On resuming at 2.40 p.m.

MR. ROBERT DUNLOP, Chairman, Joint Council and Native Welfare Society,

Rev. JAMES DEWAR, Native Welfare Society,

REV. EDMOND NGWANA, and

REV. MATTHEW SILILO,

called and examined:

CHAIRMAN: Mr. Dunlop, when you say urbanised Natives have no standard of living of their own, do you mean that they have shifted away from their tribal standard and that they have not settled down to any particular way ?- The differences existing between them are so great; there is really no standard; they are constnatly changing. Because of the constant changes and of the very different types, there is no distinct standard of living among them. Some of them are gradually approaching the European standard; others remain for a long time at a much lower standard.

What you mean is the divergence of standards is very much according to what each wants to do individually ?- Yes.

You have given us some interesting figures in your budgets, derived from your Family Budgets Enquiry. I take it that these 105 in the last line are a selection from different budgets you have got ?- A selection from about 180.

Would it be possible for us to get the original budgets? I do not think they would be of much value to you.

Why not ?- Because they do not contain specified quantities or amounts in every cases, and we have been dependent a great deal on the actual investigator's own notes, in each case - which notes we have not kept; they were rather voluminous, - so as to get at the figures. You must remember that the investigators were voluntary workers whom we had to depend on. We endeavoured to secure data from 300 so-called homes; we

secured about 180 that we thought were reliable; the rest were discarded. Out of the 180, I have selected against 105 that one could see were fairly correct. We have had to eliminate a great many as being absolutely hopeless. A Native has the greatest difficulty in giving us information of an accurate character as to how he lives, the quantity he uses and so on. If we handed over this yellow sheet at the back, I do not think it would convey so much to you as to us.

They had already passed through two screens, as it were ?- Yes.

First of all, the investigators examined them critically and then you examined them critically. But what I would like to get from them is some sort of quantity relation between various things and, incidentally, to criticise them from that point of view. Now, one can get that even if quantities are not given, when the amount of money paid for the various things is given. It is really with a view to getting that information and secondly criticising them from that point of view, that I would like to see the originals. I take it the budgets, in the form in which you have them now, shew how things have been arrived at after all the corrections of your investigators have been made ?- Yes.

We can start from that point. We can assume your investigators had good reason for making the changes they made. We want to carry it a stage farther and that can only be done on the original papers ?- I do not know if it can be done. However, I will consider it and if they are of any value, we will send them to you, and we might make a further correction if there is time and you thought it worth it. Could we suggest that we might take from these figures a few, -

say ten or twenty - and reinvestigate them on the spot and verify these with all the detail we can get and send it forward to you.

Yes, thank you. It is much more valuable to us to have a small number that we know to be absolutely correct, that represent actual expenditure over a period ?- Yes.

Now, in this same table, the item "Sundries"; what does that include ?- You have got that at the back there; it includes clothing, materials, shoes, furniture, soap, crockery, medical, church, school, amusements.

That is the figure you consider is the least reliable ? Yes; we had the utmost difficulty in getting that - in fact, some of the figures are ridiculous, they are greater than the total income under the head of "Sundries".

Now, are these Natives people who are more or less ~~permanent~~ permanent dwellers in Maritzburg ?- These are urbanised Natives taken from seven districts. We have a very great variety in our district. You have heard a good deal about Sutherlands; we have not included any Sutherlands budgets, but have investigated exactly the same conditions on this side of the boundary - what is called "Camps Drift", where the conditions are very poor. We have had better farther up, where you have had a settled urbanised Native for many years, - in fact, you have the third generation. The Rev. Matthew Sililo is the Native Minister there. There the conditions are very much better. When you come down to the bottom end of the Town here you have Hevron's Hill (?), which is about the worst you could possibly have. You have shacks on the side of the hill and, from the moral and hygienic point of view, the conditions are deplorable. In New Scotland you have a settled body of Natives; the same out at New England

where the conditions are not so bad; but when you get to the Camp's Drift area and beyond and the Sutherlands area which you have heard so much about, you have a changed communit;

Some of these budgets include families in Camp's Drift and Hevron's Hill ?- Yes.

And the Municipal Native village ?- Yes; they are taken from seven different areas, - from the bad and the good.

There are people living here with their families ?- Yes, that is so.

The first five entries here, are those single families; or is it the average of families having one male and one female, or one male and one female and one child, as the case may be ?- We take them in groups of male and female without children, and then the group, one male and female with one child; we did that on the advice of a friend who is interested in the Commission, - Dr. Loram, as a matter of fact. We took them male, female, two children, three children and four children, and then another group which I have not given you here, which did not convey anything. That is where you take more than two adults in a family, - when we came to groups of four or more adults in one home and, say, six children, we took the six children as representing three adults. Then, when we tried to average it out per adult, we found the figure three absolutely misleading, because the children varied from one to twelve years.

So that each line here represents a certain number of children ?- Yes. The average of the last one is 105 families consisting of the previous five groups.

Have you got the figures for the number in each of the first five groups; they are not given here ?- The number

of actual families ?

Yes, in each group ?- I can get them.

I think it would be useful if we had them ?- They vary from, say, 30 to 40 in a group.

Well, the five total up to 105 ?- Yes, but some of them have only got five.

On the next page, you say wages are not based on a living minimum standard but on assumed racial inferiority. What exactly does that assumed racial inferiority mean in relation to wages ?- ~~Ox~~ I think the opinion of our Society is that the wage fixed there has no relation at all to what it costs the Native to live.

That is the negative side. Now, you give a positive side. What factor fixed the wages? I do not see how it relates' ?- Well, I think it is the general assumption that, because it is a Native he cannot be paid anything more, or should not be paid anything more than a wage that has been common for a very long period.

You mean, by change in the economic conditions, a rise in costs ?- Yes. You take the question of togts; you had it mentioned this morning. You were not told that the change brought about in togt labour -- at the top of the page you will see, for the period 1913 to 1918, when there was an enormous rise in the cost of living, there was no change in the pay of a togt labourer; and the change in 1919 was brought about by compulsion being brought to bear upon employers to increase by a six_pence. Public opinion itself brought about a further increase which , in 1930 we got legalised, but it was this Society that took the steps to get this done, and I got it done in the face of very strong opposition. Then I want to point out the note there that, although the legal wage for a

togt labourer is 2/6d, there has been an admission by most of the decent employers that 3/- should be paid, and it is being paid by a large body. You must remember that these togt wages do not include any allowance for food, clothing, housing or anything else.

On the next page, you refer to an investigation of Native labour and domestic service. We shall be very pleased to receive the result of your investigations when they are concluded ?- We have experienced the greatest reluctance on the part of citizens to give us the information. We have sent out the form which you see attached there. It is very simple. It calls for very little information - all we wanted, and we had the greatest difficulty in getting these forms back, but we are hoping this month to make another effort and get the public's sympathy in this matter, to know the public mind in this matter. We have had a good many returns, but I do not think it is worth while giving you the information yet.

It is very interesting indeed to us, because it does represent one of a small number of attempts to get into touch with the facts by investigating each case, - and it would be very valuable. We can get plenty of general opinions without getting down to the facts, but this goes a good deal farther. Now, on the following page, you refer to the effect of the European and Coloured population -- the economic and social effect upon the European and Coloured population of the Union of the residence of Natives in urban areas, -- and about half way down you say, "if it means the economic effect upon European and Coloureds caused by the competition of Natives residing in these locations within urban areas, the Wage Act is an effectual barrier....." But now the Wage Act, I think you

are aware, is only in force in a very limited number of occupations. So that the statement that you make here can only be true with regard to a number of occupations?- It is true in regard to a number that the Natives themselves are now debarred from.

By the Wage Act? The Wage Act does not debar a Native ?- Many of them, for instance, were painters, plasterers, bricklayers.

But the Wage Act has no colour bar ?- But the effect is there.

Do you mean to say, when wages are regulated, the White man gets the job and the Native doesnot ?- That is so. In this city, you will have Native evidence, I presume, - you will have the case of a man who will quote that a number of his confreres were out of work; they could not carry on as they have done for many years.

MR. LUCAS: What trades ?- Cabinet-making, painters, bricklayers and even shoemakers.

Well, I think you will probably be able to establish quite a number of cases in the industries you mention, but they are not governed by the Wage Act nor Conciliation Act. The furniture trade is now governed by a determination, but that only took over the Industrial Council Agreement for the time being, and actually modified it in favour of Natives?- The effect of it has been to put a lot of these decent labourers who were rather well employed out of the market.

I think the Commission would be very glad to have a statement giving the general position as far as that is concerned, but I personally would be very glad if you would draw the distinction between the Industrial Conciliation Act and the Wage Act ?- We mean, in general terms of wage legislation.

CHAIRMAN: How does the thing work out; does it mean

that at the wages, the employers prefer the European to the Native ?- Of course.

MR. LUCAS: That is not always so. This may be the position, that the Native or the Coloured man has a fair degree of skill, but not the degree of skill required for a fully skilled workman ?- Admitted.

Then, of course, the employer will say, "If I have to pay the full wage, I have got to have a fully skilled man", that means an European in that case ?- Yes.

In occupations where the skill is the same, employers retain their Natives and do not replace them by Whites ?- That is so. (Rev. Dewar): I may say that the European industrialists are against the Natives coming in, too.

CHAIRMAN: Now, on the next page, you recommend something which is like the old English Settlement Laws in which a man has a settlement in one particular place ?- Labour colonies.

You recommend that unemployed should be sent back to the province and district to which they belong, at the Province's expense ?- Yes.

That has not been found to work entirely satisfactorily, even in a country like England, where a person's place of birth can definitely be established at all times ?- (Mr. Dunlop): You mean, that is an application of the Poor Law?

Yes ?- That is what they had in Scotland, too.

Yes, and they have it in England ?- (No answer):

MR. LUCAS: There is probably more waste of money in that particular way - the Poor Law in England - than in any other single subject ?- (Rev. Dewar): I have not heard of it in Scotland. It is more difficult here where the population is shifting; but in a place like Scotland, it is easy.

CHAIRMAN: My idea is, the settlement laws were invented

when the population was almost stationary, when they were not allowed to shift, and we are living among a population in which shifting is the common thing?- There is another point of view that we should take, that is, that the young Natives, when they leave school, do not want to go and learn a trade as they used to and to serve two or three years; they cannot do it now. That is what I feel in regard to my scholars.

I want to go on to page 13, on which youxstate that, with the one exception mentioned, their education does not increase their earning power in any specific direction. Do you think that one could expect that it should increase their earning power, bearing in mind the general low state of education with the Native, - I will put it alternatively: does a similar education increase the earning power of an European ?- (Mr. Dunlop): Surely.

The education up to Standard IV, for example; does that increase the earning power of the European ?- (Mr. Dewer): The difficulty is comparing it with those who have nothing. Europeans all have a kind of education; but comparing it with the Natives, there are Natives of noxeducation at all, and Natives who are educated. I know for a fact they prefer those Natives who have some intelligence, and there is no difference when they are educated and when they are not at all, as a rule. For example, when I was living in the North of Natal, a farmer there, a Member of the Provincial Council, told me he would have no uneducated Native at all; that he always wanted educated boys, because they could understand what he said; they were more trustworthy, and he paid them better wages than an uneducated Native. So that education did increase ---

May I just interrupt you there? Do not the town employers

sometimes take that view ?- (Mr. Dunlop): Some of them do. Some of them find it very useful to have a boy who can read addresses and quickly find the streets and -----

That seems to be in conflict with the statement you have made here ?- How?

That is doesnot increase their earnings ?- In a specific direction, in a general sense. Surely a messenger is not a specific direction?

Do you mean by that, they have no special training for skilled occupations ?- For any special openings?

For their labour ?- Their primary education does not take them anywhere; it gives them a general intelligence but ---

An opening as a shop by is a very specific direction ?- It is an adult we are dealing with now.

But that boy is going to be an adult in a very short time. Most of them do not get to St.IV until they are about 17 or 18 ?- (Rev. Dewar): A boy in St.VI going into a shop is not much more use than a boy who has left St.IV. He does not get any more salary because he is going on to St.VI or VII.

There is no real value, as far as getting cash is concerned, out of the additional training ?- No.

When he gets to St.IV, he has to go up to about ST. VII before he gets another rung of the ladder ?- EVen then he is only confined to another line of occupation - practically, teaching.

That is not by any means the only one. There are quite a number of clerks ?- Oh, yes. And what is more, solicitor's clerks and so on.

Yes ?- Yes, I know that class.

You have a certain number in offices and so on ?- They do not pay too much.

On page 14, you refer to the night schools as being

financed by the Municipality; is that financed out of the Borough Revenue Account ?- (Mr. Dunlop): The Native Revenue Fund.

You claim for this education relaxation rather than economic value ?- Yes.

Now, why are the permanent residents less desirous of taking advantage of these night schools ?- (Rev. Dewar): I have two night schools under me here and I can answer why; it is only boys who come from districts where they have not had an opportunity of going to school or who have had very little education who come to these night schools. Those who are in town go to school up to Standard VI or VII and they do not come - they have finished their education.

Now, you recommend compulsory education in the towns. That point was raised yesterday by the Inspector of Native Education. Could you have compulsory education without, at the same time, having free education ?- (Mr. Dunlop): It is not necessary; it does not follow that it must be so.

Do you think you could have compulsory education and insist on payment of fees ?- (Rev.Dewar): At present, if the parents are not able to pay fees, the children are allowed to attend without the payment of fees.

Therefore, you think you should have a system of exemption, where parents cannot pay ?- Yes, there is that.

MR. LUCAS: Could you do that without causing great dissatisfaction ?- There is that dissatisfaction already amongst the Natives.

Would it not be worse if you made it compulsory ?- I do not know how you are going to compel them to pay if they cannot.

That is the point; but you are proposing to lay down the principle that it should be compulsory and that there

should be fees ?- I do not think the two go together there.

I reckon it that way. If you mean that there should not be fees, but that it should be compulsory, I cann understand it?- I would have it no fees at present.

CHAIRMAN: Now, the subject of infantile mortality. You say a considerable number of Natives are brought from outside for treatment and who die in town. I would like to know on what grounds this word "considerable" is used: is it definite observation ?- (Mr. Dunlop): Yes; we made a special investigation two years ago and, in consultation with Dr. Wood, we arrived at certain opinions which I heard him give you this morning, - the difficulty of getting correct data as to the registration of births and deaths. But that is based upon actual observation and collecting of the data from Natives in certain areas where there was a reputed high death rate; that is in the worst areas. These cases occurred in many cases through venereal disease, and I have gone the length of making a very careful investigation of that - which I have not published yet - and, in connection with which, I have arrived at certain figures. I am quite sure that 20 to 40 per 1,000 of the actual Native death rate in Maritzburg is due to that; it is about one half of the figure given you in Durban. We have 3,300 women in the Borough here and we have at least another 1,000 of the most undesirable type just outside the Borough.

MR. LUCAS: Are you including them in your investigations ?- Yes.

CHAIRMAN: Your figure is somewhere in the neighbourhood of 200 per 1,000 ?- Yes; from 200 to 240 per 1,000. The figure was 636 per 1,000 at one time, which we thought was

absolutely ridiculous; and, on careful investigation, that figure has been modified, as you will see in your Medical Officer's Report, to a quarter or third. Those are very general statements. We want to get down to something very definite. (Mr. Dunlop): I would draw your attention particularly to paragraph 6 on page 17 - which I think will please Mr. Lucas.-

CHAIRMAN: Yes. I have not quite come to that. I just wanted to elucidate a point on page 16. You say that, with regard to the wrong feeding of infants, - the lack of milk, - the receptacles for food that are open to flies and dirt, these are the cause of much green diarrhoea which, without medical and nursing attention, results in a deathrate of nearly 100% ?- That is so. In every case where we trace a child as having died of green diarrhoea, it was a case where they refused to take the child to the clinic or to the hospital. Where the child was taken to the hospital, you will find - the returns are given in the Medical Report, I think, - only a very small proportion recovered there. So that the most careful nursing and best medical skill only results in a very few of these children being saved.

Going on to page 17, you recommend a more general application of the Native Urban Areas Act in regard to housing ?- Yes.

I take it you mean provision should be made under the Act for absorbing your population, which is now scattered over various areas ?- The effect where it has been applied, is just to drive out these people, not into Native villages where good conditions have been prepared for them, but to other areas and make these areas worse, and that will go on until the whole community does come under the Act.

MR. LUCAS: IT IS really moving them on ?- Yes, from one district to another. But we know that cannot be done without the expenditure of a vast sum of money. Were it not that the Native Revenue Account is depending on the beer money, the burgesses of this town would be up in arms.

That is a point I want to recommend to you. There is a tendency to build Native villages in such a way that they must always be subsidized; and while one may say, in the meantimex the Natives get better housing conditions, I am very much afraid of that policy. Because there, uneconomical policy has come home to roost and so wholly subsidized Native villages will sooner or later come home to roost with the Natives, not with the Europeans. It is worth your while considering schemes like the one at Bloemfontein, in which I do not think there is any subsidy worth speaking of ?- (Mr. Dunlop): We have considered it.

If there is any subvention there, it is very small, and, secondly, the point of building Native housing at European trade union rates --- ?- We have also sent in our protest against that.

With regard to Item 5, - page 17, - The control of dissolute women; how do you propose to do that ?- We should suggest, for one thing, a more rigid application of Section 289 of the Native Code.

Which is ?- That no Native women in the town should be allowed who have not got a pass and that the pass can only be obtained from a Magistrate on the recommendation of a male relative or immediate guardian. We have a large population of Natives who have no such right. We have this difficulty arising in this urbanised area - we are now having a generation who have never had any kraal experience, who have no tribal

traditions behind them and who have nowhere to go. That is the task. And though they are moved by the parents because of their conduct becoming so flagrantly wrong, they are only moved to another area. Another aspect is this, that our Native labourers who live in these urbanised communities have changed very much in this community during the last ten years. Whereas a great number used to come from Zululand and from this side of Natal, - the North side here - it is now coming from the Transkei, and from Basutoland and Pondoland; a very different type of boy altogether, with a different outlook and a different attitude towards Native women. These men who come to reside in our urban communities take up house with the Native women for the time being as their nominal husband, but if they move on to another community, these unfortunate women have got to find another person to find the wherewithal to keep the home going. That is the type. They are not what you call prostitutes; they are women who are living in this loose way and who are creating a very big problem owing to the children.

CHAIRMAN: You are aware that these Natives raised very strong and I must admit in certain respects, very cogent objections, to the carrying of passes by Native women. Would you say that the evil that is created by making them bear a pass is less than an evil which is now existent ?- Well, it is not easy to answer, because we have very grave objections to women carrying passes - the necessity for these passes being examined by persons who might not be worthy to examine them; that is one danger.

Exactly ?- That is one objection; but, on the other hand, the safeguard is that a great many of these women might be

returned to their proper kraals and the chief who is responsible for them; that would be a certain safeguard. Imam not prepared to safe offhand whether the one would compensate the other

MR. LUCAS: We have not heard of many, but still we have come across cases now, and probably the number will increas of women who cannot get support now from their male relatives at the kraals and, for that purpose, they have to come to towns. You would be making their position very hard ?- Then, of course, another little factor which has to be considered, is that these women living in these urban communities cannot marry these men - noone could marry them under the Native code. Canon Robinson had five cases the other day of Natives from Basutoland who wanted to marry these women. You cannot marry them under the Natal Native Code.

CHAIRMAN: Would you explain what provision under the Code is involved ?- I could not. (Rev. Dewar): I do not know why it is. I think I have married them.

Can you explain, Mr. Ncwana ?- (Mr. Ncwana): No, except that what I know is, it is the women to which it applies who come from the other Provinces, and not the men who come from the other Provinces. The men who come from the other Provinces can marry a woman in this Province.

Is that marriage under the Native Code or marriage by you as a Government marriage officer ?- That applies to all Native marriages, except those Natives who are exempted from the Natal law. (Rev. Dewar): Under the Native Christian rites they have to come to the court and get a license.

Which court must they go to ?- Where the woman belongs to. That is why I say I have never met this with the Native man from the Transkei.

Now, your dissolute women; are they local women or are they women from other Provinces ?- (Mr. Dunlop): The majority I would say are the result of urbanised Natives living here.

So that difficulty would not be a material one ?- And then there is a very large percentage who have followed these men here, who have been left here - followed them from the Transkei; a great many.

Then you wanted to refer to No.6 - particularly for Mr. Lucas' delectation ?- What I state there is well known; but how to get over the problem, I do not know.

On page 18 you say, "The cost of running the Native agricultural division is at the expense of the educational work ..."; do you mean the division of the Native Affairs Department of which Mr. Thornton is the head ?- The new division for the development of agriculture amongst Natives; the money that comes to that must come of necessity out of the money which ought to be earmarked for education and which has remained stationary, practically.

But does that come out of the 4/- in the £ ?- It does.

In other words, it comes out of the Native Development Fund ?- Yes; which, of course, is increased by the other £340,000 fixed per month.

But now, is it not a perfectly reasonable thing to give Natives agricultural education, even if you should have to reduce the funds for other education ?- I do not think one has the right to argue that, because, if education is a good thing and the population is increasing and the value of it is being appreciated by the Natives, why should it be cut down because you are opening another avenue of education. The effect of it has been, in Natal, that this year 150 schools have been affected straight away.

Let me put it another way. Given a certain amount of money for Native education, which is stationary, - whether it ought to be stationary or not, it is stationary, - which of the two sides would you starve, the agricultural education or the general education ?- Well, seeing they are a pastoral people, I think we must put emphasis on the agricultural; that is my own personal opinion.

MR. LUCAS:

I think this assumes education should have the money there is and new money be found for agriculture ?- I think that is feasible. I think the proportion of 4/- in the £ is altogether inadequate on the part of the Natives, in view of the increase in education. You are quite well aware of the fact that, in addition to that direct taxation, we know, for the last ten years, the Native indirect taxation, through Customs, has gone on increasing, until it is today over one million one hundred thousand pounds.

The general tax is about that figure now ?- It is just a million.

Do you think the indirect is £1,100,000 ?- Yes.

We are very much interested, because we have to express an opinion on that point and have to offer a figure. Now, have you gone through the figures that are available from Customs and tried to sift them out ?- Yes.

I wonder if you would mind giving us the result of your labours ?- I cannot give it to you now; I have not the papers here.

No; but we should be glad if you would send it on to us. On the page the Chairman has been dealing with, you say that the poor Whites are taxed much less than the Natives and the poor Whites receive enormous sums by way of Government aid ?- They do.

What sort of figures had you in mind there ?- Quite a

number of them. They do not pay any special taxation for the education of their children. Jobs are found for them. They are paid enormous sums by way of railway service, for which we know very well they do not give an adequate quid pro quo.

You mean, large sums are given to employ them, although Natives would be cheaper ?- Yes. We had 400 of them brought into this community and, because of their influx, 400 Natives and Indians who were long employed in the Railway Department were put out of employment.

Now, on the previous page, you deal with public officials. You say that notices have been given to public officers asking them to shew more sympathy and consideration to Natives, but that there has not been much marked effect ?- That is so.

Would you say there is still a lot of rough and discourteous treatment on the part of officials to Natives ?- There is great lack of consideration. We are constantly having reports made to us. We investigate them. In some cases they are not justified. I myself spend a considerable time in investigating these cases.

And thisis the result of careful investigation ?- That is the opinion of our whole Society.

It is very important to have that point from somebody who has investigated it ?- We admit this, that a great many cases are reported to us that are not very serious; but others are.

They probably were due to misunderstanding ?- Yes. A case like this, just to give you a practical case, I investigated the other day. A boy was called upon to travel over 40 miles to attend the court. He went 40 miles to attend

that court and was then told he was not wanted, for some reason or other. He was not given any witness expenses. He had to walk all the way back. He went the second time, and the second time he was not wanted. And the third time, I am advised that he did not go. The Magistrate sent me a letter about it and the Magistrate was quite satisfied the boy was not given proper consideration. Those are the sort of cases I refer to.

CHAIRMAN: THE only charge there is that he was not given witness expenses ?- And he was wrongly compelled to lose his work and time and go a journey needlessly.

That happens with Europeans, too; but if they find that a witness is not worth putting into the box, or is dangerous to put into the box, they do not have him ?- We very strongly feel that the witness fees of the Native should be increased to an amount commensurate with the cost of their living; 1/6d a day does not provide for a Native and his family if he is called upon to go to court.

MR. LUCAS: Of course, the instance you quoted was not one of discourtesy or rough handling ?- Well, it was lack of consideration.

Would you say that there is today much rough handling of Natives by officials - the police and so on ?- More by the police; there are a great many complaints in connection with the police, who are not of the type that they used to be; they are not the same type that we used to have round about us here; there does not seem to be the same code amongst them in treating Native prisoners.

CHAIRMAN: Are you referring to European or Native police now ?- To both; particularly the Native policemen.

With regard to the statement you make, how do you account for the fact that you are not getting the same quality of men as Native police ?- I cannot account for it, unless the conditions do not attract the type of boy that they used to.

MR. LUCAS: Now, to go back to near the beginning, - these figures you give about Corporation rates; are all these rates paid by Natives ?- It is just to give an indication of the amount of property held by Natives.

And then the rest are the number of cycles and so on owned by Natives ?- Yes. Then I have given you the Revenue Account. I go back and shew particularly if it were not for the brewery receipts, there would be very little Native improvement. The census figures shew an increase of 50% practically in ten years.

CHAIRMAN: If your beer receipts were to vanish, the burgesses would have to pay a very considerable subsidy towards the Native village ?- I think so.

Do your burgesses realise that ?- I do not know that they do.

It is rather important, in view of the development of your Native village ?- Yes, It is most important that they keep the monopoly of beer, anyway.

MR. LUCAS: Now, to go on a little farther - the figures that you give on page 6; your Master and Servants cases look a very large total ?- That is the fact. I understan you have not these figures for other individual communities; is that so?

Not yet; we are going to ask for them ?- I was given, through the courtesy of the chief here, the opportunity to examine the sheets for a year, and I thought they were relative to your enquiry.

I take it practically none of these would be European; they are practically a negligible number ?- There are very few; there are a few.

Have you at any time made investigation as to the cause of this large number ?- No; we have not dealt with that. We know the Act unduly presses upon the Native. The witness fees in the town are only 9d a day, not 1/6d; they are 1/6d in the country.

Can you state as a fact that on some of the coal mines there are still Natives who remain there with their families because they get a roof over their heads ?- Yes. (Rev. Dewar); I work amongst the coal miners. They get beautiful houses and I am told they stop there now for years.

The other part of the question was, as you state here, the reason why they stay there is because they have a home ?- Yes, they have got a good home.

You say, on page 14, with regard to the night schools, among the factors contributing towards the irregularity of attendance is the opposition amongst employers; is there much of that ?- (Mr. Dunlop): I understand there are some who cannot get in there at reasonable times.

At what time does the school start ?- At about half past seven, and some of these boys are not released from domestic work until after eight o'clock.

MAJOR ANDERSON: How would you deal with this suburban problem of Sutherlands, and the slums round the town ?- I think the responsibility is with the Government and not allow it to become a plague spot as it is now.

You would not make it a municipal problem ?- I do not think it is fair for the burgesses to have to do it.

MR. LUCAS: You mean, to make it a separate local

authority ?- Yes, that would do.

CHAIRMAN: Do you think that would do any good ?- It would, from a health point of view.

Supposing you made Sutherlands a health area, who are going to be the health committee there ?- The people who are making the money out of it.

Are they your Natives working here ?- Yes.

That suggests certain amount of local responsibility ?- Yes, I admit that.

I wanted to ask some questions of the Native witnesses. The questions I want to ask may be differently answered for the Basuto or for the Xosa or the Zulu; I do not know. If there is a difference, do tell me. I understand, amongst some of your Native tribes, it is the custom that a woman must go to her mother's house for her first confinement ?- (Rev. Ncwana): Yes.

For the Zulu ?- (Rev. Sililo): Yes.

For the Xosa ?- (Rev. Ncwana): Usually it is so.

Is that still being observed by the Native women who live in towns ?- No, not so far as I know.

They have simply dropped it ?- Yes, some of them have and others have not.

You do still find cases where the tendency is to stay in the town ?- (Rev. Sililo): Yes, some do, and they allow the friends of the woman to come to the house.

In that case, they bring the friends in from the country Yes.

But you still know of cases where the old custom is observed ?- Yes.

Does that apply only to the first child, or to other children, too ?- It applies to the first confinement.

Do you know whether it occurs to a greater extent in some

parts of the country than in others; for instance, in the towns - the Cape towns such as East London, King William's Town; or whether it is more common here ?- (Rev. Nowana): I think it is more common here.

Do you know anything about the situation in the Free State, where they are chiefly Basutos, Baralongs and so on ?- Yes, I do.

What is the position there ?- It is almost the same. They do want to have the relatives for the first child. We would like to raise the question of a Defender for Natives. I do not know whether you have had any evidence on that point.

Yes ?- And also the question of a reduction of the fines and sentences for trivial offences on the part of Natives

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CHIEFS MKIZI, NGCOBO, MINI, SIOKA, and Mr. GUMEDE,

recalled and further examined:

CHAIRMAN: I just want to say to you that this morning, before we adjourned for luncheon, you seemed to have an idea that we wanted to stop you speaking your minds. Now, I want to disabuse your minds of the idea that we want to exclude any evidence whatever. We want to draw your attention to the fact that, since the middle of last year, we have been engaged on this commission and that a very large number of witnesses, and a very large number of Native witnesses have spoken to us in the meantime. Now, it will probably interest you to know that all the things you said this morning have been told us before, and not only once, but many times.

The Commission wants to get all the information that it requires, in order to be able to present to the Government a report which will give them a complete picture of the problem.

For that reason, I drew your attention this morning to the fact that you must be short, because we wanted to get to these witnesses who have just given evidence and who have given us some very valuable evidence, and evidence that will also be very valuable to the Native people. Therefore, I think, if you bear in mind that you arenot the only people who know about the Land Act, or passes, or Native beer, we will probably have a better understanding. Now, will you carry on please ?-

(Mr. Gumede): In regard to landless Natives, may we say that there are quite a number of chiefs in this Province who hold office, but who have no Native location. We would plead to the Commission to represent to the Government the desirability of areas being set aside for such chiefs. Many Natives, sir, who lack land, would be very grateful to the Government, if the Government would start settlement schemes, where Natives would be permitted to acquire land and settle there, to live permanently. As I said before, sir, Natives tried before the Land Act came into force, to help themselves in that respect, but the Land Act has now shut the door in front of them.

There are no Natives worth speaking of who have farms of their own. Those who have land are principally persons who bought it in partnership with others; so that some acquired as much as 300 acres - that would be about the maximum, - and then smaller areas. Many of them cultivated land on farms on an agreement with the landlords - with the owners of those farms, and, in that way, were able to help themselves to a certain extent; but that avenue of progress to the Natives has also been closed to them by the Land Act.

There are many Natives living on farms who suffer much

much hardship through the whole of the family being required by the landlord to render service for the privilege of living on the land. Native landowners are also handicapped in developing their land, owing to lack of funds, and if the Government could come to their assistance in the same way as the Government towards Europeans, by allowing them to take advances from the Land Bank, it would be very helpful, sir. The products of Native industry, broadly speaking, do not reach markets because the Natives find it difficult to manage to get their produce to the markets.

What they are able to dispose of is usually taken by traders, and the traders pay very little for it. There is no Native who is so well off as to be able to hire a portion of his land, or any of his land, to an European. The land which was given to our people by the Queen is no longer ours outright; it is held in trust for us, and that includes sites, - well, sites for schools. We know that the Native Trust has hired out portions of Native areas to Europeans. The biggest compact area in this Province, which was a Native area, was Zululand, but, as we have said, a great deal of that has been taken by White people, who hold it under a 99 years' lease. We do not know what the financial position is in regard to that; it concerns the Zululand Native Trust.

That being the position, sir, we would earnestly ask that something be done to have the land in Zululand, which was promised to us in 1881, restored to the Natives; it was promised to us that, so long as the Sun rose in the East and set in the West, so long would that land be inviolable.

Owing to economic pressure, sir, - I am coming to another subject now - Natives have been obliged to combine,

- and that is how such organizations as the Natal Native Congress and the I.C.U. came into being. The Congress has done a great deal to bring to the notice of the authorities the grievances of Natives, and has even gone so far as to send people overseas to make representations for them. The I.C.U. went so far as to have cases brought to the courts, and in some instances they won and in others they lost, - that is, cases in which Natives sued their employers for failure to pay wages, or for other causes, which they thought sufficient to justify a court case.

But although it must have been apparent to the authorities who deal with our grievances - those, for example, who had to do with the grievances brought forward by the Natal Native Congress, - and righted certain matters, and the courts which righted certain matters affecting certain wages and so forth, in the issue it has not benefited us, because the Government's reply hasbeen the passing of the Riotous Assemblies Act. One of the results which we have observed is that persons who had at heart the bringing to the notice of the authorities such matters, are dubbed agitators; but those persons who are called agitators, were persons who supposed that they were following constitutional methods, methods which are followed by Europeans themselves. It is painful to us that such consequences should have followed, and it makes us wonder whether, after all, our loyalty to the Government is to be rewarded in that way; we think we are following constitutional methods, and then we find legislation passed hindering our making representations in what we thought was a suitable manner.

One of our leaders has been banished - I refer to

Native Chiefs

Allison Champion; we do not know why a man should be treated in that way, when there has been no trial. We are seriously wondering whether the rights gained by the White people in the time of King Henry III through the Magna Charta are, after all, not to be extended to us Natives.

The Statute of Magna Charta, or the Great Charter made in the ninth year of King Henry III, Chapter 29, says, "None shall be condemned without trial, Justice shall not be sold or deferred. No free man shall be taken or imprisoned or disfeifed of his freehold or liberties or free customs, or be outlawed or exiled, or any otherwise destroyed, and we will not pass sentence upon him nor ~~xxxxxx~~ condemn him, ~~but~~ by lawful judgment of his peers, or by the law of the land. We will not sell to no man, we will not deny or defer to any man, either justice or right." This is taken from page 379 of "Every man his own lawyer".

Then in regard to taxation, page 387, "The Statute de Tallagio non Consedendo, in the time of King Edward I: No tax, tollage or aid shall be levied by us or our heirs, without the will and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses and other free commons of our realm. And all persons shall have their laws, liberties and free customs as largely as they used to have them when they had them best."

We are deprived of those rights. We will not refer to the Land Act, sir. That has already been dealt with; but we would like to say that the Colour Bar Act hits us very hard. Natives are not allowed to prospect for gold or diamonds sir.

It is puzzling to us why the Government should pass

such a law as the Native Administration Act of 1927, singling out the Natives for administrative purposes from the rest of the population of this land. That Act lays down that the Governor General is our supreme chief; but no provision is made for meeting our supreme chief, so as to discuss with him matters affecting our welfare; in other words, he is our supreme chief in name only, and not in fact. We find, sir, that the Act has affected almost all matters concerning the administration of Native affairs very seriously, to our detriment. We are made to pay a poll tax here, which bears very heavily upon us, and it is difficult for us to understand why that should be done, because, we pay our taxes to the Government in the same way as other people do, in indirect taxation.

Everything that we buy is somehow or other taxed, and the Government gets benefit from that. We were told that the poll tax was to be collected for the benefit of the education of our children, but the same is not done for other races, such as Indians, Europeans and the Coloured people.

We pay Government poll tax as in duty bound, but it is hard for us to pay it. We protest against it. It seems to us as though the revenue derived from Native sources exceeds the revenue derived from all other sources.

Another matter, sir, which troubles us, is that the Europeans in this country, although we have lived with them now for about 100 years, are beginning to segregate the Natives from the towns, and are putting up places for them outside - alongside, as though they were repugnant, as though there was something about them which smells evil.

We also protest against certain provisions of the Masters and Servants Act, because, when a Native, owing to hard conditions of employment, deserts from his master, he is promptly arrested and lodged in prison.

As to passes, we are weary of them, and my opinion is that the time for passes has passed; they have actually led to bloodshed, as everyone knows. Representations have already been made repeatedly to the authorities to the effect that there should be one document only to serve all pass purposes. That was also the recommendation of the Inter-Departmental Committee; but nothing has been done to carry out the recommendation.

As regards the Industrial Conciliation Act, we do not know why Natives have been excluded from its provisions. Is it perhaps because a Native has to carry a pass ?

I see from your general questionnaire, you wish to ascertain whether there is any illfeeling between Europeans and Natives. I would say, in reply to that, that such illfeeling as there is - undoubtedly it exists - is due to the matters upon which I have just touched.

Another matter which is a very painful one to us Natives is that the franchise is being taken away from the Natives.

CHAIRMAN: We have nothing to do with the franchise ?- The matters which I have mentioned are all matters, in my opinion, which arise out of the breaking of the agreements which were made between the English Sovereign and the Natives, and also with the Boers - the agreements mentioned by Chief Mini.

In 1833, slavery was abolished, and it was then laid

down that both the slave and his master, in the eye of the law, should be equal. That resulted in South Africa in persons who would not recognise that principle going out into the wilderness and determining that where they would settle they would not allow such equality.

We find now, that, after Union, - the Union of the late South African Colonies, - the spirit of those people who went out into the wilderness is being revived, and there is now a distinction between the master and his servant.

CHAIRMAN: You have given us a long catalogue of your ills. We have listened very carefully to it and we will certainly consider it. But I want to remind you of one little thing, that you can still congratulate yourself about. In all your grievances in which you have gone back to the Magna Charta of 1715, you have this satisfaction - you have appeared today before the Native Economic Commission and not before Chief Chaka?- (Chief Ngcobo): We are delighted to see you here, Mr. Chairman, with the gentlemen who are supporting you on this Native Economic Commission. My evidence, sir, is very short. It is that we have, for a long, long time now, told our rulers what are our grievances. We would be very glad if wemight have an opportunity of telling the authorities something more pleasant than that, and perhaps then the authorities might be able to do something towards us more pleasantly than has happened at times in the past, in order that we, your children, may feel happy and not feel like persons who are faced by a dangerous beast, but rather like persons who are protected by a dangerous beast. Of course, we chiefs feel very much aggrieved about the reduction of our power to inflict fines, - the authority has been reduced

to a maximum of £2 for one offence.

We would plead for better education for our children, - that is, education which will enable our children to find work when they have finished their schooling in the same way as the Government has provided an institution for the training of the sons of chiefs. We would also ask that the stipends of chiefs in the Province of Natal be increased. In other parts of the country it is much higher than it is here. We do our best, sir, to carry out the instructions of the Government. We rush to catch trains in order to be in time to answer the calls of the authorities. Sometimes we miss trains and have to find other means of getting in; and we would be very glad if the authorities would remember that and treat us in a kindly on benevolent manner.

It also is a little bit burdensome to us that our stipends are paid quarterly and not monthly.

We would be very glad, sir, if the Government officials who are placed in charge of Native Affairs, could be officials, who not only know our language but also our customs, our ways of thinking, our habits and, in addition to that, are sympathetically disposed to the Native, so that they do not come to conclusions without knowing exactly how matter which is brought before them stands.

I support strongly the representations which have been made to the Commission for the increasing of the authority of chiefs; it would be a great help to us.

The Commissioners may have questions which they may wish to put to us to find out certain things which have not yet been satisfactorily put to them; and, in that case, we would gladly answer any questions to the best of our ability.

(Chief Mkisi): I have very little to say. I feel like a man who comes to a meal and finds that the other guests have practically finished what was to be eaten. At the risk of being accused of undue repetition, I would like to emphasize that we are really short of land. The chiefs do indeed want more land on which to accommodate their followers. Even a man who is at the point of death keeps on repeating what he feels ought to be done when he has passed away. We feel almost as though the Government is turning its back on us and that we are treated like persons who are passing away; but still, we plead with the Government and ask that monies which are being contributed by the Natives by way of taxation, - or at anyrate, a portion of them, - may be set aside for the acquisition of more land for us. The complaint of the Natives that they are not well enough paid for their services when they work for Europeans, stands like a mountain which cannot be removed.

(Chief Sioka): We are very glad to see the Native Economic Commission here; but we are purturbed about various measures which the Government proposes to pass into law which will affect us Natives, and we do feel very strongly that it would be to the benefit of both White and Black were the Government to take us Natives into their confidence and summon people of our colour to discuss such matters before they are passed into law. May I speak about matters affecting us Natives, who are living here within the area of the Municipality of Pietermaritzburg, sir?

CHAIRMAN: Yes, certainly?- The place where I am living is called New Scotland. My forebears bought it over 50 years ago and, at that time, they thought they were buying

land well out of the boundary of Pietermaritzburg; but now that is right inside Pietermaritzburg.

The Native Urban Areas Act, sir, is bearing hard on us. There is a provision in that Act which forbids a Native from letting his place to anyone but a Native. Under the Urban Areas Act, I am not allowed in this area of which I am talking, to let any part of my land to anyone. I emphasize the word "let". Under the same Act, sir, although I am allowed to buy land inside an urban area, I may not let anyone else live there as a principal; only I, the buyer, am allowed to do that. Although, by the passage of time, we have come to be incorporated within the boundary of Pietermaritzburg and to hold freehold;under this Urban Areas Act, we have certain limitations set upon our liberty - limitations which do not apply to Europeans; we are under Native law, like other Natives. That being so, we are also obliged to take out passes like them. We would be very glad, sir, if the Commission could make it convenient to see how we live - perhaps you have already been out there, - but more particularly to look carefully into legislation specially affecting Natives, to see whether there are not methods in which such legislation may be modified, varied or amended to ease conditions for us Native people. I would put in a special plea, sir, not only on behalf of Native owners of land in urban areas, not only here in Maritzburg, but also elsewhere, - but also on behalf of Natives living inside areas who are known to be persons who are law-abiding and can be depended on to carry out the requirements of the authorities, - and that is, that they be exempted from the provisions of the law

which prohibits them from brewing Native beer (Utywala).

I have already asked that the authorities put Solomon in the position of a Paramount Chief, so that he may not rank equally with other chiefs.

According to the Native Administration Act, sir, a Native who is married under Christian rites, becomes the owner of all the property in the marriage; the wife owns nothings. We protest against that. We would be glad if the law in Natal could be made to be the same as it was in the past here in Natal as regards Christian marriages. Another thing about that, sir, is that people who are getting married now under Christian rites, do not understand the legal nature of the contract into which they are entering; it has not been explained to them.

I have not got anything much further to say, except that I would like to mention something about the present Native Exemption Law. The present Native Exemption Law, it ~~interferes~~ appears, - it is not in the same way as the old exemption law, it is being altered. What we would specially plead for is, if the Government has seen fit to consider that a man is fully entitled to citizenship, he should be taken altogether out of the Native law and be governed purely by the common law of the whole Union ; because this exemption is causing a lot of questions. For instance, if you were an exempted man and you married an unexempted woman, your wife remains unexempted; also, your children remain unexempted unless you include them in your Letter of Exemption. We plead that the present exemption should be made exactly as the old Natal exemption.

Well, in conclusion, I just want to mention about the

customs and the laws of Natives. In the old Dutch times, the Dutch people never made any laws for the Natives; they did not worry to make any legislation or try to make them follow any custom or law. The simply let them go on with their own customs or laws and no alteration was made to their laws or to their customs; and if a Native was reckoned to be "oorlansman" he was respected; he was considered to be more like a civilised man. They did not compare that man with an ordinary raw Native; whereas, we find there is a great difference between the Dutch people and our English friends. With the English friends, you find, if a man is educated, they like the raw man better than the educated man; they would like to put him in a position over what you call an educated man.

This is also a very great grievance amongst the people. My father was born in the Transvaal - he was a Basuto by birth, - and he has always been mentioning that the Dutch system was better in recognising that a civilised man was treated in a civilised way, and I think that if the Government takes the step of abolishing all these, what they call Native laws and Codes, and leave the Natives to grow up just in their own style, it will not interfere with their customs, and those that become civilised will become civilised as time goes, but should not be brought into civilisation and, when they get there, find a lot of handicap for them to advance. That is, I think, all I would say, because everything has been said which I should have touched on.

With reference to the Contract Service Bill; I do not think that has been mentioned today, sir.

CHAIRMAN: It has not been mentioned by you, but it

has been mentioned by a lot of people ?- There is only one point I would like to draw your attention to. The farmer says the law is that, if he allows a man to work without working for the farmer, he will be fined £5, but in time to come, this fine will not be paid by the farmer; he will make the Native pay it. He will say to the Native, "If you like to stop here, allright, I will let you stop, but you must give me £5 because I have to pay £5 to the Government". I think there is a danger there to our people.

Sir, I am one of those that they have mentioned in regard to the Conciliation Act. The Conciliation Act has effected us a lot here in town. I used to be a cabinet maker; that used to be my trade. As soon as this Act came in, I could not be employed because they had to pay me £6, ---

MR. LUCAS: £5. 8. - ?- Yes, £5.8.- a week. Although I am as qualified as any cabinet maker that can be found in the town.

CHAIRMAN: Where did your learn your trade ?- I learned my trade in town here with Mr. Reid, and, after that, I was employed at Reid's Cabinet Works.

Before the Industrial Conciliation Act, could you find work here with Europeans ?- I could find work.

As an employee in an European firm ?- Yes, they could employ me anywhere, and pay me just what I agreed to take.

MR. LUCAS: You are still free to contract, to make furniture for an individual European, who is not a furniture manufacturer, without being bound by that agreement ?- Yes, quite so.

But you cannot work in a factory ?- Yes; but the trouble I have at present is the price for furniture has gone

so low that it does not pay me to do it individually.

CHAIRMAN: But are there any other journeymen in the same position as yourself in Pietermaritzburg that you know of ?- Yes.

How many can you think of ?- There are two that I know of; and also, in the garages, all these mechanics have been put off from their work.

THE COMMISSION ADJOURNED AT 5.10 p.m. SINE DIE, and proceeded to Pretoria, preparatory to hearing evidence at Cape Town. ----------