

buy 6d. worth of beads. If Councillors will think of that they will see it will not always operate in their favour to receive cash. I think the majority of traders will look on this matter exactly in the same way as those in the Willowvale district. The majority of them will probably be prepared to pay cash if the stuff is offered in reasonably large quantities. There is one alternative, and that is co-operative selling. How many districts in the Territories have gone in for this co-operative movement? There is no reason why they should not go in for co-operative selling of their own produce. It is a useful experiment for them and teaches them to handle their own affairs. As regards my own district if I can find a case where cash has been absolutely refused for reasonably large quantities I will investigate it. I have made it clear to the people in my district at a fairly representative meeting the attitude the traders take up. Since then I have had no complaints whatever that traders are refusing to pay cash. It is quite possible they are, but I have not heard it. I thought it was well to point out one of the dangers which might present itself if too much insistence is placed on a motion of this kind, because undoubtedly the traders would retaliate. They also want cash and that is a point Councillors should bear in mind.

Cr.J.J.MATEZA: The Council should understand what is before it. If there is anything else to be said to cause us fear I would like to hear it. I have seen the traders giving goods and not money, and I have seen them sell back the same mealies at 1/6d. If we do not pay our debts they send an attorney after us. Let us go on with this motion and support it. Nothing has been stated in this Council to frighten us. One speaker has said there was a tendency to do the same thing in regard to fowls and eggs and nobody contradicted it.

Cr.S.S.MATOTI: I am thankful for the suggestions mentioned by the Willowvale District Chairman. We must walk along with our eyes open. If the law asked for were promulgated the trader would say he would not sell goods except for cash. I have never

/seen...

seen a trader using a Native for dishonourable purposes. When a certain number of bags was offered the trader paid. He does not want small quantities of mealies - a threepenny or sixpenny dish. The trader wants mealies brought in bags. The thing may appear to be good yet it is a danger. There is the trader, for example, who goes off to buy stock and has no cash. What is to be done if the people are only to receive cash for their produce? A man says he wants sugar for his mealies and the trader gives him sugar. We should seriously consider this matter.

Cr.E.QAMATA; replying to the debate, said: I shall be compelled to reply at some length. I am sorry I could not very well hear all that the District Chairman of Tsolo said on this motion. In my mind I fear they are putting us in a lot of difficulties. It is a very easy to evade the law and if we are to take his advice and leave the system of "good-fors" in practice I think our time will have been wasted and might have been spent on something else.

Mr.BOWEN: The speakers entirely understood what I said, which was that we should make "good-fors" illegal.

Cr.QAMATA: I thank you. Some of the remarks of the District Chairman of Willowvale must be considered. Quite likely there are two sides to this question, but in his remarks he dealt with only one side of the case, and that was the side of the traders. He gives this as an illustration of both sides, that the Natives have obligations to meet with the shop-keepers, that is to say, they buy on credit. This is the reason why they buy on credit. If a Native wants to buy something he has to have it put in the book. If we take the trouble to go to these Native places we will find there is not a penny for these people to bless their souls with. The only time they get money is when a young member of a family returns from work. It is the only day the whole of that location gets money and when that money has circulated back to the trader the location reverts to the same position it was in before the young member returned with cash. Mr.King said he found out, what is quite new to me, that traders are willing to pay cash for large quantities..

quantities of grain. In other districts traders are not prepared to buy large quantities. This last season I reaped 100 bags of mealies and all that could not be bought by the Natives is lying in my store. That is the position because no trader will pay cash for produce. There are other products - wool and tobacco; even for these traders will not pay cash. I do not know whether the District Chairman knows where the traders buy their mealies. They buy in the Free State in large quantities for cash. Why should money from these Territories be paid out to people who do not spend a penny of their money in the Territories? Officers of these Territories have tried to induce the traders to come to some solution of the question, and it is a well-known fact that they discarded the suggestions made. I am the last man to cause any ill-feeling between the Natives and the traders in the Territories. However, there the matter stands, and we are quite prepared to face whatever situation may arise out of this motion, for we think it is a genuine hardship. Not a man in this House has said it is not a hardship. Let me give another illustration. A girl sells a 6d. dish of mealies for which she gets 6d. and buys beans. What trouble has the trader got in cases of that kind, for both parties are squared. In pressing this matter it is not our desire that small quantities of mealies should be paid for in cash, but, as we have undertaken to ask the Government to issue this proclamation, if we made that alternative it would be abused. I am not surprised at Cr. Matoti's attitude because ever since I have known him I have known him to be a trader and I know his interests are on the other side. Therefore I would ask Council to disregard all the remarks he has made in connection with this matter.

THE CHAIRMAN: Before you cast your votes on this matter I would point out that in 1917 the same question arose, and the decision conveyed to the Council was that the matter had received consideration but it was decided it would be impossible to make it compulsory that traders pay cash for grain, for, if such a regulation were put into force the traders would not allow credit to

/purchasers...

purchasers and all transactions would have to be in cash. As has been pointed out, this is a two-edged weapon. On the one hand this system undoubtedly operates to the detriment of the purchaser. On the other hand, it might operate in his favour, because this whole practice has, I think, arisen out of the system of credit, and credit is a very necessary factor in our Territories. In fact, we cannot do without credit. The mover has said they were prepared to take their courage in their hands and accept the consequences of the motion. I do not wish to influence your vote but I wish you to understand clearly that it is a matter on which a great deal can be said on both sides and you must use your judgment.

The motion was carried.

Gin

2/1/5.

Magistrate,

Cala (Xalanga), C.P.,

7th March, 1931.

Replies to Questionnaire by
Native Economic Commission.

LAND TRANSACTIONS AFFECTING NATIVES.

2. 3. and 4. No transactions.

USE OF LAND HELD BY NATIVES.

5(a) Presumably reference is to farms and not to allotments held under individual tenure system in locations, otherwise the comparison with syndicates would not be understood. In this district 37 farms measuring 14, 079 morgen 184 square rods are held by natives. Speaking of experience of several years in Butterworth district as a land clerk and one year's experience here as Magistrate I have no hesitation in saying that ^{the} a great majority of natives who own farms make little use of them. They are in most instances the owners of land granted by Governments for past services. The land is almost invariably exploited beyond its carrying capacity by leasees or squatters while the owners, leading indolent lives, become bonded to the hilt. The few exceptions only prove the rule. I have no experience of land held by native syndicates.

(b) None.

(c) None.

(d) None.

RECRUITED NATIVE LABOURERS.

6. No comments.

7.(c) I begin with this subdivision as my replies to (a) and (b) will follow in sequence thereafter.

Reference has no doubt been made to the Commission to the establishment of the posts of Registrars of Native Labour and to the attempt which was begun on the eve of Union to popularise a Government recruiting scheme in which natives received free rail fare. I as one of the Registrars at the inception of the scheme asked the Chamber of Mines at a meeting between it and the Registrars whether it was prepared to discard its private recruiters. The reply was in the negative. I said then ^{that} our posts might just as well be abolished as the systems would not exist side by side. Subsequent experience proved that as long as there were private recruiters the Government Agents were discredited and the voluntary labour scheme ended in a hopeless failure.

(a) Abolish private recruiters and it would be successful, but not otherwise.

(b) (i) An increase provided guarantees provided for fair treatment and prompt and regular payments.

(ii) Decided increase.

MASTERS AND SERVANTS ACT.

8.(a) Nil.

(b) Seven.

9. I have no suggestions for amendments. As the law stands it has a salutary effect whenever it is necessary to invoke its provisions. So far as European employers are concerned they are loth to resort to these as they become the employers marked down. Wherever I have served in the Transkeian Territories on Magisterial staffs there has been very little indication of the necessity for employers to resort to the provisions safeguarding their/

their interests.

CRIME COMMITTED BY NATIVES.

10. (a) No.

(b) So little crime that unnecessary to attribute factors.

POOR RELIEF FOR NATIVES.

11.(a) Special cases receive consideration.

(b) Paupers' Rations and Monetary Allowances.

(c) £25.

(d) £25.

SANITATION.

12.(a) Modern.

(b) Adequate.

SHELTER FOR NATIVES AT COURTS.

13. Yes.

GENERAL.

The answers to the general questionnaire will be forwarded as soon as possible.

(Signed) Fred J. Kockott
MAGISTRATE &
NATIVE COMMISSIONER.

COPY/SM.

Questionnaire.

Statement by F. Munscheid, Magistrate and Native Commissioner
Ngamakwe.

1. Scope of Statement (1) Ngamakwe (2a) Fingoes
2b) Daily contact for 2½ years.
(3) Mount Fletcher 16 months, Herschel 2½ years.
2. Does not apply to this District. Fingoes do not desire to have Chiefs.
3. (7) I have no experience dating back a sufficient number of years, for comparison with the present day state of Affairs, I do not venture an opinion.
(8) The pagan natives still follow their custom, but the Christian native far too frequently resorts to concubines. In spite of the facilities offered it is still expensive to obtain a divorce.
(9) None. Strictly speaking, it is incorrect to refer to overstocking. The real evil is overpopulating areas not capable of supporting so large a population. I have 11, 107 General Tax payers and 6580 lands only. There are 43,000 cattle and 226,000 sheep. And there are large numbers of landless married men. Assuming the number of married men to be only 7000, these figures would give only 33 sheep and 5 cattle to each family, including calves and milk cows. There cannot, therefore be sufficient oxen to till the land.
(10) 10 is the usual number. I regard lobola as the remnant of an ancient religious or moral standard which cannot be interfered with but must be left to disappear by itself. Christian natives still marry with lobola.
(11) Originally cattle only, now cattle, and sheep, cash or goods representing cattle, but some cattle actually must be paid. The departure from the original custom of paying cattle only must be ascribed to poverty.
4. See (3,9) above. An attempt is now being made to get rid of some of the cattle by sale to the Cold Storage Company at East London.
5. I am informed there is a great change for the worse, causing water supplies to dry up. The cause is the denudation of the veld by too many cattle and sheep grazing on insufficient pasturage, causing a quick rush off of rainwater, erosion and dongas.
6. (14) No opinion is offered. (15) decidedly. Expenditure on this head is increasing to an alarming extent, especially expense of education, churches and schools. I am in daily touch with difficulties experienced when Church or School need extension or repair.
(16) No opinion.
7. No opinion is offered, but since the land is obviously overpopulated the surplus population must find work somewhere in order to live. No employment is available within this district;
8. Arable land and homesteads are here held individually but the grazing is communal. As the district is overpopulated it cannot be otherwise.

This is one of the greatest problems confronting us. If the surplus men and women cannot be absorbed in useful occupations they can only become a menace. There is no employment offering within the Transkei to absorb the existing surplus and owing to the demands made upon the land by the owner, he is no longer able to help dependent relatives.

10 to 13 do not apply here.

14 (33) Cattle, sheep, some goats, pigs, little poultry, Maize, Kaffir Corn tobacco, oats, vegetables.

15 (34) At present only through local traders. Agricultural demonstrators are employed to improve agriculture. Co-operative selling should be introduced but it will be years before there can be any result, as the staple product, i.e. maize, is of many kinds and qualities.

16 (35) None.

17 None.

18 (37) Yes. Methods satisfactory. Capitation fees is 42/6 per head for attested labourers on the mines, 5/- per head for assisted voluntary labourers on Mines. I consider that the number of workers going forward is increased by a recruiter. In any event he is the person making advances, without which natives could hardly go forward, and adjusts their deferred pay on their return.

(38) None come here for work.

(39) does not apply here.

19 Does not apply

20. Natives go to work in order to earn money for their living. Their absence, in the case of married men, has often serious effects upon themselves and their families. Many men pick up other women and do not return, totally neglecting their homes. Young women left at home often get into trouble. I do not think agriculture is seriously affected. - there are so many people per land to look after it.

21 All domestic servants ~~xxx~~ are Native females for housework and young men for cows, horses and rough work.

22(43) There is no organization whatever.

23 (44) Purchases are supposed to be for cash, but large credit is given. Mealies etc. except in large quantities is bartered to the trader, but wool and skins are sold to him for cash. Only competition between traders protects natives. Credit is given only to people of some substance. In order to draw business, traders are apt to give undue credit, thus encouraging the native to buy things other than necessities, and raising the price necessities through bad debts.

(45) None.

24 (46) Education has not yet become so general as to make it easy to advance a definite opinion. It certainly has increase the household budget alarmingly, and every little has come in on the credit side.

25(47) The only openings are in the Service of the United General Council, and as teachers. Both are filled to saturation point, with many qualified applicants waiting for possible vacancies.

26. None at present. Weaving and spinning, basket making and mat-making are already developed, but there is no market.

27. No applicable here.

28. The Native Land Act certainly tends to increase over population of the Territories, and the Colour Bar Act acts in the same way, ~~closing~~ closing possible avenues of employment to the surplus population.

29 does not apply.

30. No opinion offered.

Nqamakwe

Magistrate

SCOPE OF STATEMENT.

1. (1). Mount Frere
 (2). All classes
 (3). 32 years.

2. TRIBAL SYSTEM.

Tribal system is practically broken down, as the Chiefs have little or no control over the natives, and the various tribes are inclined to amuse themselves in fighting. No encouragement to maintain Tribal system in these Territories is given in the present economic conditions. I understand that on the Mines, the Natives are encouraged to live together among their own tribes, but this should be discouraged; if they were separated there would be no opportunity to foster grievances.

(6.) There are two chiefs in this District who take no active part in the welfare of the Bacas.

3. (7). The native has not the same moral code as the European, whether he is a polygamist or not, and lobole is merely a business transaction, but does in a very slight degree check the men from illtreating their wives, as in such cases, the marriage is dissolved, and the cattle lost to the husband.

(8). Native marriage customs are still maintained in this District, and marriages by Christian rites does not appear to have made any difference to the people up to the present.

(9). None.

(10). Ten head of cattle.

(11). Cattle, or their equivalents, eg. sheep, goats or cash.

- 4 (a). No
 (c). Yes.
 (d). Natural increase of stock.
 (e). Importation of surplus stock.

5. NO.

- 6 (14). Great improvement.
 (15). Yes: a few have built small square houses, and use European furniture, especially those who have ~~tax~~ been to large educational institutions. A good many read European ~~literature~~ literature and the same apply to recreation and amusements. A few of the more enlightened natives copy the European in regard to Christian marriages.
 (16.) Do not hinder them in any way.

7. (1). Very few.
 (2). Very few.
 (5). Yes: a good many.
 In the above cases seeking employment.

8. (20). The individual system would, in my opinion, do away with the interference of the headman, which is a lot in evidence to-day by means of a local registration of all lands, and the allocation of one land to each household, there is a possibility of a surplus of lands being discovered.

9. (21. Migrate to Towns.

2.

13. (26). Ten to eleven months.

18. (37) a. Yes
b. Yes
c. --
d. yes.
e. Some do and some do not.

(38) None
(39) No.

19. (40) No

20. (41) i. Economically a great help.
ii. Assistance in their maintaining their homes and lands
iii. Misfrangement, as they form acquaintances at various centres and those left in their home districts are forgotten.
IV. None
V. None

21. (43) Yes
i. Found on
ii. Only suitable in the Territories.

22 (43). None

- 23 (44) a (iii). Both.
b yes
c yes
d (i). Credit given too freely - has same effect as it applies to Europeans.

(45) None

24. (46). a. A very few take to industry
b. Very slight indeed
c. Greatly enhanced.

25. (47) a. Teachers: Dipping Operators: Constables and Clerks.

26. (48). None so far: as this District is concerned, Natives are very backward and do not appear to be inclined to better themselves.

- 28 a. Socially no improvement.
b. Economically the 20/- tax a year on natives of 18 years of age drives them into debt and compels them to proceed to work, leaving their homes and people, and on men with large families and no property whatever is a great burden to bear.

30. (52). NO: but the General Tax is a burden against which complaints are made and the question is often asked "are Europeans taxed in the same way". and in my opinion, this matter will rankle in the minds of the Natives for many years to come.

Magistrate : Mt. Frere.

NATIVE ECONOMIC COMMISSION.

1. (a) The particulars given refer to the district of Tsolo. I have no other statistics available.
 (b) Magistrate and Native Commissioner.
 (c) Since January 1929.

2. Tsolo district is a native reserve and with the exception of 20 farms, granted originally, I understand, for war services, no purchase and sale of land, outside the village area, is possible.
 Only seven of the farms mentioned are held by Europeans.

3. See reply to 2 above. In regard to the farm holdings no loss has been incurred.

4. See reply to No.2.

5. (a) Excluding the few instances quoted in 3. (supra) land is held in this district in terms of Proclamation 143/1919. Tenure is individual, but no holder has any inherent right to the land which is held, in effect, at the pleasure of Government.
 (b) No syndicates.
 (c) Overstocking is rampant. Various suggestions have been put forward to cope with the evil, but the average native is definitely opposed to parting with his cattle save by way of native custom - dowry, etc.,
 The idea in the average native mind that cattle represent the be-all and end-all of existence is one of the stumbling blocks to native economic progress. A very few have realised that a limited number of cattle of fair breed constitute a more valuable asset than a host of rubbish - but the vast majority think otherwise.
 (d) does not apply in this district in view of the system of holding.

6. Recruited Native Labourers:
 (a) I understand about 15% may be added.
 (b) (i) Sickness (ii) Absence from work due to other causes.
 (c) I have no statistics whatever. Amounts however, vary largely owing to different work being paid at different rates e.g. native capable of controlling machines, also 'hammer-boys' both earn more than those who are mere 'labourers'. The Chamber of Mines could no doubt give statistics on this point.

7. (a) If the suggested system improved the natives' position financially it would probably be welcomed.
 (b) (i) labour on farms is not popular with the native people in this area who allege the wages paid to them on the average farm are too low. (ii) labour centres might possibly be benefitted.
 (c) I have no personal knowledge of any such system.

8. Masters and Servants Act.

(a) 2 (b) 7.

9 (a) I have knowledge of the working of the Masters and servants Acts in the Transvaal and Cape Province only.

In the former Province it is freely resorted to, but so far as this area (Cape Province) is concerned cases are few and far between.

Masters and Servants legislation at present provides for comparatively minor offences, such as might arise between any employer and employee(s). It is old-standing legislation and so far as I am aware neither the social nor the economic effects have been such as to justify particular comment thereon.

(b) The term 'servant' needs clarifying and in view of varying provisions a consolidated act for the Union appears necessary.

The existing laws, so far as the Cape Province is concerned, reach back as far as 1856, and I regret that with the limited time at my disposal to answer the questionnaire it is a matter of impossibility for me to furnish a detailed analysis of sections which might be amended.

10. Crimes committed by Natives.

(a) 1928 - 1141, 1929 - 924, 1930 - 1368 criminal cases on record Natives were the accused in approximately 90% of the criminal cases tried.

(b) Certain type of dances and beer gatherings are responsible for much of the crime.

Regulations affecting dipping and removal of stock of all kinds, non-payment of taxes and labour regulations also add a quota.

Theft (common) is not frequent, and violence towards the European very rare.

The increase in tax brought about by Act 41 of 1925 (promulgated 1-1-1926) has weighed heavily on the native population. The effect of that law was to increase district collections approximately 100% i.e.

Total. 1925 - £8411: 1931- £17713.

The high protective duty on imported cotton blankets has also proved a heavy burden.

11. Poor Relief for Natives:

No provision at all.

12. Sanitation:

(a) 3 E.closets and 2 urinal.- both dealt with by pail system

(b) Adequate under present conditions.

13. ...

13. Shelter for Natives at Court:

An old shed is in existence, which was recently painted by the Public Works Department. It is watertight but seating accommodation and proper flooring are urgently needed. I understand the exhaustion of the vote allowed for recent renovation of the public offices, Tsolo precluded this work being carried out.

14, 15 and 16 - General:

In dealing with questions affecting natives it appears to me that the attitude of the native mind should be carefully kept in view.

The native of today is no longer the individual of days gone by. By mere process of evolution tribal ties have weakened: many Tribal customs have disappeared-mostly, I may add, for the good. Individual brains, a few of great capacity, have come to the front, and in so doing they have only followed the precedent of all other peoples, for it is axiomatic that mental capacity cannot be held back. It seems to me that effort has to be made to ensure that such leaders are directed into the right channels for unfortunately leadership can result in evil as well as good.

Even the unsophisticated native is not today the simple person he formerly was. Inherently suspicious of innovation, his suspicion has become greater with the increasing number of matters he is now asked to understand, and naturally obstinate and slow to move, changing times have not improved him in those respects.

He is still tractable and law-abiding, but much depends upon how he is dealt with.

E. W. BOWEN,
Magistrate, Tsolo.

NATIVE ECONOMIC COMMISSION
NATURELLE EKONOMIESE KOMMISSIE

[94]

2/18/2

13

BUTTERWORTH

25th February 1931

Native Economic Commission: Questionnaire for
Magistrates and Native Commissioners.

The Secretary,

Native Economic Commission,

P.O. Box 384,

PRETORIA.

With reference to Identical Minute No. 64/276/4 of
the 21st ultimo from the Secretary for Native Affairs I have the
honour to report as follows:-

SCOPE OF STATEMENT.

- 1(a) With the Butterworth and St Marks Districts.
- (b) As Magistrate and Native Commissioner.
- (c) For 14 months at Butterworth and nine years at
Cofimvaba, District of St Marks.

LAND TRANSACTIONS AFFECTING NATIVES.

- 2(a) No.
3. Do not know of any cases.
4. No freehold land in this or St Marks Districts.

USE OF LAND HELD BY NATIVES.

5. Apart from a few farms owned by Natives allotments are held under Quitrent title in the Butterworth District and under Certificate of Occupation in the St Marks District. There are no syndicates. On the whole Natives make good use of their

land

land and under the system of tuition by Native Agricultural Demonstrators, they are making excellent progress in their methods of cultivation. No steps are taken to prevent overstocking apart from impressing upon Natives the necessity for reducing the numbers of their cattle and investing in a better class of animals. There are no squatters or labour tenants in these districts.

RECRUITED NATIVE LABOURERS.

6 (a) It usually takes a recruited Native an extra one to two months to complete the number of shifts for which he has contracted.

(b) This is due to practically no work being done on Sundays.

(c) The nett average earnings would be about £2 per calendar month, after deducting rail fares, food &c.

7(a) Any suggestion which will mean an addition to their wages will be welcomed by the Natives. I may state, however, that about 75% of the Natives from the Butterworth and St Marks Districts proceed to work voluntarily and the scheme under which the Native Recruiting Corporation assists voluntary labourers is becoming more popular each year. I doubt whether the suggestion of a Government Labour Bureau would have much effect on the number going forward voluntarily as the majority of Natives in the District referred to are averse to being recruited.

MASTER AND SERVANTS ACT.

8(a) 1.

(b) 17.

9(a) The several Acts require consolidation and elucidation.

CRIME COMMITTED BY NATIVES.

10(a) In comparison with the population there is

3.

very little crime of a serious nature. These consists principally of culpable homicides, stock thefts and rape. The first is mainly attributable to youths indulging in faction fights and men quarrelling at beer-drinks. Stock thefts are chiefly committed by Natives under the influence of kaffir-beer.

POOR RELIEF FOR NATIVES.

- 11(a) A small amount is authorised quarterly by the Provincial Department for poor relief for Europeans and Natives. No Natives are receiving relief as those in need are assisted by relatives and friends.

SANITATION.

- 12 (a) An E.C. and urinal are provided .
 (b) This is quite inadequate but a new building is in the course of erection which will meet all requirements.

SHELTER FOR NATIVES AT COURTS.

13. A suitable shelter is provided in the office grounds.

GENERAL.

As I had the opportunity of attending the sitting of the Commission at Butterworth and hearing all the evidence tendered, there is nothing further which I desire to add.

H. E. F. WHITE

MAGISTRATE: BUTTERWORTH

COPY.

29/2/2.

Office of the Chief Magistrate
of the Transkeian Territories,
UMTATA.
17 October, 1930.

Native Economic Commission. - Transkeian Tour.

...

The Secretary,
Native Economic Commission,
PRETORIA.

With reference to your telegram dated 16 inst. from Pietermaritzburg and previous correspondence, I have the honour to inform you that the various Magistrates have been communicated with and instructed to make all requisite arrangements.

Witnesses likely to give evidence at Umtata are being approached by this Office and the necessary arrangements will be made for their attendance during the time the Commission is taking evidence here.

(Note: Magistrate, Flagstaff informed accordingly.)
It is thought that it will be more convenient for the Commission to visit the Flagstaff Agricultural Institution on the trip to Holy Cross Mission on the afternoon of the 6th proximo, as there will not be sufficient time to do so before luncheon on that date.

In this connection it is suggested that you communicate direct with the Magistrate, Flagstaff.

The Courtroom, office accommodation, and an Interpreter will be made available at each centre.

The Chief Magistrate, at present on leave, has signified his willingness to open the proceedings at Umtata.

Accommodation at the Hotel Imperial, Umtata, has been booked for twelve persons from the 11th idem, to the morning of the 20 idem.

Arrangements are being made for the delegates of the Transkeian Territories General Council and Pondoland General Council to give their evidence at Umtata commencing on the 11th idem.

(sgd) D. BARRY,

ACTING CHIEF MAGISTRATE.

STATISTICS IN RESPECT OF MATATIENE DISTRICT.

General Particulars:-

1. Situate: East Griqualand.
2. Area of District: 1,317 Square Miles, 398,235 Morgen.
3. Population - European (1926) 2,285, Native (1921) 42,046, Other (1921) 748.
4. Average Yearly Rainfall ranging from 25 Inches to 40 Inches.
5. Principal Branches of Farming - Non-Europeans: Cattle, Sheep, Maize.
6. Amount collected under Native Taxation and Development Act (1929) £12,947.

AGRICULTURAL CENSUS, 1928-29,

UNLESS OTHERWISE STATED.

N A T I V E S.

		<u>On European Occupied Farms.</u>	<u>In Locations, Reserves, etc.</u>
Cattle	No.	1,379	65,768
Horses (1926)	No.	968	9,255
Mules (1926)	No.	-	10
Donkeys (1926)	No.	30	185
Pigs	No.	88	(1926) 8,862
Sheep	No.	2,139	79,064
Goats	No.	1,353	39,192
Maize	Bags (200 lb.)	1,914	127,400
Kaffir Corn	Bags (200 lb.)	382	13,000
Wool	lb.	9,179	311,000
Mohair	lb.	4,109	21,000
Hides Sold (1926)	No.	7	6,800
Skins Sold (1926)	No.	26	6,200

Live Stock Losses.

Cattle	No.	66	2,152
Sheep and Goats	No.	165	4,141
Horses and Mules	No.	66	400

Dr Roberts.

[99]

UNION OF SOUTH AFRICA

NATIVE ECONOMIC COMMISSION

N.E.C. 11.

TRANSKEIAN TERRITORIES ITINERARY. OCTOBER - NOVEMBER, 1930.

ALMANAC.

<u>OCTOBER.</u>					<u>NOVEMBER.</u>					<u>DECEMBER.</u>						
SUN.	.	5	12	19	26	SUN.	30	2	9	16	23	SUN.	.	7	14	21
Mon.	.	6	13	20	27	Mon.	.	3	10	17	24	Mon.	1	8	15	22
Tue.	.	7	14	21	28	Tue.	.	4	11	18	25	Tue.	2	9	16	23
Wed.	1	8	15	22	29	Wed.	.	5	12	19	26	Wed.	3	10	17	24
Thu.	2	9	16	23	30	Thu.	.	6	13	20	27	Thu.	4	11	18	25
Fri.	3	10	17	24	31	Fri.	.	7	14	21	28	Fri.	5	12	19	26
Sat.	4	11	18	25	.	Sat.	1	8	15	22	29	Sat.	6	13	20	27

Days. OCTOBER.

Details.

1. 27. Mon. 8.15 a.m. Leave Pretoria, by train.
9.58 a.m. Reach Germiston.
12.28 p.m. Reach Balfour North.
2. 28. Tue. 5.36 a.m. Reach Pietermaritzburg.
8.0 am 6.40 a.m. Leave Pietermaritzburg.
7 p.m. Reach Franklin.
3. 29. Wed. 7.35 a.m. Leave Franklin.
10.32 a.m. Reach MATATIELE.
Evidence at Matatiele.
4. 30. Thu. Evidence at Matatiele.
5. 31. Fri. 8 a.m. Matatiele - MOUNT FLETCHER, by motor car.
Evidence at Mount Fletcher.
6. NOVEMBER.
1. Sat. 2 p.m. Evidence at Mount Fletcher.
Mount Fletcher - Matatiele.
7. 2. SUN. At Matatiele.
8. 3. Mon. Commission routine work.
3.10 p.m. Leave Matatiele, by train.
6.50 p.m. Reach Franklin.
9. 4. Tue. 7.6 a.m. Leave Franklin.
8.37 a.m. Reach KOKSTAD.
Evidence at Kokstad.
10. 5. Wed. Evidence at Kokstad.
11. 6. Thu. 8 a.m. Leave Kokstad for FLAGSTAFF, by motor car;
64 miles. En route visit Wesleyan In-
dustrial Institution at Emfundisweni and
General Council Agricultural Institution,
Flagstaff. In afternoon visit Holy
Cross (Church of Province), 14 miles.
12. 7. Fri. Evidence at Flagstaff.
13. 8. Sat. 8.30 a.m. Leave Flagstaff for PORT ST. JOHNS, 63
miles.

/ 14.

TRANSKEI ITINERARY. OCT.-NOV., 1930. - 2. - N.E.C. 11.

Days. NOVEMBER.

D e t a i l s .

- | | | | |
|------------|------------------------|--|--|
| 14. | 9. SUN. | | At Port St. Johns. |
| 15. | 10. Mon. | | Evidence at Port St. Johns. |
| 16. | 11. Tue. | 8.30 a.m. | Port St. Johns - <u>UMTATA</u> , 65 miles.
Evidence in afternoon. |
| 17-
24. | 12- Wed.)
19. Wed.) | | Evidence at Umtata. |
| | <u>15. Sat.</u> | 8.30 a.m. | Visit General Council Agricultural Institution at Tsolo (26 miles from Umtata) and St. Cuthberts, Church of the Province (10 miles from Tsolo), and return to Umtata in afternoon. |
| 25. | 20. Thu. | 8.30 a.m. | Umtata - <u>ENGCOBO</u> , 60 miles. En route visit Moravian Industrial School at Baziya.
Evidence in afternoon. |
| 26. | 21. Fri. | 8.30 a.m. | Engcobo - <u>COFIMVABA</u> , 40 miles.
Evidence in afternoon. |
| 27. | 22. Sat. |
2 p.m. | Evidence in forenoon.
Cofimvaba - <u>BUTTERWORTH</u> , 54 miles. En route visit Presbyterian Industrial Institution at Blythswood. |
| 28. | 23. SUN. | | At Butterworth. |
| 29. | 24. Mon. | | Evidence at Butterworth. |
| 30. | 25. Tue. | 8.30 a.m. | Visit General Council Agricultural Institution at Teko (7 miles from Butterworth) and Lamplough Industrial Institution ($\frac{1}{2}$ mile from Butterworth). |
| 31. | 26. Wed. | 2.56 a.m.
9.23 a.m.
12.36 p.m. | Leave Butterworth, by train.
Reach Amabele.
Leave Amabele. |
| 32. | 27. Thu. | 3.18 a.m.
3.28 a.m.
6.35 a.m.
6.50 a.m. | Reach Springfontein.
Leave Springfontein.
Reach Bloemfontein.
Leave Bloemfontein. |
| 33. | 28. Fri. | 5.5 p.m.
6.25 p.m. | Reach Johannesburg.
Reach PRETORIA. |
| 32. | 27. Thu. | 10.57 a.m. | Leave Bloemfontein. |
| 33. | 28. Fri. | 7.5 a.m.
8.43 a.m.
3.59 p.m. | Reach Durban.
Leave Durban.
Reach Empangeni. |

NATIVE ECONOMIC COMMISSION.

PARTICULARS REQUIRED IN REGARD TO WITNESSES.

EUROPEANS: Name and address:

.....

Calling:

Capacity in which appearing:

.....

NATIVES: Name ..WILLIAM MAYAKAYAKA.....

IsibongoMVUNDLO.....

Fathers Name: ..SEKALI.....

Place of residence, (i.e. nature of area, Native
Location, Native Reserve, etc.).....

.....NATIVE LOCATION.....

Name of Chief (if unexempted).....

.....NTERE.....

SUBJECT: 1. (1) (2) (3) (4).....

.....

.....

NATIVE ECONOMIC COMMISSION.

PARTICULARS REQUIRED IN REGARD TO WITNESSES.

EUROPEANS: Name and address:

Calling:

Capacity in which appearing:

NATIVES: Name ... JOSEPH LEPHEANA

Isibongo ... MHLAKWANA

Fathers Name: ... S. LEPHEANA

Place of residence, (i.e. nature of area, Native Location, Native Reserve, etc.)

..... NATIVE LOCATION

Name of Chief (if unexempted)

..... JOSEPH LEPHEANA

SUBJECT: .. 1. (4) 8. (2) 9. (4) (9)

Gen. [unclear] [103]

STATISTICS IN RESPECT OF MATATIELE DISTRICT.

General Particulars:-

1. Situate: East Griqualand.
2. Area of District: 1,317 Square Miles, 398,235 Morgen.
3. Population - European (1926) 2,285, Native (1921) 42,046, Other (1921) 748.
4. Average Yearly Rainfall ranging from 25 Inches to 40 Inches.
5. Principal Branches of Farming - Non-Europeans: Cattle, Sheep, Maize.
6. Amount collected under Native Taxation and Development Act (1929) £12,947.

AGRICULTURAL CENSUS, 1928-29,

UNLESS OTHERWISE STATED.

N A T I V E S.

On European In Locations,
Occupied Farms. Reserves, etc.

Cattle	No.	1,379	65,768
Horses (1926)	No.	968	9,255
Mules (1926)	No.	-	10
Donkeys (1926)	No.	30	185
Pigs	No.	88	8,862
Sheep	No.	2,139	79,064
Goats	No.	1,353	39,192
Maize	Bags (200 lb.)	1,914	127,400
Kaffir Corn	Bags (200 lb.)	382	13,000
Wool	lb.	9,179	311,000
Mohair	lb.	4,109	21,000
Hides Sold (1926)	No.	7	6,800
Skins Sold (1926)	No.	26	6,200

Live Stock Losses.

Cattle	No.	66	2,152
Sheep and Goats	No.	165	4,141
Horses and Mules	No.	66	400

Principal ground of appeal

[104]

Matatiele,

East Griqualand.

27th February, 1930.

GROUNDS FOR APPEAL

Proclamation 66 of 1929 was ultra vires of the powers given to his Excellency the Governor General under Section 5 (1) of Act 21 R 1923 in as much as neither at the date of its promulgation nor at the date of its coming into force did there exist a location making provision for the occupation, residence and other reasonable requirements of the natives then residing within the scheduled area of such Proclamation.

Reasons for Judgment

Accused, who is a partner in the firm of Seymour and Seymour, practising as attorneys in Matatiele, was charged with providing accommodation for a native, who was not exempted in terms of Act 21 of 1923, in a part of the Matatiele township not specially set aside for Native occupation. The indictment, in its presentation, does not make this quite clear, but the accused was never in the slightest doubt regarding the precise nature of the charge preferred against him, and has brought up the point for the first time in his notice of appeal. It is true, however, that the omission to mention in the indictment Proclamation No. 66 of 1929, which defines the area wherein residence by unexempted Natives is prohibited, was observed during the early part of the trial. Accused objected to amendment of the indictment in this respect, but the objection was overruled and the amendment made. The case was then adjourned for ten days. The fact of this objection connotes an understanding by the accused of the charge he had to meet; and if it was not clear to him, he should have represented that circumstance at the commencement. No further reference to that point was made at any time during the trial. In fact the defence concentrated upon an attempt to shew that Proclamation No. 66 of 1929 was ultra vires.

If Section 5(3) of Act 21 of 1923 is read in conjunction with Proclamation No. 66 of 1929, as has been set out in the indictment, it is difficult to follow the argument in the first ground of appeal - that the charge sheet disclosed no offence at law.

On the second ground of appeal, which is the main point the accused endeavoured to establish at the trial, I held that the only question for decision was whether, at the time the offence was committed, accommodation was available for those Natives whom the Municipality desired to evict. It is perfectly clear that ample accommodation was available some months prior thereto, and that adequate notice of that fact had been given, through a local newspaper, to the public.

I considered that ^{the} contention of the accused that, notwithstanding that there was ample accommodation in the Municipal location at the time the premises were leased by him to an unexempted Native, the Proclamation is invalid, because at the date of its promulgation, and at the date of its coming into force (3 months afterwards) the location was not yet completed, was untenable. In the case of Rex VS LAMMAS (E.D.L. 1929) the conviction was set aside only because there was no accommodation available; and it would have been unreasonable to prosecute for residence in a prohibited area, when there was no other place for Natives to go to. In this case the accused desires to take advantage of what is at most a mere technicality; and if his argument were followed to its logical conclusion, practically every employer of domestic labour would be infringing the same Section (5(2) of Act 21/1923), seeing that only a very few employers have provided sleeping and sanitary accommodation for their servants to the satisfaction of the local authority, and therefore their domestic servants would have to be classed as unexempted Natives. This absurd result is surely not the intention of the Legislature in circumstances such as those disclosed in this case?

It is clear from the correspondence, between the Matatiele Municipality and Government, and from the evidence of the Town Clerk, that Proclamation No. 66 of 1929 was issued upon the assurance given by the Municipality that accommodation would be available for Natives whom it was desired to evict, from the areas in question; and as a fact there has always been, up to the date of this prosecution, accommodation in the Municipal location, for those unexempted Natives who were required to remove from the prohibited areas.

The defence relies principally upon the fact that as there are about three or four hundred unexempted Natives in the Town, including domestic servants, labourers and other workers, nearly all of whom

are accommodated by their employers, share quarters with other domestic servants, they could not possibly be accommodated in the Municipal location if they all applied to go there. But the Municipality does not require domestic or other servants to move from the quarters provided by their employers, and the circumstance that domestic servants may be exempted in terms of Section 5(2) (g) of Act 21 of 1923, is intentionally disregarded by the Municipality, because, as the Town Clerk states, adequate sanitary accommodation for Natives has been provided by the Municipality; and European householders are therefore relieved of any obligation to provide it themselves. The defence contends that all domestic servants, unless expressly exempted by the Municipality, must be classed as unexempted Natives, and that there are accordingly over 300 potential Native applicants for accommodation in the Municipal location. There is of course, as experience in the light of proclamation No.66 of 1929 has shewn, not the slightest possibility that all these Natives would apply for that accommodation. It is extremely doubtful that as many as 10% of them would want to move from quarters which, from their point of view are more desirable than those provided by the public body. The Town Clerk's estimate of those who would be required to move is even less. But even if they did so apply the position merely resolves itself into a suspension of the operation of Proclamation No.66 of 1929 until such time as further accommodation has been provided i. e. the local authority, bearing in mind the decision in *Rex vs Lemmas*, would refrain from further prosecutions until adequate accommodation had been provided.

The argument of the defence is, in effect, that notwithstanding the availability of accommodation for every Native in the Municipal area, a conviction cannot be secured under the present charge because that accommodation did not exist at the date Proclamation No.66 of 1929 was issued. In my view that contention is wholly unreasonable. The attitude taken up by the Municipality has been, that, until the buildings mentioned in the undertaking given to Government, in response to the demand for an assurance that adequate accommodation would be provided, were completed, and thereafter public notice of that fact duly advertised, the provisions of Section 5(3) of Act 21 of 1923, read in conjunction with Proclamation 66 of 1929, were not enforced. It is therefore obvious that fair and reasonable consideration has been shewn by the local authority in the administration of this enactment.

The point taken in the third ground of appeal was brought up by accused during the trial. The Prosecutor explained that the charge had been brought against the senior member of the firm, who it was generally believed, conducted most of the Chamber work of the firm, while the other partner did the Court work, and for that reason proceedings were brought against the present accused. The Court thereupon pointed out that, in terms of Section 384(3) of Act 31/1917, anyone of the members of a partnership firm could be prosecuted, and that the charge in this case was therefore not improperly laid.

The facts may be summarised shortly:-1.

1. In February, 1928, application was made for proclamation of a certain prohibited area in Matatiele.
2. At that time 10 huts were available in the Municipal location, and these were considered ample for existing need.
3. Proclamation 108 of 1928 was thereupon issued.
4. Later it was observed that Proclamation No.108 of 1928 was vague in its description of the area desired to be closed, and a new Proclamation was asked for.
5. Before applying for this Proclamation, the Municipality made a survey of the area proposed to be closed, and satisfied itself that the accommodation which was to be provided was ample to meet the needs of those Natives who could be required to move therefrom.
6. Government was satisfied with the position as represented by the Municipality.
7. Proclamation No.66 of 1929 was then issued. It included the old area, and an additional area.

8. Notice was published in the local newspaper "The Matatiele Mail", advertising that accommodation was available.
9. About three months thereafter, it was ascertained that the firm of Seymour and Seymour had provided accommodation to an unexempted Native within the prohibited area; and a member of the partnership was prosecuted.
10. Ever since the publication of the notice referred to above (No.8), there has been accommodation available for Natives in the municipal location.

F. L. OSMAN.

Assistant Magistrate.

Excerpt from judgment.

[108]

C. Gatsche
A. Nathan

For the Crown it is admitted that if the decision in R. v. Hodos & Taghbag (1927 T.P. D. 101) is good, the appeal must succeed on this ground also. As we have been pressed to express our view on this point it is sufficient to say that we are prepared to follow the decision in Hodo's case which has been approved of by this Court in R. v. Lammas (1929 E.D.L.264).

On the evidence in this case the Minister had no assurance that the necessary accommodation was available when the Procl. was issued or when it came into operation ; he was assured that accommodation would be provided . As a fact on the 1st July, when the Procl. came into force, the necessary accommodation was not available and on that date all unexempted natives could not have been accommodated . The ratio decidendi in Hodo's case applies to this case, and the 2nd ground of appeal must also be upheld.

EAST COAST FEVER RETURN (TRANSKEI)
October, 1930.

Locations and Farms.		Date of Outbreak.	No. of Cattle in Area.	Deaths during Month.	Deaths during Outbreak.	Date of last Death.
<u>ENGCOBO:</u>						
Mboleni	Tank Area	June 30.	1867	-	1	June 30.
<u>LIBODE:</u>						
Zibungu and Mbisa						
	Tank Area	Mar. 29.	4480	-	156	Sept. 30.
Ngwenyana	Tank Area	May 29.	2306	-	7	June 30.
Mfabana	Tank Area	Oct. 29.	2530	-	2	Oct. 29.
Kwam	Tank Area	Jan. 30.	2363	-	1	Jan. 30.
<u>LUSIKISIKI:</u>						
Ludonga	Tank Area	May 27.	2687	-	35	Mar. 29.
Mwesana	Tank Area	Apl. 29.	2345	-	1	Apl. 29.
Mkata	Tank Area	July 29.	3297	-	25	Apl. 30.
Cikolo	Tank Area	July 30.	3313	-	1	July 30.
<u>MOUNT AYLIFF:</u>						
Nkanji	Tank Area	Feb. 30.	1910	-	2	Feb. 30.
<u>TSOLO:</u>						
Qelani	Tank Area	May 28.	947	-	13	Feb. 29.
Gqogqora	Tank Area	May 29.	1519	-	1	May 29.
<u>BIZANA:</u>						
Ndhlovu	Tank Area	May 29.	1498	-	2	Sept. 29.
Mbodla	Tank Area	July 29.	4157	-	2	July 29.
Cwaka	Tank Area	Mar. 30.	3715	-	1	Mar. 30.
Ntlozela	Tank Area	Mar. 30.	4494	-	2	May 30.
Umtamvuna	Tank Area	Mar. 30.	2242	-	2	June 30.
Mpetsheni	Tank Area	Apl. 30.	4990	-	3	Aug. 30.
Ludakana	Tank Area	Apl. 30.	2316	-	6	Sept. 30.
<u>FLAGSTAFF:</u>						
Malongwana	Tank Area	Mar. 28.	2388	7	144	Oct. 30.
Mngomani	Tank Area	Feb. 30.	1804	-	3	Aug. 30.
Xawe	Tank Area	Feb. 30.	2870	1	4	Oct. 30.
Mboneni	Tank Area	Feb. 30.	1568	-	1	Feb. 30.
Mzenga	Tank Area	June 30.	2601	-	1	June 30.
Swane	Tank Area	July 30.	1749	-	1	July 30.
<u>WILLOWVALE:</u>						
Nqabara	Tank Area	Feb. 30.	3867	-	1	Feb. 30.
Luvundu	Tank Area	Feb. 30.	2443	-	10	Apl. 30.
<u>UMZINKULU:</u>						
Mlenzana's Location		Feb. 29.	3032	-	1	Feb. 29.
Tshanibezwe's "		May 29.	1291	-	26	Feb. 30.
New Ensikeni Tank Area		Jan. 30.	767	-	1	Jan. 30.
Baka's Cattle Dip Area		Feb. 30.	5760	-	5	May 30.
Vukapi's Tank Area.		Mar. 30.	2920	-	1	Mar. 30.
Zwelonkwe's Tank Area.		Apl. 30.	1002	-	2	June 30.

The following Districts are free from East Coast Fever :-

Xalanga, Nqamakwe, St. Marks, Tsomo, Matatiele, Qumbu, Port St. John's, Umtata, Mqanduli, Idutywa, Mount Fletcher, Elliotdale, Mount Currie, Tabankulu, Mount Frere, Ngqeleni, Butterworth and Kentani.

NOTES ON A DAY'S TOUR ROUND UMTATA.

F.A.W. Lucas.

Mr. Makiwane arranged a day's tour to show me the different degrees of development of Natives in this neighbourhood. First he took me to the house of Mzimba, who is a clerk in the employ of the Bunga, getting £220 p.a. He is matriculated and his wife was educated at Blytheswood up to the second year's training as a teacher, after which she did four years nursing. They have five children, the eldest being 8. Mzimba bought two plots from the Umtata Municipality of 6 acres each, at £25. per acre. He has built on it a house costing about £350. and has to pay municipal rates of 4d. in the £. at an assessed value of land £200. house £295; water rate is £4.10s. a year; he pays 4d. per month per head for grazing. He has five cows, four in milk, one bull, one heifer, 4 oxen of his own and 5 oxen belonging to friends which were lent to him before he had any of his own. He said he could plough ~~wix~~ his land with his own four if necessary. He gets 7 gals. of milk a day and sends cream to the Creamery at Komgha. He keeps very good poultry, white leghorns, and has between 170 and 180 laying hens, from which he is now getting about nine dozen eggs a day. They are well penned and fed, and treated in an up-to-date way. I saw a basket of eggs - they were 2 oz. eggs. He sends them to the market in Umtata and is at present getting 1/- a dozen, but a little while ago could only get 6d. to 8d. He wanted to join the East London Egg Circle, but apparently Natives will not be admitted to that circle. He has about a hundred fruit trees, most of them still young. He has a very good vegetable garden, and has a wagon of his own. He is growing strawberries, from which I had a small dish of large fine fruit. He employs sometimes one, sometimes two Native boys, paying them from 10s. to 20s. per month with food and housing. Apparently the difficulty

met....

met with by some European employers exist with Native employers too, namely that some Natives come in to work only long enough to earn the money necessary for a blanket or their tax.

The next place we visited was that of Shadrack Bam, - in the Zimbane Location - He is a mason and builds for the General Council on contract, and in a year in which he is kept busy reckons to clear £300 p.a. net. When he is not busy, he speculates in maize and cattle. He has three wagons and one motor lorry, and keeps his own private Ford car. He has 700 sheep and 280 head of cattle, but these are not kept in the neighbourhood. He has a surveyed plot of 6 morgen, of which the quit rent is 13s. He himself is living in rondavels, neatly made and well kept and furnished, but he will not build a better type of house for himself because of the feeling of insecurity of the title. He said there is one Native in Idutywa who has 5,000 sheep. A school mistress living with his family took us to see the dwellings of some "red" or "blanket Natives", about half-a-mile away. These "reds" were quite well-to-do. The older members of the family all kept their old habits of dress and of living; they sleep on the floor, but the children go to school and one of the daughters, - I should say about 13 - was dressed in European clothing and has a bed to sleep on. The head of the family had a plough and had fenced in his land.

From there we went on to Qokolweni Location. First we visited the house of Headman Sangoni. This man is an attorney's clerk, highly respected by the Natives, elected by them to the Council and to attend the Prime Minister's Conference. He has taken long leave to consider the question of living on his land as against continuing his work as a clerk. He is still in doubt as to whether he should make the change.

On his...

On his residential plot he is growing potatoes and has a small plantation of trees and a flower garden. He has an agricultural plot on which he grows maize. He has about 200 sheep, and 20 head of cattle. He has a very good house, well built and furnished, with a verandah along the front; it has an iron roof. He has his own wagon and is altogether a most progressive person.

Then we went to the house of Noah, who has a very well designed house of Kimberley brick, joining up two rondavels. He has wagons with which he does transport and has about 15 oxen with which he is plowing for his neighbours. To some he makes no charge, but when he makes a charge it is 5s. per acre for new ground and 4/9 per acre for ground that has been previously worked.

Then we went to the house of the Wesleyan Minister, Rev. R. November, who is himself a progressive farmer, and has set a very good example to the people in the neighbourhood. There we had tea, very nicely served. After that we called at the house of Yako, the largest and probably best house in the district.

On returning to Umtata it was interesting to note the difference in the grass on the grazing land outside the commonage and that on the commonage itself, - the latter being excellent, the former poor.

We called in to see a Native hotel in Umtata. This place has about six rooms, some with three beds, others with five. The charge is 1s. a night for bed, 9d. for breakfast, 1s. for dinner, and 9d. for supper; having clean sheets and a clean towel with each bed.

From there we went into Pondoland, where there are no surveyed plots and the huts are scattered all over the country.

We called at the house of a Native teacher named Mbaŋa, who is very keen on agriculture. He has written a small book about teaching agriculture for the use of Native teachers. He grows vegetables which he brings into market every Saturday. He has kept detailed accounts of the proceeds since 1927, and has promised to send in a copy of these to the Commission. He clears from £30. to £50 p.a. nett, on his plot which is about 10 acres. He is the head teacher of three in a school with 90 children. The larger children are themselves now on the land belonging to their parents, raising vegetables which they too bring to market on Saturdays. From time to time he gets ten or twelve children in the afternoon to help weed, for which he pays them 3d. or 6d. each for the afternoon. His wife has recently been to Lovedale for nine months to take a course in cooking. They have four children, the eldest of whom is about ten.

My guide said that in Pondoland - he was Secretary to the Chief for four years - very few of the men are Christians but a large number of the women are. Those few men who are Christians appear to be very lonely. The children are going to school in large numbers. He pointed out to me several ^{places} ~~plots~~ where the new holders of lots wished to plow early, but could not do so because their lands were not fenced in. If they plow before their neighbours, the land would be trampled by the cattle and very little ^{good} would apparently come from the plowing.

Adjoining Mbane's lot is another one kept by an educated Native who worked for a time on the mines, but disliked it, and seeing Mbane's work decided to copy him, with the result that he too is making a living out of fresh vegetables, and saving enough to buy sheep, of which he now has nearly 200. Not far away an educated Native has also devoted himself to vegetable growing, with the result that he also is able to maintain himself on his plot.

Then we went to the great place of Chief Victor Porto, where we saw the Chief, and his ~~many~~ huts. Each of the huts has a name taken from some historic event. The Chief has some good pigs which are well housed and are kept in an enclosed run.

This Chief holds a Court, decisions of which can be enforced by legal process. The procedure was explained to me to be as follows:

The Chief has two paid advisers to sit with him, two other advisers being in course of training for this work. A Court is not properly constituted unless the Chief and two of these advisers and the secretary, Lockington Bam, are present. When the Court is properly constituted, the parties are heard, members of the public being entitled to be present. When the case of both sides ~~has~~ ^{is being} ~~heard~~ heard, they are required to say, in advance, who their witnesses will be so as to prevent undue delay by a party claiming that he has another witness who cannot be called that day. After the evidence and arguments of the parties has been heard, all persons interested in the case in any way are turned out of the Court, and the merits are then discussed by the Court with those ~~persons~~ ^{members} of the public who are still present, and no decision is given until it is proved by those members of the public. If the public cannot be convinced that the Court's view is a sound one, the matter is adjourned for those present to think over the matter and attend again subsequently. In this way appeals are obviated to a considerable extent, it being said that very few appeals are taken against decisions of this Court.

From there we went to my guide's own house, which he has recently purchased for £475. It has five morgen of land which was not very well kept by the previous owner.

The...

The house itself is well built and roomy. Like several other houses we visited, Makiwane's has a good stove. The lots in this part of the town are occupied partly by Europeans and partly by Natives. The Natives appear to be anxious eventually for the whole of this area to be entirely a Native one.

A House belonging to a Native in this locality is let to a European at £2.5s. a month; it has two rooms, a passage and a kitchen. Another house belonging to a Native woman is let to Europeans at £1.15s. a month.

I should like to note here, that on the previous day at Tsolo Agricultural School, one of the young South African Dutch-speaking helpers said that he had come to the school with a very strong prejudice against Natives, but after working a few months with them as students and seeing their interest and keenness in learning agriculture, it had entirely lost that prejudice.

UMTATA.

17th November, 1930.

Dr. A.W. Roberts.

NATIVE ECONOMIC COMMISSION
NATURELLE EKONOMIESE KOMMISSIE

[116]

COPY/WEM.

Rev. B. J. Ross,
Cunningham,
NDABAKAZI. C.P.

The Secretary,
Native Economic Commission.

Sir,

I regret that having had the papers only a few days back as I was from home, I am so late in writing to you.

I give evidence at Butterworth on 24.11.30.

I should like to deal with:- 1, 3, 4, 6(7) and (8),
7 (5) and (6) only, 8(3), 9(8), 10(2) and (5), and 12.

In re 1: The primary factor leading to detribalisation is the struggle for existence and the consequent rise of individuality. This has come in two ways: First - the process is very like what took place in the Scottish Highlands with their clan life and chiefs. The Xosa life was very similar. A son born into a family was of value as "a spear in the hand of the chief". He was "a fighting man" always armed and ready for war at the call of the chief and expecting gain by war. He took his place in the clan and the tribe and got the use of land as a spear in the hand of his chief. It was thus that his chief valued him and he valued his chief. So long as there were constant clan and tribal wars this system worked and the unity of the clan and tribe was a fact. When these wars ceased, the system ~~work~~ broke down.

Second - the necessity of working for a living caused in this process of breaking down. Take first the Fingoes. They were broken and scattered and impoverished by Tshaka. They had to work for cattle. Cattle thus acquired ceased to be....

2.

be "cattle of the family". They belonged to A, B, C, or D. They ceased to be cattle over which the departed ancestors had control, held in trust by A,B,C, or D for those to come after. Thus there arose the idea of individuality ~~as~~ against the family and clan.

So too with the Xosas. "The cattle killing" impoverished them. Their greatest chief had for a time under stress of poverty to take refuge with another chief in another country. Many men had to go and seek a living. Some went from East of the Kei to as far as Bedford and Cradock. They got a few cattle and went back to their home land. But these cattle belonged to A,B,C, or D, who had worked for them, and not inherited them. So individuality arose. It acted like a leaven in a lump and led on to detribalisation.

All the subsequent history of the people has carried this on. To-day young boys go out to work. They earn cattle or some do. At once they put their own ear mark on their cattle. They are the private property of A,B,C, or D. This is radically contrary to "Native Ideas". Now each man in his own village is, as they say, his own chief.

In the Transkei the Bunga has done much to undermine the influence of the chiefs: "knowledge and brains", not blood and rank make the big man.

Deferred Pay: The custom of Deferred Pay for labourers from the Transkei is probably the most urgent question up here just now. The majority of thinking Natives and far seeing European Traders (?) are all keen to have something done in this way and I should much like to give evidence on this question.

I am, Sir,

Yours faithfully,

(sgd) B. J. Ross.

A. T. Wood,
President T.T. European Civic Assn.
UMTATA.

I. FACTORS LEADING TO DETRIBALISATION:

In the past, I am of opinion that the inherent rascality of mankind was mainly responsible. To live by his natural cunning at the expense of a people he regarded as natural prey, very strongly appealed to his sense of fitness as to what should obtain when conditions were favourable. His ability to subsist on 6d. a day enabled him to establish himself in the environment of his choice, and he most favoured our larger towns as the most suitable for his operations. Trafficking in strong drink and other evils were part in his nefarious avocation. His passage to urban areas was, more often than not, hastened by the hostility of his neighbours arising out of his misdemeanours. Native morals allow the robbing of aliens, but not of neighbours. It were better for all concerned that these bad blacks remain in those large European towns.

To-day the Land Question is the chief factor. Christianity and civilisation have been offered to the black man but no restraint has been put upon polygamy, so that the peace which has been ordered by the white man, together with his medical care of the black man, assisted by polygamy, have resulted in a too rapid increase of the latter.

Much of the land known as the Transkei was conquered and taken by the white man in warfare forced on him by the black. During the last fifty-two years the blacks have increased very rapidly under peace conditions which it would have been impossible for them to establish of their own will and ability, and the land is becoming too strait for them from a pastoral point of view, but from an agricultural point of view many more could be settled. The land is very unequally apportioned, and is in the hands of the elders of the people to such an extent that many holders give it only cursory attention and the result is better described as the propagation of noxious weeds than agriculture. Very little method has been observed in the granting of land; forests have been mutilated to provide arable plots and hillsides, which provided the best pasturage, have been torn to pieces to give food to the storm waters and left rock-exposed and barren.

To ensure pride of possession, security of tenure, better cultivation, provision for grazing, fair distribution and contentment, all land should be surveyed under the directions of a highly qualified farmer and survey expenses recovered at the rate of 5s. per annum. If this were done, many of the young men would receive land which would wed them to the Territories. In the past too much reliance was placed upon the word of the headman, to-day the authorities are doing all that can be done to remedy the errors of the past, and a survey would materially assist them.

2. LAND:

"Squatting" - A peaceful penetration fraught with grave danger to Europeans, and in no circumstances to be tolerated.

LANDLESS NATIVE POPULATION:

Landless Natives who drift to urban areas should, in time, be as useful as Natives who have at an early age found themselves on farms and employed by good agriculturists; the latter, without education acquire a knowledge of either English or Dutch, and make the best servants; the former, provided that the Government of the location in which they reside is good and wise, should prove a useful and accessible asset. Games should be encouraged, but education should be for the few whose parents could afford to give it. To convince an educated Native that there is dignity in labour is about as difficult as breaking stones with a feather duster. After many years of civilisation we Europeans have a leaning more towards snobbery and false pride than honest labour. I do not condemn education; if you could place every really educated Native in the position you have prepared him for, I would say educate and do so freely; you cannot do so, and I say that education, in so far as the Native is concerned, should be a luxury to be paid for, and not the way to disappointment, penury, sedition and gaol. To christianize I regard as our duty, and I would add to that duty a charge to give to every Native child in the country sufficient education in his, or her, own language to ensure postal communication.

NATIVE MIGRATION:

1. Rural to Urban Areas: The large number of blacks which encircle some of our villages and towns are a grave danger to the European inhabitants of those villages and towns, and I would respectfully suggest that municipalities and other bodies be given full powers to limit the number of blacks in areas under their jurisdiction in accordance with their requirements. Registration should be enforced and done with care, finger prints taken, and all engagements and dismissals conducted through a labour department; certificates of character should be given to servants on dismissal and required on re-engagement; ~~no~~ no engaging or dismissing of servants should be permitted to be done privately under penalty; suitable accommodation should be provided at the lowest possible rental; a board of management should be formed of elected members of the location with the location inspector as chairman. This body to act as advisory to the superior power and frame, with its sanction, such measures as it deemed necessary for the peace and good management of the location.

It is as necessary to protect the Native man and maid servant against unscrupulous masters and mistresses as it is to protect masters and mistresses against rascally inclined servants, and such protection would prove advantageous to both employers and employees, promote trust and lead to a better understanding generally between black and white folk.

OVERSTOCKING:

An evil which must of necessity come about where communal grazing rights obtain and cattle serve as a Bank.