

For Filing  
Natives' Land  
Commission

UNION OF SOUTH AFRICA.

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# REPORT

OF THE

## NATIVES LAND COMMISSION.

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### VOLUME II.

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*Presented to both Houses of Parliament by command of His Excellency  
the Governor-General.*

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# NATIVES LAND COMMISSION.

## MINUTES OF EVIDENCE.

Bloemfontein, Wednesday, 22nd October, 1913.

### PRESENT:

The Hon. Sir W. H. BEAUMONT (*Chairman*).

THE HON. C. H. WESSELS.

| W. R. COLLINS, Esq., J.P.

*Mr. R. Harley, Magistrate, Winburg; Mr. F. R. Cronje, M.L.A.; Mr. H. J. Vivier, Field-Cornet, and Mr. G. J. Hugo, Farmer, examined.*

MR. R. HARLEY *states:*

I am Magistrate at Winburg.

I have been there three years and nine months. I was for  $4\frac{1}{2}$  years previous to that at Boshof, and at Wepener previously to that.

At Winburg there are not any natives who are really "tenants" according to the definition given in the circular sent me, that is, I take it, a native who holds a lease for the land on which he lives. It is illegal according to the Free State law for a native to be a tenant. But there are an appreciable number who live on farms under a system which is practically a partnership; that is, the native ploughs and sows the farmer's land, and takes a share of the crops. It has not up to the present been interpreted as "leasing" land, as the term "leasing" is used in Chapter XXXIV. of our Orange Free State Law Book. We call it "squatting."

The natives and coloured people here total 25,473. My figures were taken from the unaudited census. We have not been favoured with a copy of the audited returns.

It is a very difficult thing to say what proportion of natives is living on farms on the share system in my district. Very few farmers will admit that that system has been carried on on their farms. All along we have had a shrewd suspicion that a very large proportion of the natives has been living on the farms under those conditions. Since this new Act was passed numbers of natives have been to me to ask what the new law means and for advice as to the best way out of their present trouble, and from the number of farmers who have been asking questions also I judge that the system has been fairly prevalent in the district. It has been so since that law, Chapter CXXXIII, was passed—the law on native passes. There were certain clauses which permitted of certain native households being retained on the farms. The law of 1895 amplified that in certain respects.

Taking the present market value, land in my district would run from about £5 a morgen in the south-eastern part of the district to about 30s. in the north-western portions. A fair general average would be about £3 5s. And, judging from records of property transfer I should say the average value ten or fifteen years ago was £2 to £2 5s.

The average size of the farms one could hardly tell. They run from 5,000 morgen down to farms of 50 or 60 morgen.

The amount of land that farmers as a rule have been giving up to these squatters varies very much. On some farms the owner would not allow more than perhaps a few acres for the personal use of his farm-hands. There is a system of contract which is very generally followed, and shortly it amounts to this, that the native agrees to work for the farmer and to give his personal service whenever called upon as a general farm labourer, together with the service of two or three members of his family. In return, the farmer would give the right of habitation, the right of grazing his stock on the farm, and so many acres to cultivate for himself. Then possibly some of his family may get a wage, 5s., 10s., etc., a month as general servants. That is a very popular custom.

I am sorry I did not follow the meaning attached to the wording "labour tenants" on the memorandum sent me.

[U.G. 22—'14.]

Mr. R. Harley.  
WINBURG.



Mr. R. Harley.  
WINBURG.

I am afraid the only way to find out what proportion of the native population is living under the conditions stated, would be to take up each individual farm. I would have to apply for permission to Pretoria. The difficulty is that so very few farmers will admit that natives are occupying their farms on the half share system, or on any system, against which the progressive farmers have been agitating. Though that system has not been illegal, the great thing against it was popular opinion. There has been a strong feeling against the "squatting" system, and every farmer that you speak to now denies the soft impeachment.

Mr. H. J. Vivier.  
WINBURG.

MR. VIVIER: It would take a long time to furnish an idea even approximately as to the number of the native population living under the conditions stated, that is those who are partly farming; those who are working as servants; those partly farming and partly giving service, and those who are just farming. There are three Field-Cornets in my district

Mr. R. Harley.  
WINBURG.

MR. HARLEY (*continuing*): Most of the contracts were lawfully entered into, and most of them are for so long as they can agree together. The interpretation given to the law in regard to the ending of the contracts is that we take the first reaping season as terminating contracts for an indefinite period. We have no measure to compel either the farmer or the native to tell the Field-Cornet or any other person what the actual terms of these contracts are. Any information that we could supply you with would be anything but reliable. I would judge roughly that quite half of the rural native population has been subsisting in the past on that system. The other members of my party agree to this.

An ordinary family farming on half shares would be entitled to use for grazing, etc., practically the whole farm. A farmer might possibly reserve one or two spare camps, which would be excluded.

That land has been so cheap in the past, and that the amount of stock kept by the farmer himself has not been in keeping with the capacity of his farm, are reasons why he has not minded having natives who perhaps bring as much stock on to the farm as he has got himself; but as the farms are getting smaller there is less and less inclination to allow natives with appreciable herds to come on his farm. The land is getting more valuable. In the past a certain class of farmer has found it pay him very well to get the natives on to his farm to do all the ploughing, give all the labour, in some cases the draught cattle, wait until the crops have been reaped, and then enjoy the benefit of half without personal risk or labour.

The feeling against this system has been growing, to the best of my recollection, for the last twenty years, and it has grown in intensity since the war owing to the agricultural departments of the different Colonies having brought to the notice of farmers who are really progressive what intensive farming is. It is the progressive farmer who objects to the system.

As to the return that farmers can get in this way from their land, I might give one specific case which was brought to my notice through a law suit—one farmer got as his share from the labour and so forth of the natives, nearly 400 bags of mealies, which, taken at the market value of about 7s. 6d., would be £150. Then he had the right to the mealie stalks for the winter for his own stock, and it would be almost impossible to place a value on this. The farm was two separate pieces of about 560 morgen, valued at £5, that is £2,800. For allowing three families to reside on his farm and to graze their stock for the year he got £150 in value. The boys got one-third share and he got two-thirds. In this case a tremendous lot of ploughing had been done, and it was not a very favourable season either. As a general rule the native gets a half share and the farmer a half share.

The stock belonging to these natives is increasing extensively, and requires more and more grazing.

The farmer who has not been prepared to work his farm on this system is the farmer who has not been able to get native labour. The native will not work for a wage when he can plough and sow on half shares, and live a semi-vagabond life. The progressive farmers are being victimised by not being able to get labour. The non-progressive farmer is the unfortunate man whom you have had to legislate against.

Most of the contracts which were entered into were entered into during the February to May ploughing season, and we have interpreted this particular clause in the new Act to mean that it gives a decided notice of discontinuance. The effects will be fully felt only after this year's mealie crop is in. Where a specific contract has not been gone in for, those natives are now receiving notice to leave, and in practically all cases they are natives who have large possessions.

As a rule the contracts are verbal, and sometimes they are for the season—generally as long as parties can agree. They are automatically renewed if the master or native does not notify discontinuance.

It is true that a certain proportion of men who have bought farms for speculation have carried on this system also, and also well educated men living in towns, but I have this from hear-say only. It does not apply so much to men living in any district. I know the gentlemen Mr. Wessels refers to who is living in my district, and who is carrying on this system of farming on shares.

There will be many natives who will be placed in a very awkward position when their crops have been reaped. There are numbers who are in a very awkward condition already.

Up to the present there are about 30 who have been to me—30 heads of families—natives possessing from 60 head of cattle, 140 sheep and 11 horses—that was a native who came to me yesterday. Taking his stock at the ordinary market value he had about £600 worth of property. He had only one child of 14 years of age who could do service, and consequently no farmer would have him. Before that he had been for two or three years on a farm where his two teams of oxen did all the ploughing for the farmer. That is one case.

The farm is just on 2,000 morgen, and his stock had the grazing rights over the whole farm, together with those of the farmer.

In some instances I have been able to settle the matter by advising them to break up the family and divide the cattle among the members, so that they have been able to get a place elsewhere, but of course there is great dissatisfaction at their having to divide up their possessions in that way.

The trouble with the wealthy native under this Act is that he has been accustomed to look upon himself as a tenant; under this Act he cannot have a place unless he gives his personal services or the personal services of his family, and no farmer will take a native with a large number of stock where he would only get the services of one man or perhaps two.

Many progressive farmers have had to submit to the system to get labour. Farmers sometimes come to me and ask if there are any boys in gaol whom they can get.

The effect of this Act will be to distribute the natives more evenly—unless they trek away to native territories—Bechuanaland or Basutoland. I know a few have trekked, but I could not say whether they have left the district. Up to about three weeks ago, I have been told many proposed leaving the district for Bechuanaland, but since I have been round and explained the Act matters for the present are in abeyance, and until the present contracts expire I could not say what numbers would be likely to leave the district.

As a rule they are Basutos or Baralongs. There are very few Fingoes; a large proportion are of mixed tribes.

Basutoland was very much overcrowded during the war, and afterwards there was an influx into the Orange River Colony. There is a marked increase in the population under 21 years of age, both males and females; to a very great extent, therefore, the increase is a natural increase.

I am afraid that a large proportion of the same class of men who encourage the squatting system will take advantage of this Act to sweat the native—to get natives at their mercy.

Yes, if those who have stock sold them, they would get any amount of people who would take them on their farms.

The only *via media* that I can see would be for the Government to make some provision somewhere so that natives who have become too rich, to put it bluntly, may retire for the time being. I am not suggesting any scheme by which a native would be allowed to enter such Reserve or temporary provision without having to pay for the privilege. I would not recommend a locality in the Free State where he could buy such land. There should be some system or scheme by which there should be a sharp demarcation as to what is Native Territory and what is European Territory.

There is no location in the Winburg District except the Municipal Location.

The farmer who does not keep natives on his farm has to ride round and look for them on the neighbouring farms when he wants helpers. There is no Reserve. The squatting farmers are always prepared to give passes to their natives to go and look for work. There is a very large Reserve at Thaba 'Nchu and he may get his boys there.

No, I do not think that natives should be allowed to buy land in any part of South Africa outside of native reserves.

I think it is rather the exception to find a man who wilfully ill-treats his servants. In my experience of the Free State I have always found that the farmers treat their boys well in their own interest.



Mr. R. Harley.  
WINBURG.

I think about 40 per cent. of the natives would have to leave the farms, or work. It would be to the benefit of the country in general, even if some of them leave the country.

I think that the Government should make some temporary provisions for the natives until the Commission has reported, or until Parliament has decided. The white man knew all along what he had to face, and he can buy land and the native cannot, but we have taught the native to acquire property, to acquire a system of family life, and to look to the white man as a sort of right to provide him with a place to live in, and now by one act you sweep that whole condition away, and I think that provision should be made temporarily. The Government to acquire suitable farms, on lease or otherwise, and allow them to occupy them against ordinary grazing rates. In a case like this the Government is above the law.

I certainly think that the Government should take the control and direct the education of the native and see that the system and the class of education is on the right lines. And I think they will undoubtedly be better labourers and a better asset to the country along certain lines—teaching them agriculture and farming work, or special work according to the lines a native is going to work along. They will undoubtedly spend more of their money. At present the native is an irresponsible individual, but you would increase his value as an asset to the country.

In making some provision such as I have spoken about, the progress of the poorer class would be arrested, but I think if a system which has been tolerated for 25 years is done away with, then, in common justice, some provision should be made.

I do not think it should be made too easy for the natives to go to the reserves, but, personally, I think if it were possible to make a general sweep-up, to get all natives to the reserves and classify them there, we would have a system which would give a chance to the poor man to work himself up.

Numbers of natives could not subsist on farms in my district. If the system were followed all along, and the natives classified, the ordinary native labourer would remain so until he dies—he would always be available. The native who has arrived at a higher standard financially or educationally should be made to feel the responsibility of having acquired that higher standard, and where he goes to a native reserve the grazing rights should be of such a nature as to force him to acquire a piece of land, and it would be better to classify the natives for himself and ourselves.

MR. F. R. CRONJE, M.L.A. (*Winburg*), states:

Mr. F. R. Cronje,  
M.L.A.  
WINBURG.

I have heard the evidence of Mr. Harley, and I am in agreement with what he has said.

Prior to 1902 the system of ploughing on shares was, as far as I am aware, unknown in my district. Native labour was not so difficult then to obtain. They were not allowed to congregate on one farm.

If this law is enforced in the Free State, and sowing on halves is not allowed, every farmer could get his share of the native labour. It is for them to decide whether they would sell their surplus stock, and it is for them to decide where they would go to. If a native has much stock the farmer would naturally refuse to take him on his farm.

We maintain that according to Chapter XXXIV of the Law, leasing was illegal. Since 1902 the High Court has given a decision that ploughing on the halves is not "leasing." We have always interpreted it as leasing, and that is the reason we made that provision as far as the Free State is concerned. According to Article IX. Chapter XXXIV. "any person selling or leasing immovable property to a coloured person who, according to the provisions of this law is not entitled to obtain transfer thereof, shall be liable to a fine of one hundred pounds sterling, and such contract of sale or lease shall be cancelled." In 1902 the High Court upheld it that ploughing on the halves is not illegal, and since then the half share system has started in my district.

As far as I am concerned I should be against setting aside a certain location in which natives could buy land, that is as far as Winburg is concerned. If we had a native location in our district it will only increase the number of stock thefts; it would be the same at Hoopstad, and for that reason I do not think it is advisable. I think that is the feeling of the whole district.

The law is that if an agreement is for one year and over it must be in writing, under one year it may be arranged verbally.

MR. H. J. VIVIER (*Field-Cornet, Winburg*), states:

I agree fully with what Messrs. Harley and Cronje have said. There is little that I would like to add. I am quite satisfied that this half share system ought to be stopped, and I think that will come about. I do not think there should be much trouble with the well-to-do natives. They have too much stock, and the farmers cannot take them on that account. Of course the natives have a system of placing some of their stock on different farms with their boys. The natives living on good farms, perhaps, take stock to their relatives and as far as the owner and other people are concerned that is the relatives' stock, and in this way I expect that many natives will distribute their animals with their relatives.

I think also that no further portion of the Orange Free State should be set apart for native occupation.

Mr. H. J. Vivier.  
WINBURG.  
(*In Dutch.*)

MR. G. J. HUGO (*Farmer, District of Winburg*), states:

I fully agree with what has been said by the three gentlemen preceding me.

I would only like to explain that, as a mixed district to a great extent, many farms in the district can be ploughed. Natives sometimes refuse to go on farms where they cannot farm on shares. They do not want to go to a place where they must work. The soil in our district is mostly "turf," and it is no use for mealies, and it is stony, too, in places, and many farmers living on farms with this kind of soil cannot get natives. The first thing the native asks is "where are your lands?" and if you have no lands for sowing, off he goes. I think the half share system should be stopped. We are quite prepared on most of these farms to pay the native such an amount of money for his services that he can buy his Kaffir corn.

Mr. G. J. Hugo.  
WINBURG.  
(*In Dutch.*)

Mr. F. W. van Heerden, *Magistrate, Edenburg*; Mr. A. J. G. van Zyl, *Field-Cornet, Edenburg*; and Mr. J. H. B. Iddekinge, *J.P., Bethanie*, examined.

MR. F. W. VAN HEERDEN (*Magistrate of Edenburg*), states:

I have been at Edenburg nearly four years. Previously I was acting as Landdrost at Fauresmith in 1894, and it was then a sub-district, where periodical courts were held by me every quarter.

Labour is very scarce in the district, and there is a general demand for it by farmers.

The number of farm labourers in my return is 750. There are about 500 farms altogether. And there are only 750 ordinary farm labourers that actually give service. They live on the land, that is, including Bethanie. They have their houses and huts on the farms. As a rule they are not allowed any land. They are poor labourers. They have no land to cultivate and none to graze. Generally every native has a small quantity of stock which he is allowed to graze on his master's lands. I did not get the number going about myself, it is only information which I received.

No natives in my district are ploughing on this system of ploughing and sowing on shares that I know of.

There are about 4,000 natives in my district. They live on the farm as ordinary labourers, but most of them live in Bethanie District. That includes the location in the town. Trompsburg is also in the Edenburg District.

There is a good deal of farming done in my district.

Farmers get their servants generally as they go along—mostly from Basutoland. They give their services and go away again, and a good many have homes in the district, and, as I have said in my report, there is a great demand for labour in the district. In my district the farmers do not go round to the natives who do not plough and sow in return for their services. There is a big Mission Reserve, but no other locations.

None of the farms are owned by natives.

I know that this Land Act stops all contracts of half shares and the leasing and contracting, and the coming into force of that Act will not affect the natives in my district.

The average pay is 10s. to 15s. a month and food and clothing. It is mostly a stock rearing district. There are some farmers who pay £1 a month, and several more would pay that if they could get the labour.

The fact of the Mission Station being in my district does not help to give the farmer labour, although in a certain respect it does during the shearing season. But generally the Mission lends these natives to help in the shearing, and in that

[U.G. 22—14.]

Mr.  
F. W. van Heerden.  
EDENBURG.



Mr. F. W. van  
Heerden.  
EDENBURG.

way we get a little at certain times—in the vicinity about Bethanie—shearing and helping with the crops. It is only, however, in certain seasons.

I certainly could not advise the setting aside of any land in my district for purchase or hire by natives, nor in the surrounding districts. There is no facility, moreover, for such about there, unless perhaps you take Bethanie.

I should like to bring home to the Commission the question of the native poll-tax, which I think should be reduced. I think it is very unfair on natives earning small wages to pay a tax of £1 a year, that is the present tax, and I consider that the tax should be reduced to 10s. Then I find that some of the Municipal regulations, especially about my district—Trompsburg—are driving the natives away, and there is a lack of servants about these smaller places. The 1s. monthly residential pass is a hardship for the natives to pay, and is the chief cause of their leaving for bigger centres.

MR. A. J. G. VAN ZYL (*Field-Cornet, District Edenburg*), states:

Mr. A. J. G. van Zyl.  
EDENBURG.  
(*In Dutch.*)

About three to four labourers are employed on each of the farms in my district, not counting children, but including females. They live there permanently until there is some disagreement, and then they trek somewhere else. They are not allowed any land to plant or sow. We get some labourers from the Mission Station, but not sufficient.

I think the effect of the putting into force of this Act will stop all this leasing on half shares. We get native labourers from Basutoland as well, and I do not think it will affect my ward one way or the other. Most of the Bethany natives come to Bloemfontein, and we do not get them.

If a number of natives were thrown out of employment there is no chance in our district of giving them ground to plough, because we have only small plots, and the plots that are cultivated are used only for lucerne, fruit trees, and so on, and the land is irrigated and used.

What we do is to give the native the chance to run his stock, but we have not got ground to give him to plough.

The land is worth £3 to £5 per morgen. Land has gone up a lot all round. Not a single farm has fetched £5 yet.

I do not think if the poll tax of £1 per head were reduced it would make any difference as far as Edenburg is concerned.

I do not think if the Municipal Regulations were less stringent that natives would be affected with regard to coming to the Municipality.

The Bethany Mission Station is an excellent institution, and has a very good influence on the natives in the district.

On the farms the natives have got up to ten head of cattle, 50 sheep and five horses.

If greater facilities were given to the grazing of natives' stock, it would not be difficult to get more natives, but that cannot be done on account of the smallness of the farms.

The native gets about 2s. 6d. for shearing.

The educated native boy from the Berlin Mission makes a better labourer than an uneducated labourer, in my opinion.

Mr.  
J. H. B. Iddekinge.  
BETHANIE.

MR. J. H. B. IDDEKINGE, J.P. (*Bethanie Village*), states:

I agree generally with what the Magistrate has said.

About the poll-tax I think that certain modifications should be made. I think they ought to pay a higher tax if they do not work. If they work they should lessen the tax on a sliding scale. The boy who does not work ought to pay £4 or £5, and if he works nine months he ought to be free.

MR. VAN HEERDEN: I am entirely of the same opinion.

MR. IDDEKINGE: There is certainly a scarcity of labour. This Act will not affect our labour supply. I maintain that if more boys come from the North and the South, and if they did not have such an easy time up there, we should have more natives. I think those who would like to work will find work easily in our district, but I should not be prepared to give a native land to cultivate or ground for grazing unless he was a particularly good boy. In certain circumstances it has to be done. I have a boy to whom I have had to give five morgen of ground, otherwise I could not induce him to stay. The majority, I think, have a certain amount of grazing right.

Out of ten boys I have only one Basuto. I do not get any natives from Bechuanaland.

I have to differ from the Field-Cornet with regard to the natives from Berlin. My experience is that there is the greatest difficulty with them. They want 10s. and their food, and to be well fed too. Their boys will shear for 7s. 6d. I have offered them a shilling a day and their food to help me, and they have refused to come. I have offered native girls 10s. a month and cannot get them. The price of 10s. they want is per hundred sheep.

There would be no room in my locality for boys who have 60 head of cattle and 100 sheep, etc., we could not keep them.

We have the Koranas and Kaal Kaffirs.

The boys can do better at Jagersfontein and Bloemfontein than the farmers can afford to pay, and that is why the native labourers flock to the towns and to the mines. They are better paid and better fed there.

I think I employ more natives than farmers in my district, and I do not think I have got a bad name with the boys.

MR. VAN HEERDEN: With regard to the native poll-tax, it is my experience that you can get native labour all right enough, but we find them flocking into Basutoland when they have to pay the native poll-tax, and they come back next year again. I think, however, if you have a boy who has been working for you for six months that he should have a little consideration.

There is another matter, about the heads of families, that I do not agree with. I maintain that if a man has ten thousand morgen and does not sub-divide, every facility should be given to him if he is a progressive farmer, and the restriction as to keeping so many heads of families on his farm should be removed. You can keep a hundred boys as long as you pay them, but not heads of families. You can keep ten heads of families, the law says "not exceeding fifteen." There is a man owns a big farm, he may need 50, and he must pay £25 if he wants them. They do not want to sell their farms. It is not at present needed, but it will come to it. I am merely mentioning this, but a man should be able to have as many heads of families as he needs for his progressive farm, and should not be restricted. The Free State will be at a disadvantage if they are excepted from keeping so many heads of families on their farms.

*The Reverend A. W. Klonus (Minister in Charge of Bethanie Mission Station, District Edenburg), examined.*

1. *Chairman*: Is this return correct? I understand that your Mission Station comprises 21,539 morgen?—Yes.
2. On which there are 1,360 natives?—More or less.
3. The land is held by the Mission, the natives live there on condition of payment of church and squatting fees, grazing fees, and proportion of crops thereon?—Yes.
4. What denomination is your Mission?—The Berlin Mission.
5. Have you been there long?—About two and a half years roughly.
6. Now, of course, there are very few natives compared with the extent of land which you have, so that the land is very sparsely populated so far as the natives are concerned?—We have only got 1,360 natives to 21,539 morgen.
7. Yes, so that that is a very sparse occupation of the land as far as the natives are concerned, and you have room for a great many more there?—Oh, yes.
8. Under what conditions do you hold this land? I mean to say is it freehold title granted to the Mission?—Yes, we have a title deed as owner of the farm.
9. Was it a purchase or a grant?—It was obtained by the Berlin Mission from Adam Kok.
10. And confirmed by the Free State, I suppose?—Yes.
- (*Mr. Van Heerden*: I have the papers in connection with the same if you would like to see them.)
11. What really have these natives got to pay for the privilege of residing on this land of yours—what does it amount to? I see you say church and school fees, proportion of crops, but what do you estimate that to be?—They have to pay 6s. yearly as members of the church.
12. *Mr. Collins*: That is male and female?—Yes. People living on different farms have also to pay the same, so on account of being resident at the Berlin Mission they have to pay it. In towns they have to pay more, from 12s. to 18s. School fees are paid 5s. yearly, but that is to say a native pays it as householder also—for the children of his brother and so on he has only to pay 5s. a year.



Rev. A. W. Klonus.  
EDENBURG.

13. *Chairman*: And then the only other thing is the grazing fee?—He has to pay 2s. for 100 sheep, according to our rules and regulations.

14. Five shillings for one head of cattle and six shillings for a horse?—Yes, yearly.

15. If they have more than 200 sheep, say 300, then they have to pay for the third hundred double grazing fees, that means 4s. per hundred?—Yes.

16. *Mr. Wessels*: You have a set of regulations?—Yes.

17. And would be prepared to send them to the Commission?—At any time, and also the rules and regulations.

18. Have they any title, or can you remove them at pleasure?—According to the rules and regulations. The set Mr. Van Heerden has are a little old. I could send you a copy this afternoon.

19. Do you refuse natives who want to go and live there; has it happened?—If they come and ask for permission we would accept them, but not otherwise—sometimes you find very bad natives, or lazy ones, who would not like to do anything, and we would not like to keep them there.

20. Can you tell us why there are so few natives on such a large piece of land?—I think that is on account of paying grazing fees.

21. They prefer to go to the farms and have it for nothing?—Yes.

22. Do you improve the natives by giving them better education?—I am quite sure of it.

23. You improve them morally and socially?—Yes.

24. They are better workers?—Yes.

25. And do you encourage them to go out and work?—Yes, to-day I have at least seven or nine or ten applications for natives, and I do what I can to send them out to farmers for shearing sheep and building dams, and also in towns.

26. But can you force them to go?—No, I recommend some, but they are free. Sometimes I try as much as possible to press them to go, but I cannot force them.

27. Have you any difficulty to preach the Gospel as a missionary?—No.

28. You cannot cultivate there without irrigation?—We have some dry lands.

29. But as a rule it is a failure?—We have lands under irrigation and dry lands too, but of late we have had very dry years.

30. *Chairman*: I suppose a man must be a member of your Church to live there, you make that a *sine qua non*?—No, it is not necessary, as you will find out in the rules and regulations.

31. What is the average amount of land that a native occupies with his family and his stock? Do you apportion them in lots? How do you give out the lands?—The lands for cultivation or grazing rights?

32. Both. How do you allot the land to the natives?—We give a piece of ground to a native and tell him what he has to put into the ground, how to plough and everything. He has to come to the missionary and ask him for seed and further instructions,—that you will find in the rules and regulations.

33. And he takes as much or as little as he likes?—No, he has to ask permission from time to time.

34. *Mr. Wessels*: You do not allow liquor there I see?—No.

35. *Mr. Collins*: Do they get it without permission?—No, I have had no complaints at all.

36. *Chairman*: What amount of land do you generally give to a man to plough?—Say about one morgen, two or three morgen.

36a. And he has to give you one half of what he has produced?—Under irrigation, yes, but dry lands one-eighth.

37. What do they sow there?—Wheat and oats, mealies, kaffir corn, barley and a few potatoes.

38. *Mr. Wessels*: They make Kaffir beer sometimes?—No, that is against the rules and regulations. We would have the right to send them away if they make Kaffir beer.

39. *Chairman*: I suppose all the families do some cultivation?—More or less, yes, but not all.

40. What is the average amount of land you allow?—They pay so much a head. There are so many portions of the farm, call them locations if you like. There is a certain portion of the Berlin Mission where they have grazing lots, and also other people have grazing lots on their portion.

41. The Mission station is divided, and you give a man rights over certain locations?—Yes, but not to everyone is 10, 15 or 20 morgen given.

42. And then as a rule I suppose there would be ploughing or cultivation going on in the same location?—Yes.

43. And living in the same location?—Yes, though not always, but generally speaking, they live in stadts, that is a sort of village, close together, and a few you will find near dams. Where we have land under irrigation and where fruit trees are we prefer to have a man near and guard them. Rev. A. W. Klonus.  
EDENBURG.

44. But otherwise they are in locations; you like the men to live together?—Yes.

45. It is more economical?—More economical, and it is better to superintend them. We have locations where they have a foreman, and he is responsible for the natives there.

46. What tribes or nationalities do these men generally consist of?—Bechuanas and coloured people, and some Koranas and a certain type of Basutos. All races you can say.

47. Is there any other remark you would like to make to us on this subject? Of course you are prepared to take a good many more natives provided they come in under your conditions?—Yes, quite right.

48. And what is keeping them out is the amount that they have to pay?—Yes, the grazing fees, and the strict control of the Berlin Mission.

49. What number of natives could you support?—We could support many more; at least twice as many.

50. I see you have got one native to every sixteen morgen?—Yes, that is so. But, as I say, we could keep many more. With regard to the Act, if I only have to speak about Bethanie then I have nothing to say; the Act will not affect us.

51. Have you given the Act any thought or consideration?—Yes, I have.

52. Do you see any practical way of getting over the difficulty of all these thousands of natives coming to a wall's end when their contracts expire?—I think it will be a very big question and a very hard thing to find room enough for them.

53. Is there any relief one could give, by which this thing could be done by degrees, so that instead of terminating all the contracts at one time and so throwing them into a state of uncertainty, things could be done gradually?—A good thing would be not to force them all—not to apply it to the old inhabitants on the farms, but to the newcomers who would like to hire lands and so forth. That is the only way I can see.

#### AFTERNOON SITTING.

##### PRESENT:

The Hon. Sir W. H. BEAUMONT (*Chairman*).

Senator Col. the Hon. W. E. M. STANFORD, C.B., C.M.G. | W. R. COLLINS, Esq., J.P.  
The Hon. C. H. WESSELS.

*Mr. R. N. Rosenzweig, Magistrate, Kroonstad; Mr. B. J. S. Wessels, Farmer, and Mr. H. P. Serfontein, M.L.A., examined.*

MR. R. N. ROSENZWEIG (*Kroonstad*), states:

I am the magistrate of Kroonstad. I have been there since 1908, but I have been in the Orange Free State service since 1882.

The numbers of native labourers employed in the district I have given in my memorandum sent to the Commission.

The Crown Diamond Mine will be declared a labour district. Natives are working and living there. The Vierfontein Mine has a mine location. It is an established mining area. Not many natives have their families there with them. Generally they are the loose mine boys hired from Basutoland.

The number of farm labourers given, 1,600, is approximate. It depends on the size of the farms as to the number of natives employed. Mr. Wessels will be able to tell you about those who are ploughing on shares, the number I have put down at 600. The district is a mealie farming district. Eighty thousand bags of mealies were produced this year in the Bothaville area, that is where most of the half share farming is carried on, and is where the rich native resides. They receive one half or one-third shares. The farmers supply them with seed and even with oxen to plough. Some natives have enough of their own cattle to plough. Some have too many cattle, and the farmers on the East side of the Vaal River will not have them. They cannot afford to keep them.

Mr.  
R. N. Rosenzweig.  
KROONSTAD.



Mr.  
R. N. Rosenzweig.  
KROONSTAD.

The land is valued from £2 to £3 per morgen in the Bothaville area. The Government farms comprise eleven farms of 9,500 morgen. Along the Valsch river the farms are valued from £3 10s. to £5 per morgen. I put down the number of labour tenants approximately at 2,000. That does not include the squatters, but *bona fide* labour tenants.

The majority of the contracts expire in 1914, some expired in August last. I had three cases the other day where they expired in August last. The "baas" tells the Kaffir "You must clear off." The Kaffir says "Where must I go?" They come to me and try and obtain assistance. That is how the Act has affected them. For instance, one boy came to me and applied for a butcher's licence, because he does not know where to go with his stock.

A sentence in the report I forwarded you reads "The effect of the Act was to force those squatters whose contracts had expired to become ordinary farm labourers," and it goes on to say "some considerable improvement in labour conditions being thereby effected." I cannot say at present how this Act will work. It would tend to bring the native down to a labourer. There would not be any squatters.

Supposing the contracts expire in 1914, in my district I should say about 400 native families would be affected. I am rather inclined to increase that—to put it down to 600.

The farmers will hire a certain number of what we call "labour tenants"—where a farmer hires a man his family is included.

I can state an instance that came before me recently of a native who had 300 sheep, 62 head of cattle and five horses, that is an ordinary native, and I think some natives residing in the Bothaville area have perhaps got more cattle than the owner of the farm. The farmer says "I object to keeping so many of your cattle on my farm," after his contract has expired.

The remedy that I suggested, viz.: to try and find reserves, is only a matter that occurred to me for the purpose of obtaining the native labour after the contracts have expired. Then the question arises what are we going to do with these natives with their cattle—some outlet must be found for them. You can either establish reserves, or bring them down to farm labourers, or say "You have to sell your cattle."

I do not think there is any danger that if the Government decided to establish reserves we would lose our native supply (I must incidentally say that I have no experience of them—I do not know much about them). If those reserves were put under proper supervision, the farmers could draw native labourers from them, and they would not be against the reserves.

I made the remark noted in my report: "I do not anticipate any great difficulties with regard to the carrying out of the Natives Land Act if properly understood." Just after the law was promulgated, people went round and explained this Act and everybody gave his own version. One Justice of the Peace wrote to me and said "For goodness sake send me a copy of the Act, I have attended three meetings, and they have all given different versions." I do not anticipate any difficulty in carrying out the Act until next year, when the contracts expire. Some expire in March, July and August.

Some farmers have given the natives option of renewal—verbal contracts. Others have given it for five years. I know a man who has a contract for his native to remain for another four years. But the majority expire next year. The native does not understand the Act himself properly.

We are going to have a large number of natives and cattle on our hands next year. The question is what are we to do with them? It mostly only affects one portion of my district—Bothaville.

When I speak of a family in my report, I mean the sons and daughters and wives as well.

Why I should prefer reserves being established where natives could buy land is because you can keep them under police supervision, and make regulations.

I would not send the natives with large numbers of animals to the reserves. We could only allow a certain number of natives with so many cattle there.

The only benefit of such is that we could draw the labour of their children and families for farm purposes.

Europeans would resent having reserves in their neighbourhood.

To a certain extent my proposal may seem impracticable, but if they were put under proper regulations, the same as town regulations, they would, I think, work satisfactorily.

I would not give the natives the best ground to live on.

The only benefit is that the European farmer might draw native labour for farm purposes.

They would work where they liked. You cannot stop natives going to the mines, where he earns £2 5s. a month and is well fed, but generally farm boys do not work for the mines. The boys who work for the mines are those recruited from Basutoland and the Colony.

There are only certain areas where natives can be recruited at present.

A native who is worth five or six hundred pounds will never go and work on a farm as an ordinary labourer. If we send the families out of the country we lose the children, and we are very short of labour now.

You can try, but you cannot stop education, and the natives are making strenuous efforts to be educated. It is a difference of opinion whether you obtain a better native to work if he is educated. Some people would prefer uneducated to educated natives.

If a native has faithfully carried out his contract for years, I do not think it is justice towards him not to provide for him, and that is why we should compensate them by sending them to reserves. Otherwise they would go to Bechuanaland or the Transvaal. I am afraid that Basutoland is overstocked considerably. They will go anywhere where they can get sufficient grazing rights.

The effect on the large areas which have been under cultivation and producing large crops, like the Pilgrim's Estates Company, will not be great, because they will simply say "I require so many labourers to cultivate my farms, it does not matter whether I get 100 or 150 labourers." If you take away the squatter's law they will say "I have to get so many natives to work my lands," and I do not see why they should not get the labourers they require from Basutoland.

I know farmers who have said to their natives: "Look here, I cannot keep you on the halves or third share any more, but now I am going to give you ten acres for Kaffir corn, you can sow as your wages. I will even go so far as to give you my oxen to assist."

A man told me last week that if he fell short of labour it would not affect him much, and if he could not get boys he would go in for machinery largely. They have done it already, and if you saw the number of ploughs and machinery this season in the Kroonstad district you would be surprised.

With regard to the 50 per cent. increase in the figures of the census of 1911 over 1904, we have got a floating population in this district. I have added 2,000 for women and children to the figures of 22,568, but next year there may be 20,000. We have a floating population, the majority come from Basutoland, there may be an influx, and next month they may have left.

It is greatly due, I think, to the half share business. It is an attraction to them. On the Basutoland border a few years ago a farmer reaped his crops reaped; he obtained about 300 natives, and they reaped it in two days. He paid them one bag out of ten.

I do not think the mines compete with the farmers much in respect of native labour. The mine boys are not farm boys; they are recruited from Basutoland and elsewhere.

The farmer must have labour, he cannot depend on casual labour. A good many of the sons and daughters of natives to-day do not go into service. They stay at home. But you very seldom find a farm boy going to the mine.

Generally speaking, taking natives as a whole, they live a very happy life. In some cases they live better even than the whites. They require very little.

The native September Dreyer obtained his farm under the old Free State laws. I think he was a bastard. It was a special grant from the Volksraad, some 40 years ago. The extent of his farm is 976 morgen.

Unless reserves are established, I think the natives will have to sell their cattle and become farm labourers, and that they will resent. Then the only alternative is that they must go to the reserves or pass out of the country—to Bechuanaland or the Transvaal. Most of them would prefer to go to the Transvaal.

MR. B. J. S. WESSELS: I think it would be very detrimental to the people of the Free State if we established reserves, they would go right through the country, and steal and rob.

MR. H. P. SERFONTEIN, M.L.A.: I do not think it is fair that the Transvaal, for instance, should give a reserve for Free State natives, and *vice versa*. I think it is a matter for which each Province should be responsible. Whether it would be desirable or undesirable, it is a responsibility for each. The Free Staters would object to giving reserves to natives from other Provinces; similarly the other Provinces would object to give reserves for the Free State.

[U.G. 22—'14.]

Mr.  
R. N. Rosenzweig.  
KROONSTAD.

Mr. H. P. Serfontein,  
M.L.A.  
KROONSTAD.  
(In Dutch.)



MR. ROSENZWEIG: There is Government ground in the Bothaville area—twelve farms, seven in one block, leases of which expire in 1914 and 1915.

MR. SERFONTEIN: It seems to me that it would be to the interest of the Kroonstad district if these Government farms were made a native Reserve. The poor people have no benefit of those lands at present.

I do not think we can force the native to work on the reserve, he is free to do what he likes. He would have to pay certain taxes or rates. I should think that it would be a waste to sell the ground within such native reserves to natives in small holdings.

Mr. B. J. S. Wessels.  
KROONSTAD.

MR. B. J. S. WESSELS: I disagree entirely regarding these reserves. We have prevented that from the beginning. I want to keep the Free State as a white man's country.

I am inclined to agree with the view to take our chance to get labour, if it can be shown how we can draw labour from anywhere else then do away with the reserves. We cannot do it by resolution, as it will be against the Free State law. We have only two reserves—Witzieshoek and Thaba 'Nchu. I would not allow purchase or hire. You could say "There is 50 morgen for you, or 100," but there must be no ownership or transfer to the native in any shape or form.

I have not thought the matter out before, not as regards the condition upon which the reserves are to be allotted to them.

The poll-tax should be doubled in the case of those who do not work.

Before we allow these people to leave the country, reserves could be established under police supervision. It is better to have them here than to send them out of the country. The labourers on the farms here are as a class good labourers.

I have a boy at present named Zwartbooi, who has been with me for 25 years; he has 100 head of cattle and a lot of sheep. I shall tell him to get rid of a lot of his cattle. If I took the ordinary view that this old Kaffir has now got too rich for me to keep him, and I told him to go, I do not think it would be a just thing if I cleared him off.

Very likely there will be a good many old boys wandering about. They cannot get on to farms because they are too rich. Of course Zwartbooi would not like it, but it stands to reason that if he is going too far with his cattle then I cannot keep him—he has too much stock—and he must part with it. Of course it is not his nature to sell out and go and retire.

MR. ROSENZWEIG: They apply for butchers' licences, but the Free State law does not allow the issue to natives.

MR. B. J. S. WESSELS: I tell them when they get 800 sheep they must move on.

The only thing I wish to impress upon the Commission is that you must think well before you report upon reserves in the district. My experience, for 45 years, is that it will not benefit, but will be detrimental to the country. That is my opinion. I do not agree at all that a portion shall be set aside as a native reserve in the Free State. Let the natives here take their way.

I do not think the two reserves have been detrimental to the interests of the European, but I would object to another because it takes part of the country, which is rather small. I would not have such a strong objection if the reserve was to be added on to Witzieshoek or Thaba 'Nchu, but we should not have it between us. You cannot do such things as to try and push the natives off. We must treat them fairly, and, as I have said, unless you go in for slavery you cannot do it.

Bloemfontein, Thursday, 23rd October, 1913.

PRESENT:

The Hon. Sir W. H. BEAUMONT (*Chairman*).

Senator Col. the Hon. W. E. M. STANFORD, C.B., C.M.G.  
General SCHALK W. BURGER, M.P.C.,  
M.E.C.

The Hon. C. H. WESSELS.  
W. R. COLLINS, Esq., J.P.

MR. G. J. VAN RIET (*lawyer, Thaba 'Nchu*), *examined, states:*

By the *Chairman*: I reside in Thaba 'Nchu. I have a farm in the district. I have a good many transactions with natives. I have been living there for the last 21 years. There are two large Native Reserves in the district. There is a piece of ground in between belonging to Pretorius and several other owners. It has got plenty of water. The white people find it very difficult to live there. The original farm was called "New York." The area is about three thousand morgen. It has a river running right through the centre. It is right in the heart of the locations, which surround it.

If there were a Commission to enquire into the rights of natives living in those locations they would find that more than half of the natives have no right to be there.

By *Mr. Wessels*: The original settlers brought their servants and they drifted on to the locations, and there are lots of Basutos and Fingoes. One of the locations is entirely occupied by these people. There is a foreign element there who have no right to be there.

If the farm "New York" were acquired it would be quite sufficient and big enough for the next eight or ten years at least.

By *Mr. Collins*: My suggestion is that it be bought or exchanged for other ground, because living among the natives is certainly undesirable for white people from every point of view.

By *Colonel Stanford*: The owners of New York complained that they found it difficult to farm successfully amongst the natives, but these complaints have vanished now that expropriation is possible.

By *Mr. Collins*: The land is worth £4 5s. a morgen. It is good agricultural land.

By *General Schalk Burger*: The land is occupied by European farmers.

By *Mr. Collins*: There are four farmers there.

By the *Chairman*: I would advise the Government to buy it for the Baralongs, it may not be at present necessary, but it will soon be.

By *Colonel Stanford*: Mr. Daniel will give evidence and explain how this piece of ground was given by Moroka.

By *Mr. Wessels*: I contend that the native farms are private property. The majority of the farms are bonded and the natives have got into difficulty.

By *Colonel Stanford*: The Chief intended individual and not communal rights. As far as we know the transfers were given direct, after the Orange Free State Government took it over and had it surveyed. The Chief had his headmen living in different outposts, and he would say, "This is your farm."

Before annexation there was no registered title issued by the Chief. If you talk to the landowner he says "Yes, the ground was given to me personally and not in trust for my people," but the ordinary native says "No, the grant was in trust for us."

The people had the right to live on the farm for fifteen years under the *Raad's besluit*, *vide* title deeds.

By the *Chairman*: The locations were set apart for that purpose at the time of the annexation for followers of the late Sepinari. These farms that were given to private individuals were subject to a servitude of occupation by the natives then resident on the farm for a period of fifteen years. The title deeds distinctly say that natives living on their farms shall remain there undisturbed for a period of fifteen years. With all due respect to the legal opinion quoted, Sir, our title deeds distinctly say that this farm shall be subject to the following servitude: "That the natives now residing on the farm as per accompanying schedule shall remain there undisturbed for the period of fifteen years." That is embodied in every transfer, and if the Commission would send to the Registrar of Deeds you would find that in every transfer.

[U.G. 22-'14.]

Mr. G. J. van Riet.  
THABA 'NCHU.



Mr. G. J. van Riet.  
THABA'NCHU.

By *Colonel Stanford*: It would mean it could not be sold without the servitude. I still submit that the title deed would not say that, if the *Raads besluit* of 1885 was not there.

[CHAIRMAN: There is a proviso—"Until some other provision shall be made by the Executive Council." The Proclamation is dated 12th July, 1884. The locations were set aside for the natives in the same month. Then there is a resolution of the Raad in June, 1885, that is nearly a year afterwards; that is the resolution I read to you "That a farm allotted to a coloured person shall not be mortgaged, rented or sold for a period of fifteen years reckoned from the date of allotment." There were titles issued to white people and titles to natives. The whites were only required to give occupation, but there was this distinct proviso as regards natives that they should permit the existing native locations on the farms granted to them to exist, and they could not sell for fifteen years, and when they did sell that condition was held to apply to the purchaser.]

By the *Chairman*: I submit that there were only half a dozen white men who got ground. The conditions are embodied in the transfer to the natives of land subsequently sold to white men. The phraseology in the title deeds is on all fours with them.

[CHAIRMAN: The farms were transferred to the natives subject to the conditions that the squatters on the farms shall have the free and undisturbed right to remain on the farm for fifteen years, and the farms were sold to white people subject to this condition. The condition here is that they were not to sell for fifteen years, and that the right of occupation should exist as a servitude, and that is the opinion of the Law Officers of the Crown. Of course it may have been departed from on a subsequent resolution which is not here. The Executive Council may have altered it.]

[COLONEL STANFORD: But where is the authority for departing from that?]

[GENERAL SCHALK BURGER: Is this a question that is for us to consider? It is surely not for us to question the title deeds; we must accept them as they are.]

MR. VAN RIET (*continuing*): There is no servitude on them whatsoever. They are big farms, some of them. They are not beneficially occupied by the natives because they are not improved. The trouble is that they are so heavily hypothecated now, and the value of them is so high—£5 a morgen—that they are going back year after year simply because they won't work the farms properly, and in many cases overdue interest is continually being added to the owner's liabilities.

Some of the bonds run up to £2, 30s., and £1, but some of these people are not meeting their interest even.

If the Government were to get rid of these bonds and take over the lands they would not be able to put a considerably greater number of natives on them than there now are, as they are full of natives now. There are perhaps 50 or 60 heads of families on some of the farms.

By the *Chairman*: The natives are not improving their position. They work in a very slipshod manner, as their forefathers did before them. They simply plough on the halves. A native applies to the magistrate and gets permission to go on to a location. There is a Native Commissioner named Guest, he could give some information. He does not allocate the particular land that a newcomer has to occupy, that is done by a Native Board, and they tell him that he can go to a certain place. I believe that there would be enough ground there if these people I have spoken of are turned adrift. There is about 29,000 morgen, and that is quite enough for the Baralongs there.

If the land were properly cultivated and used, it would support a very much larger population. Year after year thousands of sheep die on these locations, and hundreds of cattle, and if they were cultivating their lands then the mortality in their stock would be considerably more. As it is now, the weeds and the mealies grow, and the land gives splendid feeding, but if it is cultivated there is very little feeding. So that my contention is that where they are now losing stock if they went in for better cultivation their losses would be much greater.

By *Colonel Stanford*: If they did not plough then they would lose everything; bad ploughing has saved their stock, as it practically meant sparing veld for winter, as they had to keep the stock out of the lands. If it were otherwise one season would see the last of their livestock. The white man limits his stock and provides winter feeding.

The natives could not pay interest on £5 a morgen by their method of farming.

A great many of the foreign natives came there during the war, and a number came up with the settlers, and they have been flocking in from all sides. It was a ruling by the Crown Colony Government that all natives who were in the Thaba 'Nchu district at the commencement or termination of the war should have the right to go on to the lands. They pay £1 for hut tax and 2s. 6d., or something like it, as location tax. The people who live on the farms still owned by natives, as squatters, are nearly all Baralongs.

Mr. G. J. van Riet.  
THABA 'NCHU.

A large percentage of the foreigners is in the location, and, of course, on white men's farms.

I understand that the larger farms were to be reserved as native locations when the 15 years expired.

The European farms are held by settlers, and they started with bonds; but not the natives—they started free, and are now heavily in difficulties.

I have a case where the old chief Moroka's son has a bond which has to be paid next month. Under this law different financial houses will not lend the money. I wrote to the Government, and put the whole position before them, and they referred me to the Land Bank, but the Land Bank will not lend him the money. I pointed out the difficulty, but he can sell to an excepted native only. Under the old Free State law the difficulty would be taken away at once, and our district should be exempt from the operation of the new Act. He could borrow the money from the Board of Executors or some other financial house were it not for the new Act, but now he will lose his farm, which would be a distinct hardship.

By the *Chairman*: If I were to suggest anything I should say this farm "New York," right in the heart of the locations, could be purchased as an addition to the reserve. If these other three farms I have pointed out on the map were tacked on to the location, then they would have a tremendous lot of land.

By *Mr. Wessels*: There is ample room for the Baralongs at present if the locations are cleared of people who have no business there, and I would strongly recommend that this farm be bought.

By *Colonel Stanford*: The country is under no obligation to the foreign natives whom I have mentioned in those locations; they were allowed to live there on payment of perhaps 30s. a year. Well, for 30s. they had residential, grazing and agricultural rights. They have their tenure practically for nothing. I think that the Government would be quite justified in turning them off. I do not think that it was ever considered that they would be put on the same footing as the Baralongs, but of course I can only speak from experience in my office, and I am not intimately acquainted with the conditions upon which they were allowed to go there. But Capt. Robertson will know. I think it would be a great injustice to Baralongs to keep those foreigners there.

By *Mr. Collins*: They should be very glad that they have had ten years occupation for what is practically nothing. And now all that ground is urgently required for men to whom we are under an obligation. Other provision should be made for these people elsewhere. The Hoopstad district would be suitable for a native settlement.

By *Mr. Wessels*: It all depends upon whether the Government look upon natives as an asset, but as we have got these people we ought to give them a location where ground is cheap. I do not think the Hoopstad people would have a great objection.

With very few exceptions there are squatters, sowing on the halves, on nearly every farm in the Thaba 'Nchu district. They are generally people with perhaps 20 or 30 head of cattle. Very few have sheep.

According to the last circular the new law does not affect ploughing on agreements very much, as it practically nullifies the law.

By *Mr. Collins*: I did not interpret the law that a year after it was promulgated the natives must leave.

By *Mr. Wessels*: I do not think it is detrimental to the country—this sowing on the halves. If you look round the country you will see some of our settlers who, were it not for the sowing on shares, could not stand to-day where they now are. The natives were planting and sowing under their supervision, and where settlers were not in a position to buy cattle these natives helped a lot. It is practised by nearly every farmer in the district and by the new settlers. I have boys sowing on the halves in my service. I pay them so much, and give them lands for their services.

By the *Chairman*: The contracts for ploughing and sowing on shares, which were lawfully entered into before the promulgation of this Act, are not invalidated.

By *Colonel Stanford*: When the British Government came in they took the larger farms for settlement purposes.

[U.G. 22—'14.]



*Mr. W. Robertson, Magistrate, Bethlehem; Mr. S. J. Strap, Mr. E. C. Roos and Mr. A. J. Bruwer (Farmers, Bethlehem district), examined.*

MR. W. ROBERTSON *states* :

Mr. W. Robertson.  
BETHLEHEM.

I am the magistrate at Bethlehem. I have been there eleven years. There are no lands set apart or occupied solely by natives. They are all private farms. There is a separate sub-magistracy for the Reitz district. Mr. Gleck is there at present, he is leaving there shortly.

The total number of natives living on the town lands during the last census was 750. There is a small native location that adjoins the town. Besides that there are small native locations at Reitz and Kestell. The majority are employed as labourers on the farms.

I believe the half share system is carried on in the district, but not to any great extent. In the case of wealthy natives it used to be the custom; they very often used to give oxen to the farmers to assist them in ploughing.

By *Mr. Collins*: They do not plough on shares any more to my knowledge.

By *Mr. Wessels*: The natives are mostly Basutos and Zulus.

By the *Chairman*: The well-to-do farmers have their own oxen; the farmers not well-to-do, if having only one span, get the natives' oxen, and perhaps cultivate three times as much ground as they otherwise could. In some instances the native is the better off of the two.

The land is very valuable there. Agricultural land is from £5 to £8 a morgen.

By *Mr. Collins*: You do not get land there for less than £5 a morgen now.

Mr. E. C. Roos.  
BETHLEHEM.

MR. E. C. ROOS: They are allowed to keep a number of oxen. It is generally the custom to use the natives' oxen and the farmer gives him his own oxen to do his own lands as well.

By the *Chairman*: My farm is 1,500 morgen. I cultivate from 80 to 100 morgen personally, and I graze stock.

I have got 11 working boys on my farm, and with their families there would be 45 to 50 persons.

I use the women and children too; the women at special times and the girls to work in the kitchen. I have never paid them a wage, it has become a custom. They get the benefit of the lands and the grazing.

I do not limit the natives to the number of stock as yet. My natives have not had very much stock. The farmers are giving notice to the natives to reduce their stock.

The present Act does not interfere with my arrangements, but we hardly know what the present Act is.

MR. ROBERTSON: The law is practically not in force yet.

Mr. S. J. Strap.  
BETHLEHEM.

MR. S. J. STRAP: It is only in those cases where the natives are well-to-do that the new Act would affect the people. The farmers in those cases will naturally give the natives notice; in other instances they are giving their labour as well, and beyond that they are giving their oxen.

MR. ROOS: We are living in the Witbergen. Ground is very valuable there, and as a rule I do not know of a single case where they are working on the share system. We pay so much per head, but we cannot allow Kaffirs to sow on the half or a third share.

I have about 5,000 morgen of ground, and I think I have about 20 natives on my farm.

By *Mr. Collins*: About 20 families. On different farms of course.

By the *Chairman*: I have six or seven farms, and that is 5,000 morgen altogether. They are not adjoining. They are partly agricultural and partly grazing.

The natives have about 400 small stock.

By *Mr. Collins*: That is the whole lot of them. And they have about 30 head of cattle.

I make everyone of them work. The young Kaffirs I am paying, but the Kaffirs with families get the use of the land for their stock.

Yes, I draw a great distinction between that and the ordinary half share business, that is ruinous to the country.

I have been Field-Cornet on the Basutoland border for years, and I know the Kaffirs very well, and I am afraid that if the new law is carried out properly we will have a lot of trouble with the natives. Supposing that I farmed on the halves, if I had to turn those Kaffirs off my farm I do not know what the Government would do with those natives, but in the Witbergen adjoining the Basutoland

border I do not know of a single farmer who gives the Kaffir land on the halves. I know the district very well, but I think towards Reitz and Heilbron that business is going on wholesale.

Mr. E. C. Roos.  
BETHLEHEM.

By *Mr. Wessels*: The Basutos cannot go back to Basutoland, the country is overstocked.

I think it is the duty of the Government to buy cheap land, and it would be advisable to have a location there. Ground is too expensive in Bethlehem to purchase. It is much cheaper in the Hoopstad district.

As I read the law there is nothing to prevent the farmer using the animals of a native in farming operations.

MR. ROBERTSON: I might say that when Mr. Dower, the Secretary for Native Affairs, visited the district he said the farmers cannot use the native's horse or even his oxen. He promised to send us another circular, but unfortunately that circular has not come to hand yet.

By *Mr. Collins*: I think it is a matter that the Court must interpret, it does not say "personal service."

If my reading is correct the native could give the farmer his animals also, and the law would be nugatory.

By the *Chairman*: The number of natives that would be affected in my district by this Act, to terminate their contracts or remain and give service, would be, I suppose, at least 500 families.

MR. A. J. BRUWER: I would have to send them off, because if I cannot use their cattle to plough I would have no use for them. The boys service would not be enough to pay for the grazing that they have.

Mr. A. J. Bruwer.  
BETHLEHEM.  
(In Dutch).

MR. ROBERTSON: Undoubtedly there would be some cases in my district. I object to the sowing on shares because I do not think that the white man and the natives should be in partnership.

MR. STRAP: The majority of the farmers are also against this system.

MR. ROBERTSON: The farmer has to give a native six or eight or more oxen to plough the native's land sometimes. But the farmer does not use the native's oxen the whole year round. The poor man, having one span of oxen, naturally prefers to get a fairly well-off native who can plough a lot, but if he has to turn the native off I don't know what he will do.

MR. ROOS: It is quite fair that the farmer should take a span of oxen and that the boy should give a span of oxen as well, and say "As far as my service is concerned I will give you a span of oxen."

By *Mr. Wessels*: It pays to make such a contract with the Kaffir. I do not see that it pays the Kaffir, though, but he is quite satisfied with that state of affairs.

MR. BRUWER: It is true that in a number of cases people could not help themselves after the war, and as the Basutos came back from Basutoland with their cattle people got them to help with the ploughing.

MR. ROBERTSON (By *Mr. Collins*): The only thing that I could suggest is that the Government forms some reserve for them. There is no place available in Bethlehem; it is too valuable ground, and there are no Government lands.

By *Mr. Wessels*: I think it is the duty of the Government to provide land for these rich natives. They have lived here all their lives. They cannot hire land and cannot buy any.

By *General Schalk Burger*: I believe that a lot of these rich Kaffirs will send a lot of stock away, especially from what is called the "conquered territory."

It is a most difficult thing to prove, but I think that we run a lot of stock here that really belongs to Basutoland, and I think they will send some of that stock back to Basutoland.

MR. BRUWER: Natives residing in our district would rather die than go to live in Fauresmith district. Something I want to suggest is how to protect the poor people, but the natives from Basutoland are doing the transport work; they have a lot of wagons and are taking the work out of the hands of the poor whites.

MR. ROBERTSON (By *Mr. Collins*): If the Government established a reserve, I consider there is room in the Kroonstad district, somewhere near the Vierfontein Mine. They could make one reserve there. It would be very suitable for the native. Or in the Hoopstad district, where land is not so valuable.

I should say if a wealthy native goes there and wants a place to live on he should pay for the land the same as the white man has to. If it is exclusively for natives, and he is in a position to buy it, let him buy it.

By *Colonel Stanford*: I consider that the system of land tenure in the Glen Grey district of the Cape, as explained by you, is very feasible. I do not see anything against it. If the locations are established, provision should be made that



Mr. W. Robertson. certain unmarried natives should be allowed to go and work on the mines or elsewhere, otherwise you will have numbers of natives drinking beer and doing nothing.

BETHLEHEM.

By *Mr. Wessels*: I am in favour of locations under strict supervision.

By *Mr. Collins*: I do not think they should go out of the Free State. We require the labour here. I think it will come to this, that if a certain portion of the location is placed aside for grazing, and they find they have too much stock they will find out themselves that they will have to sell off the surplus stock.

MR. BRUWER (By *Colonel Stanford*): I would recommend that the law be amended. I suppose the law could be made clear. I do not think there is much difference if a man serves you through his oxen, through his children, or their hire. He has control over his family, and he has control over his animals.

MR. ROBERTSON: It would mean very few natives, perhaps none at all, being driven out if an amendment were made in the law.

#### AFTERNOON SITTING.

MR. J. P. STEYL, M.L.A., *examined, states*:

Mr. J. P. Steyl.  
THABA 'NCHU

I have three farms in the Thaba 'Nchu district and one in the Bloemfontein district. I keep mostly Baralong natives on my farms. On the farm here I have four families. The size of the farm is 2,400 morgen. I employ the natives who live about here.

The arrangement with them is that they can live on the farm. I give them land to plough and to run their stock on, and they must be available whenever I need them.

By *Mr. Collins*: The adults as well as the children.

By *Colonel Stanford*: If I want the women they must work as well as the males. I pay them wages besides.

By the *Chairman*: I pay them from 10s. to 15s. a month. Not less than 10s., but mostly I pay them up to 15s. The young ones get 10s. Some of the women get 7s. 6d.

I limit the number of the stock they can run, and the amount of ground. I very seldom limit them because there is not much cultivation going on in this district. They can plough as much as they like.

By *Mr. Wessels*: I do not take those who have too much stock. If it increases too much I tell them they must dispose of it.

By the *Chairman*: I have had that power all along. If others have allowed it to go on it is because they have allowed them too much freedom. I keep my natives and their stock separate on the farm. I do not allow their stock to mix with mine.

I do not think that there would be so very many natives in the Free State that would be dislocated if the law is carried out. Why it has been allowed in the past it is difficult for me to say. I have never kept more natives than I really wanted. I have never sown on the halves or a share. There may be some dislocation in the Northern district. My opinion is that they will scatter all over the Free State.

My experience is that where there are a lot of them they congregate more and more, and from those places they will have to be drawn away.

By *Mr. Wessels*: The people who "farm" with the natives, as we call it, welcome the natives who have bullocks. The more cattle they have the more welcome to the farm—those who want to farm on shares.

By *Mr. Collins*: In my opinion that is the curse of the country.

By *Colonel Stanford*: I do not think it is proper to allow too many natives on farms in amongst the white people.

By the *Chairman*: The squatter's law has not been enforced since the war.

I know of a Kaffir here who has a thousand head of sheep, about 150 head of cattle and horses. He almost wants a farm by himself, and he has been hiring a farm for the last six or seven years.

These people seem to be generally without children, their children may be away.

By *Colonel Stanford*: In some places they do pay for the grazing.

By the *Chairman*: Some natives will have to make arrangements where to go or sell some of their stock, but I think they will not find great difficulty in finding places in the Free State where they can go, and, as I say, especially in the Western and Southern parts.

By *Colonel Stanford*: By permitting a man to give his oxen as well as his personal service—to count the service of his oxen, which are to be used in cultivation of his occupying the land—if that could be done I think it would be a good thing. It would give some relief.

If a native wants to get work he will always be able to find a place, but some of these people do not work, and their children do not work.

In the case of a middle-aged native who has been an old servant, I think he ought to be relieved, and instead of service through his children, service through his oxen should count. He can be given light work, but such natives must understand that they are servants on the farm, and not partners.

It often happens that a farmer wants a load of wood, and may wish to use the native's oxen. I think that is legal under the Act. I think his oxen might be his "service." I cannot see that there will be any harm if you allow that; but what I want is that the Kaffir must be made to understand that he is a servant on the farm, and not to go on under the system that we have had in the past where he is really a partner. He has very little respect for his *baas* under those circumstances, and he does as he likes, and in fact he thinks he is the equal to his *baas*. I have had trouble with two of them, they do not want to be servants.

I do not think the amount of the crop that is raised by this system is so very large as it is supposed to be.

A man who has to give many hundred bags of the crop as a share to his native can hardly be, I submit, a master of his farm.

By *Mr. Collins*: Those people will have to leave their masters' farms, and most of them can and will find work somewhere else. And I think they will sell their stock. I do not think they are exactly too rich.

I think the Government will have to make provision in the way of reserves for some natives. I do not think it should be made too easy to go to the reserves—if they can be made to go to the neighbouring farmer so much the better. But of course you cannot force them to go there. But still they would rather go to a farm than clear out.

I do not think it would be right to take the Free State people away into other Provinces.

I should think reserves might be established towards the Western—in the Hoopstad district—or the Southern part of Boshof district. Ground is not so very expensive there, and parts would answer well for these people.

They would have to pay something. I do not think they should keep ground for them in the reserves for nothing. It would not be right to give it to them free.

I think there would be a difficulty in getting land in the Thaba 'Nchu district, because the farms there are all small. The Government reserved ground there before—some farms—a few locations, which are there now, and some others which I think were kept for these natives later on; but unluckily those farms have gone to settlers and others.

If a farmer uses the oxen of his native I do not see so much harm in it, as long as he is not farming with the native on half shares.

By *Mr. Wessels*: I do not see that it is against the law for a man to use his native's span of oxen, even if he should plough with them.

I should like to see provision made for the old people who have been living on farms for a long time, like the Baralongs, and where the farmers will be unable to keep them.

I think more than half of the people in the location at Thaba 'Nchu are not entitled to live there—Basutos and people who have come from other places. There are hardly any Baralongs there, they are Basutos and Fingoes and people who really are not entitled to live there.

I have had no difficulty in keeping families who have come on to my farm. I have never had bother with my people.

I think it is some protection to the old people that the Moroka reserves should not pass away. We have not forgotten the services of the Baralongs rendered to us in former days, but I know the farms are getting very small and the population is increasing. It would be a pity to see them sell this ground and not keep it. I mean that the Government would have great difficulty in getting any land to increase the reserves.

By the *Chairman*: I do not think it would be very difficult to run a dividing line in that district.

By *Mr. Wessels*: Some of the farms I know are bonded, but I would not say all. If the farms were sold now I could not say what would become of the natives. I know that many of them have been sold already. More than half of the farms that did belong to natives do not belong to them now. They sell to white men, and the native goes to a location. Very few of them are wealthy.



*Mr. J. W. Robertson, Magistrate, Thaba 'Nchu; Mr. E. A. Worringham, J.P., and Mr. O. S. Daniel, J.P., Farmers, Thaba 'Nchu, examined.*

MR. J. W. ROBERTSON (*Magistrate of Thaba 'Nchu*), states:

Mr. J. W. Robertson.  
THABA 'NCHU. By the *Chairman*: The reserve at Thaba 'Nchu is known as the Thaba 'Nchu Reserve. There is also one known as Seliba Reserve.

The farms marked in blue on the map which I put in are owned by natives. They hold documents from the original grantee. I know of no Executive Council resolution which was passed in connection with these farms.

The farms are usually worked on the half share system. I understand other natives also have the right of grazing a certain number of stock on these farms. My experience is that most of these native farms are absolutely overstocked, and in many instances the tenants living on the farms own more stock than the owner himself.

They had to prove their ownership to the farms, there was a Commission appointed, consisting of Judge Gregorowski, Commandant Prinsloo and another, who went out, and proof of ownership had to be established. And the white people had to prove right of ownership as well, they had to prove that Moroka had given them ground. The other ground later on was leased out to white people who had no fixed property themselves. No holder of fixed property had the right to lease. It was a land settlement scheme for the poor whites.

And since then a number of the native farms have come into possession of the Europeans. The reserve farms were taken over by the Land Settlement Board later—after the war.

By *Mr. Wessels*: Except that one reserve consisting of six farms, none of that ground is available for an extension of the native area. There are certainly a number of farms which could not be purchased.

It is a mixed farming district. There are farms there for which there are standing offers of £6 to £6 10s. a morgen, and the owners will not take it.

Mr. O. S. Daniel.  
THABA 'NCHU.

MR. O. S. DANIEL: I think there is a possibility of an irrigation scheme on the farm Chubani second to none, and from private information I understand the owner has invested £600 for the purpose of putting down pipes.

MR. ROBERTSON: Out of 54 farms in this vicinity there are 10 not bonded. Some of them have decent farm-houses, and practically every native farm is fenced, but there are very few improvements.

Mr.  
E. A. Worringham.  
THABA 'NCHU.

MR. E. A. WORRINGHAM: They work on their lands not as European farmers would work. They plough new lands when the old lands become impoverished.

MR. ROBERTSON: A few have gone in for agricultural implements, but they stick to the old fashioned ploughing and skoffing by hand.

MR. DANIEL (*By Mr. Wessels*): I think there are very few of them that would make any use of land on individual tenure. Their custom is to hold land on the communal system. I think you could count the progressive native farmers on the fingers of one hand.

I do not think they improve by being educated. I believe in Christianising the native, but not in civilising him, if you understand me.

*By the Chairman*: I have applications from natives of private farms for work, but not from the Seliba Reserve. Some of the Thaba 'Nchu Reserve natives are not owners of stock, in 99 cases out of a hundred, and the way the thing is done is this: If there is a family where you have three or four, the one is sent with the stock to Seliba and the other three without stock will live in Thaba 'Nchu Reserve.

MR. ROBERTSON: There is no municipal location at Thaba 'Nchu. All the town natives live in the reserve.

MR. DANIEL: My experience is that if we have two or three good seasons the stock increases, but if you have a dry one the stock dies off in thousands; and the place is so overcrowded that when a drought comes it practically wipes them out. I know of one case where a native had 360 sheep in 1911, and is cut down to a little over a hundred this season, including his increase.

MR. ROBERTSON: In our district we receive about £4,000 annually in poll-tax. There were 600 defaulters, and the police reported two months ago that the men were away from the district. They have gone away from Thaba 'Nchu to work.

MR. DANIEL: The country was very much more thickly populated before annexation. At least a thousand natives went with Samuel, and since then there has always been a dwindling away. But on the other hand there has been a good many natives who legally have no right to live in the Thaba 'Nchu district, who have been dribbling in; half have gradually moved in.

Mr. Daniel.  
THABA 'NCHU.

Apart from that, there are a good many Cape Colony natives who have come in who were not there originally—Fingoes, etc.

The original natives I think had to be natives who were resident in Thaba 'Nchu at the time of the annexation, and had been resident there some time before. I should say that one-third of the population have no right really to be there.

The 1885 proclamation guaranteed the rights of the natives, and said that locations then resident on the farms were to remain there. These natives were on the farms, and their rights were guaranteed, and the Squatters' Act does not apply to the Baralongs, who had a right to go on to those farms. The Squatters' Act has never been enforced in the Thaba 'Nchu district.

Taxes were received from these men who came on to the reserves.

By Colonel Stanford: The reason they came to be placed in the position of taxpayers was because the officer of Native Affairs allowed them to come on to the reserves, and they have been there ever since and paid taxes. They were called upon to pay, and they paid.

There is one farm consisting principally of Fingoes. I do not know how long they have been there, but most of the others were Baralongs. As regards the reserves, the population is principally Baralongs and a large number of Fingoes who were in Moroka territory at the time of the annexation.

There is no town location. A number of the natives will work in the town, and a number find employment on the adjoining farms. Several of them will go out to farms and the family remain.

The Thaba 'Nchu Reserve is absolutely overcrowded. That is the one adjoining the town. The other one they do an amount of ploughing on. I do not say that is absolutely overcrowded, but as there are so many flocks most of the veld is eaten down, and in that way I must say that the place is overcrowded. The reserves cannot carry more stock than they do at present.

Moroka did grant these farms individually to the headmen, and was not simply following the native custom of giving them charge over a certain area, they were all given individually to owners, and the ground became their individual lots. I am sorry that I did not think of bringing it, but I hold the title deed to the farm on which I am, which is a copy of the original document given. The owner has an absolute right to the farm without paying any quit-rent.

A good many of the individual natives did hold such individual documents, but after the owners had to get proper title deeds when they took over the ground, the majority were destroyed as being useless. But mine was kept more as a curiosity than anything else.

I have never heard natives say that it was the intention of Moroka to deprive them of their rights when he granted these lands.

The Government farms was ground that was not claimed. It was part of the old Moroka territories. It was not in one particular portion. We may take, for instance, that alongside me. You have a farm for which there was no claim. A little further on you will have another. Then you will have a strip of ground which was claimed, and so on. The tribal claim was over-ridden because the Free State quietly took possession of the country, and said "Now, anybody who can prove his claim to a certain piece of ground will be given individual title, and for the people who cannot prove their claim we will give these locations."

MR. WORRINGHAM: I acquired my rights under the Crown Colony Government. It was formerly leased to farmers at a very low rate on long lease.

By Colonel Stanford: I am afraid I am not enough of a lawyer to know exactly what the new law is, but if a native is not allowed to have any rights either agriculturally or for grazing, it means, of course, that a great many of them will have to leave.

I am afraid that at the present moment, owing to the uncertainty, the natives are being hustled about considerably. As pass issuer, I daily issue passes to go to Basutoland. A farmer says "You must seek a fresh place, I cannot keep all your stock." They go presumably over to Basutoland. I am daily issuing passes to natives who I know were living in my district even before the war.

A good many of the natives are fairly well-to-do. I am speaking of my particular district where the farms are small. It is rather the well-to-do native who is getting a pass to go into Basutoland or elsewhere.



Mr. E. A.  
Worringham.  
THABA 'NCHU.

It would be difficult to give even an approximate idea of the number of passes that are being given, as I do not issue them as a general rule. The native comes along and has his master's pass, and I simply endorse it—so I have no record, but the number is fairly considerable.

MR. ROBERTSON: In regard to the succession clause, the children of the parents succeed. The present position is this: Farms owned by natives cannot be disposed of to Europeans, nor can a native buy.

As far as I am aware there is no objection to the natives being there—no objection by the adjoining farmers. In fact they are rather pleased than otherwise to have them.

I am personally rather in favour of the law remaining as it was before. If you expropriate land for native purposes you are going to have the white population up in arms.

I consider the native races have always been strictly loyal to the Government. If you look at crime statistics there is practically no serious crime in the district.

It would be a great hardship on those natives if you remove them from their district. The thing is going to right itself I think. Of the 50 farms shown on the map most of them will become European property, and in time to come there will be but few native farms remaining. These bonds are not going to be taken up, and they will be in the market before long. No natives could afford to buy those farms.

By Mr. Wessels: In a way it is a case of the survival of the fittest.

By Mr. Collins: The number of families that I think will be affected in the Thaba 'Nchu district, where the ploughing on shares is being done, would be about 90 per centum, and if the law comes into force that will have to cease.

The Government could make some provision for these natives by acquiring territory for them.

I think the Seliba Reserve in the first instance should be extended by acquiring New York, Moshuenyane, Golimo, Stoneybroke and Altona farms.

I think an enquiry should be held in regard to those natives who are on the reserves, and who have no real right to be there.

If, say, five farms were purchased and put aside for reserves, then I think most of the natives would be assimilated. I consider that the Barolong are entitled to be there.

MR. WORRINGHAM: I would differ that the quantity of the ground is sufficient to accommodate half the Barolongs, even if you moved those who I consider have no right in the locations; and, further, if the natives were removed, how is the farmer with his large farm of, say, 5,000 morgen going to work it?

MR. ROBERTSON: A certain number of natives who are now ploughing on shares will remain on those farms, and will be given plots of ground to plough, and grazing for their stock. Only the remainder would have to go to the reserve, and the ground that I suggest being acquired will be sufficient for their wants.

MR. WORRINGHAM: I agree with that.

In times when there is shearing to be done, being close to the location, the natives will rather work for a man where they can walk over to his place in the morning and walk back at night.

By the Chairman: A certain native in the district took a bond on a white man's farm for, I think, £1,500. This white man went insolvent. The native said "I am willing to take the farm over and pay the debts." But they had to put it up to auction, and he was £500 out of pocket.

A certain number of farms still remain in the hands of natives, but they are the remains of what was originally a sufficient native location for all the people of that tribe; they are getting more and more into the hands of white people.

Certain farms might be reserved for natives and prevented from getting into the hands of white people, but it would be a very difficult matter, because it would simply amount to the white man advancing money on the farm and telling the native to get the full value of it.

*Bloemfontein, Friday, the 24th October, 1913.*

PRESENT: All the Members.

*Natives Reverend J. D. Goronyane and J. M. Myokong, examined.*

*In attendance: Mr. J. W. Robertson, Magistrate, Thaba 'Nchu, and Native Z. Fenyang, grandson to the late Chief Sepinari Moroka.*

REVEREND J. D. GORONYANE (*Native Wesleyan Minister and Farmer, Thaba 'Nchu*), examined.

CHAIRMAN: You know the object Goronyane with which this Commission is sitting?—I have read the Act.

The desire is that all the Europeans and natives should have the opportunity of expressing any views with regard to the Act and the land, and with regard to the future prospects?—Yes.

You understand that this Commission is only making recommendations to the Government, and that we have no power to decide anything. But we wish to hear what you have to say, and whatever you tell us will be taken into consideration when we make our recommendation?—Although we have got grievances now, and have had grievances before this law, at present we have come here on account of the operation of this present law. We are not going very much into the law. There is a great unrest among the people on account of its operation. I have been long in this country, and know the things that have happened. And I have also read the histories of other nations. I take it that we have come to put on record something that will remain for some time. We natives do not forget some years back, in 1833, the time when slavery was going on and people were being sold like beasts. At that time a certain man who was a member of Parliament put forth his opinion before Parliament in England and tried his best for a long time until at the end slavery was abolished. The Government gave a lot of money, something like twenty million pounds, to abolish slavery. Now this man is to-day dead, but the work you are going to carry on will remain for years after you have gone.

Many natives are wondering what the future is going to bring between the whites and the blacks. It was not so sometime back, but lately there is this feeling.

I want to know what is the cause of the feeling of unrest and dissatisfaction?—The law was made before the people were provided for.

MR. COLLINS: What do you mean by that?—Through the operation of the law people are trekking about the country not knowing where to settle. Even in Thaba 'Nchu there are such trekkings about, and the Magistrate knows about it.

CHAIRMAN: The Magistrate has told us that as yet there are only a few families affected at all. The majority of your people are living on land which they own, and have been provided for, and they are not being in any way interfered with. You must remember that this Act has been passed with the idea of benefiting the native as much as the European. It is quite likely that in bringing about a settlement there may be a certain amount of difficulty—a certain amount of hardship—but in the end we hope it will be better both for the white and for the black. Therefore it is your province not so much to find fault as to try and co-operate with us and help us to arrive at a satisfactory settlement. If there is any real grievance we would like to know exactly what that grievance is. But you must do more than state your grievances, you must suggest in what manner these can be got over?—Mr. Chairman, I do not really mean to go deeply into the law to find mistakes. You must please understand what I only say is that the law is made, and people are not provided for. I do not find a lot of fault, only that it is made for people who have not been provided for.

COLONEL STANFORD: Which natives have been affected by the law?—Those in the Free State. I do not know much about the Transvaal.

Where are you living yourself?—At Thaba 'Nchu.

In the reserve?—I reside in the reserve, and I have got a farm.

How has this law affected you?—In this matter I am not speaking personally of myself. My opinion is that the people should have been provided for. Personally it has not affected me. It is the people.

[U.G. 22—'14.]

Rev.  
J. D. Goronyane.  
THABA 'NCHU.



Rev.  
J. D. Goronyane.  
THABA 'NCHU.

Do you not know that you cannot sell your farm to a white man now?—Yes, I know that.

Do you agree with that?—I do not understand it. I am not speaking of the law.

What class of people are suffering? Whom does the law affect?—Some time ago we had a *Pitso* with the Secretary for Native Affairs. We did not go very much into the law, but we pointed out that the people had not been provided for. A lot of the natives then told the Secretary for Native Affairs the various parts of the country that they came from, and one told him that he had not even seen the magistrate. He said that his stock was in the reserve, and he had not seen the magistrate about it yet.

Are there a good many people who have been sowing on the halves on the farms?—Yes.

And now you understand by the Act that this is stopped—that is after the expiration of the existing agreements?—Yes.

Now, when these people have to go, will they be able to find other places?—They will be able to find no other places, because they are not provided for.

Cannot they go and work?—They can find no place for their stock.

Are these the people then that you think should be provided for?—Yes.

Where do you think they should be provided for?—I understand that the law mentions something of native areas.

And you think there will be a large number of these people?—Yes, I think so.

Where are they mostly found now?—All over the Free State.

Can they go to Basutoland?—I do not think they can find a place in Basutoland because it is crowded already.

Where do you suggest that they might be provided for?—I think that the Government, being the owner of the country, owning the land, should say where they can provide for them.

Is there any room on the farms you have in Thaba 'Nchu?—No.

Nor on the reserves?—No.

They are overcrowded?—Yes.

How do you think they should be provided for? Should they have a location in which they can go, and, if so, in what manner?—In Thaba 'Nchu there are native farms and native reserves. It is a good thing for people to have farms—individual farms—that shows progress, and I think that those who have no farms should be provided for in the location reserves where they can live.

You think each man should hold land in the location in his own name and in his own right?—Yes, we all look to that—if people could be encouraged to have plots of ground to work them.

Each man in his own right?—Yes.

Well now, you see the country is all occupied. Some of it is occupied by you, you have a farm yourself, and the rest of the country is occupied by white farmers. Now in what direction can you suggest to us that we should look for a suitable location?—As I am in Thaba 'Nchu, and we have got a reserve there, that is our native country. We would not like to go anywhere else besides that.

Do you think the Government should endeavour to find land in what used to be Moroka's country?—If you will give me a little time I will explain it in my way. For a long time we have been petitioning the Government. We pointed out that there is a law, a Free State law, that does not allow natives to buy land in the Free State; and on several occasions we have asked the Government to be allowed to buy land in that particular district—Thaba 'Nchu. That is our land, and is the land of our forefathers. It has not been our wish to go beyond the district and buy farms there—that is our wish. And it has been our desire that the Government allow us to buy land in our district. At the time the Orange Free State annexed that territory, the law prohibiting the sale of land to natives was extended to that territory. A deputation was sent to the Free State Government, and I was on that deputation. We asked the Government why should we be prohibited from buying land in our country—why not be allowed to buy and lease? The late President Brand promised to bring this before the Volksraad. We had friends in the Volksraad, and they suggested that the natives be allowed to sell to the natives. Why there are still native farms there is only on account of that. If it had not been for that there would be no land at Thaba 'Nchu belonging to natives, on account of this law that the natives were not allowed to buy or lease land in the district of Thaba 'Nchu—only a white man could buy or lease. That

little protection of being allowed to cede land to relations saved a lot of the farms, and I will go a little bit further to show how we were going on with the Free State Government. The Free State granted to certain natives farms that had been granted to them by the chiefs Moroka and Sekonyela. Everyone of those who were granted land by Sepinari Moroka were allowed farms. I was on the deputation that went to see President Brand, and we told him "What about those who have no farms," and he promised us to bring it before the Volksraad. That is how these reserves were created at Thaba 'Nchu.

Rev.  
J. D. Goronyane.  
THABA NCHU.

COLONEL STANFORD: Your point is that it would afford you some relief if you were permitted to buy land in the district of Thaba 'Nchu?—That has been our wish all the time, and we have been before Government several times about it, and a Bill was drawn up with the idea of allowing us to purchase.

Would you have money now to buy land looking to its high value? Seeing moreover that many of those native farms which are not sold already are bonded?—I am speaking about the law and not about a man not being able to buy land. If there was a law allowing natives to buy, and if they were not able to buy it would be their fault—it would not be the fault of the Government. At the present time supposing even there was one who could buy, his hands are tied.

And how would this meet the needs of those people who are described many in numbers, who have to leave the farms because they cannot work on the half share system? They may have to go when their contracts are expired, and if they had the power to buy land they would have to wait in the meanwhile you say they have to leave the farm, but what is to be done now?—I am speaking about the law, and I would like to mention the case of a man present here.

MR. COLLINS: It is not the province of this Commission to suggest any way to the Government to amend the law. The Government wishes us to say which can be the area within which whites can acquire land and the area within which natives can acquire land. Is it practical to cut Thaba 'Nchu in two—to take some of the native ground and give it to the whites, and *vice versa*, is that practicable?—I quite understand what you say.

Now supposing that this Commission suggested to the Government that North of the railway line all the country should be native areas within which natives could acquire land, and South of the railway only the white people would be allowed to buy land, can that be done?—I do not think so.

Why not?—Taking into consideration that the whole of the Free State from the Vaal River to the Orange River is a big area, and Thaba 'Nchu is only a small spot.

Well, do you suggest that the whole of the Thaba 'Nchu district should be made a native area, and that the white people should go somewhere else?—That is the land of the natives. It is the Government that has the power to do it. You are asking me a difficult question. We had no objection to being allowed to buy land as well as the Europeans, and what I would say is that that country belongs to the natives.

COLONEL STANFORD: What I understand you to say is that you desire the right to purchase. You do not wish any Europeans to be removed?—Ever since we have been there that is our desire.

Will you answer my question with reference to the people who are described as constituting a great number who may have to leave farms because they can no longer work there and sow on the half share system. If we can find land for them outside the Free State, which is suitable for occupation by natives, would they be willing to go there?—It is their desire not to leave Thaba 'Nchu. Supposing now the Government wants to expropriate my land I would not like it, being an inheritance from my forefathers. And it was the desire of the people of Thaba 'Nchu that I should point out to the Commission that they do not want to leave.

And the other farmers do not want their farms to be expropriated, and there is no room in Thaba 'Nchu or Seliba, and the white man who has bought land from the native he would say too that he does not want to be expropriated. But I want to try and ascertain from you what is best to be done, and where they would like to go?—The wish of my people at Thaba 'Nchu is that they prefer no other country besides their country, and you can take it from this that it is their wish not to buy land anywhere else. If it is the desire of the Government to provide land for the natives, why cannot the Government take the Government farms in Thaba 'Nchu—the land that used to belong to the Baralongs—why could not that be taken.

To which farms do you refer?—Some by the settlers.

[U.G. 22—'14.]



Rev.  
J. D. Goronyane.  
THABA NCHU.

MR. ROBERTSON: Nearly all the settlers have got transfer, but there are a few more to be transferred. Those are the farms he refers to.

REVEREND J. D. GORONYANE (*continuing*): I should like to add that during the time of the Free State Government, when they saw that there was not enough land, they provided locations, and some of the farms were leased. At the time these farms were leased to Europeans we thought that the Government only wanted the money to pay back their expenses of annexing the country, and we had a feeling that the Government at a certain time would give that land to the Baralongs. From the beginning there was an opinion that these farms should be sold, but the Government did not see their way to sell them. All the time we have been thinking that the Government is holding those farms in trust for the people so that when the people increased they would come over to these farms.

What reason had you to think that the Government was keeping those farms back to meet the needs of the people later on?—Because there was an agreement between the Baralongs and the Free State Government. We had a Treaty of Alliance with the Free State, and it is true that we helped the Free State when the Free State was fighting against the Basutos. All the time we have been friends with the Free State, and have never quarrelled. And all the time we have been looking to the Government as our friends. That is why we have been thinking that the needs of the people were going to be met.

And when you saw that this land was being given out, did you say anything to the authorities?—I do not remember.

And what was the point you wanted your friend here—Myokong—to make?—The point about ploughing on shares. He has got a farm and a lot of stock. Last year, during the drought, he took his cattle to certain European farms to graze there, but to-day you cannot do that. That is why I say that this law was made for people who are not provided for.

GENERAL SCHALK BURGER: The Free State Government had a meeting with Moroka, and gave the natives certain farms. Has the Free State Government at any time withdrawn any right which they gave the natives at that time?—No, the Free State has not withdrawn any of the rights given to Sepinari Moroka, but I have only the right to buy in reserves, and the white man has the right to buy where he likes.

And the farms which you own at present, together with the reserves in Thaba 'Nchu, are they sufficient for your people?—No, they are not sufficient.

Are only Moroka's people living in the locations and on the farms?—Most of the people are Moroka's people. There are some Basutos, but most of them were there originally.

MR. J. M. MYOKONG (*Native Farmer, Thaba 'Nchu*), examined.

Mr. J. M. Myokong.  
THABA 'NCHU.

CHAIRMAN: Is there anything which you would like to say, Myokong?—*Myokong*: I should like to say something—to suggest that the natives should be able to buy wherever they like in the Thaba 'Nchu district. The land is now fully occupied by natives and by Europeans and is very expensive, and if there was such a law there would be only a few people who would have the money to buy.

That does not help us to make suggestions *re* the provision for the hundreds of your people who have no money. You see we have a difficult thing before us, and it does not help us to make suggestions which cannot possibly be carried out?—The suggestion I would give is: we have here a law that wants separate areas for natives, and it is the Government, the father of us all, who has made this law, and since the Government has the power to do anything we have been thinking that the whole country should be divided by the main line right from Port Elizabeth up the whole way, and I think the people would be satisfied—the one to live on one side and the other on the other side. I hear from some of our people that they have crossed the Vaal River because they cannot find a place for their stock in the Free State. That application was made to hire a farm, but the reply from the Government was "No, you have to go away." My complaint is that the Government does not provide for us. I think if the Thaba 'Nchu district had been annexed the same as Basutoland, by the British Government, there would be no dissatisfaction. I cannot now use a threshing machine because it must be under the supervision of a white man, and I cannot pay a white man when the machine is not being used.

CHAIRMAN: Supposing a line was drawn between the farms in the Thaba 'Nchu district, and the people on some farms had to cross over to the division where their countrymen were, would they like that?—They would only go because they were forced.

Your position would be improved when this law takes effect, because instead of being unable to buy land all a native would be told "You can buy land in this area but not in another." And those who can buy will buy, and those who cannot own land will have to go and work?—Yes.

Mr. J. M. Myokong.  
THABA NCHU.

Mr. A. E. Leary, Magistrate, Harrismith; Mr. J. A. Dreyer and Mr. A. H. Marce, Farmers, and Mr. C. Leibbrandt, Farm Lessee, examined.

MR. A. E. LEARY, (Magistrate, Harrismith), states:

By the *Chairman*: In my district the reserve is called Witzieshoek. There are about 47,000 morgen, and there are 4,700 natives there. Only a quarter of it is arable ground and not quite half is available for grazing stock.

It is very mountainous country, and rises over 11,000 feet.

The "Commandant" is the Government official in charge.

There is no room for more natives. As a matter of fact at the present time there are several natives who have been ploughing outside on farms adjoining, but who live in the location.

They have not sufficient arable ground. They cultivate about 10 to 15 acres.

By *Mr. Wessels*: According to the number of their wives and their oxen. There is no limit put to it.

By the *Chairman*: They cultivate just enough to live upon. If a man grows two bags he sells soon after reaping, and they then have to buy two or three months afterwards.

Each family is given so much land, and he lives there until his death. That reserve was given to them on certain conditions, and that it would only be occupied by natives belonging to those tribes; no outsiders are allowed to go in.

By *Colonel Stanford*: The tribes are Bathlokwe, Bahaladi, Barulukwe and others who lived under Paulus Mopeli.

By the *Chairman*: Whether it would be advisable to buy any of the farms adjoining for the purpose of increasing the native area is a question which I think would cause friction with the white inhabitants. The white inhabitants would not like to part, and if they did they would want a very high price. And so I do not think it is a feasible idea.

It would be very difficult to say the number of families involved in this half share system, they do not admit it. I think that most of those who have been doing it have given their natives notice that they cannot do it any longer.

A number of natives have already bought ground, and several of them have moved from the district to the Transvaal.

The bulk of the natives are occupying land and giving service more or less. I think there are some who give the use of the oxen as well as their services.

I think the Act is going to give a lot of trouble in regard to the leasing of ground—the European lessee, and to those who were also carrying on extensive farming operations on their own account. There are at least 600 of them in the Harrismith district who will be deprived of their labour if section *seven* of the Act is put in force. Under the old law of 1895 (section *nine*) only the owners, occupiers and lessees of ground are entitled to have five heads of families on their farms by application to the magistrate. Under section *twelve* they may obtain permission to keep five more. Section *seven* enforces Act 4 of 1895, which limits the number of the natives to any farm.

In 1905, owing to representations made by me to the late Crown Colony Government, the Government issued a circular allowing lessees of a portion of ground, and heirs, to have five native families, and that has been allowed up to now.

By *Mr. Wessels*: The police had instructions not to prosecute.

By the *Chairman*: Any sub-division of a farm was regarded as a farm, as far as allowing these heads of families on it. Every registered undivided portion registered in the name of one particular person. Every owner or occupier is entitled to have the same right. The only remedy now is to give something similar to that circular.

If it were considered that the work on a man's farm was sufficient for him to have more than five families he could be granted more, up to ten, provided they were required for purely farming or labouring purposes—not squatters ploughing on the halves.

If a native has a few head of stock it shows that he has got some ambition to increase his estate, and his service is generally far better than the man who has nothing.

[U.G. 22—'14.]

Mr. A. E. Leary.  
HARRISMITH.



Mr. A. E. Leary.  
HARRISMITH.

I think that if on the first contract the farmer had the right to use the native's oxen I should look upon that man as ploughing on shares, but if he came to the farm and there was no such condition, and the farmer used the cattle afterwards, there is no reason why he should not.

By Mr. Collins: If the words "Free State" were added to paragraph (a) of section six of the Act:

"nothing in any such law or in this Act shall be construed as restricting the number of natives who, as farm labourers, may reside on any farm in the Transvaal;"

it would be very difficult to prove if they had got land or not.

I think up here, and in most districts like Harrismith, if you allowed a native for every 100 morgen of ground you would meet the difficulty, and the large farmer would also come in, and there would be no hardship done to anybody. You have to make some limitation.

What we want here is first to get sufficient labour, and, in respect of absentee landlords, to have closer settlement.

By Mr. Collins: Every lessee and the son of the owner would get the right to five families. By lessee I mean a man who has a proper registered lease. Some of them are willing to have them registered, but many of the older people will not have them registered. They are rather conservative about it.

Another question I would like to bring up: A head of a family is defined as any person who has a wife or wives or a family. In many districts a woman who has lost her husband and has three or four children, remains on with her husband's relatives, and is frequently taken to wife by one of the brothers, but in many districts they still interpret the law that "person" also includes a family. Now I think that is quite wrong, because in many cases a native comes on to a farm and you ask him how many wives he has, and he includes that woman, and it may not be discovered until afterwards.

By the Chairman: That is the system of *ukungena*. They use the farmer's plough and his oxen, etc., and the little service she gives does not really pay him. It should count as one family: I think that is the meaning of the law—chapter cxxxiii. In the meantime the farmer is acting as a charitable institution, and he is ploughing and sowing for this widow, and he really gets no benefit, but if he sends her away he loses the other members of the family.

By Mr. Wessels: Something like 3,000 families will have to go if the law is put into force.

People from Witzieshoek will not work on the farms.

I do not recommend locations, I would let them go.

The moment you start a location the Kaffir won't go and work in the location; he is going to roast in the sun all the day long.

I think the farmer is quite capable of looking after his own business.

I believe that the ploughing on the halves is detrimental to the white men. I think that it is interfering with 600 Europeans who are doing all the work. It is interfering with the progress of the country.

By Mr. Wessels: If you offer them two or three shillings a day, they won't come and work for you.

By Mr. Collins: One native in my district had 127 head of cattle, 40 to 50 sheep, and about 10 horses. There is a good number who have had six wagons and oxen. There is no disease in the Harrismith district, and that is why the stock increases so. There is another native we will have to move; he has two thousand goats.

By Colonel Stanford: Of course, the position could be met by instructions being issued that prosecutions were not to be taken up. We are not prosecuting at present.

That section giving the definition of a family perhaps is made for a native over 60 years of age who is exempted from being counted as a family. But it frequently happens that he has three or four sons married, and if the farmer sends him away as being useless, then the other three or four sons want to move and go with him. So he is really kept there on account of being the head of a family; really as charity.

By Mr. Collins: The moment a man gets married he becomes the head of a family.

Then there is the invalid and decrepit man; they depend also upon the farmer, who ploughs and sows for them, but they are also closely related, and if you drive that man away, the whole family want to go. Now these are instances that you will find nearly everywhere. He is counted under the five heads of families, although he is not very much good to the farmer.

Before the war most of the farmers were going in for stock-breeding, but since then they have gone in for more mixed farming, and where formerly they could trek before the winter, now they are obliged to put in crops.

When the police bring these cases of infringement of the law before me, of course, I have to administer the law as I find it.

By *Mr. Collins*: If the Commission saw its way to make a recommendation to the Government to extend clause 6 (a), it will meet all the difficulties.

The proviso in section 10 of the Act as to the 90 day's service is rather vague.

MR. A. H. MAREE: The Magistrate of Vrede holds that it only applies to the Transvaal.

MR. J. A. DREYER: Of course, the farmer can make the contract terminate as he likes, but that 90 days is the minimum.

The proviso affects Vrede, Bethlehem, Frankfort, in fact most of the border districts.

MR. DREYER (By the *Chairman*): I am a farmer in the Harrismith district.

When the law which was repealed (No. 10 of 1893, I think) first came out, the native gave it the name of "Hadjwa," that is, a "looting" law. They thought that they were going to be driven from one place to another, and at that time about half the natives in Harrismith district trekked away to Zululand. Well, we lost the natives because they left the district and went into Natal and paid the hut-tax there, and through that the law was never fully carried out. We saved a lot of boys in that district through the Government not pressing the law.

The natives now have no plans where they will go to.

There is a scheme on with an agent in Natal, and I have said I will assist him as long as it does not affect the interests of the farmers. The natives have told him that they would be willing for him to buy land in Harrismith, provided he would get the sanction of the Government, and if that scheme is carried out, we would lose those natives. They have taken a farm and called it "Naba," that means "Stretch Yourself," and they mean that at last they have got a place where they can take it easy.

If we give the natives too much rope, they will get spoilt.

The natives in the Free State are all well off, and it proves that they can help themselves more or less.

The farmer can only have 5 boys and he has to pay £25 for 15 boys. You cannot work a big farm of 10,000 morgen with 10 boys; you would want at least 22 boys for three thousand morgen, and some go sick, so you would not have that number even.

With reference to the old, over-age native who has given all his service, I think we should have somewhere for these men to go to. I think some place ought to be put aside for the Chief Lithlasi still in the Harrismith district. At present he is living on my farm. During the Basuto war he assisted us; he is from the Mosher tribe, and he was promised land which promise was never carried out.

If the Commission is of opinion that certain land should be reserved to the natives, from my point of view, I would say that a native should have to work to pay his instalments.

By *Mr. Collins*: In my opinion the system of natives living on a man's farm in the ordinary way is very much to the interest of the native.

By the *Chairman*: A farmer can say that he does not want this boy or that boy.

A native can sell his stock if he wants to.

I think I am the only one in the Harrismith district who pays for the privilege of having more than 10 families.

MR. A. H. MAREE (By the *Chairman*): I am a farmer in the Harrismith district.

I have heard what Mr. Dreyer has said, and I agree with it.

By *Mr. Collins*: Speaking about paragraph (b) of section 10 of the Act, I think that the service of the oxen given to the farmer by a native who has been engaged to give his personal service should be allowed as long as it can be proved that the service of the oxen has not been given in lieu of rent. As long as the boy gives his service and is willing to assist his employer with the help of his oxen, I do not think you can take that as rent.

It is the consideration that he gives over and above his service.

[U.G. 22-'14.]

Mr. A. E. Leary.  
HARRISMITH.

Mr. J. A. Dreyer.  
HARRISMITH.

Mr. A. H. Maree.  
HARRISMITH.



Mr. A. H. Maree.  
HARRISMITH.

It is true that the ploughing on shares system may be evaded in this way by a boy ploughing; for instance, 25 morgen for his master and 25 for himself, but even as it is you cannot prevent anybody hiring oxen from a native.

MR. LEARY: As long as the hiring of those oxen is not part of the condition of the contract, then you are all right, but if it becomes a part of the condition of your contract, then you are farming on shares.

MR. MAREE: For instance, to build dams or carry stones? That is where Mr. Leary and I differ.

MR. LEARY: The native's oxen have been ploughed to death and he has come to me and complained. I have had several instances of it.

Mr. C. Leibbrandt.  
HARRISMITH.

MR. C. LEIBBRANDT (By the *Chairman*): I am a farming lessee. I have been here nearly 13 years.

There are 13 of us who are lessees, and I want to give evidence on their behalf. The whole farm is about 10,000 morgen.

On the farm not one of the 13 is allowed to have squatters under the law. We all pay heavy rents.

By Mr. Collins: They are sheep and agricultural farms.

Almost the whole farm has been ploughed and cultivated. If we cannot get native labour, what are we to do with the ground?

MR. LEARY: It would also meet the cases of these Harrismith farmers if the law were altered—section 6 (a) of the Act—to include the Free State, as suggested by Mr. Collins.

MR. LEIBBRANDT: No native labourers are obtainable. I know of a certain farmer who went about the district to get boys, but he was unsuccessful.

#### AFTERNOON SITTING.

MR. CHRIS. BOTHA, M.L.A., *examined, states*:

Mr. Chris Botha,  
M.L.A.  
ORANGE FREE  
STATE.

By the *Chairman*: The question of the occupation of lands in the Free State by natives is one which is practically different from what it is in any other Province, because of the provisions of the Act which made a particular exemption as regards the Free State, and was made no doubt with the idea of putting a stop to this share system; but the effect of the Act is this, that when the next crops are reaped, you are going to have a tremendous lot of these contracts all stopped. You will have hundreds or thousands of people who are depending on these contracts who will not be able to rub along.

The native will object to giving his labour only, and they will ask: "Where are we to go to, and what is to become of us"? I mean with regard to this sowing on shares.

This question has been a bone of contention for the last 25 years. In the Orange River Colony Parliament we actually passed a law, almost unanimously, in which we endeavoured to stop this ploughing on shares. We had the unanimous support, or practically so, of the people of the Free State to stop this ploughing on shares, but it was never assented to by the Imperial Government.

The people of the Free State cannot possibly object therefore to any law being brought in which prohibits the ploughing on shares.

Had it not been for the action of the Imperial Government, we should probably have had it in law before this.

The reason why the assent was withheld was because of the discrimination between the two races—white and black.

The concluding sentence of section (a) of the Act was put in at the special request of some of my colleagues in the House of Assembly who represent farming communities.

If you ask me, the Government must find a solution.

It has issued a circular that although the sowing on shares is prohibited, there is nothing to prevent the owner dividing the land up and giving one portion to the native to plough for himself for his own benefit and the other for the farmer, so that although in theory you have abolished the principle of ploughing on shares, you have in practice re-established it.

I think the best thing is to get a decision of the Court on the circular of the Secretary for Native Affairs.

It seems to me that there is a great deal of unnecessary alarm as to what the effect of the Act will be; I think that will disappear and that most of these things which they think are contraventions of the law are not so, and I think there is a

great deal of unnecessary alarm, both on the part of the natives and of the whites. The fact is that a good deal of misunderstanding has been caused by the circulars of the Native Affairs Department.

[COLONEL STANFORD: The circular reads:—

“With regard to new agreements or contracts the effect of the Act is to render illegal the practice of ‘sowing on shares.’ No farmer can allow a native to occupy his land, except as a servant for definite wages or fixed consideration. Provided there is a *bona fide* contract of service there is nothing to prevent a native being paid in kind, but the payment must be certain and ascertained. Similarly a master may in consideration of service remunerate his servant partly by a wage and partly by the privilege of cultivating for his own use a defined piece of ground, or of running a certain number of stock upon his land . . . . . no transaction involving the occupation of land by a native or coloured person in the Free State (whether as the sole or partial remuneration for services rendered) entered into after commencement of the Act is legal unless the only consideration given therefor by the native or coloured person consists of the rendering of his own labour or services or the labour or services of his family.”

MR. CHRIS. BOTHA: That is almost as long as the law itself, but what does it actually mean?

The farmer who wants labour on his farm usually gives the native the right to plough for himself in a great number of cases as well. It is only in a very few cases, strictly speaking, where the farmer deliberately goes and hires the native to come and plough for him on the halves. The only natives who would be affected are those who have been deliberately hired for the purpose of ploughing such farms and render practically no other service.

By Mr. Collins: It seems to me that the Government have now decided to carry out a law which has been on the Statute-book for nearly 20 years—which they could not carry out on account of heirs and lessees living on a farm not having the same right to keep 5 families.

I would suggest that an amendment be put forward.

As a matter of fact I know of my own knowledge that before the Natives Land Act was mooted in Parliament the Government was endeavouring to carry out that law of 1895, in that within a matter of 4 miles of Bloemfontein a gentleman was prosecuted. And for the last two or three years, owing to the scarcity of native labour, they have tried to force these people to disperse from these farms.

By Colonel Stanford: For working on the farms you can have as many natives as you like for jobs such as fencing, ploughing, etc. The law only stops those heads of families from squatting.

By Mr. Wessels: For work on the farms you can have a dozen boys if you will.

By Mr. Collins: I would not be in favour of the amendment of adding the words “and Free State” to paragraph (a) of section 6.

So far as I am concerned, all that I want to stop is the squatting. If you could suggest some better means of doing so than the law of 1895 does, I do not think anybody in the Free State would object to it.

By the Chairman: I should imagine that the object of the tax of £5 for every family over 10 was only imposed as a check on anybody asking for more than 10 families.

By Colonel Stanford: I should deprecate any reserves in the Free State in addition to what we have to-day.

By Mr. Collins: The difficulty with regard to natives who have got too much stock is a difficulty that I do not know how to overcome, but I think in course of time the matter will adjust itself. I do not think there are many who have a large number of stock.

There is a great scarcity of labour in the Free State, and, of course, the competition with the mines is felt.

I think we ought to make some provision for those natives who have too much stock. I would not advocate that we should drive them out; they have lived here all their lives.

By Colonel Stanford: I have never had a case come under my notice where natives who have lived on farms most of their lives in the Free State have been driven off in their old age. I can give you dozens of cases of old natives whose children have left. Such an old native would simply live there and do what he liked. But, of course, if there are such cases, it is our duty to provide for them.

[U.G. 22—14.]

Mr. Chris Botha,  
M.L.A.  
ORANGE FREE  
STATE.



*Mr. C. J. Fraser, Magistrate, Vrede; Mr. W. Whip and Mr. J. P. Eksteen, Farmers, Vrede, and the Reverend Xopa Meshach, Native Wesleyan Minister, Vrede, examined.*

MR. C. J. FRASER, (Magistrate, Vrede), states:

Mr. C. J. Fraser.

VERDE.

By the *Chairman*: I have been in Vrede 3½ years. I have lived on the border for about 20 years—since 1887.

Within my knowledge there are no natives living in the Vrede district who live on farms on the half share system. They plough, they are given lands and allowed grazing for their cattle, and they have to do certain work. They are supposed to give their workable male and female children; and the families do a certain amount of work for their master.

Within my knowledge there is no hiring of oxen to plough for the master, but it is possible there are cases. That would be the exception.

The law works hardly on people in some cases; the first is this, that under the law at present no man is entitled to more than 5 families on his farm. If he requires more natives he has to apply to the magistrate. The applicants come to me and the troubles that I have found are the same as mentioned during the examination of the last witness. There is, for instance, a farm of six thousand morgen. A portion is occupied by the owner, and there are two or three others—lessees—of a farm of that extent with the father and four or five grown up sons. That farm is entitled to only 10 heads of families; that means that if the owner of that farm requires his 10 heads of families, the others are without labourers. That applies to the lessee as well. He has to pay his rent and the owner of the farm wants his 10 heads of families, so the lessee cannot continue his contract which he has entered into, because he has no labour.

Then we find we have large numbers leaving on account of the law now being carried out, who receive notice to quit these farms. They come to me and ask: "What must we do? Where must we go?" In some cases I have written to the master and asked him to allow the boy to stay on until we receive definite instructions.

By *Mr. Wessels*: They like to stay where they have been accustomed to stay for years—where in many instances they have been bred and born, and the trouble is this, that you cannot direct a native where to go.

My experience is that where a farmer has no natives he won't get them, and that is a very great trouble. A record was kept of farmers who had no natives, and I have said to them: "Look here, will you go to Mr. So-and-So." But no, they won't go. A man who has natives can get double and treble the number, and the man who has none cannot get them.

MR. J. P. EKSTEEN: Sometimes you will find it is the fault of the farmer—harsh treatment and injustice—and that gets to be known.

MR. FRASER: I have always understood that a man cannot have any number of natives.

I have been in the service for a considerable number of years, and I do not remember any prosecutions under the old law.

At present the natives work for six months.

After a native gets to a certain age he does not work, but gives his children to work.

I suppose the Commission will be aware of the decision of the High Court—that under the law there is no provision made for the lessee. If a tenant occupies a portion of that farm that man is entitled to 10 families, but not the lessee.

Personally, I think the whole question will be got over to a great extent in my district, as the farmers are going in for sub-dividing the farms wholesale. There is one case in point where a man has, I think, 40 to 50 heads of families living on his farm. He has three different farms and he is going to have them sub-divided so that he will be entitled to 40 heads of families straight away.

Very few farmers can afford to accept the natives with the large number of stock they hold at the present moment.

By *Colonel Stanford*: I really do not know what provision should be made for those natives who are likely to be affected by the law. Some provision, I think, should be made. I think we would be in favour of reserves or locations, provided that such was not put in our district; and also provided that it is made compulsory for the natives living in such locations to work when their services are demanded by the farmer.

By *Mr. Wessels*: In that case they might have to work for a man they do not like, and they would put it down as slavery. But if you establish a location with