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carrying of some document?- Yes, it is very complicated.

DR. ROBERTS: You would not allow the thing to work itself out, leaving ^{it} to the sense and the knowledge of the Natives, that is that they would not crowd into towns like Durban and Johannesburg knowing that they cannot find work ?- I do not know enough about country conditions. One point I am clear on is that every effort should be made to get a decent permanently resident population in Durban and, if the only way is by these rigid regulations, then I would be prepared to agree to that, although I would regret it.

CHAIRMAN: The creation of a permanent resident wage earning class is a thing which will no doubt develop as it is developing, but it will go very slowly. The problem is, what is one to do in the present transition stage? Is nothing else than more stringent regulations possible ?- You could improve conditions in the country; you could disseminate information through the magistrates often as to the conditions in Durban. The fact that the number of registered Natives in Durban has already dropped is proof that that is already having its effect.

DR. ROBERTS: Do you not think that that should take the place of rigid restrictions, leaving it to the good sense of the Natives ?- Yes, I would try that first, but if you found that you had a large casually employed degenerating mass of Natives attracted to the towns in the hope of getting higher wages, then I myself would be prepared to acquiesce in something which made it possible to achieve that fairly well paid permanently well paid population.

CHAIRMAN: Probably we have that situation now, that there is a very large casual population drifting in and out.

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If you had to count every individual every time he came in to work in every town in the Union once a year, you would probably get several times as big a figure as the population at present. They are drifting in and out and there is a great deal of degeneracy accompanied with it ?- In Durban, we put every restriction in the way of the permanent wage-earning population. For one thing, we do not provide them with housing. The general idea of employers is that Natives have this subsidy from their tribal life and public opinion generally is in favour of maintaining the Natives in their tribal state and, whether it is deliberate or not, in the towns it works out in this way, that the tribal reserves provide a very large convenient reservoir of labour. I am anxious to see that the reverse should be the case. It may take time and it may cause hardship, but the effect will be good in the end.

But the nett result is that segregative legislation would have to go by the board ?- You mean, different laws for Natives and Europeans ...

No; the attempt to move the Native population, as far as the great bulk is concerned, into certain well defined areas ?- Well, my view, Mr. Chairman, is that segregation anyhow is impossible. I associate myself entirely with the views which were recently expressed on this point by Professor Brooks.

Now, in the matter of public policy, to get some sort of order out of a tangle of racial relations, would you would have to visualise a permanent Native urban population living, perhaps, in a segregated area, but in close contact with the great towns, and, as far as the rural population is concerned,

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you may segregate them into their area, but they should not be portions of one whole as they are now ?- No, I think the present relationship between the 'uncultivation' in the reserves, due to the absence of the males for so many weeks or months in the year, and subsidising of wages in town, owing to the fact of these uncultivated reserves giving a partial subsidy, is a most unfortunate circumstance. It means on the one hand underpaid and inefficient labour in the town, and on the other hand wasting of whole areas which, as a result of the absence of the men, are not cultivated.

So the point to start with is really improving the cultivation in such a way that those people shall not be forced into the towns to earn something to eke out a living?-- Yes, I do think that the people in the reserves should get an adequate living from the land and that the younger sons should be made to feel that they have to look for some permanent source of employment in industry; they should be encouraged to get full time employment in industry; because I do feel that you would have to have a generation of younger sons who would not all be able to remain on the land.

At present, of course, that is against the tribal Natives' whole way of thinking ?- Yes. At present that is so, but one feels that something in that direction will have to be done.

So we should have to change his conception of what a good life is largely and substitute the needs for material things rather than the needs for leisure before we can bring that about; that would, of course, take a long time ?- I admit that; I am not looking for these things to come about next year, but the trend of policy over a generation, -- a transition like that cannot take place

A transition like that cannot take place inside one generation ?- No; quite possibly it would take two generations to come about.

In the meantime you will have a continuous conflict, caused by people continually moving out of one condition into a new condition which has not been adjusted to them?--Yes.

And therefore am I correct in thinking that the dissatisfaction must be expected to continue for a long time to come?--Yes, there is bound to be considerable friction. At the present time the belief, in Natal at all events, is so strong that the tribal system, the tribal policy is the right thing, that it is tending to hold us back inevitably and is causing more friction than is known.

Your point is that we should try to accelerate the transition from subsistence to money?--I am anxious that we should not impede it at any rate.

On the other hand the point has been put to us, particularly by native witnesses that the change which has gone on, has gone on much faster than the natives could adjust themselves to, and that the present position is due to that?--Has that evidence, may I ask, been given by native chiefs?

No, as a matter of fact by some fairly intelligent witnesses; I do not think the native chief would say it; but coming back to the point there; ~~the~~ effect ^{that} of this transition is causing problems all along the line must always create a certain amount of dissatisfaction...?--I agree.....

Dissatisfaction among the native population, and the native population is inclined to think that the European must be so clever as to know how to settle these things straight away. Is not that the position which we are ^{is} faced with?--No, I think the native population must want more understanding of the position. The native population say we must provide them with more land. I do not think they understand the

difficulties of the position. They seem to imagine that we need only wave a wand and everything can be put right. On the other hand I do not think that a sufficient number of Europeans are giving that aspect or that question ^{that} careful attention in the interest of the natives which they should do.

DR. ROBERTS: You do not think surely that the native who is urging for more land does not understand the position; what he is wanting is to put his terms as high as possible so that in the end he will get something; he asks for a lot, in the hope of getting something-- perhaps less than what he is asking for?--¹ do not think myself that they fully grasp the position, but in a country where commercialism is practised as it is in South Africa it is considered that it would be a retrograde step to extend tribal reserves. I do not think myself that the natives understand that.

I will accept that for Natal, but not for other parts of the Union?--(No answer).

CHAIRMAN: We must take it then that for a considerable time to come the native must be dissatisfied with the way in which the European population treats him?-- Yes, I think so.

Assuming that we used every effort to minimise that dissatisfaction, can you see any escape from the position that the native population must for a long time not understand the position and must assume that the Europeans do not give them a fair deal?--That is so, but I do not think that the Europeans are giving sufficient attention to the problem.

Supposing the position were eased in a way, supposing it were eased in the matter of obviously congested areas, eased in the direction of growth and numbers, do you think that the natives would in the meantime find enough relief to

leave the other problems, which it will take at least another 50 years to solve, in the background?--That is a question on a matter of opinion. I would answer it in this way. If the native saw that a genuine attempt was made to consider his difficulties and to regard him as a permanent and necessary part of the population in this country, whose welfare was to be considered as much as that of the Europeans, I think the situation would then ease itself. You can see from the evidence which some of our native witnesses gave here how the wage policy rankles. If it were admitted as part of the policy of South Africa that natives were entitled to economic progress, I think the situation would be very considerably eased. That is my opinion.

Could that economic progress be on a basis of fairly considerable lack of restriction----- would not certain layers (?-) have to be opened at a time and others have to be closed, so as to make the thing go in an easier way, instead of the present rabble?-- You mean that if certain occupations were opened to them from which they are now debarred.....

Let us say the building of native locations.....?-- I think that would help, but unless you are building native locations on a scale, on a pretty considerable scale, it would not take you far. If it were confined, as I heard it suggested, to the building in Durban of 100 more houses, well, it would not take you very far, would it?

DR. ROBERTS: You do not think that you are perhaps exaggerating both the lack of knowledge of the native and his lack of ability for adjusting himself to the conditions that must finally find an equilibrium?--I do not want to be

understood as meaning that individual natives are not capable of it. I was immensely struck with what this young Fort Hare student did, this young fellow Selby Ngcobo, whose statement on native unemployment you have before you; he did very good work for us. I do not want, what I said to apply to the Revd. Mr. Dube, for instance, but even the European did not understand the difficulty of economic adjustment.

If you base your evidence, if you apply it to the far off villages, good and well-- but unless there is a large enough constituency throughout the country----- would you be willing to accept it at that?--Well, I do not think there is enough economic knowledge among the Europeans to face these difficulties. We cannot even deal with our own problems of unemployment; how then can we expect the natives....

Quite so, then why should you embark on a system of repression?-- I do not think I am doing that; I was very unwillingly forced by the Chairman to admit that in certain circumstances administrative restrictions might have to be taken.

You do not think these conditions exist?--I do think so.

Ignorance....?--^Yes, they do exist....

But not to such an extent as to warrant these extra conditions. These extra conditions that would be enforced would be enforced because of a common ignorance of the people. Is that not so?--I do not quite follow that. I was asked by the Chairman if I did not think the natives would still continue to be dissatisfied whatever policy was adopted...

No, I am referring to your advocacy of extra passes?-- I am not sufficiently in touch with rural thought to be able to say whether the natives could understand the position.

Do not you think that if there were definite knowledge

put before the natives in the various outlying parts, which is not done just now that they would do as they are asked to do, because they are a very law abiding people; assuming they were told what the position in the towns was in regard to labour being available?--I would certainly try it at first.

Would you try it intensively?--Yes.

Would you have it done by policemen and magistrates and schools telling them "don't come to Durban"?--Yes, and I would send one of their own men round to explain to them what was likely to happen to an unemployed native in Durban.

I understood you to say that you were willing to embark immediately on a system of extra repression?--I think I guarded myself very carefully. I said that if it were possible to do it in any other way..... I said "only as a last resort". I tried to make myself clear on that.

CHIEF RMAN: Coming to the main question which seems to me to be at the root of the problem, the natives of the present day, judging from the evidence which has been placed before this Commission, claim a width and variety of things, which anyone can see, cannot all be conceded, simply because they cannot be paid for, and the point I want to get at is this--if one releases the burden in a certain directions, whether the tide would be only so strong that it could only fill certain avenues, a number at a time, or whether it would still continue pressing on the measures and alterations which must inevitably be applied as long as the economic worth of the native is as low as it is at present?--I do not think anyone can answer that question.

It is a question of vision, I know?--My own opinion is

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that I do not think it is worth very much because it is dealing with a very complicated situation in the future; my own opinion is that if the native felt that some definite attempt was made to regard him as a permanent factor, if he realised that his welfare was being considered, he would respond to that attempt. If he realised that we looked upon him as, may I call it a co-operating factor, instead of a dangerous element to be suppressed, I feel sure he would respond.

MR. LUCAS: Is not it a fact that natives from the tribal areas only come to the towns when they are compelled to do so by economic pressure?--Yes, I think that is so, but in some areas this economic pressure is pretty constant. I made some enquiries in this connection at the Inanda Mission Reserve during Christmas and I was told that practically no family could exist there with any degree of comfort unless they had one of their men working in Durban. That is one instance of constant economic pressure forcing men out to go and work in the towns.

So that the pressure is there and about as many of these men are going out to work in the town as can possibly go out. And it is this pressure which is driving them out, no matter what else....?--No, I think if the wages were raised the attractions would be greater.

The question is: do the natives come to the towns because of the level of wages in the towns or because of the fact that they are compelled to go out?--You are eliciting the question whether the raising of native wages brings more natives out to the towns....

The only town where there has been a determination affecting a substantial number of natives is Bloemfontein

and there has not been a great influx there?--Well, Mr. Lucas, the newspapers do not say that.

Are we not rather accepting as a fact what is only an assumption that more natives come in because the level of wages is raised?--Yes, that may be; but I was accepting it partly because the newspapers have reported it.

We have asked a lot of questions on it, but there has been no evidence?--Well, I partly accepted it because I would assume that a higher wage would attract a larger number of these people to the town.

Is not the point which I put to you first also reasonable that natives only go out when they require money and that all those who require money have to go out now?--I do not know. I do not think anyone could answer that; we should have to wait and see.

Does not it seem to you that there is no ground for the assumption, for the belief that a rise in wages will mean an influx of natives?--Well, I do not know.

I put it to you that probably all that go out are driven out to-day and no more would be driven out if the wages were made any higher?--Fewer might possibly be driven out, as you put it.

Have you made any investigation about the other point, about the native who does go out staying out a shorter time?--No, I tried to get information but I was not able to get any.. I was told last year by one of the managers of the compound that the natives stayed in Durban very much longer than they used to do. It might be useful to have evidence on that aspect, whether the period of natives doing service in

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Durban is tending to increase. I take it that the best people to give you information on that subject would be the Native Affairs people here. (MR. SHEPSTON) I have never considered the question from that aspect. One appreciates that so far as the tribal natives are concerned, I won't say there is a greater desire for work, but they are driven out by their needs.

Would their needs in the country be increased by the fact that wages were raised under the wage determination for unskilled workers in town?--I should hardly venture to reply to that. The standards of natives in tribal areas are generally the same. I do not know what the position would be. (MR. MAKULISI) I would like to say something on that point, but not in connection with wages. I do not think that more natives would come in if the wages were raised. Generally the tribal natives can only come in for some time and then they go back.

MAJ. ANDERSEN: Do they go back as soon as they have got what they want?--Yes. The tribal natives are more or less still primitive. They just want their needs to be supplied and that is all.

Do you think they would go back sooner if they earned money more quickly?--I think so; the primitive native would.

DR. ROBERTS: What do you mean by the primitive native--what do you mean by their primitive needs?--Food, shelter and clothing; those are the three primitive needs. And then education, and then to pay taxes just now.

That is not a primitive need?--No, it is an obligation. He knows that if he has not paid his tax, he is in for it.

If he had not to pay that tax, would fewer natives come out to work in town?--Not at present. The conditions

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of native life are regularly changing.

MR. LUCAS: Are there any natives in Natal who go out to-day, who would not go out if they did not have a tax to pay?--The needs of the natives with the advent of civilisation are gradually changing.

CHAIRMAN : Now in regard to this statement on unemployment, I think Mr. Ngcobo mentions the case of 9 men who declined jobs because of the low pay. How did they make their living?--I cannot answer that. ^I have this statement here . This is what Mr. Ngcobo says :As one should expect ,the economic interests of the white men being interwoven with those of the natives, what affects one section, will affect the other section too, though not to the same extent. For instance, the white unemployed-- skilled or semi skilled -- has nothing to fall back upon; he depends absolutely on his wages for a living. The native man, on the other hand, could fall back upon his poorly farmed land, or upon his relations, both here in Durban and in the country, with a great deal of tolerance.

In regard to the introduction of machinery-- most natives working in Durban are non skilled workmen, so that the introduction of machinery into industry and commerce where skilled workmanship becomes necessary, must result in the loss of jobs on the part of native hands. The men are simply told to "go home" because they can not be of any further use.

On the subject of adverse trade conditions, the depression which there is in industry and commerce is costing many native workmen their jobs. In the wool industry, where they have had a slump for such a long time, the present staff is less than what it was under normal conditions. Throughout the economic sphere the motto is "economy" and consequently employers are finding difficulty in keeping a number of workmen when the situation does not allow it. Men have to go away until they

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are recalled. The industries at Maydon Wharf take on additional men according to shipping. I also understand that they have two classes of workmen, those who are permanent and those who are tog boys engaged only when there is more work to do.

On the subject of wage Board determination, where the wage Board determinations are adhered to, the natives get an increase in wages; but while there is an increase in wages, not all the workmen who are entitled to it get it. Some get it and some are dismissed from work. I understand that since after the visit of the Wage Board many Native labourers were dismissed from work at J. Ellis-Brown, Coffee & Tea Makers, Five Roses Rea-makers, Glass Works, In one firm the Native staff fell from 19 to 7 men.

Then, of course, there are other sources of Native unemployment, such as low rates of wages, and the desire for good jobs. For instance, of the 20 men I found under the tank at Greyville Railway Yard, all said they were there because they liked Railway work. "There was a good starting wage of £2 a month", they said, and in addition, "you got food and sleep". Further enquiry shewed that sixteen of these men had been calling there daily for three weeks, and that they had been out of work for periods of over six months each. Seven of these men had families to look after and support. Nine of these men declined other jobs because of their low wages. Seven were not engaged, partly because they could not accept low wages and partly because the jobs they had come across were also too heavy or too low for them.

There are a good many Natives in Durban looking for jobs who are in Durban without the knowledge of Native Affairs Department. These men do not take any special pass - at anyrate not as frequently as they should - and do not

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sleep at the men's Single Quarters. They stay with their relatives and friends in town, eating the food they eat and using their friend's room, and, may be, his spare blankets. This mean, of course, that the host increases his rations, with or without, very often without, the master's cognisance. The Natives regard taking in an unemployed as a humanitarian act. Why should you leave your friend go hungering because he happens not to be working? Of course, it is only the man who is inevitably out of a job who gets tolerance. When the men cannot put up at their friend's place, they keep themselves up by the shillings and sixpences got from togt work and other flimsy jobs here and there. Very little - generally none - reaches the families. The family has to live as best it can on what it can get from generous people, usually relatives, and on its own plot.

It seems/^{strange}that there should be Native unemployment. There are so many low-grade jobs, and the Native is a low-grade worker. He can get a job tomorrow after losing one today. The majority of Natives could not be unemployed except partially. Jobs here and there are plentiful. The rub is in money.

We must not exaggerate the position. Even odd jobs are getting less and less in number. Before, when a man left his boss for a six months' visit or so home, he did not care who took his place because he knew that, on his return, work of any sort would not be wanting. The boss had to find his own new man. But now, most Natives work under a system of exchange. A goes home and B takes his place, and vice versa. The post is, therefore, never vacant.

Then again, most Natives in Durban owe their firms or

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masters some money. The Native man goes home and leaves his debt not all paid. The firm or master gets a new "boy", who works on allright. Five months later, the former boy returns and goes to his former place of employment, for reasons which are not hard to state. The firm has to take the man on again, because then it is more secure of redeeming its money. The other man becomes automatically unemployed.

The difficulty of finding a job is increased by the fact that more Natives now come into Durban than ever before. Jobs are, therefore, highly competed for. The effect of White labour policy and, in some instances, Wage Board determinations, together with adverse trade conditions, is to cause the Native unemployment by landing Native workmen in a very dear labour market.

CHAIRMAN: The statement is made here that more Natives are coming into Durban, but I think you brought evidence to the effect that there are less Natives in Durban today ?- (Mrs. Palmer): Yes, just now, as a result of the temporary trade depression.

When was this statement drawn up ?- (Rev. Mr. Cotton): Just three months ago, when we did not feel the full force of the depression.

MR. LUCAS: Do you know whether what is referred to in the second last paragraph is taking place here in Durban - about Natives owing their firms or masters money and the circumstances in connection with that ?- (Mr. Mazingi): Yes, there is truth in that.

Do you think a Native purposely gets into debt to his employers so as to get his job back when he returns ?- Not exactly. He gradually has to pay off the debt in small instalments. There is, of course, the feeling, when a man goes

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away he will have a chance of getting back if he has an amount of debt to pay off.

Do you think that that is common ?- Yes.

But do you know of instances where Natives do that deliberately, would they deliberately work up a debt and then get leave, knowing that they will be taken back by their master because they owe him money ?- Yes, the master will take them back because there is no other way of getting his money back.

Have any of your witnesses here made any investigation into the position which it is said obtains in certain glass works here, where the employer intended to substitute White workers for Natives and was prevented by a threatened strike of the Native workers from doing so?-(Mr. Makalihi): No, I do not know.

CHAIRMAN: Now, in regard to this statement on the Native Land Act. You start by making the statement that you do not propose going into the Native Land Act ?- (Mr. Shepstone): I was only dealing with it from the point of view of one of the causes of the urbanisation of Natives.

But you finished up by rejecting it in principle ?- Yes, personally I do,

And in your paper you do too ?- Yes.

You consider that we must depart from the Land Act to this extent to give the Native the right to hold lands in his own name near urban areas ?- I do not go as far as to say that. In my opinion, it depends so much on what the policy of South Africa should be in regard to the Native - if it is to be one of complete segregation in its wider sense, then, of course, there is nothing else to be said for it. That is the finish of it.

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A policy must be tested to some extent as to what its probable results will be ?- I suggest that in certain demarcated areas, under the present circumstances there might be two objections to unrestricted purchase of land, and one might be that one individual, a Native, might not acquire much land but it is conceivable that tribally and collectively the tribe might collect large areas. ~~What-you~~

That you overcome - that you could overcome by making it essential that land should be registered in an individual's name ?- Yes, possibly that could be done.

And what is the second objection ?- There is a natural prejudice, I might call it so, on the part of the European in regard to social segregation. They think that the Native should have his own area and that the European should have his own area.

Do you call it a prejudice? If my question is not unfair, may I ask if that is a prejudice which you share in. The prejudice or the feeling in favour of different areas for Europeans and Natives even in the towns ?- What I mean to imply is this. We heard about this state of transition and at present there is a desire, no doubt on the part of the Natives as well as on the part of the Europeans, that the Natives should in any case be living in separate areas and I suggest that there, areas should be set aside for acquirement by Natives.

DR. ROBERTS: More than the released areas ?- Yes, I think so.

CHAIRMAN: So, in principle, you would favour the creation of Native villages in proximity to the European towns? - I think there would be no harm in it.

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The objection to that has been raised that the Native who has always attached a great deal of importance to the possession of land will make a rush for that land, irrespective of whether it is to his advantage or whether he is a town dweller or not ?- I venture to differ from that. I think the Native likes the spot where he is brought up and where his ancestors have been brought up and the tribal Native would rather live in that spot than in the village or in the town. You must bear in mind that, after all, the Native is a man of open spaces; I am now referring to the tribal Native more particularly, and he does not like to live cheek by jowl with his neighbours. You never see the kraals close together and it is only in these town locations that you see these conditions where they live right on top of each other.

Now, with regard to the general principle of the Land Act, you say that it has worked to the detriment of the urban areas. I take it you mean that the Natives who could no longer hold lands on European farms, or who could no longer work land on European farms, drifted to the urban areas ? Yes, that is what I meant.

Now, I take it that you are aware that there has been a similar drift in this country of White people from European rural areas to urban areas ?- Yes, I am aware of that.

Secondly, that pretty well every country in the world is complaining of the same thing. Now, why do you blame the Land Act for something which seems to be very much bigger - something which has very much more far reaching causes --? The Land Act creates a type of serfdom. In other words, it enforces compulsory labour. In rural areas, a Native can hold Crown land. He can have been living on a farm before

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the passing of the Act or it may be that, after the passing of the Land Act he had been giving compulsory labour. The position is this. In the rural areas, a Native gets as little as from 5/- to 7/6 per month in wages and he has to give his labour in exchange. He has nothing to keep his family on and it is in that way that he is forced to carry on. He either has to stay on or to leave and perhaps find a worse employer. Circumstances are such that he may be forced to become a thief. If he is forced to become a thief, he has to desert in the long run and then he goes to the town and there he hides himself. On the other hand, if he remained with the employer, he has to borrow from that employer so as to keep going and he can never pay back what he has borrowed; and so it goes on from year to year where compulsory labour is in existence.

Therefore, you would be inclined to the view that the Native betters his position by coming to the town from the European farms where such conditions exist? - It all depends what you mean by "bettering his position".

Purely from the monetary point of view? - Probably he does. Where compulsory labour is enforced, he gets no adequate wage. He supplies six months' labour in exchange for the privilege of living on a few acres of land and, in most cases, he gets nothing out of his land and he gets no wages.

On what ground do you say that in most cases he gets nothing out of the land to support his family? - I say that from enquiries which I have made. I am speaking for Natal, and I think it is pretty well known among all the Native Commissioners here that the cases which I give are in

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the majority rather than in the minority - that is to say, the Natives do not get a satisfactory deal where they have to ~~give~~ ^{give} compulsory labour.

CHAIRMAN: And yet pretty well all the intelligent farmers who have appeared before us consider that, if they could get Native labour at the wages which the Natives themselves regard as pretty decent wages with none of these other privileges, they, the farmers, would be better off. That is to say, if they gave a purely cash wage only? - Well, I am not in a position to contradict it.

That is in conflict with your view that a Native is worse off under those conditions? - I quote as my authority Professor Burchmore, and if anything he is a pro-farmer. He is an authority on these matters.

An authority on what? - On Native lore. He is obviously a partisan of the farmer so far as the Natives are concerned. He speaks from experience and he is of opinion that this form of compulsory labour should be abolished both from the point of view of the interest of the farmer and from the point of view of the interest of the Native.

MR. MOSTERT: Why do you call it compulsory labour? They enter into an agreement with the farmer? - It is brought about by the Land Act. I admit that there is nothing to compel a Native to live on a farm, but circumstances in many instances compel the Native to leave the locations and the reserves and to find accommodation elsewhere. They cannot go and pay rent. All they can do under the Land Act is to change their labour.

It is not compulsory on the part of the Native to

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go and work for a farmer. It is under agreement ?- Yes, it is so, but it is a compulsory agreement.

CHAIRMAN: Just in the same way as most people who have to work come under compulsory agreements ?- Yes.

MR. MOSTERT: Do you know the conditions under which the agreement is made ?- (No answer):

CHAIRMAN:
You made the statement that usually a farmer allocates a few acres of the least arable ground. On what ground do you make the statement that usually it is the least arable portion ?- From experience and from enquiries which I have made.

What sort of experience ?- I deal a lot with the Natives and I hear their complaints and their histories and I make enquiries among the farmers.

It would require a very great amount of experience, a prodigious amount of experience to justify this statement ?- Well, perhaps 'usually' goes too far. But it is very often the case.

'Usually' must be more than 50% at least ?- Well, perhaps the word is wrong.

Yes, I am querying the word ?- I have said that perhaps it is rather drastic to say usually, say very often; and I can substantiate that from enquiries I have made.

Now, the Native who lives on a labour farm and who has to yield labour to another farm belonging to the same person, that Native generally has to work six months for the privilege of living on the labour farm ?- That is so.

What happens to the remaining six months ?- Well, he can use the other six months for his own purposes.

As a rule, does he go out for the remaining six months to European areas to work ?- Yes; I have a concrete case in

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view, where they have worked six months for Europeans. I have the case in view of a well qualified Native cook who has worked for six months in European employment, but no sooner does he get back to his farm than he is again employed as a cook there and he completes the six months there.

Your statement is that he is in course of time forced into poverty and theft. That statement again is written in such a way as if it applies to all Native labour tenants ?- It is obvious that I do not mean that to be so in every case.

Or even in a large proportion of the cases ?- Yes, in a large proportion you will find that Native labour tenants are in a condition of poverty.

Yes, but my question was, do these Native labour tenants work six months in town and then six months on a farm ?- I should say that, in the majority of cases they do.

On what ground do you state 'in the majority of cases' ?- For instance, the wattle farmers buy tracts of land and they bring their Natives down from Umbilo to New Hanover. I have endeavoured to give facts in my statement and these Natives go on to work the second six months.

But, as a general rule, - are the Natives who work for six months on a farm in town for the other six months ?- Yes, economic conditions force them to do so.

I do not see that it is obvious - why do you say that it is obvious ?- Well, I will not say obvious - in all probability they do.

You do not think that it is owing to the ^{way} ~~fact~~ in which they have spent their other six months that they have to go into the towns ?- No, I cannot generalise.

You do not have any definite information to the effect that that is the way in which they spend their other six months

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---?- No, I cannot give you anything definite.

The reason why I ask that question is that quite a number of Native Commissioners say that some of the six months is spent in their own areas ?- It is possible, but I should imagine that a good proportion is spent outside.

If some is spent inside, it still shews an amount of leisure which the average European labourer has not got ?- I suppose the unskilled labourer has a certain leisure and holidays, too.

Compulsory holidays perhaps. I do not know whether you are sufficiently acquainted with the rural areas, but the impression one gets from a very large number of magistrates is that a tribal Native is not by any means a worker for twelve months in the year. Can you substantiate or contradict that? Is that a general statement in regard to Natives outside labour farms?

The Native who lives under tribal conditions on a European farms or in the reserves ?- I would not like to say anything on that.

It is rather an important point, because it bears on the question of how much economic pressure is felt by me in comparison with the similar class of person ---- ?- (No answer);

MR. LUCAS: You say right at the end of your statement that there seems to be no logical reason why the ^{Indian} ~~Native~~ labourer who is an alien should ~~not~~ be in a better position than his ~~Indian Native~~ ~~Native's~~ counterpart. Now, in what way do you regard the Indian labourer as being in a better position than the Native labourer ?- He can hire and purchase his own property without restriction. The Native cannot.

And that is what you had in mind ?- Yes. Might I draw

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your attention to two or three points arising out of the Native Administration Act, It does come under your questionnaire.

CHAIRMAN: Certainly ?- What I want to say is in regard to the position of the Natives in towns. Under a decision of the Native Appeal Court, no Native can sue another Native in Durban, he has to go to his kraal to sue, notwithstanding the fact that the cause of action may have arisen in Durban. That is an anomaly creating great hardship here.

Another point is in connection with Christian marriages and divorces. The Native Divorce Court has no power to grant divorces in cases where Christian marriages have been contracted by Natives and the Natives, therefore, are compelled to go to the Supreme Court in Maritzburg, to obtain their divorce by Christian rites.

DR. ROBERTS: But is that not quite reasonable ?- No, because the European in Durban can obtain his divorce in the Circuit Court.

CHAIRMAN: The Code is being revised now, but I take it the main principle which you are driving at is this system of having to proceed to Maritzburg, which bears hardly on these people ?- Of course, the Code does not meet such cases.

These people who are forced to bring their action in the kraal, although the cause of action arose in Durban, regard that as a serious hardship ?- Yes. Of course, this raised the whole question of status again. Under the Code, the only person who has any status at all is the kraal head. You had some other evidence on that point this morning. Take the case of seduction; action only lies with the kraal head because the only person who has any status there is the kraal head. All these points will have to be dealt with.

Some legal machinery will have to be created to deal

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with the case of these people who are continually breaking away from the hive, so to speak ?- Yes; particularly because of this fact, that the kraal head is the only person who has any status.

DR. ROBERTS: You could not have a separate code for Natives who are exempt, they must follow the European code ?- Yes, that is obviously their privilege, that they should fall under the Common Law of South Africa.

MR. LUCAS: Is the Native Divorce Court for Natives who are not exempt ?- No, it is for Natives who are married under Christian rites, but they cannot deal with matters where Natives sue by edict.

DR. ROBERTS: You do not think it is reasonable that Natives should go to Maritzburg rather than to the Circuit Court ?- I think that the Natives in Durban should have the same privileges as the Europeans.

MAJOR ANDERSON: You speak in your statement about Natives not coming back. Do you not make a rather sweeping statement there ?- I made enquiries and I was informed that the conditions as I state them in my paper, do exist. In the majority of locations, a Native who has once left a location has very little chance of ever coming back.

Does that apply in Zululand ?- I am only referring to Natal.

You wanted to say something about the influx of Natives into towns, Mr. Makulisi ?- (Mr. Makulisi): I have always held that, if conditions of Natives life in the country were improved and made more attractive, there would be less influx into the towns.

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DR. ROBERTS: But in what way would you make them more attractive ?- I would try and improve them, I would try and train the Natives to better agriculture, embark on irrigation schemes, improve their stock and, when you come to the Civil Service, I would try and have educated Natives as assistant Native postmasters, I would have as many Natives as possible as interpreters and I would everywhere try and put in as many Natives as I could. I would say do not make it an exception to have Natives, make it the rule, but when we raise this point, we are told, "There is a Native interpreter here or there". We admit that, but that is an exception and we say that it should be made more general.

Are these all the lines along which you suggest that improvements should be made? What about the Councils ?- You mean, the Bunga?

Native councils ?- Well, I am very much in favour of these, too. Of course, that is our enlightenment statement, that is what we submit should be done in regard to Native administration.

The Natal Native is a very enlightened man ?- Not in my experience.

MR. LUCAS: These Natives who are getting £3.17.6 per month and no food, are they all Municipal employees ?- (Mrs. Palmer): Yes. These details were supplied by an official of the Electricity Department and these people are all in the service of the Electricity Department. (Rev. Mr. Cotton): Mrs. Sililo has certain information which she wishes to put before this Commission, and perhaps you would like to ask her some questions. She wishes to put in another statement, which has just been compiled. This is her statement:-

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That The wages of educated Natives in Durban are inadequate for a reasonably satisfactory existence and that they must be supplemented by the work of the wife, by liquor brewing and selling, etc., and that Natives cannot keep out of debt, is a resolution passed by the Joint-Council of Europeans and Natives of Durban, and I am deputed to speak particularly on that resolution.

In supporting this resolution, I wish at the outset to express that it is far from my desire that an extravagant scale of living be adopted by my people, but that we should be placed in a position to make an honest living. The class of Native I refer to have no other means of livelihood except what they get as wages, as they have made their homes in Durban.

As one belonging to that class, I would point out that the budget we have collected shews that, at the end of every month, our families are in debt because of the inadequacy of the pay. It is very difficult to pay for the needs of the homes and the education of the children, (School fees £1. 2. 6d). You will note, honourable gentlemen, that no mention is made in the budgets of saving anything for the future, as the present conditions do not allow. As the mother of five children, the future seems dark and I shudder to think of a day when one of the breadwinners will be taken away.

Many respectable women have been forced, through this state of affairs, to deal in illicit liquor, which is detrimental to the whole family, especially the children. Many young men have been ruined by what they have had as examples in their own homes in this direction.

Our parents were able to bring us up better men and

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women, but on account of the economic pressure, we are unable to do the same for our children.

A Native of my class is out of consideration when such things as scholarships and bursaries are awarded, and even in courts of law, fines are generally higher than those of other Natives, and I think it high time that such adjustments to the wages should be made as would enable us to make an honest living by making the wages real living wages.

MR. LUCAS: That £1.2.6 for school fees, for what period is that ?- That is for one month for five children.

They all go to school ?- Yes, that is for my own house.

DR. ROBERTS: I want to ask you this definitely. Do you think that the fines are higher than what the European fines are ?- In most cases I have seen it so.

That they are actually higher for the same crimes ?- Yes, sir.

CHAIRMAN: Mr. Webb, we have gone over a number of statements, but unfortunately the names of the people who drew them up have not been given in all cases. I was told that there was one particular point in which you were especially interested. Perhaps you would care to put that point before the Commission now ?- (Mr. Webb): I was asked to deal with Item H in our summary of points on which evidence was to be laid before the Commission by the Council. Item H reads:- "That the position of the Native adolescent servants in Durban gives, to half-grown youths, too great license, and that some means should be devised of timely supervision over the leisure time of these umfaans." I have not prepared anything, but the Council has been constantly made aware of the particularly unfortunate effect of introducing into Durban a considerable

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number of boys ranging from the age of twelve upwards without shelters or safeguards which apply in the case of European boys, who go out to work at a similar age. The matter, I daresay, has already been before you, but to me it seems to be a very serious one and one which is likely to bring about more and more serious results. You have seen from the statement of Mr. Ngcobo that these boys are brought into the town in circumstances which are strange to them. There is no supervision or paternal control of any kind. They are subject to compulsion and are being made to join these Amalaita gangs. We do feel that the case of the adolescent youth requires special treatment and we would ask that the same liberty should be extended to an educated Native as to a European, but in the case of boys, these positions are not on allfours. Here you have to take into consideration the absence of control. We understand that there are regulations in existence which provide that, where boys are brought into town, the local Native Affairs Department can require that they shall be under the supervision of some senior relative, who shall be responsible for their wellbeing and conduct. We would ask you to see whether anything could be done in this matter, as the facts before us seem to indicate that there is no regulation in operation.

CHAIRMAN: That would assume that there is a senior relative here ?- Yes, and also that that relative would be prepared to undertake such supervision.

DR. ROBERTS: Is there any hope or outlook for a change in the method adopted in Durban with regard to the employment of boys as domestic servants?- Do you mean, that European employers refuse to employ boys?

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Anyway you like, or educate them to do so ?- Do you not think that, in a large number of cases, European employers, particularly housewives, in those households where large wages cannot be afforded, would naturally tend to employ boys?

I am sorry for the housewives ?- A small boy would offer his services to the housewife for 15/- per month and the wage of, perhaps, £2 for a man cannot be afforded.

CHAIRMAN: I understand that the Durban Corporation employs a man who is supposed to be a guardian for the boys who have no guardian here ?- I do not know anything about that.

(Mr. Mazingi): That is the first I have ever heard about it.

(Mrs. Sililo): I know the man you are referring to, but I do not know how he can be said to be acting as a guardian to the small boys coming in. I think he is just an induna out there where he is working. (Mr. Shepstene): He cannot be

regarded as a guardian under the Code. Probably he is in the capacity of a welfare officer. (Mr. Makulisi): I do not know him in any category more than as an ordinary Native attendant. He is only an attendant to persons who want to

see somebody and he brings them in. There is a special welfare office, but I do not know of anything more. This man is only an ordinary attendant there. (Mrs. Palmer): I

must say that I myself have employed small boys, because there is no alternative here. You cannot get girls from the age of 15 upwards and no question was ever put to me as to what they do for their recreation or even to make suggestions.

DR. ROBERTS: Now, if you have those villages which you have in your vision, surely the Native girls would come under this ?- I am afraid that is a long way off.

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Let us hope that it is not so very long ?- (No answer)

CHAIRMAN: Do the Natives here regard that man in the light of a guardian, to be in charge of the children ?-

(Mr. Mazingi): Not that I know of. I take it he is the man at the Native Welfare Office -----

His function seems to have become to direct Natives to go where they should go when they want to visit the Welfare Office ?- He cannot help in any way. He is an ordinary attendant and he only brings one into the office, that is all he does. (Mr. Mazingi): I am informed that this man attends to all the people coming in, so long as they are Natives, and to me it seems very strange how he could possibly be regarded as a guardian and, under the Code, it is impossible for him to be so regarded.

CHAIRMAN: Under the Code, the guardian must be a blood relative of the boy ?- Yes.

In a place like Durban where you cannot assume that all these boys will have blood relatives, how do you get over that ?- Yes, that is the difficulty which we are faced with. You have a considerable number of detribalised Natives in Durban and it is very difficult to find their guardians. (Mr. Mazingi): But now that the Corporation has appointed a Native welfare officer, could not that office be extended to cover all these boys so that all these juveniles could be looked after. (Mr. Webb): Surely, the best solution would be to press forward with a Native village and the boys would be under the guardianship of home. (Rev. Mr. Cotton): I have been waiting for the opportunity of saying something with regard to the new Native township and I wonder whether the

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Commission has not by this time come to the conclusion that this is long overdue, considering our many problems with regard to Native families. There are 120 houses, I believe, provided as married quarters, but we want 1,000 or more, considerably more, and I think the Town Council shewed a good deal of lethargy in this matter and indeed we got a letter complaining about these matters. We got a letter on the 17th March which I should like to read to you, but I would not like it to go into the public press. It is a letter signed by the Town Clerk of Durban, addressed to Mrs. Habel Palmer, hon. secretary of the Joint Council of Europeans and Natives, and this is what it says:- "Dear Madam, In reply to your letter of the 13th instant, suggesting that ^{the} ~~a~~ Joint Council of Europeans and Natives should be requested to make suggestions in regard to the new Native township, I have to state that the Council will be pleased to consider any suggestions which may be made by the Joint Council in the direction indicated. I have to explain, however, that at the present moment matters have not progressed sufficiently far to enable me to furnish you with any plans of the scheme, as the Council has hardly yet entered upon consideration of the methods in which the area is to be utilised. When the proper time comes, your Joint Council will have ample opportunity of expressing any ideas they may have, which may be of advantage to the scheme."

DR. ROBERTS Is that referring to the Clarewood scheme ?- Yes. Now, this thing has been going on year after year, but we get no nearer to actuality. In the meantime, you have all these distressing things going on, to which I have referred privately, and I think the evils will

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be minimised to a considerable degree if there were proper accommodation for the married people and for family life. I was wondering whether the Commission would help us in a sympathetic way by stressing that point in their report.

Are they not waiting for the fulfilment of this larger Durban? They have the bill there ?- I do not know. It seems to me that, if it were a commercial concern, they would have had it on the go long ago.

MR. MOSTERT: Can you tell me what acreage there is there ?- No, I cannot. It is a big estate. They have already considered two sites for a Native village, and they have turned them both down. There is plenty of room to consider another site. It is a big patch of ground.

DR. ROBERTS: About 30,000 acres ?- Yes, something like that. It belonged to the Wood family.

CHAIRMAN: Your evidence this morning has been that the general trend of policy should be in the direction of creating a permanent urban population ?- Yes.

And your objection now is that, as far as the work which the Durban Corporation could do towards that, is concerned, is rather going the other way ?- They are so slow about it.

MR. LUCAS: You are dealing with the question of delay ?- Quite so. We have some 38 to 40, thousand Natives in Durban and we have not got proper accommodation for them. We have not got sufficient married quarters and there is no provision for family life, except in those 120 houses of which I have spoken.

MR. MOSTERT: Have they decided in principle to put it there ?- Yes, in principle they have decided to put it on

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this Clarewood property.

CHAIRMAN: But actually Durban has made very little progress in applying the Urban Areas Act ?- Evidently.

(Mr. Mazingi): It is not applied in any way.

The real progress is nil ?- (No answer):

MR. LUCAS: I do not know which witness intends to deal with the question of the Industrial Conciliation Act, but I want to put a few questions on that. What I want is some assistance for meeting the difficulties which arise. Is your suggestion that the Natives should organize into a separate union and as such union become part of an industrial council ?- (Mrs. Palmer): Yes, my suggestion is that, as far as possible, that policy should be facilitated. At present, I understand registration is refused to Native unions and that, in particular, Native unions have been refused on the ground that they are not class unions. If such a union of unskilled labourers cannot be a craft union in any circumstances, the effect will be that a very large number of Natives will be affected. The greater number of Natives must be affected by that policy.

As I understand the Industrial Conciliation Act, there is no power to register a Native union whether it is for craft or unskilled outside the Cape ?- I am afraid I cannot deal with the details, but I have heard that particular objection raised that the I.C.U. could not be recognised or registered, with the result that its officials were at liberty to play about with its funds because it was not a craft union.

May I take it that your Council considers that Natives should have the right to organize to protect their own wage standard ?- They passed this resolution, which you see in

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the resumé of the points which we wish to put before you:-
"That the refusal of the right of collective bargaining to Natives is bound to diminish their bargaining power and keep down their wages and that, as soon as possible, the Industrial Conciliation Act should be made applicable to Natives, and that societies representing Native employees should be registered and their accounts properly audited."

That puts it at rather a different angle. What I want to know is whether your Council as a whole desires that Natives should have the right to organize into unions? - There is a considerable minority ---- you put me rather into a difficulty ---- there is a considerable minority which, I think, does not understand modern industrial conditions and they do not understand trade unions. The Natives are in favour of this and some of the Europeans are, too. I was astonished that they passed this resolution so easily, but they did.

I was wondering if you could give us any assistance as to what detailed alterations you thought were necessary? - First of all, could not the Industrial Conciliation Act be made applicable to pass-bearing Natives?

That would have certain results. You probably would have to have a separate union for Natives, separate from the Unions for Whites. In the trades in which there were White and Native employees, you would have to have two unions and the constitution of the Industrial Council would have to be altered? - I am very doubtful about separate unions, I do not like it, but I understand that the Indians are now admitted to the Printers' Union here and I believe that the position is working well. A joint council was set up to deal with any unemployment and I was astonished to find that, if we

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want a representative of the Indian Printers' Trades Union, we have to apply to the White Secretary of the Printers' Union.

DR. ROBERTS: Do you not think that there is considerable advantage in having separate unions ?- At present, I think it is desirable. In the first place, because of social difficulties. I think it is desirable that the Native should present his own case, but the difficulty will be that it will almost certainly mean segregation of employment and it may set up another colour bar. It would be difficult to have a union of European shoemakers and of Native shoemakers, - each of them initiating different points with the employers.

MR. LUCAS: That was one of the difficulties which I was wondering whether you could help us about. Another difficulty is this, In an industrial council on which Natives and Europeans are represented, how can we provide for the case of the wishes of the Whites prevailing, say, over the wishes of the Natives, or the other way round ?- Would not the organization of the railwaymen in England help you to some extent? They had an elaborate trades union there, providing for craft representation and so on, so that the interests of the clerks would be represented as against the interests of the enginedrivers and so on. It is one of the subjects which, I think, requires further study. I think at present concurrent unions and joint committees to determine a common policy would be best.

Now take this, which is a common thing and it has happened - that the White employees have joined with the White employers to agree to cut down wages which were prevalent for Natives, so as to get higher wages for the White employees

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in certain occupations. If you have in your joint councils Europeans representing one class of occupation and Natives representing another class of occupation, can you suggest a way of protecting the Natives from being beaten by the joint vote of employers and employees ?- Could you not give a veto and say no policy shall be adopted unless -----

Yes, but that would stop all progress ?- That is so, but it is better to have some policy than none.

We know that the Natives say that they would prefer the application of the Wage Act rather than the Conciliation Act ?- Yes, I know that. I want to draw special attention to this last point. There are numbers of Native societies springing up all over now.

CHAIRMAN: Are you referring to the desirability of auditing all accounts ?- Yes. Whenever you have unregistered trade unions, there is always difficulty about funds. That is the point which forced the registration of trades unions in England. Natives are notoriously incapable of dealing with money and, if you leave this matter, you are sure to have difficulty later on. (Mr. Makalisi): I only want to say this, that each union should be allowed to register.

And audited ?- Yes.

MR. LUCAS: Any honest Native will not object to auditing ?- There will be no objection at all. (Mr. Makalisi): They should be compelled. All organizations for Natives should be under some regulation compelling them to submit their books for auditing by Government officials, in the interests of the Natives themselves. 2281

AT 1.5 P.M. THE COMMISSION ADJOURNED UNTIL 9.30 A.M.
ON TUESDAY, APRIL 7th.
