

SOUTHERN RHODESIA,

REPORT

OF THE

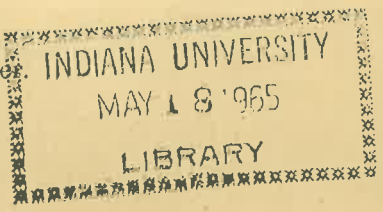
Native Affairs Committee  
of Enquiry.

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1910-11.

Presented to the Legislative Council,  
1911.

Salisbury, Rhodesia :  
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1911.



## Commission.

WHEREAS it was resolved by the Legislative Council of Southern Rhodesia on the 28th May, 1909, that the Government should take into consideration the expediency of instituting enquiry into the condition, requirements and obligations of the native population of the Territory, indigenous and alien, their relation to the industries of the country, and the working of the special legislation affecting them, with a view to deciding what further steps are desirable to promote their advancement and increased usefulness to the State :

AND WHEREAS it appears to me to be desirable that such enquiry should take place, NOW, THEREFORE, I do nominate you, the said Sir John James Graham, Clarkson Henry Tredgold, Raleigh Grey, Philip Bourchier Sherard Wrey, and Staley Nettleship Gower Jackson, to be members of a Committee of Enquiry for the purpose of enquiring into and reporting upon the matters aforementioned.

AND I do hereby desire and request that you, or any two or more of you, do, as soon as the same can conveniently be done, using all diligence, report to me from time to time your proceedings in writing.

AND I do hereby desire and request that, as far as possible, your enquiry may be directed to the following matters and to such other matters as may be deemed necessary by you :—

(1) The social condition of the native population ; (2) Native tenure of land ; (3) Native reserves ; (4) Native marriages, polygamy ; (5) Education of natives, including industrial training ; (6) Physical improvement ; (7) Prohibition of liquor and the manufacture and sale of "Kaffir Beer" ; (8) Special legislation affecting natives, especially as regards the operation of the Pass Law ; (9) Obligations of indigenous native population to the State ; (10) Obligations of alien natives residing in the Territory ; (11) Native taxation, direct and indirect ; (12) Native labour supply.

AND I do hereby desire and request that all employers of native labour, officials of the Public Service, and those interested in the education and general well-being of the native population be assistant to you in the execution of these presents, by giving all such information as it may be in their power to impart ; AND I do further desire and direct that you shall have access to, and examine, all such official books, documents, papers and records as may afford the fullest information on the subject of the enquiry, and that you shall have power to require of and concerning the premises by all other lawful ways and means whatsoever.

W. H. MILTON,  
Administrator,

Administrator's Office,  
Salisbury, 5th July, 1910,

# Report of the Native Affairs Committee.

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# SOUTHERN RHODESIA NATIVE AFFAIRS COMMITTEE.

## R E P O R T .

*To His Honour the Administrator.*

MAY IT PLEASE YOUR HONOUR :

Having been appointed under Commission issued by Your Honour, dated 5th July, 1910, to enquire into and report on the conditions, requirements and obligations of the native population of this Territory, indigenous and alien, their relation to the industries of the country, and the working of special legislation affecting them, together with such other matters as might be deemed necessary by us, we have now the honour to submit the following report:—

1. The Committee met in Salisbury on the 18th July, 1910.
2. The written evidence invited by Your Honour from all sections of the public, in a circular issued by the Secretary, Department of Administrator, dated 26th June, 1909, was laid before the Committee, together with the recommendations thereon of the Conference of Superintendents of Natives, conveyed in their report of the 16th October, 1909.
3. Notices were sent to all public bodies, inviting their evidence, and means were taken to afford all persons desirous of doing so an opportunity of offering their testimony.
4. The Committee held sittings in Salisbury (twice), Bulawayo, Victoria, Gwelo and Umtali, at which places every facility possible was offered to those in outlying parts to appear before the Committee. It is felt that the public generally, voicing all shades of opinion, took advantage of these opportunities to put forward their views.
5. A great number of official witnesses were examined, particularly of the Native Department, while chiefs and headmen, and natives of every centre, including women of all classes, were brought before the Committee and invited to express their feelings on matters affecting their interests.
6. Owing to the volume of evidence taken, it was found necessary to adjourn on the 28th October, 1910, and, owing to various circumstances, it was not possible to re-assemble till the 24th February, 1911.
7. On the 6th March, 1911, the Committee suffered a great loss, as the Attorney General was compelled by ill-health to abandon all work for the time being, and ceased to take any further part in the proceedings of the Committee. His absence at that point from the deliberations deprived the Committee of the advice and co-operation which, owing to his knowledge of the local conditions and their legal bearing, were of infinite value and assistance at the earlier stages of the enquiry.

### **Social Condition of the Native Population.**

8. The native population of Southern Rhodesia is composed of numerous tribes, but, for the purposes of this report, it may be divided into four main sections :
  - (1) The Matabele, consisting of the pure Matabele, who are an off-shoot of the Zulus, and those, chiefly Swazis and Basuto, who joined them either before or just after their arrival in Rhodesia. With these may also be classed the natives who were subsequently recruited by the Matabele for their regiments. They were levies from the existing tribes of the country, and have, to a great extent, adopted Matabele customs and settled amongst them ;
  - (2) The Mashona, a term generally used to embrace the old tribes of the country, such as the Makalanga or Wakaranga, Balozwi or Warozwi, Makorikori, Banyube, Balemba or Amwenye. With these may also be classed the Shangaans, who settled on the eastern borders of the Chibi, Ndanga, and Melsetter districts, and who came from Portuguese territory and Northern Transvaal, and some Basuto tribes from Northern Transvaal, chiefly the Venda or Vezha Basuto ;

- (3) Natives from the Southern Colonies, such as Fingoes, Zulus, Amaxosa, Basuto, etc., who gradually drifted into this country with their employers, and also the Fingoes who migrated to the Bembesi Location under a scheme organised by Mr. Rhodes ;
- (4) Natives from British African territories north of Southern Rhodesia, and also from Portuguese Colonies, who are generally described as aliens, and who are temporarily employed on the various industries of the country.

9. The Matabele and Mashona live mainly on native reserves, private farms, or unalienated British South Africa Company's land. Some are living on mines and in urban locations in the vicinity of their places of employment. In one or two instances they occupy plots which they have purchased. Of the colonial natives, the majority live at the various centres of employment, where they are engaged as wagon drivers, etc.

10. The Fingoes introduced by Mr. Rhodes occupy the Fingo Location at Bembesi ; but they have not all fulfilled the conditions under which they obtained title to their plots. There is also a small reserve for colonial and foreign natives in the Hartley district. Some Fingoes have leased 100-acre plots from a private company in the Selukwe district ; they sell their produce to the mines in the vicinity. A few, principally Basuto, have purchased farms which they are working.

11. Some of the alien natives have married indigenous girls, and settled within tribal areas, under tribal control.

12. The Matabele occupy the central portion of Matabeleland. The Mashona occupy Mashonaland and a large portion of Matabeleland.

13. From the evidence of many of the witnesses, it would appear that the natives have degenerated in some respects, and that contact with civilisation has had a retrograde effect, especially in regard to sexual immorality and in the lack of respect for parental and tribal authority. This may be attributed largely to the weakening of tribal control which has resulted from a civilised system of government and to the discouragement, which is inevitable, of time-honoured ceremonies and customs, which, though appearing in European eyes to be influenced by mere foolish superstitions, have, nevertheless, played an important part in compelling respect for tribal, parental and marital authority. These superstitions represent the religion of those who profess belief in them ; and as regards some of them, at least, it is questionable whether it is wise to suppress them suddenly or until they are replaced by a higher order of faith and worship.

14. The immorality of women, both married and single, in the vicinity of mines and other industrial centres, is a growing danger to the future welfare, both moral and physical, of the native races. It is alleged that husbands allow their women to take beer for sale to natives employed at these centres, that this leads to prostitution, and that the former share the proceeds of money so earned. It may be mentioned that prior to our rule prostitution was practically unknown amongst natives, as the punishment for the offence was so severe. The sale of beer is contrary to all native traditions, and is largely the cause of moral decline.

15. We are told that, even amongst the natives more remote from civilisation sexual immorality is common amongst children of 12 or 14 years of age. Excessive beer drinking is also a pronounced evil. In the old days the younger people were only allowed a limited quantity at assemblies, whereas they now demand and receive as large a share as their elders. This tends to immorality, and is also the cause of serious crimes of violence. At the same time, it is only right to point out the marked absence of serious crime amongst the indigenous natives as compared with aliens. The following table of criminal prosecutions is instructive on the point :—

	1907	1908	1909	1910	Total
Europeans ...	1,370	1,795	1,813	1,731	6,709
Asiatics ...	142	153	146	123	564
Indigenous natives ...	6,074	6,590	5,997	5,672	24,333
Alien natives ...	4,549	5,648	5,942	5,692	21,831

16. The percentage of prosecutions to the estimated population during 1909 was as follows :—

	Estimated population for 1909*	Percentage
Asiatics ...	1,000	14.6
Indigenous natives ...	697,000	.8
Alien natives ...	42,000	14.1

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17. The proportion of convictions to prosecutions is given by the Law Department as 88 per cent.

18. The proportion of crime amongst aliens, as compared with indigenous natives, is remarkable, when the difference in the numbers of the two classes is considered.

19. Syphilis is very prevalent and is largely attributed to the influx of alien labourers, especially from Portuguese territory. The immigration of a large number of male alien labourers, who bring very few women with them, naturally subjects indigenous women to great temptations, and the disease is thus easily spread. Medicines are supplied by the Government free of charge, but the natives are very apathetic as regards the disease, as they do not look upon it as dangerous. It is reported to be less serious in its effects, and that it yields more readily to treatment, in the case of natives than of Europeans.

20. A great deal of tuberculosis does not exist at present, but there appears to be a certain amount amongst natives on the mines. The danger of the spread of this serious malady to the native kraals is a matter which should have careful attention. Under the old regime, consumptives in certain districts were segregated by being sealed up in caves, and fed through small apertures. After death all utensils used by them were burned. The heir of a consumptive frequently refused to marry his widows, and in some tribes a person suffering from that complaint is not allowed to inherit his father's or brother's widows.

21. It is reported that there are 500 recorded cases of leprosy in the Territory, but most of these are amongst natives of the Zambesi Valley.

22. Advance under civilisation is manifested in many ways. All agricultural work was formerly carried out by hand; the hoe is now to a large extent being replaced by the plough. In Matabeleland alone over 2,000 ploughs have been acquired by natives. Oxen are being broken to the yoke and are used for ploughing and transport. A number of natives have purchased wagons, carts, etc.; some are investing in corn crushers; European articles of clothing are fast replacing the skins of animals; enamel plates, cups, etc., are largely used. Some natives are improving their stock by using better bulls and rams. The desire for education is very strongly marked in certain localities; in others the older men strongly oppose the advances made by missionaries. The status of native women has improved, and they are shewn more consideration. This is largely due to the provisions of the Native Marriages Ordinance, under which the "personal consent" of the woman is an indispensable condition attached to the registration of a marriage.

23. It is frequently urged that native males lead an idle life at their kraals. This is not borne out by the evidence which we have received. On the contrary, they appear to do the bulk of the heavy work, and the woman is not the slave which she is so frequently alleged to be.

24. In Matabeleland the signs of progress are infinitely more marked than in Mashonaland. This is probably due to the fact that the Matabele were the dominating race, whereas the Mashona have for generations been subject to oppression. The standard of morality of the latter is reported to be infinitely lower than that of the Matabele. As labourers, the natives, especially the Matabele, shew great aptitude, and soon learn to work any agricultural implement. They become good drill sharpeners, are frequently allowed to run hauling engines, frame setts for timbering shafts, and carry out other work of a more or less skilled nature. Many have learnt rough general carpentry or masonry work.

25. Natives in the more remote reserves do not advance so rapidly as those nearer industrial centres, but the latter are more apt to acquire the vices of civilisation.

#### MARRIAGE.

26. Another sign of progress is the increasing number of natives who contract monogamous marriages under Christian rites. Natives appear to be quite reconciled to the principles contained in the changes in the marriage laws affecting themselves. But, on the other hand, a universal complaint arises from the fact that, as there is no punishment for adultery, the marriage tie is much weakened, and that wives are seduced with impunity. The evil is becoming very wide-spread and even influencing married men in regard to the question of seeking work away from their kraals. The power of the injured husband of obtaining damages is wholly insufficient to prevent the evil. Under native law death or deprivation of a limb or of eyesight were common punishments for the offence.

27. The "Native Marriages Ordinance, 1901," provides for the registration before the Native Commissioner of all marriages under native custom. The free consent of the bride is necessary, as well as the consent of the parent or guardian. All marriages by native custom prior to the promulgation of this Ordinance are recognised as valid. Natives wishing to contract marriages under Christian rites are allowed to do so.

28. It has been represented that parents and guardians at times withhold their consent to marriage unreasonably. The Committee are of opinion that some superior authority should have the power, after enquiry, to adjudicate in such matters, and have recommended accordingly.

29. It has been shewn that natives marrying under Christian rites do not fully realise their responsibilities and obligations in connection with such contracts. The Committee think that a civil official should be charged with the duty of explaining the incidents attaching to them, and that a certificate that this has been done should be required before such a ceremony is performed.

#### LIMITATION OF LOBOLO.

30. According to section 4 of Ordinance No. 2 of 1901, the amount to be paid as lobolo is limited, in the case of the daughter of (a) a chief, to five head of cattle or the equivalent in other property, or cash; and (b) all other natives, to four head of cattle or their equivalent. This restriction was presumably intended by the Legislature to further the object of the enactment giving freedom of choice to girls in connection with marriage; that is to say, to prevent the rich suitor having a better position in the eyes of the parent than the poor man. It was represented, however, that the law is frequently evaded; and, as it is obvious that it is practically impossible to control such transactions, the Committee consider that the limitation should be abrogated.

#### PLEDGING OF CHILDREN.

31. It is the custom among the natives in certain parts of the Territory to promise children of tender years in marriage, in return for valuable consideration. Cases have frequently occurred in which children have been so pledged in order that money may be raised to discharge debts. The Committee recommend that this practice be made criminally punishable as regards both parties to such transactions. It is quite true that when a child so promised reaches marriageable age she may refuse to carry out the contract made on her behalf; but it is not difficult to realise that a girl placed in that position is subject to the risk of very serious ill-treatment if she is unable to secure official or other protection.

#### POLYGAMY.

32. Native marriages (polygamous included) are recognised by law, and, in the circumstances at present existing, the Committee see no reason for interfering with the custom of polygamy. On the contrary, it is evident that if it were immediately prohibited, and the prohibition were effective, the number of unattached females would create a condition of things infinitely worse than that arising from a system which no doubt has in the past served a useful purpose. There is the less necessity to take action in the matter as polygamy is dying out; missionary efforts and influence, the improved and improving status of women, and the great cost of living are circumstances which will operate surely, if gradually, in its suppression.

#### LAWS OF INHERITANCE AND SUCCESSION.

33. Property of a deceased man is usually inherited by the eldest son, but he is in certain respects an executor rather than the heir. He is liable for the debts of the estate; he is the guardian of his brothers and sisters during their minority; and when the former are marriageable he provides the lobolo for them. Property is sometimes bequeathed by will, made verbally. Should all the sons be minors, the deceased's brother usually takes charge of the estate and acts as executor. Disputes regarding the distribution of deceased estates are very rare, and this in itself should commend the system. Amongst the Matabele the widows of deceased are taken to wife by his brothers (very much on the lines of the old Sadducean law), under what is termed the Ukungena system. Under Mashona law the widows often become the wives of their deceased husbands' sons, but a son never takes over his own mother or any blood relation of hers. As a matter of fact, the natives are much more particular than Europeans in regard to consanguinity in marriage.

34. Women do not inherit any portion of a deceased estate, but take a leading part in the distribution or allocation of it. The sister of the deceased is usually entrusted with this duty, and her word is practically final.

35. All the native witnesses and practically all the European witnesses are opposed to the native laws of inheritance being in any way interfered with, but many suggest that those portions which are objectionable from our ideas of morality should be indirectly discouraged. The Committee agree with this view, but otherwise recommend that the existing laws and customs be left as they are. We recognise that the marriage of widows to their husbands' sons is repugnant to our ideas of morality, but as polygamy disappears, so will this custom.

#### TRIBAL CONTROL.

36. The views of the witnesses on the subject of tribal control are somewhat conflicting: on the one side opinion is in favour of its being weakened, while others suggest that it should be strengthened; but all recognise that under present conditions the system is a considerable aid to administration in the investigation of crime, the maintenance of order, and the collection of revenue; and that, in fact, without the assistance at present rendered by chiefs and headmen, it would be necessary considerably to increase the police force of the Territory.

37. The Committee have no hesitation in recommending that the authority of the chiefs and headmen be fully recognised as a necessary element in administration, and that all chiefs should be subsidised, in order to fix definitely their status and responsibilities. The want of such regulations as were promulgated last year was badly felt.

38. But, in order that the system may be worked to the best advantage, steps should be taken to secure that men who are physically and intellectually unfit for authority should be excluded by all reasonable means from holding office. On this point the testimony of one of the official witnesses is most important. In a letter, dated the 20th October, 1910, he says:—"In the south and among the Matabele of course succession to chiefship is governed by primogeniture, the eldest son of the chief wife becoming chief at his father's death automatically. Among the Mashona in this district, and presumably elsewhere, the chief is succeeded not by his eldest or by any one of his sons, but by his brothers each in turn, and thereafter by the eldest son of the said chief, and thereafter by the eldest son of each of his brothers in turn. I do not say that it is the invariable rule. On the contrary, as in all matters Mashona, the community almost invariably reserve to themselves the right of modifying all general rules of succession. It is, however, sufficient for the point here dealt with that the general rule, whatever it may be as regards any particular tribe, is not that the chief is succeeded by his son, but by a collateral.

"The effect is to keep the chief for the time being from attaining any power over the community and to keep him at a common level with his fellows, with the result that we now see before us, viz., a tribal system, marital and paternal relations, etc., etc., rotten from top to bottom, with no difference or respect between chief and headman, father and son, mother and daughter, husband and wife.

"If all the tribes were required to adopt primogeniture as the mode of succession, I do not believe there would be any insuperable difficulty encountered. Chiefship would then be in one kraal, and not from time to time shifted from one locality to another. It would grow in knowledge, in power and wealth, and in utility, each successor having the benefit of his predecessor's experience, and growing up beside him. Under the present arrangement, a change from one chief to another is a change from bad to worse as far as utility is concerned, all one's lectures and talks and touch with the chiefship being lost.

"Take, for instance, ———; he is the last but two of 17 brothers. All these brothers, except those who died before their turns arrived, have each held the chiefship till death; four have held the post since the occupation. The present man and his two brothers are old, decrepit men, who, in the ordinary course of events, will hold office for a year or two, like their immediate predecessors, and then die of old age. They do not live in the same kraal, but in kraals widely apart. By the time they have all died out their eldest nephew will himself be an old man, and by the time he goes the younger nephews will also be old men, and will for the first time in their lives, when they are old men, address themselves to the duties and responsibilities of the position. What this means in practice is that they will each be infinitely worse than useless, so far as the administration of native affairs is concerned. Of course the native regulations will have their effect; but, unless the chiefship is held in one kraal and one family, advancement will not be continuous, but will receive a dead set-back whenever one of the other men succeed."

39. The state of affairs here depicted is one which the Committee think the Government should endeavour to correct. We understand that among the Mashona the rules of succession are not inflexible, but subject to modification from time to

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time. They could not, therefore, have any very serious ground for resisting a step taken for their better local government. In certain cases women hold the position of chiefs of tribes and heads of kraals. One of the latter was examined, and it is interesting to learn how she attained her present position:—"When my husband died I thought I should like to become a chieftainess, and so I formed a separate kraal."

40. While no judicial powers are expressly conferred on them by law, it is natural that many matters should be submitted to the arbitrament of the chief; but it is suggested that at times the suitor who has the most means has the best chance of a verdict. The Committee are not prepared to recommend that the chiefs should be prohibited from deciding disputes between members of their own tribes. Arbitrators, as distinguished from the regular courts of law, are common amongst Europeans, and chiefs must in that capacity be able to dispose of numberless social and tribal difficulties. The Committee are of opinion that with competent chiefs, with such officials as the Native Department possesses, and the increasing knowledge of their rights which natives are acquiring, the possibility of abuse of power will be greatly reduced; and that there is no necessity to interfere with the action of tribal authorities in determining questions of local and domestic concern, unless there is reason to believe that they are acting corruptly. It must, of course, be understood that their proceedings are under the control of, and their decisions subject to appeal to, the Native Commissioner. The acceptance of a reasonable fee in arbitration should also be permitted.

#### STATUS OF NATIVE WOMEN.

41. Under native customs native women are always in a state of tutelage, either parental or marital. Some witnesses contend that native women are merely slaves and drudges, and that they support their husbands. Others point out that a large share of the heavy work is performed by the men, and that the women have a great influence in kraal life. The Committee find that there are instances of women being chieftainesses or kraal heads. Others again are spirit mediums for their tribes, and, as such, exercise considerable influence for good or evil. Matabele women seldom own property; but amongst the Mashona it is by no means infrequent, and women are sometimes awarded a share of an estate. It is stated that this property is only held in trust for the sons of such women, but it is shewn that the women can dispose of it by sale or otherwise. Women frequently adversely affect the labour supply, as they refuse to allow their sons to proceed to work lest they should die or be injured in the course of their employment. A woman will sometimes even compel a husband to sell cattle to pay the tax of a son who may, in the opinion of the father, be capable of earning it himself.

#### NATIVE GIRLS RECEIVED AT MISSION STATIONS.

42. It is complained that girls frequently run away from their parents to mission stations, where they are received and sheltered, and that they are subsequently permitted to marry by Christian rites without the consent of their parents. Possibly the authorities of such stations would, in most cases, be able to give valid reason for their action, but the Committee recommend that the taking in of any girl without the consent of her parent or guardian should be prohibited. Apart from the legal rights of parents in such matters, cases of the nature mentioned are likely to create a serious degree of prejudice against missionary institutions.

#### SEXUAL RELATIONS.

43. Earnest representations were submitted on the subject of the irregular sexual relations which it is alleged frequently exist between white men and black women. The question is an extremely important one. Apart from the moral aspect of the matter (a grave enough one of itself) the prestige and influence of Europeans are seriously affected by such incidents. On the other hand, the natives evidently object to relationships of such a nature. Besides European evidence to that effect, native witnesses gave emphatic testimony on the subject: "It is very bad; whites ought to take whites, and blacks ought to take blacks"; "It is very evil, and a thing we resent very much in our hearts"; "It is a very evil thing"; were expressions of view of different native witnesses; and an instance was mentioned by a minister of religion in which a native resisted the taking of his sister by a white man. The Committee are of opinion that the subject should, if possible, be actively dealt with. Marriages between European men and native women, though lawful, are admittedly unwise, to say the least, and it is equally clear that the results even of such unions will create formidable complications both socially and politically in the future. The Territory is already faced with a sufficiently grave political problem in the native

question pure and simple, and it is clearly the duty of those responsible for administration to endeavour, while there is time, to head off the further difficulties which inevitably follow in the train of miscegenation, accompanied, as they always are, by serious social evils. At present the law forbids illicit intercourse between black men and white women under severe penalties (Ordinance No. 9 of 1903), but it goes no further.

44. The Committee have carefully considered the best means of dealing with this very serious question. A majority are in favour of legislation prohibiting marriage between white men and black women. But they recognise that for any useful purpose it would be of little avail to forbid such marriages unless concubinage is also prohibited. Instances of the latter will be infinitely more frequent than the former, and will therefore cause proportionately more mischief from a political and other points of view; it would be illogical to forbid a union which is *per se* moral, and to acquiesce in or be silent with regard to immoral relationship; and, lastly, merely to forbid marriage would have the effect of encouraging the class of connection which, after all, is the true cause of most of the troubles arising from miscegenation.

45. The Committee as a whole feel that, if it be possible to give effect to legislation dealing with concubinage, both such relationship and marriage between white men and native women should be prohibited.

46. With regard to the question generally, the evil is one which can, to a great extent, be dealt with by the force of public opinion and by active measures of discouragement, official and private. The Committee learn that illicit relationship with native women of persons in public employ is viewed in the gravest light by the Government, who have imposed in the past, and would impose in the future extreme penalties for an offence of such a nature. If private employers of Europeans would follow the policy observed by the Government the evil would, the Committee think, be considerably abated.

47. The Committee think that the case of the reserves should have particular attention, and they recommend that no European who cohabits with a native woman should be allowed to live in such an area.

#### DISCIPLINE AND CONTROL.

48. The Committee have received overwhelming evidence as to the gradual weakening of the restraining influences of tribal control, and of the adverse effect which this has had upon marital and parental authority. The result is that the young men are losing all sense of discipline, obedience and self-control, and all respect for their elders, and for authority generally. We cannot but realise that the surroundings under which a native youth is reared at his kraal are far from healthy—morally, mentally, or physically. He should undoubtedly be subject to some more rigid discipline than that exercised by his parents, and to this end the Committee recommend:—

- (1) That officials who directly control the native population be authorised and requested to preach the doctrine of labour as a civilising factor.
- (2) That these officials be authorised and requested to endeavour, by all legitimate means, to induce parents to apprentice their boys, between the ages of 14 and 18, to some approved employer or industrial institution for at least six calendar months in each year.
- (3) That the minimum rate of pay in each district should be fixed by the State, and that a portion of the prospective wages, say 30s., should, in the case of the apprenticeship of a boy, be paid to the parent, as compensation for loss of his services, at the date of the entry into the apprenticeship, the balance of the wages to be paid monthly to the apprentice.
- (4) That the State should provide machinery for the safeguarding of all boys so indentured, including the due fulfilment of the contracts.
- (5) That where possible the apprentice should be afforded facilities for simple religious and literary instruction, including English.
- (6) That where the official who directly controls the natives of a district finds that a youth of between 14 and 18 years of age is being materially prejudiced by the absence of proper control and discipline at his kraal, such official may cause such youth to be brought before the Magistrate of the district, who may, after due enquiry, cause him to be apprenticed, even without the consent of his guardian, to some approved employer or industrial institution; provided that he shall not be apprenticed in the mining industry except with the consent of the parent or guardian.

49. The following resolutions were passed by the Committee on the subject of this chapter :—

1. *Marriage*.—Adultery and cognate acts, such as harbouring, should be punishable in the case of both the man and the woman.

When a parent or guardian unreasonably withholds his consent to a marriage, the Secretary for Native Affairs should have power, after due enquiry, to authorise the marriage to be registered.

2. *Lobolo*.—The limit of lobolo fixed by law should be abrogated. We do not recommend any interference with the custom with regard to the payment of lobolo. Although there are objectionable features in connection with it, there can be very little doubt that the marriage tie is looked upon as more binding where lobolo has been paid, and the system unquestionably affords material benefits and protection to the female.

3. *Polygamy*.—At present there is no reason to interfere with the custom of polygamy, but, owing to the objectionable incidents that are attached to it, it should be discouraged in every way.

With reference to the requirements of the Churches that polygamists must discard all wives but one before admission as members, the Committee feel that, seeing that polygamy is recognised by law, there is no justification for the practice. They consider that a husband should bear the responsibility of maintaining all his wives until the marriage is properly severed by death or legal separation.

4. *Ukungena*.—The Committee consider that Ukungena is one of the incidents of polygamy which will die out with it. Though recognising the many objectionable aspects of the custom, the Committee cannot see how it can be interfered with.

5. *Pledging of Children*.—The pledging of children should be punishable criminally in regard to both parties to the transaction.

6. *Girls at Missions*.—The admission of girls to mission stations without the consent of the parents or guardians should be prohibited.

7. *Employment of Boys*.—Boys of the age of 16 and upwards should be permitted to enter into valid contracts, provided they are executed before a Magistrate or some duly prescribed official, such contracts to be binding on all parties, whether the parent or guardian consent or not.

8. *Tribal Control—Chiefs*.—

(a) That it is desirable to control the natives as much as possible through their own chiefs and headmen. The power of arbitrament amongst their own people at present exercised by chiefs should be recognised; such powers should be exercised under the control of the Native Commissioner or other District Officer;

(b) All chiefs should be subsidised;

(c) The rule of succession to chieftainship in force among the Matabele should be introduced as opportunity arises throughout Southern Rhodesia. But the Administrator should have power to refuse to recognise an heir who is, in his opinion, unfit for such a position, and to appoint some other suitable person in his stead, adhering, as nearly as possible, to the prescribed rule of succession.

50. The Committee are further of opinion that it is necessary for the physical welfare of the natives that a system of medical supervision should be established in purely native areas. It is alleged that large numbers of natives suffer from infectious but curable diseases, and are thus incapacitated from work. Apart from the health aspect of the question, it is evident that a thorough system of that class will exercise a powerful influence in relation to the advancement of the natives in civilisation, and will have a material effect in striking at the root of the evils connected with witchcraft and native superstitions generally.

51. The Committee have had the advantage of the views of the Medical Director of this Territory, who has conveyed them in an extremely lucid and useful memorandum, which will be found in the appendix. They entirely approve of his suggestions, and have based their recommendations upon them.

52. It will be seen that, for general medical purposes, it is proposed mainly to work practically through the various missions, for reasons given by Dr. Fleming, in which the Committee entirely concur.

53. Grants should be made to missionary institutions which are in a position, and are prepared, to undertake the responsibility of putting into operation the system proposed, to enable them to appoint medical missionaries who would carry out their duties in native areas.

54. In addition to such grants small buildings should be erected to serve the purpose of dispensaries, which should be equipped and placed under the charge of the medical men so appointed.

55. Native hospitals should be established, consisting probably of a couple of huts at first, for the detention and treatment of patients requiring special care. In the course of time these would grow as the natives realised their advantages.

56. It will be seen that Dr. Fleming proposed to begin with six stations, each under the charge of a medical missionary, and that, to each of these, three dispensaries should be assigned.

57. The Administration should aim at the payment of a small fee by natives for their treatment, but provision should be made for free treatment of those who are indigent.

58. The Committee agree with Dr. Fleming that the system of segregating lepers, which is in force elsewhere, is not suited to the circumstances of this Territory; and they recommend, as proposed by him, that the segregation of that class should not go beyond the establishment of separate settlements, at which patients may be allowed to live under a modified form of kraal life, and be afforded an opportunity of carrying on the ordinary agricultural or other pursuits generally followed by natives. By this means their time would be occupied, they would be able to receive a certain reward for their labour, and the community might to a certain extent be made self-supporting.

59. As the details of such a scheme are carefully defined in Dr. Fleming's memorandum, it is not necessary to do more here than to point out that the cost of it is estimated at £9,250 for the first year; £4,150 for the second year; £6,150 for the third year; £10,650 for the fourth year; and £18,150 for the fifth year.

#### **Native Tenure of Land.**

60. Natives occupy land under the following classes of tenure:—

- (a) Communal, in reserves;
- (b) Communal, on land belonging to the British South Africa Company, described generally as unalienated land;
- (c) On private farms as rent-paying tenants; and
- (d) On private farms under labour agreements.

61. Those in (a) pay no rent. All adult able-bodied males on (b) have to pay £1 per annum rent, which goes to the commercial side of the British South Africa Company. The natives living on such land have very few restrictions imposed upon them; the cutting of timber is prohibited, except for building and domestic purposes. Those occupying (c) pay rent of from 10s. to 40s. per male adult; and in some cases an extra 10s. for each polygamous wife.

62. Section 83 of the Order in Council of 1898 provides that "a native may acquire, hold, encumber, and dispose of land on the same conditions as a person who is not a native, but no contract for encumbering or alienating land the property of a native shall be valid unless the contract is made in the presence of a Magistrate, is attested by him, and bears a certificate signed by him, stating that the consideration for the contract is fair and reasonable, and that he has satisfied himself that the native understands the transaction."

63. A few alien natives own land individually. There is, for instance, a Fingo settlement at Bembsi. The members of it were brought from the Cape Colony on promise of land on quit-rent tenure. They have not all received title, as some have not yet complied with the prescribed conditions. In the Victoria district two farms were purchased, one by two Basuto and a Shangaan, and another by nine Basuto. An instance was brought to the notice of the Committee of the possession of land in their own right by two Matabele who have bought plots near Bulawayo, on which they raise vegetables for the local market.

64. The limitation as to alienation, etc., contained in the section of the Order in Council above quoted was, no doubt, based on the idea, suggested by experience elsewhere, that, commercially, natives of this Territory are not sufficiently advanced to be entrusted with free title to land.

the Committee. It was, indeed, not easy to convey to them the practical details of such a scheme; in many parts of the reserves, too, the periodical changes of locality to which natives are compelled to resort, owing to the poverty of the soil, their crude methods of cultivation, and the necessity for community of interest in regard to certain benefits attaching to the soil, water for instance, would make the application of the system inappropriate. There are, on the other hand, portions to which the same objections do not apply, and in which experiments might be made. The Committee think that in these the Government should move in the direction of inducing the natives to fall in with a scheme involving the introduction of that class of tenure, if it is made clear that they desire it.

66. In principle there cannot be much objection to individual tenure, for even under present conditions it is evident that communal occupation involves a certain degree of what approaches to individual tenure—a site once assigned to an individual remains his to cultivate as long as he lives, and even sometimes passes to his heir. The transition from the conditions of such a system to those contemplated by the Glen Grey Act would seem to be so slight that in certain areas, at least, the practical application of the main principle of that enactment would be possible, regard being had, of course, to differences in detail necessitated by local conditions.

67. There is a wide-spread feeling that natives should not acquire possession of land in the neighbourhood of farms occupied by Europeans. The Committee think it would be unwise, for the present at least, to disregard this sentiment (the importance of which is acknowledged apparently even by the natives themselves), more especially in view of the warning offered by occurrences in certain portions of the Cape Colony. An illustration of these is contained in a report of a Departmental Commission (G. 46/08), which was appointed in 1908 to enquire into the method of occupation of land by natives in certain areas there. In paragraph 14 a condition of things is reported which indicates that in certain districts natives are actually displacing European occupants, owing to the fact that it has been found more profitable by the latter to vacate their farms and to lease them to the former. The Committee recommend that natives be not allowed to acquire land by purchase or lease outside the reserves at present.

68. We consider that the Private Locations Ordinance of 1909, though generally unpopular, is a safeguard against possible "kaffir farming." The Committee learn, however, that it has caused an increase of 50 per cent. to 100 per cent. in the rate of rent charged by the owners.

69. The Committee are of opinion that the labour difficulty of the farming community would be considerably reduced by the substitution of labour agreements for leases on payment of rent. The Committee consider that every effort should be made to induce natives in reserves to leave those areas and reside outside of them under labour agreements or other form of European employment. In pursuance of this view, they recommend that no natives at present residing in reserves should be allowed to reside outside of those areas unless they can shew that they are working under some form of engagement in European employment for some portion at least in every year.

70. Mr. Jackson dissents from the latter portion of the above paragraph, as he considers that any enforcement of this restriction would be opposed to the interests of both white and black, and to the general industrial progress of the country.

71. We see no objection to the present system of allowing natives to occupy the unalienated land of the Company and pay rent. The occupation is merely a passing phase: the land is being rapidly acquired by settlers with whom the natives must enter into fresh agreements or leave. We consider, too, that it would be a very short-sighted policy to remove these natives to reserves, as their services may be of great value to future European occupants.

72. With regard to the occupation of land on labour agreements, the Committee desire to emphasise the necessity for accurate definition of the conditions of service, more especially in regard to the periods during which labour should be supplied. There is evidence that uncertainty on this point is irritating to those who have come within the operation of such contracts. Apart from this point, we consider that such method of occupation should be encouraged in every way.

#### RESERVES.

73. Under section 81 of the Order in Council, 1898, the Company was required from time to time to "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." In pursuance of this obligation, the Company have assigned certain reserves, and this assignment was approved by Minute of the Executive Council, dated 22nd October, 1902. The extent of reserves necessary has formed subject of question, it being contended by certain witnesses that the amount is excessive. The Surveyor General shares this view very decidedly, but on the other hand the testimony of the Native Department officials is substantially against him. They point out that in certain reserves a large portion of the soil is poor, that water is deficient, and that certain localities are wholly unsuitable for human occupation. Be that as it may, as the assignment has been formally effected by the Company and approved by the Administration, it is questionable whether it can be materially varied as regards extent. The Surveyor General, in a memorandum setting forth his views, dated 17th August, 1908, dwells pointedly on the difference between "estimate" and actual area of reserves. The "estimate" refers presumably to the conception in the minds of the officials responsible for advice on the question of the dimension of the areas of the relative reserves actually required, as compared with that of the true areas when mapped out according to the boundaries supplied by them after close personal inspection. The latter in many cases are vastly in excess of the former.

74. The area of Southern Rhodesia is 143,830 square miles, of which 33,422 square miles are native reserves, 29,738 square miles have been alienated, leaving a balance of 80,670 square miles still unalienated. On the question generally, the Committee find that the reserves are adequate in area for the present needs of the natives, and for the reasonable expansion of the population in the future. The present delimitation of some reserves is, however, inconvenient. There are many small detached areas from which it would be advisable, if possible, to remove the occupants, in order that they may be located in the larger reserves, the size of which should be increased proportionately. The Committee learn that certain re-adjustments are otherwise necessary. Subject to these being carried out, we recommend that the various reserves be demarcated, and that the assignment be ratified by legislative enactment, so as to secure finality in regard to land reservation for exclusive native occupation. In giving permanence and finality to the reserves by statute, it would, of course, be prudent to secure the rights of the Government in respect of minerals, the construction of railways, and for the purpose of afforestation, irrigation, and similar works; and also to attach liability to forfeiture for rebellion.

75. The Committee recommend, further, that revenue derived from the reserves, in the shape of lease rent from traders and others, proceeds of sale of timber, etc., be paid to the Administrative instead of the Commercial side of the Company.

76. A question was raised with regard to the liability of natives in connection with the provision of labour for certain objects of common interest. The Committee consider that it should be an obligation on their part to keep roads passing through their own reserves in order, under the supervision of the Public Works Department when required; but that current rates of wages should be paid them.

#### LOCATIONS IN URBAN AREAS.

77. In the vicinity of townships locations have been established under the control of the local authority. Natives in domestic service usually sleep on the premises of their employers, but other natives, such as store-boys, sleep at the location. In some of these locations huts are constructed by the local bodies, and a rental varying from 2s. 6d. to 10s. per hut per mensem is charged; when natives build their own huts the rent is proportionately lower. We find that the control of these locations is not satisfactory. The Salisbury location appears to be well managed. There is, however, very little semblance of home life in any location, and we think this accounts for a good deal of the disorder and immorality which is reported to be prevalent in them. Forms of recreation are few, other than gambling and drinking. This naturally attracts indifferent characters, and those natives who are law-abiding and quiet have to suffer. Kaffir beer, often adulterated, is illicitly sold in most, if not all, locations. In the vicinity of many towns there are private plots where natives of doubtful character congregate. These are a constant source of trouble to the police.

78. As far as we are aware, no provision is made for the accommodation of natives visiting towns on business.

79. The Committee make the following recommendations:—

- (1) That at all the larger towns the locations should be under the supervision of a European of good character, who should live either in the location, or in the vicinity.

- (2) That squatting on plots in the vicinity of towns should be absolutely prohibited.
- (3) That improved dwellings of different classes be erected in the locations, and that moderate rent be charged in accordance with the class of dwelling. This would give the better class of native, who is usually more highly paid, an opportunity of improving his surroundings.
- (4) That garden plots be granted, at a reasonable rental, to the occupants of the location. This would give the wives of men who are away at work all day some legitimate means of occupying their spare time, instead of spending it in a less wholesome manner.
- (5) That a rest house be provided in each location for the use of natives who visit the town and are unable to complete their business in time to leave the same day.
- (6) That a refreshment room or kaffir eating house be established in each location, strictly under the control of the local authority. Food and good wholesome beer in reasonable quantities should be sold there. We understand that this system has been adopted in Durban, and has proved a success.
- (7) That the sale, introduction, or manufacture of beer, otherwise than by local authority, be absolutely prohibited.
- (8) That every encouragement be afforded approved educational bodies in establishing institutions for religious and literary instruction, but that such institutions be under the supervision of the Education Department.
- (9) That at smaller towns where it is not possible for the local authority to sell beer, natives be allowed to brew it in small quantities under written permit, but not for sale. That all unauthorised beer be confiscated, and the person in whose possession it is found be liable to punishment.
- (10) That, where beer is sold by the local authority, any profit derived from the sale, or from rent, be utilised in improving the location.
- (11) All house boys should be medically examined periodically.

### **Education.**

80. Two features of outstanding importance attracted the attention of the Committee, on the one side the keen desire of all sections of the more advanced natives for education, and on the other side the increasing appreciation of the thinking public, who, apparently, are commencing to realise the benefits accruing to all parties if this desire can be gratified in a practical manner.

81. Of the natives there is evidence that their ambition is largely to be able to read and write, and thereby to carry on correspondence with their own people. Trivial and unimportant as this may seem to be, the Committee nevertheless recognise in it many influences for good. In its crudest form it provides a means of gaining or conveying news of home and work, which may well induce a longer and more contented period of employment. In a higher form it is a definite and important stage on the road of civilisation and progress.

82. Testimony has been given by not a few as to the greater value of an educated native as a servant. There are some who would keep him the raw untutored menial, but there was gratifying proof in plenty of the realisation that in this country our own development is so closely interwoven with that of the native that it is vital for our own interests, as well as for his, that he be mentally raised and encouraged to improve himself.

83. The question presented itself as to whether all classes of natives are ready to be educated, and to what extent. That the less advanced of them should be anxious for it when they have, as yet, had no opportunity to know what it is, or what it is worth, is scarcely to be expected. In the main this class knows nothing about it, and is prompted to view it with the distrust for new things which is so strongly ingrained in the native nature. In towns and industrial centres, however, where he has come into close contact with the white, the desire for some of that knowledge possessed by the white man has undoubtedly come upon the native. Schools have been found started and financed by natives themselves, while the attendance at Mission Schools has been remarkable.

84. In some parts of the country the demand for education has been enormous. In the Eastern districts, notably Manicaland, the movement has proceeded

at such a pace, and over such a wide area, that the efforts of the Missionaries have been taxed to the uttermost, and in many instances promising fields have had to be left untouched. In other parts of Mashonaland, and in districts of Matabeleland, the desire has been almost as great. In fact it may be said that wherever the advantages of education have been realised, the demand has been instant, and the response to assistance continuous.

85. The desire of large numbers of the natives being an established fact, and the wisdom of the policy of education accepted, it has been the duty of the Committee to consider the best means of employment, and the lines along which such development should be directed.

86. After receiving ample testimony of the great services rendered in the past by Missionary Societies, and their strenuous efforts to keep pace with the increasing call on their resources, the Committee have come to the conclusion that no better policy could be adopted than that of fostering and encouraging the work of these Societies. The Committee recommend, therefore, in their resolutions, increased State aid for Missions, and such subsidies as shall allow of their widening and perfecting their sphere of operations to meet the growing need of the times.

87. It is felt that in the transition stage through which the natives are passing, when their national methods and rule of tribal control are being slowly but surely removed, some strong and sustained influence is needed to combat the dangers of their new surroundings, to mould their characters, and to fit them for a new standard of life. The Committee feel that it is by religious teaching afforded by Missionaries that much of this moral cleansing and strengthening can be accomplished.

88. The Committee are further of opinion that the main lines on which education should be directed are:—(a) Religious, (b) literary, (c) industrial.

89. It is felt that the teaching of any or all of these branches should be for many years to come of a simple and practical description. There are great dangers attending any undue advancement in any one direction. The more effective line of education would be a judicious combination of each of the above-named systems, the endeavour being to slowly draw the native mind away from its present state of unconsciousness of the need for effort, and to instil in him a gradual realisation of his obligations as a man and as a citizen, and of the benefits of the administration and protection which he enjoys. The Committee greatly deprecate any scheme of education that aims at the development of the exceptional, while advocating with all their power the steady enlightenment and uplifting of the mass. There will probably be failures, and signs of success will doubtless long be withheld, but as to the wisdom of grappling with the problem of the education of the native, the Committee think there can be no question.

90. On its utilitarian side, there can be little doubt that the educated native desires something higher than his old standard of living, and by the very desire to satisfy those growing needs, is urged to more frequent and more continuous labour.

#### (a) RELIGIOUS TRAINING.

91. The Committee are convinced of the entire necessity for the strengthening and restraining influence of religion in the evolution of the native from his savage state. The power of their barbaric superstitions in the control of their actions, tribal and individual, is probably realised by few. Every year now sees that control lessened as the native takes more to employment under the European. For our own sakes, then, as well as that of the native, it is necessary to replace that control by some other restraining influence. The difficulty of teaching morals apart from religion has not yet been satisfactorily solved by ourselves, and the two cannot be dissociated in the case of the native.

92. The Committee are, therefore, of opinion that in this phase of the native's training there is ample reason for the encouragement of the Missionary bodies. We desire, moreover, to place on record our appreciation of the excellent work done by them in the past, and our conviction of the still greater assistance which they may be called upon to render the State in the future.

#### (b) LITERARY TRAINING

93. The expediency or otherwise of giving the native any literary education at all has greatly exercised the minds of many witnesses. The Committee are of opinion, however, that those who would withhold it have not realised that the movement for literary education has long assumed practical form, and that, do what we may, the native will get it. Apart from the responsibilities of the dominant race

in regard to this question, we should, therefore, accept the inevitable, and take every means of retaining the control of this class of education, so that it may be directed into paths which we can approve of, and be applied to its most useful purpose.

94. The standard on which such training may be given, though referred to with great care by many witnesses, is felt to be a subject of too technical a nature for the Committee to make any detailed recommendations in regard to it. There seems little doubt that uniformity of some kind is essential, and to this end a code will be required. A Conference of Missionaries last year discussed proposals on the subject, but they were unable to agree upon a scheme which was generally acceptable. It will be for the Education Department to formulate a system which, while approved by those most concerned, may be sufficiently elastic to admit of discretion being exercised in regard to grants in aid. The Committee think that consideration should be shewn to schools which, though not complying with the strict letter of the conditions on which aid is granted by the State, shew proof of real and substantial work. Instances have been evidenced of hardships which have arisen under the present conditions of grants in aid.

95. Ample evidence has been forthcoming that elementary instruction must be in the vernacular. There is also a general desire to see English taught at the earliest possible opportunity. Though acquiescing in the belief that it is impracticable to use English as the medium of instruction in the early stages of education, the Committee are impressed with the wisdom of giving instruction in conversational English at the earliest moment practicable. The knowledge by the native of useful everyday English is probably one of the best means of removing the cause of so many of the smaller troubles between employer and servant, while its advantages in the mere imparting of instruction must be apparent to all.

96. The Committee desire also to remind those who are in doubt as to the wisdom of extending literary education to natives, that there are at the present time many who, by reason of their education, are able to fill posts of greater use and higher standing than those without that attainment. Such duties as are performed by teachers, messengers, interpreters, post office boys, and hospital attendants, demand some small amount of education, and can be the better performed by those whose education has been of a sound and practical nature.

#### (c) INDUSTRIAL TRAINING.

97. To a lesser or greater degree the advantage of some form of industrial education of the native has concerned the minds of the vast majority of witnesses. Many are candidly influenced by the fact that such education would produce a better workman and a more useful servant to the European. Many again quite sincerely feel that in systematic industrial training lies the most powerful and beneficial influence governing the progress of the native.

98. There is great diversity of opinion as to the extent to which this training should be carried. Many would stop at the stage at which the native has been trained as an intelligent assistant, whether at farm, mine, or general work. These fear the possibility of competition with the European. Others have taken the broadest view, and advocated training, only limited by the native's capability to learn, maintaining the view that the European should always be able to hold his own. In coming to their resolution that industrial education is of paramount importance, the Committee, while recognising the force of both of the above arguments, regard it as possible that the exact position as it is to-day has not been fully realised.

99. There are already on the mines natives, more or less under supervision, performing skilled offices. Some witnesses who were least in favour of advocating the general principle of industrial education, were found to be employers in the mining industry who are themselves training natives on these very lines, and admitted it when that aspect of the case was submitted to them. The Committee consider that it would be extremely difficult, if not unfair, to limit the extent of training which labourers so employed should be permitted to acquire.

100. We find, too, that many natives, principally from Nyasaland, have been engaged in building, and in outlying parts have proved of the greatest service to Europeans owing to the impossibility or extreme difficulty and expense of procuring white builders. There are also natives employed in boot-repairing, saddlery, mattress-making, and so forth, even in towns where the objection to the native

101. The Committee are convinced that, in the end, economic considerations will prevail, and that the rougher and less skilled work will be assigned to natives, but that where quality of workmanship is a material point, the superiority of the white man will assert itself.

102. Speaking generally, the Committee have accepted the view that the trained native is, and must be, of greater usefulness than one who has received no training. We are convinced that there is an immense wastage of labour at the present time, which is largely, if not entirely, due to inefficiency. The common complaint of the employer that a native leaves just as he is getting into his work is but an expression of the wastage due to inexperience.

103. In considering means for the imparting of industrial education, as distinct from the technical training given at scenes of labour, we are confronted with many difficulties. We are, for example, informed that unless there is offered at the same time a measure of literary teaching, the natives will not submit to industrial instruction. Further, the Societies that are carrying on the literary teaching have not, and cannot afford, trained industrial teachers, or the expensive equipment and provision required.

104. With regard to these difficulties, the Committee not only see no disadvantage in offering some literary education side by side with industrial, but, as previously stated, advocate a judicious combination of religious, literary, and industrial training. To this end the Committee recommend that the Societies undertaking education be given greatly increased grants where a trained instructor is employed. The particular form of training conducted might, in each case, be that which is found to be locally most practicable. It is considered that, where possible, this is the wisest as well as the most economical system.

105. In the matter of agriculture, however, proper knowledge of which is regarded as all-important, the Committee feel it may be necessary to provide for instruction other than that obtainable at Mission schools. For this we recommend the establishment by Government of central institutions in reserves, where teaching may be given by expert instructors, not only in regard to the proper method of tillage, but also to the treatment and rotation of crops, and to all other branches of agriculture. Instruction would also be given in the management and breeding of stock. The large part played by the native as a breeder of stock and grower of grain should not be lost sight of, and every effort should be made to increase the value of his products.

106. The Committee recognise that such institutions must be fully equipped with proper buildings, implements, and stock, and that they must be controlled by thoroughly experienced men. We place great value on ocular demonstration, which should be furnished at the central stations. It should, however, also be laid down as part of the educational policy of these institutions that members of the staff should be able to travel round the districts and endeavour to get into touch with the more progressive natives, and give them advice at their kraals. The cost of such a scheme must be great, but the eventual advantages will amply justify the expenditure.

107. On the subject of handicrafts and trades, which should be taught with the conviction that the work performed, when not done for their fellow natives, will be mainly that of assistants to Europeans, the Committee recommend elementary instruction in bricklaying and general masons' work, carpentry, blacksmithing and wheelwright's work, cobbling, printing and book-binding, well-sinking, and training as hospital attendants.

108. Colonel Grey does not agree that technical instruction in trades, as mentioned, is necessary or advisable. The best and fullest instruction of this kind is obtainable from industrial employment, and it is there that the native should seek it.

109. In one particular, namely road-construction, we are of opinion that there is a great field for the employment of trained natives. The vast extent of the country and the unhealthiness of many localities make it almost impossible to engage a suitable number of Europeans to perform this work. Skilled natives, under slight supervision, would doubtless bring about a vastly improved state of roads throughout the country.

#### CONTROL.

110. All schools for the instruction of the native, whether in matters religious, literary, or industrial, are at the present time conducted by the different denominational bodies. The methods employed are so varied, and the training given so diversified, that some measure of general organisation and control seems to be imperative.

111. Some of the Missionaries in the past apparently did not favour Government control. We think that is possibly from a mistaken fear of encroachment on their religious work. The majority, whether receiving State aid or not, welcome the Government Inspectors, and readily adopt their suggestions. The right of inspection as at present only applies to those that accept State aid, but the Committee are so impressed with the entire wisdom of Government control of native education, especially in its initial stages, that they recommend that submission to Government inspection be made a condition attaching to the opening of any native school.

112. At the end of 1910 there were some 14,652 children being taught in the various schools, of which 9,873 were at 115 aided schools, 4,779 at 98 un-aided. This is a great increase on the figures for 1909, and the work is still developing. It is most necessary, therefore, at this early stage, for the Government to so obtain control that, without in any way coercing the missionary bodies in their general operations, they may secure a voice in the definition of the principles of native education, and in the methods by which it is to be regulated.

113. There is one phase of control on which the Committee place absolute insistence, and that is in regard to the native teacher. The enormous area of the country, the difficulties of language, as well as the unhealthiness of many localities, demand the use of natives as teachers. These are often placed many miles away from the home station. It should be insisted that no native teacher should be left without constant personal supervision by some European minister or teacher. The operations of independent native teachers should be discouraged by all reasonable means.

#### NATIVE TEACHERS.

114. The evidence of Missionaries and Government officials alike has shewn that, while native teachers are inevitable, at the present time they are inadequate in numbers and inefficient in attainments. We have already acknowledged the necessity for employing natives as teachers, and have insisted on the need of their close supervision. We are equally convinced of the supreme importance of procuring thoroughly well trained, well disciplined men. The influence of a teacher is undoubtedly great; it is of vital importance to secure that such influence shall be properly exercised. Admission to the post of teacher should only be allowed after proper tests as to educational attainments and personal character.

115. With a view to procuring a proper class of teacher the Committee recommend the immediate establishment by the Government of a central Training Institute for native teachers. It should be conducted on undenominational lines. But inasmuch as it is hoped that the different denominations would send their more promising pupils to this institution for training as teachers, it should be located in some suitable centre to enable ministers to have access to their own people.

116. We are aware that some churches would prefer financial aid in order to establish training classes of their own, and that many hold that the religious side of the training would be difficult to ensure for those who reside at a Government Institute. We agree that where possible it might be better, from the religious point of view, for denominations to train their own teachers, and we are convinced that a continuity of religious influence is vital to the balanced formation of the educated native's character. But the advantage of a central Government Institution, with its concentration of energy and thorough equipment, and its educational catholicity is so unquestionable that we recommend it above all other suggestions.

117. The course should include industrial training, and great stress should be laid on the necessity for inculcating discipline and respect for authority, parental and otherwise. The importance of hygiene and sanitation should also be instilled with a view to the propagation among the kraals of at least the elementary principles of this branch of domestic science.

#### SCHOOL FEES.

118. Opinions are at variance on the question of fees. It is generally acknowledged that the native, like most other people, sets more store by the thing that costs him something than by that which he gets for nothing. In the case of boys over a certain age, the principle of making them pay is unquestionably wise, but with children of tender ages it is not so clear. It is admittedly best to get them as young as possible in order to mould their characters from the start. The desire for education is not always apparent at that age, and the parents' appreciation of its necessity in such early years is probably altogether lacking, if there is not actual opposition. In such cases to insist on fees would only put more difficulties in the way of the very education we wish to encourage.

119. It appears, therefore, that in dealing with the education of children up to the age of 15, the question of charging fees should be left open, but the principle should be borne in mind that, where possible, fees should be charged as enhancing the value of the education in the eyes of the natives.

#### HIGHER EDUCATION.

120. As the natives progress in education it is not unnatural that there will be some that desire to proceed to higher courses of study. At present this can only be obtained outside the boundaries of this Territory. There is even a danger that the student may go outside South Africa altogether. This we must set ourselves to obviate. When he returns he is filled with a spirit of unrest and dissatisfaction with his surroundings and is imbued with ideas which, if communicated to the people amongst whom he settles, may become a source of danger to their peace and quiet.

121. The time scarcely appears ripe for making provision for higher education within the Territory, but the need must not be lost sight of. As the demand becomes known efforts must be made to provide locally the instruction required. In the meantime such natives as may desire this advanced education should be encouraged to seek it in institutions already existing in South Africa.

#### NIGHT SCHOOLS.

122. As a further aid to preliminary education and a means of meeting the demands of those already in employment, night schools should, if already established, be encouraged, and where not already in existence, be established. We are informed that natives avail themselves largely of these schools, and that they are considered a distinct inducement to steady labour on mines. This aspect of the question is touched upon in another portion of this Report.

#### NATIVE TAX.

123. It has been represented that the incidence of the native tax falls unduly heavily on those who attend schools. We have recommended that the taxable age be 15, and we feel that this should go far towards mitigating this complaint. Scholars above that age have generally earned sufficient to pay school fees—which in some institutions are a very substantial amount—and it is felt that if they can do this they can earn sufficient to pay the tax as well. But inasmuch as there may often be cases where an exemption for a time would confer distinct benefits, the Committee consider it should be an accepted principle that after due enquiry a recommendation may be made to the Administrator to grant temporary exemption.

#### ETHIOPIAN MOVEMENT.

124. The evidence on this point, though of a somewhat meagre nature, made it clear that though attempts have been made to carry on the movement in this country, they have so far met with little success. Some witnesses advanced the view that the natives of this Territory are so suspicious of any foreign natives that they are not likely to follow their teaching. Moreover, certain native witnesses stated that they actually preferred to be taught by white ministers rather than by people of their own colour.

125. The movement has undoubtedly created some unrest and alarm elsewhere in South Africa. No evidence of any danger here has been adduced to us; but any exponents of its teaching in the Territory should be carefully watched.

#### GIRLS.

126. The recommendations above formulated refer more particularly to boys, but a large number of girls are attending school, and many more are ready to attend. Industrial openings are not so great in their case, but they should be thoroughly trained in domestic duties and such female occupations as may be open to them.

127. The education of very young girls may be conducted with the boys of a like age, but the natives themselves fear the consequences of allowing girls to remain at school after a certain age, as they say that girls get more out of hand than boys. Our general recommendations as to discipline apply here. But the more definite fear is that if not carefully looked after they fall morally. The danger is candidly stated to be not merely from the contact with Europeans, but from association with young men of their own race. The only system which appeared to fully commend itself to the native parents, both mothers and fathers, was that of boarding schools for girls alone, supervised and conducted by European women.

The Committee recommend that every assistance be given to any persons or associations who have adopted, or who are prepared to adopt, this form of education and control. In addition to the subsidy for school attendance, appreciable boarding grants should be given. At boarding establishments for boys the institution can, in the course of properly training the pupils, grow food enough for the requirements of the establishment, but the same reasoning does not apply to an equal extent to girls' schools.

128. The Committee feel convinced of the wisdom of encouraging to the utmost possible extent reliable institutions for the training of girls for domestic service. The employment of girls would not only release a large number of able-bodied men, who might be of considerable use elsewhere, but would bring about a change in the ordinary European household of great benefit to the community.

129. The following resolutions were passed on the subject generally:—

- (1) That education is essential for the proper well-being and advancement of the native population.
- (2) That the system of education should be a voluntary one.
- (3) That, recognising the need of religious education, literary education must, for the time being, be left in the hands of the missionary institutions and religious bodies at present undertaking it.
- (4) That the methods and conditions of education and the conduct of schools be uniform as far as possible, and fixed by the Government.
- (5) That special attention be directed to habits of cleanliness and discipline and that instruction be also given in simple hygiene and sanitation.
- (6) That, while recognising the expediency of the use of the vernacular at the earlier period of tuition, it is essential that English should be taught in all schools as soon as possible.
- (7) That subsidies should be granted on a more liberal scale, and the Director of Education should be given discretionary powers to give aid to schools which may have failed to comply with the actual letter of the Government Regulations, but which can shew good results.
- (8) That every endeavour be made to prevent natives proceeding beyond South Africa for any class of education which is within their reach within its boundaries.
- (9) That the importance of industrial education should be regarded as paramount, and that such education should be directed towards the teaching of:—
  - (a) the knowledge of proper methods of tillage and the rearing of stock;
  - (b) elementary handicrafts.

With regard to (a), the Committee consider that effective instruction in agricultural and pastoral methods can best be secured by the equipment by Government of one or more educational farms in native reserves, at and from which practical demonstrations can be given in such matters.

With regard to (b), the Committee consider that trades should be taught with the object of assisting the native to improve his own conditions of industry and life, and not for the purpose of competing with Europeans.

- (10) That the only system of education which will remove the objection in the minds of natives to the education of girls is one of schools, especially boarding schools, under the management and supervision of European women. It is essential that boys should be kept apart from the girls.
- (11) That the Government should be responsible for the inspection and control of every native school, whether State aided or not.
- (12) No independent native teachers should be allowed. It is imperative that all education should be under European supervision, and that special attention should be directed to the Ethiopian movement.
- (13) It is recommended that one undenominational institution should be established by the Government for the training of teachers, who should receive industrial as well as literary education. Ministers of the various denominations should have access to the students for the purpose of religious instruction.

**Prohibition of Liquor and the Manufacture and Sale of  
Kaffir Beer.**

130. On the question of the supply to natives of intoxicating liquor, there was no difference of opinion. The necessity for total prohibition was urged without a dissentient voice. In this restriction kaffir beer was not included, and, though it is evident that ill-effects occur from its excessive use, the evidence is conclusive that it is not only a valuable dietetic aid, but an essential to the health of the native races. On this point it is not necessary to do more than refer to the following views of the Scurvy and Pneumonia Committee on the subject:—"Paragraph 31: The nutritive value of kaffir beer and its action as an anti-scorbutic have been amply demonstrated; we consider that it should be a compulsory ration on all mines. The preparation should be in the hands of the mining authorities, and it should be issued with regularity and under supervision." With such evidence as to its value, there is no justification, in principle, for interfering with its use—it would, indeed, be imprudent to do so.

131. It is, however, equally clear that the circumstances under which kaffir beer and similar beverages are at times prepared and drunk produce much evil in the shape of gross immorality and the commission of serious crimes: it is stated that, but for beer drinks and consequent orgies, serious crime would be almost non-existent amongst indigenous natives in the Territory.

132. Occasions on which a great deal of mischief is caused by excessive use of beer are events such as harvesting. The supply of kaffir beer is a prominent factor in the collective system of carrying on agricultural operations. The owner of a garden brews a quantity of beer and notifies his neighbours that he wishes to hoe, weed, reap, or thresh, as the case may be, on a certain day. On the appointed day they assemble and carry out the work under his guidance. Probably two or three adjournments are made for refreshment, and large quantities of beer are consumed. Other important work, such as the removal of a kraal, is also carried out in this way. Unfortunately, these gatherings, at times, develop into uncontrolled orgies, resulting in the commission of serious crimes of violence. If it were not for this, the supply of beer on these occasions would be unobjectionable, but the consequences of excess have been so grave as to suggest the necessity for a certain measure of control of these assemblages.

133. It is evident, too, that in certain parts of the Territory the abuse of beer in the kraals is tending to serious demoralisation. One official witness mentioned that he had visited a certain kraal in his district recently, "and found men, women, and children six and seven years of age, intoxicated, and that is a thing that is certainly not uncommon."

134. Much evidence was led to shew that the mining industry is greatly prejudiced by the illicit sale on and near mines of beer, especially as it is often dispensed in a form in which it has been adulterated either with alcohol, rectified spirits, or potent drugs extracted from indigenous roots and fruits. The complaints on the subject are widespread. The labourers leave the mine on Saturday evenings, proceed to neighbouring kraals, and there indulge in debauches which, at times, render them incapable of work for several days. The circumstances of these occurrences are such as to make them most difficult of police control as the law at present stands.

135. In connection with the sale of beer in mining areas, a complaint comes from the natives themselves: it is that women go to the mines and sell beer without the consent and against the wish of their husbands. This results usually in much immorality.

136. Representations are also made as to the gross abuse of kaffir beer in urban localities, or on private lands near towns, the latter especially.

137. It is very necessary to take active measures to deal with this question. The enhanced prosperity of the natives increases their means for making beer. The consumption to excess is growing and becoming a grave public danger, both from a moral and industrial point of view. Determined efforts should, therefore, be made to grapple with a condition of things which, if unchecked, is likely to have serious moral and physical effects on the natives of the Territory. In the opinion of the Committee the Ordinance passed in 1909 was a step in the right direction, and they cannot help expressing their opinion that it would have been wise to test the effect of the principles of the enactment, having regard to the fact that it is recognised that it was an honest attempt to meet evils of a very real and very serious nature.

138. The Committee further recommend that the Municipal authorities be permitted to undertake the supply and sale of kaffir beer in urban localities. At present a large illicit trade is carried on in and near locations in a liquor which is highly fortified. The Committee are confident that the proposal now made will result in moral improvement. It is, of course, a condition of the recommendation that the strength of the liquor referred to in the above shall be definitely prescribed.

139. The following recommendations are made by the Committee:—

- (1) The sale of kaffir beer and similar compounds should be prohibited by law except under licence from the Magistrate, who may issue such licence to European employers of labour for the purpose of supplying their own labourers in properly constituted compounds; such compounds should be registered and brought under Government inspection.
- (2) Municipal and other local authorities shall be permitted to undertake the brewing and sale of kaffir beer in properly constituted compounds or locations.
- (3) Kaffir beer should be issued as a daily ration in all mining and industrial compounds, and, in addition, may be sold by the proprietors of such compounds under such arrangements as may be permitted under the licence above-mentioned.
- (4) The independent brewing of kaffir beer in mining and industrial compounds, and in compounds and locations of local bodies, should be prohibited by law. Power should be given by law to the police to search for kaffir beer on a Magistrate's warrant authorising such search, in cases where there is reason to believe that there is illicit brewing or sale being carried on. In the case of natives employed by Europeans, notice should be given to the employers of the intention to make such search.
- (5) Natives living in kraals should be permitted to brew kaffir beer for their own requirements. Chiefs and headmen, and heads of kraals permitting gatherings at which drunkenness and brawling are proved to have taken place, should be liable to punishment, as should also be the persons who supplied the beer.
- (6) The composition and strength of kaffir beer and similar compounds should be clearly defined by law. The addition to kaffir beer of any alcoholic substance, or any deleterious herb, drug, or matter, should be prohibited.

140. The Committee attach great importance to the issue of beer on mines and industrial compounds as a ration, as they think it would modify the craving for excessive drinking on Saturdays and Sundays, which so frequently results in drunken revelry.

141. While agreeing broadly with the resolutions passed by the Committee, Mr. Jackson wishes to place on record his opinion that the existing evils would be more effectively removed by the total prohibition of the sale of kaffir beer, except in towns, under the direct supervision and control of the local authority.

### **Special Legislation affecting Natives.**

#### JUDICIAL PROCEDURE—TRIBUNAL.

142. It was urged by many witnesses that the method followed in judicial tribunals is not suited to the circumstances of the natives of this Territory; that they are ignorant and inexperienced in relation to the procedure, and cannot understand what is going on; that both accused and witnesses get confused; and that consequently there is a danger of injustice; and it was suggested that a Court consisting of a Judge and Assessors should be substituted for that of a Judge and Jury in cases in which natives are concerned.

143. Assuming that the change were made, it is very doubtful whether it would wholly provide against the difficulties which natives are said to labour under at present in the Courts of Justice. It must be borne in mind that the disadvantages mentioned do not apply solely to their case. Anyone who has had experience of judicial procedure knows that there are many Europeans to whom the ordeal of giving evidence in a Court of Law is a very trying one, and who, therefore, in such circumstances, have great difficulty in retaining their presence of mind: the feeling is not confined to uneducated persons, but extends to all classes alike. There are at times, amongst accused persons, Europeans to whom the disadvantages referred to also apply. Assuming the propriety of making the change, the question arises as to the distinction to be observed in regard to the suits which should come before the tribunal proposed. The cases which generally occur are those in which

- (a) both accused and the injured person are natives;

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(a) both accused and the injured person are natives:

(b) the accused is a native and the injured person is a European; and

(c) the accused is a European and the injured person is a native.

If a different tribunal is established for all the above classes, the proportion left, that is, cases in which both the accused and the injured persons are Europeans, would be so small that very little would remain for which the services of juries would be required.

144. On the whole the majority of the Committee are not prepared to recommend so important a change in regard to (b) and (c). Trial by jury is an incident of self-government, and they fear that the decisions of a tribunal constituted in the manner referred to would not, in cases in which the feelings of the people are deeply stirred, be accepted with confidence by them. On the other hand, the Committee cannot but think that the existing machinery is adequate for the purposes of justice. The police, above all others, are able to assist very materially in preventing injustice: the power and responsibility entrusted to them in this branch of their duty is very great. As far back as the year 1841 the Judges of the Supreme Court of the Cape of Good Hope endorsed the view held by Mr. Justice Menzies as to the position of the Crown Officials in that Colony in the prosecution of crime. According to Mr. Attorney General Porter, in a letter addressed to the Clerk of the Peace of Colesberg, dated 26th February, 1846, he advised the latter as follows:—"The doctrine laid down was this, that it is the duty of the Clerk of the Peace to bring forward every witness who can prove anything material to the case, whether the evidence may tend to inculpate or exculpate the accused." Assuming that prisoners are, immediately after arrest, made thoroughly acquainted with the charges made against them, and that those charges are closely investigated on the principles above laid down, there cannot be much ground for complaint that accused persons are to a large extent at a disadvantage when their cases are actually being tried.

145. It is conceivable that, with regard to aliens particularly, occasions arise in which it is advisable that an official of the Native Department should be communicated with in order that the latter may watch the interests of an accused person. This point presumably receives adequate attention.

146. To the class of cases coming under (a) other considerations apply. In many of these no doubt a thorough knowledge of native customs is requisite to an understanding of the motives which influence the actions of the accused persons, a knowledge which would possibly not always be possessed by the Presiding Judge or the Jurymen. For the purpose of trying these, the Committee recommend a tribunal consisting of a Judge and two Assessors well versed in native custom.

147. Mr. Jackson considers that the evidence fully warrants a recommendation that a tribunal of a Judge and two Assessors should replace that of Judge and Jury in all cases in which the accused is a native.

148. In connection with the suggestion that native witnesses are frequently so nervous and so disconcerted in the witness box as to be unable to testify freely and intelligently, the Committee recommend that such witnesses be permitted to give their evidence as much as possible in the circumstances in which they are required to address their own chiefs.

#### DETENTION OF WITNESSES.

149. It was complained that native witnesses are at times detained a considerable period pending the investigation of cases in regard to which they are required to give testimony. The administration of justice is likely to suffer by incidents of this nature, as under such circumstances men are tempted to close their mouths in order to avoid being called as witnesses. It does not appear that these instances are frequent, but as the point has been referred to, the Committee deem it right to bring it to the notice of the Government.

#### PASS LAWS.

150. The following are some of the principal provisions of the law on the subject of passes:—

Every native\* in the Territory is compelled to carry a registration certificate upon which is described his distinctive number, name, tribe, and other particulars for the purpose of complete identification. It is upon this certificate that certain particulars of contract on engagement are recorded. Similarly on leaving his employer the date of discharge signed by the employer is recorded.

\* "Native," when referred to in connection with the pass laws, means an adult male native.

151. Distinctive colours of the certificate denote indigenous, alien, and domiciled (tax-paying) alien natives, as the case may be.

152. In certain specified townships all contracts must be registered before a Registrar of Natives. The native is furnished with a certificate of service containing the terms of the contract. This certificate bears stamps, payable by the employer, of the value of 1s. for each month or part of a month for which the contract is made. Natives seeking employment in these townships must obtain passes for that purpose from the Registrar.

153. When a native changes his domicile from one district to another, he is provided with a pass which he presents to the official of his new district: he is then re-registered, surrendering the old registration certificate.

154. The possession of the registration certificate is sufficient to enable an indigenous native to travel anywhere within his own district, but if he desires to go beyond the limits of that district, to visit or to seek work, he must be furnished with a pass issued by the Pass Officer, the currency of which is limited to 21 days.

155. Any alien native not in employ should be in possession of a current pass. Any native in employ, and absent by leave, should possess a note denoting his destination and the period of absence permitted, not exceeding 30 days.

156. Certain natives who acquire prescribed qualifications receive exemption passes renewable annually, by which they are relieved of the obligations of carrying all travelling passes. A fee of 2s. is charged on this pass, payable both on original issue and on each subsequent renewal.

157. With regard to the registration certificate, little need be said. It was not objected to even by the natives, and is probably regarded by them as a useful, if not an essential measure of protection. It is, moreover, absolutely necessary for administrative and police purposes.

158. But many objections were submitted with regard to the visiting and labour passes, especially the former. It is undeniable that at present very great hardship is imposed upon those who desire to observe the requirements of the law. For instance, it was shewn that a native might have to travel over 200 miles to get a pass to go a few miles. The Government has endeavoured to prevent hardship in such cases by instructing Native Commissioners "not to press charges against indigenous natives found travelling without a pass beyond the limits of their own districts unless satisfied that the law was being evaded for some wrongful purpose." This relaxation of the law does not seem entirely to meet the circumstances, as a Native Department Official informed the Committee that the Pass Laws are regularly contravened; another felt sure that many natives do not observe the Pass Laws where they are absolutely unreasonable; and another was of opinion that the police should not prosecute for contraventions of the Pass Law except on the direction of the Native Department, and that he knew an appreciable number of cases which should not have been prosecuted. The Committee do not think that it is wise to administer the law in such a fashion. There is great risk of injustice if power is assumed of enforcing or refraining from enforcing the provisions of legal enactments. From a police point of view, too, it is unfair to allow it to be supposed that the enforcement of any law is a matter of discretion. Nor is it prudent to permit any class of persons to acquire the idea that laws they consider unreasonable may be disregarded. If it is clear that any portion of the law is regarded as oppressive, it would seem right to modify it or remove it from the Statute Book.

159. The Committee were divided on the question of the necessity for the continuance of the existing legislation in regard to passes. Colonel Grey and Mr. Wrey were of opinion that both visiting passes and passes to seek work should be abolished, and travelling passes substituted for all purposes; further, that increased facilities should be provided for obtaining such passes. The Chairman and Mr. Jackson considered that the time has arrived when the visiting pass may be abandoned, the registration certificate and the pass to seek work being retained, the amendment of the Ordinance to apply to indigenous natives only. The Committee as a whole do not advise the removal of the pass restrictions in the case of aliens.

160. Attention was drawn to the fact that certain classes of alien natives are not required to take out certificates in Southern Rhodesia (Section 3 (2) of Ordinance No. 10 of 1902). The Committee recommend that all immigrant natives entering the Territory for the purpose of seeking employment should be required to take out registration certificates of this Territory.

161. The Committee recommend that the fee on the exemption pass be charged on the occasion of original issue only, and not on renewals.

162. Representations were made to the effect that duplicate registration certificates are too easily obtained by aliens, and that desertions are thereby facilitated. Having regard to the provisions of section 29 of the Pass Ordinance, it is difficult to suggest a remedy other than the introduction of the finger print system in the case of that class of labour.

163. The Committee recommend that provision be made for the supply of metal receptacles for registration certificates, and that stronger material be used in connection with the documents themselves.

#### CREDIT TO NATIVES.

164. There was a considerable amount of evidence to the effect that the majority of the natives of the Territory have so little knowledge in regard to mercantile transactions, or of the effect and incidence of credit, that they would benefit materially if they were compelled to purchase everything for cash.

165. One development of credit is known as the Box System. There was abundant evidence that this is too generally a mischievous method of doing business. The main feature of it is the purchase from a storekeeper by the native of a box, which he leaves in the custody of the former, and in which he deposits from time to time goods which he has bought from the same storekeeper. Sometimes the goods are bought on credit, and the box and its contents are kept as security. It frequently occurs that the amount for which credit is given is more than the debtor can pay within the time allowed. A merchant, thoroughly conversant with the procedure, informed the Committee that under this system only half the "boys get their boxes back again; they get into debt so much that they leave their boxes altogether."

166. With regard to mercantile credit generally, the Committee recommend that debts of natives be made irrecoverable by legal process, and that the Box System be entirely prohibited by law.

167. The Committee have enquired carefully into a phase of the credit system which exists on the mines, and by which labourers are permitted to purchase goods on pledge of their pay. The custom varies in detail. On some mines food-stuffs, etc., are supplied to the extent of the full pay earned; on others the amount is limited to a proportion only, say 25 per cent.; on all on which the system is permitted the amount of the debt is recorded on the pay ticket, and is recovered by the creditor from the mine paymaster when the labourer concerned is drawing his month's pay. Assuming that the authorities of the mine control prices, there does not seem to be any objection to the system, provided that it is strictly governed by the restrictions contained in section 139 of Ordinance No. 19 of 1903. The Committee are confirmed in their view as to the propriety of the custom by the finding of the Committee on "Scurvy and Pneumonia" (paragraph 13) as to the relative immunity from scurvy of the labourers who supplement their rations by purchases of extras. The procedure referred to enables them to do this.

#### CORPORAL PUNISHMENT IN PLACE OF IMPRISONMENT.

168. The idea of extended power of summary punishment in substitution for imprisonment has many advocates, and there is a good deal of force in the arguments used in support of that new course. It is urged that in many cases culprits who are imprisoned for offences of no great seriousness associate, when in confinement, with persons from whom they learn much evil; that familiarity with imprisonment under such circumstances prejudicially affects the moral influence of that class of punishment; and that from every point of view it would be better if the courts possessed greater power to inflict corporal punishment in substitution for imprisonment. While sympathising with those who hold these views, the Committee do not think it would be wise to give too wide discretion in the direction suggested. The Committee recommend, however, that the age up to which caning may be inflicted for minor offences be extended.

#### SENTENCES.

169. It was represented that for minor offences judicial fines are at times imposed which are unduly severe and disproportionate, having regard to the circumstances and to the earning power of natives. One witness pointed out, as an example, in regard to a fine of four pounds, with an alternative of one month's imprisonment, that the amount was sometimes equal to eight months' pay. The following considerations appear to weigh, too, in such circumstances: When a heavy fine is imposed, a master will not readily come forward to save the servant from going to prison by advancing the amount, which he might do if the fine were a light one. The consequence is the master loses his services, while he, the servant, is in

prison, and the labour market is deprived of a unit during that period. The question is important from several points of view. The Committee did not feel justified in doing anything which might have had the appearance of a desire to criticise the judgments of the bench, and, therefore, refrained from following up the subject closely. The Committee deem it right, however, to refer to it, as attention was drawn to the matter by officials whose opinions are entitled to some weight.

#### CODIFICATION OF NATIVE LAW AND CUSTOM.

170. Section 50 of the Southern Rhodesia Order in Council, 1898, provides that "In civil cases between natives, the High Court and the Magistrates' Courts shall be guided by native law so far as that law is not repugnant to natural justice or morality, or to any Order made by His Majesty in Council, or to any Proclamation or Ordinance." It further empowers the Court to call in the assistance of one or two native assessors to advise the Court upon native law and customs.

171. It would seem that there is a considerable diversity of administration in regard to that branch of the law. For example, one Native Commissioner is of opinion that divorce should be granted for adultery, and also if the husband be committed for a long term of imprisonment, but not for incompatibility of temper; another would not divorce in case of a long term of imprisonment; another would divorce for incompatibility of temper. In addition to this consideration, there are certain customs amongst natives which ought not to be recognised in European administration.

172. The Committee recommend that steps be taken to collect the various native laws and customs, with a view to their publication in authentic form. By this means it would be possible to secure uniformity of administration. Most of the officials of the Native Department hesitate to approve of the principle of codification, as tending to give permanence to native law: they are of opinion that sooner or later the natives must all be made subject to European laws. Apart from the fact that native law is already specifically grafted on to the legislation of the Territory, the time for such development must, of necessity, be extremely remote, and the Committee consider, therefore, that in the meantime it would be a wise measure to follow the step above recommended.

#### ADMINISTRATION.

173. The Committee have not considered it necessary, having regard to the scope of the enquiry, to go very closely into the details of administration. The Committee recommend the appointment of a separate Secretary for Native Affairs, who should be the Executive Head in regard to all matters appertaining to natives.

174. The Committee also recommend the amalgamation of the existing district native affairs administration with the District Courts and Offices.

175. We understand that the question of the re-adjustment of the districts and administrative areas of the Territory is receiving the attention of the Government, and we do not feel it incumbent upon us to enter upon the details of this re-adjustment further than to express our view that in any system of grouping the areas formed should not be too unwieldy.

176. The Committee make the following recommendations:—

- (1) That a Secretary for Native Affairs should be appointed, with a seat on the Legislative and Executive Councils;
- (2) That there should be no separate Native Department beyond that recommended above, and that the present Native Department be amalgamated with the District Offices.
- (3) That for the purpose of rendering general administration more effective, and in order to establish the control of each district under one head, responsible for the government of all sections of the population, the Territory should be divided into Magisterial districts, conveniently grouped, and of a size which will admit of adequate administration by their respective heads. The Committee do not entirely agree with the scheme of grouping contained in paragraph 160 of the Civil Service Board of Enquiry, as the divisional areas therein proposed are in most cases too large.

The Committee find that the present boundaries of districts require re-adjustment, as there is a degree of overlapping of areas which leads to complications in administration.

#### REPRESENTATION AND FRANCHISE.

177. The practically unanimous views expressed by witnesses on this subject were carefully considered by the Committee, and there can be no doubt that the

natives of this Territory are as yet quite unfit for the exercise of any legislative franchise. The Committee realise, however, that this large section of the population should in some way be directly represented in the Government and Legislature. We have elsewhere recommended that a separate Secretary for Native Affairs be appointed, with a seat in the Legislative and Executive Councils. We consider that this Official should be specially charged with the responsibility of representing the natives, and he should be well acquainted with their wants and conditions, and should take measures to keep himself thoroughly informed in that direction.

178. In recommending that the franchise should not be granted to any native in the future, the Committee consider that those at present admitted to it should retain it. We understand that only fifty-one natives are registered as voters in this Territory, that there has been practically no change in the number since 1904, and that very few of those registered are indigenous.

179. The Committee recommend:—

- (1) That the present law admitting natives to the franchise for the election of members to the Legislature be repealed;
- (2) That the present condition of the native races in Southern Rhodesia does not necessitate the consideration of any measure for their popular representation.
- (3) That for the present, in any case, the representation of the native races in the Legislature will be sufficiently provided for by the inclusion in the Legislative Council of the Secretary for Native Affairs.
- (4) That natives at present on the register be allowed to retain that privilege so long as they possess the necessary qualification.

### **Taxation.**

180. The first tax imposed upon the natives of Southern Rhodesia was a hut tax of 10s. per hut (Ordinance No. 5 of 1894). Ordinance No. 12 of 1901 substituted for the above tax one of 10s. per hut which was payable by every male native of the age of 18 years and upwards, and an extra 10s. upon each wife exceeding one. Ordinance No. 21 of 1904 repealed the last-mentioned Statute, and imposed a tax upon each "adult male" of £1, and of 10s. upon each wife exceeding one.

181. The question as to whether or not the native contributes sufficiently by direct and indirect taxation to the annual expenditure, received the careful attention of the Committee. The total revenue for the year ending 31st March, 1910, was £613,005; the expenditure for the same period was £614,580. The natives paid £206,051 by direct taxation. In addition to this, it is computed that he pays in customs duties about £27,000 per annum.

182. It is stated that there is "enormous" demand by natives for such articles as tinned fish, preserved meats, etc., and that bicycles are extensively purchased by them. Natives are in an increasing degree consumers, not only of imported articles which are dutiable, but also of commodities of South African manufacture, which are free of duty, such as cigarettes, candles, biscuits, coffee, sugar, etc. The use of agricultural implements is developing rapidly. It is abundantly clear, therefore, that the natives are becoming a considerable economic factor as consumers.

183. Dealing only with direct taxation, the native paid something more than one-third of the revenue, or at the rate of 5s. 11d. per head, the native population in 1909-10 being estimated at 697,000.

184. It has been suggested by many witnesses that the personal tax be further increased. The following are some of the reasons advanced for this proposal:—

- (1) That the native does not pay sufficiently towards the revenue of the country.
- (2) That the supply of labour would be increased, as men would be compelled to work more to earn the increased amount.
- (3) That it is too easy for the native to obtain the money for the present tax.
- (4) That the natives have become more prosperous during the past few years, and can afford to pay more.
- (5) That more money should be spent on educational and other improvements in the condition of the natives, and that the natives themselves should find the additional sum.

186. A proposal which has received considerable support is that, concurrently with increased taxation, there should be liberal remission for natives who could shew that they had worked for a certain portion of the year, say six months, for European employers. Amongst other suggestions are the following:—

- (1) That there should be a progressive tax on polygamous wives to discourage polygamy.
- (2) That a marriage fee of £5 should be charged with remission to the husband of, say, 5s. for each month worked for an employer.
- (3) That a general dog tax applicable to Europeans and natives alike be introduced.
- (4) That there be a tax on all cattle, the revenue derived therefrom to be earmarked for fencing, etc.
- (5) Income tax.
- (6) Succession duty.

187. It is of interest in the consideration of the question to compare the direct taxation of natives in the other South African States. From information collected for the Conference of Superintendents of Natives in 1909, the contribution per capita was:—

	s.	d.
Southern Rhodesia (1908-9) Poll Tax ... ..	5	11
Natal and Zululand (1908) Poll and Hut Tax ... ..	5	1
Transvaal (1907-8) Poll Tax ... ..	8	10
In future, owing to reduced rate for farm labourers. Approx.	6	0
Cape Colony (1904) Hut Tax ... ..	1	6
Bechuanaland Protectorate (1904) Hut Tax ... ..	1	10
Basutoland (1904) Hut Tax... ..	3	3

188. The proportion above-mentioned as being contributed at the Cape refers to the amount paid to the public exchequer. In addition to this rates are imposed in certain areas for District Council Funds. These would increase the amount per head to from about 3s. to 6s. It must be further borne in mind that the advanced stage in civilisation which the natives in that Province have reached must make their contributions to the Customs Revenue very much higher than those of the Southern Rhodesia native population. The value of such contributions may justify the lower scale of direct taxation there.

189. It is necessary to guard against a certain degree of confusion of argument in dealing with a subject which relates to individual treatment in regard to taxation. That a large number of natives are extremely well off, and that these would be able to bear an increased tax is, no doubt, perfectly true; but the questions to be determined are whether the great mass of the taxable population (males from 14 or 15 upwards) are so well off that it would be wise and equitable to increase the amount for which they are at present liable, and whether the aggregate already paid by them is adequate, having regard to the total expenditure of the Territory.

190. The arguments adduced in favour of increasing the present poll tax are not strong enough to warrant such a step, for the reasons given; indeed, the weight of evidence is against that course. Nor does the Committee consider that an arbitrary increase for the purpose of adding to the labour supply can be justified even if additional taxation would have that effect, which is extremely doubtful.

191. Colonel Grey is not in agreement with the above. He considers that the weight of evidence is greatly in favour of increased taxation in some form or other, but that the main reason for such evidence is to obtain more labour. This, however, in itself is not sufficient reason, especially if taxation was found to be burdensome. The evidence of large numbers of official and unofficial witnesses, however, in Colonel Grey's opinion, clearly shews that the present system of taxation is easily borne by, and imposes no hardship on, the population as a whole; that the tax is readily paid, and that the natives have other methods of providing for taxation than personal labour for Europeans, European markets affording considerable income to native producers.

192. We do not consider that the system of granting remission of a public tax for work done for private industries is sound.

193. We do not agree with the view that the tax on polygamous wives should be increased for the reason urged in support of that course. On the contrary, we consider that when occasion arises for the reconsideration of the system of taxation, the tax on wives generally should be abolished. It is found that women themselves frequently earn and pay the tax. Apart from that circumstance, polygamy is already decreasing, and the increased tax would fall more heavily on the older men than on those who are capable of working.

194. A point to which reference has been repeatedly made by witnesses is the age at which boys first pay tax. It was urged by some that they should not pay until they are 16 years of age. We recommend that the term "adult male" in Ordinance No. 21 of 1904 be read to mean a male native of 15 years and over.

195. We suggest the imposition of a general dog tax applicable to Europeans and natives alike. The weight of evidence is conclusively in favour of such a measure. It is probable that this would cause the destruction of a number of unnecessary dogs, and would reduce the evil of grass burning which generally accompanies native hunting. It would also be a check on the spread of rabies.

196. After two years' residence, all alien natives are called upon to pay the same tax as indigenous natives, viz., £1 per annum for each male adult and an extra 10s. for each wife in excess of one. It is asserted by some witnesses that these natives consider the tax an injustice, and that the labour supply is affected by it. Others contend that the natives pay willingly, and consider that the fact of payment gives them a certain status in the country. It is generally admitted that practically all aliens who have remained in this Territory for two years and over are in receipt of high wages and can well afford to pay. We consider that this tax is a fair one, and that its imposition does not have an adverse effect on the alien labour supply. These natives come to this Territory for the purpose of earning higher wages than they can obtain in their own country, and in order to benefit themselves; and they should make a fair contribution to the cost of the Government of the State which affords them protection during their domicile.

197. The following are the conclusions arrived at by the Committee:—

- (1) The Committee are of opinion that the present taxation of natives in Southern Rhodesia imposes no burden upon the native population as a whole beyond such as can reasonably be borne; and that, speaking broadly, the contribution to the revenue of the country by the native races in Southern Rhodesia is fair and reasonable for the services at present provided.

The Committee are, however, of opinion that a considerable increase of expenditure will be necessary in the near future in connection with the improvement and advancement of the native population, more especially in regard to such matters as education (literary, industrial, and agricultural), medical assistance in reserves, and inspection in places of labour, and that a fair proportion of this expenditure should be borne by the native population.

- (2) The Committee are divided on the question relating to the provision for the cost of the above-mentioned improvements. The majority consider that after allowing a fair allocation of revenue to native service, and the general services of the country from which they may be regarded as deriving benefit, there remains a surplus which cannot be so allocated, and which is consequently available for an extension of native services.

Colonel Grey maintains that the native does not pay a fair share towards the services of the country, as, in addition to native services from which he derives benefit, he does not sufficiently contribute to the general services of the country. He states, however, that, for general purposes, the principle may be accepted that the native bears no more and no less than he ought to of the expenditure of the country in its present form; but that if an extension of services from which the native derives benefit is necessary, the contribution of the native population should be increased.

- (3) It was impossible for the Committee to solve definitely the question upon which they were at issue, and they have, therefore, concluded to recommend that the point be made the subject of expert examination. If it be found that the contention first above-mentioned is accurate, then they further recommend that such balance as may be arrived at in favour of the native population be exhausted for the payment of the additional improvements referred to, before any additional taxation is imposed to cover the native share of such improvements. If, on the other hand, the second contention is found to be correct, then additional taxation will be found necessary in the immediate future.
- (4) The Committee are of opinion that the present method of taxation has many disadvantages—it does not impose the chief burden upon that section of the population which is most able to bear it, and, whilst the present system of exemption laid down in section 5 of Ordinance No. 21 of 1904 is liberal and extensive, taxation of any kind on the older men is to some extent a hardship.

- (5) The Committee are of opinion that when it is necessary to increase the native contribution to the revenue the present system should be altered and the following substituted:—

Every male from 16 to 40 years of age should pay a poll tax of £2.

Males over 40 years of age should be exempt.

Taxation on wives should be abolished.

Every adult male who is incapacitated by disease or other good cause from doing work should be exempt from taxation.

If this system were carried into effect, the chief burden of native taxation would fall on those most easily able to bear it, by providing labour during the best years of their lives.

- (6) There is no necessity for altering the present law with regard to the taxation of aliens.
- (7) The Committee recommend that a general dog tax be imposed; but they are of opinion that it should in no case exceed 5s. per annum.

198. Mr. Jackson is of the opinion that when additional revenue is required, it should be raised by a contribution levied upon able-bodied male adults in reserves. This was recommended by a Conference of Superintendents of Natives held in Salisbury in October, 1909, and a copy of this report forms part of the appendix. He considers that the weight of evidence is against any general increase of the poll tax. He considers also that the obligations imposed upon natives living on land other than native reserves are sufficiently onerous at present, and that the natives living in reserves are in a better position to meet any necessary additional contribution to revenue. In the event of a dog tax of 5s. being imposed, he thinks that the revenue derived from this source would go a long way towards meeting any necessary additional expenditure.

### **Labour.**

#### INTRODUCTORY HISTORY.

199. Efforts at organising the labour supply of the country have been made since 1895, the Rhodesia Chamber of Mines taking the lead. In that year a Labour Fund was started, a compound was erected in Bulawayo with Government assistance, and arrangements were made for a supply from Barotseland. The rebellion, however, put a stop to both these undertakings.

200. In 1897, when the only available supply appeared to be Shangaans and Gazaland natives, arrangements were made to recruit in Sebungwe-Mafungabusi, Barotseland, and the Sabi districts. An attempt to obtain labour from the Colony disclosed the rate of wages required as too high for this country.

201. In 1898 the Rhodesia Chamber of Mines represented the necessity for some organisation of native labour, and maintained that the responsibility lay with the Government. A Commission was proposed by the Government, but the mines could not see their way to co-operate. A Sub-Committee, however, drew up a tariff of wages on mines, very similar to the one now generally adopted.

202. In 1899 the Matabele Native Labour Board was instituted, under the Chairmanship of the President of the Chamber of Mines, but met with indifferent success. However, in May, 1900, a Board for Southern Rhodesia, with eight members in Bulawayo and eight in Salisbury, assumed control, and entered into negotiations to obtain labour from outside sources. An experimental importation of Arabs and Indians proved this class of labour to be both costly and useless.

203. During 1899 legislation was introduced (Ordinance No. 9 of 1899) to regulate the employment of natives, and govern recruiting by licensed agents, or employers of labour and their agents. In 1901 an Ordinance was passed permitting the immigration of foreign unskilled indentured labourers, but it was apparently not acted upon.

204. Towards the end of the year 1901 the two Boards were separated, and the Labour Board ceased to exist, as the natives were reported as shewing an increasing tendency to seek work through their Native Commissioners.

205. In August, 1903, the first Rhodesian Native Labour Bureau was formed under a manager appointed by the Government, and with a Board containing two representatives of the mining industry, one of agriculture, and one of the Government. The necessary funds were advanced, to be repaid at the earliest possible date.

206. Arrangements were come to by which any surplus labour should be available for the Transvaal. But towards the end of 1905, when it was known some 6,349 natives had been supplied to the Transvaal, an agitation arose against the policy, and a Committee was appointed by the Government to investigate the whole labour question.

207. The report issued in January, 1906, found that the Rhodesian Native Labour Bureau had failed to meet requirements, and gave as some of the reasons that:—

- (1) There had been lack of co-operation between employers of labour.
- (2) The funds were insufficient.
- (3) The policy of supplying labour outside Southern Rhodesia was wrong.
- (4) The agents were too few in number and unsuitable.
- (5) The capitation fee charged was prohibitive.

208. A recommendation was made that a monthly registration fee of 2s. a head on all native labourers over the age of 14, engaged in mining work, be collected from employers by the Government, and the revenue derived therefrom be applied to the maintenance of the Association to be formed.

209. A few months later the present Bureau was instituted, under the Labour Fees Ordinance of 1906, which fixed the labour tax at 1s. per native per month payable by employers, on mining work, of 25 labourers and over.

210. During the year the field of recruiting was enlarged, and arrangements were made for the recruiting of labour in North-Eastern Rhodesia on deferred pay conditions—later in North-Western Rhodesia without those conditions.

211. The new Bureau took over the assets and liabilities of the old institution, and has been struggling ever since with ever-increasing liabilities, always greatly hampered by lack of working capital. In 1910 a deputation met the British South Africa Company in London, with the result that a new Labour Association is now in course of formation, with a capital of £200,000.

212. The operations of the Bureau have embraced North-Eastern Rhodesia, North-Western Rhodesia, and British South Africa. Responsible recruiters have been employed in these countries, and a chain of rest-houses, with all necessary facilities, has been established on all routes from the sources of supply to the centres of distribution in Southern Rhodesia. The same policy has been adopted in most parts of this country.

213. In 1908 the farmers endeavoured to recruit their own labour in Nyasaland by means of their own agent. This was, however, taken under control of the Nyasaland Government in co-operation with the Southern Rhodesia Administration, and after a visit in 1909 of a representative of this Government and the Chairman of the Bureau to Nyasaland, the collecting of labour for all employers from this source was conducted by the Bureau.

#### SUPPLY.

214. The demand for labour has increased with remarkable rapidity. In January, 1905, the South African Native Affairs Commission reported (p. 77) the requirements of Southern Rhodesia as 25,000, presumably for all vocations. Since that date the monthly average of labourers actually employed in mining alone was as follows:—

		Local.	Alien.	Total.
1906	...	6,345	11,359	17,704
1907	...	7,673	17,937	25,610
1908	...	10,368	20,563	30,931
1909	...	10,689	21,948	32,637
1910	...	12,739	25,086	37,825

The number of units employed on services other than mines during the last two years was:—

		Local.	Alien.	Total.
1909	...	14,518	11,425	25,943
1910	...	15,962	13,548	29,510

215. When considering the available supply of indigenous native labour, the Committee have accepted the conclusion of the South African Native Affairs Commission that 50 per cent. of the males between 15 and 40 may be expected to be at work at any one time. The figures worked on the local basis of 14 to 40, due to the registration age being 14, may be taken as substantially the same.

216. The estimate of population for 1910, supplied by the Native Department, gives the following figures:—

Total population	...	713,208
Males over 14	...	183,775
Married males	...	106,041
Unmarried males	...	77,734

No information is available as to the number of males between 14 and 40, but, accepting the method employed by the South African Native Affairs Commission in computing the number of males between 15 and 40, that is one-fifth of the population, the number between 14 and 40 may be estimated at somewhat in excess of 142,000. Taking 50 per cent. of these as available for labour at any one time, and applying the above method of calculation, there should be, therefore, over 71,000 males between the ages of 15 and 40 available for continuous labour throughout the year, leaving 71,000 for continuous occupation in kraal life, or who are not available on account of disease and other deterrent causes; and to their numbers should be added males over 40 years of age, estimated at about 41,000.

217. The Committee have gone to great trouble to endeavour to ascertain the number of indigenous natives who actually work, and over what periods their labour extends. From statistics furnished by the Mines and Native Affairs Departments, which we accept as substantially correct, it is estimated that in the year 1910 86,103 males between the ages of 14 and 40 worked for an average period of four months. Utilising this number to shew the continuous labour which was provided during the year, we find that an average of 28,701 were in continuous employment during the year in Rhodesia; and approximately 3,500 worked in the Transvaal. This gives about 45 per cent. of the labour which should have been available at any one time by the method of computation adopted by the South African Native Affairs Commission. About 53,000 natives between the same ages did not go out to work at all for Europeans during that period.

218. From the tables given above, it will be seen that there has been a considerable increase of indigenous labour, but even with the addition of the large alien supply, it has not been sufficient to keep pace with the rapidly increasing demand. It is difficult to determine the degree of the increase, as previous to the year 1909 there were no satisfactory figures of those at work on other industries than mines. The Committee nevertheless feel that, while gratifying general increase in the supply of labour from local sources is manifested, it is clear that there is considerable room for improvement in the supply of labour that might be afforded by the indigenous population of Southern Rhodesia.

219. From the evidence submitted to us, it would seem that a shortage of approximately 12,000 labourers exists at present in the industries of the country, and that this deficiency will be very largely increased in the near future. This does not, however, extend to town (mercantile trade and domestic) requirements, which seem to be amply met. It has also been shewn that labour is more easily obtained for industries situated in proximity to native localities than at a distance from them, and that it is also more readily available for certain industries and individuals than it is for others. This is a condition which is to be expected, but it goes to shew that natives are in the habit of exercising a choice both as regards employment and employers.

220. With regard to the question of the adequacy of the labour supply, the testimony submitted to the Committee varied a great deal. Evidence was given by persons in different localities and in different vocations to the effect that they had no difficulty in procuring labour, while, on the other hand, many others testified to being very short of labour, and were despondent as to the future. It was evident that the farming operations were very seriously affected by that circumstance. The Committee have arrived at the conclusion that there are a considerable number of employers who have sufficient labour for the whole twelve months in each year, and, further, there are a larger number of employers who have a sufficiency for nine months out of every twelve, but that on the whole there is a material shortfall in the supply in relation to the demand both in mining and farm work—more pronounced in the latter than in the former vocation.

221. It may be well to examine the considerations which, no doubt, at times influence natives in regard to working for Europeans. The idea that they merely live a life of ease and indolence does not represent the true state of the case. The view expressed by the South African Native Affairs Commission on this point in the following extract (paragraph 373) substantially represents the position as far as Rhodesia is concerned:—“The theory that the South African natives are hopelessly indolent may be dismissed as being not in accordance with the facts. Even the simple wants of the native population cannot be supplied without some degree of exertion. The population . . . has to derive its sustenance from a soil which is not everywhere fertile, and the native agriculturist has to contend with the same drawbacks of drought and pestilence that beset the European farmer. The labour of tilling the soil, weeding, and reaping is shared, but is by no means exclusively

performed, by the native women; and the representation of the native living at his own village a lazy and luxurious life, supported by his wife or wives, is misleading."

222. The following table of grain produced and cattle owned by Southern Rhodesian natives illustrates the amount of work performed on their own lands:—

	1909.	1910.
Bags of Grain = 200lbs ...	2,613,834	2,597,385
Sheep and Goats ...	808,000	859,804
Head of Cattle ...	232,000	259,610

Not only do they provide for their own wants wholly by what they produce, but they supply much for the use of the mines. Native stock-breeding has assumed a position of special importance, as indigenous cattle are regarded by Europeans as valuable foundation upon which to establish better class herds. From the above figures it is evident that, as producers and pastoralists, natives occupy a material and definite position in the Territory. That fact cannot be ignored in the consideration of the circumstances surrounding the labour problem, more especially in estimating the degree of assistance which should be rendered by natives to Europeans in the development of the resources of the country.

223. The Committee have investigated fully the methods and conditions of employment to discover, if possible, the circumstances which may be regarded as tending to deter labourers from seeking employment; and they have also endeavoured to ascertain what inducements can be offered to encourage natives to work more freely, and remain for longer periods, than they do at present.

224. From the figures given above, it will be realised that a considerable amount of time must of necessity be spent in connection with their own activities in life. In addition to legitimate vocations, it is very evident that a considerable number of natives find lucrative employment in an illicit and highly objectionable traffic in kaffir beer, etc., in the neighbourhood of mines and towns. The principal reasons, however, why the local native has not met the labour requirements of the country must be looked for in other causes than those arising from experiences in actual employment. Most of them are referred to by the South African Commission on Native Affairs (paragraph 374), and may be summarised as follows:—

- (a) The native populations have always been pastoral and agricultural.
- (b) The rapid increase of South African labour requirements, particularly during the last quarter of a century, has found them to a great extent unprepared to meet the new conditions which surround them.
- (c) The normal condition of native life is that of a small cultivator and herdsman, and the circumstances of their history have not developed among them a class accustomed to, and dependent upon, continuous daily labour.
- (d) The inexpensiveness of their method of living, the limited nature of their wants, and the comparative absence of incentive to labour.
- (e) The terms on which they occupy the land in the reserves.

To these may be added the fact of their increasing prosperity in recent years under civilised rule, and the circumstance (as pointed out by a witness who is a large employer of labour) that the present generation of natives are not a working class, as the older men "are used to being free."

225. It must be recognised, too, that there are conditions in connection with certain classes of industrial employment which naturally tend to make many natives hesitate before accepting employment. The work is arduous, the hours are long, and it is not a matter of surprise that they do not take to them readily. There are other circumstances connected with European employment which do, no doubt, have some effect on the labour supply. To these the Committee desire to refer. In enumerating them, they do not wish to say that they are largely present. There is abundant evidence that the vast majority of employers treat their native employees with great consideration and fairness, as will be seen later in the report. On the other hand, there is proof that the grievances do exist, that they are very real ones to the natives, and that they warrant attention.

226. Complaints are made of short payment of wages. On this point the Committee consider that the evidence is strong that instances of it do occur.

227. Another objection was that labourers are frequently kept unduly long on the minimum wage. This was particularly referred to in the case of natives engaged by the Bureau. The explanation given by one witness was that the capitation fee was so heavy that the employer could not afford the same pay as that given in the case of labourers engaged independently. The question of the minimum wage is an extremely vexed one. The contracts of the Bureau purport to specify what is

intended to be the commencing wage of labourers, but they contain a protecting stipulation to secure that employers shall increase the pay of men who prove efficient to the amount which is current for their particular class. The following is the relative clause of one of such contracts (paragraph 3 of form No. 2):—"If any native efficiently performs work for which voluntary natives on the mine are paid a higher rate than 9d. per diem (more especially underground drill or hammer work, firing boilers, or mill work), then such native shall receive the higher rate of pay applicable to the class of work performed." The trouble that arises in connection with a condition of this sort is the fact that in a very large number of cases the natives are not very well informed as to their rights or as to the methods of enforcing them, and it is feared, therefore, that, at times, legitimate increments are withheld.

228. The Committee are not prepared to suggest that the contracts should be drawn in a different fashion, because it would be very difficult for any employer to undertake definitely to give specific increments to individuals of whose capacity he is entirely ignorant. The remedy must be found in machinery for the close supervision of the employment of labour generally, and of the conditions of contracts. In regard to these, the Committee have made recommendations in connection with the inspection of Labour Compounds.

229. Evidence was also submitted to the Committee to the effect that employers at times refused to sign off labourers when their time was up.

230. What is known as the ticket system is also a matter that ought to receive careful attention. Under this a "month" consists of 30 days' work, each of which is marked on a ticket held by the labourer. Days on which he does not work, or on which he does not complete his allotted task, are omitted. On the other hand, special work—such as Sunday duty—is sometimes counted as double time. This condition of engagement receives the general approval of employers in mining work—it is an essential check on the malingering and loafing to which raw northern natives are said to be prone, and in principle it is accepted by the labourers; in fact, there is evidence that they prefer the system. The latter complain, however, that at times those who are set over them are not always just in connection with the marking of the tickets. The complaint is corroborated by some of the officials.

231. According to this system the miner under whom natives work has authority to refuse to mark the tickets if the requisite conditions are not complied with. There is, of course, the right of appeal to the Manager, but the position of the labourer in these circumstances was very fairly represented by a Matabele Chief who had himself worked in a mine and referred to this grievance. On being asked why he did not report the matter to the Native Commissioner, he answered: "How could we complain about the man we were working for? . . . We looked upon the decision as final." This is a fairly logical conclusion, as the supervising miner is *prima facie* the responsible official for determining and assessing the measure of work. The Manager could not overrule his decision, unless a very strong case was made out.

232. In considering the position of the employees in connection with a system of this nature, it must be borne in mind that the majority of natives are, as above-mentioned, extremely ignorant: numbers of them are alien natives, with whom it is admittedly difficult to communicate freely, even under ordinary circumstances. The General Manager of the Bureau spoke of the difficulty at times in connection with compound inspection in regard to interpretation; and one Native Commissioner mentioned an instance which illustrated the difficulty of investigating the complaints of some of them owing to their ignorance and the language difficulty. Obviously, with such a class of labourer there are bound to be frequent misunderstandings, and the application of the ticket system should be accompanied by stringent safeguards to obviate injustice. It must be remembered, too, that such a method of payment, which is universally in force in the mining industry, and which is analogous to piece work, establishes a relation as to liability for payment of wages which is wholly different from that existing in the case of engagements by time, the normal method of remuneration. In the case of the latter, the employer is *prima facie* liable for the full wage at the end of a certain period, unless he can shew that it has not been earned; but under the ticket system the onus of proof of underpayment is thrown upon the employee.

233. In view of all these considerations, it is obvious that it is essential to provide means of constant and independent supervision of the conditions of agreement, including the initial and progressive rates of payment, and effective but simple machinery for investigation of complaints which may be made in connection

with them. A remedy is proposed in discussing the subject of compound inspection.

234. With regard to hand-drilling especially, the Committee recommend the adoption of the system in force in some of the Transvaal mines, by which all natives engaged for hand-drilling, or any other piece work, are at the commencement of their period of service paid a fair wage: in the mines referred to it is 1s. 6d. per shift during the first 30 shifts, irrespective of the amount of work performed. In any case we recommend that drillers be paid a proportionate amount for holes which, though not of the proper depth, are, nevertheless, adequate for blasting. This system is already in force in many Southern Rhodesian mines.

235. It has been shewn that natives take from 35 to 45 days to complete a 30 day ticket. Not only must these periods of payment vary, but it is evident that at times considerable intervals must elapse between payments. The Committee recommend that, where the practice does not obtain at present, payment be made regularly, at the end of each calendar month, of amounts earned.

236. One serious and apparently not uncommon grievance arises from the practice which exists in connection with engagements on the registration certificates. In proclaimed urban areas a contract for service therein must, under the provisions of Ordinance No. 16 of 1901, be in writing and be registered at the office of a Registrar of Natives, who is also required to satisfy himself, before registration, that the terms have been duly understood by the contracting natives. But for employment outside such areas natives may be engaged by the simple record, on the certificates, by the masters, of the date of engagement, and the amount of wages (section 5 of Ordinance No. 8 of 1906). This record is regarded as *prima facie* evidence of the terms of the contract, and frequent misunderstandings arise between employer and employee as to both the length of engagement and the amount of wage.

237. The Committee strongly recommend that the provisions of section 3 of Ordinance No. 16 of 1901 be applied to the cases of all native employees, whether urban, rural, or mining; but to obviate the inconvenience which would be caused to persons, both employers and employees, who could not readily obtain access to a registering official, they recommend that contracts not attested as provided by the law referred to should be regarded as valid, but as only having a monthly currency; that is to say, they should be terminable at a calendar month's notice, given at any time, on either side. A considerable volume of opinion, as well of members of the public as of officials, was given in support of the view herein formulated. It may be considered that short term contracts are disadvantageous from an industrial and business point of view, but this feeling is not universally shared. At one large mine the Committee were informed that all agreements are monthly, and that a boy who wants to leave gives a month's notice. It is right to say that this mine is very favourably situated for labour.

238. It may be convenient here to refer to certain circumstances which were mentioned as likely to attract labour. The Committee are of opinion that extended provision for compensation in case of death and accidents occurring in the course of employment will have a very important bearing on the labour question. The principle of compensation in case of death is one which is deeply rooted in native custom and tradition, and the adoption of it would go far to remove the objection of natives to their friends proceeding to work on mines. The number of accidents and deaths at the mines has a material effect in the minds of natives in regard to employment in that branch of labour. Several native witnesses at Victoria (the most prolific labour centre) gave evidence in that sense, while the General Manager of the Bureau is "almost certain" that the high death rate on certain large mines had more to do than anything else with keeping northern labour away from them.

239. At present the Bureau contracts deal with the question of compensation up to a certain point in the case of natives coming from North-Western Rhodesia, North-Eastern Rhodesia, and Nyasaland. For partial disablement £3 is awarded, and for total disablement £5. For death by accident £5 is paid to the relatives of the deceased. The case of Southern Rhodesia natives is not provided for in the Bureau contracts. The General Manager of the Bureau informed the Committee, however, that, though it is not stipulated for, "in practice we nearly always recover compensation." No provision is made for the case of labourers who engage independently either from the North or locally; it is fair to assume, however, that some employers follow the procedure laid down in the Bureau contracts, but the matter is obviously not one which should be optional. The Committee recommend strongly that provision for compensation for accident be made in the case of all labourers,

indigenous as well as alien, engaged in mines and other specially arduous or dangerous callings, and that legislation be introduced to secure that end.

240. The question of compensation for death from disease is one which has been carefully considered by the Committee. They recommend that compensation be paid in the case of all deaths, whether from accident or disease.

241. It would be a great inducement to labourers if they could have their wives and families near the places of work, with gardens allotted to them. Instances in which this system has been tried have proved its success. In a report dated 16th October, 1909, the Superintendents of Natives say that:—"besides attracting permanent labourers, a well-organised location would tend to the disappearance of the parasitic and undesirable hangers-on of both sexes who now lead a loafing and immoral existence round many of the large mines."

242. It is evident that schools on mines form a great attraction. At one mine, for instance, the native labourers built a schoolhouse themselves and paid for it. They also paid for their own teacher; and there is official evidence to the effect that mines with schools on them are most popular.

243. A system has recently been introduced, in connection with natives engaged by the Bureau, by which labourers who complete six tickets receive a bonus of 10/-, and those who complete nine tickets 20/-, towards the payment of their tax. When these benefits are earned, coupons are handed to them, which they present to the Native Commissioners towards the payment of the tax, or in exchange for cash. A privilege of this nature will probably prove a considerable attraction.

244. A question was raised as to the liability of employers for payment during illness. It is provided by section 11 of Ordinance No. 5 of 1901, that, if a servant becomes incapacitated by illness or accident, he shall receive his wages during one month of such incapacity. As a rule it would seem that labourers actually contract themselves out of this benefit, or are regarded as doing so by acquiescence. That express contracting out is permitted is apparent from the opinion of counsel, which was submitted to the Committee, but, under present methods of engagement, there must be a large proportion of labourers who are taken on in a manner which does not permit of detailed definition of conditions of employment at the time. In these cases the law would seem to require payment during illness for the period prescribed by the Ordinance.

245. Mention was made of the difficulty often experienced by natives in terminating a contract. It is complained that in cases in which a month's notice is required employers at times require the completion of 30 ticket days as the period of notice, and that some even insist on this period beginning after the completion of the ticket which is current when notice is given. In practice this sometimes means that a native may have to work from six weeks to two months after giving notice, before securing his discharge. The Committee are advised that under the Masters and Servants Ordinance monthly agreements can be terminated on a calendar month's notice given at any time. This condition is apparently not generally known.

#### ORGANISATION.

246. The Committee regard the question of the labour supply from the indigenous population as one of the most important of Rhodesian problems, and, from an industrial point of view, they believe that the future of the country depends upon a satisfactory solution of it.

247. As mentioned above, there is an undoubted and serious shortage of labour now in most branches of industry, which is likely to increase in the near future. The Committee realise that ultimately the European community must depend almost wholly on the indigenous population. The services of the alien labourer have been, and are, an enormous boon to the Territory: without that the principal European activities would have been paralysed; but the greater cost of the imported native, his greater liability to disease as compared with local men, and the annual withdrawal of huge sums of money from this Territory involved in his employment, all point to the necessity of endeavouring to replace him as far as possible from sources of supply within its borders.

248. It is evident, too, that continuity of supply from the North is a matter of uncertainty. The embargo recently placed by the Nyasaland Administration upon the emigration of labourers from that Territory is evidence of this; indeed, the spread of sleeping sickness may, at no distant date, make it incumbent upon the authorities of Southern Rhodesia to take action on their own account in the same direction.

249. The engagement and supply of labour is at the present time undertaken by:—

- (1) The Rhodesian Native Labour Bureau, operating with its agents in most districts of Southern Rhodesia, and in the Northern British South Africa Territories, including Ports of Entry to this Territory (Government Notice No. 169 of 1906).
- (2) Licensed Labour Agents, of whom there are probably now only two or three remaining (Ordinance No. 9 of 1899).
- (3) Private employers for their own work, either directly or through an employee.
- (4) Agents of employers, nominally in their employ, but in reality recruiting on commission.
- (5) Unlicensed agents, who, not specially engaged to do so, enrol boys with the idea of transferring their services at a profit to large employers of labour. These are known as independent recruiters.

250. A considerable volume of opinion was in favour of the view that recruiting should be carried out by Government officials. The Committee do not approve of that suggestion. Its advocates entirely repudiate the idea of compulsion, but on careful consideration it will be seen that to be effective the part to be taken by public officials must either involve a certain degree of pressure, which, in the native mind, would not be distinguishable from compulsion, or it would expose the prestige of the Government to risk of contempt, because the methods adopted would necessarily be such as to indicate that there was no intention to exercise undue influence. The plain truth of the matter is that, if Government should find it necessary or expedient to take active steps through its officials in recruiting labour, it would have to carry out the work in a whole-hearted manner. It could not afford to risk rebuffs in the shape of unsuccessful attempts, whether expressed in the form of wish or order, to induce compliance with its desires. Knowing this, officials would sooner or later be tempted to resort to measures which would bring the Administration into disrepute. In view of these considerations, the Committee cannot recommend that Government officials should take any part in active recruiting.

251. Colonel Grey does not agree with the view expressed by the Committee, and is of opinion that all recruiting of labour in Southern Rhodesia should be undertaken by the Government, and that the work should be conducted by a separate Department and under control of district administration. He considers that pressure on the part of Government Officials is neither necessary nor possible under a well-organised system, and that no fears need be entertained of any ill effects of comparative failure at first. Such a system would be welcomed by the natives, in Colonel Grey's opinion, as affording them protection from recruiting agents of the Bureau, whom they fear and dislike.

252. A large and representative number of witnesses have, however, strongly advocated that a Government Department should take over the business of organising labour in Southern Rhodesia in the interests both of employers and employees, mainly of the latter, and the following would appear to be the principal arguments in favour of such a system.

253. The excellent work which the Bureau has accomplished is thoroughly recognised. This is specially the case with regard to the obtaining of labour in the Northern districts, which have been previously untried; to the organisation of a system for the transport of labourers to and from their places of work; and to measures for their protection and supervision whilst in employment.

254. It is, however, argued that the circumstances of Southern Rhodesia are different from those of the Northern Territories. Here the native labourer possesses more independence of character. He does not like being interfered with, and it is urged that that spirit should be respected. The local native will only go out to work when he wishes, or is compelled to do so by force of circumstances. The most elaborate system of recruiting is of little use in inducing him to go out to work if he does not wish to do so. He knows all about the industries of the Territory, he knows what wage he can get, he is aware of the conditions of labour, and in fact there is little which recruiting agents can tell him that he does not already know; and he only recognises Government Officials as the safe and authentic channels of information between employers of labour and himself. There is evidence that even well-known Bureau Agents have had little or no effect in inducing local labourers to seek employment.

255. In view of these considerations, the Committee recommend that the following scheme for the organisation of labour in Southern Rhodesia should be given a trial.