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think that the evidence would be very much greater if you took 50 years? - Oh, naturally, if one goes back 50 years; I was only 10 years old then.

CHAIRMAN: But, in any case, the position in the Ciskei of 40 years ago--you can easily make comparisons? - Yes.

And all those things you have said would be more pronounced? - Yes, if you made the comparison with 40 years ago.

Did they use ploughs in the Keiskama 40 years ago? - Yes, they began to use them.

So you have a particularly favourable example there, because you have the St. Matthew's Mission? - Yes, we had a great number of settlers, too. The Native is a great imitator. The German settlers came and settled round St. Matthew's and Keiskama Hoek. The Natives started by hiring a place from the Germans, and eventually got to buying their own.

Well, can you think of any other striking changes? May I suggest the subject of the relationship between Natives and Europeans? - Yes.

Have there been striking changes in the feeling of the one class for the other? - Recently, yes.

And, by recently, what time would you indicate -- ten or 15 years? - Well, 15 years, probably.

MR. LUCAS: What is the nature of the change? - It is rather the outcome of the feeling that the Government is no longer their protector, -- the Government being Europeans, -- or the Governments, as they change from one to the other; they feel that, with their legislation and their proposed legislation and things of that sort, -- the White man is represented

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by the Government, let us put it, and they cannot look to him as they used to look to him for protection, assistance and guidance, because they say legislation seems to be directed rather against them than in their favour. Things like what we call the Colour Bar Legislation and the attempt to take the franchise away from them, and new representation and that sort of thing, have really given them a spirit of -- it is a pity, I think -- they do look to the White man as being a real protector; the man to whom they can go for advice and anything of that kind.

CHAIRMAN: The Government is no longer paternal? No. Of course, you get a lot of paternal treatment by individuals in the Government -- I am not talking of that at all; but generally, they feel the White man is out to look after himself, and they have to look after themselves, -- which is a pity.

Now, in this period of about 15 years that you indicate the change has come about, the European has really, for the first time, come into economic competition with the Native? Yes.

Do you not think that has been a very important factor? Important, in which direction?

Important in creating more difficult relationship between the two races? Being made more difficult in the eyes of the European? The European does not like the Native coming into competition with him.

The economic stress has become greater for Europeans as well as for Natives, and they are both going for the same thing now. Must you not expect a certain amount of ill-feeling arising from a situation like that? Self-protection?

MR. LUCAS: It may be a mistaken view, but it is the idea that you must protect yourself at the expense of

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somebody else ?- Yes, it probably is the outcome of that.

CHAIRMAN: When two men are going for one job, obviously only one can be appointed. In that case, it may not be a very generous feeling on one part, but it is not an unreasonable feeling if the other one is picked ?- I think that has created quite a great deal of prejudice, the economic pressure and coming into competition. Race prejudice has always existed in this country, as you know, but I think that has intensified it. "These people do not want us to participate in certain industries", and things of that kind; "What are we to do? Here we are; we are getting ourselves educated and fitting ourselves for certain posts in life generally, but we are precluded from occupying them"; and they feel the White man is looking after himself -- which is natural -- but it is a great pity. It may be overstretched, I think. I think, if the Native's point of view were looked at a little bit more than it is, conditions between the two races would be better.

But in the past, this prejudice was a matter of conduct; now it has become also a matter of economic interest ?- Yes.

Conflict of economic interests ?- Yes.

And, therefore, it has become intensified ?- Yes; it was only a social thing at first, but now it has really become intensified through that.

DR. ROBERTS: You mix a good deal with Native young men do you not? Do you think the feeling was kinder in your youth than what it is now, between the Black and the White ?- I find generally that there are many more Europeans who have studied the situation and who are more sympathetic towards the Natives than they were probably in the past; they have

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- or they had not to worry about those things because the Native went along and the relations were happy; but since the relations have become less happy, there are many more men who have studied and become the friend of the Native; pleaded their cause and seem inclined to help and assist them more.

Then, as there has been a movement at the other end of antagonism where a certain number of men have approached the Native on the Native question in a friendly way, what about the other section? Have they become more remote? - Yes, because of economic conditions and things of that kind, which have put the two races more apart, really; there is a lot of distrust created on both sides, I think.

MR. LUCAS: What steps could you suggest should be taken to remove this feeling and, as far as possible, to restore the old friendliness? - Generally not to look upon the Native as a Black man entirely; treat him according to his deserts. People, and I think probably our Government of today, seem to be very much afraid of the competition of the Native in industries and things. I cannot help saying it, but I feel that this is an exaggerated feeling and it is an unnecessary feeling. I do know my people, I think, fairly well, and those feelings can only arise in the minds of people who do not appreciate their limitations. There is a certain percentage who are well advanced, who are just as capable of taking their place in the country in any way -- politically or in any way you like, and even in industries. When you come to the acid test, the European with all his civilisation behind him, has very little to fear. In 500 or 600 years' time he may. I put the day a long way off before we shall have really serious competition

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from the Native. The European must prevail in skilled industries. If he does not, he ought to.

But now, in actual practise, the number required in occupations is continually being reduced ?- Yes.

The amount of skill may be going up; the proportion of skilled men, the total employees, is very distinctly going down ?- Yes.

So that one must base the position, if you want to face the question of inter-racial relationships on a certain class of Europeans for whom there is no limit in the skilled trades, even if they can reach to the highest skill required, purely on the question of numbers ?- Who cannot rise to skilled positions?

Yes, because the skilled positions are not there. Now, is there not very much of a risk that, by laying too much stress on the Native side, you may be creating that antagonism on the European side ?- Yes.

One must, in order to be able to get some social theory about it, find some place where this lower European group can fit into ?- Is that not discouraging him from becoming skilled? You mean, the skilled man cannot get a job.

There are not enough skilled jobs; there is not one job in three skilled now -- with the Europeans, there is one in four. The European population is about 1:4, so you are bound to have a certain group who could not find occupation in these skilled occupations. You must find some room for them, otherwise you are going to have continual race friction emanating, too, from them ?- Which will intensify the race hatred, you may call it, or race prejudice.

Your point was the European need not fear Native competition on account of his skill ?- I did not say, "at all", but I said "very little"; that the percentage of

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Natives who really would compete in skilled work and hold those positions is small. You do get the difficulties where there are many skilled men for whom there are no jobs; you have to find something for them. There is always that difficulty but do you think it ought to be done entirely to the exclusion of the capable Native? Give him a place to breathe, too.

I thought you probably rather over-stated the point about the European not having to fear the Native? - No, I do not think I over-stated it. With regard to the really skilled occupations for Natives, who would be able to compete with the White man and hold the position, the opportunity is small.

There is still a considerable residuum in which it is possible to over-state it? - Yes.

In which there is competition. Therefore, one will have to demarcate between the two in order to minimise that competition? - It is a very difficult thing to do, I quite agree with you. The Native feels he is being excluded; the Native feels that the White man is naturally looking after his own.

MAJOR ANDERSON: Do you mean, you do not see any necessity to try and demarcate between the two races, or encourage separate development; would you freely let them mix in the country? - In industries?

Yes, and everything else? - It is naturally for the White man to protect himself, but he has a duty to the Native, too, to protect him; and I think it should not be carried too far, it should not be to the absolute exclusion of these people, which they feel it is today, that the White man is entirely looking after himself and that they have to look after themselves; which is unfortunate, because they are unable to do so.

But if efforts were made to try and improve the

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civilisation, -- the material advancement of the Natives in their own areas, would that meet your case?-- No, it would make it worse; to push them ahead of themselves would not be good at all; it would create a lot more people who would feel the position. You have your Native today who is able to compete in semi-skilled work, -- quite a number of them, but they feel that they are excluded, that there is no chance of their getting into these positions in the industries; that the White man simply looks after himself.

But purely Native industries in their own areas, and giving them sufficient openings for themselves?-- If you encouraged that, that would remove quite a good deal -- if you encouraged industries amongst them and financed them and so on.

You would be in favour of that?-- Yes, certainly; to find work for those people for their capacities and abilities.

CHAIRMAN: While you admit there should be a line of demarcation, that line should not absolutely exclude the Native from all the higher places?-- No.

The Commission adjourned at 12.55 p.m.

On resuming at 2.30 p.m.,

MR. HENRY BRITTEN, Magistrate, Johannesburg,

called and examined:

CHAIRMAN: There are certain points in the statement which you have handed in, on which we would like to have some more detail. I am referring to page 5 of your statement. You state that, in certain areas, more especially on the Witwatersrand, marriage customs are seldom heard of. Do you mean that lobolo is not practised generally in the urban areas?-- That is so, yes. I do not say that it has ceased entirely, but the majority of marriages are not lobolo marriages in urban areas.

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But is not that only officially? Does not the lobolo cattle pass? - My experience is not, in the urban areas.

We put the same question to Major Cooke yesterday morning, and he gave the same answer; but later on, after having consulted with some of his men, he modified his answer to the effect that there was still quite a considerable amount of lobolo. ~~is~~ The cases where lobolo did not pass were the exception rather than the rule? - I have discussed it with Natives and they gave me to understand, as a matter of fact, that here in Johannesburg especially, lobolo has almost entirely ceased. My information may be wrong. I would not like to be too dogmatic on the subject.

MR. LUCAS: Might that not mean the handing over of cattle has ceased, but that the custom is still maintained? - The handing over of cattle, of course, has ceased; cattle are not obtainable; the Natives have not the means of keeping them in grazing. There is no doubt about that. I have no idea at the moment what form lobolo takes, if it is practised. I understood it had ceased.

CHAIRMAN: The evidence of Major Cooke and Mr. Taberer is that it takes the form of cash. As a matter of fact, that accords with evidence we have had everywhere else? - I have known of such cases, but Natives do not like taking cash. I have known of cases where cash has been handed over and it has been kept for years and years in the same way as cattle would be regarded as representative of the marriage.

The cash is something in lieu of cattle. Lobolo is always arranged in cattle; the essential cattle element in it is not lost sight of? - There are such marriages, I know, but my own impression was that lobolo in no form at all passed

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in the majority of cases; but, as I say, that information has been derived merely from enquiry, and I may not have seen a sufficient number of Natives on the point to have acquired sufficient information. I would not like to contradict anyone who has had more experience than I have had. I naturally live in a town, but do not come into contact very much with Natives here on the Reef and I may have been misinformed.

May it not possibly be that, in many cases, unions which exist in town are purely customary unions -- that is to say, a couple live together for a period of years and then drift apart; there is no marriage according to Native custom? I think that is so; to put it bluntly, I think it is merely cohabitation; in the majority of instances in which a woman and man are living together in the slums and in the areas where a good deal of our crime comes from, where the brewing of kaffer beer and brewing of noxious concoctions and so on; in those cases, it very frequently appears, from cross-examination of a witness in court, they are not married but merely live together; a good deal of the crime that comes to court is due to disputes; a man changes his mind or the woman changes her mind, and the trouble begins. In the large majority of these cases, it is shewn the man and woman are not married, they are merely living together.

Do you consider there is a large percentage in Johannesburg of marriages of that nature?-- Yes.

DR. ROBERTS: Is not that what you would expect under the circumstances as mentioned in this pamphlet, that there would be irregular unions where you get such a large number of single men?-- Yes, the fact is you do get them, not only in

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Johannesburg.

CHAIRMAN: YOU stress the view that the provision in the Natal Code fixing the number should be repealed; would you state on what grounds in more detail than you have done here ?- On what page is that?

Page 6 ?- Before we come to that, may I just emphasize this point on page 5, I think it is, -- it is on page 6, about the registration of marriages is the point I wanted to mention in regard to Natal, and the repeal of the provision with regard to fixing ten head of cattle; well, I have compared the conditions in Natal with conditions in the Ciskei and Transkei where lobolo is not fixed, and I think the marriage conditions there, from that point of view, are more satisfactory. It is true, it makes it easier in cases of dispute, in fixing the amount, but I think marriage is a contract which should be arranged, if possible, between the parents. That principle is very clearly carried out in the Ciskei, and it is a question of what one side can give, and there is a certain amount of friendly bargaining takes place, and the number is fixed at various amounts -- 5, 6, 7, 8 or 9, -- usually round about 10, but, in many cases, the 10 is never paid owing to economic conditions.

DR. FOURIE: It was never fixed in Native law ?- No. The ten head of cattle was fixed in the time of Sir Theophilus Shepstone -- I think the marriage regulations of 1869.

CHAIRMAN: But your objection to that is that it tends to commercialise it ?- I have not noticed that so much, but I think, in the change in economic conditions -- owing to economic conditions and also owing to the fact the Natives are

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approaching an European standard, that ten head of cattle is too high; it is too large an amount; it is asking a Native to attain what is really the impossible.

You think, with changing conditions, if it had been left free, the number of cattle would ordinarily have come down? - I think, if the Native had had plenty of land and could live in his ordinary normal Native conditions, as they did 50 years or more ago, and their cattle could increase in the ordinary normal way, I think 10 head of cattle would not have been too high; but bearing in mind conditions as you see them in the Ciskei, and as I have seen them, -- overpopulation and so on, the quality of the cattle is fast deteriorating and the number is fast dying out, and it is practically impossible for Natives living under normal conditions, to be able to find 10 head of cattle as the result of their own exertions.

You, therefore, agree with evidence that has been led before the Commission, that the number of cattle tends to impoverish the young Native? - It takes up too much of his resources early in life.

And his family suffers as a consequence? - Yes, they do.

That argument has been used against lobolo; you use it only as an argument against the number of cattle? - Yes.

MAJOR ANDERSON: BUT there are cattle in the Native community under different ownership, but the general result does not impoverish him, does it? - The same cattle, of course, pass round several families; I found that also in the Ciskei. The cattle cease to bear the same position in the Native life as they used to. Cattle were scarce; they were difficult to get, and you would hear of a father receiving

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cattle for his daughter and the same cattle being passed on to the wife of the son, which one did not hear of so much in the earlier days. The Native in the early days would prefer if he possibly could to keep the cattle and the increase of the actual cattle he received in respect of his daughter or daughters.

The objection is, it impoverishes the individual; it only applies to the individuals themselves? - That is so. I do not think that that argument may be regarded as very strong, because I take it in these days, the majority of Natives have to go out in any case to earn their living and keep things going; as a matter of fact, the majority of men do. In the early days, wealth was acquired in cattle, but in these days wealth is not acquired in the same way. A young man, especially after he has acquired a wife, faces the fact that he has to go out and earn money to pay taxes and provide European clothing for himself and his wife. There is also this fact, that Natives do go away -- make a point of being away from the kraal when the wife becomes pregnant and during the suckling period. I do not know whether that is generally known, but it is a fact. I have the case of a boy of my own now who has just arrived from Natal, a few weeks ago, and discussing the disposal of his wages, he asked me yesterday, as a matter of fact, to send the money home, and he mentioned the reason why he had come away and wanted the money sent home; and that was the reason. I think 10 head of cattle is impossible of attainment in these days; that is what I feel. It is rather high. I feel also it is in the nature of a civil contract which should be one of mutual arrangement.

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CHAIRMAN: The actual ten head are not paid before the marriage in actual fact? - No. May I just say a word about this registration of marriages. I read an article some time ago, which was published in the "Bantu Studies" of the Witwatersrand University Magazine; I have only four copies to spare, but would like to leave them with the Commission if I may. It will save me saying anything very much further on the point. But I would like to urge that point that the registration of Native customary unions would be to the advantage of all parties concerned, and especially to the women. It is practised in Natal. It is not in the Transvaal, Free State or the Cape. I found, sitting in a district ~~jurisdiction~~ where there was a large Native population, Native courts and so on, that it is very difficult to arrive at certain facts, and by registration those facts, at any rate, are settled and placed beyond doubt.

Do you mean that to apply throughout the country? - Yes.

Rural areas as well as urban? - It would be a little difficult to carry out in the urban areas. The majority of regular marriages, of course, in urban areas, I take it today, are they are married by a Minister at the Church or at the Pass Office -- that is, under European conditions; but there should be a method whereby registration could take place, not only in the rural areas, - or in the strictly Native areas, - but throughout the country.

Have you any experience of the extent to which this registration is actually being carried out in the remote districts of Zululand? - No, I have had no experience in Zululand whatever, so I am afraid I cannot tell you; but it has been carried out in every district in Natal since the year

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1869. There is a return shewing the position up-to-date, in the Commission on Native Law and Customs of 1883. I think those returns are still kept up, shewing the extent to which registration takes place in Natal. It is a very simple and effective system. I have registered, I should say, thousands of Native marriages myself.

On the top of page 8, you express the view that 15% should be the maximum proportion of the wage-earners expended in the rent? - That is my own estimate, Mr. Chairman. I am not an economist. I am afraid I have not studied the point. But myself, I pay 12½%, and I put it a little higher; I put it at 15%. That seems to me to be sufficiently high to take out of the lower-paid man's income, -- to leave him sufficient out of which to buy food, clothing and the necessaries of life.

According to the so-called Engel's law, the lower the income, the bigger the proportion spent on rent? - I do not know whether the figure has been worked out. It is merely an estimate that I thought was fair. I have nothing more than that to go on.

DR. ROBERTS: I do not mean to enter into an argument but I should take the very opposite to Engel's law; the lower your salary, the lower would be the ratio of what you pay for rent? - Yes. I am sorry, but I thought that would be about the figure. I should not object to 20%.

MR. LUCAS: If you take the basis of 20% on the rate of 25/-, the earnings would have to be £6.5.-? - Yes; I know at King William's Town, some of the houses in the location there were very expensive; I think they were charging either 32/6d or 37/6d for 3-roomed cottages -- quite nice. They are Natives in shops earning £3.5.- to £3.10.- a month, which

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of course, was quite impossible; Natives refuse to occupy them.

CHAIRMAN: But a large number of the rents round about Johannesburg are very high? - Yes, so I understand. I can express an opinion that I think that could be overcome by the local authorities carrying out the provisions of the Urban Areas Act, -- that is, extending their own constructed locations and carrying out the principle of segregation. That would get over that difficulty very considerably.

Yes, but in a statement that has been put in, shewing the rentals in locations under the Urban Areas Act, the rent seems to be pretty high? - Is that in Johannesburg?

Yes. So the method suggested by you would not seem to produce lower rentals? - I have not the figures before me, but I understood the rentals charged by the local authority were fairly reasonable.

MR. LUCAS: It depends from the point at which you look at it? - Well, if it does not exceed 20% of the average income of the employee.

Would you not suggest the average income is £6.5.-? - No, it is nothing like that.

£1.5.- would be nearly 30%? - Of course, that may appear to be a high rent -- they do get other amenities of life as well; they get light, water and so on.

Not light; street lighting, yes, but not ordinary lighting? - (No answer):

CHAIRMAN: At Klipspruit the houses range from 10/- to 60/-; but in most of the Reef Municipalities, the rents are fairly high. For instance, at Springs it is 18/- to 27/6d? - What are the rents in the Western Township?

A 2-roomed house 25/-? - Well, I think those are 2-roomed cottages, if I remember rightly. They are made of

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