The Secretary,
Native Economic Commission
P.O. 384,
PRETORIA.

NATIVE ECONOMIC COMMISSION.

with reference to circular 64/276/4 of the
21st ultimo, from the Secretary for Native Affairs, I beg to
report as follows:—

1. This report deals with the Carnarvon district
only. I have been stationed here as magistrate
for this district since 14th February, 1929, and
am still officiating as this capacity.
Previous to my present appointment I was Asst.
Magistrate at Dundee, Natal, where I had consid-
erable experience in Native Administration
and Court work.

So far as this district is concerned, there
are no Scheduled Native Areas or Locations. The
Natives and Coloured races have become so inter-
mixed that to specifically deal with the one
as distinct from the other would be almost an
impossibility. There are very few pure Natives
left in this area. The Natives and Coloured live
together, have the same mode of living and be-
long to the same Church, viz the German Mission.
Officially therefore, they are treated alike and have the same privileges and advantages according to European standards. The children of both Natives and Coloured attend the same school which is under the supervision of the Rhenish Mission Society, and as far as these coloured races are concerned every effort is being made to have the children properly educated and their status in life raised.

It is practically impossible to answer all the questionnaires categorically under the different headings, but I propose furnishing you with a brief and general outline of the Native position in this district so far as I am acquainted with the position.

2. LAND TRANSACTIONS AFFECTING NATIVES.

In dealing with the extent of land now occupied by Natives in this district it is necessary to explain how they actually became in possession of it. There are a few Natives who own land in what is now called the Outer Communage of Carnarvon, a few own erven in the town of Carnarvon.

During the early part of the nineteenth century about 110 Native families were given a grant of 100,000 morgen in extent, in what now forms the centre of the Carnarvon district. This formed a communal reserve in which all rights of grazing, etc. were held in common, and acted as a buffer settlement between the Bushmen of the Kalahari, and the Europeans to the South and East. The Natives settled down in a village called Harmafontein, now Carnarvon and each head of a family possessed a common grazing right over the 100,000 morgen - Subsequently when the Europeans came to settle at Carnarvon, as traders, and acquired certain rights in the Communage in payment of debts incurred by the Natives it was considered necessary to lay out a Township, and the original grant was divided into two portions, the one portion in extent about 14,000 morgen
14,000 morgen being set apart for Erfholders in the village and was called the Inner Commonage, whilst the remaining extent was called the Outer or Reserved Commonage of Garners- 
von, on which the grazing rights were held. Each original Erf then carried with it the grazing rights over the balance of 36,000 morgen which the owner held in common with the rest of the Native community. In 1892 the Management of the affairs of the Outer Commonage was placed in the hands of a Committee, and this resulted in each owner of an original Erf being given a piece of ground or Opstal of 54 morgen on the Outer Commonage as his private property, in addition to the grazing rights which he still held in common with the other remaining Erfholders.

After a lapse of years the majority of the 110 Opstallen, with their grazing rights, gradually passed into the hands of Europeans together with the erven in the Town of which the Natives were once the proud possessors. The result being that only two Native families own one whole Opstal each and a few others half an Opstal each, in all about 540 morgen plus the grazing rights over the unoccupied portion of the Outer Commonage. In 1926 Act 17 was passed, providing for a sub-division between all the Opstal holders, both Europeans and Natives of the grazing lands, this sub-
division has not a finality, and owners are awaiting their deeds of grant. The only land owned by Natives in this district is approximately 7500 morgen, which will be added to the 540 morgen of which they hold Title Deeds.

The Natives who are at present registered owners are not disposed to sell their land, and are most anxious to remain in possession.

Great difficulty was experienced during the past year with regard to Natives who were illegally squatting —
squatting at Schiefflenstein, on the Outer Commonage, these people were obsessed with the idea that because their fore-
 fathers once owned the land, they had a right of occupation. Every effort was made to enlighten these Natives, but they could not be persuaded and persisted in their attitude of passive resistance. It was only after the law was in motion, and after conviction of several of these Natives, that the land was cleared of these trespassers. So far as I know not a single native lost his land or money after payment of a portion of the purchase price.

The land owned by these Natives are not overstocked nor have they been cultivated to any great extent. Some of the Natives own Sowing Lots on which occasionally small crops of wheat are raised, but the great majority of the Natives are indolent and unprogressive and are gradually sinking into poverty. Most of the holdings are heavily mortgaged and owners are falling into arrear with their interest.

They possess a few sheep and goats of various types, no thought is given to the future and their debts do not appear to worry them until they awaken to the fact that they are sold up by the bondholders. This is the reason why the number of native owners has dwindled away to the present, and I think it is safe to predict that the next 5 years will probably see all the Natives ousted from their land.

3.- No natives purchase land during the last 10 years.

4.- There is no tendency for land held by Natives in frehold to be sold to Europeans, these Natives will not sell, but will eventually be sold up.

5.- Use of Land held by Natives vide para 2.

6.- Recruited Native Labourers.

No recruitment of natives takes part in this district, on contracts.
7 - Does not apply to this district.

Masters and Servants Act.

8 - 3 Cases tried in this Court in which 1 employer of Native and 2 Natives were charged with offences under the Masters and Servants Act.

9 - The working of the Act so far as this District is concerned is satisfactory.

Crime committed by Natives.

10(a) No much crime committed by Natives in my District.
(b) Does not apply.

Poor Relief for Natives.

11(a) There is provision for poor relief for Natives in this District. Pauper rations are issued to the aged, and infirm only, from Provincial Administration funds.

Sanitation

12 - There is sufficient sanitary accommodation for Natives attending my Court and Offices, consisting of one lavatory which is adequate.

Shelter for Natives at Courts

13 - There is suitable sitting shelter provided for Natives attending my Court and Offices.

General

14 - The general questionnaire has not been received, but will be replied to on receipt.

15 - Does not apply.

16 - No.
SCOPE OF STATEMENT.  
1. (a) Willowvale District.  
   (b) As Magistrate and Native Commissioner.  
   (c) For a little over two years.  

The District is 537 square miles in extent with a native population of between sixty and seventy thousand. It is a coastal district, well wooded and watered, and with an annual rainfall of about 45 inches (average for last two years). The soil is very fertile.  

There are approximately 90,000 head of cattle and 187,000 small stock in the District.  

2, 3 and 4. Apart from trading stations and the village area, Europeans own no land in the district. The whole of the district is a scheduled Native area, except for the Village Commonage. There is one native owned farm and it is leased to an European.  

5. The locations are communally occupied.  

6. (a) A contract of 120 shifts normally involves seven months steady work, while one of 270 shifts takes eleven months.  
   (b) Sickness is the main factor in prolonging the period of employment.  
   (c) The average earnings of Natives from this district on a 270 shift contract on the Rand are approximately £30, but from this amount must be deducted the cost of transport to and from the goldfields of £4,6,9 (which includes food allowance). In addition a labourer will require probably three pairs of boots during his contract, which, at 9/6 a pair, cost him £1.6.0, leaving a balance of £24,7,3; or £2.4.3 a calendar month.  

There is in addition, an advance of £3 made to each labourer before he leaves and this is almost invariably spent many months before departure.  

In the case of natives who go to work under the deferred pay system the amount paid out on their return averages about £17.  

7 (a) The question of a Government Labour Bureau is entirely without interest to the Natives of this District, except that any possible increase of wages would, of course, be welcomed.  

Out of a total of some 4800 Natives who left the District to work elsewhere
elsewhere during 1930, only 693 were recruited. Of the total number of labourers 3677 went to the goldmines on the Witwatersrand.

The average capitation fee paid here is roughly £2 (it varies from 30/- to 42/6 for a 270 shift recruit), and if the capitation fees were saved, this would give an amount of £1386 for division among 3677 labourers.

There are no labour agents recruiting for other industries.

(b) It is difficult to estimate the effects of the Government Labour Bureaux, but it is reasonably certain that were the Government to provide facilities for Natives to go to work, there would be a steady decline in the number who at present go forward voluntarily. The latter would naturally cease to borrow money with which to pay rail fares etc if they could obtain Govt. assistance, and in time the Bureaux would involve considerable expense to Government without providing any commensurate benefit to the employers. I do not think there would be any increase in the output of labourers.

(c) I have no experience of such a system.

8. (a) No Europeans were charged.
   Seven natives were charged.

9. I have no comments to make in so far as this District is concerned.

10. (a) Apart from faction fights and assaults, there is little serious crime in the District. During the year 1930, 1007 criminal cases were tried.
   (b) Beer drinking and a lack of parental control are the only factors.

11. (a) Two natives in this District are in receipt of pauper relief from the Cape Provincial Administration. In addition a number of probationally discharged leprosy patients receive small sustenance grants from the Public Health Department.
   (b)(c)(d) There is no call for additional poor relief.

12. (a) An earth closet (pail) and urinal are provided.
   (b) Adequate.

13. There is a small shelter but it is wholly inadequate.
NATIVE ECONOMIC COMMISSION.

With reference to Native Affairs Identical Minute No. 64/276(4) of the 21st. ultimo, I beg to report as follows on the Questionnaire for Magistrates and Native Commissioners No. N.E.C. 57/2.

1(a) District of Montagu being dealt with.

(b) Where I have been stationed as Magistrate for the last 4½ years.

2. Land Transactions affecting Natives.
   Not applicable to this district.

3. No Natives have purchased land in this district.

4. Not applicable to this district.

5. Use of Land held by Natives.
   No land held by Natives in this district.

6. Recruited Native Labourers.
   No Native labourers are recruited in this district.

7. A Government Labour Bureau is not required in this district.

   No cases were tried in this Court during 1930 in which (a) employers of Natives (b) Natives, were charged with offences under the Masters and Servants Act.

9. See reply to No. 8.

10. Crime...........\.
There is hardly any crime committed by Natives in this district.

11. Poor Relief for Natives.
This is given to two old Native males; it is needed by them and is supplied on the scale of 8 lbs of mealie meal, 3½ ounces of salt and 7 ounces of fat each, weekly.

Natives coming to this Court may use the urinal and closet provided for coloured persons. It is adequate.

13. Shelter for Natives at Courts.
No waiting-shelter is provided for anybody attending my Court and offices. Waiting witnesses usually sit under the Court Room verandah.

The general questionnaire referred to has not yet been received.

15. See reply to No. 14.

Eight copies of statement herewith.

R/S.

MAGISTRATE.
The Secretary,
Native Economic Commission,
P.O.Box 384.
PRETORIA.

NATIVE ECONOMIC COMMISSION.

With reference to Native Affairs Circular No. 64/276(4) of the 21st January 1931, I beg to reply to the questionnaire as follows:-

1(a) Philipstown C.P.
(b) Magistrate.
(c) 13 months

2. No, nor ever likely to. This is a Karroo district largely dependent on Hottentot labour.

3. No.

4. Nil.

5. None owned by natives.

6. No natives are recruited from here.

7. Very few natives live here permanently.

8(a) Nil
(b) One.

9. Difficult to give any views as very few cases are brought before this Court under the Act.

10(a) No.
(b) Only a few native beer-drinking cases.

11(a) Yes. (b) Pauper rations. (c) Only by elderly natives who have no relatives to support them. (d) Supplied on the Provincial Administration scales.

12. None. The Municipal ones are not too far off and quite adequate for the little Court work done here.

13. No. They shelter under the verandah during rainy days.

16. That the system of Native Commissioner's Courts under the Native Administrative Act be extended to all parts of the Union.

This could be quite easily achieved by conferring Jurisdiction to areas instead of districts, e.g. the Magistrate at Jagersfontein, O.F.S. could be Native Commissioner for the area Fauresmith, Trompsburg, Edensburg, Reddersburg and Philippolis and the Native Affairs clerk of his court could at the same time collect all the mining boys' Poll tax.

The/
The natives in the Thaba 'Nchu area are charmed with the system and there is not the slightest doubt that the natives in the rural districts of the Union will only be too pleased to have this system extended to them as well and will think nothing of walking or travelling 30 to 40 miles as long as they can attend a Court where their customs and usages are recognised and where the dreaded European civil machinery can be obviated.
1. (a) Worcester. (b) Magistrate. (c) 17 months.
2. 2 to 7 inclusive. Do not apply to this District.
3. NIL.
4. Does not apply to this District.
5. Very little crime but there have been several instances where large quantities of dagga were imported into this District by natives from the Free State.
6. (a) No special Poor Relief, except the ordinary pauper relief as applicable to coloured persons.
   (b,c,d.) No native paupers, only one old male on the roll.
7. (a) Sanitary accommodation only for coloured & native males, which however could be utilized by females under supervision, in cases of urgency.
8. There is no waiting-shelter for either European or non-Europeans attending Court and Offices, except the main front verandah which is rather small.
9. GENERAL: The local Municipality has put off indefinitely 70 odd the question of removing the/natives from the coloured quarters in the town and establishing a proper Native Location under the urban Areas Act, a step which is to be regretted in view of the trouble here existing during 1930.
Office of the Magistrate,
BREDASDORF,
28th January, 1931.

The Secretary,
Native Economic Commission,
P.O.Box, 334, Pretoria.

Questionnaire re Natives: Bredasdorp District.


2. Land Transactions Affecting Natives. No European individuals or Associations have been consulted about purchase by Natives of land in this district.

3. No land purchased by Natives.

4. No land held by Natives.

5. Has of land held by Natives. There is no land held by Natives.

6. Recruited Native Labourers. No Natives recruited in or for this District.

7. No necessity for Labour Bureau.


11. Poor Relief for Natives. No, and not required.

12. Sanitation. None and not required.


14. General. This is purely a European District, there are only a few Natives who have come into this District looking for work and are working on farms and a few at Bredasdorp Mine Works. Mostly they remain for short periods and then return to their homes in other parts.

The foregoing is a correct statement to the best of my knowledge and belief.

Magistrate.
Magistrate's Office,
SOMERSET WEST.
2nd February, 1931.

Native Economic Commission: Questionnaire for Magistrates and Native Commissioners.

LAND TRANSACTIONS AFFECTING NATIVES.

There have been no land transactions affecting natives in this district.

(a) District dealt with: Somerset West
(b) In what capacity: Magistrate & Native Commissioner
(c) For how long stationed: 15 months

USE OF LAND HELD BY NATIVES.

There is no land in this district held by natives.

(a) District dealt with: Somerset West
(b) In what capacity: Magistrate & Native Commissioner
(c) For how long stationed: 15 months

RECRUITED NATIVE LABOURERS.

Native labour employed in this district is of a casual nature only except in the case of the Cape Explosives Works where an average of 100 natives are employed.

They are usually engaged for a period of 1400 and at the expiration of that period there is a further agreement for continued employment if the native is agreeable and suitable.

The nett earnings per calendar month per native is about £4-10-0.

No notice is made of any Labour Bureau advances and I do not think that this is desired either by the Company or the natives.

(a) District dealt with: Somerset West
(b) In what capacity: Magistrate & Native Commissioner
(c) For how long stationed: 15 months

Masters/...
MASTERS AND SERVANTS ACT.

Cases tried in 1930 -

(a) Nil

(b) Nil

There are so few natives employed in this area that it is impossible to form any opinion.

(a) District dealt with Somerset West

(b) In what capacity Magistrate & Native Commissioner

(c) For how long stationed 15 months

CRIME COMMITTED BY NATIVE.

(a) There is very little crime committed by Natives in this district. There have been several convictions for being in possession of Intoxicating liquor and dagga and there have been a few cases of crimes of violence resulting from the use of liquor and dagga.

(a) District dealt with Somerset West

(b) In what capacity Magistrate & Native Commissioner

(c) For how long stationed 15 months

POOR RELIEF FOR NATIVES.

There have been no applications for poor relief made by Natives. No distinction would be made between European, Coloured and Natives in dealing with any applications received.

SANITATION.

(a) Natives make use of the sanitary accommodation provided for the coloured people.

(b) (a) District dealt with Somerset West

(b) In what capacity Magistrate & Native Commissioner

(c) For how long stationed 15 months

SHELTER FOR NATIVES AT COURT.

The natives make use of the shelter provided for coloured people when attending Court and Offices.

(a) District dealt with Somerset West

(b) In what capacity Magistrate & Native Commissioner

(c) For how long stationed 15 months
GENERAL.

The General questionnaire referred has not been received.

(a) District dealt with
(b) In what capacity
(c) For how long stationed

Somerset West
Magistrate & Native Commissioner
10 months

Magistrate.

[Signature]
The Secretary,
Native Economic Commission,
P.O. Box 384, Pretoria.

QUESTIONNAIRE.

With reference to a questionnaire from the Secretary for Native Affairs, I beg to state, as far as this District is concerned:-
1. That I have been stationed here as Magistrate for 15 months.
2. No land has been purchased by Natives in this District.
3, 4, and 5. Vide No. 2.
6. Natives are not recruited for employment in this District.
7. Very few Natives are employed on farms. There are a few in the employ of the Divisional Council and of the Forest Department. There were some at the Whaling Station, Hangklip but that has been closed down temporarily.
8. Nil
9. No difference is made in this District between Natives and Coloured persons in so far as wages and treatment is concerned under the Masters and Servants Act.
10. The Natives are singularly law abiding. Numbers of them pass through this District looking for work, but have not been known to commit offences.
11. There is provision for supplying pauper rations to Natives and a scale has been laid down. It also applies to coloured people. No distinction has been made. Up to the present no application has been made to me for this relief.
12. There being no natives, no special provision is made.
13. The same as is provided for coloured persons.
14. I have had very little experience of Natives and am therefore unable to give any information that will be of assistance to the Commission.

[Signature]

MAGISTRATE R.
Questionnaire completed by CHARLES ARTHUR BUDD, Magistrate and Native Commissioner for the district of HERBERT, Cape Province, whose previous record in the Public Service is as follows, viz:—

Magistrate's Clerk at ENGCOBO (1898-1900) for 2½ years; (In the Transkeian Territories)

F., , , , , , lar... Department of NATIVE AFFAIRS, Capetown, for 1 year;

Distant Magistrate at PORT ST.JOHN'S (1904-1907) for 3 years; (In the Trans-

MOUNT FLETCHER (1907-1913) for 1½ ; (keian Ter-

INDUYWA........ (1919-1921) for 2½ ; (teries...)

Then a total length of service in the Native Affairs Department of 23 years.

SCOPE OF STATEMENT.— The subjoined data concern the district of HERBERT, in the Cape Province, of which district your informant is the Magistrate and Native Commissioner where he has been stationed for seven years.

LAND ACQUISITION TRANSACTIONS AFFECTING NATIVES.— 2. (a).—I am not aware of any European individuals or Associations having been consulted about the proposed purchase by Natives of land in the Herbert district, so that (b) and (c) thus fall away.

3. (a) and (b).—I know of no such instances in the Herbert district to which this question alludes.

4. (a) and (b).—There is no freehold land in the Herbert district held by Natives.

USE OF LAND HELD BY NATIVES.— 5. (a), (b), (c), and (d).—There is no land in the Herbert district held by Natives in individual tenure or as syndicates.

RECRUITED NATIVE LABOURERS.— 6. (a), (b), and (c).—No licensed recruitment of Native labourers obtains in the Herbert district, and for this reason questions 7. (a), (b) (i) and (ii), all fall away.

(c) I know of no such method of getting labourers as that quoted having been tried anywhere.

MASTERS AND SERVANTS ACTS.— Of the cases tried during the year 1930 in the local magisterial Court eleven Natives were charged with offences under the Masters and Servants Acts, but no employers of Natives were similarly charged in respect of that period.

9. (a).—I have no remarks to offer in this connexion except to observe that generally speaking, the Natives prefer the compound-system of living associated with their employment as labourers to other social and economic arrangements. (b).—The Masters and Servants Acts appertaining to the
Cape Province require to be consolidated and amended. The legal definition of "servants" is not sufficiently elastic - e.g., a mining labourer is not a "servant" for the purposes of the Masters and Servants Acts.

CRIME COMMITTED BY NATIVES.- 10. (a).- There is very little crime committed by Natives in the Herbert district, and (b) starvation and poor wages are the principal factors to which local crimes are generally speaking attributable.

POOR RELIEF FOR NATIVES.- 11. (a), (b), (c), and (d).- Poor relief for Natives in the Herbert district is provided for by the Cape Provincial Administration, and the needs in this connexion are those of food which is supplied to paupers on written orders issued by the Magistrate for execution by the various general dealers whose shops are nearest to and most conveniently situated for the pauperous Natives concerned.

SANITATION.- 12. (a) and (b).- Sanitary accommodation for Natives attending Court is not in existence in respect of the magisterial and also the two Periodical Courts situated in the Herbert district.

SHELTER FOR NATIVES AT COURTS.- No suitable waiting-shelter is provided for Natives attending the magisterial Court and offices at Douglas in the Herbert district.

GENERAL.- 14.- Yes if possible. 15 and 16.- No remarks.

Magistrate's Office, (Signed) C. A. BUDD. Magistrate and Native Commissioner.

DOUGLAS. (Herbert).

16th February, 1931.
REGISTRAR'S OFFICE,
GOLDENBERG,
FEBRUARY 6TH 1931.

The Secretary,
Native Economic Commission,
Box 3314,
PRETORIA.

NATIVE ECONOMIC COMMISSION;
QUESTIONNAIRE TO REGISTRAR
AND NATIVE COMMISSION.

In terms of instructions conveyed
by minute dated 21st ultimo, from the Native Affairs
Department, I beg to give replies to the questionnaire
below. The general questionnaire referred to in
paragraph 14 has not yet been received.

(1)
(a) Goldsbury.
(b) Magistrate.
(c) Nearly four years.

(2) (3) (4)
Lands transactions affecting Natives.

There have been in the past no sales of
land, by or to Natives, beyond small plots
for homesteads in urban and semi-urban areas.
It is presumed the question refers to farm
land only.

(6)
There is to my knowledge no recruitment in
this district of Natives for the mines or
any other industry.

MASTERS AND SERVANTS ACT.

(8) Number of cases by Natives against Employers, 1939, nil.

(9) (a) Number of cases by employers against Natives, 1939:

Fare Native: 10
Sotacot type 6

(b) The Cape Masters and Servants Acts are very
old and are not too satisfactory. The penalties
are not sufficient to act as a deterrent in
minor offences. The only offence where there
is any scope in this respect is desertion.
I am glad that cases are few, and in this and
other similar districts prosecutions are not
resorted to by the best type of farmer who

usually/........
usually dismisses his servants if they become so dissatisfied as to cause trouble on the farm.

The Colesberg District and other Karoo districts where I have been are fortunately not noted for excessive native crime. Stock thefts are probably less than before farming became general. I am usually careful to satisfy myself that Natives have been properly fed, in cases where they are charged with stock theft, but I only remember one case, say ten years, and this was in a district in the North West where there was clear proof of underfeeding. The remark is sometimes passed that Farmers do not treat their natives properly, but my experience has been otherwise.

Kafir Beer leads to a good many prosecutions. The Colesberg Municipality has taken up a narrow-minded attitude and refused to allow any beer whatsoever in the location. Severe penalties have however, checked illegal manufacture. Cases from the country seem to be mostly at the instance of the Police. Farmers frequently pay quite large fines to release their own natives if caught making beer without permission, although if strong representations are made by the employer as to good character and there is evidence of violence, I endeavour to make the fines as small as possible. The disproportion between fine and alternative imprisonment makes it difficult to deal satisfactorily with these cases.

Poor relief is given in the form of rations but the number of cases is very few. Applications are usually only from a few aged natives, who happen to have drifted away from their relatives.

SANITATION AT COURT AND OFFICES.

There are no special closets for natives. The Gaol is near by. The urinal beyond the Offices would be available if needed. Natives attending court, merely as spectators, usually come from the location half a mile away. The provision of a closet behind the Court house for use of natives would appear to be desirable, but as it would very seldom be required, the additional expenses can hardly be justified.

No special waiting shelter is provided or needed. Rain is only occasional and the natives usually squat in the open space opposite the Court house, while waiting for cases.

General questionnaire still awaited.

I think the native tax is a hardship on local natives, or alternatively on the farmer employer who/....
who often pays on their behalf. While I do not wish to question the advantages provided by the Act, farm natives, especially those domiciled in the district with no rights in Native Territories, obtain no benefits whatsoever, as far as is self-evident, from the money collected from them. I think a native bona-fide working on a farm and having no individual or communal tenure of land in a Native Reserve should be exempted from this tax. Native children in the urban areas can go to School, but what chance have native children living on a farm of getting any education?
CLANWILLIAM, 10th February, 1931.

The Secretary,
Native Economic Commission,
P.O. Box 384, Pretoria.

Reply to Questionnaire from Native Affairs Department.

With reference to Identical Minute No. 64/276/4 of the 21st January, last, from the Secretary for Native Affairs I beg to report as follows:

SCORP ON STATEMENT.

1. I propose to deal with Harrismith O.F.S., where I was Acting Magistrate from May to July, 1926 and October, 1927 to January, 1928; and Assistant Magistrate from May, 1926 to October, 1929.

2. (a) n.a.
(b) n.a.
(c) n.a.

3. (a) n.a.
(b) n.a.
(c) n.a.

4. (a) n.a. There is no land held by natives in this district.

USE OF LAND HELD BY NATIVES.

5. (a) (b) (c) (d) n.a.

RECRUITED NATIVE LABOURERS.

6. (a) n.a. There are very few natives in this district. I know only of 2 or 3 employed on the Government Forest at Algeria at a satisfactory wage, one on a private farm, and about 40 by the Lamberts Bay Canning Company. These 40 earn 3/6d p.d. receive free quarters and medical attention. They are excellently treated and are happy and contented.

7. (a) n.a.

MASTERS AND SERVANTS ACT.
9. (a) In my opinion extending over a period of 29 years experience of the Masters and Servants Acts I consider this Act should be abolished as the onus of disintegrating any difference between Masters and Servants rests solely on the poor unfortunate Magistrate, who, in 99% of the cases has to divine who is the better liar. I use the word advisedly because in no cases is perjury more prolific or rampant. It invariably results in a neck and neck race between the Master and the Servant to see whom can reach the Police charge Office first to lay the complaint. The master having either a motor car or animal transport passes the post first, and lays the charge; Johannes the poor unfortunate “also ran” is told on his arrival that his master has obtained a warrant for his arrest.

I honestly think the Masters and Servants Act an iniquitous one. It served its purpose half a century ago, like the oxwagon; but times have changed and are changing rapidly and if we desire to travel by car and keep pace with the fast moving times, I submit the native also is entitled to move in the same tempo.

Legally it is a contract of letting and hiring of services and therefore a civil one which should be settled by a civil remedy. I know of numerous instances where masters have systematically and with mathematical precision prosecuted their servants for the sole purpose of securing witness expenses to defray their hotel bill whilst in town on their other private matters.

I submit the following for serious consideration by the Commission:- (1) That a contract be entered into by each and every master and servant before a magistrate or Native Commissioner and that such contract be reduced to writing. One copy thereof to be handed to the master, one to the servant, and the triplicate filed of record in the magistrate's or Native Commissioner's office. This will dissipate an enormous amount of
of cheating, and the uneducated native will have more chance of securing a square deal.

(2) That no witness expenses be paid in these cases.

(3) That a servant be paid only in coin of the realm, monthly, and at no other period unless he be a daily paid labourer, when he shall be paid daily.

If any other terms of payment are made they will lead to verneukery. A native shall not be paid in kind i.e. clothes, food, or any other method than in cash. My experience is that often clothes, food, lands, grazing, and quarters are agreed upon and when the day of reckoning comes there is dissatisfaction and the race to the Charge office.

I do not say the native is not often to blame, but I maintain, that given fair wages, fair treatment, and a modicum of compassion there is no need for the Masters and Servants Act.

In our family we had one family working for us 37 years, and other natives worked for my relatives for 2 to 3 generations.

In the district of Harrismith I experienced the most appalling treatment of natives. Assaults with sjamboks were frequent, occasional cases of firing on natives without just cause, or provocation, and cheating them out of their wages occurred often. As a rule a family was engaged to work on a farm. The father had to assist when required to plough, sow, cultivate, and reap during a yearly contract, for which he was allowed to squat and receive grazing for his stock and a small piece of land was allotted to him to plough sow and reap for his own benefit. That was his "wages". The mother had to do the laundry for which she received food only on the working days. The daughters worked in the house as domestics for from 2/6 to 3/6d per month food and clothes; such as the master thought fit to give. A blanket was often purchased or a pair of boots, trousers, shirt, jacket, or overcoat at the servant's request and deducted from the wages but there was invariably a complaint that the price demanded from the servant exceeded the actual cost of the article, and it left a suspicion in the mind of the judicial officer that
that the servant was being exploited. The sons had to work as
general labourers all the year round at 10/- p.m. Shortly before
the contract expired there arose a difference of opinion and the
father was told to leave and naturally forfeit his crops, or if
there was a "mis-ces"—a poor or no crop—he was the loser. The
father was given his "trekpas"and told to get off the farm
as soon as his feet could move him. He is then like a piece of
flotsam and at everyone's mercy. Left stranded what was there
now but hunger and want with the scene closing on a charge of
stock theft. The next phase is a civil action for damages in-
stituted by the servant against the master and of course the
master who has brought all his family to testify as to his ver-
acity as against Johannes's wins the case and there you are,
Johannes's stock, what is left of it, is sold to defray legal
costs and the poor devil just has to bow to the inevitable and
start all over again.

I have seen well-to-do farmers in the Harrismith district
come into town in the winter with a five-seater car all closed
in. The master and his wife were all protected from the cold
by having the flaps and screens up, but the unfortunate native
boy or kindermeid had to hang on as best he or she could to the
running board or sit inside the spare rim at the back.

The servant apparently was good enough to work in the house
on the farm but too filthy to be accommodated in the car en
route to town to evade the icy draught.

On another occasion a patriarchal old gentleman requested
me in the most concerned and honeyed tones to send the district
surgeon out to his farm to attend a sick native, at Government
expense, in his employ. He remarked that the faithful old boy had
been many years in his service and if ever a person was entitled
to medical assistance that boy richly deserved it. His appeal
was so convincing that it would have warbled a bird off its
perch, but immediately I stated that the expense must be borne
by him as the boy's master the venerable Christian immediately
cast aside his charitable speech and said "Dan kan die ou bobber
Bogger maar vrek". I quote the identical words used. They were indelibly fixed in my brain as the old man had changed so suddenly in his conduct that it left me limp.

This is the trend of the regard the majority of Europeans have for the native in this country and until that is eliminated I fear the native will never get a square deal and that is what makes the native distrust and lose respect for the majority of white men. This is my reason for so strongly feeling that the Masters and Servants Act should be scrapped for in its present cast it is too one-sided.

CRIMES COMMITTED BY NATIVES.
10. (a) Nothing to take any notice of. An occasional assault of a Cape Coloured over liquor or women.

(b) As I said above.

POOR RELIEF FOR NATIVES.
11. Yes but very little. All I receive from the Provincial Administration is £200 p.a. for the alleviation of distress to white, coloured and native. This is expended to the last penny and some have to go in want. Formerly I had £248 p.a. but owing to the depression it has been cut down.

There are Natives unfortunately excluded from the operation of the Old Age Pension Act though they pay £1 p.a. Native Tax which no poor white does in any province.

SANITATION.
12. (a) Nil.

(b) At the new public offices to be handed over in about two months time two closets and a latrine will be provided which will be adequate.

SHELTER FOR NATIVES AT COURT.
13. Nil. A shelter has been provided at the new offices but it has no ceiling and the heat where it is situated between the European and Native closets is terrific in summer.
1. I am dealing with this matter as Magistrate for the District of Robertson. I have been stationed here eighteen months.

3, 4 & 5. The Native population in this District is extremely small. At the 1921 Census there were 95 males and 30 females (urban and rural). There are very few Natives permanently resident in the District - the population is largely a floating one. At present there are a number of Natives employed on the erection of a bridge over the Breede River but as soon as that is completed they will leave for pastures new.

This is an agricultural District and the Native is not popular with the farmer for that work. A few are employed with the dairies but for general farm labour the Coloured labourer appears to be more popular. If any irrigation works are being constructed the Native is employed but he leaves when the work is completed.

No ground is held by Natives in this District. Land is far too expensive and the Native could not pay the price. I have not heard of any Native having purchased ground and losing it through inability to complete payment.

As far as Natives and the land question is concerned this District need not be considered.

6 & 7. Recruited Native Labourers.

Not applicable to this District.


There were no employers of Natives or Natives charged under the Master and Servants Act during the year, 1930.


Crime by Natives is practically nil in this District.

11. Poor Relief.

There is only the ordinary pauper rations open to..............
to the Natives. At present there is one Native in receipt of Rations.


There is only the accommodation provided for the general public.

13. Shelter for Natives.

There is no shelter and none is required.

MAGISTRATE.

11 FEB 1931

ROBERTSON
MAGISTRATE'S OFFICE
The Secretary,

Native Economic Commission,

P.O. Box 394,

PRETORIA.

NATIVE ECONOMIC COMMISSION : REPLIES TO QUESTIONNAIRE.

In compliance with Identical Minute No. 64/276(4), dated 21st January, 1931 from the Secretary for Native Affairs, I beg to state as follows :-

1. (a) I am dealing with Steytlerville District.
    (b) In my capacity as Magistrate.
    (c) Six months.

2. Not applicable to this district.

3. Natives do not own farms or plots in this district. Only a few of them own seven within the Municipal area of Steytlerville.

4. No.

5. Not applicable to this district.

6. Not applicable to this district.

7. Not applicable to this district.

8. (a) Nil.
   (b) 11.

9. Miscellaneous remarks committed by The Act seems to work all right in this district. Thus far I have heard no complaints.

10. There is not much crime committed by Natives in this district.

11. (a) Yes.
    (b) Rations are issued to indigent Natives.
    (c) & (d) Very limited extent.

12. (a) No sanitary accommodation exists for Natives attending my Court. Such accommodation is not considered necessary as there is not much Court work here.

Reply to Questionnaire for Magistrates and Native Commissary

Scope of Statement:— The District of Cudhsoorn, C.F., is dealt with by me as Magistrate at which station I assumed duty on the 1st April 1930 having been previously stationed at Beaufort West, C.F., from August 1926 to date of assumption of duty at this station.

Land Transactions affecting Natives:— No Natives have to my knowledge either here or at Beaufort West endeavoured to purchase land.

As far as I am aware there are no Natives holding land in Cudhsoorn or Beaufort West District but I am aware that there were some wholesale land in the District of Uniondale, C.F., during the time I was stationed there from 1922 to 1926 when I went to Beaufort West.

Use of Land held by Natives:— see para. above

Recruited Native Labourers:— There are none here nor were there any at Beaufort West during my tenure of office there.

Masters and Servants Act:— The reply to No. 3 is (a) no employers of Natives were charged and practically no Natives were charged.

The Act, albeit a very old one, (namely 18 of 1866 and 18 of 1875) works well but there is only one provision in the Act of 1875 (the main one on which we work) under which imprisonment without the option of a fine may be given and that is for desertion of service. It would be well if the other provisions of the Act could be amended in the same direction as that for cases of desertion of service for which a fine may be imposed or imprisonment without the option. It has in my experience often happened that men and women come up before the Court under some section of the Masters and Servants Act, 18 of 1875, and although they have more than once perhaps been before the Court, the Court is bound to give an option of a fine and knowing that, as they do, they continue to give trouble to their Employers. Then again, the section dealing with desertion of service, section 4 of 18 of 1873 only (by virtue of section 7 only applies to servants other than farm servants with the result that if a farm servant deserts he must be given an option of a fine although he may have previous convictions against him.

Crime committed by Natives:— No, not in Cudhsoorn, but in Beaufort West during my time there there was a fair amount and I attribute the fact to want of more food and low wages. There are not an appreciable number of Natives in this District as there are in Beaufort West where large numbers were employed on the Railways and where a number occupy the location whereas here it is no location whatever.

Poor relief for Natives.
(2)

 Poor Relief for Natives:—Yes, in the shape of Pauper Allowances for those really in poverty and who are unable to work for themselves. In Beaufort West poor relief was granted, as far as I can remember, to Natives than here for there are, as I have already stated, more Natives there. I have quite recently assisted here a Native girl with medical assistance and hospital treatment, but the instances here are few and far between. Instances where it is not a case of pauperism are referred by me to the local authority i.e. the Municipality and the Divisional Council. In the case of the girl referred to above her Father, a Kafir, would not leave his Master's farm, owing to the absence of his Master and his Wife and family, in order to bring his daughter per his cart to the District Surgeon. Her entrails were protruding as the result of, probably, too early work after an operation at Bloemfontein and this trustworthy Native who would not leave his Master's interest told me that he was getting Ten Shillings per month plus 3 buckets of feed per month to keep himself on and his Wife and family. He seemed to me to be about 60 odd years of age.

Sanitation, Shelter for Natives at Courts:—There is no want of this here at my Court. The provision is sufficient and good.

Registrar.

MAGISTRATE
QUOTHSOORN
2-FEB-1931

MAGISTRATE
The Secretary for Native Affairs,
499, Market Street,
PRETORIA.

Native Economic Commission : Questionnaire for Magistrates and Native Commissioners

With reference to your Identical Minute 64/276(4) of the 21st instant on the above subject, I beg to inform you that there are very few natives in this district and the questionnaire by the Native Economic Commission would not appear to apply, except in a few details as follows :

MASTERS AND SERVANTS ACT.

8. No cases under (a) and (b)

9. (a) The Act appears to work satisfactorily but the wages paid are insufficient. I do not think that the wages amount to more than 15/- per month and food.

(b) The Act should be amended so as to prescribe a scale of wages to be paid and it should be made a criminal offence for an employer to pay less than what is laid down. If this is done, for natives as well as for coloureds, there will be less thieving by employees.

CRIME COMMITTED BY NATIVES

10. (a) No.

(b) To the fact that they are underpaid.

POOR RELIEF ETC

11. (a) Issue of Rations.

(b) To the aged and decrepit.

(c) Not to any great extent.

(d) From Provincial Administration Funds.

SANITATION

12. Sanitary accommodation quite adequate. It is used by coloureds and natives.

SHELTER ETC

13. Yes.
NATIVE ECONOMIC COMMISSION.

SCOPE OF STATEMENT.

1. (a) Graaff Reinet.
   (b) Magistrate.
   (c) 12 months.

LAND TRANSACTIONS AFFECTING NATIVES.

2. (a), (b), (c) nil
3. (a), (b) Nil.
4. (a), (b) Nil

USE OF LAND HELD BY NATIVES.

5. (a), (b), (c), (d) Nil.

RECRUITED NATIVE LABOURERS.

6. (a), (b), (c) Not applicable here.
7. (a), (b), (c) No labour recruited here for Mines etc.

MASTERS AND SERVANTS ACT: 18 of 1873 amended by Act 30 of 1889.

8. (a) 1.
   (b) 19.

9. (a), (b). Very little work under this Act and so far as my experience goes, it works well. I can suggest no amendments.

CRIME COMMITTED BY NATIVES.

10. (a) No.
    (b) Stock Thefts probably owing to general poverty strucken conditions of natives generally. Wages poor.

POOR RELIEF FOR NATIVES.

11. (a) Only issue of rations at cost of Provincial Government and occasional Hospital cases.
    (b) Probably quite a lot.
    (c) only in cases.

SANITATION.

12. (a) Nil
    (b) No.

SHELTER FOR NATIVES AT COURTS.

13. (a) No.

GENERAL. 16. Not seen the terms of reference
NATIVE ECONOMIC COMMISSION

QUESTIONNAIRE FOR MAGISTRATES AND NATIVE COMMISSIONERS.

SCOPE OF STATEMENT.

1. (a) HANOVER DISTRICT. CAPE PROVINCE.
   (b) Magistrate, Hanover.
   (c) Four months.

LAND TRANSACTIONS AFFECTING NATIVES.

2. (a) There are no Natives who own land in this District and none are in a position to acquire any.
   (b) None.
   (c) None.

3. No purchases have been made.

4. No land held by Natives in this District.

USE OF LAND HELD BY NATIVES.

5. No land held by Natives in this District.

RECRUITED NATIVE LABOUR.

6. (a) No recruited Natives in the District.
   (b) Nil. (c) Nil.

7. (a) No recruiting in the District.
   (b) The effect would be to lessen the number going to the farms, and would increase the number going to the labour centres.
   (c) No.

MASTER AND SERVANTS ACT.

8. (a) Nil. (b) 10.

9. (a) Owing to the very few Natives in the District the Master and Servants Act is not brought into prominence. It does seem that the Act makes for greater harmony between Master and Servant than would be the case if the contract were treated purely as a civil one. Upon the master it has the effect of him keeping the contract and treating the servant fairly and on the servant the realization that he too must carry out the terms of his engagement and thus greater harmony come about because of the greater security both have in that any breach can be simply adjusted in the Criminal Courts. Were it purely a Civil matter, I fear the servant would not be able to invoke the aid of the Courts because of the difficult procedure and the costs. For these reasons I can see no reason for any amendment of the Act.
10. (a) There is very little crime in the true sense of the word, committed by Natives in this District.

(b) The factors attributable to such crime as there is, are drink and the mode of living of the Native. He will not provide for the morrow. In these parts he has become the companion of the Coloured man who is able to get European Liquor and who passes it on to him, with the result that when he has drunk to excess he finds himself in trouble.

POOR RELIEF FOR NATIVES.

11. (a) The only poor relief available is the grant of pauper rations.

(b) Pauper rations.

(c) There is little need for it.

(d) Supplied only in extreme cases owing to the lack of funds, and because generally relatives and friends help, and work is still obtainable.

Sanitation.

12. (a) No sanitary accommodation exists for Natives attending the office.

(b) Natives are rarely detained at a small office such as this and sanitary accommodation is therefore not necessary as such is available just outside the village on the Municipal Commonage where there are lavatories.

SHELTER FOR NATIVES AT COURTS.

13. There is no waiting shelter provided for Natives attending this office, nor is any necessary, as Natives are dealt with on arrival at the office.

GENERAL.

14. I have not yet received the General Questionnaire, but on receipt of same, such reply as may be necessary will be forwarded.

Magistrate. Hanover Cape.

ANN/CHVDM.
The Secretary,
Native Economic Commission,
Box 364,
PRETORIA.

HATIVE ECONOMIC COMMISSION.

With reference to your questionnaire sent me by the Secretary for Native Affairs, I beg to reply as follows:

(1.) I am dealing with the Prince Albert District in my capacity as Acting Magistrate and have been stationed here for almost three years as Clerk of the Court.

LAND TRANSACTIONS AFFECTING NATIVES:

(2), (3), & (4). No Natives own land in this District.

USE OF LAND HELD BY NATIVES:

(5). See answer to questions 2, 3, and 4 above.

RECRUITED NATIVE LABOURERS:

6 & 7. There are no recruited Native labourers in the District.

MASTER'S AND SERVANT ACT:

8) No Natives, nor employers of Natives, were charged with offences under the Master and Servant Act, during the year 1930.

9) As far as the coloured labourers are concerned the Act works satisfactorily.

GRUDGE COMMITTED BY NATIVES:

(10a) No.

(10b) No Natives tried during the last year.

POOR RELIEF FOR NATIVES:

(11a) Yes, they are assisted out of the Administrator's Fund if necessary.

(11b, c, and d) Foodstuffs were issued to two native families during the last year, according to the scale laid down by the Provincial Secretary.

SANITATION:

(a) & (b) No sanitary accommodation exists at this office for Natives. One place is at least required for coloureds and Natives.

SHELTER FOR NATIVES AT COURT?

(13) There is no suitable waiting-shelter provided for Natives at this office, not even for Europeans.

GENERAL:

(14) There are only about 100 natives in the District and most of these are employed by the Railways Administration. Coloured Labourers are mostly employed by the farmers and only a few natives are employed as shepherds. I have no representations to make.
I have been in the following districts:—PRETORIA, JOHANNESBURG, NYLOSTROOM, PIETERSBURG, ZEERUST, KLERKSDORP, BLOEMHOF, BETHAL, PIETERSFON and now MALMESBURY. I can't give the exact dates but I was in the districts during the course of my official career. In some of these districts I was some years. In PIETERSBURG, when I was detached Assistant Magistrate, I remained 4 years at Klerksdorp. I was 18 months at Christiana, Bloemhof when I was 2nd class Magistrate, I remained 4 years at Bethal, and also at Pietretief. I was 18 months at each place, and now I am at Malmsbury, but my stay here has been only 6 months so far.

When I was at Bethal and again at Pietretief, I was consulted by Natives in my capacity as Native commissioner in regard to the purchase of land. I have a different time also been consulted by Eurespans, who were anxious to sell their farms to natives, natives desired generally to live on their own land, where they said they could be free to work the soil and when the season was not propitious to go and work on the mines. The usual contracts between natives and Eurespans is that the native receives a small piece of land to till and grazing for which is limited and the place where can erect his hut in consideration for which he must work for the farmer. The wife and children of the natives squat on generally have also to work for the farmer when called upon. Natives must work six months for the farmer, without remuneration and he is generally free after he has done that, to work elsewhere for the remaining six months at such rate of pay as he can get. Where the farmer requires natives to work for him over the stipulated six months, he, the farmer, generally, has to pay and feed the native at a fixed rate which is often from 20/- to 50/- per month. In the case of native women and boys, the rates of pay is generally from 10/- to 30/- per month over the stipulated period many natives prefers to remain in the neighbourhood of their homes when they have completed their six months, rather than...