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they cannot get employment on the mines.

Yes, that is the last three months; but the recruiting is open again from the 1st of this month. The mine's reply to your objection is that it must get labour outside South Africa because there are not enough South African Natives offering for employment. It is perfectly true that they get over 18,000 Natives from outside that they cannot get inside ?- Thank you, sir.

DR. ROBERTS: Have you ever directed your mind to the question as to whether there are enough Natives in the country to supply the whole of the work ?- Yes, if there is sufficient wage; it is only the wages; I think there are enough Natives here.

Do you think of the thousands of Natives required for railways, harbours, mines, etc.?- Yes.

Because the population of South Africa is not unlimited you have only got a million of men available ?- Yes, sir. What I will say in answer to that is this, sir, to work in the mines involves a great deal of risk to the ordinary Native; but if the rate of pay were raised, it would attract more Natives.

Are they there to be attracted ?- Yes, that is what I think.

MAJOR ANDERSON: Do you think it is possible for the mines to pay a higher rate of pay and then for the mines to continue to work ?- Yes, I think so, because the recruiting system is maintained at a very high cost.

Your point is the cost of recruiting should be added to the wages of the men ?- Yes.

MR. LUCAS: Well, I asked you about the fear of the Europeans on the economic side. Now, about the fear of the Europeans on the social side -- that the Native will swamp the Europeans and swamp their civilisation ?- No, sir; that

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cannot be. The Natives are attracted by civilisation and they improve themselves according to European standards; it is not vice versa; the White people do not revert to the Native standard. The Native, by coming here, has become a greater consumer of European produce and, by being raised up, he will be of great benefit to the country; he will be a greater consumer.

Now, one aspect of this fear on the social side is the fear of mixture of the races ?- No.

What is the general Native view about that ?- There is no reality behind that fear.

Do the Natives wish to keep themselves to themselves ?- Certainly; most decidedly.

Now, in your paper, you mentioned the evidence about the squatting laws; did you deal with all you meant to say on that in the statement you read, or is there anything you want to add ?- The squatting laws should be repealed today. It is to give the farmer unfair argument, and that is not conducive to progressive farming.

CHAIRMAN: You say it should be repealed ?- Yes.

When you are speaking of the squatting laws, what exactly do you mean ?- Each farmer is allowed to have five kraals on his farm and he gets a certain class of labour from those Natives. Now, so long as he sees many Natives, he has no anxiety; he knows he will be able to live comfortably and he does not exert himself. Now, at the same time, he does not consider the comfort and the interests of the particular Natives concerned; all that he desires is that they should be there and within call.

You think the farmer should not have the right to five families ?- I think squatting should be stopped altogether

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sir. In practise, it is no help today.

Now, in actual practise, the squatting laws do not limit the number to five; there are more than five Native families on quite a number of farms ?- Yes; but this portion of the law is enforced: a farmer is allowed to keep so many Natives to work for him --.

You think a farmer should not have labour tenants ?- Yes

If there are any people on his land, he should pay in cash ?- He should pay in cash or kind.

For labour tenants ?- By payment in kind, there should be a definite cash basis, that he will allow each Native to plough so much land, the value of which will be so much in cash, -- or, if it is a beast, of such and such a value, too.

You know the farm Native, do you not ?- Yes.

You get a position as being the head of a family -- a "Kethla"; a farmer has to work out all those things: "I have got three goats; I have got five sheep; I have got two horses and ten head of cattle." All that has to be reckoned out. Do you not think an old chap would get a very thin deal; he would be beaten in the arithmetic ?- I do realise that, sir; but what I do mean is that the Native contracts should be registered.

That is a different point. A contract should be registered, and if he says a man is to have two or four morgen and 15 beasts, all that should be written down ?- Yes.

Are the Natives in favour of that ?- Yes, very much.

Are the Natives who actually go on with farmers willing to sign their name to such a contract ?- My experience is that they are willing.

MR. LUCAS: How far have you investigated that to be able to give that experience? We have evidence where we were told the Natives would agree, and in other cases it was opposed.

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On what is your experience based ?- We had this with the Farmers Association of Wakkerstroom, and the leader there, Mr. Marsdorp, advanced the argument that the Natives were not willing to sign contracts. Well, unfortunately, I found, when I laid this matter before a group of Natives, that they were all willing to sign contracts, provided they were represented by one of their leaders to see whether these contracts were what they purported to be.

MR. LUCAS: They wanted some protection ?- Yes; the protection should be with the Native Commissioner.

Is not that rather difficult to carry out in a large district? The Native Commissioner's office may be a long way from where the work would be done ?- In Heidelberg, the Native Commissioner there will not hear any complaint arising between -- under the Masters and Servants Act, unless the Master shews the contract has been registered in the office. That has worked very well, and he accepted that principle.

The Commission adjourned at 1.p.m.

On resuming at 2.35 p.m.

MR. LUCAS: Dr. Seme, I would like to follow up that point about the registration of contracts. You mentioned the Wakkerstroom district, where the Natives were prepared to agree, provided the registration were done in the Native Commissioner's Office ?- Yes, sir.

Would they be agreeable to having the registration effected at a police station ?- No, sir; the police stand for a very different object in the Native's mind and as I have said, in Heidelberg it has been successfully done through the Native Commissioner.

Do you know under what authority he could do that? I

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did not know, under the law, he had the power to do that? - As the Administrator of Native law; in the capacity of Native Commissioner.

What exactly is the position he has taken up? - There was a great deal of trouble in connection with the Masters and Servants Act. Representations were made to him that the confusion is created through the want of written contracts. So he said he would put the whole matter to a test, and gave notice in the district within his jurisdiction that he would entertain no cases of dispute unless the farmer or the Native produced a written contract. Consequently, they all want to get these contracts registered.

Who wanted? - Both sides; and he assisted them in the pass office.

Would you say that the registration then in the Heidelberg district is fairly general? Take Heidelberg itself, is the registration of such contracts now the rule; is it generally adopted? - It is generally adopted, as far as my information goes.

And you say that the idea is spreading in other districts? - I say that the other districts unfortunately have not followed the example, but the Natives have expressed their views to me that they are willing.

But the point I want to get at is whether that is a general Native opinion, or whether it is just the few that you come into contact with, because you can, as an individual, come into contact with only a very small proportion. Now, which is it? - It is the general opinion. The leader of the Congress called meetings in this district and the Natives, when asked which they preferred, invariably said they wanted written contracts.

Now, have you tried the North of Natal -- Newcastle and

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Vryheid ?- No, sir.

In those districts, some Natives said they were opposed to it, because they were afraid of what might happen to them. You have not tested those districts ?- No, sir.

Now, can you give us any information on the replacement of Native farm workers by people of other races; has there been any that you are aware of anywhere in the country ?- There are none within my experience.

Can you give us any information as to the replacement of Native farm workers by machinery ?- Yes, sir; there is a great deal now coming in and that does displace a great number of Natives.

What sort of machinery ?- Ploughing, sir.

Mechanical ploughing ?- Yes, sir.

Any other ?- Well, that is the principal one that is used to displace Native labour in large numbers.

Have you made any investigation which would enable you to give us any details in reply to question No.26 of the general questionnaire -- at the top of page 3; that is about the different kinds of squatting? We find differences all over the country and it is quite impossible to lay down any general rule; but what I want --- ?- Yes, sir, these exist, -- the short contract which the farmers make with the Natives is that the Natives should work sometimes three months and sometimes six months; just as stated here; but the trouble occurs because the farmer does not take the service in consecutive days he wants the Native to be there-- the three months' Natives to be there ready to be called upon.

Do you find that is unpopular with the Natives ?- It is very unpopular with the Natives because they are uncertain how long they should remain on the farm or be away.

One of the points that is made is that, without the

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squatting system, the farmer would not be able to get workers at the time he most needs them, because that is the time the Native wants to work his own land. What have you to say to that ?- No, sir, that is not true. If the Native gets wages, the farmer will get all the labour he wants; I know, as a matter of fact, those farmers who pay Natives wages get all the labour they want.

Now, give us some illustrations and mention the districts where that is true ?- In my own district at Wakkerstroom Mr. Gillespie is one of the leading farmers there; Natives never leave his farm.

Has he any squatters ?- No, sir.

What wages does he pay ?- He pays, well, from £2.

A month ?- A month.

And what is found; is anything found ?- He gives the Natives about 6 morgen to plough for himself and find grazing for his cattle.

DR. ROBERTS: Does he give food also ?- Yes, to those who are actual working; not to the families.

MR. LUCAS: Does he allow the whole family to live on the farm ?- Yes.

MAJOR ANDERSON: What sort of farming is he doing ?- He is the potato king in the district, and he raises all sorts of produce.

Is it specialized farming ?- Yes, and very fine cattle, too.

MR. LUCAS: Does he grow maize ?- Yes, sir.

Are the conditions that he gives given by other farmers in the same district ?- There are some farmers who are doing the same thing.

Have any of them got any difficulty in regard to the shortage of labour ?- No, sir. I have studied this very closely and I find none.

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Does the contract of these people go on the whole year in and out ?- Yes, voluntarily.

I take it from what you say, the Native employees there are satisfied ?- Absolutely.

DR. ROBERTS: Are we to understand from your answer that you hold that wages is at the bottom of the satisfaction of the Native or dissatisfaction ?- Yes, sir.

What about the behaviour on the part of the farmer to the servants ?- Well, there are exceptions, but I think generally a farmer wants to get his work done; that is all. No, there is no general intention to be cruel. I am sure of that.

MR. LUCAS: Cruel cases are isolated ?- Yes; in fact a farmer will do anything for his Natives; he will even fight anybody who interferes with his Natives.

Are you inferring there, from just a few cases of that sort, that the Natives would be satisfied with a wage system something like that ?- Yes. I find that to be the general complaint; without wages, he cannot make ends meet.

You know a few cases in the Wakkerstroom district where these conditions prevail ?- Yes, sir.

Do you know of similar conditions in other districts, or are you saying because the Natives there are satisfied that all Natives will be satisfied with the same thing ?- I say that officially, sir. The Congress exists in all the Provinces and the complaints that come from the rural Natives reach me, - and I find that wages are at the bottom of it.

That still leaves my question unanswered. Have you similar cases in other districts with similar good results ?- Well, no, I will not say that I have experienced it in other districts, but I infer from the reports which have been given me that it would be satisfactory also in other districts if they did the same.

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Now, take the case of a farmer with a small farm, and not very rich; he says he cannot afford to give as much good land as Mr. Gillespie gives, or give grazing; what is his position to be as far as labour supply is concerned? - He can bargain locally. I think that the best thing with regard to the unskilled labour is to leave it alone to be settled by free and open competition.

Yes; but do you think that such a farmer, if he could not give grazing, would be able to get Natives to work for him? - Yes, sir; I know farmers who have only 150 morgen; they have Natives. It depends entirely upon his treatment of the Native, because there are Natives who have no cattle at all.

The complaint about these farmers is that they can only get more or less casual labour -- Natives who will come to them because they cannot get anything else in the meantime, but Natives who will leave them to go to a bigger farmer as soon as they can? - For instance, in Wakkerstroom, there are those three farms Daggakraal, which are purchased by the Natives; these Natives cannot find sufficient to live on on those small farms and they work for small farmers all around; and I know instances of farmers who have small farms who are helped by these Natives.

You mean that those small holdings really make a reservoir of employees between the Natives and the farmers? - Yes; and I suggest that this should be increased; in every district there should be a reserve, -- a Native area.

What is the size of Daggakraal and how many Natives are on it? - The three farms would be about 4,000 morgen and there are about 400 Native families there.

All holding land on individual tenure? - Yes; ten morgen plots each.

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Are any of them able to make sufficient out of the ten morgen to keep themselves and their families, without going out to work ?- No, sir; their sons come here to Johannesburg and various parts, to work; but the ten morgen plot is a residence for the family and the family can keep going on what they raise there and, of course, in bad seasons, they have to supplement it by wages.

And is that the sort of example you would like to see followed throughout the country ?- Yes, sir. I mean to say that in the absence of such relieving islands as Daggakraal, the Native distress is considerable. There is a question that was put to me with regard to the trading of Natives in locations. I stated that the Native would be satisfied if he were allowed to trade within these locations, and I should have stated by saying locations I include Native areas -- Native reserves; that the trading would then be in Native areas, and that Native reserves should be exclusively open to Natives.

CHAIRMAN: Now, Native rural reserves; do you want the present owners of the stores to be dispossessed ?- The position is this, that the trading should be open to Natives; today they are restricted -- in fact, they are excluded in some instances.

But you know the rule that applies, that there should not be stores nearer than five miles from each other in the Transkei. These stores have been taken up by Europeans. If the Natives were to get in there, they would have to dispossess the Europeans in some way or another ?- Certainly the Government, when establishing this law, should see that those dispossessed are properly compensated.

That they should be doubly compensated ?- Yes.

And then hand the store over to the Native ?- No; and

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then leave the ground they are on free and open for Native trading if the Government enforces the principles of segregation.

In other words, the Native would have to buy that store ?- Not necessarily; he would start his own store perhaps, if it is too expensive to buy an existing establishment.

Yes; but what about the store that is there already; would that be confiscated ?- No, I mean the Government could compensate the owner.

That would mean part of segregation ?- Not necessarily; but I mean segregation should mean that.

DR. ROBERTS: How does it appeal to you to leave the man who is there, but that whenever his time ceases, or at his death, then to sell the store to a Native? What is in the Urban Areas Bill is that if a man is in a location, he will remain there ?- What line should be followed I could not say. I admit it would be hard on a storekeeper once he has trading rights there; but I think, in view of the fact that he is represented in Parliament, I as a Native should not be so concerned about his compensation.

But then you are also up against the difficulty that, if you drove them all out of the Transkei, you have not enough Natives at once to step into their places ?- Quite so, sir; but the situation would right itself; the Native would gradually get ready to take possession -- to step in.

MR. LUCAS: Those are details anyway ?- Yes.

Take the question of industry and trading; do you include industry in that trading in locations and reserves ?- Yes.

Supposing that you wanted to start a furniture factory; would you be prepared to agree to the same wage scale, or approximately the same wage scale prevailing in a furniture factory in the reserve and in the European areas ?- Well, that

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Mr. Msimang

is a matter that somebody else will be dealing with, as I said this morning.

I am dealing with a question of policy in the reserves ?- It is a question of wages you are asking.

It is a condition affecting the establishment of industries. Still, if you are not prepared to express an opinion, it is no use pursuing that ?- I certainly do not favour the idea that Parliament can put up wages that should be paid to Natives in the reserves. The system of contract is what we here, as a Congress, advocate.

Supposing you have a furniture factory in the Transkei and that factory is not paying the same rate of wages that is paid in a factory in a European area; would not there be an outcry from the Europeans against any furniture from that Transkeian factory coming out into the European area ?- Yes, sir. As I say, I am not prepared to answer that; it has been left for Mr. Msimang to deal with.

CHAIRMAN: Is Mr. Msimang prepared to answer now ?- Yes. (Mr. Henry Selby Msimang): Yes.

MR. LUCAS: You are also one of the representatives of the Congress ?- Yes.

Will you answer that question that I put ?- If I understood you properly, you want to know if we would be prepared to accept the same wages as paid in the towns?

I put it the other way. Of course, the wages in towns are not fixed for ever, but they are fixed at the moment. Supposing that you set up a furniture factory in the Transkei for the benefit of the Natives and that factory were able to produce for export outside the Transkei, how would you meet European complaints if the Natives in the Transkei were not being paid the same wages approximately that the European

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manufacturer has to pay in a European area ?- The principle should be, sir, that if there is within the Union a price or standard of wages fixed for factories in one area, it should apply to similar factories in all areas.

Has that assumption been discussed by the Congress ?-Yes

And we can take that as expressing the Congress' view?-
should

Yes. I may say, sir, to be more emphatic, that we ~~did~~ have a free labour market where each worker would be free to compete to the best of his ability and not be hampered or handicapped by a certain wage fixed at a standard of living, because we believe the standard of living would depend upon his income.

CHAIRMAN: Does that mean you do not want the wage fixed at any level whatever ?- No, sir.

MR. LUCAS: Are you for or against the fixing of wages, providing there is no distinction of colour ?- Only in this regard, sir; if we accept the principle of equal pay for equal work, then I would say I am against the fixing of wages, because the wages would determine themselves and, naturally, the employer would look for the best man to give him the best service.

Does that give any protection to, say, the unskilled worker in Durban, whose wages are very low today? You have free play, as far as unskilled work is concerned, and the wages remain very low. What protection would you give to such workers ?- I would remove the pass laws, sir; that is the thing that brings the wages to that standard.

How do you say the pass law does that ?- The unskilled worker, - a non-Native - would be thrown into a sphere of labour that is usually recognised as Native labour, and you would find that ^a Native, because he comes under the pass laws, has not got the freedom to bargain as best he can, because his time is limited, under the permit, to look for work; he is bound to

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accept whatever standard of wages is offered to him; but if the pass laws were removed, Natives would begin to say, "Well, I am not going to accept the standard of wages, and if this district is not going to pay more, I will transfer to another district, that will pay me a better price".

Yes, and bring the wages down in the other place ?- No; he would not, because what he is after is to get a proper wage. Supposing he was going to transfer himself to a district where there is a scarcity of labour and the employers are prepared to give any price to get him, he would be prepared to go there.

Take Bloemfontein; that has no pass law; it now has the permit system to look for work, but that applies only to visitors. There the Wage Board had to be brought in to lift up the wages of the employees. Are you against that actually ?- No, I am not.

So that you do favour the use of the Wage Act for the protection of such Natives ?- I was regarding the question from a broader aspect; I did not think it was limited to the Wage Act. I would say I approve of the principle of fixing the wages at a certain wage in all trades.

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- Mr. SAMUEL SAMSON TEMA (Assistant Secretary, Johannesburg
Joint Council of Europeans and Natives)
Mr. JOB RICHARD RATHEBE, (Schoolmaster) representing Transvaal
African Teachers' Association.
MR. HENRY SELBY MSIMANG, Clerk in an Attorney's Office,
MR. ISAAC BARTLETT SYDNEY MASOLE, (Clerk in an Attorney's Office)
MR. RICHARD VICTOR SELOPE THEMA, (Journalist: "Mteteli Wabantu")
MR. HERBERT DHLOMO, do. do.

called and examined:

CHAIRMAN: You gave in certain statements in manuscript without any names to them; are you all responsible

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for those, or is any particular member responsible? - (Mr. Tema)

One particular man is responsible.

The one on the question of differentiation; by whom is that? - (Mr. Dhlomo).

Then there is a second one, with Native languages. I think we will have to cut that out -- the question of how to spell Native languages does not come within our purview. Then the question of primary education; who is responsible for that? - The same one; all that is written in that pamphlet there is by Dhlomo, -- by the same man. (Mr. Dhlomo): There is a summary on these points which are written there.

Yes, I realise that. Now, the statement put in by S.S.Tema; you say this distinction should be made between the wages paid to tribal Natives and those to detribalised town Natives? - I do not know if I am allowed to ask a privilege, but I want the members to be taken in the order of that list, please, sir. (Mr. Tema): I represent the African National Congress, and if you will allow me, I will hand in my statement tomorrow.

Will you deal with any matters you wish to deal with. I do not suppose it matters whether you hand them in as members of the African National Congress, or Joint Council. It would simplify the procedure if we could have your statement first. Then, the next one was a statement from Msimang. In your statement you have got, "Custodians of that great Bantu institution have changed hands with ignorant unqualified Native Commissioners and with Government-appointed policemen called chiefs". I take it the custodians of the great Bantu tradition that you refer to are the chiefs. Now, your Native commissioners; do you not think that generally they ought not to have the opprobrium you have given them? - We do not know what

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