

Mr. Clarke, *Sen*

produce when they have got it; they are not allowed to move it.

Yes, that is the effect of the regulations, but you connected it up with ~~xx~~ discontent. Here you suggest that the discontent is the cause of keeping back progress; is that not what you meant?- Well, that point is simply with reference to the backward people; where they had to go to law to get their rights. I mention it in my statement.

MAJOR ANDERSON: Do you think the East Coast fever regulations could be relaxed entirely?- Well, I would not like to say they could be relaxed entirely, but East Coast fever began, or has become endemic years ago and there is absolutely no necessity for these restrictions at all.

Within the Territory?- I am talking about this district. I know more about this district than the whole of the Territory.

They are applied in the same principle throughout the Union; have you heard the veterinary people give any reasons?- I do not think they worry to give any reasons. I do not know what the idea is. In the Komgha district, where the disease broke out very much later than in our district, they cleared it out there in two years, simply because, when the veterinary surgeon was sent here - one to East London and the other to Kongha, they got at loggerheads with the farmers at once. They had a meeting and got a committee to work in conjunction with the veterinary officer and they at once got at loggerheads and at once sent Dr. Viljoen to come down. He was down in Komgha three times and, on every occasion, he had to

Mr. Clarke, *Sen.*

give in to the farmers; and the same in the Stutterheim district. I think Dr. Viljoen only went down there once, so far as I know and he himself said that the farmers told him, "We farmers live by farming and must have an outlet for our stock". At that time it was just about Autumn, I think, when they moved their slaughter stock and Dr. Viljoen is reported to have said, in the papers at all events, "You have eight farms infected with East Coast fever at the present time", - in these last six months; but notwithstanding that, after the farmers had pressed and said they must get their stock away, he said "Allright".

SENATOR VAN NIEKERK: Was not that under quarantine regulations - the removal of the stock? - From the very start the regulations prohibited the removal of stock.

No, but in the Komgha and Stutterheim districts they have allowed the stock to be removed; where they not allowed to be removed only under quarantine regulations? - I do not know about that, but what I saw was they were removed under the supervision of the officers.

MR? LUCAS: Anyway, a way was found for them but it has not been found for the Native? - That is so.

There is a way for the Native, is there not? - Not a way at all; it has been so for the last twenty years.

You say it is essential that Native matters should be dealt with by the Native Affairs Department alone? - Yes.

What difficulty do you find today? - In the olden days, before the Europeans took over the country, a Native, if he had a grievance, always went to his chief; he knows nobody else but his chief. When the country was taken over and magistrates were appointed, they took the place of the chief. A Native can always go to the magistrate

Mr. Qunta

- 3766 -

Mr. Clarke, *Sent*

and lodge his grievance and get an understanding, but with the outside departments like the Veterinary Department, they never see them; they know nothing about them. Some years ago, when a disease broke out like East Coast fever, a vet. would come down, quarantine a large piece of country, and the next day some poor begger would be run in for contravening the laws made yesterday. The Natives do not understand that sort of thing. Whereas, with a magistrate, they are always acquainted and advised by him. Previously a vet would come out, make a law, and the magistrate would know nothing about it.

MAJOR ANDERSON: Who would run them in, in that case - the police? - A stock inspector.

Did you say earlier in your evidence that fifty years ago the Tembus did not use beer? - No, I did not ^{see} ~~say~~ any ~~that~~; other tribes did, though.

The Tembus used no beer, even in their homes? - No.

Mr. AMOS QUNTA, called and examined:

CHAIRMAN: You state in your written statement that some customs of the Natives have been wiped away by Christianity. Can you instance customs that have been wiped away altogether by Christianity? - Well, I can instance such customs as I have mentioned in the statement I have made, such as ~~as~~ the yubulunga beast and uku tekaka.

Those customs no longer exist amongst Christians? - I should say yes.

But you say they have been wiped out by Christianity? - I should think so.

Your two answers are now in conflict; you say they have been wiped out by Christianity, but they still

Mr. Qunta

exist amongst Christians?- What I say is, they have been wiped out by Christianity, but they still exist amongst the heathen.

Take, now the yubulunga; do you not find that among Christians at all?- Very rarely.

But it does occur still?- Yes.

Do not the Christians lobolo in any form?- Oh, they do; lobolo is a custom which is still in existence, even amongst the Christians.

The yubulunga is part of the lobolo system, is it not?- Yes, it is.

Has that portion of it gone?- That portion yubulunga, really is a part of the custom which hangs on in a way, but the yubulunga is a custom which has fallen away.

There is, therefore, more lobolo practised amongst Christians than yubulunga?- Yes.

In other words, the Christian women no longer derive the benefit under the lobolo system that the red women derive?- In what way?

In regard to the yubulunga beast?- No. I do not know what is being practised in Natal; I am not speaking generally.

DR. FOURIE: Are you speaking of the Pondos, for instance?- Well, I would include the Pondos in a way, although they have not advanced; they are not so advanced as the Natives in this part of the Territories.

DR. ROBERTS: Now, what tribe is it you are speaking about definitely?- I am speaking of the tribes round here - the Tembus and the Fingoes.

SENATOR VAN NIEKERK: You speak here of land tenure and say that under the system of the Glen Gray Act the Native is not able to lose his land?- Yes.

Mr. Qunta

Do you think that it is best that the present system of one man one ^{plot} ~~block~~ should remain?- If the population has increased, one piece of land would be sufficient, if that piece of land were more than four morgen.

But that is not my question. My question is, should we stick to the present system of giving four morgen to one Native, or should we revert to another system of giving one Native the right to acquire two lands and the other Native the right to sell his land to this man; so that one Native may have two lands, and another no land at all?- I think it is better that it should remain that one man should have one land rather than one man should have two lands and another should have no lands at all.

Now, you speak about the education of the Natives and say they are making good progress and that the Natives are sending their girls to school, too?- Yes.

The statement has been made to us that of late Native parents are averse to sending their boys to school, - when I talk about the school I mean a higher school or training school; young men, after receiving education, leave their fathers starving, go to work and never send them any money, whereas these same parents are supported by the girls whom they have educated?- I would say, in some cases, it is so.

And is there a tendency now for parents to send their daughters to a high school in preference to the boys?- I do not think there is a general tendency; I think the Natives send not only the girls, but also the boys; they like to give their children some education.

MR. MOSTERT: But we find more girls than boys at school?- Sometimes it happens that a boy is averse to education and his father cannot control him and he leaves his

Mr. Qunta

father and goes up to the mines.

That is the reason why there are more girls than boys attending the schools? - Yes.

DR. ROBERTS: But you must make a very clear distinction between the ordinary common school and the high school and college? - Yes.

What about the ordinary village school, which has the most, boys or girls? - Well, I think they are mostly girls.

In the high schools or the training schools? - Well, in some institutions, the numbers are about equal.

And in the college? - For instance, in the Native college there are very few girls.

That is to say, as education goes up and up, the girls drop out? - Yes.

Why do the girls drop out? - I think one of the reasons is that most of the Natives do not see the advantage of educating their girls - giving them a higher education. I think most of them, after a girl has completed her elementary education, - what I mean by elementary education is when they have finished their teacher's course, - they require them to take up teaching.

SENATOR VAN NIEKERK: Under Native taxation you say every Native has to pay a poll tax and that the White man pays only income tax after he earns £400? - Yes.

Are you aware - I do not know what is the custom in the Cape Province - we Europeans in many provinces pay a poll tax too; I pay a poll tax of 15%? - I am not aware of that.

You seem to object to the idea that a boy of 18 should pay poll tax? - Yes.

What is your reason? - It is this, that a boy of 18, under Native custom, is still a minor - of course I

Mr. Qunto

will not speak about the age - well a boy is still a minor until he has undergone the custom of circumcision.

But at the age of 18 he has past that, has he not - he has passed through school by 18; his circumcision school? - No, well the average age of the children who attend schools - I mean training schools and high schools ---

You said the age of 18 here is too low and then you state he should be recognised as a man when he has gone through the circumcision school? - Yes.

I say, by the time he is 18, he has passed that school? - I see now.

When do they go to the circumcision school here? - Well, at approximately 20. Anyway, what I am getting at is this - of course I put in the word "circumcision" there to fulfil the Native custom; but what I am after is that a man should pay poll tax after he has attained the age of 21.

You heard the statement made here this afternoon by one of the witnesses that the reason why the Natives are not sending as much money back as formerly is on account of the good seasons they have had, but we have had evidence that many Natives are in want on account of money not coming home from Johannesburg and other labour centres. What is your experience on this question? - Well, I have not much experience in that way, but the little experience I have shews that these men who go up to Johannesburg, - or, it seems to me, they practise vices there - they are involved in too many vices and consequently waste a lot of money and, when they come back, they come without any money at all; they waste their money at the mines.

I see you state something about that here. Is your opinion this, that a Native who resides in a location

Mr. Qunto

and who can go out to work in labour centres - is he in a better condition than the Native who resides in the town?- The Native who leaves the Territories here and goes to work in the mines?

Yes; he may go out to work or he may not. Do I take it from your statement that he is in a better position than the Native who resides permanently in the town?- Yes.

MR. LUCAS: Is the expense of litigation here high, or too high; do you think anything could be done to reduce it?- Well, that goes according to the tariff.

But does not that tariff mean a very serious burdon to a Native because of the small amount of money he has?- Yes, to a certain extent.

SENATOR VAN NIEKERK: Is there an increase of pauperism amongst the Natives, - that is Natives going about begging amongst their friends?- Yes, there is.

Is it noticeable?- Yes it is, in the locations.

To what do you ascribe that; is it really poverty or is it a bad custom getting hold of the Natives to start begging?- I think it is due to poverty.

Is it usually old men?- Yes, but not always; I mean to say, sometimes it is people who own nothing at all.

But is it a fit man; can he work; is he capable of making a living by going out to work?- Yes.

Why should he beg?- That is true; but when he comes back he spends all his money if he pays all his debts and he remains in the same position as he was in. His going out to work makes him no better.

That is a very unsatisfactory state of affairs; it should not be. What I mean is this, if there are more old men who cannot fend for themselves, they have to go begging among their friends for a living - do you find that?- Yes.

Mr. Qunto

Are their own relations not able to support them?- There may be some who are able to support the old men, but sometimes they find very great difficulty in being supported.

Yes, but that was always the case with the Natives; they have always had these poor men. Do you think there are more now than formerly?- Well, I think there are.

Why should it be? We have been told here this afternoon that you have had five excellent years, that there is enough food here in the Territories and that you are exporting some?- Well, that is strange to me, because Natives may get a sufficient amount of food here in this district, or some parts, whereas, in other parts of the district they do not get sufficient food at all. So that the amount of food they get is not equal, it is not the same.

Yes, but you are speaking of this district are you not?- Yes.

With regard to the question of beer drinking; have you noticed an increase of beer drinking amongst Natives?- Well, beer drinking, I think, depends upon the amount of food they get from the lands. If they get plenty of food, well there is bound to be plenty of drink.

But we were told that, years ago, there was no drink?- Well, I do not know, but according to my experience, there has been drinking. I will give you an instance; in the Ngamakwe district, when I was a young boy, there were many affrays and these were due to drink.

What is your age now?- It is over fifty.

What age were you then?- I do not know what age I was then.

CHAIRMAN: WERE you a young boy 40 years ago or a young man?- A young boy.

Mr. Qunto

Are those Tembus?- No, they are Fingoes. Of course, I do not know what happened among the Tembus during that time.

MR. MOSTERT: You cannot speak about the Tembus; it may have been there was no drink amongst the Tembus?- No, I cannot swear to it; but what I say is, that drink has been a practise among the Natives for years; it is their natural beverage; I mean to say it fluctuates according to the amount of food they get.

DR. ROBERTS: Are there openings for men of your profession in the villages and small towns?- I should think so.

How many Native attorneys are there in the Transkei, do you know?- I know of only one.

It is not an expensive profession to attain to, is it?- It is.

How did you manage to get in?- Well, you mean with regard to my examinations and so forth?

Yes?- I took them by private study.

But you must have had some school education before that?- Yes.

Up to what stage?- As far as matric.

MR. LUCAS: And did you not have to be articled?- Well, after passing the examination, I had a difficulty; the Europeans were against me, of course. I had to go to Cape Town first and then I came back and was articled in Umtata.

For five years?- For three years; it is three years in the Cape.

DR. ROBERTS: That was after you took your matriculation?- Yes, and the law exam.

Did you take both these at Lovedale?- Well, I took them while I was teaching at Blytheswood.

Mr. Qunto

Then you are the only Native attorney in the Transkei?- Yes, I think so.

Can you explain why more have not gone in for it? Well, I take it that most of them have been under the impression that this profession can only be undertaken by Europeans. They were all the time, I think, under the impression that this examination or profession was intended only for Europeans; but some, of course, are hindered by financial difficulties, I think. There are now, I would say, one or two; one has already finished his articles and the other one is still serving his articles in Butterworth.

Would you say there is scope for Native men of your profession in the Transkei?- Yes, I think so, because the Transkei, I think, is the only part of the Union where a Native has a better scope in connection with the profession.

CHAIRMAN: Have you any articulated clerks?- No.

Have any Natives applied to you to be articulated?- No. There was an articulated clerk - the one I was referring to; I ceded his articles to Butterworth.

He was with you first?- Yes.

He is with an European firm now?- Yes; of course, his intention was to be near his father.

DR. ROBERTS: Then you do not think there would be scope in the other provinces?- Well, there is scope in the other provinces - I mean where there are Native reserves.

Well, I am at a loss to understand why you are the only chicken in the coop. Why have other Natives not taken it on if there is scope?- Well, I think I have explained it. I think it is because most of the Natives were under the impression that this practise was only intended for Europeans, but now they are beginning to see that it

is not so.

Mr. THOMAS WELLINGTON POSWAYO, called and examined:

CHAIRMAN: In your statement, you refer to the restriction of the Land Act driving Natives on to the farms; how can that be?- It comes about in this way, that some Natives left the Territories some time ago and then went to work on the farms. Some died there and left children. Those children, owing to the scarcity of employment on the farms, on intending to come back to their homes, sought means to come to the Territories and are then told to go to the place where their fathers were born. The sons, not knowing the place and not being acquainted with it did not go there. That is one of the restrictions of the Land Act.

You mean, instead of allowing the Natives to come from the farms into the Territories, it holds them on the farms?- Yes.

It does not drive them on to the farms, it holds them on the farms?- Yes.

But we have a lot of evidence to the effect that, under the Land Act, Natives have come from the farms into the reserves; is not that the case?- Some have, but those Natives who have come are really Natives who left the Territories. If the father dies there and the sons have to come back, they are prevented by the Land Act.

You say, a new generation is arising that is breaking away from the tribal customs; are the young people generally breaking away from the tribal customs?- Certainly they are, even in the Territories here.

Is that confined to educated people or also to red people?- It is confined almost to the educated people.

Mr. Poswayo

The young people of the reds are still remaining true to tribal customs?- Some are following the educated people, but most of them are still remaining.

What sort of customs are they giving up - lobolo?- No, they do not give up the lobolo unless they stay in the towns, where they give up the lobolo.

Do they give up the lobolo system entirely, or do they just make a small present on marriage?- We Natives give it entirely because we never thought we could just give it as a present; this lobolo system is a system of friendship.

And, therefore, when cattle do not pass, or something else in place of them, you say there is no lobolo?- Yes.

What other Native customs are they giving up?- The other Native custom they are giving up is cutting the finger - ingquiti - that is to take off one limb, - the middle one sometimes.

DR. ROBERTS: But that only belongs to certain tribes?- Yes.

CHAIRMAN: It does not belong to your tribe?- No.

And any others - circumcision schools, for example?- The circumcision schools are still holding; I mean the educated Natives are giving up the circumcision school, but very rarely.

Have you any other customs in mind that they are giving up?- Not at present.

So that it is just beginning really; it has not gone very far?- No, it is just beginning.

And it is only being done by a small proportion of the people?- Yes.

In 100 Natives, how many would be educated and how many would be red?- I would say two.

DR. ROBERTS: And in Zululand?- I do not know Zululand.

Mr. Poswayo

How many do you think would be educated there? - I cannot say, because I do not know.

CHAIRMAN: When you say 2% would be educated, would you say people round about here? - I am thinking about people generally.

In the Transkei generally? - Yes.

Would the percentage be higher here in Tembuland? - Yes, it would be high in the Territory.

But you say, in the Territories generally, it is about 2%; now, would it be higher than 2% in the West here, where there are more educated people? - Here in Tembuland?

Yes? - Yes, there would be more educated people. And in Pondoland there would be less? - Yes.

SENATOR VAN NIEKERK: Could we have from you a definition as to what you mean by an educated Native? - Well, by that I mean a Native who has gone as far as training to be a teacher.

That is very high? - Is it too high?

MR. LUCAS: Those who get as far as Standard III; what would be the percentage then? - It would be about 25%.

SENATOR VAN NIEKERK: As regards the answer you gave to the Chairman, with reference to the customs that the educated Natives are dropping; the custom of imposing fines by a chief or by a tribe - say a Native transgresses in some way or other with a Native girl, formerly he was fined an ox or so; can you still impose that fine on an educated Native? - A seduction fine?

Yes? - Yes, you can still impose it.

MAJOR ANDERSON: Would he acknowledge the authority of the chief? - No, very few acknowledge the authority of the Chief.

CHAIRMAN: Do they pay it now? - Yes, they do; but when the father takes the burden in his possession, then

Mr. Poswayo

the father pays.

DR. ROBERTS: Could he still be brought up before the Native High Court and dealt with by ordinary Native law? - Yes.

CHAIRMAN: You say Natives are now adopting the best methods of agriculture; does that again apply to the Natives generally, or only to the educated Natives? - It applies to the Natives generally.

They generally practise the best methods of agriculture? - Yes.

You cannot practise the best methods of agriculture with unfenced lands? - They generally change in a short time. They are practising it because they have studied it; they turn over the land and put in fertilizer and manure, which they did not do before.

Is the use of fertilizers carried out by red people? Yes.

By all? - It is exceptional; they use mainly manure.

MR. LUCAS: Do a lot of them use kraal manure? - Yes, some of them do. The only fault of using kraal manure is they have not grasped the idea of scattering it, they leave it in heaps; they do not spread it, they only spread it when they are going to plough, otherwise they leave it standing in heaps on the lands.

CHAIRMAN: Would more than half of the red people use kraal manure here? - Yes, in this district.

Now, you have something to say here about the status of the chief; do you think that the chief has enough authority according to what the Natives expect the chief to do? - No, sir.

Do you think his authority ought to be increased? - Yes.

Mr. Poswayo

When your chief is an uneducated man, do you think his authority ought to be increased?- It ought to be increased even if he is an uneducated man, because every now and then there is a council working with him.

MR. MOSTERT: Is there not always a council?- Almost every chief has a council.

The chief would not act alone?- No.

He would always have a council?- Yes.

CHAIRMAN: So you think a council is a safeguard against an uneducated chief?- Certainly.

Do you think an educated chief would be satisfied to be ruled by an uneducated chief with more power?- He would be, because he would be represented by a council. When a chief elects a council, he does not do it on his own; he calls a meeting and sometimes a council is appointed by the people - and your educated people too, will be represented in the Council.

Why is it that the Natives are so fond of their chiefs?- I would say, sir, it is the respect first that they give to a chief, and then the recognition of the chief's position, because sometimes, even in the house, the head is not respected by the children as he ought to be. You see, if a chief is a good one, then the people respect him very much; even if he is a bad one, they always try to persuade him that he should live a good life. That is why they like the chief.

If they like the chief in spite of his being bad, I want to know why?- I would say it is ~~that~~ nature; he is the head of the tribe.

SENATOR VAN NIEKERK: Is it not because the Natives believe he is the guardian of the tribe - he is the guardian of the spirits?- That is why I say it is nature.

Now, if that point were to be put to a lot of

Mr. Poswayo

red Natives, that the chief is the guardian of the spirits of the tribe, would they understand it?- Red Natives?

Yes?- They would easily understand it.

They would agree that that is the position?- Yes.

MR. MOSTERT: More so than the others, perhaps?- Yes, more so.

CHAIRMAN: Now what is the bukisa system?- The bukisa system is a system of letting stock run into the lands during the winter season.

What do you mean by saying that trade between Natives is curtailed by the hawkers license?- Well, I mean this sir; there is a Native in this district; he has mealies, or whatever produce he gets from his land. On the other side of the district here, there is a family starving. He then takes his wares and goes over there and sells his mealies there. In one or two days he is stopped by the trader there, who asks where is his hawker's license. Yet the mealies are the produce of this district.

SENATOR VAN NIEKERK: Have you brought a case like that before the Magistrate?- It has not occurred to me, but to many people it has occurred; I do not know whether they have brought it before the magistrate.

MR. LUCAS: The trader has no power to stop them unless he gets an order from the Court?- Many have been stopped

He can only do it by going to court; a trader cannot stop him. You were not talking about his selling his own produce, but produce grown in the Territory here?- Yes.

Well, that may be wrong, but the trader cannot stop him; it has got to be done through the Court?- Well, they have done it, sir.

CHAIRMAN: Is he selling mealies grown on his own land?- Yes.

Anybody can sell the stuff that he has grown

Mr. Poswayo

himself?- They object; when we take it and try to sell it in other locations, they want you to sell it in the location where you live.

(Mr. Blakeway:^xThe Magistrate; There is a special privilege granted to the Native exempting his obtaining a hawker's license. He can go very far afield if he is provided with a certificate from the magistrate.)

SENATOR VAN NIEKERK: Have you experienced that there is less money coming in to the Native Territories from boys coming out to work?- I have not got a great deal of experience of that, but where I live here in the Engcobo district, I have seen many young boys coming without money and many fathers complain that money is not being sent by the boys; but, on making enquiries from these boys living on the mines, especially one who has brought money, you will find that these boys waste their money on the goldfields. It is not because they are forced not to bring home their money.

Now the older men - the married men who go out; are they sending money home?- Yes, especially the old ones.

And the fact that you have had good seasons has had no effect on them?- The effect of good seasons is this, that they do not send money for needs; they come back with the money, but when there are bad seasons, then they are constantly being asked from here to send it and they send it all the time.

CHAIRMAN: When there is a good season, do they buy things in Johannesburg and bring them here in their boxes?- They do to a large extent; I have not looked at them, but certainly every young man brings something.

Do they not spend most of their money there in that way when the season is good?- Taking it generally they do.

Mr. Poswayo

MR. MOSTERT: Is it the young man or the married man? - The unmarried man.

SENATOR VAN NIEKERK: With regard to the question of beer drinking, now do you notice there is an increase of beer drinking amongst the Natives? - Yes, there is an increase certainly. It has so increased that now it has gone even so far as the young boys. We do not know how this came about, because it was never known that a young boy should take beer with the grownup people amongst the Natives.

DR. FOURIE: Is beer drinking in itself an old custom? - It is an old custom, but it was in smaller quantity in former times, because amass was used first and generally they adopted this kaffer beer drinking on a small scale.

MR. MOSTERT: Do you find the women are also beginning to drink beer now? - Yes, they do.

Whereas they never did it before? - They never even went to the hut when there was a beer drink.

CHAIRMAN: Are you a Tembu? - I am a Fingoe, but I am living here.

MAJOR ANDERSON: Could not this beer drinking be stopped if the chief had more power? - Yes, I think so.

MR. MOSTERT: Does not the chief like a drop of beer himself? - Well, our chief takes only a drop; I would not say he likes it too much, but he takes a drop.

How large is the drop, because a drop can be any size? - No, not so large, only about two bottles; that is all. (Laughter)

MR. LUCAS: You speak in this statement twice about the complication due to the forfeiture clauses in title? - Yes.

Now, what is the complication; what is it that

Mr. Powwayo

the Natives do not appreciate?—v There is a clause of forfeiture to the effect that, when a man does not pay quitrent for two years, then he loses his land. Then there is a clause too that, when a man is found selling kaffer beer or any liquor, I would say, then the land is taken away from him. Well, the Natives do not understand that, because, if they do not pay quitrent it is not because they must not maintain their children or their family; the Government ought to make provision that quitrent should be paid at an extra cost, rather than to take the land.

CHAIRMAN: That is done; his goods are attached first and then, if he has no goods, they take the land?— (No answer).

MR. MOSTERT: You are a councillor yourself?— The second one is that when he is found selling liquor his land is taken away. It has not occurred yet in my district but there is a suspicion too that, when a man is found selling liquor that his land is taken away, but the land ought to maintain the family whether a man is in gaol or not.

MR. LUCAS: And does the existence of the forfeiture clause in any way affect what a man will do with his land; does it prevent him using it properly or improving it?— The forfeiture clause prevents his using his land.

In what way, what difference would there be if that forfeiture clause were removed?— They would improve the land.

You think they would?— Certainly they would improve the land.

More than they are doing now?— Yes.

You are putting it the other way, that you think the forfeiture clause prevent them improving their land?— Yes.

Have you discussed that with Natives who hold land?— Yes.

Mr. Poswayo

MR. ~~NUMAM~~ MOSTERT: Would you bring that before the Bunga?- I have not done so yet.

Do you intend to?- Yes, I do.

Do you know of any case where, owing to selling beer, ground has been forfeited?- Not in my district.

No, but under the Bunga; do you know of any case?- No, not at present.

SENATOR VAN NIEKERK: Would you be in favour of giving a Native the right to possess two holdings?- That is rather a difficult question, sir; but owing to the increase of the population, I would not.

MR. LUCAS: Just because of the quantity of land?- Yes.

Do you consider four morgen is enough?- No, sir, it is not enough.

So it is merely because of the large population that you are opposed to any increase in the area?- Well, I am not opposed to the increase of the areas - of the morgen, you say - but I am only opposed to letting a man have two allotments.

Supposing it were possible to rearrange it so that the lot was eight morgen instead of four, there could not be so many lots as there are now, could there?- No, sir.

Well, would you favour making the lots larger at the risk of some more having to go without land than at present?- No, sir.

MAJOR ANDERSON: Do you know many cases of Natives going out to employment on the mines or elsewhere disappearing and never coming back?- They did, but there are very few cases now.

We heard at Umtata it is very common?- It is only the young men that do so generally, the young men who are about 10, 12, 15, 18 up to 20 years of age generally

Mr. Poswayo

disappear. Of course, when they get there they learn the customs of the people and when they are acquainted with the customs they never come back again.

CHAIRMAN: The customs of which people?— The Northern people.

MR. LUCAS: Do you mean White people or Natives?— Well, I would say mixed; Natives and White people, because they pick out some of the customs of the Natives and some of those of the White people and they put them together.

Now, is there any indigency in this area?— Yes, there are a few old men.

Have they nobody to help them?— They have not got sons; some of them have relatives; their relatives now have a sort of intention of not helping the parents. I do not know whether that grows from civilisation, but Natives realise that, by helping each other, they are spending their own things.

Is it that they are so poor that they cannot spare anything to help the others?— Yes, they cannot help the others.

I am trying to find out the reason; is it that they are getting selfish or because they have not got what is necessary?— They are getting selfish.

You suggest in your statement that there should be some form of relief given by the Government?— Yes, to these people.

You think they are the people now who need that relief?— Certainly.

SENATOR VAN NIEKERK: If we were to introduce that system, would not that selfishness grow?— It is almost lost. Why, I have seen it amongst the reds too.

CHAIRMAN: You mean, you have seen instances?— Yes.

Mr. Poswayo

But now would it happen in most cases?— No, not in most cases.

In most cases they would still help the other people?— Yes.

MR. LUCAS: All Natives, or just reds?— All Natives.

So it has not really almost gone; it is just beginning to shew itself?— But it now affects the reds too.

DR. FOURIE: What is the Native word for a tribal spirit? ---

CHAIRMAN: We said that the chief was a guardian over the Native spirit; how would you put that in Xosa?— 'Inkosi umkuseli wezinyanya'.

MR. JOHN GUMA

MR. NANTISO KULA

called and examined:

CHAIRMAN: You refer to the survey A and survey B under the Glen Gray Act; what is the difference?— (Mr. Kula): The difference is this: "A" is an inheritance. The Glen Gray Act is higher.

Does the survey under the Glen Gray Act apply in this district?— Yes, sir.

Now, what others are you referring to under survey B?— Survey B is a higher survey. First of all, you pay 2 3/- a morgen and yet this allotment is not yours; and if you fail to pay your quitrent of 3/- a morgen, that land will be taken away from you; it will not be yours.

You want the land in freehold and not under quitrent?— Yes, sir.

Is your grievance also that the land does not pass to heirs according to the Native idea of succession?— That is so.

Native Witnesses

(Mr. Guma): We are not criticising the lands going to the heirs, but we are criticising the 3/- per morgen and the land not being yours.

Under survey A do you make any payment to get the title?- How do you mean payment, sir?

Do you pay any sum of money when you get title to the land?- Yes, there is something to pay; some persons buy the ground first and you would be liable for a small quitrent - I mean the "A" title.

Yes, but you have to buy the land?- Yes.

Would the Natives have the money to pay for the land all at once?- Yes, some do it at present.

Yes, but would the great majority of them be able to do that?- Some cannot pay cash straight away.

Would it not be very much more difficult for these people?- It will not be difficult to others.

I notice that you object to afforestation on the ground that it diminishes the commonage. I notice that you represent the young men's farming association and, therefore, I expect you are interested in better farming. Now, if you have not got wood for your fires, do you have to use up the dung - and that is bad for your lands; now which is better, to give a bit of the commonage up to afforestation and keep your dung on your lands, or to let your lands go back?- It decreases our commonage and our stock has not sufficient grazing - although on the other hand we like trees, because they bring down the rain.

In order not to give up a little bit of the commonage, you are allowing your lands to go back for lack of manure; is that a good thing: are not the lands worth more than the commonage?- Manuring is not the only way in which you can improve the land.

Native Witnesses:

How do you propose to improve it in another way? -
Mealie stalk manure.

SENATOR VAN NIEKERK: But that is eaten down by the cattle; that is not much to plough under? - If some people want to fertilize their ground by means of mealie stalks, they do not allow their cattle to eat it.

CHAIRMAN: How do they keep their cattle off? - People plough in their mealie stalks.

Do you know ten people in Tembuland who do that? - Yes, in my location where I am.

There are ten people who plough in their mealie stalks? - Yes.

SENATOR VAN NIEKERK: Before it is eaten down by the cattle? - Some plough the mealie lands over before they are grazed. We are against the planting of trees on the commonage because only a certain area is apportioned and yet more ground is taken than is apportioned.

Do they take in a large area of the commonage? - Yes, and some kraals are expelled on account of that.

Who authorised that, the Bunga? - (Mr. Kula): Yes, the Bunga authorised that.

Why do you complain to us then; where are your representatives; why do you not go to the Bunga? - (Mr. Gumma): We do not know whether the authority comes from the Bunga or the Government.

MR. LUCAS: You say in your statement that the Government should provide for indigency; what do you mean; what steps should it take? - (Mr. Kula): To support poor people who are unable to support themselves.

Are there such people now? - Yes, there are, sir.

Is that a new thing, or did the same sort of thing happen a long time ago? - It ~~xx~~ is more or less new; it is not very old.

Native Witnesses:

CHAIRMAN: Are those people not being supported by their families?- Some people have no relations or families and some have relations who are unable to support them.

SENATOR VAN NIEKERK: Is there not provision made, if you apply to the magistrate?- We have never had that provision.

MAJOR ANDERSON: How many members has this association of yours got - the Young Men's Agricultural Association?-(Mr. Gunda) There are many of us.

You cannot say how many?- No.

MR. LUCAS: Is it ten, 100, or how many?-(Mr. Kula): It is less than one hundred.

MAJOR ANDERSON: Are they all in this district?- Yes, sir.

CHAIRMAN: Would there be fifty?- There would be more than fifty.

MAJOR ANDERSON: What do you do; do you hold shows and so on?- There is a Council show at which we exhibit our things.

What is the object of your society?- To uplift our tribe.

Are all the members educated, or are there some red Natives?- There are red Natives.

CAROLINE SITSIIA

ANTYI SOBOPA

Female Native Witnesses, called and examined:

CHAIRMAN: I notice you are delegates of the Universal Negro Improvement Association and African Community League?- Yes, sir.

Is that a league consisting of women?-(Sobopa): Yes, sir.

Of women only?- Yes.

Native Witnesses:

Is there a men's branch of the association?- Yes.

And are there branches in other districts too?-
Do you mean in the Engcobo district, sir?

No, in other districts?- Yes, there are.

Who is the head of the association?- Do you mean the male leader?

Who is the chief leader - the highest leader; is it a man or a woman?- The association we have come to represent is composed of women.

But you are representing a league that has branches in all the other districts of the Transkeian Territories?- Yes, the Women's League.

Your league must have a head; who is the head of the whole league - men or women?- (Sitsila): One Nyimba.

Where does he live?- At Queenstown.

Will you explain more fully than you have done in this statement here what your grievances are?- We have already written down what our complaints are. What more do you want, sir?

Is it not very plain, but still I will ask questions. You say that women who have no husbands and sons have taxes inflicted on them; what taxes are you referring to?- The hut tax, the quitrent, the general tax for young boys and messenger's fees costs.

Is that, if you do not pay the taxes, you have to pay the messenger's fees in addition?- I mean this, we are given time to pay our taxes and we pay our taxes. There are many people in the district and they cannot all pay within two or three months. Whenever they bring the money to the office, sometimes they have to go back because the office is filled with people and those in charge have no time to attend to all the people present and, before October or December month comes, they will not accept people's taxes, saying

Native Witnesses:

their time had expired, and they put on an additional tax, which I call a messenger's fee.

Quitrent is only paid by a woman having a surveyed plot. If they do not want to pay the tax, do you still want to continue having the plot of ground? - Yes, we still want ground because we feed from the produce of the ground - that is our only means of maintenance.

You do not want to pay tax on the ground? - We do like to pay tax for the ground but we have no time or chance to pay it. Our things have no value - no money value.

You speak about passes that women have to produce; where have women to produce passes? - As the a society, we sometimes hold meetings at Queenstown. The Europeans have no pleasure in looking after us and call upon us to produce a pass.

MR. LUCAS: What do you mean by saying "The Europeans will have no pleasure in looking after us"? - When we gather together Europeans will come and say, "Produce your passes", and if we have no passes we are arrested, our case is tried and we are fined because we have no pass.

CHAIRMAN: Does a woman require a travelling pass to travel to Queenstown? - Here we are not required to take passes, but at Queenstown we are directed to go to a certain place and get passes.

Do you go? - Yes.

DR. ROBERTS: Where was it in Queenstown that you went to get your pass? - To the headman of the town location - Darke.

And did the headman give you a pass? - Yes.

In Queenstown? - Yes, sir.

SENATOR VAN NIEKERK: What are you driving at; are you against women having to carry a pass? - Yes, sir.

MR. LUCAS: But now if you had got those passes

Native Witnesses:

would you still get into trouble?- No.

What is it you are referring to then in that statement where you say women are arrested and searched?- I mean when we have no pass at all,

Have you got a pass with you?- No, I have not got it now.

SENATOR VAN NIEKERK: Was that a pass to travel about or was that a pass to hold a meeting?- No, to stay in Queenstown; it was available for the time we were in Queenstown

MR. LUCAS: Was it rent that you had to pay as a visitor ~~xxx~~ while you were there?- It is a temporary pass; when we left we left the pass there.

Did you have to pay for it?- Yes, if you were going to stay there for a month you would have to pay for it.

But if you were going to stay for less than a month would you have to pay for it?- No.

SENATOR VAN NIEKERK: Was it not a pass giving you the privilege of staying in the Queenstown location.

Do you not think it is a good thing for a strange women who wants to go and live in a location like that for a time, that she should have a pass of good conduct to stay there, in order to keep out women of bad repute?- (Sitsela): Where people have others in the location, must they apply for a pass?

Yes?- We consider that is bad.

Now, take the other case. If you had not that system of passes and a bad woman could come into the location, stay there and nobody chase her away - is not that pass a protection to a women of good repute?- What is a bad woman, sir?

You ought to know better than I do?- We do not know what is a bad women.

DR. ROBERTS: Well, you could not give an example

Native Witnesses:

of that pass, could you? - No, we have no example of that pass, sir.

MR. LUCAS: In that statement of yours, you complain about treatment - the searching of the women who have not got a pass. What, as far as you know, has happened to such women? - (Sobopa): They are searched and if they cannot produce passes they are arrested and fined.

Is there anything wrong in connection with the way they are arrested? - We do not understand this, sir, because we regard Queenstown as our home and we do not expect to be called upon to produce passes.

Do the police, who come along for these passes, treat the women well who have not got them, or are they hard on them? - (Sitsila): The police are very rough.

What sort of things do they do? - They drag a person by force to go to the gaol.

Are they location police - are they Native or European police? - Europeans and Natives.

DR. ROBERTS: You say Queenstown is your home? - Yes.

But which is your regular place of abode? - Their home is here.

What Church do they go to? - A. M. E.

Not the Wesleyan Church? - No, sir.

MR. LUCAS: Have you been to school? - (Sobopa): Yes. Have you learned to read and write? - Yes, I can read and write.

And you too? - (Sitsila): Yes.

How many women are there in your branch in this district? - Many, sir.

What do you mean by many - 10, 20, 50, 100?

(Sobopa): More than 400 in this district only.

Do you have meetings? - Yes.

Where? - Anywhere in the Engcobo district.

Native Witnesses:

Are you all A. M. E.?) No, sir.

Are any of them red women?- There are many reds.

What does your society aim to do for these women?-

Do you mean red women, sir?

No, each of its members?- Help one another and raise one another.

What way are you aiming to do that?- (Sitsila):

A person in difficulty should be helped by others.

Have you been ~~xxx~~ helping anybody during the last month?- We have helped many.

Give us some instances of how you have helped them?-

(Sobopa): Well, when one of us is sick and is unable to buy medicine for herself, we help her.

And do you have a subscription?- Yes, sir.

How much is it?- A woman who is able to pay 2/- may pay it, or 3d and so forth.

Is that in a year or a month?- At meetings; at certain meetings; it is collected at meetings and monthly.

Who looks after the money?- The treasurer and secretary.

Have you a treasurer in Engcobo, or is he in Queenstown?- We have a treasurer here.

Does she keep the money, or is it sent to Queenstown? - She keeps the money.

And can she pay it out or must somebody else agree to its being paid out?- The meeting has a voice in it.

Do these women earn the money or do they get it from their husbands?- Sometimes we earn it and sometimes we ask our husbands.

Take the red women; do they go out to work to earn money?- Some red women make grass ropes and sell them, and grass brooms.

Have you married women who ~~xxx~~ are living with their husbands as your members?- (Sitsila): Yes. (Sabopa): Yes

Native Witnesses:

In how many districts are there women's branches? -
In many districts, sir.

How old is your branch here? - It is more than four years old.

How did it come to be started? - It was thought.

Yes, but did a man or woman from another district come here to help you; who started it? - Women from various districts came and revived the matter, because we had original meetings previously.

Did you have meetings of women in this district before there was a branch? - Yes.

What were these meetings held for? - First of all they were church meetings.

DR. ROBERTS: The A. M. E.?) (Sobopa): Yes sir.

Did the Bishop come up from Cape Town? - Yes.

(Sitsila): All the various denominations - Wesleyans, A. M. E., Church of England - had meetings.

Have women been working together like that for a long time now in this district? - Yes.

For about how long would you say; how many years? - Oh, a long time; those meetings have been in existence for a long time. They were formed by our mothers in our childhood.

MAJOR ANDERSON: Have you written rules? - We have not got them with us, but we have rules.

Could you send us a copy? - (Sobopa): Yes.

CHAIRMAN: I got a little green book the other day, that size (indicating), which was published by the Universal Negro Improvement Association and Universal African Community League; have you a little green book like that too? - (Sitsila): We have cards, sir.

That book came from Dr. Wellington; is he a member of your League? - We cannot deny that he is not a

Native Witnesses:

member, but we are under this present man Nyimba.

When you say "you cannot deny", do you mean he is not a member? - He may be; we will not deny it.

MR. LUCAS: Do you or do you not know? - (Sitsila): No, we do not know.

SENATOR VAN NIEKERK: He is not the leader of the movement? - No, he is not our leader; Nyimba is our leader.

DR. ROBERTS: What does he do in Queenstown? - He is in the Queenstown location.

Location B, or which of the locations? - There is one location at Queenstown.

CHAIRMAN: Did not Dr. Wellington form the mens branches of this association here in the Transkei? - We do not know.

MR. LUCAS: Now, you told us that one of the objects was to help poor people when they were sick. Is there any other work that you do? - (Sobope): We try to live peacefully together, sir; to unite ourselves and to endeavour to get our tribe to be united. We have copies this from Europeans. We desire ourselves to be like the Europeans. We consider it is a good thing.

Is it open to all tribes - Fingoes, Pondos, Tembus? - Yes.

The Commission adjourned at 7.3 p.m. to take evidence at Cofimvaba on November 21st 1930.
