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Magistrate of Port Elizabeth, 6027 - 6030

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Mr. Duncan Anderson, ) Representing the  
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NATIVE ECONOMIC COMMISSION

PORT ELIZABETH 27th MARCH 1931 9.15 a.m.

EIGHTYFIRST PUBLIC SITTING

PRESENT:

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

Major W. H. Anderson, Dr. H. G. M. Fourie

Mr. F. W. Lucas, Mr. A. M. Mostert

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Mr. ANDRIES CHRISTOFFEL VAN RENEN, Magistrate, Port Elizabeth,  
called and examined.

CHAIRMAN: There are a couple of points in your answer to the general questionnaire on which we would like to have additional information.

MR. LUCAS: We have read your replies with very great interest and they have been very helpful. We want to get a little more detail from you about the detrimental effects of the Native Administration Act. There are always difficulties in the conflict of laws; but could you give us a few concrete instances you have come across of difficulties? - I had one appeal recently. The appeal was on three points; the first on the question of evidence, the other two on technical questions of Native custom. The Appellant's Attorney is one of a few that does know a little about Native lore. There are two here who know a little.

As far as I can make out, he lodged these appeals. The first point I could deal with fully; the second and third points - I simply said of those points "The Court regrets it has no knowledge whatever" and I could not find out anything about it. But what I want to state more particularly is this, that Native custom is possibly allright as regards lobolo, as regards the seduction of women and things of that sort. But

Mr. van Renen

when you come to questions of purchase and sale, the ownership of land by title, letting and hiring of services, they are ordinary everyday affairs and are wholly unknown to kaffer law and you must apply your European law.

I have another good case. There were two Native girls at Walmer; they had been in service therefor a long time, had saved a little money and they bought a plot of ground at Salisbury Park which is inhabited mainly by Coloured and Natives. They put a small house on it and got transfer in the Deeds Office. Their was a n'er-do-well and the father, as the Native puts it, chased the mother away from his house, wherever that was. The mother then came to me with these two girls.

Of course, Salisbury Park is quite near Walmer; they used to sleep there and go to work in the daytime. The moment the father discovered they had this house, he went there and said, "This is my house; you get out! I am going to live here", and he chased the mother away. So the girls brought an ejectment against the father. I found out that, according to strict Native law, a Native woman can own no property whatever except the ukulundu beast and its progeny. I thought to apply Native law in this case would be an injustice so I gave an order for ejectment.

Sir Thomas Graham happened to be here at the time and I told him. They Natives knew what their legal rights were under their law, but they did not know what their rights were under our law; they have not the foggiest notion of it. I do not suppose here in Port Elizabeth, with 40,000 Natives, a single one is thoroughly versed in Native law; I have not met one.

Could you suggest, as a result of your experience, any way in which a division could be made of those which should be under Native law and those which should not? - Of course,

Mr. van Renen

that is a very big question; but I should certainly say that, in the Cape - and I must confine my remarks to the Cape, you know, - Native law should be applied only in the reserves in East London and Komgha, in the reserves in King William's Town, Queenstown, Victoria East, Peddie and Fort Beaufort; but I am inclined to think that lobolo should be recognised everywhere, because otherwise you get most terrible immorality and all that sort of thing. As long as they adhere to the custom of lobolo, the Courts must entertain it; but that is the only thing, I think.

Except for the reserves, you would divide it according to subjects ?- Yes, I think so.

MR. MOSTERT: You would not give the Native the option, would you, to have it either one way or the other, because that would be hopeless. You have to draw a line. It is either one thing or the other. Otherwise, he would say, if the Native custom suited him, "I will go for the Native custom". On the contrary again, if it does not suit him, he will go according to ordinary common law ?- Yes; but I do not suggest an option. The law must simply lay it down that all the courts - I am talking of the Ciskei; all the courts in the Ciskei will take cognisance of lobolo questions and possibly of seduction and all other things excepting those reserves; I am not too sure about those reserves. I personally think - I want to qualify that - I personally think it would be better for the Native and tend to their advancement to apply European law throughout the whole of the Cape, except, of course, the Ciskei, only leaving lobolo and seduction to be dealt with under Native law.

Then again, their law of succession is quite wrong; our law is much better. Even such a question of polygamy is

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a thing of the past.

MR. LUCAS: Have you had much trouble about succession in Port Elizabeth ?- We have had one case which has been very, very troublesome; otherwise, not.

Because that is a subject on which we have had complaints from educated Natives even in the Territories ?- Yes. Of course, the old Cape Law of Native Succession of 1865 and B. K. Ordinance No.10 of 1865, are practically identical; they allowed Native succession, but they of course contemplated more cases where there was polygamy.

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MR. ANDREW FRANK PENDLA, recalled and further examined:

CHAIRMAN: Coming to the point at which we left off yesterday, you described the difficulty <sup>in</sup> with which Natives like yourself - men of education - are placed, because, on the one side, the uneducated Native does not consider you one of a group with himself and, secondly, you are not given aid and encouragement by the Europeans; and you expressed the view that a function that you might possibly be able to fulfil to the benefit of all concerned in helping each side to understand the view of the other is now being lost. Can you make any specific suggestions as to how that could be remedied ?- I will endeavour to make this statement; with regard to Native leadership, we have, in most of the towns of the Union, vigilance associations; they are elected by the Natives themselves, but those associations are not recognised by the authorities. In some places, the local urban authority does consult those associations on matters and I consider, if they were strengthened and the people felt that they carried

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some weight, it would help a great deal; it would give no room for all kinds of agitators coming forward with suggestions and approaching the people.

CHAIRMAN: Now you suggest, therefore, that there should be a great deal more consultation than there is ?- Yes.

How are your vigilance associations constituted ?- They are elected annually by the people.

But anybody can be a member of your association ?- Yes; but then there is the executive.

But how are we to be sure that the people elected on the executive will be people of the class that you have described ?- My suggestion, sir, is that the election should be attended by a responsible persons, such as, perhaps a Superintendent of a location and that he should send the names of the executive to the Native Commissioner of the district, the District Commandant of Police and to the Town Clerk or Mayor of the town.

My point goes farther back. That assumes that they have already been elected ?- Yes.

But, can we be sure that the people of the class you describe - the people who can see both the Black man's point of view and the White man's point of view - will be elected on to the executive always ?- They invariably are elected.

That has been the practise ?- Yes, that has been the practise.

And do you think they will continue to be elected ?- I think so; I think they will continue to be elected if the masses feel that they are recognised by the authorities.

It depends very much on how a start is made ?- Yes.

MR. MOSTERT: The personnel that you are now mentioning is a difficult class to get, whether it is amongst Europeans or Natives - upright honourable men ?- Yes.

Mr. Pendla

Who will see both sides. It is generally the one with the gift of the gab - that says a lot - that gets into these things, is it not ?- Yes.

He is a real agitator, a bad man; he is the fellow that gets in ?- Yes. My small experience, sir, is that you do not really get that class of man on bodies like that; that class of man seeks publicity; he is the man who likes to go about doing no work at all -- going from district to district and preaching; but the local man who is known to the Native Commissioner and who is known to the local authorities and to the permanent Europeans, that man does not like to make a fool of himself ----

I agree with your suggestion. It is a very good one, if we can get that class of man, after he is elected and his name is put up to the authorities - those people you mention, the Superintendent, the Municipality, the Commandant and so on ?- Yes. If a man knows there is nothing to be gained financially that man does not make trouble. He tries to uphold his name in order to retain the confidence of his people and the authorities and stands a better chance of re-election. It should be limited to local men, men who reside permanently in these districts; men who can speak with authority on local matters, who know the history of the place and so on.

In the case where a man is elected and is turned down by the authorities, the authorities well knowing he is not a capable man; what would happen in that case ?- If he is one who makes trouble and is well known to be a man of doubtful character, I think that would be dealt with quite all right.

You think that could be overcome ?- Yes, I think so, because, in the case of advisory boards, that provision exists;

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the board is elected by the people and it is submitted to the urban local authority for confirmation and it is expected that persons who are not eligible, who are thought not fit to hold those positions - are not elected; their names are deleted.

CHAIRMAN: One would have to think again about the possibility of constituting, or the means of constituting a body like that, but it is an exceedingly interesting suggestion. I am glad we have had the opportunity of following it so far? - (No answer):

MR. LUCAS: Is it your suggestion that the Fingoes should have their own headmen and committee, the Basutos their own, and the Xosas their own, whether one is living there, (indicating), a Fingo there (indicating), and another there, (indicating), - scattered all over the location ? - No, sir, not in the vigilance association; but they have, as a matter of fact, got their own little indabas that they have from time to time; the Fingoes have, the Galekas, and the Gunukwero have, and there are representatives of chiefs, sir, for each of those people.

I am not quite clear. Is your idea to have two bodies, then, - one a voluntary body for the separate tribes, and another, a body like the advisory board, who will represent the Natives in a particular area to deal with the town council? - Yes, sir; my suggestion is that these representatives of different tribes should also be on the personnel of these organizations so that their people know that they are represented and, if those men go back to their people and tell them what the position is, they are perfectly satisfied; they hear it from somebody whom they look up to.

Yes, I follow that; but for the purposes of administrat:

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is it not necessary to have a representative who can deal with particular questions of a section of the location, whether they are people of one tribe or not ?- Yes.

So that there are two different methods; one which represents, say, a quarter of the location, and another another quarter, and your association which you are speaking about, which will represent a particular tribe ?- Yes.

CHAIRMAN: Coming back to the subject of brewing; you raised an objection to women who have not got a husband living with them, being allowed to engage in brewing. I want to make it quite clear what the reason is for your objection. Is it that those women at the same time go in for immoral practises ?- Yes, to a great extent they do, because those women take man - a man will live with them for a time as their husband and when she has got control of the place she turns out the man and they have a case before the superintendent about the ownership and the man is turned out and he is found to be not the registered occupier and she takes on another man, and it goes on like that.

If you deprive these women of the ability to earn some money through beer brewing, do you not think that immorality will increase rather ?- No, sir; I think that they would go and do honest work in some other occupation. I do not think it is desire of most of the Native people, even those who partake of kaffer beer, that they should make a definite living out of it.

You do ~~yes~~ not want a licensed victualler's association ?- No, sir.

That is rather an interesting point; ~~but~~ in your own tribal organization, that would have fitted in very well, but does it fit in so very well in the surroundings of a Native

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urban location in a European town ?- I think it would.

Must not you face the fact that, if their are costs involved in the matter, those costs have got to be met somehow or other ?- What costs do you refer to, sir?

The costs of brewing, for example ?- Kaffer beer is looked upon by the Native as something that a woman brews for her husband, and if a woman knows that she is not brewing it for her husband or the head of that particular kraal, she is not expected to go into the cost of brewing beer at all.

Yes; but now if she does in fact brew the beer and the beer is consumed by other Natives - Natives other than her husband - I am thinking particularly of unattached men who have no women living with them - surely that cost ought to be met by the unattached men ?- Yes.

Who should provide the beer for these people ?- Even at the present moment, a certain group of Natives go to a certain house. They prefer a certain house. Some go to a different house. If they do not find beer at these women's places, they go to another. There is always a certain person they prefer to others.

Just the same as the White people prefer one pub to another ?- Yes.

Does not the present system, by which one third of the wet area in your location has the right to brew and sell for a period - does that work satisfactorily ?- Yes.

MR. MOSTERT: Are they allowed to sell ?- No; they are not supposed to sell.

CHAIRMAN: But actually they are selling ?- Yes.

And actually the authorities are permitting it ?- Yes, they are turning a blind eye to it.

Just go on with your answer to the other question now -

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whether it is satisfactory ?- Yes; but it makes big congregations in one block at a time, whereas if the whole of the wet area were allowed to brew beer throughout the six days of the week, instead of in turns, such people would congregate at no one place; it would be spread about and there would be less beer brewed at a time.

And there would probably be less rowdyism ?- Yes.

Is the rowdyism a disturbing feature now ?- No, not very much; it is very well controlled.

How is the control carried out ?- It is carried out by the headmen. We have in New Brighton a special man appointed to supervise the beer; he goes round to see that they have not brewed more than they should. Sometimes they dodge him and they have excess beer, and we feel, sir, that the system makes a lot of criminals, because they sometimes do not consume their beer in time and then their turn expires and it is the turn of the next block to brew beer, and those persons are prosecuted if beer is found. Consequently, big numbers of women are marched down to the police court and prosecuted, who are otherwise law-abiding.

MR. MOSTERT: There are three systems, as far as the beer brewing is concerned; the one system is what we term 'home brewing', - that is allowing everyone to brew his own beer and so on. The next one is brewing and selling; that is also home brewing. The next system is municipal beer halls and, of course, the next system is total prohibition. Which of the four would you prefer ?- Home brewing, sir.

With selling or without ?- Home brewing with selling.

CHAIRMAN: I think, just now, in answer to my question, you opposed selling ?- Yes; but there are these difficulties that they would be trapped for selling; I foresaw that difficulty

Mr. Pendla

Although I would prefer no selling at all, but because of that difficulty of those people who have no wives and who must also have beer and must pay for it, money would be passed and people would be caught in the act.

CHAIRMAN: You think, as a matter of Native hospitality, that more or less beer should be used to shew your appreciation of the visit of your friends ?- Yes.

It should not be sold ?- No.

But owing to the difficulties of the change of circumstances, one must allow a certain amount of departure from that ?- Yes.

MR. MOSTERT: Then, in that case, there are a large number of unattached men, too ?- Yes.

How are they going to get their beer ?- You mean, if beer were sold?

Say we had the system now of home brewing only, but no selling of beer; that means that the families can do their brewing and take their beer; but what about the unattached, of whom there are some thousands ?- That is my reason for saying that I think home brewing and selling would meet that case, because those unattached men, - big numbers of them - would then be assured of getting their beer when they wanted it, in the same way as they go to a Native eating house or to a house to board; for that reason, home brewing and selling would meet the case, sir.

And you would allow everybody then who brews to sell; you know what I mean - every Native family ?- Yes.

Do you not think that would be rather dangerous ?- It is in operation at the present time, and I do not see any danger; it has been so for a long time. As I have stated, although it is not allowed still it is carried on, because, if they are not

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allowed to sell it, they will sell it; there is no doubt about it; they cannot help it; they must sell it.

MR. LUCAS: Yes; but the danger I think Mr. Mostert had in mind is of adulterating the beer ?- No, there would not be any adulteration.

MR. MOSTERT: If everybody brews and there are so many unattached men who are allowed to go and buy -- well, you know the people just as well as I do, and better -- one will put a little 'sting' in it, will he not, such a thing as brandy and so on; he will put a little 'kick' in it and he will get the custom. Another will put a little more in it. They want the customers, naturally, and the more you sell the more money you make. Is there not a danger there ?- I do not think so; not in these parts. There might be in the Transvaal. The Natives of the Cape - the Xosas, Fingoes and so on, want pure beer. If the beer is restricted so that they cannot get it, they take what they can get; but otherwise they prefer pure beer. They go from place to place and they know which house brews and best and purest beer and they prefer it.

MR. LUCAS: Would you try to limit the quantity of beer any particular house should brew ?- Yes, I think it should be limited.

What sort of limitation would you suggest ?- I think the present limitation is quite reasonable.

Eight gallons a day ?- Yes.  
You

MR. MOSTERT: /Would not grant everybody that permission take your unattached woman - a bad woman - you would not grant that to her, would you ?- No.

Would you do it in this way; take a householder - a man, his wife and children; would you do it by a sort of permission with card ?- Yes.

Mr. Pendla

To brew eight gallons and no more ?- Yes. I am opposed to loose women, - women with no husbands, - getting it. The women who have husbands are the people who should, in my opinion, get the permission.

MR. LUCAS: Is there any prostitution in the sense in which the word is used in English, among Native women in your area ?- No.

Another point that you made yesterday I want to follow up a bit. Do you admit that a number of Native women are now wanting to be free as men are from the tribal system ?- Yes. You find a few Native women who have cut away from their homes and who speak Dutch; they prefer to speak Dutch; you will prostitution among that class.

Why is that ?- My opinion is that it is due to contact with Coloured women.

That is because of speaking the language the Coloured people speak ?- Yes.

Now, I want to get on to another point you raised. I put the question to you, do you admit that there are Native women now who resent the strict ties of their position in the tribes and who want to have a certain amount of freedom ?- Yes.

And they come to the towns ?- Yes; first of all, they do not resent their homes, but when they get into the towns and get these privileges of brewing beer and things like that, then they resent the guardianship of their parents.

Under Native law, strictly, the woman is a minor always, both in regard to her parents and then afterwards to her husband ?- Yes.

When a women goes to work in town, she has come for various reasons - I am talking about respectable women, not women who want to go and brew beer, - to live immoral lives,

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but women who come for domestic service - if they had to go for a number of reasons, they do not want to go back to their people and they object to being subject to their fathers, to the old extent ?- Yes.

Now, a girl in that position is seduced and has a baby; do you think it is fair that she should be compelled then to be subject to her father, and all the protection she should have is the paying of a beast to her father; because, your suggestion was that seduction should be dealt with according to tribal law ?- Yes.

Do you think that would be fair to that type of woman? She is a reasonably respectable woman; but, does not your proposal, in effect, mean that she has to be as subject as ever she was to her parents and have no assistance in maintaining the baby ?- My view is, sir, that she stands a better chance of marriage - of again getting a husband; if a woman gets a baby like that and is detached from her main relatives, and goes to the law courts for redress and this man is made to maintain this child, that woman has very little chance among the Natives of getting a husband.

But supposing she prefers the freedom she has got in the town, why should she be compelled to submit to that strict and very hard position, from her point of view, in the tribe ?- I do not think, from the Native viewpoint, sir, that it is any hardship; it is a protection; it is like looking after a child.

Does it not mean she would have to go back to the tribe because her father could hardly be expect for her and the child's maintenance in the town ?- The seducer, sir, or his relatives are the people who pay the fine and, with that, she is maintained.

Mr. Pendla

The fine is one head of cattle, is it not ?- No, it is five head.

That would not go very far to maintain a child in town, would it ?- No; she would elect to go back and wean the baby and then come back to town and work again; whereas, if there is no fund paid for her, she would be loath to go to her people because she has nothing for the child. In town, the child would grow up with no proper protection. We get a lot of women like that. She would again get another baby, and sometimes as many as three babies from different men, with three men paying maintenance to the same woman for three different children.

MR. MOSTERT: Is that Native law or custom a degradation ?- Yes, it is.

Yet she will get another husband; the girl has had one child, or two children, or, as you say, she may have had three, but provided she comes back under the protection again of her father, she will still get married and there would not be such a degradation as far as the girl is concerned; the father is still her guardian; she is not now a loose girl. But, if she comes here, she is loose and goes wrong altogether; is that not so ?- Yes. If the fine is paid, the disgrace, as it were, is somewhat condoned, but, if there is no fine paid for her to her people, then she is degraded altogether; she stands very little chance of marriage.

MR. LUCAS: I do not think you have dealt with this yesterday; what is your view about applying the laws for regulating wages to Natives in towns ?- My views are, sir, that I differ a great deal from my Native friends who have studied that question and I am very loath to give an opinion, but my private opinion is that Government interference in

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wages has a had effect. In a town such as this, I think the leaders of the Native people can approach the employers - the Chamber of Commerce, the Municipality and so on - and discuss the matter, when, I think, a better understanding can always be come to; but I feel that, with Government regulations, there is not that spirit of goodwill and harmony between employer and employee. That is my private personal opinion. It is not a view shared by a lot of my own people, who make it their business to study labour questions.

The agreement that was entered into about 15 or 16 months ago, broke down did it not ?- Yes.

Can you suggest any way in wheih such an agreement can be given effect to ? You see, that was arrived at by representatives of both sides, but, in effect, it was not carried out ?- Yes.

I think you said in your statement yesterday, that a large number of Natives are very much underpaid ?- No, that was not in my statement, but that is so, as a matter of fact.

Well, the matter method you suggested has been tried. Is there any other way in which it can be followed up ?- I think it could be followed up, sir, by again arranging a meeting between the Chamber of Commerce and the big employers, such as the Municipality, and again discussing the matter, and then a minimum agreed upon ----

How would you get people to abide by that agreement ?- The only way, sir, would be after the agreement, to give it legal force.

That is almost exactly what the law proposes doing. So you do appreciate the law is necessary in that case ?- Yes.

National Reform Association

MR. DUNCAN ANDERSON  
MR. HENRY CHARLES WILLIAM NEWELL  
MR. PHILIP ADONISE  
MR. GEORGE VUSANI } Representing the National  
} Reform Association,

called and examined.

(Mr. Anderson)

CHAIRMAN: Whom do you represent ?- The National Reform Association; we represent more particularly the joint European and Non-European Committee of the Association, which has an enrolment of just about 130 members, almost 80 of whom are Natives and 50 Europeans. When the Minister of Native Affairs was here in September, the late Chairman, Mr. Wilkinson Rider and myself had the opportunity of discussing various matters with him. Mr. Wilkinson Rider was particularly interested in Native education and was gathering information which he meant to lay before you on this occasion. Unfortunately, he died about two weeks ago, and we have had to abandon the idea of going into the question of Native education. So we have restricted the subjects that we wanted to touch upon to Native wages and the cost of living, which I will endeavour to deal with.

We have had an opportunity of going through your statement, so it is not necessary to go through that again, but we would like to ask you questions on it ?- Yes.

I am glad that you took the amount of trouble that you have done to find out the exact wages paid in different occupations ?- Yes, we went into that very carefully.

Now, with regard to these wages, do they represent - except where otherwise stated - the total amount of wages, or do the employees get food or quarters, which have not been stated here ?- No, in no case do these employers find food. In one case, the Divisional Council finds sleeping huts - that is for their employees, but in all other cases it is without extras entirely.

National Reform Association

You mention that no less than 50% of Native children suffer from malnutrition ?- That is so.

From what proof ?- From figures actually given to us by those who are in charge of the children and who are coming into contact with them every day; they are the principals of the schools.

What sort of evidence have they got ?- I suppose the inspectors going round - not the school inspector, but there is an inspection of children takes place from time to time.

Medical inspection ?- Yes.

They have records of that ?- I believe so. I have some information here, but I believe that evidence can be brought to bear on that point; I think I can obtain it.

I am trying to get back to the original source of the information which you have collected from various people ?- Well, the information that I received - that this association received, was from the Principals. Their information comes from the medical inspectors, you see, so that one would have to get back to the medical inspection to get actual figures, and I should be quite glad to do that.

If you could do that and send us the information, we should be glad, seeing that the information given deals with the number of cases actually inspected by the medical officer ?- Yes, I will do that.

You recommend a substitute tax which you call the Native Income Tax; is this tax to be understood to take the place of the present direct taxation ?- No, to take the place of the present poll tax. The idea is this, that the poll tax is not based upon any consideration of whether a man has so much wages; it is a question of so much per head. If the

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tax were applied to all those earning above a certain minimum wage -----

You mentioned an amount of £1 per annum; that is the amount of the general tax now ?- Yes, that is the amount of the poll tax at the present moment; indirect taxation -----

Of course, we will leave that out for the moment. In addition to this £1 general tax, there is a 10/- local tax. Does your proposal of a tax of £1 per annum mean, in effect, that the taxation should be reduced from £1.10.- to £1. ?- I do not think there is any 10/- local tax here.

Your point is that the income should be a minimum of £2 month(?) per week before the tax becomes payable ?- Before the tax become applicable. There should be no taxation, no poll tax week(?) on anyone with an income under £2 per month.

In other words, the nett effect would be that about a million pounds that comes from the general revenue would be remitted - the greater portion of the million pounds that now comes from the general tax would be remitted ?- To this extent; there would be a reduction to the extent of the value of the proceeds from the new tax.

But take the figures you have given yourself; there would not be such a very large number of Natives here in Port Elizabeth who would pay this tax, because there are not very many that earn £2 a week ?- No.

What applies in Port Elizabeth where relatively good wages are paid, would apply to Grahamstown, Cradock, Somerset East and such towns in the Eastern Province ?- Yes.

In actual practise, the major portion of your million pounds general tax would be remitted if this were adopted ?- Yes, it would.

Do you not think that the effect of this would be that the people who are not particularly concerned that the Natives

National Reform Association

should progress - the people who, in fact, would rather see that the Natives did not progress, - would say, "Well, why should we worry; the blighters do not pay any taxation"; do you not think that argument is likely to be used ?- It would not, Mr. Chairman; by reason of the fact that it is becoming very widely known now that the Natives are very heavily taxed through indirect taxation; they are taxed in two ways. They are taxed on the imported goods and they are taxed on the price of South African made goods, by reason of the high tariffs, you see. That comes out very clearly in a town like Port Elizabeth, where we find manufacturers becoming enormously wealthy men - not wealthy in the ordinary sense, but enormously wealthy men, and it is by reason of this high protective duty which enables them to get a high price for their goods; there is not the slightest doubt about it.

Just as an aside, you do consider the manufacturers of Port Elizabeth as a body are most prosperous ?- Yes.

You consider that people will realise generally that the Natives are heavily taxed and, therefore, they will not object to the remission of taxation ?- I do not think the public would object to the remission of the poll tax.

But do you think the public would be as well prepared to agree to the extension of social services, like education, for example, amongst the Natives, which would cost more money ?- I believe they would.

In other words, you think that, on the one side, you can ask for more services that cost money, for the Natives ?- Yes.

And on the other side, you can ask the Natives to pay less than they have been paying hitherto ?- Yes, to the extent of the poll tax.

Nation Reform Association<sup>al</sup>

Do you really sincerely think that you can ask for both of them at the same time - or, let me put it this way, that it is wise to ask for both at the same time ?- It might not be wise <sub>x</sub> seeing to ask the Government - either the present or any future Government - for both at the same time. The first thing that is needed is the remission of the polltax.

That is the point I was coming to next; which is more urgent - less taxation for the Natives or the extension of certain social services to them, some of which are very commendable? - I put the remission of the poll tax first. Social services are very urgently required, but the poll tax is the needle that should be got rid of.

Supposing you have got to choose between the two; no extension of education on the one side and, on the other side, no poll tax ?- I would deliberately take the poll tax and put that first and leave education as it is now.

I take it you express that opinion as a European ?- Yes.

Do you think the Natives with whom you have been in contact whtd support that ?- Yes, I believe they would.

MAJOR ANDERSON: You consider that the poll tax should be remitted; but do you take that ground because you think they are paying more than their share of taxation as a whole ?- Yes; and in addition to that, because the poll tax has a provision attached to it which is doing a great deal of harm. The poll tax is only recoverable by criminal process, not civil process.

You know that this Commission is charged with the investigation of that question - of the total contributions of the Natives to revenue and expenditure ?- Yes.

For instance, if it were shewn - we have not yet gone into that - that the contribution was about equivalent to

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the expenditure, would you still want to get rid of the poll tax ?- Yes.

You think it is an undesirable form of taxation ?- Yes.

Would you like to substitute some other form ?- Yes, something else.

MR. LUCAS: I think, in connection with the Old Age Pension, you take a line which might also support you about the Poll Tax, namely, as the Europeans get the services of the Natives at such low wages, the obligation is on them to find the necessary money for expenditure ?- Yes, that is so.

I think your opposition to the poll tax also is based on the fact that the amount is out of all proportion to the earnings of the Native ?- Yes.

MAJOR ANDERSON: Can you suggest some other form of taxation; presuming that some other had to be found, it would not be enough to produce the same amount ?- It would not be enough to produce anything like the same amount; it would only be a tax payable by Natives who had wages above a certain figure, you see, based on the Income Tax idea, you might say.

If it were shewn that the Natives were not contributing their fair share to the revenue, what kind of tax would you advocate ?- At the present moment, the Natives are bearing a very heavy share of indirect taxation.

Do you know that for a fact ?- Yes.

Nobody has yet been able to produce figures?-(No reply)

Have you been able to work that out in figures ?- Not mathematically; not percentages.

Of the total amount of money that comes into the coffers of the Government, have you worked out how much of that should be ascribed to the Natives ?- No.

MR. LUCAS: Have you considered the justice of working

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on that system at all? Let me put it this way; is there any reason why the Natives, who are generally the poorest <sup>paid</sup> ~~body~~ of the whole community, should be required to meet a particular sum when the poor Whites are not and the Coloureds ~~are~~ are not ?- Looking at it from that point of view, there is no reason why they should be called upon to pay a tax such as the poll tax on the top of all other taxes, that the poor Whites pay, the Europeans pay and the Coloureds pay; you see, they are specially taxed on top of all other taxes.

CHAIRMAN: Can you give us any light on the question as to what would represent a fair contribution towards the expenses of running the country, from the Natives ?- At the present moment, the Native contributes a fair proportion of the revenue of the country,

You have just said he contributes more than a fair proportion ?- He contributes a fair proportion of the revenue of the country, independently of the poll tax; if you cut out the poll tax, he is still contributing a very fair proportion.

How do you consider that is a fair proportion ?- By reason of the fact that it is a reasonable thing that the community, as a community - Europeans, Coloured and Natives, should be placed on the same basis; we are all taxed indirectly, heavily taxed. The Natives are heavily taxed but there is no reason why the Natives should be asked to pay an additional tax of £1 a year on the top of these indirect taxes. The indirect taxation of this country today is a heavy thing. I think that members of Parliament worked that out a year ago; I think it was worked out that the indirect taxation amounted to about 20% of a man's income, - not 20% of a wealthy man's income, but 20% of the income

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of an ordinary individual.

What is an ordinary individual ?- Well, take the Natives for example; I call an ordinary individual a man who is earning 25/- a week. Now, we have found on going into their circumstances, that they do not come out; if the wife cannot do washing or help in some way, or the children are not old enough to go to work, the 25/- a week is quite insufficient.

You think that of 25/- a week 20% - that is 5/- - would be indirect --- ?- Indirect taxation; taxation on their clothes and so on . If <sup>the</sup> European community, the Coloured people and the Native people were put on an equal basis, as it were, and this poll tax was remitted and the Natives were taxed on the lines of our income tax, - those earning above a certain figure - I am quite sure they would be prepared to accept that position and it would give them the feeling that they are being treated exactly as the Europeans are being treated.

Now, on what grounds do you recommend giving them that feeling that they are being treated on the same level with Europeans? Do you think the system of differentiation is wrong ? Yes, it is wrong in principle and it is a ~~g~~ very grave danger in this country.

You would not put up with it in any respects ?- It is not good; it is not satisfactory.

Would you give the Native the same rights to liquor that the Europeans have ?- There we enter into a very difficult question.

But your principle seems to me to be enunciated in such a way that it is of universal application ?- Do you mean, should we suggest ----

That the liquor should apply to all, irrespective of colour ?- There we come to a very difficult question. Some of

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us would be inclined to include even European facilities.

MR. LUCAS: If you could do that, would you apply your principle generally - if you could restrict Europeans too ?- Yes.

CHAIRMAN: Restrict to the extent of total prohibition ?- No. If I had my own way, I would restrict, not to the extent of prohibition, I would restrict it to the extent of having good quality stuff that would not injure anybody.

But would not that be, in effect, a discrimination against the Native, because he cannot pay for it ; supposing you limited the Native to champagne, do you think he could pay for it ?- Kaffer beer, I know, may be a delightful drink with nothing harmful in it; on the other hand again, it might be very harmful. My friend, Mr. Newell, I think, knows more about that question than I do.

I wonder if Mr. Newell is in agreement with you, that there should be the same treatment for Europeans as Natives and no discrimination ?- (Mr. Newell): In regard to what?

Mr. Anderson has enunciated as a general principle that it is wrong to discriminate in any way between Europeans and Natives; that it is wrong in principle and is a very grave danger to this country; are you prepared to stand by that ?- Yes. We were speaking with regard to the poll tax item, and I am quite prepared to stand by that.

In other words, you do not object to it in principle - the discrimination; but you object, on principle, to discrimination on principal heads ?- Yes,

Poll tax being one of them ?- Yes.

And, in addition, liquor not being one of them --- ?- I do not know enough about it to discuss the subject.

Land holding ?- To me it sounds very mythical; I do not know where we have any land for Natives to hold really today.

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Do you not know anything about Native land holding? - It is outside of my scope. All I know is this, that in and around Port Elizabeth, we have no land available for Natives.

What about education ; should the system of Native education be exactly the same as that of Europeans? If I am going on to technical ground which you do not want to follow, tell me ? - I will just say this,-and this is all I would care to say on the question of education - that I think Native education should follow a vocational bent more than it has done in the past. I have had many letters in my editorial capacity from farmers all over the country and the consensus of opinion is that they would be able to pay more money than they do today if the Native labour were trained.

Perhaps that is rather a technical point, more for educationists ? - Yes, I think it is.

MR. MOSTERT: Have you anything to say so far as the present system of beer brewing in the location is concerned ? - No. (Mr. Anderson): Mr. Newell has had over 30 years contact with Natives; he is Moderator of the Native Churches in the Midlands area and knows a great deal about their affairs. I wanted to say this much, that a year ago an agreement was entered into here by various bodies, but the only body that has kept to the agreement is the Port Elizabeth Municipality. Now, that has proved that a voluntary arrangement is absolutely hopeless. I found the best classes of employers ~~in~~ builders, commercial men and industrial men -- would welcome a minimum wage. They do not want schedules, but would welcome a minimum wage and a minimum wage apportioned in such a way that a bad employer would be forced to pay that wage. I come into contact with the heads of industries - building and so on; I had a talk yesterday

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with several builders and one man said to me, "We would welcome something that had the effect of law and then we would know that our competitors were not able to cut below us". The builders had to abandon this agreement because they found that the black sheep were not sticking to it; a voluntary arrangement is quite hopeless.

MR. MOSTERT: Mr. Newell, can you give me your views, as far as kaffer beer is concerned, in the Native location ?- The remarkable thing is this, that kaffer beer brewing is treated in a crime in Korsten village, where the people are freeholders. In New Brighton it is not treated as a crime. Anyone brewing kaffer beer in Korsten is hauled before the magistrate and fined anything from £1 to £25, whereas, in New Brighton, it is encouraged, far from being regarded as a crime. That seems a very contradictory state of things; and the only possible remedy for this state of things is to adopt the Durban system. We cannot, under present conditions, eliminate kaffer beer brewing; it cannot be done. The only possible thing is that it should be done under the strictest regulations, as in Durban, where the profits have to be devoted to Native improvement. Under that supervision, there is no possibility of kaffer beer being doped with spirit, under the Durban system, because the kaffer beer is made and is sold under strict supervision. Therefore, it cannot possibly lead to drunkenness and to the scenes that we sometimes have to witness in this area.

CHAIRMAN: When you say "this area", do you mean New Brighton ?- Yes; I mean of the whole area. Of course, New Brighton and Korsten are the chief residences. There is another location out at Walmer which is under the Walmer Municipality.

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MR. MOSTERT: Therefore, you are in favour of the principle of brewing under strict supervision ?- Yes.

CHAIRMAN: You have two Native witnesses belonging to your organization, who might wish to say something about this matter ?- (Mr. Newell): I would like to say something about the poll tax.

CHAIRMAN: (Addressing Adonise and Mr. Vusani): You have heard what the Rev. Mr. Newell said on the question of beer. I wonder whether either of you wish to express an opinion on that point? Do you agree with him, or do you want to add anything to what he says,-or do you disagree ?- (Mr. Adonise): Yes, I agree with him.

Now, I notice, Mr. Vusani, you belong to a temperance organization; do you agree, up to the present, it is impossible to suppress kaffer beer ?- I am against every kind of drink myself.

I understand that one may be against a thing, yet you may realise it is going to take a long time to change it. Now, Mr. Newell said, as things are at present it is impossible to suppress the brewing of kaffer beer altogether. Do you agree with that ?- Yes.

Now, on the question of poll tax, you wanted to add something, Mr. Newell ?- (Mr. Newell): Yes, Mr. Chairman. Is there any question you would like to ask on this point, because this is a burning point. You have raised the question of the need of social services and the necessary payment for such services. I would just like to point out that the Natives are paying for social services - I am referring to the Natives in this area. For example, at Korsten they have to pay the Divisional Council rate; and, of course, we

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know that that is on the same basis as Europeans; but, of course, the actual amounts are very much less, because their properties are very much less in value. But still, those social services are paid for, and the chief objection to the tax itself is this, that the tax is not recoverable by civil process. A man who does not pay his tax is brought up before the magistrate and sent to gaol. I know men in gaol, or who have been to gaol, - decent, respectable, well-behaved men who, through sheer poverty, have not been able to pay this tax; and that is making poverty a crime and making poor men criminals, because, while they are in prison they have to associate with men who are criminals, men who are charged with the gravest crimes, simply because they have not paid this tax. Therefore, I hold that the whole method is entirely wrong. The substitution of an income tax may be a very good way out of the difficulty, to be levied upon Natives whose wages exceed £2 per week; such men would be able, probably to meet that payment of £1 per annum, but the average man is not able to meet it on the present scale of wages. And as for those who are out of employment, the difficulty, of course, is greatly increased. The chief objection to the poll tax is, that it is not recoverable by civil process and that it turns a man into a criminal.

MR. LUCAS: Do you suggest, if it were recoverable merely as a civil process, poverty would then be an answer to a claim ?- Yes.

You cannot get civil imprisonment if a man has not any money to pay ?- Yes.

I would like to ask you, Mr. Anderson, how you arrive

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at your suggested 40/- a week ?- (Mr. Anderson): We examined the circumstances of a number of men drawing 25/- a week and we found that the cost of living in the case of a married man with a wife and two or three children worked out this way; 7/6 a week for rent, about 17/6 a week for food, and you have these 25/- wages entirely wiped out. There is no clothing, there is nothing for domestic requirements, there is nothing for education and there is nothing for anything else. We went into the possibilities very carefully and we saw quite clearly that, under the present economic conditions, 40/- a week is the lowest wage that the married man - I mean the adult Native with a wife and family, can maintain them on in decency - what we call decency.

And the unmarried man ?- Well, he would undoubtedly score on a wage of 40/- a week.

MR. LUCAS: It is the same difficulty we have got with Europeans in fixing wage. So far, except for the family allowance system, nothing has been devised which will meet that difficulty ?- No. The only thing would be a family allowance. As a matter of fact, I think Mr. Newell will bear me out, the majority of Natives earning a wage of 40/- a week would be married men; they would be able to get married on that wage.

Have you any idea how this terrible price of 3d a paraffin tin for water in Korsten came about ?- Yes; the Municipality of Port Elizabeth supply that water to the Village Management Board and it is sold to the Natives. That difficulty will be eliminated very soon, as soon as Korsten is brought within the Municipal area, when they will have the water free. The difficulty will be overcome within the next

six or nine months, I should say.

MAJOR ANDERSON : Who has been making the profit on that 3d in the meantime ?- (Mr. Newell): There are a certain number of men who come with donkey carts and fill casks with water and they take these casks into the village and sell the water: a cask of 15 gallons is sold for 2/6d.

What have the cartage contractors to pay ?- I think they pay 6d for it, I am not sure.

Do you know at what price the Municipality sells the water to the Walmer Village Management Board ?--

MR. LUCAS: At 10/- a thousand gallons ?- The Korsten people are paying at the rate of 32/- a thousand.

CHAIRMAN: The cost is chiefly due to the fact that the Korsten Village Management Board has not a reticulation system; if they had taps all over the place, nobody would dream of paying that price ?- Precisely; but every time the Village Management Board has approached the Municipality, the time is not opportune to put water into Korsten.

But the Village Management Board would presumably have to put in the pipes ?- The Village Management Board asked the Port Elizabeth Municipality to extend the water system.

MR. LUCAS: It has been extended ?- Yes.

CHAIRMAN: But they wanted Port Elizabeth to face the capital cost of extending the pipes ?- Yes.

Was there any objection to the Korsten Village Management Board extending their own reticulation system ?- The only difficulty was that the funds would not permit of it.

Their funds ?- Yes. I have no right to speak, of course, on behalf of the Village Management Board, but a great part of their income has been absorbed by paying the necessary

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fees to the Infectious Diseases Hospital for patients who had to be removed to the Infectious Diseases Hospital.

It did not perhaps occur to them that, if they had more water, they would not have to pay so much for hospitals ?- Yes. The most surprising thing is we have thousands of people living on our borders with no water supply at all.

MR. LUCAS: There is just one other point. You suggest old age pensions being made payable to Natives ?- Yes I do.

One of the points that is sure to be made about that, is the difficulty of estimating a Native's age - or ascertaining a Native's age; how would you deal with that ?- (Mr. Anderson): Yes, that is a point, but I rather think that could be overcome by a little bit of discrimination; I think Mr. Newell can tell the age of a Native fairly well. (Mr. Newell): As a rule, Mr. Chairman, an old Native will tell you he was born, not in such and such a year, but when such and such a man died; one will say he was born in the year of the War of the Axe and so on.

But you think you would get reasonably sufficient accuracy that way ?- If a man gets over 80 years of age; but when he is sixty and seventy it is more difficult. The curfew was introduced many years ago.

And it is not working; that is really as the statement points out? It is the cause of trouble and annoyance to respectable Natives and it would be a good thing if it were repealed. It was brought in at a time of panic; a dreadful crime was committed by a Native, for which he paid the penalty; a big meeting was held in the Feather Market; people would not even hear the speakers. The Mayor presided and could

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not get a hearing; they simply shouted "We want curfew". Well, this particular crime of this particular Native who came down from Johannesburg - not a Port Elizabeth boy - occurred at half past six in the evening; so even if the curfew had been in force, it would not have been effective in that particular instance. As a result of that, the pass law was imposed and it is not serving a useful purpose at all, because it is quite easy for a Native to obtain a pass and a respectable man or woman going home, even from a Church meeting, has been arrested and punished. So that it presses very hard upon the respectable people and it would be a good thing, so far as this City is concerned, if it were abolished altogether.

CHAIRMAN: Do you consider there is forging of passes to any considerable extent ?- There is no question about it; it is the easiest possible thing for a Native to write his own pass.

That is really circumventing the pass system now ?-

MR. LUCAS: The only thing a pass is required for now is being out after nine o'clock? - Yes, from 9 p.m. to 4 a.m. It might be possible to have registration of strangers coming into the City; that might be done, but the pass law is a farce as it stands at present.

CHAIRMAN: How are you to differentiate between strangers and visitors ?- At New Brighton they have to be registered as soon as they arrive. It might be made applicable to the whole area.

How do you know that that is carried out ?- It is carried out at New Brighton, sir.

When a particular Native goes about, how are they to check whether that particular man has been registered? Is

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a system of registration good anywhere unless you can check it properly ?- No.

MR. LUCAS: Have you any objection to a Native carrying some identification mark or proof that he is registered ?- There is no objection to that, as far as I can see, Mr. Chairman. A man has to carry or produce his driver's license, for instance, on the demand of the police; that is in the public interest. I have myself been held up and had to go to the police station and shew my license. Why? Only in the public interest. Then why should undesirables be allowed to drift into Port Elizabeth and to add to the incidence of crime without some check being put upon them? In the interests of the working, respectable, law-abiding people, the curfew regulations should be abolished and some method of registration established in its place.

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MR. ENOCH JOHN KAMA, called and examined.

(Witness): I am on the executive of the Native Welfare Society. When it first started I was the secretary. It was composed of Europeans and Natives and was started about 1925. I was the first secretary and a European was the chairman. This Society works in the interests of the Natives.

Some time ago, something occurred at Salisbury Park, near Walmer; the Natives there got a notice from the police to leave that place. These Natives have bought that place at Salisbury Park and they were given 30 days' notice to clear by the Police. A deputation came to our Society and, when the matter was brought before it, a deputation was appointed to interview the Commandant, and we found out afterwards that the Sergeant there had no authority to do that.

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They say these Natives over there caused a lot of trouble about brewing and illicit liquor dealing. These Natives bought land there on instalments.

We wrote a letter to the Government to assist these Natives. They were told to clear out. This Society helped these people, with the result that the Government told those who paid the instalments to remain.

I was going to talk this morning on the Urban Areas Act. I was born in the old location here in Port Elizabeth. I know nothing about Kaffer Land. I was brought up here. My father came from Kaffer Land. He came with the old type of Natives who were loyal to their baases. He remained here for some time and, in the course of time, while working here, he worked for one of the old firms (Blane & Company), where they could trust the Natives and the storemen to look after the place. I want to tell you the history of Korsten. We used to stay at the old location. It was under the Town Council. The Natives there used to have to be site-holders. They paid about £1.5.- to the Town Council in those days. The 5/- was for water rates.

On account of several Europeans saying that the Natives are a danger - although we have been here for years and years - they wanted the Natives to clear out from the old location and go somewhere else. These Natives at the old location did not go. The Town Council tried by all means to get the Government to do something to clear the Natives out of the reserve. I think it was in 1897 when they started this. After that, this Act was amended several times. The Natives staying at the Korsten location were told to clear out, but they did not clear out. What they did was this

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they said, the only thing that would clear the Natives out would be the Health Act. What happened? During the time of the bubonic plague, the Natives were told here to come and be inoculated. I want to try and explain how this thigg came about and how New Brighton was established. Bubonic plague started at Cape Town. Now, a Dr. Gregory, I think, or Dr. Mitchell was the Medical Officer of Health at that time, and he came round and went as far as the old location. From the education of the White people, they said "The only thing you can do is, under the Health Act -- Bubonic plague occurred and the health doctor said, "Where this thing will start here will be in the location and it will go from this location to the other locations." This plague was brought in by rats; rats came to the stores and when the bubonic plague came it started with the Natives; but it was not bubonic plague at all. Say that a Native had toothache .....

You are going into details now; we do not want all that ?- The Natives were given about four days' Notice to clear out of the old location. No provision was made as to where they were to go. The Town Council started a place at the Race Course to which Natives could be shifted. But, in the meantime, no place was provided for the Natives. Korsten came as a blessing in disguise. I will tell you how. Some of the sympathetic Europeans sold some of these places to the Natives; the Natives bought them on the instalment system. They charged about £35 a plot and the plot was sometimes 50 x 100; and for others they charged about £25, but the dimensions were sometimes smaller than that. Well, the Natives bought those plots. They did

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not want to go to any place - it continued there for some time, until the Town Council said the Natives were a menace, - those were the terms used by the Europeans here. Korsten was started; it had no Village Management Board; what we did is this. In the old days, under the Council, the Natives used to approach the authorities on any matter. Sir George Graham, who was Colonial Secretary, I think, at the time, and Sir Gordon Sprigg was the Prime Minister. The Government came along and Sir George Graham wanted to know - there was a meeting at the Court House and he wanted to know whether the Natives would like to be under the Council or the Government.

The Natives said they would like to be under the Government, but on the agreement that was made by the Council, that the Natives should have their own land. Now, the Natives did not go at all to New Brighton. New Brighton was started. The Natives said they would not go to New Brighton, and it was stated that New Brighton was only for the floating population and it was said that old residents could have their own land. But the Government did not fulfil that. The Natives said they would not go to New Brighton. Deputation after deputation was sent up and Sir Gordon Sprigg came to Korsten and addressed the Natives.

The Europeans kept on saying, "Korsten is a danger to the whole community and the Natives should be shifted to New Brighton". Sir Gordon Sprigg came up, had a meeting with the Natives and the Natives said they would not go to New Brighton until the Natives were allowed to get their own freehold property. The Natives then appointed a

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deputation which went to the Government; the Government wanted to have a village management board at Korsten. After several attempts had been made - Colonel Stanford was then in the Native Affairs Department and he came out - and an arrangement was made after a long struggle whereby Korsten should have a village management board. What happened after that? There were some Europeans, Coloureds and Natives staying there .....

Tell us the facts; do not repeat yourself ?- You are simply penalising me.

If you can tell us the facts, we will surely listen to them, but we have no time to waste ?- I thought, when the Government appointed the Commission -----

Cut that out and get on with your story ?- The first board was appointed, composed of Natives, Coloured and Europeans, but it only lasted for three months, when it was abolished. The second board was formed; Colonel Stanford came out. He wanted to know whether we liked the mixed board, and we were willing at the time. It has been changed several times. Korsten was established as far as it goes. We had no water. We have to carry water. I am dealing with the present time now. This Act has been altered several times - the Native Locations Act and, after that, this Urban Areas Act was established, simply because it was stated, in evidence - when this Bill, the Urban Areas Act, was before Parliament, provision was made that Natives should own land in the locations. A deputation went to the Government and the people who were dead against the Natives owing <sup>n</sup> land were the Municipal Associations, simply because they said it will be the same as at Korsten; Natives will not go

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from that place "Therefore, we must have an Act so that the Native should have ground, but must not buy ground". I have come to the conclusion that the Native should be allowed to own land. At Korsten the Native can buy land; it is free-hold property, simply because the children of the parents who bought it inherit it. Korsten at present is going to be under the Council, to my very deep regret.

I will tell you why. Those Natives at Korsten have got the place and built their houses on the scanty wages they used to get. Some hire them out, by which they earn their living; some are widows. Those houses are simply a blessing to them, because they have something. When the Council takes over this place, there will be wholesale destruction. I appeal to this Commission to take that into consideration. Those Natives that are at Korsten should remain there. Under this Act, it was said that no Native should be allowed to stay in town; he must go into the location. Now, sir, what happened when that Act was started? Natives were chased by the police on to the veld when Korsten started.

Under this Act, no Native will be allowed, if he is not a property holder, to stay in Korsten, but will have to go to New Brighton and will be given one month's notice to clear.

CHAIRMAN: Do you not think it is more likely, when Korsten comes under the Act, it will be proclaimed a Native area, too? - Will this Act not be applied? They will be shifted and told to go elsewhere.

MR. LUCAS: I think the best thing is for you to wait until the Council does incorporate Korsten and then get

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the Council to meet your people and discuss it with you ? ---

CHAIRMAN: This is a matter that should be discussed with your Council. We understand what you want. I do not think you need go on with that ?- What I have come to you to complain about is, they are putting up legislation and shifting Natives from pillar to post. The next point I want to bring forward is the question of the relationships between Natives and Europeans.

Do you really think you can throw so much more light on the subject by talking in your round about way that it is worth our while spending some time on it ?- Yes; simply because the Natives come here to the different towns. Why they come is simply on account of the cost of living.

On that point we have had plenty of evidence; you have no need to labour that; we know all that. I think you had better stop ?---

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MR. ZADOKAMANI called and examined:

CHAIRMAN: What do you want to speak about ?- About Natives on the farms. I have come down from the Uitenhage district. I have come in because, along the Sundays River, the land all belongs to Companies and there is no place for the Natives. The Natives have been carting wood and so on in order to earn money to pay rent. We have no chance now of farming or ploughing and no carting of wood, because we have no place; there are hundreds of Natives who have no place to go to.

MR. LUCAS: How do they live now; how do they manage to get food and a place to live in ?- Some are in the town here working.

Mr. Zmani

Are there any Natives living there now ?- There are some still there.

On whose land do they live ?- They are under a Company at present.

Do you have to pay to live there ?- Yes.

How much ?- A shilling a head per month.

For cattle ?- Yes.

What do you pay for yourselves; do you pay or do you work and get a wage, you live on some land belonging to the Company and you have to pay 1/- per head for cattle ?- Yes.

Do you pay rent for yourself ?- Yes.

How much ?- half a crown a month, with a license to cut wood.

And for that you can cut wood and sell it for yourself? - Yes, that is so.

Do you work for a Company ?- Some are working for the Company.

What do they get ?- 2/- or 2/6d a day.

CHAIRMAN: Does the Company give food ?- No; they have to buy food for themselves.

Which Company is this ?- Strathsomers Company.

Where do you take the wood ?- To Port Elizabeth and Uitenhage.

Sell it there ?- Yes, They are charging us 10/- license for the wood.

10/- a month ?- 10/- a load.

MR. LUCAS: Who charges the 10/- a load ?- The Company.

CHAIRMAN: How far is it from Port Elizabeth ?- We are the other side of Uitenhage, in the Sundays River Valley.

Do you bring the wood with oxen ?- Yes.

How long does it take you to get here with a load of wood ?- Three days.

Mr. Amani

And three days to get back ?- Yes.

MR. MOSTERT: What do you get fr a load of wood ?- 1/- a bag for carting it. We get £3 for 60 bags.

MR. LUCAS: That is £3 for a load ?- Yes.

CHAIRMAN: How long does it take you to cut a load of wood ?- A month.

And then you take three days to come here and three days to go back; is that in addition to the month ?- Yes.

MR. LUCAS: Are there many Natives doing that ?- Yes, because they have no other work; most of these Natives are old Natives and they have no land to plough.

CHAIRMAN: Do you have to cut down trees ?- Yes.

And then cut them up ?- Yes.

Do you do it with an axe or with a saw ?- With an axe.

MR. LUCAS: Is there anything else the Natives in that district can do to make a living ?- No; only a few are employed to work in the sluits; there is nothing else.

MR. MOSTERT: Do not the boys work in connection with citrus picking and citrus packing ?- No, sir.

How many boys does this particular Company employ ?- There are very few now, because all the sluits are finished. They keep about twenty.

It is not a big Company ?- It is a big Company, but the work is finished in connection with the sluits.

When they begin to pick the fruit - the oranges - and pack, how many Natives do they employ ?- Only the children do that.

Yes, but how many ?- The factories employ sixty.

Only children ?- Yes, and there are Government fасeरve farms all along there.

MR. LUCAS: They are deserted; there is nobody on them ?- Yes.

Mr. Amani  
Mr. Mama

What do you suggest ?- That the Government should give these Natives work and permission to stay there.

MR. MOSTERT: The whole point is this, there are in that particular district some Government farms and you Natives wish to get those Government farms; is that the point ?- Yes.

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Mr. WILLIAM JAMES MAMA, called and examined.

CHAIRMAN: What do you wish to bring forward ?- I just want to be questioned, because the time is late and I am in employ. I would like you to question me on the Administration Act generally.

Is there anything wrong with it? - I do not know. I would just point out a few things which occurred to my mind with regard to succession, if you would deal with that.

Do you think the Native Administration Act is wrong on the point of succession ?- It is not wrong.

You want it changed ?- Yes, changed a little bit.

How do you want it changed ?- I want it to be changed in this way; there is a first portion in a family called an heir; you Europeans take it in a different meaning to ours.

But now, under the Administration Act, you have got to take it according to Native Law, but the succession in Native law is not the succession that you recognise - the title of succession in the Administration Act is not the same as the succession among Natives; is that your point ?- Yes.

That point was dealt with very fully by the representatives of the Banga at Umtata, as far as the Native in the rural areas is concerned; but I take it you have lived all your life in the urban areas. Were you born outside Port Elizabeth, or here ?- I was born on tribal land at Middle-drift, Kama's country.

Mr. Mama

Does that thing make difficulties for you Natives in the towns too ?- Yes.

In what way ?- I am not so accustomed to the towns, but to the outlying life.

On that point, the position has been explained to us very fully by members of the Transkeian Bunga, We know that position; we are out to consider whether anything can be done. You know that they had a good deal of correspondence with the Government. So I think you might pass on from that point. What was the next point that you wanted to deal with ?- The next point was the retention of Chiefs' jurisdiction.

You want the chiefs to continue to have jurisdiction over their followers ?- Yes.

In what matters ?- In the matters under the Administration Act; in civil matters, I should say.

Yes; but all civil matters ?- Yes; some of them are not.

Are you referring now to a chief in an area like Middle-drift ?- Yes, or a headman, as the Government calls him.

Do you want that authority to be exercised by a headman even if he is not of the chief's blood; or do you want it always to be exercised by a man of the chief's blood ?- I have an exception on that point; a headman is a headman to us Natives; he is not a chief. I have another exception again to the main chief. In our language the main chief does not suit a man born to rule - it does not mean a man born to rule.

What does it mean ?- It means a man who holds a position to look <sup>over</sup> after a certain party.

Look over a certain party; what do you mean by "to look over" ?- There are six men employed to do a piece of business; you elect a man who will be chief of the six men; it goes as far as that to us.

Mr. Mama

You mean the English word "chief" ?- Yes.

And your Native word ?- We have not got a Native word "chief"; we have a Native word "inkosi"; that means a ruler of a tribe.

Now, the English word for inkosi is chief ?- No.

MR. LUCAS: You are using the word "chief" as a "Foreman" ?- Yes.

CHAIRMAN: We understand what you mean by inkosi, so you can go ahead with your point, - from that point. You want your inkosi to have civil jurisdiction in matters affecting Natives ?- Yes.

Marriage, lobolo ?- Yes; petty disputes among these people.

MR. MOSTERT: Do you think they must be tried by, as you call him, the inkosi ?- Yes.

CHAIRMAN: Now, look; sometimes you have a man who is inkosi because he is the son of an inkosi; he ought to be the next inkosi ?- Yes.

But supposing he is stupid, is uneducated; does nothing but drink beer; he is a worthless man; do you still want him to try civil cases over very much worthier men ?- There is a cure on that point.

What is the cure ?- If a man is as you describe, these people will soon find that he is not fit to be in that position, and then the next man succeeds.

And the other will be deposed ?- Yes.

And then you have trouble in the tribe ?- No, there is no trouble whatever.

Oh, yes; but you always have trouble with these things. Do you remember enough of your history to remember any trouble between Gaika and his uncle Ndlambi - that is one ?- That was caused by a certain action which Gaika did and Ndlambi opposed it.

Mr. Mama

You mean that Ndlambi took Gaika's wife ?- Yes.

MAJOR ANDERSON: Would you have the Government depose a bad chief like that ?- No.

MR. MOSTERT: You would prefer his own people to do that ?- Yes.

MAJOR ANDERSON: You do not want the Government to say "Get out, you are no good!" ?- His own people must send the petition to depose this man.

CHAIRMAN: Is there any other point ?- I think my points have been dealt with. Then we come to the labour business now. That was dealt with this morning by Pendla and it is useless to go again over the ground which has been dealt with by another man. Then we come to the question of the salaries of teachers, if this Commission would allow me to say just a little about that.

Yes ?- The teachers are scantily paid. If I am working in a store for a certain gentleman in Port Elizabeth, I receive £2 or £1.15/-; whereas a teacher only gets £5 a month and these men want to look tidy and be decent and perhaps have a family to feed and have rent to pay. Is it not possible for the government to bring about any amelioration in this condition of affairs ?

That point has been represented to us quite frequently too ?- The last point is - did the Bunga mention anything about Native habits and customs ?

Did not they just ?- Well, that is all I have to sa

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Mr. *Van Renen.*

MR. ANDREIS CHRISTOFFEL VAN RENEN, Magistrate, Port Elizabeth,  
recalled and re-examined:

CHAIRMAN: I understand there are two points you wish to amplify ?- The first <sup>is</sup> the Children's Protection Act No.25 of 1913, as amended, on Natives. Now, in my experience here, - which is only 15 months - I find that the Act works very harmfully. When the legislature passed that Act, I feel convinced it was meant to apply only to legitimate children; but by judicial interpretation it has been extended to illegitimate children. The consequence is that a large number of women of all races - of course, I am only now speaking about the Natives - who are given that way, take advantage of it.

It is easy enough to get an illegitimate child and easy enough to pick a man who is in a position to pay. The consequence is that these women have illegitimate children. When the child is two or three months old, a complaint is lodged with the police and the charge is brought of non-support under the Act quoted. The man usually pleads guilty, - sometimes disputes paternity, but that is not easy to do when the evidence is castiron. The sentence is three months' imprisonment with hard labour, suspended for three years, on condition that the accused pays the usual 5/- a week to the Clerk of the Court for support of the child.

Well, the effect on the women is that, as things are in Port Elizabeth, she gets away from parental control; she becomes more or less a common prostitute, a dealer in kaffer beer, brandy and kari and all the rest of it and then, within a couple of years, there is another illegitimate child, usually by a different man, and the same process is gone through and there is another order for maintenance. I have

Mr. Van Rens.

had one case - this was not a Native but a Coloured woman - who had seven different children by seven different fathers and she got maintenance from four of them. When I arrived here, the four youngest ones were getting maintenance. This matter has been referred to by Sergeant Van der Walt at New Brighton, and whatever he says about it <sup>I</sup> fully endorse.

CHAIRMAN: Do you think the effect of the Act is to make prostitution a definitely organized thing in which the State extracts the money from the father ?- The State extracts the money from the male culprit through a criminal sanction.

MR. LUCAS: But it is not <sup>seen</sup> safe in itself to encourage prostitution; surely she does not get anything for herself; she only gets maintenance so far as the child is concerned ?- Theoretically.

But if it is only one child, 5/- is not going to carry her very far ?- 5/- a week will just about enable them to live with the other concomitants, such as the wages of prostitution.

Is not that rather going a long way to think that the woman has a child for the purpose of getting that 5/- ?- Well, I thought so at first, but I do not think so any more. I have come to the conclusion that what I say is an absolute fact; it is a hard thing to say, I know, but I think so.

Just at the moment it strikes me as you say it struck you originally ?- Yes, it struck me very hard. At the present moment there are 30 Native women on my register getting maintenance for illegitimate children and the curious thing is you never get a case against a man who is not in a position to pay.

MR. LUCAS: Mr. Scheepers was telling us of the case of

Mr. Vern Denen

a man with 12/-d a week; he would not be in a position to pay 5/- a week ?- I am speaking of the bulk of the cases; the generality of them; they are usually men in the employ of the Railway, who get about 4/- a day, or who work at the Harbour Board or Divisional Council. Of course, a lot of private employers pay good wages, too; you usually find it amongst those men.

MR. MOSTERT: You would not find a women bringing a case to court where a boy is earning 10/- a week ?- I have just had one now.

Take the cases you have just mentioned; they are of men who pay. The inference is that the Natives who are earning less money - from 10/- to 12/- a week - ~~are~~ not brought to court ?- I will tell you why. This 10/- a week man was living with the complainant as her husband; he has three children by her. They have now had a row; his wife has left him and he has taken another woman. Otherwise the case would never have been brought up.

MR. LUCAS: What is your suggested remedy for the position ?- As regards all Whites, Coloureds and Natives, that it should only apply to legitimate children, as regards the father.

The maintenance ?- Yes.

It is the criminal part of it you are referring to ?- Yes. The civil remedy is provided for by common law; but these <sup>yo</sup>men can simply go and copulate with a man once and possibly have another man, but they have evidence to prove that the man was with them at the time, which makes him the father.

Do you not think he should be made to bear his contribution ?- Of course I do.

If that is so, your experience must have shewn you that,

among Europeans, there are a great many attempts to evade responsibility by the father ?- Oh, yes.

And that that is the justification for the law ?- Even by men who are married. I have one case at present of a man who used to be in the Police; he is pensioned now and I have had to take steps to get an amount of maintenance deducted by the Secretary for Finance.

Is it not possible, in the circumstances, that because of two or three bad cases, you felt the law was a bit harder than it need be ?- No, I do not think it is two or three. You know, I have about three cases a day of this kind; there are three on my roll this morning. The actual number paying maintenance, as I say, is thirty. But many settle it out of court and also some, you find, are unable to pay. If a man is out of work, you cannot make an order. There are 30 now actually on the register who pay.

MAJOR ANDERSON : It would still be possible for these women to get maintenance under a civil process ?- Yes; they can sue in forma pauperis, of course. If you look up the case, I think you will agree with me, if one may say so, with all due deference, that when Sir Kohn Kotze gave that judgment he was possibly swayed too much by his love of children and, I think, the interpretation might possibly not be upheld if taken to the Appellate Division.

Then the other matter is the question of golf caddies. You know golf caddies are simply developing into a criminal class. Here, at the Port Elizabeth Club on Cape Road, a very large number - I forget how many - probably about a hundred or more. These boys make, on the average, on Sundays, at least 3/- each. On Saturdays they will make 1/6d to 2/- and a proportion of them make something on weekdays; and, of course, on holidays they make as on Sundays, or even more.

Mr. V. R. Reney  
Kamer

All the money they get is used for gambling. Most of them spend their nights in the bush within a mile or two of the golf links. Their parents live at Korsten or New Brighton, they do not go there; they are entirely out of control of the fathers and, as I have said, they are fast developing into a criminal class.

Have you any suggestion as to how that should be tackled ?- I do not know.

MAJOR ANDERSON : Could not the golf club do something. I suggested that the Club should license them, not make them pay any money, but should each recognised Native should have a metal badge or disc or something of that sort and, if anyone of them did not behave himself, he should be struck off the roll, but the Club found that impracticable. They said some of the best caddies might be the worst scoundrels and they did not want to lose them.

THE COMMISSION ADJOURNED AT 12.20 p.m. TO HEAR EVIDENCE AT DURBAN ON TUESDAY, 31st March 1931.

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