted to the Imperial Government in October 1892.

† But they captured his journal and took it to the Archives at Windhuk, and it is now at the writer's disposal.

soldier took aim as well. The finger of the Hottentot pressed the trigger, but, wonderful to relate, his rifle missed fire; the soldier's shot took effect, and the brave Witbooi, wounded through the chest, wallowed in his blood. On all sides terrible scenes were disclosed to us. Under an overhanging rock lay the corpses of seven Witboois, who, in their death agony, had crawled into the hollow, and their bodies lay pressed tightly together. In another place the body of a Berg-Damara woman obstructed the footpath, while two three-to-four year old children sat quietly playing beside their mother's corpse. . . . English papers laid the charge against us that at Hornkranz we killed women and children, and in hateful and lying manner alleged that our soldiers spared neither wife nor child. They had done us a bitter injustice; because if, at the range we fired, it had been possible to distinguish men from women, certainly no women would have been shot . . . (he forgets to add, however, that the Germans opened fire, at early dawn, on the huts in which the men, women, and children were quietly sleeping, and that they knew full well that women and children would be killed).

The Stad itself was a fearful sight (continues Schwabe); burning huts, human bodies and the remains of animals, scattered furniture, destroyed and useless rifles, that was the picture which presented itself to the eyes. From the burning pontoks (huts) came now and then the reports of exploding cartridges which had been left or buried there by the Witboois. Among the prisoners brought forward were the wife and daughter of the chief Hendrik Witbooi. The latter, named Margaret, was an exceedingly self-possessed girl of between 17 to 19 years of age. Without the slightest sign of fear she stood before us and answered all our questions freely and with a proud air. Then, through the Interpreter, she made the following statement: "I have heard that you have come from over the sea, in ship, in order to make war on my father. To-day the victory is on your side, but luck is changeable, and if you will take my advice you will return to your own homes; because, before long, my father will come down on you like a lion and take his revenge."

I estimate the losses of the enemy (continues Schwabe) at about 150 persons, of which 60 were soldiers, that is, men of the Hottentot race. Unfortunately, there must be included women and children who had been in the pontoks during the fight; then, also, there were 50 prisoners, and a number of severely wounded, which were taken to Windhuk and treated there. The booty, a number of rifles, munitions, saddlery, harness, a herd of cattle, a flock of small stock, and about 20 horses, was not of much value to us; the loss of these was, however, a considerable blow to the Witboois. The most remarkable piece of loot was an ox-wagon on which had been fixed a harmonium used by the Witboois at divine service; unfortunately it was badly damaged by rifle fire.

Hendrik Witbooi might well have cause to return "like a lion"; but the surprise had deprived him of practically all food and munitions, and he and his following, living on wild fruits, field mice, lizards, and the larvæ of ants, took refuge in the mountain fastnesses of the Naauwkloof.

Before closing the subject it may be recorded, however, that according to information given by the chief's son, and namesake, who now lives at Gibeon and who accompanied his father from Hornkranz, the surprise was so complete that many of the fugitives escaped only in their shirts. A certain percentage grabbed rifles and bandoliers, but many had not time even to do that. Hendrik Witbooi, junior, relates that a few days after the Germans had left on their return to Windhuk, he and a party of his father's men came down from the mountains to see if anything had been spared to them. At the village they found that the Germans had set a huge land mine, which, if it had exploded, would have brought further disaster on the visitors. The quick eye of the Hottentot detected the trap; the spring gun which was to fire the mine was detached and a sufficient supply of powder was unearthed to enable Witbooi to continue an obstinate resistance for nearly 18 months longer.

Von François had succeeded in giving the natives "an impression of our power"; but he had also succeeded in doing more: he had given the natives an impression of the true German character and of the real worth of German pretensions. To this massacre at Hornkranz is to be ascribed the fact that the Ovambos never came

under German influence. The news spread like wildfire and shocked and horrified the natives throughout the country. The Ovambos, in anticipation of a visit from the Germans, prepared for war; the Hereros grew sullen and suspicious.

When Major Leutwein took over from von François the next year, he pretended to feel astonishment at the "aloof and openly hostile bearing of the natives"; but he was more than astonished when, having written to the Ovambo chief, Kambonde, expressing his intention "soon of having the pleasure of paying you a visit," that potentate replied, "Personally, I don't care whether I ever see you as long as I live."

All respect for the white man had disappeared. After Hornkranz, Germany's prospects of ruling the natives by kindly sympathy and mutual co-operation (had she ever intended so to do) vanished for ever; her only way to gain ascendancy was by pitiless severity and brute force. The "mailed fist" had to be applied. This she proceeded to do without compunction or hesitation.

CHAPTER VI.

LEUTWEIN AND THE PROTECTION AGREEMENTS.

The Berlin Government fully approved the steps taken by von François against Witbooi at Hornkranz, and that gentleman was promoted to the rank of Major.

Towards the end of 1893; namely, on 20th November, Count Caprivi, the Imperial Chancellor, "with the approval of His Majesty the Emperor and King," wrote a letter of instruction to Major Theodor Leutwein, directing him to proceed to South-West Africa and to send a report on the situation there as the result of his own observations. The Chancellor went on to say that, owing to the difficulty of obtaining regular and frequent communications from the Acting Commissioner, Major von François, he was unable to get such details as would enable him, satisfactorily, to control from Berlin military and administrative work there. Leutwein was specially asked not to interfere in the military control or administration; but—

His Majesty the Emperor has decided that should Major von François be prevented during your presence in the territory from carrying out his duties by death or other permanent causes you are authorised to take over his work in an acting capacity.

Your task will be to inquire into the relations between the Europeans and the natives in the central portions of the territory, and particularly into the offensive measures already taken and to be taken. In this connection you will keep this point of view before you, namely, that our power over the natives must be maintained under all circumstances and must be more and more consolidated. You must inquire whether the troops are strong enough to accomplish this task.

Armed with this letter of instructions, Major Leutwein arrived in South-West Africa in January 1894. His impressions of the state of affairs in the country are recorded in the interesting work "Elf Jahre Gouverneur" (Eleven Years Governor), which he wrote after his return to Germany in 1905.

He writes (page 17):—

The position in the territory on my arrival was certainly not rosy, and in certain respects resembles the position to-day (1905). . . . The natives were openly our enemies or at best preserved a very doubtful neutrality. Only the Bastards of Rehoboth openly took sides with us. It is far from my intention by a candid mention of actual facts to impute blame to anyone. Circumstances had quite logically evolved in this way. Quite too long had the Empire procrastinated in showing its power to the natives. It is, indeed, a good axiom, once spoken by Prince Bismarck, that "In the colonies the merchant must go on ahead and the soldier and the Administration must follow him"; but, nevertheless, especially with regard to the warlike natives which we found in South-West Africa, people should not have to wait too long for the soldier. . . . Notwithstanding our lack of power, we had promulgated Ordinances which the natives treated with contempt. One of the Ordinances concerning arms and ammunition could be enforced because these articles were imported mainly by sea. . . . Furthermore, we issued

and ratified concessions over rights and territories which did not belong to us. For example, in 1892 we established a syndicate for land settlement which was to dispose of settlements from Windhuk in the direction of Hoachanas and Gobabis. Yet there sat at Gobabis the robber Khauas Hottentots. . . . Hoachanas was claimed by Chief Hendrik Witbooi . . . and these claimed that the boundaries of their spheres of influence were close by the tower of Windhuk.

All this gave rise to the impression at home that we were masters in the Protectorate. In actual fact up to 1894 the exercise of any governmental powers outside of the capital, Windhuk, was out of the question. . . . The reinforced troops were not strong enough to exercise powers in the remainder of the Protectorate and at the same time to carry on the war against Witbooi.

In the same way little influence or impression of power was created over the natives by the first white influx.

For 60 years past the whites had come to them (the natives) not as proud conquerors, but as missionaries, traders, and hunters. . . .

The agreements concluded with the natives were merely trading agreements. . . . The fact that the so-called protection given to the natives in recompense, was merely on paper (lediglich auf dem Papier stand) indicates that they gave and we took.

The growing "respect" for the troops, occasioned by the capture of Hornkranz, had, in the natives, sunk to zero, on account of the long struggle put up by Witbooi thereafter. The fact that, in addition to this, we had before our attack made an agreement with the Hereros would not influence them to understand that this attack had been made to benefit them. Therefore we could not reckon them as friend, and Witbooi, on the other hand, had become our embittered enemy, and thus we had sat between two stools.

As a study of German mentality, apart from their significance on the native question, these extracts are of interest:—

Already (continues Leutwein), on my journey to Windhuk, I had an opportunity of coming into contact with the Hereros and to ascertain, with astonishment, their dark mistrust (finsteres mistrauen) of the German Government, which constituted a grave danger at the rear of the troops fighting Witbooi.

Before continuing to quote Leutwein's illuminating views, it is now necessary to place on record the exact position, based entirely on agreements ("mere trading agreements," as Leutwein correctly called them) between the Germans and those chiefs who had accepted German protection, and also it is necessary to indicate the position in regard to native races who had up to January 1894 refused to enter into such agreements.

The races of natives in South-West Africa at the time of the annexation by Germany may be classified under the following tribal heads:—

- (1) The Ovambos (various tribes).
- (2) The Hereros (various tribes).
- (3) The Hottentots (various tribes).
- (4) The Berg-Damaras.
- (5) The Bushmen.
- (6) The Bastards (or cross-breeds).

The total population at that time, according to the various estimates, may reasonably be fixed at approximately 250,000 to 275,000 souls.

The Ovambos, who lived in the extreme north, had made no Protection Agreements, and can at no time be said to have come under German control. These tribes under their despotic and powerful chiefs—

Nechale of Omandonga;
Negumbo of Olukonda;
Kambonde of Omalonga; and
Uejulu of Onipa;

were numerically the strongest race in the Protectorate, their total population being between 100,000 and 150,000.

The Hereros occupied the whole area marked on most maps as Damaraland, and were from 80,000 to 90,000 strong. Palgrave in 1876 estimated the total Herero population at 85,000. In 1890 the chief tribes or clans were located at:—

Okahandja under Chief Kamaherero;
 Omaruru under Chief Manasse;
 Otjimbingwe under Chief Zacharias;
 Okandjose under Chief Tjetjoo;
 Gobabis (Nossob) under Chief Nikodemus;
 Otjizasu (Ovambandjera) under Chief Kahimena; and
 Waterberg under Chief Kambazembi.

Of these tribes, several of which were again subdivided into groups under wealthy, powerful, and practically independent minor chiefs, only two, namely, the tribes of Okahandja and Omaruru, had through their respective chiefs entered into protection agreements.

The others were not bound, and never considered themselves bound, by any agreement, until compelled to submit by the power of the German arms. In this connection the German authorities made a most extraordinary blunder. They constituted the chief of the Okahandja Hereros as Paramount Chief of all Herero tribes, and held that all other chiefs were bound by his agreements and decisions. That this was contrary to all Herero laws and customs, an endeavour will be made to show later on. But German craft went even further. When Kamaherero of Okahandja died, his heir was ignored, and the Germans compelled the Herero people to accept the weak and inefficient younger son, Samuel Maherero, as Chief of Okahandja and Paramount Chief of Hereroland. Samuel, when in his cups, would agree to anything, and sign anything; and as a keg of rum was to him more than his kingdom—the Germans saw to it that he got his rum, and, eventually, lost his kingdom; and not only his kingdom, but also 80 per cent of the fine race which he and his German masters had so villainously exploited and misruled.

The Hottentots occupied the whole of Great Namaqualand, and were scattered in more or less disjointed groups or clans under chiefs who had waxed powerful in their perpetual wars with the Hereros in the north. Their population was estimated at about 20,000 souls. Notwithstanding their lack of numbers, they were always formidable opponents, owing to their ability as horsemen and riflemen.

The Hottentot chiefs who had entered into the so-called protection agreements only did so out of fear that, as the Germans took care to tell them, the "Boeren" or Dutch farmers of South Africa were trekking up to take their country away from them. Attention has already been directed to Jordaan and his Upingtonia Republic of 1884. This trek of the Boers into the south-west was made the fullest use of by Goering and Buttner, for the attainment of their own ends.

Of the *Berg-Damaras* and *Bushmen*—subordinate races—and the *Bastards* of Rehoboth, more will be recorded in the separate chapters dealing with those tribes.

The German pretensions to control were based on eight protection agreements, namely:—

(1) The Agreement of 28th October 1884, between Dr. Nachtigal (for Luderitz) and the chief Joseph Fredericks, of Bethany, agreeing to German protection, granting trade rights, and confirming the acquisitions by Luderitz in 1883.

(2) The Agreement of 23rd November 1884, between Dr. Nachtigal and chief Piet Heibib, of the Topenaar Hottentots, whereby the cession of certain territorial rights (excluding the Walvis Bay area) to Luderitz was confirmed, and the "protection of the German Empire" was accepted by the chief.

(3) The Agreement, at Hoachanas, of 2nd September 1885, between the missionary Carl Buttner, described as "the Plenipotentiary of His Majesty the German Emperor," and Manasse, "the independent Chief Captain of the Red Nation of Great Namaqualand," whereby Manasse is represented as asking the Emperor for "his All-Highest protection," which protection Buttner extends and "the German flag will be hoisted as an outward sign of this protection."

Note.—A few years after this "All-Highest protection" was accorded, chief Hendrik Witbooi came along with a punitive expedition against Manasse, whom he regarded as one of his subjects. Having suitably dealt with Manasse, Witbooi seized the German flag and took it with him to Hornkranz. Arrived

at Hornkranz, Hendrik sat down and wrote a letter to the Commissioner, Dr. Goering, in which the following characteristic passage appears :—

“ Further I wish to inform you that I have obtained possession of the flag which you gave to Manasse. It is now in my hands at Hornkranz. I should like to know what you wish me to do with this flag, as to me it is a strange thing (vremdeding). All Manasse's possessions belong to me.”

(4) The “ Treaty of Protection and Amity ” between the Bastards of Rehoboth and the missionary Carl Buttner (“ for the German Emperor ”), dated 15th September 1885.

(5) The Agreement, dated at Okahandja the 21st October 1885 (repudiated in 1888 and revived in 1890 under circumstances already stated), between Maherero Katjimuaha, “ Chief Captain of the Hereros in Damaraland ”, and Dr. Goering and Missionary Buttner, “ both duly empowered and authorised by the German Emperor.”

(6) The confirmation by the Herero chief Manasse of Omaruru of the terms of the agreement No. 5 with Maherero as per certificate signed at Omaruru on 2nd November 1885.

This document is worthy of reproduction; it reads :—

Completed at Omaruru on the 2nd November 1885.

There appeared to-day before the undersigned Imperial Commissioner for the South-West African Protectorate, Dr. jur. Heinrich Ernst Goering, assisted by the Secretary Louis Nels, the Captain of Omaruru, Manasse Tysiseta, and the undersigned members of the Council. The Treaty of Protection and Friendship, entered into with Maherero, was verbally translated to them by the Missionary Diehl, who acted as interpreter, and explained.

After consultation had taken place amongst themselves they made the following declaration :

We herewith join the treaty of protection and friendship entered into between His Majesty the German Emperor, King of Prussia, etc., Wilhelm I., and Maherero Katjimuaha, Chief Captain of the Hereros, dated Okahandja, 31st October 1885, in all points.

Read out and translated :

: G. Diehl, Missionary.

: The Imperial German Commissioner for the South-West African Protectorate, Dr. Heinrich Ernst Goering.

(X) Manasse Tysiseta, Captain of Omaruru.

(X) Mutate

(X) Hairsa.

(X) Barnabas.

(X) Kanide.

(X) Katyatuma.

(X) Asa.

As Witnesses :

: Andreas Purainen

Agent of the Rhenish Mission.

: Traugott Kanapirura.

: Nels, Secretary.

(7) The Agreement, dated at Warmbad 21st August 1890, between Dr. Goering and chief Jan Hendricks, of the Veldschoendrager Hottentots.

(8) The Agreement, dated at Warmbad 21st August 1890, between Dr. Goering and Willem Christian, the chief of the Bondelswartz Hottentots.

The last two agreements were made after the annexation of the territory by Germany.

The Witbooi, Tseib (Keetmanshoop), Berseba, Khauas (Gobabis), Swartbooi, and Afrikaner chiefs had not made agreements.

Referring to these agreements, Governor Leutwein remarks (page 13)—

Our supremacy (herrschaft) in South-West Africa was obtained by concluding agreements whereby the chiefs ceded to us a portion of their rights, and received, in return, the promise of our protection. But those persons who promised this protection in the name of the German Emperor had not the slightest authority to do so.

However that may be, the German Government, when it suited its policy and designs, did not hesitate to hold their part of the agreements binding on the natives, while thus absolving itself from the liability to give protection as promised by Buttner and Goering.

It is unnecessary to reproduce the agreements, but it is perhaps desirable to give the main heads (which were practically all similar) indicating what was promised to or given by the contracting parties.

The Native Chiefs undertook—

- (1) To give German subjects right and freedom to carry on unrestricted trade in their territories.
- (2) To protect their lives and property.
- (3) To recognise the German Emperor's jurisdiction over Europeans, and to refer all disputes between natives and Europeans to the German authorities.
- (4) To grant no concessions, enter into no treaties and to dispose of no land, or the interests therein, to any other nation or the subjects thereof without the prior consent of the German Government.
- (5) To assist in the preservation of peace and, in the event of disputes with other chiefs, to call in the German authorities as mediators.

The German Emperor, on the other hand—through his "agents" aforementioned—pledged himself—

- (a) To give his All-Highest protection to the chief and his people.
- (b) To recognise and support the chief's jurisdiction and control over his own people.
- (c) To take care that the Europeans respected the laws, customs, and usages of the natives and paid the usual taxes.

Is it necessary, at this stage, to state that these pledges were observed only in the breach thereof, and that protests and appeals from the chiefs fell on deaf ears. These pledges were "lediglich auf dem papier"—merely on paper!

Governor Leutwein grows very discursive when dealing with these agreements. He writes :—

It is not necessary to believe, however, that the chiefs sat like German law students over their *corpus juris* perusing the contents of the agreements with a view to getting a full knowledge of their contents. . . .

(He knew only too well that this was so, for the reason that the chiefs did not receive copies, and even if they had could not have read them, as they were in German.)

The specific provisions of the agreements did not matter (kamen daher nicht an), the fact of their conclusion was sufficient. The manner of the carrying out of those agreements thus depended entirely on the power which stood behind the German makers of the agreements. So long as the German Government in the Protectorate had no means of enforcing its power (machtmittel) the agreements were of small significance. After this state of affairs had been changed the agreements were, in practice, dealt with uniformly without regard to their stipulated details. . . . So the native tribes were all in the same way, and as a whole, whether this was arranged for in the agreements or not, made subject to German laws and German jurisdiction, and received German garrisons.

Taxes and duties due on the part of the Europeans to the natives were, on the contrary, except in the Rehoboth territory, never collected. (See "Elf Jahre Gouverneur," page 240.)

Leutwein continues :—

Even although the native chiefs could form little idea of the contents of the protection agreements, they were clearly aware of the actual existence thereof. That means they knew that the Governor, as Deputy of the German Emperor, had to exercise a sort of dominion over them as the result of agreements for the most part voluntarily made (auf grund von meist freiwillig eingegangenen verträgen).

Leutwein has already affirmed that Dr. Goering and Buttner had not the slightest authority to bind the German Crown. In regard to the subsequent agreements which he himself made with the chiefs Hendrik Witbooi, Lambert, Simon Kooper, and others it will be seen to what extent they may be regarded as having been "voluntarily" entered into.

And this voluntariness (continues Leutwein) was the rock on which the power of the Governor might be shattered. . . . There were two ways in which the danger might be met. Either the protection agreements had to be repudiated and in place of the system of protection-control an actual dominion, based on the force of arms, substituted; or, alternatively, the representative of the German Government had to play up to the chiefs, to conciliate them and thus by degrees accustom them to German control. If, notwithstanding this, there was opposition, the one tribe could be played off against the other. The adoption by me of the first alternative was impossible. This the old Fatherland neither understood nor approved of, until the impracticability of the second course was clearly established, not by mere conviction, but by actual proved facts. This proof came only in 1904, and then we had to pay costly blood-money for our tuition.

Leutwein goes on to relate how, in following his second alternative, he recognised the protection agreements, brought in troops, and used the "loyal" natives to co-operate as soldiers with the Germans in operation against rebel tribes. This system—

gave rise (he writes) to the hope that the natives would gradually become accustomed to the existing state of affairs. Of their ancient independence nothing but a memory would remain. In conjunction with such a peace-policy, a gradual disarming of natives, in cases of insubordination, could go hand in hand with a severing of tribal ties; and this, in part, actually did take place. This course required patience, however, not only on the part of the Government, but also on the part of the white immigrants, and here it was, to a certain extent, not forthcoming.

Leutwein complains that "people" not only were lacking in patience, but that some actually worked at cross-purposes and made his conciliation policy—as above outlined—quite impossible and unworkable.

As an example he quotes the following specific case :—

For example, shortly before the Bondelswartz rebellion the German Colonial Confederation (Deutsche Kolonialbund) imposed the following demands on the Bondelswartz tribe :—

- (1) Every coloured person must regard a white man as a superior being ("Höheres wesen").
- (2) In court the evidence of one white man can only be outweighed by the statements of seven coloured persons.

These demands were nowhere contested in Germany, and in the Protectorate they were hailed with satisfaction. I will express no opinion as to their utility; but, in practice, one can apply them only to subjected races (unterworfenen völkern).

The Hottentot rebellion of 1903 and the Herero rebellion of 1904 gave Germany her chance of converting the survivors into "unterworfenen völkern."

The fact, however, that the German Colonial Confederation could, in this manner, intervene and override the Governor, the law and the pledges and the agreements, is one of the unexplained mysteries of the German system.

CHAPTER VII.

NATIVE POPULATION STATISTICS.

The actual Government control by Germany commenced, therefore, only in 1894, when Major Theodor Leutwein took over the command from von François, and was appointed first Governor of German South-West Africa.

The attached sketch will indicate—

- (1) the boundaries of the new colony;
- (2) the location and spheres of influence of the various native tribes in 1894.

It will now be advisable to deal with each native race separately, showing briefly—

- (a) their origin and characteristics;
- (b) their laws and customs;
- (c) their relations with the Germans, and their treatment;
- (d) the causes which led to the various rebellions.

Having done this it will be necessary to indicate what treatment was meted out to the natives during and after these rebellions. It will be necessary, moreover, to deal with the German judicial system as applied to the natives, and in conclusion to voice the views of the native population of South-West Africa in regard to the future destiny and government of this country.

These views are reflected in voluntary statements made on oath by surviving chiefs, headmen, and prominent leaders of the aboriginal tribes, and they represent the unanimous views of the peoples concerned.

At this stage, however, it is necessary to quote certain figures the details of which should be burnt into the memory, as they are in themselves the best indicators of the black deeds which, were it possible to record them all, would require more space than the scope of this report allows.

While there is little difficulty in fixing the areas in which the native tribes lived and exercised influence, it is not so easy to arrive at an accurate idea of the total numbers of the population.

The only guides we have are the considered estimates given by the men, who after years of residence in the country, extended travel, observation, and inquiry, were able confidently to place on record certain definite figures.

The British Commissioner, W. C. Palgrave, in his report of 1877, estimated the native population in 1876 as under:—

(1) <i>Ovamboland</i> :		
Various Ovambo tribes	- - - - -	98,000
(2) <i>Hereroland (or Damaraland)</i> :		
Hereros	- - - - -	85,000
Berg-Damaras	- - - - -	30,000
Hottentots	- - - - -	1,500
Bastards	- - - - -	1,500
Bushmen	- - - - -	3,000
		121,000
(3) <i>Great Namaqualand</i> :		
Various Hottentot tribes	- - - - -	16,850
Making a total for all races of		235,850

In his book, Governor Leutwein gives the following estimate of the native population at the time of his arrival (1894):—

Ovambos	- - - - -	100,000
Hereros	- - - - -	80,000
Hottentots	- - - - -	20,000
Bastards	- - - - -	4,000
Bushmen and Berg-Damaras	- - - - -	40,000
Total	- - - - -	244,000

In the second edition of "Mit Schwert und Pflug" (published in 1904), Captain K. Schwabe, of the German Army, while remarking that a correct estimate of the Berg-Damara and Bushman population is difficult, gives the following figures in regard to the other tribes, as at 1st January 1903 :—

Ovambos -	-	-	-	-	100,000 to 150,000
Hereros -	-	-	-	-	80,000
Hottentots -	-	-	-	-	20,000
Bastards -	-	-	-	-	4,000

It will be seen that, in regard to the Hereros and Hottentots these authorities entirely independently, and dealing with the years 1876, 1894, and 1903 respectively, give practically the same estimate.

If Palgrave and Leutwein were at all accurate the later estimate by Schwabe of
80,000 Hereros, and
20,000 Hottentots

may reasonably be regarded as a minimum figure for the adult native population, no allowances having been made from 1876-1894, and 1894-1903 for natural increases.

The consensus of opinion and evidence goes to show that, if anything, the population of those races was in 1904 nearer 100,000 and 25,000 respectively.

Palgrave's estimate of 30,000 Berg-Damaras in 1876 was probably too low, but it is practically confirmed by Leutwein, and as it is nowhere called into question by German writers who were conversant with and quoted from his report, there is no reason why Palgrave's estimate should not be accepted and, again discarding natural increases, fixed at the same figure for the adult population in 1904, *i.e.*, 30,000.

The minimum estimate of the adult population of the three races in 1904 is therefore fixed at—

80,000 for Hereros,
20,000 for Hottentots,
30,000 for Berg-Damaras.

In 1911, after tranquillity had been restored and all rebellions suppressed, the German Government of South-West Africa had a census taken. A comparison of the figures speaks for itself.

—	Estimate, 1904.	Official Census, 1911.	Decrease.
Hereros -	80,000	15,130	64,870
Hottentots -	20,000	9,781	10,219
Berg Damaras -	30,000	12,831	17,169
	130,000	37,742	92,258

In other words, 80 per cent. of the Herero people had disappeared, and more than half of the Hottentot and Berg-Damara races had shared the same fate.

Dr. Paul Rohrbach's dictum : "It is applicable to a nation in the same way as to the individual that the right of existence is primarily justified in the degree that such existence is useful for progress and general development" comes forcibly to mind.

These natives of South-West Africa had been weighed in the German balance and had been found wanting. Their "right of existence" was apparently not justified.

CHAPTER VIII.

THE HEREROS OF SOUTH-WEST AFRICA.

The Herero tribe is probably a branch of the Great Bantu family, which at one time occupied approximately one-third of the African Continent from 5° North to 20° South.

Unlike their black neighbours, the Berg-Damaras, the colour of the Hereros varies from light brown to a darker hue of chocolate brown. Tall and muscular, with proud and dignified bearing and a supreme contempt for other people, the Herero more closely resembles the Zulu than any other of the South-African races. It is a singular fact, however, that their physical likeness to the Zulu is confined to the men only. The women are generally undersized, and when tall are lanky and angular. They compare very unfavourably with the women of the other Bantu tribes. This may be due to the fact that, unlike the Kaffir and Zulu woman, the Herero woman, beyond milking the cows and attending to her children, did little or no manual labour. Instead of being the drudge and slave of her husband, as is the case with most Bantu tribes, the Herero woman was his pampered pet. The position and influence of their women and the general deference and respect shown towards them by the Hereros place this tribe quite in a class by itself among the Bantu peoples. Their religious beliefs, their sacred rites, and their laws of inheritance through the mother's side, combined with their mythical conceptions of their original descent from female ancestors, all united to raise the Herero woman far above her other Bantu cousins. In their courts, the Hereros, before giving evidence, took an oath "by my mother's tears" to tell the truth: this was the usual oath; others were "by my mother's hood" and "by the bones of my ancestors."

In his annual memorandum for 1904, the Imperial German Chancellor asserted that Mashonaland was the place of origin of the Herero tribe. The language of several tribes in Angola and Central Africa is said to be similar to that of the Hereros, but, beyond marking the probable route followed by the people in their migration southwards from the interior, and giving rise to the supposition that they were centuries back located in Upper Angola and Northern Rhodesia, this information does not warrant assertion of any definite place of origin.

Pastor Meinhof, a German ethnologist, holds that it is not improbable that before becoming part of the Bantu group of nomads, the Hereros came from the Nile areas in the far north, and that they were then a mixture of Negro and Hamite. This writer indicates certain philological similarities which would imply derivation from some common Hamite stem.

• "Tobacco pipe"—(1) Hamitic Galla (East Africa) = "Gaya."
(2) Herero = "Amakaya."

"Town"—(1) = "ganda."
(2) = "onganda."

He quotes many similar instances.

It is also alleged by close students of the native languages that on investigation the speech of the Herero is not so genuine a Bantu language as had at first been thought. In addition thereto the position of their women already referred, to and certain customs, such as the extraction of the lower front teeth and the V-shaped filing of the upper front teeth (known also among certain Nile tribes) seem to indicate influences other than Bantu. Moreover, the holy fire which Dr. Felix Meyer describes as their "concrete conception of religious observance," burning perpetually in the "Okurua" or holy place, and tended solely by the principal wife of the Chief, or his eldest daughter, is reminiscent of the Temple of Vesta at Rome, and its holy fires tended by the patrician ladies. Space does not permit an exhaustive inquiry into a subject, which to ethnologists cannot but be attractive and fascinating. It is sufficient to say that, no matter what the various theories may be, and no matter how dissimilar—especially to the European ear—the Herero and Bantu languages of South Africa may sound, the fact remains that members of the South African Bantu tribes, coming from the Union to South-West Africa, are able within an almost incredibly short period of time to speak and understand the Herero language.

At the time of the annexation by Germany the Hereros occupied the heart of South-West Africa. Their sphere of influence extended from Swakopmund in the west to the Kalihari border in the east, and from the mountains of Outjo in the north to Windhuk and Gobabis in the south.

It is certain that, except during the period of their partial and temporary subjugation by the Afrikaner Hottentots, under Jonker Afrikaner (*circa* 1830-64), they had been supreme masters of this area for over 100 years, and that the Kaokoveld in the north-west of the Protectorate had for two centuries or more been inhabited by portions of the tribe.

Crossing the Kunene River from Angola about the beginning of the 18th century and followed at no great distance by their Ovambo neighbours, their first place of settlement undoubtedly was the Kaokoveld. They remained there for a generation or two before the steady influx of Ovambos on their eastern flanks gradually pressed the Hereros and their countless herds of cattle further westward towards the sand dunes of the arid coast belt. Soon there was insufficient grazing and not enough elbow room, and after defeating the nearest Ovambo tribe in battle and incidentally annexing more cattle, the squeezed Herero clans began their gradual movement south and south-east into what are now known as the Outjo and Grootfontein districts.

This migration from the Kaokoveld appears to have taken place in a leisurely manner, and the last organised clans to leave the area moved towards the end of the first quarter of the last century. Grootfontein was then evacuated, and that area and the belt extending westwards past the Etosha pan became an unoccupied zone (save for wild Bushmen and fugitive Berg-Damaras) and a neutral belt between the Ovambos and the Hereros.

It is true that a degenerate and impoverished remnant of the tribe remains in the Kaokoveld to this day. These people speak the language and retain the ancient heathen rites and customs of the Herero. But they possess few cattle, and are little better than the Bushmen. The Hereros gave to their degraded kinsmen the name of "Ovatjimba" (the "veld beggars"), and by that name they are known to-day.

The name "Herero" itself has been variously derived and explained. Palgrave asserts that it comes from HERA = the assegai swingers, and Dr. Hans Schinz and other inquirers seem to accept this view. The Missionary Dannert, on the other hand, states that Hereros themselves informed him that it meant "the joyful people"—the people who take delight in their cattle, thus indicating their temperament (HERERA = to rejoice). This explanation seems more probable than Palgrave's. There is a third contention, however, that the word Herero is a derivative of "ERERO" = the past, yesterday—"the ancient people." Thus the old Chief Kamaherero of Okahandja, when asked the meaning of his name, proudly replied, "ma-ha-erero" = one who is not of yesterday (*i.e.*, one of ancient lineage).

Several writers agree in reporting that a favourite remark of the irate Herero, when smarting under oppression or injustice, was "Oami Omuhherero ka Omutua" = "I am a Herero—no barbarian—no stranger." This reminds one of the "*Civis Romanus sum*" of the ancient Roman; and it would indicate that the name "Herero" has more to do with ancient origin than with "joyfulness" or the "waging of war." The Hereros of to-day can throw no light on the subject. In religion the Herero paid deference to, and revered, a mystic spirit whom he called the "Great Magician." The "good spirit," who had made the world and peopled it, and who sent good luck and bad luck. Personally he could not hope to approach this potent being, so he relied on the intercessory prayers and powerful influence of the spirits of his deceased ancestors. It was the ancestors who were really worshipped, the holy fire, ever burning on the holy place, the blessed water, the symbolic wands of "Ovampuvu" and "wild plum tree" (representing the male and female ancestors), and the sacred gourds filled daily with milk from the holy cattle were all dedicated to the service of the mighty dead. This cult of ancestor worship exercised a powerful influence over the life and family relations of the Herero. It bound the family together in a sacred and inseparable tie of past, present and future relationship. The Hereros firmly believed in continued existence of the soul after death. Belief in and terror of ghosts was universal. Probably here, as elsewhere, ancestor worship had its real origin in fear of the ghosts of the departed, and was the chief motive, until eventually deeper religious feeling and real affection for deceased relatives became the accepted reason.

In addition to being ancestor worshippers, the Hereros were totemists, but had no totem badges or signs.

The Herero story of the Creation is interesting and must be mentioned, because the division of the tribe into totemistic groups or families arises therefrom.

At the behest of the "Great Magician" there emerged one day from the trunk of an Omborombonga tree, men and women in pairs, and also all living animals, all likewise in pairs. The first parents of the Hereros were there too, and all other races were represented. Light had not yet been created. All the world was in darkness, and the people and animals crowded round the parent tree and pressed against one another in sheer terror; no one knew where to go to. The stupid

Berg-Damara "Adam" lit a fire, whereupon the lion, the tiger, and all the wild animals of to-day, and all the wild game, took fright and ran away. To this day they have remained wild. Then the "Great Magician" sent the light, and the people saw that the horses, cattle, goats, and other domestic animals had not taken fright but had stayed. The people then decided to divide the animals. The Herero ancestors immediately took the bull and cow. The others violently disputed their right to these animals; but Herero Adam held on and persisted. He eventually got his own way. The acute differences of opinion which had arisen and the anger and excitement of all the people, speaking and shouting at the same time, resulted in so much confusion of tongues that the different languages were immediately evolved. And thus it came that, owing to this original fight over the first cattle, the various "Adams and Eves," no longer understanding the others, separated in all directions. Away also went the Herero pair taking their chosen cattle with them in triumph.

Their descendants ever since have loved cattle, and regard the herding, tending, and accumulation of large herds of cattle as their sole destiny.

The legend goes on to state how the first parents begot only female children. These virgin daughters were, in due course, mystically influenced by coming into contact with things of the outside world and bore male and female children, from whom the Herero race descended.

It is said that, in this way, the various maternal clans or "Eanda" originated, claiming descent, always on the mother's side, from the traditional progenitress of the clan.

The animal or object supposed to have influenced the progenitress was the totem, and the Hereros called themselves the "marriage relations" of the totem. Thus, there were the "sun's brothers," belonging to the Ejuva Eanda or sun clan, the family of the "running spring," the "chameleon," the "limestone," while the silver jackhal, totem of another clan, was called "little brother." It will therefore be understood that Herero communities, independently of their local distribution into tribes, bands, or villages, were composed of several, probably eight or nine, maternal clans, and these again, in some cases, were divided into sub-groups. At first, as was the case with the totemistic North American Indians, the members of a clan never intermarried. The result was that they intermingled with other clans. Yet, despite marriage, they retained their "Eanda" membership and based their descent and rights to "Eanda" inheritance, always on the mother's side. (The object of this will be clear when the Eanda property is dealt with).

Each clan, or "mother group" (as it is preferable to call the "Eanda"), had a senior member or head who exercised certain powers over the members, and in whom were vested fiduciary functions in regard to the administration, control, and distribution of the property of the group. He alone could dispose of or alienate the cattle of the group, and he only did so in the interests of the group to pay debts or acquire other assets; he generally consulted the tribal council before acting. There is a kind of Socialism about this system of Eanda property. It was of great benefit to the poorer members, who could always rely on receiving cows and oxen, on loan, from their Eanda, to support and maintain themselves therewith. They lived almost solely on milk. This head was not necessarily the chief. On occasions when the inheritance devolved on the same person through the mother as Eanda head and the father as tribal head, this was so, but not often. He was, however, invariably, from the very importance of his position, a sub-chief or Chief Councillor.

Co-existent and contemporary, but of unknown origin, there was, side by side with the "Mother-group" or "Eanda," another division of the tribe into Orders (Herero=Oruzo), purely paternal and also totemistic in origin. There were about 16 known orders. Thus a Herero belonged to his Eanda by descent through his mother, and to his "Oruzo" through his father.

The totems of mother groups and orders were sacred to the members thereof, and in the case of animals their flesh was "taboo" (Herero "Zera" = forbidden). A severe and strict sacrifice-and-diet-law bound the members of the various groups together.

To the "Oruzo" belonged certain inalienable assets. It was essentially a religious order. The head of the order was *ex-officio* chief or head of the clan and high priest of his people. The ritualistic articles, such as the emblematic wands, the holy gourds, the holy place (Okurua) were in the chief's keeping. There the

holy fire burned perpetually under the devoted care of his chief wife or eldest daughter. To the Oruzo also belonged the sacred stock, consisting of specially selected cattle. These animals were the best formed and most beautiful, and were carefully picked out from the herds. The milk of the sacred cows was placed daily in the gourds of the ancestors at the holy place, and never touched. True, indeed, the dogs lapped it up; but, apparently, the ancestors did not mind that, as the dogs lived on. No Herero would, however, dare to touch it. On religious occasions some of the sacred cattle would be sacrificed, but their meat was burnt; it was likewise "zera."

Having given this very brief outline of their religious and totemistic conceptions, the curious division of the cattle into three distinct classes will be more readily understood.

They were—

- (1) the sacred specially selected cattle, which were *res sacrae* and inalienable even by the chief.
- (2) the Eanda or mother-group trust cattle, owned by no particular individual, but the common property of the family group, and administered by a fiduciary head, who was the eldest son or eldest male descendant of the senior mother.
- (3) the privately-owned cattle, the property of the individual. These he could dispose of, during life, at will, and after death his expressed desires were always given effect to, for fear that his spirit might return and wreak vengeance. The individual Herero always reserved a number of his stock, also specially selected, the number being in proportion to his wealth, for sacrifice at his funeral. The skin of his favourite ox was his shroud, and at his graveside the selected cows and oxen were slaughtered so that their master's spirit might not go unaccompanied into the land of shades.

When this division of stock is borne in mind, the atrocious treatment of the Herero people by German traders and the German Government and its effect on the Herero mind will be more fully understood.

It has already been stated that the chief of the clan derived his rights through the "Oruzo" or paternal order to which he belonged. The eldest son of the chief by his principal wife was his heir; failing this his eldest surviving brother became chief, and failing him the eldest surviving son of the brother, always, be it noted, by the chief wife of such brother—the idea being that the senior male member of the Oruzo in the nearest line from the paternal ancestor should be chief. A younger son by a second or third wife (as Samuel Maherero was) had, elder heirs being alive, no legal claim to the chieftainship.

The chief of the most powerful clan embodied in his person the functions of governor and high priest. Under him, and in a lesser degree vested likewise with powers of government and priestly dignity, were the sub-chiefs or captains, the heads of non-ruling orders, the heads of the mother-groups, and the heads even of the individual families.

The Hereros, like all natives, had no conception of the impersonal nature of government as understood by Europeans. They regarded the person of their chief as the *fons et origo* of all government. Like the king, he "could do no wrong"; he could not be deposed, nor could he be brought to trial before the council. His person was sacred during lifetime, and after death, when his spirit had gone to join those of his great ancestors, the burial-place of his body was a hallowed and consecrated spot. [Note.—The Germans, before the Herero rebellion, desecrated the sacred burial-place of the great chiefs Tjamuaha and Kamaherero at Okahandja by turning it into a vegetable garden, despite all protests. This will be referred to again later on.] The chief invariably upheld the laws and usages of his tribe and preserved inviolate their ancient rites and customs. Herein, like the meanest and poorest of his subjects, he was stimulated and preserved by a wholesome fear of the spirits of his ancestors and the power of the Great Magician. It was only when German intrigue and German policy thrust the ineligible Samuel Maherero into power, merely to use him as their willing tool, as Paramount Chief of all the Hereros, that the customs of the people were violated, their tenderest feelings outraged, and

their laws and traditions trodden under foot. And yet the Germans had *pledged* themselves to uphold and respect these "laws and traditions."

In regard to temperament and character, the Hereros of to-day may be described as an intelligent, honest, and proud people, who have had nearly all the good crushed out of them by the German oppressor.

Missionary Brincker described them as candid and sincere. Dr. Hahn says their chief characteristics are self-will, and proneness to fits of depression. Dr. Goering testifies to their frugality and industry; von François (as may well be expected) describes them as crafty knaves. Pechual Losche says they are sincere, reliable, and trustworthy. Mr. Christopher James, the Mining Engineer, in his report of 1903 to the Otavi Mines, Ltd., says they are willing, good hearted, diligent, and quick of perception. When the Herero rebellion broke out, the Hereros under special orders from their chiefs spared the lives of all German women and children and all missionaries. Dr. Felix Meyer says, "they were a proud, liberty-loving race, jealously guarding their independence, and with very strong family ties." In their favour may also be mentioned the custom whereby the dying father, his descendants in a circle around him and his favourite child on his bosom, bestows his last blessing on his loved ones (*okusere ondaja ombua*). This proves without doubt the strong affection existing between parents and children. So also the Herero proverb, "the love of the parent is blind." The birth of twins was a great event. The proud father immediately set out on a tour and called on all his and his wife's relations bringing the glad news. It was worth his while because, according to traditional custom, he was not allowed to depart without a present for the twins.

These are the people who were mercilessly slaughtered by the German, von Trotha, and his Prussian soldiers in 1904-6. These are the human beings of whom von Trotha said, "let not man, woman, or child be spared—kill them all." And 80 per cent. of them were actually so killed or died of thirst in the desert wastes whither they were driven by the merciless German soldiers.

From the moment when the new-born babe was named and touched the head of a calf, presented as a birthday gift, until the death hour when the skin of the favourite ox (*ongombe ohivirikua*) served as his shroud, and the skull of the beloved animal bleached (as a grave memorial) on a neighbouring tree, the Herero's ever-present companions were his cattle. At the graveside, when the holy cattle were being slaughtered so that they might follow their master, the remainder of his herd was collected around the spot in order that the spirit of the deceased might derive pleasure from hearing the lowing and bellowing of his cherished animals. For the sake of his cattle no labour was too great. For long hours beneath a scorching tropical sun, the Herero would draw water, bucket by bucket, from the water-holes or wells for his animals to drink. They dug their water-holes at cost of infinite labour, the sharp horn of the gemsbuck being the substitute for a spade, and a gourd serving for a bucket. And for days and weeks he would persevere, despite terrible hardships and privations, in search of some lost or strayed animal. His whole object in life was the increase and preservation of his herds, which, in the favourable environment and climate of Damaraland, thrived wonderfully. The killing of cattle, except on religious and festive occasions, or when an ox by its strange or peculiar behaviour presaged evil, was regarded as a criminal waste bordering on sacrilege. Cows were never killed for food. For nourishment, in addition to wild onions and other roots and herbs and veld berries, the Herero drank sweet milk (*Omaihi*) in the mornings and at night sour milk (*Omaere*) prepared and preserved in stoppered bottle-gourds. The oxen were used for transport and riding and for barter and exchange.

When there was scarcity of provisions, the Herero tightened his belt and held out as long as he could. Hence the belt was called the "hunger killer" (*Etizandjara*). He would have to be very hungry before he killed an ox, and probably a cow would only be sacrificed when death by starvation seemed imminent. "Gluttony," said a Herero proverb, "is the great leveller—that is why people become poor."

In this respect the Hereros were the antithesis of the easy-going and improvident Hottentot, who would, if necessary, slaughter one animal after another, until he had none left for breeding purposes.

The earliest available information goes to show that the Hereros were always very rich in horned cattle. As far back as 1760 the South African hunter, Jacob Coetzee (probably the first white man to traverse Great Namaqualand) crossed the Orange River and travelled far north to the vicinity of Rehoboth or Gibeon. He

returned to the Cape with reports of Damaras* living in the north who possessed great herds of horned cattle.

Coetzee's report led to the abortive expedition from the Cape in 1761 under Captain Hope, the object of which was to open a cattle trade with the Hereros. The expedition, after undergoing great hardships, turned back somewhere in the vicinity of the present town of Keetmanshoop.

In 1792, Willem van Renen and Piet Brandt, also South African hunters from the Cape, travelled right up to Hereroland and returned in a state of great enthusiasm regarding the countless herds of horned cattle they had seen. Nothing further appears to have happened until about 1835, when Captain J. E. Alexander visited the country. He confirmed previous reports, and tried to open up a cattle export trade through Walvis Bay and St. Helena. This venture likewise failed, owing to transport difficulties.

In 1876 Palgrave wrote (page 54 of Report):—

It is impossible to estimate the Damaras' wealth, (Palgrave, like other English writers, will persist in calling the Hereros "Damaras"), even approximately, although there is evidence enough to indicate that it is considerable. The poorest families in a tribe possess something, three or four cows, a few oxen, 20 or 30 sheep."

It has already been mentioned that the Herero socialistic system of "Eanda" trust property rendered it impossible for even the poorest Herero to be without sustenance. If he possessed no stock of his own through disease or misfortune, he could always call on the head of his "Eanda" for an issue of stock on loan.

Palgrave mentions one under-chief of Kambazembi's named Kavingava, who possessed over 10,000 head of cattle. Kambazembi himself, at his death in 1903, was reported to have possessed no less than 25,000 head of cattle; but included in this number was probably the "Eanda" stock, held by him as trustee for his people. M'Buanjo, an under-chief of Omaruru, possessed in 1903 over 4,000 head of cattle, while the Okahandja and Omaruru chiefs were equally wealthy. Tjetjoo, the chief of the Eastern Hereros, was reputed to be nearly as wealthy as his neighbour Kambazembi. A German soldier, now a settler in the country, who came to the Protectorate with von François in 1890, informed the writer that, at that time, the Omaruru and Waterberg districts were teeming with cattle. He relates that at the sound of a rifle shot the vast herds would stampede in all directions like wild springbok, and that the very earth seemed to quiver and vibrate as they thundered across the veld.

When Germany annexed the country in 1890 the Herero people must have possessed well over 150,000 head of cattle. The Rinderpest scourge in 1897, which destroyed probably half, left, notwithstanding export and slaughter, something like 90,000 head. By 1902, i.e., in less than 10 years after the arrival of the first German settlers, the Hereros retained 45,898 head of cattle, while the 1,051 German traders and farmers then in the country owned 44,487 between them. In 1903 the total value of the live stock exported from the whole territory was 23,337,682 M., equal to over £1,000,000 stg.

By the end of 1905 the surviving Hereros had been reduced to pauperism and possessed nothing at all.

In 1907 the Imperial German Government by Ordinance prohibited the natives of South-West Africa from possessing large stock.

The story of the German traders and how they, with the direct connivance, sanction, and approval of the German Government, deliberately robbed the Hereros of their cattle is one of the darkest of the very black pages of German history in South-West Africa, and will be dealt with in a separate chapter.

* NOTE.—All early British travellers, such as Alexander, Galton, Green, Andersson and others refer to the natives as "Damaras." This accounts for the name Damaraland, which correctly should be "Hereroland." The word Damara is a corruption of the Hottentot word "Daman." They called the Hereros "Buri-Daman," or Cattle Damaras; while the Ovambos and Berg-Damara were called respectively "Corn-Damaras" and "Dirty-Damaras." Captain J. E. Alexander, "An Expedition of Discovery into the Interior of Africa" (1837), was the first writer to refer to "Damaraland" and the "Damaras."

CHAPTER IX.

CONFISCATION OF HERERO CATTLE BY THE GERMAN GOVERNMENT.

The wholesale and unblushing theft by the Germans of the cattle of the Hereros was one of the primary causes which led to the Herero rebellion of 1904. There were other causes, however, all arising out of German oppression and misrule. It is necessary, therefore, that, before dealing specially with what must for ever be one of the most shameful incidents in the history of German colonisation, the other contributory causes should be outlined in brief. In order to do this, it is necessary to go back to May 1890, when, owing to the death of Kamaherero, chief of the Okahandja Hereros, the question of his successor arose. In terms of the agreement of 1885 the Germans had pledged themselves "to respect the customs and usages existing in the country of Maherero." Kamaherero was the leader (under Frederick Green, the English hunter) of the Hereros in their war of emancipation against the Hottentots in 1864, when the latter were overthrown and large herds of cattle captured. As a result of this, Kamaherero styled himself "the great and powerful leader." He was however never acknowledged, even by his own people, as paramount chief of all the Hereros. As Dr. Felix Meyer puts it (*Wirtschaft und Recht der Herero* : 1905):—

An ordained leader of all the Herero tribes was not known in Herero law at the time of the German occupation. Only the knowledge of their national community of origin held the various tribes together.

The German agreement of 1885 was made with Kamaherero, whom the Germans, to suit their own purposes, were pleased to regard as the paramount chief over Hereroland; but even they had qualms on the subject, as they went to Omaruru and got Manasse, as powerful a chief as Kamaherero, to sign a ratification. The other chiefs were ignored. Nevertheless, as Dr. Meyer clearly points out, the chiefs Kambazembi, Muretti, Tjetjoo, Zacharias, and others not mentioned by Meyer, such as Kahimema, Nikodemus, and M'Buanjo, in no way recognised his (Kamaherero's) pretensions to paramountcy, and held that they were not bound by his agreements.

Of this fact the Germans were, in 1890, well aware; but they ignored it on the plea that it was more convenient to deal with one authority than with the lot ("Es ist bequemer, mit einer Autorität, als mit einer Masse zu verhandeln"). So when Kamaherero died, his younger son, Samuel Maherero, described by von François as a vain, selfish drunkard, and referred to by Leutwein as devoid of character (he was, states Leutwein, "selfish, had a weakness for alcohol, and last, but not least, a fondness for women"), was pitchforked into the chieftainship and declared paramount chief of the Hereros. He was alleged to be a Christian—90 per cent. of his people were heathens. "As a Christian," says Leutwein, "the Mission got little joy out of him, he none out of the Mission." Hereros say that the missionaries supported the Government, and told the Hereros that Samuel was the rightful heir according to the Christian laws, whatever they may be.

Samuel preferred the cases of rum with which the bounty of the "Kaiser und König" kept him liberally supplied; it being well-known that, to such an individual, the signing of treaties or agreements was not surrounded with much difficulty as long as rum was plentiful.

This foisting of Samuel on to them as chief immediately to the great joy of the Germans, split the Hereros into two sections. Here we have the first example of the policy of playing off one section against another, or, as Leutwein later styled it, "my *divide et impera* policy."

The lawful heir to Kamaherero was a sub-chief of the Eastern Hereros named Nikodemus. He was the eldest son of a predeceased brother to Kamaherero, and the recognised head of his Oruzo. Kamaherero had no sons by his principal wife, and Samuel, a younger son by another, was not even heir to his father's stock; his poverty was also a great recommendation from the German point of view, as will be seen. Dr. Felix Meyer has no doubts as to the illegality of the German procedure. Meyer was a Kammergerichtsrat, a kind of judicial Privy Councillor,

so his opinion is worth quoting. In his "Wirtschaft und Recht der Herero," already frequently quoted from herein, he says (at page 24), referring to this incident—

Thereby the Colonial Administration created not only a new authority (which probably was in the interests of a simple and centralised system of government); but it also, as will be indicated, broke into the laws of succession and inheritance of the Hereros.

Later on (see page 38), referring again to the appointment of Samuel Maherero as chief in preference to the rightful heir Nikodemus, in regard to whom Samuel was, according to Herero law, only in the position of a younger brother, Meyer adds:—

It can easily be understood how deeply this illegal interference with their laws must have aroused the feelings of the Hereros; more particularly when, at the same time, a hitherto non-existent *de jure* ruler over the whole nation (i.e., paramount chief) was forced upon them. One can appreciate how bitterly disillusioned Nikodemus and his supporters were, when not only the dignity to which he aspired, but also the Oruzo assets (i.e., the holy cattle, &c., of the religious order) of his late uncle, were taken from him and bestowed on a younger and less worthy person.

(Note.—Samuel, being a declared Christian could not exercise the office of high priest, and to place the holy assets under his charge was, to heathen Herero thinking, an insult to the ancestors and a sacrilege.)

For the same reason the other chiefs refused to recognise Samuel, whom they despised as a mere child, as the actual paramount chief of their land. . . . Nikodemus, in his anger (continues Meyer, whose candid words give much food for reflection), was at the bottom of the intrigue which resulted in the rebellion of his sub-clan of Ovambandjera, under his under-chief Kahimema, assisted by the Khauas Hottentots of Gobabis. It was only the rapid victory at Otyunda, 1896, which enabled German arms to nip the rebellion in the bud. Of course Nikodemus and Kahimema were, after sentence by Military Court, shot as rebels at Okahandja on 12th June 1896. The tribe of Khauas Hottentots was practically exterminated (zo gut wie vernichtet) and their territory declared Crown land. The fire was however still glowing under the ashes and it was fed by Asa Riarua, the half brother of Nikodemus. An undying hatred inspired him and his party against Samuel and his protectors and it eventually became one of the main causes of the great rebellion.

Yet Governor Leutwein was astonished at the "dark mistrust" of the Hereros!

Having created a "paramount chief," it was essential that he should be used to German advantage. The opportunity came in 1894, when Leutwein was Governor. As already stated, the Germans had formed a land settlement syndicate and immigrants were coming into the country to settle on the land. The land however was claimed by the natives, and they declined to give it up. Thereupon the syndicate (under the auspices of the German Colonial Co.) formally applied to the Government for grant of 50,000 square kilometres (approximately 4,500,000 acres), east of Windhuk and stretching towards Gobabis and Hoachanas. This application was made on the recommendation of Professor Dr. Karl Dove, of Jena, who had inspected the area. In reply to the application, the Government informed the syndicate that the land was claimed by Bastards, Hereros, and Hottentots, and that as the troops in occupation were not strong enough to occupy and protect the area, the request would have to be deferred till later. This was in 1892. The more practicable and more honest way of acquiring land would have been to purchase from the chiefs. The soldiers were coming however and this idea did not find favour apparently.

In April 1893, von François noticed that the agents of the syndicate were, to quote his words, "acting recklessly," giving out land "to which they were not entitled and making promises which they were unable to fulfil," so he wrote to Berlin suggesting that the syndicate's work should be suspended and that the Government should control all questions of immigration and land settlement. The then Kolonial-Direktor at Berlin (Dr. Kayser) refused to accept the recommendations of von François, and said that the syndicate should continue its work, confining itself, for the present, to the neighbourhood of Windhuk. Immigrants continued to arrive and were given, or rather sold, farms which existed only in the imagination of the directors of this precious syndicate.

Rohrbach, to whom we are indebted for most of this information, describes these farms as "luftschwebenden" i.e., "floating in the air."

In 1894, Leutwein decided to solve the problem once and for all. He went to Okahandja and on the 6th December 1894 drew up an agreement for "Chief-Captain Samuel Maherero" to sign, whereby the whole southern boundary of Hereroland from Swakopmund to Gobabis was defined. The astute Leutwein had described the boundaries in such a way as to secure to the land settlement syndicate the town and grazing lands of Gobabis (belonging to the Khausas Hottentots) and some of the finest cattle grazing veld on the White Nosob River. The Chief-Captain was promised an annual salary of 2,000 marks (100*l.*), payable half-yearly, provided that the "Southern boundary line as determined upon . . . is respected by the Hereros and that their cattle posts are withdrawn from the territory now falling within the area of the German Government." (Original agreement filed at Windhuk; Records A.1.a.2.Vol.I.)

This boundary line extended over 400 miles. Samuel Maherero was not recognised by his fellow chiefs. In any event the southern boundary of his own district, Okahandja, was probably less than a sixth of the whole line. Yet, at a stroke of Maherero's pen, chiefs like Zacharias, Tjetjoo, Nikodemus and Kahimema were, without having so much as even been consulted, deprived of rights which they had held, through their ancestors, for generations past.

Leutwein writes (page 64): "This difficult agreement for them to assent to was signed by Samuel, as was always his way, light heartedly and with pleasure; but his headmen pondered earnestly over it" . . . Having fixed this boundary line, it was the easiest thing in the world, for the Germans at any rate, to decide on measures against trespassers.

This unbeaconed and unfenced boundary line, to the simple Hereros grazing their cattle along its edges, was not unlike the farms Rohrbach described as floating in the air.

Nothing could be risked however until more troops arrived, and this necessitated a wait of nearly 12 months. Towards the end of 1895, Leutwein was able to make his next move. He entered into an agreement (which must have been secret and private, as it cannot be found in the records at Windhuk) with Samuel Maherero whereby the German Government would impound "all the herds of Herero cattle found trespassing over the boundaries." There was no question of fining or warning the owners and then returning their cattle. No. The settlers and the syndicate were badly in need of cattle, and the "trading business" had not yet fully developed. "The impounded cattle," says Leutwein (page 92), "would then be sold and the proceeds divided between the German Government and the paramount chief."

"Whereas, formerly, the confiscation of their cattle in this manner, would undoubtedly have caused war," says the self-complacent Leutwein, "we had, by means of the above-mentioned agreement, obtained the legitimate right thereto."

In other words, he meant to imply that from then on any other Herero chief taking up arms to protect his cattle from confiscation had no legitimate *casus belli* and no standing. He could therefore be shot as a rebel and this is exactly what happened to the chiefs Nikodemus and Kahimema. "Of this right," continues Leutwein:

"advantage was taken in the beginning of 1896, when a force under Major Mueller took away several thousands of cattle belonging to Hereros at Heusis and Aris. Only then did the significance of the agreement become clear to the Hereros. Excitement and war fever extended throughout the entire Protectorate. The white traders in the interior were threatened and had to take hurried flight. As characteristic (proceeds Leutwein) I here wish to mention that the son and nephew of the paramount chief, who, at the time were doing voluntary service with the troops at Windhuk, burst into tears on hearing of the confiscation of these cattle and begged for immediate release from military duty. The war fever slacked down at Okahandja when, some days later, the half share of the proceeds of sale, in terms of the agreement, was paid to the chief as indication that the German Government merely acted in the exercise of its rights under the agreement. Outside Okahandja however the desire for war increased, and eventually even the Europeans were infected, not only private persons, but also members of the Government. Especially among a section of the Officers, the war fever, combined with under-estimation of their opponents, was very noticeable."

On the 20th January 1896, Leutwein addressed a meeting of white inhabitants at Windhuk, and succeeded in persuading them to preserve peace. On the same

day he proceeded to Okahandja. There the alleged paramount chief and about thirty headmen and also chiefs from outside, among whom appeared Nikodemus and Kahimema, were awaiting the arrival of the German Governor. The Herero "opposition," says Leutwein, "was led by the old Riarua, . . . who tried to pass himself off as leader of all Hereros." After severely snubbing Riarua, Leutwein put the following two questions to the meeting:—

- " (1) What boundaries do you desire ? "
- " (2) What punishment is to be imposed on trespassers ? "

He told them that "both questions were fraught with the alternative danger of threatening war" (i.e., if not satisfactorily answered). That such a war would result "only in the extermination of the one party thereto, and that party could only be the Hereros." "Even to this day" (1905), says Leutwein, "I can distinctly remember the ominous silence which followed on my remarks, of which one could say it would have been possible to hear a pin drop."

After several days of discussion the Hereros of Okahandja demanded—

- (I.) That the Seeis River, the water in which was indispensable for their herds, should be retained by them,
- (II) That the paramount chief and the Governor should decide on punishment for trespass.

"This first demand," says Leutwein, "meant a shifting forward of the boundaries some 8 kilometres. As the advantages of this change of boundary would have been of benefit only to the Western Hereros, i.e., those of Okahandja, Nikodemus, on behalf of the Eastern Hereros, immediately came forward and on behalf of his people, asked for the return of the Gobabis area to them. This gave me the most beautiful opportunity (*die schönste gelegenheit*) to put into force my *divide et impera* policy.

Therefore I granted the wish of the Okahandja Hereros and definitely refused the request of Nikodemus. As a result of this the latter went into rebellion three months later, while the Okahandja Hereros remained on our side."

Later on in the same year it was decided to disarm the Eastern Hereros, their kinsmen the Ovambandjeru and the Khausas Hottentots of Gobabis. They were called upon to hand in all firearms, and they refused to do so.

The reason for this will now be perfectly clear. The native chiefs disputed Samuel Maherero's right to fix their boundary lines, and they were legally correct in this attitude. The Germans ignored their protests and confiscated all cattle found over the borders. Fearing that this would lead to reprisals, the Germans, who were keen not only on the cattle, but also on the land of these people (it was the area asked for by the land settlement syndicate) decided to render the people innocuous by depriving them of their arms.

Chiefs Nikodemus and Kahimema of the Hereros and Andreas Lambert of the Khausas Hottentots of Gobabis refused to hand in their arms. An expedition was sent out from Windhuk and fighting resulted. The chief of the Hottentots was killed, his land and stock confiscated and his tribe, as Felix Meyer puts it, practically exterminated ("so gut wie vernichtet").

After the first fight, Nikodemus and Kahimema went in to Okahandja voluntarily and openly to protest against the action of the German forces. There they were both arrested, tried by court-martial and shot as rebels.

The chief crime against Nikodemus was that he was the lawful heir to the chieftainship and his continued existence was a nuisance to the Germans. Leutwein deliberately treated him in such a way as to goad him into doing something which would give a pretext, even the flimsiest pretext, for removing him altogether. *Divide et impera*. The brave Kahimema died with his chief, whose legitimate cause he had espoused from the very outset.

Before leaving the subject a description of the closing scene in the life of Nikodemus, as it flowed from the pen of Schwabe, Captain of Infantry of the German Army (mit Schwert und Pflug, page 304), may be added:—

"12th June . . . At 10 a.m. the First Field Company under Estorff arrived to fetch the condemned men (Nikodemus and Kahimema), to whom, at their request, I gave some wine. Then they were bound and lifted on to an ox-cart and the procession started. Mounted police led the way, then followed Estorff and myself on horseback, a half-company under

Kageneck on foot, the cart surrounded by horsemen and in the rear Ziethen, on foot, with the remaining half-company.

We had to travel through the entire village. There was no male Herero to be seen; but the women were rolling about on the ground, and covering their heads with sand and earth. From every house, every hut, every garden, the long drawn blood-curdling lamentations accompanied the distinguished chiefs on their last journey. In silence, and drawn up in a great square, the guns unlimbered at the sides, the troops received us. Then we went on through the deep sand of the river bed to the place of execution. Commandos of Hendrik Witbooi's and Simon Cooper's Hottentots guarded the place. Halt! The condemned men were lifted from the cart. Proudly, and with head erect, Kahimema walked to the tree to which he was bound; Nikodemus, half dead with fear, had to be carried. The eyes of the two were then bound, and the firing sections under Lieutenants von Ziethen and Count Kageneck marched into their places. Captain von Estorff gave the signal: Short commands: Present—Fire! The volleys rolled like thunder through the neighbouring mountains and two traitors had ceased to live."

This bombastic description of a pitiful tragedy helps us to understand the feelings of the Hereros, even those living in Okahandja, towards their real chief, Nikodemus. The presence, as guards, of the Hottentot Commandos of Witbooi and Simon Cooper recalls to mind the fact that "protection" from these Hottentots was the promise on which the Hereros had relied when making the original agreements with the Germans.

This was only in June 1896. Nearly eight years had yet to elapse before, in January 1904, the crowning catastrophe occurred, and by that time even Samuel Maherero, conscience stricken and goaded to desperation by German oppression and injustice, had turned and was foremost in leading a once more united nation, companions in utter misery, against the unbearable tyranny and brutality of Germany.

CHAPTER X.

THE GERMAN TRADERS AND HOW THEY TRADED.

In addition to the shooting of Nikodemus and Kahimema, large numbers of cattle and sheep belonging to them and to their people were seized and confiscated by the German Government as a punishment for their "rebellion."

After these happenings, and after witnessing the unhappy fate of the Khauas Hottentots of Gobabis, the terrified natives withdrew their flocks and herds as far north of the so-called southern boundary line as possible. This was the only means by which they could reasonably hope to preserve their property.

This move embarrassed the German Administration and placed the "Land Settlement Syndicate" in a quandary.

Rohrbach describes the position very accurately.

"The chief necessity in the establishment of the new settlers was the supply of stock, and the difficulties in this direction increased in proportion with the growth of the newly opened up farming propositions. Every newly founded farming venture required, above all things, a supply of breeding stock. The white ranchers and farmers who had breeding stock, held on to them as far as possible and only sold in cases of extreme necessity; moreover no farm had at that time been so far developed that the number of stock acquired by breeding was in excess of the available grazing ground. So for the newly arrived farmer no other course remained but, before starting business as a farmer, to enter into trading work with the Hereros, and there to acquire the cows he needed by barter. . . ."

In addition to breeding stock the future farmer required transport oxen. The Hereros were also the chief producers of these . . . the trade with the Hereros constituted for the commencing farmer the normal channel through which in the first instance he could get possession of the required breeding stock . . . it is, therefore, an error to take it for granted that

before the rebellion (1904) the farmer and trader were distinct and separate occupations. In any case, there were very few persons who had not found it necessary to be traders first of all before they could become farmers. . . . When public opinion in Germany, on the outbreak of the 1904 rebellion, sharply criticised the excesses of the traders, no one in the country wanted to admit ever having been a trader and everyone had always been a farmer only."

Thus it came about that, when the Hereros no longer trespassed and gave cause for confiscation, it was found necessary for the German to go out and trade with him for his cattle and sheep.

In the earlier part of this report mention is made of the views of the German missionaries and others in regard to the British traders who in the early days had been their competitors. It is needless to remark that, shortly after German annexation, the British trader was made to leave and a clear field opened for his German successor. Here is an instance of how the German traders carried on:—

(Schwabe's "Mit Schwert und Pflug.")

As an example (writes Captain Schwabe) of the ignorance of the veld-living Herero as to the value of money I may quote the following. A trader camps near a Herero village. To him are driven oxen which the Herero wishes to sell. "How much do you want for the oxen?" says the trader. "Fifty pounds sterling," replies the Herero. "Good," says the trader, "here you have a coat valued at 20L., trousers worth 10L., and coffee and tobacco worth 20L., that is in all 50L." The Herero is satisfied; he knows that according to the custom of the traders, he cannot expect more for his cattle. He may probably exchange the coat for a blanket and get some sugar in lieu of tobacco, and he will also (as is customary) by begging get a little extra; if, however, he does not succeed the transaction is closed. It will be admitted that this sort of trading is exceptional and quite original; it requires to be learned and the newcomer will have to pay for his experience, before he is able to emulate the dodges and tricks of the old traders.

It will be of interest to learn from the Hereros themselves how these traders behaved. The following quotations are taken from sworn affidavits made in the course of the past three or four months:—

Under-Chief Daniel Kariko of Omaruru states (dealing with the reasons why they rebelled in 1904):—

Our people were being robbed and deceived right and left by German traders, their cattle were taken by force; they were flogged and ill-treated and got no redress. In fact the German police assisted the traders instead of protecting us. Traders would come along and offer goods. When we said that we had no cattle to spare, as the rinderpest had killed so many, they said they would give us credit. Often, when we refused to buy goods, even on credit, the trader would simply off-load goods and leave them, saying that we could pay when we liked, but in a few weeks he would come back and demand his money or cattle in lieu thereof. He would then go and pick out our very best cows he could find. Very often one man's cattle were taken to pay other people's debts. If we objected and tried to resist the police would be sent for and, what with the floggings and the threats of shooting, it was useless for our poor people to resist. If the traders had been fair and reasonable like the old English traders of the early days we would never have complained, but this was not trading at all, it was only theft and robbery. They fixed their own prices for the goods, but would never let us place our own valuation on the cattle. They said a cow was worth 20 marks only. For a bag of meal they took eight cows, which to us were equivalent to 16 oxen, as the Hereros would always give two oxen for the cow, as she is a breeder, and we loved to increase our herds. For a pair of boots a cow was taken. Most traders took only cows, as they were farmers also and wanted to increase their herds. Often when credit had been given, they came back and claimed what they called interest on the debt. Once I got a bag of meal on credit, and later on the trader came and took eight cows for the debt and two more cows for what he called credit;

thus it cost me 10 cows altogether. Just before the rebellion, in 1903, things got worse than ever. All traders came round and started to collect debts.

(*Note.*—This arose out of an Ordinance enacted in Berlin whereby outstanding trading debts were declared prescribed after a lapse of 12 months.)

Some debts they claimed had never existed; often their claims were quite false, and they were deliberately stealing our cattle. We complained to the German police, but were told that we were all liars and that, as a German could never lie, his word would always be taken even if half a dozen of us had the impudence to contradict him. This made us feel as if it were just as well not to be alive. Our people cried and lamented the loss of their stock; our poorer people no longer had enough milk to drink; all our cows were going and every month saw our property dwindle away. We saw our chiefs, who complained and complained till they were tired. No heed was taken of them, and we had no courts of law to which to appeal for justice.

(N.B.—This is actually true. There were no courts before July 1903.)

Headman Moses M'Buanjo of Omaruru, whose father M'Buanjo, an under-chief, was one of the wealthiest Hereros and owned several thousand cattle (he to-day owns 20 or 30 goats), states:—

Although we all protested and were dissatisfied, Germans came into our country, soldiers and traders. They soon began to do just what they pleased. They took our cattle, ill-treated our people, flogged them and we had no protection. It takes too long for me to tell all that they did. Their traders charged extortionate prices for goods and undervalued our stock. Our chiefs were powerless; our old laws and customs were no longer recognised; even the sacred cattle and the cattle of the tribe which no one could sell (the Eanda stock) were taken by force for real and bogus claims. Heavy interest was charged. If a debtor disputed the claim, the police came and assisted the trader.

Hosea Mungunda, headman of the Hereros of Windhuk, in giving a sworn statement as to the reasons for the great rebellion in 1904, places this taking of cattle first among their reasons. This man, one of the finest types of Bantu humanity, is a first cousin of the late chief Kamaherero.

The reasons for rebellion were:—

(a) The extortion of German traders who robbed us of our cattle, which had been greatly diminished owing to rinderpest. Our cattle were appropriated at such a rate that we felt it was intended to reduce us to pauperism. The Germans took sacred cattle and private cattle, quite regardless of our customs and organisation. We protested and complained bitterly, but the Germans took no notice. Sometimes we persuaded them to return our holy cattle, but then we had to give them three or four ordinary cattle in exchange. This we often did, but it greatly diminished our stock.

This affidavit by Hosea was made in the presence of the following leading Hereros, who agreed with Hosea's statement and signed the affidavit in corroboration:

- (1) Barmenias Zerua, son of the late chief of the Otjimbingwe Hereros,
 - (2) Nickanor Kanungatji, nephew of the late chief Kahimema,
 - (3) Leonard Gautheta, nephew of the late chief Nikodemus,
 - (4) Hugo Tjetjoo, nephew of the late chief Tjetjoo,
 - (5) Elias Gorambuka, nephew of the late chief Kamaherero,
- and several others.

Samuel Kutako, a well-educated man, says:—

The German traders forced our people to buy goods and took our cattle in payment. They robbed our people by charging a certain price when giving credit, and later increasing the price when asking for payment. They used to select the cattle they wanted from the Hereros' herds and drive them away. It was useless to object. They simply took cattle by force. The police did not help us; we were black and got no justice. I have personally had to give a cow for a pair of cord trousers or a pair of boots. We had no idea of the value of goods in those days. . . . Nowadays I pay 10s. to 15s. for trousers. That is why I say the German traders robbed us. A cow is worth much more. . . . We used to beg and pray of the

traders not to take our holy cattle . . . but as our holy cattle were the best we had, the traders would reply "that is a matter of indifference. You owe me money and I will take the cattle I select."

Christof Katsimune, an assistant headman of Hereros at Omaruru, states :—

I knew a Herero named Kamukowa, who lived at Okakenge in the Okahandja district. He had many cattle and small stock. The traders came and took every head of stock that he had, and he had to go into the veld and look for herbs and roots as food and to beg from his friends. The trader who took all his stock was afterwards a lieutenant in the German forces. It was useless to go to the German authorities and police to complain. They took no notice of us and helped the traders.

These instances could be multiplied *ad nauseam*, but there is no space in this report for more.

To the reader of these extracts there may arise doubts as to whether it can be believed that the prices given by the traders for cattle were so low as 20s. To people used to the well-ordered control of British government the question will also arise: "Surely these Hereros are exaggerating; surely no man could take the law into his own hands and deprive simple savages of their property in this way. There must have been courts of law, and some police protection?" To such queries, the reply is that the Hereros are telling the plain truth. There were no courts of law to which they might appeal; there was no police protection for them; and the valuation of 20s. alleged by them, as the traders' price for a cow, is substantially correct.

Let us see what the Germans themselves have to say on the subject. Professor Dr. Karl Dove, of Jena, sometime Director of Land Settlement at Windhuk, in his book "Deutsche Zuid West Afrika" (at page 10) says :—

The normal price of a good Herero ox was 40 marks. As the traders were in a position however to regulate prices and place their own valuation on the goods given by them in exchange for such cattle to the natives, I am of opinion, after careful inquiry, that one cannot go far wrong in assuming that in actual fact the value of an ox would not work out at more than 20 marks.

The rebellion broke out in January 1904. Up till about July 1903 (*i.e.*, from 1890), no provision had been made in regard to the administration of civil law.

"It was not necessary to do so" (says Leutwein) "so long as the territory was inhabited by a small white population. The parties to a dispute endeavoured to come to a settlement through the mediation of the nearest official or officer. With the increase of white population and the extension of trade and travel, matters however assumed a different aspect."

It will be observed therefore that the unfortunate natives could only rely on the mediation of the nearest officer or official. They have already stated with what results.

Did they get common justice? No German will deny that they did not; for, as Professor Dr. Karl Dove (in his above quoted book) characteristically puts it, "leniency towards the natives is cruelty to the whites" (*milde gegen die Eingeborenen ist grausamkeit gegen die Weisse*). As for justice, the learned Professor waves it aside, and says :—

As to the ideas of their sense of justice, these are based on false premises. It is incorrect to view justice, in regard to the natives, as if they were of the same kultur-position as ourselves. They have no conception of what ownership of ground means.

It will now be understood how by 1903 more than half of the cattle in Hereroland had passed into German hands. Even after 1903, when their courts were established, natives were not allowed to give evidence on oath.

One is here reminded of the demand already referred to, that in court the evidence of one white man can only be outweighed by the corroborated statements of seven coloured persons.

CHAPTER XI.

GRADUAL APPROPRIATION OF HERERO LAND AND VIOLATION OF HERERO CUSTOMS.

Notwithstanding what has been written in the foregoing chapter, it will be said by some people that after all this unblushing system of stock theft, which Germans were pleased to call trading, must have been carried on unknown to the heads of the German Government and that it could not possibly have been sanctioned in Berlin.

But what do we find? Not only that it was known and approved, but also that it was regarded as a desirable and cheap means of attaining an end, *i.e.*, the displacement of the native in favour of the white immigrant. The white man was able to acquire stock without financial aid from the State, and having acquired stock, he could graze it on the land on which the despoiled natives had formerly grazed it. The natives, reduced to penury and being no longer independent, would be compelled to enter into the service of the white man and act as the herds of the stock which they formerly called their own. Thus Germany had in mind the solution of the land settlement, stock supply, and native labour questions, and she considered that the end justified the means.

As early as 19th January 1895, von Lindequist, Government Assessor and acting Governor, in the absence of Leutwein, wrote to the Imperial Chancellor in Berlin, reporting on the steps taken by him to preserve the southern boundary line, as fixed between Samuel Maherero and Leutwein. Referring to the large Herero population on the Nosob River and remarking on the size of their herds of cattle, this gentleman (who afterwards became Governor and later Under-Secretary of State for the Colonies) says:—

Only a continued blood-letting by the German traders, as was done annually by Witbooi up to three years ago, will again reduce the quantity of their cattle to the right proportions and enable the Germans to make use of the right bank of the Nosob.

(German Records, Windhuk, Vol. A1., A2, Vol. 1.)

This is a report by the acting Governor to the Imperial Chancellor. Here we find the Germans emulating the Hottentot chief Hendrik Witbooi, who at any rate formally declared war before raiding Herero cattle.

To his credit be it said that Governor Leutwein, when the scandal grew to such great proportions as to forebode war, took steps with a view to suppressing the giving of credit by unscrupulous traders which, as has been indicated, was generally the preliminary to the robberies. In 1899 he submitted a draft Ordinance to Berlin, by which he proposed to create courts of law, in which claims against natives by traders and others could be adjudicated on. The native chiefs were to be co-assessors with Germans on the courts and claims based on credit would after a certain period be illegal and not actionable. Leutwein points out how he wished to abolish the credit system altogether, and he bitterly complains of how his proposals were described as "unheard of" and "monstrous," and how he was described as "lacking in knowledge of the legal position." The white settlers raised a howl of indignation and "holy wrath," and for five years the struggle continued between Leutwein on the one side and on the other the Berlin Government, plus the Directors of the Land and Trading Syndicates (living in Germany, of course), plus the traders and settlers in South-West Africa.

In the meantime the blood-letting, after the style of Witbooi, was going on merrily, and the Herero people were groaning under the weight of the accumulated injustices perpetrated on them. In 1903 Leutwein succeeded in getting something definite from Berlin. The famous Credit Ordinance was promulgated in the middle of that year. Traders were (against Leutwein's direct advice) given one year in which to collect outstandings, which would be prescribed thereafter, and they fell upon the Herero cattle like a pack of ravenous wolves.

The authorities in Germany probably suspected that this would be the last straw, and that the Hereros would now give them the chance for which they were ready waiting. Rohrbach says: "For the results of this measure, decided upon in Berlin, Leutwein rightly repudiated responsibility." Referring to the direct results of the 1903 Ordinance, Rohrbach says, "the traders hastened to notify their outstanding claims against the Hereros, and, where possible, to collect them

personally." No fewer than 106,000 claims against the Hereros were filed in terms of the Ordinance.

Apart from the taking of their cattle, there was the gradual appropriation of their land, a process which went on concurrently with the cattle-lifting and grew in proportion as the number of cattle acquired by the white "traders" increased.

On 19th August 1901 the Herero headmen on the White Nosob River addressed the following letter to the German Governor from Otjihaenena through the missionary Lang :—

Most Honoured Governor,

The undersigned Herero headmen have just come to me and have requested me to convey the following to your Honour : " Kayata of Okatumba declares that in Easter 1900, a settler, Mr. Westphal, came to Okatumba, where he built a house of poles and opened a small store therein. Five weeks ago he has started to build a house of limestone. Kayata and Muambo forbade him to do this, as he had no ownership; but Mr. Westphal took no notice of them. They cannot give Mr. Westphal a settlement at Okatumba, as the place will remain theirs and their childrens. This treatment has caused them to call the other headmen together for a council. . . . Last week Mr. Stopke came here, and he told us that he had purchased the place, between the farm of Mr. Conrad on Orumbo and the farm of Mr. Schmerenbeck in Ommandjereke, from the Government at Windhuk, and he demanded therefore that Mbaratjo and his people who live there should leave the place. In Otjivero lives Mr. Heldt. He has been there three years and has made every endeavour to buy the place. In Okamaraere, opposite Orumbo, lives Mr. Wosillo; in Omitara Mr. Gilers; and in Okahua Mr. von Falkenhausen has settled lately. . . . Otjipaue has been acquired by Mr. Schmerenbeck and Otjisaesu by Mr. Voigts.

But now, Honoured Governor, where are we to live when our entire river and all our land is taken away from us? We annex a sketch showing all werfts (Herero villages) in the area of Otjitsaesu up to Omitara. These all water their cattle on the White Nosob, so we again ask, where are all these people to go to?

We see with dismay how one place after another is going into the hands of the white people and therefore, Honoured Governor, we pray you most respectfully not to sanction any further sales here in the area of the White Nosob.

This letter, of which as usual no notice was taken, is, says Rohrbach, "an example of how the land settlement syndicate managed its settlement work."

"Every one of these farms," says he, "as enumerated by the Hereros, were situated in Herero territory on the White Nosob or near the river, along the northern boundary of the concession territory of the syndicate."

Here we see that the Germans, after severely punishing the Hereros for trespassing over their boundaries, as fixed by agreement, did not hesitate for a moment to break that agreement, cross the Herero boundaries, and take land there as soon as it suited their purpose; and again the Hereros got no protection.

Having so appropriated a piece of land in Herero territory, the German fixed his own boundaries and immediately, in imitation of the example set by the Government, started to confiscate any suitable Herero cattle found trespassing. Samuel Kutako in his affidavit, after referring to the cattle thefts, says :—

The next reason for our rebellion was the appropriation of Herero lands by the traders, who took the ground for their farms and claimed it as their private property. They used to shoot our dogs if they trespassed on these lands, and they confiscated any of our cattle which might stray there. . . . If holy cattle trespassed we were allowed to get them back, if we paid three to four ordinary cattle in exchange for one holy one. Under the Herero law the ground belonged to the tribe in common and not even the chief could sell or dispose of it. He could give people permission to live on the land, but no sales were valid and no chief ever attempted to sell his people's land. Even the missionaries who settled amongst us, only got permission to live there. (Note.—This is borne out by the records of the Rhenish Mission Society). Land was never sold to Germans or anyone else. We did not have any idea of such a thing.

Despite this statement, it is true that Samuel Maherero, the so-called paramount chief, did sell land, but this land was nearly all in the territory of Nikodemus and other chiefs who did not recognise such sales. Samuel had often, as a result of these dealings, to take refuge in Windhuk and ask for German protection. Trading on his poverty and his passion for alcoholic liquors, the German authorities got Samuel to sign deeds of sale of land: but the deponent, Samuel Kutako, is perfectly correct when he says that "no chief ever attempted to sell his people's land." Samuel Maherero was not a lawful chief, and in any event had no influence or jurisdiction at all outside Okahandja, his own district, and even there his position was never safe. In consequence he lived most of his time at Osona.

In this connection an old friend of Samuel Maherero's has stated:—

I knew Samuel well . . . he was very fond of liquor and the Germans kept him well supplied. He used to get cases of rum and brandy. . . . Samuel was afraid of his life. . . . He told me that the Germans made him drunk and got him to sign papers he knew nothing of and for which he was sorry afterwards. . . . Samuel, in his better moments, bitterly complained of how the Germans had taken advantage of his weakness . . .

So we cannot place all the blame on Samuel Maherero.

Apart from the taking of their cattle and their land, there are other instances of injustice and misrule which may be briefly mentioned. In a previous chapter of this report reference has already been made to the great respect and reverence shown by the Hereros towards their dead. It is now desirable to record a happening which proves, perhaps more than anything else hitherto mentioned, how long-suffering and patient the Hereros were, and how callously indifferent the Germans and the Government proved themselves to be.

Hosea Mungunda, in corroborated affidavit (mentioned in a previous chapter), states:—

Our burial places or graveyards were set aside as sacred and holy ground. We selected groves of green trees (evergreen trees if possible) for our burial places and then all trees there were holy and consecrated. No Herero would dare to damage or cut the trees in a burial place. Our two greatest leaders, Kamaherero and his father Katjamuaha, were buried together near Okahandja in a specially selected burial ground under beautiful green trees on the river bank. It was the most sacred place in the whole country to all Hereros. The place was fenced off and constantly attended to by the people. The Germans came; they cut down all the beautiful trees and they turned the sacred burial place into a vegetable garden. They appropriated the place as private property and no Herero could go there as he would be prosecuted for trespass. We were terribly upset at this and protested against what we regarded as sacrilege. Our chiefs complained to the authorities, but no notice was taken.

At page 67 of his work, Dr. Felix Meyer, dealing with the land laws of the Hereros, says:—

Each Herero was free to select the spot where he wished to settle. He could build, graze, hunt and dig wherever he pleased. Only the burial places of the ancestors, in the locality of the sacred trees, were prohibited land as at one time the *res diis manibus relictæ*. It was "zera" (*forbidden*). Notwithstanding this (according to information given me by the missionary Irle), the holy grove of trees at Okahandja, which Maherero had allowed to grow around the graves, was cut down by the Germans, . . . so that as a result the graves lay bare and exposed and were eventually taken in by the gardens of the white people.

CHAPTER XII.

THE VALUE SET ON NATIVE LIFE BY THE GERMANS.

From the point of view of the, at that time, comparatively few German settlers in the country there were far too many Hereros. Once robbed of their land and their cattle, they could not possibly all be employed as farm labourers, and no one seemed to look to the future.

Dr. Karl Dove's "leniency towards the natives is cruelty to the whites" became generally known as proverbial, and it formed the rule of conduct not only of the white settler, soldier, trader, and policeman, but it also actually represented the settled and accepted policy of the Government. Considerations of justice, honesty, and common humanity never arose, or if they did arise were brushed aside by the more brutal demands of convenience and utility. It will be remembered that Leutwein, when referring to the claim that the evidence of seven coloured persons was necessary to outbalance the statement of one white man, said: "in regard to the utility of this I will express no opinion."

Having settled the point of view, it is easy to understand what Dr. Karl Dove is hinting at when he writes:—

While however the single Herero cannot be regarded as a very brave person, he must not be looked upon as harmless. On the contrary the chief danger from them is their numbers and these numbers are a standing menace to our safety.

Therefore the settler who helped to reduce the number of Hereros was performing a public service. There can be no doubt that during the period 1890–1904 very many Hereros were done to death in one way or another or died as the result of brutal floggings and ill-treatment. Despite this, such murders were treated lightly; where possible they were hushed up entirely, and at worst the murderer in his own interests was advised, for fear of reprisals, to leave the country or go to another district. In only four cases during the period 1890–1904 was a German murderer brought to trial, and then the imposition of anything like an adequate or commensurate penalty was unheard of. It was generally endeavoured by the German authorities to compound the offence by allowing the murderer to pay compensation in the shape of a few dozen goats to the relatives of the deceased.

When Leutwein was relieved of the Governorship, one of the charges levelled against him was that he had precipitated the rebellion of 1904 owing to his excessive leniency towards the natives. To show his difference of treatment as between natives and white people, Leutwein (page 431) quotes the following details of murder trials:—

A.—EUROPEANS MURDERED BY NATIVES.

Name.	Sentences.
(a) 1894, Christie (Englishman)	- 1 death and 1 penal servitude.
(b) 1895, German soldier - - -	- 6 death sentences.
(c) 1895, Smith (Boer) - - -	- 2 death sentences.
(d) 1896, Feyton (Englishman) - - -	- 1 death sentence.
(e) 1899, Claasen Durr - - -	- 2 death sentences.
(f) 1900, German policeman - - -	- 3 death sentences.

B.—NATIVES MURDERED BY EUROPEANS.

(a) 1896, Hottentots Jantje and Kurieb -	On trial: 5½ years' confinement. On appeal: reduced to 3 months' imprisonment.
(b) 1901, Herero Leonard - - - -	- 1 year's imprisonment.
(c) 1902, Herero Kamawu - - - -	- 2 years' imprisonment.
(d) 1903, The daughter of Zacharias, Chief of Otjimbingwe.	On trial: acquitted. On appeal (by prosecutor): 3 years' imprisonment.

It will be seen therefore that native murderers were invariably sentenced to death, while in the four cases actually tried the highest penalty imposed on a white man was three years' imprisonment. Moreover these white criminals never served their full term, as will be shown later on. "Surely," says Leutwein, "this goes to prove that a higher value was placed on the life of a white man than on that of a native."

The death of a native as the result of a severe thrashing was not regarded by the German courts as murder. Leutwein says the natives could not understand such "subtle distinctions, to them murder and beating to death were one and the same thing." Germans who thrashed natives to such an extent as to render it necessary "to send them to hospital" were always allowed to escape with a fine. "On the

other hand," says Leutwein, "natives who assaulted white men were always punished by lashes and imprisonment in chains (kettenhaft)."

Ordinary flogging of natives by their masters (euphemistically termed "paternal chastisement") was permitted unrestrictedly, and, provided the native had not "to go to hospital" as a result thereof, nothing was said about it.

Dealing with murders by Germans, Hosea Mungunda states on oath:—

Under Herero law our chief punished people who committed wilful murder with death. Under the Germans no German was ever sentenced to death for murdering a Herero. Some Germans were sent away to Germany (so we are told); but others who murdered our people are in the country up to the present day. I know of the men Kamahuru, Leonard, a woman Kamahuru, and another man Willie Kain . . . also Kasambouwe, a Herero of Otjimbingwe, who was killed by a policeman at Okahandja, because he did not take off his hat and greet the policeman. The last-named, Kasambouwe, was an under-chief of Kamaherero's family. It was the general rule to shield German murderers from justice. The reply to our complaint was "the man has been sent to Germany." None of us believed that these people were ever punished. We see the murderers here to-day . . .

Samuel Kariko (son of Under-Chief Daniel Kariko, formerly secretary to the Chief at Omaruru, now schoolmaster at Kalkfeld), states on oath:—

Our people were shot and murdered; our women were ill-treated; and those who did this were not punished. Our chiefs consulted and we decided that war could not be worse than what we were undergoing. . . . We all knew what risks we ran . . . yet we decided on war, as the chiefs said we would be better off even if we were all dead. . . .

Under-Chief Daniel Kariko states on oath:—

Our people were compelled to work on farms, and the farmers had them chained up by the police and flogged without mercy for the slightest little thing. . . . Then the wife of Barmenias Zerua (the daughter-in-law of Chief Zacharias Zerua of Otjimbingwe) was cruelly murdered in cold blood near Omaruru by a German named Dietrich. She was shot by him 14 days after her baby was born because she refused to be false to Herero law and to her own husband. This broke our hearts, because the family of Zerua is a great old Herero family from which many big chiefs had come in past years, and nearly all the reigning chiefs in 1903 were related to the Zerua family. We were more than astonished too when the German murderer was declared not guilty and liberated. This decided us for war. Later on we heard that the murderer had been re-arrested and on a new trial given three years. Three years for a chief's daughter's life when we ourselves would have sentenced a Herero murderer to death. We could see then that there was no justice for us and no protection. Dietrich was released from gaol after a short time and made an Under-Officer of the German troops who shot down our men, women, and children in the rebellion.

A full statement has been obtained from Barmenias Zerua, relative to the murder of his wife above referred to. He states that it took place not 14 days but a few months after her child was born, and that he was asleep when the shot was fired and is unable personally to impute a reason for the murder. This is what Barmenias says:—

In 1899 I married Louisa Kamana, daughter of Kamana, an under-chief of the Hereros of chief Manasse of Omaruru. My wife was also a Christian and we were married in the church at Otjimbingwe by the Missionary Meyer. In 1903 my wife was expecting her first baby, so in accordance with the universal custom of the Hereros I sent her, by ox-wagon, to her mother's home at Otjimbingwe for her confinement. In due course she gave birth to a baby boy. When the news reached me I rode on horseback from Otjimbingwe to Otjimpau to bring my wife and baby back to my home. . . . We started on our return journey by ox-wagon. We had to pass through Omaruru and there rested a few hours. Before leaving Omaruru we met a German named Dietrich, who asked me whether he would be allowed by me to travel with us on my wagon to Karibib. I said I had no objection, so Dietrich came along with us. . . . I agreed, because I thought I would

help the white man. He travelled with us on the wagon and chatted in a friendly way with me and my wife. That evening we outspanned about 12 miles from Omaruru on the main road. We killed a sheep and had our evening meal which Dietrich shared with us. We gave him the fried sheep's liver to eat. Then two boys went to attend to the cattle and my wife went into the hood of the wagon with her baby to sleep.

After relating how the chief of Omaruru then rode up on his way from Karibib to Omaruru, and how at Dietrich's invitation they had a drink together, Barmenias continue:—

Then the chief greeted us and rode away. I said "Good-night" to Dietrich and went to sleep . . . suddenly I was awakened from my sleep by the report of a revolver. I jumped out of the tent of the wagon and saw Dietrich running away on the road to Omaruru. . . . I went back to the wagon—the baby was crying and I shook my wife to wake her. As I touched her I felt something wet. I struck a match and saw that she was covered with blood and quite dead. . . . I took up my baby and found that the bullet which killed my wife had gone through the fleshy part of its left leg just above the knee. . . . We were never told what punishment Dietrich received. The chiefs were not informed and to this day I don't know what the court did. Later on I saw Dietrich in Karibib, where he still lives. . . . None of the Hereros really believed that Dietrich had ever been punished. This murder was one of the chief reasons which influenced my father Zacharias and Samuel Maherero and Michael Tjaherani (the chiefs of Okahandja and Omaruru) to go into rebellion the next year. They had many other reasons for rising against the Germans, but this event decided their policy.

Mentioning this murder, Leutwein (page 222), says:—

In the early part of 1903 an intoxicated white man shot a Herero woman, who was sleeping peacefully in a wagon, for the reason that he imagined he was being attacked by Hereros and fired blindly in all directions. The court rejected the entirely unfounded story of attack by the Hereros as alleged by the white man. The case turned entirely on the point of the hallucinations of a no longer sober person. Notwithstanding this, the judges in the first instance found the white man not guilty, because they accepted as a fact the defence that he had acted in good faith (er habe in gutem glauben gehandelt)! This acquittal aroused extraordinary excitement in Hereroland, especially as the murdered person was the daughter of a chief. Everywhere the question was asked: "Have the white people then got the right to shoot native women." I thereupon travelled personally to Hereroland to pacify the people so far as I could, and also to make clear to them that I did not agree with the judgment of the court, but had no influence thereover. Luckily the prosecutor had correctly appealed. The accused was then brought before the Supreme Court at Windhuk and sentenced to three years' imprisonment. This event had however contributed its share towards the unrest among the Hereros which resulted half a year later in the outbreak of the rebellion.

In October 1903 the Hottentot chief of the Bondelswartz Hottentots, Willem Christian, was murdered by German soldiers at Warmbad. This resulted in the Bondelswartz rising. The spark once applied, it took little time for the conflagration to spread, and by January 1904 the entire Herero tribe had risen against their German masters and was in the course of the year joined by the majority of the Hottentot races in the south.

CHAPTER XIII.

THE OUTBREAK OF THE HERERO RISING AND THE HUMANITY OF THE HERERO.

Governor Leutwein was in the south dealing with the Hottentots when the news of the Herero rising reached him. He was pained and astonished to learn that

Samuel Maherero (the "Paramount Chief") had forsaken Germany and her unlimited supplies of rum for the purpose of going into rebellion, and that not only was Samuel a rebel, but he was the leader, the life and soul of the movement.

Leutwein immediately wrote an upbraiding letter to "my dear Samuel," asking for his reasons for this rash step. The letter was duly delivered by a missionary, and through the same channel Leutwein received the following reply:—

(printed by Rohrbach at page 333)

To the Great Ambassador of the Kaiser :
Governor Leutwein :

Otjisonjati,
6.h March 1904.

I have received your letter, and what you have written to me and my headmen is well understood. I and my headmen reply to you as follows: I did not commence the war this year; it has been started by the white people; for as you know how many Hereros have been killed by white people, particularly traders, with rifles and in the prisons. And always when I brought these cases to Windhuk the blood of the people was valued at no more than a few head of small stock, namely, from fifty to fifteen. The traders increased the troubles also in this way that they voluntarily gave credit to my people. After having done so they robbed us; they went so far as to pay themselves by, for instance, taking away by force two or three head of cattle to cover a debt of one pound stg. It is these things which have caused war in the land. And in these times the white people said to us you (*i.e.*, Leutwein) who were peacefully disposed and liked us, were no longer here. They said to us the Governor who loves you has gone to a difficult war; he is dead and as he is dead you also (the Hereros) must die. They went so far as to kill two Hereros of Chief Tjetjoo: even Lieutenant N. began to kill my people in the gaol. Ten of them died, and it is said they died of illness; but they died by the hands of the labour overseer and by the lash. Eventually Lieut. N. began to treat me badly and to see a reason for killing me. He said, "The people of Kambazembi and Uanja are making war." He called me to question me. I answered him truthfully "No," but he did not believe. At last he hid soldiers in boxes at the fort and sent for me so that he might shoot me. I did not go, I saw his intentions and I fled. Thereupon Lieut. R. sent soldiers with rifles after me to shoot me. For these reasons I became angry and said "No, I must kill the white men, they themselves have said that I must die." This—that I must die—was told me by a white man named X. (*Note.*—The names are suppressed by the German printers.)

I am the Chief,
SAMUEL MAHERERO.

It seems quite true that German settlers did take advantage of Leutwein's absence in the south to spread the report that he was dead and also to renew with vigour their outrages and robberies. They had never forgiven Leutwein for his open antagonism on the trading and credit question, and appear to have taken every opportunity of belittling him in the eyes of the natives and of undermining his authority. It was the desire of the Germans to precipitate a general rebellion. The extermination of the Hereros and the confiscation of the cattle and sheep they still possessed was their main objective. Of Governor Leutwein, whatever his faults may have been, let it be said that he personally was no party to this miserable plot.

The settlers had achieved their object. The Hereros were in open rebellion and it remained only to secure the spoils.

Before actually opening hostilities the principal Herero chiefs met and drew up a strict instruction to all their selected military leaders: It read as follows:—

I am the Chief leader of the Hereros, Samuel Maherero. I have proclaimed a law and a lawful order and it ordains for all my people that they shall not lay hands on the following: namely, Englishmen, Boers, Bastards, Berg-Damaras, Namas (*i.e.*, Hottentots). We must not lay hands on any of these people. I have taken an oath that their property will not be regarded as enemy property, neither that of the missionaries. Enough!

In his affidavit, Under-Chief Daniel Kariko (a bitter life-long enemy of the Germans) says :—

We decided that we should wage war in a humane manner and would kill only the German men who were soldiers, or who would become soldiers. We met at secret councils and there our chiefs decided that we should spare the lives of all German women and children. The missionaries, too, were to be spared, and they, their wives and families and possessions were to be protected by our people from all harm. We also decided to protect all British and Dutch farmers and settlers and their wives and children and property as they had always been good to us. Only German males were regarded as our enemies, and then not young boys who could not fight—these also we spared: We gave the Germans and all others notice that we had declared war. . . .

A Dutch housewife resident in Omaruru has informed the writer that when the rising broke out she was living in the village while her husband was on his farm some 30 miles away. The Germans hastily fled into the fort taking their wives and children with them. My informant says she hesitated about going to the fort for fear that the Hereros might consider her action hostile and take revenge on her husband. While pondering over what she should do to protect herself and her small children, the Herero chief, Michael Tyseita called on her. He said :—

I have come to assure you that you and your children will be quite safe in your own home. You are under my protection. Do not go into the German fort. The Germans are foolish to take their women and children there, as they may be killed by our bullets, and we are not making war on women and children. Keep calm and stay indoors when there is fighting, I assure you my people will do you no harm.

Yes, Chief (replied my informant), but my poor husband is alone on the farm, surely he has been murdered by this.

The Chief smiled and replied: We are not barbarians. Your husband is our friend; he is not a German. I have already sent a special messenger to him, to tell him he is under my protection as long as he remains quietly on his farm. His cattle and sheep are safe also. In order not to inconvenience your husband, I have specially ordered my people who are working for him to remain there and do their work loyally until I send further instructions.

This humane and chivalrous attitude is confirmed by Leutwein (page 467). He says :—

It seems to have been the definite intention of the Herero leaders to protect all women and children. When, in spite of this, some were murdered, this is to be ascribed to the fact that everywhere inhuman people are to be found who do not confine themselves to such limits.

It has probably never occurred before in native wars that a definite line was drawn between combatants and non-combatants, enemies and friends. It speaks volumes for the humane temperament and mildness of the Hereros.

It cannot possibly have been on account of their barbarity that Germany exterminated the majority of this fine race.

Having decided on how they should wage the war, the Herero chiefs decided to notify their neighbours, the Hottentots and the Bastards, and the following letters are of interest :—

To Chief Hendrik Witbooi,

11.1.1904.

I make known to you that the white people have broken their peace with me. Hold on well as we have heard (you are doing?) And if God so wills it don't let the work in Namaqualand go backward. It now remains for you to go to Swakopmund and see what they are doing there. I am without ammunition. When you have acquired ammunition help me and give me two English and two German rifles as I have none. That is all. Greetings.

× × × ×

To the Bastard-Chief,

11th January 1904.

I make known to you that our treaty between us and the Germans is broken. We are now become enemies. I make this known to you as the

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Bastards (like the Hereros), the Namaquas and the Englishmen must know. A Berg-Damara is the servant of these races. These are all on our side and that is a fact ; accept it and hold on to it. Complete this business ; that is all. Let us go to Swakopmund and remain there. Send the enclosed letter (to Witbooi) on, and keep your man there as he has no work. Do not interfere with any Boers or Englishmen.

A little while later the following undated letter was sent by Samuel Maherero to Witbooi :—

To Witbooi.

Rather let us die together and not die as the result of ill-treatment, prisons, or all the other ways. Furthermore let all the other chiefs down there know so that they may rise and work. I close my letter with hearty greetings and the confidence that the chief will comply with my wishes. Send me four of your men that we may discuss matters. Also obstruct the operations of the Governor so that he will be unable to pass. And make haste that we may storm Windhuk—then we shall have ammunition. Furthermore I am not fighting alone, we are all fighting together.

The letters to Witbooi never reached him. The Bastard chief through whose hands they passed, handed them over to Leutwein !

Basing the total strength of their force of effective fighting men at 10 to 15 per cent. of the population, Leutwein estimates that the total available military strength of the Hereros was 7,000 to 8,000 men, of whom only 2,500 were armed with rifles (page 436). These rifles were a varied collection of all sorts and included muzzle-loaders and ancient flintlocks. As will be seen however from the letters, the Hereros had little or no ammunition.

Barmenias Zerua, son of Chief Zacharias Zerua of Otjimbingwe, states (in his affidavit to the writer) :—

He (*i.e.*, the chief) knew that if we rose we would be crushed in battle, as our people were nearly all unarmed and without ammunition. We were driven to desperation by the cruelty and injustice of the Germans, and our chiefs and people felt that death would be less terrible than the conditions under which we lived.

Heinrich Tjaherani of Omaruru, younger son of the Chief Willem Tjaherani of Omaruru (predecessor of the Chief Manasse), states on oath :—

When the Hereros rose I took the field with my people. We were badly armed. Only about one man in ten had a rifle and most of the rifles were very old. Very few men had 15 to 20 cartridges. Some had ten, and I know of many who only had three or five . . .

There is something deeply pathetic in this picture of the desperate Herero warrior with his ancient rifle and half-a-dozen cartridges deciding to rise and defend his liberties against the might of the German Empire, and despite his worries and anxieties and the terrible future which faced him passing resolutions and giving orders to ensure the safety of the women and children of his oppressors.

Can anyone allege that these poor mild-mannered creatures who had borne the German yoke for over 14 years had no justification for the step they took? Is there anyone in the civilised world who can assert that Germany was justified when she allowed von Trotha and his soldiers mercilessly to butcher and drive to their death 60,000 or more of these unfortunate people and to destroy every asset in the way of cattle, sheep, goats, and other possessions?

CHAPTER XIV.

PRELIMINARY STEPS AND TREACHERY OF THE GERMANS.

It is now necessary, distasteful as the task may be, to disclose some of the ways and means by which von Trotha carried out his "extermination policy."

As might have been expected, the Hereros, encumbered in their movements in the field by the presence of their women and children and their cattle and sheep,

and poorly armed and organised, were, from the very outset, no match for the trained and disciplined soldiers of Germany who were poured into the country.

What could the Hereros do when faced with the modern rifle, the Maxim and the quick-firing Krupp gun? By August 1904 the German troops had defeated the Hereros with great losses and had captured several thousands of prisoners. The rising was virtually over. Samuel Maherero and several leading chiefs gathered their cattle and sheep and made a wild dash through the Kalahari Desert with a view to seeking British protection and that peace and fair government which had been denied them in their own land.

The bulk of the Herero nation however clinging to their remaining cattle and small stock, had withdrawn into the mountains of the Waterberg and the bushveld north of Gobabis. It was about this time that Leutwein, having been declared too lenient, was superseded by von Trotha. This new commander was noted in Berlin for his merciless severity in dealing with natives. In the Chinese Boxer rebellion he had carried out his Imperial master's instructions to the letter; and no more worthy son of Attila could have been selected for the work in hand. He had just suppressed the Arab rebellion in German East Africa by bathing that country in the blood of thousands and thousands of its inhabitants, men, women and children; and his butchery there ended, he was ordered by Wilhelm II. to proceed to German South-West Africa and deal with the rebel natives. Von Trotha was indifferent as to the means by which his objects should be attained. Treachery and breaches of faith were to him admissible. No doubt the reason and excuse advanced was as usual the inferior kultur-position of the natives. Shortly after he took command the Hereros were given to understand that reasonable terms of peace might be granted if their leaders came in and treated. The subtle German felt that it would be easier to dispose of the masses, once their best leaders were gone. In the meantime von Trotha was drawing his cordon of troops into position and preparing for the final massacre. Let us read in the words of two Herero eye-witnesses the manner in which von Trotha initiated his campaign.

Gottlob Kamatoto (who was a servant to one of the officers in the field) states on oath:—

I accompanied the troops to Ombakaha above Gobabis and near Epikiro in the Sandveld. At a farm called Otjihaenena the Germans sent out messages to the Hereros that the war was now over and they were to come in and make peace. As a result of this message seven Herero leaders came into the German camp to discuss peace terms. As soon as they came in they were asked where Samuel Maherero the chief was. They said he had gone towards the desert on his way to British Bechuanaland. That evening at sunset the seven peace envoys were caught and tied with ropes. They were led aside and shot. Before being shot they protested bitterly; but seeing that they were doomed they accepted their fate.

Relating another instance, the well-known story of German treachery at Ombakaha, Gerard Kamaheke (at present Herero headman at Windhuk and a leader of the Hereros in the rising) states on oath:—

The chiefs Saul, Joel and I with a number of our followers were camped in the veld at Ombuyongondo, about 30 kilos. from Ombakaha. This was in September. A messenger, a German soldier, came to our camp on horse-back. He said he had come from the German commander at Ombakaha, who had sent him to tell us to come to Ombakaha and make peace. Joel then sent the schoolmaster Traugott Tjongarero personally to Ombakaha to confirm the truth of the soldier's message and to inquire if peace were intended whether the Herero leaders would be given safe conduct and protection if they went into Ombakaha. Traugott came back a few days later and said he had seen the German commander, who had confirmed the message brought by the soldier. Traugott said that the German commander had invited us all to come in and make peace; that our lives would all be spared; that we would be allowed to retain our cattle and other possessions; and that we would be allowed to go to Okahandja to live. I fell in with the wishes of the majority and we left for Ombakaha in the evening, and arrived at the German camp at noon the next day. With me were the chiefs Saul and Joel, and the under-chiefs Traugott, Elephas, Albanus, Johannes Munda, Elephas Mumpurua and two others whose names I now forget. We had with us 70 Herero soldiers. The wives and children we had left at

our camp. On arrival at Ombakaha the 70 men who were under my command were halted near the German camp under some trees, as the sun was hot and we were very tired. Joel and the other leaders went on to the German commander's quarters about 100 yards away; they left their arms with us. The Germans then came to me and said we were to hand over our arms. I said, "I cannot do so until I know that Joel and the other leaders who are now in the camp have made peace." I sat there waiting, when suddenly the Germans opened fire on us. We were nearly surrounded, and my people tried to make their escape. I tried to fight my way through, but was shot in the right shoulder and fell to the ground (I show the wound), and I lay quite still and pretended to be dead. I was covered with blood. The German soldiers came along bayoneting the wounded; and as I did not move they thought I was dead already and left me. The chiefs Saul and Joel and all the other headmen were killed. I got up in the night and fled back to our camp, where I found our women and children still safe and also some survivors of my 70 men. We then fled away further towards the Sandveld and scattered in all directions.

After the departure of von Trotha, the German Governor von Lindequist made every effort to get the few thousand starving Hereros who survived and were dying of sheer hunger and thirst in the mountains and bush to come in and surrender. He had the greatest difficulty in getting them to do so. Dr. Paul Rohrbach (page 361), in dealing with this strong distrust of the Hereros, ascribes it mainly to this horrible piece of treachery (worthy of a Dingaana) which has just been described. Says Rohrbach:—

It happened during the war that a number of Herero leaders, among them the chief Saul of Otjonga, were shot down after (in the confidence that negotiations concerning their surrender were to be opened) they had placed themselves within reach of German rifles. This incident, which took place at Ombakaha in the district of Gobabis, had the most unfortunate and difficult consequences, because all later attempts to open up peace negotiations even in Namaqualand, were rejected by the distrustful natives, who said, "Yes, but Ombakaha?"

Having completed his plans, von Trotha issued his notorious "Vernichtungs Befehl" (or extermination order) in terms of which no Herero—man, woman, child or suckling babe—was to receive mercy or quarter. "Kill every one of them," said von Trotha, "and take no prisoners." "I wished," says von Trotha, "to ensure that never again would there be a Herero rebellion."

This order, be it remembered, was made against an already defeated people, ready to come in and surrender on any terms and entirely without ammunition or other means of waging war. In his report to Berlin, von Trotha said (*see* page 359, Rohrbach):—

That the making of terms with the Hereros was impossible, seeing that their chiefs had nearly all fled, or through their misdeeds during the rebellion had rendered themselves so liable that the German Government could not treat with them. In addition to this he regarded the acceptance of a more or less voluntary surrender as a possible means of building up the old tribal organisations again and, as such, it would be a great political mistake, which earlier or later would again cause bloodshed.

It is perfectly clear from this that von Trotha definitely decided not to allow the Hereros to surrender, even though nearly all their chiefs had fled and he in cold blood decided to butcher this now disorganised, leaderless, and harmless tribe in order to ensure that there would be no trouble from the Hereros in the future.

When the spirit in which this order was conceived and given and carried out is understood, and when the real purport and object of the preliminary acts of treachery, whereby the chiefs and leaders were murdered, are borne in mind, it will be easier to understand that the following sad and terrible details as to how the extermination order was carried out are not figments of the imagination, but the sworn descriptions of eye-witnesses, and that the ghastly slaughter which took place was approved of by von Trotha and the master whom he served.

CHAPTER XV.

HOW THE HEREROS WERE EXTERMINATED.

In "Peter Moor's Journey to South-West Africa"* (Gustav Frenssen), a disjointed narrative of happenings during the Herero rising, as related by returned soldiers, little of the actual horrors and butcheries which took place is conveyed.

A German author writing for a German public would naturally take care to conceal the entirely barbaric side of the affair, lest it should shock those simple-minded people who really believed in the superior "kultur" of their race. There are, however, here and there little sidelights, little slips of the pen apparently, which, when read in conjunction with the evidence which follows, help to create a picture of merciless inhumanity and calculated ferocity which is well-nigh unbelievable.

On their way to the battle-front the newly arrived soldiers of von Trotha are discussing the causes of the rising with the old settlers (page 77) . . . and one of the older men, who had been long in the country, said:—

Children, how should it be otherwise. They were ranchmen and proprietors and we were there to make them landless working men, and they rose up in revolt . . . this is their struggle for independence . . . They (the Hereros) discussed, too, what the Germans really wanted here. They thought we ought to make that point clear. The matter stood this way: there were missionaries here who said you are our dear brothers in the Lord and we want to bring you these benefits—namely, faith, love and hope: and there were soldiers, farmers and traders, and they said we want to take your cattle and your land gradually away from you and make you slaves without legal rights. These two things didn't go side by side. It is a ridiculous and crazy project. Either it is right to colonise, that is to deprive others of their rights, to rob and make slaves, or it is just and right to christianise, that is to proclaim and live up to brotherly love.

The narrator relates how, on a night-scouting journey, he located a large Herero encampment (page 158):—

Setting down on my knees and creeping for a little way, I saw tracks of innumerable children's feet, and among them those of full-grown feet. Great troops of children, led by their mothers, had passed over the road here to the north-west. I stood up, and going to a low tree by the road climbed up a few yards in my heavy boots. Thence I could see a broad moonlit slope, rising not a hundred yards distant, and on it hundreds of rough huts constructed of branches, from the low entrance of which the fire light shone out and I heard children's crying and the yelping of a dog. Thousands of women and children were lying there under the roofs of leaves around the dying fires. . . . The barking of dogs and the lowing of cattle reached my ears. I gazed at the great night scene with sharp spying eyes, and I observed minutely the site and the camp at the base of the mountains. Still the thought went through my head: There lies a people with all its children and all its possessions, hard pressed on all sides by the horrible deadly lead and condemned to death, and it sent cold shudders down my back.

(Page 186):—

Through the quiet night we heard in the distance the lowing of enormous herds of thirsty cattle and a dull, confused sound like the movement of a whole people. To the east there was a gigantic glow of fire. The enemy had fled to the east with their whole enormous mass—women, children and herds. The next morning we ventured to pursue the enemy. . . . The ground was trodden down into a floor for a width of about a hundred yards, for in such a broad, thickly crowded horde had the enemy and their herds of cattle stormed along. In the path of their flight lay blankets, skins, ostrich feathers, household utensils, women's ornaments, cattle and men, dead and dying and staring blankly. . . . How deeply the wild, proud, sorrowful people had humbled themselves in the terror of death! wherever I turned my eyes lay their goods in quantities, oxen and horses, goats and dogs, blankets and skins. A number of babies lay helplessly languishing by mothers whose breasts hung

* Mrs. May Ward's Translation.

down long and flabby. Others were lying alone, still living, with eyes and nose full of flies. Somebody sent out our black drivers and I think they helped them to die. All this life lay scattered there, both man and beast, broken in the knees, helpless, still in agony or already motionless, it looked as if it had all been thrown down out of the air.

At noon we halted by water-holes which were filled to the very brim with corpses. We pulled them out by means of the ox teams from the field pieces, but there was only a little stinking bloody water in the depths. . . . At some distance crouched a crowd of old women, who stared in apathy in front of them. . . . In the last frenzy of despair man and beast will plunge madly into the bush somewhere, anywhere, to find water, and in the bush they will die of thirst.

(Page 192):—

We chanced to see a Cape wagon behind some bushes, and we heard human voices. Dismounting, we sneaked up and discovered six of the enemy sitting in animated conversation around a little camp fire. I indicated by signs at which one of them each of us was to shoot. Four lay still immediately; one escaped; the sixth stood half erect, severely wounded. I sprang forward swinging my club; he looked at me indifferently. I wiped my club clean in the sand and threw the weapon on its strap over my shoulder, but I did not like to touch it all that day . . .

(Note.—These "clubs" were, with bayonets and rifle butts, the weapons with which the German soldiers—and not the black drivers—"helped" the women and children "to die.")

(Page 204):—

One fire was burning not far from us in the thick bush. . . . Before dawn we got up, discovered the exact place in the bush, and stealthily surrounded it. Five men and eight or ten women and children, all in rags, were squatting benumbed about their dismal little fire. Telling them with threats not to move, we looked through the bundles which were lying near them and found two guns and some underclothing, probably stolen from our dead. One of the men was wearing a German tunic which bore the name of one of our officers who had been killed. We then led the men away to one side and shot them. The women and children, who looked pitifully starved, we hunted into the bush . . .

(Page 230):—

The guardsman got up with difficulty and went with bent back down the slope to one side where there were bushes. I said "What does he want? I believe he is out of his senses and wants to search for water."

At that moment there came from the bushes into which he had vanished a noise of cursing and leaping. Immediately he reappeared holding by the hip a tall thin negro dressed in European clothing. He tore the negro's gun from his hand and swearing at him in a strange language dragged him up to us and said, "The wretch has a German gun, but no more cartridges." The guardsman had now become quite lively and began to talk to his captive, threatening him and kicking him in the knees. The negro crouched and answered every question with a great flow of words and with quick, very agile and remarkable gestures of the arms and hands. . . . Apparently the guardsman at last learned enough, for he said: "The missionary said to me—beloved, don't forget that the blacks are our brothers. Now I will give my brother his reward." He pushed the black man off and said, "Run away." The man sprang up and tried to get down across the clearing in long, zigzag jumps, but he had not taken five leaps before the ball hit him and he pitched forward at full length and lay still . . . the lieutenant thought I meant it was not right for the guardsman to shoot the negro, and said in his thoughtful, scholarly way, "Safe is safe. He can't raise a gun against us any more nor beget any children to fight against us. The struggle for South Africa will be a hard one, whether it is to belong to the Germans or to the blacks."

The last clause gives von Trotha's reasons for this no-quarter policy far better than the writer could describe them.

The following are statements by Hereros as to their treatment during the rising.

Daniel Kariko (Under-Chief of Omaruru):—

The result of this war is known to everyone. Our people, men, women and children were shot like dogs and wild animals. Our people have disappeared now. I see only a few left; their cattle and sheep are gone too, and all our land is owned by the Germans. . . . After the fight at Waterberg we asked for peace; but von Trotha said there would only be peace when we were all dead, as he intended to exterminate us. I fled to the desert with a few remnants of my stock and managed more dead than alive to get away far north. I turned to the west and placed myself under the protection of the Ovambo chief Uejulu, who knew that I was a big man among the Hereros . . . in 1915 they told me that the British were in Hereroland, and I hurried down to meet them. . . . I was allowed to return to Hereroland after 10 years of exile.

Hosea Munqunda (Headman of the Hereros at Windhuk):—

We were crushed and well-nigh exterminated by the Germans in the rising. With the exception of Samuel Maharero, Mutati, Traugott, Tjetjoo, Hosea and Kaijata (who fled to British territory) all our big chiefs and leaders died or were killed in the rising, and also the great majority of our people. All our cattle were lost and all other possessions such as wagons and sheep. At first the Germans took prisoners, but when General von Trotha took command no prisoners were taken. General von Trotha said, "No one is to live; men, women and children must all die." We can't say how many were killed. . . .

Samuel Kariko (son of Daniel Kariko, formerly Secretary to the Omaruru Chief):—

A new General named von Trotha came, and he ordered that all Hereros were to be exterminated, regardless of age or sex. It was then that the wholesale slaughter of our people began. That was towards the end of 1904. Our people had already been defeated in battle, and we had no more ammunition . . . we saw we were beaten and asked for peace, but the German General refused peace and said all should die. We then fled towards the Sandfeld of the Kalahari Desert. Those of our people who escaped the bullets and bayonets died miserably of hunger and thirst in the desert. A few thousand managed to turn back and sneak through the German lines to where there were water and roots and berries to live on.

A few examples of how the Germans "helped the Hereros to die" now follow.

Manuel Timbu (Cape Bastard), at present Court Interpreter in native languages at Omaruru, states under oath:—

I was sent to Okahandja and appointed groom to the German commander, General von Trotha. I had to look after his horses and to do odd jobs at his headquarters. We followed the retreating Hereros from Okahandja to Waterberg, and from there to the borders of the Kalahari Desert. When leaving Okahandja, General von Trotha issued orders to his troops that no quarter was to be given to the enemy. No prisoners were to be taken, but all, regardless of age or sex, were to be killed. General von Trotha said, "We must exterminate them, so that we won't be bothered with rebellions in the future." As a result of this order the soldiers shot all natives we came across. It did not matter who they were. Some were peaceful people who had not gone into rebellion; others, such as old men and old women, had never left their homes; yet these were all shot.* I often saw this done. Once while on the march near Hamakari beyond the Waterberg, we came to some water-holes. It was winter time and very cold. We came on two very old Herero women. They had made a small fire and were warming themselves. They had dropped back from the main body of Hereros owing to exhaustion. Von Trotha and his staff were present. A German soldier dismounted, walked up to the old women and shot them both as they lay there. Riding along we got to a vlei, where we camped. While we were

* In this way thousands of harmless and peaceful Berg-Damaras met the same fate as the Hereros.

there a Herero woman came walking up to us from the bush. I was the Herero interpreter. I was told to take the woman to the General to see if she could give information as to the whereabouts of the enemy. I took her to General von Trotha; she was quite a young woman and looked tired and hungry. Von Trotha asked her several questions, but she did not seem inclined to give information. She said her people had all gone towards the east, but as she was a weak woman she could not keep up with them. Von Trotha then ordered that she should be taken aside and bayoneted. I took the woman away and a soldier came up with his bayonet in his hand. He offered it to me and said I had better stab the woman. I said I would never dream of doing such a thing and asked why the poor woman could not be allowed to live. The soldier laughed, and said, "If you won't do it, I will show you what a German soldier can do." He took the woman aside a few paces and drove the bayonet through her body. He then withdrew the bayonet and brought it all dripping with blood and poked it under my nose in a jeering way, saying, "You see, I have done it." Officers and soldiers were standing around looking on, but no one interfered to save the woman. Her body was not buried, but, like all others they killed, simply allowed to lie and rot and be eaten by wild animals.

A little further ahead we came to a place where the Hereros had abandoned some goats which were too weak to go further. There was no water to be had for miles around. There we found a young Herero, a boy of about 10 years of age. He had apparently lost his people. As we passed he called out to us that he was hungry and very thirsty. I would have given him something, but was forbidden to do so. The Germans discussed the advisability of killing him, and someone said that he would die of thirst in a day or so and it was not worth while bothering, so they passed on and left him there. On our return journey we again halted at Hamakari. There, near a hut, we saw an old Herero woman of about 50 or 60 years digging in the ground for wild onions. Von Trotha and his staff were present. A soldier named Konig jumped off his horse and shot the woman through the forehead at point blank range. Before he shot her, he said, "I am going to kill you." She simply looked up and said, "I thank you." That night we slept at Hamakari. The next day we moved off again and came across another woman of about 30. She was also busy digging for wild onions and took no notice of us. A soldier named Schilling walked up behind her and shot her through the back. I was an eye-witness of everything I have related. In addition I saw the bleeding bodies of hundreds of men, women and children, old and young, lying along the roads as we passed. They had all been killed by our advance guards. I was for nearly two years with the German troops and always with General von Trotha. I know of no instance in which prisoners were spared.

Jan Cloete (Bastard), of Omaruru, states under oath :—

I was in Omaruru in 1904. I was commandeered by the Germans to act as a guide for them to the Waterberg district, as I knew the country well. I was with the 4th Field Company under Hauptmann Richardt. The commander of the troops was General von Trotha. I was present at Hamakari, near Waterberg when the Hereros were defeated in a battle. After the battle, all men, women and children, wounded and unwounded, who fell into the hands of the Germans were killed without mercy. The Germans then pursued the others, and all stragglers on the roadside and in the veld were shot down and bayoneted. The great majority of the Herero men were unarmed and could make no fight. They were merely trying to get away with their cattle. Some distance beyond Hamakari we camped at a water-hole. While there, a German soldier found a little Herero baby boy about nine months old lying in the bush. The child was crying. He brought it into the camp where I was. The soldiers formed a ring and started throwing the child to one another and catching it as if it were a ball. The child was terrified and hurt and was crying very much. After a time they got tired of this and one of the soldiers fixed his bayonet on his rifle and said he would catch the baby. The child was tossed into the air towards him and as it fell he caught it and transixed the body with the bayonet. The child died in a few minutes and the incident was greeted with roars of laughter by the Germans, who seemed

to think it was a great joke. I felt quite ill and turned away in disgust because, although I knew they had orders to kill all, I thought they would have pity on the child. I decided to go no further, as the horrible things I saw upset me, so I pretended that I was ill, and as the Captain got ill too and had to return, I was ordered to go back with him as guide. After I got home I flatly refused to go out with the soldiers again.

Johannes Kruger (appointed by Leutwein as "chief" of the Bushmen and Berg-Damaras of Grootfontein area), a Bastard of Ghaub, near Grootfontein, states under oath:—

I went with the German troops right through the Herero rebellion. The Afrikaner Hottentots of my werft were with me. We refused to kill Herero women and children, but the Germans spared none. They killed thousands and thousands. I saw this bloody work for days and days and every day. Often, and especially at Waterberg, the young Herero women and girls were violated by the German soldiers before being killed. Two of my Hottentots, Jan Wint and David Swartbooi (who is now dead) were invited by the German soldiers to join them in violating Herero girls. The two Hottentots refused to do so.

Jan Kubas (a Griqua living at Grootfontein), states under oath:—

I went with the German troops to Hamakari and beyond. . . . The Germans took no prisoners. They killed thousands and thousands of women and children along the roadsides. They bayoneted them and hit them to death with the butt ends of their guns. Words cannot be found to relate what happened; it was too terrible. They were lying exhausted and harmless along the roads, and as the soldiers passed they simply slaughtered them in cold blood. Mothers holding babies at their breasts, little boys and little girls; old people too old to fight and old grandmothers, none received mercy; they were killed, all of them, and left to lie and rot on the veld for the vultures and wild animals to eat. They slaughtered until there were no more Hereros left to kill. I saw this every day; I was with them. A few Hereros managed to escape in the bush and wandered about, living on roots and wild fruits. Von Trotha was the German General in charge.

Hendrik Campbell (War Commandant of the Bastard tribe of Rehoboth, who commanded the Bastard Contingent called out by the Germans to help them against the Hereros in 1904), states on oath:—

At Katjura we had a fight with the Hereros, and drove them from their position. After the fight was over, we discovered eight or nine sick Herero women who had been left behind. Some of them were blind. Water and food had been left with them. The German soldiers burnt them alive in the hut in which they were lying. The Bastard soldiers intervened and tried to prevent this, but when they failed, Hendrik van Wyk reported the matter to me. I immediately went to the German commander and complained. He said to me "that does not matter, they might have infected us with some disease." . . . Afterwards at Otjimbende we (the Bastards) captured 70 Hereros. I handed them over to Ober-Leutenants Volkmann and Zelow. I then went on patrol, and returned two days later, to find the Hereros all lying dead in a kraal. My men reported to me that they had all been shot and bayoneted by the German soldiers. Shortly afterwards, General von Trotha and his staff accompanied by two missionaries, visited the camp. He said to me. "You look dissatisfied. Do you already wish to go home?"

"No," I replied, "the German Government has an agreement with us and I want to have no misunderstandings on the part of the Bastard Government, otherwise the same may happen to us weak people as has happened to those lying in the kraal yonder."

Lieut. Zelow gave answer: "The Hereros also do so." I said, "but, Lieutenant, as a civilised people you should give us a better example." To this von Trotha remarked, "The entire Herero people must be exterminated."

Petrus Diergaard, an under-officer of the Bastard Contingent, who was present, corroborates on oath the foregoing statement of the Commandant Hendrik Campbell.

Evidence of other eye-witnesses :—

Daniel Esma Dixon (of Omaruru, European, who was a transport driver for the Germans during the rebellion) states under oath :—

I was present at the fight at Gross Barmen, near Okahandja, in 1904. After the fight the soldiers (marines from the warship "Habicht") were searching the bush. I went with them out of curiosity. We came across a wounded Herero lying in the shade of a tree. He was a very tall, powerful man and looked like one of their headmen. He had his Bible next to his head and his hat over his face. I walked up to him and saw that he was wounded high up in the left hip. I took the hat off his face and asked him if he felt bad. He replied to me in Herero, "Yes, I feel I am going to die." The German marines, whose bayonets were fixed, were looking on. One of them said to me, "What does he reply?" I told him. "Well," remarked the soldier, "if he is keen on dying he had better have this also." With that he stooped down and drove his bayonet into the body of the prostrate Herero, ripping up his stomach and chest and exposing the intestines. I was so horrified that I returned to my wagons at once.

In August 1904, I was taking a convoy of provisions to the troops at the front line. At a place called Ouparakane, in the Waterberg district, we were outspanned for breakfast when two Hereros, a man and his wife, came walking to us out of the bush. Under-officer Wolff and a few German soldiers were escort to the wagons and were with me. The Herero man was a cripple, and walked with difficulty, leaning on a stick and on his wife's arm. He had a bullet wound through the leg. They came to my wagon, and I spoke to them in Herero. The man said he had decided to return to Omaruru and surrender to the authorities, as he could not possibly keep up with his people who were retreating to the desert, and that his wife had decided to accompany him. He was quite unarmed and famished. I gave them some food and coffee and they sat there for over an hour telling me of their hardships and privations. The German soldiers looked on, but did not interfere. I then gave the two natives a little food for their journey. They thanked me and then started to walk along the road slowly to Omaruru. When they had gone about 60 yards away from us I saw Wolff, the under-officer, and a soldier taking aim at them. I called out, but it was too late. They shot both of them. I said to Wolff, "How on earth did you have the heart to do such a thing? It is nothing but cruel murder." He merely laughed, and said, "Oh! these swine must all be killed; we are not going to spare a single one."

I spent a great part of my time during the rebellion at Okahandja, loading stores at the depôt. There the hanging of natives was a common occurrence. A German officer had the right to order a native to be hanged. No trial or court was necessary. Many were hanged merely on suspicion. One day alone I saw seven Hereros hanged in a row, and on other days twos and threes. The Germans did not worry about rope. They used ordinary fencing wire, and the unfortunate native was hoisted up by the neck and allowed to die of slow strangulation. This was all done in public, and the bodies were always allowed to hang for a day or so as an example to the other natives. Natives who were placed in gaol at that time never came out alive. Many died of sheer starvation and brutal treatment. . . . The Hereros were far more humane in the field than the Germans. They were once a fine race. Now we have only a miserable remnant left.

Hendrik Fraser (Bastard), of Keetmanshoop, states under oath :—

In March 1905 I was sent from Karibib and accompanied the troops of Hauptmann Kuhne to the Waterberg. I then saw that the Germans no longer took any prisoners. They killed all men, women and children whom they came across. Hereros who were exhausted and were unable to go any further were captured and killed. At one place near Waterberg, in the direction of Gobabis, after the fight at Okokadi, a large number (I should say about 50) men, women and children and little babies fell into the hands of the Germans. They killed all the prisoners, bayoneted them.

On one occasion I saw about 25 prisoners placed in a small enclosure of thorn bushes. They were confined in a very small space, and the soldiers

PLATE 2.



NATIVES EXECUTED BY GERMANS. (NOTE THE RAGS ROUND THE ANKLES OF THE NATIVE IN THE CENTRE INDICATING INJURIES CAUSED BY CHAINS.)

cut dry branches and piled dry logs all round them—men, women and children and little girls were there—when dry branches had been thickly piled up all round them the soldiers threw branches also on the top of them. The prisoners were all alive and unwounded, but half starved. Having piled up the branches, lamp oil was sprinkled on the heap and it was set on fire. The prisoners were burnt to a cinder. I saw this personally. The Germans said, "We should burn all these dogs and baboons in this fashion." The officers saw this and made no attempt to prevent it. From that time to the end of the rising the killing and hanging of Hereros was practically a daily occurrence. There was no more fighting. The Hereros were merely fugitives in the bush. All the water-holes on the desert border were poisoned by the Germans before they returned. The result was that fugitives who came to drink the water either died of poisoning or, if they did not taste the water, they died of thirst.

This gruesome story by eye-witnesses could be continued until the report would probably require several thick volumes. Enough has been placed on record to prove how the Germans waged their war, and how von Trotha's extermination order was given effect to. Many more statements have been collected, but these as samples are sufficient. Further instances will be quoted when dealing further on with the Hottentot wars. Evidence of violation of women and girls is overwhelming, but so full of filthy and atrocious details as to render publication undesirable.

When viewed from the point of view of civilisation and common humanity, what a comparison there is between this German barbarism and the attitude of the Herero chiefs, who before a shot was fired ordered their people to spare the lives of all German women and children and non-combatants!

Rohrbach (page 323) says that at the time of the rebellion the Hereros still possessed approximately 50,000 head of cattle and at least 100,000 small stock. He says that a valuation of Herero assets at 500,000*l.* (10,000,000 marks) before their rising is probably much too low (*wohl zu gering*), and the practical and quite un sentimental Rohrbach bitterly rebukes von Trotha because, owing to the latter's senseless extermination policy (*Vernichtungs Prinzip*), the cattle and sheep of the Hereros shared the fate of their masters. All, with the exception of 3,000 head captured before von Trotha's time, had perished in the desert. Viewing matters from the economical point of view, Rohrbach cannot find words strong enough to condemn von Trotha.

Writing in 1906, Leutwein (at page 542) says:—

At a cost of several hundred millions of marks and several thousand German soldiers, we have, of the three business assets of the Protectorate—mining, farming, and native labour—destroyed the second entirely and two-thirds of the last. What is however more blameworthy is the fact that with all our sacrifices we have up to to-day (March 1906) not been able fully to restore peace again.

Referring to the peace overtures made in August 1904 by the Hereros, Rohrbach (at page 358) says:—

In this manner it would have been possible to have saved considerable quantities of stock and above all things to have ended the Herero war in the year 1904.

Out of between 80,000 and 90,000 souls only about 15,000 starving and fugitive Hereros were alive at the end of 1905, when von Trotha relinquished his task. What happened to the survivors will be told in the concluding parts of this report.

CHAPTER XVI.

THE HOTTENTOTS OF SOUTH-WEST AFRICA.

It is now necessary to leave the Hereros for a time and to give a brief outline of the Hottentots and their history under German rule.

At the time of the German annexation in 1890, the habitable parts of the vast arid country known as Great Namaqualand were, with the exception of the Bastard

territory of Rehoboth, occupied almost exclusively by various Hottentot tribes. It is probable that this area had been in their unchallenged possession for upwards of five centuries.

When Johann van Riebeck and the first Dutch settlers landed at Table Bay in 1652 the surrounding country was occupied by two distinct races of natives. By the name "Bushmen" the white settlers called the wild and primitive men who avoided intercourse with the new-comers and lived only in the densest bush and in the most remote and inaccessible mountain fastnesses. These brown-skinned pigmies, armed with bows and arrows tipped with a mysterious and deadly poison, lived only from the products of the chase. They possessed neither flocks nor herds, they built no villages, cultivated no lands, and regarded all who ventured into their chosen hunting grounds as intruders and enemies. The other race, less savage and more intelligent, less primitive and more amicably disposed, came down to stare, in simple curiosity, at the first white settlers. From the point of view of physical beauty, nature had been unkind to them. Small, but well built and wiry, with ashen-brown and yellow skins, little beady eyes (which peered through narrow almond-shaped slits), high and prominent cheek-bones, flat bridgeless noses, low foreheads, thick lips and receding chins, their appearance was anything but attractive. As if to crown this embodiment of ugliness, nature had distributed little tufted knots of dark frizzy wool here and there, in lieu of hair, on the hardest of heads. These weird looking people called themselves "Khoi-Khoi" (or "men of men") and their race "Nama." Living in the open, in scattered villages, where water and grazing were most plentiful, they sheltered under rude huts or "pontoks" made of grass mats, portable and easily removable from place to place.

From the trading point of view, their large herds of sheep, goats, and horned cattle were an asset to be cultivated by the new-comers. Their friendliness was heartily reciprocated—for a time at any rate—and the Dutch East India Company soon built up a thriving trade.

Van Riebeck's Hollanders gave them the name "Hottentot." It is said that their curious clicking language, sounding so uncanny and strange to European ears, gave the impression that they all stuttered. According to Dr. Leonard Schultze (*Aus Namaland und Kalihari*), the word "Hottentot" was used by Hollanders, in those days, as a nick-name for a stuttering person. The Rev. Hugo Hahn's theory was that the word was a corruption of the low German "Hüttentut" (= a stupid, muddle-headed person, a fool). That the name was not intended as a compliment seems clear. Even to this day, the more educated and intelligent Hottentots secretly resent being called what Chief Christian Goliath of Berseba describes as a "spot en veracht naam" (*i.e.*, a name of derision and contempt). However that may be, Europeans in South and South-West Africa have, ever since the days of Johann Van Riebeck, called these people "Hottentot" or "Hotnots," and the name is likely to stick to them.

The problem of the origin of this race of dusky yellow-skinned nomads (or "red-people," as they, with delightful disregard for colour, love to call themselves) is still unsolved and will probably always remain so. Some ethnologists fix their place of origin so far north as Upper Egypt; others, like Hahn, allege that the Hottentots are really the aborigines of South Africa; some claim that they are the product of an intermingling of some now extinct and unknown light yellow-skinned nomad race with the aboriginal Bushmen; some argue that the Hottentot is an evolved and more progressive type of Bushman (but they cannot get over the difficulty presented by the fact that the Hottentot retains not the slightest suspicion of knowledge of the primitive arts of rude painting and sculpture possessed, to this day, by the Bushmen); there are others who go so far as to claim that they have discovered certain similarities of idiom and speech, especially in the characteristic "clicks," which would indicate origin in Indo-China. There is no doubt about it that some Hottentots are in appearance not unlike Chinamen. The same may however be said of some Bushmen. The writer has seen Bushmen from the Grootfontein district who only required a pigtail in lieu of "peppercorns" to enable them to pass off as Chinese. These were probably half-breed Bushman and Hottentot. It is related by German writers that, when German troops who had participated in the suppression of the Boxer rising in China, arrived in South-West Africa in 1904 and saw the Hottentots for the first time, the usual remark was, "Why, here are the Chinese again!"

After all is said and done, these arguments as to origin are based merely on conjecture. The fact remains that South-West Africa is, to-day, the only part of the sub-

continent where pure remnants of the once numerous and powerful Hottentot race are still to be found. A few dying clans still live with some semblance of racial cohesion, respecting their hereditary chiefs and speaking the wonderful language of their forbears; but of their mysterious past, their ancestors, their heathen beliefs and customs they know nothing. They are now all Christianised.

It is generally believed that the Hottentots are not an aboriginal South African race. They appear to have migrated long centuries back from the far interior of north-east Africa, well in advance of the southward moving Bantu hordes. According to Stow ("The Native Races of S.A."), they moved south-west to the Atlantic coast near the Equator. Then they turned southwards and, travelling always in a defined zone, parallel to the western seaboard, they traversed Angola, South-West Africa, and crossed the Orange River into the present Cape Province. Stow is of opinion that the southward movement must have commenced about the year 1300 A.D., and that several centuries had elapsed before the slow moving tribes, encumbered by their flocks and herds, sheltered in the shadows of Table Mountain. He argues, rather unconvincingly, that:—

The relative conditions of the Hottentots and Bushmen in 1652 (*i.e.*, when van Riebeck landed) may be received as confirmatory evidence of the fact that the Hottentots had not long settled in those parts of the country. The Bushmen were still living in the mountains and wooded parts—even Table Mountain was occupied by them. . . .

As against this, there is historical evidence that 150 years prior to the date mentioned by Stow, the Hottentots were already settled at the Cape. Vasco da Gama saw them there in 1497, and so did da Saldanha in 1503. In the year 1510 the first Portuguese Viceroy of India, Francisco D'Almeida, landed at Table Bay on his way home for water and provisions. His party picked a quarrel with the Hottentots, and a fight resulted in which the Viceroy and 65 of his followers were slain. The others only saved their lives by a precipitate retreat to the boats.

On their way from the north a large proportion of the Nama travellers settled down permanently on the high and healthy plateaux of Damaraland and Great Namaqualand. These people did not at any time cross the Orange River to the south and never came into contact with the Dutch settlers at the Cape. The fact that Damaraland and Great Namaqualand were apparently too small to support all the immigrants with their flocks and herds would indicate that they numbered in all probability hundreds of thousands and that they were rich in cattle and sheep. Before they could settle in Damaraland and Great Namaqualand, the Hottentots had to deal with the aboriginal Bushmen and a strange ebony-skinned negro race—known to-day as the Berg-Damaras. The Bushmen were driven to the arid marches of the Namib and the Kalihari deserts, while the Berg-Damaras, heavier and more sluggish of temperament than their Bushmen neighbours, were gradually overpowered and enslaved. This accounts for the fact that the Berg-Damaras of to-day, though an entirely distinct and separate race, speak what is considered the purest Nama language, although they are said even now to find some difficulty in mastering the clicks. Of their own language, whatever that may have been, they retain neither memory nor the slightest trace. They called themselves "Hau-Khoïn" (= real men); but this Nama name, obviously of later origin, gives no clue to their identity. It appears to have arisen out of a patriotic desire to be uncomplimentary and sarcastic towards their small and lightly built conquerors the "Khoi-Khoi" or "men of men."

Judging from the recorded happenings at the Cape, it is not unreasonable to presume that the Hottentots of South-West Africa had long been settled there when Vasco da Gama first saw their compatriots a thousand miles further south in 1497. It is probable also that when van Riebeck landed in 1652 the whole of Damaraland, Great Namaqualand, and the western and north western districts of the Cape Province were occupied by these people.

With the landing of the white settler at Table Bay and the gradual spreading out of the settlements to the north and north-east, the southern extremities of the Hottentot zone were slowly absorbed and taken in. Just about this time, too, the right flank pioneers of the great Bantu hordes, moving south and south-west from the Equator, began to push the Hottentots in the far north. It was then that the squeezing and exterminating process started, and it continued for upwards of two centuries. By the year 1825 the last remnants of the former Hottentot tribes of the Cape Province had re-crossed the Orange River to the north and had placed

themselves under the protection of the "red chiefs" of Great Namaqualand. The latter under pressure from the advancing Hereros, had by that time practically evacuated Damaraland. Under the leadership of the brigand Jonker Afrikaner, the Afrikaners for a time regained possession of the southern portion, but by 1867 the Hereros had once more secured the mastery, and only Great Namaqualand remained in the hands of the Hottentots. There they were when Germany annexed the area in 1890.

The Hottentots of Great Namaqualand may be classified under two headings or groups:—

1. The pure Nama group, consisting of tribes which, having remained in Great Namaqualand from the time of their arrival, were in no way influenced by contact and intermixture with Europeans and Bastards at the Cape. Speaking only their own language, they until quite recently retained their ancient customs, religious beliefs and traditions. They waged war in the primitive style of their ancestors, and relied mainly on the bow and arrow.

2. The bi-lingual "Orlams"* Hottentot group, consisting of those tribes which had returned to Great Namaqualand from the Cape areas. Through generations of contact with Europeans and "coloured people" (as the Bastards at the Cape are termed) they no longer retained the pure Nama strain. The majority of them spoke Cape Dutch as well as Nama, and had acquired proficiency in the use of the rifle and as horsemen. They were nearly all Christians and had in addition got an elementary idea of the European systems of government, and unfortunately a more than elementary idea of European weaknesses and failings, which some of them were not slow to emulate. The Orlams group found that their brethren in the north would tolerate their presence only on certain conditions, namely, that they should recognise the jurisdiction of the chiefs in whose territories they settled and that as an outward sign of submission an annual tribute of cattle or horses should be paid to these chiefs in return for the right to live and to graze their stock in Great Namaqualand.

The effect of this restriction may easily be imagined. No sooner had the newcomers settled down and become accustomed to their surroundings than they refused to pay any more tribute. In the inevitable wars which followed the Namas were no match for their better armed and more experienced adversaries. Before very many years had passed the order of things was reversed and the Orlams were the ruling clans, while the Nama tribes were (with the exception of the Bondelswartz) either absorbed or retained their lands on the same terms of tribute and vassalage which they had formerly exacted. The dreaded Afrikaner Hottentots under Jager Afrikaner and his son Jonker were for many years the ruling clan. The chief claimed paramountcy over the whole of Great Namaqualand, and from 1840 to 1867 their influence was felt throughout Damaraland, where the Hereros were partially subjugated and paid tribute, and even to the far north where at one time raiding parties under Samuel Afrikaner, brother of Jan Jonker, were the terror of Southern and Central Ovamboland. The Hereros, aided by the Nama-Swartboois and led by Frederick Green, eventually defeated the Afrikaners and their allies in 1864, and from that day their power began to wane. Christian Afrikaner, who succeeded his father Jonker, was killed in action at Otjimbingwe in 1864, and his brother Jan Jonker proved too weak to uphold the martial reputation of their father, the redoubtable Jonker. In the eighties, after years of conflict, the Kowese or Witbooi Hottentots under Hendrik Witbooi had practically subjugated and absorbed the Afrikaners, and Hendrik Witbooi claimed that he was Paramount Chief or King of Great Namaqualand. The Swartboois, owing to their participation with the Hereros in the sixties against the other Hottentots, were practically outlawed by their own race. They disposed of their area, Rehoboth, about 1869 to the Cape Bastards, who had migrated from De Tuin and other places in the Cape Colony. With the permission of the Herero chiefs, the Swartboois moved northwards to Ameib, near the Erongo Mountains (also known as the Bokberg), and not far from the site of the present town of Karibib. Eventually, owing to disputes with the Hereros, about 1885 they moved further north over the Ugab River, and settled permanently at Franzfontein and Otjitambi, near Outjo.

* The word "Orlams" is of doubtful origin. It is not Dutch. Some allege that it is of Cape-Malay extraction. However that may be, the accepted meanings are "intelligent," "old-fashioned" or in a bad sense "cunning."

Of the Topnaars, near Walvis Bay, a miserable and dilapidated remnant of humanity, without stock, living on fish, dead seabirds and the "nara" fruits of the Namib Desert, whose impotent chief had "sold" to Luderitz the coast area from near Conception Bay to Cape Frio in the far north, the bulk had fled for fear of the Hereros to the Kaokoveld and settled at Zesfontein. The remainder sheltered under the protection of Britain in the arid sandy wastes near Walvis Bay.

The names and locations of the various Hottentot tribes at the time of annexation by Germany were as follows:—

ORLAM'S HOTTENTOTS.		
Name of Tribe.	Chief.	Locality.
1. Koweses or Witboois.	Hendrik Witbooi.	Hornkranz and Gibeon.
2. Gei-Khauas or Gobabis.	Andreas Lambert.	Gobabis and Nossanabis.
3. Hei-Khauas or Berseba.	Jacobus Izaak Khachab.	Berseba.
4. 'Amas } 'Aman } or Bethany.	Joseph Frederiks Khorebeb.	Bethany.
5. Eicha-ais or Afrikaner.	Kootje Afrikaner.	North Bank Orange River in Warmbad District.
PURE NAMAS.		
6. Gaminus or Bondelswartz.	Willem Christian Naochab.	Warmbad (old name, Nesbit's Bath).
7. Khora-gei-Khois or Franzmann.	Simon Kooper Gomchab.	Gochas.
8. Geikous or Red Nation.	Manasse Noreseb.	Hoachanas.
9. Khan-Goas or Young Red Nation (Swartboois).	Abraham Swartbooi.	Otjitambi and Franzfontein.
10. Kharo-oas or Tseib Tribe.	Piet Tseib.*	Keetmanshoop (old name, Zwart-Modder).
11. Habobes or Veldschoendragers.	Jan Hendriks.	Daberas Hasuur.
12. Topnaars.	Piet Heibib.	Zesfontein and portion of Walvis Bay.

The total Hottentot population of South-West Africa in 1890 has been fixed by various authorities at between 20,000 and 25,000. The strongest and most influential chiefs were, in order:—

Hendrik Witbooi,
Willem Christian,
Joseph Frederiks, and
Simon Kooper.

Approximately three-quarters of the Hottentots were at that time under their tribal jurisdiction or control:—

Mr. W. C. Palgrave, in his report (1877), mentions three other tribes:—

1. The Khogeis (a small remnant, only 100 strong).
2. The Ogeis, or Groot Doode (Great Deaths).
3. The Gunugu or Lowlanders.

By 1890 those tribes had ceased to exist as separate organisations and had been absorbed by the stronger chiefs. The same fate befell the once all-powerful Afrikaner tribe of Eik-hams (Windhuk). After their defeat, first by the Hereros and later by Hendrik Witbooi, the survivors of the tribe scattered and mingled with other friendly tribes, whose chiefs gave them food and protection in return for their support.

By 1906, that is sixteen years after formal annexation, the only tribes of the 12 enumerated who still retained their chiefs and their territory were:—

1. The Hei-Khauas of Berseba, who did not participate in the general rising.
2. The Topnaars of Zesfontein in the extreme north, who were too inaccessible to German bayonets and too poor to be worth killing.

* Piet Tseib was really an under-chief to Willem Christian of the Bondelswartz, the Tseib tribe having been subjugated and their territory declared under jurisdiction of the Bondelswartz chief

Of the others not a vestige of tribal or communal life remained; the chiefs were all either dead or fugitives in British territory, and the population had been reduced by more than half. The miserable survivors could be identified by name only with their former tribal chiefs; they owned not a square inch of land and not so much as a scabby goat. They were dumped into "reserves," and every person over the age of seven years was compelled to seek work under penalty of the lash and manacles for vagrancy.

There are no figures available for reference just after the rising, but the census taken in 1910, that is 20 years after annexation, gives the total number of adult Hottentots in the whole Protectorate as 9,781. This figure is less than half of the general *minimum* estimate for 1890.

It will be seen that, so far as concerns their land and possessions, the Hottentot had fared no better than the Hereros, and that while the latter race was all but exterminated, the Hottentots managed to escape total destruction. This was due, not to German clemency and humanity, but to the superior skill, mobility and experience of the Hottentot as an elusive and hardy guerilla fighter.

It will be necessary to defer details as to the relations between the Germans and the Hottentots and their wars, pending a short reference to some of the characteristic laws and customs of these "red" people.

CHAPTER XVII.

LAWS AND CUSTOMS OF THE HOTTENTOTS.

The Hottentots had no written laws. Their laws were oral and traditional. Dr. Theo Hahn divides their laws into two classes:—

1. Laws based on "decided cases." Such laws took their origin from decisions of the Chief Council duly ratified by the chief.
2. Customs and superstitions developing in time into accepted rules of life and conduct and binding as such on the tribe.

The Hottentots were very much attached to their traditional and inherited customs and manners.

The people were divided into tribes or clans, each under its hereditary chief. When the chief died, his eldest son was, under normal conditions, the heir to the chieftainship, and as such he was accepted without question by his subjects. Failing a son, the chief's eldest surviving brother became his successor. A chief had the right during his lifetime, owing to advancing old age, ill-health, or any other good reason, to abdicate in favour of his heir. This was, however, an entirely personal right which he could not be compelled to exercise against his will. "Our chiefs," say the Hottentots, "are not made, they are given by God." The system of government by the chief was on democratic lines, even if it were not always in strict accordance with popular views. The chief, though hereditary and as such commanding great respect and influence, was bound to act in terms of the advice and resolutions of his councillors.

The councillors were elected by the "men" of the tribe. As "men" were reckoned only those who were *married*.

Formerly this way of acquiring the vote was not so easy as it may appear. Some tribes had strict laws by which young men were absolutely prohibited from marrying until they had reached a certain age. Among the Hei-Khauas of Berseba the age limit was as high as 30. Chief Christian Goliath explains that the reason for this was to keep the young people "in their proper place" and to prevent the elders of the tribe from being out-voted. It appears also that a young Hottentot who too young married a rich heiress and got, say, 50 ewe goats with her, soon became an unbearable and indolent "snob." Moreover, the fixing of the age limit gave elderly widowers the chance of selecting a young heiress for the "second," and the monopoly of youth was broken. Needless to say there was no age limit for the woman.

In the council the vote of the chief was of no greater weight or value than that of any one of his councillors, though his expressed opinion bore great influence and probably ensured a majority for him in most cases.

The council made wars and treaties, rules and regulations, and dealt with the internal and economic affairs of the tribe and all inter-tribal disputes. Generally it was composed of the chief and his under-chiefs *ex-officio*, and by the elected councillors. Senior officials, such as the tribal magistrate, war commandant, and later (as Christians) the elders of the church, were generally members of the council.

This council was also the supreme court and the final court of appeal to which civil litigants and criminals, who were usually dealt with by the magistrate or the under-chiefs acting as the chief's deputies, could appeal.

Cases of serious import or serious charges involving possibly a sentence of capital punishment were generally dealt with by the full tribal council as a court of first instance. In such cases the appeal lay to the chief in person, and he, in common with most sovereigns, had the right to exercise his prerogative of mercy.

No sentence of capital punishment could legally be executed without the prior express sanction of the chief personally.

To some of the Orlams chiefs, whose military powers had made them feared and respected throughout the country, the temptation to become autocrats was very strong. Few could survive it. They generally contrived therefore either to act quite independently of the council, which was treated as a mere advisory body, or, as was the case with Hendrik Witbooi, they dispensed with elections altogether and nominated their own council and officials. Thereby they ensured that only their own trusty friends and supporters were placed in power.

Democratic government was very irksome and distasteful to a warrior-chief like Hendrik Witbooi. At the height of his power he styled himself the "Lord of the Water and the Head Chief of Great Namaqualand." Letters addressed to him as "King of Namaqualand" received immediate and gracious attention; and to his death he was a firm believer in the "Divine Right of Kings," claiming that he owed responsibility to no one except to "God the Father in Heaven."

The following "Proclamation" by Hendrik Witbooi, dated 3rd January 1891, is of interest, because it gives an idea of the system existing at the time of the annexation among all the Hottentots tribes. The only difference was that while Witbooi was an autocrat to a certain extent, the other chiefs, like Willem Christian and Simon Kooper, relied more on popular approval and the support of the councillors than on their royal prerogatives.

Hornkranz,
3rd January 1891.

Beloved Community of Hornkranz.

To-day I make public fresh appointments for the New Year. I have caused certain alterations to be made in the Civil and Church laws. (*Note.*—Hendrik was spiritual head as well as chief). I have also appointed new officials according to the times and the promptings of the Lord. Therefore have I appointed younger men, like children who are being trained and, when the time is accomplished, they will be taken into full membership. For this reason I have relieved some of the older officials and have substituted young men in full authority of the laws, in order that they may publicly perform their authorised duties. I have however re-appointed some of the old officials as well, so that they may train and teach the younger team (*jonge span*). I have also appointed two additional Elders. The names of those appointed will be read to the community, and are as follows:—

Then follows a list of the names and of the offices to which they have been appointed. These posts were all honorary, and carried no salaries or emoluments. The seven chief appointments are those of Under-Chief, Magistrate, War Commandant, Chief Field Cornet, and three senior Councillors.

The remainder (there are 30 in all) include "the Overseer of the whole village," a "Second Magistrate," Second, Third, and Fourth Field Cornets, Elders, Junior Councillors, Messengers of the Council and of the Elders, and a "Corporal" and a "Second Corporal." It must not be imagined that the "Corporal" was so humble a personage as his designation might imply. He was really the Quartermaster-General in the field!

This is the "beloved Community," with its Church Elders and Corporals, which at early dawn on an April day in 1893 was cruelly attacked and lost 150 men, women and children, not because any crimes had been committed, not because there was war, but because Germany had selected this chief and his people as a fit object on which to make "an impression of our power."

It is clear that, by 1891, the influence of the Orlams Hottentots had spread throughout Great Namaqualand, and that, although all ancient customs were still retained and ruled personal conduct, their system of tribal control had gradually undergone a change, and the old simple ideas of rule and government were being slowly exchanged for a crude imitation of the European system which their forefathers had seen at the Cape. In addition to this Orlams influence on the pure Namas, missionary influence on both cannot be overlooked. By 1890 the Hottentots were nearly all professing Christians, and there is no denying the fact that the missionaries, some of them at any rate, had done excellent work towards uplifting and developing the race. The pity of it is that, after annexation and in the ten years prior thereto, the Rhenish missionaries, actuated by a deadly hatred for England and all things English, regarded political propaganda as far more important apparently than church duties, and prostituted their noble work in order to serve the base ends of a callous Government, whose soldiers were not patterns of morality and virtue by any means. In this way the missionaries became merely the tools and agents of Germany, and the inevitable result was that they lost all prestige and all control over the natives, besides forfeiting their affection and respect. The natives grew suspicious and distrustful of their missionaries. Hendrik Witbooi dispensed with his altogether and conducted his own church services.

Better proof of how the missionaries lost caste and influence cannot be given than the fact that the Herero rising of 1904 and the great Hottentot rising came like a bolt from the blue and without a word of warning. The missionaries, living among the natives, preaching and talking and understanding their ways and customs thoroughly, were not aware of their intentions.

Against these missionaries must it also be recorded that, knowing the native mind and character so well as they must have known them, and knowing their cherished customs and laws, they were indifferent onlookers at the violation and trampling under foot thereof by German soldiers and settlers. They had neither the courage nor the inclination to stand up boldly and defend the helpless creatures who looked up to them for guidance and protection. On the contrary, like the missionary Brincker, they applied for soldiers and guns in order that the "work of the Missions might prosper."

Despite this, the natives, grateful for the mere fact that these people had brought the Christian religion to them, in Hereroland and Great Namaqualand, throughout their wars invariably spared the lives of all missionaries and their families. Their possessions were never touched, and the Mission Station was regarded as a sanctuary.

A simple nomadic people never burdens its criminal law with a huge category of crimes. Apart from offences against morality, their chief crimes were murder and theft.

For wilful murder the penalty was death.

To prevent the possible shielding of rich and influential murderers there grew up in the Hottentot system a law of vendetta ("Kharas"—to pay back or retaliate).

If through favouritism, fear, or for political reasons, a murderer were acquitted by the council, the next relation in blood of the murdered person had the right to take the law into his own hands and to kill the murderer. This killing would in such event be no crime, and neither the chief nor the council had the right or power to intervene and punish the relative for his act.

There is the case of the well-known traveller Andersson, who about 1861 shot an Afrikaner Hottentot in self-defence, so he alleged, near Windhuk. Andersson reported the matter to the chief Jonker Afrikaner, and as a result he was brought before the chief and tribal council for trial. The council, after hearing the evidence, was, rightly or wrongly, satisfied that Andersson had exceeded his rights and had gone too far. But, in view of the fact that he was a European and a British subject, the chief was reluctant to punish him. So Jonker said: "I release you; but according to our law, the brother of Hartebeest will kill you and must kill you, so flee for your life."

Theft was regarded very seriously and was punished by severe fines and ostracism, and even by flogging. Theo Hahn writes: "There is a deep sense of justice innate in the Hottentots. To a Hottentot stealing is a disgrace, and amongst the aborigines of Great Namaqualand a thief is cut by everyone and becomes almost an outcast."

In wartime to take from the enemy Hereros or hostile clans was not theft. If it could be safely managed even in peace time it was not theft either. In this the Hottentots were not exceptional, however.

To take the goat of a friend for food, even in his absence and without permission, is not, and never was, regarded by the Hottentots as unlawful. This is a general custom arising out of the conditions of the country, where for long distances food is practically unobtainable. The rule is based on reciprocity, and no Hottentot need leave a stranger's hut or pontok hungry, especially if they are of the same tribe; he is welcome, even in the owner's absence, to help himself to whatever there is.

Speaking of punishments which would be efficacious under European rule, Hahn recommends—

Hard labour and spare diet. To people of rank the application of the lash makes a deep impression. There is nothing more degrading to a Bantu nobleman than to receive a blow. . . . A Hottentot feels punishment as keenly as a white man. I did not flog my Hottentot servants if I could help it. Often a private earnest talking to had a most beneficial effect.

And yet to-day there is in South-West Africa not one adult male in ten, Herero, Berg-Damara or Hottentot, who does not bear on his body the scars and indelible marks of the German sjambok. "Flogging," recently said a Herero headman, "came to our people more regularly than their meals"; and this view is endorsed by the Hottentots.

In their courts the Hottentots followed strict rules of procedure. No hearsay evidence was allowed. The circumstances determined what weight should be given to the evidence of informers or accomplices.

The Hottentots (says Hahn) avoid as far as possible the drawing of a woman into court to give evidence. The reason for this is the respect they have for women. (The word for "woman" in Hottentot is "taras" = ruler, mistress). If the evidence of a woman, especially one of rank, must be heard, generally two or three councillors see her privately, cross-examine her, and communicate the results to the council.

False testimony (says Hahn) is abhorred, lying is disgraceful, and a person guilty of having given false testimony is punished according to the mischief done by his false testimony.

It is well to remember that in 1904 the Deutsche Kolonial Bund demanded that the evidence of one white man should only be upset by the corroborated statements of seven coloured persons, apparently because the Hottentots were ignorant of truth and the white man was a "superior being" (Höheres Wesen).

The Hottentots were, even in their heathen state, nearly all monogamists. The only case in which in later times polygamy was recognised or sanctioned in their heathen state was where there were no children of the first marriage. The man was then allowed to take a concubine ("aris" = the younger one) after the fashion of Abraham. Jonker Afrikaner had two wives, although he professed to be a Christian. No one would however hold Jonker up as a model Hottentot. Their marriages were always based on mutual consent. The system of lobola, or purchase, of the Bantu tribes was never known to the Hottentots.

The wife is among Hottentots the equal of her husband. She has her separate property, and the husband would not venture to sell or slaughter an animal belonging to her without her consent or in her absence. If he intends to barter his own stock or buy anything even with his own money he first consults his wife.

In the Hottentot home the wife is the ruler ("taras"). The husband, though looked upon as the food provider, has nothing to say. As a result he will not take a mouthful of milk without first asking his wife for it.

Last wills or testaments were not known to the Hottentot. During his lifetime a man might bestow his possessions as he pleased, but after death his remaining property was distributed according to the traditional laws. Their laws of succession were very fair and just. The nearest male relative of minor orphans was their guardian during minority and the trustee of their stock. No chief or council could interfere with the guardian's rights; but as he was always very closely watched by the other relatives, he could not easily appropriate anything in an illegal manner.

Land Rights.—Among the Hottentots, as with the Hereros, land was the communal property of the tribe. It was regarded as inalienable. The fact that the chiefs Joseph Frederiks and Piet Heibib did sell land to Luderitz in 1883-84 merely goes to show either that the waterless desert wastes of the Namib coast belt were not of any use to the tribe or, as was the case with Piet Heibib, that the territory (particularly that from Walvis Bay north to Cape Frio) did not belong to him.

Piet Heibib was merely a dummy created to suit German plans, and Luderitz knew this. Every member of the tribe had a personal right to the use of land, water, and grazing for himself, his family and his stock. No chief could interfere or deprive a subject of such rights.

The first comer had prior rights. If a man dug a well and opened a spring, it was his property and he had the sole right to it. Every passer-by and new-comer must have the owner's permission before using the well or spring to draw water for himself or his cattle. The Herero custom was identical. This reminds one of the Roman-Dutch Law maxim *qui prior est in tempore, potior est in jure*.

These laws and rights of the natives (says Hahn, writing in 1882) have been constantly overlooked by traders, who, considering themselves a superior race of men, disregard altogether the rights and claims of natives. I know of instances where traders coolly allowed people to tear away the fence of Hakkies thorn (*Acacia Detinens*) and allowed their oxen to rush into the water and make a mud pool of it.

Originally the Hottentots were not an agricultural people. Since they came into contact with Europeans they have at mission stations and other suitable spots cultivated gardens. Here the first comer retained the rights to the soil cultivated, which he generally fenced in. Tobacco, mealies, pumpkins, and corn are the chief crops cultivated; but, owing to the scanty rainfall and lack of irrigation facilities, no family may be said to have grown enough even for its own consumption.

Tribal boundaries were always carefully fixed between the "brother" chiefs, and encroachments were not allowed but deeply resented. If a tribe wished to move into the territory of another, application had first to be made to the chief of the neighbouring tribe. If they were on friendly terms the permission might be given without charge; but if relations were not too good a tribute of heifers or horses was generally demanded as an acknowledgment of the resident tribe's ownership and supremacy over the area.

As an example of their jealous regard for boundary and territorial rights the following may be mentioned. In 1889 Hendrik Witbooi, the Kowese chief, while travelling from Keetmanshoop to Gibeon, rather went out of his way, and with his men passed over a corner of the territory of the Bondelswartz of Warmbad. In November of that year the chief of the Bondelswartz, Willem Christian, wrote to Hendrik Witbooi strongly protesting against this. He says, "such circumstances are likely to cause dissatisfaction," and that if the "dear Captain" required anything in his area, it was only right that he should first apply for permission to enter and await the reply before doing anything. This, writes Willem Christian, would have avoided "misunderstandings"; "because it is above my comprehension (*boven mij verstand*) that one chief should enter another chief's area without notifying him and making a request."

In large tribes each sub-village or kraal was governed by an under-chief, appointed by the Chief-in-Council as deputy of the chief of the whole tribe. This under-chief had his own local councillors, court, and officials. From the under-chief's courts there was always an appeal to the Chief-in-Council. The chief, however, never dealt with such an appeal without first referring it back to the under-chief for report.

In all instances the people implicitly obeyed the orders of their chief. For instance, he could order certain grazing grounds to be vacated in order that they might be rested; he had also the right to use the labour of his people for public purposes, such as mending roads, building schools or churches, opening up water and furrows, and so on. All adult males were liable to be called out for military duty at any time. The people never paid any taxes. Certain court fees were paid, and the fines levied went to the chief as a rule. He could also accept a share of damages awarded in a civil dispute, but there was no obligation on the successful litigant to pay. It was regarded merely as a voluntary gift for the trouble taken.

If a Hottentot could not pay his debts a system of *cessio bonorum* was known. A trustee took over and divided his assets among the creditors; but he was allowed to keep a few cows and goats in trust for his creditors merely for the maintenance of himself and his family. He could not slaughter these animals, but used their milk. This arrangement with creditors was called "ma-ams" (a gift for the mouth).

The total Hottentot population was approximately one quarter that of the Hereros, and their possessions in cattle, sheep, and goats, proportionately even less.

The Hottentot never viewed life too seriously. His was more of the "eat, drink, and be merry" temperament than his Bantu neighbours. No Hottentot would dream of drawing his belt tighter, as did the Hereros, while fat heifers and goat ewes were grazing around. The result was that, while the Herero waxed rich and sat with an empty stomach watching his beloved cattle grazing, finding therein one of the sweetest pleasures of life, the Hottentot was never so happy as when, having had a good square meal, he could doze away in the shade of his pontok, consoled by the fact that the ewe goat just killed and eaten was one less to tend and therefore more worry off his hands. It would be wrong to regard the Hottentot as an entirely blameless sort of person or, as the Rhenish Mission records described their first trader colonists (the immortal Halbich, Tamm, and Redecker), to refer to him as a paragon of virtue—(Muster von Sittlichkeit).

Even old Hendrik Witbooi, when in holy wrath he sent a declaration of war to Maherero informing him that "I am the rod of correction sent by God to punish you for your sins," never lost sight of the prospect of capturing a thousand or two of the sinful Maherero's best cattle and thereby, incidentally, setting a bad example to the Germans who came after him. They were, according to von Lindequist, only too glad to emulate and carry on "the blood-letting of Herero cattle by German traders" as it was done "annually by Witbooi up to three years ago."

CHAPTER XVIII.

THE HOTTENTOTS UNDER GERMAN PROTECTION.

In 1890, when annexation took place, only three of the twelve Hottentot tribes had by the so-called agreements accepted the protection of Germany. They were—

- (1) The Orlams tribe of Aman or Bethany Hottentots under Paul Fredericks (1884).
- (2) The Nama tribe of Topnaars under Piet Heibib (1884).
- (3) The Nama tribe of Geikous (Red Nation) under Manasse Noreseb (1885).

Of these (1) and (2) were the people who had sold the coast belt to Luderitz. The Topnaars and Geikous were miserable and powerless remnants of no weight, influence, or standing. In fact, the former fled shortly afterwards (or rather the majority fled) to Zesfontein in the extreme north of the Kaokofeld, while the remainder took refuge under British protection at Walfish Bay. The latter were a remnant of the once ruling clan under their old Chief Oasib, but they had been subjugated in turn by the Afrikaners and then by the Witboois.

It will be remembered that when in 1885 Dr. Goering made the agreement with Chief Manasse he hoisted a German flag as a sign of protection. Hendrik Witbooi later came along, punished Manasse, removed the flag, and then wrote to Goering asking what he wished should be done with the flag, as "to me it is a strange thing (een vreemde ding)."

It was on the strength only of these three agreements, the 1885 agreement with Kamaherero, which had been definitely repudiated by the latter in 1888, and the agreement with the Bastards of Rehoboth, that Germany in 1890 gave the impression that her sphere of influence had been extended from the Kunene to the Orange, and from the Western Coast line to the 20th degree of longitude East, along the borders of the Kalihari. It was under this impression that annexation was agreed to by Great Britain.

It is outside the scope of this report to detail the protests and humble remonstrances which the Cape Government in 1884 and 1885 made to Great Britain, and how, in spite thereof, the declaration of a partial protectorate in 1884 and a final annexation in 1890 of the whole area of South-West Africa was not only approved of, but was facilitated by the then Imperial British Government. The matter need only be mentioned in order to point out that the late Sir Thomas Upington and the late Sir Gordon Sprigg, the responsible Cape statesmen, strained every nerve to protect South Africa from foreign encroachment, but they did so in vain, as their representations were taken no notice of. It is due to their memory that the unjust criticism which is occasionally heard to the effect that the Cape Government should

never have let South-West Africa pass into German hands—a criticism based on erroneous and superficial information and on ignorance of the true facts—should be controverted. The Chief of the powerful Bondelswartz tribe, Willem Christian, had, since 1870, been under treaty obligations to the Cape Government. He had co-operated in every way with the Magistrates of Little Namaqualand (south of the Orange) and had loyally preserved law and order in his territory on the north bank of the river. He, in common with the majority of the Hottentot Chiefs and the Hereros, had long desired and repeatedly asked for the placing of his territory under a British Protectorate, but for some reason or other this was withheld.

Relations between the Bondelswartz and the Cape Government were definitely broken off in 1885, and all the native races of Great Namaqualand and Damaraland were, against their own wishes and notwithstanding protests from Cape Town, definitely abandoned to German influence.

The Cape Government did not act voluntarily, but on definite instructions from Downing Street.

On 28th April 1885, under Minute 150 to the High Commissioner at Cape Town, Lord Derby stated that the German Ambassador to Great Britain had expressed the hope—

that no endeavour will be made to obtain influence in the country north of the Orange River and west of the 20th parallel of longitude. This hope, continues Lord Derby, is in conformity with the policy which your Ministers are aware Her Majesty's Government have adopted in regard to the portion of South Africa in question.

That policy was adopted against—

- (1) The express representations of Sir Thomas Upington, who had pointed out that—

If the Cape Colony be shut in upon the north a serious blow will be dealt at British trade and British influence in South Africa. (17.9.1884).

- (2) The desires of the Hereros, who, as a last resort on 29.12.84, voluntarily ceded their whole country to H.M. Government "in order that we may receive that protection which we have for so long a time asked for in vain."
- (3) The pressing representations by Sir Gordon Sprigg on behalf of the Cape Government urging the annexation of Damaraland. (3.3.1885.)

(See Parliamentary Blue Book, Cape of Good Hope, A5-'85, entitled " Papers, Minutes, and Correspondence relating to the Territories of Great Namaqualand and Damaraland.")

This withdrawal by the Cape Government left Germany a clear field for operations, but the first five years were barren of results. It has already been indicated that by 1890 only three agreements had been secured, and the vast majority of the natives looked with suspicion on the new-comers and refused to treat with them. They still hoped that England would annex the country, but the final annexation by Germany in 1890 astonished and disappointed them. Hendrik Witbooi was voicing the feelings of his brother Chiefs when in 1891 he wrote to the Magistrate of Walfish Bay and asked; " Have the English delivered us over to the Germans ? "

German agents were not slow to take advantage of what the Hottentots regarded as abandonment. They held up the Boers as a bogey, and the Hottentot Chiefs were told in effect :—

Now that the English have left you, the Boers and other nations will come and take your land from you. We, the philanthropists, are here to protect you from such very wicked people. (See Interview between Captain von François and Hendrik Witbooi referred to in this report.)

Notwithstanding this, only three Hottentot tribes swallowed the bait. In 1890 Goering was able by the above-mentioned methods to induce the Bondelswartz of Warmbad, the Tseibs of Keetmanshoop, and the Veldschoendragers to sign agreements. The others remained obstinate and, as related earlier in this report, notwithstanding the fact that the whole country was wrapped in peace, Germany decided in 1893 to give one tribe an impression of her power as an object lesson to the others. The terrible murder and massacre of the unoffending Witboois at Hornkranz in April 1893 was the result, but it did not have the desired effect.

When Leutwein took over the Governorship in 1894 no new agreements had been made. Hendrik Witbooi in his stronghold at Naaaukloof still defied all efforts to crush him, while the other native races were "openly hostile or, at best, preserved a doubtful neutrality," and the "dark mistrust of the Hereros quite astonished" him (Leutwein). Moreover, says Leutwein, "Respect for German arms had fallen to zero."

Governor Leutwein decided to give Hendrik Witbooi a rest pending the arrival of more troops from Germany. In the meantime he thought it advisable to deal with the other obstinate Chiefs, prominent among whom were Andreas Lambert of the Gei-Khausas tribe, and Simon Kooper of the Franzmann Hottentots.

The Khausas or Gei-Khausas Hottentots.

This Orlams tribe, formerly under the well-known Chief Amiraal, had lived at Gobabis and in the vicinity thereof for upwards of 50 years. Originally they had moved up from the Cape districts early in the 19th century, and after residing for a generation or so in the south they parted company with their kinsmen the Hei-Khausas, now living at Berseba, and trekked northwards to Gobabis.

When the British Commissioner, Mr. Palgrave, visited Damaraland in 1876, the successor to Amiraal, Chief Andreas Lambert and his councillors sent a petition to Palgrave for delivery to Sir Henry Barkly. They described themselves as "living in Gobabis and the district around, up nearly to the lake N'gami," and after detailing the conditions under which they were living and asking for a missionary to be sent to them, went on to state that the petitioners—

pray humbly that it may please Your Excellency to extend your protection, under which so many nations of South Africa, and in other countries, happily and peaceably live, also to this country, that we may be allowed to live in peace.

This petition, like all the others, was taken no notice of. The tribe had suffered severe ravages from small-pox some years previously, and at that time Palgrave estimated its total strength at 600 souls.

In March 1894 Leutwein proceeded to arrange for German protection, for which they had not asked, to be accepted by the Khausas people.

His *modus operandi* was typical of German methods and is worthy of record only for that reason. He left Windhuk with a strong commando of men and artillery, and by means of forced night marches he succeeded before dawn on 7th March 1894 in taking the Khausas Chief quite unawares. The village of Nossanabis, where the Chief lived, was surrounded and the Chief and his principal men captured before they were even aware of the Germans' approach. The captives were brought before Leutwein, who immediately expatiated on the advantages of German protection from other people, a theme which, under the circumstances, seems rather out of place, and suggested to the Chief and his councillors that they should in their own best interests sign an agreement. It does not take much imagination to believe that the Chief and councillors were not only enthusiastic, but quite unanimous. Incidentally, Leutwein held an inquiry into the alleged murder of a German trader named Krebs, which had taken place near Nossanabis about six months previously. Leutwein relates that he understood as a result of the conference that Andreas Lambert and his councillors were quite agreeable to sign a protection agreement and, in regard to the murder, he was prepared to believe that the Chief was not guilty of the murder of the white trader, and that he could not deliver the murderer on account of the latter's flight.

If Andreas Lambert had (as he apparently had said he would) signed the agreement, it is perfectly clear from Leutwein's own statement that nothing more would have been heard or said about the murder of Krebs.

The conference over, it was arranged that the agreement would be drawn up and signed the next day. The Chief and his councillors were then released and allowed to return to their village for the night, and Leutwein retained the brother of the Chief and another councillor as hostages. That evening (according to Leutwein's account):—

Spies reported that the Chief was taking steps which pointed either to attack or to flight. In haste the village was again surrounded and searched; the rifles found there were confiscated; the horses, already saddled, were taken away, and the Chief again captured.

Thereupon the "former charges," says Leutwein, "were again gone into," and it was found (he does not say by whom) that the Chief had actually—

instigated the murder of Krebs in order thereby to escape paying certain debts. As a result his condemnation to death followed, and the sentence was carried out a day later.

The shooting of Andreas Lambert was not a judicial proceeding; it was merely another impression of German power: it was murder.

Leutwein's statement is suspiciously vague as to Krebs and his murder, and it is necessary to go elsewhere for the details. Schwabe, in his book "Mit Schwert und Pflug" (page 71), writes:—

A German trader named Krebs, who, in spite of the warnings of his friends in Windhuk, had travelled into the territory of the Khauas Hottentots on the White Nossob to collect debts, was murdered there.

It is unquestionable (continues Schwabe, who writes *after* the shooting of Lambert but, like Leutwein, gives not one tittle of evidence to support what he alleges) that this treacherous and cowardly deed was carried out at the instigation of the Chief of the Khauas, Andreas Lambert, who wished to free himself of a troublesome creditor.

The fatal shot at the peacefully slumbering Krebs was fired by a Witbooi Hottentot, then of Nossanabis, named Baksteen. The effects of the unfortunate trader were sent by Lambert, merely to clear himself from suspicion, to Windhuk, where they were sold by auction.

Krebs was murdered in October 1893. In the previous April the treacherous attack on the Witboois at Hornkranz had taken place. If the shooting of the peacefully slumbering Krebs by the Witbooi Baksteen was a treacherous and cowardly deed, how is one to describe the shooting by von François and his Germans of 150 peacefully slumbering kinsmen (men, women and children) of Baksteen's at Hornkranz?

Baksteen, a Witbooi, was probably an escaped survivor of the Hornkranz affair. He came across a German asleep and shot him. The motive was clearly not robbery, as the "effects" of the trader were not touched. After the deed Baksteen disappears; the murder comes to the notice of the Chief, Andreas Lambert, and he at once reports it to Windhuk and sends in the dead man's effects. Baksteen is not available to give evidence as to whether or not he was instigated by Lambert. Is it likely that he, the member of another and not too friendly tribe, would do any such work for any but his own Chief: is it reasonable that Andreas Lambert would have gone to a stranger when, had he wished Krebs murdered, he had dozens of trusty retainers of his own to do his bidding? According to Schwabe the facts of the murder were well-known in Windhuk long before Leutwein marched to Nossanabis. Leutwein knew all the facts. If it were unquestionable that Andreas Lambert had instigated the murder and Leutwein knew it, as he must have done, is one to believe that the latter was prepared to compound the crime on condition that the murderer of a German made (as Chief) a protection agreement with the German Emperor? No matter what Leutwein knew or what his suspicions were, he was, on his own showing, prepared to believe that the Chief had no connection with the murder, so long as the Chief was willing to sign the agreement. The moment the Chief changed his mind and tried to escape (he, the murderer, who could avoid death by merely fixing his name to a beneficial agreement), *new facts* miraculously come to light, the murder case is re-opened on the spot, and with most indecent haste and without even the semblance of a trial the Chief is condemned to death and shot. Naturally a murder of this description had to be explained away if possible, but the explanation is very feeble, and there appears to be not the slightest doubt that the Chief Andreas Lambert was one of the many victims who paid the penalty for refusing to accept German rule. This at any rate was the feeling of the Khauas Hottentots on the subject.

Living at Windhuk there are three men, the sole elderly survivors of the tribe. Their names are Jacobus Ghoudab, an elder and nephew of the late Chief, Cornelius Reiter, and David Beukes. In their joint statement under oath they say:—

We were at Nossanabis, living at the Chief's werft, when the Germans under Major Leutwein came there. Our Chief lived there at the time, Gobabis being under our Magistrate, Jonathan Fledermuis. The Germans wanted Chief Andreas to sign an agreement accepting German rule. He

refused to do so. Thereupon the Germans shot him. They trumped up a charge of murder. They said Andreas was responsible for the murder of Krebs, a German trader. Andreas protested his innocence. The trader was murdered by a Hottentot (Witbooi) named Baksteen. The Germans said Andreas should have arrested Baksteen. Andreas said he had reported the murder to Windhuk and had sent the wagon and goods of Krebs intact to Windhuk; he could do no more. He could not arrest Baksteen, as he had run away to the bush and mountains. The Germans then said that because Andreas had not arrested Baksteen he was also guilty of the murder. They shot him.

The Germans shot Andreas, not because of the murder of which he was innocent, but because he refused to sign the agreement.

The defiant and independent attitude of Andreas Lambert in refusing eventually to sign the agreement, which would necessarily have placed him on good terms with the Germans, was not the attitude of a criminal who knew that the displeasure of the authorities would result in his punishment sooner or later.

The tragedy over and Andreas in his grave, a farce was enacted by the representative of the Kaiser. Now that he had shot the Chief, there was no tribal head available with whom to make the protection agreement. For some reason or other Leutwein considered the making of these agreements a *sine qua non*; moreover he desired that they should be voluntarily made (Freiwillig), although he has also said that the terms did not matter, the fact of the signing was sufficient, and that in actual practice the Government's policy was carried out on general lines, quite regardless of the details in the various agreements.

The new Chief, according to Hottentot laws of succession, was the eldest son of the Chief's predeceased elder brother. Andreas Lambert had no son. This young man, Manasse Lambert, was however some hundreds of miles away at Berseba. He was living there with his kinsmen, the Hei-Khausas, for the purpose of attending school. Such a triviality as the absence of the new Chief was not going to interfere with the plans of the resourceful Leutwein. He sent for the murdered Chief's brother, Eduard Lambert, appointed him Acting Chief, and demanded that he should sign the agreement forthwith. To Eduard Lambert this was verily a case of having greatness thrust upon him.

He explained to Leutwein that, according to Hottentot views, "one has to be a Chief even before you are born," which was another way of stating the Hottentot rule: "Our Chiefs are not made, but are given by God."

Therefore Eduard at first politely declined to be Chief or to sign the agreement. Eventually however he did sign it, and the incident was closed. Leutwein is significantly silent as to how he induced Eduard to change his mind.

It was now possible for His Imperial Majesty the King and Emperor to contract with Eduard Lambert, "Acting Chief of the Khausas Hottentots."

In the contract—

the German Emperor promises to afford the Khausas Hottentots all and every protection within the boundaries of the territory, which will be left to them after the definition of the boundaries.

(The boundaries were to be fixed in a later agreement, which, needless to say, was never made.)

It is necessary to remember that a year or so previously the German Land Settlement Syndicate (the people who sold "luft schwebenden farmen"—farms floating in the air.—Rohrbach) had applied for a Crown grant of two million morgen (over four million acres), the major portion of which fell in the territory of the Khausas Hottentots. The syndicate was requested by Berlin to have a little patience and to defer the application for a while. The reason for not wishing to define any boundaries in the agreement is therefore quite clear.

Within two years the Khausas had been goaded into rebellion, Eduard Lambert had fallen in battle, and all the territory, livestock and other possessions of the people had been confiscated to the German Crown, while the tribe itself was practically exterminated. In this way the Emperor's promise of protection within the boundaries was automatically cancelled.

The Khausas Hottentots were the owners of their land. Leutwein admits that it was "their unquestioned property," but, despite the agreement and the

Emperor's promise, it was never from the very outset intended that the rights of these natives should be recognised. Gobabis and the excellent farming areas on the White Nosob River were intended for the syndicate. Moreover, says Leutwein, "Gobabis . . . was the indispensable key to the East (der unentbehrliche Schlüssel-punkt des Ostens)." The "key to the East!" but the East was British territory? Regardless of the unquestioned title of the Khauas Hottentots, it will also be remembered that in the following year (1895) Leutwein entered into the boundary agreement with Samuel Maherero of Okahandja, whereby Gobabis and the rich grazing land on the White Nosob became Crown land. This annoyed and irritated the Khauas Hottentots and their northern neighbours, the eastern Hereros (Nikodemus) and the Ovambandjeru Hereros (Kahimema). They refused to recognise imaginary boundaries which they disputed, and their trespassing cattle and sheep were summarily confiscated. This made them restive and inclined for war, whereupon it was decided to disarm them by force. They resisted and were declared rebels. On 6th May 1896 the Hereros and Hottentots (ancient enemies now united in misery) were defeated at Otjunda, and the rebellion crushed. Eduard Lambert had already fallen in action at Gobabis. Let the Khauas people relate in their own words what happened (statement of Johannes Ghoudab and two others):—

The Germans wanted to disarm us by force. The Germans came and fought us. We were defeated and our Chief killed in battle at Gobabis. The Germans took us prisoners and confiscated our land, our cattle and sheep, and all our possessions. The survivors of the tribe were sent to Windhuk as captives and made to work. We were never allowed to return to our old places.

The Germans treated us with great brutality; many of our people were flogged. Our people are now nearly all dead, only a few remain. We were not allowed to have a Chief again. The women and girls were made to work for the German soldiers, who used them as concubines. The majority of the young girls, even those who had not yet reached puberty, were violated by the German soldiers. Some died as a result of this ill-treatment.

THE FRANZMANN HOTTENTOTS.

After Eduard Lambert had signed the agreement in March 1894, Leutwein left Nossanibis and marched on Gochas, near Gibeon. There lived Chief Simon Kooper and the Franzmann tribe. Simon was on friendly terms with Hendrik Witbooi, and the massacre at Hornkranz had created in his mind, as it did in the minds of all the natives, a profound hatred and disrespect for all Germans. He likewise had obstinately refused to believe in the disinterested philanthropy of the German Emperor. Leutwein made a night march on Simon's village, and at dawn on 17th March 1894 the troops had surrounded the place and the artillery was unlimbered and ready for action. So were the Hottentots. They were in their rude forts, but had received definite orders from the Chief not to fire the first shot.

Leutwein writes (page 28):—

The shooting of Andreas Lambert had made Simon Kooper with his guilty conscience very nervous, and had created the greatest excitement in him and his people.

Six hundred armed and desperate Hottentots were however not to be despised, and Leutwein decided to avoid a collision if possible.

Accordingly, with a few attendants and unarmed, he boldly rode into the village. There he found the Chief and his staff posted on a knoll overlooking the positions. "I bade him a friendly 'Good-morning' and offered my hand." A short discussion followed, during which the Chief explained that he was determined not to fire the first shot, as he had no desire for war. The energetic Leutwein thereupon broached the subject of protection, and after inviting the Chief to meet him at 10 a.m. at the Mission House, he returned to his troops.

Punctually at 10 a.m. Leutwein was waiting at the Mission House, but Simon Kooper did not appear. Shortly afterwards a messenger arrived from the Chief and stated that he would not attend as *he had nothing to communicate to Leutwein* (er hatte mir nichts mitzuteilen).

The Governor pocketed his pride and again rode down to see the Chief. For three days he came and went, but always with the same negative results. Eventually Leutwein got wrathful; he trained his artillery on the Chief's headquarters and delivered an ultimatum. Simon signed the document with unconcealed reluctance and then asked, "For how long is this to hold good?" "For ever," said Leutwein. "This," observes the latter, "he did not like."

In the agreement

the German Emperor assures the Chief of the Franzmann Hottentots of *his All-Highest protection* for his whole country against all enemies and within the following boundaries (but no boundaries are even so much as mentioned).

For over ten years Simon Kooper remained loyal to his new masters. In 1905 he joined in the general rising with his old friend and colleague, Hendrik Witbooi. After Hendrik Witbooi's death in action, Simon Kooper, with the remnants of his tribe, crossed over the border into British territory in the Kalihari. For several years he was the terror of the German settlers and patrols on the eastern frontier until Captain Surmon, of the Bechuanaland Protectorate Police, and Mr. Herbst (now Major Herbst), the present Secretary for the South-West Protectorate, then Magistrate of Rietfontein, met the old warrior at Lehututu in the Kalihari and after a prolonged conference persuaded Simon to promise to molest no more Germans and to settle down peacefully under British protection. He died a few years later, but his tribe still lives in British territory, and has never given the authorities any trouble.

The news of what happened to Andreas Lambert spread throughout Great Namaqualand, and when Simon Kooper capitulated there was no difficulty in getting the Berseba, Keetmanshoop, and other Chiefs to sign agreements. In fact, Chief David Swartbooi came down voluntarily to Windhuk, all the way from Otjitambi beyond Outjo, and offered to sign. This voluntariness on his part did not, as will be related further on, save his tribe or preserve his rights. In connection with the other agreements, Leutwein gratefully places on record his obligations to the Rhenish missionaries for their patriotic assistance and co-operation.

THE SUBJUGATION AND SUBMISSION OF HENDRIK WITBOOI.

It now remained to deal with the old septuagenarian who, in his rock-bound stronghold of Naauwkloof, had since April 1893 defied all the efforts of the mailed fist to crush him.

In the beginning of May 1894 Leutwein moved against Witbooi with all his available guns and troops. Leutwein had asked for strong reinforcements from Germany, and pending their arrival he was not too keen on testing the military prowess of the most famous Hottentot soldier. Accordingly he wrote to Witbooi demanding to know whether he desired peace or war. The exchange of letters which followed discloses such illuminating and interesting views that the temptation to reproduce extracts therefrom is too great to be resisted. The letters are all published by Leutwein in his book, page 32, *et seq.*

The Chief replies (Naauwkloof, 4th May 1894):—

Your Honour inquires whether I desire peace or war. To this I reply: von François knows full well and so does Your Honour, although you were not here at the time, that I have of old always kept peace with you, with von François and with all white people.

Leutwein adds this footnote:—

(It is quite true that during his wars with the Hereros, Witbooi always protected the lives and property of white people).

... von François did not open fire on me for the sake of Peace; but *because* I was at peace with him. . . . (Witbooi is referring to the Hornkranz affair). I was quietly sleeping in my house when von François came and tried to shoot me, not because of any misdeed, whether by word or act, of which I may have been guilty, but only because I refused to surrender that which is mine alone, to which I have right, I would not surrender my independence . . . I am unable to understand and I am astonished and wonder much that I should suffer such sad and terrible treatment at the hands of a "big man" like von François.

Your Honour now says in your letter that von François has returned to Germany. That you have been sent here by the German Emperor with instructions to exterminate me if I do not agree to peace. To this I reply

. . . that if you have now come to speak to me in a friendly and honest way about peace (which von François deprived me of) and if you have come prepared to adjust and repair all the wrong and injustice done to me by von François (when he opened fire on us) . . . if you have come solely to make peace, I will in that event not oppose Peace. . . .

To this letter Leutwein replied as follows (The deliberate mis-statements and misrepresentations in this letter are, on the facts already revealed in this report, too glaringly apparent to require special attention to be drawn to them.) :—

At the wish of the majority of the Nama, as well as of the Herero Chiefs, His Majesty the German Emperor has extended his protection over both lands, allowing those Chiefs who will not accept protection to remain uninterfered with, provided they keep peace with the other Chiefs.

This latter you have however not done . . . but you have attacked various Chiefs in Namaland and you eventually settled yourself at Hornkranz, from which place you conducted looting raids into Hereroland. . . . You have broken peace and order in the territory which is under the protection of the German Emperor. His Majesty viewed your doings for a long time in patience; but then, as you would not desist, he ordered that you should be attacked. Had you remained quietly in Gibeon, and ruled your people in peace, you would not have been attacked. (*Note.*—Witbooi had moved from Gibeon and was settled at Hornkranz years before the German annexation.)

That you have never before done anything to us, the white people, I know full well. But you have not been attacked for our benefit (nicht unseres Vorteils willen), but, as I have above said, solely for the sake of rest and peace in Namaland. . . .

Witbooi replied asking for time to consult with his councillors and people as to whether or not they should submit themselves to the will of His Majesty, and he requested that in the meantime the German troops should withdraw to Windhuk. Witbooi, of course, only wanted to gain time.

On 7th May 1894, Leutwein answered as follows :—

An out-and-out war is better than a worthless peace. And if I leave this place merely with your assurances of peace and without at the same time your submission to the will of His Majesty, the German Emperor, it will be a worthless peace. Although I have not been long in the land, I know nevertheless that since 1884, that is for ten years, you have lived only from robbery and bloodshed, although in the meantime you did make peace.

Therefore I will not depart from you until you are defeated and captured or destroyed, even though it should take months and years to do so. If you personally find it so hard, and if you yet desire peace for your people, place your son in your position and he can then conclude the agreement. In such a case I will guarantee to you your life and the right to reside outside of German territory.

I again repeat that peace without submission to the German Protectorate is now out of the question.

This is my last word on the subject. . . .

But it was not his last word. On 22nd May 1894 Leutwein received news that the expected reinforcements were being sent and would land in July. He accordingly decided, as he says, "to put water in my wine," and he wrote to Witbooi granting an armistice of two months.

The Chief, unaware of the reasons for this change of front and hoping apparently against hope, replied :—

I thank the Lord of hearts that He has Himself stood in between us and has worked as mediator in this great matter, so that the shedding of blood, which we had in mind, has not taken place, but that we have parted in peace. May the Lord help us further so that no bloodshed may take place between us. . . .

This letter encouraged Leutwein to ride over to Witbooi's camp (probably to spy out the position) in order "to make his acquaintance."

The old Chief was, as was his wont, reserved but courteous. After a brief conversation Leutwein returned and with his troops marched back to Windhuk.

The reinforcements arrived from Germany and in the beginning of August the operations were resumed. Captain Schwabe with an advance column, including two guns, marched up and took possession of the first line of defences held by the Witboois. The Hottentots were under strict instructions not to fire first, and as the Germans boldly walked up into their positions they decided to fall back. This move greatly annoyed Witbooi, who regarded it as a deliberate breach of the armistice. He wrote a protesting letter to Schwabe in which he stated, "I do not understand this peace and armistice, seeing that Your Honour has driven my people out of their fortifications."

In conclusion, he adds, "I am, with hearty greetings, your friend, the Lord of the Water and King of Great Namaqualand, Hendrik Witbooi." This lofty style did not forebode any intention of submitting to the will of the Emperor.

When Leutwein arrived on 4th August 1894, he found perfect tranquility reigning between the opposing forces. He relates how the women from Witbooi's laager "came down daily and were busy washing the clothes of our soldiers on the river bank in return for coffee or tobacco." They did this for the last time on 26th August. The general assault on the position commenced at daybreak on the 27th.

In the interim, while the women were washing clothes, Leutwein and Witbooi returned to their pens and paper. Leutwein initiated the correspondence on 15th August, when he wrote to Witbooi:—

You have so utilised the two months of consideration given to you that you still refuse to recognise German supremacy. . . . The times of the independent Chiefs of Namaqualand are gone for ever. Those Chiefs who rightly and openly recognised and attached themselves to the German Government were more clever than you are; because they have gained only advantages thereby and have suffered no loss. I take you also for a clever man, but in this matter your cleverness has left you because your personal ambition has overclouded your understanding. You fail to understand present-day circumstances. In comparison with the German Emperor you are but a small Chief. To submit yourself to him would not be a disgrace but an honour. . . .

These Teutonic blandishments were quite wasted on the astute old patriot, who, on 18th August, replied:—

You say that it grieves you to see that I will not accept the protection of the German Emperor, and you say that this is a crime for which you intend to punish me by force of arms. To this I reply as follows: I have never in my whole life seen the German Emperor: therefore I have never angered him by words or by deeds. God, the Lord, has established various kingdoms on the earth, and therefore I know and I believe that it is no sin and no misdeed for me to wish to remain the independent Chief of my land and my people. If you desire to kill me on account of my land and without guilt on my part, that is to me no disgrace and no damage, for then I die honourably for my property. . . . But you say that, "Might is Right," and in terms of these words you deal with me, because you are strong in weapons and all conveniences. I agree that you are indeed strong, and that in comparison to you I am nothing. But, my dear friend, you have come to me with armed power and declare that you intend to shoot me. So I think I will shoot back, not in my name, not in my strength, but in the name of the Lord and under His power. With His help will I defend myself. . . . So the responsibility for the innocent blood of my people and of your people which will be shed does not rest upon me, as I have not started this war. . . .

Leutwein, who was no match for the Chief in a verbal argument and had repeatedly to change ground, replied (21.8.94):—

The fact that you refuse to submit yourself to the German Empire is no sin and no crime, but it is dangerous to the existence of the German Protectorate.

Therefore, my dear Chief, all further letters in which you do not offer me your submission are useless. . . .

To this Witbooi did not reply, and on 28th August the Witbooi stronghold was shelled and stormed by the German troops. Desperate fighting ensued in which the German losses were considerable. Soon however artillery, more modern rifles,

and abundance of ammunition and food began to weigh in the balance. After three further weeks of stubborn resistance in which they tried in vain to break through the German cordon, their ammunition ran out and their food was exhausted. For days they had been living on wild roots, gum, field mice, lizards, and the larvæ of ants. "They were famished," says Leutwein, "and their condition was pitiful" Some of their bravest warriors had fallen.

Under the circumstances the old Chief had no alternative but to agree to Leutwein's terms. He signed the "Protection Agreement" on 15th September 1894, and remained true to his pledged word for over eleven years. He actively aided the Germans in their wars against the Hereros and other tribes, and it was only in 1905 that, goaded by German injustice, ingratitude and tyranny, the old warrior, then 80 years of age, rose and with him rose the majority of the Hottentot tribes of Great Namaqualand. He died, probably as he would have wished to die, leading his men in battle near Tses in October 1906. His faithful followers with desperate valour held back the onward rushing Germans, while the body of their Great Chief was being hurriedly buried on the battle field to prevent its falling into German hands. (Von Trotha had offered a reward of 1,000*l.* for Witbooi, dead or alive.)

THE AGREEMENT WITH THE SWARTBOOIS AND THEIR SUBSEQUENT DESTRUCTION.

At the time of annexation the Swartboois or "young red nation," as they called themselves, were living in the north at Otjitambi and Franzfontein, near Outjo. In 1895, the Chief David Swartbooi visited Windhuk, and in the absence of Leutwein on military duties he made a "Protection Agreement" with Acting-Governor von Lindequist. In terms of this agreement the Swartboois were taken under the protection of Germany, "pending All-Highest sanction." In this agreement also the exact delineation of the tribal boundaries of the territory was reserved for a future agreement.

The old Chief, David Swartbooi, still lives at Windhuk (whither the Germans banished him as a captive 21 years ago), with a few survivors of his tribe. When asked how it was that he was the only Chief who voluntarily came forward and accepted German protection, he replied:—

The missionary Reichmann told us that it would be good to accept German rule, as Germany was the Head of the whole world and more powerful than England. Dr. Hartmann, the Manager of the South-West Africa Company, of Grootfontein, also said it would be in our best interests to accept German rule. The Germans promised to respect the laws and customs of my tribe, but that they never did.

Towards the end of 1896 Leutwein visited the Swartbooi tribe at Franzfontein and there met the Chief. There was at the time a dispute between the Swartboois and Omaruru Hereros relative to tribal boundaries. The Swartbooi Chief, relying on his Protection Agreement, approached Leutwein and asked him to adjust their difference. This Leutwein avoided. He explains (page 121) that there was no reason why "we, by our intervention, should remove what would probably be for us a useful rivalry" (für uns vielleicht noch nützliche Rivalität). And this is the same man who attacked Witbooi "for the sake of peace and rest." Leutwein was also aware that the Chief's cousin, Lazarus Swartbooi, was intriguing and plotting to depose David and to secure the Chieftainship. In this matter he also did not interfere. David Swartbooi also asked for rifles and ammunition, and "was consoled with hopes for the future."

Referring to the agreement with the Swartboois, Leutwein remarks (page 238):—

At the close of the Witbooi war this tribe voluntarily offered to enter into an agreement in the hope that they would get protection from the surrounding Hereros, if only by supply to them of arms and ammunition. When they were disappointed in these hopes, they commenced their agitation, which eventually resulted in the Swartbooi rebellion.

In May 1897, the pretender, Lazarus Swartbooi, caused rumours to be spread to the effect that the Chief David Swartbooi contemplated giving trouble. The Magistrate of Outjo, Captain von Estorff, thereupon made a night march with 20 soldiers and surprised and arrested the Chief at his house in Otjitambi. After an inquiry had been held, and the "correctness of the allegations established" ("although," says Leutwein, "only words and not deeds were proved"), Chief

David was deposed and sent to Windhuk as a captive, and the pretender Lazarus, who had no title at all to the Chieftainship, was made Chief in David's stead.

Thereby (says Leutwein) Lazarus succeeded in gaining his object. The supporters of David were not satisfied, however, and the agitation against the German Government and the new Chief, Lazarus Witbooi, continued on an increasing scale.

In 1897 the adherents of the two factions came to blows, purely between themselves. The old Chief's followers represented probably 90 per cent. of the tribe, and they resented Lazarus's assumption of authority. Headed by Samuel Swartbooi, the deposed Chief's brother, they took possession of the Chief's stock, grazing near Franzfontein, which the Germans had illegally and in breach of all law and custom vested in their "created" Chief, Lazarus. Incidentally some German military horses and mules were grazing with this stock at the time, and were removed as well. This, remarks Leutwein with astonishing equanimity, though he makes mention only of German Government stock, was "rightly regarded" by Captain von Estorff as "an act of war." Without further ado, the German troops marched against "the rebels." The Hottentots retired to the Grootberg and prepared to defend themselves. In February 1898 their position was bombarded by troops under Major Mueller. The position was a very strong one however, and before wasting more German lives an attempt was made to achieve by treachery and bad faith what was not too attractive for achievement by force of arms. The German missionary Reichmann afore-mentioned, he who had told Swartbooi that "Germany was Head of the world and more powerful than England," was sent in to the Hottentot camp with a message to the effect that if the "rebels" surrendered, their lives and property would be spared and they would be allowed to return to their former homes. Reichmann returned bearing a letter from Samuel Swartbooi, which Leutwein prints (page 150), but he is carefully silent as to the inducements held out.

The letter reads as follows:—

Grootberg,
13th March '98.

The undersigned sends this letter and thereby gives notice that it is the heartfelt wish of us all to make peace. We thank the Lord that what appeared an impossibility has now become possible, as a result of the prayers of the many Christians here in the mountain. And I hope this will be a real peace, which God wishes to bring about in all of us, and I pray the Lord that it will be realised. Also do I ask Your Honour for a real peace; and as a token I send you two men, Sem Swartbooi and Paul Hendriks, in advance with Boab Davids. I will leave here on Monday afternoon, and Mr. Reichmann may go from your side on Tuesday, so that we may meet at the fort in the forenoon and discuss matters.

(Signed) SAMUEL SWARTBOOI.

The missionary Reichmann met the rebels, and as a result of his communications the whole Swartbooi tribe (the few adherents of Lazarus were negligible) surrendered to the German Commander.

Josephat Jaeger, an Afrikaner Hottentot, now gaol warder at Grootfontein, who was a "soldier" in the German native forces at the time, states on oath:—

The war was caused through the Germans having deposed the lawful Chief, David Swartbooi. They sent David as a prisoner, and appointed Lazarus as Chief in his stead. The people, with a few exceptions, stood by David and refused to recognise the new Chief. The result was war. After some fighting the Hottentots were surrounded in the Grootberg. It was a difficult place to attack. The Germans bombarded it. Then they sent the missionary Reichmann out to the Hottentots to ask them to surrender. The missionary was told to inform them that if they surrendered they would get the following terms:—

(a) they would be allowed to return to Franzfontein and Otjitambi to live.

(b) they would retain all their stock and possessions, including their arms. The Hottentots thereupon came in voluntarily and surrendered. No sooner had they done this when the Germans disarmed them all, confiscated their stock, and sent them all (men, women and children) as prisoners to Windhuk.

This was a great breach of faith by the Germans. They had broken their promises, but the Hottentots were powerless. Along the road they were very badly treated, and many died. The others were never allowed to return from Windhuk. . . .

Every Swartbooi Hottentot who has been interrogated is clear on the point that the war was caused because the Germans had deposed the lawful Chief, David Swartbooi, and appointed Lazarus, whom the majority of the tribe would not recognise.

Abraham Swartbooi sworn, states :—

My brother Lucas was killed, and I was shot through the leg. I show the bullet wound now. The Germans made this war simply for nothing at all. We gave them no reason. We only had quarrelled over the taking away of our lawful Chief. The Germans took all the people's cattle and sheep. The survivors were all sent to Windhuk to work, and were not allowed to return. Only the few Hottentots who adhered to the party of Lazarus Swartbooi were allowed to stay at Franzfontein. I went to work for a German and was sent to Karibib. I was brutally thrashed by this German, but had to stay with him. I was there for four years, living all the time like a dog. . . . Before I was sent to this German, I was ordered to receive 75 lashes for having taken part in the "objections" to Lazarus Witbooi. I got 25 lashes each month for three months. I will show you the scars on my buttocks (shows huge scars on buttocks and thighs)—my flesh was cut to ribbons by the sjambok. That I suffered for standing by my lawful Chief. . . .

Jonathan Booyse (a Veldschoendrager Hottentot, living at Franzfontein, who was employed with the German troops) sworn, states :—

While we were on the march back from the Grootberg (this is after the surrender), we were camped on the veld, when two Hottentot men came walking along the road from Outjo towards Franzfontein. They were unarmed and not a bit afraid. They must have seen our camp a long way off, they just walked up. When they got to the camp, I recognised them as old residents of Franzfontein. Their names were Petrus and Gawieb. The Germans asked them what they meant by walking about like that. They said they meant no harm, they had heard of the war, and were anxious about their old mother, who lived at Franzfontein. They were on their way, they said, to see if she were alive, and if so, they intended to take her back with them to live at Outjo. They were told by Von Estorff, the German officer, that they were liars, and that he was going to hang them as an example to others who wandered about to do mischief.

On hearing this, Willem Swartbooi, one of the Franzfontein Hottentots, who like me had been working for the German troops, went up and pleaded for their lives. He said to the officer, "I know these men and I know they are innocent, I have worked for you, but if you hang them, then take me and hang me with them." The officer only laughed. Willem then said, "If you kill them I refuse to work for you any more, as they are guilty of no crime." The officer said, "Well, we won't hang them, we'll shoot them instead."

The soldiers had already placed ropes round the necks of Petrus and Gawieb and were waiting for the order to pull them to the tree. They were then led aside, crying for mercy and protesting their innocence. They were both shot and their bodies left there for the wild animals. We moved on, but that same night Willem ran away. I afterwards heard that he had gone to Walfish Bay to live with the British people.

The Swartbooi tribe thus, for the reasons given, shared the fate of the Khausas Hottentots. The survivors, men, women and children, were employed as labourers on what Leutwein calls "public works" at Windhuk.

The old Chief, David Swartbooï, referring to his deposition from the Chieftainship and the subsequent happenings, made the following statement under oath :—

I was sent to Windhuk and placed in gaol for three months. They made me do hard labour with the convicts. I was never tried by any court of law, and to this day I don't know why they did this. After releasing me from gaol they took me, as a prisoner still, with their troops to the campaign against my people who had rebelled owing to my removal and the placing by the Germans of Lazarus as Chief in my stead. When I got there the people had already been beaten and had surrendered. The Germans tied me to a wagon wheel, and as my people came in after their surrender they saw me there. My people complained bitterly when the Germans ordered us all to march on the road to Windhuk. They all told me that the missionary Reichmann had come from the Germans and had persuaded them to surrender on condition that they retained all their stock and that they would be allowed to return to their old homes at Franzfontein and Otjitambi. As soon as the people were in their power the Germans broke this promise, took all their stock, and forced us to march to Windhuk.

They drove us before them. Some people died on the journey. We were located at Windhuk, on the hill where the Government buildings now stand. We were paupers and got food, that is the old people who could not work. The others had to work for the Germans and got good pay, 10s. a month after a time. At first they only gave us 3s. a month. They eventually gave me a few goats for my people, about 50, but they all died of scab and the Germans gave us no more.

We have lived in Windhuk ever since. We have been slaves to the Germans all these years. I was often thrashed with a sjambok while in gaol in the early days, because I said I was an innocent man. The rest of my people were treated very cruelly and harshly. We were helpless and were captives, we could not defend ourselves. Our women were violated and made to act as concubines. Our daughters were not safe. The mother and father could protest, but it was in vain. One of my men, Timotheus Richter, had a daughter Sarah, a young girl. A German lieutenant, whose name I forget, came to Timotheus and demanded the girl as a concubine. The lieutenant was told by Timotheus that he would not allow this, whereupon the lieutenant knocked him down and kicked him in the ribs. He died from his injuries and the lieutenant forced Sarah to go with him. I complained to another German officer, who said for peace and quiet's sake I should say nothing more, but let the girl go. I was afraid and let the matter drop as the other lieutenant also threatened to thrash me for interfering. The soldiers also took our women in this way, and we could do nothing for fear of the sjambok and worse things.

Before leaving the Swartboois it may be added that the German-made Chief, Lazarus Swartbooï, who had remained with his remnant of followers at Franzfontein, got very little thanks in the end. When the general rebellion broke out in 1905 Lazarus was arrested as a precautionary measure and sent in chains with his schoolmaster and the senior councillor to the Okahandja Gaol. They died in captivity.

Daniel Esma Dixon at that time in German employ at Okahandja, states on oath :—

Natives who were placed in gaol at that time never came out alive. Many died of sheer starvation and brutal treatment. I remember seeing Lazarus Swartbooï, the Hottentot Chief of the Swartboois at Franzfontein, brought into Okahandja Gaol. He was manacled and chained by the neck to another Hottentot. At the same time, Willem Cloete, a Bastard (the brother of Jan Cloete of Omaruru), was taken to the gaol and with him was Johannes Honk, an educated Hottentot, a schoolmaster. It was alleged that Lazarus had tried to foment rebellion in the north. They were, the four of them, so badly treated in the gaol that they all died within a few weeks. I was present when they were buried.

THE AFRIKANER HOTTENTOTS.

A remnant of this once all-powerful Orlams tribe was living at the time of annexation on the north bank of the Orange River, close to the eastern boundary

line below Nakob. In 1897, owing to allegations of stock-theft against certain individuals, the German lieutenant in charge at Warmbad deemed it advisable to punish the whole tribe, and he accordingly led a small party against them. He paid for his temerity by a severe set-back, blood was shed and, as German honour had now to be vindicated, a strong punitive force was sent against the "rebels." The tribe was not numerically strong, probably not more than three or four hundred, and they could only muster about 60 to 70 rifles. The German troops inflicted very heavy losses and captured all their stock and possessions. The unfortunate survivors fled through the Orange River to British territory and surrendered to the Cape Police who were on posts along the frontier. The Germans demanded their extradition. This was agreed to by the Cape Government and the Afrikaners were taken across and handed back to their German masters. No sooner had this been done when every one of the poor wretches was shot without mercy (as Leutwein puts it "Samtlich erschossen").

Thus disappeared the last surviving remnant of a tribe which at one time had dominated South-West Africa from Ovamboland to the Orange River.

It is now necessary to pass on to the Bondelswartz rising of 1903 and the general Hottentot rising of 1904.

CHAPTER XIX.

THE BONDELSWARTZ RISING OF 1903 AND THE GENERAL HOTTENTOT RISING, 1904-7.

Towards the end of 1903 the continued exploitation and robbery of the Hereros in the north, which had been greatly intensified and increased by the promulgation through Berlin of the Credit Ordinance, had brought about a state of affairs in Damaraland which Leutwein rightly describes as something similar to a powder magazine, which only required the application of a match to bring about a terrific upheaval. The robberies, floggings, murders and general injustices had reduced the Herero people to a state of sullen desperation. They only wanted a lead.

Unexpectedly, and without a word of warning, this lead came from the Hottentots in the south. The typically high-handed and overbearing conduct of a young German officer at Warmbad, followed by the murder of the Bondelswartz Chief, was the last straw.

The manner in which the Hereros had been treated is known. It is now necessary, before dealing with the actual rising of the Hottentots, to detail some of their experiences. It will be of interest to hear the views of those Hottentots who, as one of them has stated, "by the grace and mercy of Almighty God" have survived German rule and are alive to tell the tale.

Abraham Kaffer (a venerable old man of over seventy, who was for many years "Chief Magistrate" of the Bondelswartz tribe and one of the tribal councillors) states on oath:—

We in our tribal laws were used to the control of our Chief; he was our "Government" and could decide disputes, punish evil-doers, and settle differences. . . . We have never been able to understand the German Government. It was so different to our ideas of a Government; because every German officer, sergeant, and soldier, every German policeman and every German farmer seemed to be the "Government." By this we mean that every German seemed to be able to do towards us just what he pleased, and to make his own laws, and he never got punished. The police and soldiers might flog us and ill-treat us, the farmers might do as they pleased towards us and our wives, the soldiers might molest and even rape our women and young girls, and no one was punished.

If we did complain, we were called liars, and ran the risk of revenge or punishment. And thus it was that a Hottentot got to take such happenings as the German custom. It was "Government" to us, and we had to submit.

Joseph Schayer, of Warmbad (who, with Marengo and Morris, was one of the "Commandants" of the rebel Hottentots, 1903-7), states on oath:—

Before the rebellion our people were very harshly treated, especially in the prisons. . . . (Note.—From 1901-1903 Joseph was a native constable in the German police, and he speaks of his own knowledge). . . . Many people died in prison owing to cruel treatment, insufficient food, floggings and hardships. . . . The prisoners were practically allowed to starve, and while in this state of weakness they could not stand the repeated floggings they received. Prisoners were sent to Keetmanshoop in gangs. They were marched by road (140 miles). They had iron rings round their necks, connected by chains to one another. If one of them got exhausted, the gang was made to walk on and drag him. He was sjambokked and driven on. Eventually, if he became too weak and fell, he was dragged by the rest, who were urged on with sjamboks and was kept at a trot to keep pace with the horses. In this way men were choked to death. I know of many cases like this. On one of our treks from Warmbad to Keetmanshoop two prisoners were actually beaten to death with ox reims. This happened at Grundoorns. The officer in charge was present, and watched the floggings. These prisoners were on their way to gaol; and they were beaten because they were too weak to walk. I can show their graves at Grundoorns to this day. . . . On another occasion four prisoners were sent from Warmbad to Keetmanshoop *viâ* Kalkfontein. One prisoner got exhausted at Draaihoek, near Kalkfontein. The German soldiers then beat him to death with sjamboks. He is buried there. I was present at the time. The escort was composed of four German soldiers and myself; there was no officer there that day. One day at Warmbad a German soldier shot one of the prisoners for no reason at all. For these murders no one was ever punished.

Adam Pienaar (also known as Adam Christian, nephew of the old Chief, Willem Christian), states on oath:—

The law gave us no protection; the German soldiers did just what they pleased. We were helpless, and powerless. Our Chief complained, but all in vain. I was a German police-boy for seven years before the rebellion broke out. Many of our people died in prison through starvation, floggings, and general ill-treatment. . . . Accused persons were never given a fair trial. They were never allowed to give evidence, or to open their mouths. The evidence of one white man, conveyed by means of a letter of complaint, was quite sufficient to secure a conviction for almost anything. Our people were literally flogged to death. Very many died. Matters came to a head in 1903, when the Germans murdered our Chief, Jan Abraham Christian, at Warmbad. We then all rebelled against German tyranny.

The courts gave us no protection, as our word was not accepted and our complaints were never believed. . . . Prisoners were sent in chains to the central gaols. They had to walk in gangs ahead of mounted soldiers. If a prisoner became exhausted on the way he was flogged and driven. His only release was death—and many died. The march from Warmbad to Keetmanshoop was over 140 miles by road, with water only obtainable at great distances apart. The mounted police showed the prisoners no mercy. Prisoners were also made to walk in chains from Ukamas to Warmbad. The country is full of the graves of those who died of exhaustion or were beaten to death by the German police. I have buried very many myself. They were made to walk till the blood came through the soles of their feet. The hot sand burnt their feet, and walking was then impossible. Such people all died under the sjambok or fell down and died from sheer exhaustion.

Willem Christian (grandson of the Chief Willem Christian, and son of the late Chief Johannes Christian, who died in 1910), states on oath:—

Before the rebellion many of our people died in gaol owing to insufficient food, ill-treatment and flogging.

A white man could do as he pleased to us. White men were not punished. Our word was never taken in a court. If we complained we

were not believed. Any number of us could give the same evidence, but it carried no weight. We were not allowed to give evidence on oath. On the other hand, a white man was always believed and his evidence was always accepted. In this way injustice was done and many innocent people suffered. . . . If any one of our people was arrested on a farm by the German police, a rope was tied round his neck and it was held in the hand of the mounted policeman, alongside of whose horse the prisoner had to trot all the way. If he tired or lagged back, he was flogged and hit and made to go on. . . . Our women and girls were constantly being molested by German soldiers, and even officers. We objected to this, but were powerless to prevent it. We were beaten if we intervened. This is why we lost all respect for the Germans.

THE SHOOTING OF THE CHIEF JAN ABRAHAM CHRISTIAN.

On the afternoon of the 25th October 1903, a party of German troops under Lieutenant Jobst went to the Bondelswartz village at Warmbad and attempted forcibly to remove the Chief, Jan Abraham Christian, under arrest. The Chief objected, and was shot dead. The Hottentots retaliated by shooting Lieutenant Jobst and several of his men. The following sworn statement as to what actually took place was supplied by an eye-witness :—

Jantje Izaak states on oath :—

I am a Bondelswartz Hottentot and live at Warmbad. I used to be the messenger of the old Chief, Willem Christian. This Chief died and was succeeded by his son, Jan Abraham Christian.

I remember in October 1903, I was living in the Hottentot werft at Warmbad. A child of the Chief's sister got very ill with inflammation, and the warm stomach of a goat was required as medicine. Our own goats were all grazing outside some distance away. A goat was urgently required. The Chief asked some Hereros who were passing through with goats to let him have one. They refused, whereupon the Chief ordered his men to take a goat from the Hereros and slaughter it. This was done. The Hereros went to the German officer in charge (Lieutenant Jobst) and complained. He sent a message to the Chief, who in reply sent 18s. in payment for the goat. (Leutwein says it was 20s.) This the Hereros were satisfied with, and they accepted the money.

Lieutenant Jobst was not satisfied and wanted to punish the Chief. He ordered the Chief to come over and see him. The Chief sent six of his councillors to explain the matter and the lieutenant immediately bound them and put them into prison. The next day the Chief sent over and asked for the release of his men. He said that he had already settled the matter of the goat, and as he was a Chief he could do such things in his own territory. He pointed out that the terms of his treaty with the Germans allowed him to govern in his own area. The lieutenant refused to listen to these messages and decided to arrest the Chief. So that afternoon he set out armed and with his armed soldiers, about eight or ten men, towards the Chief's werft. When they got there the lieutenant ordered two men to go into the Chief's house and arrest him. They did so. We were watching them from our pontoks. Our people had arms. When the Chief was dragged out of his house by the two soldiers, he tried to wrench away from their grasp, whereupon the German sergeant drew his revolver and shot the Chief dead on the spot. Thereupon the rest of us opened fire on the Germans and killed the lieutenant, the sergeant, and one man. The others fled back to their fort.

That is how the great rebellion started in 1903, and it lasted until the death of Marengo in 1907.

Except as to the reasons for taking the goat and as to who fired the first shot, this narrative agrees in all essentials with the official German reports. Leutwein (page 440) agrees that the Chief's attitude was correct, in terms of clause 4 of the Protection Agreement, wherein he had reserved to himself (after excluding disputes between Europeans and natives) "the right of jurisdiction in all other cases. I expect from the European population that they will respect the laws, customs and usages of my country."

While agreeing that the Chief was right and the lieutenant was wrong, Leutwein goes on, however, to blame the Hottentots for the death of their Chief.

He writes :—

While the two soldiers were dragging the struggling Chief behind them, between the two positions, the Hottentots opened fire, as a result of which the Chief, the two soldiers, and the District Commander (Lieutenant Jobst) were killed and two soldiers wounded.

Leutwein's statement is on the face of it open to grave doubt, and his explanation may be dismissed as incorrect. It is absurd to imagine for one moment that the Hottentots would have jeopardised their own Chief's life by firing in the manner alleged. All the Bondelswartz leaders who have been questioned laugh the German version to scorn, and are unanimous in affirming that not a shot was fired from their side until *after* the Chief had fallen with a German bullet through his head. It has been repeatedly pointed out in this report that as an invariable rule the Hottentots never fired the first shot.

The question arises, why should the Germans conceal the truth then? The reason is not far to seek, and Leutwein unwittingly reveals it himself. He has published a letter, dated 21st November 1903, addressed to him by von Burgsdorff, the Magistrate of Gibeon, in which the latter writes :—

Incidents like that at Warmbad damage us in every respect, economically in Europe, in our prestige and with the natives. The old Witbooi remains loyal to us; but happenings like that at Grootfontein and the last have unsettled him. I sincerely hope that it can be definitely established that at Warmbad the first shot came from the side of the Bondels. That will create a possibility that he (*i.e.*, Hendrik Witbooi) may be convinced that all the blame rests with the Bondels.

The old Chief Hendrik Witbooi, despite his 80 years, was still active and the most powerful and influential leader in Namaqualand. Hitherto he had always loyally stood by his obligations which had been forced on him by the agreement signed after Hornkranz and the fights in the Naaauwkloof. His prowess as a skilful and daring guerilla fighter was held in the greatest respect by the Germans, and every effort was necessary, therefore, to keep him loyal and quiet.

This being so, it did not take German officialdom long to declare that the first shots at Warmbad had been fired by the Bondelswartz.

In view of the fact that the German Commander at Warmbad had deliberately broken German pledges and obligations under the agreement, and that the ill-fated Chief had been perfectly correct in his attitude; in view, moreover, of the actual circumstances, from which it appears clear that the Hottentots had not premeditated rebellion or attack and that the Germans were the aggressors, one would have imagined that the events called rather for an inquiry than for an armed punitive expedition.

What followed is indicative of German policy throughout, public and private. It seems to have been based on the rule that even where the German is the aggressor and in the wrong, the native who objects to or opposes his conduct must be punished. Merely a variation of the "Might is Right" theory.

The Bondelswartz were accordingly declared to be in a state of rebellion, and all the available German forces plus Hottentot and Bastard contingents, under Hendrik Witbooi and the Rehoboth Chief, were sent down to crush the rebels. During December 1903 and January 1904 a few petty engagements took place in the mountains near Warmbad and in the Karas range south of Keetmanshoop. It was then that the famous guerilla leader, Jacob Marengo (half Hottentot, half Herero), first came into prominence.

Before the German plans could be co-ordinated news of a general Herero rising in the north came like a thunderbolt.

Leutwein could not deal with both parties at once, and he decided on a peace at any price with the Bondelswartz in order that the greater menace in Damaraland might be attacked with all available strength.

It would have been better under the circumstances and in view of the great danger of a general rising throughout the south-west (a danger that Leutwein must have known of even if he did not appreciate it), to have made a peace simply by reverting to the *status quo ante*.

This, however, German arrogance and fatuity were incapable of achieving. It was not even attempted, though in actual effect the results were the same, but with a far different aspect.

The new Bondelswartz Chief, Johannes Christian, was a weak-minded person who had no desire for armed conflicts, even in defence of sacred rights. Accordingly, when at the end of January 1904 Leutwein offered to make peace, the Chief readily opened negotiations.

The German authorities thereupon could no longer resist the temptation of disclosing and endeavouring to put into operation their long-cherished and definitely arranged schemes in regard to the native races. Governor Leutwein proposed the following terms:—

(1) Surrender of all arms and ammunition and restoration of all looted property.

(2) The delivery of all persons charged with murder.

(3) The cession to the German Crown of the entire territory of Keetmanshoop and the Karas Mountains, and the confinement of the whole tribe to a relatively small reserve at Warmbad.

It was clause 3 which sent a thrill of apprehension through Great Namaqualand. Hendrik Witbooi became restive and suspicious, and his feelings were shared by every Chief in the country.

Naturally, under the circumstances, the enforcement of this condition was out of the question at the time and it was held over for later discussion.

Clause 2 was likewise inoperative, because the wanted persons refused to come in and surrender. A strong band still held positions in the Karas Mountains, while Marengo and his adjutant, Abraham Morris, had temporarily betaken themselves to the south bank of the Orange River, outside German jurisdiction.

In terms of clause 1 of the proposals Johannes Christian handed in 289 rifles at Kalkfontein and, pending further discussion of the other peace terms, a patched-up peace was made, and the Chief with those of his followers who had surrendered was allowed to return to his head village at Warmbad.

Leutwein moved north to attack the Hereros, and with him went the Bastard contingent and a picked commando of over 120 Witboois. The old Chief Hendrik, on the plea of ill-health, remained behind and returned to his headquarters near Gibeon.

By June 1904, thousands of fresh troops had arrived from Germany, and Leutwein was replaced in the field by Lieut.-General von Trotha, fresh from his bloody solution of the native problem in German East Africa.

Von Trotha issued the notorious and merciless "Extermination Order," whereby his troops were instructed to take no prisoners, to give no quarter, and to show no mercy to man, woman or child.

Then it was that the true German ideals, which had been an open secret since the negotiations at Kalkfontein South in the previous January, were blazoned forth from the house-tops. The German settlers and farmers and the directors of land syndicates and other speculative ventures began to open their mouths very widely. Now that von Trotha had arrived and Germany was at last able to show her military power the "great general" would effectively settle the native question throughout South-West Africa before he returned to the Fatherland.

The local newspapers took up the theme with zest and vigour. It was openly forecasted that—

(a) All tribal bonds would be broken.

(b) The Chiefs would all be deposed.

(c) All natives would be forcibly disarmed and placed in reserves.

In other words, Germany was about to repudiate all pledges and promises made in the protection agreements, now that she felt strong enough to do so, and in the general breaking up of the old order the loyal Chieftains and natives would suffer the same fate as those who had gone into rebellion.

Chiefs like Hendrik Witbooi, Christian Goliath, and Johannes Christian read the newspapers and received food for deep and serious thought.

Christian Goliath walked into the Magistrate's office at Keetmanshoop one day and said to the Magistrate: "The newspapers say that we Chiefs are to be deposed and our people disarmed. Is this correct?"

The matter was reported to Leutwein, who thereupon wrote a gentle lecture to the editor of the Windhuk "*Zeitung*" in which he remarked: "You should at least deal cautiously with such matters in your paper, otherwise the rifles in Namaqualand will go off of their own accord."

As might have been expected, judging from their records, there were certain German missionaries too who could not resist the temptation to fulminate from their pulpits.

The missionary Holzapfel, of Rietmond (in Hendrik Witbooi's territory), declared from his pulpit that the German Government intended to disarm the Witbooi tribe as a punishment for their sins. (Page 294: Leutwein).

About the same time a report reached Hendrik Witbooi at Gibeon that the missionary Wandres had declared from his pulpit at Windhuk: "God will punish Izaak Witbooi (Chief Witbooi's son and heir) through the German Government, even in the same way as He allowed Chief Abraham Christian of Warmbad to be punished."

Hendrik Witbooi reported what he heard to Windhuk; whereupon Wandres denied having said so. The Chief thereupon produced statements from members of the congregation who were present and had personally heard Wandres use the words complained of. Leutwein promised to investigate, but in the meantime Hendrik Witbooi had decided to go into rebellion.

The figure of this 80-year-old warrior Chieftain, gathering his little band of faithful followers and deciding to make one last and desperate stand against German oppression and injustice, cannot be regarded without feelings of deep sympathy and admiration. He felt their oppression and injustice keenly, no doubt; but the gross ingratitude and bad faith displayed towards him (he who had risked his life for them times without number, and who during 11 long years had been true to his pledged word) must have hurt him even more, and it probably killed in Witbooi the last vestige of respect for and trust in the white race.

Coming on top of the newspaper articles and the pulpit utterances, quite apart from the daily talk of the braggart settlers, Witbooi received news from the north which definitely settled his plans.

Von Trotha's "Extermination Order" against the Hereros was issued in August 1904. The Witbooi contingent, like the Bastards, definitely refused, as Christians, to kill women and children and captured prisoners. This resulted in friction and recriminations. The Witboois, loyal allies—and very useful allies they were—were harshly treated by von Trotha's officers. The result was that 19 men deserted and, despite all endeavours to intercept them, made their way safely from the Waterberg to Gibeon, where they reported to their revered Chieftain. They brought him news of the common camp talk among von Trotha's soldiers, that, when the Hereros were finished with, it would be the Hottentots' turn next.

Hot on the tracks of these returned men came the news that their comrades (over 90 all told), who had loyally remained with von Trotha, had been arrested and disarmed and were on their way to Togo and the Cameroons, whither they were being deported, and where (as Leutwein says) the "climate" killed the majority of them.

This was the treatment meted out to the loyal and faithful subjects of a loyal and faithful Chief who for over ten years had been a pillar of strength to Germany in South-West Africa.

Leutwein gives (page 300) the following list of campaigns in which Hendrik Witbooi and his people rendered sterling services:—

- 1896, against Eastern Hereros and Khauas Hottentots.
- 1897, against Afrikaner Hottentots.
- 1898, against Swartbooi Hottentots.
- 1900, against Bastards of Grootfontein.
- 1903, against Bondelswartz.
- 1904, against Hereros.

In an appreciation written after the Chief's death in action, Leutwein says:—

His life was forfeit. And therefore the German bullet which killed him was a release for him and for us. It brought to him the honourable death of a soldier and it saved us from a serious dilemma. The little Chief had, however, immortalised his name in the history of the South-West African Protectorate. First his obstinate resistance of the mighty power of the

German Empire, at the head of a small band of warlike but nevertheless tired and impoverished people; then his loyal support of our cause for ten years; and, eventually, the change and the rebellion—these have bound his name inseparably with the history of the country. To me he is still the little Chief who so loyally stood by my side for ten long years. . . . He was the last national hero of a dying race.

The news of the deportation of his warriors to the Cameroons was more than Witbooi could bear. He decided to rally his tribe and to die fighting.

He issued a manifesto to his brother Chiefs, and by the end of 1904, Simon Kooper and the Chiefs of the Bethany, Veldschoendrager, Red People of Hoachanas, and, in fact, all the Hottentots in Great Namaqualand, except those of Berseba and the town of Keetmanshoop, had joined the veteran's forces. After some hesitation even the peace-loving Johannes Christian of Warmbad (despite the peace of Kalkfontein in the previous January) took the field, urged on by the fearless Marengo and "at all events" (says Leutwein) "not without contributory guilt on our side."

Leutwein wrote to Witbooi asking him why he had rebelled. The Chief replied:—

The reasons go far back. . . . As you have written in your letter, I have for ten years observed your laws. . . . I fear God the Father. The souls of those, who during those ten years (those of all nations and of all Chiefs) without guilt or cause and without actual war have fallen in peace time and under agreements of peace press heavily on me. The account which I have to render to God the Father in Heaven is great indeed. God in Heaven has cancelled this agreement. Therefore do I depend on Him and have recourse to Him that He may dry our tears and in His time liberate us. . . .

And I pray you when you have read this letter sit down quietly and think it over and reckon out and reckon out the number of souls who, from that day from which you came into this land to this day—for ten years—have fallen. . . . Reckon out also the months of those ten years and the weeks, days, hours and minutes since those people have died. . . . Furthermore I beg of Your Honour do not call me a Rebel.

After a year of desperate fighting, Hendrik Witbooi (then over 80 years of age) was killed in action near Tses. Von Trotha had offered a reward of 1,000*l.* for Witbooi, alive or dead. To prevent his body falling into the hands of the enemy, his followers held back the advancing Germans while his son and a few others hastily dug a grave on the battlefield. His only requiem was the screeching of shells and the whistling of German bullets. After burial every effort was made to remove all indications of the presence of a grave, and then the broken-hearted band retired. Thus fell Hendrik Witbooi, a victim of Germany's ambition and a sacrifice to her blood-lust: "A born leader and ruler," says Leutwein, "that Witbooi was; a man who probably might have become world-famous had it not been his fate to be born to a small African throne."

After Witbooi's death the heroic and chivalrous Jacob Marengo took his place at the head of the rebels, and for nearly two years longer the struggle continued. Eventually, through sheer exhaustion, the Hottentots began to give way. The concentrated power of German arms proved too much for them, and tribe after tribe surrendered (this was only after von Trotha had been recalled). Previously they had asked for peace on terms, but his blood-lust had not yet been satiated and the killing continued. Eventually the protraction of the campaign and the enormous cost created an uproar in Germany. Von Trotha went home. Marengo had fled into the Kalihari, and with him Simon Kooper and the survivors of his Franzmann tribe. Those who were left agreed to the Peace of Ukamas, the terms of which were identical with those settled at Kalkfontein South in January 1904. By the end of 1907 the survivors of the Hottentot tribes, now reduced, like the Hereros, to penury and starvation, all their stock having been taken in the course of the campaign, were captives at the mercy of the conquering German. Early in 1908 Jacob Marengo, who had refused to return to South-West Africa to the certain death which awaited him, or to surrender to the British forces and by them be sent back captive to his German masters, was shot by the Cape Police near Rietfontein. The pity of it that even one British bullet should have aided in that horrible outpouring of human blood.

Simon Kooper moved northwards along the Kalihari frontier, and was for some time the scourge and the terror of the German frontier posts. Eventually, through the mediation of the British Government, he was met at Lehututu, as already related, and persuaded to settle down peacefully in British territory and to give up molesting his mortal enemies across the frontier. He died shortly afterwards, but his people still live in exile in the arid Kalihari.

CHAPTER XX.

THE TREATMENT OF THE HOTTENTOTS IN WAR AND OF THE HEREROS AND HOTTENTOTS AFTER SURRENDER.

It must not be supposed that as a body the Hottentots continued their resistance right up to the Peace of Ukamas in the end of 1906.

In the beginning of 1906, after von Trotha had left, the survivors of the Witbooi tribe, broken and depressed by the death of their leader, had surrendered on the terms originally fixed at Kalkfontein. Their submission was followed by the surrender of the remnant of the Bethany tribe under Cornelius Fredericks. Only Jacob Marengo with the Bondelswartz and Veldschoendragers, aided by Simon Kooper, continued the struggle until the end of 1906.

So early as April 1905, a general peace would have been possible but for the obstinate adherence of von Trotha to his extermination policy. It was then that Marengo signified his willingness to surrender on terms. All that he asked for was :— (a) that the lives of all should be spared, (b) that they should be allowed to retain their own livestock and their own bonâ fide possessions, (c) that the reserves into which they were to be put should be large enough for their stock to find sufficient grazing and water.

Then it was that von Trotha lost all chances of an early peace by replying that the surrender was to be unconditional, that they would receive no guarantee as to the sparing of their lives, and that they would have to hand over all their livestock.

Little wonder, then, that Marengo decided to fight on to the bitter end.

Rohrbach is very clear on the subject of von Trotha's obstinacy and vindictiveness. He writes (page 351) :—

Not only with regard to the menaced destruction of the most valuable labour-material for the carrying on of our farming pursuits or on grounds of humanity was the policy of General von Trotha loudly and adversely criticised, but also above all things (vor allen Dingen), because, on account of his so-called extermination programme, the restoration of peace was further delayed and the war costs increased out of all proportion. . . .

In the end of 1905 von Trotha was recalled, but it took a year to persuade all the Hereros and Hottentots who survived to surrender finally. The new Governor, von Lindequist, issued a special proclamation to the Hereros offering them work and promising to spare the lives of all who came in and surrendered voluntarily. On these terms also the Witboois and the Bethany people eventually surrendered, and gradually opposition became weaker and weaker until the general Peace of Ukamas was agreed to in the end of 1905.

The following will show how far their surrender brought peace and happiness to the natives.

Joseph Schayer (Commandant under Marengo) states under oath :—

I was never captured by the Germans, and remained in the field until peace was made in end of 1906 or beginning 1907. . . . We were ordered by our Chief to spare all women and children. The missionaries and the English and Dutch settlers were not molested by us if they remained on their farms. When we captured German soldiers we always released them after taking their arms and ammunition. We fought fairly, and only killed in battle. The Germans, on the other hand, killed all who fell into their hands. There was no mercy, even women and children were killed. . . . When we eventually made peace we had lost everything. We

had nothing to live on. We used to eat the dead horses and mules of the Germans which we found on the veld.

Adam Pienaar (nephew of the old Chief Willem Christian) states on oath :—

I took the field with my people and was a field cornet in the Commando of the leader Abraham Morris (under Marengo). . . . I was in the field for nearly three years. Just before the rebellion ended I was badly wounded in action, in the face and groin, and my people carried me into British territory. I returned to this country after everything was settled. Our Commandant ordered us not to molest women and children in any way. We were all Christians, and did not kill prisoners or non-combatants. . . . The Germans, on the other hand, spared no one. They killed all prisoners, wounded and unwounded. Women, girls and little boys were not spared either. That is why we fought to the bitter end, as we knew that surrender meant death. It was only after three years of war that the Germans got tired and made peace with us on terms we could accept.

Owing to their superior mobility and knowledge of the country the Hottentot losses in actual battle were probably smaller than those of the Germans, and the people who survived in the field to the bitter end were better off than the Witboois and Bethany tribes which had surrendered earlier.

After von Trotha had left and surrenders were once more possible, the Germans decided to use their prisoners (men and women) as labourers on the harbour works at Luderitzbucht and Swakopmund, and also on railway construction.

It must be borne in mind that these poor wretches had been driven to surrender mainly owing to sheer starvation, and that their physical condition after the privations and hardships they had undergone did not warrant expectations of too much in the way of manual labour for some considerable period. But work they had to, well or unwell, willing or unwilling! Then it was that, to use Samuel Maherero's expression, many again died at the hands of the labour overseer and by the lash. Probably 60 per cent. of the natives who had surrendered after von Trotha left perished in this way. True indeed the cold and raw climate of the two coast ports contributed greatly to this huge death-roll. But for this the Germans who placed these naked remnants of starving humanity on the barren islets of Luderitzbucht and on the moisture-oozing shores of Swakopmund must take the fullest blame and submit to the condemnation of all persons with even an elementary feeling of humanity towards the native races.

STATEMENTS AS TO TREATMENT OF THE NATIVES AFTER CAPTURE AND WHILE IN CAPTIVITY AT LUDERITZBUCHT AND ELSEWHERE.

The Hereros and Hottentots were treated alike and in some cases herded together. These statements refer (except where special mention is made to the contrary) therefore to the treatment of all captives.—

Benjamin Burger (Dutch South African) states on oath :—

In 1904 I was living on the farm Rietkuil, in the Gibeon district. I served as a guide to the German troops . . . when the Germans were fighting the Witboois under Hendrik Witbooi. I accompanied the troops from Gibeon to Koses on the Norop River. We had a fight that morning and took the Hottentot camp. The Commanding Officer gave instructions to search for natives along the river-bed near the camp. We found thirteen women and old men in a cave. . . . As they came out of the cave each native was shot dead. This was done to avoid the trouble of escorting them to Gibeon. . . . That same day a German soldier raped a young native girl about 16 to 18 years of age. I came upon him in the veld. After he had raped her he stuck his bayonet through her stomach and then shot her. . . .

I was in Gibeon when two Hottentots surrendered in terms of a Proclamation issued by the German Government to the effect that any natives surrendering would be protected. Ober-Lieutenant Zweinicke, who was in charge, said the two Hottentots had only come in for the purpose of spying, and without trial he ordered them to be hanged. I was present the next day when they were hanged by the soldiers.

Hendrik Campbell (Commandant of the Rehoboth Bastard contingent, who served through the Herero and Hottentot risings with the Germans) states on oath:—

I was sent down to the south to participate in the war against Hendrik Witbooi. At Pakriver, in the district of Gibeon, we captured eight Hottentots of whom only one was armed. Seven were immediately shot dead. The eighth was promised that his life would be spared if he showed the locality of their camp at Korob. After he had pointed out the locality he was shot by Lieutenant von Trotha personally with a revolver; this I saw with my own eyes.

Petrus Diergaard (Field Cornet of the Bastards under Commandant Hendrik Campbell) states on oath:—

I was present when the events (related above by the Commandant) took place. I personally tied up the seven prisoners before they were shot.

Edward Fredericks (son of the old Chief Joseph Fredericks and at present headman of the Bethany Hottentots) states on oath:—

In 1906 the Germans took me a prisoner after we had made peace, and sent me with about a thousand other Hottentots to Aus, thence to Luderitzbucht, and finally to Shark Island. We were placed on the island, men, women, and children. We were beaten daily by the Germans, who used sjamboks. They were most cruel to us. We lived in tents on the island; food, blankets, and lashes were given to us in plenty, and the young girls were violated at night by the guards. Six months later we went by boat to Swakopmund, and thence by train to Karibib. Lots of my people died on Shark Island. I put in a list of those who died. (*Note.*—This list comprises 168 males, including the Chief, Cornelius Fredericks, 97 females, 66 children, and also 18 Bushwomen and children) . . . but it is not complete. I gave up compiling it, as I was afraid we were all going to die. We remained at Karibib six months, and were returned to Shark Island for a further six months, when we were again removed by sea to Karibib and thence to Okawayo, where we remained till 1915, when the British sent us back by train to Bethany. We had to work for the troops and received wages and a good deal of lashes with sjamboks. I received 10s. per month, and later 20s. per month, and other men received 2s. per month for a year, but this only commenced in 1911. Lots of my people died in Damaraland.

This statement will indicate what the German peace terms were really worth. In violation thereof these people were kept in captivity under such conditions that the majority died, and eventually they were permanently exiled in North Damaraland as forced labourers. It was only after the British conquest that the survivors returned to their old homes at Bethany.

Fritz Isaac (son of the Under-Chief to the Witboois, Samuel Isaac) states on oath:—

After the war I was sent to Shark Island by the Germans. We remained on the island one year. 3,500 Hottentots and Kaffirs were sent to the island and 193 returned. 3,307 died on the island.

These figures are corroborated by other native witnesses.

Referring to the Witboois who were deported to the Cameroons by von Trotha, Franz Lambert, a Witbooi Hottentot, states on oath:—

At the time of the Herero rebellion, I was deputed by Chief Hendrik Witbooi to assist the Germans. After that rebellion we who had assisted the Germans (115 men) were captured by the Germans at Okahandja. They told us that Hendrik Witbooi had made war and that was why we were captured. We were all sent to the Cameroons. We were employed there on the railways. . . . The climate was unhealthy and the work heavy. Many of us died, but I don't know how many.

Another Hottentot, also named Lambert, states on oath:—

On our return from the Herero rebellion, 115 of us were arrested and deported to the Cameroons . . . there we were *inspanned* to wagons loaded with railway iron, and these we had to pull every day. The work was very hard and many of us collapsed. 77 Hottentots died in the Cameroons in consequence of having to pull heavy wagons. There were no horses or oxen there. 38 of us returned from the Cameroons.

The figures given and the treatment are corroborated by other Hottentots who survived this deportation.

In addition to the 115 men sent to the Cameroons, a further 93 were sent with young Hendrik Witbooi later on. Of these 51 died in exile, and of the survivors some were allowed to return to South-West Africa about 1910, while the remainder, still in exile, were released by the British columns in 1916.

Thomas Alfred Hite (who has lived in South-West Africa since 1881), states on oath :—

About the time the railway to Aus was completed, I was at Aus waiting to transport goods. Close to the outspan was the Herero camp, where the Germans had a number of native prisoners taken in the native rising. . . . I personally saw two German soldiers in broad daylight grab hold of two little females, about 13 to 15 years of age, and flog them until they were limp. They then dragged these children into their quarters and violated them. The screams were so pitiful that I left.

Johann Noothout (a Hollander and a naturalised British subject) states on oath :—

I left Cape Town during the year 1906, and signed on with the Protectorate troops in South-West Africa. I arrived at Luderitzbucht, and after staying there a few minutes I perceived nearly 500 native women lying on the beach, all bearing indications of being slowly starved to death. Every morning and towards evening four women carried a stretcher containing about four or five corpses, and they had also to dig the graves and bury them. I then started to trek to Kubub and Aus, and on the road I discovered bodies of native women lying between stones and devoured by birds of prey. Some bore signs of having been beaten to death. . . . If a prisoner were found outside the Herero prisoners' camp, he would be brought before the Lieutenant and flogged with a sjambok. Fifty lashes were generally imposed. The manner in which the flogging was carried out was the most cruel imaginable . . . pieces of flesh would fly from the victim's body into the air. . . .

My observations during my stay in the country (in the German time) gave me the opinion that the Germans are absolutely unfit to colonise, as their atrocious crimes and cold-blooded murders were committed with one object—to extinguish the native race.

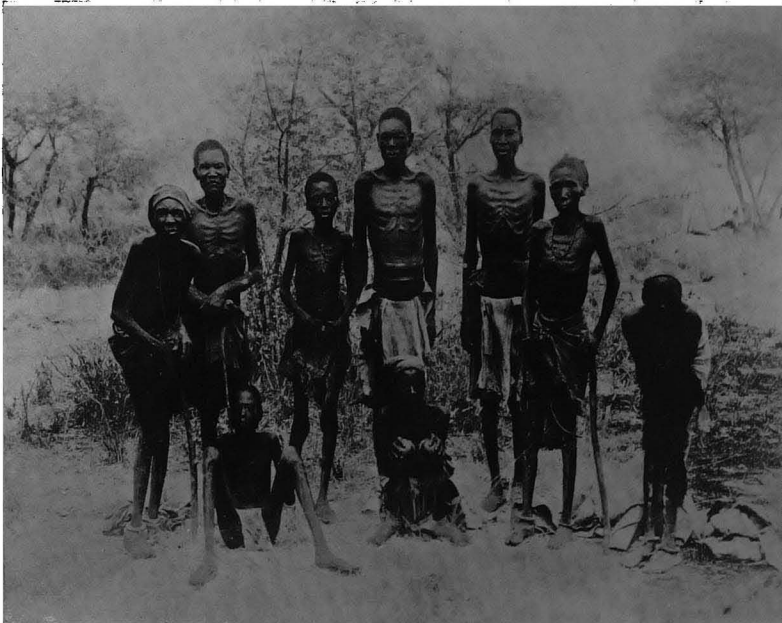
Hendrik Fraser states on oath :—

When I got to Swakopmund I saw very many Herero prisoners of war who had been captured in the rebellion which was still going on in the country. (*Note.*—These were prisoners captured before von Trotha's arrival). There must have been about 600 men, women and children prisoners. They were in an enclosure on the beach, fenced in with barbed wire. The women were made to do hard labour just like the men. The sand is very deep and heavy there. The women had to load and unload carts and trolleys, and also to draw Scotch-cart loads of goods to Nonidas (9–10 kilos. away) where there was a depôt. The women were put in spans of eight to each Scotch-cart and were made to pull like draught animals. Many were half-starved and weak, and died of sheer exhaustion. Those who did not work well were brutally flogged with sjamboks. I even saw women knocked down with pick handles. The German soldiers did this. I personally saw six women (Herero girls) murdered by German soldiers. They were ripped open with bayonets. I saw the bodies. I was there for six months, and the Hereros died daily in large numbers as a result of exhaustion, ill-treatment and exposure. They were poorly fed, and often begged me and other Cape boys for a little food. . . . The soldiers used the young Herero girls to satisfy their passions. Prisoners continued to come in while I was there; but I don't think half of them survived the treatment they received.

After six months at Swakopmund I was sent to Karibib towards the end of September 1904. (*Note.*—Von Trotha's extermination order was issued about August 1904.) There I also saw an enclosure with Hereros waiting for transport to Swakopmund. Many were dying of starvation and exhaustion. They were all very thin and worn out. They were not made to work so hard at Karibib, and appeared to be less harshly treated.

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PLATE 3.



HEREROS RETURNING STARVED FROM THE DESERT, INTO WHICH THEY HAD BEEN DRIVEN BY THE GERMANS TWO, WOMEN, ARE UNABLE TO STAND UPRIGHT.

Samuel Kariko (Herero schoolmaster and son of Under-Chief Daniel Kariko), states on oath:—

When von Trotha left, we were advised of a circular which the new Governor, von Lindequist, had issued, in which he promised to spare the lives of our people if we came in from the bush and mountains where we lived like hunted game. We then began to come in. I went to Okambahe, near my old home, and surrendered. We then had no cattle left, and more than three-quarters of our people had perished, far more. There were only a few thousands of us left, and we were walking skeletons, with no flesh, only skin and bones. They collected us in groups and made us work for the little food we got. I was sent down with others to an island far in the south, at Luderitzbucht. There on that island were thousands of Herero and Hottentot prisoners. We had to live there. Men, women and children were all huddled together. We had no proper clothing, no blankets, and the night air on the sea was bitterly cold. The wet sea fogs drenched us and made our teeth chatter. The people died there like flies that had been poisoned. The great majority died there. The little children and the old people died first, and then the women and the weaker men. No day passed without many deaths. We begged and prayed and appealed for leave to go back to our own country, which is warmer, but the Germans refused. Those men who were fit had to work during the day in the harbour and railway depôts. The younger women were selected by the soldiers and taken to their camps as concubines.

Soon the greater majority of the prisoners had died, and then the Germans began to treat us better. A Captain von Zulow took charge, and he was more humane than the others. After being there over a year, those of us who had survived were allowed to return home.

After all was over, the survivors of our race were merely slaves.

Hosea Mungunda (Herero Headman at Windhuk) states on oath:—

Those who were left after the rebellion were put into compounds and made to work for their food only. They were sent to farms, and also to the railways and elsewhere. Many were sent to Luderitzbucht and Swakopmund. Many died in captivity; and many were hanged and flogged nearly to death and died as the result of ill-treatment. Many were mere skeletons when they came in and surrendered, and they could not stand bad food and ill-treatment.

. . . The young girls were selected and taken as concubines for the soldiers; but even the married women were assaulted and interfered with . . . it was one continuous ill-treatment. . . . When the railways were completed and the harbour works, we were sent out to towns and to farms to work. We were distributed and allocated to farmers, whether we liked them or not.

Traugott Tjienda (Headman of the Hereros at Tsumeb, who also surrendered under von Lindequist's Amnesty Proclamation), states on oath:—

I was made to work on the Otavi line which was being built. We were not paid for our work, we were regarded as prisoners. I worked for two years without pay. . . . As our people came in from the bush they were made to work at once, they were merely skin and bones, they were so thin that one could see through their bones—they looked like broomsticks. (Note.—See photograph on opposite page.) Bad as they were, they were made to work; and whether they worked or were lazy they were repeatedly sjambokked by the German overseers. The soldiers guarded us at night in big compounds made of thorn bushes. I was a kind of foreman over the labourers. I had 528 people, all Hereros, in my work party. Of these 148 died while working on the line. The Herero women were compounded with the men. They were made to do manual labour as well. They did not carry the heavy rails, but they had to load and unload wagons and trucks and to work with picks and shovels. The totals above given include women and children. . . . When our women were prisoners on the railway work they were compelled to cohabit with soldiers and white railway labourers. The fact that a woman was married was no protection.

Young girls were raped and very badly used. They were taken out of the compounds into the bush and there assaulted. I don't think any of them escaped this, except the older ones.

The following statements by two well-educated English residents of the territory in German times corroborate the reports of the natives :—

Edward Lionel Pinches (of Keetmanshoop) states on oath :—

At the time I entered the country then known as German South-West Africa in the year eighteen hundred and ninety-six the Hottentots and Damaras were divided into tribes and were living under the jurisdiction of their Chiefs. The natives were prosperous and the country was fairly well populated. Any estimation of the actual native population would be extremely difficult to give. At this time I was continuously travelling about the country, and I got a fairly accurate idea of the number of natives of the different tribes I came in contact with. On the outbreak of the Hottentot war the natives were about the same in number as when I entered the country, but on the conclusion of that war in my estimation the total native population was not more than one-fifth of its former number. The war was to all intents and purposes a war of extinction of the native races, and has been admitted to be so by Germans of high standing. This tremendous reduction of population was by no means owing to actual losses through the war, but is directly due to the treatment received by the natives during captivity. I have myself been several times in Luderitzbucht, where large numbers of Damaras were kept in confinement, and have seen them being buried by their fellows, who were little better than dead themselves, at the rate of twelve to fifteen per diem. Judging by the appearance of these natives, they were dying from sheer starvation.

Leslie Cruikshank Bartlet states on oath :—

I came to German South-West Africa with the first transport during the Hottentot war in 1905. The prisoners, Hereros and Hottentots, mostly women, and all in a terribly emaciated condition, were imprisoned on an island adjoining Luderitzbucht. The mortality amongst the prisoners was excessive, funerals taking place at the rate of ten to fifteen daily. Many are said to have attempted escape by swimming, and I have seen corpses of women prisoners washed up on the beach between Luderitzbucht and the cemetery. One corpse, I remember, was that of a young woman with practically fleshless limbs whose breasts had been eaten by jackals. This I reported at the German Police Station, but on passing the same way three or four days later the body was still where I saw it first. The German soldiery spoke freely of atrocities committed by Hereros and Hottentots during the war, and seemed to take a pride in wreaking vengeance on those unfortunate women. When the railway from Luderitzbucht to Keetmanshoop was started gangs of prisoners, mostly women, scarcely able to walk from weakness and starvation, were employed as labourers. They were brutally treated. I personally saw a gang of these prisoners, all women, carrying a heavy double line of rails with iron sleepers attached on their shoulders, and unable to bear the weight they fell. One woman fell under the rails which broke her leg and held it fast. The Schachtmeister (ganger), without causing the rail to be lifted, dragged the woman from under and threw her on one side, where she died untended. The general treatment was cruel, and many instances were told me, but that which I have stated I personally saw.

It will be interesting to reproduce the famous Amnesty Proclamation of von Lindequist. It is a document which speaks tellingly of what the treatment of Hereros had been prior to its publication.

When one considers the fate and treatment of these unfortunates who, "like broomsticks," and so thin that "one could see through their bones," came in and surrendered to German "mercy," it seems doubtful, in view of the foregoing statements, whether they would not have been as well off if they had remained to perish of starvation in the bush.

The Proclamation, dated 1st December 1905, reads as follows :—

Hereros ! His Majesty the Emperor of Germany, the high Lord Protector of this Land, has graciously nominated me Governor of this Land a few days

after General von Trotha, who commanded the German troops against you, returned to Germany. His departure means that the war will now cease.

Hereros! You know me! Formerly I was for five years in this land as Imperial Judge, and, as Assessor and Councillor, the representative of Governor Leutwein in the days when Manasse of Omaruru and Kambazembi of Waterberg, who were always loyal supporters of mine, still lived.

It is my desire that the Rebellion which your Chiefs and Headmen (and the children who followed them) so wickedly began and which has desolated the land should now come to an end, so that Peace and Order may again rule. I therefore call upon the Hereros who still are wandering about the veld and in the mountains and who nourish themselves by eating wild roots and by theft. Come and lay down your arms, Hereros! Thousands of your fellow tribesmen have already surrendered and are being clothed and fed by the Government. I have taken every precaution to ensure that you will be justly treated. That I also personally guarantee to you. Further, it is ordained that from 20th December onwards, that is three weeks from to-day, no Herero habitations will be searched after and taken, as I wish to give you time personally to come in peacefully to me and surrender yourselves. Come to Omburo and Otjihaenena! Your Missionaries will be sent there by me. They will also take provisions with them, so that your first and great hunger may be appeased. Some small stock will also be left for provisional use of your wives and children in so far as you still possess such for their support. Those who are strong and can work will, when they work with exceptional diligence, receive a small wage. No European soldiers will be stationed at Omburo and Otjihaenena, so that you need not have fear and imagine that further shooting will take place. The sooner you come in and surrender your arms, the sooner can the question of amelioration of the present lot of your captive fellow tribesmen be considered and their freedom later again given to them. If Omburo and Otjihaenena are too far away, anyone may hand in the arms at any Military Post and surrender there. The soldiers at those stations will not shoot either. In addition, the soldiers escorting the transport and travelling through the land will not shoot at you as long as you attempt nothing hostile towards them. Therefore do not be afraid of them when you see them. So come quickly in Hereros, before it is too late. In Namaland also there will soon be quiet, as Hendrik Witbooi has been killed by a German bullet and Samuel Isaac has surrendered and is in our hands.

On this Proclamation the surviving Hereros surrendered, and thousands of them then met the fate already depicted at Luderitzbucht and Swakopmund and in the Railway Concentration Labour Camps.

In conclusion, the words of a frank German thinker may suitably be recalled, suitably and appropriately, as he gives in a nutshell the reason for all this inhumanity.

Professor Bonn, in his lecture before the Royal Colonial Institute in January 1914, referring to South-West Africa, "where we solved the native problem by smashing tribal life and by creating a scarcity of labour" says: "We tried to assume to ourselves the functions of Providence, and we tried to exterminate a native race, whom our lack of wisdom had goaded into rebellion. We succeeded in breaking up the natives tribes, but we have not yet succeeded in creating a new Germany."

CHAPTER XXI.

THE BERG-DAMARAS OF SOUTH-WEST AFRICA.

In addition to the Hottentots and Hereros, there live in scattered bands or groups throughout the countries known as Damaraland and Great Namaqualand survivors of the once numerous race of Berg-Damaras (called by the Hottentots "Klip-Kaffirs" and "Dirty Damaras").

According to various estimates the population of this tribe at the time of the German annexation in 1890 was probably not less than 30,000 to 40,000, and it may have been much higher. Estimates were based on the numbers in a state of slavery

under the Hottentots or in a state of semi-independence under the, at times, rather doubtful "protection" of the Hereros.

No estimate could possibly be formed of the considerable number who, under force of circumstances and to avoid slavery and worse, had adopted the habits of the wild Bushmen and, under petty patriarchal chiefs, shared with them the shelter of the remote mountain caves and the most impenetrable bush.

So late as 1892 a German writer relates how, coming unexpectedly on a party of Berg-Damaras near Heusis in the Windhuk district, he called to them with a view to conversation. But the whole party at the sight of the white man sprang up and fled like deer up the mountain side, never stopping to look back once. Such terror of a white face must not have been without its sinister reasons.

The origin of this ebony-skinned race, which now speaks pure Nama (Hottentot) still remains, like their now dead language of which no trace is retained, a fascinating puzzle for the ethnologist.

The Rev. Hugo Hahn, who had lived amongst them for over 30 years, wrote about 1876 as follows (extract from article in the "Cape Monthly Magazine") :—

The Berg-Damaras are a nation whose language and past history remain an insoluble riddle. So much is certain, that they inhabited these parts (*i.e.*, Damaraland) and those far southward towards the Garieb or Orange River long before the Namaquas (Hottentot) came from the south, and afterwards, when the invasion of the Hereros took place about one hundred and fifty or two hundred years ago, they were still to a great extent the owners of the mountainous parts of North Great Namaqualand and the undisputed masters of Hereroland, living in large and powerful tribes. It can scarcely be doubted that they also, before they were enslaved, worked in their rude way the different copper places in Great Namaqualand and Hereroland. Numerous indications prove that such working was carried on in former centuries.

Hahn held that the Hottentots, as South African aborigines, had moved up from the south, but this theory is not generally accepted, and his contention that, at the time of the Herero influx, the Berg-Damaras were still masters of Hereroland does not find support from the facts. If this were so, a conquest by the Hereros of the large and powerful tribes would have been necessary, and in that event it would be quite impossible to explain how it is that the conquered people, having lost their own language, speak not Herero, but Nama.

The more tenable theory is that the Berg-Damaras had been entirely conquered centuries before the Herero influx by the southward-moving Hottentot hordes. After the stream had passed down to the south it is quite possible, in fact, it is certain that, here and there, scattered groups came together and settled down under their tribal chief with some semblance of racial cohesion, but then they were already speaking Nama, and their period of servitude under the "Khoi-Khoi" must have been, therefore, even then of considerable duration. Only thereafter did the resurrected tribe come under Herero influence. Whether these very black, thick set, but not over tall people are also a branch of the Bantu group is very doubtful. Their outward appearance presents all the characteristics of the pure negro.

Dr. Hans Schinz, following the views of the great majority of missionary students, holds that while the Bushman was the aborigine of South Africa and South-East Africa, the Berg-Damara was the South-West African aborigine, and that the great Bantu influx which drove a wedge across Central Africa right to the western coast line had the effect of isolating the Berg-Damaras in the south.

This view is probably the correct one. They are not Bantu people. Circumcision and other characteristic Bantu customs are not known to them. The writer has had long discussions with the present hereditary Chief and his older councillors, but beyond the fact that they are able to give the names of no less than fifteen Chiefs who at various times ruled over them, and unhesitatingly assert that they were the very first people in this land, one can glean very little of their mysterious past.

In reply to questions, the Chief Judas Goresib of Okambahe (the head village), in the Omaruru district, who is a fine dignified specimen of black humanity, said :—

We are the original inhabitants of the country now known as Hereroland. My people were here long before the Hereros and Hottentots came. Our Chief's village used, many years ago, to be at the place now known as Okanjande near the Waterberg. It was known to us by the name of Kanubis. Later on the Ovambos (the Chief is certain that these were Ovambos. He says

that the Hereros were in the Kaokoveld at that time) drove our people away and they trekked south, and had their chief town where Windhuk now stands, we called it Kaisabis (= the big place.) One of my ancestors, Nawabib, was Chief then. It was only later, by agreement with the Herero Chiefs (Willem Zerua and Kamaherero) that we shifted our chief town to Okambahe during the Chieftainship of my great uncle Abraham. . . .

It is clear that the head village at Okanjande or Kanubis (a Hottentot name) must only have been established after centuries of subjugation to the Hottentots. Probably the southward-moving stream had, when once the main body was settled in the Cape and Namaqualand areas; left gaps of uninhabited or thinly populated Hottentot areas and under some bold Berg-Damara leader a successful war of emancipation was fought with the now weakened Nama rearguard. By that time, however, the race had already lost its language to such an extent that even the surnames and tribal names were Nama.

Nawabib, who was the grandfather of Abraham, must have had to evacuate Kanubis and to move south to Windhuk about the beginning of the last century, and he could not have been very long there before the Berg-Damaras, and with them the Hereros, were once more brought under the ancient yoke of the Hottentot under the brigand leadership of Jonker Afrikaner.

The move of the remnants of the Berg-Damara tribe from Kaisabis (Windhuk) to Okambahe took place about 1866, when, as a result of the Herero war of emancipation in which the Berg-Damaras were phlegmatic and rather useless allies, the ascendancy of the "Khoi-Khoi" in Damaraland vanished for ever.

The Chief goes on to say :—

Our origin I cannot speak definitely of, but we remember a long line of Chiefs who lived in this country. I am descended from them. Their names have been handed down by tradition, but beyond their names we know very little.

The first Chief our elders spoke of was Saub. He was followed by—Ahhana, Knu-'Karib, Kari-'Karup (= the young tiger), Narira, Kong-'Kteb, Arusib, Karesib, Tsobasib, Nawabib, Kausib, Abraham, Cornelius. (The change from Hottentot to European names designates conversion to Christianity.)

I am the eldest son of Cornelius. Of the last four Chiefs, Nawabib lived to a very old age, Kausib died young, Abraham got so old (he was Kausib's son) that he had to resign the Chieftainship to my father, Cornelius. Cornelius died at Okambahe in 1910, aged about 60, and I succeeded him. I am now about 46 years old. . . .

The Berg-Damaras of to-day divide themselves into two classes, namely: (a) the Omene or settled people, and (b) the Chau-Damaras (Hottentot = Dirty Damaras) or wild people.

The Omene, or settled people, are those living in villages, possessing sheep and goats and later on even cattle. They have managed, apparently from the days of Saub, despite the oppression of the Nama and Bantu peoples, to retain some semblance of tribal unity and identity. They were a conquered people, but under Saub appear to have emerged from utter slavery and through the ensuing generations gradually to have rehabilitated themselves to a certain extent.

These people call themselves Berg-Damaras now, or Omene, and strongly resent the Nama appellation of Chau-Damara, which is a term of utter contempt, the real translation of which decency forbids. The translation already given is merely relative. What Palgrave wrote of them in 1877 may with perfect truth be repeated to-day.

He writes (referring to their life at Okambahe) :—

They make gardens in which they grow mealies, pumpkins and tobacco. In 1875 they had a mile of the river-bed under cultivation and harvested 300 muids of wheat, the greater part of which was sold for more than 40 shillings a muid. For people who have been so recently reclaimed from a perfectly savage state the progress they are making is astonishing. They are a provident people, and are fast becoming rich in cattle and goats. . . . They have not that love for cattle which distinguishes the Hereros and

Namaqua, and from the fact that so long as they have been known they have made gardens it is assumed as probable that they were originally an agricultural people, like the Ovambos. . . . They are industrious and make good servants. . . .

With this most people who know them will agree, but they are as a rule not nearly so intelligent as the Hereros, nor are they personally so clean and proud. The Herero's pride keeps him from committing theft, while the Berg-Damara will occasionally fail to resist temptation in regard to his neighbour's or his master's goods. As a manual labourer the Berg-Damara far excels the Herero, who, not unlike some Europeans, is inclined to be too proud to work. It is as cattle herd and caretaker that the Herero excels. He is probably the finest native cattle master in the world, and an indispensable assistant to every cattle farmer in Hereroland.

The Berg-Damara is the hewer of wood and drawer of water, and he rather likes it! With him the fates have made it constitutional.

It is not necessary to deal with Berg-Damara customs and laws, as they were not a ruling people at the time of the German annexation, and made no protection agreement. They speak of having made an agreement with Leutwein, but he does not mention it and there is no record of it.

Before giving a few historical details it is necessary to mention that the second class of Berg-Damara, probably four-fifths of the tribe, known as Chau-Damaras, was scattered throughout the Protectorate. They either lived as neighbours of or with the Bushmen in the inaccessible bush or mountains, or as servants and slaves of Hereros and Hottentots; they were content to exist and to labour merely for their food and the rude protection afforded them. Some of them intermixed with Bushmen, and the tall Bushmen of the Kaokoveld and the Hei-Kom Bushmen of the Grootfontein area are probably to a certain extent the result of an ancient intermingling of these two wild and aboriginal races.

THE BERG-DAMARAS UNDER HERERO RULE.

Chief Judas Goresib says :—

I remember the time when my father lived at Okambahe before the Germans came. We were under the Hereros, but governed in our own way according to our laws and customs. The Herero Chiefs at Omaruru, Tjaherani, and his successor Manasse, ruled the whole area, and we were under their protection. We paid the Hereros no tribute or taxation, but as they were very rich and had plenty of cattle our poor people worked for them as herds and got food for their labour. We were on friendly terms with the Herero Chiefs and, although there was trouble at times, we were recognised by them as a separate tribe and could always bring grievances and complaints to the notice of the Chiefs. . . . I will say that, taking everything into consideration, we were better off under the Hereros than under the Germans who came later. . . .

The Chief's uncle and head councillor, a brother of the late Chief Cornelius, corroborates these views. His name is Gottlieb Goresib. He says :—

We hated the Hereros, but they treated us even better than the Germans. They were enemies and conquered us after battles, but then they let us live in peace under our own Chief, and they never interfered with our laws and customs. They were a savage people like us, but they were more lenient than the Germans, and their Chiefs, Kamaherero, Zerua, and others, were just. Only our poor people who worked for the Hereros had a hard time. The rest of us were free and could move about the Hereros' land, graze our cattle, and live in peace. In those days we used to help the Hereros in their wars against the Hottentots. † They were not our tribe, so we often disagreed, but our Chief and the Herero Chiefs always settled matters. The Hereros were not a warlike people, they loved their cattle and did not interfere much with their neighbours. I have many good friends among the Hereros, but no German was ever our friend. . . .

It speaks well for the Herero people that quite voluntarily, and many years before German soldiers came to South-West Africa, they set aside for the Berg-

Damaras the large reserve at Okambahe, probably over 200,000 acres in size, for the use as residences and grazing grounds of their weaker neighbours. Here the Omene class of Berg-Damara, have lived since about 1866, and had up to 1910 enjoyed their own government under the Chiefs Abraham and Cornelius. (After the death of Cornelius the German Government refused to allow his heir, Judas, to rule the tribe, for reasons explained later.)

After the Germans came there was a tendency to scatter again, and to-day Omene are to be found all over the country. The majority of the Chau-Damara, or unsettled class of Berg-Damara, has disappeared. They were either serfs in the employ of Hottentots and Hereros, or they lived as has already been stated in the wilds, chiefly round the Omatako and Waterberg areas. When the "iron-cordon" of von Trotha was stretched from Gobabis to Waterberg, and the squeezing process in terms of his extermination order began, thousands of these wild people met the fate intended for the Hereros. How was the newly arrived German soldier in the field to distinguish between a Berg-Damara and a Herero? He had orders to kill all men, women and children without mercy. Thousands and thousands of Berg-Damara servants went with their Herero masters towards the desert and died there on the way. The same fate was meted out to the majority of those who were servants and serfs to the Witboois and other Hottentot clans.

After all, what did it matter? German policy wished to exterminate the native races and create a "new Germany," as Professor Bonn puts it. This goes far to explain how a minimum estimate of 30,000 Berg-Damaras (probably far too low) had by 1911 sunk to 12,831, according to the official German census. The Hereros certainly did not massacre them, and the Germans must explain what became of these people. When the Hereros went into rebellion the orders of their Chiefs placed Berg-Damaras on the list of those who were to be spared. The Germans were not so delicately discriminative.

Palgrave, in his Report (1877), writing of the reserve at Okambahe, says:—

I told the Damaras (i.e., *Hereros*) that any plan they might have to submit to Your Excellency for their own protection and the government of their country must recognise the independence of these Berg-Damaras and provide for their settlement or it would meet with no favour, and they readily agreed with me that it should be the first duty of any one Your Excellency sent to them to select Berg-Damara locations, even if there was no immediate prospect of their being occupied. . . .

The idea, therefore, that the Berg-Damaras were all slaves of the Hereros is quite erroneous. The Chau-Damaras, more by reason of their poverty than from any other cause, were certainly servants and, as such, serfs of their wealthy masters. Even in regard to these, however, there is this singular and somewhat extraordinary fact, that they could by becoming Hereros emancipate themselves, become adopted members of the "Eanda" and "Oruzu," and immediately acquire the dignity and status of a full-blooded Herero. Very few followed this means of gaining liberty. For this the reasons are probably two. The first is that, no matter how depraved or subjected a native may become, there remains, smouldering in the ashes of his self-respect, a glimmer of national pride. He hates the very idea of losing his nationality. It is one of the characteristics of the South African native that he is always deeply hurt if by any chance he is designated as belonging to another tribe. To call a Zulu a Kaffir, or a Kaffir a Fingo, and *vice versa*, is to these people a grave insult. The same applies to Hereros and Berg-Damaras.

Before the born-Herero male could claim full membership of his family group and religious order certain things had to happen, viz., circumcision and the knocking out of the three lower front teeth and the inverted V-shaped filing of the upper teeth. Hereros who have gone through the ordeal tell that there was nothing pleasant about it. There were no dentists with cocaine or gas, and the instruments used to remove the lower teeth were a piece of iron (like a cold chisel) and a rock, serving the purpose of a hammer. The filing was also done with a jagged piece of iron.

To the pain and inconvenience attendant on these steps preliminary to admission to the Herero "citizenship and full franchise" must be ascribed the second reason why so many Berg-Damara serfs decided to remain serfs.

THE BERG-DAMARAS UNDER GERMAN RULE.

When the Germans annexed the country in 1890 they did not worry much about the Berg-Damaras. Shut away behind the Erongo mountains and bordering on the waterless Namib desert, Okambahe lay outside the main routes to the interior. It so happened, however, that when Major Leutwein landed at Swakopmund in 1894 the Chief Cornelius happened to be there with a wagon to fetch provisions, and met the Kaiser's representative. The following account of what transpired and what resulted therefrom is related in the words of old Gottlieb Goresib, the brother of Cornelius, who says:—

Cornelius happened to be at Swakopmund on business when Major Leutwein landed. He invited Cornelius to come to Windhuk and see him there. Cornelius did so, and ordered his councillors, Mattheus, Lucas, Jonas, Joshua and Solomon to meet him at Karibib. They all went to Windhuk. There Leutwein got Cornelius to sign an agreement placing the Berg-Damaras under the German protection. Cornelius came back and explained matters. He said he had pointed out that the land belonged to the Hereros, and that we were really under their protection by verbal agreement with their Chiefs, and that he, Cornelius, could not sign such an agreement as Leutwein suggested. Leutwein said that he would fix up all disputes with the Hereros, and that he would protect us from them. Then the agreement was made. Cornelius had to agree to German protection and the posting of German troops at Okambahe. He also undertook to supply the Germans with all Berg-Damaras they required for labour on public roads, &c. In return for this Cornelius received 25*l.* and then 75*l.* in gold and silver. Leutwein also promised him (*a*) that the Berg-Damaras would be ruled as an independent nation by their Chief and his successors, (*b*) that our laws and usages would be respected, (*c*) that all the scattered Berg-Damaras living under the Hottentot and Herero Chiefs would be collected and one big nation formed at Okambahe, (*d*) that a big piece of land extending from Okambahe north up to the Ugab River and beyond would be allotted to the Berg-Damara nation.

These were the inducements we had, not a single one of these promises was ever fulfilled. On the contrary, our customs and laws were over-ruled, and the soldiers at Okambahe became the real governors. Cornelius hardly had any power. Our people were flogged and beaten, and there were no courts to which they could go for justice. When Cornelius died in 1910 the Germans said they did not recognise him, and they had decided to have no more Chiefs or allow them to rule their people. They said Judas was no Chief and only an ordinary Berg-Damara like any one else in the tribe. We were all very angry and upset at this, and refused to recognise the five men whom the Germans themselves appointed to rule over us. We did not know these people. We only knew the heir of our Chief. We protested, but the Germans merely laughed at us. Once before his death Cornelius and his council went to see the German Governor at Windhuk to complain of the ill-treatment and injustice and to point out that no promises made had ever been kept. The German Governor refused to see Cornelius. Some of the Governor's men saw Cornelius and chased him back to Okambahe. He got no hearing and no redress. That was in 1909, and Cornelius died the next year. After that we had to apologise and ask forgiveness for having sent a deputation to Windhuk. Then the Germans said we were to have no more Chiefs at all.

In the Herero rebellion we remained loyal to the Germans because we were entirely unarmed. The Germans had taken all our rifles.

After he had made the agreement, Leutwein, towards the end of 1895, when he had dealt with the Khauas, Franzmann and Witbooi Hottentots, visited Omaruru and had a palaver with the Herero Chief, Manasse Tjaherani. Leutwein writes:—

About a day's march below Omaruru, on the river of the same name, is the Berg-Damara settlement of Okambahe. I declared (to Manasse) that the German Government required this on account of the labour supply available there.

The Chief, astonished at first that I should have had any knowledge of this settlement . . . made over the place to the German Govern-

ment. Up to the present day (1905) Okambahe has remained directly under the German Government, and has remained loyal during the present rebellion.* . . .

It seems curious that Leutwein's account should differ so much from the Berg-Damara version. Leutwein is silent as to agreements and promises. He does not make any reference to any payments, and in fact throughout the rest of his work, beyond a few passing remarks, he is strangely reticent in regard to the Berg-Damaras.

What the Berg-Damaras thought of this emancipation from "the Herero yoke" and the change to German control has already been stated. Before concluding the chapter a few further opinions may be recorded.

Simon Tsobasib (an old councillor of the tribe, and a cousin of the Chief's) states on oath:—

I was born at Windhuk before the Berg-Damaras came to Okambahe. Old Abraham was the Chief then. I came with old Abraham to this district, and have lived here ever since under the Berg-Damara Chief at his werft. I know all about the agreement with the Germans under Leutwein. It is as stated by Gottlieb. The Germans did not keep any of their promises. They broke their word. They promised to let us keep our rifles, but after the agreement was signed they disarmed us all. No one could trust them or place any reliance on their word. I would a hundred times prefer to live under and be governed by the Hereros in preference to the Germans. The Hereros had some mercy, and always respected our women, even in war-time; but that was never the case with the Germans. Neither one's self, one's wife, nor one's children were safe under the Germans. The German soldiers treated us like dogs, every German did; and our young daughters, even those who had not yet grown to womanhood, were not safe from them. They are a very bad people. We have not a bit of respect for them. We never saw such white people. Our natives were shocked at what they saw the Germans do. As for thrashings and floggings by the police, I don't know where to begin when I talk about that. We saw no courts, and had no place to go to for justice. The German police governed us. They were the Government; we knew of no other Government. They could do as they pleased.

Speaking of the taking over of Okambahe and the Berg-Damaras by the Germans, the Chief Judas Goresib states on oath:—

The Germans established a police post at Okambahe. They immediately began to flog our people and put them into gaol. Our liberty was curtailed in every way, and they interfered in such a way that Cornelius soon had no more control over his people and was only like an ordinary Berg-Damara. The German police sergeant was really the chief, and he did what he liked and treated all very badly. We remained neutral during the Herero rebellion, as we had all been disarmed and were afraid of war. The traders had also robbed us, but we had not nearly so much stock as the Hereros. The German traders were very dishonest, and we lost by trading with them. They used simply to come and take cattle and sheep for debts. Still, we always tried to obey the Germans and to avoid trouble, as we knew they were very strong. We hated the Germans. Never have we had the truth from them, and they never kept their promises. We could not trust them. Of course, I have met good Germans, but they are few. When my father Cornelius died in 1910 the Council and men of the tribe looked to me as the lawful Chief according to our ancient customs and usages. I proclaimed myself as Chief in succession to my father, but the German Governor refused to recognise me and said I was not to be Chief, as they had decided to do

* Leutwein desired to pose as the emancipator of the Berg-Damaras. In a footnote he adds: "This knowledge I acquired shortly beforehand, as the result of a confidential visit to me in Windhuk of the Berg-Damara Chief, Cornelius. He had come to me solely with the object of begging me to free them from the Herero yoke, and for this reason I more readily took advantage of the opportunity afforded."

"As against this," continues Leutwein, "Missionary Irie ascribes the emancipation of the Berg-Damaras of Okambahe to the Mission, and says that it had taken place in 1870.

"However that may be, Cornelius did not, in any event, feel that he was free from the Hereros in 1895. If he had, he would not have come to me to Windhuk with that request."

away with all Chiefs. They said they would govern the Berg-Damaras themselves with the aid of a Council of Five. They said I could be a member of the Council. I said I was the heir of the Chief, and declined to be member of any Council. I said that if I were not Chief I was nothing at all. They then ignored me. They appointed as a Council the following: Joshua, Hosea, Kaleb, Alpheus and Titus. This Council was merely to give advice. The German police were the masters. The large majority, I may say the whole nation, was upset and annoyed at this. They had never heard of five councillors without a Chief. The five men who accepted positions on the Council were severely criticised, and the Berg-Damaras did not respect or recognise them. Even now they are thought nothing of. . . .

It was only after the British conquest of South-West Africa in 1915 that the Chief Judas Goresib was recognised and tranquillity and satisfaction restored.

The persons who have made the above statements are all of the Omene or settled class of Berg-Damara.

The wild Chau-Damaras' views are also of interest. The writer succeeded in finding a comparatively tame and intelligent member of this class, Jacob Dikasip, living at Ghaub, between Grootfontein and Tsumeb under the so-called Bushman Chief, Johannes Kruger. Johannes is a Bastard who in the early days had hunted with Erickson, Green and others. Eventually he settled down near Grootfontein, and in 1896 was formally appointed by Governor Leutwein as Chief of the Bushmen, Berg-Damaras, and other natives in the Grootfontein area. Jacob Dikasip said:—

I have been under German masters and have been brutally treated. I show you the scars on my back from the floggings I have received . . . (he was marked like a zebra). . . . I look old and worn, but it is from the bad treatment. . . . See! all my teeth in front are knocked out. A German policeman Grossmann did that. I had been pulled down for a flogging, and it hurt so much that I tried to get away, whereupon I was hit on the mouth and lost my teeth. I don't wish to see Germans ruling this land again, they have been too unjust. They came into the country, and ever since they came natives have been killed and flogged and beaten nearly to death. We never got justice or fair treatment. . . . We cannot agree with the Germans, we hate them. A German has no respect for our women. They have been known to come into the pontoks and chase married men out of their beds in order that they might sleep there. We protested, but what could we do? . . . I have seen this sort of thing with my own eyes.

Innumerable statements of this nature can be produced, but once again the details are too indecent and revolting for publication.

The Berg-Damaras never at any time rebelled or gave any trouble to their German masters, yet it availed them nothing. The treatment meted out to them seems to have been exactly the same as that received by the other tribes.

CHAPTER XXII.

THE POLICY OF GERMANY AFTER THE GREAT RISING OF THE NATIVES UP TO THE BRITISH CONQUEST OF SOUTH-WEST AFRICA IN 1915.

It will be convenient at this stage, while the recorded experiences of Hereros, Hottentots and Berg-Damaras are fresh in the memory, to deal with German native policy after these people had become conquered races, *i.e.*, after 1906.

The large and powerful Ovambo peoples, the Bastards of Rehoboth, and the nomadic wild Bushmen did not actually come under German Government in the same sense as the other three races did. The Ovambos were too powerful and too suspicious of German agreements, particularly after what had happened at Hornkranz, to agree or to be forced to agree to the overtures of the Kaiser's plenipotentiaries,

The Bastard "Republic of Rehoboth" was recognised, and up to 1914 these people were left in comparative peace; while the Bushmen were placed more in the category of wild animals than of human beings, and were treated accordingly.

It is proposed to deal with the Ovambos, Bastards and Bushmen in subsequent chapters.

The statute book is naturally the first source of information to which it is necessary to turn with a view to obtaining some idea of the native policy of any Colonial Government. It is necessary in doing so, however, to keep in mind this fact, that, under a system of Crown Government like that which obtained under the German *régime* in South-West Africa, the statutes and ordinances are not to be accepted strictly on their face value. They are, in relation to the natives, merely what the responsible administrative officials make them. Their use, abuse or interpretation are dependent solely on the whims and ideas of the persons administering them. It is characteristic of all these German laws that their elasticity seems unlimited, and that their interpretation and practical application seems to have depended more on local sentiment and personal and official prejudice than on the strict tenets of legal procedure and the administration of justice.

In other words, therefore, these laws were not based on any intention to do justice and to secure right and equity for the native races. The fundamental principle underlying them was abnegation of right and a denial of the very elements of freedom. They were imposed by a superior power on weaker and subject races, not with a desire to strengthen and uplift, but with the express intention of further weakening, subjecting or degrading.

A brief reference to these laws and to their essential provisions will bear out what is alleged. By 1914 (*i.e.*, from 1890) the following laws having special references to the native races had been promulgated.

1. The law relating to jurisdiction for the purposes of punishments and disciplinary control, dated 23rd April 1896.

Up to July 1903 this was the *only* law dealing with natives except the one immediately following, which does not affect local administration of justice or control, enacted during the first 13 years of German rule.

2. The law prohibiting the taking of natives out of the Protectorate "for exhibitions" and other purposes, and forbidding natives from travelling over the borders without prior permission of the Governor. This law was promulgated on 30th November 1901.

3. The Ordinance of the Imperial Chancellor regulating legal procedure and jurisdiction in cases between Europeans and natives, dated 23rd July 1903.

This law, prescribing claims against natives by traders and others after the lapse of 12 months, is generally known as the Credit Ordinance. It is also the law by which the first civil courts, to which natives might have recourse, were constituted. Its "application" by the purely military men who, at the time, were District Magistrates, was one of the primary causes of the great Herero rising in 1904.

After the Herero and Hottentot rising had been finally crushed and two-thirds of the total native population exterminated, the following laws were enacted in regard to the now landless and pauperised people, who were entirely at the mercy of their masters.

4. The Ordinance of the Imperial Governor concerning the obligation on all natives to bear passes, dated 18th August 1907. This applied to all natives except children under seven years of age and the Bastards of Rehoboth.

5. The Ordinance dated 18th August 1907, entitled "Measures for control of the Natives." In terms of this no native could acquire land or an interest therein, nor could he own "riding animals" or cattle without the Governor's consent. Natives wandering about "without visible means of subsistence" were punishable as vagrants.

6. The Ordinance dated 18th August 1907, relating to "work and labour contracts with natives," whereby all contracts with natives who were over 14 years of age were only of force after due registration with the local police.

The conditions of labour and reasons entitling the master or servant to terminate the contract before expiration of the fixed period are also set forth.

Then follow in 1911 two laws relating to recruiting of native labour in general and recruiting of Ovambos. They do not require any special notice.

7. A law regulating the admission of sick natives to Government Hospitals and the collection of fees for treatment. The charge per diem was fixed at 1s. 6d. (inclusive). This was to be paid in the first instance by the native and, if he had nothing, by his master, who was entitled subsequently to deduct.

8. Ordinance dated 23rd May 1912, relating to the "mixed population" and providing rules for the reporting of births of children "the father of which is not a native."

The foregoing represent, in brief, what was done from 1890 to 1914, *i.e.*, during a period of just on a quarter of a century, by legal enactment with a view to "uplifting the native," providing for his "moral and material advancement" and preserving him from "slavery."

The conditions arising out of the application of these laws will be best understood when one allows the natives to describe, in their own language, the experiences and treatment they underwent.

Before doing so however it is necessary to understand the significance [and underlying principles of a policy which brought these laws into being.

First it was intended, as Professor Bonn has put it, to create a "new Germany" in South-West Africa.

Secondly, and in order to help to achieve this object, the remaining sources of native labour supply essential for the development of farming and other enterprises had to be drawn on and tapped to their fullest possible extent. The now conquered and thoroughly subjected native had to "be made serviceable in the enjoyment by the white man of his former possessions" (Rohrbach).

It was this objective which obsessed the Berlin Government in 1907 when, on 18th August, authority was given to the Imperial Governor of South-West Africa to promulgate the three laws (4, 5 and 6) dealing with "native passes," "measures for control" and "work and labour contracts."

To all intents and purposes these laws had one main object, and they might easily have been consolidated into one enactment entitled "a law regulating the permanent and forced slavery of the natives of South-West Africa, with a view to ensuring their perpetual degradation into a class of pauperised labourers."

A brief reference to these laws will make this contention clear.

In the first place, the Pass Law provided that all natives over the age of seven years of age (except the Bastards of Rehoboth) should carry passes. This pass was a numbered metal badge which each native had to display prominently on his person. It was not intended that any native might merely by getting a permit, say, to travel or move about or reside in a certain area, thereby be exempted from labour. The intention was that every native, male and female, over the age of seven years was liable for and compellable to work. The law was designed to ensure control and by regulation to make certain that no single native evaded his or her obligations. It was prohibited to give a passless native any work, support or assistance, and the law gave to "every white person" the right summarily to arrest such native and hand him or her over at the nearest police station.

Measures for Control.—After the rebellion was over (1906), the Hereros and Hottentots possessed nothing. A native who tried to evade work could only succeed by avoiding registration and remaining "passless." Yet he had to live. For fear that the possession of stock or animals might give him that independence which obviated the necessity for labour, the law prohibited him from owning cattle or horses without the consent of the Governor. The prohibition was intended really to cover future cases. At the time (August 1907) no native possessed anything, and the idea underlying the enactment was, by controlling future acquisition, to keep the native always under the necessity of working for his living. The inhumanity of this measure, apart from its injustice, is emphasised when one recollects what a blow such a prohibition must have been to the cattle-loving Hereros. What inducement was there to work? A native might slave for years and years, but the prospect of having in his old age a few cows and calves of his own, on which to subsist when

labour was no longer possible, did not exist. His present was slavery and misery, his past was, to most, no doubt, a horrible nightmare of death and bloodshed, and his future—he had no future.

Having ensured that no native would be able to acquire possessions from which to exist, the law goes on to state that natives wandering about “without visible means of subsistence” are punishable as “vagrants.”

The third enactment, providing for the form and conditions of labour contracts, does not need special attention. Were this law based on principles of voluntary labour and not on slavery, it would probably be the one law for natives which calls for some commendation, but the underlying principle is a false and unjust one, and it taints and negatives what might otherwise have been a useful measure.

In regard to the punishment of the native, this was laid down and provided for in the 1896 law “relating to jurisdiction for the purposes of punishment and disciplinary control.”

The most iniquitous aspect of this law is the fact that it was, to an almost incredible extent, administered not by courts of law or responsible Magistrates, but by the police themselves.

The law provided for the following punishments :—

- (a) Corporal punishment.
- (b) Fines.
- (c) Imprisonment with hard labour.
- (d) Imprisonment in chains.
- (e) Death.

The powers under the law were vested in the Governor and by him delegated to the District Officials, who, in their turn, were authorised to sub-delegate to their subordinate officials (unterstellten beamten), *i.e.*, the police. Sentence of death and to imprisonment over six months were subject to confirmation by the Governor. Corporal punishment might be inflicted all at once or in two instalments. On no one occasion were more than 25 lashes to be inflicted, and the second application of lashes could only take place after a lapse of at least two weeks. This would indicate that the maximum authorised was 50 lashes, but the law does not say so.

When power was delegated to the police by District Officials, the maximum of lashes was generally fixed at 15, but there is no definite ruling or provision, and no one (except the native) seemed to have run any risks owing to a miscount.

The vast majority of recorded punishments under this law are for such offences as “laziness,” “negligence,” “vagrancy,” “insolence” and “disobedience,” and the average punishment was 15 lashes, awarded *ex parte*, merely on complaint of the master, and inflicted under the police sergeant’s supervision. The native was never tried, he was not called upon to plead, he was simply flogged and ordered to return to his master.

The procedure was something after this fashion :—

A letter was written by the employer to the local police or the nearest police post, to the effect that “*the bearer*” —

- (a) “was cheeky to me to-day,” or
- (b) “refused to obey my orders,” or
- (c) “is lazy and does not work well,” or
- (d) “has lost one of my cows through negligence.”

The unfortunate culprit takes the letter and delivers it. After reading it the police sergeant orders the native to be stripped, and according to the sergeant’s taste or his sense of the fitness of things 10, 12, 15, and even more lashes are inflicted with a heavy sjambok. The sergeant makes a note of the complaint and his sentence, and returns the native to his employer with a note, “15 lashes given,” endorsed on the foot of the letter of complaint.

More serious cases such, *e.g.*, as the theft of a pair of boots, would come before the District Head. A case in point, *i.e.*, theft of an officer’s boots, was actually according to the records punished with 12 months’ imprisonment and twice 25 lashes.

Naturally, when a policeman could go up to 15 lashes, a Magistrate could not well impose less than 25 or double 25 (*i.e.*, 25 administered twice with an interval between).

EVIDENCE OF NATIVES RELATIVE TO THEIR TREATMENT AFTER 1906
AND UP TO 1914.

Gerard Kamaheke (Headman of the Hereros at Windhuk) states on oath :—

When the troubles were all over I was sent to work . . . at Heusis. After the rebellion, the Germans forced all natives to work, men, women and children over seven years of age, and prohibited us from owning or acquiring any cattle or stock. No regard was given to family ties and relationship. Husbands, wives and their children were separated and sent to work in places far apart from one another. They never saw one another again, and I know of cases where husband and wife after many years of separation have again met one another for the first time after the British troops occupied our territory in 1915. My wife and I were separated for a year only, but mine was an exceptional case, I was more fortunate than most people. The treatment of our young people was very bad. The boys and younger men were often flogged, and our women and young girls were immorally assaulted and made to act as concubines of the Germans. Windhuk location is full of the bastard children of Germans by Herero women. I think that in my location at Windhuk the number of bastards exceeds that of the pure-bred Hereros.

Hosea Mungunda (Assistant Headman of Hereros at Windhuk and cousin of the Chief Kamaherero) states on oath :—

When the railways and the harbour works were completed, we were sent out to towns and to farms to work. We were distributed and allocated to farmers whether we liked them or not. The farmers could do as they liked; many thrashed and ill-treated us and fed us badly. If we ran away the police gave 25 lashes or even 30, and then sent us back to the farmer. The courts gave us no protection, the evidence of a native was never accepted as against that of a white man. No regard was had for family relationship. Often a man was sent to one place to work, his wife to quite another district or farm, and the children elsewhere. All children over seven years had to work, and were taken by force from the parents and sent away to work. Many men never saw their wives again, many wives lost their husbands, and the children often disappeared for ever. This state of affairs continued right up to the time of the British occupation of this country in 1915. It is only since the British are here that many families have been reunited after long years of separation. I know of men who only recently have met their wives for the first time in six or seven years. We were prohibited from acquiring cattle. No man could select his own master, no man got help or protection from the German police, all we could expect was to be called liars and to receive lashes.

Richard Kainazo (Herero, of Omaruru) states on oath :—

In 1905 the Germans made me chief police-boy at Omaruru to do the floggings. That was the sole work of the chief police-boy. Alfred Katsimune was appointed my assistant. The custom was for the sergeant-in-charge of the police to decide on all complaints made by or against natives. If the charge was made by a German master and it was a very serious charge, such as theft, the sergeant would send the native accused to the District Chief (Bezirksamtman) for trial. Petty cases were dealt with summarily by the sergeant merely on verbal information by the white master. For instance, if a German brought his native servant to the sergeant and said the native had been idle or negligent or cheeky, the sergeant would immediately order me to take the native and prepare him for flogging. I and my assistant had then to take the native to the kraal near the police-station, strip him and make him lie over a tub or a box. We generally used a tub. The sergeant would then come along and in his presence and that of the German master I was ordered to give the native 15, 20, or 25 lashes with a heavy sjambok. The sergeant counted and generally told me when to stop beating. We nearly always kept on beating until the blood began to flow. I often had to beat men whom I knew well; I used to feel sorry for them and tried to hit as lightly as possible. When the sergeant noticed this he would swear at me and promise me 25 lashes for myself if I did not do my duty. Therefore I had to hit hard. These German police sergeants were nearly all ex-soldiers who had helped General von Trotha to exterminate our nation, and they had no mercy

for us. They hated the Hereros. I remained in service as a police-boy only because it gave me some sort of protection. I was not treated like the rest of our natives as I had to help the German police.

Very often innocent people were badly flogged in this way merely to satisfy the spite of their masters. When a complaint was made by a white man the native was not allowed to speak or to give any evidence. We natives were always told that we did not know what was meant by truth, and that a white man could never lie. All cases which the police sergeant sent to the District Chief, the serious cases such as theft or assault, were punished with greater severity than these which came before the sergeant. But even before the District Chief the native was not allowed to give evidence or bring his friends to give evidence which might contradict what the white man said. A white man was always believed, and the native told that he had no defence. The District Chief generally gave 25 lashes as a minimum, plus terms of imprisonment. In many cases, however, 50 lashes and even 75 lashes were imposed, and in such cases I had to give them in instalments of 25 at certain intervals of not less than 14 days. Many prisoners were also kept in heavy chains fastened to the walls of their cells. Most prisoners were placed in chains. Although a white man was always believed, a native's complaint was never accepted by the police. I have seen dozens of natives who had been badly flogged by their own masters, and who came to complain of their treatment, kicked away and ordered to go back at once and resume work. In fact, some of the complainants were flogged over again by the police for the offence of leaving their master's farm (which they had to do to complain) without his permission. This was done after the Herero rebellion, and it grew worse and worse. After a while masters did not bring their native servants in to the police for flogging; they were allowed by the German authorities to flog their natives as they wished, and a complaint from a native was laughed at, and then my chief work was to flog those natives who had come in to report that their masters had flogged them. The result of all this was that our people lost heart and daily grew more despondent. The Herero loves cattle. Our forefathers possessed great herds of cattle; even when I was a boy I remember herds so great that we could not say how many there were. The Germans took all our cattle after the rebellion, and prohibited us from owning or purchasing cattle. So we had nothing to work for except our food, and nothing to look forward to except more ill-treatment.

Alfred Katsimune (Herero, of Omaruru) states on oath:—

When the Herero rebellion was over I was appointed a police-boy under the Germans. My chief work was to flog natives under orders from the German police. Afterwards Jacob Barnabus took my place, and he was succeeded by Heinrich Tjaherani and then Richard Kainazo. I was made assistant. The Germans gave as their reason the fact that neither Jacob nor I were strong enough in the arms, and that we could therefore not hit hard enough. We were stationed at Omaruru. The amount of flogging that went on was terrible. Hardly a day passed without flogging taking place of local natives or natives sent in from the farms. The number of lashes given varied from 15 to 25 at a time. Some natives got two or even three instalments of 25 each, given at intervals of two to three weeks. We used a heavy giraffe-hide sjambok, which sometimes drew blood at the first stroke; generally speaking, however, it took four to five strokes to draw blood. One day I was ordered to flog a middle-aged Berg-Damara, whose master complained to the police that he had been impertinent. I was ordered to give him 25 lashes. In the course of the thrashing the sjambok curled round his thigh and injured his private parts. No medical treatment was given to him. He went back to his hut and died a few days afterwards. There was no inquiry made after his death. The body was simply buried and nothing more said about it. His name was Narivatjub. On another occasion in Omaruru a native named Markus (a Herero) was convicted of having stolen a goat. He was sentenced to a term of imprisonment in chains and ordered, in addition, to receive 25 lashes. The sjambok cut his body very badly, and he bled a good deal. After punishment the customary sack garment was placed on him and he was put into chains. The next day

he was sent to work with a convict gang in the Government garden at Omaruru. Markus was sore, and his body was so cut that he was hardly able to move, let alone work. Police sergeant Reinhard, of the German police, was superintending the work. I was present. Reinhard told Markus to work more diligently and to hurry. He could not do so, and the police sergeant went up to him and cuffed and kicked him. He fell down to the ground and screamed with pain. We went and looked at him and found that his private parts had been badly hurt, and that there was a strong emission of blood. The other convicts were ordered to carry him back to the cells. No doctor was sent for, and the injured native received no aid or attention. That afternoon and all night his screams could be heard even at the location, which is several hundred yards away. The next morning he died, and was buried by the convicts. No inquiry was made, and the police sergeant was not punished.

Jacob Barnabus Katjakundū (Herero, of Omaruru) states on oath:—

Shortly after the rebellion I was made a warder and put in charge of the native convicts in Omaruru gaol. Heinrich Tjaherani was in charge of the flogging work, and his assistant was Alfred Katsimune. Richard Kainazo succeeded Heinrich. We were all under a German police sergeant. After a native convict had received his flogging he was sent to the gaol, where it was my duty to put his chains on. No convicted native prisoner (male) was ever without chains. The women were not chained as a rule, though in a few cases this was done. I remember we had one chained by the neck for about two weeks once, but she made such an ado about it that we eventually took the chains off.

In addition to the ordinary handcuffs and wristlets, there were three other kinds of chains used in the gaol. I will try to describe them.

No. 1.—Ankle and neck chains. Iron bands or rings were fastened round the ankles. The bands or rings were joined by a short chain about 18 inches long, and attached to the middle of this chain was another chain which joined on to an iron collar round the prisoner's neck. All convicts wore these chains, and had to work in them. The cross chain between the legs made it necessary for the wearer to straddle rather than walk. He also had to regulate his stride carefully. If he stepped out too far the rings hurt his bare ankles, and if he merely shuffled he ran the risk of tripping himself over the chain. As it was, the iron rings used to cut and chafe the bare skin, and what with flies and dirt the cut parts used to become festering sores. Many convicts got so bad that they were eventually quite unable to walk. They used to pick up dirty pieces of rag and sacking and thrust them between their legs and the rings. Such prisoners were never medically treated by the Germans, and if they got too bad we took off the chains until they were well enough to wear them again. Often when working with a gang out in the veld getting wood or stones, I used, out of pity, if I had the keys, to unlock the chains.

No. 2.—The neck chain. These chains were made up of neck rings to which were attached chains about 5 to 6 feet long. They were put on two or more prisoners at a time, and in that way linked together by the neck collars; the larger gangs were sent out to work generally in batches of from four to six. These chains were worn in addition to those I have already described, and were only for outside work. They were taken off when the day's work was over, before locking the convicts up. They were also used by the police on the outside posts for the purpose of securing two or more prisoners on a journey to town by road or train. In addition, handcuffs were also used in such cases. If a single prisoner were brought in by the police he was handcuffed and made to trot in front of the horses. Often he would be tied to the saddle by a rope fixed round his neck. If he got tired he was urged on with a sjambok.

No. 3.—The third kind of chain used was the rigid arm bar and the leg bar. They were never used at the same time, and were only put on prisoners or convicts who had attempted to escape from custody or who had been guilty of stock theft or some offence more serious than disobedience, laziness, or impertinence. This chain consisted of a heavy iron bar about 18 inches

long with rings at each end. In the case of the arm bar, it was placed across the wrists and the rings locked; two heavy anklets were fixed on the legs, and from each anklet a heavy chain was fastened on the middle of the bar. When wearing this chain, in addition to the discomfort to his legs, the prisoner, owing to the weight of the iron cross-bar, was compelled to let his arms hang down as far as possible, and he could not possibly use his hands so as to touch his face, as the lower chains were too short for that. When lying down he was compelled to remain on his back. He could not lie either on his sides or his stomach. A similar chain was the leg bar chain, only in this case the bar was fixed on the ankles instead of the wrists and the connecting chain fastened to a ring in the cell wall. While wearing this the prisoner could not walk at all or move about. He had either to remain seated with his face to the wall, or, if he wished to rest, to lie prone on his back. He could also turn over on his stomach, but could not lie on his side or cross his legs. If, after a severe flogging, a convict were put in these chains, it was agony and torture to him, as he would be compelled always to lie on his stomach until his back healed. It was only in exceptional cases though that this was done.

In their bare cells, which were filthy and full of vermin of all sorts, the prisoners were herded together. They got no blankets, and had to sleep in their sack uniform on the cold stone floors even throughout the winter. No clothing was given to them. A convict was stripped naked on admission, and an empty sack (a grain bag) in which a slit had been made for his head to pass through and two holes cut for the arms was all he was allowed to wear. Otherwise he was quite naked. These sacks are rough and coarse and used to chafe and hurt many prisoners very much.

I may say that if a convict had a private blanket with him when he was convicted he was allowed to keep it and sleep in it in gaol, but the German Government never gave convicts any such luxuries. Many persons died in gaol of sickness and exposure to cold. When the war was begun in 1914, the former ration of meal which prisoners had received was stopped, and the convicts in the gaols were in a state of starvation. They got very thin, and several died I think because they had no nourishing food. All that the prisoners got were wild roots, which the German Government made them collect in the veld, or which were collected in Waterberg or elsewhere and sent to the Government. This wild root is something like a sweet potato and is called by us *Ovipeva*, and the prisoners did not get too much of that either. [At one time I used to do the flogging of natives, but the Germans said I was not strong enough in the arms and could not hit hard enough. So they made me a warder, and Heinrich was made to do the flogging, as he is very big and strong. The flogging was done with a giraffe hide sjambok about 4 feet long. The average punishment was from 15 to 25 lashes. At one time 30 lashes were given, but it was found to be too much, and the number was reduced to 25. I have seen many prisoners get twice 25 and even three times 25. In such a case the lashes would be given in instalments of 25 once every two or three weeks, as soon as the old wounds healed. After about four or five blows the sjambok would cut the skin and blood would flow. I have seen a good hard sjambok cut the skin to ribbons, and often at the first blow blood would be drawn if the blow were well directed. The prisoner was generally held down over a barrel and beaten on the buttocks and hips. The large majority of the natives who were thus flogged were accused by their masters of disobedience, laziness, or impertinence. In such cases the boy would be sent into the police station with a note from the master saying that "Bearer has been cheeky," or "is lazy," or "has not done what I told him to do." On receipt of the note the police would at once order the native to be stripped and flogged. He was never asked for an explanation or his version. If he dared to open his mouth he was told to be silent, and if he denied his guilt he was told that his master could not lie, and often if a boy protested his innocence too much, the police gave him some extra lashes for being impertinent.

This sort of thing did not happen once or twice, but was the custom. It happened every day, and from week to week and month to month. It was bad before the Herero rebellion and twice as bad afterwards, and it gradually grew worse until 1914-1915, when the British troops made war. During the

war things were very bad until the British entered the country and conquered it.

Willem Christian (son of the last Hottentot Chief of the Bondelswartz) states on oath :—

When the war broke out in 1914 the Germans did not trust us. They thought we would rise and help the English. So they collected our tribe and sent us to Tsumeb, in the extreme north of this country. We lost all our small stock, and when the British troops released us at Tsumeb we had again been reduced to poverty. The British sent us back to our place at Warmbad and had to feed us to keep us alive. The British Government collected some stock for us and distributed it, but we have not yet recovered half of what we originally possessed in 1914. We cannot say what the Germans did with our stock. They must have died of exposure and disease, and some were slaughtered by the invading troops. The German Government was very severe and harsh. We got no protection from the law. We were forced to work for harsh masters who ill-treated us, and for whom we would not willingly work. We were not allowed to select our own masters. We were simply ordered to go and work for a man. If we did not go or tried to get permission to work for a more humane master, the only reply was a kicking or flogging. Our masters had the right to flog us; the police could flog us if our masters complained. Cases like this never came to court. The police dealt with such matters summarily. If our masters did not pay us for our work, or if they underfed us or ill-treated us and we complained, we got no consideration. We were not believed, and any excuse or explanation was accepted from a white man. If we left our masters' farms to complain to the authorities, the result was that we were either flogged and sent back to the master or we were imprisoned for desertion. Many people died in prison.

The Berg-Damara Chief Councillor, *Gottlieb Goresib* (brother of the Chief Cornelius and uncle of the present Chief) states on oath :—

Up to the time the British came here in 1915 we had a hard life under the Germans. We had no protection for our lives and property. We had no courts to which to go for redress, we were not allowed to speak; the only people we saw were police sergeants, who thrashed and ill-treated our people all the time, just as if there was a war between us. It never looked like peace. They were always like savage roaring lions. We trembled in their presence, and they spoke to us as if we were lower than dogs. We were too afraid to open our mouths. That was the way the police treated us. We never came into contact with the other officials except when Major Leutwein or a big man occasionally visited our place.

Daniel Esma Dixon states on oath :—

German masters practically had power of life and death over their native servants. They could thrash and ill-use them as they pleased. If the native complained to the police he got another thrashing and was sent back to his master. No native was allowed to leave a master's service unless and until the master consented to release him. If he ran away the police went after him, thrashed him, and returned him to his master, where he generally received another thrashing. I will give one instance as an example (one of many that I know of). It occurred at Usakos in 1909. I was then living for a while in the house of a German named Trautemann. On a certain Monday morning the native boy did not come to his work. After breakfast, Trautemann took a sjambok and went to the native's hut. The native was lying down and said he felt very ill and that was why he had not come to work. Trautemann said that he was only shamming sick and that he was a liar. The native persisted. He looked ill and I was inclined to believe him. Trautemann however refused to do so and ordered the native to come out of the hut. As he did so Trautemann set on him and gave him a severe flogging with the sjambok. The boy made no resistance and did not attempt to run away. Trautemann then ordered the boy to follow him to the police station. He did so. I accompanied them, as I was curious to see what would happen next. Feld-webel Laueras was the man in charge of the police. Trautemann complained that the native boy was lazy and shamming

sick. The boy was asked no questions, but was promptly stripped and laid on his stomach over a cement cask and given 25 lashes with a heavy sjambok by order of Laueras. He was in a state of collapse, but was ordered to start work at once and promised another 25 if there was the slightest indication of laziness. The boy staggered away and tried to work, but I could see that he was very ill. He gradually got worse and shortly afterwards collapsed altogether and was sent to the hospital. That was the last we saw of him. This is the way the natives were treated all along.

The foregoing statements, made on oath in the course of the past four months, will give some faint idea of the reign of terror which existed amongst the natives of South-West Africa. Instances of cruelty, injustice, and barbarism might be multiplied almost indefinitely. Instances of gross and bestial conduct, which for sheer depravity and immorality are well-nigh unbelievable, are also contained in the files of affidavits, but they are hardly fit for publication. The extracts reproduced have been selected almost at random from the affidavits of natives of all races throughout the country.

This state of affairs continued right up to the occupation of South-West Africa by the British troops under General Botha, and the records of the Special Criminal Court appointed under the British *régime* will indicate that the German settlers, not quite appreciating that the old order had changed, took some time to grasp the fact that under British rule wholesale shootings and floggings of natives and inhuman brutality towards their defenceless servants would not for one moment be tolerated.

The available German records indicate that the complaints of the native population as to merciless flogging for trivial offences are quite correct.

From the Returns of "Crimes and Offences Committed and Punishments and Penalties inflicted during the period 1st January 1913 to 31st March 1914," filed at Windhuk (German Records, F.V.K.I, 3-18), details may be gleaned which throw a lurid light on the system of justice practised by the Germans. Further details will appear in the chapter dealing with the native as an accused person (Chapter 1, Part II.). For present purposes it is sufficient to state:—

That the total number of native convictions in the whole Protectorate from 1st January 1913 to 31st March 1914 was 4,356. Of these, 4,039 were males and 317 females. The punishments include—

- (a) 841 sentences of imprisonment with hard labour, with or without lashes.
- (b) 507 sentences of imprisonment in chains, with or without lashes.
- (c) 2,787 sentences to lashes (including also, in some cases, either (a) or (b) above), whereby 46,719 lashes were inflicted. This is equivalent to an average of about 17 lashes per punishment.
- (d) 257 sentences to strokes with a cane, whereby 3,408 strokes were inflicted, averaging 13 strokes per punishment.

Lashes were invariably inflicted for such crimes as desertion, negligence, vagrancy, disobedience, and insolence. Strokes with a cane were inflicted on juvenile offenders.

It is interesting to see how the bulk of the total of 4,356 convictions is made up. There were—

894	for desertion.
826	for negligence.
429	for vagrancy.
414	for disobedience.
256	for insolence.
198	for contravening Pass laws.
150	for laziness.

3,167

These offences therefore constitute nearly three-fourths of the total.

Under the compulsory labour system it is only natural that men who were forced to work for masters whom they did not like, and who treated them with harshness and brutality, were tempted at times to desert or to be disobedient. Often such offences arose solely out of the inability of the natives to understand the orders of their German-speaking masters. In regard to desertion, which, as

will be observed, heads the list of crimes, the report of the officer in control of native affairs, the Imperial German Native Commissioner at Windhuk, filed with the records, is significant.

Dealing with the period already referred to, he says:—

Where desertion is an everyday occurrence, such has to be ascribed chiefly to ill-treatment, the result of too little or bad food, the payment of wages in goods instead of cash, the deduction of part of the wages, and too long working hours. A further reason for desertion by women and children is to be ascribed to failure to treat them with proper care.

But it did not avail the unfortunate native charged with desertion to advance such pleas. He was dealt with in 99 cases out of a hundred 'by summary procedure.'

The police sergeants gave him his lashes, and he was hurried back to work for the master whose ill-treatment had made service unbearable.

When considering this list of floggings and punishments it must be borne in mind that it represents probably only a fraction of the thrashings actually meted out. Under the German system there grew up the custom of "Väterliche Züchtigung," or paternal chastisement. The German master was regarded as being *in loco parentis* to the childlike native, and could thrash him whenever he wished and for any reason whatsoever without risk of punishment for assault. It was only when the native died [or] was sent to hospital as a result of such [paternal chastisement that questions might be asked; even then no serious notice was taken as a rule. As Leutwein put it:—

Beating to death was not regarded as murder; but the natives were unable to understand such legal subtleties.

If, after what he considered was an unmerited paternal chastisement, the angry native dragged his aching bones to the nearest police station to report, he generally got lashes at once for "desertion" and more paternal chastisement on his return to his master's farm.

The records given are those compiled shortly before the outbreak of war in 1914. So that up to that time the German system had in no way been altered or modified.

It is clear too, from a perusal of the Government files, that the German authorities, from 1910 onwards, were in a constant state of nervous apprehension. They were always expecting another native rising.

On 31st May 1912, Governor Seitz addressed the following secret circular to his Magistrates:—

The Imperial Governor
of G.S.W.A.

Windhuk,

To all Magistrates.
Secret and Personal.

31st May 1912.

Within recent weeks I have received information from various quarters to the effect that a desperate feeling is becoming prevalent of late amongst the natives in certain areas of the country.

The reason which is unanimously given for this fact is that brutal excesses of Europeans against natives are alarmingly on the increase—it is much to be regretted in this connection that even police officials have become guilty of such offences in a few cases—and that such offences do not find the punishment before the courts of law which they ought to receive according to the sense of justice of the natives.

In consequence thereof the natives are supposed to despair of the impartiality of our jurisdiction and to be driven into a blind hatred of everything that is white. And as a final result would resort to self-help, that is another native rising.

It is quite evident that such feelings of hatred amongst the natives, if amelioration of their lot is not energetically provided for, must lead within a short space of time to a renewed and desperate native rising, and consequently to the economic ruin of the country.

It is therefore in the interests of the whole European population that persons who rage in mad brutality against the natives, and who consider their white skin a charter of indemnity from punishment for the most brutal crimes, be rendered innocuous by all possible means.

Because a people, who make a claim to be regarded as a dominant race, must first of all keep clean their own ranks.

If the crimes committed by Europeans against natives do not find punishment at all, or no sufficient punishment, it will become impossible in future to act with that severity in the cases of crimes committed by natives against Europeans, which is imperative in the general interest.

I have no influence on the jurisdiction as far as Europeans are concerned, but I shall, as far as that is possible, take care by administrative measures that the doubtlessly existing critical conditions are counteracted.

Above all things I intend to order, as such cases arise, that such Europeans who persist in ill-treating their native servants in a brutal manner shall no longer be supplied with native labour.

However, an effectual alteration will only be possible if the white population itself who, as far as I feel, condemns such brutalities of rough elements to the utmost, does not leave such individuals, who are a danger to the common weal, in any doubt about its attitude on the question, and actively co-operates to prevent such crimes or to bring them to justice in cases where they have occurred.

And as I am convinced that it will be possible for the District Councils to influence their co-citizens in this respect, I request that you will inform the District Councils in the strictest confidence of the contents of this communication at their next meeting.

I trust that with the assistance of the European population it will be possible to create conditions which will reinstate in the natives a confidence that they will find protection from the Europeans against the brutal excesses of a few individuals.

You are requested to confirm the receipt of this communication.

SEITZ.

This letter provides a striking commentary on the partiality and injustice of the German courts, and on the feebleness and futility of German native policy.

All the responsible Governor of the Protectorate could apparently do was to record the fact that he will punish "Europeans who continually commit brutal offences against natives" . . . by taking care that they "are no longer supplied with natives as labourers."

Obnoxious and unjust laws are not amended; new and very necessary laws are not introduced; the native is thrashed and harshly ill-treated, and all that his brutal task-master receives as punishment is the threat that if he continues to do so he will be allowed no more native labourers from the State.

CHAPTER XXIII.

THE BASTARDS OF REHOBOTH.

Since 1870 there has lived in the territory of Rehoboth a tribe of coloured people, persons of mixed blood (the result mainly of early intermingling at the Cape between the Dutch settlers and their Hottentot servants) who call themselves the "Bastard Nation." A large number of them are like Europeans in physical appearance except for a darker shade of colour, while others indicate unmistakably the presence of a strong Hottentot strain. A very small percentage is practically white, and outside of Rehoboth would probably be taken for pure-bred Europeans.

The language of these people is "Afrikaans," the colloquial Dutch of the Cape; they are all Christians, and their sole occupation appears to be pastoral farming.

Rehoboth is, taken all round, the finest and most suitable area in the whole of the South-West Protectorate for farming in large and small stock, and many Bastards have become very wealthy, while there are very few families who are entirely without stock of some kind.

When in 1882 Willem Jordaan and his party of Cape and Transvaal farmers moved into the country through Grootfontein, their intention was to travel down southwards to Rehoboth and to establish their new republic there. Jordaan went so far as to approach the Swartbooi Chief at Otjitambi with a view to obtaining a cession from him of the former tribal land of the Swartboois at Rehoboth. Jordaan was too late, however, as the Bastards had already, over 12 years previously, purchased the area from Abraham Swartbooi. The purchase price was "100 horses at 25*l.* each and 5 wagons at 50*l.* each."

Notwithstanding this, Jordaan intended to move through Damaraland and, if necessary, oust the Bastards by force of arms. He and his party remained in the vicinity of Otjitambi and Outjo for nearly two years, waiting for a favourable opportunity. But this did not present itself. The Bastards had heard of his intentions and made representations to the Germans and to Kamaherero, in which they warned the Herero Chief of the grave danger of a Boer Republic in his immediate neighbourhood. Kamaherero thereupon notified Jordaan that he would under no circumstances allow a trek southwards through Damaraland. Seeing that further waiting was only a waste of time, Jordaan, in 1884, moved back to Grootfontein, purchased that area from the Ovambo Chief, and established there his Republic of Upingtonia. As has already been related, the murder of Jordaan in 1886 brought about the collapse of the Republic and the dispersal of the burghers. After Jordaan had decided to return north, the Bastards experienced no further trouble, and they were allowed to settle down and live quietly in their territory. It was only in 1915 that they first tasted an impression of German power. To this reference will be made further on. There appears to have been a bitter antagonism in the Cape, in the early days, between the Dutch frontier farmers and these coloured people, who, bearing Dutch names, speaking the Dutch language, and having in their veins varying proportions of Dutch blood, were regarded by the white farmers as "Basters" (Bastards), and as such legally and socially on the same level and political plane as the aboriginal native.

Adversity and ostracism gradually drew the Bastard families together into little groups, the groups eventually joined up, and after a time, under the guidance of public-spirited and intelligent leaders, the foundations of a sort of tribal cohesion and control were laid. They moved away as far as possible to the outlying borders of the Cape Colony and settled down in villages at De Tuin, Pella, and other places on Crown lands on the frontier, and endeavoured to work out their own destiny.

Their ideals were frustrated in 1865 by the passing of the Land Beacons Act, an enactment of the Cape Parliament, whereby the occupiers of land were compelled to prove their title to land on which they lived, and Crown lands were thrown open for sale or lease to farmers.

In terms of this law the Bastards of De Tuin applied to the Government to purchase a large farm for themselves. In terms of the law, the application was gazetted and all persons having objection were called upon to lodge objections at the office of the Civil Commissioner of Calvinia before a certain date. On the day fixed the applicants would be heard, in reply to any objections raised.

News of the application was received with open and, one must say, somewhat ungenerous and narrow-minded hostility by the European farmers. At the appointed meeting the protesting farmers were present in a body, and before the Bastards could say a word the spokesman of the opposition made a bitter and unfounded attack on the applicants and concluded by saying that if the farm were sold to the Bastards they would become a "curse to the country."

The Bastards left the meeting in a body and returned to their homes without waiting for a decision.

Later on they sent a deputation to Cape Town, but the Government, overawed by the agitations and political power of their opponents, was apparently not able to give any redress, and the deputation returned in disappointment.

It was then decided to migrate from the Cape and to seek fresh fields and pastures new.

This decision was precipitated by the depredations of bands of Korannas and marauding Bushmen, who at that time were a great source of annoyance and danger and from whom the Bastards, living as it were on the outer edge of civilisation, had

no protection either from the Cape Government or from their inimically disposed white neighbours.

In 1868 two leaders, Hermanus van Wyk and Giel Diergaardt, were sent over the Orange River to spy out the land in the north. As a result of their investigations a general exodus from the Cape began in 1869. The main body, under Hermanus van Wyk, found its way to Rehoboth, which was acquired by purchase from the Hottentot Chief of the Swartboois. Another small party settled at Gabis, north of Warmbad, while a third and smaller band under the leadership of Klaas Swartz (or Swart) settled at Grootfontein South in the Protectorate. Another settlement of the so-called Vilander Bastards was formed at Rietfontein in the Kalihari, which is, however, in British territory, and needs no attention in this report.

In 1868, during a temporary halt of the trekkers near Warmbad, a provisional constitution was framed and approved of. It was merely a makeshift, and once the tribe (or "Nation," as they love to call themselves) had settled at Rehoboth, a new and permanent constitution was drawn up and approved of by the burghers.

The system of government created in this constitution was democratic and on republican lines. The head of the tribe, known as the Chief or Captain ("Kaptein"), was elected by all who held full burgher rights, and he retained the office for life. Administrative power was vested in the Chief and his elected Council, while all legislative functions vested in the "Volksraad" or elected Parliament. All Bastards and all persons who had married into Bastard families might become burghers. The franchise was enjoyed by burghers who paid taxes. A stranger was only admitted to citizenship after six months of probationary residence and circulation of notice of his application, in order that any objections might be lodged. After acceptance he was installed as a burgher "in the presence of the Chief's Council and the Chairman of the Volksraad." The Chief and executive officials did not take an oath of office, but by a "stroke of the hand" (hand-slag) promised to do their utmost for the State and to suppress personal interests which might be detrimental to the general welfare.

By 1874 a complete code of laws and regulations had been framed. This code, a written one, gives very little cause for criticism and indicates that the framers were actuated by worthy ideals, by a desire to promote the general morality and welfare of their people and a determination to administer justice impartially.

The majority of the laws are, as may be supposed, modelled on the Roman-Dutch and Statute law principles of the Cape. There are others which are, however, quite original and not unworthy of notice by more enlightened and advanced communities. Space does not allow an exhaustive reference to these laws, but one may be quoted as an example :—

D.—Marriage and Divorce: (1) If a husband leaves his wife without reason, his goods shall be confiscated and given to his wife, and *vice versa*.

Courts of law were also regulated on the European basis, and provision was made for civil and criminal appeals.

Every male citizen of military age was liable and compellable to perform military duty when commandeered by the Chief, who was *ex officio* Commander of the Forces. Under the Chief the principal military officer was the War-Commandant, who took charge of operations in the field, and who likewise was elected by the burghers.

When Palgrave visited South-West Africa in 1876 he estimated the total Bastard population at 1,500. To-day it is probably between 3,000 and 4,000. This latter figure was fixed by Leutwein as an estimate for 1892, but it was probably too high.

Allowance has been made by the writer for those Bastards who were exterminated or scattered by the Germans at Grootfontein South in 1901.

On 19th October 1876 the British Commissioner, Mr. Palgrave, received a long letter from the Bastard Chief and his Councillors, from which the following is an extract :—

The circumstances of the country thus compel all those who are here seeking to obtain a livelihood and competence in security and peace, to wish for another and good Government to come into the country and protect it. We shall gladly see, aye, we long for the day when the Cape Government will undertake to rule the country and secure protection to us. Should the Government require our assistance in any way, we shall feel forced to give it with all our power and might.

As has already been explained in another chapter, the Cape Government was not allowed to extend British influence north of the Orange River, and eventually the Bastards, in common with their neighbours the Hottentots and the Hereros, came under German control.

On 15th September 1885 a Treaty of Protection and Amity was made between the German Empire and the Bastards of Rehoboth.

It reads as follows :—

TREATY OF PROTECTION AND AMITY between the GERMAN EMPIRE and
the BASTARDS OF REHOBOTH.

His Majesty the German Emperor, King of Prussia, Wilhelm I., in the name of the German Empire on the one part, and the independent Chief of the Bastards of Rehoboth, Captain Hermanus van Wyk for himself and his heirs and successors, on the other part, are desirous to enter into a treaty of protection and amity.

For this purpose, the plenipotentiary of the German Emperor, the Rev. C. G. Buettner, and the Captain Hermanus van Wyk, together with his councillors, have agreed on the following terms :—

I.

Captain Hermanus van Wyk requests His Majesty the German Emperor to take over the protection of his country and people. His Majesty complies with this request and assures the Captain of his all-highest protection. As an outward sign of this protection the German flag is to be hoisted.

II.

His Majesty the German Emperor acknowledges the rights and liberties which have been acquired by the Bastards of Rehoboth, and binds himself to maintain such treaties and agreements which have been entered into by them with other nations and the subjects thereof, and also undertakes not to hinder the Captain in the collection of the revenue to which he is entitled in accordance with the laws and customs of his country.

III.

The Captain of the Bastards of Rehoboth binds himself not to dispose of his country or any portion thereof to any other nation or the subjects thereof, or to enter into agreements or treaties with any other Government without the consent of the German Emperor.

IV.

The Captain promises to protect the life and property of all German subjects and friends. He confers on them the right and liberty to travel, reside, work, buy and sell within the boundaries of his territory. But the inhabitants of the District of Rehoboth reserve to themselves the right to stipulate the conditions in each case under which the foreigners may remain in their country.

On the other hand, the German subjects and friends shall respect the laws and customs of the country, commit no offence against the laws of their country, and pay such taxes and dues to the Captain, which have been customary hitherto or which may be agreed upon in future between the Captain and the German Empire. The Captain on the other hand binds himself not to concede greater rights and privileges to any other nation than to German subjects.

V.

With regard to the civil and criminal jurisdiction within the territory of Rehoboth, it is herewith decided that all disputes of the citizens of Rehoboth amongst themselves shall be adjudicated by their own judges. In the case of disputes between citizens of Rehoboth and such persons who are not citizens, a mixed tribunal shall have jurisdiction, to which judges shall be empowered by His Majesty the German Emperor and the Captain of Rehoboth.

All disputes between persons who are not citizens of Rehoboth or who are not members of their families shall be adjudicated by that person who has been empowered by His Majesty the German Emperor to do so. This also applies to criminal cases.

In all disputes, including those of the citizens of Rehoboth, appeals may be lodged with the Court of His Majesty the German Emperor, by whom the final decision shall be given.

VI.

The Captain binds himself to maintain as much as possible and assist in the maintenance of peace in Great Namaqualand and the neighbouring countries. And in case he should have any dispute with the other Chiefs in Great Namaqualand or of the neighbouring countries, he will first ask for the opinion of the German Government and request that the dispute be settled by the intervention of the German Government.

VII.

In case there exist any other points which require settlement between the German Empire and the Captain of the Bastards of Rehoboth, these shall be settled by a future special agreement between the two Governments.

Rehoboth, 15th September 1885.

Signed C. G. Buettner,
Plenipotentiary of His Majesty the German Emperor.

Signed H. van Wyk.
(×) Jacobus Moutton.
Wilhelm Koopman.
Johannes Diergard.
(×) Dierk van Wyk.
(×) Jacobus Moutton.
Willem van Wyk.

As witness : F. Heidmann, Missionary.

In terms of this agreement the Bastards remained the loyal allies of the Germans until the outbreak of the present war in 1914. They rendered valuable assistance in the field against the Hereros and Hottentots, and lost many of their best men fighting for the German cause.

Soon after Leutwein arrived he made an arrangement by which the younger men might undergo a period of military training under German supervision every year.

Writing of these people, Governor Leutwein states :—

They have rendered us very valuable services both in peace and in war. We must therefore attach them to us more and more and, in terms of their own expressed wishes, we should place them as near as possible to the whites.

The fact that they had succeeded so far in gaining the approbation of the German Governor speaks well for the skill and statecraft of their Chief and councillors. A time came, however, when their past good services and loyal assistance were entirely forgotten. That was when, in 1915, the Bastards refused to assist Germany against the oncoming British troops. The story of what happened, told in their own words, is stated below.

It is necessary to add that while the Bastards of Rehoboth happily preserved themselves from serious harm, the same cannot be said of the smaller community under Klaas Swart, which had settled in 1869 at Grootfontein South. In 1901, owing to a dispute about a census of horses, hostilities opened. The Chief Klaas Swart and several of his people were killed in action, and the community scattered, their land and property confiscated. The Germans allege that the Bastards were the aggressors. The Bastards of Rehoboth deny this. However that may be, the happy settlement at Grootfontein South was broken up after having existed there for over thirty years, and the few survivors became absorbed into the Rehoboth tribe.

The following extracts from sworn statements taken by Lieut.-Col. D. De Waal in June 1915, and made by the Bastard Chief and other eye witnesses, detail what followed their refusal to render military assistance to Germany against the British troops.

EVIDENCE.

(1) *Cornelius van Wijk*, duly sworn, states:—

I am Chief under the constitution of the Bastard people. During all the troubles which the Germans had during the years 1903 to 1907 with the Hottentots and Hereros, we always stood on the side of the Government. Also during the disturbances with Witbooi in 1892-1893. In 1892 the Government asked us for fifty men to fight against Witbooi. This we did. Seven of our people were killed. Besides the seven, the Witbooi Hottentots also murdered and shot dead on transport wagons twenty-three of our people. I myself was wounded. The same attitude was taken up by us during the rebellion of 1903 to 1907. We always stood on the side of the white man against the aboriginal or native. During those years we supplied the Government with 150 soldiers, besides a large number of transport-riders, leaders, oxen, horses, and wagons. The relations between ourselves and the Government continued to be of a friendly nature.

At the outbreak of the war in August 1914, there were none of our people under arms as soldiers who could be compelled by the Germans to fight for them.

Shortly after the beginning of August, however, we received instructions from Bezirksamtman Von Hiller that we had to supply 150 men to protect the Bezirk Rehoboth against native and Hottentot raids, but not to fight against the Union troops. For this purpose we supplied 176 men. For the 176 we received forty rifles from the Government. The remaining 136 were armed with our own rifles. All the 176 men were clothed in German uniforms. The question of the wearing of uniforms was one which caused great dissatisfaction. We did not wish to have uniforms, but were forced. We could not see why it was necessary for the purpose for which the 176 men had to be employed that they should be clothed in uniform. It was distinctly understood that we would, under no circumstances, be employed against the Union troops. We did not wish to fight against the Union troops for various reasons, the most important of which was that we originate from what is now Union territory. It soon, however, appeared that the Government was not keeping faith with us. Our people were taken out of the District Rehoboth as far even as Ururas on the Walvis Bay boundary. I even sent Samuel Beukes and Albert Mouton as far as Kraaiport and Onanes to speak to Dr. Von Kleist and Hauptmann Von Hiller, and to protest against their action. Beukes and Mouton went as representatives of the Council. When it appeared that our people would not remain any longer with the German troops they were sent back, but they were then compelled to guard the Union prisoners of war. One hundred and forty of the Zandfontein Union prisoners were sent from Windhuk to chop wood for the trains at kilo. 120, and forty-six of our people were employed to guard the prisoners. These forty-six men stood under Ober-Leut. Hummel and certain other non-commissioned officers. The Council was greatly dissatisfied with this, as it was contrary to the arrangement that we were not to be employed against the Union troops.

In March I went to Swakopmund to explain the whole position to General Botha, and to tell him that it was not in accordance with our wishes that our burghers were employed to stand guard over Union troops, but that our burghers were compelled to do so; and also to tell him that should he meet any of my people in the field with arms, he should feel assured that they were there by compulsion and not as voluntary soldiers. The German Government was not aware of my going there. I returned to my farm Garies on 26th April, after our people had already been fired upon. Garies is situated 87 kilos. south-west of Rehoboth. I arrived on my farm and learned that the German troops had fired on our people. On the 4th May the Germans came to Garies, about 300 men. As I knew that the Germans

had fired on our people, I sent my wife and five children into the mountain in order that, should the Germans come to Garies, they should not find my wife and children. Frederick van Wijk, his wife and three children, and also the wife of Stoffel van Wijk and one child, went along with my wife and children. I and Gert van Wijk, Frederick van Wijk, and two Hottentots remained behind on the farm, armed. On the 4th May the Germans came. When I saw the Germans approach we rushed to our horses to ride to the women, as we saw that the Germans were going in the direction of the women. When we reached the horses we were fired upon from all sides. I mounted my horse to try and escape. I succeeded in this. I could not, however, reach the women, as the Germans already had the women in their possession. The Germans remained there for two days, so that I could not reach the women for two days. After the second day the Germans left. When I came to the women's camp my wife was away with two children; also the other two women with their children. In the meantime I was informed that some had been killed. I then looked for dead bodies, and found those of two of my children, namely, Johannes, twelve years of age, and Anna, twenty-three years of age. The people told me that my wife had left with only two children. I then looked for the body of my other son. I did this during seventeen days. The Germans took my wife and two children with them as far as Leutwein. Leutwein is situated about 150 kilos. to the north of Garies, my farm. At Leutwein the Germans left my wife and two children behind. My wife, my two children, and the other two women with their children then went on foot to Garies. I met my wife at Kobus, three and a half hours on horseback from Garies. This was on the 19th May; up till then I had not found the body of my son. My wife explained to me where it was the Germans had taken our son away from her. I then went to the place indicated by her, where I found the body of my other son, Hermanus, eighteen years old. The body lay unburied. There was still a handkerchief tied over his eyes. The body lay on its back with the head slightly lower. He had two bullet holes through the back and two through the head, all from behind. The blood had flowed on his clothes from above to below, that is, from the head to the feet. From the position in which the body was lying, that is, with the head lower, I come to the conclusion that he was shot whilst in a standing position and when held by the hands. This son of mine was unarmed. Besides my wife and children, the wife and children of Frederick van Wijk, and the wife and child of Stoffel van Wijk, there were also others of our people on the mountain when the Germans attacked them.

In all the fights, including the people murdered by the Germans, there were, as far as I know, twenty-eight of our people who met their death. Besides, the Germans dragged with them to the north twelve Bastard soldiers, two councillors, one elder, and also several others, including women and children. Up till now no word has been received from them.

Samuel Beukes, duly sworn, states:—

I was present when Cornelius van Wijk gave his evidence. I am now fifty-three years of age, and am magistrate under our constitution since 1906. My position as magistrate is also acknowledged by the Germans. I draw no salary from the German Government.

I was born in northern Cape Colony, and entered this country with my father in 1870.

The relations between the Germans and our people were always of a friendly nature. Civilisation is what we have always aimed at, and we have therefore always sided with the German Government against rebellion on the part of natives. This is the reason that we stood on the side of the Government in 1892-93, and again in 1903-07; moreover, we entered into a treaty of protection and friendship with the Germans in 1885, and have adhered to it.

These friendly relations the Germans began to encroach upon from the beginning of 1913. It then began to appear as if the German Government did not wish to acknowledge our independence any longer. Yet the main reason why they and we came to a collision was their dissatisfaction regarding our attitude in regard to the war. We refused from the commencement

to take any part in a war against the Union forces. We refused to fight against the Union because we all originate from the Cape Colony. When the war broke out, the Government told us that they did not wish that the coloured people should interfere in the war, but that we should give 150 men to ward off native attacks on our Bezirk. For this purpose we agreed to give 150 men. The number was, however, later 176. The most of these were armed with our rifles. All were clothed in uniforms. With this we were dissatisfied. By clothing our burghers as soldiers the Government made soldiers of our men, and we were afraid that they would also be employed later on as soldiers. When it appeared later, namely, in November 1914, that the Government had even sent our people to Walvis Bay, I and Albert Mouton were deputed by the Council to go to Kraaipoot, where the Rehoboth Bezirksamtmann was then stationed, to confer with him, Von Hiller, regarding the breach of faith. We met Von Hiller and Dr. Von Kleist at Kraaipoot. We drew their attention to their promise not to take our men outside the Bezirk of Rehoboth. They promised to confer with the Government at Windhuk. Von Hiller then went with the Bastard corps as far as Jakhalswater, and from there this corps was later on sent to Windhuk. From Windhuk they were sent partly to kilo. 120 to guard the English prisoners, partly left behind at Kraaipoot, and partly posted to police stations throughout the Bezirk Rehoboth. The employment of our people as a guard over the English prisoners caused dissatisfaction to our entire community, including the soldiers. The Chief, Cornelius van Wijk, then went to Swakopmund with our knowledge and consent.

On the 13th April 1915 we were notified by Von Hiller, Bezirksman, that the whole of the 176 Bastards who were under arms had to go to Otjiwarongo to guard the prisoners of war and other political prisoners. This we refused to allow. We pointed out that it had been the understanding all along that we should remain neutral and only do duty in our Bezirk. Von Hiller then said that we should meet Francke (Oberst Leutnant) the following morning, 14th April, at Rehoboth Station, 12 kilos. from here, and there submit to him our objections. This we did. We met Francke at Rehoboth Station. Francke again proposed that we should allow our soldiers to go to the north to guard prisoners. We refused. Francke then said that if we refused to allow our people to go to the north we should surrender our arms. There were at the station besides myself, Pieter Mouton, Martinus Swart, Daniel Cloete, and Carolus Swart (Carolus Swart was afterwards sent away by the Germans to the north). What Francke said was this: "Well, if you will not allow your people to go north you must surrender all your arms, for if the English or Boers find one man here with a rifle, such a man will be strung up on the nearest tree." He further said: "I will give you three days' time, and then I expect either your rifles or that your soldiers will go to the north." Francke spoke in Dutch. He can speak Dutch well. Francke further said in German to Von Hiller, who was also at the station: "If they refuse I will shoot them dead in one heap." Francke then proceeded to the south. On the second day Francke wired to Von Hiller asking for our reply. Von Hiller told us of this. Our reply was always the same: that we would not allow our burghers to go north, and that we would not surrender our own arms. We had agreed that the rifles with which the Germans had armed some of our 176 men should be surrendered. Von Hiller then further proposed that if we were unwilling to deliver our rifles we should hand in the locks thereof. This we also declined to do. Von Hiller warned us that it would be better for our "community" if we allowed our burghers to go north. We replied that we could not allow this. He replied: "This is the last warning." We then separated.

The following day we were again requested to meet Francke at the station. We went to see him about half-past five in the afternoon. Albert Mouton, Mathaeus Gertze, and Carolus Swart went. I did not go. What took place there they can tell. I cannot say whether Francke knew that Cornelius van Wijk had gone to Swakopmund. It appeared, however, later that the missionary knew this. The name of the missionary is Blecher.

I must mention that Von Hiller and the Secretary Widmann went with Mouton, Gertze and Swart from here to see Francke at the station.

At 8 o'clock that night the deputation returned and told us what had taken place with Francke. We took everything quietly and calmly, and went to bed. That night, about 2 o'clock, a shot was fired towards the north in the village, about 300 yards from where we are now sitting in this school building. After a while, Missionary Blecher with two councillors, Albert Mouton and Carolus Swart, came to me. I was in bed. Blecher asked me whether I had heard the shot. I replied, "Yes." Blecher said: "This is the result of your soldiers deserting at kilo. 120 (about 25 kilos. from here), where they had to guard the English prisoners." I said: "But have they deserted?" Blecher replied: "Yes; they left about 1 o'clock to-night. We were informed of this by wire." I then asked: "But what has the desertion of our soldiers at kilo. 120 got to do with the shot being fired here in the village?" Blecher replied: "One of your soldiers escaped here in the village, and he was fired upon." (I must here explain that, in accordance with our agreement with the Germans, there were here in the village about thirty of our soldiers performing duty. Amongst other things they looked after German horses. Over them were placed one officer and five non-commissioned officers.) Blecher asked me to go to Hauptmann Von Hiller. I refused, as it was night, and I did not see why I should go. Blecher then left. The following morning, Sunday, Blecher and Hauptmann Muller, who also happened to be here, came to me. This was just at sunrise. Blecher asked me: "What does this 'trekking' mean that I see going on here?" (I must here state that, owing to the shot fired the preceding night and the previous threats of Francke, our people had become afraid, and some had commenced to trek from the direction of the station towards the mountain.) I replied: "Sir, it is the shot which was fired during the night." Gertze, who was also present, said: "Yes, sir, and also the company of soldiers which came in early this morning." Gertze knew that a company of German soldiers had entered the village early that morning, but I was until then not aware of this. I asked Blecher: "What is now really the meaning of the company here?" Muller replied: "They are here to protect the helpless people, women and children." (By "helpless people" he meant German women and children, of whom there was quite a number here.) I replied: "Yes, but we have protected them so long, I beg you take away the company; they are the cause of all the alarm and consternation amongst our people. I give you my hand and my word that not a single shot will be fired here." Blecher said: "You had better let the company come in, Beukes; the Government is bound to protect the white people." I said to Blecher: "I understand I am looked upon as the cause of all this disturbance, but my conscience is clear before God; I know I shall get the rope round my neck, but I will face death. My conscience is clear; there is a just Ruler who will judge. I once more give you my hand, on my side no shot will be fired in Rehoboth. I beg you once more to take the company away, if only as far as the railway station." The reply was: "A telegram has just been received that the company had to march into the village at 9 o'clock. You had better let them come in." Blecher then asked me: "Shall I have the bell rung for church service?" I replied: "This is impossible." I was afraid of treachery, especially as there were all sorts of stories of treachery in circulation. I then went away to my house. When I came there a report had come in that our soldiers at Zandputz, where, about 40 kilos. from here, they had been stationed, had first been disarmed and then fired upon, and that one of them had been shot dead. I then went out on horseback to urge our soldiers not to come into conflict with the company when it entered the town. Our people were then terribly excited. They had then already heard of the Zandputz incident, of the running away of our soldiers from kilo. 120, of the firing of the shot in the night, and of the flight of women and children to the mountain. Shortly thereafter Hans van Wijk arrived here. He was one of the ten whom the Germans the previous night at Zandputz had first disarmed and then fired upon. Hans came running here on foot. At that moment Sergeant Maiwalt of the police happened to be there, and Hans van Wijk called out: "Yes, uncle, he (Maiwalt) is the man who last night at Zandputz started the firing upon us." Maiwalt was still at Rehoboth the afternoon before, but went to Zandputz that night and was back early again at Rehoboth. I then said

to Maiwalt: "Yes, I hear you shot three of our people at Zandputz." Maiwalt replied: "No, this is not so. We only fired at three, but only in the air, when the three refused to surrender their arms." It was clear that Maiwalt was greatly afraid. I then asked Maiwalt: "But why do you shoot them?" He said: "Our orders were to arrest those people, and if they escape then to fire." I then said: "But why should the soldiers then be arrested?" He said: "Such were my orders." It was then about 8 o'clock in the morning. During all that time our people were continually trekking out. My wife also had then just gone. These people fled in a south-westerly direction as far as the Kobus mountains.

On Monday, Secretary Widmann came out to my laager to say that I, Dirk van Wijk and he (Widmann) should also go to Windhuk to speak with the Governor. I again refused; I even refused to go to the village Rehoboth. On Tuesday morning our people who had been to Windhuk came to us. They told us what had taken place at Windhuk in their interview with the Governor, namely, that the Governor wished that the arms which were in our possession and which belonged to the Government should be surrendered. We had ten such, and these were immediately handed over by us. I then sent a request to Hauptmann Muller that the arms belonging to our people and which had been taken from our burghers should be returned to us. Their reply was that they would not for the present return these arms, and requested total disarmament. The position then was this: The Governor requested the return of only those rifles which belonged to the Government, whilst Von Hiller and Muller demanded total disarmament. Wednesday afternoon a letter was sent by Hauptmann Muller requesting me whether he could send a patrol past my laager to repair the telegraph line to Tsumis. I consented. A patrol came that night. I sent out scouts to see what the patrol was doing. As the patrol did not however go along the line, but to the rear of my laager, it was clear to me that the patrol was sent out to reconnoitre my laager from behind and that the Germans were up to treachery. The result was that I moved my laager that night. On Thursday morning Gertze came to my laager with a report that at night the Bastards who remained at Rehoboth had been arrested. Gertze, however, with his family, escaped in time. I then withdrew my laager as far as Zwartmodder, where there was water for our horses. I then went about 20 kilos. to the rear to commandeer our people who were living there. In this way I got twenty more men. Before my return to Zwartmodder the Germans fired on one of our outposts. When I went away from Zwartmodder I left Piet Beukes and Albert Mouton in command.

The twenty men whom I commandeered I sent in advance to my laager. I received information that there was a fight going on and first wished to remove the women and children to Kobus. I remained at Kobus until my laager arrived there a few days later. All that time Dirk van Wijk was still at Vetkop. He later on joined us at Kobus. When he joined us our total strength was about 300 men. In these are included the forty-six men who had fled from Kilo. 120. The Germans continually drove us back as far as Kobus. The 300 men were stationed at Kobus around the Kobus mountains and our women and children within this circle. Before our commandos concentrated at Kobus there were small fights on the 27th, 28th, and 29th April; during these small fights none of our people were killed, but three were wounded. It is difficult to say what the German losses were, but we know that on the 27th; Leut. Von Melkom and a Wachtmeister and one soldier were killed. On the 3rd May there was again a small fight; on that day also the Germans lost one or two men. About the 8th May the German force was estimated at from 300 to 400 men. They then also had two cannon and three Maxims. On the 8th May the German force attacked us about dawn. The fight lasted until dark that night. The guns and Maxims all took part in the fight. Our losses that day were nine dead and twenty-four wounded. It is difficult to say what the Germans losses were. I, however, saw two buckwagons going off with dead and wounded. Two of our girls and one child were wounded inside our laager by gunfire. That evening the Germans withdrew to where their guns were standing, and there they remained until the following morning. That morning they fired a few more shells at us. While this was going on they buried some of their dead. They then

drew off in the direction of Rehoboth. This was the last we saw of them. We, that is to say our laager, remained at Kobus for eight days longer, and then we began gradually to trek back to Rehoboth.

We are not responsible for the bloodshed. The Germans are to blame for this. Between the 23rd April and 8th May we captured several German soldiers and also women and children. We treated them all well and sent them back unharmed to Rehoboth, supplying them with food and water for their journey. I can honestly and truly state that during all the days of the disturbances no German, German woman, or child was assaulted, robbed, or harmed by us.

Klaas Draghoender, duly sworn, states :—

I am fifty-five years of age. I was born in the District of Kenhardt, and came here with the first Bastards.

On Sunday, the 18th April, I went with the others to Windhuk to see the Governor. The following morning at 9 o'clock we met the Governor. Francke, Von Hiller, and Bethe were also present. Blecher acted as interpreter. The Governor however said more than what was stated by Gertze. Gertze is slightly deaf. Seitz also said this: "The Boers and English are now coming in with an overwhelming force, and for the time it appears that things go against us. Germany's position is, however, favourable. Three months hence the Union troops will have to return again; the country will have to be restored by them, and then you Bastards will have to account for your foolish acts which you are now committing. Go back and tell your people that they must deliver the arms which I gave them in my service."

On Monday night we returned to Rehoboth. That night Major Bethe, who had come with us from Windhuk to Rehoboth, sent me on horseback to the laagers of Samuel Beukes and Dirk van Wijk to call in the councillors to meet him, Bethe. Peter Beukes and Albert Mouton came in, the others refused. Bethe demanded that we should deliver the Government rifles and that we could then retain ours. This we did. We delivered up the Government rifles, but found that our rifles had secretly been taken away.

Friday morning, the 22nd April, I was present at Heuras when the German troops fired on us for the first time. That morning early, while we were trekking with six wagons on the way to Kobus, the Germans charged past us, dismounted in front of us, and commenced firing on us. There was also a number of women and children with the wagons. When the Germans began to fire there was great confusion, and we, the women and children took to the mountains in all directions. One of us, Frederick Keikop, was shot dead, also a girl eighteen years of age, the daughter of Christian Vrij; two of us also were wounded, namely, Jan Witbooi and Willem Keikop. The oxen in the wagons were all shot dead and the wagons burnt. In addition, the Germans also killed at least 3,000 cattle and small stock. Of Daniel Cloete alone forty-eight head of cattle were shot dead. This attack upon us took place about 10 kilos. behind our commando. Our commando did not, however, know of this attack until it was over. The Germans must have moved that night round the rear of our commando for the purpose of attacking our convoy. This was the first time that the Germans attacked us, except that they fired the previous night on our outposts.

That afternoon the Germans returned to Rehoboth by another direction.

After their return I visited the battlefield. It was a terrible sight. There were hundreds and hundreds of dead cattle, goats, and sheep lying about, and also many which were not quite dead yet. A few Germans were killed there. I know of two who were shot by me.

The Germans on their return took with them ten women and twenty-four children and two men. All these were captured by them that day at Heuras.

Klaas Draghoender,
His X mark.

Frederick Bok, duly sworn, states :—

I am forty years of age. I was born at Omaruru. Here at Rehoboth I am since 1904.

I was not one of the German soldiers.

On the 22nd April 1915 the party of which I was one began its trek from Bloemputz, 20 kilos. to the east of Rehoboth. The trek was making for Kobus, and we had to cross the railway line to the south of Rehoboth. The trek consisted of 32 armed and some unarmed burghers. We had under our protection 42 ox-wagons with from 16 to 20 oxen before each wagon, upwards of 50 families, consisting of women and children, and eight Cape carts. We had besides a very large number of loose stock, large and small; I myself had 95 head of cattle and 447 small stock. There were at least 1,000 head of cattle besides the cattle inspanned in the wagons and 3,000 small stock. Horses we had but few. Of all my stock I recovered 47 cattle and 100 sheep and goats.

No leader of ours was with the trek. Each was his own leader. Every one was inspired by the one desire to flee across the railway line before the Germans could attack us. There was not the least intention on our part to attack the Germans. Our main object was to avoid falling into their hands.

In the afternoon at 6 o'clock and while we were crossing the railway line at kilo. 108 or 109, the Germans attacked us. The Germans came upon us from the south by train. I cannot say how many there were, but there were three open railway trucks packed with soldiers. The train first passed us, and then came to a standstill about 300 yards from where I stood. They jumped down and immediately began to fire upon us. They continued firing for two hours. They chased us as far as they could. Fortunately, it is thickly wooded and bushy at that place, and it was therefore difficult for them to shoot our people. Our loss was one Kaffir woman shot dead. The people fled into the bush and left behind six wagons and one cart. We also fired, but it is difficult to say with what result. There was a tremendous amount of dust, much shouting and hopeless confusion. The Germans also captured two women and took them with them. We escaped with the other wagons and carts. We however lost most of our loose cattle there.

We trekked that night in a westerly direction as fast as we could. Our object was to reach Kobus. That night, at 12 o'clock, while we were trekking we were attacked by German troops coming from Heuras. These were the same troops who had that morning attacked the trek of Draghoender and Cloete. We did not, however, know anything about that attack. I and Klaas, Sarel, and Abraham van Wijk were behind the wagons as a rearguard. We were a few kilos. behind when we heard the firing upon our wagons. It was bright moonlight and quiet. We rode forward to the wagons as fast as we could. When we came to the wagons our people had all fled; only the wagons were still there, and these were all in the possession of the German troops. The Germans were not aware of the presence of the three of us that night. The three of us remained a few hundred yards from the wagons in the thick bush. The following morning about sunrise the Germans set the wagons alight, also the carts. There are now lying there thirty-six wagons and also some carts—I think six. Before they set the wagons alight they shot dead all the oxen which were still yoked to the wagons. The carcasses of the oxen can still be seen lying there to-day, most of them still in the yokes. It was a terrible sight to see the oxen being shot dead. After the wagons had been set alight, the three of us fled. The Germans then saw us and fired upon us. We also then fired a few shots at them.

Our women and children all escaped, also the men.

We began to come across these people at noon. They were terribly scattered. I had my wife and eight children in the trek. I saw my wife and three children eight days later for the first time at Kobus, and it was only after the fight at Kobus that I, on the 8th or 9th May, had my wife and all my children together.

Of the whole of our trek, consisting of wagons, carts, draught cattle, loose cattle, cows, and small stock, not one reached Kobus.

The wagons and carts were burnt, and the stock large and small was either shot dead or looted by the Germans.

Katrina Fredrika Sara van Wijk, duly sworn, states:—

I was born in 1861, in the District Amandelboom, Cape Colony. I am daughter of Jan van Wijk, and wife of Cornelis van Wijk, the first witness,

My husband went in March 1915 to Swakopmund. He returned towards the end of April to his farm, Garies. On the return of my husband, there were reports that things were going wrong, and that the Germans were hostile towards our people. After we heard what had taken place at Heuras, my husband sent us away from our home into the mountains. The mountains run almost up to our house. I took my five children with me. The names of the children are :—

1. Anna, 23 years old.
2. Cornelia, 20 years old.
3. Hermanus, 18 years old.
4. Christina, 15 years old.
5. Johannes, 12 years old.

With us also went the wife of Frederick van Wijk and the wife of Stoffel van Wijk with their children. We went with two wagons and camped some little distance from our house. On the 4th May the Germans came upon us. My husband was not then with us; he was at the house. Someone must have told the Germans of our whereabouts in the mountains, otherwise they could not have known of us there. It was still early in the morning when they came. We had no able-bodied man with us, neither a rifle. A few days earlier we had a shotgun with which we shot partridges, but this had been taken back to our house.

The Germans were evidently in the mountains to look for us. When we first became aware of them, two armed soldiers were standing in front of us. We were all lying under a krantz. One of the soldiers then said to us: "I will shoot every one of you dead this morning." On saying this he pointed his rifle at the wife of Stoffel van Wijk. She called out: "Oh! please I am an old woman!" Immediately thereupon he, however, shot her through the breast. She died immediately. She is old and must have been about seventy years. The same soldier thereafter fired on the little boy of Frederick van Wijk, four years and a few months old. This child had part of his skull shot away and also died immediately. The others of us begged for mercy. The same soldier then fired upon the little son of Stoffel van Wijk. He is eleven years old and was wounded in the head. He is well again to-day. The soldiers then ordered us to get up. We got up, and the same soldier then fired two shots at my son Hermanus, but missed him. He then shot dead my other son Johannes. Thereafter they drove us in front of them to the farm. The dead were left unburied there. My daughter Anna then attempted to escape, and then one of another batch of four Germans, who came from another direction, fired at her and killed her. They jeered at us and said: "Where are your English now, that they don't come and help you?" We were kept there at the trees for several hours. The soldiers wished to know where my husband was. They were determined to capture him. I said: "My husband remained behind at the house, but has probably now fled after all this firing." That afternoon they again drove us on in front of them. When we came near the water, Ober Polizei Wachtmeister Dietrichs of Rehoboth, and Sergeant Kuhn, formerly of the police at Bulspoort, Bezirk Rehoboth, came up to us and kept my son Hermanus behind. He only was kept behind. All the others were driven forward. These two soldiers then took my son round a krantz, and a few minutes later I heard what appeared to be a very loud rifle shot. When I heard the shot I knew that it was fired at my son. They did not tell me that they had shot him, and I never saw him alive again. That night they put us on a wagon and took us away. Two days later I asked Dietrichs: "What did you do with my son the day before yesterday? How is it that I do not see him any longer?" His reply was: "I have ordered him to drive on cattle." They took us with them as far as Leutwein Station, not far from Windhuk, where they released us on the 13th May. After they had released us we returned on foot to Garies. On the 19th May I met my husband at Kubis. I told my husband about Hermanus and that I thought that he had been shot. I also told him where the spot was. My daughter Cornelia and I then went with my husband to the place mentioned by me. There we found the unburied body of my son Hermanus. He was lying exactly where I had heard the loud shot fired. A handkerchief was still tied over his eyes. Four

cartridge cases were lying close to him. He lay on his back with his head slanting downward. I did not wish to go any nearer and cannot therefore give further details. That same day he was buried.

I do not know the soldier who murdered the wife of Stoffel van Wijk and the others on the mountain. The Wachtmeister Dietrichs and the Sergeant Kuhn I, however, know well.

SARA VAN WIJK.

Cornelia van Wijk, duly sworn, states :—

I am twenty years of age, daughter of Cornelis van Wijk, Chief of the Bastard people, and Katrina van Wijk, the previous witness.

I was present this morning when my mother gave evidence. I confirm her evidence on all points, and I swear that it is correct in all details.

I was present when the two armed German soldiers murdered our people on the mountain near my father's farm. The soldier who shot my brother Johannes had a sandy beard. He was a fairly tall and fairly stout man. I am certain I will recognise him when I see him again.

Wachtmeister Dietrichs is a police sergeant. I know him well. I often saw him at Rehoboth and also at Garies. I also know the policeman Kuhn well. That day at Garies no shot was fired by anyone on our side as far as I know. Where my father was, who was with him, and whether he or the people with him had fired on the Germans, I do not know. The shooting of the people mentioned by my mother in her evidence was nothing less than a cold-blooded murder.

CORNELIA VAN WIJK.

Before me :

D. DE WAAL, Lieut.-Col.,
Commissioner.

CHAPTER XXIV.

THE OVAMBOS OF SOUTH-WEST AFRICA.

The arbitrary fixing of the northern boundary of the Protectorate, which is formed by part of the course of the Kunene and Okavango rivers and a line drawn from west to east between them, had as a result the cutting up of some of the land of the Ovambos, so that, after annexation by Germany, an unsatisfactory state of affairs was brought about. A certain proportion of these Ovambos then lived in German territory, while others were, by virtue of residence, under control of the Portuguese authorities in Angola.

It is probable that not only the Ovambos, but also the Portuguese have reason to feel grateful that German influence was never actually established north of the Etosha pan, and that the Ovambo Chiefs were wise enough to take precautionary measures in good time and thereby to dissuade enterprising Germans from risking trouble by attempts to propagate their protection doctrines.

Had Germany succeeded in getting a foothold in Ovamboland, there is not the slightest doubt that another repetition of the Herero massacre would, sooner or later, have taken place, and Portugal would probably have been drawn into the business to her disadvantage.

About 1890 the Ovambos, according to Leutwein, were divided into the following subdivisions in tribal groups :—

1. The Ukuualuitsis, whose tribal strength and form of government were unknown. (Majority on Portuguese side.)
2. The Ongandjeras. (Majority on Portuguese side.)
3. The Ombarantus (called by the Portuguese *Ovambandje*); their territory is cut through by the boundary line. Total strength estimated at 60 to 80,000.
4. The Ukuambis under Chief Negumbe, population about 50 to 60,000.
5. The Ondongas, divided into two sub-tribes under the Chiefs Kambonde and Neckale. The strength of each subdivision was estimated at 20,000 souls.

6. The Ukuanjamas under a Paramount Chief and Under-Chiefs. Formerly Uejulu was Chief; he was succeeded by Nande. The total strength of this tribe was estimated at 70 to 80,000 souls, but here again the arbitrary boundary line had placed the majority under Portuguese jurisdiction.

(The last-mentioned four tribes live in the area north of the Etosha pan, along the Kunene and in the gap between the courses of the Kunene and Okavango which is traversed by the settled boundary line.)

To the eastward of these tribes along the Okavango :—

7. The Ovakoimas, a small tribe of 5 to 6,000, under a Chief.

8. The Ovambuela and other tribes which lived more in Portuguese territory than to the south of the Okavango.

Of the above-mentioned tribes the only ones which need be regarded as of importance therefore are the Ukuambis, Ukuanjamas, and especially the two Ondonga subdivisions. The total minimum estimate of the population is about 150,000.

This number is now appreciably less owing to the ravages of the great famine in 1915–1916.

The South-West African explorer, Chas. J. Andersson, who travelled extensively through Ovamboland and discovered the Okavango River, gave an interesting description of the Ovambo people of Ondonga. Full details appear in the book "Notes of Travel in South Africa," published in 1875, some eight years after Andersson's death. He died in Ovamboland and lies buried near the Ondonga headquarters. A few extracts from his notes will be of interest, as the Ovambo people have not changed much since he lived and died amongst them.

There are neither towns nor villages in Ondonga, if we except perhaps the Chief's werft, which, from its great extent, might almost come under one or other of these categories. Each family, often consisting of father, grandfather, children, and servants, resides by itself in a very patriarchal sort of way. Their houses or huts are circular in form; the lower part consisting of slender poles about 2 feet 6 inches high, firmly driven into the ground, and further secured by withes, or other bands, the whole being plastered over with clay. The roof, composed of rushes, is in shape not unlike a beehive. The height of the hut, from the ground to the apex of the roof, does not much exceed 4 feet, and its circumference outwardly is about 16. The reason for their thus entombing themselves, as it were, is probably partly as a protection against the cold and partly on account of the great distance the wood has to be conveyed from the forest.

Besides the hut in which they themselves dwell, the homestead consists of various other erections, viz., the "palaver-house," or that wherein councils are held; several beehive-topped baskets in which the grain is stored away; pens for the cattle and goats, &c., the whole being surrounded by a high and strong palisade and, it may be, a thorn fence in addition. The pathways, or walks, leading to the several buildings enumerated, which are also lined on both sides with rows of poles, are exceedingly tortuous and to a stranger perfectly bewildering.

The residences of the great differ but little in design from the homesteads of the commonalty; but they are on a much more extensive scale—that of Chykongo, the paramount chief, for instance, being something like half a mile in circuit. The defences, moreover, are very much stronger, the outer palisading, as well as that on either side of the pathways leading to the several buildings, consisting of two or more rows of poles or planks instead of single ones, and these so closely placed together as almost to exclude the light, and consequently impervious to ordinary fire-arms. Indeed, it would require cannon to knock them down; and I have no doubt it is intended they should prove impregnable, if not to ordnance, at least to such weapons as are at the command of the natives.

Without fear of being thought to exaggerate, I will venture to affirm that at least one or two hundred thousand stout poles, together with a great many planks—or rather slabs, for saw-mills have not as yet found their way into Ondonga—were made use of in the construction of the werft in question; and as all the homesteads in the surrounding country, though on a very much smaller scale, are similarly constructed, it may readily be

conceived what millions upon millions of young trees must annually be felled for their construction and needful repair.

In the erection of the residence of the Paramount Chief of Ondonga, be he who he may, I should add the whole population is compelled to assist, each man contributing his quota of materials and labour, and that without remuneration of any kind; but on these occasions a great quantity of beer is consumed, and, as I imagine, at the Chief's expense.

Besides grain, they cultivate small quantities of beans, of which there are also two sorts—one brown and the other white; both are very palatable, the last quite a delicacy. But, strange to say, neither kind is much prized by the natives themselves, who prefer corn. Tobacco is likewise extensively planted, but their way of preparing it quite destroys any flavour it may possess. It is mashed together in a hollow piece of wood, by means of a heavy pole, into little round balls of the size of an orange, which when dry are broken into smaller pieces. Calabashes are, besides, largely produced, but only to be converted into vessels for holding food, beer, &c. Pumpkins are rarely seen.

The cultivation of corn is associated with much toil and labour. Indeed, from the first preparation of the soil until the grain is cut, housed and cleaned, it is one continuous course of hard work. When the first heavy showers have fallen they begin operations. The seed, however, is not sown broadcast as with us, but little holes are made at regular intervals, into which a few grains are deposited. As soon as the plants are sufficiently grown, these, with the exception of one or two that are left, are pulled up and transplanted elsewhere. This is going on almost incessantly, and it is amusing to observe how the area on which the corn was first sown grows under the process. Thus a field of grain that in the first instance was only half an acre in extent is eventually converted into one of many acres. As a matter of course, a large field of corn rarely ripens at one and the same time; but this is of no consequence, as only the ears are severed from the stalk. The ground, I should add, is carefully weeded by a small one-handed hoe, the only farming implement in use amongst these people. From the first dawn of day to dusk the women, and at times the men also, are employed about the cornfields.

Notwithstanding the care and labour thus bestowed on the cultivation of the soil, and the uncommonly large yield, still times of great scarcity occasionally occur. The soil consists, as I have said, of fine loose sand on a clay bottom; consequently evaporation is always great, and as there is little or no shade the ground is rapidly exhausted of its moisture, and unless replenished at regular intervals by copious tropical rains it becomes incapable of yielding the usual produce. In former times, when the Ovampo possessed many cattle, an occasional failure of the crop, though always more or less calamitous, was of less consequence, since they could fall back on a meat and milk diet until the return of more favourable seasons; but such is not the case at present, their enemies having of late years despoiled them of a large portion of their herds. However, as all the tribes bordering on Ovampoland are more or less corn producers, and as the rains are not everywhere equally uncertain, it follows that a supply may in general be obtained from one or other of their neighbours, sufficient at least "to keep the wolf from the door."

A word now in regard to the inhabitants of Ovampoland, who as a race are fine-looking people, and have nothing of the real negro type in their features. The men are tall and well-formed, and their upright, manly figures are set off to great advantage by a broad, stiff leather girdle. This, with a slip of dressed skin (more frequently the inside of an ox's stomach) in front, and the apology of a piece of hide behind, is the only covering they indulge in. Though they have now been for nearly twenty years in communication with Europeans, and eagerly buy guns, ammunition, &c., they strictly eschew anything approaching to clothing. They do not even make use of the skins of wild or domestic animals as coverings during the night. One can only account for this apparent perverseness of their taste by the fact that they look on their own lubricous and next-to-naked persons as a far prettier and more respectable sight than the most dandified Brummel,

costume; but let the cause be what it may, their going thus denuded of dress must ill agree with their constitutions, for during the rainy seasons they evidently suffer much from the cold. With the exception of ear-rings, composed of beads or shells, the men display but few ornaments.

Their arms consist of the bow and arrow, a dagger-shaped knife, and the "knob-keerie," a short straight stick, or rather club, with a heavy knob at the end: a most formidable weapon in experienced hands, as a single well-directed blow is sufficient to fell the strongest man to the ground. The natives of Africa, moreover, throw it with very great dexterity, seldom failing to hit the object aimed at. Harris, indeed, when speaking of the Matibili, goes so far as to say: "They rarely miss a partridge or a guinea fowl when on the wing."

The features of the women, though coarse, are not unpleasing, and in early life many of them are very good-looking. As a rule they are exceedingly plump and well-fed; and, curiously enough, I have never seen amongst them any of those thin and scraggy females who are so common in Europe. And though they retain their roundness even in old age, it is seldom they become corpulent. As with the men, they lubricate their persons with grease and red ochre, and are as innocent of clothing as their lords and masters, wearing only, like them, a belt about the waist and a slip of skin before and behind. Their persons, however, are profusely ornamented, or rather loaded, with various coloured beads and strings of round pieces of ostrich eggs, the latter resting gracefully in front.

But the Ovampo ladies have their fashions as well as those of more civilised countries. On my first visit to Ondonga they, for instance, wore the hair (the artificial portion of it, at least) straight down the back, each elf-like lock being fastened to a sort of comb, as depicted in "Lake N'gami."

Now all this is changed, and the hair is worn *en negligé*. Thus a few locks descend behind, whilst others are thrown coquettishly over the head and part of the face. Then again, at the period I speak of, it was customary for the fair sex to wear as ornaments heavy copper rings about the ankles. Now this fashion is altogether dispensed with, and the rings in question are used for a very different purpose, viz., to prevent servants and slaves, if suspected of the intention of running away, from carrying out their purpose; for when several of the rings are attached to the legs, which renders the process of walking somewhat difficult, it is next to impossible for them to effect their escape. Both men and women, when grown up, I should add, chip the middle tooth of the under jaw.

The Ovampo are a light-hearted people, and, amongst other amusements, delight in music and the dance. Almost every evening, indeed, when the labours of the day are over, there are balls, which, in their way, are remarkable performances, and in which both sexes take part. The women stand in a ring, singing, clapping their hands, and keeping time with their feet, whilst the men join in a kind of chorus.

Their musical instruments are of a very simple kind, consisting of the well-known African "tom-tom" and a sort of guitar.

The staple food of the Ovampo may be said to consist of a kind of stir-about and milk, and, though partial to meat, it is seldom they slaughter their own cattle; chiefly for the reason, I believe, that as man's wealth and influence are judged of by the number of his herd, he is loth to make inroads on the latter but on very special occasions. With the exception of the hyena, and for a reason hereafter mentioned, they eschew not the flesh of any other animal, whether tame or wild. That of the dog would appear to be especially welcome to them. What is more than strange, however, is that both flesh and fish, even when in a high state of putrefaction, are eaten by them with great gusto; and, singularly enough, no evil consequences would appear to follow the banquet. What would doctors and inspectors of meat say if assured that not only putrid but diseased meat was perfectly healthy; but it must not be forgotten that those who partake of such dainties with impunity live and breathe in the purest of atmospheres during the greater part of the year. Beer is the favourite beverage of the Ovampo, and, if they can afford it, they drink it in large quantities.

These people, so far as I am aware, worship nothing either in heaven above or on earth beneath, whence one is led to conclude their religion, should

they really possess one, must go in a very small compass. Still, they would appear to have a dim idea of a future state, as may be inferred from the awe and reverence evinced by them when the subject of death is mentioned. But, after all, may we not entertain incorrect notions in this matter as regards the Ovampo, attributable, not improbably, to our insufficient knowledge of their language and habits, and to shyness on their part to reveal such subjects as those in question to strangers. Certain it is, however, they are very superstitious, and the "Rain-maker," as well as other diviners of coming events, are, as a consequence, held by them in high honour and repute.

The Ovampo are an industrious race, and the men, contrary to the custom of most other African tribes and nations, work fully as hard as the women. Besides taking part with the latter in the cultivation of the soil, they tend the cattle when pastured in the distant forest, furnish wood for the huts and enclosures, dig wells and perform various other laborious occupations. When, moreover, they have time to spare from their several duties, it is often employed in trading with their neighbours, for which purpose they not unfrequently make journeys of several hundred miles in extent; on these occasions they exchange iron and copper rings and beads, hoes, spear-heads (assegais), and a few other simple articles of their own manufacture (there being artisans, so to say, amongst them) for iron, copper, &c., &c. The women are never idle, as the men are. Independently of household duties, nursing their children, milking the cows and goats, they assist their husbands and brothers in field labours, reaping the grain, storing it away, &c.; but let them be engaged in what manner they may, they always seem a merry, happy set, laughing and chatting together and making sport, as it were, of labour.

THE OVAMBOS AND GERMANY.

Beyond an occasional exchange of letters with their Chiefs, Major Leutwein, during the whole of his term of eleven years as Governor—from 1894 to 1905—was unable to make any impression on the Chiefs and people of Ovamboland.

True, indeed, German mission stations were established amongst them, but the preliminary political spade work of the missionaries bore no fruit, and all attempts to remove an instinctive suspicion and mistrust of Germany failed.

The massacre at Hornkranz and the subsequent subjection of Hendrik Witbooi were known to the Ovambo Chiefs, who determined to resist all encroachments and by force of arms, if necessary, to defend themselves from German protection.

The first attempt to secure German influence was made early in 1895, and is referred to by Leutwein in the following terms (page 172):—

. . . Reports of the conquest of Hendrik Witbooi had penetrated to the Ovambo Chiefs and created a feeling of nervousness, which was intensified by the further news of the northward march of a strong detachment of German troops. Dr. Hartmann, the manager of the South-West Africa Company, who was in regular communication with the Ovambo Chiefs, brought it to my notice that they were preparing for war. In order that it might not be suspected of my troops that they had abandoned a contemplated visit to Ovamboland owing to fear, I wrote to the nearest Chief, the peacefully disposed Kambonde, to the effect that I, to my great regret, had been unable, owing to pressure of work, to arrange for the possibility of a visit to him this time; but that he was to be assured of my friendly disposition towards him. . . .

Some months later, through the medium of the Finnish missionary, Mr. Rautanen, Leutwein received a reply from Kambonde; but, as with his own letter, and contrary to his usual custom, the Governor does not give this reply verbatim. Leutwein says it was to the effect that:—

All that I had written in my letter was very nice, but that, as far as concerned him, Kambonde did not wish to see me as long as he lived. Because the Germans came with friendly words, but once they were there they wished to rule, and that he (the Chief) could alone rule in his country.

This rebuff convinced Leutwein that until German authority had been thoroughly established in Hereroland and Namaqualand it would be a mistake to attempt to deal with the Ovambos in the same way as he had already dealt with Nikodemus, Kahimema, Hendrik Witbooi, and the other far less powerful Chiefs in the south.

The giving of the usual impression of German power to the Ovambos was therefore postponed indefinitely.

Over five years then elapsed before Germany renewed her attentions. Early in 1900 Captain Franke, who was then District Chief of Outjo, visited the Chiefs Kambonde and Uejulu and travelled as far as the Portuguese frontier fort at Humbe. This step annoyed and irritated the Portuguese authorities and, as the result of diplomatic representations made through Lisbon and Berlin, an order was issued prohibiting the crossing of the boundaries by German soldiers in uniform. Later other German officers travelled through the area, but their work was confined apparently merely to spying out the land.

About this time two German traders were robbed in the territory of the Chief Negumbo and only saved their lives by speedy flight. When the news reached Governor Leutwein, he happened to be at Outjo accompanied by his, at that time, inseparable companion, Samuel Maherero, the so-called "Chief-Captain" of the Hereros. It seems inconceivable, if he wished to gain any prestige with the Ovambos, that Leutwein should allow of any interference from Samuel Maherero. Yet what do we find? The Herero Chief is allowed to send a kind of ultimatum in his own name to Negumbo. A literal translation of this document is as follows:—

MY FRIEND NEGUMBO,

Outjo, 15th November 1900.

I WRITE these words to you. I and my friend the Governor Leutwein have heard bad things about your people and your tribe.

And now I say to you, do what we demand of you. Pay the 60 oxen for what has happened, 50 for the traders and 10 for the children of the killed. If not we will come and shoot you, but we wish to remain friends. Enough.

Many Greetings.

I am, SAMUEL MAHERERO,

The Lord of the Hereros.

This letter was sent through the Missionary Rautanen *via* the Chief Kambonde, who received a present for his assistance.

In the following January a message was received from Negumbo to Leutwein that it was not necessary to come and see him, as he intended to compensate the traders.

By June 1901 Negumbo had, however, not complied with Samuel Maherero's demands, and the then District Chief of Outjo, Captain Kliefoth, decided to visit the Chief in person. He was foolish enough to take with him a piece of artillery and twenty-five soldiers. On arrival at the Chief's village, Omukuju, Kliefoth found he had stirred a hornet's nest.

The inhabitants rushed to and fro like a colony of ants, and received the troops with growling threats and shouts. All Kliefoth's attempts to obtain a hearing failed. As it appeared fruitless to go to any further trouble, he retired during the night as he rightly believed that he could not take upon himself the responsibility for an Ovambo war. (Leutwein.)

The matter of paying compensation by Negumbo to the traders was thereupon allowed to drop.

The next visit to Ovamboland was that made, towards the end of 1901, by Dr. Hartmann, who travelled to Port Alexandre and Mossamedes, accompanied by Lieut. von Winkler. The object of this tour was to report on the possibility of building a railway from one of these ports to the Tsumeb Copper Mine. They visited Chief Nechale, Kambonde, and Nejjulu, but gave Negumbo a very wide berth. Again they were able to observe the ominous distrust and unrest (Mistrauen und Unruhe) of the Ovambos.

German plans and designs on Ovamboland, and possibly Southern Angola, were however now beginning to crystallise, and in the end of 1902 another mission composed of Dr. Gerber and the Architect Laubschat, both officials of the Administration, accompanied by Under-Officer Gass, "as a civilian," visited Nechale, Kambonde, and Uejulu. At first they were coldly received and before long with open hostility. It was thought that, being in plain clothes, they would arouse less suspicion than men

in uniform. The Chief Uejulu accused them of being Government "spies," and their attempts to obtain anything like friendly treatment failed.

For this attitude of the Ovambo Chiefs the Germans were not slow to impute intrigue and unwarranted interference to their Portuguese neighbours over the border.

Feeling however that he had to do something, Dr. Gerber moved eastward and met Himarua, the most powerful of the Chiefs (living on the north bank of the Okavango). With this Chief, Dr. Gerber concluded a "most advantageous agreement" for the establishment of a German Catholic Mission. Other attempts were made to propitiate, during the period 1902 to 1903, the Ovambos living in the valley of the Okavango; but with no success.

In March 1903 the missionaries who were to open up their labours at Himarua's village in terms of his agreement with Dr. Gerber, left for the north. On arrival at their destination, a post on the southern bank of the Okavango, the missionaries met Himarua, who professed to know nothing about any agreement with Dr. Gerber, and requested the missionaries to return home. In the course of discussion one of the missionaries was foolish enough to inform Himarua that he was not in his own territory, but that he was standing on German soil ("auf deutschem Boden"), and they, as Germans, could not be interfered with. This, as Leutwein puts it, "knocked the bottom out of the cask" and the good missionaries found it very expedient to retire without delay.

It was then decided by the German authorities to punish Himarua so far as this could be done "without breach of the Portuguese boundaries." In July 1903, Lieut. Volkmann with a small party of men and maxims drew up on the south bank of the Okavango and treated Himarua's village on the north bank (in Portuguese territory) to an exhibition of volleys and quick firing which lasted for a day. The Ovambos returned the fire, but while their losses were reported to have been numerous (zahlreich), there were no German casualties. The German troops then withdrew, and arrangements were made at Windhuk for another punitive expedition on a large scale to move against the Ovambos early in 1904, as soon as the rainy season had passed.

The outbreak of the Herero rising in January 1904 and the subsequent general rising of the Hottentots in the south distracted attention so effectually that the Ovambos were left in peace and in the enjoyment of tribal freedom.

After the restoration of peace in Hereroland and Great Namaqualand in 1907, those areas, seeing that practically two-thirds of the population had been exterminated, were unable to supply a sufficiency of native labour for farming, mercantile and other pursuits. This compelled Germany to institute the system of forced labour, bordering on slavery, by which all natives, male and female, over the age of seven years were (with the one exception of the Rehoboth Bastards) impressed into service as labourers. The discovery of the diamond fields near Luderitzbucht a few years later placed the colonial authorities face to face with a problem which had been created by the inhumanity and short-sightedness of German soldiers and administrators. There was no labour available for the exploitation of these newly-found sources of wealth. Then it was that attention again turned to Ovamboland, and by means of much coaxing and the offering of tempting inducements such as good pay, good food and fair treatment, and the disbursement of much money, the Ovambo Chiefs were at length prevailed upon to allow their men to be engaged as labourers. The result was that the Ovambos became, and are now, the indispensable labour asset on which the whole of the mineral development and a great deal of other constructive work in the Protectorate depends. The Germans gradually growing wiser, now that financial interests were at stake, took every care and pains to cultivate the Ovambos and to propitiate the Chiefs in every respect. The Chiefs viewed the matter without sentiment and also purely from the point of view of the financial and material advantage such employment brought to them and to their people. Apart from supplying labour, their official and national bearing towards Germany and the Germans was one of studied suspicion and aloofness. They still felt towards the German official what Kamonde had stated in his letter to Leutwein. For fear of losing labour which could not be obtainable elsewhere in South-West Africa, Germany had to adopt an attitude of humble acquiescence which must have been galling in the extreme.

So recently as the beginning of 1915, when Colonel Franke led a punitive expedition against the Portuguese at Naulila, on the northern frontier, he wished to take a shorter route which would necessitate crossing through the territory of the

Uukuambi tribe. Before making the attempt he sent messengers conveying a request with presents to the Chief Ipumbu. The Chief refused to accept the presents, and returned them to the German commander with a reply to the effect that if the Germans wished to take that route, it would only be possible for them to do so after having defeated the Uukuambis in battle.

The German commander thereupon decided to make a wide détour.

OVAMBOS ATTITUDE TOWARDS THE BRITISH.

In strong contrast with the hatred and suspicion of the Ovambos towards the Germans may be mentioned the spontaneous outbursts of friendship and confidence with which they greeted the arrival of the British troops in their country.

A few months after the conquest of South-West Africa in July 1915, Major Pritchard, a Native Affairs Officer, and a party of British officers visited all the reigning Chiefs, and were everywhere received with demonstrations of friendship and cordial welcome.

In his report on the results of his mission, Major Pritchard mentions the following conversation with the Paramount Chief, Martin, of Ondonga :—

He frankly stated that the Ovandonga had no love for the Germans, whose wars with the natives they had heard of, that he and his people had always wished that the English would come into their country. . . . He added, with emphasis, that no German officer had ever entered his house, that I and these officers accompanying me were the first who had ever entered or camped near it.

Before Major Pritchard left Ondonga on his return journey, Martin, who is now the most powerful ruler in Ovamboland, sent the following message through him to the British Government :—

I send my greetings to the great men who rule your country. I had always been afraid of the Germans, and have never had the opportunity, as I had wished, to invite the English to my country. I was pleased when I heard that the English were masters of the country; the words that have been spoken to me by you have given me such confidence that I feel as strong as a rock.

At the commencement of this chapter the writer gave the divisions of tribes, population, and Chiefs as estimated by the Germans at the time of annexation in 1890. It will be of interest to state the present allocation and position of the various tribes. The changes in numbers and name are due to the obtaining of clearer and more definite information, while inter-tribal wars have, during the past twenty-seven years, brought about changes in the position of the various Chiefs. The details which follow are taken from Annexure 13 to Major Pritchard's report.

TRIBAL DISTRIBUTION AND POPULATION.

Summary of population :—

1. Ovandonga	-	-	-	-	-	-	60,000
2. Ovakuanyama	-	-	-	-	-	-	50,000
3. Ovakuambi	-	-	-	-	-	-	20,000
4. Ovangandjera	-	-	-	-	-	-	15,000
5. Ovakualudsi	-	-	-	-	-	-	8,000
Others	-	-	-	-	-	-	3,000
							156,000
						About	156,000

1. Tribe : Ovandonga.

Locality : Ondonga.

Area : Approximately 5,000 square miles—North to South, 40; South to West, 128.

Chief : Martin, a Christian, about 23 years of age; has one wife and a son (one year). Resides at Onotumba.

Population : Estimated by Rev. Martin Rautanen at 60,000. He states that until recently this portion of the country has not suffered so much as have some others from sickness and starvation, that the country is well ruled, with the result that its population has been increased from time to time by refugees from other tribes who, in order to escape the consequences of the practice of witchcraft or on account of famine, have taken up their abode in it.

2. Tribe : Ovakuanyama.
 Locality : Cuanyama.
 Area (in Protectorate) : Approximately 3,600 miles—North to South, 30; East to West, 120.
 Chief : *Mandume, a heathen, age about 21 years, unmarried.
 Population : Estimated to be about 50,000.
 The wholesale practice of witchcraft, coupled with the barbarous methods of government followed by this Chief, has had the effect of causing the deaths, by killing, of immense numbers of the people each year.
-
3. Tribe : Ovakuambi.
 Locality : Ukuambi.
 Area : Approximately 300 square miles—North to South, 17½; East to West, 17½.
 Chief : Ipumbu, a heathen, age about 23 years, unmarried. Resides at Onulo.
 Population : Estimated to be 20,000.
 Witchcraft is reported to be extensively practised among the Ovakuambi.
-
4. Tribe : Ovangandjera.
 Locality : Ongandjera.
 Area : Approximately 100 square miles—North to South, 10; East to West, 10.
 Chief : Shanika, a heathen, age about 70 years.
 Population : Estimated by Rev. Rautanen to be about 15,000; other missionaries place it at not more than 10,000.
-
5. Tribe : Ovakualudsi.
 Locality : Okualudsi.
 Area : Approximately 25 square miles—North-east to South-west, 2½; South-east to North-west, 10.
 Chief : Maula, a heathen, age about 50 years.
 Population : Estimated to be about 8,000.

For the first time in the history of the Ovambos of South-West Africa, a European official, a British officer, was in 1915 stationed at the head village of Ondonga, where he now carries out the duties of Resident British Commissioner and adviser to the various Chiefs.

This appointment has been fruitful of very good results, and the Chief Martin has, throughout, proved himself to possess the fullest confidence and friendliness towards the new *régime*. The supply of Ovambo labour is steadily on the increase, and before many years are over the Ovambos will begin to show the beneficial results of contact with a humane and just system of government.

A return of this country to the Germans spells for the Ovambos only one thing, and it is that the fate of the Hereros will, sooner or later, inevitably overtake them, and they themselves know it only too well.

CHAPTER XXV.

THE BUSHMEN OF SOUTH-WEST AFRICA.

It is generally accepted that the primitive Bushmen were the aborigines of South and South-East Africa. It is also quite probable that they have for long centuries inhabited South-West Africa.

These yellow and dark-brown-skinned pigmies are still to be found in considerable numbers all along the eastern border of the Protectorate in the Kalihari sandveld and in the Grootfontein and Kaokoveld areas. Scattered bands also roam along the Namib desert belt on the western side near the Naauwkloof and Tiras Mountains, and in the south-western corner where the Huib Hochebene

* Since deceased.

Mountains and the rugged gorges of the Konkip and Great Fish rivers give that isolation and shelter which they need.

They live solely on the proceeds of the chase and the wild roots, berries and fruits of the veld.

Armed with very well-made bows and arrows, and possessing a knowledge of veldcraft and of the haunts and habits of antelopes and other game, in which they are unsurpassed, the nomad Bushmen are constantly on the move, following their quarry from one grazing ground to the other.

Probably the smallest people in the world, they are nevertheless wiry and firmly built. The hands and feet of the Bushman are very small and delicately made, and in general appearance he is not unlike the Hottentot, though much shorter of stature. Very few pure bred Bushmen reach a height of 5 feet, the average being about 4 feet 10 inches, while the women are even smaller, but as delicately formed.

Unlike the Hottentot women, they do not show with increasing years any signs of that very extraordinary and abnormal posterior development which is a characteristic, graceless and enigmatic feature in the Hottentot female.

The very nature of their mode of life has always militated against a communal or tribal manner of living. They live scattered here and there in single families or in groups of one, two, or more families, but rarely in excess of thirty to forty souls in each group. Such "banding together" (which was in German times a crime and was punished by long periods of imprisonment in chains) would also be purely of a temporary nature, induced by the presence in their locality of plenty of water and sufficiency of game, and as water got scarce and game began to scatter, so also would the Bushmen separate in order thereby to be able the better to feed themselves.

The manner of life of the wild Bushmen may be described as being hardly on a higher plane than that of the lion and the leopard—his rivals in the chase. He is occupied from birth until death in one long war with nature and in the one unending task—the preservation of himself and his family from death by hunger and thirst.

It will therefore be understood that among this primitive people, who build no huts and possess no domesticated animals, except a dog or two, whose territory is to them bounded only by the horizon, who know few laws and few restraints, and have but the most vague ideas of property or ownership, a settled government under hereditary or nominated Chiefs has never existed, nor has there ever been any tribal organisation.

A knowledge of the same language conveying the idea of community of origin is all that binds the families together, and that promotes the rare and very occasional assembling of groups of families for feasts and festivities.

The control is therefore purely patriarchal. An ancient grandfather may live in a family group of two or three sons and a few daughters with their wives, husbands, and offspring, numbering perhaps fifteen or twenty persons. On being visited by a curious European and being asked to indicate the head or Chief, they naturally point to the old man. In other cases, where the elders have grown too feeble for the hunt, a younger man, generally the most daring and skilful hunter, may by common consent be acknowledged as the leader of the party; but this gives no ground for the erroneous ideas often published that Bushmen have tribal chiefs. They have no chiefs in the tribal or government sense at all.

In his Report on the Rietfontein Area of the Kalihari, published in 1908 (Cd. 4323), Major J. F. Herbst gave some most interesting and valuable details concerning the Bushmen, and an extract from his account will indicate what manner of people they were.

He writes (page 10) :—

The *lares et penates* of a Bushman consist of a few lean and hungry dogs, a short but heavy knobkerrie, a long bone tsamma knife, a bow and arrows, the dried body of the "gnubo" snake as an antidote against snake bite, a skin bag or two as a receptacle for these articles, and a tin for use as a kettle. Every werf has a large number of dogs which accompany their masters on the hunt, and it is really wonderful with what courage these lean mongrels will tackle a leopard—a courage no doubt begotten of hunger and an absolute confidence in their masters who, with their knobkerries, are never far behind so soon as the dog has gripped his prey. The chief offensive weapon of the Bushman is the bow and poisoned arrow. The poison is obtained from snakes, insects, and the euphorbia, and mixed with the juice of the "melkbosch" (not that of the Colony) which grows in the Karasberg mountains in German South-West Africa. The milky juice is

boiled, and when cool is quite black and sticky. It is applied to the barbed arrow-head made from old hoops, knives, &c., and fixed in a bone tied to a reed obtained from the distant river beds. The "gnubo" snake is very rarely found, spending most of its time underground. It is small, of a brown colour, and said to be very poisonous. There are two kinds, one with two small, short fore feet. The dried body is carried by all natives and most of the Europeans in this country and German South-West Africa, and the dried flesh, ground to a powder and rubbed into the incised wound, is said by all to be an absolutely safe antidote to the most virulent snake poison. It is said to draw the poison "out in a stream." If I remember rightly, some "gnubo" was analysed in Cape Town some years ago, but no properties were found that could account for this action.

The Bushmen are the keenest hunters and the finest trackers in the world. Being dependent for their sustenance upon the products of the desert and in daily contact with its fauna, it is not surprising that their powers of vision and their perceptive faculties should be developed beyond those of ordinary man; and to one unversed in the ways of the desert their capabilities in these respects are little short of marvellous. As we look to our morning paper for a record of the events of the previous day, so the Bushmen will interpret the doings of the animal world during the previous night (when alone history is made by them) by the imprints left on the sand. Every footprint is familiar to him, and he will announce to you what visitors his area has had, their number, time of visit during the night, and whether they were at ease or startled. In the loose sand, game spoors, old and new, in many hundreds, go in every direction; it would appear hopeless for us to follow a particular spoor; to them the problem presents no difficulty. Shoot at a buck in a herd that flees, he will follow their spoor for a short distance and return to tell you whether you have wounded your buck or not. The merest clot of blood on the spoor will give him his clue, and he could lead you on that spoor for miles and miles and never lose it. Fleet of foot, their powers of endurance are wonderful, and if one could only induce a specimen to compete at the Olympic games in Europe, methinks a world's record in long-distance running could be secured. The fleetest steenbok or duiker are run down by them during the hottest part of the day. The procedure is simple. By day these animals lie in the shade. Then the Bushman, club in hand, sallies forth, clad only in his "veldschoens," and, with much shouting, drives up whatever game comes in his way. Then the stern chase commences. The buck will outstrip his pursuer and lie down again, but the Bushman on the spoor at a fast trot soon drives him up, and so the relentless pursuit goes on for about three or four hours in the hot burning sun. By that time the hot sand will have burnt the hoofs of the unfortunate animal to such an extent that he falls an easy prey to the club of the Bushman. A duiker and steenbok cannot run far in wet sand, and after rain they are chased by Bushmen, who soon catch up to them; the wet sand gets between the cloven hoofs of the animals and chafes them so severely that they cannot run far. Where bush is scarce steenbok frequently spend the day in the numerous antbear holes. Finding a morning spoor leading to these holes, the Bushman, silently as a cat, creeps up to the hole and plants himself before it, leaving a small open space under the left arm for which the buck charges, when he is pinned and dealt a stunning blow over the head with the kerrie in the right hand. In these ways numbers of these animals are killed, and one can see with what difficulties they must rear their young.

The strength of a Bushman is remarkable. I have seen an insignificant-looking fellow carry, one on each shoulder, the two complete legs of a full-grown male ostrich up a steep sand dune.

It is the most interesting experience imaginable to watch the ingenuity displayed by this savage when on the spoor of game. Possessed of a perfect knowledge of the habits of all game he is able to forestall them at every point. Employed as a guide, they will always precede the horsemen by a few yards, first throwing a handful of sand in the air to test the direction of the wind, which, of course, determines the route for the day. Not a word is spoken, for one's vision is limited by the sand dunes, and sound travels far. As he walks along he will indicate to you, by figures made on his fingers denoting the horns of the animal, what spoors he is meeting with and whether fresh or old, &c. Before mounting a dune he will creep on his

stomach, and with eyes and ears on the alert, peer cautiously over the crest from behind the friendly cover of a tuft of grass, lying motionless the while, till he has examined every nook and corner of the area exposed to view. If there is game, his keen eye will take in the topographical features of the whole scene, and he will take you, after much creeping and climbing on all fours, to the nearest point affording cover, and there is no prouder moment in his life than when the crack of your rifle lays at his feet the much-prized meat. A particularly good shot is greeted with shouts of laughter and a salute of "Gai koms" (lit., big stomach) which in the native is synonymous with "big man."

The greatest ambition of a young Bushman is to catch his first steenbok, for no girl will have him to wed until he has shown his competency to provide the family with food. The capture of a buck is indicative of manhood. No ceremony takes place when a Bushman weds. It is a "taking" pure and simple. Their only method of giving expression to any exuberance of feeling is by dancing, which is indulged in by the men alone, the women circling round and wailing a weird chant in praise of either the gemsbok, ostrich, lion, &c. While these are sung, with clapping of hands, the men with horns on their heads and strings of hairworm shells fastened round their legs, making a peculiar noise, imitate the antics of the respective animals in their sportive moods.

Notwithstanding the fact that the Bushmen were regarded as outlaws and wild animals by the Germans, and despite the wholesale killing off which has taken place, there are to-day perhaps ten to fifteen thousand of these people left in South-West Africa. The majority live in the Grootfontein area, and in the Kaokoveld and the sandveld north of Gobabis, along the edges of the Kalihari desert.

In a most illuminating report made in January 1912 to the German Governor, the District Chief of Grootfontein (Herr von Zastrow), says:—

I do not think I am making a false estimate when I fix the number of Bushmen in the Grootfontein District alone at from 7 to 8,000.

He goes on to add that the estimate of Professor Dr. Passarge ("Die Buschleute") of a total population of the Bushmen in the northern areas at not more than 10,000 is much too low.

The Bushman language is merely a succession of clicks and gutturals, and there are reported to be several dialects, due in some measure to Hottentot influence.

Although there are subdivisions based mainly on differences of dialect and locality, there are two main groups or families into which the main body of Bushmen of South-West Africa may be divided, namely, the *Kung* and the *Heikom*.

The *Kung* are pure bred yellow-skinned pigmies, and are in every respect typical wild bushmen of the most primitive type known. They are easily distinguishable from the *Heikom*, who are taller and darker. These people live in parts of the Grootfontein District, in the northern and eastern sandveld, and along the Omuramba Omatako. They are timid and shy of the white man and keep out of his way. Should he happen to come on a party unexpectedly and they find flight inconvenient or undesirable, a dangerous situation is likely to result, as they never hesitate to use the deadly bow and arrows. For this state of affairs the entire blame must not be placed on the *Kung* Bushman.

The *Heikom* Bushman evidences in his physical appearance and in his language further proof of the ancient migration through this area of the Hottentot tribes. He is as tall as the average Hottentot and dark yellow of skin, while his language is Nama, like that of the Hottentot and the Berg-Damara.

This race is undoubtedly the result of intermixture between the Hottentots and some now extinct Bushman tribe. Some members of the race are dark and also bear unmistakable evidence of intermixture with the Berg-Damaras.

Their habitat is the Grootfontein District proper, the Etosha pan area, and the north-western part of the sandveld of the Kalihari border.

The *Heikom* Bushman is, as may be expected, less wild than his *Kung* neighbour and more amenable to control and civilisation. At one time, a year or two before the war, there were no fewer than 1,500 Bushmen farm workers in the Grootfontein area, the majority of them being *Heikom* Bushmen; but for reasons which will be referred to presently the majority of these people eventually decided that their free natural barbarism was more preferable than service with the Germans.

The extermination of the bulk of the natives in the south has now made it necessary to look to the northern areas for supplements to the insufficient sources of labour supply to carry on mining work and agricultural and other undertakings. There is no doubt about it that should South-West Africa receive an influx of white settlers after the War, the problem of native labour will become acute. The gradual taming and utilisation of the Bushman for farm work and herding of stock is therefore a subject which cannot be waived aside without serious consideration. It is unfair to urge that these wild people are irredeemable and that they are incorrigible thieves and dangerous neighbours. The Bushman will never steal cattle except as a revenge, or unless he is driven to do so by the desperation of an empty stomach, and in nearly every case it is the action of the white people, in shooting off all the wild game, or in proclaiming game reserves and stringent game protection laws, which has driven the Bushman to resort to theft as a means of existence.

Major Herbst, in the already quoted report, says (page 13) :—

The strict enforcement of the game laws has made the country unsafe for them. They profess to be unable to understand by what right Government protects the game, and invariably ask to be shown the Government brand on the animals.

At other times it has been a means of revenge on the German settlers, whose ideas of the property of the Bushman in his wife were about as nebulous as the Bushman's idea of the rights of the settler to the land and his cattle. The majority of the German settlers had acquired their cattle by the doubtful means already outlined; they decided, very many of them, to appropriate the wives of their Bushmen in like manner, namely, by forcible acquisition. The Bushmen retaliated by driving off the stock and sometimes by shooting the German.

This does not indicate or prove, however, that the Bushman is useless and that he constitutes a problem, the solution of which is only possible with a rifle and unlimited cartridges.

Herr von Zastrow says that extermination is out of the question. Referring to the estimated population of 7 to 8,000 Bushmen in his district, he writes :—

Taking this number in conjunction with the fact that so many men are already working on the farms, and bearing in mind also the small number of natives now in the whole Protectorate, one cannot afford to pass over these people without consideration. More than half of the farmers would not be able to carry on their business were the available Bushman labour to vanish.

The opinion so generally expressed that the Bushman cannot be utilised as a labourer, because he will not remain on a farm and is too weak, is not actually correct. Surely it must be clear that such people who have during their whole lifetime wandered about the veld and have never done any hard manual labour, cannot in a moment lose their habits and become efficient and energetic labourers. . . . The present generation cannot entirely change its nature. . . .

It is remarkable to observe how the Bushmen serve the purpose of farm labourers. They learn to plough, to cultivate tobacco, to control oxen transport, and whatever else a farm labourer must do. Many remain for long years on the farms and become so serviceable as assistants that they are indispensable to the farmer.

Dealing with stock thefts, the District Chief goes on to state very definitely that as a rule the wild Bushmen do not appear to be the thieves; but that the thefts are committed by fugitive Bushmen who have previously been farm labourers. He gives the following example, which is extremely significant :—

In the case of the stock thefts on the Omuramba Ovambo, the perpetrators had suffered under the false and bad treatment of a farmer and were therefore driven to commit these crimes out of motives of revenge. Probably, though I cannot prove this, the same is the case in regard to the stock thefts at Jumkaub and Begus. . . .

In regard to remedial measures of control, von Zastrow considers that large areas should be left free as reserves for the wild Bushmen, and that by fair treatment it may be possible in time gradually to entice them to give up their wild nomadic life and to settle down as useful people. He is definite on the point that

the putting of the terror of death into them will not influence them to abandon their old habits :—

Other suggestions, such as extermination or the deportation of whole tribes, are so absurd as to merit no consideration.

It is refreshing to find in the ranks of German officialdom a man who is broad-minded and far-sighted enough to express such views.

The writer, while at Grootfontein, had a short discussion concerning the Bushmen with Herr von Zastrow, wherein he confirmed the views expressed by him in the report quoted from, and he went so far as to declare that in his opinion the Bushmen would in the future prove a valuable labour asset to the farming community.

The German temperament is not calculated, however, to make any native a valuable labour asset. Von Zastrow is most unpopular with his own people because he condemned and, it is feared unsuccessfully, tried to suppress and prevent indiscriminate flogging. He was prepared to deal with the native as fairly as the laws and the regulations would allow him to, and the majority of the white settlers hate him for his pains.

Extracts from two statements by intelligent representatives of the two chief Bushmen tribes will indicate how their compatriots were treated.

Jacob Haibib (a Kung Bushman of the Kalihari), says :—

I was employed as a tracker to help round-up gangs of marauding Bushmen. We used to have fights with them, and often killed Bushmen. Those we captured were brought into Grootfontein. If they had committed murder they were hanged. If they had stolen stock they were transported to Swakopmund and Windhuk to work there. That was before 1912. In 1912, however, a German sergeant named Helfrich was murdered by a Bushman near Narugas, about 80 kilos. away. We then got a lot stricter, and Bushmen who killed stock were shot on the spot if they attempted to evade capture. Occasionally farmers took the law into their own hands and shot Bushmen: but they were forbidden to do so by the German magistrate von Zastrow, who said that thefts should be reported to the police in the first instance.

The Kung tribe is wild, and they do not work for anyone. They are also dangerous and readily use their bows and arrows. The Haikoms are less wild and come in—some of them—to work on farms. There were many working on farms in this district (they are good sheep and cattle herds, and work well); but the Germans treated them badly while the country was under German rule, and many used to run away back to the veld. They were badly fed, flogged, and very often got no money. In fact, they hardly ever got money for their work. They could not count their money, and got nothing, as they did not know the value of money. I know of my own experience that Bushmen, as well as Hereros, Damaras, and Hottentots, all that were natives (red or black), were brutally treated by the Germans. When they came into town to report their masters for brutality or cruelty, the only result was a severe flogging from the German police with a sjambok, and orders to return at once to their masters.

Hendrik Kasubie (a Heikom Bushman), says :—

I am a Heikom Bushman. I was born at Tsintsabis, north of Grootfontein. We never really had a captain, but each head of a family was a kind of leader. We generally lived in groups of relations. In the early days so many as a hundred would live together near water-holes in the wilds. That was before the Germans came into the land, and while we felt safe. After the Germans came into the land the people scattered and lived in small groups in the remote places. Many Heikom people went to work for the old Boer settlers, and the old Bushmen told me they were well treated and lived contentedly. When the German farmers came, the Heikom again went to work for them, but the treatment they received was far different to that they received from the Boer settlers. The Germans took their wives away from them and made them their concubines. A Bushman refused to see his wife used in this way by a white man, and they got very angry, but the Germans disregarded them and trouble arose. They

gradually got tired of this and ran away back to the veld, taking the Germans' stock with them. Then the Germans would hunt them and try to capture them. If they refused to stand, they were shot down like wild animals. Those whom they captured were sent to gaol and compelled to work—after punishment—for the *same* farmer who had taken his wife and who had ill-treated him. If a Bushman dared to protest to his master, saying, "You cannot have my wife, she is mine," he would get a brutal thrashing. He had no rights and no redress. It was this which caused them to murder Germans, and under German rule here there was never peace. The Germans, moreover, made the Bushmen work only for a little food; they never got wages. They were getting wilder and wilder under German law, and more and more scattered through the veld. They were like hunted wild animals, too afraid even to come down to a water-hole in the daytime to drink, for fear a German might see and shoot them. They came down to water at night, like the wild animals. The Germans have shot very many of them. They were never left unmolested.

It was the grossly inconsiderate and immoral attitude of the German farmers in the north towards the wives of their Bushmen labourers that precipitated all the troubles between them and resulted eventually in reprisals by the Bushmen and their shooting by the farmers.

In Major Herbst's report the capture of his first steenbok by the young Bushman is given as proof of his competency to provide the family with food and encouraged him to take unto himself a wife. The Bushman was no believer in polygamy; he found that it took him all his time to provide for one wife and her offspring. That wife was, however, his cherished companion, and with her and her children the husband shared every morsel of their rough and oft-times scanty diet. The killing of his first steenbok did not, however, imply that he would at once get married. It entitled him to a kind of provisional first claim on his lady-love; but her father saw to it that the prospective son-in-law, during months and often years of servitude (calling to mind the Biblical story of Jacob, Laban and Rachel) worked and hunted for the whole family, and proved beyond any doubt his efficiency as a hunter and a provider of food.

A prize so dearly won was not uncherished, and the one person he could look upon as a mate and a life's companion was not readily to be parted with.

Yet what do we find. The writer has it on the verbal evidence of missionaries and German officials, and on the statements of the natives themselves, that the chief cause of all the trouble between Germans and Bushmen was that the Germans would persist in taking the Bushwomen from their husbands and using them as concubines. The result was that the Bushmen revenged themselves by driving off cattle and, in some cases, by shooting their brutal masters.

Johannes Kruger, an intelligent Cape Bastard, who in 1895 was appointed by Governor Leutwein as "Chief" of the natives of Grootfontein, states under oath:—

The first German I met was Von François, who passed through Grootfontein with troops towards N'gami. Some years later Major Leutwein came to Ghaub with Dr. Hartmann, the manager of the S.W.A. Company. He stayed there only a day and drew up an agreement for me to sign, wherein I was appointed Captain of the natives and had to recognise German sovereignty and control. Leutwein said I was Captain of the Bushmen and Damaras and of all people who lived at Ghaub. The agreement was signed on 31.8.1895. I identify the original agreement and my signature now shown to me. (Original agreement read over to deponent.) I signed the agreement most unwillingly. I at first refused to sign it, but they (Leutwein and Hartmann) insisted, so I eventually agreed.

I knew the Bushmen had no real Chiefs, and that every head of a family was practically his own Chief and master. I told Leutwein that Bushmen would not readily submit to a Chief, especially as I was not a Bushman. The reply was that as I know the language and the people I might have influence over them. The Berg-Damaras, I felt, I could control, and also the Hottentots, though the Hottentots in particular strongly objected to the agreement being made. They said they did not want to be German subjects and preferred the English. The Berg-Damaras said nothing, and the few Bushmen were also silent, as they understood nothing of the matter. After

the agreement was signed, Hartmann gave me 5*l.* a month. I had to provide labourers for the Company. I then tried to collect people to live in Ghaub which, under the agreement, was given to us. I collected in time 212 Heikom Bushmen (men, women, and children) also 110 Berg-Damaras, and these, with the 35 Hottentots all lived on my werft at Ghaub. They all agreed very well, but the Bushmen only remained a short time, as there was not enough "veld kost" (wild fruits, roots, herbs, &c.) for them to live on. They had no stock. So they scattered and returned to the bush. Later on the Bushmen began to offer their services as labourers on the farms of the German settlers. The majority of the Heikom (several hundred families) left the bush and came in to the farms. Then the trouble started. The German farmers refused to pay them their wages, they said food and tobacco were enough for them. They did not want money. The food was poor and the Bushmen complained to me. I spoke to Lieut. Volkmann, the German Magistrate, and said the Bushmen were a wild people, but if they were properly treated and fed and got a little money, just a little, they would get tame and become useful. He made promises, but nothing came of them. We got no redress. As a rule a Bushman only has one wife. If she is barren he may take another, but never has more than two. The majority of the Bushmen have only one wife. They are extremely fond of their women, whom they treat well. The Germans started to take their wives away from the Bushmen and made concubines of them. The whole district is full of these German-Bushwomen cross-breeds. This conduct of the Germans annoyed and irritated the Bushmen more than anything else. They deeply resented it; I received numerous complaints from them. I made representations to the German Magistrate, Volkmann, but the trouble continued. This resulted in the Bushmen refusing to work on farms unless compelled by hunger to do so. Then they began, for the first time, to steal the cattle of the Germans and rush them away to the bush. One Bushman whose wife had been taken in this way, murdered the German farmer who had despoiled him. Bushmen were shot on sight by police and German farmers, and no mercy was shown to them. Those who were shot were men who, too afraid to stand, ran away on being seen by a German patrol or a farmer. They were in a state of terror. Often the Germans surprised and captured families of Bushmen in the veld. These people were then transported, with women and children, to Swakopmund or Luderitzbucht to work. Many died down there. I only saw two who had escaped and returned to the bush there. They said all their people perished there of cold and exposure. The Bushmen are human beings after all, and resent their wives being taken away, and object to ill-treatment. They are too terrified now and don't trust white men; but in time I think the Heikom will settle down and become useful labourers if well treated. The Kung or Kalihari Bushmen are more fierce than the Heikom, and will not readily settle down. I have always got on well with them though, and never was molested by any of them. The white men, especially the Germans, treated them as if they were wild animals, and therefore they retaliated and are naturally wild and timid. The Germans treated all natives with harsh brutality and gave them no justice. They all hate the Germans. The majority of the natives here have from time to time been badly flogged and thrashed for all sorts of small offences, such as petty thefts or vagrancy or laziness or impertinence. They were spoiled and driven to desperation by suppression, and many offences they committed and impertinence and lack of respect arose out of the Germans' intimate and immoral relations with their wives and daughters. If a native objected and was cheeky he got flogged for insubordination and impertinence. This was in peace time. In war time a German showed no mercy to man, woman, or child.

We were very unhappy under German rule, and I often deeply regretted their having come here. But what could we do—we were too weak.

I know the natives of Grootfontein. They are all much happier now than they were under German rule. They talk all day long about the new Government, and say they hope and pray that England will keep this country and govern us. They are in terror at the very idea of a German Government coming back. They say they will all be killed, and will flee away to another country rather than stay. I say the same. The Germans hate me because I tried to protect my Bushmen and Damaras. I reported their cruelty, and

they blamed me when the natives deserted their service. I won't stay here if the land is given back to Germany. I don't believe any of us will remain.

The present Magistrate of Grootfontein (Major Frank Brownlee) informed the writer that during a period of over two years' service in that large area he has had little or no trouble with the Bushmen. They are no longer scared to death at the sight of a military man, but come down to the waterholes and get tobacco and scraps of food from the travellers. They are only too willing to act as messengers and guides and to indicate waterholes along routes to be followed. Even the wild Kung Bushmen will come in, very cautiously, one by one, and squat down round the white man's camp fire.

A message to a Bushman leader or head of a family will invariably, if it reaches him, result in his coming in to see the British Magistrate.

This fact alone has caused German officials to gape with astonishment, and Herr von Zastrow one day remarked to Major Brownlee: "How have you British managed within so short a period to gain the friendship and confidence of these wild Bushmen? Why, under my *régime*, I could send out fifty messages and they would be taken not the slightest notice of."

The dictates of personal courtesy prevented the British official from satisfying the curiosity of his German interrogator on this point; but the answer is contained in this Report.

Part II.

NATIVES AND THE CRIMINAL LAW.

CHAPTER I.

THE NATIVE AS AN ACCUSED PERSON.

In the remaining chapters of this report it is proposed to deal with some aspects of the criminal law of the Protectorate applied as against natives before the Occupation, some illuminating features of the administration of the law as against Europeans during the same period when the aggrieved parties were natives, and, finally, with the position between Europeans and natives in these respects as it has been forced on our notice since the Occupation from the point of view purely of the criminal law.

On the first subject what follows in this chapter will be sufficiently instructive. On the second it is felt that the surface merely has been touched, and that deeper investigations would lead to even more serious conclusions than are to be deduced from such cases as that of Ludwig Cramer, referred to in the next chapter. On the third, the bare facts are left to speak for themselves; but cases like those of Venuleth on the one hand, and Becker and Schmidt on the other, throw an unmerciful light on the estimation in which native life has been held within the borders of the Protectorate under German rule.

From the whole only one conclusion is to be drawn, viz., that if a native was killed or seriously injured as a result of a collision with a German it was a matter of small moment, to be disregarded if the authorities were not forced to take notice of it, and if otherwise even then to be minimised to the greatest possible extent. On the other hand, had a German the slightest of grievances against a native, the latter was made to suffer severely under the lash.

The Imperial German Criminal Code constitutes a comprehensive system of criminal law. It carefully defines all offences and provides the punishment for each, even going so far in the latter respect as to lay down maximum penalties for those misdemeanours which must of necessity under modern methods of Government be established by local or police regulation. In outstanding contradistinction to the codes with which we are familiar, it provides precise limits of penalisation which leave to the Court, once the exact offence has been determined, but little discretion as regards the sentence to be imposed. It further endeavours to provide for those conditions of mind and circumstance which are usually regarded as reducing in gravity or nullifying entirely an act which is, on the face of it, a breach of the law. Its rigidity cannot be regarded with favour by any one who is familiar with the admirable elasticity of the Roman, Dutch or English systems of criminal jurisprudence, but none the less it affords a body of legal prohibition almost wholly complete in extent and of a nature which doubtless is thoroughly suitable to the meticulous German mind.

This code contemplates the following different forms of punishment:—Death (by decapitation), severe imprisonment (zuchthaus), detention in a fortress (festungshaft), lighter imprisonment (gefängnis), simple imprisonment (haft), and fine.

Corporal punishment is excluded, and the death sentence is only applicable to murder and the most serious form of high treason. Murder is much more narrowly defined than in our law, and many acts which would in the Union of South Africa or Great Britain be regarded as such do not come within its limits under the German code. Consequently, the capital sentence can rarely be imposed. The pollution of a corpse, which we would regard as a grave moral crime, is, in itself, no offence, because, in the words of Mittermaier, it is no danger to public health or decency. These are merely individual points of the code which give one some idea of the spirit in which it is framed, and it is plain, after a study of the whole, that it was intended to comprise an up-to-date humane system of criminal law which, while satisfactorily punishing all transgressions, at the same time took into account and made the requisite allowance for all human weaknesses. Consequently it is remarkable to find that the law-givers of a nation which could dive

so deeply into the innermost recesses of the human mind, and fix an exact penalty for every separate evincement of its criminal evolutions, should be content when they came to provide for the similar vicissitudes of native mentality with the following law, promulgated in 1896.

NATIVES—CRIMINAL JURISDICTION.

Translation.

CRIMINAL JURISDICTION WITH REGARD TO NATIVES: GERMAN SOUTH-WEST AFRICA.

Decree of the Imperial Chancellor with regard to the exercise of Criminal Jurisdiction and Powers of Punishment over Natives in the German Protectorates of East Africa, Kamerun and Togo, dated 22nd April 1896 (Col. Gaz., p. 241) applied to the Protectorate of German South-West Africa by Decree of the Governor, dated 8th November 1896 (G. Col. Legisl. II., p. 294).

By virtue of the Imperial Ordinance of the 25th February 1896, the following is laid down with regard to the exercise of Criminal Jurisdiction and Powers of Discipline over Natives in German South-West Africa in connection with the Decree of the 27th of the same month:—

I. COMPETENCE.

(1) Criminal Jurisdiction and Procedure in the case of the coloured population are exercised by the Governor. In the various Districts the Bezirksamtman or independent Chief of the District (both these officials are included in the term "District Officer" used later) takes the place of the Governor. The Bezirksamtman or independent Chief of the District is entitled to delegate his powers, on his own responsibility, to his subordinate officials for their areas, but is bound to inform the Governor to what extent he has made use of his powers of delegation. The right to inflict punishment shall not be given to a non-commissioned officer, even if in charge of a station. The officer in charge at Cape Cross, who retains his former powers, is exempted from the operation of this provision.

II. PUNISHMENTS.

(2) The following punishments may be inflicted: Corporal punishment (flogging and caning), fine, imprisonment with hard labour, imprisonment in irons, death.

(3) Corporal punishment cannot be employed for the punishment of natives of better standing.

(4) No female of any age whatsoever shall be liable to be flogged or caned.

(5) The only punishment in the case of males under 16 years shall be caning.

(6) Flogging shall be carried out with an instrument specified by the Governor, caning with a light cane or rod. A sentence of flogging or caning may be carried out in one or two instalments. Where flogging is inflicted the number of strokes shall not at any one time exceed twenty-five, and where caning is inflicted the number of strokes shall not at any one time exceed twenty. The second instalment cannot be inflicted before the expiry of a fortnight from the first.

(7) The execution of a sentence of flogging or caning must always take place in the presence of a European appointed for this purpose by the official empowered to exercise criminal jurisdiction (paragraph 1), a medical man, for instance, where one is available.

(8) Before the infliction of punishment is begun the person convicted shall be examined in order to ascertain his physical condition.

(9) The medical man called in, or in his absence the European present at the flogging, has the right to stop or suspend the infliction of the flogging or caning if the state of health of the person convicted appears to make such a proceeding necessary.

(10) Sentences of imprisonment for more than six months require the sanction of the Governor, to whom the passing of the sentence must be immediately reported. The execution of the sentence shall be postponed until such sanction is received, unless the delay involved is likely to make the execution of the punishment impossible.

(11) The final decision in the case of a death sentence is the sole prerogative of the Governor. In cases where a District Officer has imposed such a penalty the fact shall be reported forthwith to the Governor, to whom the records in the case should be forwarded.

(12) A record of all criminal cases is to be kept in a book on the following lines :—

No.	Name.	Crime.	Sentence.	Date of Sentence.	Remarks.
		Theft Murder	20 strokes with cane Death - - - -	26th June 1896 1st August 1896 -	Confirmed by the Governor, 12th November 1896.

(13) The Captain (Headman or Chief) or his substitute shall be present during the criminal proceedings. In the case of serious crimes the District Officer shall call in several reputable natives to assist him, though the sole responsibility shall rest with the District Officer. Minutes of the proceedings must be taken, and the verdict must be given in writing.

(14) In the case of outlying stations and official expeditions into the interior of the country, the provisions contained in sections 1 to 13 of this Ordinance apply save that with regard to the exercise of criminal jurisdiction the officer in charge of the station or the chief of the expedition is substituted for the District Officer.

(15) In case the procedure laid down in Section II. cannot be adhered to in the case of outlying stations or expeditions into the interior (Section 14) in case of mutiny, hostile attack, or any pressing emergency owing to urgent reasons, but on the contrary the immediate execution of the death sentence upon a native seems required by the circumstances, then the officer in charge of the station or expedition shall institute summary proceedings against the accused after, if possible, calling upon at least two assessors to assist him, and shall thereafter forward the minutes of the proceedings with the sentence passed and reasons therefor together with a report of the circumstances to the Imperial Governor. If it should have proved impossible to call upon assessors as prescribed, the reason which made this impossible should be entered in the minutes.

(16) If Martial Law is declared in any portion or locality of the Protectorate by the Imperial Governor, his substitute or, in the event of urgent danger, by an independent Government official or Military Commander, then the summary proceedings laid down in Section 15 of this Ordinance immediately come into force as against natives who render themselves liable to punishment.

III. DISCIPLINARY POWERS OF DISTRICT OFFICERS AND OFFICERS IN CHARGE OF OUTLYING STATIONS.

(17) Natives who are employed as servants or under a contract to work may, on the application of their masters or employers, be sentenced as a disciplinary measure by any officer entrusted with the exercise of criminal jurisdiction (Sections 1, 14) to the following punishments, viz., corporal punishment, together with imprisonment in irons or imprisonment in irons alone, for a period not to exceed 14 days, for the following offences :— Continued neglect of duty and idleness, insubordination or unwarranted desertion from their places of service or employment, as well as any other serious breach of the condition of service or employment. The provisions of Sections 2 to 9 and 12 with regard to judicial punishments are applicable to disciplinary punishments.

IV. CONCLUDING PROVISIONS.

(18) District Officers and officers in charge of stations or, as the case may be, leaders of expeditions or their substitutes in case of their absence, are required to furnish a quarterly return of all punishments carried into effect to the Governor. These reports are to be submitted to the Imperial Colonial Office.

(19) This Ordinance comes into force on the day of its publication in the various Districts and Stations. Contrary regulations are simultaneously repealed.

(20) This Ordinance, as far as the administration of the judicial proceedings is concerned, is only applicable to disputes among the natives belonging to the same Captain, as far as is compatible with the terms of the Protectorate Treaties.

This law is deserving of study. In the first place, and properly so, the supreme administration of justice is in the hands of the Governor. If magistrates, juries, judges all have erred, with the Crown remains the power to put matters right, and with it also rests the divine prerogative of mercy. Subject to this authority, the Ordinance is exercised, not by the ordinary Courts, but by the Bezirksamtmann or Distrikt Chef. These officers were Chiefs of Police of their Districts, and the undesirability of vesting the power of punishing crime in the same official who is responsible for its detection and investigation needs no emphasis.

Punishments are laid down under Section 2, but there is nothing whatever to indicate how they are to be applied. This was left entirely to the whim of the individual official, and there was in law nothing to prevent him, except in regard to the offences against an employer set out in Section 17, from inflicting any punishment from a fine of 1s. to death for any offence. Examples of how this was carried out in practice appear later.

There is no reference whatever to the very material subject of evidence, but it is laid down that minutes (protocol) must be kept and the decision recorded in writing. In the case of Venuleth (see Chapter 3, Part II.) it was urged that the trial held by him was conducted under the authority contained in Sections 15 and 16 of this Ordinance. The entire record of the case—charge, evidence, verdict and judgment—is contained in the following document:—

PROTOCOL.

Okonjati,

9th June 1915.

Proceedings of Court Martial, held at Okonjati on 9th June 1915, upon two Bushmen, names unknown.

Members of Court were:—Lieutenant Venuleth, President.

Corporal Schulze.

Corporal Rapecki.

Statement of Facts:—

The two Bushmen were discovered by Lieutenant Venuleth in the middle of October on the farm Schonbrunn busy slaughtering two wethers near a small cattle post. When the stock were counted it appeared that 367 had been stolen. Moreover, all over the neighbourhood a considerable quantity of stock had been stolen (Okaturua). On the 9th June, Lieutenant Venuleth searched the bush and found about twelve natives in it, but only succeeded in capturing the two in question.

The unanimous decision was that the crime of stock theft had been proved, and that they should be shot.

This sentence was carried out on the 9th June by Corporal Rapecki and Lance-Corporal Ritter, under the orders of Lieutenant Venuleth.

(Signed) VENULETH, Oberleutnant.

Okonjati,

9th June 1915.

This is the entire record of a case in which the supreme penalty was imposed, and immediately carried out, upon evidence every word of which would have been rejected by a British Court. One of the victims was a woman.

The Ordinance also contains no reference to the equally material subject of defence. In fact, the whole question of procedure is left in the air, and apparently the presiding officer could do as he liked. Although these omissions are apparent in the law, they would not perhaps obtrude themselves on the notice of any one familiar with all the safeguards established in Union and British law in favour of the accused were they not forced upon it by the examples of complete disregard of those safeguards displayed by persons exercising its provisions in this territory.

According to official records, on the 18th September 1914, a Court similar to that constituted by Venuleth, sitting at Waterberg, tried a native named Alfred for the offence of stock theft. The only evidence given was that of a farmer, Schneider, who stated that he had lost some 50 head of small stock, and that a Herero, by name Simon, had also lost one head; that this native had gone to look for his animal and had come across the accused in possession of some blankets which Simon claimed as his own. Schneider stated further that Simon had also found the head of his missing goat, and that lying about Alfred's camping-ground were the bones of a number of other small stock. This evidence was read over to the accused, who made the following statement: "I have been loafing about the bush, have lived on veld food and caught guinea fowl, but I have not stolen cattle, but my two associates have stolen stock. I have always made them give me some of their meat." Apparently a Herero named Sepp gave evidence similar to that of Schneider, but only this bare fact appears on record. Upon these statements the accused Alfred was sentenced to death by hanging for repeated stock thefts, the Court giving the following reasons for its decision:—

"Though the accused denies all guilt, yet the Court has come to the conclusion that the accused himself assisted in the stealing of stock and that he has even been the leader of the gang. As a lot of small stock has disappeared in this locality lately, and according to the investigations of the police and troops the offences had been committed by natives, the Court is of opinion that they must impose the death penalty in order to deter the natives and to protect the neighbouring farmers and small settlers against further serious losses."

The judgment was promulgated forthwith and executed immediately.

Upon this case being brought to his notice, Governor Seitz telegraphed at once to the President of the Court, Lieutenant von Weiher, forbidding him to execute any more such sentences without His Excellency's consent. He also drew the attention of the Officer Commanding Troops to the case, pointing out that as the native was not in the service of the Army a field court martial had no jurisdiction in the matter; that it is not proper to summarily punish stock theft with the death penalty; that it was doubtful whether the members of the Court had not rendered themselves liable to prosecution on account of unlawful proceedings, and that there could be no doubt that the case would have serious consequences upon the cessation of hostilities. The Bezirksamtman at Omaruru, on his own initiative, also brought this case to the notice of Governor Seitz; but no one apparently took any notice of the point that, beyond the accused's admission of having had some of the meat, there was practically no evidence whatever as we regard it that he had committed any offence at all.

The forms of punishment provided by this Ordinance differ materially from those prescribed in the criminal code.

The place of honour is occupied by corporal punishment; then follows fine, which was rarely imposed, and rightly so since the natives as a rule were not in a position to pay; the next variety is imprisonment with forced labour, which is more severe than any of the forms of imprisonment mentioned in the criminal code. Kettenhaft, or imprisonment in chains, does not necessarily imply anything very serious. Its full value can only be appreciated when the chains themselves are examined (*see* Appendix 1). It should be noted, moreover, that this punishment was applicable to women. While the death sentence was carried out on Europeans by decapitation, in the case of natives hanging was employed. No proper gallows appears ever to have been used; and in many instances the arrangements were of such a primitive character that slow strangulation was the result. (*See* frontispiece.)

Section 3 is a reasonable provision, but leaves a loophole through which abuse might creep in, since it remains to the official to decide the meaning of the words "of better standing." Previous chapters show that this loophole was made use of in the cases of Chiefs of high standing, who were compelled to suffer lashes.

Sections 4 and 5 are in accordance with humane ideas of penal correction.

In regard to Section 6 it is clear from the German official records that the number of strokes imposed frequently exceeded 25. (Statistics on this point appear later in this chapter.) Further, the infliction of corporal punishment in two instalments has rightly or wrongly long ago been rejected by us as abhorrent.

Exception cannot be taken to Sections 7 to 13, nor is the principle of Sections 14 to 16 objectionable, though obviously it requires strict care in its application. In practice Section 13 was completely ignored.

The most dangerous provision in the whole enactment is contained in Section 17, which provides for the infliction as a disciplinary measure of corporal punishment combined with imprisonment in chains, or the latter alone for breaches of a contract of service.

A damnable feature of this prescription is that apparently the only punishment for a refractory female servant was imprisonment in chains, but the worst aspect of all is that no trial was required. Punishment was inflicted "upon application of the master." Doubtless it is this section which is responsible for many of the abuses to which natives have been subjected here. That an executive official should be empowered to lash a native servant with, be it remembered, so severe an instrument as a rhinoceros-hide sjambok, merely as an administrative measure, is repugnant to all our ideas of humanity, which would require a most exhaustive and scrupulous trial before such a penalty could be imposed for the most serious offence.

This short Section 17 contains the whole of the provisions of the German law corresponding to the punitive portions of what are known in the Cape as the Masters and Servants Acts (which it may be interesting to observe were once brought to the notice of the local authorities through the instrumentality of the British Government with a view to their adoption in the Protectorate, but were summarily rejected). In the whole body of the law of Great Britain there is but one offence of this nature, viz., feeding fodder to one animal which was intended for another against the master's orders, and the maximum penalty for such wrong-doing is a fine of 5*l.* (26 and 27 Victoria, c. 103). In the Cape the offences of this character which it was found necessary to establish in order to ensure satisfactory control of the native population have all been carefully defined; for example, desertion is "without lawful cause departing from the master's service with intent not to return thereto." The penalties are carefully restricted, the maximum for a first offence being two months' hard labour and for a subsequent offence three months, while the option of a fine may be given in all cases. The utmost punishment for a woman is 2*l.*, or in default of payment one month's imprisonment without hard labour. This measure (Cape Act 18/1873) has stood the test of time, and has been found entirely satisfactory in the interests both of the master and the servant; yet in this Protectorate, the immediate neighbour of the Cape Province, it has been found necessary to call in chains and the lash for acts which in countries whose population is solely European are not offences at all, but merely matters to be taken to a civil Court.

The German law, while containing provisions to which British people familiar with native races would take grave exception, has several safeguards of high value; and if these had always been carefully observed there could not, apart from the disgraceful Section 17, have been much room for abuse or criticism. There is, however, grave reason to fear, as the reader will have gathered from previous chapters, that this was not the case. It is, moreover, clear that extreme severity was the rule in the administration of the Ordinance, and that this was not officially discouraged. A casual glance at the official German returns made under Section 18 confirm this view. The following particulars are given from a return from the small district of Bethany, taken at random from a large number of such.

This return covers the period 1.1.13-31.3.14, and shows 103 punishments recorded. 38 of these were awarded by the District Court after trial; the other 65 were summarily administered, *i.e.*, by the police, without trial. The district in question is very sparsely populated, its native population—men, women and children—in 1913 being officially stated as about 1,400.

1. For "negligence" Jan Thomas, a Hottentot, received 25 lashes; for "repeated negligence" a compatriot named David Klaas received 25 lashes, while Ahasmab received 25 plus 14 days in chains for "continual

negligence." For "gross negligence and drunkenness" one Lukas was awarded 50 lashes and 14 days in chains.

2. For "telling a lie" Herero Charlie was summarily punished with 25 lashes.

3. For "desertion," Abraham, Jan, Hans and others received 25 lashes each, while Johannes received 14 days in chains in addition to his lashes.

4. For "disobedience," Christian, Jacob and others received 25 lashes each.

5. For "vagrancy" Hendrik received 25 lashes and two weeks in chains; Jacob, a Cape boy, received the same punishment, as did several others; and a few youths were punished with 10 to 15 cuts with a cane for the same offence.

6. The Hottentot woman Rebecca, for "disobedience and refusal to work," received 14 days in chains; Sarah, eight days in chains for desertion; while Elsa, Liesbeth and Katharina for vagrancy received 14 days in chains.

Of the total of 103 cases, 30 convictions were for desertion, 20 for negligence, 9 for vagrancy, 7 for insolence, and 18 for disobedience.

A similar return from the Gibeon District, also a very sparsely populated area, affords the following information.

During the period under review, 148 convictions are recorded. Of these, 37 are for negligence, 17 for desertion, 12 for laziness, 13 for vagrancy, and 21 for disobedience.

1. Tsuchub, a Bushman, for the crime of serious theft in four cases, being a band leader and threatening, was sentenced to death and duly executed. A similar penalty was imposed on the Bushman Kunchab for "attempted murder, sedition and banding."

2. For the crime of congregating or "banding," the Bushman Lamzib received six years in chains, while his compatriots Eirub, Olip and Keichaub each received three years in chains. Their women who, merely owing to being with them, were also guilty of "banding together," named Uibeneis, Kokus, Ubineis, Hammis, Hurus, Uibis, Batus, Hosas and Goakanus, received each four months' imprisonment with hard labour.

3. Hans, a Hottentot, received

(a) Two months in chains and 40 lashes for "ill-treating an animal," and

(b) Four months' imprisonment with hard labour and 30 lashes for vagrancy.

4. The Berg-Damara Junip received 50 lashes and six months' hard labour for vagrancy, while a companion named Nunip was awarded four months' hard labour plus 40 lashes for the same offence. For the crime of "milking strange goats" the Berg-Damaras Otto and April each received six lashes.

At Gobabis:—

1. The Hottentot Lucas for "repeated serious house-breaking" was sentenced to death, but the Governor commuted this sentence to 10 years in chains.

2. The Herero Lucas received 15 lashes for "creating a nuisance," and Matthias the same sentence for making a "wrong accusation."

From these returns it appears that, during the 15 months ending 31st March 1914, 4,356 natives of both sexes were convicted, 4,039 males and 317 females. Out of the 4,039 males, 3,044 suffered corporal punishment, 2,787 being flogged and 257 caned, and of those caned some were boys under 16, and practically the whole of the remainder were labourers of mixed race from the Cape. No doubt they owed to their white blood the adoption of the milder form of punishment.

The maximum number of strokes with the cane imposed was 40, and this was administered in four cases; in one, in two instalments of 20 each, while three persons underwent 20 strokes and the same number 30 in two instalments.

For flogging a sjambok was used, generally made of rhinoceros-hide. This was a severe instrument one metre long and one centimetre thick at the thin end. The

following table shows the number of persons on whom more than nine lashes were inflicted during the period :—

No. of Lashes.	No. of Persons.
10 - - - -	609
12 - - - -	13
15 - - - -	1,141
20 - - - -	77
25 - - - -	435
30 - - - -	9
15 twice - - - -	22
40 - - - -	37
20 twice - - - -	16
50 - - - -	59
25 twice - - - -	68
	2,486

The average number of lashes imposed was nearly 17 per individual. The total number of strokes, cane and sjambok, was 50,127. These figures indicate that the lash as an instrument of justice was indulged in to an appalling extent.

In the Union of South Africa the following whippings were inflicted on adult natives in the year 1913 :—

6 strokes and under - - - -	345
7-12 - - - -	1,110
13-24 - - - -	488
Over 24 - - - -	16
	1,959

The total number of male adult natives punished in that year was 296,965; that is to say, that in only one out of 150 cases was the rod called upon as against three out of four in this territory. Moreover, corporal punishment is rarely imposed in the Union save for sexual offences or repeated serious offences. Here it could be, and constantly was, imposed on a servant merely because he did not do his work. It must, moreover, be borne in mind in making these comparisons that, from the point of view of severity, there could be no question of equality between a rhinoceros sjambok of the official dimensions already mentioned and the rod employed in Union prisons.

On the 26th February 1907 the head of the Colonial Section of the German Foreign Office wrote to the Governor at Windhuk stating that objections had been raised in Togo and the Cameroons to the sjambok on account of the injuries it caused, and asking for his views on the subject in the light of the longer experience obtained in the Protectorate. The District Officers were consulted and, with one exception, were in favour of its retention. The Chief Government Medical Officer reported that in his opinion the sjambok ought to be condemned. The Governor's reply to Germany was that all District Officers save one were in favour of the instrument, and he proposed to retain it in use. He omitted to give the Medical Officer's view.

In the year 1900 the Berlin Government pointed out that the number of natives punished in this country was out of all proportion to the population, and that corporal punishment was awarded in an exceedingly large number of cases, and that it was feared that public opinion in Germany would draw very unfavourable conclusions as to the success of German methods of civilisation. It was accordingly directed that such punishment should only be inflicted in very serious cases and where experience has proved other means for the moral improvement of natives to be ineffectual. The ability of officials was to be judged in future by their success in their chief duty, the education of natives, without too frequent recourse to punishment. Governor Leutwein called for reports from the District Officers, missionaries and others. All, with one accord, deprecated any change in the matter, and the officers said that they knew of no case in which the sjambok had done harm. Captain Fourie, of the South African Medical Corps, who has in the course of his duties as officer in charge of the Native Hospital at Windhuk examined large numbers of male natives, has reported that a large proportion bear permanent injuries due to the sjambok.

It is probably due to this official reproof from Berlin that the exercise of the so-called fatherly right of correction (*Väterliche Zuchtigungsrecht*) became so frequent. By this means natives were punished by their masters without the necessity for any official record being kept or, in fact, any official receiving notice of it. In consequence, even the summary procedure laid down by Section 17 of the above-quoted Ordinance was constantly disregarded, and the administration of corporal punishment freely took place without being forced on the official notice of the authorities to their embarrassment.

The death sentence would appear in our eyes to have been abused, though not to the same extent as the lash. The returns referred to above disclose its imposition and execution for attempted murder coupled with assault and theft, and for serious theft. Such a sentence was also passed in one instance for house-breaking, but was commuted by the Governor to ten years imprisonment in chains.

It is convenient here to remark on a further important point in which discrimination in the method of punishment as between European and native took place. Under the theory known as real-concurrence, if any one person committed several offences the penalty was assessed separately for each, the total amount was then usually reduced to a certain extent and this reduced total was the actual sentence put in force. The authority for this is Section 74 of the German Criminal Code. Cramer, whose case is dealt with in the next chapter, got the benefit of it. In the lower Court the sentences imposed on him totalled 27 months, and they were reduced in this way to 21. On appeal the original sentences were altered to a total of five months, which was similarly converted into an actual sentence of four months. Compare this with the case referred to above of the native sentenced to death for repeated house-breaking, the maximum punishment for a single instance of which under the Code is 10 years' hard labour.

The foregoing shows how severely the law was administered when it was observed. Yet it is the firm conviction of British officials now in the country, forced on them by numerous instances which have come to their notice during their 2½ years of occupation, that the law was mainly honoured in the breach and that it was the general practice to disregard it on account of the rules whose observation it required. The ordinary police-post was in charge of a sergeant, who could not exercise the law of April 1896; yet evidence is constantly cropping up that these sergeants as a matter of practice assumed that they had the necessary power and regularly thrashed natives for trifling offences. Beyond this it is abundantly clear that masters rarely went to the extent of troubling the sergeants until they had themselves gone to a grave limit in the direction of corporal punishment of their servants.

Attention must also be drawn to the fact that these police sergeants were ex-soldiers, with no training worthy of the name as policemen, and whose only qualification was that they had served in the von Trotha campaign and undergone its brutalising and degrading influences.

The pernicious theory of the parental right of correction already referred to, which was allowed to grow up and encouraged by officials, was doubtless in the main responsible for the state of affairs that existed. Every German employer of native labour, except—to their credit be it stated—a few with feelings of humanity, claimed that he stood *in loco parentis* to his native servants, whether they were 15 or 50 years old, married or single, male or female, and as such asserted his right to administer "parental correction" to them. It appears that German law gives a master the right to administer such correction to his apprentices and, in some German States, to domestic servants. This defence was raised in practically every case (the number was not large) in which master or mistress was charged here with ill-treatment of a servant, and the local Courts appear to have laid it down that, although not expressly provided by law, nevertheless such right did exist, but that the correction must not exceed the limits of ordinary restraint nor be such as to do serious injury. It must, in fact, be such reasonable punishment as a father would give to his unruly child. This view is perhaps not without its logical support; but a perusal of the case of Cramer dealt with later on, in which this defence was the only serious answer to the main facts, will show how far such a theory may carry an individual beyond the limits of self-restraint to the utmost excesses.

A question which has led to many of the disasters which have attended German administration of the criminal law in its application to natives is that of the oath. This is a matter of considerable difficulty, and some sympathy may be felt with

the German side of it, however opposed to our ideas it may be. To a German Court—but not, unhappily, to every German individual—the oath was sacred. Its administration was a solemn function attended by divers ceremonies and, once taken, the witness's words received credence almost without reservation as against other evidence not on oath, no matter how powerful. The Germans have not progressed to the stage which we have reached of examining even sworn statements solely in relation to all the other proved circumstances of a case and testing their reliability accordingly, but gave a fictitious value to such statements. With them the sanctity of the oath is based on the theory of Divine punishment, and consequently natives who are usually heathen—and, even if Christian, mere babies in Christianity—cannot be permitted to take it since it has no such binding force on them as on a European, who may be described from this point of view as having reached his majority in Christianity.

Yet anyone who has read the statements in Part I. of this Report regarding the customs of the local natives will have gathered that they were thoroughly familiar with the oath, of which they had their own forms, and breach of which was a grave dishonour visited with heavy punishment. For centuries the most sacred oaths had a prominent part in their tribal life, and were universally respected. No doubt upon this is founded the experience of British officials that, in most instances, the statements of a native in a Court of law may, after making due allowance for his lower grade of intelligence, ignorance of time, and so on, be accepted quite as readily as those of his European fellow-inhabitants. Where a native has departed from the truth it has generally been found that he has done so through fear of his German master. Generally speaking, local natives in Court show a remarkably high regard for the truth, comparing very favourably in this respect with Europeans and remarkably so with the natives of the Union.

The writer of this part of this Report has had many years' experience in the Union of the behaviour under oath of Europeans, natives, coloured people, Indians, Malays and other races, and is probably better qualified than any other British official in the Protectorate to form an opinion in regard to local natives when in the same situation. It is sufficient to say here, without going into the grounds upon which the foregoing conclusion is based, that it is his deliberately-formed opinion in the light of such experience.

Only as proof, therefore, either of utter blindness or of deliberately fostered misconception as to the high standard of the natives in this respect can the following be regarded. In 1909 Herr Dernburg put forward proposals for certain reforms in judicial procedure in the German Colonies directed among other things towards improving the standing of natives. Among them was the following:—

It is intended to introduce the administration of the oath to natives as a measure for their moral improvement.

The Swakopmund newspaper, "Deutsch Sudwestafrikanische Zeitung," in its issue of the 4th December 1909, commented upon this proposition in the following terms:—

So, after all, the accursed administration of the oath to natives! We are much afraid that the Reichstag will not stand firm enough against the efforts of Dernburg, born of absolute ignorance of the nigger; and we are of the opinion that only the determined opposition of the peoples of the Protectorates and of our Protectorate Councils—if it does not come too late—can prevent such a calamity.

In giving evidence, therefore, natives could not take the oath and, owing to the fictitious value placed upon it, were consequently not so readily believed as Europeans who did. This, originally a possibly well-intentioned attitude of the Courts, led in the outcome to the dreadful situation that not even the most incontrovertible evidence, and oceans of it, was permitted to weigh against the bare statement of a single European witness. That this is no wild statement is proved by the following extracts from the deliberate judgment in Cramer's case:—

In the determination of these facts the Court, contrary to custom, accepted the statements of the natives Heiweib and Grunas inasmuch as they adhered to their former statements which agreed with the former evidence of the accused and certain white witnesses, while the accused and the said witnesses to-day depart entirely from their former evidence. . . . The Court could not accept this as established by the "evidence of the natives alone in view of the denial of the accused." . . .

That is to say, reduced to its logical conclusion, that if accused and his witnesses had lied consistently throughout there would have been no question of giving credence to the statements of the natives.

The following extracts (for original text *see* Appendix 3) from the German records at Windhuk (W. III., r. 2) also go far in support of this view :—

Letters from the Imperial Magistrate at Luderitzbucht to the Governor.

1.

Imperial Magistrate.
J. No. 295.
The Imperial Government,
Windhuk.

Luderitzbucht,
31st January 1908.

ILL-TREATMENT OF NATIVES *in re.*

No cases have become known to me in which German farmers have ill-treated their natives or not provided them with sufficient food.

However, a whole number of cases have been reported in which employees of the railway have ill-treated Herero prisoners of war who have been working under their supervision.

In most of these cases I have laid a charge against the offenders with the Imperial District Court. However, these charges have very rarely resulted in a conviction, as in most cases only natives could be called as witnesses, whose statements were not considered sufficient and satisfactory by the Court. . . .

(Signed) BOEHMER.

2.

Imperial Magistrate.
J. No. 5150.
The Imperial Government,
Windhuk.

Luderitzbucht,
14th June 1911.

In consequence of the opinions prevalent in this country, every official whose duty it is to oppose the ill-treatment of natives on the diamond-fields and who has to prosecute such offences by laying corresponding charges in the Courts is only too readily suspected of negrophilism.

The opinion is very frequently held in this country that the Ovambo is "no human being" at all, and that the native does not possess the right of self-defence even in case of the most severe ill-treatment by Europeans, but that he has only the right to lodge a complaint with the Magistrate.

(Signed) HEILINGBRUNNER,
Acting Magistrate.

3.

Imperial Magistrate.
The Imperial Government,
Windhuk.

Luderitzbucht,
21st April 1913.

ILL-TREATMENT OF NATIVES *in re.*

Complaints regarding the ill-treatment of natives are once more on the increase, although for a short time an agreeable improvement had taken place in that respect.

How much times have changed is best proved by the remark passed by one of the heads of the largest diamond companies, who could find no other answer to the complaint of the Native Commissioner to the effect that one of his diamond sorters was continually striking the natives than : "I have complaints about the natives also." The change in opinion is apparently the result of the companies now having sufficient native labourers and consequently thinking that it is no longer necessary to look after them so well as formerly.

The Law Courts are utterly useless (*Die Gerichte versagen vollkommen*). One may occasionally obtain a conviction and a monetary fine in the first instance. An appeal is promptly lodged. The case is heard by a Chief Judge, who does not know the conditions on the diamond fields, nay, has perhaps never seen one. The native witnesses have left for home during the long period elapsing between the first and second hearings, and the reading of the scanty record of their statements made at the first hearing of the case makes no impression. The accused has learnt sufficiently from the first case how to conduct his defence; the natives are not believed, while the most doubtful statements of Europeans are given full credence as long as they are made under oath. Naturally the matter is settled by a brilliant judgment of "Not Guilty." There is no more thankless task than to act as prosecutor in such cases.

It is useless to deal with the Chamber of Mines. This institution hardly does anything else than dispute the actual facts, and very seldom gets beyond banalities.

Furthermore, the Chamber has not by any means the influence over its members which would be expected by the outsider. . . .

(Signed) BOEHMER.

These are the opinions of a highly-placed official, not once expressed but at intervals over a number of years.

In German South-West Africa, therefore, the native was oppressed by a criminal law of mediæval severity administered, not in the calm judicial atmosphere of a Court, but in the heat and turmoil of everyday administration by executive officials; and, if he came before a judicial tribunal, laboured under most serious disabilities.

CHAPTER II.

THE POSITION OF A NATIVE WHEN COMPLAINANT.

Coming here full of British ideas of the administration of justice, with echoes of German vaunts of superior civilisation in our ears despite hints from Belgium, and not suspecting that that civilisation carried with it views of the exercise of the law in regard to natives utterly different from those with which it was carried out in regard to Europeans, for some time it did not occur to anyone to make serious investigation into the manner in which the German Government had fulfilled its obligations in this respect towards its coloured subjects.

From time to time, however, references to ugly occurrences cropped up, and recently a definite attempt to ascertain the truth was made. In the course of the inquiries the case of Ludwig Cramer, of which the full judgment follows later, came to notice. A glance showed its importance, and the papers were then fully examined. The scantiness of the documents gives much room for conjecture, but the facts are sufficiently fully stated in the judgment to enable an unbiassed person to form a conclusion as to the way justice was meted out to the unfortunate natives (all but one women) concerned in the matter, and the inhuman brute into whose hands it was their misfortune to fall.

Cramer was first of all tried by the District Judge at Windhuk. The charge brought against him was "dangerous assault," and there were 10 separate counts. On two of these, in which it was alleged that he had on separate occasions kept natives chained up in his "farm-prison" for many hours in such a position that they were unable to move, he was acquitted, the Court not being satisfied that they were fastened up immovably. The mere chaining up of a native for 24 hours was not worth taking notice of.

On the remaining eight counts he was sentenced as follows:—

For the assaults on Grunas, Auma, and Maria, five months' imprisonment in each case.

For the assaults on Konturu and July, three months' imprisonment in each case.

For the assaults on Alwine, Amalia, and Magdalena, two months' imprisonment each.

Or 27 months in all.

According to the rules of real-concurrence, as it is called by German jurists, which relate to repeated offences, this sentence was reduced to a combined penalty of 21 months' imprisonment. When the facts of these assaults, which appear later, are considered, the extraordinary leniency of this sentence is almost unbelievable; yet on appeal by accused it was actually reduced to four months' imprisonment and a fine of 135*l*.

As has been stated, the record is scanty, and the facts can only be gathered from the written judgment; but there is one piece of evidence with the papers which is more illuminating than any mere verbal description can be. The injured natives were attended to in Gobabis hospital by Dr. Hollander, who put in photographs of the backs of the two women Maria and Auma. These photographs were taken about 14 days after the assaults, and are reproduced in this chapter. The horrible condition to which these poor women's bodies were reduced through accused's brutality is clearly shown.

As throwing some light on the attitude of the officials toward the matter, the case of Auma may be referred to. She was an old, feeble woman of 55 or 60; she had been most severely beaten, as the medical evidence and photograph show; she was in danger of losing her life when admitted to hospital; she could not be cured except by skin-transference, which she was too old to undergo, and she died after 14 days' hospital treatment. It is incredible that accused was not charged with murder in her case.

As to Maria, a woman about 30, her life was in danger when admitted to hospital. She was released from hospital uncured and permanently incapacitated, and died six months later. In her case a charge of assault resulting in permanent injury, at least, for which the minimum punishment is one year, should have been laid.

The woman Konturu was in her first month of pregnancy, and had a miscarriage shortly after the assault upon her. Grunas was far advanced in pregnancy, and her condition must have been obvious to accused. She was thrashed two days running, and on the second or the following day gave birth to a dead child. Yet the only charge brought against accused in these cases was dangerous assault.

The minimum punishment for this offence is two months' imprisonment, the maximum five years. The Appeal Court in Auma's case found it committed without extenuating circumstances, and awarded three months.

If mitigating circumstances are present the punishment is imprisonment of from one day to three years, or a fine not exceeding 1,000 marks. In all instances except that of Auma this was found to be the case; but in regard to Maria and Grunas the Court hardened its heart, refused the option of a fine, and awarded one month's imprisonment.

In the cases of July and Magdalena a fine of 40*l*. was imposed, and the same in the case of Konturu, although in addition to the beatings accused's conduct in regard to her was grossly indecent in one particular respect.

For thrashing Amalia and Alwine he escaped with 10*l*. and 5*l*. respectively.

It appeared from the proceedings in the lower Court that the sjambok used by the accused was a heavy rhinoceros-hide instrument, such as has already been referred to in the preceding chapter.

In order to fully understand what follows, it is necessary to reproduce here certain provisions of the German Criminal Code:—

Section 211.—Anyone who intentionally and with deliberation kills a person shall be guilty of murder and shall suffer death therefor.

Section 212.—Anyone who intentionally but without deliberation kills a person shall be guilty of intentional homicide and liable to penal internment of not less than five years.

Section 220.—Anyone who intentionally procures the miscarriage or death of the child of a pregnant woman without her knowledge or consent shall be liable to penal internment of not less than two years. If the death of the woman results therefrom the punishment is penal internment for life or for not less than ten years.

Section 222.—Anyone who by negligence causes the death of a person is liable to confinement not exceeding three years.

If the offender is specially required by virtue of his office, calling, or trade to exercise caution and neglects to do so, the penalty may be increased to confinement not exceeding five years.

Section 223.—Anyone who intentionally does injury to the body or health of another shall be guilty of assault and liable to confinement not exceeding three years or to a fine not exceeding one thousand marks.

Section 223 (a).—If the assault is committed by means of a weapon, and in particular a knife or other dangerous instrument, or by means of a sudden treacherous attack, or by several persons jointly, or by treatment dangerous to life, the punishment is confinement for not less than two months.

Section 224.—If the assault results in the loss of an important organ of the body, the sight of an eye, the power of hearing, speech or procreation, or in permanent serious deformity, protracted illness, paralysis or mental disorder, sentence of penal internment not exceeding five years or confinement of not less than one year shall be passed.

Section 225.—If any of the aforementioned consequences is caused intentionally, sentence of penal internment of from two to ten years shall be passed.

Section 226.—If the assault results in death, sentence of penal internment or confinement of not less than three years shall be passed.

Section 228.—If there are extenuating circumstances the punishment may be, in the case of Section 223 (a), confinement not exceeding three years or a fine not exceeding one thousand marks; in the cases of Sections 224 and confinement of not less than one month; and in the case of Section 226 confinement of not less than three months.

Section 230.—Anyone who by negligence causes bodily injury to another shall be liable to a fine not exceeding nine hundred marks or to confinement not exceeding two years.

If the offender is specially required by virtue of his office, calling, or trade to exercise caution and neglects to do so, the penalty may be increased to confinement not exceeding three years.

Section 240.—Anyone who by force or threatening the commission of a crime or misdeed unlawfully compels another to an act of commission, submission, or omission, shall be liable to confinement not exceeding one year or a fine not exceeding six hundred marks.

The attempt is punishable.

Section 73.—If one and the same act is a contravention of several provisions of the law, only that which imposes the heaviest penalty, and in the case of dissimilar forms of punishment that which imposes the severest form, is applicable.

*Section 74.**—Anyone who by several independent acts has committed several crimes or misdeeds, or the same crime or misdeed several times, and has thereby incurred several terms of incarceration other than for a life period, shall be sentenced to a combined punishment which consists in an increase of the heaviest punishment incurred.

In the case of a combination of dissimilar forms of punishment by incarceration, this increase is made in the punishment of the severest form.

The amount of the combined punishments may not exceed the combined amounts of the single punishments incurred, and may not be more than penal internment for fifteen years, confinement for ten years, or military detention for fifteen years.

For the difference between Sections 211 and 212, a matter which is not of much importance here, the reader is referred to the next chapter.

A translation of the judgment of the Appeal Court now follows. It has been carefully made and revised, and may be taken as entirely correct.

* Offences under the German Code are divided into three classes according to their gravity. The words: Crime, Misdeed and Delinquency are used in the translation by Messrs. Gage and Waters, from which these sections are taken, to represent the three classes. Somewhat similarly, Penal Internment, Confinement, Military Detention and Detention represent different forms of incarceration known to the German Criminal Code.

Translation.

IN THE NAME OF THE KAISER.

In the criminal case against the Farmer Ludwig Paul Cramer, born on the 16th December 1866 at Warburg, married, Protestant, previously convicted, residing on the farm Otjisororindi:

Charged with dangerous assault.

The Imperial Supreme Court sat at Windhuk from the 28th March to 4th April 1913 to hear the appeals by the accused and the Crown Prosecutor against the judgment of the Imperial District Judge at Windhuk of the 9th and 10th August 1912.

The Court consisted of :—

1. District Judge Werner, in place of the Chief Justice, as President ;
2. Farmer Gathemann,
3. Farmer and Merchant Kottling,
4. Brewery Director Mahler,
5. Post Director Thomas,
as Assessors ;
6. Government Councillor Dr. Kohler, as deputy of the Crown Prosecutor ;
Police-Sergeant Kudell, as Registrar ;

and declared the following to be true justice in the case :—

The appeal of the Crown Prosecutor against the judgment of the Imperial District Judge at Windhuk of the 9th–10th August 1912, is dismissed with costs against the Treasury.

On the appeal of the accused the said judgment is altered, and accused is sentenced for misdeeds in contravention of Sections 223 and 223 (a) of the German Criminal Code on eight counts (in seven in conjunction with Section 240 of the German Criminal Code) as follows, the order as to costs being confirmed :—

In the case of Auma to three months' imprisonment.

In each of the cases of Grunas and Maria to one month's imprisonment.

In each of the cases of July, Konturu, and Magdalena to a fine of M800.

In the case of Amalia to a fine of M200.

In the case of Alwina to a fine of M100.

The sentences of imprisonment are converted into a combined punishment of four months' imprisonment. Should the fine, amounting in all to M2,700, not be paid, one day's imprisonment shall be substituted for each M15.

The costs of accused's appeal shall be borne half by the Treasury and half by the accused.

REASONS FOR JUDGMENT.

The accused was, by the judgment of the Imperial District Judge at Windhuk, on the 9th and 10th August 1912, acquitted on two counts and sentenced on eight counts of dangerous assault combined with Section 240 of the German Criminal Code to one year and nine months' imprisonment, and to pay the costs of the proceedings.

Against this judgment he, in writing dated the 16th August 1912, received the same day, lodged a timely appeal in due form for the reversal of the proceedings of first instance and an acquittal. The Crown also, in writing dated the 19th August 1912, received the same day, lodged a timely appeal in due form against the amount of the punishment awarded in these cases.*

Hieweib, a Kaffir, who had been an excellent servant of Europeans in Gobabis for 12 years, was stationed with his wife, the Bushman woman Grunas, in charge of a small-stock post of the accused. At the end of

* Here follows argument on a question of jurisdiction, which is of little interest and is omitted.

September 1912 (?) he reported to accused the death of a valuable sheep. Accused went with the witness Kisker to Hieweib's post. Having satisfied himself that there was suffusion of blood under the skin of the neck of the dead sheep, and having in consequence come to the conclusion that the animal had been violently killed either by Grunas or Hieweib, he ordered the witness Kisker to beat Grunas, who was far advanced in pregnancy and naked, with a riding sjambok. Kisker refused out of consideration for the condition of the woman. Accused thereupon thrashed Grunas with the riding sjambok so heavily that she collapsed and could take no nourishment that evening.

Next morning, two more small-stock having died, accused removed Hieweib and Grunas from their post and took them in his cart with him to his farm. Here Grunas underwent another severe thrashing with the sjambok, and was then sent to gather grass.

On this or the next day Grunas gave birth to a dead child. The medical experts were unable to say with certainty that the abortion was a result of the beating.

In the determination of these facts the Court, contrary to custom, accepted the statements of the natives Hieweib and Grunas, inasmuch as they adhered to their former statements, which agreed with the former evidence of the accused and certain white witnesses, while the accused and the said witnesses to-day depart entirely from their former evidence.

The ascertained facts contain all the essentials of Section 223 (a) of the German Criminal Code. Severely beating a woman, a short time before child-birth, with a riding sjambok is treatment dangerous to life, especially when the woman has been beaten on two consecutive days and on the first occasion so severely that she collapsed. Further, a light riding sjambok is a dangerous instrument, since it is liable, if mechanically handled, to deviation which might bring about a by no means unimportant bodily injury.

Accused relies on his paternal right of correction. As to this the Court, although such a right is not established by law, agrees with the reasons of the judgment of first instance. The extent of this "paternal right of correction" for the purpose of parental control is, however, determined by the strict meaning of the words. No father, in his senses, would severely beat with a riding sjambok his daughter when in a condition of advanced pregnancy. Such treatment is not in accordance with educational requirements, but is rather sheer brutality. On this exception the accused cannot rely. He is therefore punishable under Sections 223 and 223 (a) of the German Criminal Code.

The Court cannot declare an ideal-concurring misdeed against Section 240 of the German Criminal Code, since no one deposed that any declaration whatever was intended to be forced from Grunas by the beating.

On the 12th January 1912 the wife of the accused asked him to take her and the children out for a drive. He put her off because he had so much to do in his mealie lands. When, however, the horses had been brought for the drive, he, in a state of excitement which he could not understand or account for, had them inspanned in the spider and set out with his wife and children for the drive. The family went to the Otjikango Pan, seven kilos distant. A short way from the Pan the accused got out and went on ahead alone with his gun, as he hoped he might come across a head or two of game grazing on the Pan. On the Pan he noticed two natives who bent down at intervals and touched the surface of the Pan with their hands. At first he believed he recognized them as two of his people; then he thought they were Jan and Kewas, two natives who had previously absconded and whom he regarded as dangerous stock-thieves. When the natives saw him they bolted. He fired two shots (Schreckschusse) after them to frighten them.

Accused declared he thought he recognized Jan and Kewas. At the Appeal proceedings it was credibly deposed on oath by the farmer von Michaelis that about that time (after the Ohlsen case) he had sent two natives on the spoor of the small stock of the farmer Spiro Theologo in the direction of accused's farm. These natives had returned unsuccessful with the excuse that they had run away because accused had shot at

them twice. The remarkable behaviour of the two natives observed on the Pan having thus been simply explained by the fact that they were spoor-trackers, accused then made a new statement that Jan at least he had recognized definitely. In view of his original statement the Court did not accept this one, especially as he had made his observations at a distance of 400 metres. One of the medical experts accepted the definite declaration of the accused regarding his recognition of the native Jan at a distance of 400 metres, in conjunction with the preceding impulsive ordering of the drive after first refusing, as basis for inquiry into accused's state of mind.

Next morning accused went with his daughter Hildegard to the small-stock post of the Herero woman Alwine, under whom the child Doris was placed as assistant. Just as on the previous day, so on this day, the accused asserts he established the loss of certain head of small stock from the flock of Alwine. He then took Alwine by the hand, his daughter took Doris, and both brought the shepherdesses to the farm. According to the evidence of accused, Doris freely admitted that Alwine had at their request given some small stock to the Hereros Jan and Kewas, lurking in the bush, whom the accused believed he had seen on the Pan Otjikango the day before. Alwine declared that Doris was forced to this admission by beating. Even without a beating a native child is easily influenced. After Doris had made this admission, the accused examined Alwine and ordered her to declare the names of the stock-thieves. Alwine said she did not know. Accused then said to her: "Tell me the names of the stock-thieves or I will sjambok you till you die." As Alwine insisted that she did not know, accused began to beat her over her bare shoulders with a heavy leather sjambok. After some 15 strokes Alwine cried out "Enough," and indicated Jan and Kewas as the stock-thieves. To-day, as at the first trial, she declared she had, under pressure of the pain, said all that accused wished simply in order that he should cease thrashing her. She had never at any time seen Jan and Kewas, and did not even know where they were. Two weeks later Alwine still had 15 broad weals across her shoulders.

Next day accused counted over his other flock of small stock which was in charge of the Herero girl Sosina (Josephine), and found a loss of animals. He took the girl to the farm and declared to her that lamels had been stolen and she must tell the names of the thieves. If she told the truth he would only give her a little sjambokking; but if she lied, a great deal. She then named to him Jan, Kewas, and other natives as the thieves. Questioned regarding earlier losses of animals, which had not been cleared up, she indicated other natives of the neighbouring Farmer Faber as the stock-thieves, and even gave information as to the supposed whereabouts of three oxen.

Sosina has also declared to-day, as at the first trial, that through apprehension of a thrashing from accused she had "*spoken with his mouth,*" that is, lied and falsely stated whatever he wished. This appears to the Court to be credible, since we know how simple it is to extract from a native any desired statement, and how difficult to procure from them the truth. During the appeal proceedings the Court witnessed a minor instance of how natives were examined at Otjisrororindi. The wife of the accused was at his request confronted with a native witness. Frau Cramer placed her hand on the shoulder of this witness, looked at her with extraordinarily wide-opened eyes, and began to speak to her imploringly. This example so enlightened the Court that it straightway put an end to the confrontation. Moreover, the native witness throughout this attempt to influence her stuck to her answer, because she is now in the service of another and has nothing more to fear from accused's sjambok. According to the consistent testimony of the native witnesses, the sjambok and serious threats throughout played a great part in accused's inquiries. Sosina and Amalia, from whom he obtained the most important statements, both declared he said to them: "If you do not say just what I tell you, I will beat you till you kick the bucket."

After the above-mentioned pleasure drive, the accused spent a sleepless night wondering what the two natives he saw on the Pan could

have been doing. It then struck him that his neighbour Linde, exactly a year before, had lost 18 head of big stock and 50 to 60 head of small stock. The accused, with Linde himself and other farmers, had come to the conclusion at the time that poisonous plants were the cause of death. Linde is still to-day of the opinion that the beasts died of plant-poisoning, since it was the time when the poison plants grow, the grass was not yet green, and the animals through lack of green grass readily took other green stuff. In the night suspicion came to the accused that the Veld-Hereros might have poisoned Linde's watering-place at that time for hunting purposes, and now had also strewn poison on the Otjikango Pan. He therefore forbade grazing in the direction of the Otjikango Pan.

Accused next sent for Police-Sergeant Phillips from Steinhausen, near by. Before him Alwine and Sosina repeated their statements, but, as they constantly and consistently declared in the Court proceedings against the accused, only under the constraint of accused's presence.

After the departure of the Sergeant, the accused renewed his investigations according to his own method. He wanted to know something of the supposed poisoning of the Otjikango Pan; that it was poisoning he had definitely decided in his meditations during the sleepless night. In the belief, as he himself declared, that the Hereros only admitted what they believed the Europeans already knew, he behaved as if he knew the Otjikango Pan was poisoned, and so obtained from Sosina the desired information, namely, that the Pan was poisoned by the Veld-Hereros in order to poison his stock. She further indicated Kadwakonda, accused's foreman, a former Under-Captain and distant relative of Maharero, as the instigator, and several others of accused's natives as accomplices. This aroused in accused's mind the strongest suspicion against Kadwakonda, and he asked Sosina if Kadwakonda had not perhaps also ordered the poisoning of him himself. She answered that both he and his wife had already on one occasion through the Herero girl Lupertine received poison through their tea, and that this took place shortly before Christmas and at the instigation of Kadwakonda. This she learned from Alwine. Alwine was called and corroborated Sosina's statement.

At the trial both witnesses, being removed from the intimidating influence of accused, withdrew their statements and declared they had, through fear of accused, said just what he wanted them to. Accused had put the statements to them in question form, and they had simply said "Yes" out of fright. As a matter of fact, shortly before Christmas, accused and his wife had suffered from some intestinal and other troubles, which they themselves at the time put down to drinking thick milk. At the time when the suspicion of poison was first aroused, they agreed that the tea was poisoned the evening before and that they two alone had drunk it, while the remaining whites on the farm had not drunk the tea and remained well. Subsequently, however, accused himself stated that only he and not his wife had drunk the tea. He is now of the firm opinion that the senna tea which his wife drank was also poisoned. In support of this, however, there was at no time any native evidence, and the medical experts declared that senna tea not administered in the right quantity or not prepared with sufficient care might produce severe disorder such as the wife of the accused had experienced. All these circumstances point to the view that the aroused distrust of the accused led him to connect his past symptoms of illness with poisoning, and that he sought to force corroborative evidence from the natives with the sjambok and threats.

Upon the declaration of Sosina and Alwine, accused had Kadwakonda seized and took from him a piece of carved wood which he carried. Then he questioned Lupertine. She declared she knew nothing. He began to beat her with the sjambok until she admitted that it was just as she stated. She had poisoned the tea with Kadwakonda's piece of wood which was exhibited to her, because a woman must carry out a man's orders.

The piece of wood in question is not poisonous. It is a wooden crook, a kind of amulet, which descends from father to son and which Kadwakonda had received from his dying father. It was impossible to poison tea with it.

Accused then continued his violent methods of inquiry in the manner and way already described. He wished to clear up the death of two calves which he had not been able to fathom. He obtained from the milking woman Amalia a statement, which she has since retracted as having been forced from her, that they were poisoned and that it was done by Maria, the wife of Fritz, at Kadwakonda's instigation. Amalia even produced in support two roots said to be poisonous. Accused himself to-day no longer finds poison in them. The expert declares that they have a poisonous effect in large doses, but thinks that they are a native medicine.

Accused next examined the Herero Jacob. He stated he knew nothing of the stock poisoning, but he spoke of another instance of poisoning.

Accused in 1909, in the hot season, after superintending the clearing of trees until after mid-day, collapsed on his way back to the farm, and only returned to his senses a considerable while after he had been carried into the farmhouse.

Jacob now asserted that accused was the victim of poisoning by the Kafir July; this man had put fire-poison in the camp fire, just when accused was to leeward of it; the smoke arising therefrom had reached and poisoned him.

Jacob has likewise retracted this assertion; he had only said so because accused had overborne him with questions. The medical experts, including the Government doctor and the bacteriologist Dr. Sieber, who is the Protectorate expert on chemistry, were in agreement that poisoning by poison strewn in an open fire, in the open, according to the method described and with the subsequent symptoms described by accused was impossible. Excepting perhaps cyanic acid compounds, no chemical was known to them which could produce such acute poisonous results as were described by such a method. It could not be imagined that natives were in possession of more efficacious substances. The medical experts held that it was undoubtedly a sunstroke or a fainting fit brought about by excessive exercise and the heat or a heart failure. The accused and his wife had also so described it previously.

Jacob, questioned over the alleged poisoning of tea by Lupertine, declared he knew nothing of it. Lupertine had, however, asked him for the powerful poison "Omukeikei," but he had not given her any. This statement Jacob also withdrew.

Upon the return to Otjisororindi of Police-Sergeants Phillips and Muller II. from their patrol after stock-thieves, the statements of Alwine, Sosina, and Jacob were placed on record. Lupertine refused to repeat her confession. With the concurrence of Sergeant Phillips she was therefore sjambokked by the accused. Phillips declares this was as a punishment for lying *before*. Lupertine under the blows screamed "Enough," and then repeated her confession. Kadwakonda and Maria denied everything. Accused inspanned four oxen and a cart the same day, and with the help of Police-Sergeant Muller II. chained together to the back of the cart Lupertine, Alwine, Maria (Fritz's wife), Kadwakonda, Langmann and Harutonge, a woman captured by the police in the bush, and rode with the sergeants and prisoners to Gobabis.

On the way the Herero Jacob, so the accused believed, made a further attempt to poison him and the Police-Sergeants. This, he alleged, Lupertine voluntarily betrayed to him on the occasion of a bath in the Black Nosob. Lupertine says to-day he so bullied her with threats that she uttered everything according to his wish as he explained it to her beforehand. Moreover, the other witnesses declare they were compelled by accused to make their false accusations against Jacob, which, however, contradicted each other to some extent. Arrived at Gobabis, accused gave Jacob some 50 strokes on the chest and back with a sjambok in a room at a hotel, and searched his goods. He found among them a

cartridge case containing some powder. Accused at first took it that the powder had been exchanged in Okakaue, and that originally there was a powerful poison in the cartridge case. To-day he declares that he believes the powder produced is actually the poison. Jacob and Lupertine say it is a medicine for various sicknesses. After investigation, the bacteriologist, Dr. Sieber, stated that in large quantities it has a poisonous effect; he is of opinion it is a native medicine, perhaps a stomach cure.

For the ill-treatment of Jacob, accused was on a recent trial sentenced to a fine of M600. Against this sentence he has lodged an appeal.

In Gobabis, at the inquiry of the District Chief, Graf Schwerin, the natives at first adhered to their statements. Lupertine, however, would not at first repeat her confession. The District Chief then assented to the request of accused that she be sjambokked. He adopted this otherwise inadmissible method as he explained, because he wished to obtain an idea of how the accused had conducted inquiries which had produced such remarkable results. Lupertine repeated her confession under the blows.

Jacob, as he tells us to-day, out of fear, and being still under the influence of the severe thrashing received in the room at the hotel, assented to every question put to him. To the explicit question of the District Chief, accused made the false reply that he had not thrashed Jacob. The consistent and credible evidence of the witnesses Graf Schwerin and Wachtmeister Nakonz prove this. At the inquiry Jacob disclosed another four years' old poisoning of accused's wife by the Kaffir July. July had stated in the pondok that he always had fire-poison which he had received from Bushmen, and he had put it in the kitchen fire in order to poison Frau Cramer. The latter was ill for a long time thereafter.

This explained to the accused a severe illness his wife had had for several months, which he at first diagnosed as typhoid.

Accused tells us something new—that at the time of the illness of his wife the cooking was done in the open, while before the talk was always of a kitchen fire in the kitchen. The experts in this instance also are of opinion that there can be no question of poisoning by poisoned smoke in the open with a half-year's illness as the result. They agree that it was chronic malaria lasting for some time.

Before the District Chief, Sosina, Alwine and Lupertine withdrew their accusations of poisoning when they were confronted with Kadwak-onda. Graf Schwerin was already by no means satisfied as to the accuracy of the evidence of the natives regarding the alleged poisoning. At the request of the accused he, however, sent a mounted messenger to Otjisororindi to warn Frau Cramer against the Kaffir July. Graf Schwerin had arranged a large police campaign against the Hereros squatting in the bush in the neighbourhood of Otjisororindi, and arrived there on the evening of 26th January, 1912. Accused, who had travelled fast with his ox cart, reached there on the morning of 27th January 1912.

The District Chief Graf Schwerin, at Otjisororindi, examined the natives of the Farmer Linde, who were accused of poisoning cattle; also the Kaffir July, accused of attempted murder by poisoning, and Sosina as a Crown witness. Sosina made a deposition that Lupertine had wanted to poison the tea of accused's family, but had never carried her intention into execution. Graf Schwerin would not allow her to sign the record as he did not believe her. After the accused arrived, the inquiry was repeated, and Sosina made the same statement regarding the poisoning of Linde's cattle as before.

After examining July and Sosina, and imprisoning July in the prisoners' cell on the farm. Graf Schwerin believed he had done all he could for the safety of accused's family. He accordingly rode off, after directing that July and Sosina should be transferred to Gobabis later, on his campaign against the Veld-Hereros. Before he rode away he consented to permit the accused once more to examine July and question him as to the whereabouts of the poison.

About three o'clock Graf Schwerin had ridden off. Accused then fetched July out of the cell and questioned him about the alleged attempt to poison Frau Cramer. As July declared he knew nothing of it, accused began to thrash him over the naked back with a sjambok. Between the blows he continued his questions about the matter. As July's only answers were taken by accused to be lies, accused continued beating him further till he felt himself becoming faint and begged for water. Accused gave him brandy, and continued the thrashing. According to the witness, the mason Röder, accused asked him to fetch a firebrand and place it near July, who had fallen to the ground, to frighten him. July declared that the firebrand was laid against him as he cowered down under the blows. He had, in consequence, called out "My master may beat me to death, but I won't let myself be burnt," and rolled on the other side.

No statement of importance could accused extract from July. This scene of beating lasted a long time. According to July he was thrashed the whole afternoon; the accused sweated a lot over it, and often rested. If the Court does not give this statement implicit belief, still accused's own statement and the deposition of Röder show that the beating lasted a long while, because during the beating Röder went into the room two or three times and each time found accused at his investigation by means of the sjambok. Accused himself admitted July was cruelly ill-treated. The Court deduces from the fact that he called Röder repeatedly as interpreter that accused, in this inquiry by means of such severe violence, behaved without scruple. He could not even properly understand the tortured July.

His frightful scars prove to-day, after 1½ years, how cruelly July was treated on this afternoon. At the medical examination two weeks after the ill-treatment he was still feverish. According to medical opinion his whole back was thrashed to bits, as follows:—"On the back there was an absence of skin from 13 to 10 centimetres big on both sides of the spine in the neighbourhood of the lowest chest-vertebra. The edges of this ulcerated area were sharply defined. On the day of the examination it was covered with matter and numerous fly-maggots. On the right shoulder-blade an irregular bow-shaped wound, similar to the above, 10·2 centimetres big. On the right shoulder a deeply-ulcerated wound of the same character of the size of a hand. Left of the edge of the 'Kappen' muscle to two fingers' breadth below the collar-bone a similar wound 5 centimetres wide.

"The deposition of the injured party that these injuries were due to a sjambokking was supported by the conditions found."

After accused had had July locked up again, when the fruitless inquiry was ended, he summoned July's wife Maria. She has given evidence that she had crept up round the house that afternoon and had heard the blows of the sjambok and the groans of her husband. In consequence she was in great fear, and had therefore agreed to all the accused had said to her. Indeed, accused had told her that July had already confessed, and that if she did not say the same she would be beaten like the others. Since the Court has been able to gather by different proofs the manner and way in which accused conducted his investigations into the objective facts, it has no cause to doubt the new depositions of Maria. She, in her enforced statements at the time, declared:—

(1) That July, Jacob, and Piet had poisoned Frau Cramer with fire-poison. In regard to this matter reference is made to what has been said above.

(2) That in 1908 the Kaffir Piet had shot accused in the wrist on the road to Windhuk with a poisoned arrow. In this the accused found the explanation of a serious sickness in Windhuk, which extended over a long time and ended in inflammation of the testicles. Previously accused attributed this illness to infection from Lung sickness-vaccine. According to medical experts, an affection of the testicles may result from chronic malaria. Accused did not consult a doctor while lying sick in Windhuk.

(3) That July, Piet, and Acherab in 1908 had poisoned accused's mason, Steffenfausweh, with poison which they had put into café-au-lait. The said mason was undoubtedly seriously ill in 1908. The statements of the natives regarding his poisoning have been retracted. There stands now only the evidence of the witness Piet that he had told July, who was looked upon as a sort of native doctor, that he should give Steffenfausweh, who had been very good to them, some of his medicine to cure him. Maria has also made some statements regarding earlier cases of poisoning by July.

A principal witness of the accused's was Ernestine July's daughter, who was called after Maria. She also has withdrawn her previous statements. When accused saw the impression which the appearance of this child, who was to give evidence on events far past, produced on the Court he abandoned her evidence. The same thing happened with his witness Haika. On the very evening before her examination by the presiding Judge, she was beaten in Windhuk by the accused, and immediately after questioned as to the evidence she would give next morning. In consequence she also, under the influence of the beating and accused's presence, gave her evidence next morning as he wished it; later she retracted her statements.

Before the examination of Maria the accused had caused July's pondok to be searched. Röder and Hieweib brought to light several suspicious roots, a box of ointment, and a small quiver filled with the little magic arrows of the Bushmen.

According to the opinion of the expert Dr. Siebert, these must be regarded as native medicine. The arrows are used by the Bushmen in witchcraft, and are not poisoned, as examination proved. Some of the miniature arrows are wrapped up like the big Bushmen arrows intended for the reception of poison. No single case in which they have been poisoned was established. It is possible that the wrapping up was merely in imitation of the big arrows. Police-Wachtmeister Ramm, who has long lived among Bushmen, and has made inquiries, has in his possession over 5,000 of the small arrows, none of which were poisoned. In his opinion, they are only used for witchcraft. If they are shot in the direction of an enemy, be he 100 kilos. or more away, witchcraft will bring about his death. Farmer Rudiger has seen, among the Bushmen of Ovamboland, highly artistic healing processes carried out by the witch-doctors with the arrows. They also serve as toys.

The discovery of these arrows before the questioning of Maria, her statement that in 1908 accused was shot by such an arrow which was poisoned and thereby became ill, and her declaration that she only said this because accused had put it in her mouth, supported the conviction reached by the Court through the whole course of the Supreme Court proceedings, that once the accused had become suspicious of poisoning, he thought to connect all past cases of sickness in his house with poisoning, to make everything fit in with this, and in consequence to bring out by questions the desired evidence from the natives by the application of the sharpest means of compulsion. That this last is possible no one who knows natives doubts. For this purpose the numerous and severe "cudgel-cures" which he himself acknowledges may not even have been necessary.

Accused had now the little arrows and the evidence of Maria that they had already been employed for poisoning. He wished, therefore, to get into his possession the poison which, according to his view, appertained to the arrows. Maria, July's wife, had also asserted that Jacob and Langmann had bought small Bushman arrows and poison from July. He accordingly had brought before him Amalia and Sosina, the wives of these two men, who themselves had been taken to Gobabis, showed them the quiver with the little arrows, said he knew their husbands had such arrows, and asked the women what their men wanted to do with them. They said their husbands intended to shoot accused with them if he became angry.

This reply also was forced out of the witnesses, and later withdrawn after the influence of accused was removed from them.

To his question as to the whereabouts of the arrows they declared Konturu and Maria, Jacob's wife, had received them with an order from Kadwakonda to work with poison on the farm in his absence against the people and stock, just as opportunity came. Several head of cattle had already been stabbed.

Accused with his daughter Hildegard now fetched Konturu, bound her hands together with an ox riem, tore the clothes from her body, and took away three purses with money and pins and a little bag of sand which was secreted under her modesty-apron. Then he began, while continually questioning her about the poison, to lay it on to her naked back with a heavy sjambok, so that she fell to the ground. As she lay on the ground he kicked her on the buttocks, back and head, then pulled her up and further thrashed her. He himself says that he gave Konturu an "energetic sjambokking." His wife begged him not to beat her any more, but nevertheless he did not stop. His daughter looked on. Throughout the night Konturu was locked up naked in the farm prison with only one blanket to cover her.

Next day Konturu was brought back into the same room and sjambokked in the same energetic fashion, while continually questioned about the poison, although she said: "I have no poison." "I am not lying." "You can beat me until I go to my grave, I will not lie."

On the third day Konturu was once more brought out. On this day, however, she was only subjected to a thorough examination of her person. Accused even sought for the poison in her private parts with his finger.

Konturu was terribly mauled by the "cudgel-cure." Her body showed, even fourteen days afterwards, the following marks, according to the medical report:—

"The woman shows the following injuries or signs of such: On the nape of the neck an already dried-up abrasion of the skin the size of a 10 mark piece. Under the left shoulder-blade an absence of the skin as big as the palm of a hand, covered with dry scab. Above that six weals, making good progress. Similar weals over the left shoulder-blade. Below the shoulder-blades 8-10 older weals running obliquely. In front, on the breast, numerous absences of skin, the size of a 10 pfennig piece, drying well; also three lengthwise 1 centimetre broad and from 4 to 7 centimetres long. On both arms older weals."

Even to-day the back shows deep and severe scars.

Konturu was in the first months of pregnancy, and on the journey to Gobabis soon after her ill-treatment had a miscarriage. The medical experts could not declare with certainty that the miscarriage was a result of the ill-treatment. Had it been positive, as she asserted, that during the ill-treatment her body was trodden on, the experts would have attributed the miscarriage to it. The Court could not accept this as established by the evidence of the natives alone in view of the denial of accused, although treading on the body would very probably cause a miscarriage.

In precisely similar fashion to Konturu, accused summoned Maria, Jacob's wife. She also was caught by her hands by accused and his daughter Hildegard and brought into the "Court House," as she aptly designated the farm house. They bound her hands to her back, cut her clothes from her body, and then she was "energetically sjambokked" with the same sjambok till she, as she credibly declares, fell unconscious to the earth. She deposed that she was beaten the whole evening, and even by lamplight. She suffered a further "cudgel-cure" the following day. Until removed to Gobabis she was kept in the accused's prison-cell. She gave no information regarding the concealment of poison.

Maria was marked by the accused in unheard-of (unerhör-ter Weise) fashion. On her reception into hospital a week later she, a big woman, could scarcely stand on her feet and had fever badly. According to the medical report her body showed as follows:—

"From the lower edge of the shoulder-blades right to the loins an absence of skin 20 by 18 centimetres in size covered with putrefying

skin except at the edges, which had granulated for a distance of one centimetre. Under the mortified skin exuded stinking matter, and some fly maggots were also visible. The edges were sharply defined.

"On the right shoulder-blade were four to five deep lengthwise furrows, to the extent of a palm's breadth. On the right shoulder an absence of skin in extent 12 by 8 centimetres, also covered with putrefying skin, malodorous matter exuding under it. On the left shoulder an injury the size of a 5 mark piece in the same condition. On the upper lip, forehead, in front diagonally across the breast, were older weals as if from blows from a stick.

"The statement of the injured person that she received the wounds through a sjambokking agrees with the conditions found.

"The woman is not yet out of danger."

Maria never recovered. The doctor could not bring about the closing of the surface wounds, because the tissues underlying the skin were so broken to pieces. An operation failed on this account. Maria hovered for a long time between life and death, and had to be released from the hospital uncured. She would never again recover her full physical capacity. After about six months she died. No doctor saw her body. It has therefore not been determined whether Maria died as the result of her ill-treatment by accused.

As accused could obtain no information regarding poison by his barbarous ill-treatment of Maria and Konturu, he "belaboured with the sjambok" (bearbeitet mit der Schambock) Amalia as well, to force it out of her. The witness Röder held her fast by the arms for the purpose, and the Kaffir Hiweib by the legs. She was thrashed for a long while, and at intervals questioned about the concealment of the poison. Her back looked as if some one had burnt it with fire. Even to-day, 1½ years later, she bears frightful scars (furchtbare Narben). At last she fetched certain bones and roots, which are believed to be employed as native medicines. Next day she was taken about to show the place of concealment of the poison. As she could only give unsatisfactory information "she allowed herself to be beaten a long time," as accused put it; then she indicated a fresh hole in the ground in which the poison was supposed to have been formerly hidden, and finally she accused Auma* of having the poison. The accused believed this. In this case the Court was convinced that the accused started his investigations in a scarcely comprehensible state of delusion, and that in the same violent fashion he obtained false conclusions regarding the circumstances of the poisonings. It did not occur to him to regard the statements of thrashed women as worthless. It did not strike him that a woman would ever put the guilty possession of poison on another woman in order to free herself from his blows with the sjambok, till at last the guilt remained fixed on Auma and Magdalena, who had only been on the farm some three days.

Auma was a feeble old woman of from 55 to 60 years of age, whom the accused had received with Magdalena and other natives from the District Chief as substitutes when he left his first prisoners in Gobabis. After three days' residence on the farm, though Kadwakonda and his associates were in Gobabis and July in prison, they had to share in the alleged poisoning conspiracy. This view is incredible to the Court.

This decrepit woman was terribly cut about (furchterlich verhaueu) by accused with the sjambok, because he asked her for the poison and she could only produce harmless things as alleged poison. The blows were inflicted on her bare back. The accused himself described the procedure as "a powerful cudgel-cure." Old Auma was so injured by it that her lacerated back could not be cured except by skin-transference, which was out of the question in an old and feeble woman. When she was fetched away from Otjisororindi, she could only walk with an effort. Farmer Grabow, on his neighbouring farm, saw her collapse three times in a short distance. A police-boy had to pick her up. Grabow saw the frightful wounds, and out of pity gave her milk and offered her his cart to carry her.

* i.e., Auma equals Old Mother.

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PLATE 4.



PHOTOGRAPH OF THE BACK OF MARIA TAKEN IN GOBABIS HOSPITAL ON THE
15TH FEBRUARY 1912.

NOTE.—The original of this photograph was cracked across the top left-hand corner. This crack shows in the reproduction as a straight line.

PLATE 5.



PHOTOGRAPH OF THE BACK OF AUMA TAKEN IN GOBABIS HOSPITAL ON THE
15TH FEBRUARY 1912.

NOTE.—The original of this photograph was cracked across the top left-hand corner. This crack shows in the reproduction as a straight line.

Her medical condition at Gobabis was:—

“Feeble old woman from 55 to 60. Temperature 39.5.* An irregularly-shaped absence of skin extending from over the right shoulder-blade as far as the region of the lowest rib, which, with the exception of the edges up to 1½ centimetres, was all covered with putrefying skin, size 20 by 18 centimetres. Under the putrefying scab exuded abundant stinking matter. There were also in the same place a great number of fly-maggots. Diagonally over the right shoulder-blade less deep abrasions of the skin, well advanced towards healing up.

“On the left shoulder a smaller absence of skin 5 centimetres long. On the right shoulder older weals; on the right as well as the left breast an absence of skin the size of a thaler. The statement of the injured person that she received the wounds from blows from a sjambok agrees with the conditions found.

“The woman is to-day still hovering between life and death.”

After some two weeks' hospital treatment, Auma died of dysentery. The establishment by the medical experts of a direct connection between the injuries and the death was impossible. The Court agrees with the medical experts that the injuries shook the old woman's power of resistance against the dysentery, so that they also contributed towards her death.

As accused obtained nothing from Auma, he administered a similar “cudgel-cure” to the Herero woman Magdalena, who likewise had only been at Otjisororindi three days. It was the same in her case.

The medical report on her injuries was:—

“Magdalena, about 40 years old, temperature continuously 39.0 to 39.6.† Conditions: numerous abrasions of the skin covered with dried scab on the back, from the nape of the neck to the small of the back. On the right shoulder-blade deep furrows advancing in healing. The same on the right shoulder. On the left breast, which contained milk, on both sides of the nipple a swollen area the size of a thaler. Whether the high fever is connected with the injuries cannot be determined with certainty.”

Under pressure of the ill-treatment, Amalia and Sosina had also accused Auma of stabbing a cow and three calves with a poisoned bodkin. Police-Wachtmeister Franken examined the cow at an early stage, in company with Police-Sergeant Philipps. He at once satisfied himself that the poisoning of the cow by stabbing it with a poisoned bodkin was an invention. Both police officers agreed that the supposed bodkin marks on the calves were the punctures of the Buschlaus, a sort of tick. Police officers receive instruction regarding stock diseases, &c., and in the course of their duty generally acquire much practical experience of them. The alleged bodkin punctures looked exactly like places from which ticks had been pulled out.

When Police-Wachtmeister Franken took Amalia's statement his attention was attracted by her contracted shoulders and the evil smell of the matter. Nevertheless, she was still so under the influence of the fearful cudgelling scenes that she only reluctantly gave information regarding her injuries. After Franken had discovered all the injured on the farm, he sent them to Gobabis for hospital treatment and set on foot a judicial inquiry. Accused said to him on this occasion that he had gone too far, and would put up with the consequences.

Exhaustive inquiry has resulted in establishing these as the material facts; for the most part they are supported by the assertions, or at any rate the earlier evidence, of the accused.

There can be no doubt that in the thrashings of Alwine, July, Maria, Konturu, Amalia, Auma and Magdalena, all the elements of the offence of contravening Sections 223 and 223 (a) of the Criminal Code were present. Even if it is doubtful whether the sjambok is a dangerous instrument, at any rate the grievous bodily harm which was inflicted with it is established. In the cases of July, Maria, Auma and Amalia,

* = 103° F.

† = 102°·2 to 103°·3 F.

the Court agrees with the medical experts as to the presence of treatment dangerous to life.

As for the plea of paternal right of correction, it carries no weight in the said seven cases, since the accused in these cases did not *punish* but extorted statements about stock theft, poisoning and the place of concealment of poison. Moreover, these "cudgel-cures" are entirely beyond the limits of the paternal right of correction. All the said natives must be regarded as severely, even dangerously, injured. It is plainly not impossible that the wounds of the injured may have been aggravated by the journey of several days without treatment; nevertheless, upon the evidence and the corroborative opinions of the experts, the Court finds it proved that they were caused, in their *depth* and *danger*, by the sjambokkings inflicted by the accused.

The skin in its whole thickness and the underlying tissues were so beaten and crushed that the whole of the skin affected was bound to putrefy and mortify. There is no support for the argument that the natives intentionally aggravated their wounds to any extent worth mentioning. The fly maggots in the wounds are only an external condition of no importance as to the manner in which the wounds were caused; they were found in the mortifying parts, and even without them the wounds would have been there.

The elements of the offence of contravening Section 240 of the Criminal Code are similarly present in the seven cases. He unlawfully compelled the natives by violence to acts, namely, answers about alleged stock theft and poisoning.

With the exception of the ideal-concurrence of Section 240 of the Criminal Code in the case of Grunas, the facts accepted as proved agree with those of the Court of first instance. In the six last-named cases accused claims exclusion of punishment on the grounds laid down in Sections 51, 53 and 54* of the Criminal Code. The Court disallows this plea.

The Court agrees with the medical experts that the accused carried out ill-treatment extending over several days in a normal state of mind and the exercise of his free will. Indeed, in his conduct of his inquiries he acted throughout with a definite and logical consistency.

The presence of a person suspected of poison-murder—July—in the farm prison and the suspected existence of poison on the farm is a situation of danger (*zustand*), but self-defence presumes an imminent attack, some particular motion, an act, an active deed, and such is wanting. There was, furthermore, nothing present which accused could regard as an imminent attack. Admission of self-defence or putative self-defence is, therefore, out of the question. The assertion that the bringing of July out of prison, the thrashing of him into a state of unconsciousness and the frightening with firebrands, and further the unlimited thrashings of women for several days, were acts of self-defence by the accused, finds no support in law. At the very least self-defence was certainly exceeded, since such self-protection was no longer necessary after July was locked up. As regards exceeding self-defence the accused is criminally answerable, since the Court does not find that he was in the situation described in paragraph 3 of Section 53 of the Criminal Code, especially since he extended his ill-treatment over several days.

* Sections 51, 53 and 54 of the Code are as follows :—

51. If the offender at the time of the committal of an offence was in a state of unconsciousness or derangement of the intellect, due to illness, by which the free exercise of his will was prevented, the act is not punishable.

53. An act committed in self-defence is not punishable.

Self-defence is such a defence as is required to avert an imminent illegal assault on oneself or another.

Exceeding the limits of self-defence is not punishable if the perpetrator has so acted through confusion, fear or panic.

54. An act committed in order to rescue the perpetrator or a relative from present danger to life or limb in an emergency other than self-defence, not caused through the fault of the former and not otherwise to be averted, is not punishable.

Nor does the Court find "Notstand" (emergency) as contemplated by Section 54 of the Criminal Code, since July was sitting in prison. At this time direct suspicion of poisoning pointed to him alone of all the natives at Otjisororindi, and he was harmless. Further, even if accused could have believed himself to be in an emergency, he could have avoided it in other ways. During these few days the accused could have locked up the rest of his natives and had the meals prepared by a member of his family; he could also have left the farm with his family. There was no occasion for this barbarous ill-treatment. Section 54 of the Criminal Code does not refer to danger to property.

Accordingly the punishment of accused for contraventions of Sections 223, 223 (a) of the Criminal Code in eight cases—in seven in conjunction with Section 240 of the Code—must, except in regard to the measure of punishment, be upheld.

As to the admission of mitigating circumstances and the extent of the punishment, the Court takes into account the following considerations.

It has not been proved that poisonings took place on accused's farm. If, from the result of accused's inquiries, the statements of the natives obtained by beatings and torture, which they withdrew on the cessation of their pain and fright, are deducted as is proper, there remain only matters of trifling importance carrying an innocent interpretation and nothing more. In particular the supposed poisons and little arrows obtained thereby were curative or witchcraft material of the natives. In this respect it is not generally denied that many natives know poisons and perhaps occasionally employ them. It is also possible that some of the accused's natives boasted in pondok gossip of his ability to kill people, or that the witchcraft of the little arrows was occasionally put to proof against the house of the detested master. The Court does not see that any real weight can be attached to the evidence regarding poisoning.

This, however, is not of any particular importance in regard to the question of guilt before the Court. Accused would be answerable for his unregulated conduct even if anyone had actually worked against him with poison on Otjisororindi.

Accused unites with a good intelligence an astounding want of capacity for objective thought. What he believed he knew to be the truth was for him the objective truth, and he believed himself entitled to torture his natives until they said what he considered to be the truth. He still takes his stand on this point to-day. It is utterly impossible for him to see that a statement extorted from a native is worthless. This want of objectivity arises from a boundless vanity, as he showed on many occasions in the Supreme Court proceedings. In everything he handled he very soon believed himself a master. He trusted nobody but himself. He arbitrarily conducted searches of other people's werfts. Although the police were kept so fully occupied by him, that in his opinion their tenfold increase was necessary if there was as much for them to do on all farms, he still held it proper to pursue his inquiries on his own account and lines, and occasionally to punish extremely severely. He had never made himself familiar on any other farm when he first came into the country with the handling of natives and how difficult it is, as is generally done, but he started farming and handling natives at once by himself. He quite forgot that he knew nothing of the treatment of natives. On this point the Court is fully satisfied. Full many a native came from the District Office, after a little complained of hard treatment and ran away. A marked case of wrong treatment is that of the Herero Christian. Farmer Linde had lent this man, his best servant, to accused. Being by accident present on Linde's farm, Christian had to help his master put out a grass fire, and in consequence his return to accused was delayed half a day. Accused did not attempt to prove the justice of Christian's excuse, but punished him with 25 strokes with a sjambok. When the affair was later on cleared up in Christian's favour by Linde the accused says he asked the native's pardon. In this instance not only the unwarranted punishment of Christian, has weight, but also the

circumstance that he beat another's servant. That was flagrantly improper according to the custom of the country.

When pursuing absconded natives, according to the statement of Farmer Grabow, accused fastened his two native spoor-trackers together at night with chains with a dog in between; and also during the day made them walk in chains. Even a native cannot endure such treatment for any length of time.

It is also a sign of self-conceit, almost amounting to infatuation, that accused regarded his daughter Hildegard, then just outgrowing childhood, who came to this country first in 1908, as a sufficient interpreter in Herero during his extensive inquiries into complicated matters. Everyone in the Protectorate knows the endless difficulties of interpretation of Herero. In the Supreme Court proceedings three of the best interpreters in the land were engaged together, and yet often could scarcely master the difficulty of a question or answer. And the accused to-day still points to this young girl, who has interpreted from the age of 14 to 18, as a satisfactory interpreter. Moreover, it has been actually proved that at Otjisororindi a native was beaten because Hildegard Cramer translated an expression wrongly. Herero Jacob is of opinion that she was quite unable to interpret. According to the statement of accused, she has since forgotten much of her knowledge of Herero, so that a test of her ability was useless.

As proof of the self-conceit of accused, the Court regards also the fact that he found fault with, and to some extent dealt roughly with, all witnesses the moment they said anything unfavourable to him; for instance, Graf Schwerin, whose sworn evidence the Court regarded as credible throughout on points material to the issue and provable thereby.

It was by reason of this self-conceit that accused believed himself justified in his unlawful conduct. This may have been increased by a certain distrust of everyone, especially officials, and a certain fear of the natives. The latter is frequently a symptom of improper treatment, and to white people living on a lonely farm this distrust is often all but a symptom of illness.

In this way, in the opinion of the Court, the accused reached his criminal methods of inquiry, which otherwise would appear incomprehensible in a man of good education and normal mental capacity.

Although the condition of limitless self-deception which he worked himself up to in a criminal manner does not, in the opinion of the doctors, fall within the terms of Section 51 of the Criminal Code, the Court still has to consider this condition in the fullest degree when dealing with the questions of mitigating circumstances and the amount of punishment. This the Court believes all the more must be done, since it is under the impression that accused has not found in his wife the usual pacifier, but even encouragement of his criminal conduct.

Although the behaviour of the accused in all eight cases is incomprehensible in a decent man, and is worse than the conduct of a slave owner of earlier days (Schlimmer als das Gebaren eines Sklaven halters früherer Zeit), the Court is nevertheless of the opinion, upon consideration of all the facts, that in seven cases it must allow mitigating circumstances. Only the case of the deceased old woman Auma is found so serious that mitigating circumstances cannot be admitted. The cases of Maria and Grunas the Court finds further so bad that, while accepting mitigating circumstances, it considers imprisonment appropriate. In the remaining cases fines are considered sufficient.

The punishments of imprisonment in the three cases are moderately measured, although they approximate to the elements of the offences of Sections 224, 226 of the Criminal Code, which carry heavy penal internment, because the Court in this respect has again taken into account his self-deception as well as his blameless record and the circumstance that owing to his social standing accused will feel imprisonment sufficiently without it being of long duration. We have also given consideration to the fact that the accused ceased to defend himself in the arrogant and unregulated manner he adopted before the Court of first instance. On the same grounds, and in view of the inordinate amount of the costs of

the cases, the fines are reduced to mild limits in spite of the seriousness of the matter.

Section 74 of the Criminal Code has been taken into consideration. It is on that account that sentences have been pronounced as they have been.

Sections 497 and 505 of the Criminal Procedure Ordinance govern the costs.

The first charge dealt with in this judgment is the assault upon Grunas, and the manner in which it is handled shows clearly how anxious everybody concerned in the matter was to favour the accused. It is plain that Kisker, accused, and natives all testified to the fact that this unhappy woman, far gone in pregnancy and naked, was thrashed till she collapsed and could not eat that night. The avowed object of this monstrous treatment was to extort from her a statement that either she or her husband had killed a sheep. Two more sheep died after the first thrashing. It is highly unlikely that Heiweib caused their death and impossible for Grunas to have done so. Probably, therefore, the first sheep died in some natural way. Heiweib is expressly given a good character. In spite of all this, he and Grunas are taken off to the farm-house and there both are severely beaten, after which Grunas is sent to gather grass. This is the story told at the first trial by all parties, and at the second repeated by the natives but denied by accused and his witnesses. Yet the Court evidently accepted it with the greatest reluctance, and only because no other course was possible if it was to retain any reputation for justice at all.

At latest the day after the second assault Grunas gave birth to a dead child. It is safe to say that if she had been white the medical expert would have had no difficulty in ascribing this directly to the two thrashings she had received.

Accused was not even prosecuted for thrashing Heiweib. Apparently it was quite justifiable to administer to a native who had given Europeans in Gobabis good service for 12 years a severe beating on the flimsiest of pretexts. For the atrocious treatment of Grunas accused was awarded one month's imprisonment.

The next charge relates to the woman Alwine. Without the slightest excuse, as the judgment plainly shows, he assumed that certain natives—Jan and Kewas—had stolen some of his stock. By beating a child, Doris, he extorted from her a false statement that Alwine had given stock to these men. He then threatened to beat Alwine to death if she did not disclose their names, and when she said she did not know struck her 15 times over the naked shoulders with a heavy leather sjambok. A fortnight later she still bore 15 broad weals. For this he was fined 5*l*. Nothing was done regarding the beating of Doris.

The accused apparently would believe anything, and not merely believe it but go to the utmost lengths on the strength of it without further inquiry.

After beating Alwine he passed a sleepless night, not, as one might have hoped, over the fates of Grunas and Alwine, but because he was still puzzling over the perfectly innocent Jan and Kewas. This time he came to the conclusion, again on the absurdest evidence, that they had been using poison. By violence and threats he had obtained statements from Alwine as the result of which he thrashed a woman named Lupertine till she implicated a man, Kadwakonda. Lupertine, it should be noted, received two more thrashings, one in the presence of a police-sergeant and another before the investigating magistrate. No steps were taken in regard to the assaults on her, although false statements were extorted from her by them. After the second beating of Lupertine, she, Alwine, a woman Maria, Kadwakonda, a man Langmann and Harutonge, a woman captured in the bush, were all chained together to the back of an ox-cart and carried off to Gobabis prison, apparently on a charge of poisoning Cramer, unsupported by a scrap of real evidence. The distance from Otjisororindi to Gobabis is 72 miles as the crow flies.

On the way there he invented another flimsy charge of poisoning, this time against the native, Jacob. As a result he gave Jacob 50 strokes with a sjambok in the hotel at Gobabis. This must have been very severe, as he was fined 30*l*. for it, yet no one at the hotel intervened.

On his return to his farm, after the officials had left, accused began again. By this time another native had been in the same way implicated in the supposed poisoning. He accordingly thrashed Juli till he became so faint he had to be revived with brandy in order that the thrashing might be continued. The

medical statement shows how severe were the injuries. Yet he was let off with a fine of 40*l.*

Getting nothing out of Juli, he turned his attention to his wife Maria and bullied her into false accusations, which he put into her mouth, against Konturu and another Maria, wife of Jacob already mentioned.

With the aid of his daughter, a girl of 16 or 17, he shockingly ill-treated Konturu. All her clothes were torn off, she was severely beaten, and then locked up for the night naked in the farm prison (the very existence of which is highly significant) with one blanket only as covering. Next day this treatment was repeated, and she got another "energetic sjambokking," in accused's own words. Next day her person was closely and even indecently examined. The Court described Konturu as "terribly mauled" (*bos zugerichttet*), and the medical certificate indicates serious injuries. She was in the first months of pregnancy, and shortly afterwards had a miscarriage. Apparently the natives asserted that accused trod on her body; if so, the miscarriage was at once accounted for, yet the Court refused to accept it as proved to be due to accused's conduct simply because he denied this. His statements were evidently obviously unreliable throughout, and it would seem that the Court would have been fully justified in rejecting this denial on that ground alone in view of the definite statements of the natives. Accused's punishment in this case was a fine of 40*l.*

His next victim was Maria. She was even worse treated, if it were possible, and her photograph shows the result. The worthy doctor, however, allowed her to leave hospital uncured; and when she died some six months later no medical man saw her body, and it was therefore impossible to connect the death with the assault. One thing is certain, and that is that she was permanently injured; but this point was lightly avoided by the Court, and the punishment imposed was one month's imprisonment.

Cramer now turned his attention to Amalia. When the Appeal Court heard the case 1½ years later her back still looked as if it had been burned with fire. Each of these last three women got two severe thrashings on consecutive days (even the harsh German criminal law for natives demands an interval of 14 days between whippings), and each as a result passed on the blame for the mythical poisoning to someone whom she knew to be innocent, and who was in consequence severely handled in similar fashion. Amalia's case was considered so trifling that a fine of 10*l.* was enough. When examined by the doctor at Gobabis on the 10th February 1912, she showed numerous abrasions and one ulcerated sore 20 by 12 cm., *i.e.*, about 8 in. by 4·8 in. in extent. She was a girl of 20, and recovered. Consider the position of the unfortunate girl Amalia. All the other natives on the farm had been dealt with except the two old women Auma and Magdalena, and in order to save them she heroically held out as long as she could, but at length even her fortitude gave way, and to escape further punishment she reluctantly accused Auma. Probably she chose this old woman in the hope that her age and the impossibility of her having had anything to do with the poisoning would save her; but it was not to be.

This brings us to the worst case of all. When the accused took his first-prisoners to Gobabis, the magistrate gave him other natives to take their place on the farm. Auma and Magdalena were two of them, and had only been on the farm three days when they were beaten. It was therefore, humanly speaking, impossible that they could have anything to do with the poisoning, but this consideration was of no moment to the accused. On the accusation—extorted from Amalia by two days' thrashing, so severe as to leave her marked by fearful scars for life—he meted out the same treatment to Auma.

This decrepit old woman of from 55 to 60 was terribly cut about in the course of what accused described as a "powerful cudgel-cure." She was practically in a state of collapse when taken away from the farm. Her injuries are described in the medical report and exhibited in the photograph, and there can be no reasonable doubt that her death (14 days after admission to hospital) was directly brought about by accused. Yet all German officialdom combined to procure his freedom from any such accusation. The doctor would not say accused caused her death, the State-prosecutor would not bring such a charge, and the Court refused to entertain it.

The ridiculous sentence of three months' imprisonment was passed.

Nothing was obtainable from Auma, so Cramer turned his attention to the sole remaining person, Magdalena, aged 40, who had also only been on the farm

three days. She was also gravely injured, but a fine of 40*l.* was considered enough to meet the case.

It is when the Court comes to consider the question of mitigating circumstances that it reaches its most incomprehensible limit. It is pointed out that the allegations of poisoning were entirely without support; that accused was a man of good intelligence, but unable to draw the proper conclusions from obvious facts; that he constantly ill-treated his natives without cause; that his daughter, whom he used as an interpreter, was so poor a success that on one occasion a wrong translation by her procured a beating for an unfortunate native; that he abused the witnesses in Court; that he had his full mental powers but was given to self-deception; that his wife did not exercise the proper wifely pacifying influence over him; that his behaviour was worse than that of a slave-driver, and chiefly that he suffered from boundless self-conceit. It is doubtful whether anyone outside the five persons who sat on this case could be persuaded to discover in any of these arguments anything whatever in mitigation of accused's barbarism. On the contrary, most of them would be regarded by anyone of common sense as aggravations of his conduct.

Just before the appeal judgment was delivered, Cramer's wife published in Germany a book, "Weiss oder Schwartz?" (White or Black?) which is one long protest against the injustice he had received at his first trial, and a plea for tightening up the administration of native affairs in the Protectorate.

Cramer is no longer alive. A few months ago, while engaged with two natives preparing holes for planting trees in his orchard, for which purpose he was using dynamite, he was blown to pieces. The natives declared that this was due to accident, and in all probability were correct; but if his death had been the result of design most people would admit that he merely received his just deserts.

That this was no isolated case is plainly shown by other records of the German Courts. As an instance, the case of Walter Boehmer may be referred to. This man was tried at Windhuk on the 1st May 1914. He was charged with a series of assaults committed on natives in his employ. The most serious case was that of Andreas. This man was suspected of theft, and accused had him stripped and tied up hand and foot with wire to some shelves in a storeroom. Accused then thrashed him with a "makoss," described as a thong, 1 metre long and 2 cm. ($\frac{3}{4}$ in.) thick, with a wooden handle. After accused had beaten him, he ordered four of his natives to continue the thrashing, and one after another they did so. Andreas was then untied and sent into the veld with instructions to bring in the stolen articles. Upon his return without them he was again beaten with a donkey-whip and the "makoss." Six natives gave evidence to this effect. Eight natives and a police-boy said that Andreas's body was as a result badly swollen, covered with blood and open wounds, and that he was exhausted. Two European witnesses who saw Andreas immediately after the beating testified to the swelling of his genitals and a large number of weals all over his back, some swollen to the thickness of a thumb and some burst. Andreas died some days after the assault. No medical man examined him either before or after death. The Court found Boehmer guilty of assault dangerous to life.

Another charge was that he had given a boy Wilhelm 30 strokes on his buttocks with a stick about 2 cm. thick. The boy's statement was corroborated by a police-sergeant who examined him the next day and found 22 distinct weals and eight open cuts. Wilhelm had deserted from his service, and accused claimed it was his right to beat him for so doing. The Court admitted this right, but decided that as actual injury had been caused it had been exceeded.

In giving judgment, the Court described Boehmer's conduct as absolutely inhuman and brutal, and pointed out that he was a well-educated man fully able to understand that such behaviour was contrary to the dictates of humanity. Mitigating circumstances were found in the facts that the accused had not been previously convicted, that he was excited on account of the theft and possibly also because his wife was in child-bed, and that Andreas was a very cunning native who had deserted about 14 times before. Accordingly accused was permitted to pay a fine of 50*l.* for the assault on Andreas and 7*l.* 10*s.* for beating Thomas.

Boehmer was further charged with having tied up a native, Hans, with wire hand-to-foot to an anvil and kept him so for a whole morning. The Court decided that on the evidence of several natives there was a strong suspicion that this was done as a punishment. Accused denied this, and said he had merely tied up Hans with a thong in order to take him to the police to be punished because he suspected

him of having released one August, whom Boehmer had tied up for causing a grass fire. In view of his claim, admitted by the Court, that he had the right to punish his natives himself, this would appear to be a somewhat dubious theory, and it was uncorroborated, but the Court accepted it and acquitted him.

A further charge against Boehmer was that he had struck Hans twice with a drill and four times with a hammer handle across the back. This was found to be proved, and the drill in Court was admitted to be a dangerous instrument; but on the ground that no actual physical injury had been caused, and Hans had merely suffered pain, it was found by the Court that the accused had acted within the limits of his right of correction and he was found not guilty. The same decision was arrived at in the case of Acherob, who had received 15 strokes with an ox-hide thong on the clothed buttocks, although accused could not give any reason for this beating.

A native, Automab, had also brought two charges against accused, and in the first his evidence had proved unsatisfactory. In considering the second charge the Court properly remarked that, in view of this, his testimony must be received with great caution. On the other hand, as appears above, the statements of accused were more than once disbelieved, yet his other evidence was fully accepted almost always when contradicted solely by natives.

These two cases show how anxious the Courts were to shield Europeans when accused of ill-treatment of natives. Every excuse was taken for rejecting native evidence, while that of a white witness was accepted without reserve. It was only when accused completely contradicted himself, or was faced with other white witnesses who disproved his statements, that the story of the natives was admitted, but even then it was discounted as much as possible.

It is now proposed to give details of what appears to be an instance in which two natives were thrashed to death by a white man or on his orders, and the whole thing was hushed up by the authorities. The Khan Copper Mine is a fairly prosperous concern situated in the desert some 60 kilos. from Swakopmund, and employed numbers of natives and others on its works. In 1911 it was under the management of a Dr. Sichtermann. The following extract is taken from a sworn affidavit recently made by one Dixon, who was employed in the mine as overseer in 1911 and 1912.

David Esma Dixon states:—

As an example of how murders and brutal treatment were hushed up by the German authorities, I will mention the case of Dr. Sichtermann, who was at one time Manager of the Khan Copper Mine near Swakopmund. This was after the Herero rebellion about 1912. I was working there at the time. One of the Ovambo mine labourers on the mine died suddenly. Two compatriots of the dead native had been reported to Dr. Sichtermann as suspects. It was alleged that they had poisoned the man. Dr. Sichtermann reported the matter to the police at Swakopmund, but before they arrived he decided to investigate the matter himself. He sent for the two Ovambos. I was the overseer who brought them to him. He then ordered thick ropes to be tied round their necks, and they were asked by him to say what they knew of the death of the other boy. They denied all knowledge and said they were innocent. Sichtermann then ordered them to be flogged. A German named Ahlefelder then beat them. The instrument used was a piece of 1½ in. india-rubber hosepipe. After a severe flogging they still pleaded that they were innocent, and after a while they were flogged and flogged again. Ahlefelder alternated the flogging by striking them with his fists. When they fell he kicked them with his booted feet until they rose again. They were both quite naked, and were held fast by the ropes round their necks. I had to hold one rope, and a native named David held the other. I protested, but Sichtermann said I had to obey his orders like everyone else. He said the boys were not going to get the better of him, and he would flog them until they admitted their guilt, of which he appeared to be convinced, though there was no evidence at all against the natives. This treatment went on at intervals nearly the whole forenoon, until the boys' bodies were swollen terribly and cut and bruised all over. They cried out for water, but Sichtermann ordered that they were to receive neither food nor drink. They kept on protesting their innocence. Sichtermann then ordered their ankles to be

bound together. They were then made to sit down with their knees drawn up to their chins, and their hands were then drawn round their knees and fastened together, while a stick was placed through under the knees and over the bent arms near the elbows. This meant that they could not stir and had to remain in this trussed position. It would be painful to do this even when one is well, but after the thrashings they had received it was barbarism to do that. However, Sichtermann would listen to no interference. I told him he was killing them, but he took no notice. He ordered them to be carried away and locked up in separate rooms. One boy we placed in the room where the oils were stored. I secretly gave him some water to drink, but I could see he was terribly hurt and I was anxious. After dinner I went and looked again and found he was quite dead. I rushed off and told Dr. Sichtermann, and he at once ordered the other boy to be unbound and washed, and told us to wash the dead boy and stretch him out carefully. Sichtermann had just heard that a doctor and police-detective were arriving from Swakopmund.

Shortly afterwards the German District Surgeon, Dr. Brenner, arrived; he was accompanied by the detective named Friederich. We all went into the room where the body was. Brenner looked at it, and although it was terribly cut and swollen he asked no questions. He then performed a post-mortem. When he had finished, he said "The organs appear to be quite normal; I trace no disease." This caused me to glance at Dr. Sichtermann, as I thought the statement would frighten him. At that moment I saw him wink very significantly at Dr. Brenner; the latter hesitated a moment and then opened up the boy's heart, which he carefully examined. He then said: "Ah, here it is—heart disease; I am prepared to certify."

The body was then taken away and buried.

The other Ovambo was taken by the detective to Swakopmund by rail, but he died on the train. I remained on the mine with Dr. Sichtermann for a year after that incident, and I can swear that no steps were ever taken against him by the German authorities although the incident was fairly well known and talked about.

Dixon is not certain of the date, but from official German records it appears that on the 26th October 1911 an Ovambo, Karuwappa, died suddenly at the mine and that the Ovambos, David and Chicongo, were suspected of poisoning him. Police-Sergeant-Major Springhorn held an enquiry at the mine, and took statements to the effect that Karuwappa had been ill for a week and complained of severe pains in his chest and stomach, and shortly before his death had accused Chicongo of having given him meat poisoned by David on the instructions of the latter. Certain Ovambo witnesses stated that David had poisoned other people in Ovamboland, and that they were quite certain that he and Chicongo were guilty of poisoning Karuwappa. It was also stated that after arrest both accused at first asserted their innocence, but subsequently admitted their guilt. Dr. Brenner held a post-mortem on Karuwappa, and found alcoholic kidney and liver, hæmorrhage and swelling of the mucous membranes of the intestines and stomach "which probably caused death by poisoning." There was nothing else to support the theory of poisoning. It is stated on the papers that Chicongo "escaped on the morning of the 26th December, and died soon after his capture." He was not examined by Springhorn. Dr. Brenner dissected the body and certified:—

On the 26th October this year at the Khan Mine I dissected Ovambo Chicongo, who died about an hour before and whom the assistant suspected of having been poisoned. The dissection disclosed heart failure as the cause of death. There were no external or internal injuries.

Springhorn endorsed on the papers on 26th October: "David will be removed to the gaol at Swakopmund." On the 31st October he made a further endorsement:—"The instigator, David, died in the night of 29-30th October 1911. He was not examined as he was incapable of making statements." Dr. Brenner's report, dated 20.11.11, on the post-mortem on David is:—

On the 30th October 1911 the Ovambo David (suspected at the time of poisoning) died in the gaol. He was already in a very miserable condition on the journey from Khan. The dissection disclosed as the cause of death a severe degeneration of the muscles of the heart, chronic inflammation

on several sections of the lung, pleurisy on the right side, chronic inflammation of the kidneys. Further numerous injuries to the skin and muscles caused by blows with a hard instrument.

In a certificate to the Police Superintendent dated 30.10.11, Dr. Brenner gave the cause of death as: natural causes, degeneration of the muscles of the heart, chronic inflammation of the lungs and pleurisy, injuries to the skin and muscles, and inflammation of the kidneys.

This completed the record, and nothing further was ever done.

From the medical reports it is clear that Dixon's statement that David was severely beaten is true. The doctor found numerous injuries, and the internal condition he observed might well have been caused by a bad thrashing by a heavy instrument. There seems, therefore, no reason to doubt Dixon's assertion that Chicongo was also beaten, and that his account of what took place at the post mortem is correct. Dr. Brenner's certificate is extremely meagre and simply gives the cause of death as heart failure, thus corroborating Dixon's statement. The alleged escape and recapture of Chicongo probably never took place; but if a prisoner escaped it was perfectly legitimate to thrash him, and this may therefore have been invented to explain the external appearance of Chicongo's body to the doctor, who would then be inclined to overlook it. After David had once reached Swakopmund gaol it was impossible to conceal his state, as it must have been known to many different persons. The doctor was therefore bound to mention the injuries in his case, but does not emphasise in any way the fact that they might have contributed to the death. The final responsibility for shelving this matter rests with the Bezirksamtmann of Swakopmund, to whom Springhorn submitted all the papers. He did nothing; but most ordinary people will be of opinion that Dr. Brenner's report on David was alone sufficient to indicate that the matter was one calling for searching investigation. This would have disclosed, if Dixon's statements are true, a strong case against Sichtermann, and should have ended in his trial for murder; but he was a well-known man, the manager of an influential company, and that was the end of it.

With such occurrences taking place, is it to be wondered at that the Governor found it necessary to issue his secret circular of the 31st May 1912 (*see* Chapter XXII., Part I) to his District Officers?

CHAPTER III.

THE RELATIONS BETWEEN GERMANS AND NATIVES AS EVINCED IN CRIMINAL PROCEEDINGS AFTER OUR OCCUPATION.

Shortly after the surrender of the Protectorate to the Union Military Forces, Military Courts were erected for the trial of criminal offences committed by the inhabitants in place of the German Courts, which it was not deemed politic to revive. Minor misdemeanours are dealt with by Courts of Military Magistrates stationed at various places in the country; serious crime comes before what is known as the Special Criminal Court, which sits twice a year at such points as may be convenient and has jurisdiction to try any offence whatever. All these Courts are compelled by the dictates of International Law as accepted by us to follow the provisions of the German law when Germans are before them. Numerous cases have come before this last-mentioned Court which throw a violent light upon the relations between German inhabitants and the aborigines.

In this chapter it is proposed to give some account of these, taken direct from the original records of the trials.

The principal deduction to be drawn from the series of cases of which details will be given is that the relationship between Germans and natives has always been on an unhappy footing. Mutual confidence has been absent and mutual fear has taken its place.

The manner in which natives were dealt with under the previous *régime*, when suspected of criminal charges, has been discussed in a previous chapter. We have endeavoured to follow the well-founded traditions of the Union, and

have done our best in all such matters to follow the basic principle of law obtaining in all British countries that Justice is blind to any distinction of race or colour.

One grave source of trouble between the white and black inhabitants of this country has been theft of stock. In the case of Bushmen in particular a German farmer apparently believed himself justified, if he had the merest suspicion that they had stolen his stock, in shooting them out of hand. We have made it clear that we do not accept this view, and that such thieves may only be punished through the intervention of the Courts.

For the very reason that it is regarded as essential for the good government of the country to press home this attitude, the Courts have always taken a serious view of such thefts, as the following cases tried by the Special Criminal Court show :—

Rex versus Katai and seven others.—Tried 6th April 1916. The accused, all Bushmen, were charged with the theft of four head of cattle, the property of one Baumgarten, a German farmer of the District of Grootfontein. They all pleaded guilty, and were sentenced to four years' imprisonment with hard labour.

Rex versus Sarrup.—Tried 6th April 1916. Sarrup, a Bushman, pleaded guilty to stealing five head of cattle belonging to a farmer of Gobabis, named Hans von Hatten. On the outbreak of hostilities complainant was called upon to join the German forces, and it was whilst he was on active service that the Bushman helped himself to the stock. The skins were identified at accused's hut, and two accomplices, also Bushmen, turned King's evidence. Sentence of two years' hard labour and six lashes was imposed.

Rex versus Jacob Casob.—Tried 10th April 1916. Accused was sentenced to three years' hard labour and ten lashes for theft of a cow from a farmer named Duval of the Outjo District.

Rex versus Isaac Thithis.—Tried 20th April 1916. Accused stole 37 head of small stock from a German named Bleicher, and was awarded two years' hard labour and six lashes.

Rex versus Simon Ncaib.—Tried 27th April 1916. Ncaib received two years' hard labour and ten lashes for stealing 43 sheep from a farmer named Jaspersen.

Rex versus (1) Jacob ; (2) Titup.—Tried 9th October 1916. These men, formerly farm servants, had taken to the veld and committed a series of depredations, some small, some of more consequence, including thefts of goats, produce, &c. They were each sentenced to three years' hard labour and ten lashes.

Rex versus (1) Ouxason ; (2) David.—Tried on 18th November 1916. For the theft of five head of cattle from a farmer named Schweikhardt accused were each sentenced to three years' hard labour and twelve lashes.

Rex versus (1) Aramib ; (2) Hendrik.—Tried on 18th November 1916. These men received a similar sentence for the theft of two head of cattle from Joseph Stroka, a farmer.

Rex versus William Christian.—Tried 8th May 1917. Accused stole 30 head of small stock from two farmers of Aroab District, and had to undergo 18 months' imprisonment in consequence.

Rex versus (1) August ; (2) Kukub.—Tried 29th May 1917. The accused were vagrant Bushmen who had caught in the veld, killed and eaten five cows belonging to a farmer named Voswinkel of Otjamibambo, Grootfontein District, in October 1916. They admitted their guilt and were each sentenced to 18 months' hard labour and seven lashes.

Rex versus (1) Massinab ; (2) August ; (3) Andries ; (4) Kukub.—Tried 29th May 1917. The two accused in the preceding case with two other members of their party had pleaded guilty to a similar theft of five sheep from a farmer named Wujack of the same neighbourhood. They each received sentence of 12 months' hard labour.

Rex versus (1) Katjirora ; (2) Kaitanagora ; (3) Kapapie.—Tried 10th December, 1917. For stealing two cows from Farmer Schlettwein at Cauas-Okawa, Outjo District, accused were sentenced to three years' hard labour each, with, in the case of Nos. 1 and 3, seven lashes as well.

Rex versus (1) Kateminikwa ; (2) Kambenjene ; (3) Kanako.—Tried 10th December 1917. For stealing two bulls from the same owner at Otjitambi, Outjo

District, these men received three years hard labour each, with seven lashes in addition in the cases of Nos. 1 and 2.

Rex versus Nampira.—Tried 10th December 1917. Accused, a shepherd, ate five sheep belonging to his employer at Cauas, Outjo District. He was sentenced to 18 months' hard labour and seven lashes.

In none of the foregoing cases was profit the object of the theft. They were all due to the overpowering desire for a good meal of meat which now and again attacks a native.

Although these sentences differ somewhat for various reasons which need not be gone into here, none of them can be regarded as lenient, and Germans who have sought personally to avenge similar acts cannot assert as an excuse that they are not sufficiently punished by the Courts. Corporal punishment, which is regarded by the local inhabitants as the only proper penalty for a native, was imposed in practically all cases where the physical condition of the offender did not preclude it.

In order to assist the reader to a more clear understanding of the cases now to be dealt with, a few words on the law of homicide, as laid down in the German Criminal Code, are necessary.

The capital offence, known as *Mord*, consists in the killing of a fellow-creature with intention and deliberation. What is meant by intention need not be enlarged upon now, but deliberation requires some explanation, since it is regarded by German jurists as an entirely distinct issue. Roughly, it may be defined as any sort of calm exercise of the intellect directed towards the choice of the means of execution, the rejection of unsuitable means, the prevention of the victim's escape, the procurement of immunity from prosecution or punishment or any other factor vital to the whole affair. In the most recent case on the point (*Rex versus Sokolicz*), in which there was very little evidence of a preconceived plan, but it was proved that accused had so arranged his victim's body as to give it all the appearances of that of a suicide, it was held that this fact was proof of deliberation.

The next variety of homicide is that known as *Totschlag*. This consists in the killing of another with intention but without deliberation. This in our law is, generally speaking, also murder and punishable with the capital sentence; but under the German Code the penalty is imprisonment with hard labour for a period of from five to fifteen years, unless there has been provocation in the shape of violence or gross insult, in which case a less rigorous form of detention for not less than six months may be imposed. To this distinction between *Mord* and *Totschlag* is attributable the fact, remarkable to British people, that in several of the cases referred to later on the death sentence was not inflicted.

Various special forms of *Totschlag*, such as killing a relation or killing while engaged in another offence, are specially punishable, but need not be considered here.

An assault which results in death but is not an intentional killing is punishable with imprisonment for from three to fifteen years.

Causing death by negligence, a form of what is known to us as culpable homicide, is punishable with three years' hard labour at most.

If a bodily injury is caused by negligence, the maximum penalty is a fine of 900 marks or two years' imprisonment.

If there are mitigating circumstances in any case except that of *Mord* a more lenient punishment is applicable.

The following trials are concerned with instances in which grave violence was used by Germans towards natives, followed usually either directly or indirectly by the death of the victim.

Rex versus Heinrich Pieter Kreft.—Tried 30th September 1915. It was alleged that accused in July 1915, and at Otjibonde, Omaruru District, murdered Gondjore, a native labourer in his employ. Accused reprimanded deceased for laziness, and while doing so endeavoured to take from him a light kerrie* which he was holding in his left hand behind his back. Native witnesses denied that beyond changing the kerrie to his right hand Gondjore did anything of a threatening nature, and said that thereupon accused struck him two blows with a heavy piece of wood. The first brought him to his knees and the second, delivered while the boy was still in that position, fractured his skull. For the defence accused called

* A knobbed stick used for hunting or protection. A heavy one is a dangerous weapon, a light one is not.

a number of witnesses to show that deceased was of a truculent disposition, one of them basing this statement on the fact that Gondjore had once resisted an assault upon him by the witness. Accused said further that Gondjore actually hit him on the arm with his stick before he himself struck one blow. He admitted that Gondjore was brought to his knees by the first blow and used no further violence, and he admitted killing him with the second blow.

He was sentenced to one year's imprisonment with hard labour for assault resulting in death in mitigating circumstances.

Rez versus Walter Barth.—Tried 4th October 1915. On the 4th July 1915, at Guchab, near Otavi, accused, a mine manager, was alleged to have murdered Wilfred, a male adult native labourer on the mine. On the 3rd July 1915 our troops arrived at Guchab. Accused said it was reported to him that at this time deceased and others had attempted to break open the mine provision store, and that he found him near it and ordered him away. Wilfred denied knowledge of the matter, explaining his presence there by saying he had been holding the horses of the troops. The next day Barth came to the huts and again accused Wilfred of trying to break open the store. Wilfred denied this, and after a few words accused struck him with a sjambok. Thereupon, according to accused, deceased picked up a kerrie and threatened him. This was denied by native witnesses, who said that on the contrary Wilfred started to run away. However that may be, accused next fired four shots from a Browning pistol at Wilfred and killed him.

Accused's reason for using the sjambok in the first instance is instructive. He said: "I hit him because of the expression of his face. He looked impertinent. I also hit him because he lied to me. I thought I was justified in hitting him, because in German South-West Africa the High Court gave a decision that a manager had the so-called 'Zuchtigungsrecht,' the right to apply a light punishment."

This "Zuchtigungsrecht" (right of correction) is dealt with elsewhere in this volume.

Accused was found guilty of *Totschlag* and sent to prison for three years.

Rez versus Hermann Albert Rudolph Eisenbraut.—Tried on the 6th October 1915. The charge was that on the 2nd August 1915, and at Niederungsfeld, Omaruru, accused murdered Joseph, a native in his employ. Accused lived in concubinage with a native girl. When our troops came into the neighbourhood all his servants, including the girl, ran away. He followed them, taking a Browning pistol with him, came upon them in the bush and immediately opened fire, killing Joseph with his first shot. He stated that he acted in self-defence as his life was in danger, giving as his reasons that the natives were all armed with bows and arrows or kerries. He did not say that any attack upon him was actually made or attempted. After killing Joseph he fired several more shots without effect and then drove the woman back to the farm, telling the men to follow, which some of them did.

He was found guilty of intentional homicide (*Totschlag*) and sentenced to three years' imprisonment with hard labour.

Rez versus Heinrich Petrus Witbooi.—Tried on the 7th October 1915. It was alleged that accused, a native, shot a Bushman, Gaidip, near Hebron, Otavi, during July 1915. Accused had made a statement to the effect that, being out in the veld with his master, Kremer, they came upon three Bushmen; that Kremer at once opened fire, wounding deceased and killing another man, and that accused, on Kremer's instructions, fired at the wounded man with fatal results.

This statement was not admitted by the Court. The only other evidence was that of the third Bushman, who did not see his assailants and consequently was not of much value. Accused was acquitted.

Rez versus Heinrich Christian Kremer.—Tried on 8th October 1915. This was the man mentioned in the previous case, and he was charged with the murder of the two Bushmen therein mentioned. The principal witness against him was Witbooi, and in the absence of satisfactory corroboration he was acquitted.

Rez versus Frederick.—Tried 8th October 1915. It was alleged that the accused on the 26th August 1915, at Gamrarab, Outjo, shot dead a Bushman named Gaidap. The principal evidence against him was his own statement that cattle of his master, Buntehardt, having been stolen, he and Buntehardt had followed the spoor and came to a Bushman werft, where fresh meat was hanging up.

They concealed themselves outside the hut until dawn broke. Just before this, Buntebardt handed accused a shot gun and cartridges, and ordered him to shoot any Bushmen he saw. He approached the hut, saw deceased in the doorway and immediately fired, killing him. He went on to say that thereupon a woman ran out of the hut and he fired at her and purposely missed her, whereupon his master told him that if he did so again he would shoot him and himself fired and killed the woman. Accused concluded his statement by saying that he shot Gaidap because he was ordered to do so, and that even if it had been his wife he was ordered to kill he would have obeyed, because it was his master who gave the order.

There was no other evidence of any value, and accused was acquitted.

Rex versus Fritz Buntebardt.—Tried 9th October 1915. Accused was charged with the murder of Tanesis, the woman referred to above. The only witness against him was Frederick, and in the absence of corroboration he was acquitted.

Rex versus Walter Böhmer.—Tried 11th October 1915. Böhmer is a farmer in the Protectorate. During hostilities he held some military position at Seeis, but on the approach of our forces, according to his own statement, he was told to lay aside his uniform and return to his own farm, his only other instruction being that he was to protect the neighbouring farmers against natives. He did not retain his rifle.

On the 21st May 1915 four native servants of a neighbour of accused deserted from their service, after some form of dispute with their master, and set out for Windhuk. Accused was told of this by telephone. These natives had to pass accused's farm, and when they approached his homestead he got ready his weapons, a combination gun and a double-barrelled shot-gun, and summoned his own natives to his assistance. He then called to the four men to approach, and they did so. The accused says that when they were ten paces away he ordered them to stop and sit down, that they refused and continued to approach slowly, that one at least had a kerrie in his hand and that he fired because he was afraid that this would be thrown at him. He did not go so far as to say definitely that this man made any actual motion as if to throw the kerrie. He fired in all four or five shots, and the first two from the shot-gun each killed one of the natives. The other two natives ran away, both being wounded in their flight. The medical evidence to the effect that one of the deceased was shot in the right breast and the other in the right side, both at from ten to fifteen paces distance, does not corroborate accused's story that the natives were advancing upon him when he fired.

During all this accused's own natives were standing by. The evidence given by them and the two who escaped is to the effect that the four natives halted in a line when accused told them to but refused to sit down when he ordered, saying they were going to Windhuk, and that accused shot them on account of this refusal.

The Court declined to accept accused's version of the affair and found him guilty of intentional killing without deliberation, and sentenced him to five years' imprisonment.

In 1912 accused was convicted by a German Protectorate Court of beating to death with a "makoss"* a native who was in a weak condition and consumptive. He tied his victim hand and foot and beat him until he himself was tired and then called on his native servants to continue the thrashing. For this offence he was fined 50*l.* or 100 days' imprisonment, and the Court commented severely on the inhumanity of his conduct, but found mitigating circumstances in the facts that his wife was at the time lying in child-bed and the native was of bad character. Full particulars of this case have been given in the previous chapter.

Rex versus Karl Wilhelm Becker.—Tried 25th October 1915. It was alleged that on the 24th August 1915, and at Tsumanas, Outjo District, accused attempted to murder a native, Kasinda, by shooting at him and wounding him.

Kasinda and another native went on to accused's farm to look for lost goats. They were met by accused, who was armed with a rifle, which he said he never was without when he was away from the house; and he took them to his house. The parties were unable to understand one another. The boys said that after a time they became frightened and ran away, and that accused fired at them, slightly wounding Kasinda. Accused said that, seeing strange natives on his

* A short, very heavy sjambok, used to control the wheeler oxen of a wagon.

farm and having recently lost a lot of cattle, he took them to his house and questioned them, and understood that they were not in employment. He accordingly determined to take them to the police, and when they heard him say this they ran away. He shouted to them three times to stop and as they did not do so he fired two shots, that he did not aim at them, that when he fired the second shot they were out of sight in a hollow, that he did not know either shot had taken effect until two days later when a neighbour told him, and that the wound must have been due to a ricochet. The evidence of the medical man who attended Kasinda was not available.

Accused was convicted of causing bodily injury through negligence and fined 45*l.* or one year's imprisonment.

Rex versus Siegfried Alexander Wilhelm von Seydlitz.—Tried 26th October 1915. It was alleged that on the 22nd September 1915, and at Schonfeld, Omaruru, accused had attempted to murder a native named Simon, in his service, by shooting at and wounding him.

Simon was late for his work, and accused remonstrated with him and then struck him, and there was a struggle between them. After it was over, Simon went to his hut. Another German then went up to him and struck him because he had hit accused. There was a further struggle between Simon on the one hand and accused and the second German on the other. After this Simon was ordered off the farm by accused, and his goats remained behind. Accused and his companion followed him to see him off, accused taking a rifle with him. When they got near Simon sprang towards them, and accused shot and wounded him. Accused said he fired because he thought he was being attacked. Simon said he was afraid accused was going to shoot him and sprang forward to get the gun away.

The Court accepted the view that accused acted in self-defence and found him guilty of attempted homicide in mitigating circumstances, and fined him 10*l.* or three months' imprisonment.

Rex versus Emil Kurz.—Tried 16th November 1915. The charge was that in May 1915, at Omajette, Omaruru, accused shot dead a native woman named Kauchave.

An ox had been stolen from accused, who followed on the spoor with two native servants. They came to a spot where meat was hanging and, seeing figures moving through the bush, accused fired. He admitted that he wounded the woman but denied causing her death.

The evidence of native companions of deceased was that she was killed outright. No medical testimony was available.

Accused was found guilty of dangerous assault and sentenced to twelve months' imprisonment with hard labour.

Rex versus Julius Folkmann.—Tried 18th November 1915. The charge was that on the 7th October 1915, and at Otjihua, Windhuk District, accused murdered a native named August, in his employ, by shooting him with a Browning pistol.

Some of accused's calves had been lost, and there was a quarrel at night between him and deceased over this, which ended in a struggle in which accused's wife also took part. She sent a small native to bring the pistol, and accused shot deceased with it. He maintained that deceased tried to take it from him, and that it went off in the struggle.

The case resulted in a verdict of intentional homicide in mitigating circumstances, and accused was fined 45*l.* or one year's imprisonment.

Rex versus Hermann Holtz.—Tried 7th April 1916. Holtz, a German farmer of Sturmfeld, Gobabis, killed Fritz, a native whom he charged with deserting from his service. Accused was on trek when he came upon a German named Voss, for whom Fritz was acting as servant. Voss gave the native up through fear of Holtz, who was in an excited state, and accused and deceased left in company for the former's farm. On arrival at the farm two other native servants saw Holtz strike the servant Fritz on the head with a very heavy knife, and afterwards saw deceased going along a road in front of accused, who at this stage was carrying a gun. Accused came back some time afterwards without deceased, inspanned a wagon, took the same road, and on his return shortly afterwards brought back the body of Fritz. Native servants witnessed all this, and on examining the dead body found bullet wounds in the back and stomach. Accused had gone to another man on the farm, Frederick Sauer, and asked him to drive

out to the veld where a native, Fritz, was lying. The accused told this man that he had wounded Fritz. Sauer found Fritz in a dying condition. Holtz then told Sauer that the boy had threatened to strike him in the morning and that he (Holtz) tried to get a piece of wood to defend himself, but that he could only reach a knife, with which he struck Fritz on the head. Holtz said that in the afternoon, on the veld, Fritz attacked him with a stick, whereupon accused shot him. Accused told another farmer that he was attacked by the boy in the veld whilst he (accused) was relieving himself, and that he shot the native in self-defence. The defence was that Fritz had lost one of accused's cows through neglect and that Holtz scolded him, to which he replied with insolence. Holtz was going to give deceased a blow with his hand, whereupon deceased picked up a stick. Accused stated that he tried to get a piece of wood but, failing in this, picked up a knife and used it on deceased, striking, however, with the broad side of the blade. Later accused and deceased started out in search of the missing cow, and it was then that accused shot Fritz, who was making an attack on him. According to Holtz the deceased, after being shot, admitted he was himself to blame for his injuries. Holtz left his water-bottle with deceased and went for assistance. Accused was found guilty of intentional homicide under mitigating circumstances and sentenced to two years' imprisonment.

Rez versus Carl Georg Schroeder.—Tried 8th to 10th April 1916. Accused, a German farmer, residing at Kampe, in the District of Maltahohe, on Christmas Day, 1915, killed Johannes Xatjindu, a native servant employed by him. On the afternoon of that day Schroeder went to the huts of the servants and instructed deceased to attend to the lambs, which was deceased's usual duty. Deceased refused to carry out the order, and some words passed between him and accused. At the place where the altercation took place there were a number of other native servants. Accused had complained to deceased about the loss of small stock and charged him with negligence. Schroeder approached deceased with a sjambok and a revolver. He first struck him with the sjambok and afterwards fired three shots from the revolver, as the result of which deceased died in hospital about six weeks later. Schroeder declared that as he approached deceased the latter picked up a stone with the intention of attacking him, and that he (Schroeder) acted in self-defence. None of the native witnesses saw deceased threaten accused. Schroeder was found guilty of intentional homicide under mitigating circumstances and sentenced to two years' imprisonment.

Rez versus Hendrik Stoetzer.—Tried 14th–15th April 1916. Stoetzer, a German farmer of Gobabis, was charged with the murder of Hans, a native herd in his employ, in August 1915. Accused pleaded not guilty. The Crown witnesses were natives, fellow-servants of deceased, and deposed that Stoetzer had words with Hans regarding his work, during which time, holding deceased by the arm, he led him away from the house. After the two had gone a few yards shots were heard, and Hans was seen to fall. The native witnesses stated that Hans went along without struggling, and that he never in any way threatened accused. It was established that when Stoetzer caught hold of deceased's arm the latter had a jackal-trap in his hand. Stoetzer said that he acted in self-defence, as deceased threatened him with this trap. Asked to account for the possession of the revolver at that particular time, he stated that he was carrying it for his protection. Stoetzer, however, fired not one but three shots, all of which took effect and any one of which was sufficient to disable the deceased according to medical testimony. Accused pleaded that as a result of ill-health and accidents which had befallen him he had become exceedingly nervous, so much so that when the native threatened him he drew the revolver and remembered very little of what followed. Stoetzer buried the body of the deceased immediately, but made no effort to bring the death to the notice of the police. It was only after several weeks had elapsed that the matter came to the ears of the authorities, and then through the instrumentality of a native servant from accused's farm. The Court found accused guilty of intentional homicide and passed sentence of five years' imprisonment with hard labour.

Rez versus Carry Venuleth.—Tried 17th–20th April 1916. This was a case of extreme interest from many different points of view.*

* The judgment, which is printed in full at pp. 42–44 of [Cd. 8371], is not reprinted here.

Rex versus Antonius Setecki.—Tried 25th April 1916.

Accused, a German farmer of Omaruru District . . . (see p. 48 of [Cd. 8371]) . . . Accused refrained from giving evidence himself, and was fined 100*l.* or nine months' hard labour.

Rex versus Marie von Weiher.—Tried 25th-27th April 1916. Accused, a German woman residing in the Omaruru District, was on the outbreak of war left on the farm of her husband* . . . (see p. 48 of [Cd. 8371]) . . . The Court found accused guilty of intentional homicide under mitigating circumstances, and sentenced her to pay a fine of 300*l.* or, in default of payment, to undergo eighteen months' imprisonment.

Rex versus Ludwig Dohling.—Accused, a German farmer, of the Waterberg District . . . (see p. 50 of [Cd. 8371]) . . . The defence took the form of self-defence but was not accepted, and accused was found guilty of the charge of attempted murder and sentenced to eighteen months' imprisonment with hard labour.

Rex versus Johann Binkowski.—Tried 2nd-5th May 1916. Binkowski, a Police-Sergeant during the German régime . . . (see p. 50 of [Cd. 8371]) . . . The magistrate took no action against accused, but in Court admitted that he might have done so had he seen fit. When British troops occupied this part of the country, Petrus's body was discovered lying unburied, and the British police received reports which led to accused's arrest. It was established that Petrus was not one of the murderers of Luther, though evidence was forthcoming that Binkowski had been told that he was. The German magistrate sought to impress the Court with his power in the matter, but the fact that proceedings were not taken by him against the police-sergeant did not absolve the latter from the consequence of his action. The Court found accused guilty of intentional homicide and sentenced him to eighteen months' imprisonment with hard labour.

Rex versus Frank Juzek.—Tried 6th May 1916. Accused, who like Binkowski was a German police officer, was charged with the murder of a native, named Fritz, at Okambahe, in January 1915. . . . (see p. 51 of [Cd. 8371]) . . . and accused was found guilty, in the absence of proof of the cause of death, of dangerous assault and sentenced to two years' hard labour.

Rex versus Georg Frederick Nauhaus and Theodor Jakubowski.—Tried 18th May 1916. Nauhaus and Jakubowski, German farmers of Gobabis, were charged with the murder of Thabagab, an adult Bushman, on the farm Nabatzaub, in the District of Gobabis, the previous January. . . . (see p. 51 of [Cd. 8371]) . . . The flogging was systematic with a view to induce confession or betrayal, but failed to secure its object. No medical evidence of the cause of death could be procured, and accused were convicted of dangerous assault and sentenced, No. 1 to eighteen months' and No. 2 to twelve months' imprisonment with hard labour.

Rex versus Max Willy Frenzel.—Tried 10th and 11th October 1916. Accused is a young German farmer, residing in the Maltahohe District, and it was alleged that he had committed rape upon a young Hottentot girl of about seven on the 2nd April 1916.

On that date in the morning the girl left the farm Grootfontein for Nieuwertst, where her mother worked, with a message. The same morning the accused, who had spent the night at Nieuwertst, left on horseback for Grootfontein. The girl's story, clearly told for so young a witness, was that they met on the road at a lonely spot, and accused got off his horse and committed the act charged.

On her arrival at Nieuwertst it was at once noticed that she was bleeding, and on examination it was seen that her injuries were such as to indicate penetration and were severe. In consequence of what she said, a European, named van der Merwe, living at Nieuwertst, followed up accused's spoor. There had been a certain amount of rain, and the accused's and the girl's were the only tracks visible. He came to a spot where the accused had dismounted and tied up his horse, and here the girl's spoor diverged slightly from the road to a point a yard or so from it, where blood was seen. Accused had walked to this spot from the horse. This satisfied him that the girl's story was true, and he did not follow the spoor further. No one else had passed Nieuwertst in the direction of Grootfontein that morning, and accused was the first person to reach Grootfontein that

* The Lt. v. Weiher referred to in Chap. I, of this part.

morning. So far as could be ascertained he was the only person who had passed the girl on the road. Before going into the house at Grootfontein accused rode on a short distance to a waterhole near by, but out of sight, remained there half an hour or so and then returned and entered the house.

Medical evidence that penetration had been effected was conclusive.

Immediately after his arrest accused shaved off most of his moustache and made other changes in his appearance. When asked to point him out soon after this the girl was unable to do so, but at the trial she was confident of his identity.

Accused denied that he had washed his clothes at the waterhole, and said he went there to get letters he had accidentally left there the previous day. He admitted meeting the girl on the road and seeing no one else on it. He stated that when he met her she was already injured.

On the ground that as van der Merwe had not followed the girl's tracks the whole way to Grootfontein there was nothing to disprove this, accused was acquitted.

The remark made by one witness in this case, that a small matter of this sort was not worth troubling about, is significant of the attitude of local farmers to cases of this character.

Rex versus Otto Rapmund.—Tried 30th and 31st October 1916. The accused is a German farmer residing in the Okahandja District. He had been in the habit of forcing the wives of his native labourers to work for him under threat of turning them all off the farm if they refused. This system had been in vogue for about five years, and was commonly adopted on the farms of the Protectorate.

On the 26th April 1916 one of his men, Lucas Karoreke, refused to allow his wife to work any longer. The other natives took up the same attitude, and were all told by accused they must leave the farm.

On the following day they were ordered out by the foreman to work as usual. Lucas refused to go, stating that he was under notice to leave and that he wished to see his master, Rapmund, to obtain a pass from him. He was taken to his master, who assaulted him, first with his fists and then by firing three revolver shots at him, one of which entered the groin. He made a good recovery.

Native evidence was to the effect that Lucas did nothing to provoke this. Accused stated that when he went up to Lucas the latter looked at him impertinently and, in consequence, had his ears boxed; that he then expected Lucas to return to work, but instead he sprang at him; and that, after his foreman had broken a stick over Lucas's head, he (accused) fired in self-defence. He also said that the pistol had gone off by accident.

He was convicted of dangerous assault and sentenced to a fine of 100*l.* or twelve months' imprisonment with hard labour.

Rex versus Walter Lichterfeld.—Tried 17th October 1916. The accused, who is the manager of the farm Otjisonagati in the Okahandja District, was charged with having assaulted a native labourer in such a manner as to cause death. The native, Jacob, had been employed as a herd by accused and, having lost a sheep, returned late with the cattle one evening. Lichterfeld informed him he must pay for the sheep and smacked his face several times and, as he turned to run, kicked him. The kick caused a rupture of the urethra, and eventually resulted in death.

Lichterfeld's plea was guilty of assault resulting in death. The plea was accepted, and he was sentenced to a fine of 25*l.* or three months' imprisonment with hard labour.

Rex versus Ernst Fahrig.—Tried 7th and 8th November 1916. Accused, a German police-sergeant, was charged with the murder at Okazongura, Omaruru District, in June 1915, of a native named Kamohombo. In May or June 1915, when our forces were approaching that part of the country, a farmer named Luther was killed by a native, who was subsequently convicted of intentional homicide by the Special Criminal Court. A German police patrol went out (unsuccessfully) in search of Luther's assailants. They found several natives and grossly ill-treated them with a view to extracting information.

Among other acts they seriously thrashed a native woman, and wished to mete out the same treatment to another who was *enceinte*, but their own natives interfered in her favour. One member of the patrol, Johann Binkowski, is already undergoing sentence for causing the death of one of the natives whom they caught (*see above*).

The Crown case was that Kamohombo was severely beaten on three occasions and eventually, when he became exhausted and was unable to proceed further, was shot by accused. One witness gave evidence to this effect, and a second, named Johannes Hausib, was called, who said that he had, under orders, administered the thrashings, and also testified to the shooting by the accused. This man, it transpired, had a very bad record, having several times been convicted of admitted offences under the German *régime*. The medical evidence was negative.

The defence was that the deceased was shot while trying to escape, which was permitted under German law.

The Court by a majority found the accused not guilty.

Rex versus Max Ahrens.—Tried 8th November 1916. It was alleged that on the 9th June 1916 accused had attempted to murder his native servant, Appollis, at Aris, Outjo District, by shooting him with a rifle. Accused pleaded guilty of shooting without any intention of seriously injuring the boy. The evidence showed that, after a quarrel with Appollis, accused sent another boy to bring him the rifle and shot him through the thigh. Appollis had made a complete recovery from his injuries.

The Court found the accused guilty of dangerous assault and sentenced him to 18 months' hard labour.

Rex versus Karl Schilg and Wilhelm Lehmpuhl.—The charge was murder of one Matthys, a Bushman male adult, at Obarura in Otjiwarongo District, on the 1st October 1916. The forefathers of Matthys had resided on this farm for many years. Their descendants were eventually dispossessed of it by the German authorities, and it came into the hands of Schilg. Lehmpuhl assisted him as a foreman on the farm.

For a time Matthys worked for Schilg, and about Christmas 1915 was sent away. At the end of September 1916 he returned, and when again ordered off by Schilg refused to go, saying that the Germans no longer owned the country and that the farm was his. Schilg went away and returned with Lehmpuhl with the intention (denied by them) of putting him off the place. Some sort of struggle took place between the two white men and Matthys and a native, Elias, which ended in Schilg drawing a Browning pistol and shooting Matthys through the right breast, lung, and spine, causing his immediate death. Both the natives were unarmed. Accused stated that he fired in self-defence, but the Court did not accept that view and found him guilty of assault resulting in death and fined him 100*l.* or 18 months' hard labour.

At the preliminary enquiry evidence was led that Lehmpuhl held Matthys while Schilg shot him. This was not substantiated at the trial, and he was acquitted.

Rex versus Georg Hounschild.—Tried 16th, 17th and 18th November, 1916. There were three charges of murder against accused, alleged to have been committed at Okahabara, Outjo District, in April 1916:—

- (1) Murder of an unknown adult male Bushman, thrashing him to death.
- (2) A similar offence committed by shooting.
- (3) Murder of an Ovambo named Salmon by thrashing him to death.

Some of the witnesses in Counts 1 and 2 were not forthcoming. As often happens in these cases, being Bushmen, they had run away through fear and have not yet been traced.

Count 3 alone was proceeded with.

Accused was employed by one von Rudno, a farmer, as also was Salmon, and they went with waggons to a salt pan to get salt.

On the way back an altercation took place between accused and deceased, and several native witnesses testified that accused severely thrashed Salmon, who was in consequence severely injured and died two days later after great suffering. Von Rudno, called for the defence, admitted that Salmon had been beaten by the accused, but denied the severity and stated that they were for three days before and two days after the assault without food and water, and that Salmon died of starvation, the swollen state of his body being due to dropsy caused thereby. He also admitted that the natives were frequently thrashed by accused and himself.

The medical evidence was negative, owing to the interval between the offence and the examination.

Accused did not give evidence, and was fined 50*l.* or eight months' hard labour for dangerous assault.

Rex versus Franz Ernst Becker.—Tried 9th and 10th November, 1916. Accused is a farmer, and in 1915 was engaged in this occupation at Gransab, in the Tsumeb District.

A few days before Christmas 1915, Hendrik, a "wild" Bushman, drove off two of his oxen to a water-hole $8\frac{1}{2}$ miles from his farm. There he was joined by the rest of his family, and the animals were killed and eaten. The party consisted of two grown men, Hendrik and Kangob, two adult women, Ibis and Kaaigoos; two youths, Fritz and Tedrip, and two girl children, Ongaris and Arowas, aged about 12 and 6 respectively.

Accused, accompanied by a Bushman servant, Max, next morning followed on the track of the oxen and came upon the party still torpid from their meal. He at once opened fire with his sporting Mauser magazine rifle at close range. The second shot killed Hendrik and the third Kangob. Meanwhile the rest of the party scattered. Fritz and Tedrip got into a thickly-foliaged tree, and the women and children hid under a dense bush. Fortunately for them, the two youths escaped notice; but the track of the others was followed, they were detected, and both women and children were shot dead by Becker. In his defence Becker stated that he was attacked with arrows. This was entirely contrary to the evidence of his servant Max, Fritz and Tedrip, who were all agreed that the party of Bushmen was completely taken by surprise, and in any case did not justify the shooting of the women and children after the men were killed.

Becker was sentenced to death. The sentence was commuted to imprisonment for life.

Rex versus Hans von Hatten.—Tried 11th to 18th May 1917. Hans von Hatten, a German farmer, 32 years of age, residing at Oas in the District of Gobabis, was charged with attempting to murder Michael, an aged Klip Kaffir who had been in his employ, on the 21st December last, at Oas.

It appeared that von Hatten was for some reason dissatisfied with Michael, and about the 18th December took him to the police at Gobabis. According to Michael, he was made to perform the journey on foot, tied to accused's horse by a thong fastened round his neck. The distance was some thirty odd miles. Accused admitted this treatment, but only over a portion of the journey some four miles in extent. On arrival at Gobabis the police refused to charge Michael, and told him to return to Oas and remove his family and goods and thereafter seek another employer. On the evening of the 21st December Michael reached his huts and told his wives to prepare to leave. Later in the night accused rode up to the huts, accompanied by a Bushman named Sab. There was some conflict of evidence as to what happened thereafter. Accused's story was that having lost cattle he wished to search the huts for meat and ordered the natives to come out, that upon their refusal he threatened to set fire to the huts, and that thereupon Michael seized hold of him and tried to throw him down, and Michael's son, Hodebeb, also assumed a threatening attitude, and that he fired the Browning pistol he was carrying first at Hodebeb and then at Michael.

There was no evidence that Hodebeb bore any injury. Michael had received wounds from three bullets, one on the left side of the head, the entrance being behind the ear and the exit in the neck, another through the left side of the neck from back to front, and a third inwards and downwards through the covering of the right side of the stomach. All the wounds were slight and no serious injury was caused.

The Court was apparently not satisfied that accused intended to kill Michael, but found him guilty of dangerous assault. The punishment awarded was a fine of 50*l.* or six months' hard labour.

Rex versus A. F. J. Bohme.—Tried 28th May 1917. Accused, a German and a painter (out of work), aged 63, was charged with an offence upon a young native girl at Usakos on the 21st March 1917. It appeared that the police had some reason to suspect him of improper conduct with native children. On the day in question he was seen going in the direction of thick bush with two young girls and was followed by Constable v.d. Post, who found him lying down with one of them inside a bush which was so thick that he could not see plainly what was

taking place. The girl ran away when she saw the constable, as did the other girl who was in the vicinity. Accused stood up, and van der Post saw that his clothing was disarranged. The girl was an unwilling witness, but admitted that accused had taken her to the bush for the purpose of having connection with her and failed in his purpose. He had given her 1s., and she was a consenting party. Medical examination showed that she had been tampered with, and accused admitted a certain degree of improper conduct.

There was some difficulty about the age of the girl. In appearance she was under 14, and the medical witness estimated that she was between 12½ and 13½. She had not yet menstruated. Accused produced a certificate that she was baptized in 1909, which stated that she was born in 1903. Her mother was unable to give the Court any satisfactory assistance on the point, as is usual with natives of this territory, who are as a rule extremely vague on the question of age.

The Court found the accused guilty of indecent conduct with a girl under 14 and sentenced him to six months' hard labour.

Rex versus Carl Alfred Feuerstein.—Tried 23rd May, 28th May—2nd June 1917. Feuerstein is a German ex-Postmaster, aged 33, who had taken up his residence on the farm Sus in the Grootfontein District. He was charged with the murder on the farm, on the 27th October 1916, of a Bushman named Hans.

At the time of his death Hans was the leader of a gang of Bushmen vagrants, and Hans himself was a renowned stock thief. He was also suspected of more than one murder. The facts of these as known to us indicated that he may have had considerable provocation; but it is undoubtedly the case that they were officially regarded, after some investigation by authority, in the light of murder. It may therefore be accepted that among the German population he was looked upon as a dangerous man.

For some few days before the 27th October Hans's presence in the vicinity of Sus was known to the residents. On the 26th they received information that he was in the immediate neighbourhood, and determined to try to effect his capture. Possibly they intended to kill him, but there was no direct evidence on this point.

There were on the farm accused and two other white men, who possessed between them two rifles and a Browning pistol, and a number of natives all said to be ill-disposed towards Hans.

On the 27th October, accused, accompanied by a Bushman, Guntsas, and followed at a short interval by another named Qabub, set out on horseback after Hans. He carried his rifle, as was his custom, and, in addition and contrary to his ordinary habit, took with him the Browning pistol, which was not his property.

It is to be presumed that if he had merely intended to capture Hans he would have taken with him some other natives and at least one of the other white men.

Hans was accompanied by the remainder of his band, composed of at least four other men, two women and two children. They had with them, as was probably known to accused, one rifle besides bows and arrows. In their possession was some stolen meat, but beyond that their purposes for the moment at any rate were peaceful. The accused had no interest in the stolen meat.

Accused overtook the band, charged into it, singled out Hans and fired at least three shots at him with the pistol. Only the last took effect, but it was fatal. He alleged that Hans first fired the gun at him without result, but stated that he threw it away before the fatal shot was fired.

It was said by one of the natives who accompanied Feuerstein that before setting out he had declared his intention of killing Hans. The Court did not say whether it accepted this as a fact and the declaration as seriously intended.

The Court found as facts proved: that Hans did not have the gun in his possession and did not fire it; that no one else fired it; that Hans offered no resistance, and that he was lame on account of a poisoned foot and unable to get away from the accused, but made some attempt to do so; also that accused fired at him at comparatively and increasingly close range, and that the fatal shot was fired when Hans's back was turned. The wound was almost midway between and slightly below the shoulder-blades.

There was some evidence that Hans had attempted to escape into thick bush before the fatal shot was fired, but was prevented by accused.

A verdict of murder was returned, and accused was sentenced to death.

On the ground that there was no proof of deliberation, and that therefore the offence was *Totschlag* merely, the sentence was commuted to ten years' hard labour.

Rex versus Jacobus Markus.—Tried 15th May and 2nd-3rd July 1917.

Rex versus John Annis.—Tried 15th May and 2nd-3rd July 1917.

Rex versus Albert Schmidt.—Tried 15th May and 4th-5th July 1917.

Although the accused in these cases were indicted and tried separately, it will be convenient to report on them together. Schmidt is a German farmer at Chamis South, Bethany District. Annis is the son of a Portuguese and a Bastard woman. He occupies a neighbouring farm and lives in a house on Schmidt's property. Markus is a coloured inhabitant of this country who was in the employ of Schmidt as a shepherd.

Annis had in his service a Hottentot named Lindip. Schmidt had in his possession a rifle and ammunition, and was anxious to conceal this fact from our officials, presumably to prevent them being taken away. Lindip became aware of this, and to prevent him disclosing his information to the authorities Schmidt determined to make away with him. He accordingly, on the 6th October 1916, arranged with Annis and Markus that Lindip should be sent out into the veld and the three of them would follow and shoot him. On the morning of the 7th October, Lindip was sent out by Annis. He took with him two dogs. Soon after his departure Markus received the rifle and two cartridges from Schmidt, concealed in sacking, and with Annis went after Lindip. As arranged, they waited at the foot of the mountain for Schmidt, but as he did not come went on to the top. There they found Lindip, and all three sat down. After Lindip and Markus had smoked a pipe, Markus, at the instigation of Annis, and after having expressed some hesitation, shot Lindip dead in cold blood. He fired two shots, the first through the body and the second through the head.

Having disposed of the body by placing it in a hole under a ledge of rock and walling it in with stones, they returned to Schmidt's house and told what they had done. They took the two dogs back with them. A report was made to the police that Lindip had absconded.

Some time after this Markus was given a bottle of paraffin by Schmidt and sent out by him to burn the corpse. He took the paraffin to the spot and left it there, and has explained that he was afraid to do anything further.

About the 12th January 1917 Schmidt and Annis proceeded to the spot and made a fire with bushes and the paraffin and destroyed the body, nothing being left but some calcined bones and certain metal articles, which Lindip was proved to have had in his possession on the 7th October.

Other natives on the farm had become uneasy and suspicious at Lindip's absence. One, Hans Lucas, received orders to go into the veld the day after Schmidt and Annis had gone out. He seized the opportunity to follow their spoor, and eventually found the fire and recognised the metal articles. He took another native to the spot and showed him what he had found, but they disturbed nothing.

On their return to the farm Lucas went to Chamis [Police Station, which was not far away, and reported the matter.

Constable Enslin went to Chamis South and verified the facts. The next day Markus, who had apparently learned of his visit, arrived at the Police Station and said his conscience was troubling him and he wished to make a full disclosure of what had occurred. He then made a short statement to the above effect. Enslin, who was alone, sent him into Bethany, which he reached the next day but one. There he made a full confession to Sergt. Coetzee, which was reduced to writing. Subsequently he confirmed this confession before the magistrate. Annis also made a statement to the police on arrest which exonerated himself but implicated Schmidt and Markus.

The three accused were indicted and tried separately. The trial of Markus took place first. He now told a different story, obviously false, to the effect that Lindip had been shot by accident. He was convicted and sentenced to death.

Annis was next dealt with, and Markus was called as a witness against him. He reverted to his original story of the affair, explaining that on the way to Windhuk the other two accused had persuaded him to give a false account. The Court did not accept Annis's version, and he was also convicted.

Thereafter Schmidt was placed on his trial, and both Markus and Annis were called against him. Markus repeated his first story, and Annis, under examination by a member of the Court, seriously implicated Schmidt, who in his turn was sentenced to death.

The sentences were commuted to imprisonment for life.

Rex versus Wilhelm Halberstadt.—Tried 6th December 1917. Accused, a German farmer at Wilhelmsruhe, Grootfontein District, had in his service a Bushman cow-herd named Kaan.

In May 1917 Kaan took to his bed, and sent a message to accused that he was sick. Accused said he must go on with his work. Kaan went out accordingly with the stock that day, and on his return in the evening accused struck him and threw him to the ground. Blood came from his nose and mouth. Next day Kaan again went out with the stock, but when he returned was weak. He again told his master he could not work, and was again thrown down with the same result as before. Next day he went out with the stock, and on his return some of the animals strayed as he was not able to run after them. On this account he was again ill-treated in the same way. He went out as usual next day, but the stock came back without him. Another native went to look for him and found him staggering along through the veld and falling down every now and then. He reached the kraal with difficulty. Then accused ordered him to do some work and, as he failed, threw a lump of sandstone at him, which hit him and knocked him down. Accused then kicked him. That night Kaan disappeared from the farm, and two or three months later his dead body was found in the veld. The cause of death could not be determined.

Halberstadt was charged with murder, but was fined 50*l.* or six months' hard labour for common assault.

Rex versus Paul Arno Becker.—Tried 11th December 1917. This man, a German farmer at Chairos, Outjo District, had a Bushman boy, Hongrib, aged 15, in his service. He gave him a beating for an alleged theft, and the boy ran away. He was recovered, was again charged with stealing, and again absconded. Hongrib's mother, Dikpens, also lived on the farm. She had two other children, one about 5 years old and the other still at the breast. In order to get Hongrib back, Becker sent her out to look for him, first locking up the children in a room at the farmhouse. He told her not to return without Hongrib. She was away three days and three nights, and returned without him. Meanwhile the children had been kept locked up in the room with no covering, and had only received as food a little milk. On Dikpens's return Becker sent her out again at once to look for Hongrib. She went to the nearest police-station, and a patrol was sent out and the children were released and restored to their mother.

For his ill-treatment of the little children he was fined 50*l.* or three months' hard labour.

Upon Hongrib's return subsequently Becker thrashed him, for which he was fined 5*l.* or 14 days' hard labour. Thereafter Hongrib was taken out into the veld by another German and very severely beaten and left tied up in the hot sun all day. He became unconscious, and was found a day or so later by a native constable in the last stages of exhaustion. This matter is still *sub judice*.

At the present moment the following cases are pending:—

Rex versus Fritz Orthey.—It is alleged that in January 1917, at Choiganaub, Grootfontein District, accused captured a Bushman stock-thief and took him into the veld and shot him. Native witnesses, who have since disappeared, stated that the Bushman was chained up. Accused's version is that he was taking him to the police-station, and that on the way his horse gave out, whereupon he set out on foot through the veld for the nearest farm with his prisoner. In the veld he was attacked by the prisoner, and shot him in self-defence.

Rex versus Georg Vosswinckel.—There are two charges of murdering natives and concealing their bodies in ant-bear holes pending against this man.

Rex versus Rudolph Tommaschewski.—There are two charges against this man of murdering a native man and woman and, in the case of the woman, destroying the body by fire.

Rex versus H. Ehmke.—After a dispute with a farm servant over his duties accused is alleged to have picked up a large stone and struck the boy two or three blows over the head, giving him dangerous injuries which necessitated his detention in hospital for 14 days.

We now turn to the converse case of violence offered by natives to Germans. Only two have come before the Special Criminal Court, and particulars are as follows:—

Re versus (1) *Fritz*; (2) *Massinab*; (3) *Langman*.—Tried 27th April 1916. Accused were Bushmen, living in the Grootfontein District. Fritz was for a period in the employ of Europeans, but for some years had apparently lived as one of a predatory band of Bushmen who at that time infested the bush in this as in other parts of the Protectorate. He was charged with the murder of two German farmers, Ohlroggen and Korting, on the 15th September 1915, on the farm Goroab West, in the District of Tsumeb, by shooting them with a rifle. Some Bushmen, servants of a farmer named Eckstein, the owner of Goroab West, had run away. He with other natives, Ovambos, went to a water-hole and found one of them, whom he took back to the farm. He also took five or six Bushmen women, his object being, as he stated, to induce their husbands to follow them, when he hoped to obtain their services as labourers. The chief of the party living at this water-hole was one Max, who was away at the time but returned later in the day. All the accused were said to be members of his band. The party possessed two rifles and a few cartridges. Max ordered accused (*Fritz*) to take some of the other men, armed with the guns and bows and arrows, and go next day to recover the women.

When they reached the farm, *Fritz* carrying a Mauser rifle, Eckstein was away in the lands and a German named Angebauer was near the house. The latter was shot at and wounded, but no evidence was forthcoming as to who fired the shot except *Fritz's* admission that he did it. Eckstein then fled to the next farm and returned with two other men, Ohlroggen and Korting. They were unarmed. In the meantime the Bushmen had disappeared into the bush near the road. Eckstein left his companions and went to his natives in the lands to find out what had happened during his absence. Ohlroggen and Korting continued on the road. A shot was fired from the bush where the Bushmen had hidden, and Ohlroggen fell. Korting ran away, but was killed at once by another shot from the same spot.

There was no direct evidence as to who fired the fatal shot, but it was proved that *Fritz* was in the party and carried a Mauser. There was some evidence that *Massinab* and *Langman* were also with the party, but armed only with bows and arrows. No one could see any of the Bushmen when the shots were fired, although they were last seen shortly before in the immediate vicinity of the spot from which the shots came.

Fritz on three separate occasions admitted his guilt. He gave as his reasons:—

- (1) That he acted under the orders of Max.
- (2) That Max told him to kill Eckstein because the women had been carried off, and that he was not near enough to Eckstein to kill him, so he shot Ohlroggen and Korting instead.
- (3) That the Germans have often killed Bushmen, and Bushmen were entitled to retaliate.

The statement made by *Fritz* at the Preparatory Examination is worth reproduction in full. It was as follows:—

Johannes Fritz, duly cautioned, states:—

I am a Bushman. About two years ago I was employed by a Mr. Bucherin in the Grootfontein District. I was not treated well by Mr. Bucherin, so I left his service and lived in the bush. One day a Bushman named Max, who is headman of a Bushman family, came to me and told me that he had shot a white man named Ludwig on the farm Guntzas; he then gave me a rifle (Martini pattern) and told me to come with him, as I was a good shot and the Germans would soon be chasing him, and that I could help him shoot the Germans.

From that time I followed Max, and he was my captain and I had to do everything that Max ordered me to do. About the time the rains came last year Max instructed me to accompany him, together with five other Bushmen, named Noib, Acherob, a son of Noib, and Jakob, to the farm of a German named Friboln, where he intended killing the Europeans because he (Max) had no tobacco left; so he said we must kill the white man and take his tobacco. When we reached the farmhouse the white

man was not there, so we helped ourselves to his tobacco and clothing and also money. As we were standing outside the house Max went over to the dwelling of the farm servants and was captured by three natives (a Bushman, Herero, and a Kaffir). When I perceived that Max had been caught, I immediately went to his assistance and shot all three of the natives, who died. I know the names of two of these natives: the Kaffir's name was Koisib, the name of the Bushman was Kaikabas, and I do not know the name of the Herero. This occurred in the Grootfontein District. After that we were chased by the German police, so came and lived at the water-hole named Herab, in the Tsumeb District. On the 14th September 1915, Mr. Eckstein, of Goroab, came to Herab and took some of Max's Bushwomen away from his farm. Max then instructed me to proceed to Eckstein's farm, accompanied by Noib, Massinab, David and Acherob, and told me to kill Eckstein and bring his (Max's) people back. We arrived at Eckstein's farm in the morning, and waited in the bushes at the back of the house. I saw Mr. Angebauer and shot at him; I cannot say whether I hit him. I then saw Andries in the mealie lands and went down to him and told him he must not accompany white men when they went into the bush and stole Bushwomen who were doing no harm. I then intended to go to Goroab East in pursuit of Eckstein, who had gone away, and it was then I perceived three white men and two Ovambos coming from the direction along the road. I then went into the bush near the road and waited for them. Before they reached me Eckstein left the other two white men and went towards Andries in the mealie field, and the other two white men came past me. I shot the big man (Ohloggen) first, and the small man (Korting) turned round and ran back, and I shot him also. I then fired at Eckstein once, and Eckstein fired three times at me. When I shot these two white men I was accompanied by Acherob; the others were some distance away in the bushes. I did not follow Eckstein after this, but took my people whom Eckstein had stolen and returned to Herab. Max did not accompany us, as he was suffering from sore eyes. All the crimes I have committed were done on the instructions of Max; he is my captain, and I cannot refuse to do anything he tells me to do. The Bushmen who accompanied me did not fire at the white men; I did all the shooting. Noib fired once at the house, just after I had shot at Angebauer, but did not shoot anyone. Acherob murdered a Kaffir named Fritz by striking him on the head with a log of wood at New Desenberg, in the Grootfontein District, about the time the rains came last year. Max has a Martini-Henri pattern rifle, but has no ammunition for it. The others have bows and arrows.

JOHANNES FRITZ his × mark.

The Court acquitted Massinab and Langman, as there was no evidence to directly implicate them, but sentenced Fritz to death.

Rex versus Langmann and Jonas.—Tried 2nd May 1916. The first accused was a Herero, the second accused a Berg-Damara. They were charged with the murder of Paul Luther, a German farmer in his lifetime residing at Omaroho, District of Omaruru, where the crime was committed. Deceased, accompanied by native servants, went in search of small stock which he had lost. This party reached the werft of accused, where they found some girls, who took alarm and ran to the men. Deceased, with the object of frightening these girls, fired a shot in the air. He and his native servants followed the girls and came upon accused. Deceased approached these men holding his rifle at the hip. Langmann jumped underneath the rifle and caught hold of it. Luther called to his servants for help, but before they could release him Jonas, the second accused, came up and struck deceased with a bar of iron on the base of the skull. He fell dead, and his body was further mutilated after death. The second accused admitted that he killed Luther, was convicted of intentional homicide, and sentenced to two years' imprisonment with hard labour. The first accused was acquitted.

In both these cases it will be seen that there was something to be said on behalf of the natives. In the first, several women had been carried off and detained by the Germans; and, whatever the motive of this, it was not to be wondered at that their husbands endeavoured to rescue them. In the second, deceased had already fired one shot and approached with his rifle in a position to fire another,

so that the accused had some reason for supposing that he meditated an attack on them.

On the other hand, in most of the cases of violent conduct towards natives on the part of Germans, which are quoted above, there was no evidence of any adequate motive.

It will be observed, and perhaps wondered at in view of what has been stated in Part I of this work, that sexual offences against native women are only represented in this chapter by one case, in which conviction followed. There is, however, good reason to think that the true facts as to the position in this respect have not been disclosed through the medium of the Courts. The native races have been so subjugated by their white over-lords that their women have for years been defenceless and at the mercy of any European male who cared to make use of them. Complaint to the police in German time would have been worse than useless. They have, in consequence, become accustomed to submit more or less tamely to the advances of white men and to offer but little resistance, however distasteful such overtures may be to them, and least of all to make complaint to authority. This was but one more misery added to all the other miseries of life. After years of docile submission it is obvious that time must elapse before they can realize that matters have changed, that they can look to us for protection, and that attacks upon their virtue may now be resisted, and resisted with impunity.

It has not been the purpose of the writer to offer extensive comment on the foregoing. His object has been to give concisely the bare facts of each case as found proved by the highest tribunal in the land—whose members are a barrister of high standing in the Union with large experience of criminal matters, and two stipendiary magistrates of similar experience—and leave the reader to form his own conclusions. He should meet with no difficulty.

APPENDICES.

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APPENDIX I.

DESCRIPTION OF HANDCUFFS, LEG AND NECK CHAINS, USED BY THE GERMANS IN THE TREATMENT OF PRISONERS.

These may be divided into four classes, viz. :—

- (1) Gang Chains (Plate A).
- (2) Combined Leg-Irons and Handcuffs (Plate B).
- (3) Handcuffs (Plate C, Figs. 1, 2, 3, 4, 5, 6 and 7).
- (4) Leg-Irons.

A.—(1) GANG CHAINS: Plate A. (See also Plates A1 and A2.)

Fig. No. 1 shows a chain, 8 feet long, connecting two iron neck-collars. The collars are made of flat iron bands, $1\frac{1}{4}$ inches wide and $\frac{3}{8}$ -inch thick, have a hinge and lock attachment, and do not have a leather or other covering for the protection of the skin. The combination weighs 7 lbs. 3 oz., viz., chain 3 lbs. 7 oz., and each collar 1 lb. 14 oz. The defect in the open collar close to the link from which it is suspended was caused by the passage of a bullet, showing that in all probability a prisoner was shot through the neck while actually in chains. (See also Plate A2.)

Figs. 2 and 3 show gang chains for four and three prisoners respectively, similar in construction to No. 1 but of lighter material. The collars are covered with leather and the chains are $6\frac{1}{4}$ feet long. No. 2 weighs 14 lbs. 10 oz., and No. 3, 10 lbs. 3 oz., while the weight of each collar is 1 lb. 5 oz., and of the connecting chain 3 lbs. 2 oz.

Gang chains were applied as shown in Plate A1. Working gangs were sent out and had to perform their work in these chains, and instances are recorded where prisoners were marched long distances, e.g., from Warmbad to Keetmanshoop, a distance of 140 miles, chained together in large groups. When the weights of these appliances are taken into consideration, it will be found that each prisoner, with the exception of those at the extremities of the gang, had to support from $4\frac{1}{2}$ to $5\frac{1}{2}$ lbs. from the neck. Their continued use is bound to lead to local injury, and the constant and inevitable interference with the circulation and respiration to serious impediment of the health of the prisoner.

Fig. 4 represents a rough neck-collar, made from round iron, half an inch thick. It is not provided with a lock, but the ends are furnished with eyes, through which a chain can be run to connect up the prisoners. Its weight is $1\frac{1}{2}$ lbs. It has not been possible to determine whether this type was actually made use of.

Fig. 5 is a rough collar made out of a horse-shoe and furnished with a chain for locking a prisoner to the saddle. It weighs $2\frac{1}{2}$ lbs., and demonstrates one of the ways in which prisoners were led from one station to another by mounted escorts. In addition to the neck chain, the prisoner was invariably handcuffed.

(2) COMBINED LEG-IRONS AND HANDCUFFS: (Plate B). (See also Plates C1 and C2.)

Fig. 1.—This combination consists of a heavy hand-bar connected by means of a chain to the leg-irons. The hand-bar is 15 inches long, weighs $5\frac{1}{2}$ lbs., and is provided with sockets for the wrists at each end. The leg-irons are 2 inches wide and from a quarter to half an inch thick. These weigh $3\frac{1}{2}$ lbs. each, and are connected by a chain 28 inches long, from the centre of which another connects them with the hand-bar. The handcuffs and leg-irons are not provided with a covering for the protection of the parts, and even if they were covered, serious injury to the arms and legs is bound to result owing to their weight and the crude manner in which they are made. During progression the chain drags along the ground, and to relieve the ankles the prisoner has to flex the arms. As soon as this is done, a weight of 8 lbs. is thrown on the latter. When the arms are exhausted and allowed to drop,

the hand bar becomes tilted antero-posteriorly owing to the peculiar attachment of the chain, and painful pressure is immediately exerted by the sharp edges of the sockets, while simultaneously an increased burden falls on the ankles. The result is that constant and inevitable pain and torture are produced by this vicious circle of events. Even in the recumbent position the effects are similar. As a means of inflicting barbarous cruelty on prisoners this diabolical instrument is unrivalled. (See also Plate C2.)

Fig. 2 represents a light combination of leg-irons and handcuffs, which seriously impedes progression and causes very great discomfort. The hands are in very close opposition and in a most uncomfortable attitude. It offers a severe means of punishment and as a method of restraint is unnecessarily cruel (See also Plates C and C2.)

(3) HANDCUFFS: Plate C, *Figs. 1, 2, 3, 4, 5, 6 and 7.* (See also Plates C1 and C2.)

Fig. 1 shows a bar handcuff, 2 feet long, made of flat iron, 2 inches wide and $\frac{1}{2}$ of an inch thick. It weighs 12 lbs.

In the upright position it produces painful pressure in whatever attitude the arms are placed. The same also applies to the sitting and recumbent postures, when every change of position causes pain and torture. Its use cannot be justified under any circumstances, not even as a temporary measure for restraint. If worn for any length of time very serious injury will result to the arms and also to the general health of the prisoner. (See also Plate C2.)

Figs. 2 and 3.—This type of handcuff varies in weight from 1½ lbs. to 2 lbs. No objection could be raised against them as a temporary means of restraint, provided that the correct size is fitted. Their use for long periods or in conjunction with leg-irons (*Figs. 9 and 10, Plate C*), especially in the case of women, cannot be too strongly condemned.

Figs. 4 and 5 represent the ordinary types of handcuffs, and require no description or comment

Figs. 6 and 7.—These handcuffs are used for transferring prisoners by mounted escort from one station to another, sometimes over long distances. The prisoner, attached to the saddle by the chain, had to regulate his pace according to that of his escort. The hands were, more often than not, handcuffed behind the back. This method of conveying prisoners may be perfectly humane, but lends itself to gross abuse by an inconsiderate escort. The hands are in too close opposition to be comfortable, and when the distance is great considerable suffering will result.

Figs. 8, 9 and 10 are leg-irons, which were generally used in conjunction with Nos. 2 and 3, as described above. They vary in weight from 2½ to 3½ lbs. The cell floors were provided with ring bolts to which prisoners were frequently secured by means of these chains. While the actual use of them as a temporary means of restraint, in the case of dangerous criminals, cannot be considered inhumane, there is, unfortunately, abundant evidence to show that they were designed and actually used as means of punishment, and their use for the chaining of women for such offences as laziness, impertinence or vagrancy could not possibly be justified. During progression they are a constant source of discomfort, and when worn for any lengthy period, destruction of the skin and underlying parts takes place, with very painful and even serious consequences to the prisoner. (See also Plates C1 and C2.)

No more cruel system of slow and deliberate torture could be devised than this chain system. In addition to the torture inflicted by these chains, prisoners were made to do as much work as if they were unfettered. Further, being clad in sacks only, their sufferings were aggravated in winter by the cold in the dark and badly ventilated cells. (The original chains and fetters appearing in these plates are all in my possession.)

B.—(1) OBSERVATIONS ON CORPORAL PUNISHMENT AS PRACTISED IN THE UNION OF SOUTH AFRICA.

Corporal punishment is inflicted only in the most serious offences, such as robbery with violence, rape, certain contraventions of the Immorality Laws, and habitual stock theft, the object being to cause temporary pain but not prolonged suffering. Experience has shown that the rattan cane is the most suitable instrument for this purpose, as it meets the requirements of justice at a minimum cost to the health of the prisoner. The prescribed cane is $\frac{1}{2}$ inch in diameter and 4 feet long (*vide* Plate D). It is light, elastic and under perfect control, allowing of an even distribution of the strokes across the buttocks. It does not cut the skin, but merely produces superficial abrasions, which heal readily. Punishment is always carried out under the supervision of a medical officer, who has the power of stopping it should signs of serious shock or collapse appear. After punishment the prisoner is given some light duty, such as cleaning, for two or three days, when he is usually well enough to return to hard labour. The number of strokes rarely exceeds 12, and only in the case of very serious offences are more inflicted. Any number in excess of this leads to superimposition of the lashes, resulting in greater local injury and intense shock, which might seriously cripple and even endanger the life of the prisoner, while, at the same time, such a degree of loss of sensation in the parts is produced as to render the victim insensitive to pain, thus frustrating the main object of justice. The cane is soaked and disinfected as far as possible before use, and the strokes are horizontal and not vertical. Great care is exercised to protect adjacent vulnerable parts by means of pads, and to confine the strokes to the buttocks, by immobilising the prisoner on a tripod. By these precautions injury to such organs as the genitals, and cutting of the skin over bony prominences, are prevented. Before the administration of the strokes the prisoner is examined by a medical officer, who advises as to his fitness, or otherwise, to undergo punishment.

(2) IN S.W. AFRICA UNDER THE GERMAN RÉGIME.

The sjambok was the prescribed instrument for inflicting lashes in S.W. Africa during the German régime. It may be described as a short handwhip, varying in length from 3 to 4 feet, and composed entirely of the raw hide of such animals as the giraffe, rhinoceros, or hippopotamus. The handle is rigid, and the lash gradually tapers towards the point, which is very supple and consequently not under

control (*vide* Plate D). It is generally used for driving cattle, and will, if sufficient force is applied cut clean through the skin of even these animals. The lashes were administered by a native policeman, who was selected on account of his strength. The prisoner, after being stripped, was placed prone over a barrel, box, log of wood, or other convenient object, and held securely by the hands and feet by two or more assistants. This position allows of the delivery of downward and more forcible strokes with the sjambok, and greater laceration of the tissues necessarily results. Further, as the prisoner was able to wriggle about while being flogged, it was impossible to place the lashes accurately, and very often the point of the sjambok reached round the abdomen or other parts. Of the natives who have passed through the Native Hospital at Windhuk since our occupation, a very large percentage bore unmistakable evidence of having been brutally flogged. For instance: A boy who received, nearly 10 years ago, 60 lashes, in instalments of 15 at fortnightly intervals, was laid up in the prone position in hospital for two months after the flogging. The buttocks show extensive scarring, due to the complete destruction of the skin and a distribution of scars over the upper and outer part of thigh and abdomen, caused by clean cuts of the sjambok. Another native, who received, about 10 years ago, 37 lashes for desertion from service of a brutal master, in two instalments of 24 and 13 respectively, shows similar scarring, which extends beyond the buttocks. This boy required a month's hospital treatment after the flogging. Similar instances could be multiplied indefinitely.

C.—OBSERVATIONS ON CAPITAL PUNISHMENT AS PRACTISED BY THE GERMANS IN SOUTH AFRICA.

Executions were carried out in a very crude and cruel manner. The condemned prisoner was conducted to the nearest tree and placed on an ammunition, biscuit, soap, or other box or convenient object, and the rope, after being run round his neck and through a fork of the tree, was fixed to the trunk. The box was then removed and death resulted from asphyxiation. Under these circumstances fracture-dislocation of the spinal column rarely can have taken place. There was no privacy about the proceedings, nor, except in towns or in their immediate vicinity, was the body taken down and buried.

The majority of the victims shown in the photographs of executions bear evidence to the cruelty and torture of the chain system. Note the rags covering the wounds produced by the chains above the ankles.

Where a number of executions had to take place, a rough gallows was put up and the hanging carried out in the manner described above. (*See* frontispiece.)

In other instances the condemned prisoner was strangled by merely hoisting him off his feet by utilising the fork or branch of a tree.

When rope was not available, telegraph or telephone wire or other convenient material was used. Very rarely could death have resulted instantaneously.

L. FOURIE, Captain, S.A.M.C.,
District Surgeon, Windhuk.

19th January 1918.

APPENDIX 2.

KAISERLICHE GOUVERNEUR VON DEUTSCH-SÜDWESTAFRIKA,
J. No. 14200.

Geheim!

Windhuk, den 31. Mai 1912.

An den Herrn Kaiserlichen Bezirksamtman, Distriktschef *persönlich!*

In den letzten Wochen sind mir von verschiedenen Seiten Nachrichten zugegangen, wonach unter den Eingeborenen in einzelnen Gegenden des Landes in der letzten Zeit eine verzweifelte Stimmung um sich greifen soll. Als Grund wird mir übereinstimmend die Tatsache bezeichnet, dass sich rohe Ausschreitungen Weisser gegen Eingeborene—es haben sich leider in einzelnen Fällen auch Polizeibeamte dertartiger Vergehungen schuldig gemacht—bedenklich mehren und oft nicht die dem Rechtsgefühl der Eingeborenen entsprechende Sühne vor Gericht finden. Die Eingeborenen, die an der Unparteilichkeit unserer Rechtsprechung verzweifeln, würden dadurch in einen blinden Hass gegen alles, was weiss ist, und im Endresultat zur Selbsthilfe, d.h. zum Aufstand getrieben. Dass derartige Gefühle des Hasses unter den Eingeborenen, wenn nicht energisch Abhilfe geschaffen wird, über kurz oder lang zu einem erneuten verzweifelten Eingeborenen-Aufstande und damit zum wirtschaftlichen Ruin des Landes führen müssen, liegt auf der Hand. Es ist also im Interesse der gesamten weissen Bevölkerung, dass Elemente, die in wahnsinniger Rohheit gegen die Eingeborenen wüten und ihre weisse Haut als Freibrief für brutale Verbrechen betrachten, auf jede Weise unschädlich gemacht werden. Denn ein Volk, das Anspruch darauf macht, als Herrenvolk betrachtet zu werden, muss vor allen Dingen seine eigenen Reihen reinhalten. Wenn die Verbrechen Weisser gegen Eingeborene keine oder keine genügende Sühne finden, ist es auf die Dauer nicht möglich, bei Verbrechen von Eingeborenen gegen Weisse mit derjenigen Strenge vorzugehen, die im allgemeinen Interesse geboten ist.

Es steht mir kein Einfluss auf die Rechtsprechung über Weisse zu, ich werde aber im Wege der Verwaltung, soweit es mir möglich ist, dafür sorgen, dass den zweifellos vorhandenen Missständen entgegengewirkt wird. Vor allen Dingen werde ich von Fall zu Fall anordnen, dass solchen Weissen, die sich fortgesetzter Brutalitäten gegen ihre Eingeborene schuldig machen, keine Eingeborenen mehr als Arbeiter überwiesen werden dürfen.

Eine wirksame Abhilfe aber wird nur dann möglich sein, wenn die weisse Bevölkerung selbst, die, wie ich weiss, derartige Brutalitäten roher Elemente auf das Schärfste verdammt, über ihre Stellungnahme solch gemeingefährlichen Individuen gegenüber keinen Zweifel lässt und tätig mitwirkt, um derartigen Verbrechen vorzubeugen und dieselben, falls sie geschehen sind, zur Bestrafung zu bringen.

Da ich überzeugt bin, dass es den Bezirksräten möglich ist, in diesem Sinne auf ihre Mitbürger einzuwirken, ersuche ich Euer Hochwohlgeboren, dem Bezirksrat in der nächsten Sitzung den Inhalt dieses Schreibens streng *vertraulich* mitzuteilen. Ich hoffe, dass es möglich sein wird unter Mitwirkung der weissen Bevölkerung Zustände zu schaffen, die den Eingeborenen das Vertrauen zurückgeben, dass auch sie bei den Weissen Abhilfe gegen brutale Ausschreitungen Einzelner finden.

Den Empfang dieses Erlasses bitte ich, mir zu bestätigen.

(gez.) SHITZ.

APPENDIX 3.

KAISERLICHEN BEZIRKSAMT,
J. No. 295.

Lüderitzbucht, den 31. Januar 1908.

An das Kaiserliche Gouvernement, *Windhuk*.

Betr.: MISSHANDLUNGEN GEGEN EINGEBORENE.

Auf die Verfügung vom 2. d. Mts. J.Nr. 153:—Fälle, in denen Ansiedler sich Misshandlungen gegen ihre Eingeborenen haben zu schulden kommen lassen oder ihnen keine ausreichende Verpflegung verabfolgt haben, sind hier nicht bekannt geworden. Jedoch ist eine ganze Reihe von Fällen, in denen Bahnangestellte die ihnen unterstellten oder zur Beaufsichtigung zugewiesenen Herero-Kriegsgefangenen misshandelt haben, zur Anzeige gelangt.

Ich habe in den meisten Fällen gegen die Betreffenden Straffantrag bei dem Kaiserlichen Bezirksgericht hier gestellt, das jedoch nur selten zu einer Bestrafung gelangt ist, da in den weitaus meisten Fällen nur Eingeborene als Zeugen in Betracht kamen, deren Aussagen von Seiten des Gerichtes nicht für genügend gehalten wurden.

Die Kaiserliche Bezirksamtmann,

(gez.) BOEHMER.

KAISERLICHES BEZIRKSAMT,
J. Nr. 5150.

Lüderitzbucht, 14. Juni 1911.

Dem Kaiserlichen Gouvernement, *Windhuk*.

IN den Verdacht der Negrophilität gerät derjenige Beamte, der berufsmässig den auf den Diamant-Feldern grassierenden Eingeborenenmisshandlungen entgegen zu treten und sie durch Anzeige beim Bezirksgericht zu verfolgen hat, bei den hier teilweise herrschenden Anschauungen nur allzuleicht. Die Anschauung, dass der Ovambo "kein Mensch" sei und dass dem Eingeborenen selbst bei schweren Misshandlungen durch Weisse kein Recht der Notwehr, sondern nur das Recht der Beschwerde an das Bezirksamt zustehe, wird hier häufig genug vertreten

(gez.) HEILINGBRUNNER.

KAISERLICHES BEZIRKSAMT,
J.Nr. 3269.

Lüderitzbucht, den 21. April 1913.

An das Kaiserliche Gouvernement, *Windhuk*.

Betrifft: EINGEBORENEN-MISSHANDLUNGEN.

IM Anschluss an den Bericht von 15. Mai 1912, J.Nr. 4304, und den Erlass vom 13. Juni 1912, J.Nr. 13126:—(1) In neuester Zeit mehren sich wieder die Klagen über Eingeborenenmisshandlungen, nachdem eine Zeitlang eine erfreuliche Besserung eingetreten war.

Wie sich die Zeiten geändert haben, zeigt am besten die Bemerkung eines der Leiter einer der grössten Diamantgesellschaften, der auf die Beschwerden des Herrn Eingeborenenkommissärs, dass ein Sortierer die Eingeborenen dauernd prügele, keine andere Antwort fand, als: "Ich habe hier auch Beschwerden über die Eingeborenen."

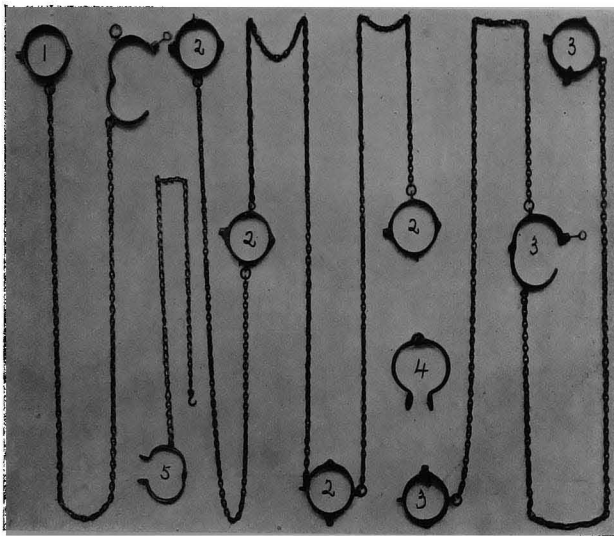
Derselbe Herr hatte im Mai 1912 noch eine lange Verfügung an sämtliche Betriebe erlassen, worin er "jede Züchtigung von Eingeborenen" bei Strafe sofortiger Entlassung verbot. Anscheinend kommt der Umschwung der Meinungen daher, dass man jetzt, wo genügend Arbeiter da sind, ihnen nicht mehr soviel Aufmerksamkeit schenken zu müssen glaubt.

Die Gerichte versagen vollkommen. Wenn das Beweismaterial geradezu erdrückend ist, gelingt es vielleicht in dem einen oder anderen Falle in der I. Instanz eine Verurteilung zu einer Geldstrafe herbeizuführen. Dann wird Berufung eingelegt. Ein Oberrichter, der mit den Zuständen auf den Feldern nicht vertraut ist, ja zuweilen noch nie ein Diamantfeld gesehen hat, verhandelt. Die eingeborenen Zeugen sind in der langen Zeit zwischen der 1. und der 2. Verhandlung in die Heimat abgereist, die Verlesung der mangelhaften Protokolle der ersten Verhandlung über ihre Aussagen macht keinen Eindruck. Der Angeklagte hat aus dem ersten Urteil gelernt, wohin er seine Verteidigung zu lenken hat, den Eingeborenen wird nicht geglaubt, noch so zweifelhafte unter Eid geleistete Aussagen Weisser finden Glauben. So endet die Sache mit einem glänzenden Freispruch. Es gibt nichts undankbareres, als in solchen Sachen die Staatsanwaltschaft zu vertreten.

Mit der Minenkammer zu verhandeln, ist wertlos. Sie kommt über ein Bestreiten der Tatsachen, günstigenfalls über allgemeine Redensarten nicht hinaus. Zudem hat sie auf ihre Mitglieder nicht entfernt den Einfluss, den ein Fernstehender anzunehmen geneigt ist

(gez.) BOEHMER.

PLATE "A."



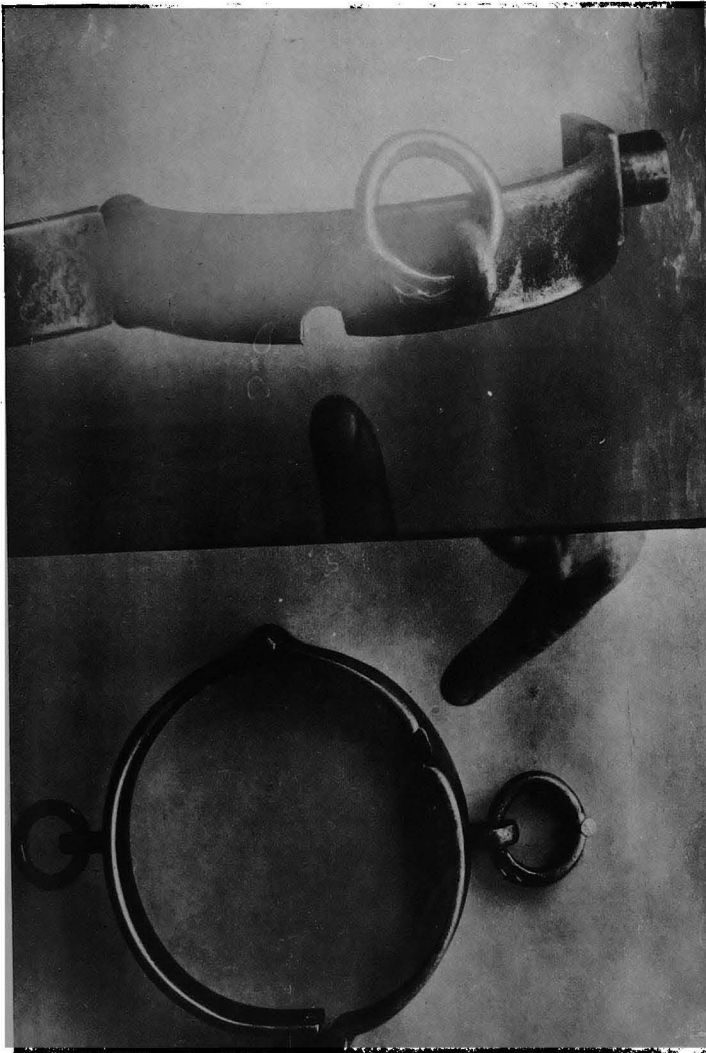
NECK-CHAINS FOR NATIVE PRISONERS.

PLATE "A 1."



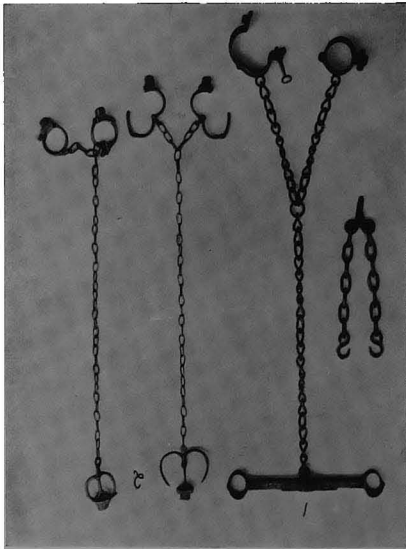
NATIVE CONVICTS, SHOWING PRISON CLOTHING AND METHOD OF ADJUSTMENT OF CHAINS FOR SECURING THEM WHILE AT
HARD LABOUR OR ON THE ROAD.

PLATE "A 2."



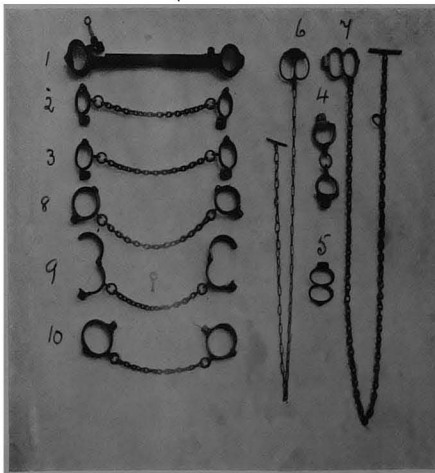
COLLAR OF NECK-CHAIN PERFORATED BY BULLET.
(ENLARGEMENT OF FIGURE 1, PLATE "A.")

PLATE "B."



COMBINED LEG-AND-ARM FETTERS USED IN THE PUNISHMENT OF IMPRISONMENT IN CHAINS.

PLATE "C."



OTHER VARIETIES OF LEG-AND-ARM FETTERS.

PLATE "C 1."



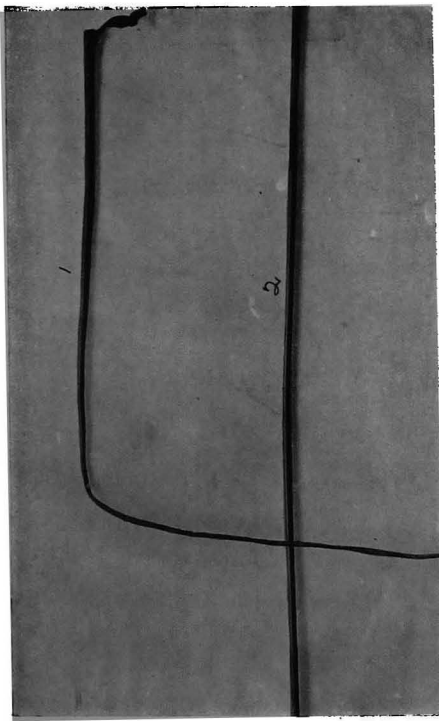
NATIVE CONVICTS IN PRISON CLOTHING WITH LEG-AND-ARM FETTERS,

PLATE "C 2."



NATIVE CONVICTS IN PRISON CLOTHING WITH LEG-AND-ARM FETTERS.

PLATE "D."



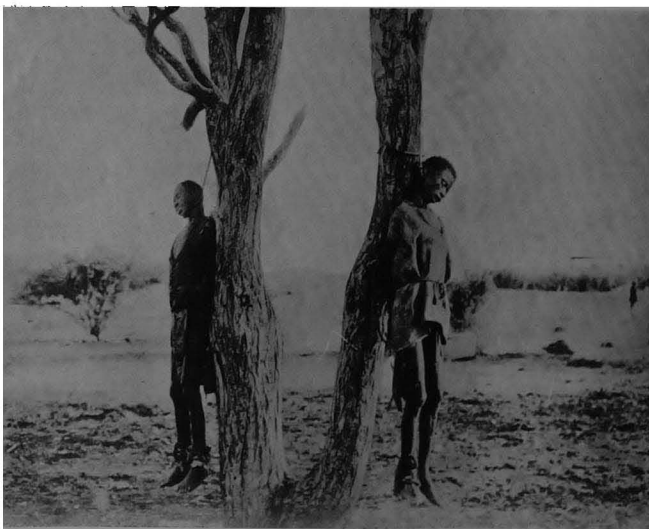
- (1) SJAMBOK USED BY GERMANS FOR CORPORAL PUNISHMENT.
- (2) RATTAN CANE USED IN UNION FOR CORPORAL PUNISHMENT.

PLATE "E 1



THREE NATIVES HANGED BY GERMANS.

PLATE "E 2."



CLOSER VIEW OF TWO OF ABOVE, SHOWING METHOD OF ADJUSTING ROPE. (NOTE THE RAGS ROUND THE ANKLE INDICATING INJURIES FROM CHAINS.)

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UNION OF SOUTH AFRICA

REPORT

ON THE

NATIVES OF SOUTH-WEST AFRICA

AND

THEIR TREATMENT BY GERMANY.

Prepared in the Administrator's Office, Windhuk,
South-West Africa, January 1918.

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

August, 1918.



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REPORT

OF

COMMITTEE OF ENQUIRY

RE

Taxation of Incomes derived from
Farming Operations.

To be presented to both Houses of Parliament.

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UNION OF SOUTH AFRICA.

REPORT of Committee of Enquiry *re* Taxation of Incomes
Derived from Farming Operations.

To be presented to both Houses of Parliament.

TO THE HONOURABLE THE MINISTER OF FINANCE.

WE, the undersigned, having been appointed a Committee under Government Notice No. 1353, published in the *Gazette* of the 12th October, 1917, have the honour to submit our Report in terms of that Notice.

PREFACE.

We were appointed to enquire into and report upon certain matters affecting the liability to income tax of persons engaged in farming operations, and in particular:—

- (a) To examine the existing principles of taxing incomes derived from farming operations; Terms of Reference.
 (b) to determine whether these principles are unsuited in any respect to the circumstances of the Union;
 (c) to report whether under the existing system the farming community pays its due proportion of the public revenue through the income tax;
 (d) to make recommendations as to the changes in law or practice which should be introduced with a view to remedying such defects or anomalies as may be found to exist.

The Assistant Commissioner for Inland Revenue was, at our request, seconded from his Department, and attended all sittings in an advisory capacity.

PROCEDURE.

On the 17th October we held our first meeting at Johannesburg, to discuss the terms of reference and consider the procedure to be adopted in conducting the enquiry. Before proceeding to take evidence, it was found necessary to have prepared complete statistics of the assessment and collection of income tax relating to the tax year ended 30th June, 1916, and as the work of assessment was not completed until the end of October, the taking of evidence was postponed until the essential statistics were available.

Sittings were arranged in all the principal towns of the Union, and the public were invited, by advertisement in the local press, to give evidence. Special invitations were sent to Chambers of Commerce and Farmers' Associations. Evidence.

The following places were visited:—

Cape Town, Worcester, Oudtshoorn, Port Elizabeth, East London, Johannesburg, Maritzburg, Pretoria, Kroonstad, Clocolan, Kimberley, Potchefstroom, Paarl, Mossel Bay, Graaff-Reinet, Cradock, Queenstown, Standerton, Durban, Rustenburg, Bethlehem, Bloemfontein, Vryburg. Sittings.

Arrangements were made to visit the following places, but there was either no evidence forthcoming, or the number of prospective witnesses did not justify the expense of a visit. Persons residing in those places who wished to give evidence were asked to come to other centres or send written statements:—

Aliwal North, Ermelo, Ladysmith, Pietersburg.

In order to make the evidence as representative as possible, the Administrators of the four Provinces and Magistrates were asked to submit names of witnesses whose evidence would be likely to be of value.

Evidence was submitted by 202 witnesses, consisting of:—

	Number and classification of witnesses.
Provincial Administrators	3
Senators	3
Members of House of Assembly	8
Farmers	135
Merchants	22
Officials	23
Professional men	8

Of the farmers, ninety-four gave evidence on their own behalf and forty-one represented Associations or Agricultural Societies. Of the merchants, eight represented Chambers of Commerce. Of the officials, twenty-one were Revenue officials, and two were officials of the Agricultural Department. The witnesses classed as professional men were principally attorneys and accountants. Sixty other persons, including several members of Parliament, were invited to give evidence, but either declined or did not reply to the invitation. The Association of Chambers of Commerce was also invited, but stated that as an Association it had no evidence to give.

List of Witnesses. A list of witnesses examined (Annexure A), a copy of the evidence taken (Annexure B), and the statistical returns (Annexure C), prepared under the guidance of the Assistant Commissioner for Inland Revenue, are attached hereto.

We have arranged our Report in chapters to correspond as nearly as possible with the terms of reference.

CHAPTER I.

EXAMINATION OF THE EXISTING PRINCIPLES OF TAXING INCOMES DERIVED FROM FARMING OPERATIONS.

Revenue system of Union. 1. In order that the subject of our enquiry may be viewed in its true perspective, it must be considered in its relation to the entire revenue system of the Union. The following figures, which are the latest available, relate to the financial year ended 31st March, 1917. The total collected was £18,617,448, of which £4,821,986 relates to receipts that are not taxation, viz. :—

Government Rents	£105,738
Forest Revenue	55,564
Interest	3,962,279
Departmental Receipts	431,430
Fines	201,773
Miscellaneous	65,202
	<hr/>
	£4,821,986

The balance of £13,795,462 represents the amount raised by taxation, and may be classified as :—

Indirect Taxes:

(a) Customs and Excise	£6,192,810
(b) Stamps, Licences and Fees	620,736
(c) Posts and Telegraphs	1,788,553

Direct Taxes:

(a) Native taxes	868,255
(b) Mining	2,527,157
(c) Land Tax Revenue, including Quitrent	150,951
(d) Death Duties, including Estate and Succession	181,599
(e) Income Tax	1,465,401
	<hr/>
	£13,795,462*

*Revenue derived from Railways and Harbours represents payment for services rendered, and has been excluded.

- Direct and indirect taxes defined. 2. The need for the above classification into direct and indirect taxes is, broadly, that direct taxes are compulsory contributions, whereas taxes on expenditure or consumption are optional contributions, except in so far as they relate to the necessities of life.
- Native taxes. Mining Revenue. 3. For the purpose of our enquiry, native taxes need not be considered.
- Land Revenue. 4. Of the amount brought up under the heading of Mining, £500,000 represents revenue derived from Government ownership and licences.
- Death Duties. 5. Land revenue represents a direct tax only in the Transvaal and Orange Free State, the amount thus collected being under £40,000. The balance, representing quitrents collected in the Cape Province and Natal, is not taxation, as the quitrent is a contractual liability and reservation to the Crown partaking of the nature of a ground rent.
- Direct Taxes levied on All Classes. 6. Death duties vary in the different Provinces. In the Transvaal the tax takes the form of an estate duty, while in the other Provinces the levy is in the form of a succession duty.
- Income Tax. 7. With the exception of the Income Tax, these direct taxes are levied alike on all classes of the population, and the farming community bears its due proportion of the burden in common with the rest of the community.
8. The existing Union law which imposes the Income Tax is known as the Income Tax (Consolidated) Act, 1917. It practically re-enacts the principles of taxation, as regards individuals, embodied in the previous Union Acts, which date back to 1914. The

method of calculating the taxable income remained the same in these Acts, which prescribe a different method of determining farming profits, as compared with other classes of profits. This difference in method is embodied in section *nine* of the Act, which corresponds with sub-sections (5) and (6) of section *four* of the previous law, viz., Act No. 28 of 1914.

9. The section deals with two items, viz., the re-investment of income and special provisions applicable to farming operations. The first item does not call for any comment. The second item deals with the special provisions applicable exclusively to farming operations, and is in the form of a proviso to the first item. It gives the farmer taxpayer two alternatives, viz.: (a) he may, in calculating his profits, omit from his account the value of his livestock and agricultural produce not disposed of by him at the beginning and end of the year of assessment, or (b) he may, on giving notice to the Commissioner in writing, take into account the value of his livestock and agricultural produce not disposed of at the beginning and end of the year of assessment. Section nine.

By the exclusion of the value of the livestock and produce, a farmer's return for tax purposes becomes, under alternative (a), a receipt and expenditure return, or simple cash account. If alternative (b) is selected, and the stock and produce on hand are brought into account, then the farmer's return becomes an ordinary profit and loss account, and the true profit is ascertained and taxed in the same way as any other type of profit. The remaining sub-sections, viz., (2) and (3), enact that whichever alternative a taxpayer adopts, or has adopted in the previous years, shall be irrevocable. Exclusion of Live-stock values.

Attention was drawn to the fiscal effects of this difference in method in the report of the Commissioner for Inland Revenue for the year 1915-16, where it was stated that:—

“A striking feature of the year's results is the inadequate return from farming.”

And again:—

“After the experience of the last two years' returns, that the present method of assessing farming profits has proved inadequate.”

10. Inasmuch as the section affects the whole of the farming community, its importance and correct interpretation cannot be exaggerated, and it may not be out of place, therefore, to trace its legislative history. Interpretation of section nine.

When Act No. 28 of 1914 was under consideration in the House of Assembly, this provision (sub-section (6) of section *four*) provoked considerable discussion. In the original Bill as introduced, after the sub-section making income re-invested taxable, the following sub-section appeared:—

“(6) Any person who desires to be exempted from the provisions of sub-section (5) so far as those provisions relate to the taking into account of the value of all livestock and agricultural produce not disposed of by him at the commencement and end of the year of assessment may give notice in writing to that effect signed by him or his agent and delivered at the office of the Commissioner in the case of a person who at the commencement of this Act is the owner of livestock or such produce, not later than the date fixed under section *seventeen* for the furnishing of returns, and in the case of a person who may thereafter become such an owner, not later than such date as the Commissioner may allow. Every such notice when given shall be irrevocable by such person and in assessing the income of any such person the Commissioner shall not take into account the value of the livestock or such produce.”

Whilst the Bill was in Committee of the House of Assembly, this sub-section was deleted, and the following paragraph substituted:—

“(b) In assessing the income of a person carrying on pastoral, agricultural or other farming operations, the Commissioner, subject to the proviso hereto, shall not take into account the value of such person's livestock or agricultural produce not disposed of by him at the beginning and end of the year of assessment; Provided that if any such person desires that such value shall be taken into account in the assessment of his income he shall when furnishing his return under section *seventeen* of this Act give notice to that effect signed by him or by his agent. Every such notice shall be irrevocable by such person and in assessing the income of such person the Commissioner shall take into account the value of such person's livestock and agricultural produce not disposed of at the beginning and end of the year of assessment.”

In its amended form, the sub-section still exists on the statute book.

11. The difference between the draft Bill and the section as it became law was that the original draft put the farmer on the ordinary accounting or stock basis, but gave him the option of taking the receipt and expenditure return or cash basis if he chose to make special application, such decision, however, being irrevocable. The section as passed and as now existing reversed the choice. Every farmer has to make his return on the receipt and expenditure basis, unless he makes special application and chooses the alternative of the stock basis. Difference between sub-section in draft Bill and in Act.

12. According to the records of the Parliamentary debate, it would appear that the main reasons for amending the sub-section were:— Reasons for amending sub-section.

- (a) That the receipt and expenditure basis was simpler for the farmer to compile;
 (b) that it was not equitable to tax the natural increase of stock before it had been realised, unless the taxpayer so elected;
 (c) that over a series of years the receipt and expenditure basis would produce the same result as the profit and loss method.

Moreover, it was thought that the reversal of the alternatives, which placed the onus on the taxpayer of making special application on the return if he chose to be assessed on the stock basis, would make practically no difference to the taxpayer, as he could choose the ordinary commercial method if he so desired. Such, briefly, was the position under the 1914 Act.

13. The justification or need for a different method of taxing farming operations in a law that purports to tax all kinds of profits equally calls for careful examination. The reasons that seem to have actuated the legislature have been already indicated in paragraph 12, viz., simplicity, avoidance of taxation of unrealised profits, and the theory that fiscal results would balance over a series of years.

14. As regards simplicity, the business of farming is usually conducted by very different methods from those found in other businesses, for although the law assumes that some kind of record is kept in every business, it is acknowledged that farmers do not usually keep books. Without written records it is contended that it is almost impossible to ascertain profits which are subject to such variations as are to be found in connection with farming operations. Moreover, business expenditure and domestic expenditure are so interwoven on a farm as to be practically indistinguishable; and although every income tax law prohibits the deduction of domestic expenditure from profits, a farmer can usually meet a proportion of his domestic wants from his own produce. It must be admitted that under any circumstances the ascertainment of individual income is exceedingly difficult with all classes of taxpayers, and when the attempt to reach the income of the individual has to rest upon the declaration of the taxpayer himself, it is putting upon him a strain which in the usual state of relations of the individual to the Government may be characterised as exceedingly severe. If such be the position with the general body of taxpayers, how much more difficult becomes the problem when dealing with a particular class of taxpayers like farmers, whose incomes are irregular, and who as a rule have not had the opportunity of acquiring a knowledge of accounts, and are not in the habit of keeping even a simple record of their few business transactions. Considerations similar to the foregoing no doubt prompted the legislature to provide a simpler basis, by the expedient of a receipt and expenditure return for farming operations.

15. The statement has often been advanced that by taking into account the value of a farmer's livestock, unrealised profits are taxed. This would have been true in regard to the Acts up to 1917; they were Acts for one year and if, perchance, these laws had not been re-enacted, a farmer who had chosen the stock account basis might then have paid tax on profits that were never realised, owing to subsequent losses through deaths, disease, etc. Sub-section (2) (a) of section *seventeen* of the Act of 1917 got rid of this anomaly, as far as possible, by allowing a loss made in a previous year to be set off against the profits of subsequent years. The section reads as follows:—

“For the purpose of determining the taxable income of any person, there shall be deducted from or set off against the income of such person, as defined by section *six*, the amounts set out in this section”;
 and sub-section (2) enacts:—

“There shall be set off—

“(a) Any loss made in any year of assessment which is established to the satisfaction of the Commissioner: Provided that no loss made prior to the year of assessment taxed under the Income Tax Act, 1916, shall be admitted for set off save as provided in paragraph (b) of this sub-section;

“(b) Any loss made in any accounting year or period in carrying on mining operations which has been ascertained and determined under an assessment made in terms of the Mining Taxation Act: such loss shall be set off at the rate chargeable under that Act.”

It will be realised that, by the introduction of this provision, the objection raised in Parliament to the 1914 draft, to a stock account basis, falls away.

16. With regard to the third reason, that the fiscal results would balance over a period of tax years, it is the Department's experience of the working of the Act that the method enables the stock farmer to postpone payment of the tax indefinitely, or until his farm is fully stocked; also that that portion of livestock which is bred by the taxpayer, and retained for breeding purposes, becomes permanently converted into capital, and is rarely realised. Moreover, if sold, it has to be replaced by other breeding stock, so that it never becomes subject to taxation.

The taxpayer's experience is that the system operates harshly, and the levy falls on capital when a farmer is compelled to realise through misfortune like drought and disease, or wishes to change from stock farming to some other branch of farming like agriculture, or retires from business.

Fiscal results over series of years.

Reversal of alternatives.

Justification.

Simplicity.

Ascertainment of Income difficult.

Taxing of Unrealised Profits.

Set off of Losses.

17. According to the departmental records, about 90 per cent. of the farmer taxpayers adopt the receipt and expenditure basis. The reasons for this choice appear to us to be that it is a simpler return to compile and, superficially, the cheaper for the ordinary farmer taxpayer who does not keep books. An ordinary receipt and expenditure account is undoubtedly easier to make up than a return which involves stocktaking, and providing that a farm is fully stocked to begin with, and surplus stock is sold year by year, it is probable that over a series of years the receipt and expenditure account ensures substantial justice. This statement presupposes two conditions, viz., fully stocked farms, and annual realisation of surplus livestock,—conditions which are not generally applicable to the Union. Excluding the older established portions of the Cape Province, farming has not yet got beyond the developing stages in South Africa, and any profits realised are put back into development.

Receipt and Expenditure basis.

Just under certain circumstances. Farming in developing stage in South Africa.

Regular realisations of surplus livestock, therefore, rarely occurred during the first three years that the income tax was in force, but the abnormal conditions arising out of the war have now raised prices to such an extent as to stimulate sales of livestock, irrespective of the stock carrying capacity of a farm. There are therefore two phases in the economic history of the tax which need consideration, viz., a period of abnormal re-investment of profits, followed by a period of abnormal sales. The first phase resulted in an unusually low aggregate taxable income from farming, *i.e.*, the return was less than the true income; the second phase included a period of abnormal realisations, when the taxable income was possibly in excess of the true income. The introduction of the Excess Profits Tax and Super Tax further accentuated the change in conditions.

War prices stimulated sales of livestock.

War conditions. Excess Profits and Super Taxes accentuate changed conditions.

18. Other important reasons were probably that (a) the law laid down that the farmer would be taxed on the receipt and expenditure basis unless he made application to the contrary, and many farmers adopted that method through ignorance or lack of proper advice as to its ultimate effect; and (b) that the income tax was a comparatively new Act; its continuance was uncertain, as it was an annual Act and might not be imposed the following year; therefore it was cheaper for the taxpayer to choose the cash basis.

Further reasons for choice of basis.

19. The fiscal defects arising out of the difference in the method of taxing farmers' incomes are that the law, as laid down in section *nine*, does not ensure equality of treatment either:—

Section *nine* not equitable.

- (a) Between livestock farmers and farmers who carry on other kinds of farming operations, when both make returns on the receipt and expenditure basis;
- (b) between livestock farmers who choose the receipt and expenditure basis and those livestock farmers who adopt the stock basis; and
- (c) between the farming community and the rest of the community.

20. With regard to (a), livestock farmers are entitled to deduct from their gross receipts all outlay in the purchase of new livestock. Thus if a livestock farmer invests his profits in new livestock, or invests fresh capital in livestock, the actual capital so expended ranks as a deduction from his gross receipts and therefore from his income. On the other hand, an agricultural farmer, who utilises his profits or capital say in permanent improvements like buildings, irrigation, machinery and tree planting, is not allowed to deduct such expenditure from his receipts or income.

Livestock Farmers.

21. With regard to (b), a livestock farmer who renders his return on the stock basis, and so brings the value of his stock-in-trade into account at the beginning and end of the tax year, returns his true profits, and is taxed on his true income. His neighbour, carrying on the same class of farming, who chooses the receipt and expenditure basis, calculates his income by what he sells after deducting what he has purchased and his expenses.

Livestock Farmers on two different bases.

22. With regard to (c), the first paragraph of sub-section (9) makes profits that are re-invested, accumulated, or capitalised, liable to taxation. Section *twenty-one*, sub-section (1) (c) also expressly prohibits the deduction of income carried to any reserve fund or capitalised in any way. Yet in respect of farming operations the taxpayer has the right to convert his profits into stock-in-trade, by virtue of the special provisions contained in the first proviso to sub-section (1) of section *nine*. It must be remembered that the farmer does not invest his savings like any other business man; his savings bank for his accumulations is almost invariably his farm. Any surplus profits of capital find a resting place generally in improvements or additions of livestock. If this characteristic is taken into account, together with the inducement offered by the law, to re-invest capital in livestock free of current taxation, we can appreciate the reasons for and the extent to which the receipt and expenditure method has been utilised.

Non-taxation of capitalised profits.

Farmer's savings bank is his farm.

23. The interpretation of the first proviso to section *nine* has not been free from difficulty. By virtue of section *two*, sub-section (1) of the present Act, the Commissioner for Inland Revenue is responsible for carrying out the provisions of the Act, and for the past four years the clause has been construed, and is interpreted in the forms prescribed by regulation, as providing for a simple receipt and expenditure or cash account, livestock and produce on hand being ignored. The practical working of the receipt and expenditure account revealed many anomalies, and led to results which were not contemplated. For instance, a farmer disposing of the whole of his livestock during any one year, and not making repurchases during that period, was taxed on his total realisations, as if it were

New interpretation of section *nine*.

an annual income, regardless of the fact that perhaps a material proportion represented the return of working capital. A further hardship was that such abnormal realisations often resulted in the taxpayer becoming liable to the Super Tax and Excess Profits Tax. This resulted in representations being made in the House of Assembly during the 1918 session, with the consequence that the Minister circulated the following new interpretation, by the Commissioner for Inland Revenue, of section *nine*:—

Commissioner's
Circular.

"(1) In the case of realisations of stock by farmers who are on the receipt and expenditure basis, the following basis of assessment will be adopted uniformly throughout the Union.

"(2) The taxpayer must furnish the Commissioner with a statement of the value of his livestock as at 30th June, 1913, or where farming operations have been commenced after that date, with the value of his livestock at such date of commencement.

"(3) That value will be registered by the Commissioner, and will be taken as the fixed basis upon which the calculation of his profits on realisation will rest.

"(4) The value must be established to the satisfaction of the Commissioner from the best evidence available.

"(5) If capital has been introduced for the purchase of stock, it will be registered by the Commissioner in the same manner and subject to the same requirements as to proof, and the fixed basis will be increased to that extent. No capital which is the re-investment of profits derived from farming will be admitted for registration.

"(6) On total realisation of his livestock by a taxpayer, the amount derived from such realisation to be included in his assessment for normal or Super Tax, will be the difference between the amount realised and the capital so registered.

"(7) On partial realisation it will be optional to the taxpayer (a) to pay tax upon the amount so realised as portion of his income for the year; (b) to submit a statement, established in the same manner as above, showing the value of his stock on the last day of the assessed period in which the realisation took place. If the value so returned at that date falls short of the fixed basis, the difference will be deducted from the amount realised, and the balance will be treated as income."

Effect of new
interpretation.

24. The effect of this new interpretation will be that, under certain conditions, farmers who elected under section *nine* not to bring their livestock and produce into account will now be allowed to use the stock account basis. Further, that section *seventeen*, sub-section (2), which prohibits the set off of losses prior to 1916, will now be relaxed to admit of such losses in respect of livestock ranking back to 1913; and finally that the definition of "gross income" in section *six*, which excludes receipts of a capital nature, will be made applicable to previous tax years, when no such qualification existed in the law.

Farmers' stock in
1913.

25. The feasibility of applying this interpretation will depend on whether the value of a farmer's livestock in 1913 can be ascertained. As in the majority of instances no records have been kept, it is clear that the Department, in attempting to determine this amount, is at the mercy of the taxpayer.

New interpretation
a makeshift.

26. No doubt this concession will meet cases of hardship, where the farmer has sold out and is liable to be taxed on his nett receipts for the year, irrespective of such receipts representing capital or profit; but it must be regarded merely as a makeshift for the purpose of relieving such cases.

Union method
singular.

27. The reasons, as we understand them, why the Union Legislature adopted a different method for the assessment of farming profits have already been indicated. The Union law, however, is not singular in this respect. Many other countries differentiate in the method of taxing farming profits, but there is no country that employs the method prescribed in the Union Act.

Queensland.

28. The Queensland law is the only one which bears a resemblance; in fact, it looks as if section *nine* of the Union Act was originally framed on a similar section in the Queensland Act. The latter section, viz., *twenty*, of the Income Tax Acts 1902-1915 (Consolidated) reads as follows:—

"Whenever profits arising from any business have been converted into stock-in-trade or added to the capital of or carried to reserve or in any way invested in such business, such profits so converted or added or carried to reserve or invested shall be deemed to be income, and in computing such profits the value of all live-stock, produce, goods and merchandise, not disposed of, at the beginning and end of the year in respect of which the assessment is made shall be taken into account. But additions to stock resulting from natural increase shall be reckoned in their first year as being equal to one-fourth of the then value put upon the same class of full-grown stock.

"20.A. Any owner of livestock who desires to be exempted from the provisions of the last preceding section, so far as the same relate to the taking into account of the value of all livestock and produce not disposed of at the beginning and end of each year in the assessment of his income, may give notice in writing to that

"effect signed by him or by his duly authorised agent and delivered at the office of the Commissioner in the case of persons who at the commencement of this Act are owners of livestock not later than the thirty-first day of December, one thousand nine hundred and seven, or such later date as the Commissioner may allow, and in the case of persons who may thereafter become owners of livestock not later than the thirty-first day of December in the year in which they first become such owners respectively, or such later date as the Commissioner may allow.

Every such notice when given shall be irrevocable by such taxpayer and shall take effect in respect of the year in which the same is given and each succeeding year. Such notice shall have the following effect:—

(I). The Commissioner, in the assessment of the income of such taxpayer for the year in respect of which the notice was given and each succeeding year shall not take into account the value of any livestock or produce not disposed of at the beginning and end of the year;

(II). Save as hereinafter provided, such taxpayer shall not for any year in respect of which an assessment is made be entitled to make any claim as a deduction for or in connection with any livestock beyond the amount of money actually paid by him in that year for the purchase of livestock;

Provided that, in computing the income subject to tax of such taxpayer for any year there shall be allowed as a deduction from the proceeds of any livestock disposed of in that year, and in respect of which tax was theretofore paid the value of such livestock and such value shall be taken at the value upon which the tax was paid."

It will be seen that the Queensland law also gives the farmer the option of two methods for calculating his profits, but that whilst in Queensland every farmer is assessed on a profit and loss basis unless he makes special application to be taxed on the cash basis, in the Union the choice is reversed, and every farmer is assessed on the cash basis unless special application is made to the contrary. In both countries, however, the choice once exercised is irrevocable. The Queensland experience of the working of the receipt and expenditure or cash basis may be gathered from the following extracts, taken respectively from the 1908, 1916, and 1917 reports of the Commissioner of Taxes:—

1908 REPORT.

INCOME TAX ACT AMENDMENT ACT OF 1917, INTRODUCING THE OPTION TO RENDER RETURNS ON A RECEIPT AND EXPENDITURE BASIS.

"The provisions of the Amending Act, 1907, have not been very largely availed of, only 271 persons having registered under it. It is felt, apparently, by many of those who buy and sell largely that the method originally adopted safeguards their interests more effectually, and that the gain caused by not having to pay on increase of stock is more than counterbalanced by having the cost of animals purchased carried forward to be deducted from the proceeds when sold. Some of those who gave notice to come under the Amending Act of 1907 wished afterwards to withdraw from it, but by the terms of the Act were unable to do so."

1916 REPORT.

INCOME TAX AMENDMENT ACT OF 1907.

"The operations of this Act have resulted in some persons who sold heavily in anticipation of the drought having to pay considerable sums by way of income tax, although they had actually lost stock by drought. Some owners who had paid small amounts by way of tax since 1907 found themselves obliged to make large payments on selling out during 1915. The system of taxation under the Act of 1902 appears to divide the profits more equitably from year to year."

1917 REPORT.

"I consider that the system by which the value of livestock at the beginning and end of year is taken into account is the better method, and that the Act of 1907 is not suitable for the returns of any persons except those owning only a limited number of animals."

29. In the United Kingdom, farming profits are presumed to be equivalent to double the annual value of the land occupied, unless by proper accounts it can be established that they are less than such valuation, when only the actual profit is taxed. United Kingdom.

30. In France, the presumed profit is based on half the rental value up to £200, and on two-thirds of the rental value when the rent exceeds £200. France.

31. In Sweden, the amount of income is arbitrarily fixed at 6 per cent. of the value of the agricultural land. Sweden.

32. In Victoria farms paying land tax are exempt from income tax, provided that the unimproved value of the land does not exceed £5,000. For farms exceeding £5,000 unimproved value, an income tax is levied in addition to the land tax at the following fixed rates, viz.:— Victoria.

	Income Tax of
	From £5,000 to £6,000 unimproved value... .. £5 0 0
	" £6,000 ,, £7,000 " " £7 10 0
	" £7,000 ,, £8,000 " " £10 0 0
	" £8,000 ,, £9,000 " " £12 10 0
Norway.	33. In Norway the tax is based on the total estimated wealth of the farmer, and includes personal property, even though it may not be productive of income.
Main features of these methods.	34. The main feature of these varying methods of arriving at farming profits is that in all cases an arbitrary standard is adopted, which may give fairly accurate results in old established countries, where the land is fully occupied and worked to its utmost productive capacity. In new countries, on the other hand, it is apt to penalise unduly undeveloped land, and let off land that is highly cultivated.
Arbitrary standard.	35. The principle of an arbitrary standard was also tried for one year in the Cape
Cape.	Income Tax Act of 1908, when the presumed income (a) from the ownership of land was rated at 6 per cent. of the Divisional Council valuation, and (b) from the occupation of the land was deemed to be four and a half per cent. of the Divisional Council valuation or, for combined ownership and occupation, the presumed income was taken to be ten and a half per cent. of the Divisional Council valuation. This arbitrary basis was, however, abandoned in 1909, one year's experience having established its unsuitability, and the original method of an ordinary profit and loss account reverted to.
Natal.	36. The Natal Income and Land Assessment Act of 1908 also adhered to the principle of an arbitrary standard, but with an important qualification. Income from land was taxed through the medium of a land tax and exempted from income tax, but when the tax on the actual income derived from land would exceed the land tax, income tax was assessed instead of the land tax. In other words, the higher tax prevailed.
Land Tax or combination with Income Tax.	37. The principle is adopted in some countries of using a land or property tax as a means of taxing farming profits, or a land tax in combination with an income tax. It is claimed for this system that a person's nominal income taken by itself is very far indeed from being a test of his ability to bear taxation. The value of a piece of property may, moreover, bear only a slight relation to its annual yield, but it can be argued that what a property will fetch in the open market represents its present and prospective yield, and that such value is the capitalised income which must bear its due proportion of direct taxation.
Property vs. Industry.	38. We find in many countries an endeavour to adjust the finer differences in ability, as represented by property and industry, by imposing a levy on both property and income. Types of this method of adjusting the balance of direct taxation as between property and income are to be found in the following countries:—
Prussia.	In addition to the ordinary income tax, Prussia has levied, since 1895, an additional tax on persons liable to income tax, based on the total wealth in real and personal property of every kind possessed by every taxpayer, subject to deductions for debts and household furniture. The rate of the tax works out at about one and a half per cent., and the yield is about one-sixth of the income tax proper.
Holland.	39. Holland has two taxes which combined are intended to tax the whole income. The first is the property tax, which is levied on all the property that a person possesses beyond a certain amount, but excluding furniture, clothing, insurance policies, and such other personal belongings as are not used commercially. The assumed income is four per cent. of the value of the property. The second tax is called the "Tax on Industrial and other Revenues," and is a pure tax on profits. In the case of a mixed income (income from property used by the owner for industrial or commercial purposes), the law assumes that four per cent. of such capital has been already taxed by the property tax; therefore an abatement to this extent is deducted from the industrial tax. The rates of tax whilst being nominally the same for each levy, are really higher on income from property, owing to a smaller abatement being allowed.
Norway.	40. Norway also levies a tax on wealth real and personal, in addition to the ordinary income tax, which involves the second taxation of real property. The rate, however, is very low, being .033 of one per cent. of the total assessed value.
Sweden.	41. Sweden also follows the principle of a second tax on real estate. A farmer, for example, who owns his own farm is taxed, first of all, by virtue of ownership, on an assumed income representing six per cent. of the valuation of his land; and again, by virtue of occupation, on a further assumed income of six per cent. of such valuation. Thus the assumed income of the owner-occupier of a farm becomes twelve per cent. of the assessed valuation.
India.	42. The rent or revenue derived from land which is used for agricultural purposes is exempt from income tax, provided that such land is either assessed to land revenue or subject to a local assessment rate.
New South Wales.	43. Formerly in New South Wales persons liable to land tax were exempt from income tax. In 1911 farmers became liable to both taxes, but in the 1912 Act a special deduction was introduced, allowing farmers to deduct from their incomes five per cent. of the unimproved value of any land and five per cent. of the value of any improvements thereon, provided that such land was used for business purposes.

44. In Victoria, land subject to land tax is exempt from income tax, provided that the Victoria. unimproved value does not exceed £5,000. For farms exceeding £5,000, income tax is levied in addition to land tax, at flat rates rising with the unimproved value.

45. Land is subject to both income and land tax in Tasmania, but in the case of land Tasmania. occupied by the owner for business purposes, five per cent. of the unimproved value may be deducted from the income. This deduction is not allowed in the case of income derived from agricultural operations, unless the business carried on is the taxpayer's chief means of livelihood.

46. Land in South Australia is liable to both income and land taxes, but income from South Australia. land produced by personal exertion is exempt from income tax where the unimproved value of the land does not exceed £1,000.

47. Land is liable in West Australia to both income and land taxes. Where a person Western Australia. is assessed for income tax on profits derived directly from the use or cultivation of land he may claim a deduction from the income tax of the amount of the land tax.

48. Both income tax and land tax are leviable on land in New Zealand, but a person New Zealand. paying both taxes is entitled to deduct, as an outgoing from income derived from land, a sum equal to five per cent. of the capital value of the interest in land.

49. Finally, there remain the countries which adhere solely to the profit and loss basis Profit and Loss basis adhered to. for all classes of income. The Commonwealth of Australia, Canada and the United States of America are outstanding examples. Like the Union of South Africa, these are new countries where agricultural production is one of the main sources of wealth, and the laws modern and representing the latest developments in fiscal science.

50. It will be observed from the above review of the tax systems of other States that Comparison of new there is a sharp line of distinction between the principles followed in the older States and those of the newer countries. In older States, like the United Kingdom, France and Prussia, where the productive capacity of land has been established, and rent or value has been standardised with income, a fixed tax rate according to value probably results in substantial justice. In the newer States, where the bulk of the property is undeveloped, and has consequently not reached a uniform standard of income as regards value or rent, the tendency is to limit taxation to the actual product or results from such property.

51. A scrutiny of the taxing systems of other countries brings to light several prin- Principles not in ciples which are not embodied in the Union legislation. Of these the following general Union Act. principles affect farming incomes, viz.—

- (a) The interpretation of "income" is more comprehensive;
- (b) Income from property (termed permanent) is taxed at a higher rate than income from personal exertion (termed precarious);
- (c) Lower abatements are allowed to rural taxpayers.

52. With regard to (a), an income tax aims at levying a toll on all kinds of income, Income defined. and income is usually interpreted as including recurring receipts of money or money's worth that are not of a capital nature. This is perhaps a fairly typical definition out of many which may be quoted, but when an attempt is made to draw the line between income and capital, there are wide divergencies of opinion. Seligman, the American authority on taxation, defines the difference between income and capital as follows:—

"Income as contrasted with capital denotes that amount of wealth which flows in during a definite period and which is at the disposal of the owner for the purpose of consumption, so that in consuming it his capital remains unimpaired."

Income, it will be observed, not only includes receipts in money, but also receipts in money's worth. An example of the latter class of receipts that is taxable is to be found in section six of the Union 1917 Act, where gross income is defined as including "the estimated annual value of any quarters or board or residence or any other benefit or advantage of any kind granted in respect of employment whether in money or otherwise."

53. Although the definition of income in the Union Act is comprehensive, there Two kinds of profit are two kinds of income or profit that are not liable to taxation. The first comprises not taxed. profits or gains realised on the sale of real estate where the taxpayer's business is not that of dealing in real estate. The Union Act regards casual sales of property as the realisation of a capital asset, and any profit therefrom as a capital accrual; similarly, a profit realised on a casual sale of shares in a limited liability company is also not regarded as a taxable profit.

When consideration is given to the nature of such profits, and the conditions which Exemptions cannot create such gains, exemption from taxation is impossible to justify. Values grow with a be justified. growing population, and also increase with the industrial activity of the state. In a new country like South Africa increasing population and state expenditure tend to create enhanced values without any effort on the part of the owners. This enhancement, whether fortuitous or due to the expenditure of the Government on roads, bridges, railways and irrigation works, when realised, is a profit that arises from the activities and general needs of the community, and not from the personal industry of the owner. Under such circumstances profits of this character are claimed to be a fit object for taxation, and the equity of a contribution to the state in these cases is recognised in most countries. Special provisions are included in the taxing laws of Queensland, New South Wales, and the

United States, making this type of profit taxable under the ordinary Income Tax law. In the United Kingdom, Germany, and many American States, special legislation exists for the taxation of the unearned increment, as this class of profit is usually termed.

Owner-occupier.

54. The second type of income not liable to taxation represents the monetary value accruing to a taxpayer who occupies his own residence. If the money is received for the use of a dwelling then it is taxable as income, but if the owner occupies it himself, and so receives money's worth through his own occupation, it is not taxable, or to put it in another form, if a man has an income of £1,000 and a house worth £100 a year rental which he occupies himself, his taxable income is £1,000; but if he lets the house for £100 a year his taxable income becomes £1,100, yet his real income in both cases is the same, viz., £1,100. This anomaly also exists in the Income Tax Act of the United States, but elsewhere either the annual value is taxed as in the United Kingdom, or a fixed percentage of the capital value is taken as the assumed income. The motive for this exemption may be the administrative difficulty of valuation in countries where no official valuation exists.

Revenue at stake.

55. It is not possible to determine with any degree of accuracy the amount of revenue at stake in connection with these two exempted sources of profit. Although the amount might be in question, the absolute equity of this form of taxation is beyond dispute.

Permanent v. Precarious Incomes.

56. With regard to paragraph *fifty-one (b)*, a modern tendency in income taxation is to distinguish between different kinds of income and place a heavier tax on incomes that are of a permanent kind, as contrasted with incomes which are precarious in nature. Permanent incomes are usually described as those derived from property and investments, and are often termed "unearned income," whilst precarious incomes are obtained by personal exertion, or "earned income." This distinction is based on the doctrine of equality of sacrifice, and rests on the theory that an income which continues for an indefinite period, as from property, is better able to bear the tax burden than an income which only lasts during the health and strength of the earner. This principle is only partially adopted in the Union Act, the income of companies, which is of the unearned type so far as the shareholders are concerned, being taxed at a higher rate, through the addition of the dividend tax. As a rule the heavier impost on unearned income is levied in other countries by means of higher rates, the rate being increased from 25 to 100 per cent. in respect of that portion of the income that is unearned or derived from property. The adoption of this system of differentiation in the Union would affect the farming community to the extent of their ownership in property. Farmers, being mainly owners as well as occupiers of land, would be liable for the increased rate in respect of that portion of their income which accrued by virtue of ownership.

Principles of abatement.

57. With regard to paragraph *fifty-one (c)*, it may be as well first to explain the nature of an abatement, and the principles on which such deductions from income are allowed. The income tax laws of nearly every country recognise that there is a point, sometimes called the minimum cost of existence, below which the taxation of income is inexpedient. It is therefore customary to specify a certain amount of income at the bottom of the scale, below which there should be no liability to income tax. This amount, representing the actual needs of existence, excludes from taxation the poor person. For persons having incomes in excess of this amount the principle of the deduction of the minimum of existence equally applies; hence the allowance is also extended to incomes in excess of the minimum, the taxpayer being allowed to deduct from his total income this abatement, tax being levied only on the balance. This general principle is also recognised in the Union Act, where all married persons are entitled to deduct an abatement from income of £300 provided that the total income does not exceed £24,300.

Suggestions have been made to us that the application of this allowance to all sections of the community, irrespective of local conditions, creates inequalities, and does not fairly distribute the burden of taxation. Bearing in mind the nature of the allowance and the intention for which it is given, it is claimed by some that the granting of the same amount of allowance, viz., £300, to all taxpayers, irrespective of local conditions, tends to create anomalies. It is true that the minimum living standard varies considerably throughout the Union. According to the Economic Commission's Report of 1914, in the principal towns of the Union the cost of sixteen articles of food in general use ranged between eighty-two and one hundred and five, and the amount of rent between thirty and one hundred and one, taking Johannesburg as the standard with one hundred units. If there is such a wide variation between the towns, how much greater must be the disparity if the comparison is made between the towns and the rural districts. Other countries have apparently been faced with the same difficulty, and it may be interesting to outline how it has been overcome elsewhere. The following are some striking examples:—

France.

France recognises that the cost of living is much greater in large cities than in small villages, and proportions the abatement according to the number of inhabitants in the commune in which the taxpayer resides.

Denmark.

Denmark also adopts the same principle, the abatement allowed in the rural districts being generally three-fourths of the amount allowed in the towns. In Copenhagen and Fredericksberg the abatement is fixed at 800 Kr., in other market towns at 700 Kr., and in the rural districts at 600 Kr.

In Sweden the general abatement is increased in cities where house rent is very high. Sweden.

58. These principles may be applied in closely populated countries, but the position is not quite the same in an unsettled community like the Union, where such distinctions cannot be made. Representations were made to us as to the desirability of differentiating between the abatement made to the farming community and that to the urban, which is at present the same, the reason being that it was urged that the minimum cost of existence in rural districts is considerably below that in urban districts. Union conditions vary.

Admitting that the minimum cost of existence varies considerably throughout the Union, the practicability of utilising a variable abatement presents many difficulties. It would mean the creation of a score or more of standards to apply to the different towns of the Union, whilst the standards in rural districts would vary just as widely, and also there would have to be different standards in each rural district. Such difficulties would effectually bar the adoption of the plan of a variable abatement in the Union. Cost of existence varies.

59. An additional form of allowance or abatement connected with the minimum cost of living is that by which an amount may be deducted from income varying according to the number of persons whom the taxpayer is obliged to support, viz., children and dependents. The Union Act grants such an allowance, amounting to £30 for each child and £20 for each dependent, where the aggregate income does not exceed £600. For incomes exceeding £600 the allowance decreases by £1 for every £1 of income in excess of £600. Having regard to the high standard cost of living in the Union, the amount of the deduction seems low. In other countries the average allowance is £50 for each child or dependent, and it is granted as a rule to all taxpayers irrespective of the aggregate amount of income. Children and Dependents.

A suggestion which commends itself to us is that the abatement should be allowed in respect of any child attending school or college up to the age of twenty-one years.

60. A feature in connection with farming operations peculiar to the Union, to which our attention has been repeatedly drawn, is the division of the profits of a single farm between the family of the owner or occupier or with other persons interested in its working. As a rule there is no written agreement, and such contracts are as difficult to establish as they are to disprove. It is important that contracts of this nature should be recognised when established as *bona fide*, and equally important that verbal contracts should not be allowed to be used as a means of evading the law by splitting up an income when the ownership of the profits is really vested in a single person. Division of income amongst relatives.

61. Evidence was submitted as to the working of the Excess Profits Tax in regard to farmers, but as this levy will automatically lapse during the current year no good purpose would be served by making any recommendation in regard thereto. Moreover, consideration of this special form of tax would involve the examination of the general principles of the levy—a matter which is outside the terms of reference. Excess Profits Tax.

62. Many of the differences in principle and method in the Union, as compared with other countries, can be accounted for by local circumstances. It does not follow that a particular principle which works well in other countries will, if embodied in a Union taxing law, produce the same results. Methods that have proved suitable in old established and thickly populated countries, where industries are highly organised, the means of communication adequate, and the official machinery widely distributed and of long standing, often fail when transplanted into a new and undeveloped territory, sparsely populated by inhabitants living under vastly different conditions. Principles in other countries not always applicable to new countries.

From the foregoing review, it is clear that the application of the Income Tax Act, with clause *nine* as it is at present, results in a difference being created between the different classes of farmers and also between the farmers and the remainder of the community.

CHAPTER II.

ARE THE EXISTING PRINCIPLES UNSUITED IN ANY RESPECT TO THE CIRCUMSTANCES OF THE UNION?

63. For the purposes of this Chapter we propose to deal with the second term of reference by answering the question:— Gist of evidence.

Is the principle of taxing farming operations by means of an income tax suited to the circumstances of the Union?

The evidence we heard as to the most suitable method of taxing farming incomes may be crystallised into two definite lines of thought, the one being that an income tax is the better method, and the other that alternative taxes on land or general property, or a combination of the two, are better suited to the circumstances of the Union. We propose to review the advantages claimed for these different methods and the objections that have been advanced against them.

SUITABILITY OF THE INCOME TAX.

64. Dealing with the income tax method first, we shall outline its general advantages and disadvantages, and then consider the specific defects in it which have come to our notice. Income Tax.

65. The advantages claimed for an income tax may be summarised as follows:— Advantages.

[U.G. 3—'19.]

- (a) Its universality;
 (b) It taxes results;
 (c) It is a contribution according to ability;
 (d) It is the most direct form of taxation.
- Universality. 66. With regard to (a), an income tax is universal in its operations, *i.e.*, it can be utilised to reach every form of wealth whether represented by land, labour or capital.
- Taxation by results. 67. With regard to (b), it is a contribution based on results. If taxation is not to be destructive, it should come out of revenue, and nett income is the only portion of revenue that is able to meet it without trenching on capital.
- Contribution according to ability. 68. With regard to (c), it aims at a contribution according to ability, and thus takes toll of all forms of profit or gain. Just as a man's ability to support his family is seen in his income, so in the same way it is recognised that the test of a man's ability to support the Government is found in this same income. Further, the duty of a man to support the State must be commensurate with his capacity to support himself.
- Direct form of taxation. 69. With regard to (d), it directly taxes persons and not objects. To place a tax on an object results in the user or consumer of the object having to bear the burden, whilst his financial condition or ability to pay is ignored. Provided that he can avoid using or consuming the object, he avoids the tax.
- Disadvantages. 70. The disadvantages fall under two main heads, *viz.* :—
 (a) The difficulty of application of the income tax to farming operations.
 (b) That an income tax does not ensure an adequate contribution from all forms of wealth in real estate such as unproductive wealth and wealth utilised for enjoyment.
- Difficulty in ascertaining farming profits. 71. With regard to (a),—the principal objection in the application of an income tax to farming operations is that the profits therefrom cannot be ascertained as readily as other classes of profit, owing to farmers as a rule not keeping accounts. It may be accepted that for income tax purposes it is not essential for a farmer to keep the same class of accounts as are required from other traders. Among the farming community there is a considerable class that keeps books properly, takes stock annually, draws regular balance sheets, and generally manages its affairs in the manner of a properly conducted business. There is another class which, while not keeping a set of books, that would satisfy an accountant, still keeps a record of transactions of a rough and ready kind, which, together with the bank pass book, enables the farmer to draw up a statement that answers the purposes required by the Inland Revenue Department. These two classes taken together consist of well-to-do or progressive farmers, who experience little or no difficulty with their returns. Then comes the class—a very large one indeed—consisting of farmers who from various causes, such as absence of education, dislike for book work, or (and this is the principal cause), not understanding the value that such records would be to them—keep no record at all of their transactions, or if they do it is of such an irregular and spasmodic character as to be useless. With this class the filling up of their return is largely a question of memory, more or less inaccurate, with a tendency which can be readily understood and sympathised with to remember expenditure with a remarkable fidelity, and occasionally to overlook items of revenue of a not too conspicuous character. It is with this class, containing a great many successful and well-to-do farmers who cling to their old methods, perhaps somewhat to their own disadvantage, as well as many others who are not so well off, that the difficulty of obtaining accurate returns principally lies.
- Farmer's transactions few. As a rule a farmer's transactions in a year are not numerous, being confined to dealing with a few agents, auctioneers and other farmers, but if he were compelled by statute to keep a record so that the Department could secure particulars at the end of each tax year of what a farmer's receipts and payments have been, together with a list and description of his livestock and produce, all the elements really essential to the ready assessment of income would be available to the assessing officer. We feel that if such a method were adopted and made compulsory, it would remove most of the difficulties connected with the farmer's returns, and also the complaint that the form is complicated and difficult for farmers to understand; and that consequently they are obliged to go to the expense of consulting attorneys. It is clear, therefore, that the difficulties in determining farming incomes by the ordinary profit and loss methods do not seem insurmountable or sufficient alone to justify the establishment of a separate system of taxation for farming operations.
- Unproductive wealth not taxed. 72. With regard to (b)—the disadvantage that the income tax does not ensure a contribution from all forms of wealth—it has been pointed out that unproductive forms of wealth are not reached by it. For example, there is a good deal of wealth invested in land that has not reached the productive stage—a common condition in new countries. In order to ensure a proportionate contribution from wealth that is not producing revenue, other countries impose complementary levies directed mainly at unproductive property, or property utilised solely for the purpose of enjoyment. These levies usually tax property in real estate, or the unearned increment derived from land. A property tax is dealt with elsewhere. A tax on the unearned increment of land is touched on in paragraph 53, but the present immunity of land from taxation in the Union, combined with its suitability as a fit object of taxation, requires that such a form of taxation should have serious consideration. The income tax only reaches the gains of occupation in the case of owner-

occupiers, and it would therefore seem that the ownership of land should also be made to contribute. The objections set out later on will debar a general property tax from our consideration. In the case of an unearned increment tax, the fundamental difficulty of valuation disappears, provided the tax be based on the increment only when realised. Profits realised from the sale of property are determined from known factors, *i.e.*, the purchase and selling prices. These known factors are officially recorded, and are available for reference in future transactions. The burden of such a complementary tax would apply equally to urban and rural properties, and provided that the tax rate was substantial, the economic effect would be to tend to discourage the locking up of unimproved land, which is mainly held for the sake of the unearned increment.

73. The exemption from taxation of the monetary value accruing to a taxpayer who occupies his own property, merely because it accrues in the form of money's worth instead of cash, can only be defended on the ground of expediency. No doubt the difficulties of valuation have hitherto been an effective bar to the inclusion of this source of gain in the existing Act. It has been claimed that the exemption affects all classes of the community alike, and that therefore it need only be considered for the purpose of increasing revenue. We do not accept this view, as we consider that this type of income should be brought into account by a levy on profits realised from the ownership, in the form of an increment tax on real estate, rural and urban. Owner-occupier.

74. The principal criticisms advanced against the Union Act are:—

- (1) The difference in the method of taxing farming profits as compared with other classes of profit;
- (2) The unsuitability of the existing administrative methods in their application to rural areas.

Criticisms of Income Tax Act.

75. The differences in method centre mainly round the anomalies created by section *nine* of the Act. This section has the effect of destroying one of the cardinal principles of the Act, *viz.*, that the tax is an annual levy. These and other objections are dealt with in detail under Chapter I. Differentiation under section *nine*.

76. The administrative difficulties may be classified as follows:—

- (a) The present system of centralised assessment is unsuited to the Union;
- (b) Corroborative information available to the Department and local knowledge are not fully utilised in the rural districts;
- (c) The system of administration through two departments results in lack of supervision and control.

Administrative defects.

77. With regard to (a), the Commissioner for Inland Revenue has pointed out that the work of assessment and collection cannot be completed in the financial year, and much criticism has been directed to the inordinate delay that takes place in the issue of assessments, which results in taxpayers often being called upon to pay two years' taxes in a single year. This criticism was referred to in the Commissioner's annual report for the year 1916-17, pages 22-3, where he explains that the delay is unavoidable, and arises from the fact that for a variety of causes the time left to the Department to assess and collect the tax is reduced to six months of the financial year. On the 31st March each year the outstandings relating to completed assessments shown by the Commissioner were as follows:—

1913-4	£31,055
1914-5	101,038
1915-6	475,796

and for the financial year 1916-7 we are informed that the outstandings aggregate £537,000. It must be remembered that the tax is an annual one, and levied for the services of the financial year in which it is imposed. Delay means not only loss of efficiency, but also loss of revenue, particularly in the rural districts.

We consider that the present centralised system of assessment is mainly responsible for the defect that the assessment and collection cannot be completed in the financial year. Centralisation not only delays the work of assessment, but it entails increased labour. It must be realised that of the total number of returns to be examined by the five assessing offices, roughly half are obtained through the Receivers of other districts. This system involves:—

- The double handling of returns;
- The duplicate registration of returns;
- The duplication of correspondence with the taxpayer;
- The duplication of tax information collected at source;
- And the duplication of accounting for collections.

These are all matters of considerable account, with an annual turnover of over one hundred thousand returns.

78. The administrative measures adopted in other countries mainly favour a system of local assessment and control. The oldest of modern income taxes, and perhaps the most successful, is that of the United Kingdom, where local administration and local appeal courts consisting of local taxpayers are the outstanding features. France, the latest country to adopt an income tax, has, in spite of having to establish entirely new administrative machinery, adopted the plan of local assessment. Other countries.

Use of corroborative information.

79. Regarding (b), under the present system of self-assessment the Department's control rests entirely on the successful use of the corroborative information available.

In connection with farming operations, this information is obtained from the following sources:—

Returns of purchases and sales of livestock and produce are called for by the District Receivers from—

Co-operative Societies, Dairies, Millers, Dealers, Speculators or Brokers, Market Masters, Auctioneers.

Payments relating to rents and interest recorded in taxpayers' accounts or returns are extracted and followed up, and the general efficiency of the control depends mainly on the adequate collection and proper application of this information. In many rural districts it is evident that the collection of this corroborative information is far from complete. Sufficient forms are not issued, and storekeepers and merchants who purchase direct from farmers are not called upon to make returns of such purchases. The application of the information so obtained also seems defective and needs supervision.

Inventories in deceased estates.

80. Another type of information which is not utilised in the rural districts may be mentioned, viz., the liquidation accounts in deceased estates. The inventory accounts in deceased estates contain data of the utmost value to an assessing officer when he has to scrutinise a return which is not supported by accounts.

Local knowledge.

81. The application of local knowledge relating to the financial standing of the taxpayer is essential for the efficient administration of an income tax. When the amount of tax is governed by a taxpayer's own declaration, the taxing authority must rely, apart from the information he can secure at source, on the extraneous indications of income, i.e., he can only be guided by the taxpayer's expenditure in comparison with others living under similar conditions, visible indications of which are the value of the dwelling house and the style of living. Only persons with a long and intimate knowledge of local affairs can judge accurately as to another's financial standing. Magistrates, by virtue of their office, and the special knowledge acquired in dealing with the transfer of property, administration of estates, and personal contact with the local inhabitants, are peculiarly fitted to deal with an income tax. By such means they should be aware of removals, of which they could advise other districts, and newcomers who may be taxable. It is evident to us that such local knowledge has not been fully exploited. This failure is due largely to constant changes in the magisterial staffs, who naturally require some time to become properly acquainted with a new district.

Administration through two Departments.

82. Regarding (c),—in the rural districts the Magistrate, as the District Receiver of Revenue, obtains the tax data which the assessing officer in the central office has to utilise in order to determine the tax payable. In other words, the task of discovering the taxpayer rests with the local Receiver, and the problem of the amount he must pay has to be solved by the assessing officer. These two officials belong to entirely different Departments, and their activities and duties lie mainly in entirely different directions. The taxpayer, moreover, has to satisfy both sets of officials before his liability or non-liability is finally settled. The disadvantages of the system are so obvious as to need little elaboration. Even assuming that each of these officials performs his duties efficiently, the lack of local knowledge and personal contact on the part of the assessing officer, combined with the limited functions of the local Receiver, not only increase the labour of assessing, but are frequently the cause of delay and irritation to the taxpayer.

Commissioner's views.

The views of the head of the Inland Revenue Department on this question have been made public in his Annual Report for 1916-17, page 3.

Position of Magistrates.

83. We regard the intervention and co-operation of the local magistrate as essential to the successful collection of an income tax in the Union. The magistrate is the recognised Government representative for his district under a system which has been the growth of many years of knowledge of the people and of the conditions of the Union. Owing, however, to the many duties he has to perform, he cannot be expected to be an expert in the performance of them all, and it seems to us that whilst the utilisation of the services of the magistrate is essential, a closer and more direct system of supervision and control is needed over Magistrates' offices before efficient administration and collection can be established in the rural areas.

SUITABILITY OF ALTERNATIVE TAXES.

Land Tax.

84. A considerable section of the community claims that an income tax is unsuited to farming operations, and should be replaced by or combined with a tax on the unimproved value of land. Before dealing with the specific claims of this kind of levy, it may be of interest to outline the general characteristics of a land tax.

Characteristics.

The characteristics of a modern land tax, whether utilised in combination with an income tax or in substitution of such a tax, are that it is either based on ownership or occupation, or both, and value is the determining factor. In other words, the value of the land or the value of its use are the controlling elements in settling the tax contribution. The basis of contribution has changed as changes have taken place in the economic conditions of different countries, and its historical development may be traced through several distinct stages.

Originally land was taxed according to its area, and this was probably a just but rough test of ability to contribute when but little land was cultivated. With the introduction of more general and improved methods of cultivation, the results from similar areas differed so widely that the basis of contribution by area had to be abandoned as inequitable. A survival of this method of levy exists in the Transvaal and Orange Free State, where a farm tax, based on the area of the land, is still raised.

Taxation of land based on the gross product followed, the State, by reason of its proprietorship of the soil, claiming one-tenth to one-fourth of the produce. The English tithe is a survival of this form of levy. As soon as the proximity to markets and the elements of fertility began to tell, it was found that poor and distant lands suffered by having to bear a relatively higher tax than better and more favourably situated lands. Consequently efforts were made later to differentiate between the different classes of land according to its fertility and locality, a different rate of tax being applied to each class. The difficulties of precise classification led to the abandonment of this system.

Taxation according to the rental or capital value was a later phase in the history of land taxes. This system requires as its basis a valuation, and most of the controversies on land taxation turn on the method of valuation, and the expediency of its revision at stated periods. Owing to the difficulties and inequalities arising out of a valuation basis, the modern tendency is to tax the results of ownership and occupation of land by means of an income tax. Recent examples of this tendency are to be found in the taxing laws of France, Canada and the United States.

Where a land tax still prevails and is of long standing, it is usually assigned to or levied by the provincial or local authorities.

85. The advantages claimed for a tax on the unimproved value of land may be epitomised as follows:—

- (a) Land whether utilised or not represents a form of wealth which should contribute to the burden of taxation;
- (b) a land tax taxes a form of wealth not already reached by a tax on income;
- (c) to tax land according to its unimproved value tends to prevent its unproductive retention;
- (d) a tax on land is the only certain means of bringing its ownership under contribution.

86. Briefly reviewed, these advantages may be amplified as follows:—

- (a) All forms of wealth, inasmuch as they represent ability to pay taxation, should contribute to the common burden, and revenue from one particular form of wealth is not always the best indication of ability. The revenue from land in the Union is an example where ability as represented by wealth in land cannot be gauged by the actual receipts, because many of the owners of land in the Union derive no revenue therefrom. Others, whilst receiving no rent in money, receive money's worth in the benefits which they derive from occupation and enjoyment. A further class—a comparatively small one—let their ground and pay income tax on the rent.
- (b) The income tax takes toll of the profits of occupation, but not of ownership when combined with occupation. A land tax on unimproved value would bring these forms of wealth in ownership under contribution.
- (c) The effect of taxation in encouraging the transfer of land depends upon the amount of the tax. The rate of a land tax framed to correspond with the Union Income Tax rate would be so small that its effect would be negligible, and would hardly force non-producing land into the market.
- (d) The substitution of a land tax for an income tax in the Union might secure the taxation of all farming incomes, but it would tax more than income. Under Union conditions, where much of the land is undeveloped and non-producing, the tax would fall on capital and not on income. Taxation which falls on capital must diminish the sum of the community's wealth, a process that can not continue indefinitely, and in using land as the basis of taxation there is always the danger in a new country of trenching on the accumulated savings of the community.

DISADVANTAGES.

87. (a) A tax on land places the burden on the property and not on the individual.
- (b) A land tax imposes a burden irrespective of results;
 - (c) the incidence of such a tax falls unequally even on lands of equal value;
 - (d) it is an uneconomical tax to collect;
 - (e) it has been already appropriated in the Cape Province for provincial purposes, and in the other Provinces for municipal purposes;
 - (f) it taxes ownership only and not occupation;
 - (g) in new countries it is apt to fall mainly on capital;
 - (h) it would only be practicable for Union purposes in combination with other direct taxes.

88. Reviewing these disadvantages, it may be observed that:—

[U.G. 3—19.]

- (a) Income being an attribute of the individual, taxation that ignores the ability of the individual must operate unevenly. A common circumstance in the Union is that an owner is unable to work his land through lack of capital, want of experience, or the vagaries of the seasons and disease. A land tax takes no account of these disabilities, but levies toll on all alike irrespective of personal conditions.
- (b) The aim of all sound taxation is to tax result. A land tax imposes a contribution irrespective of result. Thus a farmer making a large return out of land of a given value pays no more than a man who, for want of capital or other causes, is unable to produce more than one quarter of the amount.
- (c) Lands of equal value do not produce the same results; the results depend more on the application of labour and capital than on the inherent value of the land. When, however, the produce of land, labour and capital come under contribution, it is no longer a land tax, but comprises all the elements of an income tax.
- (d) The cost and difficulties of valuation constitute administrative problems which have to be seriously considered. Assuming that the basis of contribution is to be the unimproved value of the land, as suggested by the majority of witnesses who favour this form of tax, the levy would first entail the separate valuation of every piece of land in the Union, and also the separate valuation of the improvements. This would take a long time to complete, because outside the Cape Province no official data exists by which individual values could be determined. By the time that a general valuation was completed, the values in the areas first assessed would have become antiquated. The construction of new roads and railways, the introduction of new methods of farming, and the growth of neighbouring towns, would completely alter old values, and to keep pace with such constantly changing conditions, which are accentuated in new countries, would mean constant revision in valuations. Between the difficulties of adherence to an old valuation and those due to the expense and confusion entailed by constant revaluations, the uncertainty and friction provoked by such an unstable base would render the administration of a land tax in the Union difficult and costly.
- (e) There are the claims of other official bodies to this source of revenue. A characteristic of the land tax is that it is local in its incidence and thus better suited for local purposes. Where a tax, like a land tax, can be localised, the claims of the contributors to have their own communal needs met first out of their own contributions carries much force. A practical example of the application of this principle is to be found in the Divisional Council rate of the Cape Province recently converted into a provincial tax on immovable property. The proceeds of this tax were utilised chiefly for the maintenance of roads and bridges in the localities where the revenue was collected.
- Where the functions which local authorities exercise are primarily administrative, they cannot lay claim to any particular source of revenue; the selection of their revenue must then rest upon some other consideration, and that which appeals most naturally for approval is found in the class of industry with which as a rule rural life is mainly concerned, namely, agriculture. The industry of agriculture being represented by visible property in land, land seems the most suitable subject of taxation for local purposes.
- The Cape Provincial Land Tax has already been quoted as an example of this principle, and it might be argued that if it is suitable and practicable there, it ought to be equally suitable for the rest of the Union. It must be borne in mind, however, that the Cape tax is purely of the nature of a local rate utilised for local purposes. It is, in fact, similar to the assessment rates levied on property in municipalities in other parts of the Union. Moreover, whilst a tax on land may suit the Cape Province, as a local levy, it is quite a different proposition when applying the same principle to the Union generally, as a substitute for income tax. A feature of the Cape rural districts is that the land to a great extent has been developed and is revenue producing. With such a condition standards of value can be ascertained approximately, and probably the contribution payable by the individual in the Cape by means of a land tax represents his ability to contribute for local purposes through his ownership of property; but for central government purposes the problem has a far wider significance. Ability represented by ownership of property in land is not adequate in calculating the contribution of the individual owner for the needs of the central government. The capacity or ability to bear the burden of central government taxation must be measured by the total resources of the individual, and not by a single standard like ownership of land.
- (f) It taxes ownership only and not occupation. A land tax, whilst covering the right of ownership, would allow occupation to escape taxation. The owner-occupier would pay by virtue of his ownership, but the profits of occupation,

which have no relation to ownership, would be exempt. There is no relationship between the result of ownership and occupation. The tax in respect of ownership if based on the unimproved value of the land is limited by that value. On the other hand, the gains of occupation depend on the labour and capital of the occupier. The one is a tax on property in land; the other a tax on industry. As the bulk of the land in the Union is occupied by the owners, under the system of a land tax the majority of the farmers would escape taxation altogether in respect of the profits of occupation.

- (g) In new countries it is apt to fall mainly on capital. This objection is dealt with under paragraph 86 (d).
- (h) To introduce a combined system would aggravate the disadvantages of two systems instead of one, besides further increasing the difficulties of administration.

89. In seeking for a solution as to whether a land tax is best suited for the needs of central or local government, it is interesting to trace the financial destiny of land taxes in other countries. In England the land tax has never been developed as a prominent fiscal measure. The revenue is small and accrues to the central government. The reason why it has not been more fully utilised is probably that land is already heavily burdened through the local rates.

Destiny of Land Revenue in other countries.

In France the land or real estate tax has been abolished and replaced by an income tax.

In Belgium nearly half the land tax has been assigned to the provinces and communes.

In Prussia the land tax was transferred to the local authorities in 1893.

The Dominion of Canada and the separate States of the Commonwealth of Australia also use land taxes as part of the provincial revenue system.

PROPERTY TAX.

90. Another alternative method of taxation suggested to replace the income tax is a Property Tax. Property may be regarded as the source of income, and any value that it possesses is governed by the return or income which it commands or has in prospect.

The chief attractiveness of a general property tax is that it imposes an equal burden on all kinds of wealth, and such a tax to be equitable must reach and impose an equal contribution on all types of property. In practice, however, the application of this principle has been found to be impossible. Some forms of wealth give a lower return than others, and in special cases may even involve an outlay. Technical difficulties in valuation result from the nature of the property; often the value can only be obtained by capitalising revenue, and as the revenue is constantly varying in a way that does not admit of precise measurement, the capital value can only be reached by a process of estimation.

91. The main objections to a general property tax are stated by Professor Seligman Objections. to be that:—

“(1) A gap is often disclosed between property and product. Two farmers may possess farms of equal value. One may have had bad luck and suffered drought and disease, whilst his neighbour enjoys a bountiful season. With property as the test of ability the two farmers would pay the same, although the produce of the farms may differ.

“(2) A distinction is observable between property incomes and labour incomes; if property were the sole test of ability to pay, the professional men and others with large incomes derived from sources other than property would be free from taxation.

“(3) The recognition of property as the test of ability raises a difficulty connected with indebtedness. In a property tax the expenses incurred in maintaining the property are not ordinarily considered.

“(4) Property as a test of ability fails to draw the correct distinction between the constituent elements of wealth. It draws no distinction between property utilised primarily for purposes of enjoyment and property used for business purposes.

“(5) The insuperable difficulties which have everywhere shown themselves in any industrial society in reaching the multifold forms of wealth.”

The outstanding objection, however, to a general property tax centres in the task of assessment. When the bulk of property was represented by real estate, and when such personal property as existed was simple in its industrial character, the general property tax worked fairly well. Under such conditions the taxing authorities were able to assess fairly the property of individuals. But with the advance of civilisation new forms of wealth were created which changed the character of industrial property; public companies have replaced individual organisations, and credit relations have developed to such an extent that double taxation must result from the listing of the property of all individuals.

Thus the task of taxing authorities becomes a very difficult one; not only do they find it impossible to discover personal property, but unscrupulous taxpayers, by taking advantage of the provisions of the law designed to obviate double taxation, are able so to locate their intangible property as to evade assessment.

Not generally favoured.

92. It is probably due to these fundamental objections that a general property tax has never become established as a regular source of revenue in modern States. Although of earlier origin than the taxes on land and labour, it has generally been replaced by taxes on income. In two countries, however, it has maintained its ground, viz., Switzerland and the States of America.

Switzerland.

The Swiss system of property taxation is mainly used to fill gaps in the other kinds of taxation, and is, moreover, applied to local purposes.

American States.

The universal experience of the American States is that the greater part of personal property is not returned and cannot be controlled. The tax commissioners and assessors all dwell on this fact. Professor Seligman also declares that the general property tax as actually administered to-day is beyond all doubt one of the worst taxes known in the civilised world.

Other alternatives.

93. The other alternative taxes that have been suggested, such as a poll tax or a tax on turnover, are too defective and inadequate to merit serious consideration.

94. We are of opinion that, provided our recommendations in regard to the amendment of the Act be accepted, the principle of taxing farming operations by means of an income tax should be adhered to.

CHAPTER III.

DOES THE FARMING COMMUNITY PAY ITS DUE PROPORTION OF THE PUBLIC REVENUE THROUGH THE INCOME TAX?

Principles of taxation.

95. To answer this question satisfactorily involves an examination of the fundamental principles governing the general distribution of taxation, and the scrutiny by comparative analyses of the application of these principles in the Union and elsewhere. Accordingly, we have dealt with this problem under the following heads:—

- (a) The fundamental principles of distribution of taxation;
- (b) comparison of the Union taxation of farming profits with other countries and other classes of profit;
- (c) what taxation is borne by farming profits in the Union.

DISTRIBUTION OF TAXATION.

Tax defined.

96. A tax may be defined as a compulsory contribution from the individual for the support of the Government. The service of the Government being a common service, contributions for its support must in justice be made by all. It is a compulsory contribution, because the payment must be universal and one relatively equitable between individuals, the moral sense of the community demanding equitable payment from all its members; hence to attain that end it must be a coercive payment. The problem of the proper distribution or apportionment of taxation between communities necessitates a consideration of the relative duty of the individual person to contribute to the support of the Government. No argument is needed to enforce the conviction that taxes should be distributed on the basis of equity, but under a common system of taxation the question of equity is one between persons and not between communities. If individuals are fairly treated the communities comprising them can suffer no injustice. To ensure an equitable apportionment between individuals there are, according to authorities like Bastable, Adams and Seligman, three conceptions of a tax that claim consideration. These are:—

- (a) Taxation as a payment for public services;
- (b) taxation according to benefits received;
- (c) taxation according to ability to pay.

Payment according to service rendered.

Regarding a tax as the price paid for a service rendered, implies that the relative duty of the taxpayer is to pay in proportion to the expense he occasions, and by refusing the services offered by the Government he is able to escape the necessity of making payment; but as the service of the Government is a common service, contributions for its support should come from all. This principle, however, is only applicable so long as the question of payment is between the Government and the taxpayers as a body; directly the service rendered becomes specific to a particular taxpayer, the payment is no longer a tax, but a fee. A tax is levied as part of a common burden; a fee is assessed as a payment for a special privilege. The basis of taxation is the ability of the taxpayer; the basis of a fee is a specific benefit accruing to the individual. Protection of person and property are two functions of the Government rendered as a common service, the value of which to the individual cannot be ascertained. Moreover, there are different classes of property that do not need the same protection, and so occasion the same expenditure. Hence, to apply the principle of cost to the levy of a tax would be to demand heavy payments from the weak who need more protection, in order to diminish the payments of the strong who require less protection from the State. It is for reasons similar to the above that the method of apportioning taxes according to cost have been generally abandoned as not capable of realisation.

97. Regarding (b), the conception of a tax as a payment in proportion to benefits received is based on the fundamental idea that as individuals receive benefits from the State, a payment should be made on account of and in proportion to those benefits. The considerations that have been urged against the payment for service principle apply equally to the theory that a tax should be the equivalent of a benefit received. One of the practical results of an attempt to apply the benefit principle would be to impose excessive taxes upon those least able to pay them, for example, women and children, and the indigent, who by reason of their condition have greater need for assistance from the State than the rich. The theory of benefit claims that the State must give to each individual a return equivalent to the tax he has paid, but to try and apply this theory would destroy the conditions which alone justified the State in undertaking the service in the first place. The functions of government are common interests which do not admit of segregation, either as a cost to the Government or a value to the taxpayer. We therefore conclude that so long as it is impossible to estimate the relative value of government to persons and property, it will be impossible to collect taxes on such a basis.

98. Regarding (c), taxation according to the ability of the taxpayer to pay, it may be remarked that a tax is a compulsory contribution, the burden of which is measured by what is left to the taxpayer after payment. This explains the universal opinion that where fortunes vary equal payments would not be equitable as between taxpayers, and this principle is recognised in the Union Income Tax Consolidation Act, where progressive rates of tax are imposed varying with the amount of income. In all stages of society common expenditures are as a rule met by means of common contributions. In the earlier stages of society, when community of interest began to be recognised, the necessity was realised for the richer members of the community to contribute more than the poorer members, even though the benefit so achieved was common to all, and the measure of their larger payment was their ability, all things considered, to bear the payment.

From this examination of the fundamental principles governing the distribution of taxation, we can interpret the tax relations of the Government to the individual, and we arrive at the opinion that modern thought accepts this last principle, and all modern Governments endeavour to tax the individual according to his ability or capacity to pay.

COMPARISON WITH OTHER COUNTRIES AND OTHER CLASSES OF PROFIT.

99. The capacity to bear taxes is usually measured in other countries by the population, capital resources and produce or income of the country, and in the following tables a comparative analysis has been attempted on six different bases, viz.:—

- (1) Population;
- (2) Product;
- (3) Property and real estate;
- (4) Rental or annual value;
- (5) Nature of income;
- (6) Pre-Union Income and Land Tax.

(1) Population.

100. Unlike the expenditure of the individual, which is governed by his income, the amount of taxation levied in any country is governed by its expenditure, and Governments in apportioning grants or subsidies out of taxation to minor Governments often frame such allotments on a *per capita* basis, as a means of securing an equitable distribution. For example, the central government of Canada, under the Confederation Pact, pays the Provinces an annual subsidy equal to 80 cents per head of the population of the original Provinces. Again, the Commonwealth Government of Australia pays to the States, out of the Commonwealth revenue, a fixed annual payment of 25s. per head of the population, and divides any surplus revenue there may be remaining amongst the States also on a *per capita* basis.

Population may serve as a general basis of comparison in dealing with consumption taxes as in the Commonwealth, but when the comparison has to be restricted to a direct tax like an income or land tax, an apportionment on a strictly *per capita* basis is not applicable.

101. It is possible, however, to secure a base for a more accurate comparison by calculating the number of potential taxpayers, regarding every European male adult over 20 years of age as a potential taxpayer.

In the following table the tax payable and the number of potential taxpayers engaged in farming and other occupations in the Union are compared with the corresponding figures in certain other States:—

[U.G. 3—19.]

DISTRIBUTION OF TAXATION ON BASIS OF POTENTIAL TAXPAYERS.

State.	Potential Taxpayers : 1911 Census.			Income and Land Taxation.		
	Total.	Engaged in farming.	Engaged in other occupations.	Total. £	Percentage due from farming, calculated on a per capita basis.	Actual percentage from farming.
Union of S.A. ..	381,903	141,611	240,292	2,154,306	37·1	5·0, excluding mining taxation.
Queensland ..	191,931	65,068	126,863	1,118,827	33·9	45·9
Victoria ..	371,232	98,686	272,546	1,111,562	26·6	23·4
New Zealand ..	320,202	91,147	229,055	2,440,475	28·4	30·0 } Land tax
Commonwealth ..	1,336,144	374,598	961,846	5,643,626	28·0	15·4 } only.

The persons engaged in mining are included in the total of potential taxpayers, also their income tax. If the direct taxation under the Mining Taxation Act were included, then the percentage would become $2\frac{1}{2}$ instead of 5.

(2) *Product.*

Product basis.

102. In the following table the production in the Union is compared with the relative taxable income under the three principal industries, viz., farming, mining and trade:—

TAX YEAR 1915-16.

	Farming.	Mining.	Trade
Product	£50,000,000	£50,593,359	£84,182,021
Taxable Income	2,680,856	12,023,978	15,829,016
Percentage of taxable income to product	5·3%	23·7%	18·8%

FARMING.

No official figures are available as to the farming production; hence the total of fifty millions sterling, which amount we have adopted for the purpose of this calculation, is merely a very conservative estimate.

MINING.

The total of £50,593,359 is taken from the Government Mining Engineer's Report for 1916.

TRADE.

The trade total is made up as follows:—

Manufactures (Census 1916)	£40,434,882
Value of imports, plus freight, Customs duty, etc	43,747,139
	£84,182,021

Comments.

103. The various classes of income in any country are subject to competition, in the same manner as the prices of commodities, so that if a particular class of income becomes more profitable than another it immediately draws competitors from the other classes, and this extra competition tends to bring down the rate of profit on the most profitable class to a common level.

With regard to the Union's principal industries, the difference of 5 per cent. between mining and trade can be accounted for by the fact that the extra risk involved in mining calls for a corresponding higher return.

It is difficult, however, to explain the small percentage from farming. Either the base on which the taxable income is calculated is defective, or farming gives an absurdly poor return. If the return from farming were so inadequate, one would expect that capital, which is always attracted to the most profitable sphere, would be transferred from farming to the presumably more profitable fields of employment; yet it is common knowledge that the drift of capital is not away from, but towards the land. The demand for land is becoming more acute every year, and values in the Union have been rising for the past decade.

(3) *Property and Real Estate.*

104. The following are some comparisons where taxation is measured by property as well as income:—

State.	Distribution of Taxation.			Percentage of total levied as Land Tax.	Estimated value of Land.	
	Income Tax.	Land Tax.	Total.		Urban.	Rural.
	£	£	£	£	£	£
Queensland ..	756,292	362,535	1,118,827	32	16,401,175	45,622,388
Victoria ..	737,040	374,522	1,111,562	34	127,743,501	160,128,933
Tasmania ..	147,309	83,716	231,025	36	10,996,944	21,511,416
New Zealand ..	1,392,119	1,048,356	2,440,475	43	139,111,240	231,965,443
Commonwealth	4,191,853	1,451,773	5,643,626	26	431,000,000	532,000,000
Totals .. £	7,224,613	3,320,902	10,545,515	31	725,252,860	991,228,180
Union of S.A. ..	2,117,882	36,424	2,154,306	1.7	142,000,000	178,000,000

If land in the Union bore the same proportion of the total tax as is indicated by the average percentage in the above States, it would mean that 31 per cent. of the Union total of £2,154,306 would fall on land, i.e., £667,834. Further, if this amount were distributed between the rural and urban districts according to the above Union valuation, the rural proportion would be £335,058 more than at present. Comparison.

105. An instructive comparison as to the relative burden of taxation-borne by property is compared with income is also available from the Cape Province, the following figures being taken from the annual accounts of the Cape Province, 1916-17, for eight typical districts:— Cape Province.

*CAPE DIVISIONAL COUNCIL RATE COLLECTIONS TO 31ST DECEMBER, 1916.

District.	Valuation of Property on which Rate levied.	Amount of Rate collected.	Amount of Tax (Income Tax) assessed 1915-16.
	£	£	£
Aberdeen	1,211,439	1,238	267
Dunbarton	800,852	4,159	1,956
Glasgow	1,219,463	2,544	1,709
Fort Beaufort	540,288	2,309	691
Malmesbury	1,769,300	11,052	4,447
Prince Albert	562,501	1,559	196
Somerset East	1,228,122	3,231	1,390
Victoria East	308,081	1,117	229
Stockenstrom	533,365	1,953	239
Wodehouse	717,799	4,478	1,056

* This rate has now been superseded by a Provincial Tax on immovable property, the burden of which falls half on rural and half on urban property.

(4) *Rental or Annual Value Basis.*

106. In the United Kingdom farming profits are calculated as being equivalent to Annual Value double the rental or annual value of the land. If this method were applied to the Union, and the rural valuation, viz., £178,000,000, stated in basis 3, were adopted, it would be possible to get a comparison between the two methods, provided that the rental or annual value in the Union could be determined. The old Cape Divisional Council rate and the substituted Provincial tax upon immovable property were based on an assumed return of 6 per cent. of the value. This percentage would be probably too high for the Transvaal and certain parts of Natal and the Orange Free State, therefore in the following comparative Table an average for the Union of 5 per cent. has been assumed. Further, in the Union not all the land is occupied, hence it has been estimated that only 75 per cent. of the total valuation represents the occupied proportion.

RURAL OCCUPATION OF LAND.

	United Kingdom Schedule B.	Union of South Africa on 5 per cent. basis.
Gross income, including Exemptions	£103,500,000	£6,675,000
Taxable income	91,500,000	2,680,856†
Percentage of taxable income to gross income ..	88%	40%

† (Extracted from Annexure C.2.)

Thus the sum of £2,680,856 is the actual taxable income, whilst on an assumed basis of 5 per cent. the amount would be £6,675,000.

RURAL OWNERSHIP OF LAND.

	United Kingdom Schedule A.	Union of South Africa.
Gross income, including Exemptions	£45,660,265	£6,675,000
Taxable Income	34,328,667	500,000*
Percentages of Taxable Income to Gross Income ..	75%	7%

* Estimated (Rural proportion of Rents shown in Annexure C.2.)

Comparison.

The wide variation in the comparison relating to occupation is due to the different method of arriving at the income, and the difference as regards ownership to the fact that the bulk of the owners in the Union occupy their own land, and are not taxed by virtue of ownership as in the United Kingdom.

(5) Nature of Income.

Nature of Income. 107. Comparison of certain Taxable Incomes according to source of income, extracted from Annexure C. 2:—

Source of Income:	Individuals.	Taxable Income:
(a) Public Service	£3,004,931
(b) Professions	2,371,397
(c) Farming	2,226,536

According to the 1911 Census, the population engaged in the above occupations was as follows, taking male adults only: Public Service, 24,920; Professions, 17,059 Farmers, 141,611, and these may be regarded as the potential taxpayers from whom the actual taxpayers are drawn. The taxable incomes derived from the three classes are comparable, from an ability point of view, by reference to: (1) Earning capacity; (2) Capital resources; (3) Permanence of income; (4) Number of taxpayers.

Comparison.

108. As regards earning capacity, the professional class is the superior, but there cannot be much difference between the other two classes in this respect. As regards capital resources the farming class stands alone as practically the only one of the three classes possessing capital.

As regards permanency of income, classes (a) and (b) must be regarded as precarious incomes, inasmuch as they are dependent on the life and health of the earner. Farming incomes, on the contrary, to the extent that they represent capital invested in land and improvements, are more permanent than either professional or public service incomes.

Discrimination.

109. In other countries the principle of discriminating between income from personal effort and income from capital is generally recognised by imposing a higher rate of tax on income from capital. This principle is founded on the theory that an income which continues for an indefinite period, as from property, is better able to bear the tax burden than an income which only lasts during the health and strength of the producer.

(6) Pre-Union Taxation.

Pre-Union Taxation.

110. Prior to Union, income tax was only levied in the Cape and Natal Provinces, and the following comparisons are based on the last published figures:—

CAPE PROVINCE.

Taxing Period.	Number of farmers with incomes exceeding £300.	Taxable income from farming.	Law in force.
Year ending 30.6.1909 ..	2,929	£1,441,324	Cape Act 1909.
Year ending 30.6.1916 ..	2,030	£1,115,242	Union Act 1916.

At the first glance this comparison seems to indicate that there has been a serious set-back in production in the Cape during the last seven years, but it is common knowledge that the products of the land have increased considerably since Union. Take, for example, the exports of farm produce. The Union Customs returns show that there was an increase of nearly four millions, or 43 per cent., between 1909 and 1916. As regards seasons, and prices of farm produce, the year 1915-16 is considered as above the average, whilst 1908-9 was below normal owing to the drought in the midland districts. One of

he reasons that can be advanced for the falling-off in the number of taxpayers and the aggregate amount of taxable income is the difference in the method of assessment of profits. Under the Cape Act, the farmer's taxable income represented the actual profits calculated according to ordinary commercial accounting principles; under the Union Act, the farmer's taxable income can best be described as an indefinite quantity.

The total tax payable on farming profits in the Cape Province was £63,000 in 1909, and £25,023 in 1916.

NATAL PROVINCE.

Natal.

111. As previously indicated, the income tax in Natal prior to Union was levied on other property in land and income. The levy on land was in the form of a tax on the unimproved value of land situated outside Municipalities.

The relative incidence in typical rural areas of the Natal tax as compared with the Union tax is shown in the following table:—

Rural District.	Income Tax assessed under:	
	Natal Act 1908-1909.	Union Act 1915-1916.
	£	£
Alexandra	1,500	900
Estcourt	2,482	2,167
Ixopo	1,002	560
Klip River	4,110	1,880
Lion's River	1,466	811
Newcastle	2,152	1,304
Richmond	605	490
Utrecht	1,738	969
Vryheid	1,982	693
Weenen	240	81

MR. J. C. SHERIDAN'S BASIS.

112. Another base somewhat similar to No. 1 has been widely published and extensively quoted. It is a comparative analysis of the relative burden of direct taxation borne by the urban and rural communities in the Union. Mr. Sheridan's basis.

Although covering a wider field than the taxation connected with income, the method of treatment and the results obtained are of more than passing interest and invite attention.

The statement claims that the urban population bears 79 per cent., the rural population 5½ per cent., and the native population 15½ per cent., of the direct taxation of the Union; and as these results differ very materially from the results indicated in this Report, they have had them examined.

DETAILS OF THE STATEMENT: 1917-18 REVENUE ESTIMATES.

Direct Taxes.	Urban.	Rural.	Native.	Total.
	£	£	£	£
Mining	2,190,000	—	—	2,190,000
Income Tax	1,710,000	40,000	—	1,750,000
Stamps and Licences	305,000	170,000	30,000	505,000
Death Duties	90,000	90,000	—	180,000
Taxes on Natives	—	—	880,000	880,000
Excess Profits	250,000	—	—	250,000
Miscellaneous	5,000	—	—	5,000
Totals	4,550,000	300,000	910,000	5,760,000
	79%	5½%	15½%	

These results are arrived at on the following assumptions:—

- (1) That all the mining taxation is paid and borne by the urban population;
- (2) That the income tax paid by all companies is borne by the urban population;
- (3) That the white population which pays and bears this direct taxation is equally distributed between the rural and urban areas.

113. An examination of these assumptions leads us to the following conclusions:—

- (1) That the individuals who have ultimately to bear the mining taxation are the shareholders, and that approximately only one-eighth of the dividends distributed go to local shareholders, the remainder being due to the foreign shareholders.

If taxation is increased or reduced, the dividends paid to the shareholders will be

reduced or increased accordingly. Gold having a standard market value, any increased burden raising the cost of production cannot be shifted, because the price to the consumer cannot be raised; hence it can be reasonably contended that this burden must necessarily fall on the foreign shareholder, and not on the urban population of the Union.

(2) The incidence of the income tax is also affected by foreign ownership. It has been calculated that £450,000 of the tax derived from Companies is borne by foreign shareholders; but it is possible that a portion of this burden may be transferred to the consumer in the Union by increasing the price of the product. In that case, part of the burden would ultimately rest on both rural and urban areas, both being consumers.

If Mr. Sheridan's estimate of the direct taxes is recast so as to separate foreign ownership, and subject to the exclusion of £100,000 revenue from State ownership included under mining, £5,000 miscellaneous, and the addition of £36,000 in respect of land tax, the result is as follows:—

Direct Tax.	Urban.	Rural.	Foreign.	Native.	Total.
	£	£	£	£	£
Mining	261,250	1,750	1,827,000	—	2,090,000
Income Tax	1,240,000	60,000	450,000	—	1,750,000
Stamps and Licences	305,000	170,000	—	30,000	505,000
Death Duties	83,000	83,000	14,000	—	180,000
Excess Profits Tax	130,000	15,000	105,000	—	250,000
Native Taxes	—	—	—	880,000	880,000
Land Tax	—	36,000	—	—	36,000
	2,019,250	365,750	2,396,000	910,000	5,691,000
	35.5%	6.4%	42.1%	16%	100%
	£2,385,000				

Hence from the above method we arrive at the following comparison:—

	Urban.	Rural.	Foreign.	Native.	Total.
	£	£	£	£	£
Mr. Sheridan's analysis	4,550,000	300,000	—	910,000	5,760,000
Percentages	79%	5¼%	—	15¾%	100%
Committee's analysis	2,019,250	365,750	2,396,000	910,000	5,691,000
Percentages	35.5%	6.4%	42.1%	16%	100%

(3) Turning now to the population basis of comparison, Mr. Sheridan assumes that the population which bears the above direct taxation is equally distributed between the urban and rural communities; but in dealing with the burden of taxation, and in ascertaining who pays the direct taxation of the Union, we consider that a closer and fairer basis of comparison would be not men, women and children, but potential taxpayers or breadwinners. For example, dealing with the population ratio in basis (1), the direct taxpayers are made up of male persons aged 20 years and upwards engaged in occupations. These are the potential taxpayers, and practically the only individuals who have to carry the burden of direct taxation. By applying this method to the 1911 census results, we get a population ratio, rural to urban, far from equal; it will be found to work out as follows:—

OCCUPATIONS.

Males over 20 Years of Age.

Professional	41,979
Domestic	7,914
Commercial	64,865
Industrial	118,687
Indefinite	4,456
Unspecified	2,391
Agricultural	141,611

Aggregate 381,903

or 37.1 per cent. of the potential taxpayers are engaged in farming, against 62.9 engaged in other occupations.

114. If the combined rural and urban direct taxation already estimated at £2,385,000 are contributed equally by these potential taxpayers, the division would be in the ratio 37.1 rural to 62.9 urban; or converting this ratio into amounts, the rural proportion would be £884,835, and the urban £1,500,165, representing 15.5 per cent. and 26.4 per cent., respectively, of the total direct taxation.

Thus by the method of apportioning the taxation according to the number of contributors, the following would be the result:—

	Urban.	Rural.	Foreign.	Native.	Total.
Distribution	£1,500,165	£884,835	£2,396,000	£910,000	£5,691,000
Percentages	26.4%	15.5%	42.1%	16%	100%

It will be seen that on the above basis of potential taxpayers the farming community could pay £884,835 instead of £365,750 estimated paid.

It may be remarked that this last analysis assumes that the taxable ability of each individual in both the rural and urban communities is the same, whilst it is generally admitted that the individual earning capacity in the rural is less than in the urban areas, a factor which must be borne in mind in considering this basis of comparison.

Hence it would appear that the allocation on a basis of potential taxpayers would present the maximum that could equitably be claimed from the farming community.*

SUMMARY.

115. The results of the foregoing comparative analysis with other systems may be summarised as follows:—

(1) The population basis indicates that if the farming community paid on a per capita basis, they would pay 37.1 per cent. of the total, whereas they only pay 5 per cent. In other countries, it will be seen that the actual percentage from farming ranges between 15 per cent. and 45 per cent., and that this percentage approximates closely to the per capita percentage.

(2) The product basis shows that the rate of profit from agricultural production, as arbitrarily calculated for the Union Income Tax, is not a third of the rate of profit derived from trade. Hence either the taxing method of ascertaining incomes is inadequate, or trade products yield three times the profit of agricultural products. If the rate of profit were the same, then the resultant taxable income from agricultural production would be more than three times the existing yield.

(3) The property and real estate basis indicates a deficit in yield when a land tax is combined with the income tax of £335,058. This is rather more than the deficits arrived at on any of the other bases.

(4) The rental or annual value basis brings out the feature that the present Union method of taxing the occupation of land is not half so productive as the United Kingdom method based on the rental or annual value. Further, that when occupation is combined with ownership, a condition that prevails generally throughout the Union, ownership practically escapes taxation in the Union.

(5) The outstanding feature of the fifth basis, viz., nature of source of income, is the relatively small aggregate taxable income from farming as compared with the other two classes.

(6) The comparison with pre-Union taxation brings out the fact that the Cape Act of 1909 produced 44 per cent. more farmer taxpayers than the Union Act of 1916, whilst Natal, in the typical rural districts quoted, the Natal Act of 1908-9 produced 43 per cent. more tax than the Union Act of 1915-16.

(7) This method of analysis of the distribution of taxation brings out a striking feature, viz., the large amount of foreign capital invested in the country, and the relatively large proportion of taxation it has to bear. The extensive investment of capital in new countries is a common feature, and the maintenance of their credit relations is an important factor in promoting the industrial activity and general welfare of such countries. The tendency in the Union, however, seems to be to increase the tax burden on foreign-owned capital, and the recently imposed Provincial Gold Tax in the Transvaal is an example of this tendency, the ultimate effect of which may be far-reaching and retrograde. It makes the investment of capital unattractive and tends to drive existing foreign capital out of the country. Capital, like any other commodity, obeys the law of demand and supply, it seeks the most attractive fields and is drawn first to the country giving the highest return.

The effect of the withdrawal of foreign capital from any industry is ultimately to lessen production and thereby increase the working costs, with the result that the selling price of the article has to be increased, and the burden thus falls on the consumer. The position, however, is somewhat different in regard to the gold-mining industry. Gold having a standard value, the producer, i.e., the shareholder owning the mine, cannot raise his

* Mr. Chappell dissents from this criticism of Mr. Sheridan's statement.

price, and therefore any increase in cost of production cannot be shifted on to the consumer, but it tends to lessen production by the closing of the low-grade mines. Hence, when the taxation of foreign capital is increased, the burden is apt to recoil on the country, imposing the additional burden either through the withdrawal of foreign capital, or through the demand for a higher rate of interest, so that the nett yield will conform to the standard return obtainable elsewhere.

WHAT TAXATION IS BORNE BY FARMING PROFITS IN THE UNION.

116. Dealing now with the actual results for the period under review, viz., the tax year 30th June, 1916, we have had prepared certain statistical tables which are included in Annexure "C." These tables correspond in form with those published in the Department's annual report, but are carried on to a later date, viz., the 31st October, so as to include the complete record of the year's assessments. The salient features of these tables may be summarised as follows:—

Statistics.

Annexure C. 1 deals with the total number of taxpayers in the Union, and the aggregate normal tax payable in respect of both individuals and companies.

Annexure C. 2 is an analysis of different kinds of income of individuals, from which it will be observed that farming profits aggregate £2,226,536 out of a total of £31,285,512, or 7.1 per cent. of the total income assessed on individuals.

Annexure C. 3 shows that out of an aggregate of 44,169 taxpayers (individuals), 4,370 were farmers, or 9.9 per cent.; and of the tax payable by individuals:—

£426,071 or 43.5 per cent. was derived from trade.

£326,988 or 33.4 per cent. was derived from professions and employment.

£52,612 or 5.4 per cent. was derived from farming.

£173,844 or 17.7 per cent. was derived from other sources, mainly income from property.

The division of farming profits (individuals only) between the four Provinces is as follows:—

	Taxable Income.	Percentage.
Cape	£1,115,242	50
Natal	409,174	18
Transvaal	192,770	9
Orange Free State	509,350	23
	£2,226,536	100

NORMAL TAX.

Annexure C. 4 is a schedule with the number of assessments, the taxable income and the taxes payable by individuals in each fiscal district of the Union. A striking characteristic which this statistical return brings out is the essential urban character of the income tax in its incidence. The following are the amounts of taxes assessed in the towns named:—

Cape Town	£151,531
Port Elizabeth	42,092
Kimberley	19,762
East London	19,651
Durban	116,616
Maritzburg	22,772
Bloemfontein	16,187
Johannesburg and Reef	308,050
Johannesburg	£240,581
Krugersdorp	25,226
Boksburg	23,924
Germiston	18,319
Pretoria	42,075
	<u>£738,736</u>

Annexure C. 5. The Super Tax assessed in respect of farming, as will be seen from this return, is practically negligible, and this is no doubt in a measure accounted for by the receipt and expenditure bases of returns generally adopted throughout the Union.

COMMITTEE'S CONCLUSIONS.

117. An examination of the collective results obtained by a comparative analysis of the results obtained on such widely different bases as population, product and land value, and different methods of income, combined with actual results obtained from other countries and in parts of the Union prior to the introduction of the existing law, discloses a considerable tax shortfall in respect of the proportion due from the farming community. The reasons for this shortfall can only be ascribed to the defects already brought to notice, and they may be recapitulated as:—

- The differentiation in method of taxing farming profits;
- The exemption of ownership of land from taxation;
- Defective administration in the rural areas.

118. If the value in revenue of this shortfall could be ascertained with any degree of accuracy, then possibly the proportion due from the farming community might be ascertainable. We are satisfied, however, that it cannot be reduced to the test of a common calculation. The operation of section *nine*, for example, which we understand permitted the deduction of 1½ millions of capital expenditure on livestock in the tax year under review, cannot be converted into terms of nett income.

Again, the cumulative effect of the set-off of such capital outlay, in cases where farming is carried on in conjunction with some other business, is hardly calculable. It must be remembered that the deduction of such capital expenditure might diminish both the normal and super taxes ordinarily payable when farming is carried on with another business. The fiscal effect is best illustrated by the following example, where £3,500 trade profit combined with £1,500 farming profit had to bear a set-off of £3,500 representing capital outlay on livestock:—

Actual profit on trade	£3,500
" " " farming	1,500
Making a total nett profit of	5,000
Deduct outlay on livestock	3,500
Taxable profit	£1,500
Difference between actual profit and taxable profit	£3,500

The second reason, viz., that the income tax does not touch ownership when combined with occupation, is equally difficult to convert into a monetary value; and finally, it is not possible to estimate the effects of higher administrative efficiency in the rural districts.

119. In order to arrive at the accurate value of the foregoing figures, it is necessary to bear in mind the facts that lie behind them. In regard to the apparently large number of potential taxpayers engaged in farming operations, it must be remembered that this number includes the whole of the bywoner class, a very numerous one, which consists almost entirely of those whose incomes do not reach the exemption limit of £300. Then, again, there is a large number of farmers who own their own land, much of which is far in excess of the capital at their command, as they are, as a rule, men of small capital, who are only able to maintain a struggling existence at or about the exemption limit. Neither of these two classes contributes anything whatever to the income tax of the country. Further, until a comparatively few years ago, farming in the Union was very largely carried on in a somewhat primitive manner, due to the fact that to the ordinary farmer opportunities of learning new and improved methods were relatively few and far between. The last few years, however, have brought about a really remarkable change. This has been due very largely to the opportunities afforded by the Government of studying new and improved methods of every kind, and the introduction of the principle of specialisation in each particular kind of farming—a principle long considered essential in every other form of business. This new movement has been at work for some years, and the increased prices that have obtained during the war period have been the means of accelerating the development of it to a really considerable extent, so much so that in every part of the Union we received evidence as to the increases that had occurred in the value of land during the last five to eight years—increases so substantial and so widespread that they cannot be ignored. It is of interest to note that, as a result of careful enquiries, we found that in the majority of cases, and particularly those in which the highest prices were given, the buyers were farmers themselves, frequently neighbours of the owners from whom they bought, and it was clear that the reason for the prices given was not merely the enhanced value of the produce caused by the war, but principally because the working of the new methods resulted in a much greater yield being obtained from a given amount of land, and the gradual spread of the conviction that one of the secrets of success lies in the complete utilisation of a small area of ground, rather than the mere possession of a huge area out of all proportion to the capital of the farmer who owns it. The day of the large farm, running into thousands of morgen, is fast, except for ranching purposes, or something of a similar character. It is repeatedly being proved to demonstration that the successful farmer is the farmer whose acres are

relatively few in comparison with what we have been accustomed to in South Africa as a whole, but who cultivates or uses the acres that he has to the full extent and limit of their productiveness. We in no way ignore the fact that despite everything which may be done, farming has its bad years, a difference between farming and business being, perhaps, that when the years are bad, they are very bad indeed.

Present contribu-
tion inadequate.

120. The conclusion arrived at in Chapter One was to the effect that a careful analysis of the present method of determining incomes from farming operations showed that these methods are neither equitable between the different classes of farmers, nor between farmers as a class and the rest of the community. We have now examined the problem from the point of view of collective results, and we find that, as compared with the taxation of other kinds of profit in the Union, the taxation of farming profits is inadequate. Further, this view is completely corroborated by the comparisons we have made between the taxes paid by the farming community in other countries and those paid by the same class in the Union.

CHAPTER IV.

RECOMMENDATIONS OF CHANGES IN LAW AND PRACTICE TO REMEDY EXISTING DEFECTS AND ANOMALIES.

RECOMMENDATIONS.

121. "A."

We Recommend:—

That the method allowed under section *nine* of Act No. 41 of 1917, to persons carrying on farming operations, of framing their returns on a receipt and expenditure basis, should be abolished, and that all persons carrying on farming operations should be required to frame their returns on the same basis as other taxpayers.

The general effect of this recommendation will be to ensure equality of treatment between all taxpayers, and considerably to increase the income tax contribution from farming operations.

122. "B."

We Recommend:—

That the Department should provide farmers who do not keep records with a simple printed book at the beginning of each tax year, to enable them to keep an account of their receipts and expenditure, and a list of their livestock and produce. The recording of all transactions in this book should be made compulsory on farmers who do not otherwise keep adequate records of their business dealings.

When a farmer is unable to fill in the statutory form of return, he would hand this book to the district receiver in exchange for a new one, and the task of arriving at the taxable income of the farmer would be performed by the Department. This method does not pretend to take the place of a properly prepared balance sheet and profit and loss account, nor is it intended for those who can render their accounts on the usual form. It is suggested that it should be used to enable the farmer who otherwise would keep no books at all, to ascertain his income, and this only until the spread of education and the natural desire for progress enables him to keep his accounts properly, and thus render the book a superfluity. It is compulsory by law for the smallest trader to keep a proper set of books. It is clear, therefore, that it cannot be regarded as an unreasonable expectation that a community so important as that of farming should in its own interest take advantage of one of the most elementary of business principles.

This procedure would also, we consider, overcome the difficulty experienced by farmers in filling in the form of return which, in the absence of records, has necessarily to be framed on an elaborate scale.

123. "C."

We Recommend:—

That the existing method of stocktaking indicated in the 1918 Regulations, paragraph 12 (4), by which the farmer taxpayer places his own valuation on his livestock, and only returns the total value without details, should be abolished, and a schedule system adopted on the following lines:—

All purchased stock should be included in the account at cost price. The livestock bred by the taxpayer should be brought up according to a schedule of standard values determined either by the Commissioner or by regulation, but the taxpayer should have the option of valuing his stock above the standard basis should he so elect. The standard values should take into account the quality and the state of maturity of the livestock; for example, quality might be subdivided into three classes, viz., pedigree, grade and common, and a standard value fixed for each class. Likewise, immature animals should be valued according to age; for example, if a mature animal had a standard value of £20, and reached maturity at the age of 5 years, a two-years old animal would be valued at two-fifths of this amount, or £8. Other methods of valuation are outlined in Appendix B.

124. "D."

We Recommend:—

That the profits of ownership of real estate, both rural and urban, which are not reached by the existing law, should be brought under contribution, by means of a tax on the unearned increment realised on the transfer of real estate.

Of the suggestions made for reaching the profits of ownership of real estate, we favour the increment tax, because, like the income tax, it is based on actual results, the ownership of landed property in the Union being no measure of income.

The method that suggests itself to us for the levying of an increment tax suitable to the circumstances of the Union is shortly as follows:—

- (1) The taxable increment would represent the profit realised on the transfer of real estate, which would exclude expenditure on improvements. Taxable Increment
- (2) The rate of tax might be on a sliding scale varying according to the period of ownership and the ratio of the profit to the outlay; e.g., a profit realised after ten years' ownership should be taxed at a lower rate than a similar profit realised after five years' ownership; likewise, a profit equivalent to 50 per cent. of the cost should be taxed at a lower rate than a profit representing 100 per cent. of the cost. Rate of Tax.
- (3) The rate of tax in respect of unimproved property should be higher than that levied on improved property. Unimproved Property.
- (4) Property passing by virtue of inheritance and subject to death duty should be exempt from the increment tax. Inherited Property.
- (5) The tax should be payable by the seller, and the time of payment should be when the transfer is effected. Payer and Time of Payment.
- (6) The existing machinery for the collection of transfer duty could be utilised, and the collections thus controlled through the Deeds Office. Collection.

By the imposition of a tax of this character, we consider that a class of profit will be made to contribute which has hitherto escaped taxation.

125. "E."

We Recommend:—

That no agreement of any kind relating to the carrying on of farming operations or ownership of stock or agricultural produce should be recognised, unless it is in writing, and for the purposes of the Act has been registered with the taxing authorities.

126. "F."

We Recommend:—

That the work of assessment should be decentralised by increasing the number of assessing centres from five to approximately thirty, and that all assessing offices should be brought directly under the control of the Commissioner, through inspectors or surveyors, whose principal duty should be to secure uniformity of assessment.

The detailed reasons for suggesting further decentralisation of assessment are embodied in Appendix "A." The adoption of these proposals in regard to decentralisation should not necessarily involve any materially increased expenditure, as the considerable saving in work that would be effected would probably liberate sufficient officers from the existing centres of assessment to staff efficiently the increased number of assessing offices proposed. Moreover, the transfer to the Inland Revenue Department of any members of the magisterial staffs who are now engaged entirely on revenue duties would not entail any additional expenditure. Decentralisation.

We consider that in order to secure efficient performance of the work and ensure uniformity of practice among the various assessing offices, a system of regular inspection should be organised. An inspector could have two or more areas placed in his charge, as the work of inspection would be relatively easy, because all the work of an area would be fully examined in the central office, so that before proceeding to inspect the district receiver's office the inspector would be fully aware of the points requiring attention. Inspection.

We desire particularly to emphasise that it is essential to the success of the system that the work of inspection be thoroughly and efficiently done.

127. The income tax, in the initial stages of its administration, presented considerable difficulties. New departmental machinery had to be created, and the public educated to their responsibilities and liabilities under the law. We are of opinion that the administration of the Act has, on the whole, been carried out tactfully and successfully, and the Department is to be congratulated upon the way the principle of an income tax has been accepted throughout the Union.

An income tax is a measure of slow growth, and it must not be forgotten that it takes time to build up an organisation able to deal with it efficiently, and to acquaint potential taxpayers with its provisions. We admit that the administration of the Act in the rural districts presents many difficulties, but we consider that, with an improved system of administration on the lines proposed, many of these will disappear. Some difficulties may remain, but we do not think they will be of a serious nature.

Recovery of Ar-
rears.

128. A consequence of Recommendation "A," which has required much deliberation, is the problem of the recovery of the outstanding tax, payment of which has been deferred, under the receipt and expenditure method of determining farmers' incomes. In common justice this outstanding tax liability should be recovered, if it is at all practicable, because if it is not recovered an inequality will be created between farmers who have adopted the receipt and expenditure basis and the remaining taxpayers of the Union, who include, moreover, those farmers who adopted the stock basis, and therefore paid their share of the tax annually.

We have carefully considered if any means exist whereby this outstanding tax can be recovered, and have to admit that no equitable plan can be put forward to secure that end. We have consulted the Head of the Inland Revenue Department, and the following is an extract from his considered opinion:—

"(1) The whole of the tax would not be recovered.

"(2) There would be no equality of recovery as between those persons who kept books and those who did not. The former would pay the full tax; the latter, owing to the absence of sufficient information in the making of an assessment, would not pay the full tax.

"(3) There would not be equality of recovery between the respective individuals who have not kept books. Information required to be furnished for the making of the relative assessment would not be complete or reliable in all cases, and consequently there would not be equality of recovery from the respective individuals."

We have therefore reluctantly come to the conclusion that any attempt to recover the outstanding tax must be abandoned.

Complaints and
Suggestions.
Conclusion.

129. In the course of our enquiries, certain minor defects and anomalies were brought to our notice, and are dealt with in Appendix "C."

130. In conclusion, we do not claim that our recommendations, if adopted, will produce the result which, when reduced to amounts, would completely level up the taxation of the farmer with that of the rest of the community. We were repeatedly told by responsible witnesses of varying degrees of prosperity that the farmer was perfectly willing to pay his share of the taxation of the Union. It is true that this declaration was frequently accompanied by a not unnatural desire that steps should be taken to ensure that his neighbour should do likewise. Our object has been to achieve this end, and we are of opinion that our recommendations, if carried into effect, will do so in the fairest and most equitable manner possible.

131. We desire to express our thanks to Mr. E. J. Kay, the Assistant Commissioner for Inland Revenue, who was seconded from the Department to attend the sittings of our Committee, for the valuable assistance he has rendered us. Mr. Kay's intimate knowledge of the subject which was submitted to us for enquiry, and of its administration in the Union, proved of inestimable value, and we have no hesitation in saying that without it our task would have been infinitely more difficult. We therefore have pleasure in thanking the Head of his Department for having given us the benefit of Mr. Kay's assistance and advice, which have proved so valuable to us.

We also desire to testify to the ability and conscientiousness with which Mr. A. M. Kennedy performed the duties of Secretary to our Committee.

W. VAN HULSTEYN,
Chairman.
E. CHAPPELL,
(see reservation below)
P. W. MICHAU,
Members.
A. M. KENNEDY,
Secretary.

Johannesburg,
18th December, 1918.

MR. CHAPPELL'S RESERVATION.

The principal objection I have to the criticism of Mr. Sheridan's statement is in regard to the incidence of the tax levied upon the foreign investor. Because the foreign investor is made to pay a tax it is assumed that the incidence rests with him, and on the strength of this assumption seven-eighths of the mining taxation is deducted from the tax paid by the urban areas. I am unable to agree with this deduction, as, in my opinion, the assumption under which it is made is unsound. Some of the tax may at present be paid by the overseas taxpayer, but a very considerable proportion (and this will be an increasing amount) will be charged back to South Africa in the price that will have to be paid for future borrowings, or in the inducements that have to be offered to attract new investments. Therefore, while Mr. Sheridan's statement may be said to be inaccurate in so far as it ignores the overseas taxpayer, it is clear that the basis upon which it is sought to criticise it, claiming as it does the deduction of the whole of the amount said to be paid by the overseas taxpayer, is equally untenable.

E. CHAPPELL.

18/12/18.

APPENDIX "A."

DECENTRALISATION OF ASSESSMENT.

The main features of the Act and Regulations relating to administration may be outlined as follows:—

The Commissioner for Inland Revenue is responsible for the carrying out of the provisions of the Act, and under his direct control are 13 departmental offices, located in the principal towns of the Union. In addition, there are 227 district or magistrate's offices, whose staffs are utilised by the Inland Revenue Department for the obtaining and reporting on returns of income. The officials in charge of these 240 offices are all *ex officio* District Receivers of Revenue. Commissioner's responsibility.
No. of Departmental Offices.
Districts or Magistrates' Offices.

On public notice being given by the Commissioner, persons liable to the tax are required by the Commissioner to make a return on the prescribed form, which must be lodged with the District Receiver of Revenue. The District Receiver is responsible for the distribution of forms, the obtaining of returns of income, and the collection of the tax. District Receivers of Revenue.

After examination, the returns are reported on by the District Receiver, and transmitted to the Commissioner or the Deputy Commissioner of the province or area, for assessment of the tax. There are five such assessment centres in the Union, viz., at Pretoria, Johannesburg, Cape Town, Maritzburg, and Bloemfontein, and the whole of the returns pass through and are disposed of by one or other of these central assessing offices. Deputy Commissioner,
Assessing Centres.

The District Receivers do not assess the tax, but after the assessment has been made at the central office, an account is sent to the District Receiver for collection.

In addition to returns of income, District Receivers of Revenue have to obtain and utilise the following data:— Data obtained and utilised.

- Returns of the salaries of employees;
- Returns of interest paid;
- Returns by agents of sales of livestock and produce;
- Returns by companies of debenture interest and dividends paid.

It will be seen that the administrative provisions of the Act adopt the principle of self-assessment. Every taxpayer has to declare his own income, and he is taxed according to his own declaration.

The revenue is, however, safeguarded to a great extent by the administrative measures taken to check and verify the declaration of the individual taxpayer, and these measures depend mainly on the information which is collected from persons other than the taxpayer himself. For example, every employer is obliged to furnish particulars of all payments to employees. Again, in the case of payment of interest or rent, particulars of all persons to whom the payment is made has to be disclosed. Control to safeguard Revenue.

Farming profits are checked by obtaining returns from agents, auctioneers and market masters of particulars of their sales of livestock and agricultural produce on behalf of farmers. These transactions are extracted from the returns and compared with the relative taxpayer's statement of income. And finally, the taxing authority may demand the production of documents or call for any information which may be required for the purposes of the Act. Returns from Produce Buyers.
Taxing Authority may demand information and documents.

Having indicated the principal means of control at the disposal of the taxing authorities, there remains to be considered how this control is applied. The organisation as previously outlined, may be grouped under two heads, viz., the 240 District Receivers of Revenue who obtain the taxing data, and the five central offices who utilise this data for computing the amount of tax.

The five assessing offices at present supervise and control all assessments, but are not themselves subject to supervision. This means that these offices have to deal annually with over 115,000 returns, which are due practically simultaneously, hence it is inevitable that they cannot be disposed of in a reasonable time under a centralised system of examining, unless there is a large staff available for their scrutiny.

The need for centralisation in any institution is usually governed by considerations of economy and control, and of these two considerations control must be the dominating factor.

The amount of control necessary can usually be determined and measured in the case of an income tax by the nature of the income and the checks that are provided for the verification of such incomes. From the annexed statistics it is possible to make an analysis of the returns and to calculate approximately both the amount of control necessary and the places where it is needed. Amount of control necessary.

(a) According to the annual report for 1916-17, the Department has to handle 114,513 returns, of which it will be seen from Annexure C. 1 that 45,297 were taxable, or nearly 40 per cent. No. of Returns

(b) Of the 40 per cent. taxable a little more than half represents cases of fixed salaries, the assessment of which is automatic and controlled through other channels. More than half represents fixed salaries.

Salaried cases obtained from Districts controlled by Magistrates. (c) Of the salaried cases that are liable, more than half the number handled at the central assessing offices were obtained from other districts.

85 per cent. districts with Inland Revenue Department Officers. (d) Of the total tax assessed 85 per cent. was derived from the districts where the Inland Revenue Department has its own officers, leaving 15 per cent. as coming from districts controlled by magistrates.

(e) Of the total number of returns to be examined by the five assessing offices, roughly half are obtained through the Receivers of other districts.

Centralisation in 80 per cent. of cases difficult to justify. It would appear that the necessity for centralisation in respect of the 60 per cent. that are exempt and the 20 per cent. that are of an automatic nature, or 80 per cent. of the total number of returns, is difficult to justify. A certain amount of supervision may be necessary of the 80 per cent. of the returns that do not need central control, but that seems to be more the function of the inspecting officers and not the assessing officials.

Method of Collection. The ideal method of collecting income tax would be the one in which the local official, to whom the taxpayer hands his form should be able to arrive at the taxable income and render the account for the actual assessment. Unfortunately, owing to the circumstances of the country, its enormous area, and the fact of many of the districts being comparatively sparsely settled, this ideal is to a very large extent impossible, but it has been clearly apparent to us that the system of decentralisation which is at present practised must be considerably extended, in order that the steadily increasing volume of work can be dealt with with less delay than at present exists. The disadvantages of the present system have already been dealt with, and are so obvious that no further comment need be made.

At present the whole Union is divided into five areas, the assessment work of each area being concentrated in one office. Thus the assessments for the Cape Province are done in Cape Town, for Natal in Pietermaritzburg, etc., etc., and similarly in each Province with the sole exception of the Transvaal, which has two offices, viz., at Pretoria and Johannesburg. The result of this system is that more than half the 115,000 returns have to be handled twice, first in the local district, and again at the central assessing office, thus causing a duplication of work and consequent delay which appears to us to be unnecessary.

No. of Areas: Personnel. We recommend that instead of the Union being divided into five areas, it should be divided into approximately 30, as the convenience of the work demands. Each area should have one assessing office, which would naturally be situated in the largest town of the area. This office would consist of an Inland Revenue official and his staff, who would be responsible for the work of the whole area. Such Inland Revenue officials would make assessments on all the returns in which the taxable income was under £2,000. All returns of income above this amount would be sent to the Deputy Commissioner's office and assessed there. The advantages attached to this method, to take the illustration of the Cape Province, would be that the returns from Cape Town and all the large towns would then only be handled once, and only the returns from the smaller towns and rural areas be handled twice, so that the number of returns handled respectively once and twice would, roughly speaking, be reversed. It should be at once stated that the proportion of returns of over £2,000 is less than 5 per cent. of the total, and is therefore inconsiderable. The huge bulk of the returns would thus be handled only once instead of twice, and would be dealt with from start to finish in the office at which they were received and where the local knowledge, which is the essence of successful income tax administration, is most easily available. This in itself will constitute a substantial saving of work and avoid the accumulation and consequent delay that is now occurring. Moreover, in regard to a very large proportion of taxpayers, the ideal method of collecting the tax already alluded to will be achieved. In regard to the returns received by the various District Receivers, it is clearly impossible to expect the District Receivers, with their numerous other duties, to undertake the work of assessment, but arrangements should be made so that when the District Receiver is reporting on the returns sent in by the taxpayer, he should have before him the complete record of the taxpayer's previous returns, in order to enable him to have the full knowledge of the taxpayer's position, which is essential to an adequate report. When the District Receiver's report is complete, the return is sent to the central office for the area, where the assessment is duly made and an account sent to the District Receiver for collection.

Receivers should have complete records.

W. v. H.

E.C.

P.W.M.

APPENDIX "B."

VALUATION OF LIVESTOCK.

Stocktaking.

If farming profits are to be computed according to the generally accepted principles of accounting, there must be a stocktaking at the beginning and end of each accounting period. This stocktaking is the principal difficulty in ascertaining a farmer's profits, and if a simple and uniform plan of valuation could be secured, most of the difficulties

experienced with farmers' accounts would disappear. It is not difficult to check a farmer's purchases and sales of livestock or his recurring expenditure, but the valuation of the natural increase presents many difficulties.

The Act and the form of return merely indicate that farmers rendering a stock account are to state the value of the livestock on hand at the beginning and end of the taxing period; the method of valuation is left to the taxpayer himself. This choice leads to an absence of uniformity amongst farmers in calculating the value of their livestock.

The following are some of the methods of valuation adopted by farmers who render their returns on the stock account basis:—

- (a) The natural increase is valued in the first year at 1-4th to 1-5th of the value placed on the corresponding full grown stock;
- (b) The stock account is only credited with the actual cost of rearing;
- (c) An average standard value is adopted, based on market prices for each class of livestock under normal conditions;
- (d) All natural increase is excluded from the stock account until it is realised.

With regard to (a), to value the natural increase at a proportion of the cost of the old stock possibly puts a value on them above the actual cost, but nearer to their market value.

With regard to (b), the valuation generally works out at less than the true market value, because old stock is usually replaced by young stock, which, if the progeny of the old stock, has cost much less than the original stock.

With regard to (c), whatever standard value is adopted, it must be adhered to in future tax years, but a common standard cannot be applied to all classes of stock.

The method adopted under (d) results in that portion of the natural increase which is employed for breeding purposes and not realised escaping taxation; it constitutes a part of the income which is transferred into capital.

For any single year each of these methods of valuation may give a different profit, but over a series of years the combined profits tend to equalise. A change in the rate of tax, however, would introduce inequalities.

Usually, when the introduction of the full value of the natural increase into the stock account is postponed, the revenue stands to gain, because the bulk of the profit when realised falls to be taxed in a single year instead of over a series of years.

It must be remembered that the tax rate in the Union increases with the amount of income, and by distributing the increase or gain from livestock over several years, instead of limiting it to a single year when the profit is actually realised, the rate is an average one compared with a high rate if the increase is allowed to accumulate and then realised in a single year. It is possible, by deferring liability in respect of natural increase until the livestock is sold, that many farmers would become liable to super tax, whereas under average conditions there would never be liability.

The methods of stocktaking adopted in other countries vary considerably, but the following examples are worth quoting:—

United States.

Livestock is divided into two categories, viz., breeding and grazier's stock.

Expenditure on breeding stock is capital expenditure, the cost of which is not allowed as an expense; depreciation on such stock that is purchased is, however, allowed.

Expenditure on stock purchased for resale is allowed as an expense, and cost of stock purchased that dies may be deducted as an expense.

No depreciation is allowed on stock raised or purchased for resale.

The natural increase is not taxed until realised.

United Kingdom.

The entire stock, including the natural increase, is valued at the beginning and end of each tax year. Losses are not carried forward, nor are the profits calculated on the average of the three previous years, as is the case with other businesses.

Commonwealth of Australia.

Livestock is invariably brought into the stock account at cost, but when the cost price cannot be stated, the departmental standard cost is adopted. This standard cost differs in each State, and varies between £2 and £6 for calves, 5s. to 12s. 6d. for lambs, and £5 to £15 for foals.

Queensland.

The natural increase is valued at a flat rate reckoned on the first year as being equal to one-fourth the value placed upon the same class of full-grown stock.

New Zealand.

In valuing livestock, a standard value per head for each class may be adopted by the taxpayer, but this standard value per head must be adhered to in subsequent returns.

Natal.

The natural increase of livestock, as long as the same is not disposed of, is not deemed to be income.

[U.G. 3—19.]

Cape.

The old Cape Act taxed the natural increase, and the Commissioner's method of valuation is outlined in the following extract from a departmental circular:—

"If on the 1st of January there is a stock of 2,000 sheep, young and grown, on the farm; and on the 31st December a stock of 2,500 sheep, then of course there would be practically only the same proportion of ungrown sheep at the end of the year as there was at the beginning of the year; in other words, there is an increase of 500 all told, some grown, some young, and some 'coming on.' It is absurd to say that all the 500 are youngsters. If we regard them in that light, i.e., look only at the 'natural' increase in stock, then we should have, in addition, to look at the increase in value which had taken place by a year's growth in those which were in hand at the 1st of January; and it is altogether simpler to say that the total increase in numbers is so many, and value them at an all-round price, looking on some as being fully matured and some as young."

W. v. H.

E.C.

P.W.M.

APPENDIX "C."

ALLEGED DEFECTS AND ANOMALIES.

(1) *Expenditure on labourers' rations:*

It has been claimed that when a farmer purchases rations for his labourers, the outlay is allowed as an expense against his income, but when he grows the rations instead of having to purchase them, he gets no such deduction. In the statutory form the farmer has to bring up everything he produces on the farm as income, and if he feeds any portion of this produce to his labourers, that portion appears on the other side of the account as an expense, or it is omitted from both sides of the account if the return is rendered on a cash basis.

(2) *Afforestation:*

We have received complaints that the taxation of profits derived from afforestation and tree planting is not framed on a satisfactory basis.

We consider that special regulations should be framed to meet the peculiar circumstances of this industry.

(3) *Capital expenditure on making vineyards and orchards:*

Witnesses have claimed that the original outlay in the laying out of vineyards and orchards should rank as a working expense.

The usual method of dealing with this class of expenditure in all taxing laws is to regard the initial expenditure as capital expenditure; and all subsequent expenditure relating to maintenance, cultivation, and the replacement of trees, as working expenditure.

We think this is a fair division of the expenditure, and we do not see how these principles can be departed from without extending its application to taxpayers engaged in other occupations.

(4) *Cost of labour in reaping crops is allowed, but not the cost of a machine to perform the same service:*

It is claimed that whilst the cost of reaping a crop by hand is allowed as wages, the cost of a machine for performing the same labour does not rank as a deduction.

The wages are an annual charge against the annual profits. The cost of a machine is an initial outlay, intended to cover several years' operations, and the depreciation allowance will, over a series of years, cover the initial outlay. The cost of maintenance is allowed as incurred.

(5) *Improvements:*

There is a general claim that expenditure on improvements, such as fencing, boreholes, irrigation, dams, dipping tanks, and the prevention of erosion, should rank for deduction from income.

To allow capital outlay on improvements to rank as a deduction would mean:—

- (1) That a farmer would be able to reinvest all his surplus profits in improvements and so avoid taxation;
- (2) The principle would have to be generally applied to all other kinds of income, with the result that the general yield from the tax would be decreased and the rate would have to be raised; the ultimate effect would be to revive all the evils and anomalies of the existing section nine.

The case of a dam has often been quoted to us. It may prove useless on account of heavy rains or storms, or it may burst before having been put into commission. The position in such a case would be that the cost of repairing and maintaining it would rank as a deduction from income.

(6) *Depreciation:*

We consider that a uniform scale of depreciation should be adopted throughout the Union, and that provision should be made on the statutory form showing that such an allowance can be deducted. The relative rates of depreciation should also be printed on the return.

(7) *Repairs to and maintenance of fencing:*

We understand that the Department allow any outlay of this nature. The cost of a new fence ranks as capital expenditure, but any outlay relating to maintenance or repairs is allowed as a working expense.

W. v. H.
P.W.M.
E.C.

ANNEXURE A.—SCHEDULE OF WITNESSES.

Date.	Name.	Evidence given at
4th February, 1918	Mr. E. J. Kay, Assistant Commissioner for Inland Revenue.	Capetown.
5th "	"	"
11th "	Mr. A. H. Day, Deputy Commissioner for Inland Revenue, Capetown.	"
11th "	Mr. P. Davidson, Ex-Deputy Commissioner of Taxes	"
12th "	Mr. J. C. Sheridan, Ex-Commissioner of Inland Revenue for the Union.	"
13th "	"	"
14th "	Sir Frederic de Waal, Administrator of the Cape Province.	"
18th "	Mr. G. E. D. Orpen, Accountant	"
18th "	Mr. H. C. Becker, M.L.A.	"
18th "	Mr. C. B. Heatlie, M.L.A.	"
18th "	Mr. C. A. Schweizer, M.L.A.	"
19th "	Mr. H. E. V. Pickstone, Groot Drakenstein	"
19th "	Mr. W. W. D. Molteno, Beaufort West	"
20th "	Rt. Hon. J. X. Merriman, P.C., M.L.A.	"
20th "	Brig.-Gen. L. A. S. Lemmer, M.L.A.	"
20th "	Col.-Commandant W. R. Collins, M.L.A.	"
21st "	Mr. Patrick Duncan, M.L.A.	"
21st "	Mr. G. C. Jackson, Nelspoort, Beaufort West District	"
22nd "	Senator the Hon. C. Southey, C.M.G.	"
25th "	Mr. J. W. Mushet, Capetown	"
25th "	Mr. C. H. Lamb, Capetown	"
25th "	Mr. J. Neilson Kemp, Capetown	"
25th "	Mr. George Blaine, M.L.A.	"
25th "	Senator the Hon. A. J. Fuller	"
26th "	Mr. J. D. Albertyn, M.P.C.	"
26th "	Senator the Hon. Sir A. G. Viljoen, Kt.	"
27th "	Mr. J. D. Preiss, Revenue Clerk	Paarl.
27th "	Mr. P. A. Myburg	"
27th "	Mr. J. A. Smute, M.P.C., Moorreesburg	"
27th "	Mr. J. I. de Villiers	"
27th "	Mr. F. W. Metlerkamp, R.M., Wellington	"
28th "	Mr. H. C. Stofberg, Botha's Halt	Worcester.
28th "	Mr. J. C. Rabie, S/son, Nuy	"
28th "	Mr. J. C. Rabie, D/son, Nuy	"
28th "	Mr. J. P. Cilliers, Attorney	"
28th "	Mr. P. C. K. Burger, De Doorns	"
28th "	Mr. D. F. du Toit, Acting R.M.	"
28th "	Mr. M. J. de W. de Kock, Attorney	"
28th "	Mr. David Smith, Merchant	"
28th "	Mr. B. Lategan, Breede River	"
28th "	Mr. P. D. du Toit	"
28th "	Mr. A. P. Burger, Nuy	"
28th "	Mr. D. J. Naude	"
15th April, 1918	Mr. H. O. Meyer	Mossel Bay.
15th "	Mr. H. J. Zietsman	"
15th "	Mr. C. J. Calitz	"
15th "	Mr. W. M. Moodie, Attorney	"
15th "	Mr. R. J. Gill, R.M.	"
17th "	Mr. W. M. v. d. Riet, Accountant	Oudtshoorn.
17th "	Mr. A. H. Muller	"
17th "	Mr. F. du Toit, Acting Assistant R.M.	"
18th "	Mr. Harry Archer	Graaff-Reinet.
18th "	Mr. T. E. Murray	"
18th "	Mr. W. Rubidge	"
18th "	Mr. G. F. Smith	"
18th "	Mr. W. D. de L. van Alphen, Acting R.M.	"
22nd "	Mr. F. G. B. Bollen	Port Elizabeth.
22nd "	Mr. C. W. Marshall, Receiver of Revenue	"
23rd "	Mr. A. Metcalfe, Attorney	Cradock.
23rd "	Mr. G. B. Rayner	"
23rd "	Mr. L. J. Vosloo, Bedford	"

[U.G. 3—'19.]

ANNEXURE A.—SCHEDULE OF WITNESSES.—Continued.

Date.	Name.	Evidence given at
23rd April, 1918	Mr. F. D. Ainslie, Bedford	Cradock.
23rd "	Mr. R. A. Hockley	"
23rd "	Mr. J. F. v. G. Bekker, Steynsburg	"
23rd "	Mr. G. A. Barber	"
23rd "	Mr. L. O. B. Sparkes	"
23rd "	Mr. C. Stegmann	"
23rd "	Mr. J. D. Krigo	"
23rd "	Mr. J. P. Michau	"
23rd "	Mr. I. P. Grobler	"
25th "	Mr. G. H. H. Fincham, Imvani	East London
25th "	Mr. Wm. Goulden	"
25th "	Mr. J. W. Venables	"
25th "	Mr. B. J. Sheard	"
25th "	Mr. G. S. Tomlinson, Koonap	"
25th "	Mr. O. H. R. Nicholls, Cove Rock	"
25th "	Mr. J. P. Wilson	"
25th "	Mr. J. Mitchell, Dohne	"
25th "	Mr. C. K. Bradley, Dohne	"
25th "	Mr. J. A. Harty, Dohne	"
26th "	Mr. A. R. Cooper, Cambridge	"
26th "	Mr. E. W. Pemberton, Receiver of Revenue	"
29th "	Mr. C. G. Hay	Queenstown.
29th "	Mr. J. L. Bisset	"
29th "	Mr. R. F. Weir	"
29th "	Mr. G. S. Graham	"
24th June, 1918	Mr. John Roy	Johannesburg.
24th "	Mr. Chas. Woods	"
25th "	Mr. W. A. Martin	"
28th "	Mr. James Butler	"
28th "	Mr. S. L. Kling	"
28th "	Mr. Henry Nourse	"
1st July, 1918	Mr. C. Gordon Thompson	Standerton.
1st "	Mr. C. C. Bicknell	"
1st "	Mr. F. H. Hazelden	"
4th "	Mr. S. B. Woollatt	Maritzburg.
4th "	Mr. P. E. Leonard	"
4th "	Mr. T. P. O'Meara	"
5th "	Mr. Geo. T. Plowman, Natal Administrator	"
5th "	Mr. D. M. Eadie	"
5th "	Mr. E. E. Downing, Rosetta, Natal	"
5th "	Mr. John Marwick, Richmond, Natal	"
5th "	Mr. Hugh Nourse, M.P.C.	"
5th "	Mr. John Mabstone, Richmond	"
5th "	Mr. C. W. Alexander, Deputy Commissioner	"
5th "	Mr. D. Forsyth	"
5th "	Mr. P. H. Smalridge	"
5th "	Mr. F. A. Hawthorne	"
8th "	Mr. A. H. Walker	Durban.
8th "	Mr. A. Henry, Receiver of Revenue	"
8th "	Mr. H. W. Soutter	"
8th "	Mr. E. B. Duncan	"
20th August, 1918	Mr. A. P. McLoughlin, Commissioner for Inland Revenue.	Pretoria.
20th "	Mr. H. L. Hall, Nelspruit	"
20th "	Mr. A. Holm, Under-Secretary for Agriculture	"
20th "	Hon. J. Riasik	"
21st "	Mr. C. H. Leake, Johannesburg, Chamber of Commerce	"
21st "	Mr. W. T. Nourse, Pyramid	"
21st "	Mr. H. Adler	"
21st "	Mr. J. K. Gawith, Sabie	"
21st "	Mr. T. Kleinenberg	"
21st "	Mr. I. E. Stegmann	"
21st "	Mr. F. T. Nicholson	"
21st "	Hon. Hugh Crawford	"
21st "	Mr. J. McCallum, Tzaneen	"
22nd "	Mr. R. Rusk	Rustenburg.
22nd "	Mr. H. N. J. v. d. Merwe	"
22nd "	Mr. A. P. Olivier, M.P.C.	"
22nd "	Mr. W. Geeringh	"
22nd "	Mr. W. Ellman	"
2nd September, 1918	Mr. T. A. Border	Kroonstad.
2nd "	Mr. M. L. Bukes, J.P.	"

ANNEXURE A.—SCHEDULE OF WITNESSES.—Continued.

Date.	Name.	Evidence given at
2nd September, 1918	Mr. F. P. Sampson	Kroonstad.
3rd	Mr. A. O. Zunckel	Bethlehem.
3rd	Mr. J. P. Fourie	"
3rd	Mr. C. H. Olivier	"
4th	Mr. J. H. Cloete	Clocolan.
4th	Mr. P. Minnaar	"
4th	Mr. R. W. Glynn	"
5th	Mr. R. P. Radley	"
5th	Mr. B. Radley	"
5th	Mr. C. F. Naude	"
5th	Mr. J. Hanrahan	"
5th	Mr. W. H. Lombard	"
5th	Mr. W. Groenewald	"
5th	Mr. H. W. Taylor	"
5th	Mr. I. S. Ferreira	"
5th	Mr. M. S. Ferreira	"
5th	Mr. B. Jackson	"
5th	Mr. J. Oberholzer	"
5th	Mr. J. J. van Niekerk	"
6th	Mr. B. J. Schlebusch	Bloemfontein.
6th	Mr. J. G. van Aardt, Wepener	"
6th	Mr. W. Pretorius	"
6th	Mr. W. J. Pretorius	"
6th	Mr. P. A. Niemand	"
6th	Mr. G. P. Visser, Jagersfontein	"
6th	Mr. G. J. Beyers, Deputy Commissioner for Inland Revenue.	"
9th	Mr. A. R. Radloff	Kimberley.
9th	Mr. W. H. Carter	"
9th	Mr. J. G. Bergh	"
9th	Mr. C. A. Hall, Taung	"
9th	Mr. James Moir	"
9th	Mr. H. G. J. Anderson	"
9th	Mr. A. H. T. Buller, Receiver of Revenue	"
11th	Mr. J. F. Pentz, J.P.	Vryburg.
11th	Mr. G. D. Smith	"
11th	Mr. Theron	"
11th	Mr. J. Griffiths	"
11th	Mr. R. Casfall	"
12th	Mr. F. W. König	Potchefstroom.
12th	Mr. D. v. d. Merwe	"
12th	Mr. S. Mottram	"
12th	Mr. R. G. Amm	"
20th	Mr. A. G. Robertson, Transvaal Administrator	Pretoria.
20th	Mr. E. J. Kay, Assistant Commissioner for Inland Revenue.	"
20th	Mr. P. J. du Toit, Under-Secretary for Agriculture	"

STATEMENTS.

Mr. S. C. Skaife, Petrusburg	18/12/17
Mr. C. Gardner, Alexandria	12/1/18
Mr. H. Scrivenor, Bloemfontein	16/1/18
Mr. A. A. Larter, Indwe	19/1/18
Mr. W. H. Pigott, M.P.C., Highlands	4/2/18
Mr. J. E. Forrest, F.L.A.A., Riversdale	7/2/18
Mr. B. Niland, M.P.C., Adelaide, Cape Province	7/2/18
Mr. L. D. Gilson, J.P., Kokstad	10/2/18
Professor R. Leslie, South African College, Capetown	18/2/18
Mr. W. L. Menne, Philipstown	19/2/18
Mr. P. J. D. Erasmus, Bethal	22/2/18
Mr. L. Vlotman, Ladybrand	28/2/18
Mr. F. W. Southey, Steynsburg	2/3/18
Mr. B. W. Davies, Edicott, Transvaal	4/3/18
Mr. M. J. de Villiers, Stellenbosch	22/3/18
Mr. John Jolly, Grahamstown	4/6/18
Mr. F. G. Palmer, Impendhle, Natal	23/6/18
Mr. C. B. Hill, Ginginhlovu, Natal	29/6/18
Mr. C. C. Bateman, Zandbult	4/7/18
Mr. J. G. Flemming, Iona, Lake Chrissie	—/7/18
Mr. W. T. Woods, Mooi River, Natal	8/7/18
Mr. Geo. Fair, Pretoria	22/8/18
Mr. G. H. Tordiffe, Westminster	29/8/18
Mr. Bicheno, Munnik	5/9/18
Mr. E. A. Davidson, Waterberg	12/9/18
Mr. H. S. Theron, Winterhoek via Bloemhof	20/9/18
Mr. G. Murray, Reedfontein, Cedarville	5/10/18

NORMAL TAX.

ANNEXURE C 1.

Statement showing the Number of Assessments, amount of Taxable Incomes and amount of Tax payable in the Union, and in each Province—
Tax Year ended 30th June, 1916, compiled to 31st October, 1917.

Province.	Number of Taxpayers.			Amount of Taxable Incomes.			Amount of Tax Payable.		
	Total No.	Individuals No.	Companies No.	Total £	Individuals £	Companies £	Total £	Individuals £	Companies £
Cape	14,785	14,398	387	15,052,306	10,902,903	4,149,403	722,567	362,093	360,474
Natal	5,289	5,108	181	5,780,627	4,308,693	1,471,934	290,831	164,887	125,044
Transvaal	21,863	21,328	535	17,890,747	13,933,785	3,956,962	726,583	394,874	331,700
Orange Free State	3,360	3,360	25	2,213,058	2,140,131	72,927	62,049	57,661	4,388
Normal Tax—Total for Union	45,297	44,194	1,128	40,936,738	31,285,512	9,651,226	1,802,030	979,515	822,515

ANNEXURE C 2.

TAXABLE INCOMES OF INDIVIDUALS (for each of the four Provinces and for the Union) AND OF COMPANIES FOR THE UNION, classified according to sources—Tax Year ended 30th June, 1916, compiled to 31st October, 1917, compiled to 31st October, 1917.

Source of Income.	Cape.	Natal.	Transvaal.	O.F.S.	Total Individuals.	Total Companies.	Aggregate.	Percentage of Total.
	£	£	£	£	£	£	£	
Trade, excepting Liquor Trade	3,814,832	1,406,006	3,692,852	557,048	9,471,338	5,317,149	14,788,487	36.1
Liquor Trade	236,776	115,363	200,564	39,729	592,432	448,097	1,040,529	2.5
Insurance, Life and Other	—	—	—	—	—	797,538	797,538	1.9
Insurance, Fire	—	—	—	—	—	171,624	171,624	.4
Banking, Trust and Finance	—	—	—	—	*	710,513	719,513	1.7
Shipping	—	—	—	—	*	165,911	165,911	.4
Mining	59,668	—	8,924	—	68,592	936,436	1,005,028	2.4
Legal Professions	329,958	114,934	275,868	112,440	833,200	—	833,200	2.3
Medical Profession	240,724	68,899	231,306	62,864	612,793	—	612,793	1.5
Other Professions	481,268	194,358	208,580	41,189	925,404	—	925,404	2.2
Public Service	817,989	416,887	1,514,220	255,826	3,004,931	—	3,004,931	7.3
Other Employment	1,591,964	805,509	6,316,092	255,854	8,969,329	—	8,969,329	21.9
Farming	1,115,242	†233,479	192,770	509,350	2,050,841	22,728	2,073,569	5.1
Sugar Growing	—	175,695	—	—	175,695	422,135	597,830	6.7
Wattle Growing	—	—	—	—	—	—	9,457	.2
Rents	949,412	345,792	764,827	114,186	1,874,217	421,023	2,295,240	5.6
Interest	1,547,594	415,414	513,980	166,498	2,643,486	228,615	2,872,101	7.0
Other than above	8,476	15,757	13,874	25,147	63,254	—	63,254	.1
Total	10,902,903	4,308,693	13,933,785	2,140,131	31,285,512	9,651,226	40,936,738	100

* Included in Trade.

† Includes Wattle Growing.

NORMAL INCOME TAX ASSESSMENTS ON INDIVIDUALS FOR THE YEAR ENDED 30TH JUNE, 1916, COMPILED TO 31ST OCTOBER, 1917.

Statement for each of the four Provinces and for the Union, showing the Number of Taxpayers, the Taxable Incomes and the Tax payable, classified according to Source of Income.

Province.	Aggregate No. of Taxpayers.	Amount and Source of Taxable Incomes.							Amount of Tax Payable.									
		From Trade.		From Professions and Employment.		From Farming.		From Other Sources.	Total Taxable Income.	From Trade.	% of Total.	From Professions and Employment.	% of Total.	From Farming.	% of Total.	From Other Sources.	% of Total.	Total.
		No.	Taxable Income.	No.	Taxable Income.	No.	Taxable Income.	Taxable Income.										
			£		£		£	£	£		£				£		£	
Cape	14,398	4,511	4,111,276	6,018	3,470,903	2,030	1,115,242	2,205,482	10,902,903	169,209	46.7	84,804	23.4	25,023	6.9	83,067	23	362,093
Natal	5,108	1,422	1,521,969	2,755	1,600,587	725	409,174	776,963	4,308,693	78,664	47.7	40,836	24.8	13,791	8.4	31,596	19.1	164,887
Transvaal	21,328	4,322	3,902,338	16,703	8,545,996	601	192,770	1,292,681	13,933,785	157,433	40	184,643	46.8	3,466	.8	49,332	12.4	394,874
Orange Free State	3,335	711	596,777	1,358	728,173	1,014	509,350	305,831	2,140,131	20,765	36	16,705	29.1	10,332	17.9	9,859	17	57,661
Totals	44,169	10,966	10,132,360	26,834	14,345,659	4,370	2,226,536	4,580,957	31,285,512	426,071	43.5	326,968	33.4	52,612	5.4	173,844	17.7	979,515
Average Income per Taxpayer			924		535		509		708									

TAX YEAR ENDED 30TH JUNE, 1916.

Statement showing number of Assessments of Individuals, amount of Taxable Incomes and amount of Tax Payable according to Districts, compiled to 31st October, 1917.

District.	Assessments.	Taxable Incomes.	Tax Payable.
CAPE PROVINCE :		£	£ s. d.
Aberdeen	23	12,532	266 11 8
Adelaide	56	36,741	1,059 6 11
Albany	321	211,721	5,734 16 1
Albert	102	64,184	1,637 17 0
Alexandria	38	23,543	580 5 8
Aliwal North	132	87,405	2,444 1 8
Barkly East	92	70,742	2,223 6 11
Barkly West	174	118,296	3,376 3 1
Bathurst	27	14,603	302 6 4
Beaufort West	89	49,108	1,070 14 10
Bedford	77	56,472	1,675 14 3
Bizana	17	10,218	243 16 8
Bredasdorp	94	57,901	1,506 3 10
Britstown	25	24,067	887 19 6
Butterworth	42	23,448	514 16 2
Caledon	193	132,160	3,706 6 2
Calitzdorp	16	7,365	110 2 3
Calvinia	81	50,700	1,299 0 4
Cape Town	4,336	3,929,997	151,531 18 2
Carnarvon	39	22,891	541 5 5
Cathcart	100	69,819	1,956 2 3
Ceres	59	38,033	999 13 8
Clanwilliam	32	15,766	267 16 9
Colesburg	76	48,657	1,273 9 11
Cradock	122	71,530	1,709 7 6
De Aar	50	28,757	650 9 11
East London	713	561,559	19,651 15 11
Elliot	27	18,111	498 2 11
Elliotdale	19	13,429	380 11 8
Encobo	43	30,599	680 12 5
Flagstaff	15	9,246	230 3 7
Fort Beaufort	47	28,191	690 14 1
Fraserburg	28	14,396	280 19 4
George	42	23,927	529 2 2
Glen Grey	34	17,578	347 17 5
Gordonia	59	42,191	1,247 4 0
Graaff-Reinet	116	80,154	2,252 8 0
Hanover	38	23,434	579 4 0
Hay	24	14,717	364 18 3
Herbert	28	14,510	288 5 10
Herschel	19	14,299	439 8 1
Hopefield	118	59,244	1,010 13 6
Hope Town	32	18,982	442 6 11
Humansdorp	55	33,030	793 11 9
Idutywa	39	26,666	743 1 11
Indwe	32	20,264	522 5 1
Jansenville	23	14,208	364 11 2
Kenhardt	47	28,231	692 6 0
Kentani	28	16,921	412 2 5
Kimberley	804	597,572	19,761 19 8
King Williams Town	328	288,026	12,537 5 9
Knysna	44	24,230	507 8 6
Komgha	37	24,368	650 1 2
Kuruman	30	17,404	408 19 4
Ladismith	22	14,104	360 9 10
Laingsburg	32	20,557	566 11 4
Libode	10	5,258	94 19 11
Lusikisiki	12	8,083	218 19 6
Maclea	17	10,382	251 14 10
Mafeking	100	62,537	1,619 10 9
Malmesbury	263	168,739	4,447 2 11
Maraisburg	21	11,004	215 17 8

ANNEXURE C 4.—TAX YEAR ENDED 30TH JUNE, 1916.—Continued.

District.	Assessments.	Taxable Incomes.	Tax Payable.		
		£	£	s.	d.
CAPE PROVINCE.—Continued.					
Matatiele	64	42,822	1,172	6	2
Middelburg	84	54,386	1,453	0	1
Molteno	52	29,881	675	15	10
Montagu	41	29,219	864	1	3
Mossel Bay	75	44,233	1,046	8	2
Mount Ayliff	7	3,854	83	5	4
Mount Currie	121	75,433	1,919	7	10
Mount Fletcher	10	4,992	86	14	11
Mount Frere	16	10,395	277	2	1
Mqanduli	16	13,542	451	12	1
Murraysburg	17	10,130	242	0	10.
Namaqualand	66	32,992	608	15	7
Ngqeleni	11	5,705	110	17	8
Nqamakwe	23	11,934	243	18	8
Oudtshoorn	117	82,325	2,342	8	8
Paarl	274	185,864	5,212	7	11
Pearston	16	12,515	400	9	10
Peddie	37	20,861	463	12	2
Philipstown	54	35,875	981	5	7
Piquetberg	100	56,670	1,279	8	9
Port Elizabeth	1,094	1,026,527	42,092	4	1
Port Nolloth	7	4,019	92	16	8
Port St. Johns	15	8,040	175	9	5
Prieska	56	38,237	1,078	5	2
Prince Albert	19	10,063	196	7	8
Queenstown	251	185,984	5,790	0	4
Qumbu	12	6,524	135	4	3
Richmond	47	33,634	982	6	8
Riversdale	36	18,770	362	17	5
Robertson	66	36,321	791	14	6
Simonstown	75	43,733	1,071	10	0
Somerset East	68	47,880	1,390	1	9
Somerset West	98	56,164	1,297	15	9
Stellenbosch	199	129,525	3,503	1	4
Sterkstroom	20	11,178	225	16	1
Steynsburg	52	33,110	876	16	11
Steytlerville	27	15,133	341	5	2
St. Marks	32	18,333	416	6	5
Stockenstrroom	25	12,655	239	0	2
Stutterheim	44	26,587	635	14	1
Sutherland	32	19,234	454	19	6
Swellendam	91	45,767	820	15	9
Tabankulu	12	8,696	259	15	0
Tarka	1	328		8	0
Tarkastad	75	48,570	1,294	12	1
Taung	12	7,324	182	1	5
Tsolo	22	12,612	285	16	1
Tsomo	23	11,727	205	19	6
Tulbagh	46	26,887	610	10	7
Uitenhage	119	82,336	2,369	0	7
Umtata	79	52,431	1,423	8	6
Umzimkulu	16	9,734	237	3	6
Uniondale	44	24,284	513	12	0
Van Rhijnsdorp	31	16,596	338	18	8
Victoria East	30	14,267	228	13	5
Victoria West	60	40,915	1,126	17	5
Vryburg	51	37,085	1,082	6	6
Walvis Bay	1	2,996	149	18	10
Wellington	97	55,679	1,269	19	2
Williston	15	9,893	268	19	2
Willowmore	24	12,632	253	13	10
Willowvale	28	14,078	236	18	2
Wodehouse	59	39,078	1,055	11	2
Worcester	208	119,797	2,785	10	5
Xalanga	17	9,117	190	15	4
Total, Cape Province	14,398	10,902,903	362,093	3	4

ANNEXURE C 4.—TAX YEAR ENDED 30TH JUNE, 1916.—Continued.

District.	Assessments.	Taxable Incomes.	Tax Payable.		
NATAL PROVINCE :			£	£	s. d.
Alexandra	63	37,528	900	0	0
Alfred	21	13,061	325	0	0
Babanango	9	3,860	44	0	0
Bergville	9	5,845	157	0	0
Camperdown	12	7,250	211	0	0
Dundee	135	79,853	1,985	0	0
Durban	2,563	2,596,430	118,616	0	0
Entonjaneni	10	5,419	107	0	0
Eshowe	23	11,895	229	0	0
Estcourt	141	86,494	2,167	0	0
Helpmakaar	9	5,162	120	0	0
Impendhle	15	7,756	162	0	0
Inanda	88	84,003	3,160	0	0
Ingwavuma	4	2,758	80	0	0
Ixopo	45	25,185	560	0	0
Klip River	131	78,002	1,880	0	0
Krantzkop	19	9,475	177	0	0
Lions River	49	31,480	811	0	0
Lower Tugela	85	76,119	2,771	0	0
Lower Umfolosi	50	36,576	1,094	0	0
Lower Umzimkulu	39	22,109	615	0	0
Mahlabatini	1	441	7	0	0
Mapumulo	8	3,720	79	0	0
Mpofana	3	1,690	38	0	0
Mtunzini	45	47,655	1,828	0	0
Newcastle	96	56,105	1,304	0	0
New Hanover	43	24,080	525	0	0
Ngotshe	3	1,453	26	0	0
Nkandhla	8	4,205	76	0	0
Nongoma	6	2,647	51	0	0
Paulpietersburg	16	9,930	253	0	0
Pietermaritzburg	1,091	771,376	22,772	0	0
Polela	12	8,412	245	0	0
Richmond	37	21,434	490	0	0
Ubombo	1	345	1	0	0
Umvoti	77	48,942	1,272	0	0
Utrecht	65	39,281	969	0	0
Vryheid	68	35,671	693	0	0
Weenen	10	5,048	81	0	0
Total, Natal Province	5,108	4,308,693	164,881	0	0
TRANSVAAL PROVINCE :			£	£	s. d.
Barberton	160	98,578	2,491	2	1
Belfast	42	29,671	850	4	8
Bethal	57	43,017	1,322	16	7
Bloemhof	28	18,709	513	16	3
Boksburg	2,310	1,206,717	*23,924	0	0
Carolina	54	28,682	557	9	9
Christiana	43	26,117	658	12	9
Ermelo	178	109,391	2,721	0	1
Germiston	1,674	891,747	*18,319	0	0
Heidelberg	257	169,036	4,683	15	9
Johannesburg	9,889	7,370,117	*240,581	0	0
Klerksdorp	120	71,437	1,714	16	5
Krugersdorp	1,988	1,079,310	*25,226	0	0
Lichtenburg	60	36,128	877	12	6
Lydenburg	61	44,656	1,451	16	9
Marico	71	36,779	718	9	3
Middelburg	391	231,621	5,608	2	4
Pietersburg	125	70,223	1,522	7	9
Piet Retief	38	24,438	634	6	10
Pilgrims Rest	140	70,402	1,353	19	2
Potchefstroom	254	153,842	3,726	11	3

ANNEXURE C 4.—TAX YEAR ENDED 30TH JUNE, 1916.—Continued.

District.	Assessments.	Taxable Incomes.	Tax Payable.	
TRANSVAAL PROVINCE.—Continued.				
		£	£	s. d.
Pretoria	2,593	1,616,710	42,075	7 8
Rustenburg	114	70,703	1,765	17 7
Standerton	117	90,712	2,868	12 8
Vereeniging	89	57,239	1,570	11 2
Volksrust	96	68,016	1,987	5 10
Wakkerstroom	92	58,552	1,530	15 8
Waterberg	150	75,690	1,423	6 4
Wolmaransstad	36	24,129	651	2 5
Zoutpansberg	101	61,516	1,543	7 3
Total, Transvaal Province ..	21,328	13,933,785	*394,874	0 0

* To the nearest Pound.

ORANGE FREE STATE PROVINCE :				
		£	£	s. d.
Bethlehem	150	96,166	2,512	0 0
Bethulie	44	24,779	949	0 0
Bloemfontein	913	592,129	16,187	0 0
Boshof	48	27,516	623	0 0
Bothaville	33	17,999	382	0 0
Brandfort	40	21,844	436	0 0
Bultfontein	11	8,811	275	0 0
Dewetsdorp	32	19,708	494	0 0
Edenburg	26	19,981	618	0 0
Fauresmith	67	36,529	777	0 0
Ficksburg	117	106,949	4,492	0 0
Fouriesburg	30	18,428	453	0 0
Frankfort	70	42,341	1,034	0 0
Harrismith	208	128,525	3,252	0 0
Heilbron	145	92,028	2,418	0 0
Hoopstad	31	17,855	410	0 0
Jacobsdal	19	10,247	216	0 0
Jagersfontein	43	26,016	632	0 0
Koffyfontein	19	10,628	226	0 0
Kroonstad	208	141,092	3,975	0 0
Ladybrand	132	83,587	2,166	0 0
Lindley	67	41,352	1,048	0 0
Philippolis	32	21,989	603	0 0
Reitz	52	31,341	755	0 0
Rouxville	60	35,055	817	0 0
Senekal	100	67,206	1,892	0 0
Smithfield	56	42,462	1,403	0 0
Thaba Nchu	*103	66,072	1,751	0 0
Trompsburg	26	13,248	257	0 0
Vrede	88	53,123	1,305	0 0
Vredefort	52	32,931	854	0 0
Wepener	85	59,094	1,701	0 0
Winburg	167	98,770	2,366	0 0
Zastron	61	24,330	775	0 0
Total, O.F.S. Province ..	3,335	2,140,131	57,654	0 0

ANNEXURE C 5.

AMOUNT OF SUPERTAX ASSESSED ACCORDING TO PROVINCES, AND ALLOCATED BETWEEN FARMING AND OTHER SOURCES.

AMOUNT OF SUPERTAX ASSESSED.			
Province.	Farming.	Other Sources.	Total.
	£	£	£
Cape	71	105,735	105,806
Natal	3,220*	73,858	77,078
Transvaal	291	125,131	125,422
Orange Free State	177	7,369	7,546
Union Totals	3,759	312,093	315,852

* Includes £2,815 from Sugar growing.

	Price s. d.
EDUCATION PAMPHLETS—(Continued):	
20. School Board Act and Regulations (English)	0 9
Do. do. (Dutch) 1912	0 9
Fencing Act, No. 17, 1912 (English and Dutch)	0 6
Field Cornet's Manual, 1904 (English)	2 0
Do. do. (Dutch)	5 3
Education Commission, Minutes of Evidence, Vol. 1-4, 1911 (English only)	5 0
Explosive Act with Regulations, 1911	1 0
Geodetic Survey of South Africa, Vol. I., 1894	7 6
Do. Do. Vol. II., 1899	10 6
<i>Gezicht Register der Oude Koppasche Families:</i>	
Vol. 1, A-J, ½ Cloth	7 6
Do. do. ½ Calf	14 0
Vol. 2, A-O, ½ Cloth	7 6
Do. do. ½ Calf	11 6
Vol. 3, P-Z, ½ Cloth	17 8
Do. do. ½ Calf	13 9
Do. do. ½ Calf	20 0
1 Set Vols. 1, 2, and 3, ½ Cloth	21 0
<i>Gazette, Cape Govt. Proclamations and Principal Govt. Notices, Index to, 1893-1881</i>	6 6
<i>Gazette, Cape Govt. Proclamations and Principal Govt. Notices, Index to, 1881-1891</i>	4 0
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<i>Gazette, Union Govt. Index to, June to September, 1910</i>	5 0
<i>Gazette, Union Govt. Index to, January, 1911, to March, 1914</i>	6 6
<i>Gazette, Union Govt. Index to, April, 1914, to June, 1918 (Quarterly)</i>	3 6
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Supreme Court, Rules of	1 6
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REPORT
OF THE
CUSTOMS UNION
TARIFF COMMISSION.

As Appearing in Supplement to
"Natal Government Gazette,"
31st March, 1908.

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1908.

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Government Gazette

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TUESDAY, 31st MARCH.

1908.

Government Notice No. 189, 1908.

THE subjoined Report of the Customs Union Tariff Commission, appointed on the 5th November, 1907, is published for general information.

Colonial Secretary's Office, Natal,
30th March, 1908.

C. BIRD,
Principal Under Secretary.

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MATTHEW NATHAN,
Governor.

COMMISSION

By His Excellency Lieutenant-Colonel Sir MATTHEW NATHAN, Royal Engineers, Knight Commander of the Most Distinguished Order of St. Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native population.

To CHARLES GEORGE SMITH, Esquire, Justice of the Peace; JAMES KING, Esquire, Justice of the Peace; THOMAS KREMER McALISTER, Esquire; ARTHUR MAY, Esquire; and ARTHUR WOOD, Esquire.

GREETING:

WHEREAS it is desirable that a Commission should be appointed to enquire into the present Customs Union Tariff, and to report upon any amendment thereof which may be required in the interests of local industries and manufactures:

NOW KNOW YE that I, reposing great confidence in your zeal, knowledge, and ability, have authorised and appointed, and do by these presents authorise and appoint you, the said CHARLES GEORGE SMITH, JAMES KING, THOMAS KREMER McALISTER, ARTHUR MAY, and ARTHUR WOOD, to be my Commissioners for the purposes above set forth.

And I do hereby appoint you, the said CHARLES GEORGE SMITH, to be the Chairman of this my Commission.

And for the better effecting and enabling you to carry out the purposes of this my Commission, I do hereby give and grant unto you, or any three or more of you, full power and authority to call before you, or any three or more of you, and to examine such persons as you shall judge necessary, or in your judgment may be required, and by whom you may be better informed on the subject herein submitted for your consideration, and any matter connected therewith; and also to call for, have access to, obtain extracts from, and examine all such official books, documents, papers, and records as in your judgment may be required, and as may afford information on the subject of this enquiry; and to enquire of and concerning the premises by all other lawful ways and means whatsoever.

And I do hereby authorise and instruct you, or any three or more of you, to report to me under your hands, with all convenient speed, upon the matter herein referred to, and submitted to you for consideration.

Given under my hand, and the Public Seal of the Colony, at Government House, Pietermaritzburg, Natal, this Fifth day of November, One Thousand Nine Hundred and Seven.

F. R. MOOR,
Prime Minister.

REPORT OF THE CUSTOMS TARIFF ENQUIRY COMMISSION.

PART I.

MAY IT PLEASE YOUR EXCELLENCY,—

The Commission appointed by your Excellency on the Fifth day of November, One Thousand Nine Hundred and Seven, has the honour to report to Your Excellency as follows:—

MEETINGS OF COMMISSION.

The Preliminary Meeting of the Commission was called for the 11th November, 1907, by the Prime Minister, and the Proceedings were opened by an address from the Prime Minister, after which, all members being present, the usual preliminary work was done.

Since that date, the Commission have held 9 Sessions, to wit, 6 at Pietermaritzburg, 2 at Durban, and 1 at Hart's Hill.

They have accepted Evidence from 114 Witnesses, and have had the benefit of long consultations with the Collector of Customs, concerning the recommendations advanced by Witnesses and other matters.

In mid-December, Mr. J. W. Honey, Chairman of the Transvaal Tariff Commission (and Collector of Customs of the Transvaal), accompanied by the Secretary of that Commission, visited Natal to collect information for his Commission, and as he desired to obtain, during his visit to Pietermaritzburg and Durban, an insight into the conditions prevailing in the industrial workshops of the Colony, the Secretary of your Commission was instructed to assist Mr. Honey by showing him round the Factories he desired to visit.

As at the conclusion of his Natal tour, Mr. J. W. Honey was about to make a similar inspection in Cape Colony, it was considered desirable that the Chairman of your Commission, together with the Secretary, should accompany Mr. Honey, on his tour in Cape Colony. This was carried out, and during this tour many industrial works at East London, King Williamstown, Lovedale, and Port Elizabeth were inspected; much useful information being obtained. Mr. Geo. Whitaker, M.L.A., Chairman of the Cape Colony Tariff Commission, was met at King Williamstown, and the objects of the journey were fully attained.

Upon the Chairman's return from this tour, the final sessions for taking Oral Evidence were held in Pietermaritzburg and Durban, and upon the conclusion of these sessions, the Chairman proceeded to Capetown, Johannesburg, and Pretoria, upon matters of importance in relation to the working of various Industries in the adjoining States.

During sessions, your Commissioners visited numerous Factories and Works, in order to better acquaint themselves with the actual conditions; and the better to estimate the scope offered for extension in the future under more favourable conditions than prevail to-day.

Moreover, three Members of the Commission, forming a quorum, to wit, Messrs. James King, T. K. McAlister, and A. Wood, made a special visit of inspection to the "Colonial Manufacturing and Bespoke Tailoring Co.'s" Factory at Hart's Hill, and acquired information as to the general conditions under which work is being conducted at this Factory.

ATTENDANCE AT MEETINGS.

Member's Name.	Meetings.									Total Number of Attendances.
	1	2	3	4	5	6	7	8	9	
Chas. G. Smith, J.P.	X	X	X	X	X	—	—	X	X	7
James King, J. P.	X	X	X	X	X	X	X	X	X	9
T. K. McAlister	X	X	X	X	X	X	X	X	X	9
A. May	X	X	X	X	X	—	—	—	—	5
A. Wood	X	X	X	X	X	X	X	X	X	9

Your Commissioners regret to have to record that they were deprived, after the final session for taking Oral Evidence in Durban, of the valuable assistance and

eminent business ability of their Colleague, Mr. Arthur May, his medical adviser having insisted upon Mr. May's immediate departure for a long sea voyage.

WITNESSES EXAMINED.

During the sessions specially held for taking Oral Evidence, 69 Witnesses were examined, and evidence in writing was accepted from 45 others, who did not appear before the Commission to give additional evidence.

THANKS TO OUR STAFF.

The Commissioners desire to record their high appreciation of the services of Mr. Chas. H. Lepper, as Secretary. His ripe experience and wide range of knowledge is reflected in the composition of this Report, and the Commissioners feel, if it had not been for Mr. Lepper's devotion to work, and his intelligent arrangement of the Evidence, it would have been impossible to complete the Report in the time allowed.

They also desire to express their thanks to Mr. R. M. Walker, for the zealous and energetic manner in which he has performed his duties as clerk and typist to the Commission.

OBTAINING EVIDENCE.

That everybody interested might have a chance of giving evidence, advertisements were inserted in the Natal Papers, inviting everybody interested in Natal Industries, existent or prospective, to arrange to give evidence. A large number of letters of invitation were also sent out by post to those known to be interested in industries, and invitations were also sent to the various Chambers of Commerce, and to Farmers' and Industrial Associations.

Everybody interested thus had an equal chance of availing himself of the opportunity thus afforded to bring his views to the notice of your Commissioners, and to afford them information in their enquiry into the present Customs Union Tariff.

In view of the more limited terms of Reference of this Commission, and of the very full evidence taken only two years ago by the late Industries Commission, which dealt most exhaustively with every Industry then in the Colony, it might appear at first sight that there should be comparatively little ground left for your Commissioners to traverse. As a matter of fact, however, though they had the great advantage of the recorded evidence of the Industries Commission, Witnesses who had given evidence before that Commission were, as a rule, not content with merely pointing out any amendments in their former evidence, due to changes in the Tariff effected at the subsequent Customs Conference, but with few exceptions preferred to go over the whole ground again, to the end that their evidence before this Commission should be complete in itself—even if not confined within the terms of its Reference. This disposition on the part of Witnesses added very greatly to the volume of Evidence taken, without adding proportionally to the new data acquired within the terms of Reference.

This disposition, however, was difficult to check, without running the risk of giving offence and of also possibly checking the enunciation of some important new fact.

Every effort was made at the outset to instruct Witnesses by circular, as to the desirability of not repeating the evidence given before the Industries Commission, and as to the desirability of confining their evidence to any changes or amendments they might wish to make in that evidence, in view of more recent developments. But the anticipated result of this caution was apparent in only a very few instances.

In the majority of cases, Witnesses supplied typewritten Preliminary Evidence, and expressed a wish to be invited to give Oral Evidence before the Commission—lest your Commissioners should not consider the written evidence sufficiently convincing. This involved a vast increase in the clerical work, due to taking down in shorthand and transcribing so much Oral Evidence, and also a great accumulation of unnecessary evidence, the bulk of it, as we have stated, being mere repetition of what had already been placed on record.

The compensating advantage of all this accumulation of superfluous matter is, that few, if any, points can have been omitted which could be considered of sufficient importance to in any way influence the judgment of your Commissioners.

Further, as so large a proportion of the Evidence is a repetition of what has already been printed, this fact would render the reprinting of the bulk of the evidence a mere waste of public money—yet to edit the evidence with a view to only publishing such matter as is new and within the terms of this Commission's Reference would involve in time and labour even more expense than printing the whole of the evidence. Under these circumstances, and in view of the necessity for economy, your Commissioners do not feel justified in recommending the publication of the evidence, though the final decision upon this point must, of course, rest with the Government.

Your Commissioners are of opinion that in this connection every useful purpose will be served by the extracts from the evidence quoted currently in the body of this Report, where deemed advisable.

 THE SCOPE OF THE REFERENCE.

Following upon the explanation just given, as to one cause of the evidence having too frequently exceeded the limits of the terms of this Commission's Reference, it may be as well to refer at this point to another cause, though in this instance the departure from the terms is more apparent than real:—

Those terms instructed us—"to enquire into the present Customs Union Tariff, and to report upon any amendments thereof which may be required in the interests of local industries and manufactures."

To enable us to carry out that instruction it was, of course, absolutely necessary that we should endeavour to arrive at a complete appreciation of the effects of the present Tariff, in all its bearings, upon local industries and manufactures.

Such a task, under the peculiar conditions ruling in South Africa, soon brings the enquirer into contact with Railway Rates.

This will be the more intelligible when it is borne in mind, that at the compilation of the Customs Tariffs, by Customs Conferences, the decisions upon some of the items in the Customs Tariff, are governed by the decisions of the Railway Conference which sits contemporaneously with the Customs Conference; and, *vice versa*, some of the decisions of the Railway Conference are governed by the decisions of the Customs Conference.

This interdependence opened out for us the whole of the very vexed question of Preferential Railway Rates.

Whether these rates should be continued or abandoned, is a question of Policy not yet decided by the various parties to the Union, and it is likely to become a burning one at the coming Customs and Railway Conferences.

Upon the decision come to upon that question of Policy, a considerable number of amendments in the Customs Tariff will necessarily depend.

Consequently, it must be sufficiently obvious that the present uncertainty as to that decision, of necessity renders the task of the several Tariff Enquiry Commissions at work in the Cape Colony, Transvaal and Natal, all the more difficult.

Equally obviously, had that decision been arrived at prior to the appointment of these Commissions, their task would have been simplified, in that a clearly defined policy would have been available upon which to base recommendations of amendments in the Customs Tariff.

There would no longer have existed any doubt as to how far the intentions and effects of the recommendations of your Commissioners may be upset by some decision, at the coming Conferences, to abandon the present policy, and method of protecting local industries by means of Preferential Railway Rates, and in lieu thereof confine all protection to within the four corners of the Customs Tariff.

Yet it is possible, of course, that such a decision may be arrived at, during the coming Conferences at Pretoria, after the submission of their Reports by the three Tariff Enquiry Commissions. Consequently such a possibility had to be taken into account.

Thus Railway Rates and Customs Tariff in certain instances being inextricably related at present, it was impossible to fairly consider "amendments in the Customs Tariff which may be required in the interests of local industries and manufactures," without also taking into account the privileges enjoyed on the Railways in the case of those items referred to, and the chance of these privileges being withdrawn.

Hence our enquiry necessarily led us frequently into contact with Preferential Railway Rates, which, without this explanation, might appear to be outside of the terms of our Reference, but which, as a matter of fact, were actually and essentially within those terms; and this view was confirmed upon the question being referred to the proper authority.

 RAILWAY RATES.

Following on the foregoing, and to avoid repetition hereafter when referring to railway matters in connection with Evidence, it is to be understood that only in cases where witnesses refer to Preferential Rates have your Commissioners felt empowered to make Recommendations. In other cases where Witnesses have insisted upon referring to other classes of Railway Rates, the nature of the evidence only is recorded, without any Recommendation on the part of your Commissioners. Preferential Railway Rates, as such, are also dealt with under that heading in another portion of this Report, page 38.

 INDUSTRIES REPRESENTED BY WITNESSES.

BRICKS, Fire-bricks and "Hollow Blocks" for buildings.
 BUILDING.
 CANDLES.
 CEMENT.

CHEMICAL WORKS, including Manures, Disinfectants, Dips, Cattle Food, Chemical Compounds, Tinctures, Dutch Medicines, etc.
 CIGARETTES.
 CONFECTIONERY, including Cakes, Biscuits and Sweetmeats.
 CREAMERIES.
 DISTILLING.
 FOODS (Patent).
 FRUIT SYRUP MANUFACTURING.
 IRON AND BRASS ENGINEERING, including Engine and Boiler making, Casting, Iron Structural Work, Rolling Stock, Erection, Agricultural Implements, Pig Iron.
 LEATHER, including Tanning, Boots, Shoes, Leggings, Belting, Bags, Harness and Saddlery.
 MATCHES.
 MILLING, including products from Wheat and Mealies.
 PAPER MAKING.
 PRINTING, including Bookbinding.
 PRESERVING, Condiments, Curry Powders, Sauces, Jams, Chutnies, Pickles.
 PLANTING, including Sugar, Tea, Tobacco, etc.
 SOAP MAKING, including Oil Pressing and Glycerine.
 TAILORING AND APPAREL.
 TENT, SAIL, SACK AND TARPAULIN MANUFACTURING.
 WAGON AND CARRIAGE BUILDING.
 ZINC AND TINWARE MANUFACTURING, including Ridging, Guttering, Downfall Pipes, Baths, Pails, Dairy Utensils, etc.

OTHER MATTERS REFERRED TO BY WITNESSES.

In connection with various Industries, the following matters, *inter alia*, were also referred to by witnesses:—

BONUSES AND BOUNTIES for the encouragement of Industries.
 CUSTOMS UNION TARIFF, its Anomalies and its effects upon Colonial Industries, the necessity for stability, changes recommended, the connection between Preferential Railway Rates and items of the Customs Tariff.
 GOVERNMENT CONTRACTS for supply of Articles which are, or could be, made in South Africa.
 IMPORTED SKILLED LABOUR.
 PRISON-MADE GOODS IN OTHER COUNTRIES.
 PREFERENTIAL RAILWAY RATES, where these supplement the protection afforded by the Customs Tariff.
 RAILWAY RATES, as these affect Natal Industries prejudicially.
 STEAMER FREIGHTS BETWEEN COAST PORTS.

PART II.

GENERAL PRINCIPLES AND POLICY.

PROTECTION.

The United Kingdom, with its enormous shipping and carrying trade, also vast foreign and colonial investments, and its status as a distributing centre for the whole world, all acting as sources of income, is in an entirely different position economically speaking, to that of any new country.

New countries are dependent upon their own resources only.

Only to develop those resources is a new country justified in borrowing money—though this limitation bears a liberal interpretation.

Municipal loans sometimes come within that limitation.

Apart from machinery and implements, to be used in the development of resources and industries, so long as a new country is importing all, or nearly all, of its necessities of life and general requirements, it stands to reason that, if it cannot pay for these by its exports, not only must the balance of trade be against it with the

result of draining it of its available cash—a process of exhaustion which can only end in ruin—but the process is likely to be hastened owing to the consumers being at the mercy of the importers, who have been known to charge high prices when without that healthy competition which local producers always introduce. This probably, in large measure accounts for the opposition to Protection manifested so frequently on the part of Importers in South Africa, who do not desire the advent of local industries, encouraged by Protection, to enter into competition with them.

In a State run on ideal economic lines, the bulk of the consumers should be also producers, and as everybody is a consumer, it follows that, in such a State, the interests of the bulk of the population, so far as Protection is concerned, are against the interests of the Importers. We only allude to this to make plain the nature of the opposition to Protection on the part of the Importers, which has hitherto succeeded in retarding the industrial progress of South Africa.

From an economic point of view—a man being responsible for the acts of his Agents—the Importer is but a transporter or carrier of goods from the place of origin to the place of consumption. Personally, he does nothing to develop the resources of the country in which he sells his imported goods. Any assistance his purchases may be towards developing any country is confined to the country in which he buys his goods, whose industries he thus supports by his patronage.

Articles he imports for sale, to be ultimately used in production, anyone could import

So far, then, as the country is concerned in which the importer sells his goods, he is a mere middleman, and of small economic value in the development of that country's own resources.

To make this still more apparent, one has only to assume that, from any cause, all industries requiring white labour failed in South Africa, and that in consequence of the resulting lack of employment, all the white producing classes had to leave for other fields. The Importers would then be reduced either to selling Kafir truck, such as blankets and ochre—or to following the departed producers to pastures new. They could do nothing but reap the consequences of industrial disaster. Their existence would have done nothing to prevent the disaster.

Yet every additional producer, however humble his calling, if he can find employment in which he may only earn his living, is of economic value, inasmuch as he is assisting in advancing the country's industrial progress.

Having, we trust, made our point of view clear, we revert to the subject of Protection.

Customs Duties can be of various descriptions. They can be imposed for three purposes, to wit,

- (a) Revenue.
- (b) Protection.
- (c) Prohibition.

The first of these is outside the pale of our Reference.

The third we can dismiss briefly by stating that, with the exception of,

1. Prison made goods,
2. Articles injurious to health and morals,
3. And (if it be possible to prohibit their entry), the most glaring instances of Dumped goods;

we have nothing to say in favour of Prohibition. Prohibition, we believe, not being under consideration by any State in South Africa, we need spend no time in discussing objections thereto; though it may be mentioned, in passing, that as Prohibitive duties would result in placing the consumer at the mercy of the local manufacturers, and as one object we have in view is to produce competition, and thus relieve the consumer from the power of the Importer, it would be against our object to merely substitute one control for another.

Protection, however, we consider to be absolutely necessary in a new country (not exceptionally favoured by Nature), not only to its material progress, but, in some cases, to its actual salvation from bankruptcy, for, without Protection, many industries cannot survive if started, and without industries a new country cannot pay its way.

"Protection," however, appears to be a figure of speech employed by everyone according to the interpretation his own prejudices or inclinations prompt him to put upon it.

It would be well, therefore, in referring to Protection, if writers were to begin by a definition of what they mean by the term; otherwise their readers are apt to put their own individual interpretation upon it, which may differ greatly from that of the user and only lead, in consequence, to misunderstandings.

To our minds, for instance, such terms as "Moderate Protection," "a small Protection," and other qualified forms of Protection, though frequently used, are but loose expressions which do not truly represent any form of Protection at all.

Protection must be adequate, or it is not protection at all, in the sense we understand the term.

To be adequate, it must enable local manufacturers or producers to sell their products in competition with similar imported articles. To go further than that, is Prohibition. To stop short is to defeat the object and add to the cost of living.

Any duty avowedly imposed with the intention of affording Protection, if it fall short of adequacy, not only fails in its object, but becomes an additional and unintended burden upon the consumer.

Of this class of so-called "Protection," South Africa has had much painful experience in the past.

Rather than consider economic questions with open minds, and upon their merits, it has been easier to apply to them the test of old shibboleths—as gold is applied to a touch-stone. If they could be reconciled with the hoary shibboleths of imported political creeds or prejudice—well and good. If not, they were anathema. Should any such economic question be irreconcilable with one of these mind cramping catch phrases, then that at once sufficed to condemn it, and much mental exertion was saved.

Political Economy, however, is by no means an exact science; its very "axioms" are open to contention—as while they may be applicable in one country under one set

of conditions, they may, nevertheless, be disastrous if applied to another country under another set of conditions.

Yet, by those whose political economy is thus of the ready-made order, one of these venerable dogmas has frequently been brought out to air from its musty sepulchre. It runs somewhat as follows, sometimes with variations:—

“Protectionists are never satisfied—once give them a little Protection, and they will periodically ask for more.”

We pass over the contradiction in terms “little Protection,” which in itself condemns that solecism, as we have already stated that there is only one form of Protection, and that is (adequate) Protection. The above phrase, however, has been used time and again in efforts to stave off protection.

What, however, are the facts in South Africa?

In no case that we have come across, has any Witness asked for increased duty to be put on an article that is already adequately protected. *The truth is that producers, years ago, have known the amount of duty that would enable them to manufacture locally in competition with the imported articles, and years ago have asked for that amount of duty to be put on.* In too many cases they have succeeded in getting only a portion of that duty grudgingly put on, which those interested knew would not suffice, and could only result in increasing the cost of the imported article to the consumer. This has been a common experience. The responsibility for it rests, of course, with those who gave grudgingly.

In other cases, people have been tempted to start industries by a certain revenueal duty in existence at the time, only to find the duty either gradually or suddenly reduced, until to continue working could only result in an annual loss. At one time or another this has been the case in connection with several big industries, such as Tea and Sugar in Natal, Candles in the Cape, and a number of others.*

Had the sufficient duty originally asked for been put on years ago, to enable the applicants to compete with imported articles, many industries would now be in a healthy condition, employing large numbers of work-people, and the cost of the articles to the consumer would have come down, as they have in every case, so far, where industries have succeeded in getting protection to enable them to compete with the imported article.

This local experience is also borne witness to in the oversea self-governing Colonies, Australia, Canada, New Zealand, in all of which the duties on many articles are high enough to afford Protection to local industries—and though these duties are in many instances much higher than in South Africa, the cost of living in all those oversea Colonies—by reason of the competition between local producers and importers—is lower than in South Africa.†

Unfortunately it has been the rule in South Africa to grudgingly allow only an insufficient increase in the duty; with the result that some industries have gradually decayed, while the cost to the consumer of the imported article has been raised, in consequence of the inadequately increased duty—and of the natural advantage taken by Importers of that increased duty in the absence of competition from local producers.

Your Commissioners consider that it would be highly advantageous to the interests of South Africa were a Resolution passed at the coming Customs Conference making known to the whole world that Protection had been adopted as a principle by the Parties to the Customs Union of South Africa.

We understand the objects of Protection to be:—

- (a) To reduce in time, the cost of living—by encouraging industries to be built up in the country, thereby creating competition between local Producers and Importers.
- (b) Through encouraging the growth of industries, to provide employment for a bigger population, and, as a corollary, to increase the country's spending power and *pro tanto* improve trade generally.
- (c) To, in some cases, lead eventually to an export of surplus productions, and thus establish a balance of trade in favour of South Africa.

That the local competition we refer to does reduce the cost to consumers, is illustrated in the instance of all existing local manufactories of any considerable output and importance, the products of which are cheaper to the consumer to-day, and much cheaper wholesale, than they were before the locally made articles were put on the market. Tea, cakes, biscuits, jams, cigarettes, soap, carriages, matches, vinegar, all afford examples of this result of local competition.

Every new industry started has to fight hard to overcome both prejudice against Colonial made goods, and the opposition of Importers, who for various well-known reasons, prefer to import, rather than sell locally produced goods. That opposition has gone to extreme lengths, in several instances brought to our notice.

Thus, in one case, for simply passing an order from a customer on to a local manufacturer, the goods on which order had to be consigned direct to the customer from the manufacturer, an Importing Firm demanded 25 per cent. commission, and threatened to import all similar goods in future if his extortionate demand were not acceded to, and this for merely writing a single letter covering the order.

In other cases samples of local manufacturers' productions have been purchased and sent Home, and copies obtained of inferior quality from inferior makers, and offered for sale in competition with the superior productions of the local manufacturer, in an openly avowed attempt to make him reduce his prices to the merchant, not to the public, that the merchant might make a greater profit on them.

* In Appendix C. 3, kindly compiled by the Collector of Customs for this Commission, will be found a number (and the value) of products imported into South Africa via Natal, during 1906, most of which products, if not all, could be produced in South Africa. The aggregate value of clearances for Consumption amounted to 21,872,520.

† In Appendix C. 4, will be found a rough comparison kindly compiled by the Collector of Customs for this Commission, on the basis of imports into Natal for local consumption during 1906, between the Imports Tariffs of Natal, New Zealand, Canada and Australia.

In Appendix C. 5, compiled by the Collector of Customs, will be found a table comparing the Tariffs (on several items) in the above named Countries.

It is common experience among local manufacturers that, when introducing new lines of local manufacture, Importing Firms decline to stock such lines unless the prices charged by the local manufacturer admit of a greater profit than can be obtained upon similar imported lines.

Under all these circumstances not a few local manufacturers are severely handicapped by Importing Firms, and do not receive even fair play, not to say encouragement.

It is to this opposition on the part of Importing Firms, that in a great measure is due the demand for Protection.

It has been therefore impossible for us to ignore these circumstances.

Of course, there are other reasons, as already indicated, for this demand for Protection, and some of these will be found, referred to specifically in their proper place, *i.e.*, when dealing with the Evidence of representatives of particular industries.

It is only fair to add that though the Evidence we have had put before us leaves us no option but to point out clearly the opposition to local industries that exists on the part of some Importing Houses, we have reason to believe that other Importing Firms, not controlled from Home, possess sufficiently wide views to allow them to admit that the more industries that can be carried on successfully in the country, the more business must come to the merchants, both in handling the goods and in providing for the wants of the larger population which would thus be encouraged to settle in the country.

Some opponents of Protection argue that Protection of industries should be postponed until there is a large population. This, in our opinion, is a fallacy. Industries require hands, *i.e.*, population. Each industry established helps to increase the field for employment, and the means of living, and so encourages population, and correspondingly increases the market for other productions.

Again, the establishment of one industry frequently leads to the establishment of others, allied or subsidiary. But before all things, it is necessary to attract Capital by restoring confidence, and to offer inducement that industrialists may be encouraged to start. Population increases on the establishment of successful industries. To wait for population before encouraging the establishment of industries is on a par with "putting the cart before the horse."

Coming to another aspect of the question. It has frequently been asserted that if Protection be granted, it should only be accorded to—

- (1) Industries dealing with raw materials from local sources—all other industries being regarded by some people as "Bastard Industries."
- (2) Industries employing a given percentage, or proportion of white labour.

As regards the first of these stipulations, we have no sympathy with its advocates' views. There is hardly an industry in the United Kingdom which would not equally well merit to be called a Bastard Industry, for almost every important industry in the United Kingdom is dependent upon imported "raw materials."

Such a stipulation would reduce the number of industries receiving Protection—without which the conduct of the majority of industries in South Africa is impossible—to a very insignificant few. It would, therefore, mean the loss of all the advantages reasonably anticipated from the establishment of numberless industries in South Africa. The money now sent abroad would in that case continue to be sent abroad, in ever decreasing amount, it is true, not, however, because South Africa retained the money through having become more self-supporting, but because of the gradual exhaustion of the spending power of the ever diminishing remnants of the population.

That, in our opinion, is the alternative to Protection.

Better surely to possess industries, and the spending power they bring in their train, than to shut the door to progress, upon such a plea as that of a sentimental objection to so-called "Bastard Industries":—an epithet which at once betrays the user's ignorance of the conditions of Industry in all Industrial Countries.

Coming to the second of the above stipulations; we are led to think that those who advance it, have set more value upon the counting of heads, than upon their real object.

We venture to assume that their real object is to secure to white people a certain proportion of the wages earned in protected industries.

That, as a matter of fact, cannot be done by stipulating for the employment of so many, or of a given proportion, of white people.

Conditions vary in different industries, and a proportion of white employes which would be economically possible in one industry, would, if insisted upon, render the conduct of another industry impossible.

If, however, we are correct in assuming that the object is, to secure to white people a certain proportion of the wages earned, then that is a feasible proposition, if the proportion be not made too large.

If, on the other hand, by way of example, the counting of heads principle were adopted, the Match Industry up to quite recently would have had to lose any Protection it enjoys, and in consequence might possibly have been lost to the Colony, by its being compelled to shut down.

Yet what are the facts in this case?

They will come as a surprise to many who have banned it with such epithets as "Bastard Industry."

We have it in Evidence, that although this industry in Natal up to a recent date employed only 26 Whites as against 405 Coloured, yet the amount expended in wages per annum was—on Whites £6,150, and on Coloured £6,750! Much of the white labour, of course, is skilled and highly paid.*

Or again, take the case of the hardly less reviled Soap Industry. We have it in Evidence from the Manager of one of the Soap Factories, that his Wages Bill from 31st December, 1906, to 31st December, 1907, shows the following division of the Total Wages paid:—

	£	s.	d.
Whites	1,507	10	6
Half-Caste Girls	159	2	11
Natives and Indians	661	6	2

* Since the above was written an experiment has been started for the purpose of testing on a big scale the possibility of replacing the Free Indians with white employes. This is further alluded to in the "Precis of Evidence" Section of this Report—under the Heading "Matches."

The above figures in the case of the whole Match Industry of Natal, and of one Soap Works, will surely speak for themselves.

In view of the fact that the consumer has had the prices reduced both of Matches and of Soap, since the establishment of these industries, their Protection cannot truthfully be said to be costing the consumer anything.

Their establishment, on the other hand, has distributed considerable sums in wages, both among Whites and Coloureds, all of which, and more, would have gone out of the country and been eternally lost to it, but for the Protection and establishment of these industries.

These industries are given here only as examples. Others could be quoted to the same end.

Moreover, in connection with the outcry against those two industries ^(Matches & Soap) because they employ a considerable number of Asiatics, it may be as well to point out, that so far as our information goes, those employed are nearly all free.

Now, whatever sentiments the average man may express as to the desirability of checking the importation of more Asiatics, and as to the desirability of their indentures terminating in India, we have found no one who goes so far as to advocate the transportation of the tens of thousands of South African born free Indians. These people are multiplying year by year. They cannot be allowed to starve. They cannot all go on the land. Employment of some sort must be open to them. They have been educated, in thousands of instances, above the sphere of plantation hands, and are wholly unsuited to such employment.

There are industries, such as the Match and Soap, and some others, which do not appear to appeal to whites in this climate. Moreover, some of these industries could not possibly economically exist if the higher rates of wages required by whites (to enable them to live according to even a somewhat low white standard) had to be paid, to all employes.

Such industries, then, appear to us to be among those openings which should be welcomed as they at all events help to solve what threatens to become a grave problem—that of the employment of the tens of thousands of Asiatics who cannot be expelled, whose evolution cannot be arrested, and for whom employment will have to be found in the immediate future.

It has also to be borne in mind, that the scale of white wages in this country is much higher than in Europe, and that, owing to the great dearth of those who in Europe assist in averaging down the cost of labour in production—we refer to labourers, apprentices, and learners—there would be no means of averaging down the higher cost of labour in production in this country, were it not permissible to employ coloured people in place of the labourers, etc., who serve that economic purpose in Europe. Were our industries debarred from employing coloured people, it would, therefore, only mean the stoppage of many of them, and the consequent throwing out of employment not only of the coloured people, but of all the whites now enjoying, or likely to enjoy, employment therein.

It is, therefore, our opinion that the granting of Protection to an industry should not be made contingent upon the proportion of white people employed therein to coloured nor that it should be made contingent upon any condition attached to the class of local labour employed.

We attach too much importance to the encouragement and establishment of industries which will afford employment to any class of local labour, not to appreciate the importance of affording every reasonable facility to every possible industry.

The great majority will be compelled to employ a proportion of highly paid skilled whites, and so, rather than deprive those whites of these new openings for employment by virtually closing the door to such new industries, we prefer to throw that door open to all.

In taking this view of the situation as it exists in Natal, it must be understood that we do so, because, however lamentable it may be, Natal is suffering from a legacy, in the shape of Natal born Asiatics, and we recognise that she cannot ultimately avoid the consequences of that legacy. The sooner this is generally recognised, and the sooner steps are taken to provide for the consequences of that legacy; and to prevent any further indiscriminate importation of Asiatics, the better will it be for the whole country.

For anyone to ignore that legacy and its consequences, would only be to act the part of the proverbial hunted ostrich, and to cajole himself into believing that the dangerous situation does not exist, because he preferred not to see the obvious.

If sentiment is to prevail in this matter, let it be a sentiment that will do credit to everybody concerned, and, of all others, not be the sentiment of the dog in the manger.

However, in the opinion of your Commissioners, the unskilled labour question cannot be satisfactorily dealt with by any one State. It is distinctly a question for the calm consideration of the whole of the South African States, and, until a common South African Policy can be enunciated, it appears hopeless for any particular State to propound a remedy for the abuses which undoubtedly exist.

“CHEAP COST OF LIVING.”—Some publicists have endeavoured to show us that protection for this, that, and the other industry is not a means towards attracting a large white population to the country, and they have insisted that nothing but reducing the cost of living will attract population.

They do not tell us, however, what, or how many, industries can exist in South Africa without protection, and, if such industries will support a large population. Nor do they tell us who will be attracted to come and live in South Africa by reason of cheap cost of living alone, that is, in the absence of industries to afford the income by which to benefit by cheap cost of living.

The knowledge that the cost of living is low does not provide the man out of employment with a meal. Of what use is the cheap meal without money to purchase it? How is that money to be got while the man can find no employment owing to the dearth of industries?

All centres round the question of employment. Will cheap cost of living by itself provide employment?

Cheap cost of living, by tending to keep wages low, may increase employers' profits; or, in other cases, may help to enable certain industries to be conducted in some countries which otherwise could not compete with the same industries of other countries. The Coolies on a Natal Sugar Estate afford an example of the latter class of results of cheap cost of living.

Cheap cost of living in new countries is either a sign that they possess no industries to speak of, and that money is, therefore, scarce, as was the case formerly in Natal when the Tariff was a low one; or else it is a sign that local manufactures, having become established, competition against the Importers has come into play—as is the case in all the over-sea Colonies where industries have been encouraged and nursed into life by protection.

In new countries without industries, those only benefit by cheap cost of living who are in receipt of fixed incomes from salaries or pensions, and beggars. From these classes as a rule comes the cry for cheap cost of living. The working man who knows that the more openings there are in a country for employment the better and more certain are his chances for employment, prefers the busy country to the stagnant one, be the cost of living never so cheap in the latter, and hence, when emigrating, his selection of countries where industries are fostered.

Cheap cost of living never yet attracted an industrial population to any country. On the other hand, good prospects of employment will always attract suitable immigrants.

To argue that cheap cost of living is the attraction, rather than openings for, and stability of, employment, is merely to indicate an incapacity to distinguish Effect from its Cause.

PREFERENTIAL RAILWAY RATES.

Preferential Railway Rates were introduced to give local producers an advantage over over-sea producers; at a time when the Coast Colonies looked to the Rand as practically their only market for their surplus products. With the growing development of agriculture and of other industries than gold mining, in both the Transvaal and the Orange River Colony, it is recognised that the day has arrived when the Coast Colonies must find over-sea markets for their surplus, in place of the Rand. So clearly is this already appreciated that, whereas, formerly improvements in the Railway gradients in Natal were all carried out with a view to facilitating up-traffic, to-day the improvements are being carried out to assist traffic in the opposite direction, *i.e.*, downwards towards the Port.

Hence the chief reason for the existence of Preferential Railway rates in the case of up-traffic may be said no longer to exist, except in the cases of such tropical or sub-tropical produce as from local or climatic conditions cannot be produced up-country at all, such as for instance Tea and Sugar, and in the case of such other products, as owing to labour or other conditions, cannot be produced in inland Colonies at a cost within reasonable approximation of the cost of production in the Coast Colonies. So far as available information goes, the latter are few in number.

While admittedly the chief reason no longer effectively exists for the continuance of Preferential Railway Rates on up-traffic—with the exceptions above alluded to—a new reason now emphasises itself, however, in favour of low freights on South African Produce forwarded to the Coast Ports for Export; only in this case the term "preferential railway rates" becomes a misnomer, as it is no longer a case of giving preference as against imported produce, but a case of giving specially low rates of freight to encourage export of South African surplus produce.

The facts concerning Preferential Railway Rates are very largely misunderstood by the general public.

Casual writers in the public press, as a rule, have only assisted in adding to the confusion of mind.

Yet, without a thorough familiarity with this branch of the Tariff Question, no true comprehension of that question, as a whole, can be arrived at.

So many misapprehensions on the subject exist, that your Commissioners consider that in the interest of forming a correct public opinion upon matters of highest importance to the future of South Africa, it is highly desirable that the more essential facts should be clearly set forth, even at some length, and this appears to your Commissioners an opportune occasion for that purpose.

So little is the subject understood that witnesses before the Transvaal Industries Commission recently protested in all seriousness against Preferential Railway Rates for the reason:—that they "increased the cost of living in the Transvaal and were unfair to the up-country consumer." That is precisely the reverse of the case, for, as a matter of fact, the up-country consumer is the party who benefits most by the Preferential rates, which tend to actually reduce the cost of living up-country.

There are real objections to these Preferential Rates, but certainly the above should not be advanced as one by up-country residents, who, strange to say, have been the loudest in their protests against, in this case, their own interests.

Coming to the essential facts:—Efforts have occasionally been made on the part of the Transvaal and Orange River Colony to procure the entire abolition of the Preferential Railway Rates, partly on the erroneous plea above alluded to, that they were to the disadvantage of the up-country consumer, and partly on the sound plea that they encourage fraud, by tempting consignors to describe imported produce as "South African."

The discussion arising out of this controversy is educational, inasmuch as it leads to a proper appreciation of the following elementary issues:—

1. As the Rates on South African produce were (and are) so low, to decide upon allowing imported produce to be carried at those rates would involve the Railway Revenue in serious loss.

2. Alternatively, to raise the rates on South African Produce to the same level as those paid on imported Produce, would seriously add to the cost of living of the up-country consumer.

3. To deprive the Coast producers of the advantage of the Preferential Railway Rates, owing to which advantage they had been induced to invest, in the aggregate, millions of capital in their concerns, would be to ruin vast interests, unless compensation were given them by means of increased duty at the Ports on the imported produce.

The question of levelling up the rates on South African produce and levelling down the rates on imported—to strike a mean—has been mooted, but without result as yet. Under the circumstances, all that apparently could be done by way of reform at the last Conference was to reduce the list of articles enjoying preference on *through Traffic*—as per Railway Tariff Books—to the following:

Ale; Aerated waters; Animal manure; Beer; Butter; Chaff, hay, forage, etc.; Cheese; Chicory Root, in bags; Grain and Farm Produce; Fencing poles; Eggs, O.R.; Firewood; Fruit and Vegetables; Products from grain; Leather, unmanufactured; Manures, artificial; Minerals; Mineral waters, not medicinal; Mine props; Shooks; Syrup, golden; Salt; Wood ash (for cattle feeding), bone meal, bone ash and guano (in bags); Stout; Sugar; Tallow; Tea; Timber (rough); Tobacco; Treacle.

Moreover with a view to checking fraud, a new special condition has been laid down (*vide Tariff Books*) in regards to some of the above articles, i.e., those affording an opening for fraudulent description, to wit,—“A certificate that the goods are *consigned direct from the factory or place of production*, together with a declaration that the goods are *bona fide* exclusively South African Produce, must be given on the consignment note and signed by the Principal or Manager of the factory or place of production.”—“If these regulations are not complied with, the rate for similar imported articles will be charged.”

We are informed that, as a matter of experience, that certificate has not sufficed to stop fraudulent consignments.

As it is commonly, though erroneously, supposed that many other articles are included in the above list, and receive the privilege of preferential rates, and as that error has led to complaints which have no foundation, we think a perusal of the above list will assist in correcting many of the misapprehensions to which we have alluded above.

A glance through that list will suffice to show how few articles manufactured in the Coast Colonies receive the benefit of preferential railway rates.

With the exception of what may be classed as produce direct from the land, plantation, or farm, the only articles now so benefited may be summed up as follows:—Ale; Aerated waters; Beer; Tanned leather, not manufactured; Mineral waters, not medicinal; Stout; Golden syrup; Artificial manures; Shooks made in South Africa from South African grown timber consigned in five-ton lots, or paying for that quantity.

Apart from the articles enjoying preferential rates in the case of *through Traffic*, the following articles (excluding those which may be classed as produced direct from the land, plantation, or farm):—Bacon; Baking powder; Biscuits; Bread; Cakes; Candles; Chutney; Confectionery; Curry paste; Curry powder; Fish (preserved); Hams; Ice; Jams and Jellies; Lemon syrup; Lemon squash; Lime juice; Live Stock Remedy; Molasses meal; Molassine meal; Nutrine; Pickles; Reims; Sjambocks; Soap, manufactured in Natal; Vinegar; are allowed preferential rates on the Natal Government Railways, for delivery at stations in Natal; and in the Cape Colony similar local privileges exist in the case of certain articles; but such privileges cannot affect consumers in the Transvaal.

Discrepancies exist in the rates charged on the Cape Government Railways, as compared with those charged for similar articles on the Natal Government Railways, some of which discrepancies were commented upon in, and were tabulated in Appendices to, the Report of the late Natal Industries Commission, but these not coming within the category of Preferential Rates do not come within the scope of this Commission's Reference, though they continue to act prejudicially against the interests of Natal manufacturers. We assume, however, that some of these are going to be brought up for discussion at the coming Inter-Colonial Railway Conference at Pretoria.

Returning to the subject of Preferential Railway Rates—the inducement which these Rates offer to fraud is not by any means the only real objection to their continuance.

The most serious objection is, that they so complicate the issues when any attempt is made to simplify the Customs Tariff, that the task must remain a hopeless one so long as these Preferential Railway Rates are permitted to exist.

Moreover, though they admittedly were introduced as an assistance to certain coast industries, and though undoubtedly they do fulfil that purpose, they do so in a more or less concealed manner, and the fact is not advertised abroad as it would be were the whole of the protection afforded in the Customs Tariff—which can be procured anywhere and studied by anyone desirous of learning what advantages South Africa offers to a manufacturer. Such an enquirer, upon looking at the Tariff, sees only the protection, if any, afforded therein, and misses the protection, if any, added thereto, by privileges on the Railways; and his not learning of these may decide him against opening in Cape Colony or Natal, whereas had the aggregate protection been apparent in the Customs Tariff, he might have been induced to start work in one of the Colonies.

This is obviously a case of making the least, instead of the most, of such advantages as the Coast Colonies of South Africa offer.

The complication of issues referred to above are too elaborate to be dealt with in a brief summary such as this, but their nature will be apparent when it is pointed out that they entangle any policy that it may be desirable to apply to the Customs Tariff, with matters of Railway administration. Thus two distinct Administrations are involved whose functions should be kept quite distinct. Owing to this tangle any change has to become a matter of compromise, instead of being governed by the real merits of the case.

Such changes become cumbersome to effect, and instead of each Administration being free to work along its own proper lines, each is hampered by having to consider matters wholly extraneous to its own sphere.

Summing up this reference to Preferential Railway Rates in general, it is the opinion of your Commissioners that these should be abolished, and that an equivalent compensation be given such industries as would be injuriously affected by such abolition, by means of increased Customs duties at the Port.

In as much as the present South African duties on both Tea and Sugar are shown elsewhere in this Report to be considerably below the duties levied, for purely revenueal purposes in free-trade Great Britain and Ireland, there is a considerable margin for the increase of these duties in South Africa.

Furthermore, it is the opinion of your Commissioners that until Preferential Railway Rates are abolished there is no prospect of South Africa acquiring a Customs Tariff which can be justified on common-sense grounds; much less one that can be based upon scientific lines.

While thus strongly advocating the abolition of Preferential Railway Rates, your Commissioners wish it to be clearly understood that by Preferential Railway Rates, they only mean rates which are lower upon articles of South African production than upon similar articles imported from oversea, and that they must not be considered as in any way expressing any opinion against low railway rates on the articles of South African production now enjoying low rates.

DUMPING.

What is known as Dumping is a serious economic evil, especially in the case of Sugar grown in Java, imported into Australia, there refined in bond, and then dumped into South Africa, as dealt with at some length in this Report under the Heading of "Sugar."

Not only, however, are South African Producers faced with this class of unfair competition, or market piracy, but Merchants are liable at any moment to find their market flooded, with goods sent out by speculators and sold chiefly by auction at prices bearing no relation to actual cost, which goods are similar to those they have in stock, for which they have paid legitimate prices, and the sale of which is seriously interfered with in consequence.

The latter class of Dumping, we understand, has diminished in volume since the depression set in, but were times to improve and were the South African market to offer renewed attractions to those given to this more or less reprehensible class of business, there can be little doubt that what has happened in good times before would be repeated.

As the effect of Dumping upon the Sugar, Tea, Building and Furniture Industries of Natal has been most serious, and as preventive measures can be taken by means of the Customs Tariff, we consider this subject comes within the scope of our Reference.

We, therefore, feel it to be within our province, to call attention to the necessity for some means of preventing Dumping, and we trust that the matter will not be lost sight of at the coming Inter-Colonial Customs Conference in Pretoria.

In the instances of Tea and Sugar, *inter alia*, we consider, for reasons given under the Headings "Tea," "Sugar," etc., that the prevention of Dumping can best be secured by imposing an increased duty at the port.

In other cases, we think it can best be provided for by a special Dumping Clause constructed upon lines similar to those of the Dumping Clause of the Canadian Tariff.

THROUGH BOOKING OF GOODS FROM THE UNITED KINGDOM TO CENTRES IN SOUTH AFRICA.

Though this is a subject which at first glance may appear outside the scope of your Commissioners' Reference, the fact that it will probably be referred to at the coming Customs Conference in Pretoria, may be considered to bring it within this Commission's Reference.

Our attention has been drawn to the great and manifold advantages which a system of Through Booking of Goods to and from Great Britain to and from distributing centres in South Africa would confer upon South African commerce and industry, and to the likelihood of such a system proving an even better and more diplomatic means than that of any small preference in the Tariff, for encouraging trade along British Channels. It would certainly be a less invidious means, in as much as it would eliminate any declared preferential treatment of one country as compared with another, it being merely an unexceptionable and ordinary business method of facilitating trade.

BONUSES AND BOUNTIES.—I.

It has been the expressed opinion of many people in the Inland Colonies, that Preferential Railway Rates, to assist local producers in the Coast Colonies, are of the nature of Bounties, and on that account render a surcharge on the Railways of Inland States justifiable, in such instances.

Your Commissioners refer to those expressed opinions, both to indicate the sentiment which exists in some quarters on the matter of preference accorded on the Railways, and to supplement their remarks in this Report—under the Heading of "Preferential Railway Rates."

In the past, strong objection to Bounties has been entertained by all the other States of the Union than the Orange River Colony, the latter, while under Crown Colony Government, having been the only State in favour of Bounties.

During Crown Colony Government in the Orange River Colony certain contracts were made for the payment of Bounties to certain parties. The classes of Industries thus privileged, and the terms for which the payment of Bounties were fixed, will be found in Appendix "B," attached to this Report.

As the suggestion has been made by individual Witnesses in their evidence before the Transvaal Industries and Customs Commission, that Bounties should be preferred to Protection, and as your Commissioners wholly disagree with that suggestion, they consider that this subject comes within the terms of their Reference, and that they are called upon to record their disapproval of any system of giving Bounties for the encouragement of Industries.

Apart from the well-known objections to Bonuses and Bounties, some of which objections are referred to under Part II. of this Heading, and others were indicated in the Report of the late Industries Commission, and have also been referred to by many of our own Witnesses, your Commissioners would point out, that when Bonuses and Bounties are paid by a State, every taxpayer has to contribute his share, whether he consumes or uses the article enjoying his Bounty or not.

On the other hand, if an article is assisted by Protection, the taxpayer will probably have nothing to contribute towards the maintenance of the Industry protected, after local competition has resulted from the local production; and even in the earlier stages, before the output has arrived at the competing stage, if the article be of the nature of a luxury, the taxpayer need not consume or use it, and has thus the option of escaping any contribution, should he desire to avail himself of it—an option he does not possess in the case of Bonuses and Bounties.

BONUSES AND BOUNTIES.—II.

A Durban firm of high standing sent in the following remarks *apropos* of Bonuses:—

"It has been advocated, and has been reported in the newspapers in the course of the sittings of the various Customs Tariff Enquiry Commissions, that Industries should be created by means of granting Bonuses. With regard to this, we wish to point out that in our opinion this does not appear to be a good scheme. To whom should such Bonuses be granted? To a particular Manufacturer, or group of Manufacturers? And if afterwards competition should arise, should it be refused to such competitors? This would create a monopoly. Should it be given to as many Manufacturers as may start? Could any Government undertake such a charge?

"Then again, to what extent should Bonuses be given? Can any South African Government afford to pay Bonuses heavy enough to be of real value to Manufacturers?

"Are the financial conditions of the different States such as to bring such a scheme within range of practical politics? If so, in what way should such Bonuses be assessed?

"Such a scheme bristles with so many difficulties that it is practically impossible to devise a satisfactory measure to carry it out, and it appears that the most simple and practical way of fostering and protecting Industries is by means of Customs Dues."

BRITISH PREFERENCE.

Your Commissioners desire to place on record, that, so far as Witnesses have referred to the amount of Preference to be allowed to the United Kingdom and Reciprocating Colonies, they have been practically unanimous in suggesting an increase upon the present 3 per cent., which appears to be ineffective, and consequently generally considered insufficient to evoke any marked appreciation on the part of those whom it is intended to favour.

The general opinion would appear to be in favour of 5 per cent. Preference on the Special Rates Class, as well as in the case of the other Classes.

Your Commissioners would point out that, under the new Commonwealth Tariff, the Melbourne "Ago" of 9th August, 1907, states that "the system of Preference offered to English goods ranges from 5 per cent. on some articles to 33 per cent. on others. The average is said by the Ministry to be 11½."

Further, your Commissioners would point out that a fixed reduction on the duty named in a Tariff—by way of Preference—cannot be considered either business-like or scientific.

This is easily exemplified by another quotation, from the same issue of the Melbourne "Ago," to wit, "Where a duty of 45 per cent. is levied on foreign woollen and silk goods and 40 on English goods of the same kind, the preference is not likely to prove of very much meaning."

This objection could be met in many cases by making the preference a fraction or percentage of the duty itself, which might properly differ in the case of the different Classes.

Thus in the General *ad valorem* Class the Duty is now 15 per cent. and the Preference 3 per cent.—that is, the preference is 1-5th, or 20 per cent. of the Duty.

In Class I.—the "Special Rates" Class, the Preference at present is, very properly arbitrarily fixed for every item separately. But, though the principle is correct, the details in many instances are not sufficiently studied to serve the end in view.

In some cases, the Preference allowed is governed by the currency question, in others by loss of privileges previously enjoyed on the Railways, in others by no discoverable reason.

The Preference accorded to British Fish, Lard, Meats, etc., is 1d. per lb., upon a duty of 1½d., a Preference in these cases of 20 per cent. On Cement it is also 20 per cent., or 3d. on 1s. 3d., and 20 per cent. would appear to be the maximum Preference; it is confined, however, to very few articles.

The principle, however, of permitting varying per centages of Preference is apparent throughout this Class.

In Class II., the "Mixed Rates" Class, and in Class III., the 25 per cent. *ad valorem* Class, as also in Class IV., the 3 per cent. *ad valorem* Class, the Preference allowed to the United Kingdom and Reciprocating Colonies is 3 per cent.

One effect of this is that, while on some articles (Boots), in Class II., the Preference amounts to 20 per cent. of the Duty, on others (Printed Matter and Vehicles) it amounts to 12 per cent. of the Duty.

In Class III., the Preference amounts to 12 per cent. of the Duty.

In Class IV., the Preference amounts to the whole Duty.

All this shows that in the present Tariff there is that elasticity which is desirable, as indicated in the above quotation from the Melbourne "Age"; but your Commissioners are of opinion that the elasticity has not been made the most of to attain the desired object—that of favouring trade with the United Kingdom and the Reciprocating Colonies.

To effect that object, many matters would have to be taken into account, which only those who have made a study of the details and channels of each particular trade, are competent to disclose. The task of procuring such data would have been impossible for your Commissioners to take up in the time afforded them, even had it been strictly within the terms of their Reference.

As, however, only a proportion of the items, those relating to local industries, would have come within those terms, the enquiry would have been left incomplete in any case.

Nor, obviously, could the necessary data be arrived at by any Inter-Colonial Conference.

Neither the time nor the machinery is available on these occasions. Hence there is no hope of Preference being properly applied as an efficient means to the desired end, until an Inter-Colonial "Permanent Tariff Revision Board"—as defined later in this Report—can go fully into details and report to the respective Governments.

It follows from the above, however, that your Commissioners do not endorse the views of those Witnesses, referred to above, who have advocated an all round 5 per cent. Preference, including the "Special Rates" Class.

Whether the amount of the Preference be increased or not, the effect upon local industries will, of course, depend upon whether the Duty, less the Preference, is sufficient to afford Protection, according to the requirements of each individual industry.

THE PRESENT (1906) TARIFF.

As a great deal of astonishment has been expressed at the inconsistencies in the past and present Tariffs, your Commissioners deemed it desirable in the public interest, that the method of procedure at the Inter-Colonial Customs Conferences should be better known than it has been in the past; and your Commissioners considered that a useful purpose would have been served by the publication of a summary of the origin of the present Tariff. It would doubtless have accounted to the intelligent reader for much that has surprised him in connection with past Tariffs, and has been wholly unaccountable to him.

To that end your Commissioners applied for copies of the Proceedings of the last Customs Conference, and permission to quote extracts therefrom, but this permission could not be granted owing to a resolution passed at that Conference, to the effect that the Proceedings, when printed, should be strictly confidential.

Hard things have been said of the present Tariff. Some of its inconsistencies have been pointed out time and again. Nevertheless, it was doubtless the best that the Conference could arrive at, under all the circumstances then existing, and within the limitations of the time and information at the command of the Conference.

Including adjournments, and Sundays, the whole period of the last Conference occupied from the 8th March, 1906, to the 23rd March, 1906, or 16 days in all.

Possibly, if all the facts concerning the construction of Conference Compiled Tariffs were known and properly appreciated, the surprise felt would not be that the resulting Tariffs proved so abortive, but that any Tariff at all was arrived at; or that the Tariffs so arrived at have not been even worse than they have proved to be in the past.

Certainly, judging by results, the shortcomings of the present methods of compiling a Tariff and drawing up a Convention, would have been sufficiently evident to justify the desire expressed by the Prime Minister of Natal in his opening address at this Commission's first Session, for some improved and permanent machinery for

amending the Tariff, without having to appeal to unwieldy Conferences, which have proved so unsatisfactory in the past.

What that new machinery should be, in the opinion of your Commissioners, has been indicated elsewhere in this Report, under the Heading of "Inter-Colonial Permanent Tariff Revision Board."

The indefensible vagaries in the present Tariff in connection with the duties upon raw materials, are as glaring as in the Tariff which preceded it; as to which vagaries the Industries Commission very forcibly drew attention.

They can be briefly indicated here, by some examples from one single industry's "raw materials"—those of the Oil pressers.

The duty on copra-nut oil is 15 per cent. Yet Palm kernel oil in bulk is admitted free, while on the Kernels, or raw materials from which it is expressed, the duty is 3 per cent.—which becomes much more when the loss in extraction is taken into account.

Again, Cotton seed oil in bulk is admitted free, yet Cotton seed—the raw material—bears a duty of 15 per cent. Thus the raw material is heavily taxed; for the yield of oil is only approximately 14 per cent. to 16 per cent., while the product is admitted free. In this instance, the cause is said to be due to the hope that Cotton seed would be grown in Natal, though why such a hope should lead to the duty being kept on the seed, while admitting the product free, is not apparent.

Again, in the case of Maffera seed and Maffera oil. In both instances, the duty is 15 per cent. The yield is about 50 per cent.: so the seed, or raw material, is in a sense bearing double the duty borne by the finished product. Though it was not known by the compilers at the time of compiling the Tariff, the "Maffera" is a tree that grows wild and bears well, all along the coast of Natal. The Kafir name is "Mkuhla."

Again, these oils, though the product of the Oil Mills, are the "raw materials" of the Soap Factories.

This points to further caution being necessary, than has been apparently exercised in past Tariffs, in assessing the duties to be levied on "raw materials" as such.

The same need for this caution, so conspicuous by its absence in past Tariffs, is exemplified in the case of tanned leather, which, though the finished product of Tanneries, is the raw material for a number of other industries, such as boot and legging makers, harness and saddle and bag makers, bookbinders, etc.

In the opinion of your Commissioners, it is quite possible, given time and necessary technical knowledge, to arrange a Tariff affording Protection to nearly all the links in such chains of industries, without material effect eventually upon the pocket of the consumer, for in the case of every link the local competition should result in reducing prices as compared with the prices of the imported competing product, that is to say, if any value is to be attached to past experience, such reduction having been exemplified in every instance in the past, as shown in another section of this Report.

Nevertheless, it is well to emphasise the fact that your Commissioners have not said it would be possible to arrange a Tariff affording Protection to every link in such chains.

In a few instances, it will be either impossible, or very difficult, to meet the requirements of a link in one of the chains. It will be perhaps impossible, for instance, in cases where the imported article is the result of sweated labour; or where the South African conditions are so extremely unfavourable as compared with other producing countries, that the amount of duty required to permit of production in South Africa would have to be so excessive as to defeat one of the chief objects of Protection—that of reducing in time, the cost to the consumer.

Naturally no such instance has actually come to the notice of your Commissioners, because no Protection having in the past been offered such industries, there has been no attempt to introduce them into South Africa. Cotton growing, and similar experimental enterprises, which avowedly have been of the nature of experiments, do not come within the class of instances referred to.

Coming to another matter in connection with the present (1906) Tariff, to which the attention of your Commissioners has been called by many Witnesses, and as to which complaints have been universal in all the Colonies.

Your Commissioners refer to the looseness of the wording, or description of items in the Tariff. This looseness has given rise to much trouble, and in some cases to a sense of injustice.

A different meaning has been placed on the wording of items, by the Customs Departments of different Colonies. This, among other things, has led to a higher duty on an item being demanded in one Colony than in another. Importers, again, have put one interpretation on the wording of an item and the Collectors of Customs have adopted another.

It has taken years of references from Importers to Collectors of Customs, and of pourparlers between the Customs Departments of the various Colonies, to arrive at a common understanding on points which should have been perfectly clear from the first, had the Tariff been carefully worded by experts at the Conference, and had there been time for experts to take the necessary care—which, however, cannot be hoped for under the present system, where everything has to be rushed through in a few days.

When, through the interpretation put upon an item's wording by the Collector of Customs, a higher rate of duty has been exacted in his Colony than is subsequently admitted by the majority of the Customs Departments of the Union to be the accepted interpretation, then the importers are notified of the change, but are told that it is not retrospective. Consequently, those who have had to pay the improper higher rate of duty suffer under a natural sense of injustice, in having been called upon to pay more than is subsequently admitted to be the legal rate of duty, while at the same time they are denied repayment of the excess they consider they have been unjustly mulct of.

Your Commissioners, while calling attention to this serious defect in past Tariffs, see no hope of its being avoided in future hastily compiled Conference Tariffs, and can only look forward to the time when an "Inter-Colonial Permanent Tariff Revision Board" shall, by having the necessary experience and time at their command, ensure lucidity in the phrasing of all the items in the Tariff.

While it is within the terms of your Commission's Reference to enquire thus generally into and to comment upon the present Customs Union Tariff, they do not feel called upon to even attempt to reconstruct in detail a complete Tariff (for which in any case the time allotted them would not have sufficed), but only—"to report upon any amendments which may be required in the interests of local industries and manufactures."

That, in the opinion of your Commissioners, they have done by dealing, in Part III. of this Report, with each Natal Industry separately, the representatives of which have supplied your Commissioners with the necessary data.

INTER-COLONIAL PERMANENT TARIFF REVISION BOARD.

During the course of our enquiries it has been borne in upon us how superficial is the average interest taken in Fiscal matters.

The clashing of interests and consequent necessary "give and take," the action and inter-action of changes in duties, the dependence of one industry upon others, and the numberless other problems all requiring most serious investigation and study by any person or body of persons called upon to express opinions of any value upon Tariff questions, are not easy of solution even by those whose special duty it is to attempt to solve them.

Students of the results of past Customs Conferences cannot fail to become convinced that so long as South African Tariffs are compiled under Conference conditions, it is a foregone conclusion that many mistakes must be made. Fatal mistakes have indeed been made at some of the Conferences—the only wonder is that there have not been many more of them.*

It is not as though all those elected to attend Customs Conferences were chosen because of their special qualifications for the very technical and difficult work before them. On the contrary, in the past very few members indeed, for instance, have been experienced industrialists.

How under these circumstances can the many various Industries expect to receive that due attention and consideration which can only be afforded by those thoroughly acquainted with the technical details and the many considerations which tend to make or mar their prospects?

How can it be reasonably expected that a Conference of Delegates from various States, representing at present in some cases clashing interests, shall come together and formulate off-hand within a fortnight or even a month, a brand new Tariff which shall not be full of grave mistakes, involving, in some cases, disaster to established industries?

The record of every Customs Conference in the past affords such examples. Each Conference has absolutely ruined some, and seriously prejudiced other, established industries—to the great pecuniary loss of those interested, and to the serious loss of confidence on the part of investors in the stability of South African enterprises.

Herein lies the danger of acceding to the popular demand—that the next Tariff shall be fixed for a long period of years, in order to secure that stability which is so necessary to induce capitalists to invest money in industries.

While thus endeavouring to secure stability, it must be apparent that, so long as the Tariff is formulated by Conferences and under present conditions, there is grave risk of perpetuating for the whole fixed period, the ruinous effects of any mistake made in the compilation of the new Tariff.

That a properly compiled Tariff cannot be drawn up in a hurry, is evidenced by the time that has been required to build up the Tariffs of other self-governing Colonies, and by the time taken in Germany in the compilation of its present Tariff, which occupied attention for four years before it was brought up to the Reichstag, and was only passed therein after a discussion lasting over a further 14 months; or over five years in all. Compare this with the few days occupied at past South African Customs Conferences, and the comparison would be a fit subject for ridicule were the material progress, and prospects, of a whole sub-Continent not at stake.

A disinclination for thorough consideration of even vastly important matters is a characteristic which appears to have almost become a South African trait, begotten of local conditions, in a country owing its commercial beginnings to "Rushes" to Diamond and Gold Fields, and to the subsequent Haste to Grow Rich which such beginnings prompted.

Some significance can surely be attached to the fact that all the oversea self-governing Colonies, which have appreciated the value of Thoroughness in the compilation of their Tariffs, are prosperous; while, on the other hand, South Africa remains dependent upon one or two industries, and is otherwise industrially far behind all the oversea self-governing Colonies.

All these and other considerations compel your Commissioners to register their opinion that the present system of compiling Tariffs at periodical Conferences, can only result in general dissatisfaction, in the introduction of disastrous mistakes into the Tariff, in frequent crises due to the unsatisfactory nature of each Tariff in turn causing its denunciation by one or other Party to the Union, and a consequent instability and uncertainty, which, in itself is fatal to that confidence which is essential to a country's advancement.

* That your Commissioners are not singular in their views as to the failures of, and the mistakes made by past Conferences, a perusal of the first 9 paragraphs on page 21 of the Natal Industries Commission Report, will prove.

The alternative your Commissioners have to suggest is a comparatively simple one, and is as follows:—

In the new Customs Convention, we recommend that there should be:—

1. A special Schedule or Class, known as the "Protection Schedule," or Class, in which every article enjoying protection should be placed, advertising thus to the world what articles are protected in South Africa, and the amount of the protection.
2. A special Schedule or Class, known as the "Reserved Raw Materials," Schedule or Class, in which should be placed all raw materials (not procurable of South African production) employed in the manufacture of articles named in the "Protection Schedule."

This Schedule or Class to be divided into two Sections, as follows:—

- (a) Raw Materials in their crude form (not procurable of South African production) used in the manufacture of articles named in the "Protection Schedule."
- (b) Partially manufactured and finished articles (not procurable of South African production) to be used as Component Parts in the manufacture of articles named in the "Protection Schedule."

An article in the Convention should be to the following effect:—

- (a) The duty upon Articles named in the "Protection Schedule" shall not be lowered for a term of 10 years.

Another Article in the Convention should be to the following effect:—

- (b) The duty, if any, shall not be raised upon Raw Materials named in either Section of the "Reserved Raw Materials" Schedule for a period of ten years.

Another Article in the Convention should be to the following effect:—

- (c) It shall be permissible from time to time, with the unanimous approval of the Governments of the various Colonies, parties to the Union, to add new articles to the "Protection Schedule" and to either Section of the "Reserved Raw Materials" Schedule.

Then let the Tariff formulated at the coming Pretoria Conference, and thus provided with the necessary elasticity plus all necessary stability, be accepted as a basis upon which to build up gradually a Tariff thoroughly suited to the requirements of South Africa.

Let that building up process be relegated to a Permanent Board, the experience of the members of which, in time, would become invaluable.

Let that Permanent Board consist of one Tariff Commissioner in each Colony, who, in conjunction with the Treasurer and Collector of Customs of his Colony, would form the Colony's "Tariff Committee."

This is all the necessary machinery; the only new official being the Tariff Commissioner in each Colony.

The process of amending and building up, could begin as soon as the effects of the New Tariff upon Industries become apparent.

That process your Commissioners suggest should be as follows:—

Soon after the new Tariff has come into force, each Colony's Tariff Commissioner should investigate its effects; by consulting those interested, checking carefully all information received, taking care also to discover how recommendations made on behalf of one industry may affect some allied industry.

The Commissioner having thus carefully compiled his list of amendments, his next step should be to submit his amendments in committee, to his colleagues the Colonial Treasurer and Collector of Customs.

From time to time all the Tariff Commissioners of the several Colonies, should meet together as the "Inter-Colonial Permanent Tariff Revision Board," and discuss all those suggested amendments which had previously received the approval of their various Colonial Tariff Committees.

The deliberations at the meetings of the "Inter-Colonial Permanent Tariff Revision Board," would probably result in two lists being completed, to wit:—

- (a) A List of Amendments approved by all the members.
- (b) A List of Amendments upon which agreement could not be arrived at.

It would then be the duty of the Commissioners to return to their respective Governments and hand in the two Lists.

Thereupon the several Governments (acting under some such Article as XXVI. of the Maritzburg Convention) would be in a position to take common action to put List (a) in force, and to open negotiations with a view to effecting compromises in the case of the items on List (b).

Under such a system as that proposed above, all the necessary stability would be secured to manufacturers or capitalists.

They would know positively that the Tariff, so far as it concerned their businesses, could not be altered to their disadvantage for a fixed period of years, though it could, if really necessary, be altered in their favour.

Moreover, another advantage offered by such a system is, that the "Protection Schedule" forming, as it would, but a very small proportion of the whole Tariff, the security and stability offered to those requiring stability would be obtained while leaving the great bulk of the Tariff perfectly elastic and open to amendment, according to the exigencies of revenue. Such amendment when necessary for revenue purposes, would also be within the sphere of the "Inter-Colonial Permanent Tariff Revision Board," upon the motion of any Colony's "Tariff Committee" at the instigation of its Government.

To your Commissioners it appears for many reasons preferable to give the admittedly necessary stability thus, to only that small portion of the Tariff requiring stability in the interests of industries, instead of fixing the whole Tariff for a certain period of years, at the risk of perpetuating grave mistakes, and to the certain loss of elasticity in the bulk, to wit, the purely revenue portion of the Tariff.

Of course, the risk of an excise being imposed at any time is a risk which capitalists have to run in any country, and is therefore an ordinary risk which capitalists are in the habit of taking.

The proposed system also allows for the ever changing conditions of new countries, and affords the necessary open door for the entry of suitable new industries within the fold of protected industries—which would be impossible were the whole Tariff fixed for a long term of years under the Conference System.

Under the Permanent Board system the objections to the present Conference methods would be eliminated and confidence would be established, in place of uncertainty—as to how long the Convention will endure before it is again placed in the melting pot; and as to what may result from the process.

In course of time a Tariff would gradually be built up, and by experts at the work, whose sole and undivided attention would be devoted to that purpose; and though it would be too much to expect that even a Tariff so built up would satisfy everybody, it would nevertheless have all the advantages of skilled hands and concentrated and continuous effort in its construction, and should consequently offer better prospects of meeting the requirements of South Africa than any Tariff compiled under the hasty Conference System can ever be expected to offer.

In concluding their remarks on this subject, your Commissioners would quote the following paragraph from the evidence of one of the several Witnesses who have alluded to the desirability of some form of Permanent Board for the revision of the Tariff, in preference to revision at Conferences:—

“There is one point I would like to touch upon, which probably does not come within the reference to the Commission, but has an important bearing on the whole subject of tariffs, as affecting South Africa. Nothing has been more obvious in the evidence led in the Transvaal than the extreme clashing of interests when industrial protection is dealt with. This Commission, and similar Commissions in the other Colonies, indicates an endeavour to overcome this difficulty by obtaining all possible information in order that on the final adjustment, oppression and injustice may be minimised. It may be premature to question the efficacy of the system adopted, but, in my opinion, it is still too near the rule of thumb method hitherto recognised in compiling a tariff to justify any great hope that it will be much more successful than former attempts. I believe that only by having a permanent bureau, whose duty it should be to obtain every information regarding the pressure of taxation on particular industries and the relative effects of protection on the industrial capacities of the different Colonies, will it be possible to obtain a tariff having anything approaching a scientific basis.”

THE “RESERVED RAW MATERIALS” SCHEDULE.

Rather than interfere with the concise enunciation of the “Inter-Colonial Permanent Tariff Revision Board” scheme, your Commissioners only very briefly indicated under that Heading the proposed sub-division of the “Reserved Raw Materials” Schedule into two Sections.

There are several points, however, to which it might not be amiss to direct attention.

For instance—your Commissioners do not go so far as to suggest that all “Raw Materials in their crude form” placed in Section (a) should necessarily be admitted free from even the United Kingdom and reciprocating Colonies. In the case of raw materials, which, from climatic causes, can never be grown or produced in any part of South Africa (as Coconut oil, Palm Kernels, etc.), these—if the Revenue derivable from such imports can be disregarded—might safely be admitted free, from anywhere for industrial purposes; under conditions similar to those already in force in regard to Soap imported for Wool-washing, upon which rebate of duty is at present allowed to Wool-washers.

But there are a number of “Raw Materials” which, though not at present locally produced, to any extent, could be and probably would be produced in South Africa, if the establishment of industries employing them were to create an attractive demand. To admit such articles free from anywhere would discourage local production, and would, therefore, be against the fundamental principle advocated by your Commissioners.

Further, in the case of both Sections:—(a) Raw Materials in their crude form; and (b) Partially manufactured and finished articles to be used as component parts, in the manufacture of articles named in the “Protection Schedule,” different rates of duty would be advisable in the cases of the different individual Items, so as to scientifically adjust the duty to the requirements of each case. This discrimination could not be exercised by any Customs Conference, it would only be possible to carry it out afterwards by means of the “Inter-Colonial Permanent Tariff Revision Board.” Meantime the Conference, so far as may be possible, might fix two *ad valorem* rates, one for each of the suggested sections of the “Reserved Raw Materials” Schedule.

In the case of items where the *ad valorem* principle is inapplicable, “special” rates would, of course, be necessary, but such instances are comparatively rare, though examples are not wanting, *ex. gr.*, currants, sultanas, almonds, etc., now rated at per lb.

Most industries, the world over, employ manufactured or partly manufactured articles, the finished products of other industries, and the necessary feeling of security required by investors thinking of opening up new establishments in South Africa, will only be satisfied by guaranteeing that the duties upon what are to them their “raw materials,” shall not be raised for a term of years. This security would be given in

the "Reserved Raw Materials" Schedule, as indicated elsewhere in this Report, under the Heading "Inter-Colonial Permanent Tariff Revision Board."

Great care should be taken in selecting what "partly manufactured articles, and finished articles to be used as component parts in local manufactures" should be accorded the privilege of entry in the "Reserved Raw Materials" Schedule.

To start with, only such should have that privilege as are already required in established industries. Others can be added from time to time to meet the requirements of new industries—under provision made for this, as set forth in this Report under the Heading, "Inter-Colonial Permanent Tariff Revision Board."

Care in selection of articles to be included in the first, or foundation, "Reserved Raw Materials" Schedule is necessary for obvious reasons, notably because no article should be included therein, which not only can at present be produced in South Africa, but which is likely to be produced here in the near future, because its inclusion in that Schedule would render it impossible for a considerable term of years, to encourage its production in South Africa.

Nevertheless, it is policy to at once encourage the industries we have, in preference to waiting for other possible industries to start before deciding upon what items shall be included in both the "Protection" Schedule and the "Reserved Raw Materials" Schedule, seeing that in the latter case we should be waiting for the uncertain, possibly only to lose the certain.

By affording Protection and Stability at once, we give present industries a term of years in which to fully establish and develop themselves.

PART III.

PRECIS OF EVIDENCE AND RECOMMENDATIONS.

INTRODUCTION TO PART III.

1. In formulating their Recommendations, your Commissioners, where possible, have given effect to the principle followed in Countries where Protection has been adopted as a Policy—that of admitting Raw Materials free of duty, where there are no valid reasons against such a course; and where such valid reasons exist, the duty on Raw Materials has been kept down to as low a rate as has been deemed wise under all the circumstances.

This principle is adopted to the end that the duty required to protect the completed article may be kept down to the lowest rate likely to prove adequate for the purpose of Protection.

2. Your Commissioners desire to explain that in many cases they have been unable to advocate to the full, and in some cases have had to ignore altogether, the claims of Witnesses. This has not always been due to the claims being deemed altogether unreasonable.

In some cases they might have received the support of your Commissioners' advocacy had the interests of Natal alone to be considered, and in others if the exigencies of Revenue could be ignored altogether.

It were futile, however, to advance demands which for one reason or another must obviously be foredoomed to be rejected.

TEA.

To judge by comments of correspondents in the public press, the actual facts concerning the Tea Industry in Natal are apparently unknown to the public, and there has been widespread misapprehension of the truth, leading to wholly erroneous criticism and misstatements. Your Commissioners deem it well, therefore, in the interests of truth, fair-play, and well-advised future action, that the facts should be made known, as received in Evidence.

In the early days of experimental Tea planting in Natal, the revenue duty upon Tea in Natal was 7d. per lb. Not before 1885, however, did Natal Tea appear on the market in any appreciable quantity, in which year the revenue on Tea was 6d. per lb., and the idea of this 6d.—rate being a permanent one, for Revenue purposes was a sufficient inducement for the investment of capital in the Industry. It will be remembered that for many years 6d. was the rate of duty on Tea in the United Kingdom, where it was regarded as a duty for revenue purposes only.

In 1883 the price for Imported Tea paid by the consumer in Natal ranged from 2s. to 3s. 6d. per lb., inclusive of the duty.

About that period, very considerable developments took place in the Tea Industry, several new plantations were opened up, and the area of land under tea very considerably increased, and from that time the extent of the Industry has gradually increased year by year.

In 1904 the price of Tea had fallen on the World's Markets, but in Natal it had fallen to from 1s. to 1s. 6d. per lb., from the 2s. to 3s. 6d. of 1883, and it is contended that this local drop in prices exceeded the fall in outside markets.

Natal Tea is now sold to the consumer at from 9d. to 1s. 3d. per lb., according to quality.

Your Commissioners fail to see any indication, from these figures, that the consumer in South Africa is suffering in his pocket from the existence of Tea Growing as an Industry in Natal.

In 1904 the duty in South Africa on Imported Tea was reduced to 4d. per lb., and later, in 1906, a duty of 15 per cent. was imposed on wood imported for packing purposes, and of 25 per cent. on all printed matter for labels, etc., used in the business.

When it is borne in mind that the packing free of duty, it will be seen that Imported Tea are allowed to enter the country free of duty, it will be seen that Imported Tea is favoured in this respect as compared with Tea of local production.

When it is further borne in mind that in the Tea growing country from which Natal Tea meets the severest competition, the currency is a silver one, and that the Planter in that country, in consequence, enjoys an advantage of some 35 per cent. in the cost of his labour, it will further be appreciated that the 4d. per lb. so-called "protection," which the Natal planter is popularly supposed to enjoy, is severely discounted.

But can that 4d. per lb. duty be fairly termed a Protective Duty?

In almost every country in the world where tea is consumed, this commodity has been deemed a very suitable one from which to obtain revenue by means of a Customs Duty. Of the 38 British Colonies and Foreign Countries, whose Customs Tariffs are enumerated in Kelly's Customs Tariffs of the World (1905 Edition), the duty ranges from 2s. 10d. per lb. to 10 per cent. *ad valorem*.

As none of these countries produce tea, except one, it is manifest that in all the other cases tea must have been selected solely on the ground that it is a fit and proper commodity from which to obtain revenue.

Further, with the exception of four of these countries, referred to above, the present duty on tea in the South African Union, stands at the lowest figure.

In 1906, the importations of Teas from over-sea into the States of the South African Union amounted, in weight, to 4,822,000 lbs., of a money value of £221,000. Figures have been produced to show that the whole of this tea and more could be produced by the Tea Estates at present in existence in Natal.

The money expended and distributed in a multitude of ways, by the Natal Tea Industry in South Africa, amounts to between £50,000 and £60,000 per annum, at present.

Disaster to the Industry would not only mean the loss of this expenditure, but that there would cease to be the competition between the local producer and the importer, and the latter would be in a position to raise prices against the consumer.

Dumping, it is alleged, now seriously threatens the Tea Industry of Natal. South Africa, it is stated in evidence, has been made the dumping ground for certain classes of Indian and Ceylon Teas—elsewhere unsaleable. These teas, it is asserted, must have been sold at prices much below cost of production, thus causing such severe competition in the local market as to have rendered the carrying on of the Tea Industry in Natal unprofitable for some time past.

The figures, as supplied to us by one of the largest groups of Tea Estates, show the division of wages to be for twelve months as follows:—

Whites (including those in Durban Office)...	£3,835
Coloured (including rations to Coolies)	£3,672*

Owing to the possibility of Preferential Railway Rates being abolished at the coming Pretoria Conferences, it is necessary to bear in mind that Natal Tea, taking Johannesburg as a central point, is privileged, as compared with Imported Tea, to the extent of £3 3s. 4d. per ton. (See Appendix A.)

To remove that privilege, without giving compensation therefor, in the shape of additional duty at the Port, would be a very serious additional blow to an industry already suffering from the effects of the action of past Conferences, to a degree that has deprived the shareholders of any dividend for some years.

The equivalent additional duty to compensate for the loss of the privilege on the Railway, taking Johannesburg as the central point, would be about 2-5ths of a penny per lb.

In view of the fact that even in free-trade Great Britain, the duty on Tea at present is 5d. per lb., or 25 per cent. higher than the present South African Union duty, and that, within recent years it has been as high as 7d. per lb. in Great Britain, for revenue purposes, your Commissioners, taking also all the conditions into account, do not think that the following suggested recommendations err on the side of unduly favouring the Tea Planter:—

RECOMMENDATIONS.

- That, in the event of Preferential Railway Rates being abolished, the duty on tea imported in packets be restored to 6d. per lb.
- That, in the event of Preferential Railway Rates being abolished, the duty on tea imported in bulk be 5d. per lb.

* Since the above was written the following figures have been supplied, as representing as nearly as could be obtained from an Estate to Estate Enquiry, the division of Wages paid during 1907, over the whole Tea Industry in Natal:—

To Europeans	£
To Coloureds	6,500
	13,700

- (c) That, in the event of Preferential Railway Rates, and the duty on box shooks, printing, and rice, being retained as at present, the duty on all imported tea to be 5d. per lb.

SUGAR.—I.

FROM THE POINT OF VIEW OF THE PLANTERS.

As of the Tea, so of the Sugar Industry, it may be said that the public have been misled hitherto by the lack of that knowledge of facts which is essential to correct judgment. Hence it is also necessary in the case of the Sugar Industry to disperse misconceptions by an array of facts culled from the evidence.

The duty on Sugar prior to the last Conference was:—

	£	s.	d.
(a) Not refined, Golden Syrup, Molasses, Saccharum and Treacle per 100 lb....	0	3	6
Equals £3 10s. 0d. per ton.			
(b) Refined, per 100 lb.	0	5	0
Equals £5 0s. 0d. per ton.			
This was altered at the last (1906) Conference to the following:—			
(a) Candy, loaf, castor, icing, and cube, per 100 lb.	0	5	0
Equals £5 0s. 0d. per ton.			
(b) Other kinds, including golden and maple syrup, molasses, saccharum and treacle, per 100 lb.	0	3	6
Equals £3 10s. 0d. per ton.			
(c) Saccharine and other sweetening substances in a concentrated form, per lb.	1	0	0

“NOTE:—In the case of sugar, upon which bounties are granted in the country of origin, an additional duty equal to the amount of such bounty is to be levied.”

The effect of that change was disastrous to the Natal Industry, in as much as it let into South Africa Refined Sugar at £3 10s. 0d. per ton as against the former £5, and thus led to the dumping which will be referred to later on.

To correct much misrepresentation, based on ignorance of the facts, it is well to point out here, that the duty on Sugar has not been raised since the first duty was put on Sugar for revenue purposes in the '50s, i.e., before any Cane was planted in Natal. Hence it cannot truthfully be alleged that the Sugar Industry in Natal has ever been in receipt of protection *qua* protection.

Further, it should be clearly understood that the distinction between “Refined” and “Unrefined” sugar is as follows:—

Refined Sugars have all been treated at Refineries by passing them through animal charcoal filters, which sterilises them, and thus increases their keeping powers, and enables them to be used for the making of preserves, syrups, etc.

Unrefined Sugars are plantation Sugars, which have not been refined (as above at Refineries), and which, though they may possess the same relative degree of purity while fresh, are more likely to sweat, and soon develop organic life, which renders them less wholesome than Refined, and wholly unsuited for the making of preserves, syrups, etc.

Interested parties abroad prior to the last Conference, represented that as plantation (Unrefined) Sugars were nowadays made of the same relative purity as Refined Sugars, it was unfair to penalise Refined Sugars by imposing a higher duty on Refined than on Unrefined Sugars, and stated that it was impossible to tell the one from the other, the purity being relatively equal.

This was specious, in as much as no allowance was made in that statement for the great difference in the wholesomeness, keeping qualities and utility of the two classes. nor for the fact that when Unrefined Sugars have been kept long enough (about six weeks) a simple test exists by which the very marked presence of organisms betrays at once the Unrefined, unsterilised, Sugar.

Those representations, however, sufficed to obtain the reduction in duty on Refined Sugars, at the last Customs Conference, which reduction has proved so disastrous to the Natal Industry.

From this point the case can best be set forth by quoting extracts from the Evidence given by various Witnesses representing the whole Sugar Industry.

“The capital invested in the Sugar Industry of Natal amounts to over £1,500,000, out of which barely £200,000 is presently held outside the Colony.”

“Quite £200,000 has been spent in Machinery alone within the past 18 months.”

“The yearly output can safely be estimated at 40,000 tons (some put it at 50,000) which, at the low price of £13 per ton (average price for all sugars) means £520,000 (or £650,000) of products dealt with by the trade of the Colony.”

“Without referring to the various contributions of this Industry, to the Treasury in the shape of Customs duties paid on food-stuff, ironmongery and other requirements, the following points must be taken into consideration:—

- (1) All the Alcohol manufactured here is a bye product of Sugar, on which an excise duty of about £46,000* is paid yearly to the Government. Methylated

* In 1907, the Excise Duty on alcohol received by the Government of Natal amounted to £38,790 6s. 6d., being a great decrease on the previous year.

Spirit is also manufactured here on a large scale, and supplied to all the South African markets. During the past year a market has been secured in London which will take the whole of our surplus stock, and which will give employment to white labour, such as coopers, etc., also freight to steamers visiting this Port.

- (2) The wages paid on the Estates may safely be computed as 4-7ths to Indian and Kafirs, and 3-7ths to White skilled labour.

The following particulars as to the distribution of Wages annually upon three of the largest Sugar Estates in Natal have been supplied to us:—

	Whites.	Coloureds.
	£	£
Estate A.	7,000	14,000
Estate B.	9,125	14,291
Estate C.	6,600	9,000
Total on the 3 Estates ...	£22,725	£37,291

- (3) An average of £6 per ton of Sugar may be reckoned as the cost of purchasing necessities required by the Industry. This represents a buying power of £240,000 spent yearly amongst the local breeders of stock, the producers of grains like mealies, and beans, and sundry local manufactures, such as bricks, salt, oils, etc. It also circulates among the White labour employed in the engineering, building and other trades, and amongst the importers of food-stuffs and other goods.)

"Owing to the reduction of the duty, South Africa has become the 'dumping ground' for Australian Refined (Java) Sugar."

"This Refined Sugar is the product of a foreign grown article; the raw Sugar being imported from Java duty free (in bond), with the further advantage of being freed from Excise duty when exported as Refined."

"The importation of this Java Sugar (grown by natives) enables the Australian Refineries to be worked at their full capacity, thus reducing the cost of production of Australian (Refined) Sugars generally."

"As the importation of this Java Sugar brings about a considerable surplus over the Australian home consumption, it becomes necessary, after making the very beneficial use of it as stated, and with the view of keeping up the price of the home market, to export an equivalent quantity (to the surplus) of Refined Sugar, and South Africa, with its prevailing low duty, becomes the dumping ground for it, to the very serious detriment of our own Industry."

"To show the urgent necessity for disposing of this surplus Sugar it is only necessary to mention that it is being sold on arrival at our port at a minimum loss of £2 per ton to the Australian Shippers, this information being gathered from a most reliable source, a balance sheet giving cost of production of one of the largest Central Factories in Australia."

"The Sugar Industry of Australia, in addition to these material advantages, is protected by an Import Duty of £6 per ton, whilst our Natal Duty is (one of) the lowest in existence."

"Before dealing with our Present Tariff, it is necessary to point out that..... (a Sugar Industry in a country) from the point of view of the consumers, creates a local market.....instead of depending entirely upon the imported article, which is subject to sudden fluctuations, and which commands famine prices in case of scarcity."

"It is to be noted that the Sugar Market reaches its highest level in South Africa from February to June, when the crop of Natal has been disposed of and is no longer in competition with Imported Sugars."

"All over Continental Europe, wherever the bounties have been abolished, there is a large wall of Protection made of Customs duties, preferential railway tariffs and private cartels which forbid the entry of foreign Sugars."

"England, which is a free trade country, has a Customs duty of £4 3s. 4d. per ton on all the Refined Sugar, or the white Unrefined Sugars polarising 98 degrees and over, with a lesser duty on the inferior grades graduated according to their polariscope test."

"It is needless to point out that the existing South African duty of £3 10s. per ton on all Sugars Refined or Unrefined is (almost) the lowest duty in the whole world. The last Customs Conference, in adopting that tariff, has done an immense injury to the Natal Industry."

"It has opened the door to foreign Sugar made in Java by Javanese labour, refined in bond in Australia and dumped in the South African markets at 11s. 9d. per 100 lb. c.i.f. (£11 15s. per ton), whilst the same Sugar is sold in the Australian markets at 19s. 6d. per 100 lb. (or £19 10s. per ton)."

"If this duty is maintained, it means the extinction of the Natal Industry, to the detriment of the producers and the Colony generally, and without any advantage to the consumers either in Natal or the interior States, as they will be only dependent upon the imported article, which will then command a much higher price."

In asking for a revision of the South African Union Tariff, the Sugar Planters state that they "are not taking the view of extreme protectionists," but think that they are entitled to:—

Fair play.—That the South African Tariff should not encourage dumping as at present, but should close the door thereto absolutely.—That the principle of placing a higher duty on refined than on unrefined Sugar, which is still adopted in such countries as the United States, Canada, Newfoundland, India, and was adopted in South Africa until the last Customs Conference, be again adopted in the South African Union Tariff.—The maintenance of existing preferential railway rates, if possible; if not, then compensation for this loss by additional duty on imported Sugars—the raising of the present duty of £3 10s. to £4 10s. (some ask for £5) per ton, on all imported Unrefined Sugars.—The imposition of a duty of £6 per ton on all imported Refined Sugars, provided, in both cases, that should the present Preferential Railway Rates be abolished, then both these duties be raised proportionally in compensation for the loss that would be incurred.

The advantage possessed by Natal Sugar producers under Preferential Railway Rates, taking Johannesburg as a central point, is £2 13s. 4d. per ton.

Hence the Customs duty on Sugar at present, being only £3 10s. per ton, purchasers in Johannesburg, in buying Natal Sugar, virtually have the duty reduced to 16s. 8d. per ton, or to 1-10th of a penny per lb. Whereas, but for the Preferential Railway Rates, the duty would be equivalent to 21-50ths of a penny per lb.

Thus far your Commissioners have attempted to give the case from the point of view of the planters or producers of raw Sugar.

Before offering any recommendations, your Commissioners will next recite the case from the point of view of the Refiners.

SUGAR.—II.

FROM THE POINT OF VIEW OF THE REFINERS.

The evidence of the Refiners may be said to agree in the main with that of the Planters, hence it is only necessary here to quote a few passages more particularly relating to Refined Sugars and the interests of Refiners—though at the cost of some repetition.

"The necessity for Refining Sugar is becoming more apparent every day, owing to the fact that, as demand increases, the necessity for a first class article becomes more and more apparent."

Unrefined Sugar, "when sent Inland, and kept for any length of time, becomes damp and lumpy, and is a constant source of annoyance to both Buyer and Seller. The establishment of an up-to-date Refinery in Natal has removed the reproach hitherto attached to Natal Sugar, of indifferent quality."

"In order to establish the Sugar Industry on a sound basis, it is necessary for the above and other reasons, that the Plantation (and Central) Mills should make a rough sugar for Refining purposes, and not attempt to make a White Sugar for direct consumption."

"A Refinery employs a large proportion of skilled European labour, and is the means of utilising a much larger quantity of the Raw Material than is the case when Mills supply the market direct."

"Owing to the fact that the production of Sugar in Australia is now practically up to the requirements of the country, the Refiners there, who have a contract extending over some number of years, with Java for a quantity of Sugar, find it necessary to dispose of this Sugar as best they can, and, rather than place it on their own market, where it would have the effect of reducing their price, it is being dumped in South Africa at a considerable loss to themselves."

"The figures in the Government Report of 1906, in Australia, are as follows:—

Total imports into the Commonwealth.....	26,099 tons.
Total Exports	11,158 tons.

"The Exports, being surplus stock, which had to be disposed of, were shipped at a heavy loss, but as the whole Sugar Industry of Australia is practically worked, or controlled, by one Company, they prefer to do this than allow their own market to be glutted. The consequence is, that we are suffering from unfair competition, brought about, not by Australian grown Sugar, but by the fact that their Imports into the country are in excess of the requirements of their people, which means that it pays them better to export such excess at any price than throw it on their own market; and the fact that South Africa offers them the best field for this, owing to our Import Duty being (almost) the lowest Sugar duty in the World, our Industry is suffering accordingly."

"If the Refining Industry were fostered here by a special protection, the result would be that the whole of the work of Refining would be done in South Africa, and be the means of employing a large number of men."

"As the Sugar Industry is growing, it will, in time, probably be unnecessary to import any Sugar for South African consumption."

"Meantime, however, this is not the case, and till we have arrived at this point, I would suggest that, in order to foster the Industry of Refining in the country, there should be a duty levied on Refined Sugar in excess of that levied on Unrefined."

"I do not think an increase of duty will affect the retail price to any appreciable extent. Take the higher classes of Sugar, such as Castor Sugar, these are sold retail by the shops at 6d. to 7d. per lb.—our price for these Sugars is 3d. Of course, the store-keepers cannot make such a large profit on ordinary Sugars. They make about 1d. per lb. on those, our price being about 2d., and the retail price being about 3d.—a profit to the store-keeper of 50per cent., which is certainly excessive."

"When the production increases to the demand of the country, in my opinion the price will be less than you can import it for."

"There is at present no stability in the market, for we are ruled by a condition of affairs which is brought about by a false position in Australia."

"With the increased plant, the estimated capacity is 100 tons per diem."

The approximate value of Materials required for one year by this Refinery, including Railage, Coals, Pockets, Rice, etc., etc., amounts to £67,619 3s. 4d.

"The Cube Plant is capable of producing 4,600 tons per annum, and we hope to find a market for, say, 2,300 tons."

"We can manufacture 3,000 tons of Golden Syrup, which is equal to the amount imported into South Africa annually, and which is equal to the best imported in purity and flavour. There should, therefore, be no necessity to import at all."

"The large stock of boxed taken over from the old Company will last for some months, but it is the intention of the Management to make trials of the various Colonial Woods, with a view to their use in preference to the imported article."

"A considerable quantity of the present Labels was imported by the previous Proprietors, but the present Company is placing large printing orders for Labels in the Colony."

"The Refinery produces the finest quality of every class of Sugar."

"Its manufactures are absolutely pure, and superior to the imported."

"Excerpt from the Government Analyst's Report:—

Sample "A."

	Per cent.
Sucrose	99.903
Glucose ... ..	.048
Moisture ... ..	.033
Ash ... ..	.016

"Sample 'A.' is a pure white crystalline Sugar of the highest quality, containing over 99.9 per cent. of pure crystallised cane Sugar, with a mere trace of Glucose and Moisture, and the merest trace of Ash (potassium and calcium carbonate). It is pure in colour and brilliant in lustre.

"No trace of any impurity could be found in either sample, beyond the small quantity of natural Ash, and this is well suited for any industrial use."

"The total wages paid per annum are approximately:—

To Europeans... ..	£9,000
To Coloureds	£2,500."

RECOMMENDATION.

Your Commissioners are impressed with the fact that neither the Sugar Planters nor the Refiners of Natal object to fair competition from Mauritius Sugar, all of which is unrefined, but that their objections are solely against the unfair competition from Refined Java Sugars dumped from Australia.

In view of all the circumstances which have been brought to their notice and have received their consideration, and acting in accordance with their avowed opposition to prohibitive duties, and in accordance with their expressed convictions as to the necessity for protection for local Industries, your Commissioners recommend that:—

The distinction which formerly existed in the South African Union Tariff, between Refined and Unrefined Sugars should be again recognised, only, that there should be a definition of the two classes, to meet certain clamours from over-sea.

The definition should be as follows:—

- Sugars which have been purified by filtration through animal charcoal (or equivalent process) in a Sugar Refinery—which shall be called "Refined Sugars."
- Sugars which have not been purified by filtration through animal charcoal (or equivalent process) in a Sugar Refinery—which shall be called "Unrefined Sugars."

Your Commissioners recommend that, in the event of Preferential Railway Rates being abolished, the duty shall be, on:—

Refined Sugars, per 100 lb.	s. d.
Unrefined Sugars, per 100 lb.	5 6

But, in the event of the Preferential Railway Rates being allowed to remain as they are, then the duty shall be, on:—

as before.	s. d.
Refined Sugars, per 100 lb.	5 0
Unrefined Sugars, per 100 lb.	3 6

as at present.

Your Commissioners, in making these recommendations, bear in mind that the latter, if given effect, would help the Colony of Mauritius to regain the *locus standi* in the South African Markets, of which Mauritius, after having enjoyed it for a number of years, was deprived by the alteration made at the last (1906) Customs Conference, and which alteration has proved no less disastrous to the Mauritius than to the Natal Sugar Industry.

OILS.

At present there is only one Oil Mill of any capacity in the country, and that happens to have a Soap Factory attached thereto—which is said to be an exceptional instance of these two industries being conducted in one Works.

That Factory must, therefore, be considered not only an Oil Mill, but also a competitor with all the Soap Works in South Africa.

This feature demands careful consideration, because, in justice to all the other Soap Works in the country, obviously no opening must be allowed for the Oil-cum-Soap Factory to place itself in a position to command the market price for Oils, *i.e.*, the "raw materials"—required by its rival Soap Works.

Hence, while admittedly the Oil Industry has the same claim as all other local industries to sympathetic consideration, the task of rendering it the assistance it claims is rendered much more difficult by the fact of its association with the Soap Industry. So difficult is this task that it must be evident that full assistance cannot be granted the one branch of this Soap-cum-Oil concern, without prejudicing the other branch, for one branch is the purchaser, so to speak, of the products of the other branch. If there were no rivals to the second (the Soap) branch, it would be more or less immaterial which branch was selected to enjoy the greater advantage, seeing that the same proprietors would participate in any case.

As, however, there are rivals to the second (the Soap) branch, and none worth considering to the first (the Oil) branch, fair-play allows of no selection as to which branch must be favoured, and decides at once that the Soap branch, and with it the whole soap industry of the country, must receive the major consideration. If this should prove to be unfortunate for the Oil Industry, as now represented in the country, happily its misfortune should be alleviated to some extent, if not compensated, by the assistance, if any, which may be rendered to the Soap branch of the only Oil concern worthy of particular consideration.

Nevertheless the Oil-cum-Soap concern is a very considerable enterprise, and is therefore worthy of all such help as can fairly be accorded to it; as will be seen from the following data supplied in evidence:—

Its ground, buildings, and machinery are valued at £1,000, £7,000, and £15,000, respectively, or £23,000 for these three items, and additions are promised if the result of the coming Customs Conference is satisfactory.

Its stock of Raw Materials continually on hand, taking the average of the last 12 months, reaches the value of £20,000.

Its coal bill for the last 12 months was £500.

Spent on Cartoons and Wrappers during the last 12 months, £1,053.

Wages and salaries for last 12 months, £4,586.

In addition, considerable outlay is continually being incurred locally with various engineers for repairs, replenishments, etc.

The wages paid during the last 12 months were divided as follows:—

	£	s.	d.
To Whites	3,142	14	9
To Coloureds... ..	1,443	12	4

It should also be borne in mind that, in the case of vegetable oils, these are extracted from the products of the soil, and a big oil pressing industry may lead to the benefit of the country districts through encouraging the cultivation and growth of such oil bearing seeds, etc., as may be suitable to the soil and local climatic conditions. Among these for which the Natal soil and climate are suited may be mentioned, ground nuts, castor oil berries, Mafheura or "Mkuhla" berries, linseed and cotton seed.

Among these for which the climatic conditions of all the States in the South African Union are unsuited are the following:—Copra, Palm kernels, and Olives.

Of the former list, neither ground nuts, castor oil berries, linseed nor cotton seed, are cultivated locally at present in sufficient quantities to supply to any material extent the requirements of an Oil Industry. The supply of "Mkuhla" berries is only obtainable locally in meagre quantities, at present from "bush" trees, though some of these are to be found as ornamental trees in Durban and its environs. The collection of the berries for sale, by Kanre, may in time be encouraged, as the existence of a market for these berries becomes better known.

The cultivation of cotton, merely for the sake of selling the seed for oil pressing, is not a feasible proposition. Hence, unless the cultivation of cotton for the fibre becomes a profitable venture in South Africa, cotton seed cannot be considered among the "raw materials" procurable in South Africa.

Castor oil berries are chiefly obtained from India, where the wild berries are collected by women and children in their ample spare time, and sold to local shop-keepers, who forward their purchases again to the merchants at the trading centres. There being no expenses of cultivation or wages for collection, the cost of the berries in India is reduced to so low a figure that the cultivation of the Castor oil plant in South Africa is not likely to prove remunerative, though, if native children can be got to collect wild berries, a certain quantity might thus be obtained at possibly a low enough price to allow of these wild berries being used in a local Oil Mill.

Linseed may also at present be ruled out, so far as the likelihood of a local supply is concerned, because, until the cultivation of Flax becomes a local industry, the cultivation merely for the sale of the seed is not an economic proposition, the seed usually being only a bye-product, as it were.

Ground nuts alone remain to be considered, and these, though well suited to the soil and climate of Natal, and some other parts of South Africa, are at present a neglected crop, and, as a rule, only cultivated sparsely by natives and Indians. Yet the oil from ground nuts is one of the best for use in soap making, and for many other purposes, it being used on the Continent even for "filling" poor cheeses.

One of the severest handicaps against South African oil pressers is the fact that there is practically no local market for their oil-cake, a bye-product, most kinds of which, in other countries, are highly appreciated for cattle-feed, but are almost unused by farmers in South Africa. Hence, the oil pressers here have to export this heavy and considerable portion of their output, and pay freight on it to Europe, thus seriously reducing a very considerable source of income possessed by oil pressers in Europe.

Having explained the position from the oil presser's point of view, as modified in the minds of your Commissioners, by a consideration of other interests and conditions, your Commissioners think it more convenient to reserve their Recommendations until they have referred to the Soap Industry.

SOAP.

A considerable capital has been invested in Soap Works in Natal.

Most of the "Raw Materials" have to be imported at present, and probably will have to be imported for many years to come.

In this the Natal Soap Industry is no exception—for in all European States, also in America, Canada, Australia, and New Zealand only a very small portion of the "Raw Materials" used are produced in those Countries. These various States draw their supplies of "Raw Materials" from exactly the same sources as the South African Soap Manufacturers draw theirs.

The "Raw Materials" which now enter South Africa duty free are as follows:—

Tallow, Palm Oil, Palm Kernel Oil, and Cotton Seed Oil.

Upon the following "Raw Materials," etc., 15 per cent. duty has to be paid:—

Cocoanut oil, Corn oil, Linseed oil, Ground nut oil, Castor oil, wooden boxes in shooks, Colouring matter.

Upon Cardboard boxes and Essential oils 25 per cent. duty is levied.

Upon the following "Raw Materials" 3 per cent. duty has to be paid:—

Rosin, Caustic soda, Carbonate of Soda, Crystal Soda, Caustic potash, Carbonate of potash, Muriate of potash, Silicate of Soda and Silicate of potash.

One of the most important of the above "Raw Materials" is Cocoanut oil, which in average Soap enters to the extent of 25 per cent., and upon which 15 per cent. duty is levied.

Ground nut oil is also a most important "Raw Material"; as it can be used to the extent of 30 per cent., and the duty on this is also 15 per cent.

Castor oil can be used to the extent of 15 per cent.; and the duty on this is also 15 per cent.

As the Tallow or oils employed form the greater proportion of the "Raw Materials" used, the duty on the Rosin and chemicals (3 per cent. from abroad, free from the United Kingdom) is of very minor consequence, and may be ignored.

Owing to the consumption by Natives, the local supply of Tallow is wholly inadequate to the demand, though the Soap Makers pay as much as 3*d.* per lb. for it when it is procurable. The total amount obtainable being stated in Evidence, to be on the average only about 5 tons a month.

Soap Makers, by studying the market fluctuations and by buying with due regard to the fact that some oils come in free, can at times succeed in bringing down their duty payments very considerably.

Thus it is given in evidence that during the six months ending 31st August, 1907, one Soap concern paid upwards of £900 in Customs Duty, while in the 4 succeeding months, although more "Raw Materials" were imported than during the preceding months, they only paid £124 duty.

The duty on Soap imported from the United Kingdom is $\frac{1}{4}$ *d.* per lb., or 25 per cent., whichever is the greater.

It is very difficult to arrive at how much per lb. on their locally made Soap is paid to the Government by local Soap Makers in the shape of duties upon imported "Raw Materials." Under the previous (Bloemfontein) Tariff, it was calculated to amount approximately to $\frac{1}{4}$ *d.* per lb. Under the present (Maritzburg) Tariff it is said to be slightly less than $\frac{1}{4}$ *d.* per lb. From this it will be seen that the so-called "Protection" on Soap, amounts not to the $\frac{1}{4}$ *d.* per lb. of the Tariff, but to something nearer a farthing per lb.

That is wholly inadequate to allow of the local manufacture of the more expensive fancy soaps in competition with the imported, and appears to be insufficient also, to allow Durban Soap Makers to compete successfully on the Coast even with imported ordinary household Soaps.

Durban made Soaps do not obtain the benefit of Preferential Railway Rates on the C.S.A.R., and though they obtain that benefit on the N.G.R. and on the C.G.R., Durban Soap consigned to the Transvaal or the Orange River Colony is charged the same rate of freight all the way from Durban, as is the Imported Soap.

Only the fact that the local Soap obtains the advantage of Preferential Railway Rates on the N.G.R. and C.G.R. enables the local Soap to compete even up-country in Natal and Cape Colony with the Imported Soap. It will thus be seen that the probable abolition of local Preferential Railway Rates demands attention, and should be taken into account in any suggested alteration of duties affecting the Soap Industry, otherwise a fatal injury may be done to that Industry. This will be the more evident, when it is recognised how dependent the Natal Industry is upon that preference, and this is well illustrated by a statement in evidence, to the effect that Natal is now supplying 18 per cent. of all the Soap imported into Cape Colony, owing to that preference.

Having under the Heading "Protection," shown that the wages paid to Whites in a Durban Soap Factory, far exceeded the wages paid to Coloureds, it is not necessary to repeat the figures here.

As in the case of nearly all local industries, the Soap Industry benefits others. For instance, one firm of Soap Makers in Durban has recently given an order for a quarter of a million card board boxes to be made locally, and are paying a higher price for these than if they had imported the boxes.

Your Commissioners understand that a large amount of Cocoanut oil is imported for the use of Indians, and that the Revenue from this source should not be lost. All vegetable oils, however, can very easily be denaturised, and so rendered non-potable, and this can be done in Bond. Hence there is no difficulty in the way of permitting a rebate of the duty being granted to Industrialists.

RECOMMENDATIONS.

Your Commissioners, having in view the evidence they have received, also the conditions outlined above relating to the Oil and Soap Industries, consider that while the Customs Revenue would suffer comparatively little, local industry would receive

that encouragement it is entitled to expect, if the Delegates to the coming Customs Conference can obtain the following changes in the Tariff:—

In the event of Preferential Railway Rates REMAINING AS AT PRESENT.

The following items to be transferred to the Free List conditionally:—

Cocunut oil, for use by Soap Makers; under the same terms and conditions as Wool Washers are now allowed to import Soap for Wool washing:—that is to say, the present duty 15 per cent. to be paid, and promptly refunded by the Collector of Customs, on receipt of evidence by him that the oil has been used for Industrial purposes—Or, if the oil is denaturised in Bond.

Linseed oil, ditto, Or if the oil is denaturised in Bond.

Castor oil, ditto, Or if the oil is denaturised in Bond.

Corn oil, ditto, Or if the oil is denaturised in Bond.

Also *Cotton seed*, *Castor oil berries*, *Palm kernels*, *Maffoura berries*, *Linseed*, and *Copra*; and that the duty upon Soap remain as at present, $\frac{1}{4}$ d. per lb., or 25 per cent., whichever is the greater.

Should Preferential Railway Rates be ABOLISHED in Natal and Cape Colony:—

Then your Commissioners would suggest the same alterations in the Tariff for "Raw Materials" as above, and would also add 15 per cent. to the present duty on Soap, thus making the duty on imported Soap $\frac{1}{4}$ d. per lb. plus 15 per cent. *ad valorem*; or 40 per cent. whichever is the greater.

CANDLES.

A Candle Factory was established in Natal in the early part of 1907, and has been making Candles and supplying merchants in Natal and the Coast Ports from Beira to Capetown.

The raw materials required in this industry being animal and vegetable fats such as Tallow, Castor oil, Copra, etc., as in the Soap Industry, the same suggested reductions of duty on the above raw materials, which will benefit the Soap Industry will also benefit the Candle Industry.

The reduction of the duty upon Candles at the Bloemfontein Conference (1903) from 2d. per lb. to $\frac{1}{4}$ d. was a severe blow to the Candle Industry in Cape Colony.

Locally produced Candles, like Natal and Cape Colony Soap, being carried on the N.G.R. and C.G.R. (but not on the C.S.A.R., nor in through traffic from the Coast to the Transvaal or Orange River Colony) at Preferential Railway Rates, the abolition of local Preferential Railway Rates would be a serious, if not a fatal, blow to the Candle Industry.

It is stated in evidence that:—"It has been found that it is more profitable to employ white women and youths (in this business) at higher wages than the Indians or blacks, on account of their greater intelligence and efficiency."

It has also been set forth in evidence that:—"In order to prevent so-called 'dumping' by foreign or British manufacturers, a clause should be inserted in the tariff on the lines of the Australian or Canadian Tariffs, and the penalty of double the duty for a period of three years should be enforced when the local manufacturer is able to prove that such importations are being made."

RECOMMENDATIONS.

That the "Raw Materials" be treated in the new tariff as recommended under the Heading "Soap."

That, in the event of the local Preferential Railway Rates being abolished, then compensation should be given by an equivalent increase in the duty.

MATCHES.

All the Match Factories in Natal were represented *en bloc* by Witnesses, who gave evidence before your Commission. The following excerpts are quoted:—

"The product is the well-known 'Patent Safety Match,' in general use throughout the country, the average output amounting to 3,000 gross, or nearly half a million of boxes per diem."

"The total amount of capital invested in the Industry amounts to £38,148 17s. 6d., viz.:—in Land and Buildings, £18,608 12s. 10d.; Machinery and Plant, £19,540 4s. 8d., and includes the sum of £5,050, expended since the last (Maritzburg) Customs Convention, in providing and erecting machinery and plant for the manufacture of splints. The expenditure of a further large sum in building and equipping a factory for the manufacture of boxes is in contemplation, but this scheme has been held over until the result of the approaching Customs Conference becomes known."

"Labour.—The number of persons employed in the Industry is as follows:—

Whites	26
Coloured	405

and the amount expended in wages per annum:—

Whites £6,150
Coloured £6,750

"The white labour is expensive, all the factory hands being skilled workpeople, imported from Europe, with the result that, in addition to the high scale of wages paid (in the case of mechanics, from 12s. to 20s. per diem), additional expenses, amounting to approximately 10s. per week on a two years' engagement, are incurred in passage money and expenses.

"The Coloured labour inside the factories is entirely of Indian extraction—men, women, boys, and girls.

"We find free Indian labour the most satisfactory, and comparatively few indentured Coolies are employed.

"The work inside the factories being generally of a light nature, less than 50 per cent. of the employees are male adults. In some departments, such as the sorting, box filling, and packetting, the work is almost entirely confined to women, girls, and boys.

"The wages paid are on a liberal scale, and the following figures show the rates paid on the average in excess of the cost for unskilled labour in European Match Factories:—

DEPARTMENT.	NATAL FACTORIES.	EUROPEAN FACTORIES.
Levelling	Boys earn with rations, 11/4 per week	9/- per week.
Frame Filling	Men earn with rations 15/10 per week	1/36 per week.
Paraffin Dipping	Men 17/4 per week with rations ...	20/- per week.
Hauling Drying Racks	Men 14/4 per week with rations ...	13/6 per week.
Frame Emptying	Men 20/4 per week with rations ...	16/10 per week.
Cleaning	Girls 7/2 per week with rations ...	6/9 per week.
Box Filling	2 Boys per machine, 14/4 per week with rations	1 Girl 13/6 per week.
Assorting	2 Girls 10/8 per week with rations ...	1 Girl 10/1 per week.
Packetting	2 Girls 12/2 per week with rations ...	1 Girl 11/3 per week.
Packing	Men 14/10 per week with rations ...	13/6 per week.

"It should be noted the working hours are eight per diem in Natal, as compared with ten hours per diem in Europe, and that Indian labour is less efficient all round.

Material.—"All material required for the Industry is at present imported, and includes Aspenwood (white poplar), for the manufacture of the splints, Boxes, and Chemicals.

"The consumption of Aspenwood amounts to 140,000 cubic feet per annum, equal to 20,000 Logs, or 400 Logs per week. (Logs average 7 cubic feet approximately).

"Every effort has been made to obtain suitable wood locally, and in the Transvaal, but with only moderate success.

"Some Logs of Silver Poplar, from the neighbourhood of Hill Crest (Natal) have given the best results.

"Several Logs of a species of Poplar from the Greytown District (Natal) have also been tried, but this wood proved to be too hard and not sufficiently absorbent when cut up."

Your Commissioners saw logs of the former being converted into splints, and have received samples of the Matches produced therefrom, and consider them quite a superior class of Match. They would call the attention of farmers to the market thus provided for White Poplar Logs. The supply at present appears to be confined to only a few hundred immature trees. The price paid for suitable logs is 1s. 6d. per cubic foot—and upwards of 18 cubic feet should be contained in a single tree, cut into logs of the required lengths of about 7 feet.

The White Poplar wood appears also well suited for box-making—but trees for this purpose require a growth of 20 years.

Meroola wood has also been tried, but proved too hard and brittle.

Now that so big a demand is being created for boxwood, it may be well to note that the ex-Conservator of Forests (Natal), in his evidence before the late Industries Commission, spoke in favour of the "Pinus insignis," which "grows rapidly and dies early," and which is suitable for cutting (for box-making) in from 8 to 15 years.

Continuing to quote from the evidence given re Matches:—

"As the result of enquiries made, we find the Silver Poplar can be grown in unlimited quantities in Natal, and with this advantage that the trees can be planted in swampy ground and kloofs otherwise useless for cultivation.

"We have no doubt that farmers and planters could be found willing to grow such trees in considerable numbers, provided they had an assured sale at maturity. Nothing can be done in this direction, however, under existing conditions, and it would be necessary to ensure the life of the Industry by definitely fixing the duty for a period of years to admit of this matter being seriously taken in hand.

"We may point out that fair quantities of Poplar wood are obtainable in the Cape, and the Rosebank Factory, Capetown, have manufactured both Boxes and Splints from locally grown wood with excellent results. The supply of the wood at the Cape, however, is not anything like equal to the demand.

"Chemicals cannot be produced locally and must continue to be imported—as is done by other countries.

"Boxes.—As mentioned above, the erection of a special factory for their manufacture is under consideration. A very large number of machines is necessary for this work, and there would be consequently a considerable increase both in white and coloured labour. The erection of such a factory would further largely increase the consumption of wood."

It should be pointed out here, that since the above evidence was received, and since your Commissioners visited the largest of the Match Factories, the labour con-

ditions there have been partially revolutionised, and the figures quoted concerning labour in the above evidence, therefore, no longer apply, because an experiment is being tried now upon a very considerable scale, with a view to testing how far it is economically possible to replace coloured labour with white, in some of the departments. According to the latest information received, some 40 white females, 32 white boys, and 7 adolescents had been taken on. The Factory has, so to speak, been divided into two. In one portion only Indians are employed, and in the other, in which the experiment is being conducted, Whites and skilled Indians are employed at present, the latter being necessary until the Whites acquire some degree of skill. Of course, the experiment must be costly at first in loss of output and wastage, and the employment of Whites, we understand, means an increase of 100 per cent. in wages as compared with the Indians, who were already earning as good wages as are paid in Europe for similar work. The extra wages paid, however, would be extra money in circulation, and it remains to be seen whether the acquired deftness and the other qualities of the white employes, and the support afforded by the public to a local industry will in the end justify or not the effort now being made to employ white work-people.

The Representatives of the Match Industry handed in the following recommendations:—

- (1) We are satisfied with the present duty of 2s. per gross boxes containing not more than 100 matches, and recommend that it be retained.
- (2) We are satisfied with the existing rates of duty levied on aspenwood, boxes, and material required for the industry, and recommend the present rates be allowed to remain unaltered.
- (3) We strongly recommend that the rate of duty on manufactured matches be definitely fixed for a period of years, so that further capital may with confidence be invested in the industry. We would suggest ten years as the period for the following reasons:—
 - (a) This term would be sufficient to admit of the culture of Poplar wood, suitable for the requirements of the industry, being thoroughly taken in hand, and would enable planters to put down trees in large numbers with the certain knowledge that their efforts and outlay would not be wasted.
 - (b) We are of opinion that given a fixed tariff for ten years, much greater interest would be taken generally in the industry, with the result that the field for white labour could be considerably extended.

RECOMMENDATIONS.

Your Commissioners consider the above Recommendations as handed in by the United Industry, quite reasonable under all the circumstances, and trust that they may be accepted, as conducing to the development of what is essentially as sound an industry in this country as it is in any other where Matches are at present made, and as affording a field for the employment on a considerable scale of operatives of both sexes.

As regards Recommendation No. 3, this could easily be provided for, if your Commissioners' recommendation (set forth under the Heading "Inter-Colonial Permanent Tariff Revision Board") concerning a special "Protection Schedule" be provided for in the New Convention, as the term of years could be inserted therein.

TANNING.

Your Commissioners have received evidence from only one Witness on this subject, and he is interested in a Tannery under construction—not yet at work.

Your Chairman also visited Tanneries at work in King Williams Town and Port Elizabeth, with a view to eliciting as much information as possible from going concerns.

- (1) In view of the fact that well-managed Tanneries are already apparently able to work full time in the Cape Colony on the present duty of 15 per cent. on Leather, and
- (2) In view of the fact that Leather is the raw material for several other Trades, such as the Boot, Legging, Saddlery, Harness, Bookbinding, Bag-making, etc., all of which trades in the aggregate are capable of finding employment for many more people than all the Tanneries likely to be established in South Africa, are ever likely to employ, and
- (3) In view of the fact that if the duty on Leather were increased, all the above linked trades would require an increase of duty to compensate them for the increased cost of their Raw Materials, and
- (4) As such an increase would unduly raise the cost to the consumer of such necessaries as Boots, and
- (5) In view of the fact that it is only possible to tan in South Africa, a certain proportion of the very numerous classes of leather employed in different trades and for different purposes, and that a large proportion of the leather used in South Africa must, if not always, then for many years, continue to be imported, no matter how many tanneries are established; and
- (6) Taking into consideration that local Tanners are already enjoying a great advantage over European Tanners, in as much as they have the hides and tanning agents on the spot, and can import all tanning agents free of duty, whereas Bark costs double or more than double in England than in Natal, and freight and charges have to be paid on hides sent to Europe, and freight and charges paid for their return as leather to South Africa:—

RECOMMENDATION.

1. Your Commissioners are of opinion that to allow Leather Belting to come in free (from the United Kingdom and reciprocating Colonies) as at present, is entirely at variance with the principle of Protection, and that Belting for machinery, largely made of leather, should be subject to 15 per cent. duty. To be consistent it should be 25 per cent., as in the case of Boots and Harness, but Belting being for use in Industrial Works, rather than for private use, we discriminate as above.

2. Your Commissioners consider that the present 15 per cent. duty on Leather should on no account be raised—but, if at the Conference it be decided to raise it, then the duties recommended in this Report, in the case of Boots, Leggings, Saddlery and Harness, should be proportionately raised, or grave injustice will be done.

NOTE.—As a matter of principle, your Commissioners consider that 15 per cent. is a high duty to place upon an article which is a "component part" in other Colonial Manufactures, and so high a duty on this class of "raw materials," should be considered an exception, and one only accepted by your Commissioners in this case out of consideration for the considerable vested interest in the Cape Colony, which might suffer too severely from any reduction.

BOOTS AND LEGGINGS.

A mass of evidence collected by the late Natal Industries Commission in connection with this subject was already available. To which has been added fresh evidence collected by this Commission.

The subject is a thorny one bristling with difficulties of a highly technical nature, which difficulties are materially increased by the high 15 per cent. duty upon Leather—the "raw material" of this Industry.

To attempt to convey a clear survey of all the complicated issues involved, would require far too much space for a Report of this nature.

To attempt to touch briefly upon them would leave so much to the imagination that the only probable result would be the creation of misapprehensions.

Under the circumstances your Commissioners limit themselves to a few comments upon the present Tariff, and to certain Recommendations.

The present duty on Boots and Shoes is 15 per cent.

With a minimum per pair of—

On Men's	9d.
On Women's	6d.
On Children's	3d.

This arrangement is found to be most unsatisfactory, and illogical.

Thus, on all boots costing over 5s. per pair the duty is 15 per cent.—so, as the duty on leather is also 15 per cent. the "raw material" is taxed as highly as the finished article—which is against all reason.

Next, slippers not being specially mentioned in the Tariff, the majority of the Customs Departments of the Union after discussion, ruled that slippers are "shoes," with a result that upon slippers costing 4d. per pair, 9d. duty is levied; so the poor man pays over 200 per cent. in duty on his cheap slippers, while the rich man gets off with 15 per cent. duty on his expensive footgear—which is also against all reason.

Next, Hog skins or "Pig skins" are admitted on the 3 per cent. basis, or Schedule IV.; that is to say, free from the United Kingdom.

The result of this is that Saddlers, whose Hog skins are imported from Great Britain, pay no duty on this class of "raw material," while on the other hand Legging Makers, who have to import their Hog skins from the Continent, owing to the British Hog skins being too thin for their purpose, have to pay 3 per cent. on this same class of "raw material."

Further, while Carriage Builders, and many other Trades are allowed to import at low duty or free from the United Kingdom, "component parts" which cannot be manufactured in South Africa, Boot Makers have to pay 15 per cent. on nearly all their "component parts," which is unreasonable.

In this connection your Commissioners refer more particularly to Wood-heels, Compressed-heels, pierced heels, composition heels, and heels of leather substitutes.

Except for the lowest and cheapest classes of boots and shoes, Uppers cannot be made in South Africa, and in view of the very heavy capital required to establish a Factory capable of turning out the numberless varieties of Uppers required by the Boot Makers, and in view of the South African market being too small to absorb the necessary economic output of such a Factory, it is not to be anticipated that a Factory for the manufacture of Uppers is likely to be established in South Africa for many years to come. Nevertheless, it has to be borne in mind that some kinds of Uppers are already being made in South Africa.

Your Commissioners realize that the Boot Makers need improved Tariff conditions, especially in view of the 15 per cent. duty on Leather, which, on account of the Tanning interest in the Cape Colony is not likely to be lowered, although Tanneries are permitted the advantage of free importation of their tanning agents.

The present South African Union duty on boots is very low in comparison with that levied in other Colonies, it being only half that of the Australian Commonwealth, and 3-5ths that of Canada.

Taking everything into consideration, your Commissioners consider that an all round *ad valorem* rate of duty is fairest in this case, both to the Trade and to the "Consumer." Rich and poor alike, under an all round *ad valorem* duty, pay duty in proportion to their expenditure.

At the same time a sufficient all round *ad valorem* duty, would appear to meet the views of the Trade.

RECOMMENDATION.

Your Commissioners venture to suggest that the Delegates to the coming Customs Conference should attempt to get the following amendment of the Tariff accepted:—

The item to comprise:—"Boots, Shoes and Slippers of all materials; also leather or Hog-skin Leggings."

And the rate of Duty to be 25 per cent., less whatever preference to the United Kingdom and reciprocating Colonies may be decided on.

The following items to be transferred to Class IV., *i.e.*, 3 per cent. (free from the United Kingdom and reciprocating Colonies). All heels not of leather, and linings for Uppers.

Uppers.—Being component parts, it is recognised that these should be accorded in any case, a lower rate of duty than may be placed on the complete article, and 15 per cent. duty (less such preference to the United Kingdom and reciprocating Colonies as may be decided on) is therefore suggested to meet this case—in the event of the duty on boots, etc., being raised, as above, to 25 per cent.

SADDLES AND HARNESS.

As in the case of Boots, so in the case of Riding Saddles, the present duty on the "raw material," Leather, is the same (15 per cent.) as upon the finished article. Though upon Harness, as distinct from Riding Saddles, the duty is 25 per cent.

When this absurdity exists, an industry has no protection, and is consequently severely handicapped in South Africa, where wages are so much higher than in Europe.

As, for reasons given under the Heading of "Boots and Leggings," your Commissioners see no reason to anticipate that any reduction will be made at the coming Customs Conference in the duty on Leather, consistency demands, if the principle of affording protection to local industries is to be adopted, that the Saddle and Harness Makers should receive protection in the shape of a higher duty on all of their products, than upon their "raw materials."

The evidence taken by your Commission, as also that taken by the late Natal Industries Commission, indicates other anomalies.

For instance, there would appear to be no just cause why Carriage and Wagon Builders should be allowed to import their "component parts," such as "hubs, rims, spokes, felloes, shafts, tent bows, and poles, cut or fashioned, not finished, except when for wagons and carts commonly used for the conveyance of goods" and their "bolts, nuts, rivets, screws, nails and washers," and "springs, axles, steps and other metal parts not ordinarily made in the Union, for carts, carriages, coaches and wagons, all at 3 per cent. duty (or free from the United Kingdom)," while Saddlers and Harness Makers are compelled to pay 25 per cent. (or 22 per cent. from the United Kingdom) upon their "component parts," such as—metal Hames and Collars when leather covered, or 15 per cent. (12 per cent. from the United Kingdom) when not leather covered; and also 15 per cent. (12 per cent. from the United Kingdom) on such "component parts," as panel bazels, linen webbing, seat serge, bits, chain-work, stirrups, dees, rings, spring bars, buckles and other metal furniture, none of which articles can at present, nor for years to come is likely to, be made in South Africa.

Saddlers consider that the present 15 per cent. duty upon Leather, while Riding Saddles are allowed in at the same rate, is equivalent to an "attempt to stifle the Harness and Saddle Industry."

The duty on Harness, it is true, is 25 per cent., but that is considered by Harness Makers wholly insufficient, and the fact that the duty on Harness is 25 per cent., and on Riding Saddles only 15 per cent., only adds to the absurdity—for why should the duty on a Harness Saddle be 25 per cent., and on a Riding Saddle 15 per cent.?

In the Cape Colony, it is true, that much of the work in Harness making, especially stitching, is done by coloured (Malay) labour. In Natal, however, the proportion of coloured labour employed in this industry is very small. For instance, one Maritzburg Firm stated in Evidence that the average wages they "have paid per annum during the past four years (of depression) have been £2,560. Out of that, Europeans have received £2,180, and natives £430 per annum." And the natives are not employed in skilled work, but "are stitchers, and lifters, and engaged in shifting packages and so on as labourers."

Your Commissioners cannot venture to put forward, as a recommendation on their part, the full increase in the duty demanded by Witnesses, because, however legitimate that demand may be from the point of view of those advancing it, other interests and other considerations have to be taken into account.

RECOMMENDATION.

After due consideration, however, your Commissioners think that it is safe to recommend that:—

The present duty of 25 per cent. should remain on completed harness.

That the duty on Riding Saddles be raised to 25 per cent.

That the duty on the following "component parts" be reduced to 3 per cent. or free from the United Kingdom—that is to say, placed in Class IV.:—Hames and Collars, uncovered or covered, panel bazels, linen webbing, seat serge, harness chain work, bits, stirrups, studs, spring bars, harness buckles, dees and rings, and all other harness and saddle mounts.

But should the duty on articles in Schedule IV. be raised, then a corresponding increase of duty to be placed on Riding Saddles and Harness.

BISCUITS AND CAKES.

This is an Industry which has been more harshly treated in Natal of late years than in the other States, because Natal, up to a short time prior to the last Conference, had enjoyed the privilege of having the duty on Wheat and Flour suspended in her territory.

Shortly before the last Conference, the suspension was removed, and the duty has since been levied.

At the last (Maritzburg) Conference, the duty on flour was fixed at 2s. 6d. per 100 lb., less 3d. from the United Kingdom and reciprocating Colonies.

Further, whereas this Industry previously enjoyed the advantage of Preferential Railway Rates on through traffic to the Transvaal, this advantage was withdrawn at the last (Maritzburg, 1906) Railway Conference, and the through rate on locally made Cakes and Biscuits was virtually doubled, as they were placed in the same Class as imported Biscuits and Cakes; and this on the top of the, to Natal, new duty of 2s. 6d. per 100 lbs. on Flour.

This, of all local Industries, moreover, is probably the worst treated in the matter of heavy duties levied on all its "Raw Materials."

This will be recognised when it is remembered that the duty on Flour is 2s. 6d. per 100 lb., amounting on the average to, say, 20 per cent.; and on Currants, Sultanas, Raisins, Citron Peel, Almonds, and Butter, is 2½d. per lb., less ¼d. rebate when the growth, produce, or manufacture of the United Kingdom and reciprocating Colonies. As none of the dried fruits come from British soil, none benefit by this rebate, hence the full duty of 2½d. per lb. is paid, amounting in some cases to almost 100 per cent. on first cost.

This heavy taxing of the Raw Materials deprives the present duty of 25 per cent. (less 3 per cent. preference to the United Kingdom) upon Biscuits and Cakes, of any claim to be termed protective.

This fact is well illustrated by the following table, submitted in evidence:—

FRUIT CAKE.

Ingredients.	Quantity.	Duty on Raw Material.		Home price of Cake.	Duty on Cake.
		lbs. ozs.	s. d.		
Flour	20 0	0 6			
Butter	18 0	3 9			
Sugar	15 0	0 6½			
Powder	0 2½	0 0½			
Sultanas	24 0	4 6			
Raisins	5 0	0 11½			
Almonds	4 0	0 9			
Peel	4 0	0 9			
Eggs	10 0	0 8			
	100 0	12 5½	£3 15s.	16s. 6½d.	

From the above it would seem that the difference in duty paid on the Raw Materials required to make 100 lb. of Cake, and the duty paid on 100 lb. of imported Cake, amounts to 4s. 1½d., i.e., only about ½d. per lb. more on the imported Cake than upon the Raw Materials used to make 1 lb. of similar Cake. But it must be borne in mind that the Witness includes in his "Duty on Raw Material" column:—

	s. d.
Butter	3 9
Sugar	0 6½
Powder	0 0½
Eggs	0 8
	5 0

All of which are produced in the Colony—and which if taken into account would make the difference nearer 1d. than ½d.

Taking into account, however, the higher wages paid in South Africa, then the trifling advantage, if any, afforded even by that ½d. per lb. will be apparent.

Further, the high duty on Raw Materials plus the fact that the present duty on Biscuits and Cakes being an ad valorem one (i.e., 25 per cent. ad valorem) the effect, as usual in such cases, is to debar the local manufacturer from competing fairly against the higher priced imported articles; in this case represented by Biscuits and Cakes invoiced at anything over 10d. per lb.

It has also been brought to your Commissioners' notice that whereas the 25 per cent. duty in South Africa on imported Biscuits and Cakes together would average about 1½d. per lb., the duty on Jams and Confectionery is 2½d. per lb., although much of the Raw Material (fruit) in the case of Jams, being locally grown, is free of duty, and though the proportion of wages paid to Whites as compared with Coloureds is far greater, in Natal, in the case of Biscuits and Cakes, than in the case of Jams.

It has also been brought to your Commissioners' notice by disinterested parties, that owing to the cleanliness of manufacture and freshness of materials used, these local products, Biscuits and Cakes, are gaining high favour, and their reputation for quality and their moderate price are admitted even outside the limits of Natal.

Your Commissioners have obtained the figures relating to wages, from one of the Biscuit and Cake Factories in Natal, and the wages during the year 1907 were divided in that instance as follows:—

	£	s.	d.
To Whites	2,134	1	5
To Coloureds	285	1	0

Which figures, as in the case of so many other of our Industries, show how beneficial these small Industries are in that they afford openings for employment for the white wage-earning classes—in this case happily of both sexes. Only white girls are employed in the packing.

It is also noteworthy that since local manufacturers have created competition, the wholesale prices of Biscuits and Cakes have fallen very considerably, and though the retailer reaps the major portion of this advantage, the consumer obtains a share.

Were the local manufacturers from any cause, such as an ill considered alteration in the Tariff, obliged to give up business, an almost certain result would be an immediate increase in prices to the consumer.

In view then, of the fact that the through Railway Rates on Biscuits and Cakes was doubled at the last Conference, and in view of the high duties charged upon some of the Raw Materials used in this Industry, and for other reasons, your Commissioners consider that the present 25 per cent. duty on Biscuits and Cakes is insufficient.

RECOMMENDATION.

Your Commissioners recommend that the Conference be asked to approve of the duty on Biscuits and Cakes being put on a parity with that on Jams and other Confectionery, in other words that instead of 25 per cent. *ad valorem*, the duty be 2½d. per lb.—less the preference in favour of the United Kingdom and reciprocating Colonies.

Should, however, local Preferential Railway Rates be abolished at the coming Conference, then fair play demands in this, as in other cases, that compensation be given to local manufacturers; and in this contingency your Commissioners would suggest that the duty be 2½d. per lb. plus 5 per cent., less the preference to the United Kingdom and reciprocating Colonies.

To be consistent, with the principles already set forth—the duty should be reduced on such raw materials as cannot be produced in South Africa, to wit—Currants, Sultanas, and Almonds, which might fairly be transferred to Class V., or Free, as they are also not the products of any British Possession.

CONFECTIONERY.

Full enquiry was made into the conditions of this Industry. The Chairman also visited Confectionery Works in Cape Colony to compare conditions there with those prevailing in Natal.

The present position of the Industry in Natal may best be summarised by quoting excerpts from evidence received.

One group of witnesses, giving their evidence together, stated that:—

"In the first place we should like to draw attention to the very great disadvantage we as manufacturers are under through the Orange River Colony granting a bonus of 1d. per lb. on all Confectionery made by two firms established in that Colony. Our Overberg trade is now practically nil, as owing to this unfair competition we are quite out of the market. Confectionery (from the O.R.C.) is being sold in Johannesburg, railage paid, at almost the same price that it costs the Coast Manufacturers to make it, Transvaal Merchants thus getting part of the bonus paid by the O.R.C."

"We consider that this is a breach of the Convention, and if it cannot be stopped by the O.R.C. Government then the other States should put a duty on such bounty fed goods to balance matters."

"As regards the present duty of 2½d. per lb. on Imported Confectionery, we consider that this is sufficient, as regards the goods invoiced at, say, 56s. per cwt. or under, but on goods over that figure it is barely enough to enable us to compete."

"Our reasons for this are, that in the better class articles, the duty on the raw materials such as Almonds, Caramel Paste, Essences, Ginger, Unsweetened Chocolate, etc., is as much as, and in some instances more than the duty on the finished article!"

"We would suggest that the duty on Confectionery costing more than 56s. per cwt. f.o.b. have an additional 15 per cent. *ad valorem* added to the present duty."

"Of course, these suggestions would only apply if the duty on our present raw materials such as Boxes, Labels, Paper, Glucose, Gelatine, Desiccated Coconut, Almonds, Essences, Colourings, Essential oils, Unsweetened Chocolate, Gum Arabic, Ginger, Refined Sugar, Sugar, Cocos Butter, remain as at present, otherwise it would be only adequate to place a higher duty all round on Confectionery."

Asked the question:—"How would the proposed protective duty affect the retail price of the sweets?"

These Witnesses replied:—"Competition would keep that the same. There would be no fancy price charged by an addition of 15 per cent. on the duty; there are so many competing in the trade."

Asked if they benefited by the Preferential Railway Rates in Natal, their reply was to the effect that the advantage (on this class of goods) was so small, they did not think it made any difference.

A Witness giving evidence on his own firm's behalf as manufacturing Confectioners in a big way of business, may next be quoted, to much the same effect:—

"We beg to draw your attention to the unsatisfactory position in which the manufacturing Confectioners in this Colony (Natal) are placed on account of the bounty paid on sweets in the O.R.C."

"These bounty fed sweets close the whole of South Africa, North of Harrismith and Volksrust, to the Natal manufactured sweets."

"Not only do the O.R.C. manufacturers get this bounty, but they get their Natal Sugar at a lower rate of railage than has to be paid for the manufactured sweets!"

"Natal Manufacturing Confectioners are therefore severely feeling the effect of such unfair competition, and this bounty should be stopped altogether. The whole of South Africa should be opened to the free competition of Natal as well as other South African manufacturers, as it is not right that Natal Manufacturers should be allowed to go to the wall for the benefit of other manufacturers in an adjoining Colony, and that the larger portion of this sub-continent should be closed to them altogether."

This Witness, while coinciding generally with the others previously quoted, only differed from them in asking for an additional *ad valorem* duty of 20 per cent. instead of 15 per cent. as mentioned by the former.

This is another of our Industries which, owing to the openings it affords for the employment of whites, especially white girls, is eminently deserving of sympathetic treatment.

From the following table of duties levied on its Raw Materials, when compared with the 2½d. per lb. (or 2d. from the United Kingdom and reciprocating Colonies) charged upon imported Confectionery, to say nothing of the disastrous effects of the O.R.C. bounty, it will be seen that this Industry cannot be fairly said to be receiving sympathetic treatment under the present Tariff—

Raw Materials	Present Duty.
Labels and printing matter	25 per cent.
Caramel Colouring	25 per cent.
Glucose	3 per cent.
Gelatine	3 per cent.
Paper	15 per cent.
Unsweetened Chocolate	2d. per lb.
Desiccated Coconut	3 per cent.
Gum Arabic	15 per cent.
Sugar	3s. 6d. per 100 lb.
Oils	25 per cent.
Powders, Colouring	15 per cent.
Essences (over 3 per cent. P.S.)	£1 per gallon.
Boxes	15 per cent.
Essences (under 3 per cent. P.S.)	25 per cent.
Cocoa Butter	2d. per lb.
Almonds	2½d. per lb.
Ginger	2½d. per lb.

Referring to the better class sweets costing over 5s. per cwt. *f.o.b.* these, in the main are used for what is known technically as the "packet trade"—owing to these sweets being for the most part sold in packets, such as tins, bottles, or fancy boxes. Such tins, bottles, and fancy boxes in South Africa are much more costly than in Europe, whether made locally, or imported empty. This is another reason why local manufacturers are handicapped under the present Tariff in their competition against the better class of imported sweets costing over 5s. per cwt.

In Appendix "B." will be found official particulars concerning all the Industries enjoying bounties in the O.R.C., and the periods thereof.

RECOMMENDATION.

Your Commissioners consider that in this particular instance, and by way of exception, Preferential Railway Rates enter so little into the economic conditions, that the effect of abolition of Preferential Railway Rates may be ignored.

They are of opinion, however, that the manufacturers of Confectionery have shown good cause why, in the case of sweets costing over 5s. per cwt. *f.o.b.*, the present duty should be raised from 2½d. per lb. (2d. per lb. from the United Kingdom and reciprocating Colonies) to 2½d. per lb. plus 15 per cent. with a rebate of ¼d. in favour of the United Kingdom and reciprocating Colonies; always provided that should the rate of preference be increased, then the duty on *all* sweets should be correspondingly increased.

JAMS, ETC.

The evidence received in regard to this Industry went to show that:—

"The protection afforded under the present Tariff and (local) Preferential Railway Rates is sufficiently adequate and fair providing that all Raw Materials used in the manufacture of these articles are admitted duty free or duty rebated where bought out of duty paid stocks, except, of course, in such cases where the Raw Materials, such as Sugar, Vinegar, and Fruits can be produced in the Colony of sufficient quantities and at reasonable rates."

The loss of the advantage of Preferential Railway Rates on through traffic, owing to the rates on Colonial made Jams from Durban to Johannesburg being raised at the 1906 Railway Conference, to the same class as imported Jams, *i.e.*, from 32d. per 100 lb. to 59d. (nearly double) was a severe blow to the Industry, and has resulted in the business in this commodity, so far as Johannesburg is concerned, "becoming practically unremunerative but sufficiently so (*sic*) to warrant our carrying on business in this line with the hope of the old order of things returning, and thereby keeping in the market."

The Manufacturers of Jams are as emphatic in their protest against the O.R.C. Bounties, as are the Cake and Biscuit Makers and the Manufacturers of Confectionery. Owing to the Bounty received by Jam Makers in the O.R.C. they can undersell the Natal makers by 1s. a dozen in Johannesburg, and this fact, coupled with the higher railway freight (owing to extra distance) on Natal Jams, renders the business "not worth doing at the price." Thus not only are the Natal Makers virtually shut out of the O.R.C. by the Bounty, but out of the Transvaal as well.

Speaking of the effect of the present duty on Jams, a Witness said:—"I think that the duties imposed on goods that are likely to come into competition with Colonial Industries has had the effect of bettering the quality. Of course, the idea was that, if you protect Jam by putting a duty on imported Jams, you put that into the manufacturer's pocket. I always argued, and I am glad to say that it has proved correct, that that is not the effect. You give encouragement for capital to come into the country, and where we had only one or two competing against us we have 13 or 14 competing, so we have to make the goods very much better and sell them at a lower price."

The same Witness, being asked if he found the 15 per cent. duty on imported box shocks any inconvenience? Replied that:—"it is very trifling."

As again showing how the establishment of one Industry leads to work for others, the Jam and Condiment Makers in Natal make their own tins.

RECOMMENDATION.

Your Commissioners, while regretting the hardship the O.R.C. Bounties have inflicted upon the Jam and kindred industries in Natal—having been informed officially (vide Appendix "B.") that the payment of Bounty upon Jams ceases on the 8th May, 1910, they recognise that it would be inadvisable were they to recommend at this date the imposition of countervailing duties, as otherwise they would have felt compelled to do.

Your Commissioners see no sufficient reason why the duty on Jams should be changed (always provided that the duties on any of the Raw Materials not obtainable in the Colony are not raised), as, in view of the facts disclosed in evidence, Natal Jam Makers should be able to hold their own on the inland markets when the time comes for the payment of the O.R.C. Bounties to cease.

BUILDING AND ALLIED TRADES.

Joinery and Furniture.

Much evidence was received from representatives of the Building and Allied Trades embraced in the Durban Master Builders' Association; in addition to that already placed on record by the late Natal Industries Commission.

The importance of this Industry, especially in a new country, must be so obvious that it can require no emphasising in a Report of this character.

At the last Conference the duty was raised from 7½ per cent. to 15 per cent. (or 12 per cent. from the United Kingdom and reciprocating Colonies).

As a result of that increase, much work has been done locally which would otherwise have been done in other countries and imported.

One Witness stated that, in the case of his own firm, for example, the additional wages that he has paid owing to being able to manufacture certain classes of Joinery locally, by reason of that increase, would amount to "something like £6,000 per annum—involving the employment of 30 to 35 men."

Another Witness supported this, by saying that:—"I was able to get the work for Joinery for the _____ Bank in Johannesburg. That work has meant, perhaps, in wages to Durban some £5,000 during the last nine months. But for the increased duty, we should not have got that work, which would have gone to London. That work has been done in Durban, and has been satisfactory both to the Architects and to the Contractor in Johannesburg. There is very little profit made. A little more protective duty would give us a fair profit on our outlay. I think there was only about £50 between the London (laid down price in Johannesburg) and mine."

"That one contract led to a second contract. They were so satisfied with the methods I adopted for preparing the materials for the Johannesburg climate that they did not call for tenders from Home." . . . "If the first contract had gone to London, the second would have gone also." . . . "But for that 12 per cent. duty, I should have been thrown clean out of it, but my argument is that the duty is not sufficient, because we have to compete to such an extent. We want a little profit."

The present duty is insufficient to allow of competition with America.

As to the class of workmen employed locally, on the question being asked:—"By increasing the duty from 15 (12) per cent. to 25 (22) per cent., you will be able to compete with Home?" The reply was:—"You will always find the best men where the wages are highest. We have had a lot of men come to this country. The ordinary man who leaves Home and all his friends is the man that has some grit, and he is the backbone of the Colony. The workmen we have got you cannot beat them. I would not say they are superior to all the men at Home, but taking them as an average they are. We are satisfied with a much smaller profit than at Home. Our expenses are not so great"—the Witness was not alluding to wages.

"There is no unskilled labour whatever employed on machine work." "The rate of wages for carpenters and joiners is 13 shillings."

"With the present duty, it is impossible to make furniture here to sell at the prices dumped furniture is being sold at." "I think furniture should come in under the same head as joinery and carry the same rate of duty."

Referring to dumping, a Witness said:—"A manufacturer in America is making a certain class of window and door, and the output of his factory is, say, 100,000 windows. He can sell perhaps 90,000 in his own country, and the remaining 10,000 are on his hands. He (the manufacturer) then looks where he can dump the 10,000 in other countries. He fixes on a country which has a low tariff, and whatever he gets for those 10,000 is all profit. The result is, Natal having a low tariff, he sends them here."

It will be common knowledge that, as all rough wood comes from foreign countries, the 3 per cent. duty on same (free from the United Kingdom and reciprocating Colonies) has to be paid on this Raw Material. Yet, so far from applying for this duty on their Raw Material to be reduced, one Witness, in reply to a question, stated:—"England does not produce that Raw Material. We recommend that the preference should be five per cent. in the new Convention. We do not think three per cent. is sufficient."

In view of the impression prevailing in the Transvaal, that Durban builders enjoy a Preferential Railway Rate, one of the Witnesses explained that no such advantage was enjoyed by the Trade on the Coast.

On the contrary, the heavy railway rates on wood-work, as compared with rough timber, are a sufficiently heavy handicap (one Witness calls it a "killing effect") against the Coast Industry, as compared with its branch in Johannesburg. Evidence in support of the truth of this contention was produced. Nevertheless, the Witnesses put in a statement that:—"the 'Durban Master Builders' Association are against Preferential Railway Rates, and recommend that any protection should be applied through the Customs."

Apart from a considerable amount of more or less technical evidence given in support of the alterations in the Tariff recommended by the Witnesses, they claim that if their recommendations are given effect to, the results will be beneficial to employers and workmen, and, correspondingly to the whole community; and that they have looked at the question of protection for local industries from the standpoint of consumers as well as manufacturers. They point out that "if their recommendations are given effect to, the increased cost of erecting a building will be infinitesimal." One Witness stated, from an estimate he had before him, that:—"the additional cost on a £600 house will be £4 14s. 8d. The duty on the rough timber, ceiling boards and joinery for a house costing £600 now amounts to £6 9s. 4d. If you adopt our tariff, it means an increase of £4 14s. 8d., bringing it up to £11 odd. If we get it on joinery alone, we would spend £12 10s. here in labour which is now spent on the other side to make that joinery."

Doubtless the Witness only meant that, if the joinery were imported, that excess in duty would be paid.

In further support of their recommendations, the Witnesses stated that:—"The natural outcome of an increased tariff on imported manufactured joinery would be that, instead of the spasmodic trade which we have under existing circumstances to contend with, a stability would ensue which would be of the greatest benefit to all who are dependent for their livelihood on the building and allied trades. At present the employes can only measure the length of their employment by the time likely to be taken on the job they are engaged on, and this state of affairs is eminently unsatisfactory in a Colony where, above all things, we desire to maintain a healthy and prosperous white artisan population."

The following table shows the Present Duties and those recommended by the Durban Master Builders' Association:—

Item.	Present duty. Proposed duty.	
	Per cent.	Per cent.
1. Wood (unmanufactured)...	3	3
2. Flooring and Ceiling Boards, tongued, grooved and planed ...	3	15
3. Windows (all descriptions, glazed or otherwise) ...	15	25
4. Doors ...	15	25
5. All wood mouldings, etc. ...	15	25
6. Casements ...	15	25
7. Fanlights ...	15	25
8. All joinery ...	15	25
9. Clear Pine Boards (planed) ...	3	15
10. Shelving Pine Boards (planed) ...	3	15
11. All window glass ...	15	Free.

RECOMMENDATION.

Upon due consideration, your Commissioners advocate an acceptance of the claims of the Durban Master Builders' Association, as quoted in the above Table, with the exception of Window glass, the duty on which might be reduced from 15 per cent. to 10 per cent. (less the preference to the United Kingdom, etc.), as conducing to the employment of more labour in South Africa in glazing work.

Further, your Commissioners consider that Furniture should be treated as Joinery, and that the duty should be the same on both.

SMELTING.

PIG IRON.

Though the manufacture of Pig Iron has not as yet been commenced in South Africa, your Commissioners are aware of two separate enterprises of this nature which are in course of being launched.

It is, therefore, advisable that due care should be taken at the coming Customs Conference not to prejudice the prospects of such a possible industry; one, too, which if afforded fair conditions would be so eminently calculated to be of great benefit to the whole sub-Continent.

On the other hand, lack of fair treatment at the coming Conference is calculated to postpone the development of this industry for a number of years.

The following matters have been referred to in evidence, as of material importance for the consideration of the Conference:—

Smelting:—"Smelting will be an accomplished fact within the next two years at the outside, enabling me to supply a better class of pig than is generally imported, at a slightly lower figure."—"The same will possibly apply to the production of bar and sheet iron, although the details of this part of the scheme are not complete."

Dumping:—"You will no doubt see that it will be necessary to make provision for the protection of this industry against dumping from other countries, as it is often the case that when new competition appears in a market, that the system of dumping is introduced as a method of destroying such new competition. As I expect that we can hold our own in the African market under ordinary circumstances, it is only expected that provision will be made for the necessary protection after it has been demonstrated to the Government that this market can be supplied with the class of material required, and at a price equal or slightly less than that of similar material landed in South Africa."

"I would suggest that a duty should be imposed on all Pig, Bar and Sheet still sent to this country, if invoiced or sold at a figure less than the ruling prices in the country of production plus freights and insurance usual on such traffic at the time of invoicing. This can be controlled without difficulty, as these figures are published weekly—in well-known Lists of Prices Current.

The above evidence and suggestions on dumping, recall to mind the two recommendations re "Suspended Duty" and the Canadian "Dumping Clause" advocated by the late Natal Industries Commission, which clause would appear to precisely meet the suggestions of this witness.

"Another question which will affect the good working, is the importation of Lime Stone, as there is not a Lime Stone in this Colony suitable for our scheme and the material referred to would be imported from the Mozambique Territory, duty free."

The witness asks that provision should be made for this free importation both of suitable Lime or Lime Stone, and of Manganese Ore (South African Manganese Ore so far having been found unsuitable) from other countries, so that bar iron and pig may be produced in South Africa of any quality required.

RECOMMENDATION.

Your Commissioners feel that the matters referred to in this case, are of the nature of those which would best be dealt with by the suggested "Inter-Colonial Permanent Tariff Revision Board," alluded to elsewhere in this Report.

Until the industry is really established on a permanent basis, it would be prejudicial to other interests to impose conditions upon the importation of pig and bar iron, and yet it is equally evident that not to offer in advance prospects of such future support may check the establishment of a very important and valuable industry.

As regards Lime and Lime Stone, imported by Smelters for use at their works:—your Commissioners see no reason why the former should not continue to be admitted under Class IV., i.e., 3 per cent., or free from the United Kingdom and reciprocating Colonies, as at present (Item 68 of the present Tariff—Calcium), and the latter (Lime Stone) free from everywhere (Class V.) as rough marble is at present, because Lime Stone would provide some work in South Africa, whereas the former (Lime) would not.

Manganese Ore, imported by Smelters, might also consistently be admitted under Class V., i.e., free from everywhere.

IRON, ENGINEERING, AND IMPLEMENTS.

Much evidence has been received showing the absolute necessity for duties to be placed upon, Engines, Boilers, Castings, Ploughs, and parts of ploughs, and all not patented Agricultural Machinery and implements, and Structural Iron Work, now admitted free from the United Kingdom and reciprocating Colonies, if large existing Works fully capable of manufacturing the above items, are to survive, not to say flourish.

Good cause was shown for the suggested duties, and the firms referred to have the full sympathy of your Commissioners, in their present parlous plight.

Nevertheless, having regard for the fact that from the earliest days in all South African States, Machinery and Implements of the descriptions referred to, have been permitted to come in either free of duty or at an exceptionally low rate, in the interests of the country's many other present and prospective industries, your Commissioners are constrained to believe that it would be premature as yet, if not futile, to enter into details as to the amounts of duties demanded in some instances by the representatives of these industries as there is apparently but slight prospect of the other States agreeing to the demands in the instances referred to.

If, however, your Commissioners may stretch a point they would take this opportunity of urging upon Government and other users, to allow a fair margin in favour of local manufacturers when comparing their Tenders with those of over-sea manufacturers.

Not only is the money so spent, kept within the Colony, but Works of great convenience in any country for emergency purposes, may be kept alive; and employment

found for many skilled whites. Much of the money spent, it should be borne in mind, returns to the Government (some estimate 17 to 20 per cent.) in the shape of indirect taxation.

Evidence has been received from the makers of plough-shares and plough-fittings, from which evidence it is clear that to ensure successful local manufacture upon a large scale, only a reasonable duty is required in the case of these items.

It is, therefore, for the Agricultural Interest to consider whether it would not be wise to permit a reasonable duty to be placed on plough-shares and metal fittings of ploughs, seeing the few of these articles an individual farmer requires to purchase in a year, and seeing also that the men who are employed in their manufacture locally, must purchase for their sustenance many of the products which the farmer supplies.

It is obvious that the more men employed in the country in industrial undertakings the greater the local market for the farmers' produce.

RECOMMENDATIONS.

Your Commissioners desire to record their opinion that it would be to the interests of the country were steps taken at an early date to impose a duty on Boilers, and on such Machinery and Agricultural Implements as can now be efficiently manufactured in South Africa, as is the case in Canada, Australia, and New Zealand, all of which are both Mining and Agricultural Countries. Items which by reason of being patented or for any other reason cannot be made in South Africa to be admitted free from anywhere—Class V.

Your Commissioners advocate that a duty of 15 per cent. be placed upon plough-shares, and metal fittings for ploughs—all of which can now be manufactured in the country, at a very small increase upon the wholesale prices of the imported articles.

ZINC AND TIN WARE.

The Master Plumbers and Tinsmiths of Pietermaritzburg combined to give evidence. They held preliminary meetings, and as a result "the following recommendations were unanimously agreed upon, as being necessary to save the Sheet Metal trade from dying out, and for the retaining of the few workmen who are now left in this trade in Natal."

- "1. That a duty of 30 per cent. be imposed upon all fully-manufactured Sheet Metal work.
- "2. That all Stampings, Tinsmiths' mouldings, and furniture be admitted free.
- "3. That all Tin Plate, Sheet Zinc, Iron (Black and Galvanised), Copper and Brass (plain or perforated but otherwise unmanufactured) be admitted free."

In Oral evidence it was elicited that the 12 per cent. duty of the last Conference "has done us no good. We have not employed a single additional hand. This is not largely owing to the depression in trade generally. A higher duty would certainly give more scope for employing further labour. Buckets could be made here were the duty raised, as galvanising can be done here."

As regards Tinsmiths' Mountings—"in the old country these different parts are made by different firms, and are all put together into the finished article by other firms, and we want to be put in the same position as the English firms who assemble the parts and put the articles together. Kettle handles for instance and spouts are made by different firms from those who make the completed kettles."

"The increased duty will not affect the building trade a sixpence, because at the present moment on account of the keen competition in our business the guttering, ridging, and down-piping, and everything connected with building is cut so fine that it cannot go any lower. We could not import it as cheap as we can (have to) manufacture it at the present time. As regards galvanised tanks and that sort of thing, you could not buy them in England for anything like the local price here." English price lists were produced to verify the latter statement.

"In our recommendations in speaking of 'sheet metal,' by this in the trade, we mean something thinner than 20 gauge. When it is over 20 gauge we speak of it as 'plate.'"

"Locally made ridging, etc., is preferred to the imported because it is clean and fresh. A Kafir boy does the turning up and bending, and that only. We are forced into that because with the small profit we hardly come out. If the duty were 20 per cent. we would make practically three-fourths of the articles now imported."

"Under our recommendation any man may import parts of milk cans or churns, already manufactured at home, and complete them here, but when the turnover became sufficient he would consider putting down a machine to manufacture those things."

This Industry once employed a considerable number of white people in Natal, it is certainly now in more or less of a moribund condition, and the prices quoted are cut very fine, in order to secure any work at all.

RECOMMENDATION.

1. Your Commissioners consider that the duty on all fully manufactured Sheet Metal work should be 20 per cent., less whatever Preference may be decided on in favour of the United Kingdom and reciprocating Colonies.

2. The admission of all stampings, Tinsmiths' mouldings and furniture, at a low rate of duty, as component parts, would be consistent with the general policy advocated in this Report, and your Commissioners would suggest that these be transferred

from the 15 per cent. *ad valorem* Class to Class IV., i.e., 3 per cent., or free from the United Kingdom and reciprocating Colonies.

3. The same holds good of Tin Plate, Sheet Zinc, Iron (Black or Galvanised), Copper and Brass (plain or perforated, but otherwise unmanufactured), which for consistency's sake should be included in present Item 92 of the Tariff, thus placing Zinc and Tin workers on the same basis as Iron workers.

GATES.

Local manufacturers of Tubular and Wire Gates have complained to your Commission that they are handicapped in competing against imported similar articles, owing to:—

(1) Manufactured Tubular and Wire Gates, being admitted at the same rate of duty as the materials of which they are made—3 per cent., or free from the United Kingdom and reciprocating Colonies, and the Witness states this:—"seems to be entirely opposed to the general principle of protection of local industries, as obtained in regard to other industries . . . and as a Colonial Industry for first class goods, we find it will be next to impossible to compete with the cheap, inferior article, which is admitted free."

This causes such a cutting of prices that the local manufacturer cannot afford to allow local merchants very much commission on orders received from them. Further, the facility afforded for importing the manufactured article, has led to the local manufacturers being threatened by importing merchants that, if a much larger commission than they can possibly afford be not allowed, the merchant will import all future orders. All this, of course, creates an almost impossible situation for the local manufacturer.

(2) To the free importation of British made gates must be added as a further handicap against the local manufacturer, the fact that imported, equally with locally made, gates (and all fencing material) are carried at specially low rates on the Railways.

(3) The extra cost of labour for manufacturing these gates in South Africa is a set off against the Ocean freight paid on the imported gates.

The Witness asked for 25 per cent. duty.

Though we have not had evidence from makers of flat-iron gates, it is common knowledge that these gates can be made and have been made in this Colony, but that each maker in turn has had to abandon the manufacture on account of being unable to compete in price against the duty free imported article. Your Commissioners consider that it would be invidious to select the makers of tubular gates for special treatment, and that consequently any protection afforded to the makers of the latter should be equally shared by makers of flat-iron gates.

RECOMMENDATIONS.

Your Commissioners are fully aware of the opposition displayed in the past to duties upon fencing materials, owing to these being required for the Agricultural Industry.

Yet, in view of the fact that the manufacture of Tubular and Wire Gates being now an established Industry founded entirely on South African capital, and of the handicaps under which the local Industry is suffering as shown above, your Commissioners venture to suggest that an exception be made of all iron gates, to the extent of permitting a duty to be placed on them, as apart from all other Fencing Materials, and that that duty be 15 per cent., with whatever preference may be allowed to the United Kingdom and reciprocating Colonies—thus bringing iron Gates into line in the Tariff with other unprivileged Iron manufactures.

WAGON BUILDERS.

This was once a considerable Industry in Maritzburg, but like most of the others has been feeling severely the effects of the general depression.

It is essentially a White man's Industry, as hardly any skilled coloured hands are employed in it in Natal; the coloured men employed being a very few old hands at very high wages. With these very few exceptions all the Kafirs engaged are employed as labourers only.

The bulk of the wood employed in Wagon-building is South African grown.

The amount and value of machinery employed in this Industry is very considerable.

Two of the largest firms in Maritzburg joined in giving evidence on behalf of this Natal Industry.

The bulk of the Oral evidence referred to disadvantages suffered through inconsiderate treatment in the matters of Railway Rates (not Preferential) and Railway Classification, and was therefore outside this Commission's Reference. These matters, however, were very fully dealt with in the evidence published by the late Industries Commission, as also in the Appendices to that Commission's Report.

The Witnesses expressed themselves as perfectly satisfied with the existing Customs Tariff, with the exception of the duty on "ready-mades," which, it was considered,

"should be a little higher," or the duty on the unfinished article, that is to say, Spokes, Naves and Felloes, etc., should be less."

The duty on "Hubs, Rims, Spokes, Felloes, Shafts, Tent bows and Poles, cut or fashioned, except when for wagons and carts commonly used for the conveyance of goods"—Item 90 of Customs Tariff—is only 3 per cent., or free from the United Kingdom and reciprocating Colonies.

This "Exception" gives the Carriage Builders an advantage not permitted to the Wagon Builders.

As the wood employed in wagon building for Hubs, Spokes and Felloes is of Colonial growth, at first sight it might be supposed that the duty on these items would not affect the Wagon Builders. Nor would it, if they only built wagons, but they also build Trolleys, Light Delivery Carts and Hand Carts—"for the conveyance of goods"—and for these lighter vehicles imported parts are preferable, as there is no wood in this country to take the place, for instance, of Hickory for light wheels.

The Wagon Builders find the prices of American light vehicles of this description so cut, that the present duty on parts is a serious handicap, and they fail to see why they should be compelled to endure it while Carriage Builders are let off with a 3 per cent. duty, or none at all on similar articles imported from the United Kingdom or reciprocating Colonies.

They aver that in view of the severe competition they meet with from American light carts, etc., of inferior workmanship and of inferior materials, dumped here at prices so low that they allow of no competition in the case of the superior Colonial made vehicle under present tariff conditions that they, the local builders, are entitled to some consideration.

They consider that in the case of Trolleys, Carts, Light Delivery Carts and Hand Carts, the duty preferably should be arranged at so much per wheel, or else that the present duty should be raised from 25 per cent. (less 3 per cent. from the United Kingdom and reciprocating Colonies) to 50 per cent. upon these vehicles. As all of these vehicles come from America that would mean the full 50 per cent.

RECOMMENDATION.

As your Commissioners have no data upon which to calculate a rate per wheel, they cannot elaborate that suggestion and reduce it to definite terms.

They do, however, recognise that the Wagon Builders have made out a case for either the reduction of the duty upon Hubs, Rims, Spokes, Felloes, Naves, Shafts, Tent bows and poles, equivalent to that paid by Carriage Builders, by deleting from Item 90 of the Customs Tariff, the words "except when for wagons and carts commonly used for the conveyance of goods," or that, alternatively, the duty upon imported trolleys, carts and light delivery carts and hand carts should be raised materially. The effect to the individual purchaser would be inconsiderable; whereas, the benefit, through assisting a languishing industry to regain some of its former prosperity should outweigh in this case all minor considerations.

Your Commissioners, therefore, have no hesitation in recommending the raising of the duty upon imported trolleys, carts, light delivery carts and hand carts to 40 per cent.

COACH AND CARRIAGE BUILDING.

Evidence has been received from representatives of the Coach and Carriage Building Industry in Durban, Maritzburg and Greytown.

In the case of the former, it was confined to a short letter stating that the Witness:—"gave evidence before the Industries Commission, and as you have got same, I can say little or nothing, or shall be repeating. The only good that was done last (sic), as far as I can see, was to raise the price of almost all imported goods, and our selling prices having gone down with the times, we are far worse off than we were."

Happily the evidence from both Maritzburg and Greytown, was not only more complete, but in direct opposition to that quoted above. The Maritzburg Witness representing the Coach and Carriage Builders in the City, stated:—"I have seen most of the local coach-builders and we are all agreed that the present Customs Tariff meets the requirements of the case."

The Greytown Witness writes:—"I feel I must place on record my appreciation of the work done by the former (Industries) Commission, proof of which is to be found in the assistance we, as coach-builders, received from the present Customs Tariff as against its predecessors. There are still a few things that can be done to still further assist the development of our trade. I personally am convinced that during the past 2 years our trade would have been killed outright had it not been for the assistance the new tariff gave us on the finished work, and the duty taken off the raw material at the last Customs Conference."

The Witness then called attention to certain fittings and "parts," etc., on which he would like the duty reduced, but against which reductions revenue considerations would stand in the way.

He calls attention to the heavy duties recently brought into force in the Australian Commonwealth to prevent the flooding of the Colonial markets with the cheap American articles. To sum up, he states that he:—"is confident that unless we get at least the same amount of protection as we now receive we shall be unable to hold on to our present businesses, but must relapse into small repair shops only."

The Maritzburg representative Witness, in reply to the question:—"Can you give the Commission any assurance that no Coloured skilled labour is employed?" replied:—"I should say that 1 per cent., at the outside, would cover all the Coloured labour—principally Malay for trimming and painting."

The rest of the evidence was confined to complaints against the Railway Rates and the Classification on the N.G.R., similar to those raised by the Wagon Builders, and were summed up in the statement:—"We find that any benefit we get through the Customs is done away with in a few miles on the Railway."

RECOMMENDATION.

Your Commissioners have no recommendation to offer in the case of this Industry, further than that the details of the Tariff so far as items affecting the Coach and Carriage Trade are mentioned, should not by any change be rendered less favourable to that Trade than they are at present, for the Trade is in far from a flourishing condition, and quite unable to bear any additional handicaps.

TAILORING AND CLOTHING.

Evidence has been received concerning several branches of this Industry and from various points of view.

The various interests may be classified as follows:—

- (1) The Master Tailors.
- (2) The local Factory at Hart's Hill for making men's suits to order.
- (3) The "Made to measure" suit Importers, who take measures locally but import the suits.
- (4) The Importers of Ready-made suits.
- (5) The Importers of Second Hand Clothing.
- (6) The local Makers of Shirts, Collars, and Mining Clothing.

1. Master Tailors.

Dealing with the first on the above list:—

The Master Tailors complain that:—

"The last Customs Convention, instead of making matters better for us, added to our burden by placing an extra duty of 5 per cent. on Raw Material, arriving in the Colony, whilst, allowing suits made-to-measure to come in at practically the same rate as the former."

"We fail to understand wherein the justice of this lies, unless it is to increase the handicaps we at present suffer from this class of business, and we most emphatically and respectfully draw your attention to the fact that this class of business is spelling ruin to the Bespoke Tailoring of the Colony, and that, unless some relief be given the Tailoring Industry will soon be a thing of the past in Natal."

The Master Tailors point out that they have no desire to raise the cost of Imported Ready-made clothing, as this class of clothing is purchased by the poorer classes, and they have no wish to increase the cost of clothing purchased by that or any other class.

They, however, strongly resent the facilities afforded under the present Tariff, to the non-practical travelling agent of home firms, who arrives in this country with nothing but his personal outfit and a bag of samples, a tape-measure and pocket book, who pays neither rates, rent, nor taxes in this country, whose family moreover is living cheaply at home, and who filches a very considerable portion of their business from the local Tailors, who pay local rent, rates and taxes, and whose families' living and educational expenses are all incurred in this country.

It is stated in evidence that more profit can be made on a made-to-measure suit, imported from home and sold at £3 10s., than can be made on a Five guinea suit made locally in the Tailor's own establishment.

The average profit upon a £3 10s. imported made-to-measure suit is stated to be 25 per cent.

The average working costs upon a locally made (not Factory made) £5 suit are given as follows:—

	£	s.	d.
Labour	1	18	0
Extras	0	2	6
Material	1	6	6
Trimming	0	8	6
	<hr/>		
	£3	15	6

To which has to be added a due proportion of rent, rates, taxes, insurance, interest on duty paid stock, local expenses, which in bad times, such as at present, when orders are few, average up to a considerable amount.

The Master Tailors state:—

"We consider we could employ at least 200 more men in this Colony, spending £3 a week on an average (or £31,200 per annum)" but for the made-to-measure suits imported into this Colony alone.

Further, it is alleged that while the orders the travellers "send home are for suits to be supplied here at £3 or £4, you will find from the Customs entries that the goods are passed at about half that amount."

"There are men working for stores in Maritzburg to-day who are getting less wages than the home wages. It stands to reason you cannot get a suit made to measure at

£3 10s. in Maritzburg, with proper workmanship in it. A man would have to turn out two jobs to make a living, to one at a proper rate of pay."

"A great many run away with the idea that the Tailoring trade is a very profitable one. It is the worst paid trade in the Colony." "There is not an engineer or bricklayer that gets as small a wage as a journeyman tailor would, if he worked eight hours a day."

The Master Tailors ask for (1) Low duty (if any) on Woollen, and Cotton and Woollen mixed, piece goods imported for their use; (2) an increase on the duty on imported made-to-measure suits.

2. Hart's Hill Factory.

Dealing next with the Local Factory.

"The Colonial Manufacturing and Bespoke Tailoring Company" is an offshoot of the "Cardigan Clothing Works," of Leeds.

They have established at Hart's Hill, near Colenso, on the N.G.R., a considerable Factory, at a cost of £20,000, and "when fully developed it will absorb £40,000," in an endeavour to establish an Industry on a wholesale scale, on the lines of the Leeds parent concern. "In the position in which we are situated we obtain ample water power from the Tugela River, and are at a convenient distance from the coal fields." The Factory makes its own gas, for heating the usual implements, etc.

"We have imported from Leeds 48 skilled workers from our own Factory, and are prepared to send much larger quantities if we can see our Industry properly protected, but as the minimum wages for our employes from Leeds is 80 per cent. increase on the wages we pay there, and the cost of importing this labour is a serious item, and further we have at the present time to pay the same duty on piece goods and every article we use as on the finished article, we think it will be quite clear to you, how impossible it will be for us to succeed under these conditions."

"You may safely take it that the labour is fully a third of the cost of the finished article, and that in asking for 25 per cent. we are not in any way unreasonable in our request."

"We hope as years go by, if we succeed, to be able to train Colonial white labour, but after experiments with Coloured labour we have abandoned them as useless for our purpose in the factory, where skilled labour only is required, and are now using them only for farm and road work on the estate."

"We find that after many experiments that our Yorkshire workers are the most satisfactory and economical, and until we are able to develop, through training apprentices from Colonial sources, we shall be dependent upon our own Factory in Leeds for supplies of skilled labour."

A quorum of your Commissioners visited this Factory at Hart's Hill, and were satisfied that the work is being conducted by white labour, as stated in evidence. There were 21 white girls and 19 white men at work and 7 Indian attendants. They learned that the output had already reached 140 suits per week.

Your Commissioners learned that many outfitting establishments in towns in the Transvaal and Natal are now supplied with samples of the cloth imported and used by this Factory, and that customers of these establishments select from these samples and their measures are taken, the orders being sent to this Factory at Hart's Hill for execution.

The changes in the Tariff desired by this Company agree with those put forward by the Master Tailors.

3. Made-to-Measure Suit Importers.

Your Commissioners received evidence from one representative (on his own behalf only) of the Importers of Made-to-Measure suits.

In this case, the Witness is rather a representative of those firms, who, having establishments in the Colony, are consequently in a somewhat different category to the travelling representatives of home firms, so much objected to by the Master Tailors.

The locally established made-to-measure firms do a mixed business, in some cases being importers also of Ready-made clothing, and in some cases employing journeymen tailors to make suits locally as well; and they do have to bear their share of local expenditure, in common with the Master Tailors.

Nevertheless their importations of made-to-measure suits are considered by the Master Tailors, to be an attack upon the legitimate business of the latter, who feel that customers who would otherwise come to them, are tempted away by the lower prices of the imported suits.

The other side of the question may be gathered from the following views expressed by the Witness referred to above:—

"It is advocated by some that clothing imported to order, as distinguished from ready-made goods, should be subject to a heavy protective tariff, and that the imposition of such a tariff would cause those who now order imported goods to have them made locally."

"My opinion is that such increased duty would result either in increased cost to the consumer, or would compel him to buy a ready-made article instead of one made to his order, in which case there would be an economic loss, and not a gain to the Colony. This refers to cheap and medium qualities only."

"The cost of white labour in the Colony is so high that even with a higher import duty, it would still be possible to import goods of cheap and medium quality at a less figure than they can be produced at here. The only means possible now of competing would be the training of coloured labour, which, though not advisable, is, I believe, already being done."

"It appears to me that, if any increased duty is put upon imported articles of clothing, this should be confined to those privately ordered, as against those ordered through a recognised merchant, as in the former case the whole of the purchase price is sent out of the Colony, while, in the latter case, only the net cost of production is so sent, and the profit on the transaction is retained here."

"For instance, a man may not be in a position to pay from £4 10s. to £5 5s. or so for a locally made suit, but if the local tailor can give him the alternative of an English tailor-made suit made especially for him at 60s. to 75s., it would appear to be a hardship that he should be compelled by a higher duty to forego that advantage and have to buy a reach-me-down."

"That specially made suit would pay more revenue to the Colony, as its cost would be, say, 25 per cent. more than the ready-made article."

The Witness admitted, however, in cross-examination, that "if the Colony benefits through the revenue in that case, it certainly loses from the fact that the labour is put out of the Colony."

The Witness admitted that a five guinea suit made here at present, will not give more profit to the maker than a three guinea suit would at home.

The Witness, being also an employer of journeymen tailors and a maker of suits to order locally, agreed with the Master Tailors in asking for the duty on piece goods for tailors to be reduced.

4. Importers of Ready-Made Suits.

No evidence was received on this subject from Importers, and the only references thereto were made by the Master Tailors, who expressly, as already stated, repudiated any desire to interfere with the importation of ready-made clothing, out of consideration for the poorer classes.

5. Importers of Second Hand Suits.

One Witness gave evidence concerning the present duty of 2s. on each article, and asking that this should be reduced to 33 $\frac{1}{4}$ per cent., but as this evidence was not given in reference to the effect of the present duty upon any local industry it falls outside of our Reference, and cannot be utilised in this Report.

6. Local Makers of Shirts, Collars, and Mining Clothing.

Evidence was received from one firm established in Durban some 3 $\frac{1}{2}$ years ago, "for the manufacture of shirts, collars and mining clothing generally"—who stated that:—

"At the present time we employ nearly 20 white young women, besides giving piece work to 25 or 30 married women who are in poor circumstances. We employ no coolie or black labour, and we do not sweat our work people, but pay fair wages for fair work. Our girls work 8 hours a day, and the factory is conducted on strictly sanitary lines. With a certain amount of assistance from Government . . . there is no doubt whatever that the Factory would become a very big concern and afford employment to hundreds of hands."

They ask that either the duties on imported articles be raised, or that piece goods be allowed to come in either free or at a greatly reduced rate.

The first of these alternatives, in the opinion of your Commissioners, is not to be thought of seriously, for reasons which must be sufficiently obvious to all competent to consider the subject in all its bearings. The second alternative, in the case of cotton piece goods, is impracticable, for the reason that many firms who sell over the counter from the piece, also make up ladies' garments from the same pieces, and if a rebate were allowed to manufacturers, no check in these cases would be possible. To allow all cotton piece goods in free, or at a greatly reduced duty, would be too serious a tax upon the Revenue to be thought of by the representatives of any South African State.

RECOMMENDATIONS.

Taking all the branches into account, as well as the interests of the "consumer," your Commissioners suggest that:—

The duty on Ready-Made Clothing being allowed to remain as at present (15 per cent.) then:—

A duty of 33 $\frac{1}{4}$ per cent. should be placed upon imported Made-to-order (Bespoke) Suits or parts of suits.

That the duty on Woollen, or Cotton and Woollen mixed, Cloth, in the piece, be retained at present duty.

That Canvas and Hair-cloth imported by Tailors be admitted under Class IV., i.e., 3 per cent., or, free from the United Kingdom and reciprocating Colonies.

Note:—Your Commissioners see no difficulty in distinguishing between imported "Ready-made" and imported "made-to-measure" suits, provided that a Customs Declaration is required on the Import Bills of Entry, and also upon Parcel's Post Labels that the goods referred to thereon are "Ready-made," or "Made-to-order," as the case may be.

Apart from the above declaration, "made-to-order" suits can easily be recognised in various ways on inspection by Customs Officials.

As no "ready-made" suits are imported by parcels post, all such parcels would at once be suspected and examined if declared to be such.

CEMENT.

Although it has been conclusively proved by exhaustive tests, both locally and in England from materials sent Home for the purpose, that all the necessary materials exist in Natal, and at a convenient site, for the manufacture of Cement, nevertheless no Cement Works have been established as yet.

That is due to the revenue duty on Cement having been reduced at the Bloemfontein Customs Conference from 2s. per cask to 10 per cent. ad valorem, which worked out at about 5.1 pence on English Cements (after deducting the 25 per cent. preferential rebate) and 6.4 pence on German Cements, and 7.3 on American.

Prior to that reduction arrangements had been made for a Company to start the manufacture of Cement at the site referred to.

The machinery required was estimated to cost from £23,000 to £30,000. The estimated cash expenditure before a start could be made (including purchase of property

and rights, plant, erection of buildings, etc.) was £65,000; about £30,000 of which has already been spent.

Provision was to be made for an output of 20,000 tons per annum.

Upon the reduction of the duty at the Bloemfontein Conference in 1903, that reduction was considered fatal to the prospects of the Company, and the matter was allowed to rest.

In 1906 at the Maritzburg Customs Conference, the duty was raised to 1s. 3d. per cask of 400 lb. (less 3d. on Cement from the United Kingdom and reciprocating Colonies) as a purely revenual measure. That increase was deemed wholly insufficient by those who were watching the interests of the proposed Company, as they considered nothing less than 2s. per cask would enable them to compete with reasonable prospects of success against the imported Cements from Europe and America.

That there may be no doubt as to the excellence of the local materials, it may be well to quote from evidence the result of tests made by the well known firm, Messrs. Faija and Co., of Westminster, "who manufactured in the ordinary way a 3-ton lot of Cement from materials shipped home to them from this property.

"These tests gave (I quote averages only):—

Neat Cement, 3 days test. Tensile strength, 706 lb.
Neat Cement, 8 days test. Tensile strength, 831 lb.
Neat Cement, 28 days test. Tensile strength, 943 lb.

Sand Test (i.e., one of Cement to three of Sand):—

7 days (average of three samples), 389 lb.
28 days (average of two samples), 492 lb.

The latter list may be compared with:—

London County Council Standard, 230 lb.
German (Charlottenburg) Standard, 237 lb.

both at 28 days with three parts of sand to one of Cement, as in our tests."

"The neat Cement tests given above also show a marked superiority, the strength generally required by English specifications being 400 lb. at seven days, as compared with 831 by our test."

The quantity of materials available, including suitable shale, is stated, on the authority of an expert Engineer, to be sufficient to manufacture millions of tons of Cement. The whole of the Raw Materials are thus on the spot.

To produce the estimated eventual annual output of 20,000 tons, no less than from 12,000 to 15,000 tons of Coal would be required, the benefit of which consumption, to both the Collieries, and to the N.G.R. for haulage, need not be emphasised—to say nothing of the revenue to the N.G.R. from haulage on the Cement to Durban and beyond, from Port Shepstone.

Casks for the transport of the Cement, it is said, can be made from Wattle Wood, thus providing a new industry for the utilisation of Colonial grown wood.

The quantity of Cement imported into Natal only, during 1906, from all sources, amounted to 17,951 tons.

It is claimed that the prices for Cement during 1906 "show clearly that dumping is going on, and the preference of 3d. per cask in favour of British made Cement is insufficient to stop it, in regard to foreign Cement."

"There seems no doubt that the German and Belgian Manufacturers are assisted by their Governments, their Railways, and by the Shipping Companies, (some of which are English) to lay down their Cements cheaper than English Cement."

With an adequate protective duty, "the loss on duty to Natal would probably not be more than £3,367 per annum, whilst against this, there would be a gain on carriage of Cement and Coal of £13,000. This is on the basis of the average figures for 1903 to 1906, and a presumed output of 20,000 tons per annum."

"Besides the advantages to the labour market, local building and engineering would profit by a first class article made on the spot, to special requirements where necessary, properly matured, delivered promptly and without risk of waste or damage."

"A further advantage would be a considerable economy in the quarrying and handling of marble and its conversion into lime. This would result in lime being placed on the market in such quantities and at such a price as would make it a cheaper and readily available manure."

According to the evidence, the freight from Antwerp has been known to be the same as, and even less than, the Rail carriage from Port Shepstone to Durban.

Asked:—"How would the Builders be affected by the proposed tariff of 2s. per cask?" the Witness replied:—"I think very little, because Cement is used principally in the proportion of eight of sand to one of Cement. I was trying to work out what the increased cost would be on a £500 to £600 house. I do not think it would be more than £4 or £5."

On being told that:—"you have not given us the comparison between the tension of your Cement and the English Makers'. Do you know how it compares with White's, for instance?" The Witness replied:—"Higher, as a matter of fact."

"We sent home marble, limestone, mud and shale. They tested the marble and the mud, which are no good,—the marble contained too much magnesia, and the mud was unsuitable. The Cement was manufactured from limestone and shale. We sent home 30 tons of material." "It was just as it came off the top: the top is as good as the bottom. We have unlimited quantities of the material."

The price of a barrel of Cement in Durban is about 11s. for White's, but we would have to compete against the cheaper qualities, which are about 9s. 6d."

Much more evidence was given, but the above will serve to indicate the chief features, apart from questions relating to Railway Rates.

RECOMMENDATION.

In view of the importance of such an industry to the Country, your Commissioners recommend this matter to the favourable consideration of the Inter-Colonial Permanent Tariff Revision Board if established.

Meantime, until the Cement Industry can be established, it would be prejudicial to many other industries to advocate any increase on the present duty.

ASBESTOS SLATES AND HOLLOW BLOCKS.

A Company in Durban has put down an expensive plant, and is manufacturing Asbestos Slates in considerable quantities, as also Hollow Blocks for building purposes.

Both of the products are composed of Cement and Asbestos.

The representatives complain that the manufactured article (Asbestos Slate) is admitted into the country free from the United Kingdom and reciprocating Colonies, or 3 per cent. from elsewhere, while they have to pay 1s. 3d. per cask duty on Cement, "amounting to about 25 per cent." on this Raw Material, which forms by far the greater proportion of the Raw Material used in the Asbestos Slates, though only about 20 per cent. of the material in the case of the Hollow Blocks.

Hollow Blocks being classified as Bricks, the import duty on these would be 25 per cent. under the present (1906) Tariff.

Your Commissioners have inspected the Works, and cannot but admit the excellence of both the products. Nevertheless, having in view in the case of the Hollow Blocks, the facts that the duty on these is already 25 per cent., and that the proportion of Cement employed is only 20 per cent., and that their weight must make the sea freight on imported similar articles almost protective itself, your Commissioners fail to see any reason to recommend any changes in the Tariff in the case of these Hollow Blocks.

In the matter of the Asbestos Slates, there is a distinct case for the raising of the duty on imported slates, now that these excellent substitutes can be manufactured in the country at a very reasonable price.

The manufacturers, however, proffer a request for the reduction of the duty on Cement.

This request your Commissioners cannot endorse, as the manufacture of Cement in South Africa is distinctly an industry which it is desirable to encourage. The number of hands it would employ, and the benefit it would be to the country (set forth under the heading "Cement") would greatly exceed the advantages derived from favouring the Asbestos Slate Works at the expense of prohibiting the manufacture of Cement in South Africa.

PRINTERS.

Much evidence was received both from the Master Printers of Durban and from representatives of the Durban Branch of the South African Typographical Union, on behalf of the Printing Industry, in addition to the voluminous evidence already taken by the late Natal Industries Commission.

According to the evidence received, there are 12 Printing Offices in Durban alone, employing 200 European skilled workmen. As to how many more there are in the other towns of the Colony, no information was given, but it is evident that the total number of white workmen employed in this industry must bear favourable comparison with the number employed in any other industry in the Colony outside the Government Service.

It is an industry, therefore, which merits the fullest and most sympathetic consideration.

Unhappily the evidence received leaves no doubt as to this industry being at present in a very depressed condition. The amount of Printing and Bookbinding required for use in the Colony is said to be as great or greater than ever it was. But at least 50 per cent. of the printed matter required in the Colony is said to be imported.

It is estimated that 40 per cent. of the plant in well-equipped establishments was idle for the greater part of the last 12 months.

Many businesses have been closed, and the plants sold by auction.

The number of skilled men unemployed at the present time is given as approximately 15 per cent.

Many of the so-called permanently employed hands have been working short time, i.e., four or five days a week, for a long time past.

The Printers admit, however, that other industries, as Iron-moulding, Carpentry, Joinery, Wagon-building, and Tailoring, all once prosperous trades, are in a bad, if not a worse condition.

Yet, in their own case, the Printers attribute the slackness from which they are suffering more to the inadequacy of the duties levied under the present Customs Tariff, than to the general depression.

It may be quite true, as advanced in Evidence, that:—"The Printing Industry is capable of being extended by some 40 per cent. with existing plant and to a greater extent if the tariff is raised considerably, and that this would give constant employment to a further 120 white work people, who would, in turn, have a large number of dependents."

It may also be quite true that, "in point of capital invested, whites employed, as also its possibilities of future usefulness, the Printing and Allied Trades stand second only to the Agricultural Industry in importance."

It is probably equally true that, "75 per cent. of the present males employed are married, with a large number of dependents, and that they are mainly highly-trained workmen, who have served long apprenticeships and are the poorest paid to-day of skilled mechanics generally in the Colony."

But the statement that so much plant is idle, and that so many men are either unemployed or working short-time, appears to your Commissioners to indicate that the unhappy present condition of the industry in a measure is due to the number of competing firms and to the number of workmen these have attracted.

Having said that, your Commissioners are quite prepared to admit that the present Tariff possesses shortcomings which may also account in a considerable measure for the slackness.

When, however, it comes to matters of detail, your Commissioners admit their inability to follow the Witnesses' recommendations.

Thus the Master Printers plead that—

- (a) "A duty of 60 per cent. be imposed on all Foreign, and 50 per cent. on British, Printing, as at present scheduled."
- (b) "All raw material for use in Printing, Book-binding, Lithographic printing, and Engraving be allowed (to enter) duty free."
- (c) "That private Greeting cards (called in the trade 'blanks'), i.e., only partly printed and requiring the greeting and customer's name, etc., to make them saleable, should be charged at the same rate as stationery."
- (d) "That the tariff be fixed for five years so as to encourage the development of existing and starting of new branches of Industry."

On the other hand, the representatives of the Durban Branch of the South African Typographical Union recommended:—

- (1) "Protection, through Customs, to the extent of 100 per cent.
- (2) Admission of all raw materials imported for the purposes of further manufacture free.
- (3) The enforced purchase locally, wherever possible, of all printing and stationery required by Government Departments.
- (4) Charging heavy fees for licenses required by travellers and agents for over-sea firms."

In the cases of both the above sets of representatives, the duty asked for (varying from 60 per cent. to 100 per cent.) is avowedly intended to be prohibitive, so far as the importation goes of any Printing which can be done in the Colony; it being alleged that "the internal competition is sufficient to protect the public," and in support of this assertion, it is pointed out that, although the duties were raised at the last Conference, "the prices charged are in many instances lower than before the last Customs Tariff" came into force.

As has been laid down elsewhere in this Report (under the Heading "Protection") your Commissioners have nothing to say in favour of Prohibition.

Your Commissioners, however, being anxious to see how far they could go in meeting some of the other recommendations, have entered into long consultation with the Collector of Customs—in this as in the case of many other Industries—as several of the recommendations would materially affect the Revenue. It would be manifestly mere waste of time on your Commissioners' part to convey recommendations which must be foredoomed to non-acceptance owing to their being deemed impracticable by those at whose discretion they will be advanced, or not, at the coming Conference.

The result of enquiry in this case was to find that many of the recommendations put forward are utterly impracticable, hence those need not be further alluded to here. Other of the recommendations do not come within the scope of this Commission's Reference.

RECOMMENDATION.

From the evidence tendered, it would appear that the present duty on printed matter is insufficient, and your Commissioners are disposed to recommend to the Conference that the matter of an increase should be given careful consideration, so as to ensure the giving of a larger proportion of local orders to Colonial Printers.

Further, in view of the fact that imported gummed paper, and imported grease-proof paper, the one largely used for labels, and the other for packing Soap, Butter, etc., cannot be economically prepared in South Africa, your Commissioners think these might reasonably be transferred to Class IV.

Then, the fact that Printers' Process Blocks, complete, with the picture on them, are permitted to enter free of duty, while the raw material for these blocks, the prepared Zinc or Copper Plates (which cannot be made in South Africa) are charged at the 15 per cent. *ad valorem* rate, is inconsistent, and your Commissioners recommend that such "Zinc or Copper Plates for Printers' Blocks" be transferred to Class IV.—3 per cent., or free from the United Kingdom and reciprocating Colonies.

TENT AND SAIL MAKERS.

Witnesses representing the Tent and Sail Makers of both Maritzburg and Durban combined to give joint evidence on behalf of this Industry.

Evidence was given to the effect that:—

"In our line of business there is very little male labour. It is nearly all white female labour, for sewing, with the aid of special machines. We only use coloured labour for the heavy work, for the lifting and folding. We have trained Kafirs for putting in brass eyelets and proofing."

The Witnesses placed many grievances before the Commission, in some cases relating to the manner in which they are handicapped when competing against both Home prices and agents of Home firms for Government orders.

Referring to these first, it appears among other things that when agents or Home Firms tender, and obtain the orders from Government the goods are not only admitted free of duty, but a rebate is allowed on the Shipping freight, as well.

This refers also to goods ordered through the Agent-General in London.

Whereas when the Colonial Manufacturer supplies an order for Government from his duty paid stock of Materials, he is allowed no rebate either for duty or for freight,

hence in tendering he has to include these in his price, whereas his oversea competitor has not to do so, and from this cause alone the latter is at a very considerable advantage.

Further, when asking for tenders from Home the Government does so as a rule for large numbers of tents, whereas when asking the local makers for quotations, only a very small order is indicated. Naturally this further handicaps the local maker, the difference in working costs between large and small orders being always a material consideration, especially where work is not constant and extra hands have to be taken on, for even relatively small orders, at emergency rates of wages, which, however, would be reduced to normal rates if the orders were as big as those sent Home, affording in consequence a lengthier term of employment.

Other complaints in this connection, such as lack of specification of quality, sizes, etc., in Government orders (with the exception of orders given by the N.G.R.), similarly to the last-mentioned, do not come within the scope of this Commission's Reference.

Returning again to those more particularly relating to the Tariff:—

The duty paid upon the "Raw Materials" used in this Industry, is the same as upon the imported completed article!

The Witnesses claim that:—"if they had protection they could supply a much better article at a cheaper rate, because no doubt the bulk of the Government Contracts and goods in general would be made in the Colony; we could work so much cheaper on account of work coming in, as we could always keep our Factories going. The money would be kept in the Colony that goes oversea for imported ready-made goods."

"For us, the Colonial Manufacturers, to compete against imported ready-made goods, we would recommend a protective duty, on the imported ready-made goods of at least 20 to 25 per cent. And our Raw Materials to come into the Colony free, or at a very low duty."

In cross-examination, the Witnesses stated that if the duty on Imported Tents, Sails, etc., were raised to 25 per cent., they would not object to a duty of from 5 to 7½ per cent. on the "Raw Materials."

The "Raw Materials" used in this Industry are as follows:—

Sail and Tent Ducks; Sail and Tent Canvas; Sail Twine and Tent Thread and Webbing; Sail Thimbles and Eyelets; Tent Rope and Hooks and Eyes.

The imported ready-made goods which affect the local manufacturers are:—

Tents complete or incomplete of every description, with or without poles, pegs, etc.; Sails complete or incomplete of every description; Wagon Covers; Bucksails; Tarpaulins; Nose Bags; Canvas Water Bottles and Coolers; Canvas Mule and Horse Mangers, complete or incomplete.

RECOMMENDATION.

Your Commissioners recommend that the duty on Raw Materials not at present allowed in under Class IV., to wit, Sail and Tent Ducks, Sail and Tent Canvas, Webbing, should be 10 per cent., less the preference in favour of the United Kingdom and reciprocating Colonies, and that:—

Sail Thimbles and Eyelets, be transferred to Class IV., i.e., 3 per cent. or free from the United Kingdom and reciprocating Colonies, and that:—

25 per cent. duty be placed upon the following manufactured articles: Tents complete or incomplete; Sails complete or incomplete, proofed or unproofed; Bucksails; Tarpaulins; Nose Bags; Canvas Water Bottles and Coolers; Canvas Mule and Horse Mangers, complete or incomplete.

Note.—Sail twine and Thread are already in Class IV.

Tent Rope and Hooks and Eyes, your Commissioners omit, on account of the difficulty that would arise in discriminating between rope required for Tent and Sail Makers and the imports of rope and hooks and eyes intended for sale over the counter, these articles being in common use outside of this Industry.

EXPLOSIVES.

It has been pointed out to your Commissioners by the Commissioner of Mines (Natal) that:—

"The duty on mining explosives, which taxes Mining (in Natal) about £1,800 per annum, has a particularly inequitable effect. Taxation should be levied where taxation may best be borne, but the duty on explosives reverses that principle. A low grade mine uses a greater quantity of explosives, and, therefore, pays a higher tax per ounce of gold produced, than a higher grade mine. The higher tax due to explosives is superimposed on the higher tax due to taxation of the requirements of the relatively greater number of men employed"—on the poorer grade mine.

While admitting the truth of the above contention, your Commissioners also admit the necessity for a protective duty on explosives, for mining purposes, now so extensively manufactured in South Africa, and they fail to perceive how any practicable relief can be afforded to the low grade mines, as any system of rebates based on the ore grades of different mines would probably be extremely complicated and costly in application.

CREAMERIES.

The evidence given was representative of the now important Natal Milk and Butter Factory Industry.

Its tenor can best be gathered from the excerpts given below:—

The object of the Representative Witness was to show conclusively that this Industry in Natal cannot possibly afford any reduction in the present duty of 2½d. per lb. (or 2d. from the United Kingdom and reciprocating Colonies).

The average price farmers receive in Natal all the year through, from the Creameries, is equivalent to 1s. 2d. per lb. of butter.

That is not a very profitable price now, because of the depletion of stock by tick fever and other causes, and the impossibility of increasing it. However,

"As time goes on, and as the milking qualities of the cattle improve, we will be able to produce it at a very much lower figure."

"In some parts of Cape Colony, they are only getting 8d., and they are quite satisfied. That is where they are at a distance from the markets, but they have no red water there nor tick fever."

"They have Ayrshire cattle and short-horn cattle, and at 8d. a lb. they will make more out of it than the farmer here (in Natal), who is getting 1s. 2d., where diseases restrict the importation of heavy milking stud stock, and thus prevent rapid improvements being made in the milking stock—except through the slow and difficult method of improvement by selection."

"The increase in the production of butter in this Colony during the last year has been 100 per cent. That is not an increase in the supply to the Creameries, but an increase in the actual production. We alone* have supplied something like 75 separators to men who never had a separator before this season. The whole thing is growing into a big affair. I think that in two or three years' time, we will be able to carry stocks right through the winter, and supply the merchants right through the winter by getting in Cold Storage. Now they are working on a margin of profit, but if the very slightest deduction is made, the farmers will be most seriously affected."

"If for revenue purposes, or any other purpose, they wish to increase the duty, I should say increase it by ½d. a lb., because during the next two or three years, if encouragement is given to the butter trade, all importation will be stopped."

Asked if he "did not think that putting on a ½d. per lb. would be rather a hardship, assuming you had a bad season, and could not supply?"

The reply was:—"But then there is this about it; if encouragement is given to the Creameries now established, and to be established, they will put up Cold Storages, which will carry supplies right through the winter, and to do that they want a little bit to cover the cost, and that ½d. a lb. would do it. We could make butter (and are making it now and selling it at about 1s. 3½d. a lb.) sufficient to run our factory all through the year (if the milk supply were available). We are only working about six months in the year, but we keep our staff together and keep our machinery going. If we have to carry stock over for six months in the year and run refrigerators all that time, pay interest on money, insurance, and so on, we must work to some profit by keeping butter for winter. If we do not keep butter for winter, we are not going to collar the South African winter trade. There is one fault which I feel: the grocer says:—"I will take your butter for a year if you can supply it." If we could do so all through the year (by daily working) I would say I am quite satisfied; but, if we have to carry half our production for six months in the year, allowing for interest, insurance, depreciation, and so on, I think we should have more protection."

"It is not practicable for us to avail ourselves of the present Cold Storages. We must store our butter (for winter) in bulk. We would have to send it to Maritzburg or Durban, store it there for so long, out of reach of our control of temperature (which is all important); then we would have to bring it back for making into pats for selling. To be successful, a Cold Storage must be under the control of the Factory Manager (on the spot); he can (then) see as to the temperature, and that nothing goes wrong with his butter. Records are, of course, supposed to be kept of the temperature (at outside Cold Storages), and I know that on steamers there is a temperature record, but these are not always reliable."

Asked "How would a general policy of doing away with the preferential rates affect you?"

The Witness replied:—"It would affect us very considerably. I advocate preferential rates on the whole of the produce of the farmer."

RECOMMENDATION.

Your Commissioners consider that the present duty on Butter meets the present needs, but that it should not on any account be reduced.

But should the Preferential Railway Rates be abolished, then a compensating increase should be added to the present duty.

FRUIT.

The Secretary of the Natal Orchard Association, Natal Fruit Growers' Association, and Natal Fruit Farmers' Union, and also the Chairman of Committee of the "Inanda Agricultural Association" of Victoria County, gave evidence on behalf of the Natal Fruit Industry.

The latter Witness confined his evidence on behalf of his Committee to the following:—

"Duties on Fruit.—It is considered that the present position of Fruit with regard to Duties is satisfactory, and that an Export-duty should not be imposed, the Industry being quite unable to bear one of any description."

* The Witness refers here to the particular Creamery in which he is interested.

The first Witness, set forth the following disadvantages under which the Fruit Industry is labouring:—

"(a) An excessive duty payable on box-wood (shooks) of 15 per cent. which wood is unprocurable in South Africa, nor is there any wood which is suitable for the same purpose.

"(b) A duty of 25 per cent. is levied on printed tissue papers used for wrapping fruit for export."

After giving the Witness every opportunity to support his case, your Commissioners consider that:—

(1) The cost of Fruit boxes, amounting to a few pence, is so low, that the duty, 15 per cent., on these only amounts in some cases to about three farthings per box;

(2) That the 25 per cent. duty on printed wrappers, involves a very insignificant sum, in individual cases;

(3) That the advantages gained by individual Fruit growers would consequently be ridiculously small in proportion to the loss which would be occasioned to the Revenue by removing the duty on all boxes (dynamite, tea, soap, candle, sweetmeat, matches, etc.) as would necessarily follow the removal of the duty on shooks for Fruit boxes.

Moreover, and this is more particularly within the scope of your Commissioners' Reference, the removal of the present small duty of 15 per cent. on box shooks, they are advised, would ruin a considerable and promising box making industry recently established in Natal, to which reference will be made under its own Heading.

The removal of this small duty, by ruining the prospects of the box making industry, would also discourage farmers from planting the White Poplar, a wood which has been found well suited to Natal, and to both the Match (for splints and boxes) and the box making Industries.

Note.—Assertions were made in Evidence that box-shooks for fruit packing are admitted free into Cape Colony. On enquiry your Commissioners find this is not the case.

FRUIT SYRUPS, ETC.

The evidence received goes to show that in Natal, Lemons are plentiful and Limes fairly so, and of varieties and qualities suited to the manufacture of the best Lemon and Lime Syrups, Squashes, and Cordials, though the cultivation of Limes in Natal is not now what it was.

Whereas statements were also made in evidence, and confirmed by Mr. H. H. C. Puntan, F.C.S., Public Analyst for the Borough of Durban, to the effect that:—a good many of the Imported Fruit Syrups, Cordials, Squashes, are not what they purport to be, and that in some cases there is no fruit juice in them at all, but only the flavour of it.

"These Cordials are made with sugar and glucose and a little Lemon (Essence) makes Lemon Syrup."

"A surgeon in England in charge of the Liverpool Infirmary used Lime Juice very largely for rheumatic fever, and he found in many cases when he failed to obtain a mitigation of the fever that the Lime Juice was impure. As Borough Analyst I should like to stop a lot of that stuff, but we have not the power under the Adulteration Act to do anything."

A local manufacturer stated:—"I think that most of the (imported) Lemon Squash that comes in here is faked: it never saw a lemon." The Witness made an exception of one well-known brand of Lime Juice.

Some imported Lime Juices, etc., contain spirit. If they contain less than 3 per cent. of Alcohol the duty charged is 25 per cent. If they contain more than 3 per cent. of Alcohol, then the spirit duty is charged at 20s. per gallon.

The Witness stated that he "buys Lemons at 5s. a sack, and my price for the Squash is 7s. a dozen bottles, wholesale. That is the lowest price I can sell at. The imported stuff is landed here for about 6s., less than I can produce it at"—though the Lemons and Sugar are produced in the Colony. He accounts for the low price of the imported article by the fact that it "is not made of Lemons."

In reply to a Commissioner who put it to the Witness that:—"I suppose you would say that the man who gave evidence in Cape Town (to the Cape Colony Commission) regarding his importations being made of pure Lemons was exercising his imagination a good deal?" The Witness said:—"I expect he was."

In pointing out the costs of manufacture, as the reason why less than 7s. per dozen bottles could not be charged, the Witness stated:—"The case costs a shilling, the bottles 1s. a dozen, the straw envelopes 5d. a dozen; then there are the labels, capsules, and the labour."

The Witness asked that:—"All imported Lemon Squash, and Lime Juice Cordial, containing over 3 per cent. of Alcohol be charged the full duty." This is at present the case under the 1906 Tariff.

RECOMMENDATION.

Your Commissioners consider that in this, as in several other Importations of faked articles of consumption, the importation of imitation articles for consumption, bearing the names of genuine articles, and without any intimation on the labels, or covers, to show that they are not genuine, should preferably be prevented by the strict application of an adequate "Adulteration of Foods and Drugs Act."

In this case, however, the Collector of Customs advises us that:—"if any party who may be concerned will give me a written notification that any Syrups, Squashes, etc., are faked, I will have them stopped and tested, and if what the parties state is correct, I have power to seize the goods under the Marks Law, always provided that such faked Syrups imply in any way they are *bona fide*."

Your Commissioners consider that the present Tariff meets the requirements of local manufacturers of Fruit Syrups, etc., and recommend that no change be made therein.

BOX MAKING.

This is a new Industry in Natal, and one that has made giant strides in the short period that has elapsed since it commenced operations.

This enterprise was started with a view to utilising the waste timber from Wattle plantations, after the removal of the bark for export.

A mill for this purpose can only utilise economically the timber grown within a few miles of the Factory. Hence, in view of the success of this pioneer Box Making Mill, there is not only every likelihood of its soon being provided with many rivals in other Wattle-growing localities, but there is good evidence to show that there is ample scope for others.

It requires a considerable outlay in capital to start a mill capable of turning out 30,000 to 40,000 boxes per mensem.

The existing pioneer mill is turning out shooks for from 1,500 to 2,000 boxes daily, and "is loaded up with orders for a year ahead, the demand is far greater than I am able to supply. I can only deal with timber grown within a few miles of my mill, and consider there is ample scope for other mills in Natal."

All that the proprietor of this mill asks for is, that the present duty on imported shooks should not be reduced or done away with, "as it is necessary to have some protection."

RECOMMENDATION.

In view of the fact that capital has been invested in this Industry, by those who were induced to do so by reason of the present moderate duty of 15 per cent. on box shooks; and in view of the great possible development of this Industry, and of the boon it would be to the large number of Wattle Growers, your Commissioners trust that the Natal Delegates to the Customs Conference will make a special effort to prevent any reduction of the duty on box shooks, should any reduction be proposed.

CHEMISTS.

A considerable amount of evidence has been offered by Chemists, both Manufacturing and Importing.

The evidence given by the latter having no reference to local Industries, but only to revenue items in the Tariff, is wholly outside this Commission's Reference, consequently your Commissioners consider that they would be exceeding their duty were they to refer to this section of the evidence.

As regards the evidence from the Manufacturing Chemists relating to Spirituous preparations, this has been dealt with, so far as your Commissioners see fit, under the Heading "Spirits."

The balance of the evidence refers chiefly to chemicals used for the manufacture of Manures, to Manures, and to certain chemicals used in various Industries.

As regards the Raw Materials for Manures, etc., certain anomalies crept into the last Tariff, but your Commissioners understand that these already have been noted for amendment at the coming Conference.

A request for a duty of 1s. per cwt. to be imposed upon Soda Crystals (Washing Soda) which it is stated are now made locally, appears reasonable.

In other cases suggestions are made apparently in ignorance of the fact that they are already in force.

For the rest, your Commissioners have good grounds for believing that the time is premature for obtaining the consent of the other Colonies thereto.

SPIRITS.

Your Commissioners took some pains to enquire into the conditions of the Spirit Industry in Natal.

In all cases, the result was satisfactory, and the only demand on the part of representatives of this Industry was, that the Customs Tariff as relating to Spirits should be left severely alone.

As regards the Excise on Spirits in the Transvaal, however, Witnesses interested in the manufacture of Tinctures, Spirituous Medicinal Preparations, Flavouring Essences and Perfumes, and such non-potable Colonial made articles, from Colonial Spirit, have strongly pleaded that it would be very acceptable to them if the Transvaal Government could see its way to agreeing to admit such non-potable Spirituous Preparations into the Transvaal at a low rate of duty. This suggestion, in the light of the evidence received, and of the privilege enjoyed by Cape Colony on its grape spirit, your Commissioners venture to endorse.

TOBACCO.

The evidence received on behalf of the Tobacco Industry, possessed three main objects:—

- (1) To show that the duty upon tobacco imported for manufacture into cigarettes and for use as wrappers for cigars should be increased, for the benefit of South African tobacco growers.
- (2) To show that were the Transvaal to impose a duty upon tobacco grown in Natal, the chief sufferers would be the Transvaal tobacco manipulators, who now import Natal tobacco largely at a very low price and re-export much of it (after treatment) to Natal at a very much higher price.
- (3) To show reasons why the Excise Duty should not be placed upon locally grown tobacco in the States of South Africa.

Referring to the first of these:—

In view of the fact that taste on the consumer's part, in many cases, governs his selection of the class of tobacco he uses, provided the price is not beyond his means, your Commissioners do not think that a moderate increase in duty would have to any marked degree the effect desired by the applicant. Further, in view of the fact that a severe increase of duty would seriously imperil the existence of the very considerable cigar and cigarette factories now just holding their own, your Commissioners consider that the risks of doing injury to many, outweigh the problematical advantages, hence they recommend that the tobacco Customs duties be left as they are.

Coming to the second of the above objects:—As there is no likelihood of the extremists in the Transvaal being successful in their effort to obtain protection against the other States of South Africa, your Commissioners see no occasion to comment upon this portion of the evidence.

The third object mentioned above, the question of an Excise Duty on tobacco, was dealt with at some length adversely by one Witness, but, should an Excise Duty be necessary for Revenue purposes, your Commissioners fail to see that an Excise Duty on tobacco would injure any Tobacco Industry in the country, always provided that, (1) the Excise Duty is similar in all the States of South Africa; (2) that a duty is imposed upon South African tobacco entering one State from another equal to the Excise Duty; (3) that tobaccos manufactured in one State may be sent in bond from one State to another State.

PEAT MOSS FOR CATTLE FEED.

Peat Moss is imported for combination with Colonial produce in the proportion of 20 per cent. of the former to 80 per cent. of the latter.

The Shipping Ring, so it is stated in Evidence, are carrying Peat Moss at the Manure Rate, thus admitting that it is nothing superior to a manure.

It is claimed that if the present duty were removed, the price for the class of Cattle Feed in which this Moss is employed, could be reduced 15 per cent., so that stock owners could get the Meal cheaper:—though your Commissioners fail to see how the abolition of a duty of 15 per cent. upon a material which only bears a proportion of 20 per cent. to the whole, could enable the price of the whole to be reduced by 15 per cent.

It is added in evidence that:—"Sulphur was originally brought out as an insecticide, and though it is now used solely for the manufacture of sulphuric acid, it still comes into South Africa free of duty. We therefore claim that by using 80 per cent. of Colonial produce to only 20 per cent. of imported, we (sic) have a greater right to be put upon the free list than sulphur." Solecisms apart, the Witness's statement, that sulphur is now used solely for the manufacture of sulphuric acid, is incorrect. He overlooks the fact that it is largely used in Cape Colony for the manufacture of sheep dips, and hence its claim to special consideration in the Tariff.

PAPER MAKING.

The evidence received under this head was of an entirely negative character, and is only quoted, as coming from one well qualified to give information from the technical side.

As to the prospects of success before any proposed Paper Manufactory in South Africa he said:—

"I gave evidence before the Industries Commission with regard to the production of paper in the Colony. Since that date a paper has been issued and published in the

Transvaal giving some figures which appear to show that paper could be made (in South Africa); but in the compilation of those figures the most important item of cost was left out, and that was the collection and transport of the raw material. When that cost is added on, it puts it out of practical politics at once."

"There is a good deal of raw material in this country from which paper could be made, but it cannot be made as a practical proposal."

Before the late Industries Commission the Witness explained that exhaustive local enquiry had been made by a Firm of leading Paper Manufacturers in England, with a view to starting manufacturing in South Africa, but the result of their enquiries convinced them that the local conditions were quite unsuitable.

FURNITURE POLISH, ETC.

Evidence was given by one Witness who desired protection upon Furniture Polish, which he is now producing in a small way, and who stated that he could also manufacture French Polish, Spirit Varnish, Linoleum Polish, Boot Polish, and several kinds of varnishes if a protective duty were placed on them.

The low price at which imported polishes are being sold in spite of their containing a large percentage of spirit is said to prohibit their manufacture in this country at present.

From tests made with various spirits of South African production, the Witness alleged that none was equal, for his purpose, to the cane spirit now produced in Natal.

"The storekeepers now say that they can import from home cheaper than I can supply them at. If there was a duty put on, I should like to sell the furniture reviver locally at 1s. per bottle, retail, Wholesale at 5s. to 7s. a dozen. The storekeepers will not now buy it at 7s. a dozen. I could also make a very fine French Polish, and there is a large demand for it in South Africa: an essential part of its manufacture is also methylated spirits."

As regards Varnishes, the Witness not having the requisite capital for putting down the necessary plant, and for importing the gums and other expensive requisites, did not press for the imposition of a protective duty on Varnishes.

RECOMMENDATION.

For various reasons your Commissioners consider it would be premature to place a protective duty upon Furniture Polish.

The time may come when it may be policy to place a duty on all Varnishes, Polishes, Furniture Renovators, etc., but until then, it is not in the opinion of your Commissioners advisable to encourage misdescription by selecting one particular item of this class for special treatment.

CHAS. G. SMITH (Chairman).

JAMES KING.

ARTHUR WOOD.

THOS. K. McALISTER.

CHARLES HARPER LEPPER, Secretary.

5th March, 1908.

Legislative Assembly Buildings,
Pietermaritzburg.

APPENDICES.

APPENDIX "A" 1.

Speaker's Room,
Legislative Council Buildings,
Pietermaritzburg, Natal,
January 23rd, 1908.

Secretary, Customs Tariff Enquiry Commission,
To General Manager, Natal Government Railways.

Will you please supply the following information for the use of this Commission:—

- (a) What is the difference in the freight per ton to Johannesburg from Durban, as between Natal Tea and Imported Tea?
- (b) What is the difference per ton, as above, in the case of Natal Sugar and Imported Sugar?

(Signed) CHAS. H. LEPPER,
Secretary.

APPENDIX "A" 2.

Durban, Natal,
January 24th, 1908.

Secretary, Customs Tariff Enquiry Commission,
Speaker's Room,
Legislative Council Buildings,
Maritzburg.

With reference to your letter of 23rd inst., the following is the information desired by you:—

Description.	Class.	Rate per 2,000 lb.
		£ s. d.
Imported Tea	Intermediate (No. 2) ...	5 15 0
Natal Tea	S.A.P. (No. 6)	2 11 8
	Difference	<u>£3 3 4</u>
Imported Sugar	Intermediate "B" (No. 3) ...	4 18 4
Natal Sugar	S.A.P. (No. 7)	2 5 0
	Difference	<u>£2 13 4</u>

(Signed) H. SALMON,
For General Manager.

APPENDIX "A" 3.

Durban, Natal,
30th January, 1908.

Secretary, Customs Tariff Enquiry Commission,
Speaker's Room,
Legislative Council Buildings,
Maritzburg.

Dear Sir,

In reply to your letter of January 28th, asking why the rate on Imported Sugar from Durban to Johannesburg is £4 18s. 4d. when it was resolved at the Maritzburg Conference that the rate should be £4 15s. per ton, I have to state that the additional 3s. 4d. per ton represents cartage at Johannesburg.

Yours faithfully,
(Signed) H. SALMON,
For General Manager.

APPENDIX "B" 1.

Speaker's Room,
Legislative Council Buildings,
Maritzburg, Natal,
December 2nd, 1907.

Secretary, Customs Tariff Enquiry Commission,
To Principal Under Secretary,

I have been instructed by the Commissioners to enquire through the Government of Natal as to:—

- (1) Upon what articles made in the Orange River Colony is any form of Bonus or Bounty paid by the Government of the O.R.C.?
 - (2) At what date, in the case of the several manufactures referred to, does the obligation expire of the O.R.C. Government to pay Bounty or Bonus?
 - (3) For what terms of years, in each case, did the Government of the O.R.C. contract or agree to pay Bonus or Bounty?
 - (4) Have any promises of Bonus or Bounty been made by the O.R.C. Government since the Inter-Colonial Customs Conference was held in Maritzburg?
- Will you kindly obtain the above information.

(Signed) CHAS. H. LEPPER,
Secretary.

APPENDIX "B" 2.

Colonial Secretary's Office,
Bloemfontein, O.R.C.,
December 17th, 1907.

The Honourable,
The Colonial Secretary,
Pietermaritzburg, Natal.

Sir,
I have the honour to acknowledge the receipt of your letter, No. 8043/07, of the 3rd inst., and to state in reply that:—

- (1) Bounties are at the present time granted on jams, confectionery and biscuits.
I may add that, at the time of the Maritzburg Conference, the late Government were also committed to Bounties on leather, tobacco and wool manufactures. These, however, have not been proceeded with.
- (2) In the case of one jam and confectionery factory the time during which a Bounty will be given expires on the 5th February, 1910. In the case of another factory of the same kind the time expires on the 8th May, 1910; while the Bounty granted to the biscuit factory terminates on the 25th May, 1911.
- (3) Bounties are granted in all cases for a term of five years.
- (4) No fresh applications for Bounties have been entertained, and no Bounty has been granted, since the Inter-Colonial Customs Conference held in Maritzburg.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) A. FISCHER,
Colonial Secretary.

APPENDIX "C."

Customs House,
Durban, Port Natal,
December 4th, 1908.

C. H. Lepper, Esq.,
Secretary, Customs Tariff Enquiry Commission, Maritzburg.

Dear Sir,
With reference to your request of the 13th ultimo for information for the use of the Customs Tariff Enquiry Commission, I now forward Statements summarizing the particulars which have been specially got together for that purpose.

The Statements may be described as follows:—

- (1) A comparison of the duties imposed by Natal and the more important of the other British Colonies on certain specified imported articles.
- (2) A statement showing the value of the principal imports for local consumption of goods similar to those which this Colony produces, or might produce.
- (3) A rough estimate of what the effect would have been had the tariffs imposed by Canada, Australia, and New Zealand respectively, been applied to the imported goods actually consumed in Natal during the year 1906.

Very considerable labour has been needed to obtain the data requisite for the compilation of these Statements. It is hoped they will prove of value to the Commission.

Yours truly,
(Signed) GEO. MAYSTON,
Collector of Customs.

STATEMENT I.

The following table affords a comparison between the Tariffs of the named Colonies with that of the South African Customs Union in respect to several items of special interest:—

	Canada.		Australia.		New Zealand.		Natal S.A. Union.	
	B.	I. G.	G.	U.K.	G.	B.P.		
	(a)		(b)		(c)			
Cake and Biscuits	Per Cent.		1d. per lb.	1d. per lb.	1 1/2d. per lb.	2d per lb.	15 per cent. less *Rebate of 3 per cent.	
Sweetened Biscuits	17 1/2	25	27 1/2	...	...	...	...
Cakes	22 1/2	32 1/2	35	...	3s. 7d. and 3s. per cwt.	...	...
Unsweetened	15	22 1/2	25	...	...	...	...
Candles	15	22 1/2	25	...	...	...	5s. per 100 lb. *Rebate 10d.	
Paraffin Wax ... ..	...	...	...	...	...	...	...
Other ... ..	...	...	...	...	...	...	...
Carriages	22 1/2	30	35	£6 ran. to £24 ea.	£6 to £40 ea.	30	30	15 per cent. *Rebate of 3 per cent. special duty of 2/10 per vehicle, plus 15 per cent. ad. val. on second-hand carriages
Furniture	20	27 1/2	30	Per cent. 30 or 40	Per cent. 30	30	30	15 per cent. ad. val. *Rebate 3 per cent.
Apparel	30	35	35	40 or 45	35 or 40	40 if made to order, otherwise 25	40	15 per cent. ad. val. *Rebate 3 per cent.
Boots	17 1/2	22 1/2	25	25 or 35	20 or 30	According to size (G), from 9d. to 2s. 3d. per pair, plus 22 1/2 per cent. (S.P.) from 6d. to 1s. 6d. per pair, plus 15 per cent.	...	15 per cent., within of 9d. per pair for men's, 6d. per pair for women's, 3d. per pair for children's. *Rebate 3 per cent.
Leather Belting	20	22 1/2	25	25	20	4d. per lb.	...	3 per cent. Whole duty *Rebate.
Fruit Syrups	15	17 1/2	20	9d. per gall.	...	Per cent. 30	Per cent. 20	25 per cent. *Rebate 3 per cent.
Bank Notes, Bonds, Bills of Exchange, Cheques, etc. ...	22 1/2	22 1/2	25	30	25	37 1/2	25	25 per cent. *Rebate 3 per cent.
Labels, etc.	22 1/2	22 1/2	25	30	25	37 1/2	25	15 per cent., or 1 lb., whichever shall be greater. *Rebate 3 per cent.
Paper Bags	15	25	27	30	25	...	...	If plain 15 per cent. If printed on 25 per cent. *Rebate 3 per cent. in either case.
Coarse ... ..	...	...	...	...	...	11s. 3d. per cwt.	7s. 6d. per cwt.	...
Other ... ..	...	...	...	...	...	Per cent. 37 1/2	Per cent. 25	...
Zincoide	15	22 1/2	25	30	25	30	20	15 per cent. *Rebate 3 per cent.
Timware	15	22 1/2	25	30	25	37 1/2	25	15 per cent. *Rebate 3 per cent.
Turnery	20	27 1/2	30	40	30	30	20	15 per cent. *Rebate 3 per cent.
Bricks—	...	...	...	...	...	...	...	...
Fire	5	7 1/2	10	15	15	30	20	25 per cent. ad. val. *Rebate 3 per cent. not including Bath Bricks, which pay 15 per cent.
Building, Paving, etc. ...	22 1/2	20	22 1/2	15	15	30	20	15 per cent. *Rebate 3 per cent.
Pottery	20	27 1/2	30	35	30	30	20	15 per cent. *Rebate 3 per cent.
Tiles of all sorts ... ..	...	...	...	...	...	...	...	15 per cent. *Rebate 3 per cent.
Prepared for Mosaic Floor- ing	20	27 1/2	30	...	...	...	...	...
Other	25	22 1/2	25	...	...	...	...	...
Pipes for Drainage	25	22 1/2	25	30	25	30	20	3 per cent. *Rebate whole duty.
Cuttings	20	27 1/2	30	30	25	30	20	15 per cent. *Rebate 3 per cent.
O.I. Pipes per ton	26	27	28	30	25	30	20	...
Sugar—The Produce of Sugar Cane ... ..	...	...	...	6s. per cwt.	6s. per cwt.	1d. per lb. up to 31st Oct., 1907; thereafter free	...	...
Invert Sugar, and Invert Syrup (including brewers' priming Sugars) ... ..	...	...	...	6s. per cwt.	6s. per cwt.	...	...	...
Glucose ... ..	...	...	...	8s. per cwt.	8s. per cwt.	...	...	...
Sugar, m.e.l. ... ..	...	...	...	10s. per cwt.	10s. per cwt.	...	...	...
Golden Syrup and Sugar Syrups ... ..	...	...	...	2s. per cwt.	2s. per cwt.	...	...	...
Molasses ... ..	...	...	...	1s. per cwt.	1s. per cwt.	...	...	...

See next page.

See next page.

	Canada.			Natal (S.A. Union).	
	B.	I.	G.		
Sugar— All sugar above No. 16 Dutch standard in colour, and all refined sugars of what-ever kinds, grades or standards, testing not more than 88 degrees by the polariscope per 100 lbs.	72 cents	98 cents	\$1.08	Candy, loaf, castor, icing and cube } Other kinds including Golden and Maple syrup, molasses, saccharum and treacle } 3/6 per 100 lbs.	5/- per 100 lbs.
And each additional degree over 88 degrees ...	1 cent	1½ cents	1½ cents		
Sugar n.o.p. not above 16 Dutch standard in colour, sugar drainings or pumpings drained in transit, melado, or concentrated melado, tank bottoms, sugar concrete and molasses testing over 50 degrees and not more than 75 degrees by the polariscope—per 100 lbs.	34 cents	45 cents	52 cents		
And for each additional degree over 75 degrees—100 lbs.	1 cent	1½ cents	1½ cents		
Maple Sugar and Maple Syrup ...	per cent.	per cent.	per cent.		
	15	17½	20		

With regard to Australian sugar unless a certificate is produced showing that such sugar is not produced from cane grown by white labour in the Commonwealth it must pay an additional duty of 3/- per 100 lbs. Special additional duties are also payable on sugars imported from—Denmark, Spain, Japan, Roumania, Russia, Chili, Nicaragua, Argentine Republic.

	Canada.			Australia.		New Zealand.		Natal (S.A. Union).
	B.	I.	G.	G.	U.K.	G.	B.P.	
Soap—per 100 lbs.	Common or Laundry 6cts. 9cts. \$1 Other Spa. Sp. 25 Pdres, etc. per cent. per cent. 22½ 32½ 35	Not elsewhere included per cent. per cent. 25 25 Tollist and Fancy per cent. per cent. 25 25 or 4d. lb. or 4d. lb.	6s. per cwt. 9d. per cwt.	6s. per cwt. 5s. per cwt. Powders per cent. per cent. 20 20 Other per cent. per cent. 37½ 25	4s. 9d. per 100 lbs. or 25 per cent. ad. val., whichever shall be the greater. *Rebate 7d. per 100 lbs. or 3 per cent.			
Vegetable Oils	Not edible, for Soap manufacture free. free. free.	Birch Tar, Pine & Fir Tree Oils in bulk free. Supurified oils 6d. gal. 6d. gal.	In vessels of less capacity than 1 gal. per cent. per cent. 20 20 otherwise free.	Some 15 per cent. ad. val. Some free in bulk.				
Jams and Preserves—per lb.	2½cts. 3cts. 3½cts.	2d. 1½d.	2½d. 2d.	2½d. per lb. *Rebate 4d. per lb.				
Cement—per 100 lbs.	8cts. 11cts. 12½cts.	1s. per cwt. 9d. per cwt.	4s. barrel 2s. barrel	1s. 3d. per 400 lbs. *Rebate 3d. per 400 lbs.				
Tobacco—Manufactured, per lb.	50cts. 50cts. 50cts.	3s. 6d. lb. 3s. 6d. lb.	3s. 6d. 3s. 6d.	4s. per lb.				
Cut, per lb.	55cts. 55cts.	3s. 9d. lb. 3s. 9d. lb.	3s. 6d. 3s. 6d.	4s. per lb.				
Unmanufactured	Imported for Excise purposes. free. free. free.	3s. lb. 3s. lb. Unstemmed 3s. 6d. or 3s. 6d. lb. 2s. 6d. or 3s. 6d. lb.	2s. 2s.	3s. per lb.				
Cigars—per lb.	\$3 & 25 per cent. \$3 & 25 per cent. \$3 & 25 per cent.	7s. 6d. & 15 per cent. 7s. 6d. & 15 per cent.	7s. 7s.	6s. per lb. and 15 per cent. ad. val.				
Cigarettes—per lb.	...	6s. 6d. 6s. 6d.	7s. 7s.	4s. 6d. per lb. and 15 per cent. ad. val.				
Butter—per lb.	3cts. 4cts. 4cts.	3d. 3d.	30 per cent. 20 per cent.	2½d. per lb. *Rebate 1d. per lb.				
Bacon and Hams—per lb.	1½cts. 1½cts. 2cts.	3d. 3d.	2d. 2d.	1½d. per lb. *Rebate 1d. per lb.				
Fork—per lb.	1½cts. 1½cts. 2cts.	2d. 2d.	30 per cent. 20 per cent.	1½d. per lb. *Rebate 1d. per lb.				
Leather—Unmanufactured.	10 per cent. 12½ per cent. 15 per cent.	(a) Pump hatts weighing not less than 4½lbs. ea. hide (b) Goat and Sheep skins Raw, hogskins free	Hide leathers dressed 3d. or 1d. lb. but East India kip, also hides crust of rough tanned free	15 per cent. ad. val. Rebate 3 per cent. but patent, enamelled, roan and Morocco leathers. are 3 per cent. only— with a Rebate of whole duty.				
Wheat—per bushel	8cts. 10cts. 12cts.	1s. 6d. per 100lbs. 1s. 6d. per 100lbs.	9d. per 100lbs. 9d. per 100lbs.	1s. 2d. per 100 lbs. Rebate 2d. per 100 lbs.				
Wheat, Flour—per barrel	40cts. 50cts. 60cts.	1s. 6d. per 100lbs. 1s. 6d. per 100lbs.	1s. 2½d. per 100lbs. 1s. per 100lbs.	2s. 6d. per 100 lbs. Rebate 3d. per 100 lbs.				

In some instances the duties specified for New Zealand do not come into operation until 31st March, 1908.

EXPLANATIONS.

Natal.—*Rebate is granted only on goods proved to be the produce or manufacture of the United Kingdom, Canada, Australia, or New Zealand.

Canada.—(a) "B." indicates British Preferential Tariff.

"I." indicates Intermediate Tariff.

"G." indicates General Tariff.

Australia.—(b) "G." indicates General Tariff.
 "U.K." indicates Tariff applied to United Kingdom products and manufactures.
 New Zealand.—(c) "G." indicates General Tariff.
 "B.P." indicates Tariff applied to products and manufactures of British Possessions.

APPENDIX "C."

STATEMENT II.

Return showing, as nearly as can be stated, the Value of certain Imported Goods actually consumed in the Colony during the Year 1906, similar to those which are, or might be, produced in Natal:—

	Total Value of Clearances of Imports for consumption	Value removed Overboard or re-exported by Sea from duty-paid Stocks.	Value left for consumption in the Colony.
	£	£	£
Bacon and Hams	37,601	19,368	18,233
Bees, all as Grain and Flour, but not Paper	80,477	25,394	55,083
Biscuits	15,005	9,198	6,407
Blankets and Shawls	140,377	50,915	89,462
Boots and Shoes	241,847	100,404	81,343
Butter	127,642	50,223	71,419
Cakes	5,083	3,443	2,541
Candles	35,780	30,306	25,414
Carts and Carriages	14,286	15,526	...
Cement	20,578	4,471	16,107
Cheese	38,591	23,601	14,930
Coffee, Raw and Manufactured	48,855	33,611	15,245
Confectionery	34,751	15,970	18,781
Corn and Grain—			
Barley	665	213	452
Beans and Peas	1,731	1,134	597
Earl Corn	185	...	185
Maize	1,210	...	1,210
Maize Meal	1,117	...	1,117
Oats	13,935	4,685	9,250
Wheat	10,778	6,505	4,273
Green	12,008	851	11,057
Flour	226,515	133,245	93,270
Eggs	5,793	1,610	3,583
Furniture, including parts	109,476	73,411	36,065
Girders and Ironwork, Structural	22,313	23,725	8,588
Jams and Jellies	17,083	13,047	4,036
Leather, Unmanufactured	15,807	8,488	7,409
Lime	1,163	64	1,099
Meats, Frozen	84,172	6,025	58,087
Medicinal Preparations	30,058	14,381	15,677
Milk, Condensed or Sterilised	102,290	35,430	63,860
Onions	2,935	432	2,503
Pickles and Sauces	10,201	5,791	4,510
Potatoes	17,591	5,311	9,280
Soap, Common	42,003	22,731	19,272
Sugar, all kinds	84,637	24,051	60,586
Tea	43,208	27,615	15,593
Tobacco, all kinds	31,055	10,422	20,633
Woollen Piece Goods	12,675	11,081	1,594
Wood, Planed and Grooved	47,217	30,722	11,085
Wood, Manufactured, other than Furniture	51,221	33,579	17,642
Totals	£1,872,526	£954,448	£918,078

APPENDIX "C."

STATEMENT III.

VARIOUS COLONIAL TARIFFS COMPARED.

The following statement gives a rough comparison on the basis of the imports into Natal for local consumption during the year 1906, between the imports tariffs of Natal, New Zealand, Canada, and Australia.

Dealing with only the goods liable to duty it is found that the percentage of duty to value was, under the *Natal Tariff, 21.2 per cent., and the revenue realised	£563,636
If the New Zealand Tariff (1907) had been applied the percentage would have been 25.1, and the revenue	£670,000
If the Canadian Tariff (1906) had operated the figures would have been 26.3 per cent., revenue	£700,000
If the Australian Tariff (1907) had been in force the duty to value percentage would have worked out at 32.7 per cent., and the revenue	£870,000

* It is necessary to state that the Natal Tariff (1906) did not come into operation until 26th May, 1906, and then only as regards those goods upon which the duties were increased; it was not in full force until 1st July, 1906. Abnormal clearances of high duty goods were, however, made in the early part of the year which raised the percentage to 21.2, as shown. Under normal conditions the ratio of duty to value under the 1903 Tariff was 17.0 per cent.; under the 1906 Tariff it is 20.0 per cent.

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UNION OF SOUTH AFRICA

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OF THE

DEPARTMENT OF DEFENCE

Year ended 30th June, 1927

*Presented to both Houses of Parliament by Command of His Excellency the
Governor-General*

PRICE 2S.

PRETORIA

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1928

U.G. No. 5, '28.

10112—23/11/27—760.

Department of Defence.

YEAR ENDED 30th JUNE, 1927.

CHIEF OF THE GENERAL STAFF AND SECRETARY FOR DEFENCE:
BRIGADIER-GENERAL A. J. E. BRINK, D.T.D., D.S.O.

I.—INTRODUCTORY.

The Chief of the General Staff and Secretary for Defence reports as follows:—

1. *Reorganization.*—The reorganization scheme of 1926 was completed during the course of the year under review and the Union Defence Forces have now reached a state of stability for, it might be said, the first time since their inception in 1912.

The *Defence Act* of the Union was passed in 1912 and a commencement with the organization of the Forces was made in 1913. Shortly after, the Great War broke out and thereafter all efforts were directed to the successful prosecution of the various campaigns in which the Union was involved. Since the conclusion of hostilities the organization has been changed almost from year to year to meet financial and post-war considerations, and the recent, and it is hoped final, re-organization has now resulted in settled conditions, under which the Department will be able to devote its energies to the successful peace training of the citizens of the Union.

The present strength of the Forces actually undergoing training is 152,701 and in addition there are 45,537 cadets, for the military instruction of which the Department is responsible.

2. *Military Districts.*—The Union was originally divided into 14 military districts, each of which was under the control of a District Staff Officer, who was assisted by a staff of civilian and military personnel. In July, 1914, certain districts were reduced in size and an additional district was created, making a total of 15. After the cessation of hostilities certain of the districts were temporarily amalgamated and the total number of District Staff Offices was reduced to 12. As a result of the 1926 re-organization the Union now consists of 6 military districts only.

3. *Coast Garrison and Active Citizen Forces.*—All citizens of the Union between the ages of 17 and 21 are liable to undergo a course of peace training for military service in the Defence Forces of the Union, but, in terms of Section 3 of the *Defence Act*, only 50 per cent. of such citizens are required to undergo training in the Coast Garrison and Active Citizen Forces.

On the organization of the Coast Garrison and Active Citizen Forces in 1913, the full quota of citizens to the extent of approximately 24,000 was accepted for peace training. Fifty per cent. of the number of citizens actually registered as at 30th June, 1927, would give the satisfactory total of 37,500, but, unfortunately, owing to financial considerations, it is only possible to make provision for the training of just over 9,000 citizens in the Coast Garrison and Active Citizen Forces.

4. *Cadets.*—The strength of the cadet organization to-day is 45,537, and each year sees a substantial increase in the number. Everything possible is done with the limited finances available to maintain the organization in a high state of efficiency, but it has not been possible in recent years to make provision for cadet camps. The time has now arrived for the re-introduction of the system of short camps, which in the past have proved of inestimable value to both the cadet and the movement. The fact must not be lost sight of that only a relatively small proportion of citizens liable to peace training in the Active Citizen Force is being trained and that the finances available do not admit of the training of all those liable to compulsory service in Defence Rifle Associations. Many citizens, therefore, owing to force of circumstances, escape their obligation for military service, and unless steps are taken to ensure that youths attending educational institutions receive a fair measure of military instruction, the majority of the coming citizens of the Union will be unacquainted with the rudiments of training and discipline, with the result that the military traditions of South Africa, of which we are so justly proud, will be but a memory of the days that are gone. Cadet training is incomplete without camps, and it is therefore imperative that cadets over the age of 15 should be taken into camp at least every alternate year. It is hoped to make a start in this direction during the coming training year.

5. *Removal of Defence Headquarters.*—The Defence Department moved to its new headquarters in Potgieter Street, Pretoria, during the course of the year, and all sections, with the exception of the Air Services section, are concentrated in the one building. In the past the various sections of the Department were housed in several buildings at considerable distances apart and the amalgamation now effected will save time and result in economy in administration. The new building is sufficient for all requirements with accommodation to spare for sudden expansion in time of emergency.

The Minister of Defence, Col. the Honourable F. H. P. Creswell, D.S.O., proceeded to Australia on the 17th April, 1927, as the representative of the Union Government at the official opening of the new Commonwealth Capital and was still absent from the Union at the close of the year covered by this report. During his absence, General the Honourable J. C. Kemp acted in his stead.

6. *Civilian Staff.*—Changes in the permanent civil establishment during the year resulted in a decrease of 5 posts.

There are no other events of any outstanding importance to record and the activities of the Department are summarized under the various sectional reports which follow.

II.—GENERAL STAFF SECTION.

1. *District Staffs.*—District instructional staffs were employed throughout the year on the organization, training and administration of such units of the Coast Garrison and Active Citizen Forces as were accepted for peace training, and of Defence Rifle Associations and Cadet Detachments. Members fired two musketry courses during the year, and a large percentage attended refresher courses at the Military College in drill, small arms training and signalling.

2. *S.A. Field Artillery.*—The batteries carried out individual, section and battery training at Roberts' Heights and brigade training at Potchefstroom; live-shell practices were also carried out at the latter place. During these practices, shoots with aircraft observation and wireless were conducted with excellent results.

3. *Permanent Garrison Artillery.*—The full course of training was carried out, and all ranks were exercised in the different calibre guns in the defences. Gunnery and specialist courses were also held. The annual manning of the Cape Peninsula defences took place between the 5th and 26th March, 1927, terminating with light and heavy gun practice seawards. The training was very efficiently performed.

4. *S.A. Engineer Corps.*—(a) *Fortress Section.*—This unit was employed in the maintenance of the electric lights, searchlights, military telephones and works of the defences of the Cape Peninsula.

(b) *Maintenance Section.*—This section has the duty of maintaining all defence buildings both in the Cape Peninsula and at Roberts' Heights.

5. *Coast Garrison Force.*—The Cape Garrison Artillery and Cape Fortress Engineers performed the full course of non-continuous training. Continuous training, which included gun practice seawards, was performed by the Garrison Artillery at Simonstown from the 17th to 26th March, 1927, in conjunction with the Permanent Garrison Artillery.

6. *Active Citizen Force.*—Four batteries of field artillery, 5 mounted rifle regiments, 11 infantry battalions, 2 armoured train units, 3 field companies and 1 field troop of engineers, 4 supply sections, 2 veterinary sections and 5 medical units were accepted for peace training during 1926-27. These units, with the exception of 1 field company, 1 field troop and 2 veterinary sections, performed the prescribed course of non-continuous training. Continuous training was carried out as follows:—

Place.	Period.	Units.
Hammarsdale. Wynberg.....	7th-16th September, 1926.	1 Infantry Battalion and 1 Field Ambulance.
	7th-16th March, 1927.....	1 Battery Field Artillery; 3 Infantry Battalions; 1 Armoured Train; 1 Field Company, Engineers; 1 Supply Section; 1 Medical Company.
Potchefstroom.	5th-14th April, 1927.....	3 Batteries, Field Artillery; 1 Mounted Rifle Regiment; 4 Infantry Battalions; 1 Armoured Train; 1 Field Company, Engineers; 1 Supply Section; 1 Field Ambulance; 1 Medical Company.
Grahamstown.	19th-28th April, 1927.....	3 Infantry Battalions; 1 Supply Section; 1 Mounted Brigade, Field Ambulance.
Ladyamith....	10th-19th May, 1927.....	4 Mounted Rifle Regiments; 1 Supply Section.

Regimental training culminating in tactical exercises was carried out with satisfactory results at each camp. Air-craft co-operated at all camps. At the Wynberg camp practice in the embarkation and disembarkation of troops on an open beach was performed in conjunction with one of H.M. ships. At the Grahamstown camp the R.A.F. Flight (Cairo-Cape) co-operated.

7. S.A. Naval Service. — (i) *Hydrographic Survey — H.M.S.A.S. "Protea."*—On 1st July, 1926, H.M.S.A.S. "Protea" was at Durban, making good defects to her boilers. This work completed on the 9th, and sounding was continued on the approaches to Durban, until the close of the season. Owing to a shortage of complement, due to accidents and sickness, and of coal, due to the coal strike in England, the whole season was very disappointing.

On Monday, 25th October, the ship sailed for Simonstown, where she arrived on 29th October, after calling at East London. Annual leave was commenced as soon as possible.

On Monday, 22nd November, the ship was placed in dry dock for annual refit, which was continued until the end of the year. On leaving dock on 17th January, 1927, and after preparing for the new season, "Protea" sailed on 30th January, arriving at Durban on 2nd February.

Work was continued on Sheet III of the survey Bashee River to Cape Natal, whenever the weather permitted, until 25th March, when Sheet II was commenced. From then until the end of June, work was carried out as requisite of Sheets I, II, and III, all three of which are approaching completion.

During the 1927 season up to 30th June, 41 days were lost, owing to bad weather, while 28 full days were worked at sea, sounding. Boiler cleaning also necessitated the laying up of the ship on four occasions, for a period of about one week each time. Since leaving Simonstown on 30th January the ship steamed 7,941 miles, of which 1,547 were lines of sounding. On the 30th June, 1927, "Protea" was at Durban.

(ii) *Mine-sweeping Flotilla: H.M.S.A. Ships "Immortelle" and "Sonneblom."*—On the 1st July, 1926, these vessels were cruising on the East Coast completing the annual training of members of the mine-sweeping section of the R.N.V.R. at Port Elizabeth, East London and Durban. On the 25th July they returned to Simonstown and during August and September embarked classes from the R.N.V.R. Base, Cape Town. From the 14th February, 1927, to the 30th June, the sea training of the R.N.V.R. was again in progress, commencing with Cape Town and sailing for the East Coast cruise on the 4th April to carry out training at East London, Port Elizabeth and Durban. On the 30th June, 1927, the flotilla was at the last-named port. During the year 12 officers and 128 ratings of the mine-sweeping section have been borne for their annual period of training afloat of approximately two weeks.

H.M.S.A.S. "Immortelle" was docked at Durban on the 21st June for scraping and painting; minor repairs were taken in hand at the same time by the S.A. Railways and Harbours. "Sonneblom" was docked in H.M. Dockyard during annual refit.

(iii) *Royal Naval Volunteer Reserve.—South African Division.—*

(a) *Training Afloat.*—The following table shows the number of officers and men embarked for training afloat:—

Base.	General Service Section.		Mine-Sweeping Section in H.M.S.A. Ships.	
	Officers.	P.O.'s and Men.	Officers.	P.O.'s and Men.
Cape Town.....	9	122	7	57
Durban.....	2	78	2	Nil.
Port Elizabeth...	3	60	2	50
East London....	2	72	1	21
TOTAL.....	16	332	12	128

(b) Annual Musketry Course.

Base.	Number of Officers, Petty Officers, and Men who have completed Course.
Cape Town.....	290
Durban.....	98
Port Elizabeth.....	98
East London.....	28
TOTAL.....	512

8. *The South African Military College.*—The figures given below represent the number of students dealt with during the period under review and include short courses in progress at 30th June, 1927:—

(a) General Branch.

Course.	Officers.	Other Ranks.
S.A.F.F. Officers (Promotion and Staff Duties).....	35	—
S.A.A.F. Cadets.....	—	19
Cadet Officers.....	108	—
<i>Active Citizen Force.</i>		
Junior Officers (Mounted and Infantry).....	19	—
W.O.'s and N.C.O.'s (Mounted and Infantry).....	—	104
D.R.A. Officers.....	137	—
Regimental Cooks.....	—	25
TOTAL.....	299	148

(b) Small Arms Branch.

Musketry Instructors Qualifying.....	—	10
Vickers Machine Gun Instructors Qualifying.....	4	12
TOTAL.....	4	22
Active Citizen Force*.....	19	104
D.R.A. Officers*.....	137	—
Cadet Officers*.....	108	—
TOTAL.....	268	126

* Denotes that students also passed through the General Branch.

(c) Signalling Branch.

Regimental Signallers (Refresher).....	—	6
Regimental Signallers Qualifying.....	1	44
Signalling Instructors.....	2	7
TOTAL.....	3	57

The total number of students dealt with and disposed of by the three branches above-mentioned was:—

Officers, 306; Other Ranks, 227; Total, 533.

The total number of students dealt with and disposed of by the three branches since the opening of the S.A. Military College on the 27th June, 1920, up to the 30th June, 1927, is:—

Officers, 2,418; Other Ranks, 2,231; Total, 4,649.

(i) *General Branch.*—(a) *South African Air Force Cadets.*

The first Air Force Cadets course, which assembled on the 4th January, 1926, was referred to in the last report. All these cadets have since qualified and been appointed to short service commissions in the S.A. Air Force. On the 1st May, 1927, the second course for Air Cadets assembled at the college.

(b) *South African Permanent Force Officers' Promotion Course.*—The second promotion course for officers of the S.A. Permanent Force was held at the college from the 8th to 26th November, 1926, and was attended by 22 officers.

(c) *South African Permanent Force Officers' Staff Duties Course.*—The first Staff Duties course for officers of the S.A. Permanent Force was conducted between the 16th May and 25th June, 1927, and was attended by 13 officers.

(d) *Cadet Officers.*—108 cadet officers attended as against 118 during the previous year. The longer time allowed for courses of this nature has produced better results, and will, it is felt, be reflected in the general efficiency of the cadet organization.

(e) *Active Citizen Force Officers, Mounted (2nd Lieutenants and Lieutenants).*—14 officers attended the course held during the year. There had been no course during the previous year.

(f) *Active Citizen Force Officers, Infantry (Lieutenant to Captain).*—Five officers attended the course held during the year.

(g) *Active Citizen Force (Warrant Officers and N.C.O.s).*—104 Warrant Officers and N.C.O.'s attended the three courses held during the year as against 55 who attended during the previous year. These courses appear to be very popular with the Active Citizen Force members and are of great benefit to that organization.

(h) *Defence Rifle Association Officers.*—137 officers attended two courses during the year as against 100 during the previous year. These courses are as popular as ever with the Defence Rifle Association officers and the usual keenness was displayed by all the officers who attended.

(i) *Regimental Cooks' Courses.*—25 members of the Permanent and Active Citizen Forces attended one course held during the year as against 43 who attended three courses during the previous year.

(ii) *Small Arms Branch.*—(a) During the year this branch handled 394 students (officers and other ranks) as against 438 during the previous year. There has been a falling-off in the attendance at qualifying courses in this branch, due probably to the fact that members find it difficult to obtain the long leave required for such courses.

(b) *Active Citizen Force Training Camps.*—In addition to the above figures the staff of the Small Arms Branch handled the following numbers of students at A.C.F. training camps:—

Hammarisdale, 79; Wynberg, 83; Potchefstroom, 160; Grahamstown, 83; Ladysmith, 71; Total, 476.

(c) *Musketry Instructors' Qualifying Course.*—Ten other ranks attended one course as against 26 other ranks who attended two courses during the previous year.

(d) *Vickers Machine Gun Instructors' Qualifying Course.*—Four officers and 22 other ranks attended one course during the year as against 1 officer and 23 other ranks who attended one course during the previous year.

(iii) *Signalling Branch.*—(a) This branch dealt with 3 officers and 57 other ranks during the year, as against 1 officer and 67 other ranks during the previous year.

(b) *Active Citizen Force Training Camps.*—The staff of the Signalling Branch also attended A.C.F. training camps and gave instruction to 10 officers and 198 other ranks.

(c) *Camp Telephone Exchange.*—The staff of the Signalling Branch constructed and maintained the camp telephone exchange systems at Potchefstroom, Grahamstown and Ladysmith.

(d) *Technical Advice.*—Throughout the year the Officer Instructor, Signalling Branch, also acted as technical adviser on signal equipment to the Quartermaster-General and inspected the Signal Mobilization Stores quarterly.

(iv) *General.*—(a) *New Offices.*—During the year a new block of offices, adjacent to the Quartermaster's Store, was erected and the whole of the staff of the General Branch is now accommodated in this block. This arrangement makes for smoother and more efficient working.

(b) *Non-Commissioned Officers' Mess*.—A new mess for the accommodation of the subordinate staff and warrant and non-commissioned officers attending courses has also been erected.

(c) *War Memorial*.—A memorial to the memory of past students of the Military College who gave their lives during the Great War has been erected in front of the main building.

9. *Defence Rifle Associations*.—(i) *Strength*.—The strength of the Defence Rifle Associations at the 30th June, 1927, was as follows:—

	Associations.	Officers.	Other Ranks.	Total.
Cape.....	547	880	48,607	49,487
Natal.....	96	103	3,500	3,903
Orange Free State.....	377	712	30,673	31,385
Transvaal.....	445	1,465	58,172	59,637
TOTAL AT 30TH JUNE, 1927..	1,465	3,160	140,952	144,112
TOTAL AT 30TH JUNE, 1926..	1,343	2,935	148,263	151,198
DECREASE.....	—	—	—	—7,086

(b) *By Military Districts.*

Military District.	Associations.	Officers.	Other Ranks.	Total.
No. 1.....	209	375	18,460	18,835
No. 2.....	233	322	22,182	22,504
No. 3.....	107	125	4,063	4,188
No. 4.....	29	85	2,306	2,391
No. 5.....	416	1,380	55,866	57,246
No. 6.....	471	873	38,075	38,948
TOTAL ...	1,465	3,160	140,952	144,112

(c) Number of Associations formed during 1926-27, 181.
Number of Associations disbanded during 1926-27, 59.

(d) The following additional commandos were organized during the course of the year:—Suid Rand Commando, Weenen County Commando, Transkei Commando.

The total number of commandos in the Union is now 145, embracing 1,325 associations. In addition there are 140 independent Defence Rifle Associations.

The decrease in membership is due to the striking off of members who did not attend at least one musketry practice during the previous year.

(ii) *Special Training Squadrons*.—The 38 special training squadrons which were formed during the year carried out the prescribed training. The strength of each squadron is being increased from 100 to 150 in the 1927-28 training year.

(iii) *Wapenskouings*.—The number of wapenskouings held was 45, but the attendance in general was weak owing to the severe drought.

(iv) *Local Training Camps*.—Great benefit was derived from local training camps. The number of camps held was 32, attended by 569 officers and 958 non-commissioned officers.

(v) *Bisleys*.—During the training year bisleys were held at various centres throughout the military districts instead of at one centre as in the past. This has resulted in a considerable increase in the number participating.

10. *Cadets.*—(i) *Strength.*—During the year 17 new detachments were formed and a number of small detachments were disbanded. The total number of detachments and strength of officers and cadets at the 28th February, 1927 (the last return available), as compared with the preceding year was:—

Date.	Detachments.	Officers.	Cadets.
15th May, 1926.....	451	1,124	42,461
28th February, 1927.....	445	1,330	44,207

(ii) *Instruction* to cadet detachments is given by cadet officers appointed as part-time adjutants and quartermasters. The Permanent Force Instructional Staff assists as far as possible.

(iii) *Camps.*—Owing to paucity of funds no cadet camps were held during the year, but a number of detachments held bivouacs. These were very successful and the increased efficiency gained therefrom was considerable.

(iv) *Clothing.*—An annual allowance of 10s. per cadet towards uniform clothing is now made to all cadets. This system is very much more satisfactory than the free issue of uniform.

(v) *Musketry.*—The monetary provision did not admit of the issue of service ammunition to cadets. All cadets carried out the 2nd class cadet musketry course with miniature ammunition.

(vi) *Competitions.*—The cadets of the Union of South Africa have again been successful in winning the King's Trophy, thereby proving that the shooting of the Union Cadets is still the best in the British Empire. The following extracts from the report of the National Rifle Association on the 1926 Imperial Challenge Shields' competitions are of interest:—

Sandringham,
Norfolk,
17th January, 1927.

“ Dear Sir,

The King has seen with much satisfaction the result of the competition for His Majesty's Trophy and considers that the excellent scores from all parts of the Empire reflect the greatest credit on the boys and their instructors.

The King wishes his congratulations conveyed to the South African boys in winning the Trophy with such a fine score, and thinks that the Canadian boys deserve great praise for their marksmanship.

Yours faithfully,

(Signed) F. M. PONSONBY,
Keeper of the Privy Purse.”

The Secretary,
National Rifle Association.

SOUTH AFRICA.—“ The youth of South Africa is to be heartily congratulated upon winning H.M. The King's Trophy for the second year in succession. Taking into account the very large increase in the numbers competing, the general standard of all-round efficiency is again higher than in any other country of the Empire. The Union fills one-third of the places in the Honours List of Organizations, and of the 366 units which sent in completed returns 114 gained the distinction of Mass Efficiency. The Girls' Schools have again been remarkably successful, notably the Berg Street School of Pietermaritzburg, which has won one of the Empire Trophies, Field Marshal Earl Haig's sword, awarded to the best small organization in the Empire in the junior category. Eighty-five South African girls shot their way into their National Team, and very materially added to the narrow margin which secured the King's Trophy for the Union. Without the scores of the Natal girls, South Africa would have won the King's Trophy with the narrow margin of .1 of a point. South Africa sets a fine standard for the Empire to emulate, and admirably exemplifies the spirit and aim of these competitions which is the attainment of a high general standard of marksmanship by the greatest possible number.”

(vii) *Officers' Training Corps* have been established at all the Normal Colleges in the Transvaal. The object of these corps is to train the students as officers before they are appointed to commissioned rank in the cadets. The other provinces have not yet fallen in with this scheme, but it is hoped they will do so before long.

III.—ADJUTANT-GENERAL.

Adjutant-General: BRIGADIER-GENERAL W. E. C. TANNER, C.B., C.M.G., D.S.O.

1. *Maintenance of the Forces in Personnel.*—(a) *Permanent Force.* . . . The supply of recruits is more than sufficient to meet the demand caused by wastage.

The following tables show the number of applications for enrolment, rejections, attestations, etc., during 1926-27:—

(i) *Applications and Rejections*—

Total number of applications received by all sections and units	2,380
Number of applicants examined by District Surgeons	121
Number of applicants passed by District Surgeons	66
Number re-examined by Military Medical Authorities (including number examined by District Surgeons in previous years)	73
Number rejected on re-examination	9
Number examined by Military Medical Authorities only	270
Number rejected	72
Total number rejected as medically unfit	136

(ii) *Attestations.*—The number of men enrolled in the various arms of the service was as follows:—

S.A. Field Artillery	91
S.A. Air Force	47
S.A. Naval Services	39
S.A. Permanent Garrison Artillery	38
S.A. Ordnance Corps	16
S.A. Adme. Pay and Clerical Corps	10
S.A. Medical Corps	8
S.A. Engineer Corps	6
S.A. Service Corps	2
S.A. Instructional Corps	1
Total	258

(iii) *Casualties.*—The following list of casualties was recorded during the year:—

Deaths	1
Discharges—	
By Purchase	138
Time Expired	45
Services no longer required	17
Medically Unfit	13
Deserted	7
Not likely to become efficient soldiers	7
Convicted by civil power	4
Marrying without permission	3
Unfitted for duties of corps	3
False answers on attestation	2
Reduction of establishment	2
Irregular Enlistment	1
Age limit	1
Transfer to other Departments	1
Total	245

Summary of Casualties according to rank:—

Warrant Officers.	Staff Sergeants.	Sergeants.	Corporals and Equivalent Rank.	Lance-Corporals, Privates, and Equivalent Ranks
1	3	4	19	218

(iv) *Discharge by Purchase.*—The diminution in the number of men of the Permanent Force who obtained their discharges by purchase during the year is satisfactory in so far as it confirms the view that the Force is attracting to its ranks men who take up soldiering with more settled and serious ideas. The number of men who purchased their discharges during the year was 138, being 22 less than that of the preceding twelve months.

(v) *Strength.*—The strength of the Permanent Force as at the 30th June, 1927, was:—

Unit.	Officers.	Other Ranks.
S.A. Staff Corps.....	45	—
S.A. Instructional Corps.....	—	52
S.A. Naval Service.....	15	123
S.A. Field Artillery.....	13	296
S.A. Permanent Garrison Artillery.....	9	189
S.A. Engineer Corps.....	6	83
S.A. Air Force.....	27	244
S.A. Service Corps.....	2	17
S.A. Medical Corps.....	11	45
S.A. Ordnance Corps.....	10	146
S.A. Veterinary Corps.....	—	3
S.A. Administrative, Pay, and Clerical Corps.....	13	61
TOTAL.....	151	1,259

In addition to the above, 25 members of the Active Citizen Force were employed in a full time capacity, made up as follows:—Officers, 4; other ranks, 6; S.A. Nursing Service, 15.

(b) *Coast Garrison and Active Citizen Forces.*—(i) *Strength.*—The strength of the Coast Garrison and Active Citizen Forces undergoing training on the 30th June, 1927, was as follows:—

Military District.	Unit.	Authorized Establishment, 1926-27.		Actual Strength, 30th June, 1927.		
		Officers.	Other Ranks.	Officers.	Other Ranks.	
No. 1..	Cape Garrison Artillery.....	16	182	11	148	
	1st Citizen Battery (P.A.O.C.F.A.).....	4	103	2	83	
	Cape Fortress Engineers.....	2	66	2	44	
	No. 1 Field Coy. (S.A.E.C.), Capetown.....	2	52	2	38	
	2nd Infantry (D.E.O.E.).....	19	325	15	287	
	6th Infantry (D.C. & S.O.C.H.).....	19	350	20	311	
	No. 2 Brigade Section (S.A. Corps of Signals).....	1	15	—	—	
	No. 2 Wireless Section (S.A. Corps of Signals).....	1	16	—	—	
	No. 1 Armoured Train (R. & H. Bde.).....	2	38	2	27	
	No. 1 Company (S.A.M.C.).....	5	87	5	81	
	No. 1 Supply Section (S.A.S.C.), Capetown.....	1	14	1	12	
	Citizen Force Band.....	—	23	—	20	
	3rd Infantry (P.A.G.).....	19	300*	16	288*	
	4th Infantry (First City).....	19	250*	17	220*	
5th Infantry (Kaff. Rifles).....	19	323*	18	290*		
1st Mtd. Brigade Fld. Ambulance (S.A.M.C.).....	6	70	4	56		
No. 2..	No. 4 Supply Sect. (S.A.S.C.), East London.....	1	14	1	13	
	1st Mtd. Rifles (Natal Carbineers).....	19	323*	16	264*	
	2nd Mtd. Rifles (Natal Carbineers).....	19	300	18	253	
	3rd Mtd. Rifles (Natal Mtd. Rifles).....	19	300	19	202	
	4th Mtd. Rifles (Unvoti Mtd. Rifles).....	19	300	17	250	
	1st Infantry (Durban Light Inf.).....	27	949*	23	759*	
	No. 1 Fld. Troop (S.A.E.C.), Pietermaritzburg.....	2	25	1	—	
	No. 3 Bde. Sect. (S.A. Corps of Signals), Durban.....	1	15	—	—	
	2nd Field Ambulance (S.A.M.C.).....	8	100	6	59	
	No. 2 Supply Section (S.A.S.C.), Durban.....	1	14	1	12	
	1st Mobile Veterinary Section (S.A.V.C.), Pietermaritzburg.....	1	10	1	2	
	No. 3..	5th Mtd. Rifles (L.L.H.).....	19	323*	18	241*
		8th Infantry (Transvaal Scottish).....	23	523*	23	390*
		10th Infantry (Wit. Rifles).....	19	400	20	311
11th Infantry (R.L. Inf.).....		19	350	19	218	
No. 2 Armoured Train (R. & H. Bde.).....		2	38	2	29	
3rd Cit. Battery (T.H.A.).....		4	103	4	78	
No. 1 Bde. Section (S.A. Corps of Signals).....		1	15	—	—	
1st Fld. Ambulance (S.A.M.C.).....		8	100	8	90	
No. 2 Coy. (S.A.M.C.), R. & H. Bde.....		5	87	5	83	
No. 4..		12th Infantry (Pretoria Regiment).....	23	548*	22	488*
		Corps Headquarters, S.A. Corps of Signals.....	3	1	—	—
		No. 4 Bde. Sect. (S.A. Corps of Signals), Pretoria.....	1	15	—	—
		No. 1 Air Force Section (S.A. Corps of Signals).....	1	21	—	—
		No. 2 Fld. Coy. (S.A.E.C.), Pretoria.....	2	52	2	6
	No. 3 Supply Sect. (S.A.S.C.), Pretoria.....	1	14	1	14	
	No. 2 Mobile Vet. Section (S.A.V.C.).....	1	10	—	—	
	No. 5..	7th Infantry (Kimberley Regiment).....	19	300*	18	247*
		4th Citizen Battery (O.V.S.A.), Bloemfontein.....	4	103	4	84
		5th Citizen Battery (O.V.S.A.), Bethlehem.....	4	103	4	85
		No. 3 Field Company (S.A.E.C.), Bloemfontein.....	2	52	2	60
		TOTAL.....	413	7,722	370	6,141

* Includes Band.

(ii) *Transfer to Class "A" Reserve.*—936 men were transferred to Class "A" of the Citizen Force Reserve on completion of their terms of peace training.

(c) *Royal Naval Volunteer Reserve.—Strength.—General Service Section.*—The authorized establishment was: 31 officers, 501 petty officers and men.

Detail.	Sub-Divisions.						Total.
	Divisional Staff.	No. 1 Capetown.	No. 2 Capetown.	No. 3 Durban.	No. 4 Port Elizabeth.	No. 5 East London.	
Officers.....	5	4	3	3	3	3	21
Other ranks.....	—	88	92	98	82	91	451

Mine Sweeping Section.—The authorized establishment was: 24 officers, plus 1 Engineer Lt.-Commander or Lieutenant, and 1 Paymaster Lt.-Commander or Lieutenant for 2 Flotillas, 222 petty officers and men.

Detail.	Flotillas.					Total.
	Capetown.	Durban.	Port Elizabeth.	East London.		
Officers.....	8	7	3	2	20	
Other ranks.....	63	69	16	28	176	

2. *Registration of Citizens under the Defence Act, etc.*—(i) The registration, under the *Defence Act*, of citizens who would attain the age of 17 years during 1927 was carried out during January, 1927. Late registrations were, however, accepted throughout the year as provided for in the regulations.

During January, 1927, 13,675 seventeen year old citizens registered, and during the same month 2,151 late registrations were received. These figures show an improvement on previous years and are highly satisfactory.

By the 30th June, 1927, 14,600 seventeen year old citizens had registered, and in addition thereto, 2,473 late registrations had been received, making a total of 17,073 registrations dealt with as compared with 16,173 for the preceding year.

(ii) Notifications from citizens of change of address were received and acknowledged at an average rate of 51 per diem, an increase of 10 per diem on last year's total.

3. *Establishment Tables.*—The following establishment tables of the Union Defence Forces were completed and promulgated during the year:—

- (a) South African Corps of Signals (Peace).
- (b) South African Service Corps, Supply Section (Peace).
- (c) South African Engineer Corps, Field Company (Peace).
- (d) Cape Fortress Engineers (Fortress Engineer Section and Signal Section) (Peace).
- (e) An Ammunition Column, Mounted Brigade Section (War).
- (f) An Ammunition Column, Infantry Brigade Section (War).

4. *Officers of the Union Defence Forces: Appointments, Promotions, Retirements, etc.*

(a) Permanent Force—

- (i) *Appointments.*—Fourteen second lieutenants, 2 S.A. Field Artillery, 1 S.A. Ordnance Corps, 1 S.A. Engineer Corps, Fortress Engineer Section, and 10 Cadets to short service commissions S.A. Air Force, 4 of whom supernumerary to establishment until absorbed.
- (ii) *Promotions.*—One lieutenant-colonel to colonel, 2 captains to majors, 7 lieutenants to captains, and 1 sub-lieutenant to lieutenant (S.A. Naval Service).
- (iii) *Resignations and Retirements.*—One lieutenant-colonel, 3 captains and 6 lieutenants.

- (iv) *Attachments*.—One captain seconded from S.A.P. Garrison Artillery to S.A. Staff Corps; 1 acting sub-lieutenant, S.A. Division, R.N.V.R., and 1 midshipman Royal Navy (Africa Station) to S.A. Naval Service, both for temporary duty.
- (v) *Seconded from Imperial Forces*.—One captain to command Fortress Engineer Section, S.A. Engineer Corps, and 1 lieutenant to S.A. Permanent Garrison Artillery.
- (vi) *Returned to Imperial Forces*.—One lieutenant to Royal Artillery.
- (vii) *Inter-Unit Transfers*.—From and to units, 1 captain and 5 lieutenants.
- (b) *Citizen Forces*.—(i) *Appointments*.—His Excellency the Governor-General was pleased to accept, with the approval of His Majesty the King, the appointment of Colonel-in-Chief of the 4th Mounted Rifles (Umvoti Mounted Rifles).

Lieutenant-Colonel F. S. Tatham, D.S.O., V.D., Retired List, was appointed Honorary Colonel of the 2nd Citizen Battery (Natal Field Artillery).

The following officers were appointed Brigade Commanders of the newly-formed brigades with the rank of Colonel:—

Colonel J. P. S. Woods, D.S.O., V.D.: 1st Mounted Brigade.
 Lt.-Colonel R. W. Curran, D.S.O.: 1st Infantry Brigade.
 Lt.-Colonel H. S. Harris, C.B.E., V.D.: 2nd Infantry Brigade.
 Major (Brevet Lt.-Colonel) S. S. Taylor, C.M.G., D.S.O., V.D.: 3rd Infantry Brigade.

Sixty officers were appointed to units accepted for peace training, 11 officers to the Railways and Harbours Brigade (Transportation Battalions), 109 officers to the Supernumerary List, Active Citizen Force (Cadet Section), 6 officers to the R.N.V.R. (S.A. Division).

(ii) *Services Dispensed with*.—The services of 5 officers were dispensed with under Section 23 (7) of the *Defence Act*.

(c) *Reserve of Officers*.—Appointments and transfers to the Reserve of Officers were as follows:—

Transferred from Coast Garrison and Active Citizen Forces	73
Defence Rifle Association and ex-D.R.A. officers appointed	20
S.A. Air Force Special Reserve of Pilot Officers	4
S.A. Air Force General Reserve of Officers	8
War Reserve, S.A. Naval Service	22
War Reserve, Section S.A. Division, R.N.V.R.	2
Other appointments or transfers	38
Total	167

Eleven officers were placed on the non-effective list for failing to render annual report as required by the regulations for the Reserve of Officers, and their names will be removed from the Officers' List, U.D.F.

(d) *Retired List*.—Eighty officers were placed on the retired list.

(e) *General*.—New regulations for the Coast Garrison and Active Citizen Forces, and revised regulations for the Reserve of Officers were published during the year.

5. *Total Strength of Defence Forces*.—The total available strength (all ranks) of the Union Defence Forces actually undergoing training (excluding Defence Rifle Associations) on 30th June, 1927, was as follows:—

Force.	Officers.	Other Ranks.
S.A. Permanent Force.....	151	1,259
Coast Garrison and Active Citizen Forces.....	370	6,141
Royal Naval Volunteer Reserve.....	41	627
TOTAL.....	562	8,027

The above does not include 4 officers and 6 other ranks of the Active Citizen Force, and 15 sisters of the South African Military Nursing Service, employed in a full-time capacity.

6. *Military Law—Courts of Enquiry, etc.*—(i) *Courts Martial*.—Fourteen District Courts Martial for the trial of 14 members of the S.A. Permanent Force were assembled during the year. There were no General Courts Martial. The total number of charges dealt with was 25, the most serious

offences being theft, desertion, using violence to a superior officer, and insubordination. There were 24 convictions. No appeals were made against the convictions or sentences.

(ii) *Trial by ordinary Courts of Law.*—In the civil courts, 61 judgments for debt were obtained by tradesmen and others against members of the S.A. Permanent Force.

Three hundred and eleven members of the Active Citizen Force *posted to units* were prosecuted in the civil courts for offences against the *Defence Act*, in almost every case the prosecutions being for failure to attend parades or to notify change of address. The number of citizens prosecuted in each Military District is specified below:—

Military District No.	Number of Citizens.	Number of Recurrent Cases.
1	29	1
2	30	6
3	17	—
4	110	14
5	120	1
6	5	—
TOTAL.....	311	22

One thousand one hundred and seventy-two cases were submitted for prosecution against citizens *not yet posted to units* for failing to notify change of address, and in addition 775 citizens were prosecuted for failing to register. Of the 1,172 cases mentioned above 646 were prosecuted; in 326 cases the citizens could not be traced, and 200 were ultimately found to have left the Union.

(iii) *Minor Offences, South African Permanent Force.*—Only 622 cases were dealt with by Unit Commanding Officers and reviewed in this office as compared with 941 during the preceding year. 366 were dealt with at Roberts' Heights, 203 at Cape Town, and 53 at Defence Headquarters, Pretoria. Of these cases 38 only were charges of drunkenness in a force 1,259 strong, roughly 3 per cent. for the twelve months, which speaks well for the sobriety of the Force. The most prevalent minor offence was absence without leave, of which there were 140 cases. In addition to the above, 162 members of the S.A. Naval Service were punished for various offences.

(iv) *Courts of Enquiry.*—Six Courts of Enquiry on deficiencies of stores or damage to property were held during the year and the necessary disciplinary action taken, and 4 Courts of Enquiry on illegal absentees, and 50 in respect of injuries sustained by members of the Forces or civilians were also received and dealt with by this Section.

(v) *Discipline.*—Taking the offences as an indication of the general conduct of the Union Defence Forces, the discipline in the Permanent Force, including the S.A. Naval Service, and that of the Coast Garrison and Active Citizen Forces, has been maintained at a good standard.

(vi) *Complaints.*—The numerous complaints formerly received from tradesmen and others in respect of private debts contracted by members of the Permanent Force have considerably diminished as a result of the warning notices, published in the *Government Gazette* half-yearly, against giving credit.

(vii) *Military Police.*—Eight hundred and thirty-three arrests (170 Europeans and 663 natives) were effected during the year by the Military Police at Roberts' Heights; this justifies the maintenance of a small military police establishment at these Cantonments.

(viii) *Detention Barracks.*—Forty-eight members of the Permanent Force at Roberts' Heights and 18 at Cape Town were committed to the Detention Barracks at these stations, 13 being committed under Court Martial sentence and the remainder by summary award of Commanding Officers.

(ix) *Amendments to the Union Military Discipline Code, etc.*—Copies of the Army Annual Acts, 1926 and 1927, and the New Rules of Procedure replacing those of 1907, have been received and the necessary steps are being taken to modify and adapt them to suit the requirements of the Union Defence Forces. The draft of the proposed Union Naval Discipline Code has also been completed and forwarded to the Lords Commissioners of the Admiralty for their comments.

7. *Honours and Awards.*—(i) *Anglo-Boer War Republican Awards.*—To date (30th June, 1927), the following is the total of awards made to officers and other ranks of the late Republican Forces:—

(a) Decoratie voor Trouwe Dienst	555
(b) Anglo-Boer War Medals	8,032
(c) Wound Ribands	977

Of these 183 were issued during the year.

(ii) *Long Service Decorations and Medals.*—The following were awarded during the year:—

Permanent Force Long Service and Good Conduct Medals	2
Colonial Auxiliary Forces Officers' Decorations	9
Colonial Auxiliary Forces Long Service Medals	26

(iii) *Battle Honours.*—The Honours which His Majesty the King was pleased to approve of during the previous year were published during the year in the Officers' List, U.D.F., against the regiments concerned, and a second list has been forwarded to the Secretary of State for the Dominions for His Majesty's approval. This list includes a further 21 units of the Defence Forces.

8. *Ceremonial.*—(i) During the year Guards of Honour were furnished for His Excellency the Governor-General on the occasion of the opening of the Session of Parliament and on His Excellency's arrival at and departure from the capitals. The usual gun salutes were accorded on those occasions, as well as on the King's Birthday and on Union Day. A salute of 15 guns was also fired at the funeral of the late Vice-Admiral Sir Maurice Fitz-Maurice, K.C.V.O., C.B., C.M.G., R.N., the late Commander-in-Chief, Africa Station, at whose obsequies the Union Forces were represented. Guards of Honour and an escort of a flight of aeroplanes were also furnished, and a salute of guns fired, on the occasion of the return to the Union of the Honourable the Prime Minister from the Imperial Conference in December, 1926.

(ii) The usual yearly ceremonial was carried out on Delville Wood Day and Armistice Day, throughout the Union, at which all available troops attended, and in addition a special memorial parade was held on the 10th October, to synchronize with the parade held at the unveiling, by the Prime Minister, of the National Memorial at Delville Wood, France, on that date. A contingent of South African troops was also sent to Delville Wood to represent the Union Forces at the unveiling.

9. *War Records.*—(i) *Archives and General Records.*—The work in the Archives Branch continues to be very heavy.

(ii) *Plaques and Scrolls.*—There is still a number of plaques and scrolls in hand, it being most difficult to trace the next-of-kin entitled to them.

(iii) *Soldiers' Graves.*—During the year the services of the police were resorted to in tracing the whereabouts of the next-of-kin of deceased soldiers in connection with memorials to the fallen, cemetery registers, and headstone inscriptions, etc., and their efforts have been highly successful. As the various cemeteries are completed and exhumations and re-interments effected, the Imperial War Graves Commission calls upon this Branch to notify the relatives of deceased soldiers of their last resting place and to request them to select inscriptions or texts for headstones. The collection and transmission of money from relatives and the forwarding to them of official receipts also devolves on this Branch.

(iv) *Medals.*—During the period covered by this report, the following medals have been dealt with:—

Description.	Engraved and Disposed of.
1914-15 Star	485
British War Medal	1,551
Victory Medal	1,399
Decoratie voor Trouwe Dienst	21
Anglo-Boere Oorlog Medal	144
Mercantile Marine Medal	4
Long Service and Good Conduct Medal	2
Colonial Auxiliary Forces Long Service Medal	30
S.A. Police Medal	114
Prison Service Medal	43
TOTAL	3,795

(v) *Audit of Medals.*—During the year the usual audit was made by the Controller and Auditor General's Department and the following table shows the position as at 30th June, 1927 :—

Medals.	Original Stock.	Waste and Disposed of.	Balance on Hand.
1914-15 Star.....	61,999	39,809	22,190
British War Medal.....	100,000	64,163	35,837
Victory Medal.....	75,000	58,285	16,715
Mercantile Marine Medal.....	220	174	46
Anglo-Boere Oorlog Medal....	9,972	8,046	1,926
TOTAL.....	247,191	170,477	76,714

IV.—QUARTERMASTER-GENERAL.

Quartermaster-General: COLONEL C. BRINK, D.T.D., D.S.O.

1. *General.*—The period under review has been an exceptionally quiet one and there is little of moment to report under this head.

Fifteen details were attested during the year to fill vacancies on the S.A. Ordnance Corps and S.A. Service Corps establishments. The class of recruit obtained was of a high order, both mentally and physically, and there has been no dearth of applications. Three apprentices were engaged to fill vacancies in the Central Armoury, Pretoria, and there are about thirty names on the waiting list. Parents are keen in obtaining appointments for their boys as apprentices, as the prospects of pay and promotion are favourable. Two officers were retired; one having reached the age of retirement and the second as medically unfit.

In consequence of re-organization, the post of one captain at Headquarters has been converted into that of a lieutenant, and of one Warrant Officer (Class II) to that of Staff Sergeant. One Staff Sergeant from the Royal Army Ordnance Corps was seconded to the Union Defence Forces for duty as Armament Artificer in connexion with the Cape Peninsula Defences.

2. *Ordnance.*—The activities of the Ordnance Branch presented no abnormal features during the year.

(i) *Stores Transactions.*—The aggregate value of stores received and issued was £712,344, the receipts amounting to £346,181, and the issues to £366,163. These figures do not include the transactions in the stores on Vote Charge (barrack stores, signalling and wireless equipment, artillery stores), nor do they include gift stores received from the Imperial Government. Of the issues the sum of £19,941 represents issues made on payment to other Government Departments and Provincial Administrations.

(ii) *Local Purchases.*—In accordance with the Government's general policy tenders are now being called for locally and overseas for requirements of such non-technical stores as can be supplied in the Union. It has been the policy of the department for some years past to have military clothing made up in the country from imported materials, and there is no doubt that there has been a gradual but steady improvement in the quality of locally manufactured boots for military purposes.

(iii) *Staff.*—One Ordnance Officer (captain) was retired on reaching the age limit prescribed by regulation, and was replaced by a captain from the S.A. Administrative Pay and Clerical Corps.

3. *Central Armoury.*—During the year the work dealt with included: examining and cleaning rifles, 29,636; fitting new barrels, 3,939; packing and fitting fore-ends, 4,228; converting rifles to carbines, 683; converting short rifles to H.V., 599; browning (all arms), 2,564; arms tested for accuracy on 100 ft. range, 3,139; machine guns overhauled and repaired, 177.

In addition to the usual duties, inspections were carried out at the Cape Town, Johannesburg, Tempe, Maritzburg and Durban Armouries, South African Police, Zwartkop Aerodrome and Aircraft Depot, and Peninsula Garrison machine guns. Armourers were in attendance at camps at Hammarisdale, Wynberg, Potchefstroom, Grahamstown and Ladysmith, also at the various bisleys held during the year.

Various services were carried out for other departments, including repairs to arms on charge to the South African Police (3,595) and Prisons (114).

The departmental policy to adopt Mark VII ammunition only has of necessity temporarily increased the work of this section, in that all rifles have to be specially bedded and packed. Undoubtedly this is a departure in the right direction, as indicated by the higher standard of shooting attained.

4. *Inspecting Ordnance Officers' Branch.*—(i) *Inspection of Explosives.*—The normal inspection duties have been carried out. In connexion with the decision to cease the issue of cartridges S.A. Ball 303 Mark VI, experience has shown that—

- (a) the short rifle after careful adjustment by an armourer will give results with Mark VII ammunition equal to the best given by the long rifle and Mark VI;
- (b) the long rifle, after similar adjustment, shoots Mark VII ammunition with the same accuracy as Mark VI;
- (c) on account of the higher velocity of the Mark VII ammunition and consequent less effect of changes of wind, the standard of target shooting has improved materially.

(ii) *Artillery Depot and Workshops.*—The usual inspections of armaments and technical equipments appertaining thereto were carried out. In addition to the maintenance, repair and preservation services of armaments in commission and in mobilization reserve, a considerable quantity of artillery and ordnance stores were manufactured. Apart from the financial saving effected, good training is thereby provided for artisans.

All armament and artillery instruments of the Permanent Batteries passed through the workshops for inspection, overhaul, and modification, with a view to maintaining the armament at standard army pattern. Citizen Battery equipments also received due attention on these lines. One hundred and fourteen gun wheels were manufactured from South African timber, representing a value of over £1,724 at overseas rates. With the assistance of the Department of Forests the difficulties in obtaining thoroughly seasoned suitable South African timber have been largely overcome.

The prescribed overhauls and tests to machinery comprising the coast defence armament were carried out with satisfactory results.

Gun practices carried out during the year, including coast defence, revealed that all armament services had been satisfactorily executed.

Several new and useful improvements to machinery have been devised to speed up and reduce the cost of rebuilding gun wheels for reserve guns.

5. *Supply, Transport and Veterinary Services.*—(i) *Supplies.*—Permanent depots were maintained throughout the year at Roberts' Heights, Wynberg and Simonstown. The activities of the depot at Roberts' Heights are restricted to the provision and distribution of fuel and light; supplies for the Military Hospital and forage for the Permanent Batteries are now provided under contracts which are operated upon by the units concerned. The depot at Wynberg provides and distributes the requirements, foodstuffs, fuel and light for the Military Hospital at Wynberg, and fuel and light and forage to units stationed at Wynberg and Cape Town. Simonstown depot provides and distributes the requirements of the Permanent Force at that station and of the S.A. Naval Service. Supply depots were formed at the Active Citizen Force training camps held at Hammarsdale, Wynberg, Potchefstroom, Grahams-town and Ladysmith.

For the first time since the Great War, South African Service Corps units of the Active Citizen Force were called out for training, and were successfully employed under the direction of an officer of the South African Service Corps (Permanent Force), at Active Citizen Force Training camps. The majority of the personnel of the Service Corps units had had no previous experience in supply work, but it was highly gratifying to see the keenness displayed by all ranks. As the provision of food for the troops, animal rationing, etc., is a task of vital importance in any military undertaking, it is essential that these Service Corps units should be progressively trained in Supply Services in the field.

(ii) *Mechanical Transport.*—Five vehicles were purchased during the year at a nett cost of £1,161. 10s. and five disposed of by public auction realised £134. 10s. The average running cost per mile was, solid tyred vehicles, 24.47d., pneumatic tyred vehicles 15.81d., as against 29.82d. and 15.24d. respectively, in the previous year. Mechanical transport was supplied to Active Citizen Force training camps.

(iii) *Transport and Remounts.*—Transport depots were maintained at Roberts' Heights, in the Cape Peninsula (Cape Town, Wynberg and Simonstown) and at a small establishment at Tempe for use of the Ordnance Depot there. Fifty-two horses were purchased during the year at a total cost of

£1,251. Forty-one horses and 20 mules sold by public auction realized £522. 9s. 6d.; in addition to this 7 horses were sold to the Bacteriological Laboratory. Riding horses and pack mules were supplied to the Active Citizen Force training camps, a transport depot being established at the Potchefstroom camp.

(iv) *Veterinary*.—Nine horses and 3 mules died or were destroyed during the year, and 48 horses and 20 mules were cast. A Field Veterinary Hospital was established at the Ladysmith training camp.

6. *Stores Inspection*.—The usual audits and inspections of stores and accounts of the Permanent Force and Citizen Force units were carried out during the year. The accounting work is from time to time directed by the inspection staff and has reached a satisfactory standard of efficiency.

7. *Lands and Buildings*.—The new Defence Headquarters buildings in Potgieter Street, are completed and are now occupied by the whole of the Headquarters Staff other than the Air Directorate. A camp for one section of the South African Field Artillery has been established at Tempe, O.F.S., and will be occupied from the 1st July, 1927. A new Ordnance Depot at Cape Town is under construction, as is also the Artillery Camp at Bethlehem, O.F.S., and additions are being made to the Tamboers Kloof Magazine at Cape Town. Headquarters for No. 3 Military District are in course of construction at Lords Ground, Durban, and the building in West Street, Durban, which was previously utilized, is being vacated. The Headquarters of No. 6 Military District have been removed from Lennox House, Bloemfontein (P.W.D. property) to Headquarter House, Bloemfontein (Defence Endowment property).

The scheme of replacing wood and iron residential quarters for members of the Permanent Force by brick buildings is being proceeded with, and eight Warrant Officers' Quarters at Artillery Barracks, Pretoria, and seven non-commissioned officers' quarters at Roberts' Heights have been built. Six wood and iron barrack huts in the Air Force lines, and three in Artillery lines at Roberts' Heights have been reconstructed and replaced by brick buildings. Renovations and additions have been made to various messes and cookhouses. Additions have been made to the Military College and Headquarter House, Roberts' Heights, and a new non-commissioned officers' mess has been built at the Military College. Plans are under preparation for the construction of further buildings.

8. *Rifle Ranges*.—New classification ranges have been constructed at Queenstown and Pietersburg, and additions have been made to the Woltemade range at Cape Town. Twenty-five new miniature ranges have been constructed during the period under review.

V.—AIR SERVICES SECTION.

Director of Air Services: COL. SIR H. E. VAN RYNEVELD,
K.B.E., D.S.O., M.C.

1. *Financial*.—The total amount provided for the S.A. Air Force in the estimates for 1927-28 was £122,018, an increase on the figures for the preceding financial year of £8,610, which amount was required for purchasing materials and equipment urgently required for the efficiency of the Force.

2. *Aircraft*.—The scheme (mentioned in paragraph 3 of previous year's report) of reconditioning and employing for training purposes the S.E. 5 aircraft was carried out during the year under review, and proved as successful as was anticipated. A decided saving in the service type of aircraft has resulted, as it has been found that, with occasional necessary modifications to render the S.E. 5 suitable for the purpose, a great deal of the annual training programme can be carried out on this type of machine.

3. *Cadets*.—In accordance with the adopted policy, applications were again invited to fill ten vacant air force cadetships, and this year civil servants of not more than one year's service were eligible for those vacancies.

Arrangements were made with the Public Service Commission that any civil servant who qualified as a pilot after the completion of the course and was granted a commissioned appointment would be seconded to the S.A. Air Force for a period of three years. Those who could not be so appointed would be re-absorbed in the division of the Civil Service in which they formerly served without loss to themselves of service or benefit. Those appointed to short service commissions would, on completion of their period of service in the Air Force, automatically become members of the S.A. Air Force Special Reserve. The scheme is considered sound and is one which should prove very

beneficial to the Air Force as a means of building up a strong reserve. From the Civil Servant's viewpoint, also, it has much to commend itself, as it provides him gratis with training as a pilot for three years, with every possibility of extension, increases his pay by 200 per cent., and allows of his re-absorption into the service at the end of his period of training with the status he would have enjoyed in the normal course of his service. The response to a circular to Government Departments inviting candidates from the Civil Service, however, proved very disappointing as only eleven eligible candidates' papers were received from the whole of the Service.

In order to obtain the best material, it was necessary to secure other applications from the general public, as in 1925-26. As a result of advertisements, enquiries were received from 251 individuals to whom application forms were sent. 150 Application forms were eventually returned, of which only 73 showed the necessary qualifications. Of these, 8 were rejected as unfit at the preliminary medical examination, 15 withdrew, 2 proved to be under age, and 2 others were discarded. The remaining 57 (46 general public, 11 Civil Servants) were called upon for interview by a Selection Board. Of the 57 candidates, 15 absented themselves, 13 were found medically unfit, and 16 were rejected by the Board, leaving 13, out of which number 10 were finally selected for training. At a later date, it transpired that one selected Civil Servant did not fulfil the condition in regard to length of service and his transfer was not approved by the Public Service Commission. Thus out of a total of 262 applicants for cadetships, 9 were finally called upon to report for training; of this number only three were Civil Servants.

4. *Strength*.—The strength of the Force as at 30th June, 1927, was as follows:—30 officers; 9 cadets; 244 other ranks; 109 natives; total 392.

Casualties during the year due to all causes were 38, made up as follows:—Time expired, 5; discharge by purchase, 26; dismissals, 2; other causes, 5; total 38.

Six short service officers retired during the year, having completed three years' service as lieutenants. Of these, three were ineligible for re-engagement on account of having reached the age limit laid down for that rank; the remaining three decided for private reasons not to re-engage.

5. *Training*.—(a) *Annual*.—The specialized monthly training for flying personnel was carried out throughout the year with very beneficial results. The Force was equipped with parachutes during the year and flying personnel are being trained in their use, a number of live jumps having already been made.

(b) *Technical Personnel*.—As in previous years, the training of all ranks was carried out continuously, many improvements being effected in the formation of classes and lectures in specialized subjects and the institution of technical promotion examinations. During the year six senior air non-commissioned officers underwent courses of instruction in technical subjects with the Royal Air Force whilst on leave in England.

(c) *Apprentices*.—The general standard of improvement shows that the training is proceeding on right lines.

(d) *Cadets*.—The ten cadets accepted for training in January, 1926, all proved suitable and graduated as pilots towards the end of the year, when they were commissioned as 2nd lieutenants on the short service scheme, and have since shown very satisfactory progress. Nine cadets were accepted for training as flying officers during 1927-28 and commenced instruction at the beginning of May.

(e) *Reserve*.—The position as at 30th June was as follows:—

General Reserve	...	...	...	54 officers.
Special Reserve	...	...	...	23 officers.

The training of Special Reserve officers continued on the lines laid down; most of the officers were able to attend for their annual three weeks' refresher course at Roberts' Heights.

6. *Co-operation*.—(a) A great deal of co-operation was carried out during the year, no less than thirty wapenskouings being attended in different parts of the country.

(b) In addition, the S.A. Air Force co-operated with Defence Units at the Wynberg, Potchefstroom, Grahamstown, and Ladysmith Training Camps, and with the S.A. Field Artillery in live shell practice at Potchefstroom. Many improvements in co-operation have been effected by both ground troops and airmen. The personal liason factor employed at most of the camps this year proved of the greatest value, and all possible steps are being taken to render this important training function of the Air Force as efficient as possible.

(c) Two aeroplanes co-operated with the Navy at Simonstown in August, 1926, during manoeuvres, and as a result of the lessons learned during this co-operation much valuable experience was gained.

7. *The S.A. Air Force Flight to Kisumu and Visit of the R.A.F. Flight from Cairo.*—(a) Arising out of discussions at the Imperial Conference, it was decided to send S.A. Air Force machines to carry out periodical flights on the Cape-Cairo air route, the underlying policy being to assist the Royal Air Force, and by the constant use of the route, to keep it open, organized, and efficient, and thus ensure the air mobility of both the British and S.A. Air Forces.

(b) The S.A. Air Force Flight left *Pretoria* on 29th March and arrived at *Kisumu* on 5th April, 1927, where contact was made with the Royal Air Force Flight which had left *Cairo* on 31st March, 1927.

(c) The combined Flights then proceeded to *Nairobi* on 6th April, 1927, where, according to plan, they co-operated with the K.A.R.'s.

(d) Leaving *Nairobi* on 10th April, they arrived at *Pretoria* on 16th April.

(e) On 19th April, the Royal Air Force Flight proceeded to *Capetown* and from there to *Grahamstown* on the 25th April, where it was again joined on that date by the S.A. Air Force Flight.

(f) Combined co-operation with the Active Citizen Force Units of the Union Defence Forces took place at *Grahamstown* and the Flights left again on 27th April, via *East London* and *Durban* for *Pretoria*, where they arrived on 2nd May.

(g) The Royal Air Force Flight left *Pretoria* on 9th May for *Cairo* where, according to schedule, it arrived on 22nd May, 1927. The whole flight from *Cairo* to *Capetown* and return was carried out without incident.

(h) The Flight by the S.A. Air Force machines to *Kisumu*, *Nairobi* and back was treated strictly as a service exercise and carried out with military precision and routine. Throughout the flight, and again from *Pretoria* to *Grahamstown*, *Durban* and return, the machines behaved in every way as expected and the programme was rigidly adhered to. As the flight constituted the longest and most comprehensive as yet undertaken by the S.A. Air Force, the result was extremely gratifying and reflects the greatest credit upon all concerned.

The close contact established with the Royal Air Force at *Cairo* has proved of inestimable value, both from the service point of view and for the actual experience gained in long distance cross-country flying under extremely varying climatic and topographical conditions.

8. *General.*—(a) *Long-distance Flights.*—In all, six long-distance flights were carried out by the S.A. Air Force during the year (i.e., flights which ordinarily would be divided into two or more stages, but which were carried out in one stage).

Date.		Time Taken.		Air Mileage.
		Hours.	Minutes.	
2.4.27	<i>Pretoria-Capetown</i>	9	—	850
7.4.27	<i>Capetown-Pretoria</i>	10	5	850
11.5.27	<i>Pretoria-Broken Hill</i>	8	20	782
18.5.27	<i>N'dola-Pretoria</i>	9	15	882
5.6.27	<i>Pretoria-Capetown</i>	8	—	850
8.6.27	<i>Capetown-Pretoria</i>	7	55	850

(b) *Air Display—Johannesburg.*—On 4th June, 1927, an air display was given by the S.A. Air Force at *Baragwanath Aerodrome, Johannesburg*, the purpose being twofold:—

- (i) To promote interest in and raise funds for the *Johannesburg Light Aeroplane Club*, which was formed during the course of the year; and
- (ii) to endeavour to demonstrate the use and value of aircraft in times of war and familiarize a large section of the public with the advantages and safety of present day machines.

(c) *Discipline.*—The general conduct of the Force continues to be highly satisfactory. A few cases occurred of contraventions of the *Union Military Discipline Code* and these were suitably dealt with. The total number of punishments entailing regimental entries during the year under review was 12, and the number of convictions for drunkenness was 4, as compared with 11 and 5 respectively for the previous year.

9. *Flying*.—The following is a comparative statement for the years 1925-26 and 1926-27:—

	1925-26.	1926-27.
Hours flown.....	3,488 hours, 42 minutes	3,649 hours, 33 minutes
Petrol consumed.....	38,966 gallons	42,328 gallons
Oil consumed.....	3,197 gallons	3,792 gallons
Cost per hour.....	£1. 7s. 5-63d.	£1. 8s. 1-61d.
Cost per mile.....	4-12d.	4-21d.

(Cost per mile estimated at average 80 miles per hour.)

10. *Photography*.—In collaboration with the Survey Department photographs were taken of a portion of the Transkei Native Territories with a view to ascertaining whether air survey could be utilized for delineating native allotments. Though the main object was not attained, valuable experience was obtained.

11. *Equipment*.—(a) *Parachutes*.—Thirty service and three training parachutes have been received and the necessary modifications have been carried out to aeroplane seats for their use.

(b) *Aero Engines*.—Two Jaguar 375 h.p., two Lynx 180 h.p., and two Nimbus 300 h.p. engines have been received and fitted to D.H.9 and Avro aeroplanes; the Jaguars have proved most satisfactory and economical in use, but the first Nimbus fitted failed after 5 hours flying and it has been necessary to overhaul both of them before taking them into regular service.

(c) *Aeroplanes*.—No new types have been obtained, but during the year two D.H.9's and two D.H.4's have been modified to carry double the normal amount of fuel. One of these with a Puma engine in an endurance test flew for 13½ hours without landing and made non-stop flights between Pretoria and Capetown. The two D.H.4's were converted to D.H.9 J. with Jaguar engine. One of these in an altitude test reached a height of 24,600 ft. above sea-level, and non-stop flights have been made between Pretoria and Capetown and between N'dola, N. Rhodesia, and Pretoria, approximately 900 miles.

12. *Mechanical Transport*.—Practically all M.T. vehicles were manufactured during the War and have had very heavy service. The following vehicles, etc., have passed through the Aircraft Depot M.T. Workshops:—

	Complete Overhauls.	Repairs.
Crosley Touring Cars.....	2	7
Crosley Tenders.....	5	10
Ford Cars.....	3	11
Ford Vans.....	4	8
Airoo Starters.....	3	4
Leyland Lorries.....	14	16
Lighting Sets.....	1	8
Motor Cycles.....	13	16
Motors of Workshops Trailers.....	8	—
Fire Engine.....	—	1
TOTAL.....	53	81

13. *Stores*.—The provision, distribution, and accounting for stores has reached a high state of development and has been very favourably reported on by the Inspection Branch. At the Aircraft Depot there were 7,300 receipts, and 48,000 issues; 9,228 provision stores were reviewed, resulting in the placing of 9 indents overseas and 720 local orders. The system of accounting for stores at the Zwartkop Air Station has been improved and simplified.

14. *Medical*.—(a) *Routine Examinations of Pilots*.—The special medical examinations of pilots on the Permanent Establishment have been continued through the year with the help of Medical Officers on the staff of the Military Hospital. 33 Pilots were thus examined, of whom 32 were found fit for full flying duties. 1 Unfit—defective hearing.

18 Officers of the Special Reserve, S.A. Air Force, were examined, of whom 16 were found fit for full flying duties, 1 fit for limited flying duties and 1 unfit for flying.

(b) *Re-engagements*.—56 Examinations for re-engagement were carried out; 54 candidates were passed as fit, and 2 were unfit.

(c) *Recruits*.—71 Recruits were examined of whom 47 passed as fit and 24 were unfit.

(d) *Cadets*.—38 Cadets for the S.A. Air Force were examined of whom 22 passed as fit and 16 were unfit.

(e) *Medical Examination of Natives*.—This was carried out every month. Only one native was found to be suffering from venereal disease.

(f) *Inoculations*.—A total of 82 recruits and others were inoculated against enteric fever.

(g) *Air Accidents*.—There were several minor crashes in which the occupants escaped with either no injuries or very minor ones. On 24th June, a pilot with civilian passenger crashed. The pilot received minor injuries, but the civilian suffered more severely. The pilot resumed flying after a few days in hospital and seven days' sick leave. One pilot crashed during night flying, receiving only minor injuries to face.

VI.—MEDICAL SERVICES SECTION.

Director of Medical Services: COLONEL SIR E. N. THORNTON, K.B.E.

1. *Permanent Force Medical Section—Organization*.—No change was made in the organization of the medical services section during the year.

2. *Medical Stores*.—The Central Medical and Veterinary Stores purchases and supplies, drugs, dressings, and surgical and veterinary appliances to all Government departments and institutions other than certain institutions under the control of the Provincial Administrations. The work of the store has been satisfactorily conducted during the year.

3. *Sanitation Section*.—There were no changes made in the organization of this section.

4. *Training of Medical Personnel*.—Satisfactory progress was made during the year in the training of the subordinate personnel.

5. *Military Hospitals*.—The following table shows the number of patients under treatment in military hospitals at the beginning and the end of the period covered by this report:—

	1st July, 1926.				1st July, 1927.			
	U.D.F.	S.A.P., Prisons, etc.	Ex- Soldiers.	Total.	U.D.F.	S.A.P., Prisons, etc.	Ex- Soldiers.	Total.
Military Hospitals.....	33	31	84	148	27	38	43	108

On the 1st July, 1927, there were in addition four soldiers being treated in various civil hospitals.

The total admissions of members of the Government Forces and ex-soldiers to the military hospitals was 1,703, as compared with 2,100 in the previous year; discharges 1,743, as compared with 2,133, and deaths in hospitals 18, as compared with 27. The daily average cost per patient was approximately 11s. 10d., inclusive of the cost of medical attendance. During the year there was a rapid fall in the number of patients treated owing mainly to the cessation of the operation of the Special War Pensions Board.

It thus became necessary to reduce the establishment of the hospitals, and 2 medical officers, 13 nursing sisters and staff nurses, 1 staff sergeant, 1 corporal and 5 privates, 1 civilian 2nd grade clerk and 1 woman clerk, as well as a number of natives were released. It is never possible to release staff from a hospital until it is clear that the reduction in patients is not merely temporary, and due notice has to be given to employees. As a result the daily cost of the military hospitals during the year has risen considerably, but it is confidently anticipated that there will be a substantial reduction during the forthcoming year now that the average number of patients has again become stabilized.

Of the military personnel retrenched all except one staff sergeant were temporary employees engaged on an Active Citizen Force basis. Some, however, had had fairly long service.

The following table shows the average daily number of patients treated in military hospitals and diseases from which they suffered:—

Disease.	Year ended 30th June, 1926.				Year ended 30th June, 1927.			
	U.D.F.	S & P., Prisons, etc.	Ex- Soldiers.	Total.	U.D.F.	S.A.P., Prisons, etc.	Ex- Soldiers.	Total.
Malaria.....	0.1	0.8	27.8	28.7	—	0.9	17.5	18.4
Venereal Disease.....	10.2	2.6	—	12.8	6.6	2.7	—	9.3
Influenza.....	3.7	0.6	—	4.3	1.8	0.4	—	2.2
Wounds.....	0.8	0.9	13.4	15.1	1.0	0.6	7.5	9.1
Other Injuries.....	10.9	7.2	2.7	20.8	7.7	5.3	0.8	13.8
Dysentery.....	0.1	—	2.8	2.9	—	—	3.1	3.1
Enteric.....	—	0.2	0.2	0.4	0.2	0.4	—	0.6
Tuberculosis.....	—	0.3	12.0	12.3	—	0.2	5.1	5.3
Cardiac.....	0.1	0.2	4.0	4.3	0.2	0.3	2.9	3.4
Other Causes.....	19.6	24.2	24.2	68.0	13.5	25.2	23.6	62.3
TOTAL DAILY AVERAGE	45.5	37.0	87.1	169.6	31.0	36.0	60.5	127.5

It will be noted that the daily average number of patients treated during the year ended 30th June, 1927, was 127.5 as compared with 169.6 for the year ended 30th June, 1926.

6. *Active Citizen Force Medical Units.*—The medical units accepted for training during 1926-27 were the 1st Field Ambulance at Johannesburg; the 2nd Field Ambulance at Durban; No. 1 Company, S.A. Medical Corps at Capetown; No. 2 Company, S.A. Medical Corps in Johannesburg; and No. 1 Mounted Brigade Field Ambulance at Kingwilliamstown. The officers commanding these units carried out most satisfactory training during the year and all the above units went into camp for continuous training.

7. *South African Military Nursing Service.*—The organization of the service remained as stated in the last annual report. The South African Military Nursing Service consists of a matron-in-chief, who is on the permanent staff, and a reserve consisting on the 30th June, 1927, of the following personnel: 3 matrons, 2 assistant matrons, 66 sisters, 131 staff nurses, 4 probationer nurses, and 6 masseuses. In addition, those members of the St. John Voluntary Aid Corps, and South African Red Cross Voluntary Aid Corps, who have registered with their respective organizations as being willing to be called up for general service in any emergency, form the reserve of probationers for diluting the trained nursing staff. The number of nurses actually serving as at the 30th June, 1927, consisted of: 1 matron-in-chief, 1 matron, 4 sisters, 7 staff nurses, 1 probationer, and 2 masseuses.

8. *St. John Voluntary Aid Corps and South African Voluntary Aid Corps.*—The organization of these units remained as described in previous reports.

9. *Examination of Recruits.*—The following table shows the results of the medical examination of recruits for the Permanent Force:—

NUMBER OF RECRUITS FOR THE PERMANENT FORCE EXAMINED.

Found Fit.	Found Unfit.	Total.	Percentage Unfit.
264	136	400	34

The percentage of recruits found unfit for the Permanent Force is smaller than in recent years. This does not, however, indicate any general improvement in the health of the population, but rather a better appreciation of the fact that it is useless for anyone to apply to join the Permanent Force unless up to the standard and free from physical defects.

The causes of rejection of those found unfit for the Permanent Force are shown below:—

Cause of Rejection.		Number.
1.	Diseases of the Nervous System.....	1
2.	" " Respiratory System.....	1
3.	" " Digestive System.....	4
4.	" " Urinary System.....	11
5.	" " Generative System.....	9
6.	" " Organs of Locomotion.....	11
7.	Defective Eyesight.....	14
8.	Diseases of the Ear.....	—
9.	Cardiac Abnormalities.....	14
10.	Poor Development.....	16
11.	Undersized.....	10
12.	Dentally Defective.....	37
13.	All Other Causes.....	8
TOTAL.....		136

The following table gives the results of the medical examination of recruits for the Active Citizen Force for the year ending 30th June, 1927, in the military districts named:—

Number and Headquarters of Military District.	Number of Recruits examined.				Percentage Found		
	Fit.	Perm. Unfit.	Temp. Unfit.	Total.	Fit.	Perm. Unfit.	Temp. Unfit.
1. Cape Town...	392	348	4	744	52.69	46.77	0.54
2. East London..	332	129	23	484	68.80	26.65	4.75
3. Durban.....	380	45	10	435	87.36	10.34	2.30
4. Johannesburg.	500	139	5	644	77.64	21.58	0.78
5. Pretoria.....	459	51	39	549	83.60	9.29	7.11
6. Bloemfontein.	337	62	3	402	83.83	15.42	0.75
TOTAL....	2,400	774	84	3,258	73.66	23.76	2.58

From the above table it will be noted that out of 3,258 men examined, 774 (or 23.76 per cent.) were found to be permanently unfit for service in the Active Citizen Force—a percentage slightly lower than that of last year. The proportion of men found to be permanently unfit was highest in the Cape Peninsula, the percentage being 46.77, and lowest in Pretoria, the percentage being 9.29.

Although a uniform standard of examination has been prescribed, it is differently interpreted, at any rate as far as dental cases are concerned, by medical examiners at the different centres and in practice is not completely uniform. There is a natural tendency to raise the standard at centres where there is a considerable pool of recruits to be drawn upon, and from the standpoint of the department this is to be encouraged, for the reason that as only a small proportion of those liable to be called up for training are actually called up for the small Active Citizen Force army now maintained, it is very desirable that they should all be as fit as possible. In this connection there is some reason to believe that the Capetown units contain less men likely to break down under the strain of a long campaign than some of the units elsewhere where medical examiners may have been more lenient.

The following table shows the causes for rejection in each Military District:—

Cause of Rejection.	Permanently Unfit.							Temporarily Unfit.						Total.	
	Military District Number.						Total.	Military District Number.							
	1.	2.	3.	4.	5.	6.		1.	2.	3.	4.	5.	6.		
1. Diseases of the Nervous System (a)....	6	—	1	3	—	—	10	—	1	—	—	—	—	—	1
2. Diseases of the Respiratory System (b).	4	5	2	10	—	—	21	—	1	2	—	—	—	—	3
3. Diseases of the Digestive System (c).....	7	4	1	8	1	7	28	—	1	1	—	4	—	—	6
4. Diseases of the Urinary System (d).....	—	1	—	5	—	—	6	2	1	1	—	2	—	—	6
5. Diseases of the Generative System (e).....	33	8	2	3	8	16	70	—	1	—	—	10	—	—	11
6. Diseases of the Organs of Locomotion (f).....	73	17	5	18	10	23	146	—	—	1	—	8	—	—	9
7. Defective Eyesight..	63	33	8	41	12	6	163	—	2	1	—	1	—	—	4
8. Diseases of the Ear.	5	4	1	4	3	—	17	—	—	—	—	1	—	—	1
9. Cardiac Abnormalities.....	55	24	12	34	6	3	134	1	6	—	—	—	—	2	9
10. Poor Development..	12	18	10	—	9	2	51	—	4	1	2	2	—	—	9
11. Undersized.....	8	—	3	6	—	2	19	—	—	—	—	—	—	—	—
12. Dentally Defective..	80	8	—	2	—	2	92	—	6	—	1	3	—	—	10
13. All other causes....	2	7	—	5	2	1	17	1	—	3	2	8	1	—	15
Totals (by Districts)..	348	129	45	139	51	62	774	4	23	10	5	39	3	—	84

1. (a) Paralysis (focal), epilepsy, mentally defective, etc.
2. (b) Asthma, Phthisis, weak chest, etc.
3. (c) Appendicitis (old), hernia, etc.
4. (d) Bilharzia, etc.
5. (e) Varicocele and hydrocele.
6. (f) Diseases of bones, Synovitis (chronic), stiff joints, loss of limb, defects of upper and lower extremities from fracture, contraction, etc., including flat foot.

The ratios per 1,000 of those examined for the most frequent causes of rejection as permanently unfit on medical grounds were:—

Defective vision	50
Diseases of organs of locomotion	44.47
Cardiac abnormalities	40.8
Dentally defective	28.2
Diseases of the generative system	21.17
Poor development and undersize	21.17

The rejections were mainly for minor ailments. It is not perhaps understood by the public that a few recruits are annually rejected who ordinarily would pass muster for life insurance or the football field, for the reason that defects such as bad teeth, slight deafness, or defective vision must count a great deal in the case of recruits, but may not matter so much from an insurance or football point of view. It will be noted that of the 348 rejections in Capetown, 80 were rejected on account of defective teeth, as compared with 12 for this cause out of 426 rejections for all other districts. Medical examiners in the latter districts might properly have rejected a greater number during the year than they actually did on account of dental defects, as some of the men under training have teeth that would quickly be a source of trouble under active service conditions. The number examined in each district is too small for reliable deductions to be made in regard to the health of the population of each district, but in the aggregate for the Union the figures are unsatisfactory.

The standard of examination is a very low one, and recruits are not rejected unless it is clear that they would be useless for or would be unable to stand the strain of a short campaign in the field, and the fact that a total of 23.76 per cent. of those examined were not up to this standard gives at least food for thought.

10. *Health of Troops—Cantonments and Camps.*—The health of the Permanent Force during the year was good. The total number of admissions to hospital was 746, the average number constantly sick in hospital was 36.1 (including .098 natives), and the average stay was 17.67 days. There were two deaths during the year, one member of the S.A.F.A. and one member of the R.N.V.R. att. S.A.N.S., and two unattested natives. Of the Europeans, one died of influenzal pneumonia and one as a result of a fractured skull. Of the two native deaths, one was from tubercular disease and one from influenzal pneumonia. The number of cases treated for venereal disease during the year was 105, with a total of 3,948 patient days, giving an average of 37.6 days per patient. It may be noted that there was a decrease of twenty-two in the number of cases treated for venereal disease, and that the bulk of such cases as usual occurred in the Cape Peninsula.

The health of the Active Citizen Force in the training camps was excellent. There were 123 admissions to hospital and a daily average of 1.97 members of the Active Citizen Force under treatment during the year. The average stay in hospital was 6.44 days.

11. *Artificial Limb Factory.*—The Government Artificial Limb Factory, Johannesburg, is administered by the Director of Medical Services on behalf of the Treasury, and the following table summarizes the work done in the factory during the last four years ended on the 30th June:—

Year Ended	Repairs to Artificial Limbs, Boots, and Appliances.	New Limbs including Peg Legs.	New Surgical Boots.	New Apparatus other than Limbs and Boots.	Total Jobs Completed.
1924.....	761	107	249	126	1,243
1925.....	836	85	308	184	1,413
1926.....	997	181	361	193	1,732
1927.....	1,198	195	422	252	2,067

Up till quite recently there has been a progressive increase in the work of the factory owing to the constant addition of new persons to the list of those entitled to be served by the factory. The list is not likely now to be greatly added to unless further limbless pensioners from overseas settle in South Africa, and although the factory is still working under very great pressure, the staff should not require further augmentation. Indeed with the enlargement of the factory, which has been sanctioned, and the installation of labour saving machinery a small reduction in staff should soon be possible.

The work done at the factory has given general satisfaction to all ex-soldiers. It fulfils in all respects the promise given by successive Ministries, that the ex-soldier crippled in the Great War, or in any of the South African Wars, should be supplied with the best possible surgical appliances that human ingenuity can devise.

The factory is under the direct administrative charge of the Assistant Director of Medical Services, Johannesburg, who has specialized in this class of work.

VII.—FINANCIAL BRANCH.

Financial Under-Secretary: E. H. LEWIS, C.B.E.

1. *Staff.*—The staff employed numbers 41.

2. *Provision and Expenditure.*—The amounts provided by Parliament for the financial year 1926-27 and the expenditure against that provision were as follows:—

	Provided.	Expended.
	£	£
Revenue Vote 19, Defence.....	807,562	888,186
Loan Vote N, Defence.....	187,000	174,696
Defence Endowment Account.....	177,000	121,038
TOTAL.....£	1,261,562	1,183,920

3. *Examination and Payment of Accounts.*—During the twelve months ended 30th June, 1927, 12,186 accounts, exclusive of claims received from the Railways and Harbours Administration and of Pay and Allowances, were examined and paid. This represents an increase of 984 accounts as compared with the previous year.

4. *Revenue Collections.*—An amount of £22,616. 12s. 6d. was accounted for and paid over to General Revenue during the financial year 1926-27, being proceeds of sales of unserviceable stores and cast horses, rentals, stores returned by units, etc.

5. *Military Hospitals.*—Expenditure in connection with military hospitals during the financial year 1926-27 amounted to £31,112. 1s. 5d., being salaries and allowances of staff, medicines, diets and rations, clothing and equipment, washing and mending, etc. This amount was charged out and recovered as follows:—

	£.	s.	d.
From Defence Vote	7,285	0	0
„ Treasury Pensions	15,455	9	1
„ South African Police	7,055	13	7
„ Prisons Department	1,136	4	3
„ Sundry other departments and persons	179	14	6
Total	£31,112	1	5

6. *Sales of Government Property.*—During the financial year 1926-27 a sum of £107,443 was accounted for in respect of sales by auction and out of hand, viz.:—

	£	s.	d.
Ordnance stores, clothing, equipment, etc.	1,041	6	0
Defence endowment property	103,809	4	11
Horses, mules, vehicles, etc.	2,133	9	3
Aircraft materials, stores	459	7	10
Total	£107,443	8	0

7. *Defence Endowment Account—Rentals Collected.*—During the financial year 1926-27 rentals amounting to £3,629. 3s. 7d. were brought to account, as compared with £5,506. 9s. 8d. in 1925-26, £9,784. 10s. 5d. in 1924-25, and £14,579 in 1923-24. The progressive falling off in rentals is due to the gradual disposal by sale of properties not actually required for military purposes.

8. *Pay Work.*—(a) *General.*—There has been no change in the numerical strength of 15 employed in the Pay Branch. During the financial year 1926-27 the system was introduced of paying Adjutants of D.R.A. Commands and of Cadet Detachments, about 600 in all, a small allowance for work done. The personnel paid by the section, including the above, was at the 31st March, 1927, as follows:—

	Military.	Civilian.	Total.
Permanent and Part-time.....	2,122	211	2,333
Non-European.....	259	281	540
TOTAL.....	2,381	492	2,873

(b) *Pay and Allowances.*—The amount disbursed during the financial year 1926-27 was £540,729, including the sum of £12,769 paid out at training camps.

(c) *Pay Stoppages.*—Stoppages amounting to £52,239, which included insurance £15,079, pensions £16,522, clothing issued on repayment £7,850, advances, etc., £12,788, were recovered and adjusted.

(d) *Pay and Allowances—Training Camps.*—During the financial year 1926-27 members of the staff of the Pay Group attended the Active Citizen Force Camps held at Potchefstroom, Ladysmith, Hammarsdale, and Wynberg, and the Coast Garrison Force Camp at Simonstown, and disbursed £12,769 to 5,477 Coast Garrison and Active Citizen Force members and to others employed at the camps.