PART IV

GENERAL

Native Education.

Historical.

574.

Native education is at the present time just a little over a century old. In the very early days of the 19th century sporadic attempts to teach Natives the very rudiments of education were made by one or two of the first missionaries, but it was not till the settlement of certain Scottish missionaries in the Tyumie Valley of the Eastern Province and not till the Shaws, of the Wesleyan Missionary Society, began their work in what is now the Transkei, that Native education had its real beginning.

575.

From the very start of organized missionary enterprise the duty was laid upon the missionary by the parent societies to endeavour to gather the young Native children into mission schools.

576.

It is to the honour of the missionaries that they never looked back from the difficult task they set before them in uplifting the Native people. They knew the magnitude of this task but were not deterred, they knew and experienced the hindrances in the way of progress but were never daunted in their purpose: they knew defeat, but were not dismayed.

577.

The missionaries were the first to reduce the Native languages to writing; and the first Xosa primers and reading sheets were printed at the Old Lovedale press in 1831.

578.

For over fifty years they bore the whole burden, financial and administrative, of Native education. It may be of interest to know that two leading missionary churches spent over a million pounds in furthering Native education in South Africa during the past century.

579.

There are few races who owe more to missionary effort than do the Natives of South Africa.

580.

For many years the missionary bodies met the whole cost of Native education. Even at this day they provide almost all the buildings and equipment necessary for the furtherance of Native education. The Government provided the ground for the schools, but beyond that in the early days of Native education they did nothing.

581.

The first half of the nineteenth century was almost over before the Governments of the Cape Colony and of Natal made any grants to Native schools. These grants varied with the attitude of the Governors to missionary enterprise. At certain times they were microscopic and the missionaries of the various churches experienced difficulty in keeping things going. In times of war schools and institutions often went up in flames.

582.

The first period of Native education, a period of ebb-and-flow, came to an end about the middle of the century. Progress thereafter became more certain, though it was still slow. The Governments helped to some small extent in the salaries of teachers.

583.

After the granting of Responsible Government in the Cape there arose a clear body of opinion, both in the Cape Colony and in Natal, in favour of extending the education of the Native people.

584.

By the year 1880 Native education was settled on broad and clear lines. There were the ordinary village schools, where standard IV was the high-water mark; the training schools, where teachers for the primary schools were trained; the industrial schools, originated by Sir George Grey, where instruction in printing, carpentry, and other occupations was given. The students were also taught gardening and other manual work; every student at Lovedale had to work two hours in the gardens or on the roads: this excellent practice continues to this day.

585.

With the paucity of schools in the Eastern Province white children and Natives were taught in the same classes in the missionary schools in the early days. This had an important effect in regard to the medium of instruction, English being inevitably chosen in the circumstances in preference to the Native languages.

586.

From 1880 to 1900 there was steady progress in Native education. Primary schools multiplied. The third generation of educated Natives was reached and this generation, like the present, saw the advantage that education would bring to their people. More Government funds were available, especially in the Cape Colony, for the furtherance of education, but even yet the main financial burden fell upon the mission churches.

587.

The well known Native Laws and Customs Report of 1883 did much to put forward the claims of the Native people in this direction. A more systematised curriculum, so simplified as to meet Native needs, operated. The work of the various training schools was put on a more professional basis. Up to this time those who intended to become teachers obtained the same education as the other students.

588.

For those who did not desire to become teachers, a division embracing secondary work was formed in several institutions, which divisions later became the Native high schools. At first the various Governments refused to assist this branch of work, but later as openings arose for Native clerks, interpreters, and similar workers, a small grant was given.

589.

The Native Affairs Commission of 1903-1905, at the instance of Dr. Stewart, of Lovedale, urged the formation of an undenominational Native college. This institution came into being a few years later and is now the well-known South African Native College at Fort Hare. Following the missionary tradition, the education given at Fort Hare is entirely on European lines.

590.

From 1900 onwards the important questions both of finance and policy began to assume a national aspect. As has already been indicated the steady expansion of Native education had placed a heavy burden upon the churches. The Government met or partly met the salaries of teachers, but the provision of buildings and equipment, especially the former, fell upon the missionary bodies.

591.

In the early years of the Union the cost of Native education was financed by the Provincial Administrations, but in 1916 the Provincial Administration Commission reported:

> "The present division of education as between the Union and the Provinces leaves Native education in the hands of the Provinces divorced from all connection with the general Native policy of the country."

592.

In 1921 the Transvaal Administration imposed a direct tax on Natives as it considered that the increasing expenditure on Native education justified this course.

Financing of Native Education.

593.

The Central Government however, by the Financial Relations Act of 1922, debarred Provincial Councils from imposing any direct taxation on the persons, habitations, or lands of Natives, and thereafter Native education ceased to be financed by the Provinces.

594.

The Central Government undertook responsibility for the ordinary expenses of Native education. In addition the Treasury advanced, on the security of a proposed education tax, a sum of £250,000 to allow for expansion and for increase of salaries of teachers in Native schools. The repayment of this loan is proving a serious drain upon the resources of the Native Development Fund.

595.

In 1924 a meeting was convened in Durban between the Provincial Administrations and the Central Government, to settle what subsidy would be granted to the Provinces on the 1920-1921 basis of expenditure. The sums agreed upon were:

Cape	£240,000
Natal	49,000
Orange Free State	5,000
Transvaal	46,000
	£340,000

This sum indicates the amount expended on Native education by the Provinces ten years ago.

596.

In 1925 the Native General Tax was imposed. The Government decided that of this tax of £1 per adult male, four-fifths should go to the Treasury and one-fifth to the formation of the Native Development Fund. In addition to this one-fifth the Government agreed to place to the credit of the fund the sum of £340,000 already arrived at as representing the cost of Native education to the Provinces in the year 1920-1921.

597.

The Government assigned to the Native Affairs Commission the duty of administering this Fund. In entering upon this task that Commission decided upon certain lines of policy, set forth in the following terms:

"(1) The main object should be to provide elementary education for Native children.

"(2) The system of education should emphasize character training, habits of industry, use and appreciation of the vernacular, the official languages, health and hygiene, agriculture and other practical subjects.

"(3) To provide teachers for these schools a limited number of students should be trained at approved training institutions. These institutions should be selected on a regional rather than on a denominational basis.

"(4) There should be established in certain areas (on a regional rather than on a denominational basis) a limited number of Native high schools designed:

(*a*) to train men as farm demonstrators;

(*b*) to train women as home demonstrators;

(*c*) to offer vocational training to a limited number of Natives, e.g., that of secretary to Native Chief or Native civil servant in Native areas, etc., and

(*d*) to prepare students for admission to the South African Native College."

598.

From the inception of the Development Fund, the Native Affairs Commission refused to confine expenditure from it entirely to education. Accordingly, to education they added agricultural training and, as far as possible, support to Native hospitals.

599.

In 1926-1927 the amounts paid out to the Provinces for Native education were:

Cape	£299,600
Natal	71,561
Orange Free State	18,813
Transvaal	61,450
	£451,424

and in 1929-1930, three years later, the corresponding sums were:

Cape	£331,155
Natal	103,108
Orange Free tSate	36,006
Transvaal	92,051
	£562,320

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600.

The present arrangement by which £340,000 plus 20 per cent, of the proceeds of the General Tax is credited to the Native Development Fund is confusing to many Natives, who maintain that only 4s. in the £ is made available to them. It would simplify the position if instead of £340,000 a percentage of the General Tax, approximately equal in amount, could be credited annually to the Native Development Fund.

601.

This brings the history of Native education down to the present day—when, from a few schools in an obscure valley a century ago, the number of schools has risen to over three thousand with three hundred thousand pupils. There are now twenty-six training schools, ten high schools, and a college; and the cost of Native education has risen in the same period from a meagre sum of a few pounds to a present expenditure of over £600,000 per annum.

602.

This is but a poor standard by which to measure the advance of a race in education, but it is a standard, and failing a better we must accept the clear indication it gives.

The Present Problem of Native Education.

NOTE.—See Paragraphs 645-664.

603.

In the matter of the content of Native education there are two outstanding categories. There is firstly the provision of education for a certain number of Natives, who are teachers, clerks, interpreters, medical practitioners, nurses, and so forth. It is in fact a type of technical education, having the object of qualifying its recipients in certain valuable accomplishments.

604.

There is secondly the provision of education in a very much wider sense, what we shall call social education, the sort of education needed to free the mass of Natives from their anti-progressive heritage, to aid in their adjustment to the demands of civilized life, and to instil in them the desire for progress in a civilized community—in short to fit them for the economic system which we visualize for the future, and which is now the only basis on which their community can continue an orderly existence. The main object of this sort of education is to create better social and economic environment for the whole race.

605.

In connection with the general analysis given in this Report of the economic condition of the Natives, and also with important questions affecting the financing of education, it is essential that we should have a clear conception of the purposes of Native education.

606.

Let us, from this point of view, consider the education which is actually being given at present. Its object is largely the former of the abovementioned categories. While intended to be "cultural," it is in fact preparing the Natives who receive a full measure of it (a very small proportion) for a few types of occupation; so much so that many Natives who want more education train for teaching, even if they wish to become clerks. The development of high schools and of the South African Native College is doing much to change this. In actual practice, however, the training of all these institutions is producing a number of candidates for non-manual work. The Natives, judging by their evidence, are largely satisfied with the content of this kind of education, but not with the amount available.

607.

This attitude, however, begs the question whether there is reasonable scope for the products of this education, and it leaves untouched the much larger question whether that is a reasonable education for the Natives as a race.

608.

As regards the former question your Commission was informed by the Principal of the South African Native College (Mr. Alexander Kerr) that the demand for the students of the College largely exceeds the supply, which is as yet small. The same cannot be said however of the students trained at teachers' training colleges, and of the pupils of the high schools. There is very general complaint that there is not sufficient scope for these, and a general demand that more openings should be found for them, chiefly in

occupations now manned by Europeans. We have in paragraphs 91 *et seq.*, and elsewhere, expressed our view of the considerations to which weight should be given in determining the question of the appointment of a European or a Native. In the case of teachers for Native schools, the question of relative salary cost is also an important consideration.

609.

Generally speaking, however, your Commission is of opinion that in these respects the supply now exceeds the demand, and that the development of the Native areas should be pushed on to enable the best use to be made of such Natives as qualify themselves for educational leadership of their people.

610.

As regards the second question mentioned in paragraph 604, the very suggestion on the part of a European that there should be a differentiation in the education of white and Native scholars at once rouses the suspicion of the Natives. The view is openly expressed that the European is thereby trying to foist some inferior substitute on the Native. Education is looked upon as a standard article and the Natives will not have anything other than this supposed " standard."

Much of Present Native Education is Ineffective.

611.

If one considers the details of the education now provided, one is immediately struck by the ineffectiveness of a large part of it. Nearly 60 per cent. of the Native children at school do not emerge from the sub-standards. Less than a third reach standard II. In actual practice this means that the great majority only learn to read simple words and to do simple sums. It would be interesting to investigate how much of this remains after the child has left school a few years.

612.

Moreover a great deal of this education is given in a foreign tongue. There is now a salutary tendency to substitute the vernacular as medium of instruction in Native schools, for a European language. But this tendency is also treated by the Natives with suspicion. They are apt to regard education as a thing designed to teach them something which can be turned to monetary advantage. The European gets so much money because he is educated. The Native though essentially not of a mercenary disposition, wants the benefits conferred by money. In practice this postulates ability to read and write the white man's language. Therefore, he argues, education should start with this rather than waste time on the vernacular. That the race is backward because their minds are held in the grip of primitive ideas has penetrated to only a small number of advanced Natives.

613.

The nett effect of the action of scholastic authorities in giving way to Native prejudice has been that a good deal of what is taught in Native schools is mere parrot work. " School education," said Pastor Blohm, of Baziya, " has not yet become something genuine within Bantu life. It is foreign, and as an institution of the white man it has not the desired influence on the character of the Abantu. The white man's education without the white man's environment working on the Native must have other results than in a white community, and will be unable to make the Native an equal of the white man. If there is a blame in this, it is not on the side of the Native." An illuminating instance of the effect of this sort of education was related in his evidence by Professor Lestrade:

> " I entered a (Native) school where there happened to be a geography lesson in progress—through the English medium. They were busy with the names of rivers, and these rivers were the Steelpoort and Elands Rivers. Then I asked the class in Sesuto, " Where is the Elands River? " The answer was, " No, we do not know." Then I asked, " Where is the Steelpoort River? " " No, we do not know." I asked the class, " What do you call the Steelpoort River in Sesuto?" " We do not know." Then I asked, " Have you never heard of the Tubatse?" " Yes sir, you have just crossed it." " And have you heard of the Lepelle?" " Yes sir, we know it well." " My father lives there." *Ergo*, they had enjoyed the teaching, but had failed to understand and appreciate its true import."

614.

Now it will be argued that the inadequancy in amount of the education given is due, in a large part, to lack of funds. There is no doubt that much larger numbers of Native children would go to a school if one were available within a reasonable distance. There is also no doubt that on its present basis the Native Development Fund cannot finance any great expansion of education. This brings us to the crucial point of the financing of Native education.

615.

Before discussing this it is necessary to go further into the statistics of Native education.

616.

There was in the Government and Government-aided schools in the Union at the end of 1930, a total of 283,150 Native scholars. In addition 18,515 attended private schools. This gives a total of 301,665.

Percentage of Native Children at School.

617.

Owing to the absence of knowledge of their age in the case of the large bulk of the Native population it is not known how many Native children are of school-going age. Two estimates have however been made. The first assumes that the proportion of Native children between the ages of 6 and 16 years, to total population, is the same as that of the European population, namely 24.9 per cent. It is probably too low, in view of the fact that the European population still contains a considerable proportion of immigrants.

618.

The second assumes that the ages of Natives given at the Census of 1911 were reasonably correct and that the proportions have not changed. On this basis children at these ages would represent 27.6 per cent. of the estimated Native population.

619.

On these two respective bases the number of Native children of school age would be approximately:

(1) 1,373,000.
(2) 1,525,000.

To be on the conservative side we use the lower figure. Of the Native children at school a certain proportion is above the age of sixteen. Disregarding this however it is a fair statement that on the present basis there is room in the Government and Government-aided schools for approximately 283,000 pupils. If therefore Native education were confined to children between six and sixteen there would be room in these schools for 283,000 or 20.6 per cent. (say 20 per cent.) of the total.

620.

The State expenditure in 1930 on these schools was £618,000.

621.

It would therefore require £618,000 × 5 = £3,090,000 (say £3,000,000) to give all the Native children between six and ssxteen the modicum of education now being provided. In addition considerable expenditure on buildings and equipment would become necessary. As we have pointed out, expenditure for these purposes has hitherto been borne largely by the missions. It is doubtful whether they can finance any large increase. Alternatively the expenditure would have to be met either by the Natives themselves, or by the Government.

622.

But what is this modicum of education? In 1930, 57.2 per cent. of Native children receiving primary and secondary education were in the sub-standards; 69.2 per cent. in the sub-standards and standard I; 77.5 per cent. in these and standard II. Only 0.5 per cent. were above standard VI. The figures for the lower standards would be higher still if all the pupils in the Cape Province could be classified according to standard. (See Tables in Annexure 17.)

623.

Disregarding the question whether this extremely low standard of general education has any value for the Native, let us consider whether there is a fair expectation of funds being made available for it within a reasonable time. Alternatively, should a change be made in the content and nature of Native education, which may in time solve the problem raised in this question?

A Broader Material Foundation is Required.

624.

Your Commission is convinced that the progress which can be expected from the former of these alternatives must in a short time slow down very considerably. Bearing in mind all the calls there are on the public purse it would be unwarrantable optimism to expect that the large additional funds, which will be necessary to make education permeate the whole or even a considerable part of the Native population, will be made available on the present system. Moreover the education must, to have much effect, proceed much further than it does at present, with consequent further increased expenditure. If therefore school education is to make any sensible change to the outlook of the Native, it is as well to consider at this stage the soundness of its foundations.

625.

On the present low productivity of the Natives they cannot hope to enjoy in any large measure the benefits of civilization. Whether these take the form of an improved standard of living, or of more education, they alike cost money. The European can aid the Natives to go furthest by developing their wealth-earning potentialities. Once these are developed the Natives will be able to pay for the measure of educational or any other advancement which they desire.

626.

Progress for the Natives will have to lie, as it has lain for the civilized peoples, along the path of harder and more efficient work, creating surpluses which can be used for further increasing their education and civilization—for building a scaffolding on which the edifice can be raised to greater heights.

627.

Whether therefore we consider the content of the present education, or the financial implications of an educational system which must ultimately encompass the whole of the Native race, we are forced to the conclusion that a change is required which will hold out more hope of sound development than does the present educational system. Your Commission can only state general principles, and we must leave details to be worked out by aducationists. It is necessary to point out, however, that for the regeneration of a primitive people there are educational needs which precede ordinary school education. European school education is based on a civilized environment: for a great proportion of the Native people this civilized environment has still to be created. It is an educational task, but it is not solely the task of the ordinary school, although the school can in a measure assist in carrying it out.

Aims of Native Education.

628.

This " social " education of Natives which your Commission has in mind should embrace the following purposes:

(1) It should aim at freeing the mass of Natives from their reactionary conceptions—animism and witchcraft, certain phases of the cattle cult, the " doctoring " of lands as an alternative to proper cultivation, the insistence on a large amount of leisure, and all the mass of primitive fears and taboos, which are the real reasons for their backwardness. The removal or transformation of these is the first problem of Native education.

(2) It should not pursue a course which makes the Native dissatisfied with everything in his own background. But it should proceed from the foundations of Native society, and build up, giving the Native a pride in his own people, and a desire to develop what is good (and of this there is a great deal) in his own institutions.

(3) It should aim at making the educated Native a missionary to his own people, an instrument in advancing their material progress, without which they will never as a people achieve cultural progress.

Inadequacy of Present Native Education.

629.

The present education, altogether apart from its quantitative deficiency, is inadequate to encompass these ends. Its orientation is wrong. It tends to inculcate the idea, and is based on the assumption, that the Native must rise on the shoulders of the white man and in a non-Native, i.e. European, environment. The advancement of a race can only be achieved by improving its spiritual fibre, and progress can only be based on hard work. The Native is an apt imitator and can learn in the schools all the things that the

European can teach. But something more is required to make education a genuine thing in his life. Unless he can experience, unless he can achieve, unless he can move upward by developing the qualities which he possesses, his progress towards real civilization will be slow. The European must give the Native a start on his upward path. But the progress on that path is incompatible with a worship of the false gods of barbarism. Unless the Native can free himself from the idea that a good life consists of plenty of food, beer, and leisure, females to work for him, herds on which to feast his eyes, and occasional pacifying of the spirits (amadlozi) by animal sarcifices, he will make little progress towards civilization. Civilization can only be achieved by tireless effort, and the great bulk of the Natives are still at the stage when they have to master this lesson. The more the European does for the Native and the less he does for himself, the slower will his real advancement be.

630.

This line of thought has far-reaching implications for Native education. Instead of laying the stress on the Native achieving European " accomplishments ", it must aim at transforming his whole outlook on life. The European bases his education on the three R's. But for the tribal Native there is a great deal that precedes the three R's and that is definitely more important than the three R's.

631.

The great bulk of the Native population will derive much more good from teachings on simple hygiene, elementary agricultural methods, and a comprehension of the fact that spirits, benevolent or malevolent, do not account for their good fortune, or their ill fortune, rather than from ordinary school teaching. Stress is however laid on the latter in the present system, while the former is largely neglected. While a measure of book education is essential, a redressing of the balance is clearly indicated.

632.

For a few thousands of individuals who must be trained for the occupations referred to in paragraph 603, a superstructure of school education must be erected on this foundation of social education. But the foundation must be laid first. Much of present-day Native education rests on an inadequate foundation. For the rest of the Native population, the carrying on and development of the present system of school education will involve certain financial responsibilities, which are referred to in paragraphs 642-644.

633.

A further implication of these views is the essential need for using the vernacular as medium of instruction. Proper comprehension of the fundamentals is of more importance that the learning of a single accomplishment, like a European language. Owing to the short school life of a Native, he learns the accomplishment badly and the fundamental not at all.

634.

From the purely economic point of view, therefore, the attempt to educate the Native through a strange medium involves a large amount of waste of the short time which he spends at school.

635.

The point of view which your Commissioners wish to stress is already represented in the administrative system of the Union. We have for example the Native Development Fund. The name contains a formula, which could comprise the views of your Commissioners. But actually the money of the Development Fund has been spent largely on the education of the type which your Commissioners consider inadequate, no doubt unavoidably in the circumstances prevailing. If the Development Fund were to fall more into line in improving Native agricultural methods, in making larger grants to Native hospitals and to the training of nurses, it would actually be accomplishing much that your Commission has in view.

636.

Again, the Native Affairs Commission has, in the statement quoted in paragraph 597, laid down broad lines of policy which conform largely with our views.

637.

But in practice the momentum of a system modelled on the lines of European education has been such that since these resolutions were passed only slight progress has been made in transforming that system. Moreover it cannot be completely transformed until a change comes about in the general approach of the State to the Native areas, on the lines recommended in this Report.

Suspicion of Natives about Differentiation in Education.

638.

We have referred in paragraphs 610 and 612 to the suspicion with which the Native regards any suggestion that his people may require a type of education different from that given to the European. The existence of this sentiment constitutes a read difficulty in the way of gaining the general co-operation of the Native people in the adoption of the principles we have suggested, but we believe that a proper presentment of the case must, by reason of its inherent soundness, eventually win over Native opinion. To accomplish this it will be essential to satisfy such opinion that no sinister motive lies behind the ideas expressed above. This may be helped in several ways, of which we may here suggest some:

(1) By placing emphasis on the importance of reaching the masses of tribal Natives, with a simple preliminary instruction tending to open their minds to fundamental principles, and to prepare the ground for the sowing of new ideas upon which their general advance to a civilized state must be based; and at the same time making plain how many difficulties for Natives themselves are likely to be created by the present unselective and incomplete form of instruction.

(2) By making liberal provision for the completer education of the future teachers and leaders of the Native peoples—showing thereby that there is a genuine plan to equip the Natives themselves with one of the principal requisites for national advance, namely an adequate supply of well educated men and women capable of fulfilling their natural task of leading their people on the upward march.

(3) By making plain that the present stage of Native development is an intermediate stage; that it rests largely with the Natives themselves, first to create the social and economic conditions which will make a more advanced system of education for the whole race possible and practicable, and secondly, when those conditions have been attained, to ensure that the fuller and more complete system for which they would then be ready, is made available to their people.

(4) By giving proof that it is the genuine wish and intention of the European to aid and inspire the Native to advance as quickly as possible along the road both of economic and educational development suggested.

639.

Your Commission feels strongly that the system of Native education should be remodelled on the lines set out above.

Control of Native Education.

640.

This brings us to the question of control. The Act of Union provides that " the control and administration of Native Affairs . . . throughout the Union shall vest in the Governor-General-in-Council ". This has always been held to be subject to the provisions of *section* 85 (iii), which vests the control of education other than higher education in the Provincial Councils. In view of the peculiar nature of Native education your Commission regards it as essential that it should be controlled from one source, and considers that the time has come for vesting the superintendence thereof in an officer of the Union Government.

641.

Native education in the past started from the same base as European education. It is necessary to retrace our steps and pay due attention to the undeveloped field, the proper cultivation of which is an essential to the progress in civilization of the whole Native race.

Financial Implications.

642.

Your Commission cannot deal in detail with the financial implications arising from this desideratum. We have laid stress in the earlier part of our Report on the essential need for the development of the Reserves. We lay stress in this section on the co-incident need of developing the Native himself. We are convinced that both are required in the interest of the whole country, and of all its inhabitants, whether white or black.

643.

These developments will inevitably demand considerable expenditure. Whether this expenditure is to be met entirely from revenue, or partly from revenue and partly from capital, is a question of the financial policy of the country. There is at present an expenditure of over £600,000 per annum

from State funds on Native school education. In the normal course expenditure of this type grows from year to year. We have pointed out the necessity of a further type of education. This will also require money. As a practical question, it will be well nigh impossible to prevent a growth of expenditure on the first, or to divert any of the present expenditure from the first to the second of these types.

644.

Assuming that the expenditure will be made from the Native Development Fund, this fund will require a considerably increased income if the development of the Reserves, which we consider essential for the progress of the Union, is to be carried out. The question of the allocation of expenditure between these two types of education is one which will require the most careful consideration of the Government. It is not a question on which hard and fast rules can be laid down in advance, since changing conditions resulting from the measures taken in one period will inevitably affect the allocation in the next. Your Commission does not feel that it can advance any views on this question.

645.

Mr. Lucas and Dr. Roberts, who disagree with much that is set out in paragraphs 603-644, express their views hereunder, in paragraphs 646-664.

646.

There is among the Natives in the Union a widespread and intensely keen desire for education both for adults and for children. Grown Natives in the towns may be seen in large numbers helping one another in their spare time to learn to read and write. Parents will make great sacrifices to get education for their children.

647.

Owing to the poverty of the Natives the quality and the extent of the education they can receive is as a rule very poor. Unqualified teachers, sometimes with no more than standard III or IV to their credit, wrestle with classes of one hundred pupils or more. Inadequate funds compel the schools to employ unqualified teachers even when qualified teachers are available. Native education has been until recent years mainly in the hands of missionaries whose funds would not permit of its being provided for more than a small proportion of the children of a school-going age. The Government out of Native revenue has contributed the amounts shown in paragraph 599 to cover teachers' salaries, all other expenses being met out of Native fees or mission funds.

648.

The Government's policy has been to restrict the expenditure on Native education to a portion only of the direct revenue derived from Natives. This policy has had and is having important consequences on both the social and economic position of the Natives, and offers little scope for further education for Natives.

649.

The educated Native is a more useful member of the community and he is a more regular worker than the uneducated. The educated Native can be trusted with responsible duties. Many Natives are employed in "cash on delivery" work which involves delivering goods, receiving the correct money for them, giving a receipt for it, and then accounting for it to their employers. The effect of education on the Natives may be summed up as being improved habits of industry and general adaptability. The educated Native lives on a far better standard than the uneducated. His earnings are generally higher and he spends them on better food, better housing, and better clothing than the raw Native, to the general benefit of the producers of that better food, housing, and clothing. Mr. A. Linton, a prominent business man and an ex-Mayor of Port Elizabeth, dealing with this question, expressed clearly, in his statement to the Commission, the view which is widely held by those with experience to qualify them to speak on the subject, when he said:

"A Native who can read and write is of greater economic value to the community and commands a higher wage than one who cannot; indeed, the manual work of shops and stores and factories could not be carried on without this qualification. It extends his horizon and opens up vistas of development which

otherwise are sealed to him, and the fact that, in an economic sense, the pressure of it is compelling the European to improve his standard is not an unmixed blessing. The European has greater facilities for reaching a higher standard, and can only expect to preserve his superior status by achievement. My experience is that most of the Natives who secured secondary and higher education devote themselves to work amongst their own people."

650.

Until very recently the only high school education available for Natives was the teachers' training course at certain institutions. A number of Natives desiring higher education went through that course although they had no intention of becoming teachers. The Rev. A. Cardross Grant stated to the Commission that an investigation into what had become of the Native teachers who had passed out of the thirteen teachers' training institutions in the Cape during the years 1924, 1925, and 1926, some 1,200 in all, showed that only forty-eight were at the time of the investigation without posts. (Evidence, p. 4378.)

651.

It is often urged that education makes Natives disinclined to work in mining or farming. The Native with education is generally capable of higher classes of work than are called for in the occupations open to him in mining and farming as at present organized. Many witnesses with a wide knowledge of the Natives stated that it was only the least intelligent as a rule that entered those occupations. The wages paid in them are quite inadequate to enable the educated Native to satisfy his normal needs in the social position to which his education has introduced him. It is therefore not surprising that he turns to more attractive work, which is at the same time better paid.

652.

In addition to the results which have just been mentioned, it is certain that education does counteract the reactionary conceptions due to the tribal system and can be developed without destroying what is good and worthy of preservation and development in that system.

653.

The intense keenness among Natives for education is an important factor in causing Natives to migrate from the farms, on or near most of which there is no provision for Native education. In towns the opportunities for education are more readily accessible than in the rural areas, and it is possible for adult Natives to join together to get, and to give each other, instruction in reading and writing. There is in this keenness and willingness to make sacrifices for learning an immense scope for the development of the Native peoples.

654.

Unfortunately there is, even among well educated Europeans, the belief that improvement of the Natives' standard of civilization means a progressive loss of opportunities for Europeans. This is really a variation of the fallacy of there being only a limited number of jobs, a fallacy long ago exposed by economists but still persisting among a large number of people. The Union is not enriched by keeping the Natives poor, and an increased capacity among Natives to produce wealth cannot impoverish the Europeans. Improvement in the Natives' position will, on the contrary, give increased opportunity to Europeans.

655.

In these circumstances the question arises whether the Union can afford to allow its Native peoples to remain uneducated. There can be no doubt, in face of all the evidence, that the Native can acquire knowledge and skill readily from education. By giving him education his standard of living and his ability to maintain that standard by increased efficiency can be raised and the great economic danger in the Union to European civilization arising from the wide divergence between European and Native standards of living will disappear. The European has less to fear from an educated than from an uneducated Native people, either in preserving European civilization or in maintaining a European standard of living.

656.

In justice to the Native and in his own interest the European must face the question of educating the Native peoples of the Union. It is necessary but not enough to teach the Native better agricultural methods and principles of hygiene. He must be taught to read and to write and to think clearly, so that throughout his life he may have open to him channels through which helpful knowledge may come to him.

657.

If such a policy is adopted—and the great majority of Natives are determined to get education somehow—the question of cost must be faced. It is commonly assumed that the Natives, a poor section of the population, must pay directly for all the services they receive, though no such rule is applied to any other poor section. It appears also to be assumed that all Government revenue, except that paid by Natives through the General Tax, is provided by Europeans and should not be available for Native services. The fact is overlooked that much, if not all, of that revenue is obtained from the joint efforts of Europeans and Natives. Thus in nearly all the important mining areas Natives are in fact excluded from any interest in mining rights, and the control of the profits from such rights lies in the hands of Europeans who are not necessarily Union nationals. The State's revenue from mining is therefore actually paid by Europeans, but its production is the joint result of European and Native work. On the gold mines of the Witwatersrand there are approximately 20,000 Europeans and 200,000 Native employees. It would serve no useful purpose to try to allot to each race the proportion due to it in the mineral production. The point is that the Natives may rightly urge that, when a calculation is being made as to what should be spent on social services for them, all revenue except direct taxation, which would not include revenue from mining, should be regarded as a joint European and Native contribution. The argument that any increased expenditure on Native education would have to be paid by taxation on Europeans may be correct, when the word taxation is limited to the person actually making the payment, but it is untrue when the facts are considered.

658.

The present burden of taxation on Natives, direct and indirect. is very heavy. It is quite impossible, without serious consequences to Native welfare, to increase it. As it is, they are the only section of the community which is paying school fees for primary education.

659.

The Native Development Fund makes inadequate provision for expansion of expenditure on education. Any increase in the Fund can be brought about only by an increase in the number of adult males, while the growth of the school population is taking place in both sexes.

660.

All civilized countries have realized the necessity and importance of educating their peoples. The necessity and importance are equally great for the Natives of the Union. They cannot pay for it in their present economic position. They are the poorest section of the community, and no country calls on its poorest section to pay for all the social services which are necessary for their well-being.

661.

In the rural areas where, as a rule, building materials are cheap and readily obtainable the Natives will be willing to provide and maintain school buildings. With a remission of the General Tax the Natives in the Reserves could probably pay the other expenses of education out of revenue which they would raise locally.

662.

In the urban and farming areas wages are so low that to-day they have to be supplemented by subsidized housing schemes, or by crime. Subsidized housing schemes and crime are expensive ways of paying for services. In these areas the cost of education must be met either by increased wages or by State subsidy. School buildings need not be expensive, and Native workmen can be employed in erecting and maintaining them. With the abolition of the numerous statutory technical offences of which few Natives can avoid at one time or

another being guilty, a very considerabel proportion of the Police and Prisons Votes could be saved and diverted to Native education. Though an increase in the total amount now expended by the Government on Native education, all of which amount it must be remembered is provided out of Native taxation, must be anticipated, and should be encouraged, the increase, if the course outlined above is followed, need not be alarming.

663. In the towns there are no schools and there is no work for most of the adolescent boys and girls. Many witnesses drew attention to the urgent problems which this is bringing about. Money spent on schools for these young people could well be regarded as an insurance premium against the loss to the community which will be involved if they drift into a life of crime. Educating them will probably be cheaper than policing them, and certainly more productive of good. For many of these boys and girls the Wayfarer and Pathfinder movements offer a valuable field for character development and training in social duties.

664. Many Natives urged before the Commission the introduction of compulsory education for Natives. In Bloemfontein and Kroonstad they said they were willing to tax themselves to pay the additional cost of such education there. At present there are so many difficulties in the way of introducing compulsory education for Natives that we cannot now recommend it; but that a considerable expansion in the extent of education available for Natives is urgently necessary, we are convinced.

Direct Taxation of Natives.

Two Systems in Force in the Union.

665. In the matter of direct taxation there are two radically different systems in force in the Union.

666. In the case of the European population direct taxation is based on the so-called Faculty Theory, that is, on the principle of ability to pay. In the case of Natives, direct taxation proceeds on the primitive method of the poll tax or personal tax. The former is a system suited to a community which shows marked differences in individual wealth; the latter to a community in which individuals are on much of an equality in this respect.

667. As long as each system is carried out in a community which conforms to it little harm is done. When the two communities start mixing in the economic sphere, when the interests of the individuals of the one become inextricably interwoven with those of the other, anomalies appear.

Is the Personal Tax Regressive?

668. Much objection has been raised to the regressive character of the poll tax. Full analysis of this tax, however, shows up the fact that its regressive character is only part, and a lesser part at that, of the picture. Certainly it is regressive in the case of Natives who have become part of the European economic system; but in the case of the tribal Natives, and many of the farm Natives, it has no regressive character whatever.

669. Direct taxation of Natives was largely connected with the desire to bring pressure to bear on tribal Natives to go out to work. While originally this was no doubt done only in the interest of the industries requiring labour, it did in fact force a certain number of Natives on to the upward path of progress. The question whether it was the best method of encompassing this need not detain us here. There is much to be said on both sides. At present it is an integral part of the administrative system of the country and it certainly exerts pressure where a great deal of pressure will continue to be required for a long time if the mass of the Natives is to advance at all.

670. While, therefore, on the one hand it exerts a salutary influence, the personal tax can hardly be said to be regressive in its application to that part of the Native population which can still give a large part of its time to leisure.

671.

The claim, frequently advanced both by Natives and by certain Europeans, that the same system of direct taxation should be applied to Natives as to Europeans, is tantamount to a claim for the abolition of direct taxation of Natives.

672.

This claim is based largely on the alleged regressive character of the Native General Tax. As we have shown, however, this tax is not regressive in the case of the large mass of the Native population; much of this basis for the claim, therefore, falls away. We return below to the cases where it is regressive.

673.

Pursuing the matter further, the implication of the abolition of a large proportion of Native taxation is that the white community must bear an increased share of the cost not only of the maintenance of law and order but also of the social services required for the upliftment of the Natives. If this view becomes part of our governmental system it will have considerable adverse repercussions on Native social services. Your Commission is so deeply impressed with the urgent need for the developments which it has recommended, that it would be breaking down what it is trying to establish by recommending that the Natives should contribute less to State revenue than they do now. Enlightened Native opinion will raise little objection to the present system of Native direct taxation if a determined effort is made to raise the general level of the Native people.

Difficulty of Urbanized Natives.

674.

As regards the permanently urbanized Native population, on the other hand, the effect of the personal tax is definitely regressive. We have shown elsewhere that economically this section approximates more to the lower strata of the European and to the Coloured population than to the great mass of the Native population.

675.

We do not consider it desirable to suggest that the whole system of Native direct taxation be recast to meet this difficulty. A new tax is proverbially a bad tax. In regard to the Native population it is particularly undesirable to introduce changes at too frequent intervals, on account of the disturbing effect which such action has on their minds. The present system was very fully considered in all its implications by a Departmental Committee before it was introduced; it has now had time to settle down; it is a simple system well understood by the Natives, and it would therefore be undesirable to change it.

676.

To suggest exemption of urbanized Natives from the personal tax would raise not only the difficulty of defining this class adequately for administrative purposes, but also other serious objections. Your Commision particularly desires to avoid making suggestions which would tend to increase the urbanization of the Natives. The possibility of escaping taxation by becoming urbanized would undoubtedly be an incentive to a large number of Natives to seek this qualification. Your Commission is convinced that increased urbanization would be in conflict with the permanent interests of the Native population. Length of view is not an outstanding quality of a primitive people, and Natives are not likely to be deterred from becoming urbanized by a consideration that it will be worse in the long run.

677.

Exemption of any class of Natives from direct taxation would not be likely to be understood by the more backward people who will not qualify for it, and therefore there is a risk that their own differential liability to taxation will become a grievance. Such action would create more anomalies than it would solve.

678.

It is difficult to devise any system of taxation which does not bear hardly at some points. Your Commission is of opinion that more will be achieved towards removing Native grievances incidental to direct taxation by proceeding on the broad lines set out in our Report than by attempting to remove the disabilities of a small class at the expense of the larger group of which it forms a part.

Race Relations.

679.

Native advancement is affected in many ways by the attitude taken up by Europeans towards Natives. Thus, as is pointed out in the section of this Report dealing with Mining, it is not considered advisable to entrust Natives underground with control of locomotives because Europeans might refuse to obey regulations about their use and the Natives in control would not be able to resist the European's pressure on him to break those regulations. (Cf. paragraph 844.)

680.

The evidence received by the Commission shows without doubt a great change in the attitude of Natives to Europeans, and vice versa. Generally, the attitude of Europeans is becoming more friendly, and this is stimulated by a desire to understand more clearly than formerly the needs and aspirations of the Natives. Our Universities are taking a keen interest in the Native as a subject for scientific study. The Urban Areas Act in the towns and the work of Joint Councils of Europeans and Natives have brought about a much better understanding among Europeans of Native needs and desires. Great prominence is given in many newspapers to Native questions and with the better information on this question a large proportion of the European population is beginning to appreciate the Native point of view. In rural areas missionaries, and in particular the Dutch Reformed Church missionaries, have done much to improve understanding among the rural European population of the Natives' needs.

681.

On the other hand the general tenor of the evidence is that the attitude of Natives generally towards Europeans and the European administration has become less friendly and trustful. The Native is inclined to blame the European for the passing of the " good old days " when he was not faced with the problems of the present day, and sometimes forgets that many of the evils of the " good old days " have disappeared under European administration.

682.

While a great deal of stress is laid on the action of Europeans or of the European administration in limiting the Natives in various ways, the point is generally overlooked that such limitation is not due to any ill-will on the part of the Europeans, but to the fact that with increasing population economic conditions have definitely become more difficult for both white and black. Much appreciation of the force of the underlying factors in a system which he only imperfectly comprehends cannot be expected from the Native. The increasing economic difficulties and the very definite advance which the Natives have made under European rule are frequently overlooked. Thus while there is a very general cry that wages are low, it is also very generally admitted that the standard of living of the Native has improved very considerably. There is however a general impatience that this improvement does not go at a greater pace. There is a general tendency to decry the smallness of the provision of educational and medical facilities, and to overlook the fact that not so very long ago the Native had next to nothing in this direction.

683.

That there is a large leeway to make up is generally admitted, but there is a tendency to take all good things which the Native has, for granted, and to lay all the stress on the good things which he has not yet attained. The point is very often overlooked that the task of raising millions of backward people to any reasonable level of civilization must necessarily be long and tedious.

684.

The more advanced and vocal Natives, many of whom have no great sense of perspective, have not been slow to take up the cry, and frequently to over-emphasize it. We are of opinion that the European will for a long time to come be blamed by Natives for things which are not to their liking, whether he is to blame or not. It is partly a responsibility which the exercise of political power brings; it is partly a compliment to the European, born of a belief on the part of the more backward Natives that his power over economic forces is such that he can put all these things right, if he only has the will to do so. But your Commission is convinced that economic difficulties, from which both races suffer, are at the root of much of inter-racial illfeeling. Concentration on the economic problem which requires cool analysis and as cool purposive action is the most hopeful approach to the problem of creating satisfactory race relations

685.

There seem to be four main questions lying at the root of Native feeling against the European today. These are (1) the shortage of land; (2) the restriction upon individual liberty imposed by the pass laws; (3) the colour bar; and (4) the low scale of wages generally paid to Natives. The shortage of land affects primarily the rural Natives, but it is the urban Natives in particular who feel the pressure on the other points, and it is among them that fruitful soil is found for the operations of those Natives who wish to foment strife between the races. In the course of our Report we discuss these questions fully and we consider that a genuine attempt to deal sympathetically with them would go far to improve race relations.

686.

Large numbers of Natives read European newspapers and their feelings are often deeply stirred by what they read there. In his evidence before the Commission Mr. D. D. T. Jabavu said:—

> " . . . the Press does a great deal of mischief. Today the Natives are reading more than they used to and when they see statements in the Press which are unfavourable to them, it makes a bad impression on them. I would attribute it rather to the Press than to individuals. Natives do know how to excuse an individual, but when they see in the Press an article or the speech of a public speaker which speaks badly of the people, they take it far more seriously."

Question, " It must be true, because it is printed? "

Answer, " I suppose being in print it has that effect."

We cannot too strongly urge that extreme caution should be observed both by public speakers and writers in the Press in dealing with Native questions. Ill-considered expressions and faulty information have a much greater influence on relatively uneducated people than on people who are capable of exercising a calmer judgment or of checking the accuracy of statements of alleged facts.

687.

Natives generally respect Europeans as a race, but such respect cannot be maintained where Natives and Euorpeans live side by side in the appalling slum conditions existing in most of our large towns.

688.

South Africa is faced with the difficulty of having a multiplicity of Native languages. The majority of Europeans do not speak any Native language. Large numbers of Natives who live in towns or come to work there acquire some knowledge of one or both of the official European languages.

689.

The construction of Bantu languages is entirely different from that of European languages, which adds considerably to the difficulties under which Natives labour in their contact with Europeans. What is regarded as stupidity in Natives is frequently due to their inability to understand the language in which they are addressed. Evidence established the fact that a large number of cases that come to court under the master and servants laws are due to misunderstanding arising from the parties not having understood one another's language. Charges of insolence or discourtesy are frequently due to the same cause.

690.

A number of Native witnesses complained that they are handicapped through not being able to learn Afrikaans in the schools. It would undoubtedly bring about a great reduction in the amount of misunderstanding between Europeans and Natives and smoothe away many difficulties in industry and in administration if more Europeans were induced to learn a Native language. Your Commission considers that it is very desirable that greater scope should be given to Native languages in the curricula of the European schools.

Development of Race Consciousness.

691.

The growth of a Native nationalism or race consciousness is a factor which is not as yet generally recognized by the Europeans of the Union, but it is one which must be kept clearly in view when questions affecting the Natives' social and economic position are being considered. It cannot safely be ignored or suppressed.

Segregation.

692.

The word " segregation " is frequently used in connection with Native questions. A great deal of confusion is caused by its employment in different senses, and it will therefore be advantageous to examine here some of these, in so far as they affect the social and economic conditions of Natives.

693.

Full economic segregation would mean that the Europeans and Natives would be put into separate areas and that they would not be allowed to work for each other. Nobody advocates this. It would be impossible, and uneconomical even if possible, because it would deprive the European of the labour of the Native and the latter of the guidance, management, and largely too of the capital of the European.

694.

What is generally advocated under the heading segregation may be termed *partial economic segregation*. Most people favour some form of this, but there is great divergence of opinion as to the degree of segregation which it would involve. Views have been expressed which would mean that the Natives should live in a part of the country set aside for them, and that individuals should be admitted into the European area on temporary permit to work: they should not, however, make their homes in the European area, and those who have so made their homes should gradually be transferred to the Native area. Your Commission cannot give any support to this view. Besides being impracticable, it would be unfair to Natives who have already become permanent town-dwellers or dwellers on European farms. Moreover it would mean that Native labour in the European area would always be casual labour, and if this were to continue there would be great difficulties in the way of increasing its efficiency. This would be a very bad outlook for European industry since the maintenance of the present low state of efficiency of Native labour must, as long as it lasts, continue to be a serious drawback to the attainment of higher efficiency in industries as a whole.

695.

There is, however, a form of partial economic segregation which lies at the basis of your Commission's Report. This consists in developing the Native areas sufficiently to make greater provision for the needs of the Natives resident therein. The effect of this will be that the classes of urban and rural labour will tend to crystallize to an extent which will enable greater efficiency to be achieved among both. The urban labourer will then be in a position that he can emerge from the present unfair competition of the casual rural labourer. The towns would be less inundated by the latter because the competition of more efficient regular town-dwellers would make the conditions less attractive to them. A considerable number of Natives from the Reserves would still have to come out from time to time, to work. They would, however, flow into channels where casual labour is regularly required. Mining would offer scope as at present for a large proportion of these labourers; and as the development of the Reserves would interest the Native in better agriculture, it might be expected that there would grow up a class of more or less specialized land workers from which there would be available a surplus of labour naturally gravitating to casual work on European farms as it was required there. The effect should therefore be to create a more economical distribution of the labour forces than obtains now.

696.

Territorial Segregation: Rural.—This is the principle of the Natives Land Act. It protects the Native in his land-holding against the European (see paragraphs 178 *sqq.*), and the European against " Kaffir-farming " and the undesirable condition of having Native and European farms intermixed.

697.

Urban Residential.—This is partly applied by the Natives (Urban Areas) Act. Exceptions are allowed under certain conditions, chiefly as a matter of convenience, as for example in the case of domestic servants. Apart from the social advantage referred to under rural segregation it has other points as an aid towards dealing with Native slums. It simplifies the question of administration, and it could by giving Natives a pride in their urban townships create among them a higher social life (see paragraphs 508 and 539).

698.

Segregation in Industrial Occupations.—This is enforced largely by the action of Trade Unions under the Industrial Conciliation Act. In principle it is contained in the Mines and Works Act which is, however, a statement of principle rather than an operative force. It is upheld by the European comunity, to place limits on the undercutting action of a lower civilization on a higher. As the lower rises, and the gap between the two lessens, it will diminish in importance.

699.

Social segregation does not apply only to inter-marriage and to relations which constitute a criminal offence under the Immorality Act, No. 5 of 1927, but also in a very much wider sphere. It is in conformity with the ideals of both Europeans and Natives, and may be regarded as a feature of the problem of race-relationships for the maintenance of which there is a large degree of unanimity.

Natives and Unemployment.

700.

Unemployment is the non-fulfilment of the desire to be employed. Where this desire does not exist there can be no unemployment. Among the Native population in the Reserves and on many farms there is a desire for employment for wages during part only of the year, or of a cycle of years. This is partly due to tribal habits and partly to the divorce between the places of residence and the centre of employment. Even if tribal Natives should desire employment throughout the year, they will not in practice be able to have this in European labour centres, because they cannot be expected to be away from home all the time. The undeveloped state of their Reserves limits the extent to which they can be economically employed there.

701.

In the sense defined above employment has affected the Native only at odd times. Endemic employment, such as Europeans are accustomed to, has not yet become a feature of Native life. It is true that there are generally some Natives without employment in our towns. But this is more frequently due to unwillingness on their part to take such employment as offers, or to the knowledge that congenial employment will be available in a short time, rather than to absence of opportunities for employment. Time so lost is not a very serious matter to them. The universal custom among Natives of sharing means they will never starve while their neighbours have food. Moreover as Natives who are not fully urbanized always have a certain amount of " lost time ", it does not matter greatly to them which days belong to this category. A Native will frequently travel long distances to get to a satisfactory job, not troubling at all about the time so lost. While for the European a day's labour lost is generally dead loss, the Native does not so regard it.

702.

As the Natives however come more under the influence of the European money-economy this state of affairs will undergo material modification. During the prestnt depression the Natives have felt, for the first time strongly, what unemployment means. The low price of wool and maize forced out to work many Natives from areas where normally a sale of these articles provides some of their cash requirements. The gold mines have therefore had a full complement of Native labourers, whereas there is, generally, a shortage. This is illustrated in the Graph which appears as Annexure 18. For a brief period the mines found it necessary to curtail recruiting.

703.

Under a subsistence economy such crises as occur are generally caused by the failure of nature, or the destructiveness of man, rather than by failure of the relatively simple social machinery to function properly. Under an advanced money economy the failure of nature is less disastrous, and limits are set to the destructiveness of man (with occasional exceptions in wartime), but the involved machinery required to achieve this does not always work smoothly. As the Natives advance in civilization they will come under the influence of the latter factor to an increasing extent. At the present time, however, apart from periods when the whole country feels the economic stress of depression, unemployment has not yet become a serious factor among the Native population.

Lobolo.

704.

Lobolo has contributed much towards preserving tribes and keeping them intact, and is continuing to do so in the stage in which they are found to-day. The whole social structure of the Abantu rests largely on lobolo, since it is an integral part of their life; the social life of families is concentrated around lobolo. Through it, intertribal relations are established by the marriage of Chiefs and of their sons and daughters with persons of the blood from other tribes. In the same community it establishes an even closer bond, between various family groups. The tribe is a " large family " consisting of an organized community of families; and marriage is exogamous.

Lobolo cannot be overlooked in relation to the social and juridical status of both man and woman, more particularly of the woman: it upholds the worthiness of the woman in society, and is a spur to the man to be a person of status and so ensure his social position. The laws governing tribal life are mostly the laws governing family life.

705.

Marriage is fundamentally a family affair; and among the Abantu it is this predominantly. Among them it is the family that brings about marriage, concludes the contract, arranges all, and pays all. The compact is solemnly sealed through the medium of lobolo, which constitutes a warranty on the part of the bridegroom that he is " no longer merely ' playing ' (dlala), but is in earnest ", and is a token of his acknowledgment of his obligations. Moreover, in many tribes it ensures the maintenance in certain contingencies of the bride by her father or guardian. On the part of the bride it constitutes an acceptance guaranteeing wifely conduct. The principle underlying these bonds on husband and wife is the keeping of the family intact. Thus lobolo determines the validity or otherwise of marriage, and thence the legitimacy or otherwise of children.

706.

By strengthening family ties in this way, it holds high the rights and authority and dignity of the head of the family: it is a symbol of the union and cohesion, the solidarity, of the family.

707.

Hence lobolo sustains the moral concept underlying a true and legal marriage, since it is lobolo which imparts to marriage the seal of genuineness, consonant with the usages of tribe and family and in the interest of both: it preserves the sanctity of marriage and thence the honour of the family and wellbeing of the tribe. In these respects it works beneficially, and has a far-reaching wholesome effect on the morality and character of the society, the tribe, family, and of individuals.

708.

As far as your Commission is aware, divorce as understood in our society was unknown in the society of the Abantu of South Africa. Despite the influence of our law, divorce is still regarded by the great bulk of Natives with grave repugnance: they look upon it as a rupture of a solemn covenant, as an essentially shameful occurrence, an aggression on fair name and fame. Thus lobolo rears a wall against divorce.

709.

Among a number of tribes a deflowered girl is a dishonourable person, of small account, who represents diminished lobolo; hence the virginity examination (uguhlola) in certain circumstances; for to a family a *virgo intacta* is a great treasure. Transgression was severely punished, by torture and even by death.

710.

Through lobolo a maid attains honourable status: it gives her a feeling of shelter and security. For these reasons Native women, both tribal and educated, feel most strongly that they are not really married until lobolo has been contributed. Thus lobolo proscribes licentiousness.

711.

All religions have a social colouring, and among the Natives the *societas* is *religiosa*. The tribe is a social as well as a religious community, and so is the family. Most usages of Natives are social-and-religious, or religious-and-social. Thus in so cardinal a matter as marriage a religious ceremony must be observed to solemnize it, to mark the going-over and giving-over of a member from one socio-religious group to another. Therefore the main transaction connected with this, that which makes it legally valid and confirms and seals it, namely the passing of lobolo, must be grounded and rooted in the religion of the groups concerned. It is indeed a religious transaction. As one witness said, " Lobolo to the Natives is a religion ". It is not a matter for individuals: it is a matter for family groups, for tribe, or for nation, depending on the status of the contracting parties and following the usages of the society to which they belong. Hence the people want to see the living cattle. According to the present-day conception of the Abantu, it is the beast alone which has actual value as lobolo: all substitutes are inferior, for proper religious significance must be imparted to the transaction in full measure. " Real wealth is not money, but cattle," said John Dube pointedly. That is why Natives turn money into stock. The religious worth represented by the beast must obviously

be taken into account: for the ceremony is not completed by the handing over of the cattle to conclude the contract; in addition beasts are slaughtered, in keeping with recognized ritual, in order to give a religious seal to the contract and to the alliance. Even nontribal Natives acknowledge, as they do by their conduct, that here money is *infra dignitatem*; but these may execute the contract without cattle, for they have largely abandoned their tribal usages.

712.

The only true wealth among the Abantu, at least since they became pastoral people, has consisted of cattle and other stock (goats and sheep included). To this day most Natives take this view of cattle. Land-holding is naturally foreign to them: that is a development of later date, which appears to the Abantu as an aping of the individualistic European; but cattle, many cattle, that is real wealth. It is this kind of wealth that determines the economic status of a family, for there is no possession to compare with it. A beast is "our" beast: the sense of possession is shared by all members of the family, and eventually by the whole society. Lobolo then is a gauge of a family's economic position. Many cattle bespeak many wives, and many wives a large family, adding strength and worth to the community.

713.

Lobolo is also in a sense a form of compensation to the bride's family. It constitutes an idemnification for deprivation suffered through the loss of the potential (also economic) worth represented by the member of the family who leaves as bride, and this is made good by means of cattle. The plain fact of the matter is that the *pretium puellae* is what is also reproductive, what can breed, living animals. Life is given for life, blood for blood. For if a bride should prove to be barren, then her family will provide a sister to fill the office of vicarious motherhood.

714.

Among the so-called detribalized Natives, lobolo has degenerated, that given temporarily or permanently, is of economic importance to the bride. It is a kind of dowry, but also possesses a deeper, religious and ritualistic significance.

715.

Among the so-called detribalised Natives, lobolo has degenerated, that is, an attempt is made by them to maintain it and make it fit where new environment and outlook and economic conditions have made it difficult to apply, or they have through force of circumstances or voluntarily been party to its destruction. The position that exists among these people may conveniently be summarized thus:

(1) Lobolo is contributed in money. Where this is done, the basis of the social and religious ideas of the system has been completely altered.

(2) There is no ceremony as a necesarsy element of the contract. Here the religious and social functions disappear.

(3) Where a dispute arises and it becomes a vital matter, they plead ignorance of the correct procedure. Here the conception of justness and the feeling of responsibility are undermined.

(4) There is no tribal standard or scale of the amount of any money substitute. A sacred usage, affecting a law of the life of tribe and family, is here left to unregularized arrangement by individuals.

(5) There is a general slighting of the legal guardian and true protector of the maid. Guardianship is arbitrarily assumed by someone, male or female, who discharges the functions of the office clumsily. From this there follows a disregard and wanton defiance of authority.

(6) The bridegroom acts all alone, neither consulting his father or guardian, nor obtaining his consent, and thus he ignores and undermines the authority of the head of his family.

716.

The effects are clear to any observer. They are:

(1) A lowering of social status, i.e. denationalization;

(2) A spiritual decline;

(3) A weakening and breaking up of family ties;

(4) Neglect of what is right and becoming in their society;

(5) The adoption of European marriage rites, usually for the purpose of evading the lobolo custom;

717.

(6) A forsaking of tribal moral law, leading to moral straying and collapse.

Among non-tribal and semi-tribal Natives, dowry is sometimes given and is equal in exchange value to the lobolo or even exceeds such value. This seems to point to the beginning of a transition from lobolo to European dowry. This practice must necessarily with the passing of time either develop or decline: the non-tribal Native blends usages which are in conflict, for he lives now in an environment which, to him, consists of a world of contradictory ideas. The normal and sound and gradual development of his tribal usages appears to him to be hopeless in his altered environment.

718.

For these reasons, your Commissioners are of opinion that the illegalization of lobolo would throw the whole tribal life of the Natives into serious chaos, and be in immediate conflict with the idea underlying our Report.

719.

Your Commission is of opinion that the number of lobolo cattle contributed or claimable in respect of any marriage should not be determined by the State, but should be determined by the parties to the contract; and that, in order to check lobolo disputes, there should be a formal registration of all marriages in respect of which lobolo passes. Your Commission is further of opinion that Native Chiefs exercizing jurisdiction in the Reserves should be entrusted with the duty, wherever they are able to perform it, of keeping the register of such marriages within their respective areas of Reserve jurisdiction, and that where this is done any lobolo dispute arising out of a marriage so registered by a Chief should be adjudicated upon by his court, subject to the usual right of appeal; and that the Chief's decision in all such cases should be formally recorded by him and be duly reported to the Native Commissioner of the District. What is stated in this paragraph applies to all the Provinces, including Natal where a policy different from that suggested has hitherto prevailed.

Pass Laws.

720.

The Commission listened to many complaints on the subject of the Pass Laws by Natives in the Transvaal, Natal, and Orange Free State. In the Cape Province no Pass Law system is in force, except in the Transkei and in the districts generally known as British Bechuanaland, where permits for entrance and exit are required. Magistrates with long experience of the Cape freedom in this respect are critical of the effects of the pass requirements in the other Provinces.

721.

Judging by the Statistics of Crime the Pass Laws would seem to be chiefly of importance in the Transvaal. The figures for the year 1930 show that of 42,000 convictions for Pass Law offences 16,000 were obtained in the Witwatersrand Police Division and 23,000 in the rest of the Transvaal. The figures for previous years tell the same tale.

722.

There can be no question that the pass requirements of the northern Provinces are onerous upon the Native people and that an undesirable effect of their enforcement is the creation of a large volume of technically criminal offences, which involve little or no moral opprobrium. By this means large numbers of Natives are introduced to the machinery of criminal law and administration, and become familiar at an early age with gaol, which thereby loses its deterrent effect; too often they suffer moral deterioration in the process. The cost to the State of administering the pass laws, even after allowing for the compensating collection of pass fees, is heavy.

723.

The system has undoubted reactions upon the well-being of Natives, and it was therefore the duty of your Commission to consider carefully what justification exists for its perpetuation.

Reasons for Enforcement.

724.

Reasons generally given for the enforcement of the system are:

(1) It affords a protection to the rural Native who comes into surroundings which are entirely new and strange to him;

(2) in so far as the pass represents a service contract it affords a further means of protection to the Native;

(3) the pass is necessary as a means for identification;

(4) it assists the employer in preventing strange Natives from living or sleeping on his property;

(5) it prevents absconding from farms or other forms of employment;

(6) in general it prevents crime;

(7) it affords some means of stopping wholesale entry of Natives into towns where, if not required to carry passes, a large number will deliberately refrain from being employed and will loaf and ultimately live on their wits.

725.

These are reasons of practical convenience affecting the good order and well-being of the community, but many people question whether they are sufficient to justify the imposition of such drastic restrictions on liberty of movement as the pass laws require. In our opinion the reason and justification for them must be looked for in the fact of the contact between the higher European civilization and the primitive indigenous society of the Native. In the case of the town, how far can the European social order allow free intermixture with the Native with his generally low standard of living? In the case of the farms, is the Native too irresponsible, too untied to his employment by his living requirements to be allowed complete freedom of movement without economic disorganization of agriculture resulting from it? And if so, can some form of regulation of his movements be devised without injustice or the creation of intolerable hardship to him?

726.

As regards the town problem, anyone who has had the opportunity which the Commission had, of inspecting slums of the larger towns of the Union, might hesitate to assent to a statement that no control of entrance to and residence in the towns by Natives is necessary.

727.

The town slums of the Union are a blot upon the country, which it is in the public interest to remove as soon as possible. Through the operation of the Urban Areas Act much has already been done in that direction, and the process of cleaning up and eliminating the slums is going on. It might be argued that the same end could be attained by the provision of decent housing, that in fact the slum problem is a housing problem alone; but it is difficult to see how, on his present low economic basis, decent Native housing in towns can be made financially available to him without considerable contribution from the European community, which fact sets a practical limit to the extent to which Natives can be allowed to congregate in towns, without giving rise to impracticable housing demands. This aspect is discussed in the section of our Report devoted to Native town problems, but at this point the important bearing which it has upon the need for regulating and controlling movements of Natives outside Native areas must be stressed.

Simplification of Pass System.

728.

The Commission found that the desirability of some comprehensive registration of Natives was generally admitted, both in their own interests and those of the community, but it was equally generally urged that some simplification of the existing pass system is overdue. As an instance of the complexity of the requirements as they stand, particulars were given to the Commission showing that under certain conditions of locality, time, and occupation in Johannesburg, a Native might be required to carry four separate passes, or permits, in the absence of any one of which he might find himself liable to arrest and punishment.

729.

The question of Native pass laws was dealt with in detail by the Inter-Departmental Committee on the Pass Laws (1920), whose Report your Commissioners have studied and with whose conclusions we are in general agreement. A valuable historical statement regarding the origin and development of the Pass Laws will be found therein, which obviates any necessity for a further survey here. We recomend that the Report be brought up-to-date and acted upon. In recommending this we do not contemplate the extension of the pass system to the Cape Province.

730.

We wish to draw particular attention to pragraphs 37 and 38 of the Committee's Report, which read:

"37. We recommend that a Registration Certificate shall be carried whenever a Native goes beyond the Ward in which he is ordinarily resident.

" 38. To require Natives to carry Registration Certificates and yet remove all machinery for ensuring their doing so would stultify the effect of the provisions. It is therefore necessary to make provision for demanding certificates but at the same time to ensure that this right will be wisely and sympathetically exercised.

" In this connection, we cannot too strongly record our opinion that there should be no indiscriminate stopping of Natives by the Police for the production of the Registration Certificate *per se* as the harassing and constant interference with the freedom of movement of law-abiding Natives is without any doubt the most serious grievance which the Natives have against the Pass Laws and is one of the principal causes of the recent agitation against the existing systems. All officers of the South African Police examined by us are in agreement that no good purpose is served by the indiscriminate demanding of Passes and that movements of Natives should not be interfered with by the Police unless they come under suspicion when they should be dealt with in the same manner as other members of the community."

731.

From several quarters the suggestion was made to your Commission that the tax receipt should be combined in some form with a permanent registration certificate to take the place of, or serve as, an identification pass. Though the Inter-Departmental Committee declared against a similar suggestion, the conditions which influenced their decision have since been to some extent modified by the Native Taxation and Development Act, and it seems a reasonable suggestion which may now be recommended for further consideration. Your Commission does not think it necessary or desirable to go into detail as to the form of certificates to be adopted. That is a matter which could be more effectively dealt with departmentally. We wish however to emphasize that the present complexity of the pass laws is a matter of legitimate grievance to the Native people, which should be removed.

732.

As regards the farm side of the question, many witnesses complained to the Commission that the pass system at present in force does not give the full measure of assistance desired by farmers for the prevention of desertion.

733.

The Commission considers it is undesirable that the liberty and movement of Natives should be further restricted.

734.

The Commission is of opinion that these difficulties should be met in the manner suggested by the Inter-Departmental Committee and by the introduction of written contracts as proposed in the section of this Report relating to labour tenancy.

735.

In dealing with the former point the Committee said:—

" 41. It has already been recommended that the carrying of the Registration Certificate by a Native beyond the border of the ward in which he resides should be compulsory and *we now recommend that it shall be an offence for any person to engage a Native not in possession of a Registration certificate: that employers be required to report within seven days, the engagement of a Native—other than a casual labourer—furnishing particulars in regard to his identity and registered number, etc., to the local Registering Officer: and in order that there may be a record of the movements of Natives throughout the Union the establishment of a Central Bureau to which local Registering Officers would advise the engagement of Natives other than those domiciled and registered in their districts.*

" 42. As the above recommendations would only cover the whereabouts of Natives actually in employment *we further recommend that owners or occupiers of land and heads of kraals, shall without delay, report the presence of unauthorized strange Natives other than passing travellers, to the proper authority for transmission of such reports to the local Registering Officer.*

" By these means we consider that a record of all Natives moving about the country would be built up at the Central Bureau and in the event of a Native not being at his home or recorded at the local registration office as being in the district an enquiry at the Central Bureau should establish his whereabouts.

"(*a*) *Registration of Contracts of Service entered into by Natives.*

" 43. Under headings (2) and (*b*) a system has been recommended which will enable a Native to have free and unrestricted movement throughout the Union subject to registration, the carrying of the registration certificate outside the Ward in which he resides, the production of the certificate on demand by an " authorized officer " and on obtaining employment.

" The question now arises as to whether any further measures are necessary to protect the interests of employer and employee when the Native has secured employment.

" Evidence on this point from both European and Native witnesses is overwhelmingly in favour of the registration of all contracts of service entered into by Natives, but as regards contracts entered into in rural districts, i.e., farm and small industrial concerns in outlying parts of the country, fear was expressed by the majority of witnesses that the difficulty of providing machinery for the efficient and convenient attestation of contracts—so essential to secure the co-operation of the employer—rendered the proposal impracticable.

" We share this fear and with reluctance find ourselves unable to recommend the compulsory registration of service contracts entered into by Natives outside proclaimed industrial or urban areas although we realize that the absence of such compulsory registration deprives the Native of a large measure of protection."

736.

The Committee suggested in paragraph 44 of its Report a scheme for dealing with this difficulty. Your Commission does not consider that this is practicable as yet in rural areas, but recommends that in such areas all contracts of service for a period in excess of three months should be registered.

737.

It is considered that the adoption of the system of registration herein proposed will go far to check desertion, by enabling individuals to be traced in a way which cannot be done at present.

Advanced Natives and Passes.

738.

As a general principle, the Commission consider that it should be regarded as a reasonable aspiration of the Natives that they should in proportion to their development from an uncivilized and primitive state of life and society to something nearer European standards, become increasingly free from restrictions such as the pass system imposes. The Commission would favour a liberal use of such privileges in the matter of Pass laws as individual progress justified. (Compare paragraphs 742-747.)

739.

On the question of the application of pass restrictions to Native women, the feeling of Natives is extremely strong. They strenuously resent and object to any interference with the movements of women, except that need is felt for maintaining parental control over unmarried girls. Any power on the part of the police to demand passes from, and arrest, women for failure to produce them, opens the way to grave abuse. The only point urged in favour of it was the power which it gives to control the residence in urban areas of dissolute and immoral women.

740.

The Commission is of opinion that no real need for the application of pass requirements to Native women has been shown. In saying this we do not refer to the " certificates of approval " provided for in *section* 12 of the Urban Areas Act (as amended), which strictly speaking are not passes.

741.

Dr. Roberts wishes to say that while appreciating the liberal view that his colleagues on the Commission take with regard to this question, he is convinced that the time is opportune for a final and complete abolition of passes for Natives, in any form. He is quite sure that such an act on the part of the State would have a very great and wholesome influence on the Native mind, and would be a gesture of understanding and of consideration that would be recognized as such by the great mass of Natives all over South Africa.

Exemption.

742.

A great deal of dissatisfaction among Natives arises from the fact that laws which may be perfectly sound in respect of the uneducated Native are quite anomalous when applied generally. This is particularly the case when such laws are applied to the more educated and more advanced individuals, of whom there is quite an appreciable number who live on a fairly high civilized standard.

743.

In dealing with the Natives we are dealing with an emerging race. Those who have emerged, and those who are still on the way, should be treated in a manner different from the great bulk, in regard to whom there is at present no need to distinguish.

744.

There are already in existence various forms of exemption. Without going into detail on this matter, your Commission would suggest this represents a useful way of dealing with cases where hardship would result from applying the laws which are still required in respect of the great bulk of the Native population. Your Commission would suggest that there might be various grades of exemption from the operation of particular laws.

745.

We were very much impressed with the difficulties which arise from the application of Native law with regard to inheritance in the case of Natives who have already adopted a European outlook in this matter, but who still live in areas where Native law is normally applied.

746.

Your Commission feels that such and similar matters affecting the conflict of two codes of law should be dealt with by means of exemption granted in particular cases on the merits of each.

747.

The matter is of considerable complexity and it would not serve any useful purpose to discuss details in a Report dealing with general principles. It is, however, brought forward here, as your Commissioners feel that it can be of material use in removing hardships consequent upon the necessity of maintaining, for a long time to come, Native law concurrently with European law.

Liquor.

748.

In respect of the heading in your Commission's Terms of Reference, "the social conditions of the Natives," a very considerable amount of evidence both of Natives and of Europeans was devoted to the question of the manufacture and supply of liquor for Natives. Generally speaking the Native is allowed considerable latitude both in Reserves and on farms in the matter of the making and consumption of utywala, a drink of a very low alcoholic content in its pure state. On the other hand, as far as urban areas are concerned, the general tendency has been to lay stress on absolute prohibition to the Native of all alcoholic beverages. This statement is subject to certain important qualifications notably as regards municipalization in Natal and the permission to carry on home-brewing in certain urban areas elsewhere. Generally speaking, however, it is correct.

749.

It has always been a cardinal and a very salutary principle of European administration that the Native must be protected from the stronger alcoholic liquors. The attempt to extend this to total prohibition, even of the mild alcoholic drinks of the Native, has had an effect diametrically opposed to that intended. It did not wean the Native of his desire for beer. But as the possession of alcohol became a crime, he turned his attention to the subject of how to avoid being caught.

750.

In this respect utywala has serious drawbacks. It is required in bulk, from the point of view of economical manufacture and of producing the desired stimulating effects. It is therefore difficult to hide. Moreover the process of production takes a considerable time, and its smell readily betrays its presence. The problem, therefore, arose of inventing a drink which could be made and stored in small quantities, easy to hide, which could be matured in a few hours, and could have its alcoholic effect quickly. These qualities are possessed only by drink with a high alcholic content. The prohibition of utywala, therefore, led to the consumption of the very article which the Europeans desired, and very wisely desired, to prevent.

751.

The development of quickly manufactured drinks of high alcoholic content has been one of the most disastrous results of the prohibition of utywala. Appallingly noxious drinks were invented. Anything which quickly increased the alcoholic content was added; calcium carbide, methylated spirits, tobacco, molasses and sugar, blue stone, are only a few examples. It can be imagined what the effect of such concoctions is on the people who consume them. Once more the European found that his interference, however well intentioned, with the simple habits of the Native, produced effects disastrous to the latter. In this matter your Commission after seeing the results of the measures originally intended for the good of the Native, have no hesitation in expressing as strongly as possible the view that the harm done has been worse than any evils that could result from the wholesale consumption of utywala.

752.

Moreover these measures have produced a very difficult problem for the Police. The Natives are freely devoting their ingenuity to the task of outwitting them. The latter are bound by the somewhat cumbrous proceeding necessary to obtain a conviction in a European Court. The sympathies of the former are all with the evasion of a law which they consider an unfair and unnecessary curtailment of their liberty and an unwarranted interference with their normal habits. The Police are, therefore, looked upon as enemies.

753.

To secure a conviction the Police must prove possession, or sale. The illicit sellers bury their stock-in-trade. The Police have considerable success in finding buried liquor. But unless they can prove possession, prosecution is not worth while. The liquor so discovered is destroyed, but the loss to the owner is slight. It would require many times the present number of Police to destroy systematically all the liquor made.

754.

Proof of possession is accompanied by many difficulties. Warning is speedily given if strangers approach. Your Commissioners inspected an illicit liquor yard in Johannesburg. From the car to the yard was a matter of two minutes. There were some twenty Natives, men and women, in the yard. There was an all-pervading smell of alcohol, but no drop of liquor, no utensils which might have contained it, were to be seen. Where the liquor is buried in a yard, there may be several families living in shacks round the yard. To which person does the liquor belong? Hostility on the part of the Natives to the interference with their habits makes it very difficult for the Police to find the owner. In cases where a house is tenanted by only one family, as in urban locations, the liquor is often not buried on the stand, but the street is dug up for this purpose. How is this to be brought home to a particular location dweller? In the Cape Province where Coloured people are allowed to buy European liquor, and where they frequently live next to the Natives, it is easy to carry on illicit trade. On the whole this may even be better than the position in Johannesburg, since the European liquor sold at Langa, for example, is of a less harmful character.

755.

Only a small proportion of illicit liquor transactions reaches the law courts. The heavy fines inflicted are readily paid, which shows how profitable the trade is. In addition many witnesses expressed the opinion that the trade is associated with immorality.

756.

From whatever point of view we look at it therefore the attempt at enforcing prohibition among the Natives has failed. And worse, it has brought in its train many evils.

757.

It has been a grave mistake to attempt to deprive the Native of his beer. The alcoholic content of properly made utywala is about twice that of ginger beer. It is, therefore, not a particularly harmful drink. The view has also been advanced to us, on medical grounds, that it is an important source of vitamins in the diet of the Native and that, unless substitutes are provided, its absence deprives the Native of an essential article of food.

758.

Your Commission is so strongly under the sense not only of the failure of total prohibition, in regard to utywala, but also of the harm which it has worked, that we must conclude that its abandonment is the only reasonable course that can be taken.

759.

But when it comes to a consideration of alternatives, the position is not by any means simple. Your Commission has considered many suggestions, and we have come to the conclusion that there is none to which objection cannot be raised on one score or another. It is therefore rather a question of the choice of evils than of finding an ideal system.

760.

The system of municipal beer halls has existed in Natal for a considerable time, and from some points of view it has been successful. There is, however, considerable objection on the part of the Natives to it, not only on the score of expense, but also because of the atmosphere attaching to it. It has been described as " drinking in a cage." The beer hall system seems to be based on the idea that it is wrong for the Native to have his beer; but, to make allowance for his weakness, he is permitted to have it under unsociable conditions.

761.

It appears to your Commission to be wrong to grant the Native the right to have beer but to attach a stigma to the manner in which he may obtain it. The exclusion of his national drink from his home, and the view that he can only be allowed to have it " in a cage " under the eyes of a European certainly does attach a stigma to it—a stigma which the Native feels and to which he objects. It is wiser not to interfere with the normal course of the Native's life, except where this proves to be necessary. In Native life the use of beer is as much an aid to conviviality as it is among Europeans. The attitude in this, as in so many Native customs, should not be to destroy it unless there is a valid reason for maintaining it, but to maintain it unless there is a valid reason to destroy it. It is a curious fact that many persons who would entrust the Native with advanced rights in matters entirely strange to him, are yet averse to trusting him in a matter which is part of his everyday life.

762.

The demand of the Natives generally is for home-brewing. Certain objections against this will be considered below. Your Commission feels, however, that the demand of the Native in this regard should be considered not from the point of view that it can only be granted if a case is made out for it, but that it should only be refused if a strong enough case can be made against it. This follows from the Commission's opinion that the institutions and customs of the Natives should not unnecessarily be broken down.

763.

We shall, however, proceed to examine the objections. It is maintained that if home-brewing is permitted it will become even more difficult than at present to deal with noxious concoctions, a view which seems to be based on the assumption that the bulk of the Natives prefer these. A certain proportion of the Natives have acquired the taste for a stronger drink, and this class will always have to be reckoned with. But the general impression left on our mind by Native witnesses was that this class is a small minority, and that many Natives now consume these liquors because they are the only ones to be had. If wholesome utywala can be obtained without breaking the law many will revert to it. Instead of giving the police a liquor problem which affects a large part of the Native population, home-brewing would narrow it down to stronger drink. It is admitted that the opportunities of making this would be greater. This problem your Commission would suggest should be dealt with in the manner set out in paragraph 766 below.

764.

It is further pointed out that home-brewing would not meet the case of unmarried Natives, who have no facilities for doing their own brewing, and that this would inevitably lead to the sale to them of home-brewed beer. This conclusion may be admitted. But it does not appear to your Commissioners as a serious objection, for the following reasons:

(1) If the right to sell were admitted, competition would soon rid the system of the large profits now attaching to it, which is the basis of much of the present evil. If immoral women, for the purpose of attracting Natives of a particular type, increased the alcoholic content of the drink they provided, they would soon segregate the goats from the sheep and simplify the police problem. The method discussed in paragraph 766 would also assist to deal with this evil.

(2) The Natives who are satisfied with utywala would tend to congregate in groups based on tribal loyalties. A certain standard of conduct would obtain at such gatherings, which would utilise the institutions of the Natives in the cause of law and order.

765.

Port Elizabeth has a system by which the location is divided into " wet " and " dry " areas. This is done to give the Native who does not wish to be associated with beer-drinks the opportunity of segregating himself, and is a salutary measure. The " wet " area is again divided into three sections, each of which is allowed to brew one week, and required to be " dry " for the two succeeding weeks. It is not clear what advantage is gained from this elaboration. The system does, however, permit of a certain amount of home-brewing. Selling is prohibited, but, according to evidence, does take place. The system seems to work reasonably well.

766.

Home-brewing could undoubtedly be better controlled if the good services of the Natives themselves could be enlisted to guard against abuse. The idea of instilling in the Natives some pride in their own locations is dealt with more fully elsewhere. In this connection your Commission feels that a great deal of good could be done. Owing to the existing prohibition, home-brewing could be used as a privilege to be enjoyed as long as it is not abused. The inhabitants of a location could quite easily keep the system within bounds, and would be quite willing to do so if they understood clearly that this is a condition of their having it at all.

767.

It has also been suggested to your Commission that licensed houses, run by Natives, should be established. The idea is worth considering, inasmuch as it would give licencees an interest in suppressing illicit trade. Your Commission is, however, of opinion that if home-brewing is ruled out State or Municipal beer-shops would be a better alternative than licensed houses.

768.

As we have remarked above, no system which has been tried or advocated is free from objection. Opinion is strongly in favour of the view that the sale to Natives and the use by Natives of European liquors and of noxious concoctions, now so largely used, should be dealt with severely.

769.

As regards utywala your Comission would suggest that prohibition should disappear, but that alternative schemes should be tried in different areas, particularly in labour centres. These experiments should be continued for a sufficient period to enable the authorities to judge of their merits and defects and to enable them to frame a policy for regulating the making and consumption of utywala.

770.

As a large number of Natives are teetotallers, provision should be made for " dry " areas in locations, following the example of Port Elizabeth. It was admitted in evidence before us, by many witnesses, that among educated Natives there is much less drinking than among the uneducated. A mine manager told us that on his mine about twenty per cent. of his Native labourers are teetotallers.

771.

We are of opinion that useful propaganda could be carried out at schools and by other educational means to combat drinking among Natives and to encourage total abstainence.

Crime.

772.

The general consensus of poinion throughout the Union of responsible witnesses is that the Natives are a law-abiding people. Under their tribal sytem discipline was well maintained and the habits so instilled into them persist to-day in the majority of Natives.

Serious Crime.

773.

There is, however, a considerable amount of serious crime. During 1930, 14,116 Natives were convicted of offences listed as serious crime in the statistics of the Union. On the basis of the estimated population of the Union, this represents 25.95 convictions per 10,000 of the Native population as against 13.39 for the Europeans, 10.7 for the Asiatics and 43.98 for other Coloured. Crimes of violence, frequently committed under the influence of drink, or in tribal quarrels, and stock-theft account for a large portion of these. Examination of the detailed figures shows that theft of stock (excluding poultry and domesticated game) (3,238 convictions) and assault

with intent to do grievous bodily harm (4,459 convictions), represent 54.5 per cent. of these convictions. Other predominating offences are: Public Violence (1,915), Culpable Homicide (821), Theft by Violence (472), and Indecent Assault (383). Serious crime accounting for the greatest number of convictions of Europeans is also closely connected with Natives: Europeans convicted of selling liquor to non-Europeans account for 990 cases or 41 per cent. of the convictions of Europeans.

Other Offences.

774. The following list shows the more important offences not classed as serious crime, of which Natives were convicted in 1930, with the numbers. It will be noticed that statutory offences play a considerable part:—

Convictions of Natives, 1930.

Drunkenness	15,995
Illegal Possession of Native Liquor...	35,777
Municipal Offences	25,912
Common Theft	13,435
Common Assault	18,166
Master and Servants Acts...	15,861
Pass Laws	42,262
Urban Areas Act	20,877
Native Taxation Act	49,772
Native Labour Regulation Act	23,293

775. Many of the offences are not crime in the ordinary sense. The effect of sending Natives to prison, for them, must be on the one hand to bring them in undesirable touch with hardened criminals, and on the other to make prison lose its deterrent effect. Any steps, such as more extended use of the suspended sentence, which mitigate these must necessarily have a beneficent effect on the administration of justice.

Influence of Illicit Liquor.

776. The Chief Inspector of the South African Police, Johannesburg, said that, in his opinion, 75 per cent of assaults to harm in his area could be traced to illicit liquor; and that fairly large numbers of Native women were convicted of serious assaults. They mostly belonged to the liquor selling class. He said, " One very important aspect of Native life on the Rand which has a great bearing on illicit liquor and crime lies in the lack of suitable housing and recreation for Natives when not at work ".

777. Major H. S. Cooke, then Director of Native Labour, said, " The drift of Natives to the towns and the contaminating influence to which they are there subjected (in which dissolute Native women play a prominent part) are productive of a large number of Natives of the idle, dissolute, and criminal classes, though the percentage is not high ".

Amalayita.

778. In the larger towns of the Union there exist predatory gangs of Natives, formed mostly by youths who indulge in various criminal acts, including terrorization and homicide, usually of other, and solitary Natives, and generally after nightfall and in dark places. The gangs are called by Natives *amalayita* (Zulu, more correctly olayita, sing. ulayita), a name derived from the English word *light*, supposed to have been originally adopted by Native street hooligans in Johannesburg; the name is now known throughout the Union.

779. In the Reserves, as is well known, boys spend most of their time out on the veld, the younger herding goats, and the elder, cattle. There, with the free life, lads of one locality, usually of a like age, often form themselves into bands, each under the leadership of one of their number, called in Zulu *ingqwele*, the masterful boy. They play at soldiers, and organize " attacks " on neighbouring bands. Each band calls itself *ibuto*, a regiment. Foliaged branches and clods of earth are their principal weapons. Boys who distinguish themselves by pluck or in dancing are given *izibongo* (praises). Under the Native regime, this practice constituted good training for the more serious undertakings of life, when, for example, boys were required to leave home as baggage carriers for their fathers or relatives, in real military service, and later as recruits for tribal or national regiments.

780.

It is easy to understand that this veld spirit of boys is brought by them to the towns and cities, when they go there to work; but the environment there is different, and they sooner or later find that their exuberance brings them into conflict with the law, and they are then called amalayita. What they are able to do in their Reserves, as wholesome exercise, and with enjoyment, is not tolerated in towns: they therefore in time seek ways of evading the police, and thus often come under the leadership of desperadoes and criminals; ruffians, big boys, and even men, are here found among the amalayita. Then the veld spirit manifests itself in a new and strange form, and directly leads to undesirable developments. The more experienced an amalayita leader is, and the more he can come unscathed through physical dangers, the more is his position in his gang enhanced. Booty taken is laid before him to divide, and he helps himself first. An ulayita who has been chiefly instrumental in taking booty is sometimes " decorated " or " promoted " by his leader. Among some gangs there appears to be specialization for certain deeds. Gang spirit is maintained. Rendezvous are arranged, for secret meetings, for outwitting the police, and for hiding booty. Amalayita activities have become definitely anti-social.

781.

Much good is done by the police in combating amalayita activities, but at best the result is little more than the punishment of culprits. More good to all concerned would probably follow from an outlet being afforded to young Natives in towns for their surplus energies, by way of recreation and competitive games during their spare time, opportunity being given them for healthy " deeds of daring "—even in make-believe—and for acts that go to form manly character.

782.

It is only among Natives in the cities and larger towns that amalayita can organize, since in the smaller towns and villages the comparative fewness of the inhabitants and the nearness to the countryside and to home life, afford no setting for amalayita.

Repatriation of Criminals.

783.

The Urban Areas Act authorizes the deportation of a Native from a town to the District to which he belongs if a Magistrate or Native Commissioner adjudges him to be an idle or disorderly person, or he may be sent to a farm colony, work colony, or similar institution for a period not exceeding two years. Representations were made to your Commission in various Native areas against the provision for deportation, the exercise of which appears to have been the cause of the introduction into law-abiding areas of hardened criminals. This is bitterly resented by the Natives, who point out that they are in no way responsible for these Natives having become criminals. They claim that such criminals have been created by contact with urban conditions, and that the urban areas should take the responsibility of caring for them. On the other hand, many Native tribal witnesses maintained that such persons are in the Reserves soon made to submit to tribal discipline. The Commission is satisfied that it is unwise and dangerous to send back hardened criminals to Native areas.

784.

A farm colony to which such Natives may be committed under the Urban Areas Act has been established at Leeuwkop, about 18 miles from Johannesburg, where the Natives committed to it are mainly engaged in the growing of crops. Since its establishment in 1925, 702 Natives have been sent to it.

785.

In order to test the efficacy of a sojourn in the farm colony as an incentive to reform, the Director of Native Labour (Major Cooke) made a comprehensive check in January, 1930, in respect of the Natives who had been released up to the end of 1928, that is, after they had had a year's freedom. The result in respect of 263 Natives is attached as Annexure 19 to this Report.

786.

Commenting on this check, Major Cooke said, " When it is remembered that the inmates of this place of discipline are those who have for years come constantly under adverse notice and shown pronounced criminal and lazy tendencies, the figures disclosed in the analysis may be regarded as showing that the nett result has been distinctly good ".

Infantile Mortality.

787. Infantile mortality among Natives has recently been made the subject of scare headlines in newspapers, and alarmist articles have been published about figures which are not worth the paper on which they were written. Infantile mortality rates of 800, 900, and even 2,250 per 1,000 births have been published in all seriousness.

Why the Figures are Misleading.

788. These figures are obtained by relating the number of births and infantile deaths *registered* in a given area for a given year. But no account is taken of the question whether the number of events registered corresponds to the number that actually took place. There is in fact a very wide disparity betwen these, as the undermentioned factors illustrate:

(1) Although registration of births is compulsory inside urban areas, we know as a matter of fact that a large number of these events are not registered by Natives. All deaths on the other hand are registered because a burial order is required to bury or otherwise dispose of the corpse. The resulting understatement of births tends to exaggerate the death rate.

(2) Where, according to Native custom, a woman goes for her first confinement to her maiden home, and this happens to be outside the area of registration, the birth will not be registered there. If she subsequently returns and the baby dies the death will again exaggerate the infantile mortality rate.

(3) Many women bring their children to urban areas for medical attention. Owing to the high cost of this in relation to the income of the Native it is frequently put off until it is too late to save the infant. Deaths so occurring are registered in the urban area, but there is no corresponding birth-registration.

(4) As the migration of Natives is almost entirely from the country to the towns, a certain number of infants born in rural areas, will certainly be brought into the towns. For any of these who die there will be no corresponding birth registration.

789. These four factors all tend to exaggerate the death rate, while there is an almost complete absence of tendencies working the other way. From these alone, therefore, it must be obvious that information based on the incomplete registration of births cannot be relied on to give any information about the rate of infantile mortality among Natives.

790. It is a matter of considerable difficulty to obtain data on which to give an estimate of the true position. For Europeans the registration of vital events is reasonably complete. As the normal place of residence of the mother is also registered, the Office of Statistics has no difficulty in transferring the registrations to the place of residence of the Mother. In the case of the Natives, however, the registration is optional outside urban areas, and very incomplete in these. There exists, therefore, no material on which accurate statistics of Native infantile mortality can be based.

Data Obtained by the Commission.

791. Your Commission has gone to considerable trouble to obtain data, which, in the absence of material for official statistics, can be regarded as sufficiently accurate to give a reasonable approximation.* In this we have received valuable assistance, for which we wish here to record out indebtedness, from:

(*a*) The Municipal Native Affairs Department of Johannesburg in respect of the Native urban areas of Klipspruit, Eastern and Western Townships;

(*b*) the City Health Department of Port Elizabeth in respect of New Brighton Location;

(*c*) the then Additional Native Commissioner, Kingwilliamstown, in respect of 46 rural locations in the district of Tamare;

(*d*) Mrs. J. E. H. Mylne, of the Grahamstown Joint Council, in respect of a very careful investigation of 355 cases in the Grahamstown Municipal and Fingo Locations.

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* See Tables in Annexure 20.

In these investigations information was obtained from married women about the following points:

(*a*) the number of children born to them, and

(*b*) the number of these children still alive.

In certain cases further information was obtained, showing the approximate age of the woman at the time the information was collected, and the number of children who had died before their first birthday. This additional information must necessarily be less reliable. While, therefore, the infantile mortality rates calculated from them cannot be regarded as quite accurate, they represent the best information which we possess on the subject. If, however, they are compared with the figures given below of the ratio between births and deaths at all ages, it will appear that they give a reasonably true picture of the situation.

Infantile Mortality Rates Based on these Data.

792. The infantile mortality rates so calculated are as follows for the areas in respect of which information is available:

Urban, Johannesburg.

	Deaths, per 1,000 Births.
Klipspruit Location	174
Western Native Township	139
Eastern Native Township	100

Rural, Kingwilliamstown.

Tamare	224

793. It should be noted that Urban and Rural refer to the areas where the information was collected, not to the areas where the vital events took place.

794. We further give in Annexure 20 (III) the figures based on the more reliable data of the number of children born to each woman, and the number alive at the date when the information was obtained from her. For purposes of comparison we give the corresponding figures derived from the Census of 1926, in respect of the European population.

795. The figures in the last line of Table III in Annexure 20 show the absurdity of some of the high infantile mortality figures which have been published from time to time about the Natives in South African and foreign papers. The highest rate there given is 500 for all deaths during the lifetime of the mothers from whom the information was obtained. It is obvious that the infantile mortality rate must be considerably lower.

796. For purposes of comparison we give below the infantile mortality rates of the European population of the Union, and also of some countries with a rate exceeding 100.

INFANTILE MORTALITY RATES.

Country.	Year.	Rate per 1,000 Births.
UNION OF SOUTH AFRICA (EUROPEANS)	1929	64
Newfoundland	1928	112
Italy	1928	120
Austria	1928	120
Spain	1929	123
Japan	1927	142
Czecho-Slovakia	1929	142
Lithuania	*1926*	*146*
Egypt	*1928*	*151*
Hungary	1929	182
Rumania	1927	209

Official Year Book, No. 12, p. 922.

Mining.

797. Mining has played a great part in the lives of a large proportion of the Native population of the Union. All forms of mining have been carried on with Native labourers under European managers and supervisors. The gold mines of the Witwatersrand alone employ over 200,000 Native labourers. During 1930 the diamond mines and diggings were working on a much smaller scale than in several previous years, but the total number of Natives and of Coloured people other than Asiatics employed in all mines was 315,003. The total for 1929 was 309,756. The number of Coloured people as distinct from Natives is not shown, but is comparatively small.

Territorial Analysis.

798. The following table shows a territorial analysis of Natives in possession of passports as at 31st December, 1930, employed on the mines and in other occupations for the Witwatersrand Labour District:

Country.	Mines.	Other Employ.	Number.	Total.
UNION.				
Cape	79,108	13,269	92,377	
Natal	5,992	19,128	25,120	
Orange Free State	1,329	4,909	6,238	
Transvaal	12,494	50,124	62,618	186,353
NON-UNION.				
Basutoland	27,424	2,152	29,576	
Bechuanaland	2,793	1,195	3,988	
East Coast- South of Latitude 22° South	74,042	229	74,271	
Northern Rhodesia	9	54	63	
Nyasaland	134	1,370	1,504	
Southern Rhodesia	44	3,026	3,070	
South-West Africa	2	26	28	
Swaziland	4,733	1,150	5,883	
Tropicals	72	33	105	
Others	5	138	143	118,631
	208,181	96,803	304,984	304,984

799. This Table shows in what a wide area the Natives are directly affected by the gold mines of the Witwatersrand.

Assisted Voluntary Scheme.

800. Table I in Annexure 21 shows the rapid growth of the assisted voluntary scheme which was introduced in 1928. Under this scheme a Native wishing to go to the Witwatersrand to work in a gold mine may have his railway fare paid and receive the usual advance of £2 against his wages. This gives the Native the position of a non-recruited worker, the advantages of which are described below. The scheme saves the Native any interest upon the railway fare or the advance, whereas formerly a Native who wished to go forward to the mines without being recruited had, if he could not pay his own fare, to get the advance against wages and for his fare from the local trader, who, in a number of instances, charged him usurious rates of interest.

801. The Table also shows that there is a salutary tendency for a substantial majority of Union Natives engaged on the mines to prefer to be engaged voluntarily rather than to be recruited. The great bulk of Natives from Pondoland are still recruited. Table II in Annexure 21 shows the districts, apart from Pondoland, where the number of recruited labourers preponderates over non-recruited.

Non-Recruited and Recruited Natives.

802. Non-recruited Natives are free to choose the mine on which they wish to work and also the length of time for which they will contract to work, subject to the mine they choose being prepared to take them for that period. There are four mines which engage by the month Natives who come to them voluntarily. Others will take them for not less than a three

months', four months', or six months' period. Natives who are recruited have to agree to work for not less than 270 shifts, which are equivalent to 10½ months, and to go to any mine to which they may be assigned subject to their being allowed a preference for any Witwatersrand mine which is able to take them. All Natives, other than Portuguese Natives, for the gold mines are recruited through or pass through the hands of the Native Recruiting Corporation, Limited (N.R.C.), the members of which are the different Witwatersrand Gold Mining Companies.

803.

Natives from Portuguese East Africa pass through the hands of the Witwatersrand Native Labour Association, Limited (W.N.L.A.), the members of which are the gold mines and the coal mines of the Transvaal. Natives in Portuguese East Africa are not recruited, but the Association has agents in different parts of that territory, who direct Natives to the nearest centre at which the Association has offices and from those centres the W.N.L.A. forwards the Natives to the Witwatersrand.

804.

The main value of recruiting from the point of view of the gold mining industry would appear to be its effect upon the distribution of Natives during the shortage which generally commences between February and May and reaches its greatest dimension in December (see Graph, Annexure 18).

805.

The total cost of recruiting Natives and of the services rendered by the W.N.L.A., excluding the cost of the assisted voluntary scheme in 1930, is approximately £435,784 per annum or 1.78d. per Native per shift worked, of all Natives, not merely those recruited; or nearly one-half of the feeding cost of Natives employed on the mines, the figure for feeding costs per shift worked on those mines, for which separate figures are obtainable, being 3.85d.

806.

In the Cape Province the recruiting for the gold mines is largely in the hands of traders, who act as agents for the N.R.C. and who receive a capitation fee of £1 10s. to £2 2s.—according to the service rendered by the recruiter—for each Native sent forward by them to that Corporation. The traders have in the past played a considerable part in developing the Native labour supply, particularly in the Transkei, and still help materially in keeping it up.

Seasonal Factors Influencing Labour Supply.

807.

The supply of labourers for the mines is always greater in a period of drought or depression than in normal and prosperous times. The Native is satisfied and happy in his simple tribal life, and he would not go out to work if his Reserves provided enough for his needs. This, however, the Reserves do not do. During periods when there is no shortage of food the supply of labour is low: on the other hand when food becomes scarce, or where need for money for taxes and other cash requirements begins to press, the flow of labour increases. Except during times of considerable shortage among the Natives, such as the present, the gold mines have always been short of the number of labourers which they could employ. This has been the reason for justifying the importation of Natives from extra-Union territories to work on the mines, and is also the foundation for a demand for the right to import Natives from territories North of 22 degrees south Latitude, that being approximately the latitude of the most northerly point of the Union. The immigration of Natives into the Union from such territories is prohibited by the Immigrants' Regulation Act of 1913. There is in the Act a section specially permitting the admission of Natives from Portuguese East Africa south of that latitude.

East Coast Natives.

808.

On 30th September, 1928, the number of East Coast Natives in service on the gold mines was 91,034. There were in addition about 12,000 to 15,000 employed in the Transvaal collieries. In that year the Mozambique Convention was entered into and it now regulates the maximum number of Portuguese East African Natives who may be employed in the Union at any one time.

809.

The Convention provides that the maximum number should be at 31st December:

1929	100,000
1930	95,000
1931	90,000
1932	85,000
1933 and thereafter	80,000

810.

On 31st May, 1931, the East Coast Natives on the gold mines numbered 65,802 consisting of 57,036 Natives subject to the new Convention and 8,766 subject to the old, this latter number being one which will gradually disappear.

811.

The average service of East Coast Natives on the gold mines in 1928 was calculated at slightly less than 20 months each. Under the new Convention no East Coast Native may serve for more than 18 months without being repatriated, and he may not be re-engaged before a lapse of at least six months. Except for periods of drought and depression, such as the present, when unusually large numbers of British South African Natives are available for mine work, the gold mining industry would, but for the Convention, ordinarily employ about 90,000 East Coast Natives each serving on the average about 20 months. The Convention has resulted in the substitution for these of 57,000 who serve less than 18 months, plus, at present, about 9,000 who are under no restriction. The reduction in East Coast labour has to be made good with British South African labour of which the average period of service is 10 or 11 months per Native, the wastage in the personnel of the latter being nearly twice as great as that of the East Coast Native.

812.

The number of Natives which, under the Convention, the mines are allowed to obtain from Portuguese East Africa has not recently been reached, the number employed being about 20,000 less than the number allowed. Of this number, approximately 2,000 are accounted for by Natives who have been turned back as not required because of the increased supply of British South African Natives. The remainder appear to be accounted for by the reduction in the length of the period of service from an average of 20 months to a maximum of 18 months, a number having been repatriated and not, under the terms of the Convention, being eligible for re-engagement until they have remained at home for at least six months. Assuming that prior to the Convention all Natives who wished to come to the mines from time to time had done so, this would automatically reduce the number available for service on the mines.

813.

The following figures show the number of East Coast Natives employed on gold mines in the first five months of the years 1930 and 1931, respectively:

	1930	1931
January	83,202	71,618
February	82,808	70,391
March	81,938	68,164
April	80,436	66,890
May	78,034	65,802

814.

No information is available as to the length of time individual East Coast Natives remain at home between their spells of work on the gold mines. A test check was made by the Director of Native Labour in regard to 10,583 British South African Natives arriving in Johannesburg, with a view to showing the number of new arrivals, the number previously employed on the mines and other work, and the duration of periods spent at home as stated by them. An analysis of this test check is shown in Table III in Annexure 21.

Length of Service of Mine Natives.

815.

A test check was made by the Chamber of Mines in 1931 of the length of service of Natives working on the mines. The result showed an average period of 10.88 months.

816.

The average duration of periods spent at home, calculated from the test made by the Director of Native Labour, is 8.1 months. For the purpose of this calculation " 12 months and over " has been taken as 12 months. The result is therefore on the conservative side. From the result of these two tests it appears that the mine Native spends approximately seven months at work and five months at home during the year. The Table shows that nearly 40 per cent. returned to the mines within six months, while 44 per cent. stayed away twelve months or more. These figures may not be representative, as they were compiled in respect of a period of severe depression.

817.

The standard of feeding of Natives in the Reserves is generally not adequate for the hard work required of them in the gold mines, and for some weeks after their arrival this factor has to be borne in mind. For this reason, and also because of overhead charges and of new Natives being inexperienced in the work required of them, the mines are anxious to increase the period of service for which a Native labourer remains with them. At one time the period for which the Natives were recruited was 180 shifts, but this has now been extended to 270. A Native who remains continuously on the mines for more than 270 shifts is paid, after the expiration of that period, a bonus of 5s. a month or 2d. a shift. A Native who goes home but returns, if a British South African Native, within four months, or if an East Coast Native, after not more than six months, is paid this additional 2d. a shift when he resumes work. Table III in Annexure 21 shows that only about 25 per cent. of the British South African Natives return in time to preserve their right to the bonus. Leave is however sometimes granted to a Native to stay away longer without losing the bonus, and when a Native is re-engaged in a special job occupied by him before he left, he gets the rate of pay at which he left off.

Average Earnings.

818.

The average earnings per shift of Natives calculated during June, 1930, were as follows:

Class of Work.	*Earnings per shift.* s. d.
Underground:	
Machines—Piecework	2 8·3
Hammers—Piecework	2 6·6
Tramming and Shovelling—Piecework	2 3
Tramming and Shovelling—Day's Pay	1 11·9
Shaft Sinking	2 9·8
All other Underground	2 1·2
Total Underground	2 2·1
Total Surface	2 0·1
General Average—Surface and Underground	2 1·7

819.

In addition to the cash wages, free board, quarters, medical treatment and other privileges are supplied—the value of which, if provided by the Native, would cost him about 1s. 4d. or 1s. 5d. per day.

820.

The figures as to the separate cost to the mines of these items—board, quarters and hospital treatment—have been worked out in respect of a number of mines but not for the industry as a whole. The figures available show hospital costs as being equivalent to 1·04d. per Native per shift worked and ·85d. per day in service. The feeding costs respectively are 3·85d. and 3·16d. Other costs to the mines represent 5·42d. and 4·45d., respectively, the totals being, respectively 10·31d. and 8·46d. The phrase " other costs " includes rail fares and repatriation expenses for sick Natives, irrecoverable advances to Natives, compound entertainments, surcharges of Native correspondence, certain recruiting charges including re-engagement bonus, burial charges, and other less important items. In regard to the recruiting charges, the mines contend that " a portion of these charges are fairly to be looked at as an advantage to the Native because at the present time his facilities and experience for obtaining employment independently of a reputable recruiting organization are limited ". The mines also pointed out that in their accounts it is not customary to charge in " Coloured labour sundries " any figures in respect of interest or redemption of land values or cost of compound or hospital buildings or other buildings used in connection with the Native labour force and that, therefore, in addition to wages and the sundry Native costs just mentioned, the Native labour force received accommodation in compounds in respect of which no charge was reckoned in the figures given above.

821.

Table IV in Annexure 21 shows that out of 161,714 Natives employed underground, 12,246 received 1s. 8d. per shift or less, 34,377 received 1s. 10d. per shift or less, and 96,789, or approximately 60 per cent. received 2s. per shift or less.

822.

On the Transvaal coal mines, 3,515 Natives on the surface earned 1s. 10·7d. per shift and 7,803 employed underground earned 2s. 0·3d. per shift. Among the latter, two classes of Natives, coal cutters and drillers, normally earned higher wages, from 3s. upwards. These Natives receive food, quarters, and medical aid.

823.

The average wage at the Premier Diamond Mines is 3s. 2·4d. per shift. Natives on the diamond mines are provided with quarters but feed themselves.

824.

The wages earned by Natives in the gold mining industry in the Transvaal amounted in 1930 to £7,055,729 or an average of 57s. 6d. for each employee per month.

825.

On the same mines the average pay of European employees in 1930 was £376. 7s. per annum or £31. 7s. per month.

826.

The total wages for Native labourers on the diamond mines was £630,368 or an average of 74s. 9d. per month.

827.

It is not possible with the information available to make a comparison between the wages of Natives in most classes of work in 1914 and of those in the same classes in 1930. In 1914 over 44,000 Natives were employed on machine and hammer work combined, whereas the corresponding figure for 1930 was 18,500. The number employed on shovelling and tramming increased in the same time from 38,000 to 72,000 and the number employed in connection with support of workings from 8,000 to 26,000, the total number employed underground having increased from 124,000 to 152,000. Somewhat more than 25,000 formerly engaged in drilling are now employed in classes of work which are on the whole likely to be less remunerative.

828.

The average for all underground labour was approximately 2s. 0¼d. per shift in 1914 and 2s. 2¼d. in 1930.

829.

Information is not available as to the proportion of Native employees on piece work in 1913. The proportion in 1930 was about one-third. The difference between the 1914 average wage and the 1930 average wage is primarily due to an increase in the number of piece workers and to the fact that the average pay of 18,500 drillers is now between 5d. and 6d. per shift higher than that of the 44,000 drillers employed in 1914. The quantity of ore obtained from the 44,000 hand and machine drillers was, for the last six months of 1914, under 11,000,000 tons, while that of the 18,500 drillers in the first six months of 1930 was over 14,800,000 tons.

Nett Cash Earnings.

830.

The nett cash earnings of Witwatersrand mine Native labourers for 270 shifts, the number for which Natives are recruited for the mines, are shown in the Tables below. The nett cash earnings are arrived at by deducting rail fares, travelling expenses, and by making provision for two pairs of mine boots. The travelling expenses are taken at 10s. for the two journeys and the boots at £1. 5s. The return rail fares from the centres included in the Tables are Butterworth £4. 5s. 6d., Kingwilliamstown £4. 2s. 10d., Kokstad £3. 17s. 4d., Queenstown £3. 8s., and Umtata £4. 11s. 2d. The number of months required to complete 270 shifts is taken as 11, which assumes no loss of time through illness or accident, but allows about a week for travelling and formalities each way to and from the mines. The centres taken are the main points from which Natives travel from the Transkei and Ciskei, those Natives in 1930 numbering 79,108, out of a total of 98,923 Union Natives working on the mines. Many Natives have in addition to their railway

journey to travel on foot or by bus before reaching rail head, but no allowance has been made for this. The rail fare which has been taken is the revised rate which came into operation early in 1931, and represented an increase in many instances over the previous rate of 33⅓ per cent. The travelling expenses of Natives from the Transkei working on the gold mines represent from 15 per cent. to 20 per cent. of their total cash earnings. (Compare paragraphs 897 and 919.)

A.

	Nett Cash Earnings.		*Total Gross Cash Wage.*
	For 270 Shifts.	*Per Month.*	
	£ s. d.	£ s. d.	£ s. d.
Butterworth	22 18 9	2 1 9	
Kingwilliamstown	23 0 5	2 1 10	
Kokstad	23 5 11	2 2 3	28 18 3*
Queenstown	23 15 3	2 3 3	
Umtata	22 12 1	2 1 1	

* Average cash wage of all Natives working on the mines, whether on the surface or underground 2s. 1·7d. per shift.

B.

	Nett Cash Earnings.		*Total Gross Cash Wage.*
	For 270 Shifts.	*Per Month.*	
	£ s. d.	£ s. d.	£ s. d.
Butterworth	23 7 9	2 2 6	
Kingwilliamstown	23 9 5	2 2 8	
Kokstad	23 14 11	2 3 2	29 7 3*
Queenstown	24 4 3	2 4 0	
Umtata	23 1 1	2 1 11	

* Average cash wage of underground workers: 2s. 2·1d. per shift.

C.

	Nett Cash Earnings.		*Total Gross Cash Wage.*
	For 270 Shifts.	*Per Month.*	
	£ s. d.	£ s. d.	£ s. d.
Butterworth	21 2 9	1 18 5	
Kingwilliamstown	21 4 5	1 18 7	
Kokstad	21 9 11	1 19 1	27 2 3*
Queenstown	21 19 3	1 19 11	
Umtata	20 16 1	1 17 10	

*Average cash wage of surface workers: 2s. 0·1d. per shift.

D.

	Nett Cash Earnings.		*Total Gross Cash Wage.*
	For 270 Shifts.	*Per Month.*	
	£ s. d.	£ s. d.	£ s. d.
Butterworth	18 15 6	1 14 2	
Kingwilliamstown	18 17 2	1 14 4	
Kokstad	19 2 8	1 14 10	24 15 0*
Queenstown	19 12 0	1 15 8	
Umtata	18 8 10	1 13 7	

* Total for 270 shifts: 1s. 8d. per shift for first 90 shifts; 1s. 10d. per shift for second 90 shifts; 2s. for third 90 shifts.

831.

As is shown above Native labourers receive in addition to those wages food, quarters, medical aid and certain other privileges during the time they are on the mines.

832.

The average nett wages shown in the Table above, ranging from £1. 13s. 7d. to £2. 4s. per month, plus food and quarters, are lower than the usual wage paid to Natives in towns for much less arduous labour than is required of labourers in mines and are about the same as the wage paid on some farms, while it is very little more than the usual wage of a shilling a day which is paid for casual labour on many farms. In these circumstances, it is probable that the low level of wages on the mines is a large factor in preventing the requisite number of labourers from among British South African Natives being available for mine labour.

833.

Only a very small proportion of the Natives employed in the gold mining industry is ever likely to be permanent dwellers on or near the mines. At present there are only 1,518 married Natives with their families housed on the gold mines of the Witwatersrand. Because of the comparatively short periods of continuous service of the Natives on the mines, the incidence among them of miners' phthisis is much less than the incidence among European miners who work continuously for a number of years.

Phthisis.

834.

Native labourers in the mines are examined for the purposes of the Miners' Phthisis Acts by the mine medical officers acting as examiners under the Acts. The Miners' Phthisis Medical Bureau exercises a general supervision and control over the work of the examiners. All Natives suspected to be suffering from silicosis or tuberculosis, who are detected by the examiners, are sent forward for examination by the Bureau. During the year 1930-1931, 1,834 Native cases were so sent forward for investigation. Of that number, 464 were found to be free of " compensatable disease," the remainder, 1,370, being classified as follows: 420 with simple silicosis, 270 with tuberculosis with silicosis, and 680 with simple tuberculosis. The total number of compensation cases has not varied greatly over a number of years.

835.

As is shown in paragraph 935, compensation for miners' phthisis for Natives is very much lower than the compensation given to Europeans.

" Wastage."

836.

The " wastage " of Native employees on the gold and coal mines of the Transvaal, " wastage " covering those taking their discharge, those deserting or sent to gaol, and those who died, was 211,228 in 1930 as against a total average number of 217,376 employed.

Health, Housing and Feeding.

837.

The health, feeding, and housing conditions of Natives in the mines are governed by the provisions of the Native Labour Regulation Act, 1911, and are under the control of the Director of Native Labour for the Union.

Mines and Works Act Amendment Act, No. 25 of 1926.

838.

This Act authorizes the Government to make regulations providing that certificates of competency in the occupations of mine managers, mine overseers, mine surveyors, mechanical engineers, engine drivers, miners entitled to blast, and of such other classes of persons employed in, at, or about mines, works and machinery as the Governor-General may from time to time deem it expedient to require to be in possession of certificates of competency, shall be granted to the following classes of persons only: (*a*) Europeans, (*b*) persons in the Cape known as Cape Coloured or Cape Malay; (*c*) persons in the other Provinces who, if they were in the Cape would be regarded as either Cape Coloured or Cape Malays; (*d*) the people known as Mauritius Creoles, or St. Helena persons, or their descendants born in the Union. The Act also provides that regulations under any other paragraph of section 4 of the main Act of 1911 may restrict particular work to, and in connection therewith impose duties and responsibilities upon, the classes of persons mentioned above, and may apportion particular work as between those classes and other persons and may require such proof of efficiency as may be prescribed.

839.

The occupations covered by section 4 of the main Act are mines, works, buildings, roads, railways and other structures and enclosures on or above the surface of the ground. The term " works " include mechanical, metallurgical, reduction, dressing, petroleum, salt, drug making, lime, and pottery works; sugar, flour, and saw mills, and any places where machinery is erected or used, and dams, reservoirs, and other appliances for conserving water or for producing or transmitting energy, or for transporting water or material over the same, with the exception of dams or reservoirs outside proclaimed fields and used solely for agricultural purposes or for a public service.

840.

Prior to the Amendment Act, regulations had been made under the main Act of 1911, purporting to restrict a grant of certain mining certificates of competency to Europeans. When these regulations were declared *ultra vires* the Amendment Act was passed by Parliament. Regulations under this Act have provided that certificates of competency for certain operations in mining shall be limited to the four classes mentioned above. No other use has been made of the Amendment Act.

" Colour Bar " Act.

841.

There is, however, apart from the Act, a very definite " Colour Bar " which is enforced chiefly by Trade Unions under the Industrial Conciliation Act. Many Natives and Europeans have raised very strong objection to the so-called " Colour Bar Act ", frequently in ignorance of the fact that the Act itself does not apply except in the limited sense indicated above. The protest is really directed not against the Act but against the principle of exclusion of men from certain occupations on account of colour.

842.

The mining industry is the only one to which the Mines and Works Amendment Act, 1926, popularly known as the " Colour Bar " Act, applies. There is at present and has been during most of the lifetime of the gold mining industry a customary colour bar which brought about differentiation of occupations according to the colour of the employee. This was recognized in the Labour Importation Ordinance (Transvaal), No. 17 of 1904, which regulated the importation of Chinese labourers into the Transvaal. It set out in Schedule I the occupations in which such labourers should not be employed, and such occupations have continued to be claimed as belonging exclusively to Europeans.

843.

Under the Mines and Works Act of 1911, regulations were framed purporting to restrict certain occupations to Europeans, but in the case of Rex *v.* Hildick Smith (1923) these regulations were held to be *ultra vires*. The force of custom was sufficiently strong to prevent any change in the existing position after that judgment. In 1926 the " Colour Bar " Act was passed. It re-instated, in effect, the colour bar which had been held *ultra vires* in the case cited above.

844.

The contention of the Mines Department is that in certain occupations Natives are necessarily excluded, because in practice it is found that where the safety and health of a number of workers are concerned, a Native is wanting in authority to enforce order. The example given in support of this was the position of a driver of a locomotive. If such a driver is a Native it is found he has no authority over white persons who are desirous of breaking the regulations by riding on the locomotive or doing other prohibited acts. If the driver is a white man, he either succeeds in warning such persons off the train or he declines to drive, but a Native driver is often overruled by the white man and the law is broken. It was stated that accidents with resultant loss of life had actually happened from this cause. It is urged that however competent a trained Native may be from a purely technical point of view, because he is at present a social inferior on the mines, he has not the influence over the actions of either whites or of other Natives that the white man has and for that reason cannot enforce due observance of the regulations.

Free Competition and Civilized Standards.

845.

The " Colour Bar " Act is not so much an operative force as a statement of a principle which applies in a large measure in different directions. Your Commission has carefully considered the question of the probable economic effect of the removal of this discrimination, and finds itself unable to agree that this can safely be done at the present juncture. State policy cannot allow free competition between peoples living on such widely different levels of civilization as the Natives and the white population of the Union, and we do not consider that free competition would be to the ultimate benefit of the Natives. Differentiation is recognized in other spheres, and differentiation in industry is necessary to prevent the lowering of white standards of living, which is sure to be followed by a lowering of the standards of effciency and of culture. Should this be allowed, it will be necessary, after the process has worked itself out, and a new society has been created on a lower level, to start rebuilding what has been destroyed in that process.

846. Your Commission has pointed out elsewhere in this Report that the "Colour Bar" should be applied fairly, and not only against Natives (see paragraphs 186 and 506). It is, however, essential in dealing with these matters, to look at the position as a whole, and not claim for one section of the population adventitious advantages which are in conflict with the carefully balanced scheme of race relations which your Commission has tried to visualize throughout its Report.

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847. Dr. Roberts wishes to state that there are two cardinal principles which should govern the movement and employment of all citizens of the Union, namely freedom of movement, and freedom of occupation; and that to endeavour to limit the occupation or the movement of Natives is therefore an infringement of their rights as citizens of the land.

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848. Mr. Lucas submits as a result of the investigation the following conclusions on the subject of the colour bar:

849. The exclusion of Natives on the ground of colour from certain occupations, by law or custom, or by Government or trade union action, has served to embitter the attitude of Natives towards the European administration. Behind the phrase "Colour Bar" there has gathered the resentment which has been caused by the substitution for Natives engaged on public works of European labourers whose wages are subsidized out of general taxation, to which Natives contribute; by the actions of certain Industrial Councils which have used Industrial Council Agreements to cause the dismissal of Natives from posts which they had long occupied; and by the fact that the colour bar draws no distinction between civilized and uncivilized Natives but assumes that all are uncivilized. The opposition to a colour bar in the sense here described is very widespread. It was shown before the Commission in every part of the country. The colour bar undoutbedly plays a great part in creating ill-feeling towards Europeans in the minds of the Natives.

850. The colour bar is looked upon by the Natives as depriving them of a fundamental right to develop their own powers and to employ them lawfully as they please. It affords plentiful ammunition for Natives who speak and write against Europeans, and in this way does harm which far outweighs any possible advantage which it could secure for the European workman.

851. It is preventing the pupils in training institutions for Natives from taking up trades, and it is depriving the Natives in the rural areas, to which the Act was not intended to apply, of the services of their own people, without making similar services available from any other sources.

852. The colour bar is no protection to white civilization among the large number of untrained and unskilled Europeans. It cannot be effectively applied to labourers' work. The number of Natives who are qualified for skilled work is actually very small. Native witnesses stated they were quite willing to be required by law to accept for such work nothing less than is paid for it to Europeans. In those circumstances the performance of such work by Natives cannot injure white civilization. Several trade unions have now realized that their standard of living is not jeopardised by admitting to membership Coloured people and Indians, provided they are not allowed to work for a wage lower than the standard wage, and the same reasoning is valid in respect of Natives.

Diamond Diggings.

853. The number of Natives employed on the alluvial diamond diggings as shown in the Government Mining Engineer's Report for 1930 was 37,104. The Mining Commissioners estimated the number employed in July, 1931, in the three mining districts of Barkly West, Klerksdorp and Lichtenburg at 30,000. The economic and living conditions on these

diggings of both Europeans and Natives are very bad. On some of the older diggings quite substantial and what might be called permanent dwellings have been erected of clay or green brick with thatch or iron roofs, but on many of the newer diggings, more especially on those proclaimed in recent years, the Natives' shelters are of the most primitive description, consisting of a frame work of sticks with a covering of sacking or old tins beaten flat. The conditions of employment do not require the employer to provide accommodation for his labourers. It would not be practicable as a rule to do so because the work is of a temporary nature, and the diggers and labourers keep moving from one diggings to another.

854.

Certain areas such as Barkly West and Herbert have been proclaimed labour areas under the Native Labour Regulation Act, 1911. There the Native is required to enter into a monthly contract of service with his employer, the contract being registered. It sets out the rate of wages and other conditions. In other areas the Natives, being employed on a day to day basis, can work or not as they or their masters think fit.

855.

In the Barkly West mining district the prevailing rate of pay varies from 5s. to 15s. per week, but the average during the middle of 1931 was stated by the Mining Commissioner to be about 7s. per week for adult Natives. It is only in comparatively few cases and when the Native has been long in the employ of his master that a wage of 15s. a week is paid. It sometimes happens that no wage at all is paid where the employer is doing badly, and then the Natives work for food only.

856.

Out of his weekly wage the Native has to find his own food and quarters, and make provision for his family and for the payment of any taxes for which he may be liable.

857.

Many of the Natives on the alluvial diggings in the Barkly West district have grown up on the diggings and know no other home.

858.

In the Klerksdorp mining district, after the opening of the Grasfontein diggings in the Lichtenburg area, wages rose to 25s. per week, but they have gradually declined since then.

859.

The ruling rates of wages in the Klerksdorp district were stated by the Mining Commissioner to be from 7s. 6d. to 12s. 6d. per week without food, Natives working in an area where the claims are under water being paid 12s. 6d. He considered the average wage of the district to be 10s.

860.

The number of Natives on the Lichtenburg diggings is now, because of the reduction in the demand for labourers, much in excess of the needs of the diggers, and the wages paid have fallen considerably. Some Natives work for their food only, while a wage of 4s. a week with " nothing found " is common. Owing to the poverty of the diggers many Natives work for little or no pay, on the understanding that the digger will pay them something out of the proceeds when diamonds are found.

861.

The Native population at the diggings in the Lichtenburg area is estimated by the Commissioner at between 40,000 and 50,000 people. Fuel and domestic water are expensive. The Mining Commissioner pointed out that poverty was the main cause of sickness and disease there, and that many cases of enteric had been traced to the consumption of contaminated water drawn from claim holes. It was also stated that the Deverminization Officer had noted that whereas cases of pneumonia, typhus, and enteric were frequent in locations housing Natives who were either unemployed or in receipt of a low wage and thus without washing or heating facilities, locations housing the better paid labourers were singularly free from serious disease or sickness. Very little is done to safeguard the health of Natives on the alluvial fields. At one time in the Barkly West district, the District Surgeon paid periodical visits to the locations on the alluvial diggings, but this, it was stated, had been stopped on the grounds of economy. At Bakers, in the Lichtenburg area, a section of the diggers' field hospital with thirty beds is set aside for the accommodation of Natives. This is quite inadequate and patients are accommodated on the floor of the wards.

The Position of Natives under the Mining Laws of the Union.

862.

The mining laws of the Union have not yet been consolidated and, with the exception of the Precious Stones Act, 1927, which deals with prospecting and mining of precious stones throughout the Union, and the Reserved Minerals Development Act, 1926, which makes provision for the working of minerals on land alienated by the Government (subject to a reservation of minerals to the State), the laws relating to prospecting and mining are those passed by the various South African Governments before Union.

UNION.

863.

Precious Stones Act, No. 44 of 1927.—All persons desiring to prospect for precious stones must be in possession of a prospecting permit which can only be issued to a natural person who holds a digger's certifcate. There are two important exceptions to this rule, namely, (*a*) the owner of private land who may prospect his land by himself or his servants without a prospecting permit, and (*b*) the surface owner of land held under title containing a reservation of precious stones to the State, either of whom may obtain a prospecting permit without holding a digger's certificate.

864.

A claim licence authorizing the pegging of claims can be issued only to holders of diggers' certificates. Such a certificate may be issued only to a person of good character over the age of eighteen who is enrolled or entitled to be enrolled as a voter at an election of members of the House of Assembly. It follows, therefore, that a Native of the Cape Province who is entitled to the franchise has the same privilege under the law as Europeans, but in the other Provinces where there is no Native franchise no Native can acquire any rights under the law unless he be the holder of the precious stones rights or the surface owner of Crown land.

865.

Prospecting in the Reserves may be carried out only under the authority of a prospecting permit and with the permission of the Minister of Native Affairs.

866.

If a Reserve is proclaimed an alluvial digging, the acquisition of claims there would be governed by the same principles as govern proclaimed land elsewhere but special provision is made for protecting the occupational rights of the Natives living in such Reserves and compensating them for the loss of the use of such land as the result of proclamation.

867.

Section 24 of the Precious Stones Act provides:

(*a*) That the persons occupying such land shall retain their right to graze their stock, provided such right does not interfere with mining and digging operations;

(*b*) for the reservation of their use, of dwellings, stock kraals, land under cultivation, and sufficient water for domestic and irrigation purposes and watering their stock;

(*c*) if the location is on Crown land, there shall be paid to the Minister of Native Affairs for their benefit one-half of the claim licence moneys collected by the Government in respect of such digging, and in the case of a mine, 2s. 6d. per month for each claim area of 2,025 square feet comprised in such mine or mining area;

(*d*) if a Chief or tribe is the owner of the land, the holder of the precious stones rights shall be entitled, in addition to any discoverer's rights which may be granted to him, to the rights conferred by the Act upon the owner, but such rights may not be alienated without the approval in writing of the Minister of Native Affairs.

868.

Portion of the farm Klipgat in the District of Ventersdorp, owned by Natives, was proclaimed after the precious stones rights had been disposed of by the Native owners to a European firm, the valuation of those rights being considered by the Mines Department and by the Master of the Supreme Court on behalf of the minor co-owners as fair and reasonable. The owners of the precious stones rights received 235 owners' claims, but the Natives retained the right to one half of all claim licence moneys collected and the trading and water rights. The water rights have been leased on conditions which include payment to the owners of 7½ per cent. of all profits.

869.

Reserved Minerals Development Act, No. 55 of 1926.—The only qualification required of a person to obtain a prospecting licence under this Act is that he must be the owner, licensee, or lessee of the holding so that in respect of the rights granted under this Act, the Native is in precisely the same position as the European.

Precious Metals.

CAPE OF GOOD HOPE.

870.

Act No. 31 of 1898 as amended by Act No. 45 of 1905, and Act No. 16 of 1907.—Under these Acts there is a distinction as to race or colour and the Native is, therefore, in precisely the same position as to the acquisition of prospecting or mining rights for precious and base metals as the European.

NATAL.

871.

Act No. 43 of 1899.—Section 94 of this Act provides that "no person not being of European birth or descent shall be entitled to hold any licence or to peg out or to be engaged in work on any licenced holding otherwise than in the service and under the supervision of a duly licenced person, except as is otherwise in this Act provided". Provided no excavation is made, any person may prospect for minerals on Crown lands without a licence. Only a person of European birth or descent can take out a prospecting claim licence under which to peg off claims.

872.

The rights of the Native owner are protected by Section 43 of the Act which reads, "Notwithstanding anything to the contrary contained in this Act, an owner of land not being of European birth or descent may, in respect of land owned by him and of any minerals, metals or precious stones found thereon, exercise all the rights and powers conferred by this Act". The portion of that section dealing with precious stones has now been superseded by the Precious Stones Act, 1927.

873.

The Trustees of Native Trust lands have the right to grant "to any person applying for the same" permission to enter into and prospect for metals in such lands. Other provisions of the Act restrict this right to persons of European birth or descent and it follows that Natives are debarred from acquiring prospecting or mining rights in respect of Native Trust lands. The Trust receives one-half of the moneys collected by the Government in respect of any licences, claims or other licensed holdings or rights granted on such Trust lands.

ORANGE FREE STATE.

874.

Under *Ordinance No. 3 of 1904 (Orange Free State)*, the right of every landowner to prospect for precious metals on his own land without a licence is recognized. Except to a landowner, a prospecting licence may be issued only to a white person. As regards Crown lands, the Governor-General has a discretion as to the persons to whom he may grant permits to prospect. Only holders of claim licences may peg claims and such licences may be issued only to persons of European descent. Owner's rights accrue to the owner of a farm without any distinction as to colour. Prospecting rights and owner's rights can, therefore, be acquired by a Native only if he happens to be the registered owner of the land in freehold.

TRANSVAAL.

875.

By *section 130* of the *Precious and Base Metals Act (Transvaal)*, 1908, it is laid down that except as provided in section 24 in regard to reservations in Native areas, no right may be acquired under the Act by a Coloured person and Coloured persons are prohibited from residing on or occupying any ground under any right to mine. The Act definitely restricts the issue of prospecting permits and licences to white persons. The provisions of section 24 as to rights in Native Reserves are almost identical with those set out in paragraph 867 in respect of the Precious Stones Act.

Recruiting.

876.

Apart from the mining industry, which has been dealt with separately (see page 117), recruiting of indentured labourers takes place mainly for the sugar producers in Natal, but a certain amount is being carried out constantly by commercial recruiting agencies for farms and other industries throughout the Union.

877.

It is estimated that approximately one third of the Native labourers employed in the sugar industry are recruited, the bulk of them coming from Pondoland and Transkei. The period of the contract is usually 180 shifts and the standard wage at the time of the Commission's inquiry was 1s. 4d. to 1s. 8d. per shift for adult males, with food, quarters, and medical attendance. It is understood however that owing to the present depression, combined with the effects of severe drought in Zululand and the consequent unusually plentiful labour supply, some reduction in this scale of wages has recently occurred.

878.

The Commission took evidence in Durban from the Natal Sugar Millers' Association and the Natal Coast Labour Recruiting Corporation on the question of recruiting labour for the sugar industry. This Corporation was formed about 1920 to serve the labour requirements of coast industries, largely on the representations of the Director of Native Labour, who urged the need for an organization on the model of the Native Recruiting Corporation of the Rand Mines. It was a non-profit making organization. It was never able to obtain a monopoly of recruiting for the sugar producers. The Corporation is now in liquidation.

Luring-Away of Juveniles..

879.

During its tour of the Transkei, your Commission heard many complaints of what was described as kidnapping of juveniles by recruiters who were said to carry off these boys to Natal, the parents having no knowledge of where their sons had gone and in some cases losing sight of them entirely.

880.

The matter was discussed by the Pondoland General Council in June, 1930, when strong feeling appears to have been evinced by the members, many of whom testified to a very unsatisfactory state of affairs prevailing. It was said that the recruiting of boys under 18, without the consent or knowledge of their parents, by licensed recruiters who forwarded them mainly to the sugar estates in Natal, was common.

881.

It was stated that motor buses were constantly used for the purpose throughout the country, and picked up boys who were taken without passes into Natal. The Magistrates informed the Council that there was difficulty in stopping the practice or obtaining convictions, principally on account of the facility with which passes could be obtained for the boys after they had reached Natal.

882.

Under the provisions of Act 15 of 1911 a labour agent is debarred from recruiting Natives under eighteen years of age. We were informed, however, that the Government shortly after the Act was brought into operation permitted by administrative relaxation of the law, the recruitment of Natives below that age for agricultural labour, subject to certain safeguards and conditions to which the recruiter was obliged to conform. A copy of the latest circular from the Department of Native Affairs now governing the procedure in regard to such recruitment will be found in Annexure 22.

883.

In Durban the Commission questioned the representatives of the Natal Coast Labour Recruiting Corporation on the subject. About 20 per cent. of the total recruitment of labour (as apart from the voluntary local labour) for the sugar industry was made through this Corporation, the balance, in 1930, being supplied through the agency of commercial recruiting firms. It was stated by those representatives that, under instructions of the Director of Native Labour, the permission of the parents or guardians of juveniles must be obtained before recruitment, but that in practice such boys had often been attested by the licensed recruiters without such permission. They stated that when these irregularities came to their notice the boys were immediately repatriated at the recruiter's expense, but they agreed that the administration requires considerable tightening up in this regard.

884.

The Commission questioned Major Cooke, then Director of Native Labour, on the subject. He stated that only individual recruiters were licensed by the Department, that under the law there was no effective control of the organizations employing such licensed recruiters, but that if gross

misconduct on the part of such organizations were shown they could be dealt with administratively. One such case had within his recollection been dealt with, and the organization had been eliminated. In the case of licensed individual recruiters, many inquiries had been held by order of the Director and many licences had been cancelled.

885.

In Annexure 23 will be found a statement showing the names and numbers of all recruiting organizations working within the Union, numbers of licensed individuals in each Native area, and numbers of licences cancelled by the Director after inquiry into charges of misconduct.

Recruited Labour in Natal.

886.

By resolution of the Bunga a deputation representing that body was sent during 1931 to investigate conditions of housing, feeding, and work of Native labourers on the Natal coast and in the Natal coal mines. Their report was to the effect that on the large estates, generally, the housing and feeding were satisfactory, but that on some of the smaller farms visited the conditions were found to be "deplorable," while in others they were "all that could be desired." On the larger estates hospitals were provided and the treatment appeared to be adequate. On the small farms the owner gave such medical attention as was possible or sent the patient to hospital at his discretion. The delegates considered that in cases of illness steps should be taken to prevent labourers from being detained on plantations until such time as their lives were endangered, but did not suggest any way of doing this. They objected to juveniles under sixteen years of age being employed on plantations.

Integration.

887.

After considering all the evidence on the subject the Commission feels that there is much that is unsatisfactory about the present state of recruiting of Native labour for farming and industries other than the mines. In the case of the latter, which has been dealt with elsewhere in our Report, it is generally agreed that the Native Recruiting Corporation, which serves the mines, has reached a high degree of efficiency, that their recruiting work is carried on with due regard to the interests of the Natives, and that generally speaking there are no complaints of abuses such as those which have been referred to in the case of minor private recruiting organizations. The Native Recruiting Corporation has a monopoly of the supply of labour to all the Rand mines and it is no doubt in the main due to this form of rationalization of recruiting, that this satisfactory position has been attained. By working on so large a scale it can keep down overhead charges, select a good class of recruiter, and properly supervise them.

888.

A comparison of the recruiting methods and results of the N.R.C. with those of the other private recruiting bodies, leads the Commission to the opinion that an effort should be made to organize the agencies for obtaining labour for industries, other than mining, into larger units. They should, if possible, be of a co-operative nature and every assistance should be given towards the formation of such corporations. Where they are formed on such a basis and without a direct profit-making object, it should be possible to give them the monopoly of supplying labour to specified industries or areas.

889.

The scheme suggested here requires careful examination in detail and special legislation would probably also be required.

890.

It is strongly urged, however, that in any event provision should be made that private recruiting organizations, if they are to continue to exist, should have to be licensed in the same way as individual recruiters. Full responsibility should be made to attach to the organization as well as to the individual recruiter for the occurrence of such abuses as the luring away of juveniles without the consent of their parents or guardians.

891.

Cancellation of licenses in both cases should follow the proof of any such irregularity.

892.

As regards the recruitment of juveniles, while the Commission does not consider that it should be entirely prohibited, it seems clear that it should be allowed only subject to strict regulation, which should cover conditions of housing, feeding, and medical attention, as well as consent of parents. There should be a limit of age below which no recruiting of boys should be permitted.

893.

In another part of this Report the Commission has suggested that the services of tribal Chiefs should be made use of to help in the due control of recruiting of juveniles.

Recruited Labour in Malarial Areas.

894.

The Assistant Health Officer of the Union in Durban, in evidence before the Commission, strongly urged the view that the employment in malarial districts of Zululand, which he defined for practical purposes as north of the Tugela, of Natives recruited from non-malarial areas, was uneconomic and a source of danger to the parts of the country from which they came and to which they returned. He instanced outbreaks of malaria as far south as Port St. Johns which were attributable to the return of Native labourers carrying malaria from sugar estates where they had been working in malarial country. He suggested that:

> "Labour for north of the Tugela would have to be local and preferably from the coast flats of Zululand and Mozambique, as far north as the Limpopo which affords (unlike Lat. 22°) a definite landmark and accords with our sleeping sickness regulations.
>
> "At present Natives of Tongaland and all those of Mozambique, who are invaluable to us because of their partial immunity to malaria, go to the Transvaal mines, where the immunity to malaria is of no value; and a class of labour highly acceptable to the mines is recruited for our malarial belt. The one balances the other and the present position is uneconomic. There is not sufficient immune Native labour in Zululand to staff the sugar belt north of the Tugela, and we would have to draw on Mozambique a quota equal to that recruited from the highveld, which could be diverted elsewhere."

895.

Your Commission is impressed by the force of these arguments and stresses the importance of some arrangement being made between the mines and the industries requiring labour in the low veld of Zululand, whereby a quota of Natives from Portuguese East Africa might be available for the latter, for which they are particularly suited. When this arrangement has been made, recruiting in non-malarial areas for work in the low veld should be stopped, thereby releasing an additional supply for the mines.

896.

It seems clear that, as long as recruited labour is required for malarial areas, it is uneconomic as well as very undesirable from the health point of view, to bring it up from the Transkei, while much labour nearer home and free from the disadvantage of high susceptibility to malaria, is sent away for work in the mines.

Cost of Transport of Recruited Labour.

897.

In paragraphs 830 and 919 we give figures showing the cost to recruited Native labourers of travelling to and from the place of their employment and the nett balance of remuneration which remains to them. The extent of this cost is sometimes lost sight of when account is taken of the rates of pay which Natives are able to earn. It is plain that the expense is a serious drain on their earnings, and the recent increase on South African Railways in Native labourers' fares has, unfortunately, added considerably to the burden of it.

Wages.

898.

It requires an investigation involving considerable detailed work to give satisfactory wage statistics. This is particularly difficult when wages are paid partly in cash and partly in kind. Moreover the point must not be overlooked in dealing with wages in urban and rural areas, respectively, that the same amount of money will, in the latter, represent a considerably higher real wage. There are things which the rural labourer enjoys free of charge, or at a nominal cost, for which the town labourer has to pay, like housing, water, sanitation.

899.

As regards *wages in urban areas*, we give certain details which were collected by the Office of Statistics, by the Wage Board in the course of its investigations, by the Director of Native Labour in Johannesburg, and by local investigators in a few of the smaller urban areas. See Annexure 24—Tables I-VI.

900.

Wages for *mining* are given in the section dealing with this subject, and wages paid to *railway employees* have been furnished by the South African Railways and Harbours Administration and are given in Annexure 24—VII.

901.

As regards wages on *farms*, the collection of satisfactory information bristles with difficulties, in view of the fact that payment in kind plays such a large part and that, except in the sugar industry, there is still no large class of agricultural cash-wage labourers. In 1928-1929 Dr. J. C. Neethling and Dr. C. H. Neveling analysed farm-wage statistics available in the Department of Agriculture in respect of certain farms in Alexandria, Pietersburg, Zoutpansberg, North-Eastern Orange Free State, and Western Transvaal. A Table giving the results of this investigation, with explanatory notes, appears in Annexure 24—VIII.

902.

Your Commission approached the Secretary for Agriculture to have a further investigation carried out in like manner. A form was prepared in collaboration with officers of the Division of Economics and Markets, and information was detailed on this form by Extension Officers of the Department of Agriculture. For certain areas the returns collected were not sufficient in number to warrant tabulation but for five areas tabulations were made, namely in respect of the Western Transvaal, Northern Transvaal, Western Orange Free State, Cape (Border), and the Natal-Transkei Border. The figures obtained represent the estimated cost of the labour tenants to the farmer. The form on which the information was collected and the tabulated results are given in Annexures 9 and 24—IX.

903.

We draw attention here to a few of the results.

904.

The number of family units living on the farm, the number of full-time man-work-units supplied by them, and the percentage of their time worked on the farm were as follows:

	Western Transvaal.	Northern Transvaal.	Western O.F.S.	Border.	Natal-Transkei.
Family Units	4·94	6·07	5·18	6·34	7·74
Man-work Units	1·76	0·60	2·06	1·77	1·90
Percentage of Time Worked	85·82	35·56	86·35	82·79	59·49

905.

The cash wage varied from 16·77 per cent. of the total in the Western Transvaal to 54·35 per cent. in the Natal-Transkei Border.

906.

The wage per man-work-unit per annum is remarkably even, varying from £22·41 in the Northern Transvaal to £26·51 in the Western Orange Free State. The average family wage earned on the farm showed considerable difference, the lowest being £13·45 per annum in the Northern Transvaal, where the family gave only 0·6 man-work-units a year, to £54·62 in the Western Orange Free State, where 2·06 such units were supplied.

907.

These investigations represent the most careful work hitherto undertaken to give accurate information on the cost of farm labour. In view of the small area covered, and the limited number of returns, the results must be regarded as provisional.

908.

Your Commission considers that more detailed work should be undertaken on these lines, to make available reliable information about Native wages on farms.

909.

On mines in the Cape and diamond mines in the Transvaal, Native labourers receive quarters but must provide their own food. On other mines food and quarters are provided by the employer. Domestic servants are almost always housed and fed by their masters. In other occupations in urban areas the practice varies. This, as well as a fair sample of wages paid to Natives in Johannesburg, is shown in a Table which was prepared for the Commission by Major H. S. Cooke, Director of Native Labour. See Annexure 24—II.

910.

In Capetown the prevailing wage for labourers has been about 4s. 6d. a day with nothing found. This level was fixed by the standard of living of Coloured people which is higher than that of Natives. The introduction of Natives from the Northern Provinces at northern rates of pay for Natives is tending to bring down the Capetown rate.

911.

At Port Elizabeth a common rate, since the conference of Natives and employers in 1929, is 4s. a day with nothing found, but very many Natives receive less.

912.

In Bloemfontein a minimum wage of 3s. 6d. a day, or £1 per week for unskilled work in some sixteen trades or occupations is in force under a determination under the Wage Act.

913.

In Pretoria the wages of 3,000 Natives, employees of the Municipality and 117 firms, were tabulated. The wages of four-fifths of the Natives ranged from 40s. to 70s. a month with food and lodgings and from 50s. to 80s. without food and lodgings. The average wage was 45s. a month with food and lodgings and 65s. without food and lodgings. A questionnaire issued by the Pretoria Joint Council of Europeans and Natives in Marabas Location, and filled up by 50 householders there, including teachers, ministers, interpreters, and policemen, as well as labourers, showed the average wage for the heads of the households was £5. 1s. 1d. per month. The average monthly earnings of the women were 14s. 8d. and of the children 4s. 6d. and the average contribution for rent by lodgers was 5s. 7d.

914.

Table III in Annexure 24 gives a summary of Native wages made from returns furnished by employers to the Wage Board during its investigations between 1926 and 1929 into certain trades, including the manufacture of sweets, clothing, biscuits, boots, saddlery, furniture, baking, and certain other smaller industries. Returns were obtained from almost all employers in the industries concerned. When food or quarters were provided by the employers these were valued at 13s. per month for food and 8s. 8d. per month for quarters, and those values were included in the rate given in the Table, such rates representing the total remuneration in cash and kind. The Bloemfontein figures do not include the figures obtained in connection with the investigation which led up to the determination for unskilled workers in that town. Those figures are shown separately in the Table IV in Annexure 24. See also a Wage Board Table in Annexure 24—V.

915.

The wages paid to Natives in a few of the smaller towns are shown in Annexure 24—VI. These figures were obtained from extracts from the evidence, or from replies to questionnaires sent out by the Commission.

Natal Sugar Estates.

916.

The wages on the sugar estates in Natal for adult males are from 1s. 4d. to 1s. 8d. per shift, plus food and quarters, and medical attention. The cash wage for local Natives is thus from £1 14s. 8d. to £2 3s. 4d. per month of 26 working days. On many estates Sundays are paid for, provided the Native has worked during the whole of the preceding week: in these cases the wages range from £2 to £2 10s. per month. This does not apply to recruited labourers. The position of the recruited Natives, who represent one third of the labour force, is different, though they actually cost the employer more than the local Native. The former come mainly from Pondoland or other parts of the Transkei. The planter has to pay a recruiting fee of £2 5s. for each recruited Native; he has no guarantee that the labourer when he arrives will be capable of working; he has little protection against desertions, which on certain estates are frequent; and he has to make an advance of the railway fares from the Native's home to the estate, as well as a cash advance of about £2.

917.

Recruited farm labour is generally more expensive than local cash labour, but has to be resorted to owing to local labour not offering in sufficient numbers.

918.

The railway fare of the recruited Native to Durban, from which centre recruited Natives are generally distributed to the sugar estates, is about £1 10s. for the single journey. He also gets a small advance for food on the journey. The planter therefore has to find, before the labourer can begin work, from £5 15s. to £6, plus the fare from Durban to the estate. The planter is entitled to recover, from the labourer, the advance for travelling expenses and the cash advance. Travelling expenses, which, except in the case of desertion, the Native has to bear both ways, are for the Durban area 60s. and for the Empangeni area 85s., to which must be added not less than 5s. for food. Taking the Native's wage for 180 shifts at 1s. 4d. per shift, which is the common wage, his total earnings will be £12. Owing to weather conditions, illness, and other causes, it is estimated that the 180 shifts will not usually be completed in less than from seven and a half to eight months. Travelling takes approximately a week each way.

919.

If travelling expenses are reckoned at £3 5s. for a Native at Durban and £4 10s. for one working at Empangeni the average nett cash wage of a recruited Native for those centres during the time he will be away from home are shown in the following table:

Average Monthly Nett Cash Wage for absence from Home, of:

	7½ *months.*	8 *months.*	8½ *months.*
	£ s. d.	£ s. d.	£ s. d.
Durban	1 3 4	1 2 0	1 0 7
Empangeni	1 0 5	18 9	17 8

The railway fare and travelling expenses of £3 5s. for a Native going to Durban represent 27 per cent. of the total cash earnings. The corresponding figure for Empangeni is 37½ per cent. (Compare paragraphs 830 and 897.)

920.

Young Native boys who are recruited for the sugar estates get 8d. a shift, which leaves them a nett cash wage of from 5s. to 7s. 6d. a month for the time they are absent from home.

921.

It is understood that since the date of your Commission's investigation, there has been general reduction in the wages paid to local labourers in the sugar industry.

Advances.

922.

Under the Natives' Advances Regulation Act, No. 18 of 1921, the Governor-General is given power to regulate or limit the amount of an advance to any Native by any person who employs him. The advance is defined as "any sum of money, or an equivalent thereof or substitute therefor, in any form whatsoever, given or promised to a Native upon a condition expressed or implied that he or any dependant of his should enter upon, or continue in any employment".

923.

By regulations issued under the authority of this Act, the amount which may be advanced to any Native recruited under the Native Labour Regulation Act, 1911, is limited to £2, but in the case of farmers—except sugar, tea, and wattle planters—to £5 or one head of horned stock.

924.

The Native generally does not allow himself to be recruited until he is in a position when he must immediately have money to pay his General Tax or to provide for some other urgent need. At one time advances of large sums of money were made, and this led to considerable abuse. The present system is not entirely free from abuse, but the limitation of the amount effected a considerable improvement, and the Commission considers that no increase should be permitted.

925.

Magistrates in a number of districts stated that it was common for farmers to make to Natives cash advances of such an amount that the Native, with the wages he would receive, would not be able to repay for a considerable time. A number of Magistrates recommended that no advances of money to a Native should be legal for any amount in excess of one or two months' cash wages.

Deferred Pay.

926. The policy of the gold mines has been to encourage thrift among their employees. The individual mines accept against receipts issued on their credit moneys from their Native labourers on deposit or for remittance to their nominees. Over the period of five years from 1926 to 1931 a total sum of £730,924 was so remitted. Under the system which is in operation the individual mines place 75 per cent. of the sums deposited in one central account, invested in Government securities, the balance of 25 per cent. remaining with the individual mines, from which are paid current claims against the account.

927. A system of voluntary deferred pay in respect of British South African Natives was brought into operation in 1910 under which any mine Native labourer from the Union or Protectorates can decide to receive his earnings at home less 10s. paid in cash monthly to him at his place of employment. The growth of the popularity of this system is shown by the fact that in 1920, 27.9 per cent. of recruited Natives, in 1925, 32.8, and in 1930, 52.4 per cent. elected to come under the system. For the Cape Province, which is the main source of Union labour for the mines, the percentages for December, 1930, and January and February, 1931, were 76.2, 66.8, and 63.0 respectively.

928. Payments of deferred pay are usually made through the district agents of the Native Recruiting Corporation, and the sums remitted to the homes of Natives under this system average between £15,000 and £18,000 a month. The amount of deferred pay paid out for the five years 1926 to 1930 was £775,061.

Deferred Pay Board of Control.

929. The interest from deposits for safekeeping or remittance and of sums retained under the deferred pay system amounts in the aggregate to a considerable sum, but the sum in respect of each of the individuals concerned is so small as to make it impracticable to distribute the interest among them. In these circumstances, a trust board called the Deferred Pay Board of Control, consisting of three Government and three mining representatives with the Director of Native Labour as chairman, was formed. Money deposited for safekeeping or remittance or retained under the deferred pay system is invested in Government securities, and the accruing interest is administered by the trust board which makes grants in aid to or finances undertakings particularly designed for the benefit of Natives.

930. The existence of this fund and the excellent work which it does are not generally known among the Natives, and greater publicity would be an advantage.

931. Complaints were made in certain Native areas that Native labourers on the mines are not remitting to their homes as much money as was done in former years, and it was urged that deferred pay should be made compulsory either for all mine Natives or for all those who are minors. The Commission does not consider that such a provision should be made. It would be a serious interference with the rights of the persons concerned. The percentage of those making use of the voluntary system are quite high, as shown in paragraph 927. In 1928 a delegation of Government officials from Basutoland on a visit to the Rand opposed any system of compulsory deferred pay. They stated that the reason for the unpopularity of the deferred pay system in Basutoland was that the parents took the deferred pay of mine labourers on their return home and that, therefore, the man who did the work and earned the money did not benefit from it as he should, and had little control over its expenditure.

932. There is now under the Mozambique Convention a compulsory deferred pay system in regard to East Coast Natives, under which 1s. per shift of their earnings, after they have worked for nine calendar months, is retained to be paid to the labourers when they return to Portuguese territory.

933. In regard to Natives employed otherwise than on the mines of the Witwatersrand, there are a few unimportant deferred pay systems but, in the main, Natives have to rely on the Post Office. All Native Commissioners' offices throughout the Union function as remittance agencies for transmitting, free of charge, the earnings of Natives which they wish to send to their homes.

934.

In the case of juveniles recruited with their parents' consent it is a common practice to stipulate on the contract sheet that the employer shall pay out to the worker a small proportion only of his pay, the balance being either remitted monthly to the parent or held for payment in a lump sum to the worker on completion of his contract.

Compensation.

935.

Lump sum benefits are paid by way of compensation to Natives employed on mines and works under section 22 of the Native Labour Regulation Act on the following scale:

for permanent partial disablement—from £1 to £20;
for permanent total disablement or death—from £30 to £50.

The amounts paid over by the Director of Native Labour for the past two years under this section were:

1929: £46,381.
1930: £44,049.

936.

There is no provision for temporary disablement, which frequently lasts for a long time and necessitates repatriation. The Transvaal gold mines recognizing this defect in the law, make compassionate grants according to a recognized scale. Physical disability as a factor in impairing prospects of earning a living is usually more serious to a Native than to a European, as the former is ordinarily a manual labourer and the latter can use his education or intelligence in securing some appropriate post. On the other hand under the Native communal system, the disabled Native is frequently cared for by his relations.

937.

Under the Miners' Phthisis Acts compensation varies from one-and-a-half to two years' earnings calculated, as in the case of compensation for disablement, on cash earnings only. The awards made during the past two years in respect of Miners' Phthisis compensation to Natives were:

1929: £67,348.
1930: £60,132.

938.

Natives employed otherwise than on Mines and Works have to rely on the provisions of the Workmen's Compensation Act and, in this connection Major Cooke said, "It may be assumed that owing to the necessity to comply with the conditions stipulated in the Act in regard to the giving of notice, etc., and to lack of appreciation of their rights, many Natives fail to secure compensation in circumstances where they would be entitled to do so".

939.

Under the Act, no compensation for accident is payable to Natives employed as domestic servants or in agriculture.

940.

Natives have the ordinary common law remedy for damages arising from accidents.

941.

The principle of lump sum benefits to Natives embodied in existing legislation probably took cognizance of the communal life of the Native tribes and contemplated the acceptance of family or tribal responsibility for individuals. As the Native people develop, they are becoming more indivilualistic, and the unfit cannot rely to the same extent as formerly on the group affording them the means of subsistence. It follows that where there is lack of wisdom in the investment of awards for compensation, coupled with physical inability to earn a living, the beneficiaries are ultimately left without the means of support. Where the disability is substantial, it seems desirable that compensation should be made by way of periodical payments.

Trading.

In Rural Areas.

942. Under the communal system which existed among the Natives in their tribal state, trade was not practised on the basis of a medium of exchange: such limited trade as existed was carried on by barter. This is probably sufficient to account for the fact that the aptitude for trading is as yet only slightly developed among Natives. There are instances of Natives successfully carrying on business for themselves, but they are at present few. In the Reserves trading rights were acquired by Europeans before any demand to hold these rights arose among the Natives. In the Transkei it is the practice that no licence for a trading site shall be granted within less than five miles from an existing trading site. These sites are all in the hands of Europeans, and this practice created for them a monopoly of trading in the Transkei. In other areas also a virtual monopoly has been obtained by Europeans. Many Natives are employed in stores in Native areas as assistants, and even managers, evidently with satisfactory results to the employers.

943. The Commission considers that opportunities to Natives to trade in the Reserves should be given freely, and that in the issue of any new licences preference should be given to Natives. In the Transkei the five mile rule should be modified in respect of the more thickly populated areas.

944. In most of the Native areas, trade by means of barter is universal. Maize and other agricultural products are taken in exchange for goods, and apparently no distinction is made in respect of different qualities of the produce.

945. In the Transkei wool is generally bought by traders for cash, but owing to lack of grading the man who produces wool of good quality receives no more than the man whose wool is inferior; all kinds are thrown together and sold as inferior wool.

946. The Bunga is endeavouring to find some method of breaking down the system of barter, and to substitute for it cash purchase and sale, but as yet without any success. The system of barter is regarded now by large numbers of Natives as a grievance.

947. The trade done with Natives which formerly comprised mainly what was known as "kaffir truck," blankets and beads and copper wire, is now approximating more and more closely to trade with Europeans. The demand for certain classes of goods, for example prints and blankets, is subject to changes in fashion. The development of mail order business, and of motor transport, is bringing Natives in rural areas more into touch with shops in the large urban centres, to the detriment of the turnover of the local traders.

948. Witnesses in the Transkei estimated that the book debts of traders in that area are not less than one million pounds. The bad debts, however, do not appear to be excessive, though a trader frequently has to wait an unduly long time for payment. Many witnesses commented upon the honesty of Natives in paying their debts, however long they had been outstanding, the tribal Native not recognizing any law of prescription of debts.

949. A complaint which was stressed before the Commission is that the Native, particularly in the rural areas, has to pay more for the same article than would a European, while for the same class of goods of the same quality he would receive less than would a European.

In Urban Areas.

950. In urban areas in the Cape, Natal, and Transvaal, a number of Natives have established their own businesses, and though these are conducted on a small scale, the length of time that they have been in existence testifies to the fact that the owners have been able to make a living out of them. In Queenstown we were told of a Native who has carried on his own business continuously for thirty-five years.

951.

Major H. S. Cooke, ex-Director of Native Labour, dealing with trade between Natives on the Witwatersrand, said:

"In the locations on the Witwatersrand there are some 500 Native shops, the highest numbers being at Klipspruit (Nancefield) 40, Germiston 28, and Benoni 22. At the Alexandra Township there are approximately 45.

"The small capital at the disposal of the Native trader precludes him from buying on the most advantageous terms. It is, however, a common sight in Johannesburg to see this class of Native purchasing considerable quantities of goods at clearance sales and the like. The stocks carried are usually small, but I have been impressed by the wide range and good quality of those of general dealers. Trading is popular amongst Natives and in places like Nancefield and Benoni it has been found necessary to restrict the number to ensure a legitimate amount of business. Their clientele is almost exclusively amongst their own people within the Location.

"The average trader seems to do reasonably well and few seem to fail to make a living. I know of none who can be regarded as prosperous. I am of opinion that trading by Natives in locations set apart for their occupation is a legitimate aspiration and that their efforts, so far, have been sufficiently successful to justify the belief that experience, coupled with some uplifting of the economic depression of the location dwellers in urban locations, will improve their condition and prospects."

952.

The licence fee for trading, which is fixed on the basis of European trade, is a very heavy burden upon the small Native shops.

953.

In Durban and Pietermaritzburg, under an arrangement between the local authorities and the Union Treasury, the local authorities are allowed, in respect of their Native markets and Native locations, to let out booths for trading to Natives under one licence for the whole building which contains those booths. Such a system, if extended, would be helpful and would be much appreciated by Natives.

954.

In the Orange Free State general dealers' licences are very seldom granted to Natives, even in the Native locations. No convincing reason has been advanced to the Commission, against granting these licences, but the influence of the opponents on the local authorities in that Province has so far been sufficiently powerful to prevent the issue of any licences to Natives. Similar influence has prevented the granting of trading licences in a number of town locations in the other Provinces. Your Commission considers that it is unreasonable to prevent Natives from obtaining trading licences inside Native locations, and that trading by Natives in their locations, under licence, should be encouraged.

955.

There is provision in *section* 22 of the Urban Areas Act as amended by the Amendment Act of 1930, that a local authority may, and if directed by the Minister of Native Affairs after consultation with the Administrator and after due inquiry at which the local authority shall be entitled to be heard, shall let sites to Natives in the location for trading. So far the procedure there laid down has in the Orange Free State prevented the letting of trading sites or the issue of trading licences. In the opinion of the Commission an absolute discretion should be granted to the Minister to issue such licences whenever he deems it right to do so.

956.

In areas where the trader is the agent for the recruiter, indebtedness to the trader may be used as a lever to compel the Native to allow himself to be recruited. The trader receives a capitation fee, which varies in amount, but is frequently about £2. He often has to make an advance, the amount of which is now limited by law to £2, to the Native to enable him to make some provision for his family before he draws his first pay, the amount of the advance being recovered from the Native's employer out of his wages.

Interest.

957.

Natives have suffered considerably from usurious interest on their debts. A common rate of interest used to be 2s. 6d. per month on £1 or 150 per cent. per annum, while interest at 1d. per week on 1s. or over 400 per cent. per annum was also common.

958.

The Usury Act, No. 37 of 1926, has done something to protect a number of Natives, but its provisions appear not to be generally known and the evidence suggests that its terms are often evaded because of the Natives' ignorance of the protection the law was intended to give them.

Token System.

959.

On certain coal mines, in Natal, a system of credit has grown up based on tokens. In one instance the storekeeper has a concession or monopoly of trading with the employees of the colliery, at a rental calculated at the rate of 1s. 6d. per month per Native employed. Each day's work by a Native is noted on his ticket which also shows how much he is paid per day. When the Native produces his ticket at the store, he is considered good enough to be given credit for the amount shown as due to him on his ticket. If he decides to ask for credit for £1 he is given tokens and he pays for purchases from time to time with them. Tokens once issued cannot be redeemed in money. About two-thirds of the Natives at this mine take credit under this system from the store. The company gives the storekeeper each week a list of the Natives who are to be paid that week, and the storekeeper attends at the office at the time when the employees are being paid and collects the amounts which they owe to him. This system was very strongly condemned by all the officials of the district concerned, who pointed out that it led to serious extravagance, and it was also strongly condemned in the report of the delegation from the Transkeian Bunga which inspected labour conditions on the collieries in July, 1931. The tokens are taken for payment for beer, in the beer canteen, which is at the entrance to the compounds. The system is said to have been introduced to enable the Natives to keep count of all they spend. The management of the mine appears to approve of the system because as a result of the Natives spending their wages freely they have to remain longer in service before returning to their homes than they otherwise would. The families of the Natives, on the other hand, are opposed to the system because of that result. In the opinion of the Commission the system is pernicious, presenting many of the features of the truck system, and should be prohibited.

Marketing.

960.

Very little organization for the marketing of Native produce has as yet been effected. The amount produced for sale by up-to-date Native farmers is not as yet large. Owing to the custom of traders to lump all Native produce into one class, the up-to-date farmer does not as a rule get the benefit which his better product should bring him. To meet this difficulty, the Director of Agriculture of the Bunga in the Transkei assists Natives to market their wool, maize, eggs, and other produce that is of suitable quality for marketing alongside the produce of European farmers. The Citrus Co-operative Exchange is marketing in Europe oranges grown by Native farmers in the Western Transvaal.

Changes in the Position of Women.

961.

Considerable changes have been brought about in the position of Native women, through the contact of Natives with European ideas. With the introduction of ploughs, the breaking up of land for agriculture changed from women's work to men's work. Prior to the introduction of the plough, women had to break up the land with hoes. They were not allowed to handle cattle. With the introduction of the plough, the handling of cattle was necessary for ploughing and this work passed over to the men. This meant a considerable reduction in the burden of hard work which fell upon the women; but to-day, in some areas, because of the absence of the men at work on the mines or in the towns, women have to attend to the ploughing of their lands which involves their handling cattle. The carrying of wood, crops, and water, which was women's work, is now occasionally done by means of animal transport.

962.

European fashions in clothing have not materially affected the Native women's style of dress in Native areas, but the use of European cloth of various kinds has penetrated to the remotest parts of the countryside. Outside the Reserves European clothing is steadily taking the place of the old Native dress.

963.

Considerable progress has been made by Native women as a result of the spread of education among them, and educated Native women are taking a prominent part in Native activities. Education of Native girls presents the most promising means of bringing about a rise in the Natives' standard of living which will give the required incentive towards a higher production by the Natives from their land. In the towns Native women quickly adapt themselves to local conditions.

964.

The policy of the Urban Areas Act is to discourage the permanent settlement of Natives in towns. As a Native who has a family with him in a town is much more likely to become a permanent town-dweller than a single man, obstacles are placed in the way of women coming to the towns. The Act allows under proclamation the Governor-General or a local authority:

> " to prohibit any female Native from entering the proclaimed area after a date to be specified in such proclamation without a certificate of approval from the urban local authority and to require any female Native after having entered such area to produce such certificate on demand by an authorized offiecr:
>
> " Provided that—
>
> " (i) no such certificate shall be issued to any female Native who is a minor in law without the consent of her guardian; and
>
> " (ii) subject to the necessary accommodation being available, a certificate shall upon application be issued to any female Native who produces satisfactory proof that her husband, or in the case of an unmarried female her father, has been resident and continuously employed in the said area for a period of not less than two years."—Section 7 (*a*) (*d*) of the Native (Urban Areas) Act, 1923, Amendment Act, 1930 (No. 25).

965.

There is in many towns a number of female Natives who were there before the passing of the Natives (Urban Areas) Act, 1923, Amendment Act, 1930. In a number of these towns there is no accommodation provided for single women who are not living with their familes. In urban locations the general rule is that a municipal house will not be let to a woman, so that the position of a woman who is a widow, or unmarried, may be one of considerable hardship and even of danger. In some towns, hostels have been provided for Native women either by the local authority or by private enterprize, and generally such hostels are serving a very useful purpose and are well patronized. In almost every town, however, it may be said that there is inadequate provison for the housing of Native women.

966.

Owing to the low wages which their husbands earn, most Native wives in urban areas have to do something to supplement the family income. In some instances this is done by illicit means, such as selling of beer and other liquor. In the majority of instances the income is supplemented by laundry work, charing, or other domestic service. This work frequently involves the absence of the mother from her home, to the detriment of her family. Native communism ensures that neighbours will in such cases keep an eye on the children of an absent mother; but such help is not always available or adequate, and there is consequent neglect of children. The earnings of women from laundry work are often small.

967.

In some towns Native women take part in discussions at Native public meetings. It appeared to be the general opinion that changes in the position of women in tribal areas are taking place very slowly, but much faster in urban areas.

968.

Among Native girls, much progress is being made by the Wayfarer movement which is conducted on lines similar to those followed by the Girl Guide movement among Europeans. There are also certain purely Native movements of the same character.

Domestic Service.

969.

The great bulk of domestic servants in South Africa are Natives. In Capetown and generally throughout the Western Province, Coloured servants predominate. In the other parts of the Cape Province and in the Orange Free State, the preference is for females as domestic servants, while in the Transvaal and Natal males are generally employed in the towns and in certain rural areas.

970.

There are clear reasons for this peculiarity. There is especially the historical reason that the old Cape Colony came far earlier into contact with the Natives. In addition to this in the Cape Province the Native villages are nearer to the towns than they are in the other parts of South Africa. In several instances the village is actually in the town, as for example in the old towns of Kingwilliamstown, Queenstown, Grahamstown, Cradock, Kimberley. When these Native villages were established they were outside the towns, but with the growth of the towns they were steadily surrounded, thus producing problems. From the domestic point of view the nearness of the village gave ample opportunity for the employment of female servants. There was in the Cape Province less disinclination on the part of Native parents to allow their daughters out to work, indeed very often a mother would bespeak her daughter long before she was ready for service to some home where she herself had been a servant in her youth.

971.

On the other hand, in Natal and in the Transvaal the Native villages are rarely near the town.

972.

Then with Natives who are still in their tribal state, there is disinclination to allow their women folk to go out to service. Among other reasons they regard the dangers of town life as being too serious.

973.

Yet there is a growing desire on the part of many Europeans in the Transvaal and in Natal to employ more females as domestic servants; and to aid in this direction missionary and philanthropic bodies have organized hostels in several of the large towns. These hostels are still in their infancy and often are looked at askance by Natives, while there is frequently objection on the part of the Europeans to the establishment of such hostels in European residential areas. That they are meeting a need is proved by the fact that in Johannesburg alone there are 5,000 female servants employed, which is one-fourth of the number of males so employed.

974.

In the Transvaal or in Natal it cannot be said that the European homes make any definite and distinctive arrangements for the housing of female servants. This has been a great hindrance and will remain so to Natives allowing their women-folk to take service in towns remote from their homes. The permanently urbanized Native population is now providing a steady supply of female domestic servants.

975.

Lately classes have been begun in domestic science at several Native institutions. The girls so trained obtain employment very readily, although, in general, mistresses prefer to train their own servants.

Housing.

976.

On the mines, housing of Natives is generally in compounds or barracks. On the Kimberley Diamond Mines, to avoid the smuggling of diamonds, labourers are confined to their compound for the total length of their service, but on the Witwatersrand gold mines, Natives are allowed to leave the compounds from time to time on certain conditions. The housing is generally good, particularly on the newer mines. The provision of housing in labour areas, as defined by the Native Labour Regulation Act of 1911, is controlled under Government regulations. On some of the gold mines there are married quarters for Natives but the total number of married Natives for whom accommodation of this sort is provided is only 1,518. All such accomodation is eagerly made use of by Natives.

977.

The compound system on the gold and diamond mines involves separation of the inmates from their family life for the period of their service. Officials of the Native Affairs Department, and of the gold mining industry, consider that it is not to-day feasible nor desirable to make provision for large numbers of Natives working on the mines to have their families with them.

978.

In Natal there are certain regulations applying to farms in the sugar belt, issued under the Public Health Act, in regard to housing, but these have not been generally or effectively applied. As to the sugar mills, housing is controlled under the Native Labour Regulation Act.

979.
On the railways married quarters are provided on the Cape Midland system for 400 Natives, in Johannesburg for 103 families, and in Pretoria, at a rental of 10s. per month and 2s. 6d. for light per month, for 66 Natives. In other parts accommodation is not provided for married Natives.

980.
The general practice in farming areas is that the Native puts up a Native type of hut, with materials obtained on the farm.

981.
The value of good housing in attracting and keeping Native labourers is frequently overlooked. In certain areas very satisfactory results in attracting Native labourers have been obtained by employers providing good housing.

982.
In Zululand the substitution of wattle and daub huts for the old Zulu huts is considered by the Rev. John L. Dube as representing a deterioration in the standard of housing in the country and detrimental to the health of the people.

983.
The problem of making all Natives live in their locations is difficult, if not insuperable. In many cases where a Native's work begins very early or ends very late, the distance of the locations from his place of work makes it impossible while he retains that work and while the European employer wants him for it, to live in a location. This is especially true of the Langa Location in Capetown.

984.
The Urban Areas Act has led to a considerable improvement in the housing of the Natives in most towns. As we have shown in the portion of our Report dealing with urban conditions local authorities which erect houses for Natives have to charge sub-economic rents because the tenants cannot pay an economic rent. Even so the rent charged is generally such a severe tax on the resources of the Natives that large numbers of them are driven to take in lodgers. For this reason there is frequently overcrowding even in the new locations, with the likelihood of the growth of slum conditions in them.

985.
The houses provided by local authorities are, because of the cost, small, two rooms being the usual size. Such houses do not permit of privacy, a position which is aggravated when, as frequently happens, there are lodgers as well.

986.
Housing bears an important relation to the question of the employment of female domestic servants. Housing for domestics is usually provided in a building situated apart from the dwelling of the employer. Such housing is often unsuitable for an unprotected female employee. In Johannesburg, where three hostels have been provided in different suburbs for Native female servants, it has been made possible to employ Native female domestic servants in those suburbs.

987.
Housewives living sufficiently near to the Native locations to make it possible for their domestic servants to go home every night are beginning to make use of female Native domestic servants.

Indigency and Mutual Aid.

988.
The poverty of individuals which occurs among Europeans is not common among Natives. Their communal system cares for all its people. Broadly speaking there is no starvation because each man will share his food with others. This is the explanation of so very little having been needed from public funds in the way of poor relief for Natives, despite the low standard of income of large numbers of them. One Native witness expressed the Native view forcibly in the phrase that among the Natives " a needy family was a disgrace to the State ". Instances were quoted in towns of a Native who had work giving it up for a few days in favour of another who is unemployed. In this way, while helping each other, they avoid being ordered to leave the town because of not being employed.

989.

Such poverty as exists, therefore, applies to the whole of the community among which it occurs, but urban conditions are beginning to break down the communal traditions, and instances were quoted to us of Natives who found it necessary to hide what food they have, because sharing would tend to leave them without the necessaries for their own subsistence. When Natives are trying to live in urban areas on the wages they receive there, the coming of friends puts a strain on their limited resources. Evidence led in Capetown seemed to show that among Natives there, separated as they are from their own tribal background, the breakdown of communal sharing has proceeded at a rapid rate.

990.

The Native bears his own indigency problem as a rule, but many Magistrates report the need for a poor relief fund for Natives in their areas.

Home for Aged, Infirm, and Maimed Natives.

991.

A Home for aged, infirm and maimed Natives and for children who have no relatives capable of supporting them has been established at Driehoek, near Germiston. It is administered by a Welfare Committee and meets the needs of a class of Native which deserves the greatest sympathy. The average number accommodated is approximately sixty. The institution has great value as a social measure. The inmates are not required to find any payment at all as they are just the derelicts of employment. The Home at Driehoek is financed by the Deferred Pay Board and by contributions from the City Council of Johannesburg, some other local authorities on the Reef, and by private individuals, with a grant from the Provincial Administration in respect of paupers, and for committed children from the Union Department of Education.

992.

The maintenance of every poor white or every poor Native who cannot support himself has to be contributed by someone. The European population cannot face the prospect of having to maintain many hundreds of thousands of indigent Natives. The growth of poverty among the Natives, unless it is checked and reversed, will give rise to very difficult problems of poor relief. The improvement of the economic position of the Natives will, on the other hand, lead to an improvement in the level of the national wealth.

WAGE REGULATION