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NATIVE ECONOMIC COMMISSION

GRAHAMSTOWN 23rd MARCH 1931 4.18 p.m.

SEVENTYSEVENTH PUBLIC SITTING

PRESENT:

Dr. J. E. Holloway, (Chairman)

Major W. H. Anderson, Mr. A. M. Mostert,
Dr. H. C. M. Fourie, Dr. A. W. Robertson
Mr. F. A. W. Lucas, Senator P.W. le Roux van Niekerk.

DR. FREDERICK ANASTASEOUS SAUNDERS, called and examined:

CHAIRMAN: Are you a medical doctor ?- Yes; I am a fellow of the College of Surgeons of Edinburgh. Well, gentlemen, recognising that your time is limited, I had printed the statement which I wish to put in and of which I have sent you eight copies. You can have as many more as you wish. It would seem to me to be unnecessary for me to weary you by going through this long statement, because there are other people whose time is limited and valuable, to follow me. There are no less than 20 pages in that statement. If I were to take up all the time by reading those 20 pages, you would not be very pleased to see me.

What I propose to do is to accentuate the points -- that is, in addition to the statement I put in, I wish to accentuate the deplorable condition of tuberculosis in South Africa. I will also put in a few papers which contain the gist of the position of the tuberculosis problem, especially as it exists here locally. I wish to point out that we are in a vicious circle here. What I would like to point out is this: a case is discovered to be a case of tuberculosis the man, immediately he comes to see a doctor, is certified as having tuberculosis and the result is that he is immediately unable to be employed any more and it is practically left for his wife and family to starve. It is such a serious thing

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from the local point of view that these cases should go on. I endeavour to get them into the local hospital here, but we are told it is quite impossible, the local authority cannot allow tubercular cases to go into the local hospital; that the question of tuberculosis remains with the Union Government and has nothing to do with the Provincial Government, So the next thing that the missionaries or the friends of the patient attempt to do is to apply to the Prince Albert Infirmary and there they are told also -- the door is shut in their face and they are told, "This is an Union business; it belongs to the Union Government; we are a Provincial Government; keep outside".

The next thing is, this man having been certified -- he has perhaps been working somewhere or other in the town and his master shoves him out because he is spitting and is a danger to the community. The next thing is he goes back home; there he has miserable surroundings. The Government says, "Your customary food is kaffer beer; you cannot drink any". Anybody who knows anything about kaffer beer, knows it is one of those things - natural foods - which contain a large amount of vitamins which are absolutely necessary in order to build up the body, so as to be able to resist the infection of tuberculosis. They are not allowed to have this kaffer beer, although kaffer beer only contains about 3% of alcohol. But there is worse to follow; this man, after a time, has only got a hut to live in, is wretchedly housed; has nowhere to spit - spits on the floor; presently it dries up; children play about the floor and the sun, having dried up these things to a certain extent, a child inhales it and becomes infected.

We have seen dozens of these cases. We know

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perfectly well when tuberculosis gets into a kaffer hut the whole family is doomed. It is only a matter of time. Nothing is done to help these people. One would think some provision would be made by the town authorities, the provincial authorities or the Government, to prevent this miserable vicious circle.

SENATOR VAN NIEKERK: Can you give us any idea as to how we should treat the question ?- My suggestions, which I put in when I applied to the Government before, were as follow:- The Town Council should rent a small cottage or some sort of shelter somewhere convenient to the location with facilities for removing the roof by turning a handle or throwing open the whole thing to the sunlight or daylight and, by turning another handle, enable the wall to go down. We used to have those things at home; there is no reason why we should not have them here.

In 1913, when I was Medical Officer of Health, I drew up a plan which I submitted to the Mayor of Grahamstown, who went to Cape Town and interviewed the Provincial Authorities; but they said, "We cannot do it; it is too much money. Besides, it does not concern us at all; this is an Union Government matter to look after tuberculosis, plague, pestilences and all those sort of things, and smallpox". Well if we had only got a sort of cottage or house or special shelter erected within the vicinity of the location, we would be able to help these unfortunate people, - these men who are a menace to their wives and families. I am talking about "end" cases, not commencing cases; they are not so important.

Then the next thing that happens is, some inhabitant here has a housemaid or nursegirl; this nursegirl goes out

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to one of these cottages where there is a case of tuberculosis; she has to nurse the White children and so the infection is carried to the White children - or else they have to go into some store or building where they have to handle food, such as a bakery or butchery, or handle provisions and they simply carry the infection; they are spitting and blowing their noses and handling milk and so they spread the infection. In 1913, I suggested the Town Council should rent a cottage on the outskirts of the town and that a caretaker should be obtained and a suitable nurse provided. To appoint a suitable nurse is a very important thing. Any other woman who just goes to look after them is just as big a danger as the patients themselves, because she knows nothing about the importance and care necessary in looking after tubercular cases.

I made a suggestion which was very kindly received by the Government; I sent them one of the copies of these papers which I will hand round for you to look at; I suggested they should allow me to have a small hospital to be put in the grounds adjoining the Prince Albert Infirmary and it would be only on the one condition, that is that the nurses would be kept distinct from the other nurses and to be trained in the treatment of tuberculosis cases. This, for the same reason, had to be turned down, although the Administrator was most sympathetic - I am now referring to Sir Frederick deWaal; he said he would do his utmost but could not touch it because it belonged to the Union Government.

This would only be looked upon as a temporary makeshift, if we had a hospital or infirmary to take casual cases and it would help these ladies who go down to the infirmary -- and who have done so for many years -- if they

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had somewhere to go; if they remained at home, they are a danger to everybody.

Now, on the question of kaffer beer; as I pointed out, it is an essential food of the Native; the alcohol content is three percent. The vitamins are important in building up and strengthening all these people; it is a most important thing that these cases should have food enabling them to resist the disease. I think I have said quite enough. I am impressing upon you two points.

DR. ROBERTS: What is the second point? - The question of the feeding - the kaffer beer - which is the Native food; and also they are deprived of their milk, which is also an important food for the Native, because they have insufficient ground whereby the urban Native can keep any cattle. The urban Natives live upon milk and maize and they cannot get either; they have not the facilities for making anything in the way of bread, so they buy White bread which is devoid of vitamins. As I said, they have no milk because they are unable to keep cattle. So you are robbing the Native of the two most important articles of food which he has been accustomed to live on for generations. You have the law, but it is not properly administered. I think there is a fault here, although there are many people who differ from me; we have an M.O.H. and District Surgeon; I do not think it is possible for any one man to do the work he is called upon to do here; he works morning, noon and night and cannot attend all cases. He has to inspect the police and go out into the country; he is supposed to go round and attend to all these matters, which I have gone into very fully in this pamphlet, and, as I say, it is impossible for any man to undertake both those duties together.

Dr. Saunders

It is a very feeble and rotten form of economy. You are not playing with money, but people's lives.

I will not take up any more of your time. If you have any questions to ask, I shall be pleased to answer them.

CHAIRMAN: With regard to tuberculosis; are there any other methods by which it is spread among the Natives apart from the methods you have described ?- By contact, you mean?

Is it spread through milk; is the spread of tuberculosis due to the method by which milk is provided ?- It is, in very many instances, but that is a very difficult thing to prove, because the milk is not examined that the patients themselves get in the location, that I am aware of.

Do they get that milk from cows ?- They get it from their own goats and they get it from cows, but they have hardly any milk; it is conspicuous by its absence. Here you see babies of two or three weeks or a month old and the mothers unable to suckle them. What do they give the children? Flour and water. They can do nothing more detrimental. As I have put before you in this pamphlet, the deathrate is appalling here. We have a deathrate of over eight percent. Ever since I have been here -- I have been here for 38 years -- I have been an M.O.H. at home and in this town, and you have a deathrate rate which is four times the amount of that of any town in Great Britain.

SENATOR VAN NIEKERK: What is the chief cause ?- To begin with, there is no immunity with the Native. The Natives have not had generations and generations before them that make them to a certain extent immune. You have a virgin soil. When the missionaries went out to the Antarctic, one had a child with measles and thousands of them got it.

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The result is, these Natives here have only to get a chance of getting a microbe near them, and it kills them. With a White man, he digests them, sleeps on them, and in the morning he is able to digest more.

Kaffer beer is the natural food of the Native. There is no harm in it. The only harm is when it is not sold under control. It ought to be sold under the control of the Municipality. No beer called 'honey beer' should be sold and no beer over three percent. The vitamins are very strong in kaffer beer, which we do not get in anything else. They are so important in preventing tuberculosis, Beriberi and other things. We have all these diseases which people are suffering from. I think the deathrate here is simply enormous.

DR. ROBERTS: But you have not answered my friend's question which is, why should Grahamstown have such an excessive deathrate from tuberculosis? Is it a dirtier town than other towns ?- No, I think it is decidedly cleaner and better, but I maintain the same circumstances that obtain here obtain ten times asbadly as outside. To have a death rate like this is a most appalling thing. Under the age of 12 months, the infantile figures are most striking. We had 299 deaths in 1930 among the Natives per thousand; that is one fifth of the population. That is, one fifth of the population are dead in one year. What is the cause of it? We do not go and kill them.

CHAIRMAN: Judging by the figures given to us in other places, 299 deaths per thousand would represent a more favourable Native mortality rate than many other places have? I am glad there is something we can look forward to as a hospital.

I do not believe the figures. They have been given

Dr. Saunders

to us in many places ?- I quite agree with you there. Everyone says his own town is the healthiest. That is human nature. You cannot get over it.

Was there any further point ?- No; it was just tuberculosis and also the diet of the Native with reference to kaffer beer that I wished to emphasize.

MR. ROBERT BROOME, called and examined.

Witness: The condition is not appalling as far as liquor is concerned in this district. Any Scotsman who has seen Glasgow fifteen years ago will say this is a very sober place, and even the Natives are comparatively sober. I have not seen Glasgow lately, but remember it many years ago.

There is a good deal of drinking going on. I believe until recently Natives could buy liquor in shops. This is now prohibited, but the general opinion is that there is more liquor being sold and consumed in the location now that it is prohibited than was the case before. The prohibition has led to a large amount of illicit liquor selling.

Coloured people and a few Whites bring liquor into the location and dispose of it to the Natives and the result of it is many of them are getting a taste for brandy even to a greater extent than they had before; and those who were fond of kaffer beer before, now like their kaffer beer, I believe, adulterated with other things of a stronger sort.

How this can be remedied, of course, is another matter but if it is impossible to arrest White people or Coloured people who are selling liquor in the locations, I would like to suggest that the law might easily be altered. In Scotland, if any man trespasses with a gun, it is assumed he is trespassing in pursuit of game and can be arrested and prosecuted. I would

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like to suggest that the law may be altered, so that any person bringing liquor into the location would be presumed to sell it to Natives, and it would be a criminal offence. That, I think, would prevent the illicit sale of liquor in the locations. I believe with other centres in encouraging kaffer beer under control; if it were controlled, I think it would meet a need and would also prevent the consumption of brandy which certainly is very much more harmful than kaffer beer; I think it would be rather a good thing for the Native, too.

CHAIRMAN: With regard to bringing liquor into the locations; is not one of your difficulties that your Coloured location is cheek by jowl with your Native location ?- Of course, the one runs into the other.

The Coloured man has the right to have liquor, has he not ?- Yes.

So you think your method of dealing with it would deprive him of the right he has now ?- Personally, I am entirely a prohibitionist. I would like to see kaffer beer houses for the Natives, because they are accustomed to it and I think it would be useful. The Coloured man, of course, goes right up into stations in the Native locations and the Natives get the liquor in the meantime; but that is not generally known. Those who know the ropes know where these centres are. The police do not seem to know but other people do and it is estimated by those who have looked into the matter that 50 bottles of brandy -- certainly over 30 -- go into the location every month. I think it should be stopped by altering the law, or getting it more strongly enforced and having kaffer beer.

DR. ROBERTS: Do you not think the numbers are too small ?- I have consulted a number of people and they consider

there are 100 bottles; it is probably more than that. It would be very easy to find out what amount of liquor goes out of Grahamstown. There is very little consumed by Whites in Grahamstown; 19/20ths of all the brandy that comes in here it is considered is consumed by the Natives.

CHAIRMAN: You recommend the use of kaffer beer as a lesser evil than the other ?- Yes.

Do you agree with Dr. Saunders' point about its vitamine value ?- I certainly do. It is a food rather than a drink; it is a food and a drink. No doubt at times Natives abuse it, but I think on the whole it does comparatively little harm; supposing a Native occasionally has a real good blowout, it does not do very much harm, because it is only once in a few months and now and again. The evil is very much less than the brandy evil.

MR. MOSTERT: It all depends on the sting in it ?- I would say it should be properly controlled so that there is just the right amount of sting and no more.

Is there anything in the law to the effect that you cannot have it ?- I am not aware of it.

SENATOR VAN NIEKERK: Does kaffer beer retain its vitamines even when it is below a certain strength ?- I believe so. There are vitamines in the ordinary beer as well.

CHAIRMAN:
Do you think a municipal beer hall will stop that trade in stronger liquors ?- Well, I do not know; now that it has started and is going on, it is possible that those who are fond of dop will continue with it, but I think it would be possible to prohibit this; I almost fancy, if I were in power I could stop it very quickly.

You must tell me frankly if you consider I am asking you an unfair question; but you will perhaps remember a lecture which you gave in Stellenbosch in 1907 or 1908 on

Mr. Broome

segregation ?- Yes, I remember it.

May I ask if you have reconsidered or recast the ideas that you expressed on that occasion ?- Theoretically I am still a segregationist, but I feel it is too late and cannot be enforced; that is my position.

Do you mean by that, territorial segregation ?- Yes, I would like to have territorial segregation even now, but I believe the vested interests are too strong.

If territorial segregation were possible, it would mean the labour in the White area would be White labour ?- Yes. And that would solve, also, the poor White question.

Why do you think it is too late for that ?- Because I think the vested interests are too strong.

You mean, of getting sufficient land ?- Yes; but of course it would mean expropriating a large number of Whites; but I fear it is rather too late to do it, because the vested interests as I say are too strong. There would be too much opposition. If it can be done, I would still advocate it, but the question is whether it is practical or not.

But do you not think that the changing over from a system based on Native labour to one of White labour must take half a century at least ?- It is very difficult to say what time it would take. I would like to see it tried on a certain scale -- taking, say, a section of Basutoland and making it pure Native, and another part purely White -- it would be almost worth while trying this. I would not prohibit White people going into Basutoland, but I would leave it entirely under Native control.

Take the Transkei; how would you deal with it? Would you make all posts in the Transkei occupied by Natives ?- That is what I should aim at ultimately.

Would you aim at substituting European leadership by

Mr. Broome

Native leadership ?- Yes.

The view has been expressed to us that it is a great mistake to substitute Native leadership, because, owing to the hold that the tribe has on even an educated Native, he is further back ten years hence than he is when he started ?- Is that so? I was not aware of that. Of course, the Native has very little chance of self-government anyway. We have the case of Hayti in 1800, and there it seems to have been much in advance of any European or White Government of the period. The general opinion is, Hayti was better governed in 1800 than any country in the world, economically, socially and in every other way. It shews that certain Natives have the power of governing very satisfactorily. Even France seems to be at the same time encouraging the same arrangement in Senegal and Gambia.

Is not France skimming off the most intelligent Native taking off the rest, and leaving him lower down? It is trying to raise the top level and leaving the bulk down in the rut ?- It is extraordinary; they have not been long at it yet. They are evidently at the Native governing himself to a certain extent. Hayti started from the bottom. It was the first country to go in for free trade - complete free trade and no tariffs at all.

At that time, it imported a readymade system which was more or less English economical and French political ~~ideas~~ ideas ?- Undoubtedly.

But having taken the readymade system, it stopped at that point ?- Yes. The thing collapsed to some extent afterwards; it has not been such a success since.

Does not that rather queer your pitch ?- The country for a very short time only had a very great leader. At that

time there was very little education; the people were simply slaves with very little education and the country had to be built up from nothing. Had the leader lived for 20 years, there is no doubt it would have been a very fine country.

DR. ROBERTS: Do you think it would take a long time for the Native with his knowledge of fair dealing and government to arrive at what you desire ?- It is very hard to say; but still, if the Native were educated and had a large number of educated men, I do not see why he should not be able to govern himself satisfactorily in a matter of 30 or 40 years.

And how would you then deal with the parts that are not isolated; say in the Transkei. Would you brigade the whole of the Territories in one mass; take out the Native farmers and make one big --- ?- That would be the idea, if it could be done; but I fear it is too late.

Nothing is too late, so long as we are alive. However, that is what you would be in favour of.

MR. AMBROSE MAZWAI, Wesleyan Minister, Grahamstown,

called and examined:

CHAIRMAN: With regard to your investigation of forty cases of Native labourers, do you think those are typical cases of farm labour in this district ?- Most likely; I believe they are typical cases.

Would it be correct to state that the farm labour is more or less stable; the same people keep on staying on the same farms throughout the district, not only in your forty cases ?- Well, that is near it, sir.

You have no large numbers of Native labourers coming in from other territories to work on the farms and then go

Mr. Mazwai

away again ?- There are not many sir; there are a few; it is mostly the people who go round about the districts.

With regard to rations; did you make any enquiry as to the quantity of rations given ?- From the Natives themselves?

Yes ?- The only thing is the difficulty of finding the right quantity, because they always give the measurement by calling them pints and I have not been able to find out what the size of the pint was on which the rations were given out.

How many pints ?- Some say 15 pints and some 20 pints. They give a different number of pints.

That is a week ?- Yes,

Do they get any other rations ?- In most cases it is maize, and in lesser cases they get meat and some coffee, sugar, and other minor things.

SENATOR VAN NIEKERK: Do they get milk ?- Yes, separated milk, but not in every case.

CHAIRMAN: The condition under which a man works depend very much on whether his master is well off or not, I suppose ?- To a certain extent.

Would you say generally that the farmers who are well-to-do give their servants better conditions than the poorer farmers ?- I believe some farmers who are well-to-do give their servants a little more than the average wage.

Do you find that the poor farmer always gives a poor wage ?- I have not been able to find that out, sir. There are quite a good number of farmers who are not poor, who give what would not be expected from a poor farmer.

Have you any information why, in the other half of the cases, garden land is not allowed ?- I have no reasons to offer, but I understand they are not given the land.

Does that perhaps happen in the parts of the district

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where ploughing land is very scarce ?- Well, it did not seem to be the case, sir.

You think that even when the farmer has plenty of ploughing land, he sometimes does not give land ?- Yes.

Did he give a better wage in that case ?- The wage is about the same.

He looks upon land as a privilege ?- Yes.

You say that the food grown does not suffice for the needs; something additional must be bought. Can you give us any impression of how much additional has to be bought ?- I have not been able to collect that, sir; but, as you know, most Natives are not able to give the quantity, but I know some of them are owing their masters money for mealies which they had to buy. I had a case where they had got more than a bag or half a bag at a time.

DR. ROBERTS: For what time ?- Per month, sir.

CHAIRMAN: If they get 15 pints a week, surely they do not want half a bag additional a month ?- No, sir; the only thing is, some of them have big families.

It is only in the case of a big family where they take half a bag a month ?- Yes.

That is what I am trying to get at -- in the case of the ordinary family how much extra food they have to buy a month ?- Well, there are very few cases in which extra food is bought, but I have not been able to find out what quantity.

You say there are very few cases of people who have to buy more food ?- Yes, sir; well, not very few, but still a lesser average.

In your statement, you say, in all cases they have to buy extra food ?- "In most cases", I think it says.

You say, "In no case does the food grown on such land suffice for the needs of the family" ?- Yes. They do not

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buy much, sir, as far as I can find out.

They just wanted a little bit extra ?- Yes, they had a bit extra to buy.

Could you find out what the average amount would be that they had to buy extra per month ?- I have not been able to find out the average amount.

Do you know the reason why free grazing is not allowed? I have not had any reasons given why it is not allowed.

Is grazing scarce in this district ?- Well, it does not seem to be scarce in most cases, but it seems that it has become - whether it is a custom or not I do not know - but in some cases the grazing is not allow, so apparently there is sufficient grazing land.

Is there a considerable number of Coloured people working on the farms in this district ?- I have not met a considerable number; I have concentrated on the Natives, sir.

You must know quite a number of farmers that have Coloured servants ?- They are fewer than Natives, but there are Coloured servants.

There are Coloured servants in quite considerable number in the district ?- I have met very few, sir.

MR. LUCAS: You say that some employees were evidently afraid to give you the details asked for, lest they should get into trouble with their employers. How did you find that out? By asking questions; some of them actually refused to give me the details.

Did they tell you why they refused ?- They said if the masters got to know about it they might send them away from work.

Do you know of any cases of that sort ?- I have not discovered any cases.

I have been told that, where farmers have suggested payin higher wages than is usual in the district, they have been

Mr. Mazwai

threatened with boycott. Have you heard of any cases like that ?- No, sir.

Do you know of any farmers who do pay above the general run in the district ?- Yes, there are some.

Do you know whether they get better servants, or have any difficulty in getting servants ?- No, they have no difficulty.

Are there any employers in this district who have difficulty in getting Natives ?- I have not heard of any, sir.

There are plenty of Natives for all requirements ?- So far as I can find out.

Then you say that some of the Natives are in debt to their employers and so are unable to remove their cattle. Do you know of cases of that sort ?- I could actually find one; I have been told about others, but I know of one case for certain.

Do you think a little improvement in their conditions would go far to make the Native more contented ?- Yes.

What sort of improvement had you in mind when you made that statement ?- Well, it might be by wages; the raising of wages, and the giving of more land, free grazing and allowing them to have cattle and give them free grazing. I understand that a good number of our people have the custom of keeping cattle; it would help them a great deal if they could be allowed to keep cattle and were given free grazing and have the milk of their own cows. I believe anything on those lines would go a long way towards ameliorating their conditions.

MAJOR ANDERSON: Where higher wages are paid, up to what figure are they paid ?- They run from 8/- to 25/-; the average seems to be about 15/- to 18/-.

MR. MOSTERT: Do you know anything of what wage a town location Native gets ?- A week?

No, a month; a week or a month ?- Yes, sir. Although

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they get from 18/- to 20/-. Very few get more than 20/- a week.

CHAIRMAN: Do any of them get less than 18/-? Yes, I believe so.

Grown-up Natives? I am not quite sure, but I believe there are some.

MR. MOSTERT: How much less? I have not heard of any less than 16/- a week.

How do the wages compare here; with the farm? How do the boys here in the location come out on the wages received from the townspeople, compared with the farm people? There is great difference there. The Natives here in the location seem to come out on the conditions, but some, although they seem to come out, are very badly off indeed.

You say he comes out? I think the Natives on the farms feel the heat greater than the Natives in the town.

You think the farm Native feels it more than those in the town? Yes.

And then the Native in town, with 16/- a week, comes out better than the Native getting from 8/- to 25/- a month on the farms? Yes.

Your Native in Grahamstown gets 16/- to 20/- a week; is that, more or less, an average? Yes.

Your farm Native gets from 8/- to 25/- a month. Now, what I want to know is this: is the Native in the locations here at Grahamstown, better off where he has to provide for himself, pay for rent, and so on? No, I do not think he is better off.

Mr. Rushmere

MR. HARRY RUSHMORE, called and examined:

CHAIRMAN: Would you, in view of the shortness of the time, give us the gist of your statement ?- The writer wishes to make it clear at the outset that this paper is in no way an attack upon the Officials of the Crown whose duties go to make up our system of criminal procedure. It is a criticism of the procedure itself and will set forth those respects in which it is distinctly unfair to the Native.

Most of the points raised will be found to apply to the European also, but the European, because of the sympathy usually extended to him, his superior intelligence and the fact that the proceedings are being conducted in his own language, very rarely suffers material prejudice from the weaknesses in the system. The subject may be conveniently dealt with under four headings, viz:- the investigation of crime, the prosecution of the person or persons considered guilty, the judging of guilt and the imposing of sentence.

With regard to the investigation of crime: cases of the maltreatment of suspected Natives by the police in the course of the investigation of crime, although rare and very difficult of proof, do come from time to time to the knowledge of the majority of the legal practitioners. In the experience of the writer, the provision in our law which is responsible for the majority of these cases, is that portion of Section 273 of Act 31 of 1917, providing that if a confession is shewn to have been made to a peace officer, other than a magistrate or justice, it shall not be admissible in evidence unless it was confirmed and reduced to writing in the presence of a magistrate or justice.

Repeatedly, in stock theft cases (defended by the writer), where there has been no direct evidence against an

Mr. Rushmere

accused, the police officer who investigated the case has asked for a conviction on the ground that the accused made to him a free and voluntary confession, which was subsequently confirmed and reduced to writing in the presence of a Justice of the Peace.

The Justice of the Peace, then produces the written confession in support. In such cases, almost invariably the Native tells the following story. He has been taken to a place where a crime has been committed or where, perhaps, there are certain footprints marked in the ground (in that vicinity) and he has there been terrorised by some means or another into an untrue confession that he is the person who has committed the offence. He usually adds that he knew he would be able to speak the truth when he came before the magistrate. After this, he was conducted to the house of a farmer nearby, by the police, and was told to go in to the farmer who, incidentally, is the nearest justice of the peace, and make the same statement that he made to them.

The police waited for him outside to conduct him to the police station and, before he went in, threatened all kinds of punishment in the event of his telling any other story to the farmer than the one he has told to them. He accordingly went in, told the same story and his statement was reduced to writing.

At the trial, the defence has to overcome this damning evidence and such a good case is the Native very often able to prove, that numerous accused, defended by the writer, have been acquitted on the ground that it was doubtful whether or not the confession was free and voluntary and, in three cases, the magistrate on the bench has ordered that the record of the proceedings be forwarded to the District Commandant for

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further investigation. One will appreciate how strong must be the evidence of maltreatment for the magistrate to go this far, when, as a rule, against the accused is the word of one or two police officers and the farmer on whose farm the investigation was taking place.

Another variation of the same device recounted at times by Native accused persons, who, it is hard to imagine, would have had the sense to invent the story is that, after they have been terrorised into making a confession to the police officer and the farmer, the police officer has moved out of hearing when the farmer asked the accused to repeat the story. In such a case, evidence is led of a free and voluntary confession to the farmer out of the hearing and presence of the police officer.

Fortunately, owing to the sympathy of the Bench, Native accused are often acquitted under these circumstances, but it must of necessity follow that this improper procedure on the part of certain individual members of the police force and the public must lead to a certain percentage of miscarriages of justice. Whenever possible, the offenders are brought to book, but the fact^{xx} that it is so very seldom that a conviction for maltreatment of suspected Natives can be obtained does not mean that it is not sufficiently prevalent to make it necessary for a remedy to be sought.

A few examples of the type of pressure brought to bear upon the suspected Natives according to stories told to the writer, are, thrashing upon the soles of the feet after they have been covered with sacking, ducking in dams until the approach of unconsciousness, in one case the placing of the earphones of a wireless set upon the head of a young Native and then so using the instrument as to

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produce terrific atmospheres, informing him at the same time that, if he did not confess to the crime, the instrument would shoot him from ear to ear and then, in many instances, just ordinary pressure brought to bear by way of scoldings and threats of that sort.

The farm Natives of the Cape Province are so terrified of the police that it requires very little pressure from a policeman to frighten them into an untrue confession. It serves no purpose to shut our eyes to the fact that this sort of thing is going on in our midst, and, in the opinion of the writer, this state of affairs would be ameliorated by the amendment of the Section 273 of Act 31 of 1917 in a way which would make no confession other than a confession reduced to writing in the present of a magistrate admissible as evidence against an accused person in case of stock theft.

The first point which bears investigation in so far as the prosecution of offenders is concerned is that, with the exception of a few of the large towns in the Union, the prosecution is still in the hands of the police. As far as the writer has been able to ascertain, the Police Force is itself anxious to be rid of this responsibility. It seems clear that the time has arrived for the transferring of the duty of prosecution entirely from the Police Force to the Civil Service Department. At present, the investigation of crime and the maintaining of order, which are in the hands of the police force, are too closely associated with the prosecuted of offenders.

My remarks in this connection apply, of course, to the magistrates courts and not to the supreme courts, where the prosecution is in the hands of an attorney general or somebody representing him.

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A short time back, the writer defended a case in which a Native was charged with being in possession of liquor. The case was one of many which followed a police raid upon the location. In that case, the man prosecuting for the Crown had actually taken a leading part in the raid. There appears to be a practise in certain towns, whereby the prosecutor must report to his senior officer the grounds upon which every accused person who is acquitted was discharged. The exact reason for this rule is not known to the writer, but he has noticed that the prosecutor often regards his having to report an acquittal and the reasons thereof as a slight upon his ability as a prosecutor. It is apt to make a prosecutor overzealous and to cause him to forget his duty as a prosecutor to the accused.

A Native recently was charged with some minor offence to which he was going to plead guilty, and he approached the writer to appear on his behalf to say what he could in mitigation. Realising the pettiness of the offence and the fact that the Native, when convicted, would not be severely penalised, the writer, to save him the expense of his having to appear on his behalf, spoke to the prosecutor and asked him whether or not he would mind bringing to the notice of the court the fact - which the prosecutor admitted to be correct - that the Native was, to all intents and purposes a man of good character and for many years had been in the employ of one of the leading Grahamstown firms, in whose employ he still was. The prosecutor refused to do this, remarking, "What would my senior officers say if I started doing this kind of thing?" Surely, it is the obvious duty of the public prosecutor all the circumstances of a case, including those which are in favour of the accused.

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The existing state of affairs and the fear of what senior officers might say would be removed if the prosecution of offenders was removed throughout the country from the hands of the Police Force. The writer has met many excellent prosecutors, but there can be no doubt whatsoever that the placing of the investigation of crime and the prosecution of the offender under one department is a weakness in our system of ~~native~~ justice.

A further point which results in colossal prejudice to the Native accused is the fact that the Crown, while providing for his prosecution, makes no provision at all for his defence. In Native cases, even where the offence is comparatively petty, the accused is taken into custody because of the fear that he may have disappeared by the date of trial. In the majority of cases, they cannot afford the amount of money required by the police as bail and while they are in custody they have the greatest difficulty, unless they employ a professional man to assist them, in speaking to or getting into touch with any other Natives, lest they should be trumping up a defence and yet, during all this time, the prosecution in the building of the case has full scope to interview all the people that it feels inclined to and to take down their evidence in writing in proper form.

Only those who have conducted prosecutions or defences can realise the full extent of the advantage gained by the prosecution from this opportunity of taking down in writing the evidence of its witnesses. When a witness is first asked to say what he knows about a case, he almost invariably wanders widely and is inclined to deal extensively with matters in no way connected with the issue, while he will perhaps overlook or just touch on matters of vital importance.

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In the case of a Native who has been unable to afford the expense of employing a professional man to defend him, the prosecution goes to court thoroughly and fully prepared, having decided which witnesses/^{it} will fall and which witnesses it must abandon as being unfavourable to its case. The prosecution witnesses know the story they are required to give and, with the assistance of the prosecutor who leads them through it, their evidence is placed before the court in a convincing and thorough manner.

After each witness has given his evidence, the accused is asked if he has any questions to ask the witnesses. It has been the experience of the writer, when listening to a cross-examination by an accused in these circumstances, that he very often cross-examines on entirely irrelevant matters, as he very rarely understands the essential facts which go to constitute the offence with which he is charged.

In other cases again he does not realise that he must cross-examine the witnesses on the story which he is eventually going to give the court and, at a later stage, when he is proceeding to give his own evidence, he is charged by either the prosecutor or the Bench with the fact that he has not cross-examined any of the Crown witnesses upon the facts which he is now placing before the court. The necessity for this is not realised by many highly educated Europeans and we can well understand it would be appreciated by very few Natives.

At the close of the Crown case, the accused is asked if he has any witnesses to call. He perhaps gives a few names and these witnesses, entirely unprepared, are called into the witness~~xx~~ box. They have no idea as to what exactly they are supposed to testify and the accused has had no opportunity

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of ascertaining even whether the witnesses he is calling are favourable to his case or are supporting the complainant. The witnesses called, as they have never been through their evidence before, tell their story in a halting and uncertain manner. They often have to think for a long time to refresh their memory and when we remember that the accused is eventually going to be acquitted or convicted upon the weight of evidence which is the impression that the evidence is leaving upon the Bench, we can perhaps realise to some degree the terrific prejudice which the accused is suffering.

Many magistrates take cognisance of these facts, but it would be demanding too much of human nature to expect that they should all be able to do so and, under the present system of criminal procedure, the percentage of miscarriages of justice in the case of undefended Natives, must of necessity be substantial.

Another point of interest is that our law allows an accused, if he so desires, to make an unsworn statement from the dock in his defence. If he does this, the prosecutor has no right to cross-examine him and, for this reason and also for the statement made is not on oath, it carries nowhere near the same weight as evidence given by the accused on oath on his own behalf from the witness stand, where the prosecutor has the right to cross-examine. The writer has noticed that, in the trials in the Supreme Court, the full effect of a statement made from the dock and a sworn statement made from the witness box and their relative weight are explained to an undefended Native accused before he is called upon to decide which course he will adopt.

In a few instances, he has noticed this done also in the magistrate's court, but in the majority of cases, the

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accused is merely asked what he has to say. The accused, entirely ignorant of his rights or of the fact that the statement which he is making is of practically no weight, proceeds to make a statement from the dock. In these circumstances, if the accused is convicted, the Court of Review would find it exceedingly difficult to upset the conviction where the accused has not given sworn evidence on his behalf and where the weight of evidence would be the deciding factor.

The writer is of opinion that our law should be so amended as to make it imperative for the court to explain fully to an undefined accused, the full significance and consequence of a sworn statement made by him in the witness box and an unsworn statement given by him from the dock.

MR. MOSTERT: Do you know of any case where a confession has been made and where that person has been found guilty and that he was not the man or was wrongly punished ?- Once a man has been found guilty by the court, no citizen has a right to say that man was not guilty. I can only deal with the cases I have defended myself. There have been many cases in which this court has excluded the confession; after the confession has been made freely and voluntarily it has been subsequently excluded.

SENATOR VAN NIEKERK: Do you consider the percentage too high ?- Any percentage of miscarriage of justice is too high.

You find miscarriages of justice everywhere ?- But if we can find any way of doing away with it, it is our duty to do so. I do feel that the time has arrived when the prosecution of offenders should be removed from the hands of the Police Department into the hands of the Civil Service Department.

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Are you pleading for a system of State prosecutors and attorneys ?- I am pleading for a system whereby there is some civil servant or clerk in the office, where, if an accused comes to him, he has the right to take down his statement and his witnesses' statements and place them before the court. I do not mind if there is no specific man to do it; I do not ask that a specific person be asked to do it; it might be made the duty of those already in the office. It is the duty of the Crown to assist those who cannot afford professional assistance.

MR. MOSTERT: They can call witnesses now ?- Yes; but I have just explained to you that only those who have conducted cases know the tremendous advantage of having a man give his statement beforehand.

MR. DUMAKUDE GANCA)
MR. NAZO GALATA)
MR. EDWARD M. VAMBO)
MR. DANIEL RUSSELL MOYAKE)
) called and examined:
)

CHAIRMAN: We have got the copies of your statements. I understand from the note I got from the Magistrate that you want to add something to these statements. It is not necessary to repeat anything you have said anything in these statements, but I understand you want to add something. Is that correct ?- (Rev. Gance): I shall not necessarily add anything, unless it is by way of explanation. (Mr. Calata) I will not add anything unless it is by way of explanation of my statement. (Mr. Vambo): I will not add anything unless it is by way of explanation, also. (Mr. Moyake): The same with me, sir.

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CHAIRMAN: Will you proceed, please ?- (Mr. Ganca): I desire to give evidence upon points covered by Nos. 1 to 6. The Council system should be extended so as to supersede both tribal and detribalised conditions and to aim at rousing the spirit of the Bantu nation. Native customs should be thoroughly revised. Natives on the farms should be granted enough land for ploughing by their employers - say at least five acres. Native reserves should be extended or established for the landless Native population.

Common industries should be encouraged, such as masonry, carpentry, shoemaking, saddlery, dairying, etc. The establishment of Bantu markets amongst Natives themselves would perhaps prevent their tendency to go to towns. Through insufficient means of living in a decent Christian life in his own country, a Native will go to town to earn money for the necessities of life. Moreover, Native wages on farms are inadequate. There should be a minimum wage of £2 or £3 per month for farm natives, plus ration, as the case may be.

Agricultural shows should be encouraged. Demonstrators should be employed. Produce should be turned into E.s.d., instead of 'Good for' written on a piece of paper by traders. The administration of Native s should be more civilised than their own tribal administration, which is retrospective rather than progressive. Government, by proclamation, should be temporal.

(Mr. Calata): Through numerous laws and regulations passed by the Government to be used in urban areas, while the Natives living in these areas are illiterate and quite ignorant of the regulations, many of them are being arrested and kept in gaol. Natives are quite ignorant of these

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regulations, with the exception of theft; they are forced by starvation to break this law because, on the farms on which they are residing, a man works for 5/- or 10/- per month, while in town a man works for 2/- a day.

Every man resident in rural and urban areas, although earning such a small sum of money, is expected to pay all the taxes without failure; on failing to do so, he will be arrested and sentenced to hard labour. The Government should devise means of explaining these laws and regulations to the Native.

Many people are sentenced in court through misinterpretation of their evidence by White court interpreters, who, misunderstanding or at least being quite ignorant of the Xosa language, give a misinterpretation of what the accused say. Many White court interpreters, cannot interpret the Xosa language into English as correctly as would a Native interpreter, only because White interpreters speak the Native language from hearing it spoken by Natives on the farms and in the shops. They are not brought up as Native language speaking people. They do not know the language deeply. They speak low Xosa, which is hardly used by Natives when in Court.

In civil cases, it often happens that a man is arrested and locked up in gaol before his case is on at the Magistrate's Court, whereas that same man should have been served with a summons to appear in court in civil cases, such as those coming under The Master and Servants Act. When the Natives are fined in court, they should not be fined as Europeans are. Their state should be strictly observed.

The Government makes a great difference in paying witnesses in court: Europeans are paid 8/- per day; the

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Coloureds 2/6d per day, while Natives are paid 9d per day. The same scheme should be adopted even with regard to fines; if a Native is arrested for beer making, he is fined £10, which he is unable to procure anywhere, consequently he gives up hope of getting out of gaol. It is pitiful to have to say it, that though the Natives are given the right to brew kaffer beer, they do not know how much they ought to brew, because they are arrested when they brew and are not told the regulations.

Trespass laws and curfew laws should be made more clear to the Natives and there should be an allowance made for Natives who go to a farm and get there very late. They are frightened to awaken the farmer whilst he is in his slumber. A policeman comes and finds a stranger in the hut of the Natives of the farm, with no permission, and he is arrested. Several times the Native comes early on the farm; he asks permission and it is granted to him. When the policeman finds him in the hut he takes him to the owner of the farm, who denies the man altogether, saying that he granted no permission to the Native; he is then arrested and locked up.

The Government has passed the Riotous Assemblies Act with a view to stopping agitation in this country; but it is pitiful to say all these Acts passed by the Government to stop agitation encourage it rather than prevent it. Agitation will not cease so long as there is injustice; and these Bills cause more agitation still. These agitators are pleading for the rights of the Natives to the Government as British Subjects.

There is another point complicated in this Riotous Assemblies Act -- that is judgment. Why should this Bill encourage that if a man is charged under this Bill, he should

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be banned from his home and country? Why should this Bill be applied only to Natives? While Mr. Bunting of the Communist Party is left alone to exercise all riotous speeches. He told the Natives to burn their passes on the 16th December 1930 and the result was that the Government sent out policemen to stop the procedure and consequently a number of Natives were killed and wounded, while Mr. Bunting, the leader and cause of all the uproar, is left to enjoy liberty.

If this Act is in force at all, it should not be applied to Natives only, but Europeans as well, who mislead the people.

Although trade has been opened to Natives by the Government in the locations, the Natives are not yet put in a satisfactory position, because they are only allowed to carry trade on in the locations. Europeans are allowed to trade both in towns and locations. The Government does not give any assistance to Native trade, while they give it to Europeans. Natives should also be given full rights as British subjects. Above all, if Natives were given good wages, they would be able to carry on their trade more easily.

The poor wages given to Natives make them no better off than they were, because they have such innumerable taxes to pay and that leaves them in poverty and distress.

(Mr. Mvambo): Only 44% of Native children are attending school in this Province. More than half of the Native children of school-going age in this province are not obtaining any school education whatever. A great extension of educational facilities for Natives is required. Compulsory education is necessary, especially in urban areas. There were 127173 schools in 1928; there were 132346 schools in 1929. These figures include training, secondary, industrial,

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part time and mission schools.

The funds made available for Native education are inadequate for the maintenance of the established services and that development which is urgently required throughout the Provinces. The automatic limitation of the funds available to a block grant, namely £599000 in 1930, irrespective of the general financial condition of the country and of the special requirements and claims of our people, is a device of a kind that has been applied to no other section of the community.

In my school here (Port Alfred), there is a teacher with 100 pupils in one class, just because of the present system of finance. Native education should be by per capita grants, out of general revenue. There are many qualified teachers unemployed, just because of the present system of finance. The immediate requirements for development of Native education are:- (1) Opening new schools, (2) The appointment of additional teachers for existing schools, (3) On the 6th December 1928 we were puzzled by the publication of a scale of salaries which was stated to be operative from 1st April 1928, but which, in fact, except in so far as minima are concerned, is not yet, three years later, operative at all. The minimum salary is inadequate for a teacher to maintain the position among his people that is desirable.

Many teachers of long service are still on the minimum scale.

There was another aspect of this procedure - this was a matter in connection with the payment of Native teachers in the Transvaal. A Native teacher suing the Transvaal Prov. Administration for salary and the latter letting the case go

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by default. Why? The facts were simple. Six regulations regarding a new scale of salaries for Native teachers were gazetted but were never put into effect. The same thing applied here in the Cape. The Native teachers insisted on payment and the Administration told them, through managers, that there was no money available.

Afterwards, the Administration had come forward and said they would pay the new allowances or increments from 1st April 1930, not 1st April 1928 as the Government took upon itself the financial conditions relating to Native education, it is a mystery, why all this trouble.

In regard to the Transvaal, six teachers were now testing the case in the Magistrate's Court in Johannesburg. We understand the Chief Magistrate of Johannesburg reserved judgment. We, in this Province, did not want to be forced to resort to a legal remedy. It is recommended that the Administration give the necessary allowances as from 1st April 1928.

With regard to Native taxation; it is anomalous that all Native adults should be taxpayers, including boys of eighteen. The Poll Tax, in 1929, brought in £1,007,334 to the State and we, in return, get one fifth of this amount. Natives suffer from over-taxation. In Port Alfred, the average Native with a family of five has to subsist on an average wage of 2/- a day. He pays annually £1.10.- rent to the Municipality, 5/- dog tax, £1 poll tax, £1.10.- vehicle tax; total £4.5.-. This leaves the family in debt. The Government should tax us on our wealth, as in the case of Europeans, so that the tax would fall on those able to bear it.

(Mr. Moyake): With regard to urban Native areas; the administration of these locations leaves much room for

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improvement. Rents charged for houses built by the municipalities are a burden to the Natives, for the wages paid them are inadequate to enable them to meet their family dues. Even where Natives are allowed to build their own houses, rents charged for plots are not used to enable them to live comfortably. No social, economic and domestic arrangements are afforded in lieu of rents charged. No recreation is available, whereby they could improve their welfare in close lines with the present day needs.

In Port Alfred, rentals charged are £1.10.- per annum for plots only. No facilities are provided in return for their rents. No water, no lights, no roads and no sanitary arrangements are afforded. No medical assistance is given them to cope with the ever-increasing infantile death rate.

So far as industrial disputes are concerned, agitation will continue so long as the employers continue to pay the Natives an average daily wage of 2/-. The Government should encourage Native industrial organizations, instead of fighting against these, as is evidenced by the Riotous Assemblies Amendment Act. It is recommended that the wages should be raised to enable them to make a desirable living. The Location Advisory Boards should be given more power - that of administration - in order to justify their existence and not only act in an advisory capacity.

As regards the tot system; this system or bill aims at the interest of the farmers. No good purpose would be served by granting the farmers this concession, instead, many Natives will be led to gaol with the result that many Natives will be thrown out of employment and a worse problem will be created by the formation of a new class of people known as the poor Black problem. If there is

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justification at all, liquor should be prohibited to all Black and White or open to all. The Government should by now realise that there cannot be one law for the Whites and another for the Blacks.

The Government laws are always safeguarding the interests of the farmers. The Lands Act of 1913 $\frac{1}{2}$ only helped to make another class of people known as the landless Natives. Previously Natives and Europeans lived together happily and peacefully. The characteristic feature is that the Europeans let the Natives till the ground and, in return, divided the crops between them. Life on the farms is unattractive. Houses built by Natives are sold, together with the farms, and no compensation given for them. Servants are also sold, together with the farms. The wages are shamefully low.

If the son has an aged father on the farm and seeks employment elsewhere, the aged father is required to furnish a satisfactory explanation for his son's desertion.

As regards parental discipline, a great deal of lack of discipline was due to men being away from home at the mines or big cities. The son, being the breadwinner, was inclined, on his return, to lord it over his father. People lived in a state of permanent debt. Young children had to go to work and there was lack of respect of parental authority as a result. A gradual rise in wages would help everybody.

MR. LUCAS: Mr. Ganca, you say the establishment of Bantu markets amongst Natives would perhaps prevent their tendency to go to town; what have you got in mind there; what do you mean by that; what sort of market?— Trading between Natives themselves.

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Where ?- In their township.

Are they not allowed to trade here now ?- No, sir.

There are traders who object.

Are there Natives who allow to trade in Bathurst ?- No.

What you want is that they should be given the right to trade ?- Yes.

Do you think the Native people would agree with you generally in the substitution of the Council system for tribal conditions ?- I do, sir, when the system is well explained to them.

Is there a council system in the Bathurst area ?- No, sir, there is only an Advisory Board in Port Alfred.

That is just for the town ?- Yes.

Mr. Mvambo, you say you have a teacher in your school who has 100 pupils in his class ?- Yes.

Is that one class only, or has he to attend to a number of pupils in different classes ?- That is one class only.

DR. ROBERTS: What class is it ?- Sub-A.

How many teachers have you in your school altogether ?- Seven teachers.

And how many pupils altogether ?- 426 pupils.

That is an average of 61 ?- Yes.

Yours is in Port Alfred, is it not ?- Yes.

SENATOR VAN NIEKERK: Mr. Galata, you say that the interpreters used in Court are not capable of making the Court understand what the Native means; is that general or exceptional ?- I have had several cases where the Native interpreters cannot bring out the right meaning given by the accused in Court.

Were they European or Native interpreters ?- European.

Sometimes, when you have a Native interpreter, do you not find he is not always able to convey the exact meaning in

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English, what the Native says to the Magistrate ?- No.

You think interpreters should be Natives in preference to Europeans ?- Yes, at least.

You say, in another part of your statement, that in several cases, a Native is sometimes imprisoned before the summons is served on him; is that possible under our civil procedure ?- Natives are arrested and put in gaol before they are tried in Court.

But that is for criminal cases. If I commit a criminal offence, if I kill a man they arrest me and put me in gaol before I am tried ?- It is so also in civil cases.

MR. LUCAS: What sort of civil cases ?- Under the Master & Servants Act.

Well, really, that is a criminal matter; it is normally a civil offence, but the law makes it a criminal one ?- (No answer):

In another part of your statement, you say, if I understand you correctly, a Native sometimes comes to a farm in the evening and asks the master whether he can stay there and, during the night the police come along, arrest the Native, call up the master and say, "I found this Native here", and the Native says "The baas gave me permission to stay there", and the baas denies it next morning. Do you think a respectable European would do a thing like that -- go back on his word ?- I have seen it several times.

You have witnessed it ?- Yes.

You have witnessed a White man, when a Native came to stay on his premises, say, "Yes", and the next morning say he did not say so ?- I have seen it; I was in the police force at one time.

How do you know the White man gave permission ?- I heard it from the prisoner.

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SENATOR VAN NIEKERK: You were not present ?- No.
You seem to take exception that a White man like Mr. Bunting is arrested for spreading illfeeling between the Europeans and Blacks and is let off ?- Yes.

Are you aware that, after the Bunting case, the Government tightened up the Act by passing a new Riotous Assemblies Act to get at men like Mr. Bunting; are you aware of that ?- Yes

Why do you complain then ?- Mr. Bunting all this time has been making speeches to the Natives, and he has not been arrested for that.

That was after the Act; you will remember that Champion was removed after the Act. The crime that Bunting was supposed to have committed was committed before the Act. You must look up the ~~the~~ facts the not make loose statements.
(No answer);

DR. JAMES EDWARD DUERDEN, Professor of Zoology and Director of Wool Research,

called and examined.

Witnesses: I mention in the introduction to my statement the experience I have had, namely several years in the West Indies, several years in the States of America, and 25 years in South Africa. So that anything I have to say is based rather upon that wide experience. I have gone over the different items which you have raised in the classification and, where I felt that I had anything to contribute, I have done so in the form that has been sent up to you,

As there is very little time left now, I would only like to enlarge upon one or two of the special features that I have been able to contribute.

The first is in regard to overstocking in the Native

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areas. I have suggested that this would be very largely overcome if the Natives were encouraged to breed better stock; also, there would be much less danger of overstocking, if they developed a system of paddock fencing, as is practically done now by all the White farmers; likewise, a system of conservation of water.

Then, the provision of better stock would have a very direct benefit on the Native, in so far as to keep better stock he would have to have better conditions and have to attend to them in a better fashion than he does the scrub stuff. I would like especially to emphasize that I regard this as an important matter for the Commission to deal with.

Then as regards the tribal system; I think that perhaps the experience I have had in the West Indies has some little bearing upon the conditions we have here in South Africa, because there we find there is practically no Native problem -- that is, all the people live there together, the Whites and the Natives, and each man is treated according to his merits and quite apart from the colour of his skin. Of course, even in the Legislative Council there, if one had Negro blackness, he would be received everywhere and perhaps one might say in one's own personal houses. So I think the breaking down of the tribal system has a bearing in that respect.

The tribal system tends to keep the Native in his own organisation, whereas, if the tribal system is broken down, then he becomes more closely attached to the White people. This was particularly noticeable in the West Indies and also in the Southern States where the Native owes no allegiance to the tribal system and hence he can associate himself, as it were, with the interests of the White people. I am passing over, of course, the points that I think are not of the

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... . Highest importance.

In connection with this question of education of Natives, I may say I have had a fair experience and that I go annually to Fort Hare Native College to conduct the examinations and one sets the standard there that we adopt at Grahamstown and which is adopted at other universities and it is very remarkable the degree to which the students are capable of attaining that standard. Much has been made of the fact that, when the Native gets away from his natural surroundings that he reverts to his Native conditions. I think that is quite feasible and understandable; it would happen to all of us; if we were associated with people of the lower stratum, we would naturally fit ourselves in. Therefore, I suggest, in judging the educated Native, we should judge of him as among other educated Natives. It is hardly fair to think of a Native attaining the whole of the advantages to be got as a result of education, unless he is in the proper environment.

DR. ROBERTS: That is, he must be judged in his own surroundings? - But his surroundings must be conducive. What I do maintain is that any White man who has all the advantages of civilisation removed, tends to drop down; but I do not say drop down to the level of the Native. What I maintain is, the Native is hardly given a fair chance. When he comes back again amongst his own people who have none of the advantages of education, and we should hardly compare him. The thing is, how far we can lift the Native and maintain him in these conditions. It is all a question of environment.

Do you think so? - There are bigger questions besides that. In addition to the ~~xxxxxx~~ notes that I have made upon the Questionnaire, I have also a few general observations that I should like to make with regard to the economic

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treatment of the Native. There is very often here an antipathy between the Natives and the European. Now, I wish to controvert that from this point of view; if we take the wider vision and think of what happened in Europe in pre-industrial days, we find that the people were divided into different strata; we had the operative and labour classes who were in a particularly low condition and, as far as one can find, they were just as badly treated by their superiors in those days, as the Natives are by the White people in these days; in other words, I am prepared to argue that the treatment meted out to the Native in South Africa is not a reflection of racialism but is largely due to the lower status which he occupies socially, economically and educationally.

Moreover, it follows that if we can raise the Native, socially, educationally and economically, then that difference disappears and I can quite conceive that the Native will then associate with others -- or with Europeans quite apart from his colour, just the same as at the present we associate with the highclass Hindoo and the highclass Japanese on perfect terms of equality.

I may say I went to the London University in 1926; I had a Japanese working under me on one side and a Hindoo on the other, and although a South Africa, I must say that, after a day or two, I had no qualms with regard to colour and I believe it would make a vast difference in South Africa -- they would not have that difficulty we have, that antipathy, if the Natives were raised to a higher level; in other words, if they raised themselves to a higher level, and that is the standard that we ought to set them.

Then, with regard to the great economic problem, namely, to find remunerative labour for the Native; I have

Dr. Due rden

discussed this, I think, with practically anyone who is any authority on the matter and particularly with visitors from overseas, more especially with the members of Parliament, I think, who came several years ago. I discussed that with a Labour Member there, who said he had tried to find a formula for all our troubles wherever he had been; he found everyone gave him a different formula, and he ventured to remark that he thought what we ought to do was to pay the Natives higher wages so that they would have more wants and greater needs, which would encourage industry generally. Well that, of course, is a very sound argument, from a socialistic view, but we know it is economically fallacious, that no system can be continued unless the payment were beyond, more or less, the economic worth of the Native. We are trying it now overseas with all this unemployment; we are keeping people alive in paying them for nothing whatever. If we pay the Native his economic worth, it simply becomes what it is overseas -- a dole, and we land ourselves in difficulties. That seems to be the big problem - how the Native can be given a higher economic wage; and, compared with the conditions overseas where, in pre-industrial days, the labouring man was earning very little indeed simply because his labours were not worth more, but when industries were introduced, especially cotton and woollens, as I know from experience in Lancashire, at once the value of labour went up and I do not think there is any place in the world where the operatives do better than in the North of England, simply because there is the remunerative labour; People get higher wages and take a very high level of economic standing.

That, to my mind, is the great problem facing the Commission, namely, how far can it devise remunerative labour

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study that we shall ever reach a solution of them and shall be able to adapt our experience from time to time. When I refer to make-up, I refer to constitutional make-up, -- the physical, mental, spiritual, moral and everything.

CHAIRMAN: You mentioned the case of the West Indies where the Black man and the White associate without any feeling of racial difference; I take it from that you ~~xxxxx~~ have given that with a certain amount of truth ?- I gave it as a bare fact.

But they do do it ?- Yes.

You did not express whether that is a good or bad tendency ?- No, I would not like to.

I was trying, as a matter of fact, to get your view as a geneticist on the question as a race mixture ?- I meant there was no Native problem as we have it here, that the people intermingle to such a degree that there is not that division that there appears to be in South Africa. Whether it is desirable or not, of course, I did not comment on.

MR. LUCAS: Is there intermarriage ?- Not to any very great extent. We should not invite them to our own house; we might meet them publicly socially, but would not invite them to our own house.

DR. ROBERTS: Suppose you educate the Native as you desire and educated him all out, to the same status as the White man, your view is then that the feeling against the Native would disappear ?- Would tend to disappear.

You do not think that it would strengthen it a good deal more, because education would stink in their nostrils, do you not think ?- Give them all the chances and the opportunities; we cannot keep anyone back.

If you lifted the Native up to the same status of

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education of moral outlook and everything else as the European, then the feeling would disappear ?- Of course, there is the big 'iff', you understand that; but that is another matter.

CHAIRMAN: Would not the natural result of that be miscegenation, whether we liked it or not ?- I do not think so, not necessarily.

REV. GEORGE HENRY HALL JACQUES, called and examined:

CHAIRMAN: In the course of your statement - we have fortunately had an opportunity of reading it beforehand - so I propose to ask you a few questions on the points you have dealt with in that; so it is not necessary to go through it again. ?- I make the statement generally, that I hold no theory as to what is to be the future; I believe we can ameliorate and help the conditions as they obtain at present and so bring about, by evolution, a condition of things which will be very much better for both races. Admittedly, Mr. Chairman, inter-racial relationships is a very difficult and delicate thing to handle and I have done the best I can.

You quote a statement which you derive from the Johannesburg Joint Council's report that the mortality among Natives in certain areas has reached the enormous figure of 900 out of 1,000 ?- Yes.

Do you not think that is rather a mad statement to make ?- I do not think it is mad if it is true.

Do you think a statement like that could be true ?- If you will remember, this location in Johannesburg was near the dustheaps and flies and that sort of thing; it was a

Rev. Jacques

extraordinary and special case and I have mentioned in my statement that, while this is an extreme case, infant mortality mounts up to an alarming figure.

I was just drawing your attention to the fact that you made a statement here which nobody would support ?- I rely, for the strength of that statement, on Mr. Reinhardt Jones' of course.

Mr. Reinhardt Jones never made a statement like that ?- It is in a paper that he sent to me.

The statement that you refer to is not about the death rate, but infant mortality which was made by a member of the Johannesburg Joint Council ?- Yes.

I think you will realise a deathrate of 900 per 1,000 would mean very few people would be left; after a few years, you would overhaul that statement. ?- If you will read my statement, you will find that I say infant mortality is mounting up to an alarming extent; my reference is to infant mortality and not to the deathrate.

DR. ROBERTS: Do you think it is mounting up ?- I do,

In the Grahamstown area ?- It is mounting up in this area, I think, sir.

Good authorities think that it is going down ?- Do you think so?

Other authorities think that at one time it was 60 per 100 and now it is between 40 and 50 ?- Yes, well I am not here to answer that; I am not touching upon Grahamstown at this particular point.

CHAIRMAN: You consider that agricultural demonstrators should preferably be Native ?- For Native areas, yes; I think it is better.

On what grounds ?- On the grounds that they have greater access to the social life and so get into the inside of the

Dr. Ella Britten
Rev. Jacques

Native's life; I think they are very effective. Those at Tsolo have done very excellent work. I have even known teachers give up their work and become agricultural demonstrators.

You want an agricultural college in one of the neighbouring districts ?- I would like to see an agricultural school started of the same nature as Teko.

I take it you are aware of the Ciskei institutions which is in existence at Fort Box ?- Yes; I think there should be another started.

DR. ELLA MIRIAM BRITTON, called and examined:

MR. LUCAS: What is your position ?- I am a medical practitioner, in private practise. A lot of my work is in the locations.

After ten years' work as a general practitioner in Grahamstown, I can unhesitatingly testify to the appalling poverty and its attendant overcrowding and disease to be found in the Native location.

The houses are badly built and many are mere hovels. There are a few decent houses belonging to the better class Natives and the Municipality has built a few houses, but the rent of these, 17/6d per month, is too high considering the current wages.

In the Government location, the houses are owned by the Natives and the quitrent of 5/- per year is paid to the Government. The houses are valued by the Municipality and rated accordingly, this valuation, in most cases, being far above the amount they would fetch if put into the market. In the Municipal location, the ground is rented from the Municipality at a flat rate of £1.6.- per year, and the houses

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themselves are owned by the occupier. From these sources, the Municipality receives some £1,600 revenue per year.

Men's wages vary from 12/- to 18/-, according to length of service. Garden and houseboys earn £1 to 25/- per month and food.

Out of this £1 per year, poll tax has to be paid,-- about £2.-.- For church and school fees, and 10/- a year water rate. Taking then, a man living in the Municipal location and paying £1.6.- for his ground, his yearly expenditure is £4.16.-, or 2/- per week from his wage, before he starts to pay for food and clothing for himself, wife and children, and for the elderly relative to infirm to work, found in most Native households.

Obviously, this cannot be done on his wages. A bare minimum of food, soap, fuel and lighting, for a family of four, would cost £1 per week. To make up this deficiency, he either lets a room or rooms and crowds his own family into a quite inadequate space, or the wife has to go to service or do charring and neglect the children.

For the Native who does not own a house, the situation is worse, for he has to pay anything from 6/- to 15/- per month for rent.

Work is not plentiful and husbands drift away to the ports and mines and often forget their families and the mother is left as sole support of the family. In service, she can earn £1 to 25/- per month as a general servant or housemaid or 30/- to £2 if she is lucky enough to be taken on as a cook, but she has to be away from her children from early morning till late at night. Some employers pay much lower wages, - anything from 10/- to £1. Washing or charring is paid at 2/- per day, but the work is irregular and obtainable only two

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or three days a week and ceases altogether during the summer holidays when most Europeans are away at the seaside. There is no industry of any kind where she can get permanent employment.

Most Natives live under an ever-increasing burden of debt to the small shopkeepers. There is no means whereby a Native can go insolvent and start afresh, so that when creditors become too insistent, he changes his name and moves to a different part of the location and hopes to escape detection. The shopkeeper, to make good these constant losses, increases his prices and the Native, who always buys in small quantities, is constantly overcharged -- a truly vicious circle.

The day a Native goes off work ill, his wages stop, so that illness is a real tragedy, but not only is there no money for medical aid, but sometimes not even for food, so that often a doctor is not sent for until it is too late.

Diet at the best is poor - bread, mealies, beans and a little meat, that is, very little protein and vitamins. Little children are the chief sufferers here, especially in the critical year that follows weaning. Infant mortality is high -- in 1930 it was 299 per thousand -- and mortality in the second year is also high. It is difficult to get the exact figures for the second year, but I do not think that more than three out of five babies born reach the third year. Dental Caries, almost unknown among children in the Territories, is common and the resisting powers to disease is low.

Kaffer beer, which would supply the Vitamine deficiency is prohibited, but Cape brandy always finds its way to the location and, where food is scarce and legitimate amusement

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almost nil, alcohol is an attractive way of escape from difficult conditions.

Tuberculosis is common and there is no attempt made to control and cases in the last stages of this disease are often found sleeping in an unventilated room with half a dozen other people. At the present moment, there is a great deal of unemployment, especially among the men.

Regarding tuberculosis, I can verify what Dr. Saunders has said; there are no means whatever for treating; here in our location, we are in difficulty because the men go away to work and the moment they have any trouble they come back here, so our tuberculosis rate seems high. Men go to Port Elizabeth or to Johannesburg and the moment they are not well, they come back to the home and come into the hut here which is already very overcrowded and settle down and spread the disease.

Then the other trouble with low wages is that it does increase our illegitimate rate. The lobolo system as you know is such that the men have to pay off so many cattle and, under the low wage, they are not able to pay the cows out; the girl has a baby, the man is not legally tied to her, and he removes himself. I find quite a number of women in our location have a series of illegitimate babies and it is very difficult to deal with these cases. I think, in the few years that I have been here, the illegitimate rate has definitely increased.

when
On the old days, we had more control and better wages
that was not so.

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Mrs. Olive Guyler Mylne

MRS. OLIVE CUYLE R MYLNE, called and examined:

Witness: Under paragraph 4 of Section 7, I see that information is sought about "Industrial and other diseases and provision for their treatment". As a voluntary worker in the Grahamstown locations, under the Child Welfare Society, one of my duties is to discover and keep in sight children who are suffering from malnutrition and starvation. Now, there are very many starving children in this location and the chief, and almost the sole cause of these said cases is illness in both or one of the parents who are thus prevented from supporting their families. Now, in an overwhelming majority of cases, this illness is pulmonary tuberculosis and one is simply appalled by the prevalence of this disease for which there is no provision or treatment whatsoever.

The regulations of our hospital prohibit the admission of such cases, with the result that men and women and sometimes young children lie dying for months in overcrowded one-roomed huts. During the last few months of life, these cases have constant haemorrhages and the consequent spread of the infection is dreadful to contemplate. In such cases it is a common occurrence to find these dying people sleeping in a room with five or six children and sharing blankets with them.

The food is kept in the same room. The following cases, all of which have come under my notice during the last six months, are typical examples of the conditions which I have attempted to describe.

October 1930: Annie Ntshana - at 12 S. Street, a

Mrs. Mylne

woman in the last stages of consumption was lying on the floor with practically no bedding. The weather was cold. The husband (too ill to work) and four children, were sharing this woman's scanty blankets. Another child had died four days before I visited the house and the woman died two days later. There was no food in the house.

December 1930: Nofaite Ngani - 25, 1 Street. An old man in the last stages of consumption. So ill that wife cannot leave him to go and work. The wife and five children all sleep in contact with the patient. Another baby expected shortly. These people are kept alive by rations from the Magistrate. The house is swarming with flies and the patient expectorating on the floor.

January 1931: Tom Ngeleza - 28, R. Street. An old man of 70 has had Tuberculosis for 11 years. His third wife, a young woman, was compelled, under Native custom to marry him about seven years ago. By this wife he has four children, whom he will never be able to support.

Now, my object in quoting these individual cases, of which there are many more, is to bring to the notice of the Commission, the need of sanatorium treatment for such cases as these.

To the lay mind, it would not seem an impossible venture for some sort of primitive open-air hospital to be constructed in every municipal location - a place where these people could lie in bed in the open air, be visited by their friends, but be so segregated from their families as to prevent the appalling spread of this disease. Neither the construction nor the staffing of such sanatoria as I suggest would be heavy, one European or Native nurse could

Mrs. Mynle

look after very many beds, for there is little nursing to be done. With even slightly better food and fresh air, many of these cases might recover, but even if they all died, the greatest problem of all would still be met, for the spread of the disease would be arrested.

In conclusion, I would suggest to the Commission that a proportion of the general tax collected in each municipal location be returnable to that municipality for the purpose of erecting a consumptive sanatorium if that municipality so desire.

CHAIRMAN: Can you account for the higher incidence of tuberculosis here, or is it simply that you people are more alive to it here ?- We may be more alive to it, Mr. Chairman; I do not know; but that is one point. I should like to contradict Dr. Saunders; he made out that this high Native mortality is due to tuberculosis; it is not. I work in the location for the Child Welfare Society. We get epidemics of diarrhoea; we have always got diarrhoea with us; we have the flies; we get epidemics of whooping cough and measles and then these babies get pneumonia and die; we lose a tremendous number like that. We have the tuberculosis. The children do not get enough food, and then they get other diseases and die.

Do you know whether the births that take place in the location are regularly registered ?- I believe they have to be.

But that does not mean that they are ?- I am afraid I am not in a position to say; that is not part of my work.

Do you know whether the Natives know that they have to be registered ?- I think so. The moment the babies are really bad they rush off to a doctor to diagnose the illness

Mrs. Mylne

so as to save them trouble at the end - just to say what it is so that there is not an inquest. The Child Welfare Society pay the salaries of two Native nurses who work in that location. We cannot afford it; and, as a matter of fact, by the generosity of one member of that society he guarantees the salary of the second nurse because the Society cannot pay it; whatever we happen to be short, he pays.

SENATOR VAN NIEKERK: Does the Municipality pay anything? - No. I think they have to pay so much to help the Society but they do not provide any nurses. What I should like to see, of course, is this sanatorium in the location. I do not think you can compel these people to go into it when they are dying, but if you had it in the location, I think you could compel them to go in. I have a case now of a woman ; her daughter is 20; she has turned consumptive. That woman would do anything to get that girl out of the house. She said, "I know what it means; my husband died in 1918 from the same disease and I am afraid my other children will get it from her ". She does not know what to do. She cannot take the girl away from her job because she knows she herself cannot support the family.

What is your experience; are the Natives underfed in the location ?- Yes, a lot of them are. I reckon if ~~the~~ Natives gets 15/- a month they will be lucky. I make a point of asking these people what their husbands earn. It is a very small wage indeed, unless they are working for the Municipality or schools; otherwise, it is very low.

MR. LUCAS: 15/- a week, is it ?- Yes; otherwise it is much lower, and I think it is most essential that we should have a hospital in the location where these cases could be put. When Mr. Jansen came here, we asked if he

Mrs. Mylne

could not possibly help us and pay us a very small amount of £150 a year to pay the nurses salaries, but I am afraid we have not met with much success.

DR. ROBERTS: Have you women in all three locations? - Yes, we have. The Coloured and the others, they all go to the bureau. High Street is the worst.

SENATOR VAN NIEKERK: What is the difference in the health conditions between the Coloured and the Native? - Well, at present I think the mortality is not quite so high with the Coloured as it is with the Natives.

Is that on account of their higher earning capacity? - Oh, yes. They earn a lot more as a rule, but I am afraid I have not had much experience with the Coloured people; I deal mostly with the Native people. The bureau, the child welfare thing, is for Natives and Coloured, but they are not very keen on mixing, and we deal really with Natives.

DR. ROBERTS: Are those two fully qualified nurses that you have? - No; I am afraid we cannot afford to pay fully qualified nurses, we have not the funds. The one is a fully qualified maternity nurse, trained at Cape Town and she is doing mostly maternity work, and excellent work. The other one had a training at St. Cuthberts Mission, where they do not give certificates; she has had quite a lot of experience. These nurses go out working every day.

MR. LUCAS: In these locations, are the Natives, under the conditions in which they live, able to keep their houses clean? - No; they only get water three times a week. You want to go up in the morning and you will see them queued up 20 in a row waiting for water; they cannot carry more than two petrol tins of water up the hill; if they want more they

Mrs. Mylne

more they have to go back and wait their turn. They have not got the pots and things to boil that water.

CHAIRMAN: Why does not the City Council provide the water ?- We would like them to; I think it is going to, but I cannot speak with any authority on that matter.

MR. LUCAS: Has anybody analysed the accounts of the location ?- You mean, how all the money is spent?

Yes ?- I do not think so.

Do they get their money back ?- I do not know; I am not on the Council.

MAJOR ANDERSON: Is there a Native Affairs Committee of the Town Council ?- On the Town Council?

Yes ?- Yes.

MR. LUCAS: Does the Native Affairs Committee visit the location, to your knowledge ?- I think so; I think they meet the Natives.

Do they take any interest in your work ?- Oh, yes. They are very sympathetic. We open our clinic on Thursdays and we deal with anything up to 30 mothers and babies a week. Last week I think we had 33 new babies on our books, so they are increasing steadily.

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MR. GEORGE FRANCIS HATHCOTE, Medical Officer of Health,
called and examined:

CHAIRMAN: You have heard the information that was given to the Commission about the tuberculosis position in this location ?- Yes.

Could you make any comments on that ?- Yes. It is extremely difficult to hear all that is said at the back of the hall and I am afraid I missed a great deal of it; but everyone admits that tuberculosis is rife in Grahamstown, as

Mr. Hathcote

I suppose it is in any other Native community in South Africa. At any time I can lay my hands on any number varying from 12 to 18 known consumptives in the location; it varies from time to time.

At one time, in a location of 8,000 ?- Yes. I have hardly finished my statement, Mr. Chairman. The deaths are round about 30 per annum. The difficulty with tuberculosis is largely the fact that these Natives do not have a doctor until they are practically dying: the case is not known to anybody until a man is in extremis. Very often, the first I hear of it, as M.O.H., in the way of notification is after the man has already died. The doctor in attendance in the last stage notifies the death of the case; so that the actual known cases in a location do not conform strictly to the amount of tuberculosis there, and the only fair test of the amount of tuberculosis is the annual deathrate and that is, as I say, round about 30 per 1000, which is high.

30 per 1,000 deaths ?- 30 deaths per total population.

You said 30 per 1,000 ?- That was a slip of the tongue; it is 30 total deaths; it is about 4 per 1,000.

What is the total number of deaths among your Natives per annum ?- About 400; the deathrate is round about 50.

MR. MOSTERT: 50 per 1,000 ?- Yes. I cannot remember the total figures, but the rate is round about 50 per 1,000 both in Natives and in Coloureds.

Does that include infantile mortality ?- That includes all deaths, -- the 50 per 1,000. A lot has been said about hospitals and these tubercular cases. Now, what is done at present is, when a case is notified, it is investigated and some attempt is made at home isolation. The Council possesses a hut which is movable and which can be put up in any man's plot

Mr. Hathcote

where home isolation is impossible; and one is at once up against a real difficulty in all this preventive work, and that is, the ignorance of the Native and his real unwillingness to learn; he will not just believe what he is told. You put up a hut for a man, and he will not live in it. They are given spittoons and are given disinfectant and are given codliver oil; but I agree with a good many people that the spittle usually lands on the floor instead of in the receptacle provided. In my own mind, I quite admit that hospitals for these advance cases is a step in the right direction; it is an educative step. I do not believe that isolating these known consumptives would have any large effect in reducing the amount of consumption among the Native people, but it would relieve a great deal of poverty and would help individual cases. It would educate a Native as to how a sick man ought to deport himself in relation to his neighbours trouble about and family. I believe the ~~need for~~ such an isolation hospital is a very obvious one - your cases are all going to die and, once a Native knows that, the place is no longer called a hospital but a "dead house", or something to that effect.

THE COMMISSION ADJOURNED at 6.55 P.M. TO HEAR EVIDENCE AT PORT ELIZABETH ON THE 26TH MARCH.
