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personal comfort must depend upon his falling in or falling out with the farmers of the district on this one question -- The Masters and Servants Act.

It is, therefore, easy to imagine what great harm this Act may do. It interferes with freedom of contact between master and servant and, therefore, it interferes with the progress and prosperity of the country. My own experience is that when a farmer pays wages, he finds that he must produce more. The most progressive farmers all pay good wages to their Natives and progressive farmers have very little trouble with their Natives. The farmer gets his labour and the Native gets his wages, and both are contented.

As to the New Service Act, I need not mention here the proposed new Act. This Act is most obviously designed for the causing of endless trouble and most serious mischief between the farmers and the Natives. I only hope that Parliament will shew good grace and withdraw it from their list. It is designed to re-enslave the Natives and nothing else.

With reference to the Native Land Act and Urban Areas Act; these will be dealt with by other members of the Executive of the African National Congress. All that I wish to emphasize is that the good policy to follow is to encourage the Native to own property wherever possible. This would encourage thrift and enterprise amongst them. There is a great need for developing this class of Native in urban areas, in order to counteract the evils of rowdyism. The existence of a fixed property-owning class within the urban areas, would certainly have the desired effect of raising the heads of other Natives up and, as I have said, encourage thrift and

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enterprise amongst the Native workers.

I would suggest, therefore, that all municipalities should favour the creation of Native townships under municipal control, either adjoining or within their own areas. This, to my mind, is very imperative. It would relieve the present congestion in Native locations, and also improve civic life amongst the Natives. There is a great need for certain townships to accommodate the growing and permanent urban Native population.

The other members of the Executive Committee of the African National Congress who are prepared to give evidence are the following :- Mr. R. V. Selope Thema, Mr. H. Selby, Msimang, and T. D. Mveli Skota, General Secretary of the African Native Congress." That is all.

CHAIRMAN: You said a good deal about discriminating about what is more commonly known as class legislation. Do you not think in a country with peoples on different levels of civilisation, class legislation is not an unreasonable thing? - As I have said, the principle which should be laid down is not to create discriminating legislation, but that there should be equal rights.

You mean, we ought to aim at a condition under which discriminating legislation will not be required? - Yes, will be unnecessary. If that principle is accepted by Parliament and opinion throughout the country, it will help to clear public feeling.

But in actual practise, do not you think there is necessity for discriminating legislation at present? - I do realise at present there is need for some discrimination to be made; but it is this present spirit that I am against.

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But the paper that you have put in and the paper that you have read there disclaim against discriminating legislation?— It seems to me, Parliament today does not accept the doctrine that it is moving towards the attainment of equal rights for all.

You mean, discriminating legislation should be used as little as possible?— Quite so.

Now, let us agree that in political principle you should try ultimately to get your State to the stage where you do not require a discriminating legislation?— Yes.

You are still faced with the fact that in any particular country like this, for example, and in any particular town, you have got certain problems due to the existence of people of different layers, and for these problems you have to have discriminating legislation?— Yes, but not as a principle; for instance, the acceptance of the principle that the Native can attain the franchise would remove the cause of creating discriminating legislation in the same spirit as it is done today.

Now, you quoted the United States of America as an example where the principle is applied usually that there should be no discriminating legislation?— Yes.

Take the question of the franchise, which is not under our purview, but I suggest just want it as an example of discriminating legislation. What is the actual fact in regard to the United States of America in connection with the franchise; the Negro has the same right as the White man, has he not?— Yes.

Does he ever exercise it?— He does in the North exercise it, because he is more advanced.

In the South, in 1865, I think it is, or somewhere

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round about that. Has he ever exercised it in the South ?- Of course, the same principle cannot exactly be applied. In America they simply threw the franchise open without qualifications.

There was no discriminating legislation ?- Yes.

The White man had it, ~~therefore~~ therefore the Black man had it. Has he ever exercised it in the South ?- Some have or are exercising it in the South. In America, the cause is not the same; the franchise was forced upon the South as the result of conquest, and that has created bad feeling.

In other words, in 1865 they did not consider the ordinary situation of the country ?- Exactly.

Have you not got the same thing here in the economic sphere in South Africa ?- But the acceptance of the principle of equal rights to all civilised men should not be enforced by war, but it should be accepted as a principle of good government to which Parliament is aspiring, to develop the Native.

I think, in principle, everybody accepts it, but in actual practise you yourself admit that it cannot be applied absolutely at the present day ?- No, not at the present time.

Therefore, we want to get to something more cogent, -- something that can be applied to the present day. Now, if you can give this Commission any suggestions on this particular question, they will be very valuable. A sort of differentiation or discrimination has to be made, so that people living on a lower level of civilisation should not continually be undercutting people who are living on a higher level of civilisation ?- It is the administration of these acts that produces the most mischief; for instance, the attitude of the average policeman is that the Native is something below a human, and I think Parliament is responsible for that, because it does not recognise for the Natives the ordinary human rights.

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You are getting back to the principle by which you do not need to convert me or any members of this Commission. I want to know whether you can offer any practical suggestions as to where the line of demarcation should be made, so as to give the Native, on the one side, room for development and not break down the development of the European on the other side? - I think, if there were to be a fair distribution of land between the two sections, and the Natives to be allowed sufficient land within which to develop, naturally that would go a good way towards solving our trouble.

DR. ROBERTS: You use a word there which is rather vague; what do you mean by "sufficient" ?- By sufficient, I mean that there should be sufficient land available for Natives to live on.

But you are using the word again; what would you call sufficient ?- Oh, the proportion, sir.

What would you consider would be sufficient ~~for~~ land for each single Native living in the country ?- I think, if the land were divided equally into two parts, that would meet the demand of the situation, because the Natives are more in number today.

We admit that; but do you honestly think that is possible ?- Well, that should be possible. I do not say the Natives should be given these lands gratis, but I do think Parliament should say that the Native can, through his own enterprise, be allowed to purchase up to his own half; it should not be given to him gratis, but it should be open to him, and not to restrict him to one tenth.

Would you also agree that he would be allowed to sell the land as well as buy land ?- Yes, certainly.

MAJOR ANDERSON: Sell it to a European ?- If the principle applied is that the Native should own half of the

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country, then I would say that, under certain circumstances, he should be allowed to sell to Europeans, and vice versa.

That makes it rather an inelastic sort of business ?- Yes, and discrimination such as this interferes with freedom of contract, and it is very unprofitable; that is why I really am against it.

But now let us return to your first answer on the question of land. You want more land. I am going to put to you an objection to that proposition you have advanced, which has been put to this Commission and which this Commission will have to answer in some way or other. The objection is that the Native is making very poor use of the land that he has at present; therefore, to give him more land, would be to ask him to make very poor use of more land. Now, what do you say to that ?- I believe it is not true.

What is not true ?- That the Native is making poor use of the land which he has at present. Are they referring to the tribal lands or private lands?

Any lands you like ?- But what I am supporting is tribal ownership. The tribal lands are not under the control of any particular Native.

Now, let us take these lands which have been bought by Natives ?- Yes.

Leave out the tribal lands for the moment and answer the objection in the terms of the lands that have been bought by Natives, either by individual tenure or communal tenure, whichever you like ?- In my experience, they are making the very best use of those lands.

MR. LUCAS: Which are you referring to ?- Individual.

CHAIRMAN: They are making the best use of it ?- Yes. I have instances in my mind, sir; these lands, although they

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are very small, are made to support the needs of a large Native family.

MR. LUCAS: Which area have you in mind? - I have the areas at Daggakraal in the district of Wakkerstroom, where each Native has ten morgen and I am referring also to a group of Natives at Klipgat, in the Potchefstroom district. I know 40 Natives who bought a farm "Klipgat", in the Potchefstroom district, and today these Natives are doing very, very well indeed. Then, also, in Natal there are many acres of land owned by Natives at Driefontein, and all over Natal, and I find that the Natives there are making the best use of these little portions which belong to them.

Where is Driefontein? - It is in Natal, sir.

Whereabouts? - Near Ladysmith.

CHAIRMAN: You quoted a case where Natives have individual tenure; there they make good use of the land? - Yes.

Now, secondly, give us where they have bought land and where they are using that land tribally -- using it communally, say? - I find that in those areas, the difficulty is that the Natives are overcrowded; there is a need for pasture lands and to regulate the assigned portions to members of the tribe is a very difficult matter; each member must get a very small area, which does not allow him to develop the land properly. Those areas are too small, and these locations are overcrowded, and mostly these locations are situated in parts which are not suitable for agricultural purposes.

Those have been bought from European farmers? - Yes, -- in the worst parts of the Northern Transvaal, for instance, there is hardly any life there; even in European-owned farms there is hardly any life there; the lands are not suitable.

What do you mean by "life"? - It is far from the rail-

way

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railway and there is nothing growing there.

MR. LUCAS: Do you mean the soil is poor? - Yes.

Or that there is an absence of water? - Yes, that, too.

CHAIRMAN: Then, with regard to your tribal reserves? These are too small. I speak from practical experience. They are too small for the tribes themselves. In all cases, the members of the tribes have been compelled, even to buy adjoining portions in order to increase the land.

Now, one could expect that when the land is very limited very good use will be made of it? - Under the present system under which the Native has to live tribally, it does not allow each individual to develop his portion.

When you say "his portion" you mean his lands? - Yes, his lands.

Well, let us take the surveyed districts of the Transkei; the individual has his own portion to develop? - Yes; unfortunately I have no actual experience of these parts, but I am told that they are doing their best with their little portions.

There is very little difference between the surveyed and the unsurveyed districts, according to the witnesses we have had on the subject? - The conditions are different in the Cape from here.

There you have a case where the Natives have their own lands. Do you not think it is shorter to admit that the Native does not know yet very much about scientific agriculture? - That is admitted, that he requires some help and assistance.

And that is really the reason why his agriculture is so backward? - That I admit, sir, from the beginning.

MR. LUCAS: That, plus the absence of individual ownership? - Yes.

Are you meaning to argue that any extension of the

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holding of land should be accompanied by individual tenure ?- Yes; that if the present areas are extended, they should be open to private ownership and not to tribal ownership.

CHAIRMAN: In other words, if more land is made available for Natives, one should take some precaution to see that each Native knows how to use the land -- not to give out tribal holdings where the land will obviously be badly used?- It should be open to private ownership

MR. LUCAS: Open to or restricted to private ownership ?- Restricted to private ownership -- that is a very progressive system of ownership.

Would you advocate that for grazing lands, too ?- They do arrange a sort of commonage. I would not make any difference with regard to the grazing. If the land is privately owned, the Natives will be induced to keep a better class of cattle.

You want the pasturage to be privately owned also ?-Yes

Now, in your statement, page 2, you say, "in many cases, the advocates of discrimination under the role of "friends" of the Natives, have openly asked Parliament to tighten those chains of economic slavery around the Natives". Will you be more specific as to what you are referring to there ?- I am referring to the Masters and Servants Act, especially the new Service Bill before the House.

DR. ROBERTS: The amendment ?- The amendment, yes, which interferes, to my mind, in the freedom of contract. What I mean is this, that our friends are not vigilant enough, as our enemies are.

But is it not always the case that an enemy is more vigorous than a friend ?- Yes, quite so.

CHAIRMAN: You have suggested one way in which that line of demarcation can be drawn between the Natives and the

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Whites, namely, more land for the Natives. But look at it in your own urban area; do you think it would be enough to solve the difficulty in your urban area, too? - Townships could be created adjoining the urban area, to accommodate the permanent Native population.

But what are the people going to do who live in these townships? - The betterclass Natives, who are now compelled to accommodate themselves uncomfortably in locations, would invest their money in private stands in these townships, and they would continue to work in town and on their own, wherever possible.

How could you organize your community in such a way without its cutting at the foundations of the high standard that the White man has built up. So far as the town area is concerned, it is not going to be affected by the question of whether he lives in a village or location; there he does not compete with the White man. I am referring to competition between the Natives and the White men in the towns. Where are you going to draw the line between the two, so that the Native will have scope, and the White man? - In the Native townships, the Natives develop trade amongst themselves -- which should be the case. There is a restriction in some Provinces. I think even here there is room for improvement.

In what way? - I mean to say that the Natives should be given greater freedom of trade amongst their own people; for instance, the mines are given the exclusive privilege of trading with the Natives; the Natives are excluded from trading with the Natives on the mines.

The Mine compounds? - Yes. There should be no such restrictions.

But in which Native urban locations are there any

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restrictions that you complain of ?- Well, I am not prepared to say that there is here in the Transvaal, but in the Free State there is considerably; that has reached me.

Freedom of trade with Natives is one point. Now, can you mention any others ?- Also, in the case of building up these houses for Native occupation; Native labour or Coloured labour should really be used, which is less costly, and would lead to lower rents.

That is the second. Have you any other suggestions ?- Well, that is all -- trade and commerce.

And freedom for the Native to build his own locations ?- Yes, sir, but under municipal supervision.

Yes, naturally. But, if that were granted, do you think that would satisfy the Natives for a period -- at least until they had risen to something better ?- Yes, I think so.

Do you think that would be enough to relieve the dissatisfaction that there is the present day? I am not talking about political issues; we have nothing to do with them on this Commission ?- The only thing, of course, would be the question of wages, which is very unsatisfactory. If the Native wants wages, we should give him wages sufficient to enable him to live and maintain his family.

Leaving aside the wages. As far as the sphere is concerned in which the Native wants greater opportunity, do you think for the present those two things would satisfy him ?- They would satisfy him, -- in fact, most of the Native agitation would lose its argument. If the Native is allowed really to develop within his own area in municipal areas or in the rural districts, he would be satisfied.

MR. LUCAS: Do you want to deal with the question of wages; you raised that a moment ago ?- No, sir; somebody else is dealing with that.

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This arises out of something the Chairman put to you; you must realise that there are many White people who are afraid that, the advance of the Natives must be at the expense of the Europeans ?- Yes.

Take the economic side first; what have you got to say to that ?- That fear is false; it should not be there; it is false.

Why do you say it is false ?- Because it has never worked against the interests of the White man in other countries where the advance of the Black man has been allowed freely to develop.

DR. ROBERTS: What countries do you mean ?- Even in the United States of America.

CHAIRMAN: But you must bear in mind the fact that, in the United States of America, there is about one Black man to ten Whites, whereas here there are more than three Black men to one White ?- In the North, sir, the proportion is greatly against the Black.

And in the South ?- Well, I quite admit that; the numbers really do not matter; one White man who is efficient is worth thousands of Natives.

Yes; but the competition does not come between the efficient White man and the inefficient Native, but between the most efficient Native and the least efficient White man ?- Well, if the inefficient White man does not help the country, he should be made to feel that he must pull himself up.

Yes, exactly. But you still have to face the fact that you have the inefficient White man ?- Quite so; and, in the interests of the inefficient White man, that discrimination should be removed, because the removal of that favour that is given him by legislation, weakens him, -- for instance, I speak of the farmer now; every farmer knows there is a Land Bank,

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to which he will go to make up for the difference of his energy or zeal. Now, he does not over-exert himself at all; he knows, if he goes to the Land Bank, he will get support.

The Land Bank just gives him money for nothing ?- Quite so.

MR. LUCAS: I do not know whether you quite understood that question. Are not you aware that the Land Bank requires security ?- Quite so; he gives security, but it is easy for the farmer to get support and help from the Land Bank, and the Land Bank does not press the farmer; it is well known that it is a very 'gentle' institution.

Now, in what way should this Commission answer the views of those White people who say that the Native, by being given freedom to do certain work, will oust the Europeans ?- For instance, if the Natives are given their own townships there, there will be work for the Native trades people, -- to build houses and other things for their own people, and they certainly will not be going out to compete with the White trades people.

Take one of the least skilled occupations, say driving a trolley or motor lorry, the Native today is willing to take a lower wage than the European, and, because of that, in a number of instances, gets the job ?- Yes.

Is there any other reason except the low wages that gives the Native that job ?- Yes. The Native, I think, is a better driver of the lorry -- he will do more of the work of a driver than a White man will; the White man will require a boy to assist him, whereas the Native driver alone will do all that is necessary; he will do the loading and offloading and all that; he will not ask for so many petty considerations.

Well, does not that perhaps give some support to the

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argument of those Europeans who urge that the Native will oust the White man ?- Sir, that condition only can exist if the present attitude of discriminating legislation is enforced; but if it is removed, the White man will compete in the open labour market and take up any job that is willing to pay him; there will be no compulsion to keep him on high pay while working on a low job, such as a porter at the Railway Station.

Take the job we were talking about -- lorry driving; you say that the Native will be preferred, because he will do more of the accessory jobs than the White man will do ?- Yes, that is what I say.

Now, is the answer not then that the White man must learn to do those accessory jobs or be willing to do them in the same way as a Native would ?- My experience is that the White driver wants more; he will want a boy to water his horse and so on.

The remedy lies in the hands of the White man being willing to do those additional jobs in the way the Native does them ?- No, sir, not altogether. What I mean is, it lies with the employer -- the employer should be free to engage whoever is efficient for his services, irrespective of colour.

It is a very important factor in South Africa today, that fear of the White man being ousted from certain occupations. We have got to face that fact. Now, I am putting to you the question so as to get any guidance from you that you can give us. What I wanted to get from you was anything that you could tell us on that; but taking the particular instance we were dealing with, if the White man is willing to do those additional jobs connected with lorry driving, would the White man then be in any danger of being ousted by the Native ?- Certainly not; if he is equally efficient, there is no danger. Sir, I

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understand the importance of your question and what you are asking, -- and my reply is this: any interference with freedom of contract by legislation creates an abnormal position, and certainly in this respect the legislation should not interfere with the master and servant in bargaining.

What sort of interference are you thinking of -- because your Factory Acts interfere with the freedom of contract for the protection of the employee; your Wage Act and your Industrial Conciliation Act do the same. So that there are some in which there should be interference. In which do you think there should not be interference?-- In those Acts you have mentioned. Even in recruiting for the gold mines here, in this area, it is reserved for outsiders, -- foreign Natives. If labour for the mines were not protected by these recruiting contrivances and it were open to all the Natives, things would go much better; the mines would absorb a great number of Natives within the Union.

CHAIRMAN: Do you mean that the mines are not open to Natives now?-- No, sir; they are not open, they are recruiting; their recruiting agents are the ones that supply. No Native goes to find work on the mines.

MR. LUCAS: There are a very large number who are not recruited?-- (No answer):

CHAIRMAN: The mines people tell us they never can get enough Natives?-- Are they open to any Natives who come without being recruited?

Oh, yes, provided they can pass the medical test. They do not want to send a man with tuberculosis underground -- because then he will stay there?-- Well, of course, today, sir, the conditions are a little bit different, because the mines are well supplied; hundreds of Natives have come to me to say

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