

Native Welfare Society

authority ?- Yes, that would do.

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

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

Are they your Natives working here ?- Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

recalled and further examined:

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

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

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For that reason, I drew your attention this morning to the fact that you must be short, because we wanted to get to these witnesses who have just given evidence and who have given us some very valuable evidence, and evidence that will also be very valuable to the Native people. Therefore, I think, if you bear in mind that you are not the only people who know about the Land Act, or passes, or Native beer, we will probably have a better understanding. Now, will you carry on please ?-

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

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

There are many Natives living on farms who suffer much

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

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

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

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

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

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

One of our leaders has been banished - I refer to

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

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

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

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

It is puzzling to us why the Government should pass

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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to a maximum of £2 for one offence.

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

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

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

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

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

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

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

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

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

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

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which prohibits them from brewing Native beer (Utywala).

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

According to the Native Administration Act, sir, a Native who is married under Christian rites, becomes the owner of all the property in the marriage; the wife owns nothing. We protest against that. We would be glad if the law in Natal could be made to be the same as it was in the past here in Natal as regards Christian marriages. Another thing about that, sir, is that people who are getting married now under Christian rites, do not understand the legal nature of the contract into which they are entering; it has not been explained to them.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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