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COLONY OF NATAL

REPORT

OF

NATIVE AFFAIRS COMMISSION

1906-7

PIETERMARITZBURG:
P. DAVIS & SONS, GOVERNMENT PRINTERS, LONGMARKET STREET.
1907.

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HENRY McCALLUM,
Governor.

COMMISSION.

By His Excellency COLONEL SIR HENRY EDWARD McCALLUM, Royal Engineers, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Aide-de-Camp to His Majesty, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

To His Honour Henry Cooke Campbell, Imperial Service Order, Justice of the Peace, President, Native High Court; The Honourable Sir Thomas Keir Murray, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Justice of the Peace; The Honourable Sir James Liege Hulett, Knight Bachelor, Member of the Legislative Assembly of Natal, Justice of the Peace; The Honourable Coenrad Johannes Birkenstock, Member of the Legislative Council of Natal; Colonel Herbert Edward Rawson, Royal Engineers, Companion of the Order of the Bath; Maurice Smethurst Evans, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Member of the Legislative Assembly of Natal, Justice of the Peace; and the Reverend James Scott.

WHEREAS I have deemed it necessary to appoint a Commission for the purposes of enquiry into matters concerning Native policy and administration in this Colony:

NOW KNOW YE that I, reposing great confidence in your zeal, knowledge, and ability, have authorised and appointed, and do by these presents authorise and appoint you the said Henry Cooke Campbell, Thomas Keir Murray, James Liege Hulett, Coenrad Johannes Birkenstock, Herbert Edward Rawson, Maurice Smethurst Evans, and James Scott to be my Commissioners for the purpose of enquiring into and reporting upon matters concerning Native policy and administration, and legislation affecting Natives, with special reference to the following subjects:—

1. The definition of the word "Native."
2. The amendment of the Code of Native Law, and its extension to the Province of Zululand.
3. Exemption of Natives from the operation of Native Law.
4. The marriage of Natives amongst themselves, and with others than Natives by Christian rites.
5. Acts relating to identification and other passes.
6. Contracts between Native tenants and their landlords.
7. The Courts Act of 1898.
8. The limitation of interest upon money lent to Natives.

Bills recently prepared by the Government dealing with the subjects above enumerated will be placed before the Commission for consideration, together with papers relating thereto, and the Commissioners will be at liberty to extend their inquiries into all matters which may be relative to these measures.

9. Education; industrial training; the ecclesiastical control of religious activities.
10. Labour, and the relation of landlord and tenant with reference in particular to the following questions:
 - (a) The law of Masters and Native servants.
 - (b) Rents and the terms of occupation of private lands by Natives; the rendering of personal services in lieu of rent or in repayment of loans.
 - (c) Touting for labour.
 - (d) Facilities for promoting the supply of Native labour.
 - (e) The regulation and limitation of togt labour; the employment of Natives as ricksha pullers.
 - (f) Municipal and township regulations affecting the employment of Native labour.
 - (g) The entry into and the departure from the Colony of Native labourers, whether by land or sea; the transit of Native labourers to other Colonies.
11. The political and administrative aspects of the work of the Natal Native Trust; the control of lands vested in the Trust whether as locations or mission reserves.
12. The desirability or otherwise of the control by Magistrates of the police employed in duties connected with the Magistrates' offices and courts.
13. The adequacy or otherwise of the machinery employed in the administration of Native affairs, and in the administration of justice between Natives and the qualifications to be required of persons engaged in such administration; the powers of native Chiefs; the advisability or otherwise of separating the Native judicial and political business from the duties of the Magistrates' Courts.
14. The cost of administration and the fair share therein of the Native population with particular reference to the sufficiency or otherwise of the present contribution to revenue by Natives in this Colony.
15. The illicit sale of liquor to Natives and restriction of beer drinking.
16. Generally to enquire whether any of the existing laws require amendment with a view to removing any just cause of dissatisfaction on the part of the Natives.

AND I do require you, the said Commissioners, to elect your own Chairman.

And for the better effecting and enabling you to carry out the purposes of this my Commission, I do give and grant unto you, or any five or more of you, full power and authority to call before you, or any five or more of you, and to examine such persons as you shall judge necessary, or in your judgment may be required, and by whom you may be the better informed on the subject herein

submitted for your consideration, and any matter connected therewith; and also to call for, have access to, obtain extracts from, and examine all such judicial and official books, documents, papers, and records as in your judgment may be required, and as may afford information on the subjects of this enquiry; and to enquire of and concerning the premises by all other lawful ways and means whatsoever.

And I do hereby authorise and instruct you, or any five or more of you to report to me under your hands, with all convenient speed upon the several matters and points herein referred to, and submitted to you for consideration.

And I do authorise and empower the Commission hereby appointed to appoint Committees from themselves, consisting of not less than Three Members of the Commission, to meet from time to time, at such places as the Commission may deem necessary, to enquire into any of the subjects hereby submitted for consideration; subject to such powers and authorities as may be conferred upon them by the said Commission:

And I hereby reserve to myself, the power and authority from time to time to nominate and appoint some fit and proper person to be a member of the said Commission, in the place of any present or future Member of the Commission who shall die, or resign, or become incapacitated to act, or who shall absent himself without good cause from three consecutive sittings of the said Commission without the leave of the Chairman of the said Commission; and also I reserve to myself, power to increase the numbers of the said Commission by the addition of such members as may seem desirable.

Given under my hand and the Public Seal of the Colony, at King's House, Durban, Natal, this twenty-first day of September, One Thousand Nine Hundred and Six.

CHARLES J. SMYTHE,
Prime Minister.

REPORT OF NATIVE AFFAIRS COMMISSION, 1906-7.

Pietermaritzburg,
25th July, 1907.

May it please your Excellency,—

We, the Commissioners appointed by the Commission of Your Excellency's predecessor, dated the 21st September, 1906, authorising and directing us to inquire into and report to you upon matters concerning Native policy and administration, including legislation, affecting the Natives, and also with special reference to a variety of subjects enumerated therein, have now the honour to submit the result of our investigations for Your Excellency's information.

2. The design of the inquiry being both general and particular, the powers conferred have been used in the manner intended and to the fullest extent by collecting information from all sources, European—official and unofficial—Native and others; all being invited who could further the investigation, by advice or suggestion, or the results of their observation and experience.

Design of In-
quiry.

3. It is believed that no similar local inquiry has collected such a mass of carefully prepared evidence, all of which was noted and abridged by a highly qualified officer, and thereafter returned to many of the witnesses for revision and signature.

Evidence.

4. The feeling of unrest which has prevailed throughout the Colony, as well as beyond its borders, for some years past, was fully evidenced by the truly extraordinary number of persons of all classes, often at great personal inconvenience, who appeared before the Commission to assist in the inquiry. A large number who could not attend sent in replies to questions and original papers, which will be found with the evidence. Long before the conclusion of the evidence, it was felt that ample information had been obtained to enable the Commission to arrive at a conclusion, but, at the same time, it was equally evident, in view of the immense importance of the questions involved, that an opportunity should be afforded to all, and especially to the Natives themselves, to give full expression to their views. This prolonged the investigation stage of the work longer than was actually necessary to reach a result, but the time so spent has not been without its compensations in the feeling left upon the community, and particularly upon the Natives, that the examination of the various points was marked by patience and thoroughness, and an appreciative and sympathetic consideration of the views and recommendations of all alike. So much, therefore, by way of preface and explanation of the procedure adopted.

Witnesses.

Native
evidence.

Extent of Inquiry.

5. The Commission held its first meeting on the 16th October, 1906, for the purpose of electing a Chairman and deciding upon the course to be followed. This being done, evidence began to be taken on the following day, and was received from time to time up to the 18th June, 1907. To facilitate this object, 34 places were visited, at which statements by 301 Europeans were received, together with those of 906 Natives and others, who addressed the Commission personally or by delegation.

6. So highly did the Natives appreciate the opportunities afforded them of expressing their views that at least 5,500, including Chiefs and headmen, exempted and Christian Natives, attended, and, on the whole, spoke, as they were invited to do, with remarkable freedom.

Condition of Natives.

7. A review of the question would be incomplete without special reference to the condition of the Natives. Having interviewed so many of them, and weighing their statements in conjunction with those of Europeans, it is possible to estimate correctly their position, economically and socially, as well as their temper and mental attitude towards the dominant race.

Attitude of Natives.

8. As nothing is to be gained by reticence, the opinion is here expressed that the chasm between the races has been broadening for years, and that the attitude of the Natives is now one of distance and distrust. In their inexact and unreflective way, they attribute all their troubles to the Government, which they believe either originates or permits or sanctions all that has changed their life from the simplicity of the past to the uncertain conditions of the present. Reasoning as they do, they see the hand of Government in the high rents and labour demanded by landlords; the various taxes they have to pay; the numerous passes or permits they have to be provided with; the restrictive, unfamiliar, and unknown laws they have to submit to; the compulsory service they have to render upon public works; and the disintegration of their tribal and family systems. These are amongst their most prominent complaints and will be more specifically dealt with later.

Natives connect Government with troubles.

Native obligations and means.

9. Notwithstanding that their obligations, both public and private, have, to some extent, been increased during the recent past, their present ability to meet them has been considerably lessened by the loss of their cattle by disease, their crops by locusts, by a growing neglect of cultivation, especially by the women, and by a general reduction in wages and openings for employment.

Mental attitude of Natives of Natal and Zululand contrasted.

Zululand delimitation.

10. The condition and temper of the Natives in Zululand were in marked contrast to what exists generally throughout Natal. This is to be attributed solely to the fact that they have been left more to themselves, and have not been suffering from the exactions of landlords. Still, they were apprehensive in several districts about the alienation of their lands for European occupation, a policy which, undoubtedly, contains the germs of unrest. The vital necessity of

reserving more of Zululand for the overflow from Natal, as well as for the natural increase of the resident population, is one of the most pressing aspects of the question, and must receive immediate attention. It may as fittingly be stated now as later, that the struggle for land, which is present in their minds, is simply the struggle for life, and a lack of administrative forethought has to be noticed with respect to the wasteful use of land reserved for Natives, particularly in Natal, where the full and economical occupation of the Locations has been glaringly neglected. The closer settlement and more beneficial use of the Native reserves, both in Natal and Zululand, form an important ingredient of the scheme which will be referred to later on and cannot longer be delayed with either credit or safety. The impelling forces of ambition and actual necessity being absent, they are unfitted by nature to rapidly recover their position against all these adverse circumstances. Hence, their condition may be described, generally, as poor and discontented, the youths more independent and selfish, and less disposed to submit to authority, and the women and girls becoming idle and indifferent to marital and filial restraints.

Struggle for land.

Native deterioration.

11. In addition to their restricted means and resources, a very large number are indebted to Europeans, and, in some cases, to Indians and others, for money advanced at high rates of interest, or to secure their labour at low wages. And, whenever their creditors seek the aid of the Courts to enforce claims, whether for rent or loans, it but affords them another illustration, in their distorted view of things, particularly when their cattle are seized and sold judicially, that the Government sides with their oppressors.

Native indebtedness.

12. It would be an obvious omission in an inquiry of this nature not to make some attempt, however difficult the task, to describe, or, at least, to indicate, so far as it has been understood, the line of action followed in the past in the Government of the Natives. In remarking thereon, and while not wishing to exaggerate the defects and absence of clearness, the common doubt is shared regarding the fundamental and guiding principles of these methods, and the specific objects intended to be secured. It has, by those professing acquaintance with the subject, been variously styled as a policy of action; by others, as a policy of inaction; and, by some, including an ex-Governor, as no policy at all. A policy of action implies a plan with a clearly-defined and well-considered objective, while a policy of inaction implies studied inactivity for a set purpose. But, although there is some foundation for the taunt that the Government is without a Native policy, because of the absence of persistent purpose, high aim, or clear principles, it would be an injustice to pronounce it non-existent or wholly featureless. Its leading features seem to have been the preservation of peace, in reducing the size of tribes, and curtailing the powers of Chiefs; in assisting the educational efforts of Mission Societies; and, while tolerating the continuance of Native Law in a modified form, permitting exemption from it by personal effort and attainment.

Past Policy, its leading features.

Native Policy :
Absence of definiteness and consistency in action.

13. Regrets at the absence of definiteness in construction, and of consistency and persistency in action, might have been balanced or removed if any marked degree of success could be claimed under any of these heads. There is unrest in the land, and, although we have striven to give them peace, we have been far from assiduous in teaching them the arts of peace. We have not generously enough met their cry for education, assistance, and advice, and, for some years, the desire of many to emancipate themselves from Native Law has been studiously discouraged.

General Native dissatisfaction.

14. To sum up, we have not satisfied any of the various classes which go to form the Native section of the community. The exempted Native believes that, while asking for bread, he has been given a stone, by being denied the full privileges of the European; the Christian, or educated, Native wants more education, fixity of land tenure on Mission Reserves, and suitable avenues for the employment of his children; the half-caste frets because his cry to be freed from Native Law, and be legally classified with his European ancestor has been persistently ignored, and, as a contrast to these strivings for improvement, there is the kraal-native, representing the great mass of the population, who simply desires to be left alone, preferably under the sway of his Chief, to live his own life of sensual stagnation.

Native military service.

15. In taking this brief survey of Native feeling at the present time, reference should be made to a special grievance entertained by the educated and exempted Natives, and about which they feel considerable irritation. Although employed on several occasions in the defence of the Colony, and of the Empire as well, their desire for permanent enrolment, as part of the defence force of the Colony, has not received the appreciation and recognition which they and their sympathisers considered appropriate. It is part of Native character, and, indeed, of human nature generally, to look for a public reward for a public service. The form they wish it to take is that it should be an abiding expression of trust in them, and a distinguishing mark of the loyalty of their class, and the readiness they have always shown to come to the aid of the Government. The desire to be enrolled is neither unusual nor untried, and the manner in which their expectations may be considered will, undoubtedly, profoundly affect them one way or the other. Having given many proofs of their faithfulness, they say they can and should be trusted, and, knowing their feelings, it is no false inference to draw, that a rebuff will create another disturbing element, and give further cause for disaffection and loss of political stability. It would be a tactless blunder to do anything, or refrain from doing anything, by which this class would be constrained to drift further from, instead of drawing closer to us. The half-castes, who are wholly attached to us, have presented requests to be allowed to form themselves into Rifle Associations. They should also have a willing ear lent to their petitions, and, if they cannot be met in that form they might in another equally advantageous to the country, and acceptable to themselves.

Desire of half-castes to form Rifle Associations.

16. A policy, like other things, can only be judged by its results, but short of having given them peace and security for many years (the immense benefits of which are self-evident, and by many Natives gratefully acknowledged), and assisting to a limited extent in their education, no marked degree of individual progress in agriculture, architecture, or handicrafts, manners, or morals, can be discovered as due to direct Government action.

Results of past policy.

17. Unwelcome feelings of disappointment at the comparative barrenness of results would be quelled if persistent attempts had been made to improve the calibre of the Chiefs; to secure the more economical occupation of the Locations; to induce them to acquire industrial habits, and to become better cultivators; to improve the unsatisfactory and strained relations arising from high rents between landlords and Native tenants; to protect them against the spoliation of the usurer; or, in any other way, to raise them in the scale of civilisation, and to bind them to us by the ties of sentiment and self-interest.

18. Reliance, fortunately, could be placed, in the earlier days of the Colony, as much, if not more, upon inter-tribal rivalries than upon the absolute loyalty of any particular tribe to punish contumacy and secure obedience to the laws of the country. Recent events have, however, shown that these once acute animosities can no longer be relied on to maintain order, and that community of blood and speech are sufficient upon common cause to set them at rest, and to unite once disunited tribes. Moreover, as the evidence shows, the cleavage between the Station and the Kraal Native is not so marked as it once was, and that even the exempted Native believes that he has a right to speak for all classes in seeking some amelioration of the conditions from which they are alleged to be suffering. Should, unfortunately, occasion require it, other and more dependable means for the preservation of order will have to be relied on in the future.

Inter-tribal rivalries no longer acute.

19. Weighed and wanting must be the reluctant verdict upon past efforts to reconcile them to changed conditions of rule and policy, and to convert them into an element of stability and strength. Let the question be fairly put and plainly answered. What is to be the destiny of this Colony, with its overwhelming Native population? Noted for their fecundity and virility, they will not die out or succumb to ordinary adversity, and, as we can neither assimilate nor destroy them, political forethought and common sense alike call for a settlement of the question on a broad, enlightened, and permanent basis.

Past failure of efforts to reconcile to changed conditions.

20. The Natives must be made clearly to understand, and to realise that the presence and predominance of the white race will be preserved at all hazards, and that all attempts to destroy its hegemony, whether overt or covert, such as the Ethiopian propa-

Paramountness of the white race.

ganda, will be promptly punished, instead of being disdainfully treated, as in the past.

Warnings unheeded.

21. A general hypnosis seems to have settled upon the country and its rulers, unheeding alike the mutterings of the disaffected, and the warnings of the few who were more alert to the signs of the times. Having taken up the burden, enormous as it is, of governing these people, the dictates of courage and wisdom demand the lightening of the load, rather than its abandonment; but the task is so huge, and the subject so complicated, with its internal and external conflict of interests, that its settlement is nothing short of a life's work, involving, at the same time, perpetual adjustment and proper correlation to other parts of the body politic.

Native Reserves in Natal and Zululand an outlet for surplus population.

22. Seeing that the vast majority must, perhaps, for generations yet, live under a modified and supervised tribal control, immediate preparations should be made for filling up the Native Reserves in Natal and Zululand with all those for whom room cannot be found on private lands, or who, in any way, wish to improve themselves. The salvation of the Colony depends upon relieving the congestion on private lands in Natal, by providing an outlet for the people, primarily into Zululand, and also into our own Locations. Those not so affected, or disposed to go, would comprise the landowners, the exempted and educated classes living on Mission Reserves and elsewhere, farm servants, and all those who wish to escape from the pressure of tribalism.

Control of natives to be entrusted to highly-skilled officers.

23. Not only special measures of this nature, but also the direct control of the Natives in general, must be entrusted to highly-skilled and carefully-selected officers, possessing the attributes of born rulers, imbued with an ever present sense of their responsibilities, and with an intense desire for the welfare of the people. Faced by the many problems of this interminable question, the ordinary Minister, with his uncertain tenure of office, is satisfied if he tides over difficulties and maintains the *status quo*, and he is thus under disabilities from the commencement.

24. It is, therefore, intended to discuss elsewhere the absolute necessity for relieving the Minister for Native Affairs from the duty of attending to the details of Native management, reserving to him merely the direction of the final approval of a policy, and dividing the responsibility of arrangement and action between a permanent Council and a number of specially qualified Executive Officers.

The "Native Question" after 50 years of occupation.

25. It is remarkable that, at this date, after more than sixty years of occupation, we should still be in search of the best methods of governing the Natives. The deserts of a Government are evidenced by the number of questions it may be burdened with, or be endeavouring, more or less successfully, to settle, or by the growing discontent of a section of the people. Why should we have an unsettled perplexing "Native Question" in a more or less acute state,

and why should its solution apparently be more remote and uncertain than ever? The several Commissions of Inquiry in the past, and particularly the present, indicate or support one or more of the following postulates; lack of knowledge, poverty of resource, erroneous methods, and want of self-reliance; all of which imply a confession of weakness and an acknowledgment of failure. The lengthy agenda submitted to the Commission must be accepted as evidence of imperfection and maladjustment, or want of adaptability somewhere.

26. Strictures like these may appear severe, but are by no means unwarranted, and are directed as much against legislative measures as administrative methods, especially, since the adoption of self-government. It is more than supposition that the domain of statutory law has been more intrusive since the advent of Responsible Government than formerly. Since then, there has undoubtedly been an increase in the control asserted by the State in the habits of the Natives, mainly in the supposed interests of the Europeans. The Parliamentary enactments of one kind or another, since 1893, especially applicable to the Natives, number no less than 48, while another 13 failed to become law. The laws, and parts of laws, having special relevance to Native administration in Natal and Zululand, to the number of 66, have, together with 12 sets of regulations on various subjects, recently been collated, and form not only a respectable volume, but matter for the most serious reflection in relation to this question. A study of all these enactments is more than sufficient to give weight to the complaints of Natives that they are ignorant of the laws to which they are expected to yield obedience, and to lend force to their appeal for a more reasonable consideration of their interests.

Native legislation during period of Responsible Government

27. In thus alluding to the supplanting, by statutory or restrictive law, of the adaptable and dynamic force of human personality in the control of a simple and semi-savage people, there is need to give a shock to the political instincts of the dominant race, and to appeal to them to apply the principles of political science in the government of these people. The Natives have practically been denied a voice in the management of their own affairs, and yet it may be asked if it can be regarded as either reasonable or feasible that a people accustomed for ages to the patriarchal system, the leading feature of which is a paternal despotism, can be successfully ruled by a system wholly remote and based on loyalty to, and reverence for, an ideal or notion of an abstract character. We do not look for sympathy from our public officials, but only integrity and a sense of duty and responsibility in administering laws which we believe to be just and suited to our conditions and ideas of life. But, with a people accustomed to, and comprehending no other than, personal rule, it is essential that the magnetic and powerful influence of human condescension and sympathy should not be ignored as indispensable to their successful control. Putting law in the place of

Principles of political science in Native Government.

Natives accustomed to personal rule

sympathy has had the natural effect of inhibiting and neutralising their confidence. Formerly, the tribe was their cosmos, and tribal patriotism their highest altruism. Each thought and acted as a tribal unit in the enlargement of one tribe, or the preservation of another, the stimulus of which was varied by the excitement of hunting and the chase; but now the only variety in the monotony of tribal life is an occasional faction fight, which, by the way, our Courts take much too seriously. Such as they were, these things filled their lives, and bounded their aspirations; but all this has been changed, and the hunter and warrior of yesterday is too often expected to become the industrial unit of to-day. Having now no collective aim in life, without a ready and effectual means of expressing their opinions, the future uncertain, and, with the prospect of further burdens, need it excite surprise that the past, with its lingering trail of consciousness, should still influence their thoughts and reveal itself in a desire to return to old habits and modes of life? It is idle to expect a people to be raised to higher standards of thought and living, otherwise than by the slow process of evolution, the more so when it should be remembered the extent to which they proclaim their lack of imagination and initiation in the style of their dwellings, the poverty of their cultivation, deficiency in the power of computation, ignorance of letters and of the arts generally.

28. Is it to be wondered at then, as the evidence abundantly shows, that the more intelligent and reflective among the Natives so frequently drew comparisons between the consideration and treatment shown them in the pre-Responsible Government days, when the personal factor had sway, and what it is to-day when this element has been practically eliminated altogether? A system of Government which disregards natural laws, and leaves out of account the idiocracy of a people, is doomed to failure.

29. These remarks are intended to lead up to the suggestion that both the administrative and legislative sides of the Government should earnestly re-consider the whole scheme of Native administration. If this be delayed or neglected, the warning should be given that, without claiming the possession of predictive powers, the cumulative effect of the immense mass of evidence justifies the right to foretell, with reasonable accuracy, what the result of a refusal to adopt and apply alleviative measures will be, viz., continued discontent and distrust, and a possible further explosion of the pent up forces of disaffection. Relying upon the diagnosis which has been made, mere palliatives will not suffice, as the rill of discontentment to-day will, if not controlled, become the torrent of malcontentment to-morrow. We should not expect a race, yet in its childhood, to act in a manner befitting developed and matured humanity; hence their inclination to appeal to force rather than to reason for a redress of what they regard as their wrongs.

30. Although the discovery of the causes of the late Rebellion is not within the scope of this inquiry, it may be permitted to say

Individual and tribal lives.

Elimination of personal factor in Native Government.

Necessity for alleviative measures, administrative and legislative.

Causes of late rebellion.

that they were both material and psychological. It was primarily a revolt against restrictive conditions, assisted by a natural desire, common enough, as history shows, amongst subject races, to return to their own mode of tribal and family life. All their views of Government, its acts and omissions, benefits and defects, are largely coloured and shaped by the feudalistic traditions of their lives, which, by preventing the development of self-reliance and individual character, has taught them to regard their rulers as the only and natural sources of power, punishment, reward, and welfare. This explains why their attitude towards the Government has been one of alternating expectation and despair. The belief that the conditions they were finding intolerable were attributable in one way or another to Government action or inaction, explains why so little injury was done to private property during the late disturbances. Looking upon Government as the maker and enforcer of laws, the imposer and collector of taxes, the fountain of all authority, with its officers everywhere, they wonder why their family system is permitted to crumble to pieces, and their daughters go astray; why they are compelled, through the Courts, to pay heavy rents and usurious interest; to submit to the overbearing conduct of the Police, and to laws they were ignorant of, and in the making of which they had no voice. Yet all the time we were flattering ourselves that, by giving them peace, a stable Government, and a pure judiciary, we were doing our whole duty to and by them. We never stopped to think that our system had become too impersonal for the masses, or to see the pathos in a simple people looking for fatherly advice and assistance from a purely judicial officer, or longing to consult an exalted and virtually inaccessible Minister. The head of the Native Department has never been approachable by the multitude, while to the Chiefs he was accessible only to a limited extent, and in accordance with certain formalities. We live and move and think on different planes, and to make them contented and satisfied with our rule, our methods must be less artificial and complicated, and nearer the compass of their understanding.

31. The evidence contains what, to many will be deemed startling revelations of Native feeling. A few Natives went the length of saying that the days of Tshaka were to be preferred to the present; others regretted not knowing of a place where they could escape the white man's rule, and live as they liked. These exceptional utterances should not be passed over in silence because spoken by a few, as there is reason to believe they represent the thoughts of many. Fortunately, the public perception of the proper relationship of the two races is better and clearer than it was. With the enlargement of thought on the subject, it is being more and more realised that the ideas of Native management cannot be stereotyped, but must move concurrently with the trend of events, and the march of progress. We have been allowing philanthropy, on the one hand, and selfishness on the other, to run away with wisdom, and have been seeking to unduly hasten or divert the natural course of evolution.

Government connected with benefits and troubles

Present Native system too impersonal for the masses.

Revelations of Native feeling.

Elasticity of Native management essential.

We have, with the best motives, bestowed upon them a large measure of personal liberty, which has only been accomplished by curtailing the power of the Chiefs, and removing most of the restraints suitable to their immature condition, but the result has been a misapplication of their freedom, to the detriment of their social system, which requires subjection to superiors. For the information of those persons who are apt to revile the people of this Colony for a supposed desire to deny the Natives the common rights of mankind, the following particulars may be noted in passing regarding their position or standing in the State. Legal status may be somewhat difficult of definition, but, in the case of the Natives, the civil rights they enjoy, and which have been confirmed to them by law, compare very favourably with those possessed by Europeans. For instance, the European can only sue or be sued in the Colonial Courts, while, to the Native, both his own Courts and the Colonial are open. He can, equally with others, possess movable and immovable property, and if, for his own good, he is restricted in the use of liquor, firearms, and the franchise, he enjoys a much wider connubial experience than the European.

Civil status
of Natives.

Points of
divergence.

Personal
rule the key-
note of suc-
cessful Na-
tive control.

Parliament
an oligarchy
to the
Natives.

32. However close divergent races may be drawn together, there is always some point where they cease to understand each other: but, if recent events have taught us anything, a mere study of Native character and aspirations is less to the purpose than the clearer perception which we have gained of defects in our system of administration. As wisdom has been shown in the preservation of their own civil laws in a modified form, political sagacity requires that the same course should be followed in determining the form of civil administration best calculated to secure peace, order, and individual improvement, and most suitable to their national character. Personal rule supplies the keynote of successful Native control, to the exclusion of a mere bureaucratic system of administration, or the frigid and rigid operation of positive law. New conceptions work slowly, still, it may be asked, with all deference, whether Parliament is the best qualified body to make laws by which almost every act of these people is to be governed. It is apparent to all who understand the situation, that the Natives are being over-administered, and that they are ignorant of many of the laws which affect themselves.

33. Parliament, in 1891, retracted the power it vested in 1887 in the Administration of the country, and has, since then, enacted all laws affecting the Natives, not only of a general character, but also those regulating their relations with each other. Considering its origin and composition, Parliament stands virtually in the relationship of an oligarchy to the Natives, and, naturally, it studies more the interests of the constituencies to which the members owe their position, than to those who had no voice in their election, more particularly when the interests of the represented conflict with those of the unrepresented.

34. There is here presented a striking syncretism, which cannot be approved by either political science or philosophic thought; and the continued attempt to blend irreconcilable principles and interests through such a body, must inevitably fail in gaining security or giving satisfaction. The need for an approach to some simple yet effective form of personal control, as what the Natives best comprehend, and what their natural propensities and habits require, has been commented on by several witnesses. The following extract bearing on the point is taken from the statement of one of our most intelligent and thoughtful Magistrates:—

Failure to
recognize
principles.

“Uniformity in administrative principles should be specially aimed at. The treatment of Natives in general must be of an autocratic nature. The masses are scarcely out of their childhood, and a certain amount of strict discipline is as essential to their well-being as it is to the well-being of any body, scholastic or other, under special Government. Fair dealing and absolute justice under the tight rein of severity for wrong-doing, yet withal a sympathetic hearing where there is a grievance, and an unqualified right to have that grievance patiently listened to, are among the elements necessary for the good government of the Natives.”

and should be
studied.

35. The administration of Native Affairs must, if it is to be successful, have a self-contained constitution of its own, based on the autocratic principle of control. Seemingly, it cannot be reiterated too often that the form of Government which we have devised and evolved for ourselves, throughout many centuries, cannot be coordinated to a people so widely different. Races so divergent, if ruled alike, must draw apart and become antagonistic, unless one party greatly predominates, and forces the weaker into submission. Wisdom and justice point to a better way, the natural and scientific as opposed to the theoretical and artificial. A recent writer has aptly said:

Native ad-
ministration
to have a
self-contained
Constitution.

“Equality results not from artificial restraints, but springs from likeness in essentials, and a political system which works admirably when applied to homogeneous equals, results only in chaos when generalised into a nostrum and administered universally.”

These admirable words succinctly portray the natural consequences of precipitancy or similarity of treatment, and, being based on experience, should serve as a warning against the fundamental error of ruling radically divergent races alike. The same writer goes on to say:

“It has been demonstrated that the white and black races are opposites in many cardinal points. The one has a large frontal region of the brain, the other a larger posterior region; the one a great reasoner, the other

"eminently emotional; the one domineering but
 "having great self-control, the other meek and sub-
 "missive, but violent, and lacking in self-control when
 "the passions are aroused."

As legislation does not change the nature of things or alter the essence of national character, ethnological differences cannot be disregarded, and our methods must be re-adjusted upon a natural basis. Natural law is but the orderly sequence of cause and effect, and, except by following its lead, nature will not come to our aid.

36. Too much has been expected from the Magistrates, in their relations with the people, and harsh words have frequently been uttered where they have failed to realise expectations. Their critics have been content to attribute failure solely to personal defects, without tracing it to its real source. Whatever their personal qualifications, Magistrates are only parts of a political system, which, as regards the Native, is more artificial than natural. They have come to regard them, not as their friends and protectors, but simply as the collectors of taxes and the punishers of wrong-doers. In all their dealings with the Natives, they are trammelled and hedged in by law and rule, which allow no room for the display of those personal qualities of head and heart, which form the strongest bond between a foreign ruler, fitted for dominancy, and a dependent people. They cannot right wrongs without the formalities of legal proceedings, or even advise without committing themselves to opinions which may militate against their freedom of judgment as judicial officers. A system of Government which fails to cultivate sympathy, on the one hand, and loyalty, on the other, stands self-condemned, and should be replaced by another framed more on natural conditions and the habits and temperament of the people.

37. In conformity with this reasoning, and profiting by the experience of the past, it cannot be too strongly urged that a restoration of a feeling of confidence, as well as dependence, are essential elements in the future of the country. The sole way of attaining that end is by giving proof that the ruling race is much more concerned with improving than exploiting them. In many ways the Natives are, in a sense, but children, and should not only be protected from the inherent weaknesses of undeveloped humanity, but guided through the shoals and quicksands of the transition stage, to the higher and firmer ground of individualism, when, alone, they will be fitted to be ruled in the same manner as the higher race. But until that goal be reached, it is indispensable for the peace of the country, and for their own good, that the system of their Government should be an approximation to a benevolent despotism. Let it be shown that the Government acts as a benevolent and sympathetic father, and not as a complicated and distant machine, and the distrust and resentment, which now exist, will speedily be replaced by feelings of trust and mutuality of interest.

Political system of control, now more artificial than natural.

Restoration of confidence essential.

Government as a benevolent and sympathetic father.

38. Some, while agreeing that such aims are desirable, may say they are Utopian; others may describe them as both theoretical and impossible. Both of these conclusions will be wrong, as the object in view is not only practicable, but easy of accomplishment. These people are admitted by all competent judges to be wonderfully easy to govern, if only they are dealt with in the right way. Allegiance and dependence are amongst their most striking characteristics. These sentiments owe their existence to the patriarchal system, and are the product of close personal relationship and common interest. If we place over them sympathetic officers, wiser and better and more helpful than their own Chiefs, more fatherly than official, interesting themselves in their daily lives, not bound down by rigid rules, but acting as counsellors and protectors, these feelings of allegiance and dependence will, in time, be transferred to ourselves.

39. Sufficient has now been said to indicate that we have been moving too fast in our endeavour to impose an advanced political system upon a race yet in its infancy, clinging to the past, and fearful of the strange and unknown. But, before proceeding to outline the suggested scheme, it should be remarked that the movability of ruling officers, which is the chief feature of Responsible Government, not only passes their comprehension, but even excites their apprehension. They understand why the Governor, as representative of the Sovereign, should be changed, but it fills them with astonishment that Ministers should come and go without apparent reason. Not only do Ministers change, but their ideas of treatment vary also, and this raises suspicion, and engenders distrust. The seat and centre of authority should, therefore, be visible and permanent, accessible and helpful at all times and under all circumstances.

40. To obviate the disadvantages inherent in a political system which we may approve for ourselves, but which is not in its essentials adapted to a people yet under the patriarchal system, Parliament should be urged to grant a charter to the administrative side of the Government within such limits as will be indicated, enabling it the more effectually to control and improve the Natives, much in the same way as a township can be better governed by a Municipality than by the central authority of the country. It is no part of this proposition to divorce Native administration from the general government of the country, and the bogey cry of an *imperium in imperio* need not, therefore, be raised. Neither should it be denounced as visionary or empirical, for it can be supported by both experience and analogy. In addition to Municipalities, all Incorporated Societies control their own affairs, within the terms of their constitutions, and so does our own Railway Department, which is merely continued as an institution by Act of Parliament, but makes its own rules and regulations to carry on its own work. Reference might also be made to the British Army, which exists only by the will of the Legislature without interference in its internal economy.

Natives easy to govern.

Native administrators to be more fatherly than official.

Frequent changing of officers misunderstood.

Centre and seat of authority to be visible and permanent.

Parliament to grant a Charter to the administrative side of Government.

Analogy and precedents.

Former powers granted to Administration.

41. Enough, therefore, has been advanced to show there is abundant precedent for the proposal, and, if any further statement be necessary, it will be sufficient to point out that the Legislature, by Law 44 of 1887, went far in the same direction, by delegating to the administrative side of the Government the codification of Native Law, and the preparation of rules relating to the Natives. Parliament, however, for some undisclosed reason, withdrew this power by Law 19 of 1891, since when all changes in purely Native Law have been made solely by the Legislature, a body which cannot claim to be specially equipped for the purpose. Moreover, all such changes have been introduced without any reference to the people themselves, who thus have just reason to complain that they are in ignorance of such laws—and, indeed, of many other enactments affecting themselves—until they are told to obey them, or punished for not obeying them. It is in this respect that Parliament may rightly be regarded as an oligarchy in its relationship to these people, notwithstanding all that has been and may be said about the general representation of the Natives being included in the special representation of the Europeans. To show how baseless such arguments are, it may safely be asserted that the Game Laws, the Pass Laws and the Morality Act, among others, would not have taken their present form, had Native opinion and feeling been fully understood and insisted upon in Parliament. It is partial and ill-considered legislation of this character which forces the Natives to seek some voice in the Councils of the State, the Christian Natives calling for it in Parliament; the others, in a less definite form.

Native representation a baseless argument.

Parliament to delegate some of its powers to the Administration.

42. Parliament should, therefore, not grudgingly or reluctantly, but in a broad and enlightened spirit, from an honest conviction of its necessity and wisdom entrust some of its own powers, formulated as a Constitution, to the Administration for the purpose of securing a more effective and progressive control over the Natives. In the Constitution, the powers and duties of the Governor as Supreme Chief should be clearly defined, in the performance of which, as the principal administrative officer, he should be free from the review or interference of any Court or person.

Creation of an Advisory Board on Native Affairs.

Its composition.

43. There should also be provision in this Charter for the creation of a Council or Board (Native Council or Advisory Board on Native Affairs), to which all important matters, including proposed legislation, should be referred for report. It should consist of seven members, nominated by the Governor in Council, four official and three non-official, one of each class retiring annually by rotation; the former to be selected from officers, such as Commissioners and Magistrates, and the latter from persons well acquainted with the Natives and their affairs, in whom they are likely to have confidence. With regard to the appointment of the unofficial member after the first year, there arose a difference of opinion among the Commissioners regarding the manner of his selection, some thinking that it should be by exempted Natives, to whom might be granted that measure of

political enfranchisement and no more, other members deemed such a proposition illogical, seeing the exempted Native is not under Native Law, and also because this class of Native should in time be granted the Parliamentary Franchise, in a special form, to be hereafter explained.

Procedure.

44. Whatever acts, having the effect of law, which were initiated or approved by the Council, would be submitted to Parliament for ratification, in the same manner as provided by the Statute of 1887. The great advantage of such a Council would lie in its composition, all being experts in Native matters, and, through its official members, reliable exponents of Native views and feelings. It would be a safeguard against hasty, partial, or unjust legislation, and could be relied upon with confidence, both by Government and Parliament, to express Native opinion with accuracy and assurance. It is proposed that the Commissioners, whether members of the Board or not, should assemble the Chiefs and Headmen of their respective districts at stated times, and as occasion may require, to discuss all matters, social, economical, political, or otherwise, affecting themselves, much in the same way as is customary amongst Native tribes.

Appointment of Commissioners.

Their duties and powers.

45. To proceed now to specifically notice the Commissioners, to whom reference has already been made. In the estimation of the Commission, they should be the principal, and not the subordinate, executive officers in any scheme of Native administration. It is not possible here to set out in detail what their duties should be, but, to make their office effective and operative in many ways, they should be entrusted with powers as large and wide as the needs of the people, in the capacity of advisers and protectors, and promoters of peace and progress in all directions. Whatever rules it may be necessary to frame for their guidance, care should be taken not to obscure or eliminate the personal factor of helpful humanity by the impersonal factor of mechanical injunction, but they should be clothed with discretion, ample enough in the hands of wise and capable officers, to meet all ordinary wants. Being more enlightened in the science of Government, and with a wider knowledge of human nature, they should be used to supplant the Chiefs in the estimation of their people, and thus gradually help with other agencies to break down the tribal system. One of their special duties should be to advise the Supreme Chief in the selection of Chiefs, and to supervise the acts of Chiefs in order to check maladministration or malpractices of any kind. They should also have a general supervisory power over Magistrates, on behalf of the Natives, without, however, possessing any direct judicial authority, it being feared that even with only an appellate jurisdiction, their mobility and usefulness as administrative officers might be impaired.

Magistrates.

46. To raise the calibre of the Magistrates, and enlarge their authority as administrative officers, would not meet the case. Even if the standard of their attainments were to be advanced, the subordina-

tion of the administrative to the judicial side of their office would seriously impair their usefulness, more so as almost everywhere, except in Zululand, they are now overburdened with purely judicial work. While there should be more Magistrates to overtake the ordinary work of the country, it is the essence of the scheme that the principal directing and controlling officers should not be burdened with office work, but be free to carry out their duties amongst the people themselves. The Magistrates, as well as the Chiefs, should be considered as subordinate to, and deputies of, the Commissioners in purely administrative matters.

47. Another integrant of the scheme is the abandonment of the title of "Secretary for Native Affairs," as denoting one of the existing political officers of the Crown, and, in lieu thereof, the adoption of the title of "Minister for Native Affairs," to be invariably held by the Prime Minister. The too frequent appearance of the movable Minister at public assemblages of the Natives is deprecated. It has been thought politic in the past for them to proclaim their assumption of office by their presence, and to make public announcements of one kind or another. Shortly afterwards, they disappear, and the Natives, in their simplicity, wonder what crime they have committed that they should have vacated office. All this confusion and uncertainty leads to estrangement, and would, in a great measure, be avoided if it became the rule for the Prime Minister to become also the Ministerial head of the Native Department.

48. The title of the Under Secretary might be changed to that of Secretary for Native Affairs. This would avoid confusion, and could be done without any necessity to change the Constitution Act of 1893. This officer should also be Permanent Secretary to the Advisory Council.

49. There remains to be discussed the position which the Chiefs and the tribal system should occupy in the scheme which has been propounded. It is admitted by most competent judges that tribalism must for the present, and, indeed, for a long and uncertain period, remain as a necessary institution, and an indispensable component part of the government of the Natives. With a full confession of all its defects, political, moral, and social, and as a bar to individual progress, to attempt to sweep it away would be suicidal, and lead to worse evils than now surround it. Paradoxical as it may seem, it is proposed, concurrently with its maintenance, closer regulation and supervision, that means should be adopted for its silent and unobserved disintegration. It should be remembered that the growth of the system has been a natural process, and that organic development is equally necessary to its supersession and extinction. Tribes or portions of tribes are of all dimensions—some are too large and others are too small, and their areas are scattered and ill-defined. Concentration is recommended, with some manageable standard of size.

Title of
Minister
for Native
Affairs.

Prime Min-
ister as Min-
isterial head
of the Native
Department

Secretary for
Native
Affairs.

Tribal
system and
Chiefs.

Its immediate
abolition
deprecated,
but silent
and gradual
disintegration
to be aimed
at.

50. To control the growing lawlessness of young men and women, Chiefs and kraal heads should be entrusted with more authority in the direction of securing social order and the maintenance of discipline amongst their people. The loosening of the family tie fills husbands and fathers with alarm, and the fabric of their social system is disappearing before the inroads of misapplied and abused personal liberty. Social evolution in relation to these people is a question that demands much more encouragement by Government than it has received in the past, because, apart from its manifest advantage to the individual, it is a political engine of the highest importance in reducing the power of the Chief, and consequently achieving the disintegration of the tribal system. As they become fitted by character, education, and intelligence, they should be encouraged to dissociate themselves from tribalism by every agency and means that can be devised for their welfare, so that the system will gradually disappear, more by internal force than by external law.

51. It will be helpful if some of the agencies for the accomplishment of this end be enumerated, viz., the spread of education and industrial habits; exemption from Native Law; the greater utilisation of Mission Reserves, with a view to an advancement of the Natives; establishment of communal settlements in locations, to be controlled by village councils; conditional titles to land on Mission Reserves and Location settlements; encouragement to become permanent resident servants, and their emancipation from the power of the Chief; the establishment of locations in connection with towns under Municipal direction; the use of the office of Native Commissioner for supplanting the authority of the Chief, and, as a moral agency, for the elevation of the people. By these and other means the fetters of tribalism will be loosened, and the system perish by natural decay.

52. In order to understand more fully the proposed policy for the future government of the Natives, a recapitulation of its leading features will now be given:—

(I.) SUPREME CHIEF.

This office to be retained by the Governor, as heretofore, with clearly defined and enlarged powers, including punishment by fine, imprisonment, deportation, and transportation, for enforcing the administrative duties of his office, with provision to appoint and dismiss Chiefs, and to hold Courts or inquiries, and to delegate his powers to others. Decisions involving deposition or deportation should not be arrived at on papers, as has been the case, but only after full inquiry or trial. The Bill intended to be introduced into Parliament last year contained many approved alterations affecting this office.

Increased
authority
of Chiefs
and kraal
heads in
social matters.

Social
evolution.

Agencies
suggested
for bring-
ing about
the decay
of tribalism.

Supreme
Chief's
powers.

(II.) COUNCIL FOR NATIVE AFFAIRS.

To be composed of four official and three non-official members, to be appointed by the Governor in Council, one of each to retire annually by rotation. Its functions would be to revise the existing Code of Native Law; frame rules and regulations for the guidance of administrative officers; report upon the appointment of Magistrates and other administrative officers; the occupation of Locations, the management of Mission Reserves and communal settlements, and other cognate subjects; report upon contemplated legislation affecting the Natives; and consider all other matters referred to it by Government. To give it a definite and assigned position, it should be created by Act of Parliament in the suggested Charter, wherein its powers would find expression. Its Secretary should be the proposed Secretary for Native Affairs.

(III.) NATIVE COMMISSIONERS.

At least four of such officers should be appointed for the Colony, including Zululand, all of equal rank. They should be appointed in the same way as other principal Government officers, and be answerable direct to the Prime Minister, with whom they should, as a matter of routine, communicate through the Secretary. To what has already been said, indicating the wide scope and supreme importance of their office, it should be added that they constitute, in the Commission's opinion, the leading feature in the proposed scheme of Native policy.

(IV.) MAGISTRATES.

The number of these officers should be increased by the subdivision of the larger existing divisions, regard always being had in their allocation to distance and population. It has been deemed advisable that their present limited administrative powers should be retained, and that they might, without any derogation of their office, be used, as occasion required, as deputies or assistants of the Commissioners. There is no suggestion that their judicial functions should be curtailed or interfered with, or that, in this respect, they should be under the review, in the ordinary legal sense, of the Commissioners.

(V.) CHIEFS.

The heads of tribes should be regarded more as peace officers, and be held responsible for the preservation of peace and order within their respective tribes or wards. If their jurisdiction were territorial, rather than personal, a means would thereby be created of weakening allegiance to the hereditary head of the clan. They

Native Council, its constitution and duties.

Native Commissioners, a leading feature in proposed policy.

Increase of Magistrates.

Magistrates as deputies of the Commissioners.

Chiefs as peace officers.

should be chosen with regard to personal fitness as well as by virtue of descent, and be deposed for unfitness or malpractices of any kind. They should have power to check and punish for petty crimes, such as theft or assault, and for offences against decency and social order. They should be authorised to order moderate birchings in public as a judicial sentence, and impose fines up to £5 or its equivalent in property, but all fines should be reported to the Magistrate of the Division, who should be empowered to review, record, and allocate the same within assigned proportions between the Chief and the Treasury. All of them should receive letters of appointment in English and Zulu, defining their duties, powers, and obligations, and they should be formally installed in their offices by the Native Commissioner, or even, if found desirable, by the Supreme Chief in person. Their duties would be regulated by rules approved by the Council for Native Affairs, as also would those of the Commissioners and Magistrates.

(VI.) LOCATION AND MISSION RESERVE INSPECTORS.

As active agents, their duties should (acting in conjunction with Chiefs and others) include the closer settlement of all Native areas; the encouragement of better methods of agriculture; the rectification of boundaries and disposal of disputes; the allocation of lands for cultivation and grazing; the conservation of water and the sinking of wells; and other matters appertaining to their office, in conformity with simple rules for their guidance and in subjection to their superior officers.

53. Having delineated, with some detail, the organisation of the necessary civil establishments for the efficient control of the Natives, and, at the same time, leaving no room for the accusation of indulgence more in destructive, rather than constructive criticism, it is now proposed to describe with some degree of definiteness the objectives which should stamp and characterize the future policy of the Government.

- (a) The preparation of the Locations in Natal and the Reserves in Zululand for carrying a much larger population, in order to relieve the congestion upon private lands, and eventually to confine the tribal system and the operation of Native Law to those areas.
- (b) The cessation of further alienation of land in Zululand, and the strict reservation of all Locations and Reserves for Native occupation, with ample provision for the introduction of civilising and elevating agencies therein.
- (c) Generously conceived and sagaciously executed means of escape from Native Law and tribalism, by special exemptions, and the better utilisation of Mission Reserves and the establishment of Village Settlements,

Selected for personal fitness.

Fines imposed by Chiefs to be reported to and allocated by Magistrate.

Location Inspectors, their duties.

Locations to carry a larger population.

No further alienation of land in Zululand.

Exemption from Native Law.

Village Settlements and land tenure.

Conditional titles in Mission Reserves.

Encouragement to Natives to become farm servants.

Improved agricultural methods.

Education and industry.

The Native as tenant.

Civilising agencies in Locations.

under an inceptive form of self-government (including local taxation), and the issue of conditional titles thereon, to secure fixity of tenure and beneficial occupation, especially cultivation.

- (d) The issue of conditional titles in the already established Mission Reserves, concurrently with an attempt to secure the surrender or purchase of the practically free titles already granted for portions of such lands.
- (e) Encouragement to adopt the calling of farm servant or agricultural labourer, as opposed to mere tenancy, and, as such, escaping the rule of the Chief and the payment of Hut Tax, under certain conditions.
- (f) The promotion by precept, example, and experiment of agriculture, and the consequent diminution of the importance attached to pastoral pursuits.
- (g) The spread of education up to, but not beyond their own growing needs, and a knowledge of the value of industry and labour.

54. One school of politics advocates complete interspersion, including the sub-division of Locations into farms, as a panacea against the evils of tribalism, but, to apply this doctrine effectively, squatters on farms must be limited to labour requirements, placed under a modified serfdom, and reduced to the level of retainers. This, undoubtedly, minimises conflict of interest, furnishes control, and secures the supremacy of the landlord's position by bringing the tenant under his direction to the exclusion of the Chief. Other States have adopted this plan of interspersion, leaving the neglected remainder to follow the tribal organisation in remote reserves, or on lands unfitted for European occupation. To them, this was the Alpha and Omega of Native Government, and it, undoubtedly, had the merit of a measure of success. The underlying principle of such action was repression, ending in passivity and submission, the antithesis of the nobler course which generates trust and develops contentment. But even if the policy pursued elsewhere were in consonance with our ideas, tribal rule has become too general and hardened to admit of violent change, and attention must accordingly be centred upon present conditions.

55. The way must be opened for them to congregate in the Locations, where they should be strictly supervised, induced to become better cultivators, and be influenced by the direct application of civilising agencies. The visible leaders in these reformatory agencies would be the Official, the Missionary, the Medical man, and the Teacher, each, in his own sphere, helping to raise the standards of thought and life, and preparing them to forsake the trammels of tribalism, and enter by progressive stages into the higher status of individualism.

56. The Locations should be the home of the ejected farm tenant, of whom an increasing yearly number may be anticipated. The avenues for emancipation from tribal rule should be well arranged and understood, and outside exemption from Native Law should lead, in material things, to the Mission Reserve, the village settlement, and farm service. The granting of unconditional titles anywhere, and especially to those under tribal control, and following polygamy and other Native customs, is strongly condemned. On the other hand, conditional titles in specified areas, such as Mission Reserves, and the suggested village settlements, are strongly advocated, and should have their place in any progressive scheme of Native management.

57. Even if Government is not prepared to give effect to the recommendations for the gradual restriction of a modified tribal rule to Locations, and its slow extinction there by material agencies and the subtle forces of personal enlightenment, these areas must be regarded as safety valves for the pressure upon private lands, and be prepared to carry a much larger population. A beginning should be made in Natal, and thereafter extended to Zululand.

58. The task of reconstructing our Native policy requires courage as well as knowledge, mingled with a sympathy which should be more shrewd than sentimental. The Commission would fain hope that it is laying down the foundations of the new edifice, but the raising of the superstructure must depend upon the courage and capacity to be found elsewhere. There is no room for self-congratulation in this. We must move with the age by drawing upon the stores of experience, the stream of progress ever demanding the rejection of old ideas, and the adoption of new methods.

59. An endeavour will now be made, in reliance upon the insight gained, and in harmony with the preceding conclusions, to return answers to the special subjects named in the order of reference. The recommendations will be confined to enunciating general principles, avoiding details as far as possible.

(1) *Definition of the word "Native."*

60. A definition has been attempted, in one way or another, by some seven or eight statutes, with a resultant conflict of opinions and confusion of ideas as to what persons or classes fall within the definitions given. The object of these attempts has been to declare not only those who are subject to Native Law, but also those, who, being without the domain of that Law, have been placed under certain restrictions in the use of liquor, the possession of firearms, and the exercise of the Parliamentary franchise. The question is, therefore, not without its difficulties as racial, legal, personal, and political considerations are involved. Its bearing upon those who should and should not come within the operation of Native Law has received the

Unconditional ownership of land condemned.

Conditional titles in specified areas advocated.

Locations an outlet for surplus population.

Courage and sympathy needed in re-constructing future policy.

Definition of the word "Native."

Suggested definition.

most attention, and it was resolved to recommend that only those who are racially and of full consanguinity, connected with some African tribe following the tribal system, accepting polygamy and the rule of a Chief, or any one of these customs or conditions of life, should be placed under Native Law. This proposition is intended to be far reaching in its effects, as it not only affords a clearer exposition of the term than any others which have been attempted, but it is expressly designed to release that large body of intelligent and respectable persons known as the "half-castes" from the operation of this law, and from which they have been desirous of freeing themselves for years. As a rule, they are monogamists, and conform their lives to civilised usages, and their aspirations, notwithstanding many drawbacks, are impressively towards the legal position of their "white father," objecting to being thrust down to the level of their "black mother." The exceptions to the general emancipation of this class would be the few who, with the sanction of Native Law under which they have been living, have contracted polygamous marriages. These being known could, if necessary, be registered as exceptions to the general liberation of the rest. There are already a considerable number of this class who are the offspring of lawful marriage, and these associate with the majority who have sprung from irregular or unknown unions. The foregoing remarks apply more particularly to the majority whose position is most anomalous. Contemned by the European, and distrusted by the Native, moral duty and political expediency alike demand that the representations which appear in the evidence should be generously entertained. To give effect to this recommendation would be a simple, yet skilful, diplomatic move, and it would not injure the community if they were also freed from the disabilities regarding the use of liquor and firearms. A considerable number of them have for years, rightly or wrongly, been on the Voters' Rolls, a fact that intensifies the confusion regarding their exact legal status. There are many members of the same mixed origin from the Cape Colony, Mauritius, and St. Helena, who have never been deemed in any sense to be under Native Law, and it is strongly urged that the time has come when all who attune their lives according to those of the dominant race should live under the same laws, and exercise the same privileges. In laws imposing disabilities, the classes intended to be brought within their operation should be specifically named, without attempting therein to define the term "Native."

(2) *The Amendment of the Code of Native Law and its extension to the Province of Zululand.*

61. As already observed, all purely Native Law should be prepared or approved by the Council for Native Affairs after the views of the Natives thereon have been ascertained by and through the Commissioners and Magistrates. That there is need for amendment is abundantly established by the evidence. Very great stress was laid by the Natives themselves on the urgent necessity for affording relief

Exclusion of Half-castes from proposed definition.

Present anomalous position of Half-castes.

in the recovery of unsatisfied considerations upon marriage (lobolo). Since the ravages by Rinderpest (1897-1898) amongst their cattle, and more recently by East Coast Fever, there have been insurmountable difficulties for prospective husbands in procuring the requisite number of cattle, resulting in much irregularity and immorality, jeopardising family relations, and proving detrimental to social order in general. The total disregard of Native feeling and morals, for so long, cannot but excite surprise, and supplies a forcible illustration of the wisdom of more sympathetic treatment, and the necessity for some means, more prompt than ordinary Parliamentary action, to grant relief or change a custom. The Code of 1891, when cattle were abundant, provided for the transfer of the agreed consideration before marriage, and barred all such actions after a fixed date, but circumstances have so altered since then, and as no such embargo exists in Zululand, the necessity for relief has been shown. The form that this should take, not being without its difficulties, and being essentially a matter closely affecting the Natives, should be left for the decision of the Council for Native Affairs in the manner already described.

62. The powers of the Governor, in his capacity as Supreme Chief, are defined in the Code. As to which particular enactment these should best appear in, it is suggested they would more appropriately find a place in the Charter or Constitution already referred to, providing for the government of the Natives.

63. A study of the Code by experts will, in the light of the experience gained of its working, and of the changed circumstances of the Natives, doubtless lead to several alterations, which need not be detailed here. There was an almost unanimous expression of opinion by Magistrates and others that there should be a Code, and, that to secure uniformity, it should have the force of law, and be extended to Zululand.

(3) *Exemption of Natives from the operation of Native Law.*

64. The principle of exemption is not only advocated as favourable to the individual, but as one of the most powerful political devices for the disintegration of tribalism. The Commission is of opinion that the standard for acquiring the privilege should not be exacting, a reasonable degree of learning, such as reading and writing, either in English or Zulu, good character, and conformity to civilised customs, be all that should be necessary, and, further, that the benefits conferred should descend to children. The opinion is also expressed that exemption should be granted by operation of law and not depend upon the will of an official, that is, the legal tests should be plain, official interference determining only whether the required standard had been reached. The exempted Natives feel very strongly the position in which children born subsequent to the issue of their parents' Letters have been placed by recent decisions of the

Recovery of lobolo

Powers of the Governor as Supreme Chief.

Codification of Native law and its extension to Zululand.

Exemption as a device for the disintegration of tribalism. Qualification for exemption

Children of exempted parents.

Courts, and there is much force in their plea for uniformity in the family. There was some divergence of opinion amongst witnesses with respect to the withdrawal of the certificate of exemption, for any criminal act or for reversion to Native life and custom. After consideration, it appeared to the Commission that Letters should only be revoked for fraud in their obtaining, leaving the offender, upon conviction for any other crime, alone answerable by ordinary judicial sentence. To avoid the implication of innocent wives and children, the punishment for any crime (save the fraud mentioned) should be personal to the offender.

Revocation
of exemption.

65. As already mentioned, the Commission differed with respect to the expediency of allowing the franchise in any form to any class of Natives. The minority (Sir T. K. Murray, Mr. Birkenstock, and the Rev. J. Scott) were of opinion that the exempted Natives, possessing certain personal qualifications, might be granted the right to elect annually one of the non-official members of the proposed Council for Native Affairs, and be confined to that mode of electoral privilege and representation. The majority of the Commission contended that the exempted Native should be permitted individually to qualify for the Parliamentary franchise by means of education and the possession of landed property or income, and by a system of registration based upon compliance with certain tests, have their names entered upon a special electoral roll, applicable to the whole Colony; also that the Colony should constitute one electoral district, to return one up to three members (the maximum), upon a defined numerical basis, to be fixed by Parliament. Such member, or members, to be selected by ballot from European candidates, nominated by the Governor in Council. They would be members for the Colony, and, although specially representing the exempted class, would be competent to express the views of the whole body of educated Natives. The opinions of the Kraal Natives would find satisfactory expression through the Commissioners and Council for Native Affairs, by whom they would be adequately protected and represented. It was deemed sufficient to submit these views for consideration without argument one way or the other.

Native
franchise.

Native re-
presentation.

66. Objections may be raised to the consideration of this question on the grounds that it is not expressly referred to in the agenda. This is the case, but it, nevertheless, falls within the terms of Item No. 16 of the References, as do many other representations and grievances, and it is mentioned now for the sake of convenience. Not one of the many educated and exempted Natives, who expressed themselves very strongly upon the question of direct Parliamentary representation, suggested that one of their own race should be their member. Their readiness to be represented by selection from nominations made on their behalf was an exhibition of moderation, political wisdom, and confidence in the European, which was highly commendable.

Natives de-
sire to be
represented
by Europeans.

(4) *The marriage of Natives amongst themselves, and with others than Natives by Christian rites.*

67. Marriage between Natives by Christian rites should be more fostered and promoted than it has been, by removing some hindrances to it, viz., by enabling a license to be issued in the Magisterial district of the bridegroom as well as of the bride, and by permitting a marriage, already held under Native Law, to be celebrated and registered as a monogamous or Christian marriage. The provision in Law 46, 1887, that the children of Christian marriages can only lawfully contract similar marriages, is not approved of, and should be withdrawn, it being deemed sufficient that they should stand in the same relation to marriage, its kind and form, as their parents did, and exercise a free choice thereon. Christian marriage of itself simply leaves the parties under the same law as it found them, and the obligations entered into by them should not bind the children.

Marriages
by Christian
rites.

The issue of
Christian mar-
riages.

68. In the proposed Bill, submitted to the Commission on this subject, it is intended to make void future marriages between Natives and persons of other races. While most strongly deprecating marriage between Natives and persons of other races, especially Europeans, the proposal to forbid wedlock by law is not concurred in. Fortunately, there are few of such unions, and their numbers are unlikely to be seriously increased for reasons more or less patent, and which need not be entered upon. Society marks its aversion very severely by ostracising the delinquents, and, if it be considered proper for the State to notice such undesirable unions, it might be confined to the deprivation of some civic right, such as the loss of the franchise, but even this is not recommended.

Mixed Mar-
riages.

69. The forms of sexual relations which, however, do most urgently require to be forbidden by law are concubinage and indiscriminate intercourse, especially between whites and blacks. No nation can tolerate members of an alien race tampering with their women, and nothing is more calculated than the debauchment of their girls to stretch the endurance of even the most submissive people to the breaking point. The evidence teems with references to this unpalatable subject, the cumulative effect of which cannot be disavowed or ignored. It constitutes one of their principal grievances, and was emphasised by them, with an intensity of purpose and warmth of feeling, which showed the extent of the evil, and its resultant injury to themselves. Moreover, the mischief is not confined to the Natives. It is recoiling upon the race most guilty of such practices, especially in the direction of concubinage. We are distinctly losing in moral reputation, and, at the same time, producing a harvest of legal, social, and political problems by an ever increasing number of bastards. Leaders of thought on the question of sexual intercourse between diverse races, especially the woolly and straight-haired, find there is something deeper in racial antagonism than in-

Illicit inter-
course.

Debauchment
of Native
girls, a
principal
grievance.

Loss of
moral re-
putation

dividual prejudice or selfishness. Such a high authority as the late Mr. Herbert Spencer denounced the marriage of divergent races, declaring the question a—

“biological one, and that, especially in the second generation, the result would be an incalculable mixture of “traits and a chaotic constitution.”

70. The evidence all too clearly shows who, in the estimation of the Natives, are the chief offenders, and it is not only in the power of the Government, but a positive duty, to begin by some immediate administrative act to excise this evil, which, like a canker, is insidiously destroying our reputation for morality and equity. The Morality Act imposes severe imprisonment upon Native men going with white women, who also may be penalised, but avoids the converse, and they do think, and frequently say, in reference to this law, with telling scorn, “If your men may, with impunity, go with ours, why may not we go with yours?” One old Native, in vehement and passionate language, suiting gesture to word with dramatic effect, asked: “What were these white things which their girls were bringing home on their backs in such numbers? What did the Government mean by allowing their girls to bear so many white children? Did they want to breed mule drivers?” In allusion to the fact that men of mixed race invariably drive Government conveyances. Native Law and practice sanction the penalising of, and the reparation for, illicit intercourse among themselves, and these methods have been confirmed and enlarged by the Code by the addition of imprisonment and flogging. Here are substantial grounds for discontent and resentment, and, as proofs of solicitude for their welfare are wanted for their satisfaction, suitable measures should be adopted for penalising these acts by whomsoever committed. The only exception which should be made should be those of settled concubinage, where, if there are children, and, in their interests only, registration of the existing arrangement, within a certain time after the passing of the law, should be required, in order to escape the penalty.

(5) *Acts relating to Identification and other passes.*

71. The practical utility of the Identification Pass Act and its Regulations has had few vindicators. Except from landlords, as giving them some hold over their tenant-servants, they received but a dubious support, while others asserted the failure to adequately attain the objects desired, their requirements in the country and smaller towns being generally unobserved. The issue of the passes is without charge, and entails an immense amount of work at the Magistrates' Offices, particularly when renewals, at the small fee of 1s., are sought. The advantages of the system are said to be the tracing of absconding servants, and, in a lesser degree, criminals. To counterbalance these benefits, are the additional labour devolving upon officials; the obstruction put in the way of labour supply; the

Chief offenders.

Excision of evil a positive duty.

Registration of certain cases of concubinage.

Identification Pass Act.

loss, interchange, loan, and theft of passes; and the fact that very many instances of employment occur without the pass, and the question arises, Is the gain worth all the labour and worry involved? The Act should be repealed, and, if personal identity be deemed essential when employing servants, some better system devised than a perishable bit of paper and an imperfect description.

72. Some improvement is suggested in the present form of “Outward” and “Inward” passes, by restricting them to one visit for a reasonable time up to one year, and also removing some ambiguity therein, but all regulations relating to such passes should be framed upon concurrent action by all the neighbouring Colonies.

73. Cattle Driving Passes, from the evidence, seemed to have played a part in reducing stock thefts, but even with them improvements are recommended, as, for instance, in providing greater facilities for the Natives to obtain them, increasing the distance where they are now not necessary, withdrawing the obligation altogether within locations and other Native areas, and allowing the permission of the Chief of each ward or district to take the place of the pass. If the annual ownership certificates for horses are to be retained, the same rule should be extended to Zululand, but, whatever their effect may be in checking the theft of horses, it must be remembered that their legal necessity is very harassing to the Natives.

(6) *Contracts between Native tenants and their landlords.*

74. Outside the purely Native aspect of the various questions, this item forms, for several reasons, the crux of the inquiry. It is in respect of the ownership and occupation of the land that the conflict of interest becomes the most acute and penetrating. When land was abundant and sparsely populated, there was no difficulty in finding room for natural increase, and for the multitude of refugees who flocked into the Colony for safety. At first, squatting on farms only entailed an obligation to render service, but, as numbers increased beyond the requirements of the farmer, a small rent per hut was imposed, and from such inchoate beginnings there have sprung the present unsatisfactory relations between landlord and tenant, owing mainly to increase in rents, and also to the frequency of ejection. It is not an over-statement of the case to say that the position contains the germs of much unrest, and, by reason of its immensity and importance, warrants and demands the intervention of the State. As land becomes more in request, the Native, either unable to meet the increased rent, or to adjust himself to new conditions, has to go, and it is just here that the crisis will be found. If land were abundant, it would not much matter, but with Locations full, according to present wasteful methods of occupation, where are they to go? In all this there has been a lamentable lack of administrative forethought in allowing indiscriminate squatting on Crown Lands, and in failing to provide for other sites when these lands were sold. Even to this day,

Repeal of Act in favour of a better system.

Inter-Colonial action in regard to outward and inward passes.

Increased facilities for obtaining cattle driving passes.

Cattle driving passes in locations unnecessary.

Ownership certificates harassing.

Native land tenure.

Relations between landlords and tenants.

Indiscriminate squatting on Crown Lands.

it is not thought incumbent upon any official, when Crown lands are sold, to notify to the Government-paying tenants thereon that ownership has passed, and their obligations been transferred elsewhere. Such things cannot adjust themselves on equal terms with unequal races. Under the tribal system, the duty to find land devolved upon the Chief, and shortage of land was rectified in primitive times in violent ways. But all that is now past, and Government does not take the place of the Chief in finding sites, the wanderer being left to do that for himself. Our exclusive and protective ideas which surround the ownership of land, are the opposite of theirs, which ignore personal title and recognise only a right of occupation. An Ordinance, passed in the year 1855, attempted to limit the number of squatters on private lands, but long since its provisions have fallen into desuetude, and it has become a dead letter. Considerably more than half the Natives of the Colony are living on private lands, distributed between the farms of the resident owner and the absent proprietor, and, to a much less extent, on properties held in freehold by the Natives themselves, who are just as ready as the European owner to claim rent. On the occupied farms they live under different conditions, to pay rent, to render service, or to do both, while on the unoccupied farms, the rule is to pay rent, and be free to dispose of their labour. Contrast has been drawn between the shabby hut and squalid surroundings of kraals on farms as compared with those on Locations. This is to be attributed chiefly to uncertainty of tenure, and constant liability to ejectment.

75. After much deliberation upon this question, it was agreed to recommend:—

- (a) That there be only two distinct classes of farm occupants recognised by law, viz., the servant and the tenant, the former paying no rent.
- (b) That those classified as servants be registered in the Magistrate's Office, and their numbers limited to the requirements of the owner for labour.
- (c) That the number of the tenant class be not restricted by law, but left to the will of the landlord. This class to be free to dispose of their labour.
- (d) That the number of tenants (huts) on farms, where there is no resident European, be limited in the meantime, with the aim eventually of causing this description of tenancy, known as "kafir-farming," to cease altogether.
- (e) That where rents demanded from tenants exceed £2 per hut per annum, the conditions of the tenancy be registered in the Magistrate's Office, and, in case of dispute, adjusted by the Magistrate, after consideration of all the circumstances of the case.
- (f) That in cases of dispute regarding rents exceeding £2, a reasonable time up to two years may be granted by

Native ideas of ownership of land

The Squatters Law a dead letter.

Half the Natives of Natal on private lands.

Conditions of tenancy.

Insecurity of tenure.

Recommendations.

Servants.

Tenants.

Rents.

the Court to tenants in which to make fresh arrangements before proceeding to ejectment.

- (g) To make it easier for tenants to pay rents, the year of occupation should end on 31st July, (instead of as at present, 30th June), when crops will be fully harvested.

76. Apart from their fickle and inconstant service, and their natural aversion to work (labour being a burden to the natural man), there are far too many of them, having regard to the closer cultivation and occupation of farms by Europeans, to be domiciled on private lands, where Governmental control cannot be applied in all directions. To use a familiar phrase, the Natives on the farms of absentee landowners are "getting out of hand," while exactions for rent neutralise the contentment which naturally springs from freedom. These rents, as has been remarked, have a tendency to increase, and are sometimes swelled by additional impositions for increase of stock and use of ploughs, until they are beyond their means readily to meet, when judged more by their disinclination, than by their physical capacity to work. The gospel of work is being continually preached, ostensibly for their benefit, but as much, if not more, from selfishness, forgetful of what should be patent, that the Native, like others, must first be taught to work for himself before he will work for others, and even then it will not exceed the measure of his needs.

77. The desideratum on occupied private farms is to encourage the settlement thereon of the Native as a farm servant or agricultural labourer, and not as a mere tenant, a phase of this intricate question which has already, although only to a limited extent, met with encouraging success. The splendid example set by the Newcastle Colliery in providing decent cottages for married Natives, and paying them good wages, shows what can be done by studing mutuality of interest. Some landlords are disposed to give this a trial, seeing in it the rudiments of development, but Government aid and encouragement are wanted, first by public officers persuading the Natives to become regular agricultural labourers, and by showing a readiness to free them from taxation when giving themselves up to regular employment, and living with their wives on the employer's premises.

(7) *The Courts Act of 1898.*

78. This reference to the Commission is not self-explanatory. The Bill submitted does not call for any particular comment, and is, in general, approved. At one time, it was thought possible to replace the Native High Court by distributing the work now performed by it between the Magistrates, the Supreme Court, and the proposed Commissioners, the latter to have only a special civil appellate jurisdiction. On further consideration, it was decided that the important

Termination of year of occupation.

Farms of absentee landowners.

Increase of rents.

Encouragement of the Native to become a farm servant.

Native High Court.

functions of the Commissioners, as Administrative Officers, ought not to be interfered with by holding a Court for the hearing of cases. At the same time, it was agreed to suggest that the Native High Court might very advantageously have its criminal jurisdiction added to by the inclusion of certain crimes, when committed by Natives, and which are now tried before a Jury. Then, again, it was felt that this Court was in a very special sense the Court of the Natives, and one to which they desire to appeal, and seeing they form the vast majority of the population, and live under their own system of law, custom, and usage, it is only ordinary consideration, and no more than what is right, that they be consulted regarding its abolition, should that at any time be seriously contemplated.

79. As having a close connection with the Court, and, also, because of a provision in one of the proposed Bills to place certain restrictions against the appearance of lawyers in Native Civil Cases, attempts were made to gauge Native opinion on the subject. They did not go so far as one of Shakespeare's characters, and say, "Let us kill all the lawyers," but they did say frequently quite spontaneously, and with remarkable unanimity, as can be gathered from the evidence, that lawyers should be debarred from appearing in civil cases. The legal profession is a powerful profession, and can make its voice felt both in and out of Parliament, but, notwithstanding its power and its privileges, can the voice of the people chiefly interested be treated with disdain? The ethics of the bar, based on the subtleties of our own law and practice, are beyond the comprehension of these simple people, with the result that the profession, as a whole, bears an evil rather than a good reputation among them. They "fleece us and teach us lies" is one of their direct and forcible, yet humiliating, expressions towards some members of a profession which does so much to preserve its honour and dignity. As touching the personal aspect, it should not be overlooked that professional advocacy is something which has been imported for individual and private ends into Native juridical practice, to which it is wholly unknown. Natives have, consequently, a false conception of what the engagement of Counsel really means, it being a common belief among them that the payment of a lawyer's fee is something akin to the purchase of justice, and the higher the fee, the more likely they are to get what is being purchased. But, apart from all this, the customary and legitimate fees, for such services, are much beyond the means of these people, who have frequently to borrow the amount or dispose of property in order to meet such demands. Seeing, therefore, that Native feeling and opinion have been expressed so widely and so freely, it is recommended that effect be given to their wishes by excluding lawyers from appearing in Native civil cases in Magistrates' Courts, *pace* the majority report of the Native Suitors' Commission to the contrary.

Increased criminal jurisdiction.

Lawyers, their appearance in Native cases.

Native unanimity.

Reputation of legal profession.

Native misconception.

Counsel's fees.

Exclusion recommended.

80. Against the debarment of lawyers from appearing in Native civil cases, it has been argued that their presence and intervention are necessary to protect suitors from the delays and inattention which, it is stated, they suffer from at Magistrates' Courts. Allowing that some ground exists for these allegations, it is believed that the creation of the new office of Commissioner, part of whose functions would be that of Adviser and Protector, will afford all the security needed against the irregularities and indifference, which it is feared do occasionally mar the proceedings in Magistrates' Courts. But, apart from personalities, the complications and delays of our official and judicial methods of business, undoubtedly have a share in impelling Natives to seek costly assistance, notwithstanding the views generally held by them, and by many Europeans as well, to the contrary. They would be better—certainly "better off," and would welcome with delight—if allowed ready access to a sympathetic and helpful official adviser; and it is just in critical positions like this where they are helpless to help themselves, that Government should show its fatherly interest by removing difficulties of our own creation from their way, and enable them more and more to be less dependent on others for the transaction of their own business.

(8) *The limitation of interest upon money lent to Natives.*

81. The information on this point revealed a lamentable condition of affairs, showing the extent to which cupidity can go in trading upon the weakness and necessities of others. In reliance upon this information, the provisions in the proposed Bill are generally approved. It seems to cover the most usual form of money-lending, viz., to secure labour, generally at a lower than market rate of wage, but if not so intended, it should extend to that also. "Sufficient unto the day is the evil thereof," is a practical maxim of a Native's character, and he is ready to promise anything to obtain a present advantage. The extent to which borrowing money is resorted to was a revelation, and the demoralising result both upon the lender and borrower, particularly the latter, even more so. One prominent witness gave it as his opinion that debts so contracted had much to do with the revolt, the Natives having become callous and indifferent, and seeing no other way of escape from the intolerable load of accumulating interest. Debts are also contracted in order to escape imprisonment, as the alternative of the non-payment of fines imposed by Magistrates, under conditions obviously to the disadvantage of the borrower. Such cases would not be so numerous if the fines imposed upon Natives were not so frequently beyond their means. It should be remembered that, speaking generally, they are a poor people, and even when possessed of property, coin does not form to any large extent one of their available assets. The Prison Reform Commission (*Gazette*, page 309, June, 1906), in discussing the principles which should guide Courts in awarding penalties used these words:—

Commissioner as Protector.

Money lending to Natives.

To secure labour.

Money borrowed to pay fines.

Fines to be more in proportion to earning power of offender.

“ Apart from the offence, the income or earning power of the offender should, as a just and equitable principle, be taken into consideration when awarding a fine, in place of fixing it upon what is customary, or upon a mere arbitrary basis.”

Rate of interest on money lent.

These remarks are commended to the attention of Magistrates. In one case, it was stated that the Native agreed to work out the debt at 20s. a month, the interest on which alone amounted to 25s. a month. One shilling per pound per month, equalling sixty per cent. per annum, is quite an ordinary rate, while one hundred and fifty (2s. 6d. per £ per month), two hundred, and even higher percentages were by no means uncommon, and the business is so profitable that it is being reduced to a system, one rule of which is to put up with occasional losses, rather than sue, and thus endanger a reputation for readiness to help the Native when in need. The evidence shows that the time has arrived for strong measures to be adopted for suppressing this evil.

Strong measures recommended.

82. It is a debatable point which course is the more politic to follow, to regulate the practice of money-lending to Natives, or to prohibit it by making such claims irrecoverable at law. After consideration, it was agreed to submit the following resolutions on the subject:—

Recommendation.

Limitation of interest.

Principal and interest to be expressed in document.

Breaches of labour contract.

Store-debts.

- (a) That loans for interest should not be recoverable unless upon an attested written document; that, seeing free trade in money is established in the Colony, the rate of interest be the subject of contract, but that no higher rate than fifteen per cent. per annum (3d. per £ per month) be recovered upon any action, the Courts having power at the same time to inquire into all the circumstances of the loan;
- (b) That every promissory note or other liquid document of debt should specify the amount borrowed, the rate of interest agreed, together with any other consideration given or to be given, and the date of repayment;
- (c) That with regard to loans to secure labour, the terms of repayment to be the subject of contract, but, failure to implement the agreement, should not be enforceable under the Masters and Servants Act, but only by civil process;
- (d) That store-debts should not be recoverable against a kraal head, except when incurred personally, or by his authority.

(9) Education: industrial training: the ecclesiastical control of religious activities.

Education.

83. The educated Native has been very pronounced in his views regarding what appears to him, and to several of the missionaries as well, the comparatively small pecuniary support given by Govern-

ment to further education. They ask very pertinently, Why is it that the Government has not erected school buildings for them, as has been done for the Indians? whom they refer to as aliens, while they are children of the soil. The Government is not at the present time engaged in directly educating the Natives, but only assisting the work by grants in aid, for the most part to or through Missionary Societies. Natives are leaving the Colony in search of education. This is not a desirable state of matters. To put a check on it, it is suggested that more liberal assistance be given to the training Institutions at present in existence, and that, so soon as funds permit, the Government establish a central training Institution, especially for teachers, where the sons of Chiefs and leading men may, if they so desire, get a plain education, and some training in industrial work. A considerable number of low grade schools are being established without Government supervision. These are coming into existence owing to the requirements of Government being out of proportion to the grants made. It is suggested, if the grants cannot be increased at the present time, the conditions governing grants should be modified to induce such schools to come under Government control.

Education by Government of Indian and Native people compared.

Greater assistance suggested.

Central training Institution for sons of Chiefs and Teachers.

Unsupervised schools.

84. The following tables, for the year ending 30th June, 1906, show the cost to Government of Native Education as compared with that of other sections of the community, not including cost of administration, inspection, buildings, furniture, rents, and stationery:—

	Europeans.	Indians.	Natives.	Coloured (including Half-castes)
Average enrolment	12,199	3,396	11,071	643
Average attendance	10,212	2,428	7,851	498
Amount spent per head on average enrolment	£ s. d. 5 7 8½	£ s. d. 1 9 1½	s. d. 12 8½	£ s. d. 2 19 1
Amount spent per head on average attendance	6 8 7½	2 0 8½	17 11	3 16 3½

Comparative cost, etc., of education.

ACTUAL EXPENDITURE ON EDUCATION IN RELATION TO THE POPULATION DURING THE YEAR 1904.

	Population (including Zululand and the Northern Territories).	Total amounts of expenditure (including administration, inspection, etc.)	Percentage of aggregate expenditure.
		£ s. d.	
Europeans	97,109	84,677 7 5	85.75
Indians	100,918	4,490 10 1	4.54
Natives	904,041	7,573 14 3	7.68
Mixed (including Half-castes)	6,686	2,006 16 0	2.03
	1,108,754	98,748 7 9	100.00

Note.—1904 has been chosen, as the Census was taken that year.

Co-operation of
Missionary
Societies.

Creation of
Board of
Advice.

Native De-
partment to
have a voice
in Native
educational
policy.

Training in
Agriculture.

Industrial
schools.

85. Not being financially able to erect even a fair number of central schools, the aid of the various Missionary Societies is indispensable for the continuance of the work of education, and, having regard to the work already done, and to their close and abiding connection with the cause, the formation of a small Board of Advice, upon which all the denominations might be directly or indirectly represented, is strongly recommended. This would be a graceful act of recognition of the services rendered by these Societies in the cause of education for so many years, and be helpful in the settlement of general principles and broad rules for the guidance of the Education Department. To effect this would not require more than one, or at the most, two meetings during the year. The Chairman and convener of the Board would be the Superintendent of Education or the Senior Inspector. As it is most desirable that the Native Department should be directly cognizant of all matters affecting the Natives, it would follow that the Department should have a voice in settling the Native educational policy of the Government, and it is accordingly recommended that an officer of that Department should have a seat on the proposed Advisory Board.

86. The improvement of agriculture will be generally admitted as a most important element in the education and advancement of the Natives. The Supervisors of Locations, who act under the Commissioners, should do all possible by precept and encouragement to induce Natives to undertake better methods, and endeavour to grow crops which they have not hitherto tried. The process will admittedly be slow and disappointments many, but effort should not cease. Attached to the residence of each Supervisor should be experimental plots as object lessons, in which the effects of manuring, deep ploughing, and systematic planting could be shown, and where new products could be tried. Prizes might also be given for the best huts and gardens, and the distribution of these rewards made the occasion of a visit by the Commissioner. It is also suggested that, at the same centres, there might be started in an inexpensive way, small industrial schools, in which the rudiments of such trades as would be useful to the people in their daily lives might be taught, sufficient to make them helpful at their homes, and of greater use to those, especially farmers, who might employ them. It is especially urged that such experiments should not be started on a large scale; show them the advantages of better methods and more technical skill, and then let the demand come from the people themselves. It has been before mentioned that the measure of their needs should be the measure of their education. It is not true wisdom to turn out a few highly skilled artisans, who, there is reason to think, would find a difficulty in getting suitable employment, but rather to raise the working status of the mass, and particularly to encourage by all means better methods of agriculture. Questions like these, and industrial training in general, which are acknowledged to be full of difficulty, would be proper to be discussed by the Board referred to.

87. The remaining portion of this subject, the ecclesiastical control of religious activities, refers to the erection of buildings used for Divine Service at places in Locations where there is no resident Missionary. The Natal Native Trust laid it down that no such places should be erected or allowed to remain except a male Missionary be resident on the spot. The object of this condition was to provide for close supervision over Native Evangelists or Preachers, in order to check seditious teaching. A number of Preaching Stations were dismantled in consequence of the decision of the Trust. The Missionary Societies affected contended that, so long as the Native Ministers and Evangelists were duly accredited by, and connected with, any of the local Mission Churches, they were under sufficient supervision if visited periodically, and that the destruction of the buildings was in a measure helping the cause of Ethiopianism, against which the decree was really aimed. The Commission, after careful consideration of the case, both from papers and *viva voce* statement, is of opinion that the Trust was needlessly alarmed, and that the order should be withdrawn. Had the Trust been a body distinct from the Executive Council, simply a continuing administrative, and not a political body, subject to a frequent change of personnel and policy, the unfortunate incidents, resulting in destruction of property and seeming opposition to the preaching of the Gospel, would most probably not have occurred.

(10) *Labour, and the relation of landlord and tenant, and other connected questions.*

88. The relation of landlord and tenant has been in some of its aspects discussed under paragraphs 74-77. Where a tenant is required to render service, either in lieu of rent or in reduction thereof, the rate of wage is comparatively low, ranging from 3s. to 15s. a month, and generally for a period equal to six months out of the year. In a large proportion of cases, this service is not continuous, but intermittent, at the pleasure of the landlord, according to the exigencies of his operations. This description of agreement has the effect of locking up much labour, as the tenant can only leave the farm for short, and probably uncertain, periods, and at the will of the landlord. It would be an immense gain to the labour supply of the country, if the tenant-service system were replaced by an arrangement which would produce more reciprocity between Master and Servant. Several suggestions were submitted for alteration in the Masters and Servants Act, and such of them as can be recommended are now offered for acceptance. The process of Magistrates' Courts in connection with the arrest and trial of an absconding servant should be simplified in favour of the employer residing out of any town by not requiring his attendance to lay information, and again at the trial. Corrective authority of a parental character might be permitted farmers and others living at a distance from Magistracies with respect to juvenile Native servants. The form of corporal punishment allowed to Magistrates should be confined, as at present,

Control of
religious
activities.

Government
restrictions
as regards
mission work
in Locations:
withdrawal
recommended.

Tenant-service
System.

Amendments
of Masters
and Servants
Act.

Corporal
punishment.

to the use of a rod or cane, and a discretion should be allowed the Court as to the age when it might suitably be inflicted. The lash should not be used, and every endeavour should be made to keep offending servants out of gaol, and, where imprisonment is necessary, they should be more extensively employed in movable prisons upon the public roads.

89. The time has arrived for Government, directly or indirectly, making or assisting in making arrangements for developing the labour possibilities of the Native. Nothing so elaborate as a series of schools of industry is here suggested, but simply the establishment of a system by which the Native will be able to go from his distant home to labour centres. It is his desire to do this that, often in the first instance, leads him into debt for the amount of his railway fare and other expenses along the road, to the great advantage of the lender. Whether the lender fancies himself a philanthropist in assisting the Native to reach labour centres, or a public benefactor in helping to increase the supply of labour, need not be discussed, the fact remains that the Natives, to a large extent, when engaged by contractors, are not receiving the full amount of the wages earned. Profits arising from their labour should accrue only to the actual employer, the contractor, or recruiter, making his terms with the employer. But whatever its details, it is necessary to its success that the Native should be assured that he will be protected in going to and from the labour centre, and receive the wages earned. There appear to be only two satisfactory methods of starting and working a project that will induce the mass of idlers to join a stream of more or less constant workers, viz., by its becoming a Government monopoly, or else very closely supervised by Government officers. If it is not to become a Government monopoly, it is urged that all such recruiters should be *bona fide* residents in the Colony, should enter into a substantial bond for the due performance of all conditions contained in the license issued to them, and that such license should provide:—

- That all Natives engaged should receive the full standard rate of wages in the district, and be employed at the work for which they were engaged;
- That if advances are made, such advances should not bear a higher rate of interest than 15 per cent. per annum;
- That any other advances or consideration, e.g., cattle, should be shown in the books of the recruiter, and the value there stated;
- That the books of the recruiter should at any time be open to Government inspection;
- That all Natives engaged should be taken with a record of numbers, wages, etc., to the Magistrate of the district, whose duty it should be to ascertain that the Natives fully understand the contract.

It is also suggested, as experience may show to be necessary, that Labour Bureaus should be opened at the most important labour centres, and the one at Johannesburg should be immediately reopened, and all the Natal Natives sent up by recruiters should be passed through that office, and a record kept. Recruiters should not be allowed to tout for Natives on occupied farms without the explicit consent of the occupier. Every facility should be given by the officers at the Labour Bureaus, and at Magistracies for the transmission of the wages of Natives to their homes, and at the more important Magistracies and elsewhere rest-houses for Natives travelling should be erected. In order that the Natives, who do not wish to engage with a Labour Bureau Agent, should have all possible facilities, it is recommended that, in cases of known Natives wishing to travel to labour centres, Magistrates should be empowered to advance warrants, which will entitle them to receive railway tickets to such centres, the advance to be a first charge against their wages.

90. But if the Native is, in the future, to become the valuable labour asset to himself and the Colony which is so desirable, it is to the rising generation that we must look. Ingrained habits are notoriously difficult to alter or eradicate, and it should be our aim to prevent the formation of idle and irresponsible habits by teaching the young Native other and better ways. It is thought possible by proper explanation to, and co-operation with, the Chiefs and Kraal Heads to initiate a system of apprenticeship of youths to responsible European employers under proper safeguards as to teaching, food, clothing, housing, etc. It is essential, though, to get the people themselves to desire this, and, it is suggested, that this would be a proper matter to be taken up by the Commissioners and those working under them.

91. All the Magistrates should be receivers, transmitters, and payers-out of sums deposited by Natives as wages. Fathers and kraal heads who are dependent on the earnings of their boys to pay taxes, rents, etc., are often in difficulties through the non-receipt of expected moneys. Moreover, ready facilities for making remittances remove many temptations from young men when in town for spending their wages on themselves. The arrangements made some time ago to get them to remit their wages through the Post Office were faulty, and not taken advantage of to any extent. It is regarded as essential to the future of the Native that he should recognise that, if he is to live, he must work. His heritage is slipping away from him, and the place he should occupy in the industrial arena of the Colony is being taken by aliens, the indentured Indians. But we, on our part, must do all that is possible to encourage him, and, above all, give him some hope in his work that, as he improves and becomes efficient, he will receive an increasing reward; primarily, by giving him inducements to work for himself on better lines as a peasant cultivator, and also to give more reliable and trained labour to the

Labour.

Protection to Natives going to and from labour centres.

Labour recruiters.

Recommendations.

Establishment of Labour Bureaus.

Touting on farms.

Provision of Native Rest-Houses.

Travelling expenses advanced.

System of apprenticeship of Native Youths.

Transmission of Native wages.

Native labour
at present
wasteful and
uneconomic.

European employers. The Commission regard the present state of Native labour in the Colony as wasteful and uneconomic in the extreme, and urge the authorities to do all possible to encourage the Natives on the different lines mentioned.

Town Locations.

92. With regard to the employment of labour in Municipalities, it is desirable that locations should be established, in accordance with Act No. 2, 1904, for the segregation and occupation by day labourers and others, including women visiting their relations and the towns for work. It is competent for Borough authorities under the above Act to lay off such Townships, and arrange for their government and control in all particulars. With respect to those towns which have still considerable open areas, it is recommended that attention be drawn to the desirability of the establishment of these locations before such lands become alienated for other purposes.

Togt labourers
and Ricksha
Pullers.

Lack of
control.

93. The regulation and limitation of togt labour, and the employment of Natives as ricksha pullers, is unquestionably a subject of more importance than would appear at first sight. It is a class of labour which is under very little or loose control, a circumstance which is detrimental to morality and social order among a people, to whom restraint in a form more powerful than public opinion or conscientious scruples is still necessary. This is especially the case with ricksha pullers, who come and go, work or idle, as they please, and ply their calling at all hours with practically no supervision. This large amount of personal freedom is in itself injurious to a people not yet able to use it in the right direction for the strengthening of personal character. Loose and dissipated habits and social disorder and crime are among the results of an undue amount of personal freedom. The calling of the ricksha puller is stated more or less freely to be injurious to health. While there is not much reliable evidence upon the point, it may safely be assumed that the work is attended with some physical risk, but, whatever that may amount to, it dwindles in importance before the moral injury which they and the European also suffer by exposing to them in our towns at night the "seamy" side of the white man's life. However much all this may be deplored by moralists, it would appear that, owing to its convenience, all that can be done is to reduce the evils attaching to the industry and occupation, with the view of their gradual abolition, by licensing only such number of pullers as may be necessary for the business, and by exercising over them a stricter control; by shortening the hours for plying for hire at night; by reducing the size of the vehicle to convey one passenger only; and to submit Town Regulations applicable thereto, (and, indeed, to all matters affecting Natives in towns), to the Native Department before being approved by the Governor in Council. Many Natives expressed themselves strongly in favour of the abolition of the industry as a degrading occupation.

Evils of
personal
freedom.

Moral and
physical injury.

Limitation of
licenses, etc.

(11) *The political and Administrative aspects of the work of the Natal Native Trust and the control of lands vested in the Trust, whether as Locations or Mission Reserves.*

94. It is not clear what particular questions are raised by this reference. The duties and powers of the Trust are set out in the Letters Patent which created it, and in the deeds of grant under which the properties are held by the Trust. It is understood that beyond some tree planting, fencing, watercourses for irrigation, and the construction of a few roads, no attempt has been made to improve the vast estate which is controlled by the Trust, in order to make it more habitable or carry a larger population. Attention has elsewhere been drawn in this report to the very great importance attached to the establishment of village settlements in the locations as a means of enabling Natives to dissociate themselves from the tribal system, and, by the grant of conditional titles to allotments, give more encouragement to agriculture and industry generally, and foster a spirit of dependence upon the Government instead of upon their own Chiefs. As already indicated, a commencement might be made in this direction upon the Mission Reserves, where the resident Natives are more advanced and ready to fall in with such a scheme. The Trust, being the Government of the day, must at times be affected by political considerations which might influence the Ministry in a manner, and to an extent not necessarily appreciable by a purely administrative Trust. There is difficulty in recommending a change, because it may not be possible to construct a body of that nature without creating a new department. It would not do to substitute the proposed Council for Native Affairs, as its duties will be specially consultative and deliberative, and, moreover, it is not contemplated its meetings should be frequent. The Commission must, therefore, content itself with expressing the opinion that a change of Trustees is desirable, but, at the same time, pointing out that the Trust ought out of its own legitimate revenues to provide for the cost of its own administration on whatever basis that might be constructed. So long as the Trust remains constituted as it is, there should be the closest possible connection between it and the Native Department, not only between the Minister, as head of the Department and one of the Trustees, but also between the principal officers of the Department and the Trust, the Secretary of one being the Secretary of both.

Natal Native
Trust.

Conditional
titles on
Mission
Reserves.

Change of
Trustees desir-
able.

(12) *The desirability or otherwise of the control by Magistrates of the Police employed in duties connected with the Magistrates' offices or courts.*

95. The evidence and the insight gained into the working of the Police Force give rise to a number of reflections, a few only of which will be touched upon. As a purely Police Force for the prevention and detection of crime, its cost to the country is enormous. The district officers, whose position and duties might, to some extent, be compared to those of Superintendents of urban police, as a matter of fact do little of the actual or regular police work of their stations, that being undertaken by Sergeants, Troopers, and, in outlying

Police control.

Magistracies, mostly by the Native constables. The officer's duty is chiefly confined to a general oversight, by means of inspections and through correspondence. Wherever the Europeans of the force are not native linguists, and, unfortunately, this is commonly the case, they are of little use to the Magistrate as a reliable source of information upon any change of Native feeling or opinion, or of any movement which it may be desirable should be known to the authorities. Even for the due performance of ordinary police duties in Locations, a knowledge of the language is essential, as, without it, the Europeans are dependent upon others for intelligence worthy of credence. The Location Supervisors, already referred to, would be a much better source of information regarding any agitation or possible unrest. The evidence further shows incontestably that the stamp of Native now enlisted compares most unfavourably with the class of men who acted as Constables before the force was unified, in 1894, and assumed its present semi-military character. The terms of their engagement for three years, it is generally agreed, militates against a selection of the best men. In the estimation of many, whose judgment may be relied on, the disposition of the Native constable to be arrogant and overbearing is traceable to these two causes, the acceptance of young men of doubtful character, and the spirit of militarism which pervades the force.

96. The position which the Magistrate should occupy as the leading official and the representative of the Government in his Division, has suffered in the estimation of the Natives by reason of his displacement as former head of the Police. His previous relationship to the police and their duties presented some objectionable features which obliged him in a sense to be head constable and prosecutor. But it is most desirable, and strongly urged, that he should be placed in a position which the Natives would regard as controlling the appointment of the Native constables, and their proper attitude towards the Native population. To accomplish this, the Native police should be treated as a district force, and its members appointed and dismissed by and paid through the Magistrate. By leaving the terms of their engagement with the Magistrate, a much better stamp of men would be forthcoming, better work and more satisfactory relations with the inhabitants being secured.

97. Treating the Native branch as merely a district or local force would in no way interfere with the European side of the establishment, their engagement, or discipline. For many reasons, such as the maintenance of the Criminal Investigation Department, correspondence abroad, and securing cohesion at home, a central office must remain a necessity. A prosecuting officer belonging to the force (a married linguist, by preference) and such numbers of European constables as the white population of the district warranted for the execution of judicial process and so forth, should still be maintained.

98. The opinion is also expressed that the ordinary police out-stations should be withdrawn from Native districts and locations. When the troopers occupying them happen to be ignorant of the language, their presence there as viewed by the Magistrates, Missionaries, and other authorities, is productive of more harm than good. More reliance should be placed on the Chiefs for the preservation of peace and order therein. The Chiefs ought to fill a useful and definite place in the police system of the country, and be made use of in ordering the appearance (instead of resorting to arrest) of their tribesmen before Magistrates. Several regrettable instances of harsh and unnecessary arrests, merely to secure attendance, were brought to notice. A plea commonly put forward for the frequent presence of the Police in Locations, is to detect evasions of Hut and Dog Tax, but when it is known that evasions, especially of the Hut Tax, are rare occurrences, and that the actual work of checking is largely done by the Native Constable, the plea loses much of its value. An occasional patrol in numbers through the Native districts would be of more avail in impressing the people with the mobility and ubiquity of the defence forces of the Colony for checking crime or lawlessness of any kind than the lonely out-station now relied on.

(13) *The adequacy or otherwise of the machinery employed in the administration of Native Affairs, etc.*

99. This item has, in its principal points, been dealt with under other divisions. The creation of more Magistracies has been recommended, and it has not been thought advisable to deprive Magistrates of their administrative or political duties. While these duties would, under the proposed scheme, form the principal part of the Commissioners work, the Magistrate would, when occasion required, be his local deputy. Some stress was laid, mainly by European witnesses, on the care which should be exercised in the selection of Magistrates, and the need for strengthening the Magisterial bench generally. Appointments have in the past been made which cannot be justified, but it is hoped the suggestion, that all nominations of administrative officers should receive the consideration of the Council for Native Affairs, will improve matters in this respect in the future. One objection made was to the age of some of the occupants of these offices, it being, in the opinion of some witnesses, very undesirable that young men should be raised permanently to these positions. That this should be the rule will be freely conceded, as Natives have more respect for age, gravity, and good mien, than is usually supposed.

100. Having regard to the difficulty experienced in procuring a sufficient number of competent European Interpreters of the Zulu language, which has been commented upon by both Europeans and Natives, it is recommended that greater care be taken in their selection, and that a trial be given to qualified Natives as Interpreters, when suitable vacancies occur. This recommendation is not made

Natal Police not Native linguists.

Inferior stamp of Native police.

Arrogance of Native police.

Position of Magistrate in regard to Police.

Native Police to be a District force under the Magistrates.

Central Office a necessity.

Suggested withdrawal of Out-Station in Native Districts.

Chiefs to be more relied upon for maintaining order in their tribes.

Harsh and unnecessary arrests

Patrol force

Selection of Magistrates.

Consideration of appointments by proposed Council for Native Affairs.

Age of Magistrates.

Interpreters

Trial appointment of qualified Natives.

without a knowledge of the failure of a previous experiment in this direction, but, allowing those unfortunate occurrences their due weight, the hope is entertained that further trial of engaging educated Natives will have a better result. The employment need not be confined to interpretation, but others might also usefully be employed as head constables at Magistrates' offices, a class of appointment which was urged very generally by educated Natives.

(14) *The cost of administration, etc., and the sufficiency or otherwise of the present contribution to the revenue by Natives.*

Cost of Native Administration.

101. As the proportion of the cost of administration fairly chargeable to the Natives can only be assumed, no attempt will be made to answer this part of the question. The direct contributions to the Treasury by them for the year ending June 30, 1906 and 1905, were as follows:—

	1906.			1905.		
	Natal.	Zululand.		Natal.	Zululand.	
	£	s.	d.	£	s.	d.
Hut Tax	121,374	18	0	44,184	14	0
Dog Tax	15,509	10	0	4,089	10	0
Squatters' Rent	4,499	19	0	—	—	—
Poll Tax	68,500	1	0	7,990	6	0
Pass Fees (including Fees under Act 49, 1901)	3,694	12	0	555	11	0
Fees on Medical Licenses	2,539	0	0	650	10	0
Fees on Native Christian Marriage Licenses	454	10	0	62	0	0
Fines and Fees of Court	28,695	4	7	3,684	10	0
Totals	245,267	14	7	61,217	4	0

Indirect contribution by Natives to revenue.

102. Some inquiries were instituted to obtain data on which to reach an approximation of the indirect contribution by Natives to revenue through customs dues, but, unfortunately, this was not obtainable. All, therefore, that can be done is to say that the consumption of dutiable goods is generally on the increase, especially among the educated and more advanced class.

Hut Tax—Suggested exemptions.

102a. The evidence will show that the only objection raised to the Hut Tax was that it was levied upon the huts of widows and bachelors. The law imposes the tax on all occupied huts without regard to the sex or condition of the occupants. The imposition of the tax upon every hut has a direct tendency to overcrowding to avoid the payment, but this course is mainly adopted to escape landlords' rents, which range very much higher than the public tax. In any future alteration of the Hut Tax Law, it is recommended that the hut of the young men be exempted. The Dog Tax was frequently made the subject of opposition, on the ground, among other things, that dogs were now of no use except as watchers and scavengers, and that it was derogatory to Government to take money for such animals, and so forth. Keeping in mind that the tax was designed as a protection to sheep farmers, and not to enrich the Treasury, it is submitted for consideration that one dog, free of duty, be allowed to each kraal. Further reasons will be given for this suggestion later.

Dog Tax.

103. The Poll Tax was objected to, as was to be expected, not only because it was a new burden, but because it was making the sons less inclined to assist their fathers than formerly. Mutuality of interest and reciprocity of assistance was, in kraal-life, a very real and active principle, children being required by enforced custom to account for their earnings to their fathers, but the force and observance of this commendable custom has for long been on the wane, the young men spending much of their wages upon themselves. They have made this tax, which is personal to themselves, a reason for contributing less to the parental store, according to the statements of old men, repeated time after time and in many places. The generality of the statement consequently lends it credibility. It should be recalled that this tax was imposed by Parliament at the ordinary session of 1905, the year following the taking of the census. The general enumeration connected with the census was resented by the Natives, who, not understanding its true import, were naturally suspicious of the intention of the Government. Great pains were taken to allay their fears that it meant neither confiscation nor fresh impositions, but merely a counting. Had there been a body like the proposed Council for Native Affairs to report upon such a measure and to describe what effect it would have upon the Native, particular stress would, undoubtedly, have been laid upon the repeated asseverations of the census officers and the reflections of the Natives thereon. Incidents of this nature augment distrust, and emphasise the wisdom of diffusing information regarding the intention of Government, of studying Native feeling, and of consulting Native opinion.

Poll Tax.

The Census followed by the Poll Tax.

104. The object and proper incidence of the Poll tax upon themselves were, unfortunately, imperfectly, and, perhaps, erroneously conveyed to them. It was baldly represented as a capitation or head tax, which, by a simple mental transposition, became converted to a payment for "the head," which was as simply followed by the question, "Why should I pay for my head, is it not my own? and if I have to pay for my head this year, why not for my hands or feet next year?" Whereas, it should have been described to them as a tribute due to the Government by the young unmarried men, the wage-earners, who were not contributing their proportion of taxation.

Imperfect promulgation of Tax.

105. The advantages of simplicity of policy, and continuity, as well as consistency, of action, having been fully demonstrated, it is advisable to adhere to well-established methods, if working well, before resorting to new modes for attaining the same object. As the Hut Tax is well understood and regularly collected, with remarkably few evasions, an addition to it would have been better received than the introduction of a novel, and, as it turns out, an imperfectly understood form of taxation. In accordance, therefore, with these views, a consolidation of the several items of taxation is advocated, to take the form of an increased Hut Tax, upon a higher scale in Locations, and a lower scale in Zululand and upon farms. In view of the substantial gain to the Natives which would follow the intro-

Increased Hut Tax preferred.

Consolidation and increased tax.

duction of the proposed changes in ameliorating their condition and strengthening their control, the merging of taxation should be so arranged as to result in an increase of the total amount of their direct contributions to the Treasury. A large increase thereto is neither proposed nor expected.

Suggested
methods of
relief.

106. Concurrently with an increased Hut Tax, relief should be given in other directions, viz., by abolishing the rent of £2 per hut on Crown lands (now a vanishing amount), the tax upon the bachelor's hut, a modification of the Dog Tax, and the *corvée* or compulsory labour on public works. This latter question is one of great importance, and will be discussed at some length later on.

(15) *The illicit sale of Liquor to Natives and restriction of beer-drinking.*

Liquor
restrictions.

Views of
Exempted
Natives.

107. Little need be said regarding the first portion of this question. Prohibition has wisely been the law of the land for many years, and the more reflective among them, kraal as well as educated Natives, approve of its wisdom. Still, it should be mentioned that, among the exempted class, a number are to be found who resent the restriction under which they continue to labour, from two stand-points, one being that it shows lingering distrust against them, the other that the use of liquor was one of the privileges to which they believed exemption entitled them, and, while having no wish to use liquor, they claim the right to do so. The reason for withholding the free use of liquor from the Natives is that, generally speaking, they are incapable of moderation in the indulgence of their appetites, but it does become a question whether the exempted Natives, having raised themselves to a higher level, might not be allowed to promote the growth of a public opinion which, by reacting on the community, would exercise a restraining force in the direction of repression, if not continued prohibition. The Indian is allowed the use of liquor within limits, which were supposed to be safe, but which experience shows to be fallacious, and this circumstance is used as an argument by them that the foreigner is more trusted than the native of the soil. There is evidence to show that the Half-castes of Zululand have, until recently, been in the habit of using liquor, not being supposed to be under the legal disability applicable to Natives in general, and the liberty not having been abused, the removal of the restriction from this class has already been suggested.

Withdrawal of
liquor restric-
tions as regards
Half-castes.

Native beer.

108. As regards the manufacture and use of their own beer, testimony is abundant that it is more largely made and consumed than formerly, to the detriment of the people, by increasing idleness, immorality, and impoverishment. Efforts, commendable in motive, but mistaken in method, have, for several years, been in operation to check gatherings merely for the sake of drinking beer. Young and old, of both sexes, attend them to the prejudice of peace, order, and morals. Established usage, which forbad or restrained the presence of women from other kraals at such gatherings, is now no longer ob-

served, and home duties, such as the care of children and the tending of gardens, are neglected. Elaborate regulations on the subject, while putting no restriction on the use of beer by families in their homes, require the sanction of the Magistrate to a public gathering, and then the feast must not be held on a Sunday or a public holiday. The inclusion of the "holiday" has provoked many a smile. But it has become the practice to send Native Constables to these gatherings, a doubtful expediency at the best, for, while intended to check fighting, it does not check licentiousness, and it has the effect of making the responsibility of the kraal-head sit lightly upon him, in the presence of the representative of law and order. Chiefs and headmen should be taken into our confidence in matters primarily affecting themselves, and, if the growing evils of these frequent gatherings and immoderate drinking generally, were sedulously and sympathetically brought home, we would soon have them ranged on the side of order, and, by their influence over their people, secure what cannot be accomplished by restrictive regulation or the presence of the policeman. Allowing that farmers and employers of labour are interested in this question, it is essential that Chiefs, Magistrates, Commissioners, and the Council for Native Affairs should all have a voice in any attempt to restrict the use of beer. On the subject of beer-drinking, and, as supporting the views here expressed, an extract from an announcement lately made by a Chief to his people, shortly after his installation, may be appropriately inserted here. Among other things, he proclaimed:—

Regulations.

Responsibility
of Chiefs and
Headmen for
maintaining
order.

- "Let the making of beer by kraal heads cease.
- "The girls must not be allowed to go to wedding dances
 - "without the permission of the father, and not sleep at
 - "the kraal where the wedding takes place, without
 - "his permission. This is bad. I want the girls to ask
 - "permission from their fathers, and they to tell their
 - "daughters when to return from the dance, and that
 - "before sunset.
- "With regard to the women, I do not speak. I have pro-
 - "hibited my own wives and women-folk from going to
 - "weddings, because I do not like women to go and
 - "come back at night.
- "If they go to a wedding, they must ask the kraal head of
 - "the locality, and, if such kraal head disapproves, the
 - "women must stay at home.
- "When the women are given beer, it should always be
 - "given to them in the open kraal, and not in the huts.
 - "On no account are they to stay till sunset, but must
 - "go home before.
- "When young men go to weddings, they must go in single
 - "file, and not in troops (*amaviyo*), crying the battle-cry.
- "When young men want to drink beer, they are not to go
 - "in a troop, but singly or in twos."

Regulations as
laid down by
a Native Chief.

These excellent injunctions are the spontaneous efforts of a Chief to check the growing disposition to be disorderly, and merit the special commendation of the Government.

Sale of Native beer.

109. The sale of beer among themselves is an innovation upon Native custom. It tends to restrict the hospitality for which they are proverbial, and indicates one of the many changes which marks their contact with the ways of others. Here, again, the influence of the headmen, the conservative element, should be employed in preference to police regulations to control or restrict this growing practice, about which the Chiefs loudly complain. In towns, where beer should be procurable, not only its sale, but also its manufacture should be regulated and taken entirely under Municipal control, a suggestion which is very earnestly urged upon the attention of the various Corporations and Town Boards throughout the Colony.

(16) *Generally to inquire whether any of the existing laws require amendment with a view to removing any just cause of dissatisfaction on the part of the Natives.*

Native grievances.

110. The last item in the Order of Reference was accepted as an invitation by the Commission to inquire into grievances generally, whether proceeding directly from legislation, or from their altered conditions of life, resulting from our presence and rule among and over them. The subjoined list testifies to the manner in which they made use of the occasions offered them to ventilate their complaints. Over and over again they expressed their gratitude to the Government for calling them together to speak freely about their affairs, and it looked as if, in unburdening themselves, they took full advantage of the patience of the hearers and recorders of their statements. The assembling of the Chiefs and headmen at the various Magistracies to meet the Commissioners, as representing the Supreme Chief and the Government, to listen to their views and wishes and ascertain their feelings, was such an unusual event in their experience, that a full explanation of its purpose had to be given at each meeting. When this was rightly understood, their satisfaction was most marked, and, Native like, they found some relief in the mere recital of their complaints. There were, however, some doubters among them that grievances would not be redressed, and, although the Commissioners were most careful not to make promises, except that their statements would be forwarded and submitted for consideration, there is ground for apprehending they may be expecting too much. They were invariably told to wait patiently, as the inquiry was tedious and arduous, for the replies which would be returned to them. These explanations are appended in order to show their present attitude of expectation towards the Government in considering their petitions and affording them some relief.

Natives and the Commission.

Natives sceptical of good intentions of Government.

Native anticipations.

Absence of periodical meetings with Chiefs and Headmen regretted.

111. They were not slow in contrasting the former frequency of informal and friendly gatherings with officials, to discuss the acts

of Government in relation to their own affairs, and the infrequency of such meetings now, and in expressing the hope that these would become the rule and not the exception. A patriotic and loyal people, in highly organised societies, may safely be entrusted with the right to criticise the acts of Government and the conduct of public servants, but this deeply cherished privilege which belongs to such communities, is not what they seek or what they ought to have. All they want is for the headmen occasionally to meet their administrative officers, to be informed of the intentions of Government, and to discuss matters which concern their daily lives, their children, their cattle, and their crops. Nothing would be more calculated than simple methods like these to bridge the chasm which now exists between the dominant and the subject race. But this can only be accomplished by a transformation of sentiment and a change of system. Let their rulers be quick to praise, as well as quick to punish, less official and distant, more fatherly and accessible, patient, helpful, sympathetic, and, without venturing too far along the paths of anticipation, they would cling to us like children, and half the rural police could be dispensed with. One with the qualities of a born ruler, and understanding the genius of the people, would be more potent to control them than a posse of policemen, and, at the same time, do what the policeman cannot, lead them to better things.

Change of sentiment in relation to Natives needed

112. The following is a digest of their complaints as noted:—

Native complaints.

(a) *Among ordinary Natives:—*

- Absence of a general protector of Native interests and welfare.
- Difficulty of access to the Secretary for Native Affairs.
- Unsatisfactory promulgation of laws.
- Excessive rents charged by Europeans.
- Too many laws—over-legislation and administration.
- The Poll Tax and its effect upon the young men in adding to their reluctance to assist their fathers.
- The Dog Tax.
- Compulsory labour on roads and public works.
- Harsh methods adopted by the Police.
- Arrest of members of a tribe by Police without the Chief's knowledge.
- Attendance of Police at social gatherings.
- Interference by Europeans of various classes with women and girls.
- Usury.
- Unfair terms made by Europeans when advancing money in return for labour.
- Want of power by Chiefs to control their tribes.
- Loss of authority by kraal heads over subordinates.

Personal freedom allowed children, boys as well as girls, to the disregard of parents.
 Facilities for women obtaining divorce.
 Legal obstacles in recovering balance of lobolo.
 Appearances by lawyers in their cases, and excessive charges made by them.
 Punishment, by removal, of Chiefs without form of trial.
 Want of consideration and delays at Magistrates' and Post Offices.
 Want of consideration on the Railways.
 Beer-drinking restrictions.
 Multiplicity of passes and difficulty in procuring same.
 Interference with the rights of way by fencing off old paths.
 Forest regulations.
 Game laws.
 Registration of births and deaths.

(The foregoing list does not include a number of purely personal grievances, as well as objections to the East Coast Fever Regulations.)

(b) *Among Exempted and Christian Natives.*

Inadequate representation in Parliament.
 Improper interference by European men with Native girls.
 Want of Government schools.
 Absence of employment for their educated sons.
 Children of exempted Natives debarred from acquiring status of parents by descent.
 Difficulties in obtaining exemption in spite of apparently satisfying conditions of the law.
 Liability for service in time of war without being enrolled and trained for the defence of the country in time of peace.
 Inability now to buy land.
 Obligation to construct expensive dwellings on land purchased, i.e., purchased out of Crown Lands.
 Rents on Mission Reserves.
 Want of attention at Magistrates' Courts.
 Obligation to give royal salute to Magistrates, their Clerks, and the Police.
 Being obliged to crouch in an abject way when paying taxes to Magistrates.
 Obstacles in the way of holding religious services in Locations.
 Withholding of Licenses to Native Clergy to celebrate marriages.

(c) *Among Half-castes.*

Inclusion within the scope and operation of Native Law.
 Difficulty in obtaining education.
 Refusal to form Rifle Associations.
 Obligation to construct expensive buildings on land purchased from Government.

113. Nothing special can be gained by analysing the above list or ranging the items in order of seeming importance. Some of them may be regarded as grave, others groundless, some slight, others solid, but none can be pronounced contemptible or wholly unworthy of notice. Many of them, doubtless, could be explained away or removed by a better understanding. But discounting many of them to the utmost, what would be the comment if a section of any hypothetically well-governed community sought redress from their rulers on so many grounds? It would surely be one of surprise at the patience of the one, and the imperception of the other. There is such a thing as the irony of fact as well as the irony of fate, a conception which finds its echo in the remarks at one of their meetings, "Why ask us what our grievances are, does the Government not know them? If not it ought to."

Complaints considered.

114. Discontent is but the nemesis of disregard, and heed should be given to some of their complaints, of which the following are the more pressing:—

- (1) Excessive rents on private lands.
- (2) Improper interference by Europeans with females.
- (3) Diminished controlling power by Chiefs, and especially kraal heads.
- (4) Multiplicity of passes and delays in obtaining them.
- (5) Greater facilities for exemption and inclusion of children thereunder by descent.
- (6) Elevation of half-castes to legal status of Europeans.
- (7) Representation—the mass preferring (significantly in Zululand) a guardian, or recognised spokesman, for advocacy or communication with Government; the more advanced seeking direct Parliamentary representation by Europeans.
- (8) Inadequate facilities for education.
- (9) Insufficient promulgation of laws.
- (10) Want of consideration and delays at public offices and on the Railways.
- (11) Compulsory labour on public works.

Special complaints.

All these have, in their proper places, been already commented upon, save the last two, viz., the want of proper consideration at Post and Magistrates' Offices and on the Railways, and the compulsory labour system.

Treatment of Natives at Magistrates' and other Offices.

115. The harsh and inconsiderate treatment to which Natives are said to be frequently subjected at Magistrates' Offices by Junior Clerks and Native policemen, was dilated on by many Europeans as well as by themselves. For an applicant to come a long distance merely to get a pass, and to be kept waiting for hours, and sometimes days, does us no credit, and stands self-condemned. It may be a conventional form of ceremony or decorum for a Native Chief to keep an inferior waiting his convenience, but all our methods should not only be creditable to ourselves, but also instructive to them. Reference was also made to their treatment at Post Offices and Railway Stations, the latter of which, it was gratifying to know, was receiving attention. Such conduct so frequently complained of shows a want of common consideration, and an ignorance of human nature; and those at fault should learn that dignity may be maintained without austerity, and that there is no condescension in the performance of a duty even to a racial or social inferior. All of such complaints would be non-existent if Magistrates, particularly, would supervise closely the conduct of their subordinates, and see that the requirements of all applicants receive prompt and courteous attention. But surely all this ought to have been well known to the Native Department as the Guardian of Native interests. It ought not to have required a Commission to make the discovery, censure conduct, or suggest the patent remedy. And in this connection reference should be made to another complaint, viz., the abuse of the supreme form of Native salutation "Bayete." Its general use is a matter of derision, when accorded to petty Chiefs, clerks, and policemen, and if to them, forsooth! what form of salute is left for the Governor of the Colony? Magistrates should be instructed to have the practice forbidden, and the salutation reserved for whom it is due. The custom is different in Zululand in the case of ordinary officials, and the same should be followed in Natal.

Abuse of the Royal salute "bayete."

Compulsory labour.

Tribal and feudal systems compared.

Duty to Chief described.

116. Compulsory service on public works has been in operation for many years, and the popular conception and justification of the system is, that it is analogous to the duty which members of tribes owe to their Chiefs. It has also been compared to feudalism, which, in its social aspects in the Middle Ages, entered very largely into the Government of most European nations, where military and other services had to be rendered in return for protection and residence. The Native tribal system, while not strictly resembling either, possesses some of the characteristics peculiar to the feudal and communal forms of Government. Although lands were not held by the Natives under military tenure, military service had necessarily to be rendered by each male member of the tribe. Neither can the Native rightly be regarded as a tenant or vassal holding lands on any express condition beyond fealty to the Chief and to the common cause, yet, as a soldier, he had regimental duty to perform, such as the erection of military kraals, which were simply barracks for his accommodation. And if he was called upon to render the Chief some personal service, such as the construction of huts or the cultivation of gardens, this was

not done as a vassal, but as a retainer. Moreover, this kind of work lasted but a comparatively short time, and partook somewhat of the nature of a family gathering, being done in a leisurely fashion, forming the occasion for feasting, which went far to lighten the labour. The tribal system also presents a sharp contrast to one inherent quality of feudalism, whereby a portion of the inhabitants of each feudal domain were usually bound to the soil, and subject to a species of slavery under varying conditions.

117. Although *Corvée* has been used as a convenient term, its technical meaning—the unpaid labour of a vassal to his feudal superior—does not correctly apply to the conditions of service imposed upon the Natives. In France, the *corvée* was a private personal service to a feudal lord, until converted into a royal or public servitude during the early part of the 18th century, as an ingenious and convenient means of constructing and maintaining the roads. It continued in force there until, during the great Revolution, it was, in 1794, swept away with other intolerable burdens which had been imposed upon the peasantry.

Personal service under feudal system.

118. These cursory comparisons and contrasts are intended to show that the modified *corvée* or *isibalo* (enrolment) as the Natives call it, does not find its parallels either in the feudal, communal, or tribal forms of Government, and that, instead of striving to support it by analogy, it would be more satisfactory to treat it as a question of present day policy and economy. It is in force only in the Locations in Natal and the Reserves in Zululand. Chiefs are requisitioned to supply men according to the size of their tribes, and the number in service averages about 3,000, on an engagement of six months' duration. This apparently large number is employed in the maintenance of nearly 6,000 miles of roads in Natal and Zululand, and constitutes about 15 per cent. of the total number of young men in Natal Locations alone. They receive an ample ration of maize meal, are provided with tents and huts, and receive a wage of 20s. a month. There is no proper system of rotation or limitation of calls, much being left in the way of selection to the whim, caprice, and partiality of the Chief and his *indunas*, who are known to call out the same men over and over again, while favourites, and those who bribe them (often substantially) escape altogether. A shorter period than six months would, in itself, have gone far to diminish the dislike to the service. The Native and Public Works Departments and the Magistrates might long ago have concerted some simple rules by which the system could have been stripped of some of its most objectionable features. For instance, no one should have been liable to be called out for more than two or three periods of service, and the wages for each subsequent enrolment should have been raised; young raw lads should be paid at a lower rate than men; and those who could prove a reasonable amount of private service should have been exempted from one or more periods of public employment, or, possibly, altogether.

Comparisons and contrasts

Numbers of Natives employed on road parties.

Partiality of Chiefs in calling out Natives.

Limitation of period of service.

Unpopularity of service.

119. Although the work on the roads is intensely unpopular, mainly because of its compulsory nature, the personal aspect of the question is, perhaps, not the most important, the labourers being well treated, and receiving a fair wage, much higher than is ordinarily paid by farmers to their tenant-servants about which, by the way, there is no outcry, except on the part of the Natives concerned. In its public aspect it furnishes a contributing factor against the proper occupation of the Locations; it being asserted that, so strong is the dislike to the service, many refrain from living there, in order to escape, even when Hut Rent has to be paid elsewhere. The closer settlement of the Locations being one of the prominent features of the policy proposed herein, anything that militates against giving this its full effect should be removed.

Natives avoid Locations to escape road service.

Public opinion opposed to constraint of labour.

120. In addition to all that has been specially advanced against it, there remains the full force of modern public opinion, which is strongly opposed to the constraint of labour in any form, and it is accordingly urged that Government should without loss of time, devise some satisfactory substitute for procuring labour for public works. This can, it is suggested, be done in two ways: (1) Through the proposed public labour bureau, with or without private recruiters or contractors; or (2) arranging through or with the Location Chiefs to recruit men for public works, remunerating them by a capitation bounty. Market rate of wages would have to be paid, and the contract should be on the monthly basis. Contracts for sectional maintenance and repairs would necessarily enter into the consideration of any change of system.

A suggested substitute.

Abolition of compulsory labour part of proposed scheme of re-adjusting Location taxation, etc.

121. Its abolition should not be merely effected on papers, but be publicly promulgated and explained throughout the Locations as part of the proposed scheme, if adopted, of re-adjusting Location taxation, by consolidating the dues within those districts, raising the Hut Tax to the higher scale, and abrogating the Poll and modifying the Dog Tax. It is important that its withdrawal should be effected concurrently with the change in taxation. The cancellation or even abridgement of the powers now vested in the Supreme Chief to call out Natives in times of emergency or for service in the public weal forms no part of this proposal. That question has been well considered, and those powers should remain unaltered.

Special matters calling for rectification.

122. Before drawing the report to a close, it is requested that the special matters selected from the evidence, and appearing in the appended list, being more or less urgent, and calling for rectification, may form the subject of separate administrative inquiry and action, without reference to any of the general propositions submitted herein:

- (1) The advisability of creating more Magistracies with special regard to distance and population.

- (2) More attention and consideration at all offices. All business (Court-work excepted) should be disposed of as it arises at Magistrates' Offices.
- (3) The use and abuse of the salute of "Bayete," and the issue of instructions forbidding its general application beyond the provisions of the Code.
- (4) Where deprivation of rights or position may be intended as the result of administrative action, the desirability of not deciding thereon except after open inquiry or trial.
- (5) The reference to the Native Department of all Borough By-laws before confirmation.
- (6) Directions to Magistrates to be guided by the spirit of Section 76 of the Code in maintaining discipline at kraals.
- (7) Pending legislation, Magistrates, as public officers, to be urged, when attesting promissory notes for money lent to Natives, to inquire into the amount, circumstances of loan, and rate of interest, as a means of affording them some protection.
- (8) Arranging for Magistrates' Offices receiving, remitting, and paying out wages (subject to a small commission, say, 3d. per £) as a simple and safe means of earnings of sons reaching kraal heads in distant places, thus helping to increase the supply of labour.
- (9) Adequate means for acquainting Natives with contemplated and completed legislation.
- (10) The publication in the Zulu language of Laws and Regulations specially applicable to the Natives.
- (11) Police out-stations—the advisability of withdrawing them from Locations, Native districts, and Mission Reserves.
- (12) Police methods—unnecessary arrests and handcuffing of kraal heads should be avoided. Notifying attendances to and through Chiefs, where practicable, should be resorted to.
- (13) The employment of educated Natives as Interpreters and Policemen, and at the principal Railway Stations.
- (14) Official notification to tenants of intended and completed sale of Crown Lands.
- (15) Inquiry into the ability of kraal Natives and others complying with the Crown Lands building clause, its feasibility and comparison with the advantages of cultivation as a more practical condition.
- (16) Consideration of joint action with neighbouring Colonies in connection with Inward and Outward Passes, and immediate revision of the existing rules and forms to remove doubts.
- (17) Reserve for the education and welfare of the Natives. The desirability of increasing the sum of £10,000, as

by natural increase and the incorporation of Zululand and the Northern Districts, the Native population has increased by 100 per cent. since 1893.

- (18) The application of the rents collected from Natives on Mission Reserves.
- (19) The position and claim of the Native Mission at Impapala, Zululand, to special consideration and compensation. (See evidence of Sir Charles Saunders, Mr. C. R. Glynn, the Rev. J. D. Taylor, the Rev. H. D. Goodenough, and Plant Makanya; also the report of the Zululand Delimitation Commission, 1902-4.)
- (20) The reconsideration of the action of the Native Trust in dismantling buildings used for worship where at a distance from the Station of the superintending Missionary.
- (21) Repeal of the Act requiring registration of Births and Deaths, having regard to Native feeling thereon, the incompleteness of records, the exclusion of Zululand from its operation, and the cost of such registrations.

There is no desire to elevate this inquiry into an epoch making event, but there is every wish and every expectation, that it may mark a new departure in the Government of the Natives of this Colony, and in the expression of this hope the Commissioners have now the honour to subscribe themselves,

Your Excellency's obedient servants,

H. C. CAMPBELL (Chairman).

THOS. K. MURRAY.

J. LIEGE HULETT.

C. BIRKENSTOCK.

H. E. RAWSON

MAURICE S. EVANS.

JAMES SCOTT.

J. STUART,
A. CANHAM, } Secretaries.

July 25, 1907.

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