of the land registered in their names. Mr. Schreiner was able to show that the said farms were those awarded to Native tribes by the Republican Government. The occupiers of these farms had not titles as the Republican Government did not allow Natives to own or register land in their own names.

DR. ROBERTS: Of what year are you speaking? — 1913, sir. These lands were held in trust for them by Europeans or Missionaries.

The Native Land Act of 1913 made native conditions on the farms intolerable. The leasing and the hiring of land by Natives was stopped or prohibited, ploughing on the half-shares system became illegal, and natives found themselves unable to maintain their position of economic independence. The farmers discovered that the Act put them in a position to dictate terms to the would be native tenants. More often than not the terms were harsh and crowds of natives were driven to seek refuge and livelihood in the towns.

The wholesale evictions of the natives from the farms in 1914 also contributed to the urban areas trouble. Since then migration to the towns has been continuous, and it is sufficient proof that native labour conditions on the farms are oppressive and intolerable.

There are the detribalised and urbanised natives who have and are developing a new life, a new society; they have outgrown tribal conditions and are on the march along the path of progressive mankind. They have to be fitted into the economic system of the country so that they will be in a position to contribute their share to the country's industries; but these latter are also unfortunately being precluded from participating by the skilled and unskilled labour policy of the Government — the civilised labour, which has caused or created much indigenous native unemployment (unemployment(?)).
The Land Act 1913 has driven most of the Natives from rural areas into the towns.

The Colour Bar Act, because it is deliberately aimed at depriving and does, in fact, deprive certain sections of the community of their inherent right of earning an honest livelihood, in accordance with the capacity with which God has endowed them, has thus driven them into poverty, misery and crime.

Should there be no available land for the Native population, the result would simply be deplorable and would drive them into poverty, misery and depravity, for there are no avenues of employment open for them to earn a livelihood.

To arrest that degradation and to enable Natives to lead and live an honest life and become an asset to the country instead of being a liability to the European community, the Government should reserve scheduled areas sufficient for Native occupation.

The avenues of employment which are at present being closed against the skilled and semi-skilled Natives, should be opened to them, the discriminating bars, colour bars, and civilised labour should be done away with or removed.

The Native Land Act of 1913, which had as its object the preservation of the status quo ante pending further legislation with the promise that addition land for Natives would be forthcoming, should now be accomplished.

The Natives should be allowed to struggle freely and compete with the Whites and other races in every sphere of activity, especially in the urban locations they should have the unrestricted right to trade among themselves and to create such industries of their own as may be possible.

Many of the present Native reserves are, however,
already overcrowded. There is a continuous flow of Natives into towns on account of the hardships, already stated, in the rural areas, prevailing; and to stop this migration, sufficient land would have to be provided for Natives or the result of the Natives being landless will be as already stated before.

---

MR. CHARLES MAGXAKA, called and examined.

CHAIRMAN: What is your occupation? - I am a herbalist.

A licensed herbalist? - Yes.

Will you please read your statement? - As regards the free use of kaffer beer, the case of the Natives being treated as savages is only because they are not allowed to use their own beverage. If only the restriction could be removed and brewing allowed to take place in the right manner, everything would be otherwise.

In German East Africa, the brewing of kaffer beer has a special place in the market and the Natives sell it publicly to anyone desiring to purchase it. In Portuguese East Territory, in a certain town called Madukas, the beer which is called "oana" is also sold on a public market, together with other merchandise such as ivory, rubber and skins, to pay their rates. In Bloemfontein it is also openly used, each house being allowed 5 gallons daily.

In New Brighton, beer brewing is allowed, but it is brewed in turns. In Korsten, where there is a restriction, we find the people there the worst law-breakers of all, the result being that the police are illtreating those who they find brewing beer without permission, or drinking in companies at certain houses. The police handle these Natives so roughly that a fight sometimes ensues, in which loss of live
has been occasioned. Sometimes, the residents are deprived of their rest on Sundays. Those that do not brew kaffer beer (dont?) are also illtreated and they say they/want the polltax, and then they fight. All this is done on the day of rest - Sunday - as a consequence of the restriction placed on kaffer beer.

As regards kaffer beer used as medicine, in times of fever, the Natives are given a pint of kaffer beer for a sick person, to cool the inside of an adult or to remove the inflammation. It is also a part of their food which can never be mmkk omitted. In Basutoland and Zululand, Swaziland and Natal, the Zulus used it as food. When these Natives come to towns they get sick and are sent to hospitals. Their intestines get inflamed and the inflammation cannot be removed. The nurses give them soup, milk and also a bath, which causes certain death, as water itself is poison to a Native if wrongly used. The windows are wide open - there is no kaffer beer no calabash milk, no fat to smear on their bodies and no fire to warm them - only milk and soup which weakens them. It is only because the nurses do not understand the Native health but follow the European customs.

Where kaffer beer is restricted, the Natives become the pray of the police, when it is discovered in their houses, whereas kaffer beer is, to Natives, medicine and food. It was also used in the early days by the Natives are food to rear children of two years up to seven years of age. It is also given to young girls in a form called "umcuku". In the early days, kaffer beer was also used by children of the higher classes. Our present hospital nurses have not been trained how to treat sick Natives fresh from their kraals in Kafferland, in the Native custom. This is a great mistake.
In all their years of learning from the age of six years until they have completed their training as nurses, nothing has been taught them concerning the treatment of sick Natives according to Native custom. This holds the same danger for Natives as the restriction of kaffer beer, both resulting in death, caused by wrong treatment. I do not condemn the nurses, but only wish to show them the danger of not being trained in the knowledge of Native custom.

CHAIRMAN: How is water wrongly used? - In the very first place, water in connection with a Native is not used as you should use it. Natives at the river baths themselves. Then after they come from the river, they take fat and smear their bodies. A Native skin is thinner than that of an European. They go and lie on a blanket and there they sweat and the cold out of their bodies.

If they did not smear themselves with fat and went and sat in front of a fire, what would happen? - They would catch cold.

Is that the only way in which water can be wrongly used?- With Natives.

You think a Native is different from an European there? - Miles different.

What is this "umouku"? - It is a certain way they have. They put malt or kaffer beer - they grind the kaffer corn and put it into a thing and when it begins to rise they cook it and give it to the girls to rear them. These little g fragments of kaffer corn in the umouku grinds their intestines, that makes them grow and makes them healthier.

Why do their give it to girls and not to boys? - The boys are given different food; they simply cook mealies. The boys are more roughly brought up than the girls.

They have to grind it for the girls? - Yes, and also
for children.

Is there also a form of Native beer? - Yes, because it is made out of what beer is made of.

Why do you think a Native's skin is thinner than that of an European? - You can judge by the sweat and also by the hair. Your hair is thicker than mine and my skin is very clean. If you compare the skin of this gentleman here (indicating), mine is thinner. Even my hair is thinner.

That gives you a cold sooner? - Yes.

MR. ANDREW FRANK PENDLA, Chairman, New Brighton Location Vigilance Association; Secretary Fort Elizabeth and District Vigilance Association and Executive Member of the Fort Elizabeth Native Welfare Soc.

called and examined:

CHAIRMAN: On what subjects do you wish to speak? - On Native administration; but before doing so, I just want to make a few remarks on the tribal.

What is your occupation? - I am a clerk in an attorney's office. I just want to make a few remarks on the tribal system, Native customs, kaffer beer, Riotous Assemblies Act and Native leadership - just a few brief remarks.

Yes? - Of course, by now you have heard quite a lot about tribal customs, even since you have arrived in Fort Elizabeth.

And a great deal more before we arrived here? - Yes.

From my own observation, I think that a tribal system is a very good system and should be encouraged.

Even in towns? - Yes, even in towns. We town Natives have a lot to learn from the tribal Natives from what we observe as regards their behaviour in towns such as these. They have a co-operative system among themselves. If a Native is down and out and he comes from a particular district, he need
not be a relative of certain Natives, but he is nevertheless sure of a welcome. He knows that until such time as he can get a billet, he will be looked after by the Natives; that he can look to them. All he need do is to be able to explain where he comes from, who his people are, when he will be looked after for the time being. We have many instances where, when a worker's health breaks down, the Natives of that particular district club together, make a collection and send him home.

We have instances in connection with deaths also; they do not go to the magistrate for a pauper's coffin, they club together and bury the corpse. That spirit of co-operation is not prevalent among the detribalised Natives. A man looks after his own family and after his own brethren and they sometimes neglect even their parents, the people that they should look after in their old age.

As for Native customs; there is a lot to be said for certain of the Native customs. If a Native tries to get away altogether from Native customs, he becomes bad; he tries to evade his natural responsibilities, such as looking after his parents or paying lobolo.

As regards lobolo: if a Native has not paid lobolo, even though he pretends to be so advanced in European civilisation that he does not want to recognise the Native customs, - unless a Native has paid lobolo and gone through the customary way of approaching his bride's parents, he sooner or later deserts that woman; he does not feel the same obligation that a European feels towards his wife; in his heart of hearts he feels that she is not his wife properly; he has not done what is regarded as necessary and what is required by the Native before he can call her his wife. What the town Natives do in order to avoid paying lobolo for the woman, is, the young
Native will get hold of a girl whose parents are perhaps in King William's Town and who is here, perhaps, for the purpose of earning a livelihood, and will take her to the Magistrate's Office and get married, and he sooner or later leaves this woman if he wants to go back home. In the course of my duties as a clerk in a solicitor's office, I have come across hundreds of cases where a young man wants to get married according to Native custom; he explains that he has got a wife but is not really married to her—he is only married in court or he is only married in—there is a Coloured church in Fort Elizabeth where most young Natives who want to get married stealthily go and have their banns published; it is a Coloured church.

CHAIRMAN: But is the Minister of that Church a marriage officer?—Yes.
Recognised by the Government?—Yes; I think it is a Baptist Church. That is where the young Natives run to and, after they are married there, they do not consider themselves properly married although they have gone through the proper ceremony and everything else; but they still look forward to one day, when they get home, getting married to the woman who will be found by the family. Consequently, we have an abundance of these loose women in the towns who are detached from family ties, who are just looking after themselves. These women are left young without husbands and they go from one man to the other.

Now, as to kaffer beer; a lot has been said about this. I have listened to the evidence of Mr. McNamee. I have been many years in the New Brighton location and I think the evidence that Mr. McNamee gave with regard to kaffer beer is the evidence that I support. In addition to that, I just
wish to add, he was asked the question in my presence, how it came about that one section of the location gets beer permits and the other does not. He could not answer that question because, at the time, he was not in Fort Elizabeth and it was under Government control. Well, it came about in this way: when the suggestion was made by the then Superintendent, that kaffer beer be brewed, the Church Natives - the Natives who go to Church, said "We do not want it; we want a line drawn, so that those Natives who want beer will live on the other side of that line and those who do not want the beer will live on this side". So it is recognised today by the Natives that, if a Native wants to brew beer and he lives on what I shall call the Korsten side, he tries to find a man who does not want to brew beer who is on the other side and exchange quarters with him.

Now, talking about these loose women, I think it would be a good thing if the granting of permits giving privileges to people to brew beer were confined to families who had a man as the head of the house instead of just women who own houses, because they abuse the privilege; the abuse is caused by a lot of women who have no husbands, who have houses and who are merely there for the purpose of brewing kaffer beer with a view to making a living out of it. To my mind, that difficulty could be overcome by doing away with our present of brewing it in certain blocks, by just allowing Natives to brew and controlling the influx of outside Natives. We have a regulation in New Brighton, making it compulsory for any outside Native to go and report himself if he arrives in the location. If that regulation were more rigidly enforced, the authorities would
be in a position to control the influx of Natives from outside New Brighton, coming purely and simply for the purpose of drinking beer. The Natives themselves who brew the beer prefer to brew in turns, because, if they did not, then there would be no people to come and consume their beer. Therefore, if everyone had the permit at the same time, and the authorities merely strengthened the regulation as to the quantity to be brewed, a lot of women would not brew beer at all because they have no husbands to brew it for; they merely brew it for the purpose of selling it to other people.

This might be said against it, that we have in New Brighton a number of single men who work in the town, but who also want beer; where will they get their beer? Well, in the same way as some of them cook their own food and some go to eating houses and others go to people and board; they could get their beer just the same and there would be less beer brewed. I maintain also, as the Superintendent has stated, that it would not be wise to abolish kaffer beer altogether, because those Natives who want to drink some stuff or other will make beer and it would only be a hardship to the people, because a lot of them would go to gaol for making beer, and they would make other stuff, such as kari beer and other stuff. There are also other concoctions which are manufactured in places where there are restrictions.

Kaffer beer takes a couple of days before it is ready for consumption, but I think you might have heard perhaps in East London, that there, where the Natives are not allowed to brew beer at all, they have learned to
Mr. Penda

manufacture that concoction which only takes a short time to get ready, and a man who partakes of that concoction gets so drunk that he is no good for the whole day; whereas, with the kaffer beer that we have in New Brighton; we have the workers here who take the one o'clock train and have only ten minutes in the location before catching the train back to town again; they take kaffer beer; they do not eat food but they come back strong enough to work. Personally, I do not take intoxicants of any kind - I have never taken them in my life; I am a leader of teetotallism, but I do admit that it would be a mistake to abolish it altogether.

I think it is the duty of teetotallers and other Christian bodies to preach to the people so that the people themselves can see the benefits to be derived from those who refrain from taking kaffer beer.

CHAIRMAN: Do you think they would jump from the condition in which the people were when they could have plenty of beer - do you not think it would be too big a jump without education? Yes. I will not go into the Riotous Assemblies Act, but, in that connection, I only wish to state that it has manufactured a lot of agitators. My interpretation of agitators is people who go about the country, — whether Native or White, — preaching discord and making their living out of it and expecting a reward from the people. Now, the question is often asked of recognised local leaders — we in Port Elizabeth are fortunate in living among a sympathetic European community, men with broad views; the very cream of the town are people who are approachable and ready to meet the just demands of the Natives; but we are often asked this question, when a newcomer comes to town
and tells the Natives, "Oh, you are being bluffed; you are not getting your fair share", and things that we ourselves do say occasionally in moderate terms; then we are asked, "Why do you not get up and correct this man?" Now, I maintain, sir, that both the Government and the local authorities do not give sufficient encouragement to the Natives that they personally know and whom they know are really trying to do their very level best for the Natives. In normal times, when there is no trouble, if a Native deputation were to go to the Government and lay certain grievances before it, it would be told, "You do not represent the masses of the Natives; you are only a handful of educated Natives and your brethren, the other Natives - say nothing about it and they do not want these things". Consequently, the Native leaders, those who are levelheaded, those who would not like to see anything happen to strain the relationship between the European and the Natives, those who feel that the Native can no longer look upon South Africa as the Black man's country alone, but that the White man has come here to stay and that there is room for all of us, now they feel that we do not get encouragement from our weaker brethren and we do not get a welcoming hand from your side - from the European side; that is in normal times. Now, when I talk of level-headed leaders, I talk of well known men, such as Professor Jabavu, Dr. Rubusana and men like that; these men are not alarmists when they point out certain factors which are not known to Europeans and which they are not in a position to know before they mature; they take their personal experience through being in contact with and living
Mr. Fendla

among these people, and they know how they feel, and they naturally blame the leaders, - our weaker brethren blame us for not speaking out; they say, "What is the good of you? we suffer; we sit side by side in the joint councils and Native welfare societies; but what is the good of it all; we suffer."

There are so many little differences that we ourselves feel which perhaps our rulers allow to go on unwittingly. We refer to little things. I was born among others in the town, but I have never lived in the Territories; I have had a little education and I know of certain Coloured people who are my neighbours who do not live quite on the level that I am trying to keep to - that I have been brought up to by my parents; but when it comes to legislation or regulations, the Coloured man is put above me. I can travel from New Brighton for the same specific purpose as a Coloured man - go and give evidence in the magistrate's court, - I would get 9d; that would be my witness fee, but the Coloured man would get 1/3d. If I live five miles away from the court house, I would get 1/3d and the Coloured man 2/6d. Now, those are little things. That Coloured man - I do not say they are all like that - that Coloured man might live like the lowest of Natives; he might be a drunkard, but he is placed higher than an educated Native who would otherwise, perhaps, be in a position to employ that man.

We have in other parts, Native farmers and Native storekeeper who employ other Natives and who employ Coloured people too, but that same Coloured person, who, if he came to court, would get more witness expenses than his master.

That is a very great discrimination? - Yes; there.
discrimination between them. I recognise this fact, that the masses of uneducated Natives are overwhelming, but some consideration should be given and some encouragement to those Natives to come up to us, because, if there is no advantage, - if the raw Natives sees no advantage gained by the educated Native, or encouragement given to him - he says, "What is the good of it; we are just on the same level; I am quite happy where I am". And it makes the task of the educated Native much more difficult to try to pull up his lower brethren.

Your politics - the European politics; your platform politics have also got a great deal to do with what you may term the disrespect. We find a politician will come to the Native electors and will run down the other man politically, and the other man is perhaps a well known gentleman to the Natives; he might be a big employer, and he will call that man all kinds of names; and naturally, some of us cannot discriminate between a man’s political character, as you might call it, and his personal character, and then you are surprised when you are cornered and you are told - I mean to say, you are not what you pretend to be, and we grow to find out certain things. We were taught in a certain groove by the missionaries and, when we mix with the Europeans and find out these little discriminations, then we cannot help feeling that the preachings of the White man are not in accordance with what he really does.

I have already stated that we, in Port Elizabeth, live among a broadminded community - the City Council in Port Elizabeth in particular -; but even there, I think, consultation with the Natives would go a long way to soothe matters and
Mr. Pendla

got to a proper understanding; because, as matters are today, - not only in Fort Elizabeth - the working of the Urban Areas Act and the advisory boards, - you have the Chairman who is the servant of the Municipality as Superintendent, and he is the Chairman of that Board. In some cases, you might have a very good man who is fair; we happen to have a man of that type in New Brighton; but, to my mind, the system is wrong. We must not only look to the man we have got today. It might be necessary to attack the administration of which he is the head, and unless you have got the Council itself or their representative at the meeting of the Board, I think the whole thing is a farce.

CHAIRMAN: Do you think it would meet the case if the provision which now exists in the Urban Areas Act, by which the Government could appoint an Inspector of Locations, who would go round to the various locations and who would deal with these matters, - if that were in force, do you think it would meet the case? - Yes.

Then you would feel that, though you have an unsympathetic superintendent of a location, there is always somebody to whom you could bring your difficulties? - Exactly; that is so, sir. Now, with regard to the Native Administration Act; since it became law, it has, to a certain extent, done a lot of harm to the kraal heads. In a town such as Fort Elizabeth, the regulations in a location provide that a Native boy of 18 should have his card, - in other words, he pays his own rent.

Is that rent, or his own tax; you mean rent? - Yes.

I just wanted to make sure? - That entitles him to go to the single men's quarters because he pays the same rent
or tax that they pay and he can live independently of his father. ... Seeing that the money comes from him and he is held personally liable by the local authority, he feels that he must not look to his father for protection; but when it comes to the working of this Administration Act, the father is the kraal head and, if my daughter is seduced by that man, I do not go for the boy, I go for the father; The Act says I must go for the kraal head, so that the father must foot the bill. Although he derives no benefit from his son, he has no control over him.

Are you referring to an act of seduction which takes place in town, where the father outside in the country is sued for it?—I am now talking of a case of seduction where the father resides in New Brighton location and his son lives in Port Elizabeth, or may reside in New Brighton location. He is still regarded as the kraal head; he is not independent.

You speak of the father, now, as the kraal head?—That is right. That boy is only independent in accordance with this Act. After his father has loboloed a certain woman for him, then only has his father free torts; otherwise, his father must make good his misdemeanours, so it hits the kraal head. And then, my experience of it in the law courts in Port Elizabeth—I cannot speak of other towns—is, there is sometimes a miscarriage of justice;—not the fault of the Native Commissioner, but because we have no recognised Native assessors. Now, the Native Commissioner, who is a magistrate, sits over these cases and I, as a clerk to an attorney, will tell my chief what the witness says for the other side, and the other man just the same. Now the Court has to depend on the arguments that are adduced by the legal men and, perhaps occasionally, just an old greybearded man will be called in
to Court on Native customs, and it will depend on what that man says. That man is not properly appointed and you may just pick on a man who is interested in one side or another and the judgment will depend on what that man will say. So it is very dangerous; and the Natives sitting in Court will feel the injustice - will feel the magistrate has erred there; according to Native custom, that man should never have succeeded, but they know now that it is not according to Native custom, but they dare not stand up in open Court and contradict that man in the witness box. So I think there should be someone appointed by the Government in every district, one or two men who would always be available to the Native Commissioner, and who could give impartial expert evidence on Native customs. Locally, there is always a hardship to get correct interpretation of the proceedings; a lot depends on that.

The Natives feel that, unless the Government appoints competent interpreters to interpret in these cases, no justice is done to their cases and their matters are not treated seriously, although a beast or two means a lot to the litigant. The local bar association, I know, made representations to the Government on that point by way of endeavouring to get the Government to appoint a competent interpreter, but that has not been done yet. We have cases every day; I sit there in the interests of the side that I represent, but I must admit that sometimes things fall my way that should not; it is sometimes the interpretation and it is sometimes the expert evidence on Native customs. In ordinary Native matters, it depends on the man that is going to give that evidence and which side he really favours.

CHAIRMAN: You say you were born in town, but have never known tribal conditions; you have got no tribal
background that you can fall back on B— No.

To what tribe did your father belong?— He was a Gaika.

Incidentally, of course, you are accustomed to speak as they speak in the European community?— Yes.

You said there was much to be said for certain Native customs?— Yes.

You mentioned lobolo and the Native's care for his people?— For the people of his clan.

Who have a just claim on him?— Yes.

Are there any other customs that you had in mind?— Now, I will take the circumcision custom; no matter what education a Native has, if it comes to the knowledge of the rest of the Native community that a man has not been circumcised, they have no respect for him; he is looked upon as a child, — a boy. Now, there is the custom of seduction, or "ukutwala"; we have cases where a Native young man will ukutwala a young girl and, if those Natives went to the police, that man would be charged criminally on a serious charge of abduction.

Is it just abduction or seduction; is it just taking the woman away or having sexual relations with her?— ukutwala is abduction. Natives may look upon that as not a crime at all; it is one mode of getting married — of getting a wife. A man might, for instance, approach the parents of the girl and not have all the lobolo cattle and decide upon taking this girl and they will not worry about it; They know they have approached this man and they later on go to his parents and these cattle are paid; but if they went to the police, that man would be had up on a serious charge.

He would be judged by European and not by Native law?— Yes. And he might be had up for rape, too. Then, sometimes it happens ——
Mr. Pendle

Just a minute; he could not be had up for rape if the woman went willingly?—You see, a Native woman is expected to resist, although she is willing. Now, take a marriage; when a Native woman gets married to a man she passionately loves, she will shed tears on that day; it is expected that she will shed tears for leaving her home; but it is a mere custom.

Now, in this matter of Natives in European town who have grown accustomed to European conditions, you have a continual conflict going on and some people say we ought not to have any Native law with regard to them at all and other say we ought to have the Native law applied in some cases?—Yes.

Is there any way, in your experience, in which one can get over this conflict?—I think it should apply to the marriage—the lobolo—because, as I have said before, if a man has not paid lobolo for his wife, he does not really prize that woman; he does not really look upon her as his real wife.

That is one example. Can you quote others where a Native law should apply even in regard to Natives in European towns?—Yes; I think in cases of seduction, I think it is better for the seduced woman and her baby if the thing is thrashed out in accordance with Native custom.

That is all a phase of Native marriage law, is it?—Yes.

I am now trying to find out whether there are any other matters which you think European law should not apply to Native in European areas?—One matter might be the maintenance; according to Native custom, a Native knows in his heart of hearts that, if his son in Port Elizabeth lives with his wife and, for some reason or another he goes away and deserts this woman here, he must support his son's wife. But, if that
woman goes to the police and lays a charge of non-support against her husband, no Native will again regard that wife after that with the same respect as he did before she went to the White man for protection.

So it is really a question of turning round in marriage, and the relations between the two sections ?- Yes.

Is lobolo still practised by the entirely detribalised Natives who, like yourself, have not known the kraal ?- Yes.

Is it invariable ?- Yes.

Do you not find examples where that does not happen ?- We find very rare examples, such as a young man just getting married to a woman without consulting the parents. Now, before this Native Administration Act came into force, where the father had no power this girl got married to this man; he feels very sore about it, but he has no remedy.

Do you think the Native Administration Act has improved that ?- Yes. What they do now is, if a young man gets married, to go for the lobolo cattle.

You find it impossible to keep lobolo cattle in town here; how do you get over that difficulty ?- A Native never feels any difficulty in regard to lobolo cattle. In Port Elizabeth - this is not a cattle district - we do not keep many here, but a few do keep them; but the great thing is to get the cattle and that the neighbours and relatives must see that they do receive the cattle. What happens to the cattle after that, even if they are sold or sent away to another district, does not matter, but the great pride of the Native is to see the cattle being brought there by the people getting married to your daughter.

But do they actually bring a certain number of head of cattle ?- Yes, they do.
Do not they use other things instead?—They do; but cattle are preferred; they are regarded as the thing. They are proud to get cattle.

Take the case of two families living in the New Brighton location, both of whom have no tribal background; they have gone away from their tribe long ago; would they still take cattle?—Yes.

What do they do with the cattle?—Some of them would keep them for a short while on the town commonage and, after the girl has got married—perhaps after a short while they would gradually do away with them—either send them out of the district or sell them.

But, under the old lobolo system, the lobolo cattle were handed to the father of the bride and those cattle were supposed to be kept so that there would always be something to maintain the children of the marriage?—Yes.

When he sells the cattle now, how do you maintain that principle?—The principle is maintained by the fact that the girl knows and the father also, seeing that lobolo was paid for her—the kraal head is, in duty bound, to maintain her if she comes home, if anything happens to her.

If the kraal head sells the cattle, may he do anything he likes with the money; may he spend it?—He may spend the money, but the obligation remains.

You do not think his having spent the money may make it rather difficult for him to carry out the obligation afterward? No. If no lobolo were paid, it will always be put to the girl, "You come here with youngsters; that husband of yours has never paid any lobolo; look to his for assistance!"

MAJOR ANDERSON: You said you thought some system of tribal organization should be applied even in the locations; do you think that is possible now?—Yes. I, for instance,
am born in these parts, but I know to what particular clan I belong, and all the Natives of that clan, no matter where they come from, - or rather, no matter where they go to, remain members of that clan. So that there is no Native who is absolutely cut away from his clan.

I understand that; but can you deal with the mass of Natives in the location in that way; you cannot organize new clans, presumably, - new tribes ?- (No answer):

CHAIRMAN: Say there are a few Basutos instead of Pingo Gaikas, Galekas, Tembus and even Nyasaland boys and Blantyres; what are you going to do if you have three Blantyres here? Tack them on to some other clan ?- No, you cannot very well tack them on some other clan. I notice that the Chairman knows something about Native tribes. If I went to Tembuland, I am a Gaika, so that, even with these Blantyres, if a few Blantyre go and live at a place where a certain clan is predominant, they become attached to that clan. For instance, a Xosa who is in Poddie and lives in a location governed by Chief Njokweni, or any other chief, becomes a subject of that chief.

Gets naturalised, so to speak ?- Yes, that is right.

MR. LUCAS: Supposing he comes to New Brighton, how could you apply it there ?- It would not apply to Natives like these Central African Natives such as the Blantyres, not unless they intermarried.

Leave that out for the moment. How are you going to set up a tribal system in New Brighton? You will get Pingoos, Basutos, and Zulus coming in; how are you going to fix up a tribal system there ?- By recognising their people whom they consider as the descendants of the chiefs of that particular clan.

There may not be anybody descended from the Chief? - There invariably is.
MAJOR ANDERSON: You would have a chief in the location would you? - Yes; I do not say the chiefs themselves.

Representatives, then? - Yes, the representatives of the chiefs; you have the descendants or relatives; they may be far distant relatives, but still you have them of all the different clans; in all big labour centres you have them.

Do you think some system of that sort would be acceptable to the Natives; would they like it? - Yes, I think so, because the Natives themselves put it up, because even the Natives born in town recognise the chiefs, although they have never lived under their rule; they recognise them and pay respect to them.

We have had quite a lot of evidence from educated Natives to the effect that they have broken away from all tribal customs; that they recognise no chief at all? - That is not to say they recognise the chiefs and certain customs; some of us who like to escape certain obligations that we in our heart of hearts feel are tribal obligations, prefer to be cut away altogether from them.

MR. LUCAS: Would it be possible to compel you to fulfil those obligations in a town? - Oh, yes, some of them, such as these lobolo customs, the recognition of our chiefs, their sons and so on; I think it would be quite possible; I think that the big majority of Natives would be in favour. We feel that the Native chiefs do not get the recognition they should. We feel that the Native chief is ---=

Do you think that some system of election could give you that in the towns; elect the Basuto chiefs, their headmen, and the Fingoese for the location and then to give them some of the power of the chief? - I think that would do.

Do you think that would be feasible? - Yes; I think, in cases of Native disputes, that would be a great deal of help.
to the authorities - and that is a request that the Natives have already put forward.

You see, I am very much interested in what you have said but I can see very great difficulties when we are looking at every separate clan, because you might quite well have Natives from, say, the Matatiele district, where you have Basuts, Xosas, Tembus, and so on, all from a little district. You could not have a separate chief recognised by each of these? - No, you could not. The line could easily be drawn - say, in a place like Port Elizabeth, most Fingoes come from Feddie; no matter where a Fingo comes from, he would be satisfied and would even recognise a Fingo chief, if he came from Feddie.

CHAMMAN: You would have to put all the Fingoes together, the Flugies (?) together and so forth? - Yes.

Let us suppose, in this location at New Brighton, a system like that were introduced; there are two candidates; the one is a descendant from the chief's house - he may not be a very clever man, but he is a descendant of the chief's house. The other man may be quite a capable man, but he is a commoner. Who do you think would stand the better chance of being elected? - The descendant of the chief's house.

The Native feels it so strongly, that he would even go for a weaker man if he is a descendant? - Yes.

Can you explain what that feeling of attachment ṣe is for the chief's house; what is the source of it? - The source of it is that, since the White man's rule predominated in this country, the Native has always had a soft spot for his chief; we have always felt that the Native chief - excluding the Zulus and perhaps another - have not had encouragement to retain his natural position, nor have the Natives themselves been made to have that respect for him.
Mr. Fendla

CHAIRMAN: The chief's power here, of course, was broken down as a matter of policy? - Yes.

At the time when the chief's power so frequently meant war; you are aware of that? - Yes.

But I am trying to get at something more fundamental. You find that respect for the chiefs not only since the White man came, but it is in the blood of the Native? - Yes.

Why has he that enormous respect for the chief's family; can you explain it? - No; but I can say this with the Native, not only has he a respect for his own chief, but any royalty, it does not matter of what nationality; - it may be White, Yellow or Black. If a Native knows that that man is a descendant - even if he is a down-and-out.

Even if he is a drunkard? - Yes; if the Native knows he is a descendant of the chief, he has some respect for him.

What has been put to us is this, the Native looks upon the descendants of chiefs as the guardians of the spirits of their ancestors, is that the case? - Yes, that is the case in so far as uneducated Natives are concerned; they look upon a chief as a holy man; a man put aside by the Almighty, away from the commoners.

That explains the attitude sufficiently of the uneducated man; but your educated man also has that respect; you have it, too? - Yes.

Why have you got it? - I cannot explain. All I can say is I think it was the way I was brought up and I think it is the way every Native is brought up; it is ancestry.

It may be a thing that was handed down to you by your ancestors? - Yes.

MR. LUCAS: It might be the training you get? - Yes.

MAJOR ANDERSON: Could you give us any suggestion as to the organization of the location; this would be very
Mr. Pendla

interesting?—Yes. In most of the larger towns, there are Native vigilance associations. These bodies are elected by the Natives and are not recognised by the authorities. The election of the members should take place annually and the elections should be attended by a responsible person, who should then send the names of the members to the Native Commissioner of the district and to the Commandant of the South African Police and the Town Clerk.

The tribal representatives of chiefs, should be on the membership of the association. All matters affecting the Natives should be communicated to the association, so as to give the Natives an opportunity of expressing their views. This would give the Natives an opportunity of airing their grievances and there would be no room for the professional agitator.

The Native Commissioner should be available to meet the executive of the association at reasonable times and, if requested, attend meetings convened by the vigilance association. The same procedure should apply to the urban local authority and the Chief of Police in matters emanating from their respective offices.

MR. LUCAS: Among the Natives in their own territories the chief is held in check, if he is a bad sort of man; or if he is a weak sort of man, he is assisted by his council?—Yes.

That is a thing that will have to be watched in your location?—Yes.

THE COMMISSION ADJOURNED AT 12.45 P.M. UNTIL 9 A.M.,
on FRIDAY, 27th March.