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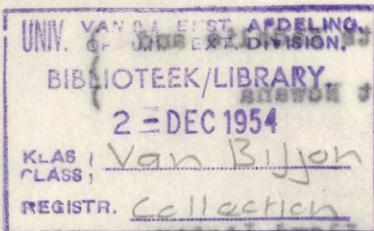
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Dr. J. J. J. van Beeken Burggraaf

Mr. Omtrenting

NATIVE ECONOMIC COMMISSION

EAST LONDON 20th MARCH 1931 9.40 a.m.

SEVENTYSIXTH PUBLIC SITTING

PRESENT:

Dr. J. E. Holloway, (Chairman),

Major W. H. Anderson, Mr. A. M. Mostert,
Dr. H. C. M. Fourie, Dr. A. W. Roberts,
Mr. F. A. W. Lucas, Senator P. W. le Roux Van Niekerk,
Mr. G. Faye, (Secretary).

MR. CLEMENTS KADALIE and

MR. BENNETT NOWANA

Called and further examined:

MR. LUCAS: In this statement on the first page, you speak about Native maladministration. That is a phrase; but what had you got in mind in connection with that ?- (Mr. Kadalie): Before I reply to that, Mr. Chairman, I want to state that yesterday we were dealing with the recruiting system; and to prove that Native boys have been taken away, I want to say that I have just received a letter this morning from Johannesburg, stating that two Native boys were taken away from East London to Johannesburg and that nobody knew anything about them. (Letter read) These are cases we were talking about of Natives having been taken away.

DR. ROBERTS: Were they under age ?- Yes. They were taken from East London; they have been away for two months and I have found them through the Native Recruiting Corporation.

MR. LUCAS: This man did not know where his sons were? - No. (Mr. Nowana): Mr. Chairman, by maladministration referred to in our statement, we mean that, so far as the Native workers are concerned, they are practically excluded from the industrial and social legislation of the country; and over and above that

Mr. Kadalie and Mr. Ncwana

, Natives are governed; they are not governing themselves; they are directly governed and the form of government as applied to Natives differs altogether from the form of government that is applicable to European citizens in this country. We feel that a great injustice is being done to us, because, as the aborigines of the country, we have certain rights which, even the Europeans themselves, if they were in our position, would feel that these rights are necessary to life. If these rights were conceded to us, they would give us a power and enable us to take part in the various activities of the country as citizens of the country.

DR. ROBERTS: You do not include the Transkei in your statement, do you ?- Well, I do not include the Transkei because they have some sort of modified ~~marxism~~ system of self-government.

MR. LUCAS: You approve of that system ?- We think that system, if it were to be improved - if the Bunga were to be given executive powers - would prove a great success.

DR. ROBERTS: It has been taking powers to a certain extent ?- They have certain powers, but they cannot make laws.

No inferior body can do that ?- (No answer):

CHAIRMAN: Making laws is not executive power.

MR. LUCAS: It is legislation ?- But if they were given certain powers whereby they could make laws and not be subject to scrutiny by a body such as a magistrate, council, and so on ---

You refer to the industrial legislation. The Commission is asked to report on the application to Natives in urban areas of the existing laws relating to the regulation of wages and conditions of employment and for dealing with industrial disputes and/or the desirability of any modification of these laws, or providing other machinery for such purpose.

What have you to say about the laws - the Industrial Act, the Wage Act and so on ?- (Mr. Kadalie): We contend that the Wages Act and Industrial Conciliation Act of 1924 should apply to the Natives. Take for instance the Wages Act; there is no colour question; it includes all workers and as our Union has benefited already through the Wages Act, in a town like Bloemfontein, we contend that the Wages Act should also apply to the Natives; where the Wages Board have determined the wage, the Natives are not paid it, as I shewed yesterday. I was busy the whole of yesterday afternoon and I got information here in East London; I was dealing with the Express Laundry. The wages are fixed by the Wages Board at £2.12.- a week; one Native, who is a member of our Union, is only paid £2.

What work is he doing ?- He is a presser; whereas the European dyer is getting £1 a day. The Natives and Coloured women are paid 5/- a day. That is not in accordance with the determination of the Wages Act.

30/- a week for ironers is correct ?- To deal with Wilson's Factory, the wages paid to the men was £2.14.- previously, but now they are being paid £1.15.-, £1.10.- and £1.2.- I might point out that, after the strike, when this case was brought up in the Supreme Court at Grahamstown, the employers - both Wilson's Factory and this laundry, had to pay the arrear wages of these Natives and only last week the Inspector of the Labour Department called at the Express Factory and the employer had to beg this Native not to divulge anything that was going on in the Factory. So we consider that the Wages Act should be made applicable to Natives and also that the Natives should be brought within the scope of the Industrial Conciliation Act.

You know, as far as the Industrial Conciliation Act is concerned, it would involve an union and then a negotiation between an union and the employers; you know that policy of the Industrial Conciliation Act ?- Yes, I know.

First of all, are you claiming the right to form a trade union under the Act ?- Yes.

And then, do you consider any trade union so formed would be strong enough to look after the interests of its members ?- Yes, sir.

Because one of the weaknesses of the Industrial Conciliation Act with regard to a lot of Europeans, is that it looks after the interests only of the well paid and not of the poorer ?- Yes, quite.

DR. ROBERTS: What would be the scope of your trade union ?- It would be to get all Native workers into the union
It would be a trade union of all workers ?- Yes.

MR. LUCAS: In the Industrial Conciliation Act there would have to be an union for each particular trade or industry; you could not have a general union dealing with them ?- There I would suggest, as is done in England and on the Continent of Europe, In England we have certain organizers for workers at the docks and in the Civil Service; they are registered under the Act there. Here in South Africa, where the defect of the Industrial Act comes in is it only allows of a certain particular organization. Natives would not be only under one organization; we would have to organize them in stores, factories and many other places. The Industrial Conciliation Act should be widened.

What changes do you think should be made ?- The changes that should be made sir, are that the Industrial Conciliation Act should include also the pass-bearing Natives.

That change would then make it possible for you to form unions and have members to be members of the Industrial

Council; but do you suggest a further change, that a general union should form part of an industrial council ?- Quite so.

SENATOR VAN NIEKERK: Would not that be rather unfair. If you had one general union to come and lay down an agreement between an employer and employee; there may be just a few of these men in your whole union ?- It would be unfair. I have just given an illustration about the English unions. Take the General Workers' Union or Distributive Workers' Union; these unions are registered; there is no unfairness.

If I may interrupt; in England you have separate unions combined in one union; you have subsidiary unions there, have you not ?- Yes.

If you have that in this country it would be allright. You do not propose to do that; you propose to have one big union ?- Take England; We have the General Workers' Union and the Distributive Workers' Union. I have stated their methods. Here, these unions get all workers; they get workers from the docks and factories before the unskilled workers were organized up to 1900. The unskilled workers were not recognised or organized in England, therefore an union for all workers in every industry was formed.

(Mr. Lucas explains the English system to Witness)?- The Engineering Unions have negotiations with the employers. The General Workers' Union is informed to send their representatives so that they should take an interest in the question of the unskilled workers.

Yes; you are mixing up the thing. That is a negotiation outside any of the laws; a negotiation between employers and employees; but in the Trade Boards which fix wages there, you must have some representative body for the employers in the trade, if the trade board is set up. That was the point I was putting to you about the Industrial Conciliation Act.

How could we make a general union such as you are referring to operate in connection with the Industrial Council for a special trade - say the baking trade? - Take the baking trade; here you have unskilled workers in the baking trade. The skilled workers are registered; they have an organization. Our union, which has numbers of unskilled workers, should be available at any enquiry between the skilled workers and the employers.

DR. ROBERTS: But if you had a great concatenation of all Natives, do you not think that would weaken you? - No, sir.

You are including there workers who are not workers at all? - But the position would be ----

It would be a Native organization. It would be a Native organization ^{not} from another workers organization? - /But if I follow you well, I think the workers could be ably met if machinery was created whereby the unskilled Native worker - whether he be Coloured or Indian - that these people who are recognised now as the unskilled labourers - it would include semi-skilled - if provision could be made in the Industrial Conciliation Act whereby an organization so formed should be recognised by the Government - I feel that there may be a difficulty because there may be a lot of Unions; but if a federation of these bodies - say the furniture people and so on - were perhaps organized, under the auspices of the Independent I.C.U., and a federation formed in order that all other workers who are unskilled and semi-skilled, could be centred together in a central body, that body to elect representatives to participate in any industrial dispute----

I know what you are meaning; but that is not what Mr. Kadalie means; he means a great federation of all Natives? - (Mr. Kadalie): I have not got in my mind Natives, but workers; that is why I am making reference to the English unions. I

want all workers. If Natives, Indians, Coloured and so on could be grouped together into one federation, they should be brought within the scope of the Industrial Conciliation Act. I am not dealing with Natives, but the workers.

MR. LUCAS: We have to face certain facts. One of the difficulties is to get Whites and Natives to work together in one union. Take a practical case and see how we can apply the Industrial Conciliation Act; in the furniture trade you have skilled cabinet workers and machinists; you have people who work such machines as sand-papering machines and things you can put a man on to with a couple of days training. You have got hand-sandpapering, on which you can set a man straight away without any training at all. And then you have various operations in connection with bedsteads, which you can learn to knock up in two or three minutes. Now the skilled cabinet makers are highly paid people; they are organized; they and the employers form an industrial council. Today, they claim to fix the wages for all these other sections, although they do not represent them at all. Now, the Natives ~~will~~ fill quite a number of the posts in these other simpler operations I am mentioning, and they today are not represented on the Industrial Council at all. Supposing an industrial council were set up that had employers and representatives of these unskilled people and then had representatives of the Natives, could you say that a general body of Native workers should be entitled, although the mass of its members are not connected with the furniture trade, to intervene in that industrial council to deal with the interests of the comparatively few Natives who are doing these simple jobs I mentioned ?- Yes.

If they are general workers, you will have dock

labourers, municipal employees, operatives in sweet factories, bakeries and a dozen other occupations; then you will have, say, 100 people working in the furniture factories ?- Yes.

How can all these others say what should be done about the furniture trade ?- I do not want the dockworkers to interfere with what is going on in the furniture industry; what I am submitting to the Commission is that, in this General Workers' Union, it has members in the furniture industry it has unskilled workers; this general union will send its representative when there is a question between the skilled workers and the employers. That is what is being done in England.

You mean, you would have to have a furniture section in your general workers ?- Yes.

Then there would have to be some provision to ensure that that furniture section was really representative of the semi or unskilled workers in the furniture section ?- Yes.

^{stitution} Our conception also allows that, if we have a general union, we can divide it into sections, - dock section, farm section, furniture section and so on, according to the respective trades.

Before you can set up an industrial council, you must be sure that the employers are representative of the employers and that the employees are representative of the employees ?- Quite.

You could not have one labourer coming along and saying "I work in a furniture factory and I am entitled to speak" ?- No.

You have to be sure that you are representing the general body of workers ?- Quite.

How would you suggest we should decide whether a general body of people are representative of the employees ?- The General Workers' Union have organizers among employees. Supposin

in the furniture industry in East London, there are employed 3,000 Natives, a thousand of these are organized; surely they should have a representative.

You think if there were one thousand out of three thousand, you could call them representative ?- Yes. (Mr. Nowana) It seems to me the matter is very simple. If these respective workers are organized according to their respective trades, - say the furniture industry, the laundry workers, factory workers, wool washers and so on, - if these people are organized according to the class of work they do, the Independent I.C.U. would stand as a federal body for centralizing the interests of all these respective unions and they should be affiliated to the I.C.U.

You are really coming back to it, that you have to organize all trades ?- (Mr. Kadalie): Yes, we do quite realise that, sir.

DR. ROBERTS: But that is not how you began ?- No. We would organize a great federation. On account of the Industrial Conciliation Act, in 1924 we had to change our constitution by sectionalising the workers, so that we could register the various sections. Now, we succeed only in Cape Town to register the dock section.

MR. LUCAS: Yes; that is because there are no pass-bearing Natives there ?- But we submit the pass-bearing Natives should come under the Industrial Conciliation Act.

So that the Natives in Cape Town come under the Industrial Conciliation Act, but the Natives in Johannesburg do not? - Yes.

You do not see any reason why there should be that differentiation ?- No, there should be no differentiation at all. The Natives in the Free State, Transvaal and Natal should also come under the Industrial Conciliation Act.

SENATOR VAN NIEKERK: Under what disabilities are you labouring now ?- When an agreement is made under the Conciliatory Act and it is stipulated a man should be paid 20/- or 30/- a week for a certain job, a Native falls under it ?- He does not in the Transvaal.

MR. MOSTERT: What I would like to know is what is really in your mind; is it that you want to form the whole of your Natives in South Africa into an union ?- Yes, sir.

That union will then control matters so far as the industries and also farming are concerned ?- Yes.

And what you lay down there will have to be paid by the industries; is that what is at the back of your mind; is it right or wrong ?- Yes, it is quite right.

MR. LUCAS: I want to get back to another difficulty I am faced with in my work. The Wage Board has to decide, on an application for an investigation, whether the applicants are representative. We will take the case of the employees just now - the employers is not so difficult; an application comes, say, from some of your people asking the Wage Board to deal with a certain industry, and the law says we have to decide whether those applicants are representative. It does not tell us how we are to decide. Can you give us any suggestions as to how we should decide ?- That is always the trouble we have had. Take the case of East London, which we submitted to the Wage Board. Now, you wrote to us with regard to one industry and said we were not representative. We submitted figures of the members there. I have already submitted that, when they have in an industry 3,000 members, if a third of them are organized I think that should be representative.

But now that is laying down an arbitrary figure. Supposing 700 did ?- I think they should.

That brings it down to about a quarter ?- I think they should. It is always the case that all workers would not join an union, but when a decision has been made --- take, for instance, in Bloemfontein we did not have all the Natives organized, but when the Wage Board made a determination, all Natives were privileged.

Now, another point in connection with this; under the regulations as they stand today, every applicant must sign the application with his name and give his address; is that a hardship on your people ?- Yes, it is a hardship.

We have had no applications since that regulation has been brought in, I know ?- Yes, it has been a hardship. I think the application should be made by an union.

Well, the Board acted on that in one case ?- Yes.

Is there anything more you want to add about this industrial legislation ?- No, sir; I think we have made our position quite clear. We want a repeal of the Native Labour Regulation Act of 1911, so that Natives in the Transvaal, Free State and Natal, who are pass-bearing Natives, should also be included in the Industrial Conciliation Act of 1914. The European Trades Union Congress have also been supporting us in that view. (Mr. Nowana): Another matter which I would like to bring forward is the anomaly with regard to the Workmen's Compensation Act. So far as we know, in connection with the operation of the Act, Natives are excluded. I believe, under certain regulations, there is a special Act or regulation or law made determining the compensation for Native workmen, but not on the same lines as the provisions provided for White people. Then again, there is the Miners Phthisis Compensation Act. We have quite a large number of Natives employed on the mines, but the compensation they get is very small and the work they do is very hard work; and, as a matter of fact,

I think every European born in this country who has seen these people work will know they do harder work than White workers; but when it comes to industrial diseases or miners phthisis, I think they suffer a great injustice there.

SENATOR VAN NIEKERK: Are they not paid according to their earning capacity ?- No, sir. So far as I know, the value of the Native has been affected by tuberculosis or some of these mine diseases and he is only paid according to the stage of the disease; some get £30, some £20 and some £50. (Mr. Kadalie): Mr. Chairman, they used to get, until Mr. Beyers' Act of 1925, £20; now they are getting up to £50.

£50 is the maximum ?- Yes. (Mr. Nowana): Even then they are graded according to the stage of the disease.

(Mr. Kadalie): But in many cases, Mr. Chairman, I must point out/^{when} these men have contracted the disease, they are always sent out; when a Native is employed on the mines, the first thing he has to do is to be weighed; he may weigh 96 lbs.; he is weighed again; he may go to 86 lbs.; they weigh him again and, if he is about 50 lbs., they say, "This man has got a disease". What they generally do is pay him off and send him home. I have a case in point of a Native in the Transkei, while I have been here in East London, where the Native has actually miners phthisis, and they only offered him £3. I had to go specially to Johannesburg to see Mr. Taberer, the representative of the Chamber of Mines, and he said he would offer him a little more. That is one case.

I want to be quite clear on that, because we can follow that up. Your suggestion is, so soon as they lose weight they are sent off ?- Yes.

Without any question of what the disease is ?- Yes.

And later on you find cases of miners phthisis among the Natives ?- Quite.

DR. ROBERTS: I would like to be perfectly clear in connection with that answer you gave Mr. Mostert; you said that this big council would dictate the wages for farm labourers and others. Do you mean that ?- No, I do not mean to dictate;

Well, I think you had better be clear ?- What I mean is there should be mutual understanding.

Ah! There should be mutual understanding, -- the General Council of the Trades Unions Congress today and employers of labour; in England today, they are talking about co-operation in industry between employer and employee; they are having meetings between the federation of employees and the General Council of the Congress ?- (No answer):

MR. LUCAS: Do Natives go in to any extent for life insurance ?- (Mr. Nowana): Yes, sir.

Could you give us any idea of the extent ?- The South African Life people have a department called the Industrial Department; the premiums are very low; they start from a tickey up to 12/-.

DR. ROBERTS: A month ?- Yes.

MR. LUCAS: Would you say that the number who make use of that in East London is in hundreds or thousands ?- No, not a very large number; I think we have about 200 in East London, that is all. (Mr. Kadalie): IN Johannesburg and Cape Town a large number of Natives are insured.

And do they keep up their payments regularly ?- (Mr. Nowana): We always have great difficulty in getting them to keep up their premiums. Sometimes a person is not permanently resident in a place; while in employment he is able to keep up his payments, but when he loses his employment,

he is unable to pay.

Do many Natives forfeit their premiums ?- They have not lost much money; they simply fail in meeting their premiums. (Mr. Kadalie): I had a case in East London.

One case does not matter, but are there many ?- (Mr. Ncwana): No, sir, there are not many. I know of quite a good number now, - about 180 - who are insured and they are keeping up their premiums. Under the provisions of the African Life Insurance Company, they are given a year before the policy lapses.

SENATOR VAN NIEKERK: Have you an organization that looks after that business or not ?- No, sir.

MR. LUCAS: There is another thing I wanted to ask you about. You made reference yesterday to the identification document which is used in Germany ?- (Mr. Kadalie): Yes.

Would the Natives be prepared, in every town they went to, to report themselves to the police and produce their identification certificate ?- They should do it, it is done in Germany, because it is law. If I leave East London to go to Bloemfontein, I must report myself.

Do you think there would be any opposition to that ?- No. Supposing I am murdered in Bloemfontein; they would know who I was. (Mr. Ncwana): I think Natives would willingly report themselves if the law applied to the whole country, irrespective of colour.

CHAIRMAN: You know there are a lot of things made in Germany which are not made here ?- (Mr. Kadalie): I know. I know this, one of the secretaries of the Trades Union Congress was arrested; he left his document in his office; he was asked where his document was. They said, "Since you have no permit, you have to stay in gaol".

MR. LUCAS: There is one other thing I wanted to ask you about; what do you say were the causes of the strike in East London ?- The causes of the strike in East London were,

in the first instance, the refusal of the Town Council to call a meeting of employers to meet us and that also brought in the Railway Administration. The Railway Administration tried to meet us, but the Town Council refused us.

What was it you wanted to see them about ?- The minimum wage of 6/6d a day.

Was that mentioned ?- Yes.

Mentioning 6/6d a day as a minimum wage would be enough to frighten most employers, would it not ?- Yes. We did that in Bloemfontein, but when we met we compromised with 3/6d a day.

Exz The cause of the trouble here was the question of wages ?- Yes.

DR. ROBERTS: Did you ask for the 6/6d deliberately, knowing that you would not get it ?- You see, when I go to a shop, I have got to do like a Jew.

But supposing you are not a Jew ?- Well, as trade unionist I have got to be as a Jew. In Bloemfontein, we put up 6/6d and the Town Council wanted 3/-; I wired to my representatives and said, "You agree to 3/6d".

SENATOR VAN NIEKERK: But you are giving yourself away now. Is it the attitude of the Native always to ask for double ?- It is not only the Native, it is human nature.

DR. ROBERTS: If I go into a shop in Oxford Street and a man says the price of an article is 6/6d, I put down the 6/6d. He is an honest man and so am I ?- (No answer):

If it is your policy that you should cut down a man's price by half, we must cut down your statement which you have read before the Commission by half ?- No, sir, that is not the point.

MR. MOSTERT: I asked you yesterday to let the Commission have the budget on the farm labourers ?- I want to

prepare that on practical experience; I can forward it to the Commission.

MAJOR ANDERSON: With regard to your remarks about the recruiting system; you condemn the Native Labour Regulation Act of 1911; but do you not admit that there are a good many benefits to the Natives under that Act ?- No, sir.

What about the regulations with regard to housing, feeding and so on ?- Nothing at all.

Apart from that Act, recruiting is going on in the country today quite outside the Act and an effort is being made under this Act for the sake of the Natives, to ensure them getting better housing and feeding ?- (Mr. Newana): With regard to feeding; we must admit that the authorities realise if the Natives were underfed for the class of work they were doing, they could not do it. So the Companies undertook to feed them according to the recommendations of medical officers, that these people must have proper food and, besides that, they are performing dangerous work and that they must get certain ingredients. So, with regard to feeding, we do not want to be unjust. We think that, so far as the gold mines are concerned particularly, the Natives are well fed there; the only thing is, they do not get the wage; there is a tendency to keep down their wages.

SENATOR VAN NIEKERK: What Major Anderson is driving at is, under the Recruiting Act certain provisions are made which must be carried out for the benefit of the Natives, and, if you do away with that act, you have nothing left ?- (No answer)

MAJOR ANDERSON: If you do away with that Act without putting something in its place, the state of the Native would be worse ?- I do not think any Native who has been subjected to these regulations can see much good of them. What we feel is this, the class of Natives coming under these regulations

is that class which is generally illiterate and, to a certain extent, there has been an attempt to try and protect that Native, but the way the law is administered is at fault.

DR. ROBERTS: Would you indicate how it is at fault? - A Native is recruited, he goes to work; he works for a certain time. Supposing he becomes ill; he cannot say "I want to go" he cannot break his contract. They keep him there until he is hopelessly weak and then they send him home. He cannot claim, for instance, money in lieu of notice; if he is expelled perhaps by the Company or an individual employer, he cannot claim anything under that Act; he cannot go to the magistrate and say, "Here is a man who refuses to pay me for no reason at all; I have done my work".

Would it not be better to improve it rather than condemn it altogether; it does protect a Native in many ways? - (Mr. Kadalie): No, sir. As we have pointed out in our statement, we are uncompromisingly against the recruiting system; it should be abolished altogether. Let a Native voluntarily go to work.

SENATOR VAN NIEKERK: But, on the other hand, it has been pointed out to us in the Territories and by others that a Native sometimes requires hard cash. Under the recruiting system, he is able to go and say, "I want to go to Johannesburg; I want this £1 badly". Is that not a benefit? - No, sir. As my friend pointed out yesterday, sometimes they say "I will give the money to your parents, but you can go so long". But supposing the Native gets the £6 and he goes and works, he has to pay off that £6 before he is paid any money. Sometimes his baas is bad and he is given a 'loafer's ticket'; or he may take about six months before he repays that £6. We do not approve of the Native being advanced money.

Mr. Kadalie

DR. ROBERTS: If he is willing to work, how would you get him into Johannesburg now ?- If he is willing to work, we'll let him pay his trainfare - the employer.

We all have not got £6 lying in our pockets ?- The employer must have.

SENATOR VAN NIEKERK: Oh, you mean the employer must pay the £6 ?- Yes.

MR. LUCAS: You are against the advance system ?- Yes.

MR. MOSTERT: You are not against recruiting them ?- Oh, yes I am.

How is the application to be made to the employer ?- What I mean is this; take an employer who wants a Native labourer to go to the Transvaal. The Native says, "I am willing to go voluntarily, if you pay my fare." If a Civil Servant is transferred from East London to Durban, the Government pays his fare.

CHAIRMAN: In other words, there should be free railway tickets for anyone who says, "I want to work" ?- Yes. (Mr. Ncwana): The difficulty is here you have the trader; the trader is always willing to give anybody who is willing to go to work a loan and he generally charges excessive interest on this money. I know of a case where a trader was actually charging 2/6d per £1 per month. That is where the hardship is. If a man is forced to go to work, even if he knows he is not a healthy man, he is forced to go underground to get money to feed his children.

MAJOR ANDERSON: Do you condemn the advance system entirely ?- Yes, I condemn it. Take a district like Glen Grey; why cannot the Native Administration there undertake the system themselves to advance these people money who want to go to work? - They have their properties there and stock, - at very little interest; I think, if it were done that way

Mr. Kadalie

it would work well.

MR. LUCAS: Do you think as many Natives would be available to go to work if there were no recruiting system ?- Yes; this is borne out by the new system that has been introduced recently by the Chamber of Mines, namely, the voluntary system. Natives who know that system are taking advantage of it because they do not want to be tied down to anything. They want to choose the mine they wish to work on and so on. They have been in Johannesburg so frequently that they know the conditions; they know who is a good compound manager and who is a bad compound manager. Under the existing conditions, they do not know where they are going; they may be sent to Timbuctoo.

Apart from the mines, how would the employer get to know which Native wanted to work? You want the Bunga to be a sort of labour bureau or employment exchange ?- Yes.

DR. ROBERTS: And where there is no Bunga ?- There are really Bungas in all Native Reserves now, except at Wittalsea. (Mr. Kadalie): We have Advisory Boards.

Would you have objection to the recruiting being carried on by the Government or labour exchanges and so forth?- No. (Mr. Newana): A voluntary system under the direction of the Government is much better, we think; if you leave it to private individuals for their own personal benefit, it has a tendency to impose hardship on the other man. Only traders are benefiting under this recruiting system as it exists today. For each Native they recruit they get so much and yet they charge fabulous interest on the money they advance to these people.

MR. MOSTERT: Is money advanced now by the trader or the N.R.C. Are you not talking of the old system? The old system used to be that the trader advanced: but now the N.R.C.

Mr. Kadalie

does that advancing ?- No, not in many cases. Supposing a man wants to send his son to Johannesburg; he says, "I want you to give me 2 bags of mealies; I have so many cattle and so on; I have to pay my poll tax". That has nothing whatever to do with the N.R.C.; it is a private matter between the trader and this man.

SENATOR VAN NIEKERK: Has your association given the question of deferred pay any consideration ?- (Mr. Kadalie): Yes; it is a very bad system. As we pointed out before the Wages Commission in 1925, the Native is not benefiting from that deferred pay; he does not get it at all.

Who gets it ?- The N.R.C. must get it. What the Chamber of Mines do with the money is to give it to charity.

MR. LUCAS: You are thinking of the interest ?- Yes.

SENATOR VAN NIEKERK: I do not know anything about the interest. (The deferred pay system is explained to witness.) We want to know from you people whether that should be satisfactory or not ?- (Mr. Newana): I think the principle of inducing any labourer who goes to the Rand or any other labour centre to send money home is difficult. We happen to know that there is a certain amount of money in the hands of the Native Affairs Department growing out of this. How this came about we do not know. That is where our suspicion now is.

It does not belong to the Native Affairs Department ?- Where do they get it from ? How is it that they have such a large amount of money growing out of this?

MR. LUCAS: You see, it is the interest. The interest on £2 or £3 or £15 for one Native is not very much, but the interest on a million is a lot of money. That is what you have in mind.- If they have this money, could they not make some arrangement whereby it could be paid back to the people who

Mr. Kadalie

are paying into this fund.

MAJOR ANDERSON: I understand now you object to all recruiting on principle. But, taking it for granted recruiting has to go on, would you sooner it took place under the Native Labour Regulation Act or under the ordinary Master and Servants Law ?- (Mr. Nowana): I am expressing the view of every Native in the country. We think the Master and Servants Act really covers everything with regard to labour, if that Act were only applied to White and Black alike.

It does not do anything to protect the Native as regards housing and feeding? - It could be amended or improved.

The other Act does ?- The other Act acts harshly because it takes away the right of a worker. Then again, it has the tendency of giving the other people a chance; there is some sort of exploitation going on under the Act.

Could not that regulation be independent of recruiting ?- I think, if it were possible it would be so. (Mr. Kadalie) One of the Commissioners asked us how we want to organize the workers; our constitution will give it to you.

Will you hand in a copy of the constitution ?- Yes.
(Copy handed in.)

MAJOR ANDERSON: Could you tell us what the membership of your Union is now, and how it is distributed ?- I had it ready yesterday, Mr. Chairman. Up to December 1930, it was 28,000 throughout the Union, not including Rhodesia. In East London alone, we have a membership of 6,000. Of that 28,000, we have in the rural areas 6,000 members.

CHAIRMAN: What contribution have they to pay ?- In the urban areas, the contributions are 6d a week; in the rural areas it is threepence for both male and female.

SENATOR VAN NIEKERK: Do you take women members as well? - Yes; women in the industrial centres pay a tickey.

Mr. Kadalie

Can you give the proportion of women members ?- I did not prepare that.

You are the Independent I.C.U. ?- Yes.

The I.C.U. of Natal, that is also separate ?- Yes; after the trouble we had, it was separate, but we are now trying to get together.

Does the old I.C.U. exist now ?- No.

The Independent I.C.U. has taken the place of that ?- Yes.

MR. LUCAS: There is a body in Kroonstad who call themselves the I.C.U. of Africa; they are an independent I.C.U. ?- Yes. We have nothing to do with Dr. Wellington.

DR. ROBERTS: These people said that they belonged to him.

CHAIRMAN: So you ought to have an income of something over £30,000 a year ?- Yes.

Do you get it ?- Yes, sometimes we get it. We have a system of collecting funds. These (exhibiting) are issued from the head office; we send stamps to the value of 1/-, 2/-, 6d and 3d.

DR. ROBERTS: Who audits your books ?- In East London we have a firm - there is a chartered accountant here, I have forgotten his name -. It is stated in our constitution that where our membership is big enough, all books must be audited by a chartered accountant once a year. It is on page 7.

How is it there was deficit of £6,000 ?- This system was not instituted then. I got the system when I went to England from the General Workers and Distributive Workers.

Mr. Kadalie

MR. GEORGE LLOYD LISTER, District Commandant, South African Police, East London,

called and examined:

CHAIRMAN: Could you give us just a very brief account of what the Private Locations Act permits the farmers to do in regard to Natives on their farms -- the main object of that ?- Well, what is permitted is that a farmer may enter into a contract with a Native to lease a certain defined portion of his ground and such lease, providing that it is not less than £36 per annum, or 6% of the value of the ground, may be registered, and then it does not fall within the terms of the Act.

Which Act ?- The Native Location Act; it becomes an exemption. Others can make contracts between the farmer and the Native, which they call an ordinary tenant, and that falls within the Act, for which the farmer pays an annual license of £2 for that privilege.

For the privilege of having a Native tenant on his farm ?- Yes; and the number of tenants allowed on the farm is restricted by the Divisional Council without an appeal to the Minister.

But now that Native is there as a wage earner ?- He is a labour tenant; he is really a freelance. In some instances, the farmer retains the right to call upon him and his family to serve at a certain rate of wages - usually they say at 1/- a day.

A farmer has to pay £2 a year for the privilege of having that man on the farm ?- Yes.

Are there many people on the farms under these permits ?- Quite a number. In the East London magisterial district there are 24 private locations containing nine ordinary tenants and 43 labour tenants. I perhaps should have explained that the labour tenant is a person with whom an agreement has

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been made by the farmer and he contracts that he will be on the farm to give his services when called upon for a definite period of time. It may be the reaping or a specified period. Then he is allowed to go and work elsewhere. So, presuming he had finished his job of work performed as required by the farmer, he could then get permission to go into East London and employ himself as a casual labourer and the like.

DR. ROBERTS: The ordinary labourer is different? - That is the labour tenant. The ordinary tenant is much the same, but the farmer has not quite the same call on him. The labour tenants, in some instances, are not paid any wage at all; in some instances they are given crops or a piece of ground, and the remuneration is the proportion agreed upon of the crops and so on. Then we come next, sir, to the bona fide servant. The first is a bona fide tenant, which the farmer pays £2 to; the second is a labour tenant, to whom the farmer pays 10/-; then the other one is in the continuous and bona fide employ of the farmer.

The farmer pays £2 for this under the Location Act? - Yes.

What is the difference between the £2 man and the 10/- man? - The £2 man gets a defined area.

To live on a farm by himself? - Yes.

And the 10/- man? - He would get an area of which he would pay off a share; sometimes the master will say, "There is ten, or twelve, acres; that is for you".

The £2 man; is that a written contract between the farmer and the employee? - Sometimes it is and sometimes it is not.

There is no definite rule? - No. For the ordinary tenant, they usually have; but for the labour tenant they usually have not.

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Of the £2 class you have only 24 ?- Yes; farms on which these locations are.

And the number of the 10/- contracts? - 43; and in the 52 families there are 763 persons.

CHAIRMAN: Is the number of private locations increasing or decreasing ?- It is decreasing.

Is it decreasing fast ?- Not as fast as I would like to see it.

I would like you to answer the question in the way I put it. Can you give us a figure for five years back, for instance ?- No, I was not in the district, It is not decreasing fast.

MR. LUCAS: What are the causes of the decrease ?- I think the farmer is gradually coming to realise that the existence of these locations is not desirable.

That it is not an economic proposition ?- For some, and not to others; I think the cons outweigh the pros.

DR. ROBERTS: What is the attitude of the Native with regard to this ?- He loves it; it is a carefree idle life as a rule and he more or less does as he likes, and I think that is what the majority of Natives love.

And that they cannot get ?- Neither can we. In the district of Komgha there are 66 private locations, comprising 239 ordinary tenants; 463 labour tenants ---

And the families ?- 3516 altogether.

Of the two groups together ?- Yes. Those have decreased appreciably in the last five years, I am informed, and they are being cut down rapidly now.

Being cut down by the farmers ?- Yes.

You have not the number of cattle ?- I can let you know, if it is of interest to you.

Yes, please ?- Very well, I will make a note of it; cattle and other stock.

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Yes ?- I will send that on.

CHAIRMAN: Is it possible to get the joint areas of the farms on which these locations are ?- Yes.

With regard to the urban location here; the report of the Medical Officer of Health contains the rather startling statement that more than half of the Native births are illegitimate. Regarding the marriages by Natives as legitimate marriages, do you think that could be the case ?- I am afraid there is a lot of truth in it. I cannot vouch for the figures: but I think there are a number of young women carrying their children about; it does not seem to worry them very much,

Has there been a drift into the town of that type of woman ?- It is not what one may term the loose type of women only; I think I mentioned it in my report that it was due to lack of parental discipline.

You mean, there are customary unions which are not legally marriages ?- Yes, I would look upon them as bona fide. I take the Native marriage by custom as a bona fide marriage.

We all do that ?- Yes; but outside of that, there is this loose element creeping in, in which it does not appear to be any stigma that an unmarried girl has a baby,

But in that element, do you find a particular woman living with a particular man as his reputed wife and going on living with her for years ?- That frequently happens; but I think a lot of the other is just promiscuous - casual.

DR. ROBERTS: Is that the reason why East London has such a very bad name all round and that the mothers beg their daughters not to come here ?- It is quite possible because, in the location, I know a number of parents have sent their daughters out to the kraals, as you may say, for safety's sake. They prefer them there rather than to have them suffer the contamination which they would get here. As you

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know, in every seaport town there are always idle and dissolute persons who infest a place of this kind.

CHAIRMAN: Is there any tendency for young unattached women to come in from outside and settle down here ?- I cannot give you a satisfactory answer to that; I do not think it would be fair; I can only say there are a number who do come in. I am not in a position to give you authentic information.

SENATOR VAN NIEKERK: What is the general relationship between the farmers and their Native servants ?- I think the relationship as a rule is a happy one.

There are not many complaints of illtreatment or breach of contract ?- Very few. Considering the very large Native population that I have under me and command, the complaints are very few, I am pleased to say.

CHAIRMAN: We were told here yesterday that/a Native left his master to come in and make a complaint, the master may come in and arrest him for desertion. Under the law, has he not the privilege to leave the farm and come and lodge a complaint ?- Certainly he has. That is not true. I give it the lie direct. The Cape Master and Servants Act gives the servant that right.

DR. ROBERTS: To make a complaint ?- To leave his place of work to come and make a complaint.

Provided he tells his master that he is going ?- It does not even restrict that; but the complaint must be a legitimate one. If he can away with some frivolous thing, of course, the possibility is he might be charged, but on the other hand, if the complaint is bona fide, it is enquired into very carefully. These cases, when they come to East London, are usually brought before myself or one of my brother officers and so we act in sympathy with the two

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parties, just to see if there is a squabble.

CHAIRMAN: With regard to kaffer beer; do you think that home brewing would be ^{un}favourable to the domestic welfare of the Native ?- Undoubtedly.

But how do you account for the fact that, in their own areas, it is not doing any very great amount of harm ?- For the Native in his own kraal outside is entirely different ^x to a Native residing in an urban area.

DR. FOURIE: You mean, the tribal system has some check on him ?- Yes. There again, the old men have a certain amount of restraint, and they are living more or less the family life. The people of one kraal more or less belong to one family and there is a certain amount of restraint. Even if they get, as they do sometimes, too much beer, there are usually one or two who will advocate peace and they will usually get the person who is the aggressor away. Unfortunately, in the urban system we have them, as I put in my report, living shoulder to shoulder there, Tom, Dick and Harry here and there and the other place; they have no family ties. Consequently, the man who gets full of beer looks sideways at the other man and there is not just that restraint as when he is a brother and so they fight and that is the result, in my opinion.

CHAIRMAN: If you had the municipal beer shops, you would get over the problems created by absolute prohibition ?- I am absolutely against prohibition.

You would get over that problem ?- Yes.

But would you not have, at the same time, so much illicit brewing on account of the profit to be made out of it ?- Possibly for a time, but I think that would wear down.

Why ?- In just the same way as we Europeans became more amenable to the Licensing Act as we became more used to

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it, and where they had, in the old days of 40 or 50 years ago, no licenses in this country and everybody did just as he liked, then in 1881, when the Liquor Act came into force in the Cape Province, that gradually started to break down, until now the Public have learnt the good coming from such laws and are amenable to them; and I think, in time, the Natives would also appreciate the value of being allowed to get their Native liquor under proper control and supervision and he would also appreciate the fact that a man would not be allowed to get overmuch and so become a menace to his fellow people.

MR. MOSTERT: The law would only be a temporary thing, so far as the Native is concerned; he would soon get accustomed to it ?- Yes.

The same as the European had to get over it ?- That is my opinion.

DR. ROBERTS: You do not think in the lower parts, round about the docks, an European ~~can~~ ^{could} get drink in a shebeen? With that the law has to deal; some would go there. I am not saying it would not be, but probably it would be very prevalent at first and gradually break down.

CHAIRMAN: What is your view with regard to the provision of anything else than Native beer - than European liquor ?- I think it would be inadvisable.

Why ?- Because the Native, as a rule, has not reached that degree of civilisation in which he can learn to control himself and I am afraid, if they got unlimited brandy or something, they would not be able to control themselves.

What about wine ?- I cannot claim to have had much experience of that, but the wine I have seen sold to Natives has not had the desired effect at all, excepting to the Native, that he has got a good kick from it.

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You think the potency of the drink has a good deal to do with the question of whether it ought to be allowed? - With some.

But with the question of whether it ought to be allowed? - Yes.

If it becomes too potent, you should prohibit it? - Yes; you should control it.

Not prohibit, but control it? - Yes. One finds with the lower type of the Native, for instance the Hottentot, he is very partial to getting something that will give him a good hard kick. The Natives in the Crown locations, where I know more about them, I find as a rule that they are quite satisfied with their kaffer beer. If kaffer beer is manufactured in a proper way under Municipal control and sold at a reasonable figure, I think the Native will gradually begin to realise the benefit of that system.

You take the view it was a mistake to try and wean the Native from his own beer? - It is ridiculous; you might just as well try and wean fish from swimming.

MR. MOSTERT: So far as wine is concerned, do you think it would be too insipid to the Native? - It might tend to deflect his taste from kaffer beer to something worse. I think he would be quite happy with his kaffer beer in moderation, and I strongly advocate that.

DR. ROBERTS: It has such a different flavour that it would put him off? - Yes; it would tend to stimulate something more. If I may just worry you one moment; Mr. Lloyd, in his evidence, rather gave the Commission to understand that the state of the location was anything but a satisfactory one. He said there were free fights hooliganism and all that kind of thing. Well, I have prepared for you two crime reports for the year 1930; one from the East and one from the West Bank. This is not

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the cases actually sent to court; these are those which have been reported - every case reported, and it may be that you will find much matter here that will interest you :-

South African Police, East Bank Location,- Return of cases reported during the year 1930 :-

<u>Code</u>	<u>Offence</u>	<u>No. of cases reported.</u>
021	Administration of Justice Act	7
036	Resisting the Police	2
054	Riotous behaviour	29
061	Bigamy	1
071	Immorality Act	1
103	Assault, common	72
113	Assault on Police	3
114	Assault to harm	24
134	Child stealing	1
135	Cruelty to and neglect of children	6
144	Gulpable homicide N. or N.	1
225	Forgery and uttering	8
226	Malicious injury to property	3
230	Theft of bicycle (recovered)	2
233	Theft, common	20
235	Theft by conversion under £20	1
236	" " " over £20	2
237	" " fraud	1
241	" " H.B. by day under £20	2
243	" " H.B. by day (huts) under £20	1
245	" " H.B. by night " "	5
247	" " H.B. " " (Huts) " "	6
257	" of horned cattle	1
263	" " stock (poultry)	1
319	Dagga Law	20

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364	Conveying of liquor without a permit	1
366	Drunkenness	16
368	Illegal possession of Native liquor	1515
369	" " " other "	78
378	Location rules and regulations	1248
382	Medical, Dental and Pharmacy Act	1
388	Motor Vehicle Ord. reckless driving	1
390	" " " other offences	2
391	Municipal offences	50
402	Police Offences Ord.	176
403	Possession of dangerous weapons	5
405	Pound laws	3
513	Native Taxation Act	348

making a total of 3,659 cases.

West Bank Location: District 13, East London.

<u>Code</u>	<u>Offence</u>	<u>No. of cases reported</u>
023	Bribery	1
028	Escaping from custody	1
036	Resisting Police	4
054	Riotous behaviour	6
103	Assault, common	57
106	" indecent	1
114	" to do G.B. harm	3
124	Carnel connection	1
135	Children Protection Act	5
169	Rape	1
180	Attempted rape	1
225	Theft by forgery and uttering	2
226	Malicious injury to property	4
230	Theft of hicycle	1
233	Theft, common	16
237	Theft by false pretenses	1

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247	Theft by housebreaking	1
251	" " pocketpicking	1
319	Dagga Law	5
322	Non-support	1
340	Gambling law	1
366	Drunkenness	5
368	Possession of K. beer	139
369	" " O. liquor	20
378	Locations rules and regs.	126
388	Motor Vehicle Ordinance	3
390	" " "	2
391	Municipal regulations	18
402	Police Offences Act	95
419	Railway and Harbours Act	1
512	License Act	1
513	Native Tax and Development Act	62

making a total for the year of 586 cases.

DR. ROBERTS: Those are reported cases? - Yes; not actually detected cases.

MR. LUCAS: Not prosecutions? - No. Mr. Lloyd informed you that the bee wine, of which I have brought you a sample, was very prevalent in the location. I went into that fact and it is not two percent.

CHAIRMAN: What do you mean by two percent? - Not two percent of the 1515 cases.

DR. ROBERTS: Can they get drunk on the bee wine? - Yes, more so than on the kaffer beer. And if one takes the illicit kaffer beer, the possession of other liquors - that is the brandy and such like - the cases were 78.

Will you hand in these statements? - Yes. There is a lot of rough play amongst the boys and hobble-de-hoys; that is why I am a strong advocate of recreation and giving these young bloods something to get rid of their surplus energy.

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They have recreation grounds now and they are becoming more used to that. Mr. Lucas asked, on the first day of your sitting, for certain figures with reference to the casuals and regular labourers at the harbours. I have obtained them for you. The daily labour at the harbours is paid 3/4d a day - for casual. They took it out, and on the figures they got out some time ago, the average is 15/- a week for the year.

MR. LUCAS: That is a little less than five days a week? - Yes. The regular is paid 3/6d to 4/6d. They have six days a week of 48 hours, made up by working forty minutes more each day and then getting the half day off on Saturday. The regular employees on the harbour goods and cartage are 200 per diem. The daily casuals: in January they were 360 and in February 331; so one can say there are roughly 350 casuals employed by the Railway people per diem.

DR. WALTER BENSON RUBUSANA, Congregational Minister, East London,

called and examined:

The following statement was read to Members:-

On the question of tribal and detribalised Natives: for the last 40 years that I have been intimately connected with conditions obtaining in Native rural areas, I have found that the main reason for detribalised Natives sacrificing their tribal economic assets, is due to the fact that in Crown lands there is no fixity of land tenure which, in the natural course of things, would enable them to improve their holdings for the benefit of the community at large. Native administration in the rural areas is not what it should be, for the simple reason that there are no facilities given to

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improve the economic position affecting them year in and year out.

With regard to disadvantages of tribal life, I may say without hesitation that they are numerous compared with the advantages derived by Natives in the urban areas. The social conditions of tribal life are simply unbearable and unless an effort is made by the administration in the Territories to make tribal conditions more attractive and tolerable, Natives will continue to sacrifice their all for any spot with the sunshine of civilisation.

There is no good reason why differentiation should be made between Black and White in regard to fixity of land tenure. The present system of freehold tenure for Europeans should be made applicable to the Natives. For instance, the present quitrent system for Natives has many disadvantages, as it does not make any provision whatever for the redemption of their quitrent holdings, such as is applicable to European farmers.

With regard to the urbanised Native, all authorities agree that the landless Native population of South Africa is the product of anti-Native legislation which deprived the Native of his natural rights in equitable possession of land. The Lands Act of 1913 was the coping stone, as admitted by many statesmen, in closing down economic avenues for Natives in the beneficial use of the land, which they formerly occupied. In my humble opinion, I can see no future for the landless Natives than that of squalor, poverty degradation and the demoralisation of their moral instinct.

The migration of Natives from rural to urban areas is mainly due to the fact that the Government, at any time during Union, has not made any worthy attempt to improve tribal conditions in such a manner as to induce tribal Natives

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to remain at their homes. In my opinion, the Government would be well advised in the first place to widen the powers of the Bunga Councils by giving the Natives complete self-fiscal autonomy with a proper electoral system based on the present electoral law of the Union.

The present system of governing the Native Territories through the Native Affairs Department is not an improvement. In the second place, a wide scope should be created for educated Natives in the Civil Service of the Native Territories and in Native urban areas and thereby enable them to comprehend firsthand knowledge of administration of their own people.

With regard to the introduction of Natives from extra-Union Territories, it must be admitted that the undeveloped economic assets of these territories by the Imperial Government falls very heavily on the economic opportunities of the Union Natives. In my opinion, labour forces from these Territories should be regulated in such a manner as will give Union Natives enough scope for employment and at the same time the Imperial Government should be called upon to improve the economic conditions of the protectorates under its influence, in similitude with what is being done for the Natives in the Union.

Judging by the expenditure on Native agricultural education for the Union, namely £29,000, the standard of Native agricultural development is very low and affords very little opportunity for pecuniary gain. Until the whole of our agricultural development is revolutionised on the same scientific lines as that of the European farmers, there is very little prospect of making the Native farming community self-supporting. Much that is being done by the Government for Native agriculture has only touched

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the fringe of this great national problem.

With regard to the urban Native areas: since the enactment of the Urban Natives Land Act of 1913, there has been a continuous influx of Natives into the urban areas which has caused great concern to local authorities and Natives who have grown to look upon the urban areas as their permanent home. The Native Urban Areas Act of 1923 was an attempt on the part of the Government to stem the influx; but because of the fact that conditions in the rural areas had not received similar attention, Natives continued to come in. The remedy, in my opinion, lies with the Government, upon whom the responsibility for the reformation of tribal conditions on civilised lines is vested.

As a missionary, I should like to point out that whatever the opinion of a section of the public may be, Natives owe a debt of gratitude to the pioneer missionaries for what they have accomplished for the dark continent of Africa. It is regrettable in the extreme to notice that there is a tendency on the part of those who govern this country, to encourage even educated Natives to live the primitive life of their ancestors.

With reference to urban Native administration: Native administration in the urban areas is suffering immensely from dual authority. To my mind, and those who know the conditions existing in the urban centres, there is altogether too much red tape-ism in the Department of Native Affairs, which, since the enactment of the Native Urban Areas Act, has been called upon to dictate to local authorities the policy to be followed towards the control of Natives. Notwithstanding this interference from a political department, we ~~will~~ have no uniformity in the administration of Natives.

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in the urban areas. Every centre is allowed to make its own regulations for the government of Natives; in that the system of housing, rentals charged and sanitation differ according to the mentality of each locality. Some of these regulations, which in nature are framed to retard the Natives to rise in the scale of civilisation, are sanctioned by the Native Affairs Department.

As to the housing of Natives: in the absence of fixity of land tenure, no housing scheme for Natives can fit in with a rapidly progressing community as the Natives. Some of the conditions which have made Native life intollerable in the urban areas are, inter alia, unhygienic housing, high rentals charged, unsatisfactory sanitation, the absence of recreation of any form or shape, and want of provision for the treatment of diseases. These anomalies have increased the percentage of mortality among Native adults and children. The refusal to allow the Natives in the urban areas to purchase their holdings, gives credence to the view that locations are estates created for the exploitation of Natives by their masters, who form the local governments administering Native affairs. More often than not, local authorities are generally reluctant in effecting necessary improvements which are so conspicuously important to the health of both White and Black communities. For instance, in the seaport of East London, sanitation services in the City are second to none and the drainage system leaves nothing to be desired. The City locations are the only places where these sanitation conveniences are not to be found and yet the people are charged high rentals for their holdings and in return get very little attention from the local authorities. To take another instance, there is the

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question of public latrines in the locations here; owing to lack of privacy these latrines are not being used by civilised Natives and, furthermore, because of the reckless manner in which they are looked after by the authorities, cannot keep free from contagious diseases which are a menace to all people of good character.

In East London, the absentee landlordism has no protection in any shape or form. According to our location regulations, he is subject to victimisation at the discretion of the Location Superintendent, who is empowered to deal with the case without consulting the Location Advisory Board. We feel that, in this respect and several others, the provisions of the Native Urban Areas Act are not carried out in the letter and the spirit of the legislators. The location Advisory Board should be consulted on a matter of this sort. Under our present regulations, the absentee landlord has no security whatever on his holding, notwithstanding the fact that some of these people have had to spend their life's savings in improving their houses.

In dealing with the question of education for Natives in the urban areas, I wish, at the outset, that the members of this Commission should note that there are no provisions under any law to compel local authorities to assist the development of Native education in the urban areas. There are no doubt centres which, on a very small scale, contribute towards the advancement of Native education under the provisions of the Native Urban Areas Act.

In his pamphlet, "Black outlook for Natives", Mr. S. M. Bennett Nowana says, " It must be remembered that, where two races on different planes of civilisation come into such close contact as the Whites and Blacks in South Africa, they

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act and react on each other and, where the higher race neglects its duty to the lower, as is the position in South Africa today, it will suffer in the end. The neglect of this duty by the powers that be and the undermining of the natural law of development must, no doubt, have great serious consequences, but perhaps none more disastrous than its effects on the White children whose mental and moral development is inextricably involved in that of the Blacks.

In almost every well constituted local authority in South Africa, the first charge of the community's revenue is education. Consequently, local governments are spending large sums of money in the direction of supporting local public schools by means of annual bursaries in addition to government grants. In so far as Native schools are concerned in the Urban areas, this practice is not insisted upon by the local authorities, who only focus their attention on minor services to the exclusion of education. The Native people of this country are seething with discontent because of the fact that the White people of South Africa are not honest in their dealings with them.

The first Location Advisory Board Congress, recognising the need for some educational facilities in the urban areas, unanimously adopted the following resolution:-

"(1) That in view of the stringent economic means of the urban Native population of the Union, this Congress desires to approach local governments through their respective Native Advisory Boards, to consider the immediate desirability of giving substantial aid to urban Native education by means of annual bursaries to secondary and training institutions.

(2) That the bursaries granted by local authorities from the Native revenue account be administered by the Location Advisory Board, and that the grant should be

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determined according to the Native population of each local authority."

While our children are clustered in disserviceable hovels with scanty furniture or no furniture at all, the Provincial Authorities have regarded it as national duty to erect public schools for Whites and Coloured in each centre of the Union. If White children cannot be accommodated in Church buildings, why should ours be? Natives, it was stated, were contributing to the coffers of the Central Government, to the tune of over six million pounds and, in return, the Government was only spending a paltry sum of £650,000 per annum on Native education and other services. When the 20/- General Tax was imposed, it was decided that one fifth should go to the Native Development Fund in addition to the annual grant of £340,000 from the Central Government.

The idea was that the local tax, together with the one fifth should be returned to the district in which it was collected, for the welfare of the Natives in that area. In East London, we have not received a penny from this account towards the expansion of Native education, either from the local authorities or Government. As missionaries, we have always to keep our church buildings in a fit state of repair, in addition to paying sanitary rates, etc., for which the Provincial Authorities refused to reimburse the missionaries for the use of their church buildings. If we did not do these things, our schools would be in danger of being closed down by the Education Department.

Notwithstanding the fact that local authorities are empowered to make provisions for Native educational requirements under the Urban Areas Act, this, as far as I am

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aware, has not been done, while large sums of money are spent on ambitious schemes to the detriment of the future of our children. In the Cape Province, according to a statement made by the Administrator, (Mr. J. R. Conradie), at Prince Albert, in which he said that the Provincial Authorities would spend, in 1930, £150,000 on £20 bursaries for Europeans and Coloured and none for Natives. This injustice of suppressing Native educational development is observable in all European dealings with Natives and, consequently, the White man scores, not by honest, but by hook or crook means.

As regards inter-racial relations: the promotion of inter-racial good feeling and co-operation is indeed a very good proposition on paper, but if we want to build a strong feeling of harmony between White and Black then we must be honest and face the facts.

While the Natives, for the last century or two have sacrificed everything to attain this desirable object, the European has not bothered to come within the range of reciprocation and, as the Native progresses in the scale of civilisation, the gulf of antagonism is becoming wider and wider. This unnatural and un-Christian attitude on the part of the Whites has driven the Natives to desperation and I regret to say that the present Government is not making any attempt whatever to gain the lost prestige, but rather accentuate it by a series of anti-Native legislation.

With reference to trading in the location, the principle of restricting Natives to trade, even among themselves, is unjust and radically bad, and I make bold to say it has no precedent anywhere in the civilised world. Since the present Government came into power, some 20,000 Natives have been thrown out of employment, and those who

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had little capital to settle in business, have been rigidly refused licenses to trade amongst their own people. Local authorities under the influence of the small traders, have actually built the "wall of China" against any possibility of Natives competing with Whites in Native trade. Consequently a large population of Natives with means is kept in the background, while the White man is allowed to invest large sums of money on Native trade.

In the good name of God, I appeal to the softest parts of human nature of the Members of this Commission to open the gates of economic restriction and thereby give the Native races a chance to better themselves under the economic system of the country.

CHAIRMAN: You refer to the law not making provision for the redemption of quitrent holdings, such as is applicable to European farmers. Are you correct on the last statement ?- Yes, sir. In the case of European farmers, they may redeem the quitrent on their land, but not so the Natives. Four acre lots were granted to Natives as far back as 1846 and they are still paying quitrent on these small four-acre lots; that means, they have bought these four-acre lots for more than ten times their value by paying this quitrent. I know that, under the Cape regime, there was a rule to the effect that Natives may redeem the quitrent, but they have never been encouraged by any Government, so far as I know. Say, for instance, a Native was paying 15/- a year quitrent, he may redeem that quitrent by paying £15 -- that is 20 years quitrent. Then his lot would be redeemed, freehold. They have never been encouraged -- in fact I do not suppose that there are any Natives in the country who know that except myself.

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Are you referring to holdings in Native reserves? -
Native mission stations.

Are you referring only to Native mission stations? -
Yes; wherever a survey has taken place.

You wish those to be confined to surveyed areas only? -
Yes, surveyed areas.

You are aware, I think, that in the surveyed areas
there is a very considerable limit on the Natives' holdings
of land, viz:- that one head of a family may hold only one
land ? - Yes.

Do you think that is a satisfactory provision, that he
may hold only one land ? - Yes, I think so, because there is
very little land to be held by Natives.

If quitrent is to be redeemed, it must be a natural
corollary that the redeemed quitrent land must also be sold
to other Natives afterwards ? - Yes.

But would you still maintain that it should only be
sold to Natives who have no lands ? - Yes.

So the value of the privilege would not be a very big
one when it came to selling the land ? - Yes; but, you see,
hitherto the fault was this: there is A; "A" has had a
four-acre lot, we will say; he has been cultivating that
lot for 20 or 30 years. He dies and leaves it to his family;
he says, "You plough that land". The widow is unable to
pay the quitrent after the death of her husband. Hitherto
three years was fixed as the time within which he must pay
the quitrent; if after three years he was not able to pay
the quitrent, the land was invariably taken from him and
put up for auction to any who is prepared to pay the quitrent.
Whereas, if that lot had been redeemed by the husband while
he lived, then it could not have passed out of the hands
of the family.

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You, therefore, consider that subject to the limitation that the land must only be sold to the Natives, from Native to Native - not from Native to European ?- Yes.

And, secondly, that each man must hold only one land; you must gradually carry over the Natives from their own system in which the land was communal, to their own system in which it was individually held ?- No; if it were communal, it was always under the chief.

But the theory of the survey districts is that the land still belongs to the community ?- Except for the commoner.

As soon as you cannot beneficially occupy that land or pay your dues on it, that land reverts to the community ?- What do you mean by, "Beneficially occupied"?

That you do not work the land, for instance? - (No answer).

MR. LUCAS: For three years ?- (No answer).

CHAIRMAN: You are aware that land can be forfeited for non-beneficial occupation ?- Yes; quite right, too.

At the back of that, there is the idea the land really belongs to the community, but it is given to the person to work for a given period, provided he pays quitrent. So it is a half-way-house, where the land was communal and where it may be entirely freehold ?- That was not the policy of Sir George Grey.

We are a good distance away from Sir George Grey's idea in this matter ?- (No answer):

SENATOR VAN NIEKERK: You want the Native to be able to redeem his quitrent by release from perpetual taxation ?- Ye

We were told in the Transkei Territories that that is the position and that some Natives make use of it; that they can redeem that quitrent in a lump sum like an European ?- I do not think so; I know of no case in the Transkei where

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that has taken place.

CHAIRMAN: I am really trying to get at the principle which ought to underly legislation with regard to Native holding of land. You have, on the one side, the European idea where land is absolutely free - where a man may do with it what he likes; he may or may not beneficially occupy it; he may sell it if he likes, or mortgage it if he likes. Take the extreme case. Then you have the tenure in surveyed districts, where a man may continue holding the same land and, as long as he is a male descendent, the male descendent holds that land, provided he keeps it and pays quitrent. Thirdly, you have the original Native tenure, where the land belonged to the community and the chief told a man he may use certain lands and, while that permission continued, the man could continue using it, but could not dispose of it to anybody else ?- We have not that system in the Colony.

That was the original Native system, you will admit? - That does not apply in the Cape.

You have those three systems ?- Yes.

In the surveyed districts, you have a certain system. Would you recommend that system should be further modified to the system which I have described as the European system ?- You mean, with regard to the redemption of the quitrent.

Well, redemption of the quitrent is one form in which it could be further modified, but in other respects, when a man has redeemed his quitrent, what rights could he have to that land; should he have the right to sell it ?- To another Native?

Whether that man has land already or not ?- No, not to a man who has land, but to another Native; you see, there is very little land available.

You do not want one Native to have a lot of land ?- No; we have had too much of that system as in the case of

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Europeans who own large tracts of land which they cannot beneficially occupy.

Would you want a Native to be given the right to mortgage that land ?- Yes; if he wanted a little capital.

With regard to succession; would you want succession according to European or Native ideas ?- Native.

That may mean if he has only daughters the land that he has redeemed might not descend to his family ?- Yes; it might descend to the family, but it must then be equally divided amongst the members in the family.

Would you want that land or four morgen or two morgen holding subdivided ?- You see, according to Native law, the land passes over to the male heir, the advantage being that he will maintain all the members of the family. In the absence of a male heir, I prefer that the land be ^{di} provided amongst the female heirs.

So you would want a certain amount of amendment of Native law of inheritance, because, in the Native law of inheritance, the land never goes to the females ?- Yes, I should like that amendment.

With regard to the subdivision of the land, do you think it is a sound thing to allow indefinite subdivision ?- I know the result; in the Kat River, where they had these boedel(?) erven, where it was subdivided and subdivided until there was nothing left.

Until you could not draw a line between the two holdings ?- That was the position.

I thought you recommended that the land should be divided amongst the heirs ?- Yes; my intention is not only to subdivide it, but you must sell the land in the case of females and divide the proceeds.

There should be a limit to the subdivision of the

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actual ground, but the proceeds of the estate should be divided according to the Native succession laws that you have recommended ?- Yes; in the case of females, sell the land and divide the money amongst the members of the family.

MR. LUCAS: When you bring in the question of the right to sell the land, you then bring in the question of how far the present owner is to be allowed to dispossess his heir. Today, the male heir is entitled to that land on the death of the owner ?- That is so.

But if you sold, you would have to give complete freedom to sell and dispossess that heir; have you thought about that aspect ?- You mean, in the case of the original grantee.

Take yourself; supposing you have got a plot; your eldest son is entitled to that plot when you die. But, if you can sell it to another Native, then your son has no rights at all ?- No.

With these consequences, do you still wish to have the right to sell ?- You see, my position is this; circumstances may compel me to sell the land in order to maintain the family while my eldest son is not doing anything to assist me in the maintenance of the family.

Yes; but the Native law gives that son the right to the land, with an obligation to look after the family ?- Yes, but there are several cases I could quote of sons who do not carry out that obligation.

But are they sufficient to lead to the upsetting of the whole system that we have got today and putting in its place the right to sell ?- Well, the eldest son would be practically dispossessed of that land.

Yes, entirely ?- Well, even under the old Native custom, the father, during his lifetime, had the right to

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disinherit his son for legitimate reasons. In the case of his father selling the land, it would be tantamount to disinheriting the son for good reasons.

CHAIRMAN: You say, for good reasons ?- Yes.

Who is to decide whether the reasons are good ?- The good reasons are these; he goes away - as I have known several cases - to Johannesburg or Cape Town; he lives there for years and does not support the old man in his old age at all; he squanders his money in drink, on women and all sorts of things. As soon as the old man dies or is reported to be very ill, he comes home and says, "I am the eldest son; I want the land and everything". Now, what right has he to do that? Under Native law, the giving away to the male heir of the land was on the condition that he was to support his family, his aged father or his aged mother.

CHAIRMAN: Now, let us suppose that, instead of having a prodigal son, you have a prodigal father who gets into difficulties, who has a lot of debt and is then sued for that debt; would you then allow that land to be sold to pay the father's debt ?- If I had anything to do with it I would not, but I suppose the law would give him the right.

That is one of the dangers of allowing him to sell his ground ?- The law would give him the right, because he is the owner of that plot.

MR. LUCAS: What you have recommended to us would allow a father to sell his land, or have his land sold, to pay his debts ?- Yes, that would be the law; that is the law now I believe.

It is not the law now ?- (No answer):

CHAIRMAN: You may not sell the land now ?- Cannot you sell your own land?

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MR. LUCAS: Yes, in some places, but not in districts of the Transkei ?- I am talking of surveyed land where you hold a title in your own name.

CHAIRMAN: You recommend that surveyed land under quitrent title should be capable of being transferred into freehold title by redeeming the quitrent ?- Yes.

In that case, it may follow that the prodigal father sells the land and there is nothing left for the children. That is an European idea; it is happening every day. It is a question whether we should be guided by the Native conception of the land, or the European idea ?- I think the case you have mentioned, sir, is very extreme. I have never known a father who would be so heartless as not to maintain his children.

Sometimes it is not the lack of heart, but the presence of a very long thirst ?- (No answer)

SENATOR VAN NIEKERK: Take the Transkei; a man has a surveyed plot; he may take up money on that plot that somebody advances but he can never sell it. As soon as you say it is absolute freehold property, when he gets into debt they will press him and sell him up? - Yes; but supposing a man had a title to his land, he would hold it in perpetuity under the redeemed system; would he not?

Yes ?- Well, what would prevent a man in the Transkei who has title doing the same ?

He cannot sell it under his occupation or transfer title; a Native can only sell land where he has bought it in an European area with his own funds and has the title. Where we come to this big question this is in connection with land held in the Transkei; a Native has a surveyed plot; get title, but it is a quitrent title, and he can never sell the land; that land remains in his family in perpetuity ?- What I say

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is, if he wants to sell his land through force of circumstances in order to pay his debts and maintain his family with the proceeds of the sale, he should be able to do so.

But, as an educated man, and a man of practical experience, has it not been your experience that many a man -- take an European who sells land and, by squandering his money in some way or other, he has lost the land and his family has become poor Whites ?- Anything that will guard against his being dispossessed of his land, I should fall in with.

With regard to the introduction of extra-Union Natives; you referred here to the Imperial Government territories, but I think you are aware that the bulk of the extra-Union Natives come from Portuguese Territory. I, who was charged about 18 months ago by the Government, to go into the question of the availability of Natives - together with the Committee, - found that there were very considerable periods during which the Union Natives did not even take up the remaining posts on the mines and on the farms in certain areas, even when 100,000 Portuguese Natives -- not to mention the others -- were in the country ?- For what reason sir?

Well, that is what I am asking you. There were these openings, the employers wanted the labour and could not get it. It would be a very easy thing for the Union Government to close its borders against foreign labour, but the position has, up to the present, been and it is the case now, that there is not enough Union Native labour for occupations in the country. If we had to send the 70,000 or 80,000 Portuguese Natives out of the country today, there would again be a shortage of Native labour ?- I do not say block the door altogether, but I say 'Charity begins at home'; see that your Natives get employment in the Union here,

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before you get Natives from outside.

I take it you are aware that this is practically the first time in the history of South Africa where there is real unemployment amongst the Natives ?- I do not know --- unemployment amongst the Natives?

Yes; where Natives cannot find any sort of job. Unemployment we have among Europeans as an endemic thing; but this is the first occasion in the history of South Africa where Natives are hunting for work all over South Africa and cannot find it ?- Simply because they have been pushed out of their own jobs.

No; it is simply because you have the economic depression which is being felt here as well as outside ?- I was speaking to a man who knows the whole thing, who is connected with the Chamber of Mines in Johannesburg; I was speaking to him about two or three weeks ago, and he told me they had enough Native labour from the Union.

That is perfectly true; it has been the case since about last November; and in 1924 the mines had enough labour, during a short period ?- It is not my contention that you must exclude them altogether; my contention is, first of all get as much labour as you can from the Union for the mines and then, if you cannot get it from the Union, it will be time for you to get it from outside.

That is being done; but you must take the thing in a reasonable way. Bringing a Native from Portuguese East Africa is an expensive business, as you know. Therefore, all these contracts are taken on for a period of anything from 12 to 18 months; and if there is suddenly a shortage of Native labour in the Union when generally there is not a shortage, you cannot shunt out all these Portuguese Natives ?- No.

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There is generally a shortage when the Natives have a good crop at home ?- In the case of Union Natives, they spend all their money in the Union.

That is perfectly true, but the difficulty is that, in normal times not enough Union Natives come out and, therefore, the portals have to be thrown open? - (No answer):

CHAIRMAN: With regard to the mortality among infant children; do you know the conditions in the locations here in East London ?- That might be got from the report of the Medical Officer of Health.

I have got the report, but I am trying to check something ?- I do not know the figures at the moment.

I can tell you what the figures are; according to that report, of every five children born, two die before they have reached a year ?- There is no reason why it should not be believed.

You know your people very well. Supposing something were to happen here, whereby practically half the children died within a very short time after they are born -- because the infantile deaths generally take place after the first month; do you not think they would look upon this place as being afflicted with some form of witchcraft ?- Possibly.

Do you not think the tendency would be to get away from a place where death stalks about in that way ?- There is something wrong; and, in my opinion, what is wrong is the feeding of these children.

I admit there is something wrong and I admit the mortality rate is very high; I know the way in which the figures are generally got out is pretty hopeless, but I am trying to put the matter to you as a man who sees things before you every day. If, of every five children born, two have to

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be buried within a short time, do you think the people are likely to go on looking upon that as a normal thing; do you not think they will clear away from such a plague-infested spot ?- If they had another spot to go to.

I think people generally run away from death; it does not matter where they go to ?- (No answer):

DR. ROBERTS: Let me put the case another way; do you think it is reasonable that, out of every three children born in East London, two are illegitimate ?- Well, I could hardly say that.

One out of every two ?- I can hardly say; unless you regard ----

CHAIRMAN: A Native marriage is a marriage that is recognised ?- Well, I cannot understand why there should be so many illegitimate children.

That is the published figure of the M.O.H. ?- It all depends on what you mean by Native marriage. A Native takes a woman and if he pays cattle he thinks that Native marriage has been consummated.

That is in order; it is a legal marriage ?- In every case he does not pay cattle; he has known her; he simply promises the parents that, when he gets home he will pay them.

DR. ROBERTS: Well ?- Well, possibly that might be regarded as illegitimate.

MR. MOSTERT: Illegitimate children are merely the offspring of a man who just takes a woman and does not talk about marriage at all ?- There are a large number of illegitimate children, but I do not think the percentage is so high,

CHAIRMAN: Could you indicate to us where you got the figure from of £6,000,000 contributed to the coffers of the Central Government by the Natives ?- I got that from

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Mr. Newana's book there, and he assured me he got it from the Census; I am not very sure of those figures.

We heard something about sources yesterday, but I want to disabuse you of the idea they were got from the Census; they were certainly not ?- I see.

Now, with regard to the expenditure of the educational portion of the general tax; you say the idea was that it should be returned to the district in which it was collected ?- That was the idea.

But whose idea was it ?- That was the idea under the Urban Areas Act, if I am not mistaken.

No; the idea was that one-fifth should, in addition to the contribution from the Consolidated Revenue Fund, be used for Native education, but there was no idea to spend that one-fifth in the same area; that money is spent on Native education, but the butter is spread over the whole slice; it is not put on in lumps where there happens to be a favourable spot, and none on others ?- But the butter is not enough to cover the slice of bread.

That may be; that is the question this Commission will have to consider; but it was certainly not the idea that the butter should all be put on in blobs at different spots ?- (No answer):

SENATOR VAN NIEKERK: You mention in your statement that the municipalities are not contributing towards Native education in the location ?- Yes.

But ordinarily a municipality is not compelled to contribute to European education ?- But they do contribute to some schools.

They may, of their own free will; some municipalities do and others do not ?- It is a curious thing that in every case where they do contribute towards education, it is invariably

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to an European school and not to a Native school; that is my contention.

But you cannot expect the Government to compel them to? - But I can expect the local authority who gets such a lot of money from the Native, to support Native education locally, which they do not do. Look at the rents they get from the Native; what do they do towards Native education.

With regard to the rents, the fact is this; the rents they get from the Natives must go back to Native expenditure; they must spend it on the location; they cannot spend it on the streets? - Exactly; well, why can they not put on one side a bonus from the Native Revenue Fund, for education?

That is a different thing. If there is a surplus in the Native Revenue Fund, you expect them to spend some of it on education? - Yes.

But generally there is no surplus? - Well, it is swallowed up by themselves;

There is no surplus? - There must be; look at the money they get from the locations.

They get their accounts audited and you are free to look at them? - The Members of the Advisory Board have gone through the accounts and have been surprised to see how the money has been squandered by the Local Authority. They overcharge.

We would like to have an account of that? - (No answer)

CHAIRMAN: According to the accounts for the year ending 31st December last, there was a total revenue of £17,707, and a total expenditure of £20,472.? - I am not surprised.

It is possible, of course, that the money may not be economically spent? - My contention is, sir, that it is not economically spent.

Could you indicate the ways in which it is not

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economically spent ?- We have in our office there about eight Europeans doing work which might be done by educated Natives, and these educated Native would be paid at a cheaper rate than these Europeans.

MR. MOSTERT: We have all those figures ?- In the case of Natives, you would not have to pay all those things.

MAJOR ANDERSON: In your statement, you say, "The social conditions of tribal Natives are simply unbearable, and, unless an effort is made by the Administration in the Territories to make tribal conditions more attractive and tolerable, Natives will continue to sacrifice their all for any spot with the sunshine of civilisation". Is that not rather a sweeping statement; do you consider that the ~~central~~ social conditions are so unbearable to the rank and file of the Natives in the Native reserves ?- They are so unbearable to the present generation; that is why you have a lot of them running into the towns. While the present position was allright for the Native in his primitive state, you lose sight of the fact that you are educating these Natives and they want something better and, because they cannot get it in the rural areas, they come into town. For instance, you have no sports in the rural areas, whereas here in the urban areas you have. There is no recreation of any kind in the rural areas.

SENATOR VAN NIEKERK: There is some fighting in the rural areas ?- That is all they have there, - faction fights.

MAJOR ANDERSON: Could that not be met by their making their own sports and that sort of thing ?- They want a guiding hand.

If you had said the economic conditions force them to

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come into town, I could understand it; but going through the Native Territories, you do not get the impression it is the social life they object to so much ?- Perhaps I have said too much there, sir; but the fact remains that, until conditions are made better in the rural areas, these Natives will come into the towns. I mean to say, unless the conditions are made more attractive in the rural areas, you will find these Natives will come into the towns.

Do you know the conditions of other Native areas of the Union -- say the Northern Transvaal, Zululand and so on; would you apply the same to them ?- I do not know the position there, sir.

MR. LUCAS: In what way will they have to be made better, because the only thing you have mentioned so far is sport ?- Fixity of tenure, too, sir. A man who holds the title deeds of his land has got his handsfull. He will improve his holding; there will be no inducement for him to leave his lot and go into town; but what has he got?

You mean, he has got to have enough land to make a living out of the land and not be subjected to economic pressure ?- Yes, that will keep him well employed.

MAJOR ANDERSON: It is economic more than social - the disadvantage you are thinking of ?- Yes. Then, you see, another thing which forces him to go into town -- I do not know whether the fact has been mentioned, is the way the trader in the country fleeces him. The Native goes to the trader in his dire straits and gets about £5 from the trader; this sum is put into a lump sum, not only the £5, but 10/- is added to every pound for six months; so, instead of the promissory note being filled in to shew £5, it shews £5 plus the interest of 10/- on every pound lent for six months.

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Now, that is usury.

MR. MOSTERT: We were told 2/6d a month? - It is 10/- on every £1 for six months.

DR. ROBERTS: But the law does not allow him to do that? - No, sir, the law does not allow it, but the poor Native does not know. He is completely in the hands of the trader.

There is one thing I wanted to ask you. There is a very serious statement you make about inter-racial relations; do you think the relations are getting as bad as you make out? - They are getting worse, sir.

What can be done to stop that? - Judging by recent legislation -- Native legislation, you will find that matters are getting worse.

Do you mean worse from an European or Native point of view? - From the Native point of view, because, you see, the Native is being driven out altogether. The Native is out for co-operation, sir.

You think he would respond to attempts at co-operation? Yes; he has always done so.

What do you call anti-Native legislation -- which laws? The laws which forbid the Native, for instance, from competing in trade; he is not allowed to do skilled work, although he may be able to do so, - say in the mines.

SENATOR VAN NIEKERK: That is, perhaps, the only place in which he is debarred. He can do any other skilled work? - Why should he be debarred from that?

MR. LUCAS: I asked you what laws; you mentioned one that specific one you mentioned has been applied only -- as a matter of fact I do not think it has been applied in the mines, but it is, by custom, applicable there. If you mention others we will see what you have in mind? - The Natives now are goin

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to be deprived of their franchise; they have not been so yet, but the tendency is to deprive them of their franchise.

And the next ?- Then their wages; a Native is not paid according to the nature or quality of the work he is capable of doing; he is paid because he is Black.

SENATOR VAN NIEKERK: That is not the law ?- Yes, but that is the understanding; and those are things that could be remedied.

How can you ask any Government to compel me to pay my servants £5 or what not ?- Cannot the Government use the same influence with regard to the Natives as with the poor Whites?

MR. LUCAS: My question was with regard to specific laws. You are giving other factors; you are perfectly entitled to do so, but you are confusing two things in answer to my question, which referred only to actual laws. The first one you mentioned was with regard to what is called the Colour Bar Act. Then you mentioned the franchise; those are the only two so far ?- All along, if you look at the whole trend of legislation, you will find that the Natives have been blocked out. Go to the Railway here, or any railway station, and you will see the pin-prick policy of the several European Governments -- I will not say the present Government -- go there and you will see seats labelled "For Europeans only"; where does the respectable Native come in? You will find he is being driven back to his primitive state; there is no differentiation on the part of the White man. The policy of the White people with regard to the Natives is this, "You have progressed too rapidly; go back to your own primitive state!".

SENATOR VAN NIEKERK: On the other hand, Railways have always provided the Natives with first and secondclass

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carriages ?- What are they? Old rickety things.

We have had reason to complain also, as a Commission ?- That pin-prick policy plays on the nerves of the Natives and they do not like it. Although I am an educated man, as a Native I do not like to be told, "You go back!" Why do not the European people differentiate between a Native and a Native? They do so amongst the White people; they have classes amongst the White people -- the lower class, the middle class, the upper class and the aristocracy.

You want to have differentiation amongst Natives ?- Yes. Where a Native has bettered himself by education or otherwise, treat him differently from a raw or uneducated Native.

MR. LUCAS: Give him more facilities ?- Yes.

In practise, can you mention some of those facilities which the more advanced Native should have ?- Give him better accommodation on the Railways, for instance. Take the Liquor Act, where the law is class-made; the Coloured man, because he is slightly White, bordering on the White man, has been given a better privilege than a Native, whose pedigree can bear the light and the pedigree of the Coloured man cannot bear the light.

Take the case of liquor; what relaxations of the law would you propose in the case of the advanced Native ?- In the case of the Liquor Law, there are Natives and Natives -- respectable Natives. Why should they not be granted the privilege of having their drink? They were granted this privilege under the Cape Law as voters, bat it is not so now.

CHAIRMAN: You have had some experience in the making of laws; how would you make the law in such a way as to draw the line between the Native who may have drink and the Native who may not have drink ?- You draw the line as a voter; this man is a voter and until he abuses his privilege as a voter,

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do not take the vote away from him.

You think a voter should continue to have the liquor ?- Why not?

I think, in principle it is sound; if he is a full citizen, I think he should be allowed to drink, as a full citizen ?- Exactly.

MR. LUCAS: You painted a very dark picture --a very sad picture, and you say that the Natives want to co-operate. Now, what would satisfy them; what attitude on the part of the Whites would satisfy them that the Whites want to co-operate too ?- Not to single them out in every bit of legislation as Natives. It is very degrading and annoying for any race of people to be singled out merely on the ground of the colour of their skin, such as has been done in the case of the Natives; and yet you want to co-operate with them. How can you?

DR. ROBERTS: Do you not think there is a good deal done by men of kindly thought -- that there is a great deal of co-operation going on ?- To a certain extent. You see, the Native knows the European. With an educated European you have nothing to fear;. I mean to say, the generality of them, be they British or be they Dutch, a man who is educated knows better than the illiterate man, a man who is not educated. A gentleman will preach, as I want everybody to preach, "Do unto others as you would have them do unto you"

SENATOR VAN NIEKERK: Do you not think many of the laws which the Natives think are detrimental to themselves the White man made in order to protect the Native? Take the question of drink; there are many White people who would say, "Allright; throw open drink to every Native; give him the same privilege as the White man"?- I am not in favour of that, but this is what I say; Europeans should always

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take into account, when they make legislation for the Natives, that the Native is not there to see that this is for his own protection; he is not representative in Parliament.

In the case of the liquor laws, these laws were made with the idea of protecting the Native. It was said, "If we cannot give the Native full privileges with regard to drink, drinking as much as he likes, which would ruin him altogether, -- therefore, we did it with the intention of benefiting the Native. Now, let us go a step further. Take the much vexed question of land. You say, while the Native has not got the right to buy land anywhere and to sell it to anybody he likes, If we were to take away that protection from the Native, that he cannot sell his land to anybody, White or Black, where would the Native be in 50 years' time? -- That was a good provision. But my contention is this, sir; here you have made an invidious distinction between the Coloured man and the Native; you say the Native -- you treat the Native because he is slightly White better than the Native who is Black. Why? He is not half as well educated as some of the Natives; but, simply because he is somewhat White, -- I am not going to say he is the progeny of some White man, -- why should he be treated better than the Native?

DR. ROBERTS: Do you not think that, at the present day, instead of there being this feeling rising that you speak of so strongly, the feeling is going the other way? -- Yes, slightly; I notice it is slightly going the other way. I think there is going to be co-operation later on; it may take some years, but, mind you, I put that down to education.

You do not put it in your statement? -- Yes; but then I was not supposed to put everything there; but I am explaining now that what I mean in my paper was what I

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regarded -- but there is a tendency now on the part of the younger generation to co-operate; I notice that.

MR. JAMES BROWNLEE CUMMING: Called and examined:

CHAIRMAN: I understand that you have been asked to appear on behalf of the Joint Council to make certain representations to the Commission ?- Yes. I can only speak about the urban business - the locations. You have been speaking about the deathrate and diseases in the location. I would like to state one thing; when you talk about illegitimate children, very often children are brought to me and they receive medical treatment and they never come back again until somebody comes for a death certificate. Well, in almost all those cases, these children are illegitimate, and I do not think that the statement of Dr. Laidlow's(?) is very much exaggerated that there are 55% illegitimate children born in the location.

DR. ROBERTS: You think that is about the figure ?- I do not think it is much exaggerated. That is one of the principal reasons why so many children die - that nobody cares.

You mean, the mothers of these illegitimate children do not care whether they live or not ?- In a great many instances the mothers do not care and in many instances the fathers do not care; they will not supply the money to procure medical treatment.

CHAIRMAN: But do you think it possible that two children out of every five may die ?- Yes.

As many as that ?- I think it is not a great exaggeration.

Bearing in mind that the figure is given over the whole population, not only over the population of illegitimate children? - Yes.

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MR. MOSTERT: Do you say, most of the illegitimate children die ?- Yes; I do not say most of the illegitimate children that are born die, but I say, ~~as~~ the majority of children that die under the age of one year, are illegitimate.

CHAIRMAN: I think you heard the question I put to Dr. Rubusana on that point ?- Yes.

As to how the Natives would regard certain excessive mortality ?- I do not hear them say anything about that; they take it for granted.

Do you think they have more or less settled down to the idea that a large number of children are born to die ?- Yes.

Two out of every five ?- Yes; they do not appreciate that there is that tremendous proportion; there are children being buried every day.

Now, I think you will admit that the death figures must be correct, owing to the need of getting a certificate for disposal of the corpse. Do you think that the Natives here register all their births ?- No, I do not think they do.

So that your birth figure, in any case, would be an under-statement ?- Yes, it would be.

So, to that extent, your infantile mortality rate must be an over-statement ?- Yes, it might be.

What is the prevailing tendency here, for Natives who come from the rural areas into East London, or for Natives to break away from East London to the rural areas ?- To a great extent, it is from the rural areas to East London.

So that would bring in a number of children who are not registered in East London, but who may die here ?- Yes.

DR. ROBERTS: Is it usual for the woman, if she is a young woman, to go to a home to be confined ?- In many cases they do; in many cases they have their children here.

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CHAIRMAN: But do some of them go out to the Territories to have their children there ?- Oh, yes.

And then, presumably, come back here afterwards ?- Yes.

So there would be some children whose births are not registered, but whose deaths are registered ?- Yes.

Are there any other points the Council wishes you to bring forward ?- With regard to diseases in the location; the prevalence of tuberculosis is very serious; there are a great many cases of tuberculosis in this location and, of course it is a danger to the town. These people are in service and, in many cases, they are nursing children and they are suffering from tuberculosis of the lungs at the time.

What do you think is the origin of tuberculosis ?- Oh, in a great many cases they get the infection from lung-sick cattle.

In what way - by eating them ?- Yes; drinking the milk.

Have you specific cases where it has been traced to cattle ?- I cannot mention a case.

But you suspect that on account of the Europaap experience ?- Oh, yes.

Are there any other points ?- With regard to the housing of the Natives, I want to say that the East London Municipality has spent a lot of money in providing houses for the Natives; but there are still most undesirable dwellings; there are places, say, the size of this room, which are divided into about ten rooms each, sub-let, and which may be occupied by two, three, five or six people. The local authorities say that they do not allow overcrowding and that the regulation is that they should have 400 cubic feet for each person occupying a room, but I do not think that they can possibly carry out that regulation; many of the location authorities

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do not know where they sleep.

It would need a considerable amount of inspection ?-Yes

MAJOR ANDERSON: Do you consider the sanitation of the location is satisfactory ?- It has very much improved. A few years ago there was hardly any provision for latrines, but now they have built quite a number and, although they seem to be rather dirty, and stinking, they are certainly giving relief. A good many Natives just squat anywhere that is out of sight, or perhaps not out of sight.

Is that not encouraged by insufficient sanitary conveniences ?- Yes; perhaps the conveniences are rather far apart; but it is just their carelessness.

MR. MOSTERT: There does not appear to be much sanitation in the old location ?- No; it is the new location.

You are referring to the new location ?- Yes.

I am referring to the old ?- They have some W.G.s there, scattered about.

DR. ROBERTS: Who built your location; was that built by the Natives themselves ?- Originally, it was all built by Natives and the Town Council built the four lodging houses. The location at Cambridge has been built entirely by the Council.

MAJOR ANDERSON: We were told yesterday by a Native witness that only on one occasion during the last nine years has a representative of the Town Council attended a meeting of the Native Advisory Board; do you think that would be an accurate statement ?- I could not tell you. If it is so it is very wrong. I think there should be a location committee and they should make a point of attending members' meetings of the Advisory Board -- they should at least have a representative there.

The Commission adjourned at 12.55 p.m. to hear evidence at Grahamstown on Monday, 23rd March 1931, at 4 p.m.