

Native Witnesses:

remain there instead of helping in the tilling of the land and they will attend beer drinks just like the old men.

Does that apply to the girls as well?- Yes.

But when they were grown up, after they had been through that ceremony, what work did the woman do at one time that she does not do now?- Nowadays, it is not the father who arranges for the marriage of his own daughter. The woman today just marries the man of her choice. She does not worry about what the father says and, likewise, the boy chooses a girl without the suggestion of the parents.

Any other changes that you know of?- Yes, things have changed now. Our girls nowadays choose for themselves, of their own accord - they enter into marriage without our consent and then they come to us and ask for their outfits. Our desire and wish is that the consent of the parents should be sought and it should be we ourselves who should have the right to give our daughters in marriage. That is as it used to be, and we think that it should still be so.

Are the women asking yet for the right to be heard in the councils of the men?- No, they do not ask for that yet.

You spoke of labour runners, have you any complaints to make about labour runners?- Yes, my complaint is this. These people will go to the miners, to the children, and they will induce these children to go to the works.

Do the runners go to the children without first going to the parents?- Yes. You find your child disappears. The runner takes your child to the white man without your consent and without your knowledge, and we do not like that.

How do you find out where your child has gone?- You know from the shops - you find out that a child has gone forward to the works.

Have you any other complaint about the recruiters

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or the labour runners?- Yes. we simply find, after the child has gone, that he has joined up. These children are so small and now the children simply go away of their own accord to where they are recruited.

Have you complained about the way in which the recruiters treat the grownup men whom they have recruited?- No.

Have you had any complaints about promises being made to these men before they go away and about these promises not being kept afterwards?- No, I cannot say that I have heard such complaints about the adults.

MR. EDWARD JAMES PRIOR ALMON CALLED and examined:-

CHAIRMAN: I understand that you appear here on behalf of the Village Management of Port St. Johns?- Yes. I have been asked by the local Village Management Board to say something about the urban Native areas. In dealing with Native conditions in urban areas, we find that conditions are rather difficult here. The main points on which I should like to say something are contained under different headings in your questionnaire. As regards the adequacy of administration, that is rather a difficult matter for us to give evidence on, because we realise that it is very difficult here to make any arrangement that would be general throughout the territories or throughout the colony.

You might make administrative arrangements which may apply to one part and not to another. Port St. Johns is more or less unique in its conditions. There is the question of housing and of rentals charged. Well, locally, we have what we call a location, which is some two miles from the village. The Board make it as easy as possible for Natives to live in this location. I think I am right in

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saying that these are the arrangements, a charge of 2/6d a month is made for a site in the location. The Board do not do anything in the way of supplying houses. The Native gets a site and he is offered every facility for putting up his building. He is given the wattle necessary for the erection of the place and the mud and the grass is also available, and the poles too. All the material necessary for building these huts is supplied by the Location Committee of the Village Management Board.

MR. LUCAS: Without any charge? - Yes, without any charge. Of course, they have to do all their own work. The Native has to put up his own building and, if he should leave at any time, the building remains the property of the Board.

The reason why more use is not made of the location is that it is not near the village and, so long as the Natives can obtain places in the village to rent, they remain here much rather than going out to the location. You get the passing Natives coming in to look for work and they will hang about, perhaps for three or four weeks, and if they do not find any work they go off. Now, these Natives are catered for by different property owners who let rooms to them in, what I would call, shacks. It seems that there are several places in the village which, in reality, are nothing more than sheds with packing-case partitions, and these are let out to Natives at something like 10/- per month. 10/- a month is more or less the general charge. That sort of premises is more occupied by Natives passing through looking for work and by Native visitors to the township, and by local servants who cannot get accommodation at the places where they work and who do not want to go out as far as the location, which, after all, is about two miles out.

Originally, we had another location before we

shifted the place to where it is today. Every Native was given twelve months free to build his premises in the new location.

As far as local housing is concerned, conditions are not at all what they might be. The premises are more or less just hovels and there is no means of sanitation whatever, as far as I can gather. That is to say, no arrangements have been made from the sanitary point of view. We have public conveniences for our Natives, but as far as the premises they occupy are concerned, there are no arrangements made and the difficulty is that the Board has not got the power to enforce any sanitary arrangements.

CHAIRMAN: You are referring to Natives living in among the Europeans?— Yes, they are living among the Europeans. I am referring to Native and coloured people.

With regard to recreation, I do not think I can give you any information, as nothing of an organized nature has been done for the recreation of the Natives. A little while ago there was a tennis court which was leased by some of the Natives in the village, purely on their own. But that is all, so far as I know.

Then in regard to disease. This I could have dealt with more or less under the heading of sanitation. I have discussed the point with our local medical officer of health, and he has pointed out the very acute danger if there should be an epidemic in any shape or form. None of the Natives are housed under conditions which one can control. You have today five or six Natives living in one hovel and, if an epidemic should break out, it would be a matter of the greatest danger, not merely to the Natives alone, but to the Europeans as well.

There is also a great danger here with regard to the spread of venereal disease. There is certain legislation

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about the enforcing of the reporting of diseases and the controlling of such diseases, but it is a very difficult matter to cope with and undoubtedly, in this village, we run a very great risk of contracting disease from the Natives who have not contracted the disease locally, but who come here in a diseased state and who spread it under the conditions in which they live among the other Natives. Most of the Natives here are servants, most of the girls are nurses and housegirls, and there is a very grave danger, if this position is not coped with, of the spread of venereal and other contagious diseases.

I believe we have arrangements for isolation huts at the local goal, where Natives who suffered from the disease were kept in some sort of isolation, but that does not seem to be very suitable, because the huts for that purpose are not fit for occupation and the Board is now taking up the question of trying to get better arrangements made for the isolation of the Native. The Native realises that he has contracted the disease and the general habit is for him to leave rather than to report to the police. He does not realise what he has done; he has probably spread the disease before he has left. The culprits are very rarely caught, and, as far as I can gather, there do not seem to be any means of inspecting whereby people can be found out.

Regarding liquor, I think the legislation of the Territory is fairly comprehensive in this matter, because, in the urban areas, police supervision is such that they can spot anything going on in the way of Natives obtaining liquor. There are only a minimum number of licenses. There are only two licenses here and, if there were much consumption of liquor among the Natives, the police would soon be able to put their finger on the spot.

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But there is another danger, and that is the Native beer drinking places. Apparently these places are not so much in the village, but just outside. There are quite a lot of shebeens and there is much difficulty in coping with matters outside. A man owning premises can give permission for a certain amount of beer to be consumed on the premises and there is very little chance of the police ever catching anyone in such circumstances. But this is the trouble - the person brewing beer does not merely consume on the premises but sells to all and sundry.

It has been reported on many occasions that shebeens are carrying on this trade, but the police find great difficulty in coping with this matter.

With regard to mortality among adults and children, from what I can learn locally, it is exceptionally small. heavy. For some reason or another, although there is great danger of epidemics, one does not get into touch with all these cases that take place, but reports which have come to the Board shew that the mortality is very small.

There is one point which I want to raise in a general way. Throughout the Territories you get the magistrate in every district, and the village which is the capital caters somehow for the Native. I do not know whether I am making myself clear, but the very fact that this is the capital of St. Johns, makes it necessary for Natives to be here. At times we have a few hundred Natives in the village on work which has to be done. St. Johns is a place where the main industry is that of catering for the visitors who come here, and the fact that it is the capital of the Native area, is more or less overlooked altogether. The point I am trying to make is, there is absolutely no arrangement whatever in this township, for Natives who come here on a short visit.

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DR. ROBERTS You have no hostel here? - No, that is the trouble, and if Natives have to stay here overnight and cannot get a doss down with their friends, they simply have to sleep out. In regard to feeding, under the liquor license the hotels are compelled to supply food to Natives, but there is no control of the charges, which the hotels are allowed to make and, naturally, it is not always convenient to cater for Natives, and so the charge is generally prohibitive, with the object of keeping them from coming.

CHAIRMAN: Could not the Board put up a hostel? - That is the point which I wish to come to. Applications have been made for licenses for eating houses, but they have been turned down on every occasion by the Board, simply because we do not want to have Natives here, as this is a holiday resort. At the same time, we have completely overlooked the fact that St. Johns is the capital of the Native area. Although it is their own country, their own port, and the capital of their own district, and of the magistracy, no arrangements are made to put up Natives. There is no doubt that the Bunga must have dealt with this question when it sat here. There was a piece of land a few miles up the river. The Bunga sat here and, during their last sitting here, hundreds of Natives were about.

I think it is essential that the Natives should be properly provided for.

I think you said that the attitude of the Board was that this is chiefly a holiday resort of Europeans and that, therefore, you do not want to encourage Natives. Now you must choose between the two - either take away the capital or provide for the Natives? - From the Board's point of view, that is the feeling, - it is a holiday resort - but I do not maintain that it is right.

The alternative seems to be obvious - the capital

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should be at a place where they have no objection to Natives coming in? - It should be arranged. It should be pointed out to the Board too that this is a Native magistracy and the capital of a Native area.

DR. ROBERTS: Where are you likely to build the new offices for the Bunga? - Several sites were contemplated. Where is the chief one? - I do not know.

CHAIRMAN: The combined council sits at Umtata? - Yes, the Pondoland Council sat here, but it has discontinued altogether now. It was contemplated that the Pondoland Bunga should sit here.

What wages are paid to Natives here? - The ordinary average woman here gets anything from £1 to 30/- a month.

MR. LUCAS: Is that with, or without board and lodging? - That is with board and lodging. Natives who specialise as hotel waiters, for instance, and chefs, get anything from £2 to £5 or £6.

CHAIRMAN: And the male Native who has not got any special knowledge? - He gets from £1 to 30/-.

The female gets as much as the male? - I think the female gets a little less, a very little less. She would get about £1. The average wage paid to a male is from £1 to 30/-.

MR. LUCAS: The type of house you refer to, was that for families? - Yes. I was not referring to people who house their own servants. That, of course, is under their own control.

Is the housing of female servants satisfactory here, are they protected at night? - There are no special arrangements made, so far as that goes.

That 2/6d per month which you charge for the wite, is that purely for rent? - Yes, rent only.

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No services rendered?— No, not even sanitary services. That is a thing for the future. They are trying to get on with it, but at present there are no arrangements made whatever.

How many are living in the location?— I do not know.

MAJOR ANDERSON: Is there any land for cultivation?— No, none whatever.

The Commission adjourned at 1.5 p.m. until 2.15 p.m.

(On resuming at 2.15 p.m.)

Mr. ZACHIAS MARSH was called and examined:

CHAIRMAN: You have prepared a statement which you wish to place before us?— Yes. The evidence I have to give is largely eclectic, gathered from various sources in the course of a 29 years residence in South Africa, and is chosen from and built up on contributions to the press in pursuit of a journalistic hobby extending over the past five years.

A sea career of some 21 years, from which I retired with the rank of Commander 29 years ago, hardly entitles me to speak on Native questions, but a sailor is always observant and, during the later period, I have been engaged in commerce in Johannesburg, associated with the mines, and still have a business there. Six years ago, however, I came to Port St. Johns and have been a resident here, living a more or less retired life. I thought I would let you know all this first so that you would know just how much value to place on my evidence, which, I hope, will be useful if even in a very small measure.

It can be assumed generally that recruited Native labour, either from mines or agriculture, is underpaid and over-exploited. The question of raising the wage for

Natives employed in the sugar industry, with its variable yield, is supported by public opinion among the Transkeian European community, but a storm of protest is always raised when a similar suggestion is made for gold mine labour; the excuse being the resulting product, having a world wide fixed value with fluctuations within extremely narrow limits, a rise in working costs consequent on a rise in wages, might effect wholesale unemployment by the closing of low-grade propositions: thus are we drilled.

The exploitation of the Native is well known, he is encouraged to attest as a recruit by the advance of a pound or two of his wages; induced to spend this on - or more often than not is given in lieu thereof - some gaudy articles of apparel in the way of flashy hats and showy loincloths, and then sent forward to his work in a conveyance for the payment of which another deduction is made from his still un-earned pay. Arrived at his destination, he becomes a victim to the blandishments of a concession storekeeper who will relieve him of three-quarters of any available pay he may have or to come, receiving in return more equally useless gaudy trappings of low economic value, and the Native worker's family will have to be content with what is left of his wages unless they draw deferred pay.

A matter that is causing a lot of discussion in the Transkei today and in Pondoland especially, where the Chief's influence is still paramount, is assisted voluntary recruiting. Mr. P.M. Anderson, Chairman of the Native Recruiting Corporation, at the last annual meeting held in Johannesburg on the 27th October, stated:-

"The rapid advance in popularity of the assisted voluntary system is illustrated by the steadily increasing number of Natives who embrace it. Whereas in 1928, when the system was introduced at Engcobo, 1298 Natives came to the Mines

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through its medium, it is expected that this year the system will bring at least 15,000. Launched experimentally only two years ago the system has proved extraordinarily successful and has demonstrated its great value as a recruiting agency."

There seems no reason to discourage this system, except inasmuch as it may ultimately lead to the elimination of the trader-recruiter's capitation fee and any profit made by the recruiter's private conveyance when taking the Native to his work. Against that, as a trader only he will benefit, and trade and the country generally will also benefit, if some modified form of the Portuguese system of recruiting be adopted.

It is estimated that some 65 to 70,000 Transkeian Natives are in continuous employment in the mines, earning £4,000,000 per annum, of which large sum less than £1,000,000 comes back to the Transkei by way of deferred pay or is brought by returning Natives. In view of the spread of assisted voluntary recruiting, this million is in danger of becoming a rapidly diminishing quantity, for once having got the Native to the mines the policy is to keep him there, induce him to renew his contract from year to year, possibly by a small addition to his pay for each engagement, until finally the Native has lost all notion of tribal control, does not return again to his home, is estranged from his family and the Transkei for ever, and with him, a further proportion of the million disappears.

Therefore, not only will this meagre 25% of the aggregate earnings of the Native returned to the Transkei be further reduced, but the supply of Native labour itself will suffer - is suffering today by a wastage of man power, and more and more the numerical disparity of the sexes will become evident; already we hear of the inviolable tie of

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lobolo being flouted, a native custom recognised as a binding proof of marriage, more binding even than a civil or religious ceremony; already we hear of roving bands of unattached young women rejoicing in "this freedom" of a newly acquired majority, sanctioned by an European-made law; and if some provision is not made, whether by insisting on deferred pay for the families of the assisted voluntary recruit, or by retaining and paying to him in the Transkei at least a quarter of his whole contract earnings, thereby encouraging him to return, the supply of labour from these Territories must inevitably decrease in the near future for the reasons stated.

There is another side to the question, the trader's point of view. The capitation fee for the recruit is only of importance to the recruiter, deferred pay is of much more importance to the trader in his main line of business, as it is also to the Native's family, his Chief, his country and one might with truth say to the very Union itself. Assuming £100,000 is distributed (probably it is not nearly this figure) among the trader-recruiters in the Transkei as capitation fees in the course of a year; this is a very small proportion of the Native trade of the Territories, it would be better to retain and augment, if possible, the provisions for deferred pay, and thus increase the spending power of the Native in his homeland.

Suggestions: In my opinion, the constructive suggestions the foregoing facts and figures indicate, are as follow:-

(1) A form of labour contract for Transkeian Native labour for the mines adapted from, and in some respects similar to, the articles of the Portuguese Convention for the benefit of their Native labourers.

(a) That Native labour recruits, after attestation, be

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given an advance payment of their wages if required, but not in excess of one month's pay.

(b) That the deferred pay system be encouraged and the advantages pointed out to the recruit by the attesting officer at the time of attestation.

(c) That twelve months be the limit of any contract, and that the last three month's pay of the Native labourer be retained in full and paid over to him, or his nominee, at the attesting office where he joined up.

(d) In cases where the recruit decides to allot deferred pay, if the total 12 monthly deductions of which equal three months' full pay, the provisions of (c) do not apply.

(2) That legislation governing the issue of licenses to recruiters and their runners be made much more stringent and in conformity with the resolution in Annex "A" and the evidence in Annex "B".

(3) That the next of kin and dependents of a recruit for Native labour be ascertained on attestation with a view to the payment of compensation claims to the right person in accordance with Native custom. (Annex "C".)

(4) That homeindustries be encouraged by way of vocational training in the education of young girls in order to limit in a measure the roving bands of unattached females by finding them suitable employment. (General evidence.)

(5) In order to put a stop to the wandering of detribalised Natives going about from location to location dodging taxation and work, that regulations be framed as suggested in Annex "D".

(6) That the multiplicity of small schools for Native children, sectarian or otherwise, be discouraged and a concentration made on larger ones by increasing the grants to schools employing certificated teachers and withdrawing any grant to smaller schools with uncertificated teachers and

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a meagre attendance. This in order to conform to the now generally accepted principle that country schools should be as few and as large as possible, and where opportunity offers existing schools should be amalgamated.

(7) Finally, that in all matters of a domestic policy a larger share of responsibility be given the Native people, through their District and General Councils, in the deliberations preceding legislation for their governance. (Vide Annex "E")

In regard to my above suggestions, I give below the annexures referred to:-

Annexure "A": Extract from Report of the proceedings at the Last Session of the Pondoland General Council held in June 1930.
Child Labour for Natal: Recruiting Methods Denounced.

Fully half a day was spent debating a resolution moved by Chief Victor Poto on (1) The recruiting of youthful Native labourers who are under the age of 18 years; and (2) the payment of deferred pay earned by agricultural labourers.

Every magistrate of the seven districts of Pondoland, and practically every member of the Assembly, spoke to the motion, all testifying to the greivous state of affairs existing in this connection, and some of the harrowing detail, reflecting great discredit on the exploitation of quite young children by agents and runners, who by devious ways and for their own benefit, secure this form of cheap Native labour for the sugar estates of Natal.

From statements made by both the Paramount Chiefs of Pondoland the recruiting of these boys, without the permission, consent or knowledge of their parents, was a common occurrence. Ofttimes the first information received was a notification of the death of the child sent by another labourer from some sugar estate in Natal. In other cases, where the children returned, it was found they had acquired

evil habits by association with detribalized Natives, were quite unmanageable and quickly disappeared again, never to return. In the majority of cases, however, these lost children simply vanished, probably joining up with other wandering Natives at the termination of their contracts and, drifting to the urban centres, were quickly lost to all family influence and tribal conditions. Invariably an application to the local recruiter resulted in his denial of all knowledge of what had become of the child.

A story was told by a councillor of a headman who, in 1929, lost his son, a child of 11 or 12, and caused a great search to be made, without success. Some months afterwards, a letter received from a labourer on an estate in Natal informed the father his boy was there and very sick. The father went to him, found matters as stated, and the boy could give no information as to who had recruited him or why he was taken away. The father brought him home, but the child did not recover and died shortly afterwards.

Another case was cited of two young boys sent home by motor bus; they were put off on the roadside near their kraal, and died before reaching there. Also of several cases where over-age youths attested and were issued passes which they turned over to younger boys to enable them to get away. It was also stated that motor buses were continually passing through kraals picking up boys and, passes or no passes, rushing them over the border into Natal.

Then the District Magistrates, one after the other, spoke of the difficulty of obtaining convictions or stopping the practice, principally on account of the facility with which passes could be obtained in Natal without reference to where the Native came from or belonged. Reference was made to legislation existing under the Native Labour Act 15 of 1911, sections 4 and 5, but the provisions of this Act have

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been confirmed and also set aside on appeal so often, it was difficult to understand the position clearly unless in application to the recruiting of mine labour. Speakers mentioned that the police were active and stopped the irregularities to a certain extent.

Chief Victor Poto, in accepting the following amendment, proposed by Mr. Lowe, the Magistrate of Tabankulu, emphasized the bad system of payment of deferred pay to agricultural labourers through the recruiters, of the stoppages made on account of goods advanced before attestation, and the difficulties experienced in getting any balances paid in cash. The resolution as amended read as follows:- "That the Government be respectfully requested to institute at once a strict and impartial inquiry into the conditions under which Natives are recruited for the sugar estates in Natal, and introduce legislation additional to the provisions of Act 15 of 1911." This was carried unanimously.

Annex. "B": Report of a discussion at a meeting of the Farmers and Traders Association, held at Port St. John, February 25th 1930.

An interesting discussion arose on the recruiting for the sugar estates of Native umfaans between the ages of 12 and 18 years and where the parent's consent is necessary before attestation. It seems to be the practice on the part of some recruiters to round up any umfaans they can find, whether employed or otherwise, provide them with parents on the spot for attestation purposes and ship them off to Natal. Apart from the fact this policy denudes the district of herdboys and the like, it tends to remove these children from the care and discipline of their parents or guardians at a most impressionable age. Then these boys, who are only of use to the sugar grower as cheap labour, are unfortunately

subjected to the malign influence of a location, and when their term is finished they as often as not join the hordes of undisciplined and detribalized Natives and, as such, are a future menace to the country. It is not a difficult question; the recruiting of this class should be stopped at once. But in the meantime it was resolved to notify the police of any enquiry on the part of real parents of the children so recruited in order to demand the repatriation of the victims and bring to justice the instigators of these false declarations.

Annexure "D": Native Taxation - Urban Areas.

There is always a difficulty in the Transkeian Territories in collecting taxes from Natives unattached to a chief's location. To obviate this condition arising in the town's new Native location a regulation was submitted to the Administrator as follows:-

It shall always be a condition precedent to the granting of permission to reside in the location, that persons liable for any tax payable by Natives within the Transkeian Territories applying for such permission shall produce documentary evidence shewing:-

- (a) that all taxes have been paid to date, or
- (b) that exemption from payment of such taxes has been granted by competent authority.

This brought a query as to the necessity for this. The answer is: a number of Natives, many well-known undesirable characters wander about from kraal to kraal and location to location, dodging taxation. It is to eliminate this class of Native from domicile in the location that the article in question was formulated, it will go far to carry out the purpose if enforced.

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ANNEXURE "C": Items from the proceedings of the Third Session of the Pondoland General Council. July 1929.

A proposal moved in 1928 session by Cr. P. Soxunjwa - "That Government be respectfully requested to provide that the age of majority of Native women be not recognised by law". This had been referred back to the District Councils and people for discussion, resulting in the motion being unanimously supported.

On a motion that "The Government be respectfully requested to frame regulations dealing with cases of young men who proceed to the mines immediately after having married and are killed there; that any compensation due be paid to the deceased's father's side and not to the widows; and that such regulations apply only to those cases where the deceased left no children." In this connection a story was told of a young widow without children, who was paid compensation and immediately defied the kraal authority, packed up her traps and went back to her father; not only did she leave the kraal-head to settle her late husband's debts but her father demanded a return of her lobolo.

ANNEXURE "E": Status of the Native.

Mr. H. B. Butler, C.B., Deputy Director of the International Labour Organization, had many opportunities of observing Native customs and becoming conversant with the methods of Native administration during his tour of the Union in December 1927. He summed up the result and gave it as his considered opinion to the writer that "the status and method of dealing with the Native in the four Provinces was a tangled jazz". Every student of these methods, all lovers of peace and progress will support the contention that the Native must be given more representation, preferably purely

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Bantu representation, in framing laws for his governance and administration. This is evidenced by the tone of the discussions in any meeting of the Transkeian General Council. Who can read the reports or listen to the debates of these Native Councillors and then state "they are 1500 years behind white civilization". If they are, then they are catching up by leaps of half a century each year. Most motions proposed in this Council of the Transkei are of purely local concern, but now and again a subject is discussed that permits of the intelligence and natural aptitude for debate of the Native to have full play, and one of these occasions occurred during a recent session when the following motion by Councillor Moshesh was discussed?-

"That in view of the Native Administration Bills and Sovereign Independence of the Union as defined at the recent Imperial Conference, the Government be requested to define the status of the Natives in the Union."

It is generally agreed the proceedings of these Transkeian General Council Meetings are conducted, not only with dignity and decorum, but also with commendable concentration on the point at issue. Dr. Loram, lately one of the three advisors on Native affairs, made similar favourable remarks at the second session of the Pondoland General Council, Can it be suggested that men who are capable of conducting a debate in such manner are incapable of contributing any advice towards the solution of legislation affecting themselves? The Chief Magistrate of the Territories admits: "the Native is more qualified today than ever to be given a greater share in their own government.", and I suggest the wise aphorism of an old Native dealing with the same subject be considered: "Blind people are led, not drive, by those who are able to see".

MR. LUCAS: Can you explain what is meant by the assisted voluntary system?— I understand it is this, A man goes to one of the N.R.C. offices where he gets an advance, and that advance is used to take him to Johannesburg. I do not know whether he is attested here, but if he is not he should be. He certainly has to have a passport to leave. When he gets there, he joins up, so that his attestation does not take place here. These are things which the Commission might be able to find out.

What ^{diffe}~~reference~~ does it make to the Native?— To the Native it makes no difference, but it does make a difference to the industry.

In your statement you refer to bands of women roaming about. Does that apply to here?— Yes, here in the towns and in the urban areas. You will find them wandering about, some of them just dressed in Native manner, others dressed in European fashion - all doing the same thing - in common language, seeking men.

And in the rural areas?— Just the same thing. Of course, in the urban areas you find them generally dressed in European fashion.

Do you find them in considerable numbers?— That is largely a matter where I have to depend on evidence. I hear of them and I see a small number. You generally see them going about in batches of two or three, and they drift from one place to another.

CHAIRMAN: I want to return to this subject of these women roaming about and of these roving bands. Women come here to look for work?— There is no work for them.

There are housegirls?— The housegirls are generally taken from the village, they are generally coloured girls. We know them all by name, as Kate or Lizzie, and they wander from house to house, but that is not the class which I have in mind.

Mr. Marsh

The rest are going round living on immorality? Presumably that is so, but I have no figures to support that. There is a great disparity in the sexes and perhaps that is due to the lack of parental control - it may be due to the dearth of man power.

The men are drawn away? Yes, that is so and the other thing is this - the fact is being broadcasted today that, when the girl reaches her majority she is free. That is why this resolution was proposed by a member of the Council, that he did not want this majority of women to be recognised at all.

MR. MOSTERT: Is there any age of majority so far as these women are concerned? That councillor did not want any age to be recognised, but I would suggest something after thirty, because by that time a women usually has settled down. I say this - why not encourage home industries. A good deal can be done in that direction.

MR. LUCAS: What sort of industries have you got in mind? There are a variety of industries. I can give you a few instances. One or two hats were made by Native women here at a kraal close to Libode. They were very good hats indeed and they were sent to England as a sample, with the result that an order came out for 500 hats. Not one of these 500 that were sent out came up to sample.

What sort of hats were they, grass? Yes, they were grass hats. They were quite good and they had a worldwide demand, apparently.

CHAIRMAN: What other examples have you got? We have had several examples of Native manufacture. Generally they are brought by missionaries and, also I am not a Church man at all, missionaries, to my mind, could be supported in this way, by the encouragement of home industries. Now these people are making blankets and mats and all manner of things,

Mr. Marsh

and I think they are even trying to make their own kaffer sheeting. So far as the mats are concerned, I am quite sure that you would be quite proud to have them on your own floor.

CHAIRMAN: Those industries seem to flourish so long as they are under the eyes of the missionaries?— No, that is not quite so. I find that these industries which are undertaken in the kraal do quite well. You find them at Libode. If you make enquiries there you will be told what I am telling you today. I am told this, that various missions have been taking this matter up and that these things are sent to all parts of the country, to people who take an interest in them.

DR. ROBERTS: At St. Cuthberts they do allow the girls to take the spinning wheels for a certain sum, but they have found that they did not put them to the full use which they might do?— I am sorry to hear that, perhaps it has only failed in individual cases.

MAJOR ANDERSON: We had some evidence to that effect?— Well, I can only give you my views, and I should think that, if the matter were properly taken up, it would be successful.

It was also pointed out that these articles cannot compete with machine-made articles?— Not in sheeting, and yet they come very near, and there is no doubt about their being a long-lasting thing, but unfortunately the Native is encouraged by the cheapest and the trashiest things he can get. He is encouraged to get the cheapest stuff. Why should the Native be obliged to buy something cheaper because it can be sold chiefly to him — it is not cheap in the long run — it all comes in under the name of ~~the~~ kaffer truck.

MR. MOSTERT: Would you advocate doing away with

Mr. Marsh

recruiting?- Only so far as this assisted voluntary recruiting may be helped. I do not advocate doing away with it altogether.

You spoke of 15,000 Natives, assisted voluntary recruits, but the requirements of the mines are in the neighbourhood of about 65,000 from the Territories alone?- Yes, so I am told.

Do you think that these boys will come forward voluntarily?- Not at first.

And, therefore, you advocate that we should go on with our recruiting?- Yes, I think so, and I do not advise any other form of recruiting than that generally adopted by the Native Recruiting Corporation.

You were saying, with regard to these smaller boys, that they are recruited here, in a clandestine way, that is to say they are unlawfully recruited?- I know nothing about it myself, I am only quoting what I have heard.

I suppose you know that it is against the law to recruit these young boys?- Yes, I know that the younger boys must have the consent of their parents or their guardians before they can be recruited and no magistrate dare attest a small boy except with the consent of his guardian. But what if they produce a parent who is not a parent - the magistrate finds it very difficult to know.

Yes, there is a difficulty there from the employer's point, as well as from the parent's point of view. If you are a magistrate on the Rand, it would be rather difficult for you to say whether a boy has been properly recruited or not?- I do not think there are many complaints about the Rand. They have very little complaint about the N.R.C.

Quite so. We recognise that the mines must have their Natives?- Yes, that is so. I do not advocate Government recruiting - it is a commercial impossibility.

Mr. Marsh

CHAIRMAN: Why not?- Because you cannot get the same drive and same vim into a Government official that you can get into a commercially governed corporation.

SENATOR VAN NIEKERK: What if they paid them per head?- Oh, yes, then it could be done.

CHAIRMAN: Now you have a choice here between two things. The one a commercial system of recruiting with circumstances attendant upon that of which we have heard quite a lot of complaints?- Is that so.

You yourself pointed out a very flagrant one?- That is only in regard to recruiting here for the sugar estates. That is commercial recruiting, but it is commercially exploited recruiting.

That is one of the features of recruiting as it exists at present - it is one of the results of the drive?- That can be governed by law.

Yes, but it is broken with impunity?- The magistrates can deal with it - the magistrate the other day gave a ruling ---

Yes, but unless the case comes before the magistrate, the ruling is of no use?- There was a request here from the magistrates that the Government should be asked to institute a strict and impartial enquiry into the conditions under which Natives are recruited for the sugar estates, and that legislation should be introduced.

It is admitted there that the commercial recruiting leads to evils which require a further limitation of the system?- Occasionally.

It is evidently quite an important thing; you yourself lay quite a great deal of stress upon it?- That is so.

Is that not the natural result of the drive which you were dealing with?- Yes, it is, but that is not why I should say "Let the Government take over the N.R.C.".

Mr. Marsh

They could not do it. But I do think they could have more control over the other recruiting agencies which we have. The chiefs, the headmen, and even the Natives whom you asked this morning, all told you the same thing, that they have had little or no complaints against the N.R.C. system. Cannot that be adapted to any other form of recruiting?

DR. ROBERTS: No, because your mine men are paid double the salaries of what a minister of the Crown is paid. The chief people there are paid £5,000 per year and I do not think that those men who send to the sugar estates get more than £200 or £300 a year?— They get 42/6d per Native.

CHAIRMAN: There is every incentive to get Natives by fair means or foul and in that case there is a great deal of foul means?— Cannot we raise the age to 18?

It exists now. You yourself led evidence to the effect that the law is disregarded?— Yes, it is disregarded, but the magistrates tell you what to do.

The law is there, but it is evaded?— They tell you that it has only failed under this one Act and that conditions could be introduced to overcome that sort of thing.

Mr. Mostert: You also know that there are instances where small boys abscond from here and get over the border?— Yes, they run away from their parents.

Are you going to blane the sugar estates people for that?— No.

Now you said that you consider that about three quarters of the earnings of the Natives are spent in the store, where do you mean - which stores - do you mean the mine stores on the Rand?— Yes, presumably. In any case, they do not bring the money back. On the mines they are well paid and well provided for. They get enough to eat and have everything they want. May I illustrate it in this way. When I first went to sea, a sailor was paid £2.10/0 per month. He was not

allowed to have a bigger advance than one month of his pay. He sailed away in his ship and he went all over the world and probably he would come to a port where he could get ashore. His only means of getting money was through his Captain. If the captain liked to advance him a few shillings, he did so, but generally speaking he did not do so, because he knew what the result would be; the man would go into the nearest bar or, in the case of a Native, to the concession store. I, therefore, say that you should put it to the mine people to limit the advances on the pay which are made to him today.

Do you mean in the Territories before he leaves? - No, I do not. I say you can give him a month's pay here before joining.

The advance today is £2? - Yes.

Apart from his advance, there is his fare up to the Rand and his food and that brings it up to nearly £4? - Yes.

Now here comes a question, how are you going to restrict the able-bodied man to spend his money or to do with his money as he likes? - If he does not get it you restrict him.

That means that if you were to make it a law, you would not get sufficient labour for your mines? - I doubt it, I wonder.

I am speaking now about the able-bodied man and about your suggestion which was also made here this morning, that a boy should be recruited for 12 months only and then be repatriated back to his home and that his money should be deferred, or rather that the last three months should be deferred. That is rather putting the cart before the horse, because, in the last three months, he should get something to pay his fare back? - He can pay it out of that three months.

Do you think you could make a law whereby you could make that able-bodied man, who is a free man - whereby

Mr. Marsh

you could prevent him from spending his earnings as he likes? - Well, the Portuguese do it.

Yes, but you have a different Native to deal with there. If we were to attempt anything like that here, we should not have enough Natives from the Territories to go to the Mines? - That is not the opinion in the Territories.

Now, take your small boy, even he is against it? - Yes.

You were speaking about compensation and you said that the compensation was not going to the right quarters? - That is what we are told.

But you are quite satisfied that we do pay the compensation? - Yes. It is only in an isolated instance/such as this that the matter was brought home, that if it is brought home in one case it may be so in others.

If I paid compensation and someone gave it to the wrong person, well, it is rather hard on me if I have to pay it again? - I suggest what should be done. On attestation, the boy should declare his next of kin.

Will he know who his next of kin is? - He will know it when he is here, but probably he will not know it when he gets to the Transvaal.

MR. LUCAS: Do you know of anyone here who has got voluntary Natives for the mines - do you know what he has saved in recruiting fees? - No, I do not.

Do you think that that would have any effect on the number of Natives going forward - say a Native who went voluntarily were to get from the employer what is now being paid in recruiting fees, in capititation fees? - That is more or less what is happening. They do not get this then. They get an advance which enables them to go to the Rand.

Oh, but they have to pay that back, that advance? - I am not so sure of that.

Mr. Marsh

Have you worked out what a Native gets nett? - I am not sure that they do not get free the money which takes them to the Rand. Otherwise, why is it so successful? I have not been able to find that out.

Apart from that, do you know of any body of employers who, instead of paying £2.5.- to the recruiters, have paid that money in extra wages to the Natives? - No, I donot.

Supposing that were done, do you think recruiting would be necessary then? - Are you referring to the recruiting as carried on by the N.R.C.

Not only the N.R.C., the others as well? - We have the evidence that it is assisting recruiting. The benefit will become more and more evident.

Supposing that, instead of the money going to the recruiters, an extra 6/- or 8/- per month were given to the Natives; do you think that that would be sufficient to do away with recruiting? - I do not think that I would go as far as doing away with recruiting altogether, but if you asked whether that could be split, then I should say yes,

What would happen if there were no recruiting? - I suppose about half the boys who go today would go forward.

What would happen to the others? - They would remain here and loaf about in the kraal. You cannot beat a Native for loafing.

How would they meet their taxes? - They would probably wander about from kraal to kraal without any visible means of existence. They would dodge taxation and work.

Is not that very imaginary? - No, it is a very real thing today and, as a matter of fact, it is happening now.

You are talking about women in your statement and not about men? - No, men as well. I say it deliberately here "A number of Natives --- many well known undesirable characters, wander about from kraal to kraal and location to location."

Mr. Marsh

MAJOR ANDERSON: It is not a fact that all these private recruiters have to take out a license from the Government?- Yes.

And is it not in the power of the Government to control them?- That is my suggestion.

As regards this juvenile labour, is it not a fact that, before any employer can take on these juveniles, he has to get a certificate from the Inspector of Labour that his conditions of employment are satisfactory?- That is quite true, but that is more often than not not enforced.

It is not so much the system which is at fault as the carrying out of the system?- That is so.

MR. MOSTERT: As far as the employer is concerned, it is very difficult for the employer, no matter whether it is the mines or the sugar estates - when you get a batch of boys you have already paid so much for the boys, and it stands to reason that you do not know how the boys are being recruited?- That is so.

Now, are the employers to blame or are the recruiters and the magistrates to blame?- The recruiters are.

Whom else can you employ except a recruiter?- The recruiter is to blame. When they go through the kraals with their motor lorries, it is they who pick up the boys.

DR. ROBERTS: Do they ever supply them with drink?- I have not heard of it.

I suppose they could not very well do that?- It could be done, but I have not heard of it.

It is very curious, because I have seen these bombellas full up with Natives and they seemed to be in a peculiar dazed state?- The trouble we have in the Territories here is with kaffer beer and occasionally we think that this kaffer beer must be laced with something very much stronger, because of its effects.

Mr. Nourse

Mr. HENRY MAYNARD NOURSE

Resident Magistrate and Civil
Commissioner,

called and examined:

MR. LUCAS: You heard Commander Marsh's evidence about roving bands of females. Can you tell us anything about that?— I am afraid I cannot. I have never heard of them to any extent. There are Natives whom you find hanging about the punt, for instance. You find women who are not employed living on private property, and they go in for a certain amount of beer making.

Have you come across anything that you could attribute to the fact of their knowing that 21 is the age of majority and their breaking away because of that from their tribe?— No. I think the principal idea in the motion mentioned by Mr. Marsh was to prevent Native women getting married without the consent of their parents. Of course, you see, if the women go away and get married without consent, the parents do not get the dowry. As soon as a woman reaches her majority, the parents have no further control and they cannot prevent her, and that was the reason for the introduction of the motion.

Do you find that the women are claiming the right to do that because they are majors. I do not think so. Women do run away and get married, but I do not think it is because they know that they have reached the age of majority.

Now, about this kidnapping of children. You heard what Mr. Marsh said?— Yes.

Have you any suggestion to make as to how to deal with that — the kidnapping by recruiters?— Yes. I would suggest that no inland passes should be issued in Natal for Natives unless they are in possession of a pass signed by the magistrate at the place of domicile. Every Native who goes there for employment should be in possession of a pass from the district where he has been domiciled.

Mr. Nourse

What is the minimum age at which they can be recruited now?- Anything from 12 to 16 years.

Is it allowed to recruit them at 12 years of age?- Yes, if they have the parents consent, but generally speaking you can say that we reject boys of 12. We do not attest them because they are too young.

Do you get many parents who will not allow them to go when they are less than 16 years of age?- I cannot say that. There are quite a number who wish their boys to go to work, but, of course, there is a lot of impersonation of parents going on.

MR. MOSTERT: You dare not let the small boy go out unless he has the parents' consent?- No, we do not attest those small boys.

MAJOR ANDERSON: Where do they get their passes from?- Those who are attested get them from the local magistrate, and others go off and are attested in another district. They may go right to Natal without a pass. Some of these recruiters run them up in special motor buses and take the boys right away to the place of employment.

If that could be proved against the recruiter, would any action be taken; who would be responsible for taking action?- If we get complaints and if we can find out the recruiter, we compel him to repatriate the boy at his own expense.

And nothing further is done as regards the recruiter, is there no action taken against him?- No, there is nothing further done, unless it can be done on the ground that the boy went away without the consent of his parents.

MR. MOSTERT: In that case, he would lose his license?- Yes, if it were proved against him.

If it is proved that he has taken a small boy away without the consent of the parents, would he lose his

Mr. Nourse

license?— He would probably be recommended for the cancellation of his license.

MAJOR ANDERSON: In whose power is it to take away the license?— It would be in the power of the Director of Native Labour in Johannesburg. All recruiting licenses are issued at his office.

MR. LUCAS: Would there be any serious objection against the recruiting of anyone under the age of 18?— I think there would be, because a lot of boys, able-bodied boys under that age go out to earn money, and there would be a fear that they might be stopped then.

Are there any records kept from which we could find out the number and the ages of those who go forward?— We keep a record of all boys who are attested.

And do you keep a record of the boys who are recruited, and their ages?— We keep a number of these details.

Those records, are they sent to Head Office?— No, we do not send any records forward.

MAJOR ANDERSON: Have you had any cases of recruiters licenses being cancelled?— No, not in this district, but I may say that very few Natives recruited in this district are attested here. I can get statistics for you from the offices of the Native Recruiting Corporation at Umtata. Most of the Natives over the age of 18 go direct to Umtata and are attested there.

What happens to those under 18 years of age?— Well, the same applies to them.

Do they go to Umtata too?— Some Those going to Johannesburg, yes.

And those for the sugar estates?— Some of them are attested here, others go forward and are attested in Natal. We have not got a complete record.

Supposing we wanted to take two or three districts

Mr. Hourse

and find out the number under and number over 18 years of age going forward, where could we get these statistics? - The Native Recruiting Corporation's offices at Umtata keep certain records and we are furnished with the return of all Natives recruited from our district.

Supposing a Native goes from here to Natal and is attested there, are you not notified of that? - No, we are not notified.

Supposing that a Native from some other district is going forward and comes here to be attested, would you not have to notify someone? - No, but we would enquire from the district where he is liable to pay tax, we would make enquiries as to his identity number, for the purpose of issuing the necessary pass, but we do not notify that other district that he has been attested.

So you do not really keep a complete set of records here of all the Natives from your district who go forward to the mines or the sugar estates? - No, we do not keep records, except of the boys who are actually attested here.

You do not get many complaints in regard to recruiters? - No, I have not come across them.

The Commission adjourned at 3.30 p.m., and after conducting certain inspections proceeded to Umtata, at 9.a.m. on Tuesday, November 10th, subsequently resuming for the purpose of hearing evidence at Umtata, at 2.30 p.m. on Tuesday, November 10th.
