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to the country because, so far, we have been letting things remain as they were, giving satisfaction more or less to both parties and carrying on amicably. But now we are told that the Natives are not, under any circumstances, to be allowed to remain on any of these lands. If they are dissatisfied, they have the choice of leaving and they are under no obligation, but generally it has been an amicable arrangement between both parties. But when you come and interfere and make it compulsory for every individual to work so long - at least three months in the year, with the alternative of the master paying £5 for his failing to do so, it means that you upset the present organization and you bring about discontent and friction and, on these lines, I wish to bring before this Commission my protest and I ask that this provision for a penalty of £5 should be taken out of the Bill which is now being discussed.

Also, with regard to the farmer having to appear before the magistrate or before the police, whenever called upon to do so, I wish to lodge a protest against that.

DR. ROBERTS: That sum of money which has to be paid as a fine for a man having more than three has to be put into the Native funds. Do you not think that that is an excellent thing? - No, I do not. I do not see why the farmer should be called upon to contribute direct to the Native Fund.

Why should he not? - Because that labour is a mutual agreement between the master and servant for both parties alike. I can only illustrate my own agreement which I have with my Natives. I have Natives working for me who have worked for me continuously for ten years without a break. They may have been off from their work for a week or a month even

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but they have been with me for a continued period of years and, before being with me, they had been on my parents' farm where I was born and I can tell you that there are Natives who have been there for 50 years. They were there before I was born and they and their children have stayed with me. That all goes to show that there has not been much friction between master and servants during the whole of this period, but I am afraid that this new Bill will change all that.

Yes, but what I am trying to get at is that this fine is not a fine where the Government will take the money, but it is a fine which will help the Natives in regard to land purchase and in regard to the Land Bank? - Well, my answer to that is that I do not see why we should not be taxed direct if it is necessary to do so, but I strongly object to this indirect form of taxation.

CHAIRMAN: Then are we to understand that you like direct taxation? - If I know what it is for, then a very good case may be made out for it, but it is a very grave question whether it is wise for a penalty of this kind to be used as a compulsory way of accumulating funds for Native welfare. I certainly do not like it.

MR. MOSTERT: What constitutes a family ---- you are referring ^{to} the Native who is the head of a kraal? - Yes. A boy may come to your farm with the idea of working and supplying you with so much labour. That entirely is a matter for agreement as between master and servant and it is for you to say whether it is worth your while taking him on and allowing him to live on a farm if he has not got a large family to work for you.

So that the best thing for the farmer would be to take on large families? - But they do not all have large families.

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My point is that it is undesirable to interfere with the present conditions because, by doing so, you will bring about a state of affairs which will be detrimental to the interests of the farming community and also to the interests of the Natives, by shifting off the Natives where they are at present satisfied with their conditions and where they are getting quite good treatment from their masters, and it will mean that, by moving the Native, he will become more or less an uncontrolled individual who eventually will drift to the towns.

Why should he drift to the towns? - Well, we must all realise that a farmer's life, after all, is a hard one. A Native on a farm has longer hours, he has no recreation and, if it comes to a choice as to where he is to procure his employment, he will naturally go to the towns where he can secure all the advantages, where he can go in for entertainments, where he can go to the theatres and bioscopes and so on and where, if he so wishes, and many of them do, he can acquire quite a lot of independence and where he can get his wages in cash and get on generally in certain ways which he seems to like.

MR. LUCAS: What are the usual conditions of farm labour in your district? - I can tell you what the conditions on my own farm are. The boys residing on my farm supply labour to me and to me alone and I guarantee to find work for them and I pay them a higher wage than most of the other farmers do. I pay them 30/- per month. After they have completed six months' work, they are at liberty to go home and rest for six months, but they are not, on any condition, to go off my farm and work for anyone else. The result of that has been that I have had boys who have worked for me right through from year's

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end to year's end.

You mean they work for you twelve months right through ?- Yes.

MAJOR ANDERSON: And if you did not have any work for them ?- Then the terms are that I have to let them go.

MR. LUCAS: Do you give them land to plough, too ?- Yes, they have extensive areas, rather too much in comparison with the advantages which I get from their labour.

What does it work out at ?- One kraal has nearly 100 acres to plough.

And do they plough much of that ?- Yes, nearly all of it, and they have it without any interference in their service to me. They work it with their own girls and women.

What sort of return do they get from that land ?- It depends on the seasons. In a favourable season, they will get up to ten bags an acre, but, of course, in a season like the present, practically nothing.

And can they run stock on that land ?- Yes, they have their own stock there, but they have to pay me five shillings per year for dipping.

Is there a limit on the kin number of stock they can run ?- No. So far there has been no limit, because they have been buying wives, so that has automatically reduced the number and kept it down, but I have no doubt that, in the future, that will be one of the causes of trouble.

How many Natives are there in that particular kraal which has 100 acres to plough ?- There are four boys there and one is a widower.

MR. ROBERT: Does it pay you to do that ?- Yes, it pays me because it means that I have a steady supply of labour. There are others, again, who have less boys than that.

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MR. LUCAS: Are there farmers in your area who give less favourable conditions? - The farmers usually have a graduating scale and they allow the boys as a rule to work anywhere they like after the six months on their own farm.

And do you know whether they all give the Native land to plough? - Yes, you can say that all of them do so.

MR. MOSTERT: And do they all give them grazing? - Yes, so far as I know, they do.

Do you think it pays them? - Would they do it if it did not pay them?

MR. LUCAS: Well, now let us take one of your Natives. Your conditions sound to me to be more favourable than those that we have heard of from others. Take a Native who was dissatisfied in your district. If he does not like his contract, is he at liberty to go away, and even if he can go away, where can he go to? - Well, he can go to the next farmer, or otherwise he can go on to the location.

Do all the farmers have Natives on their farms in your area? - Yes, generally they have.

I mean, do they have Natives who reside on their farms under the same conditions? - Yes, I think so.

And do they have enough labour for their requirements? - No, they have not. Even I have to go in for outside labour.

Does that amount to much? - It all depends. You may have to get it from the labour agents, and then you have to pay them a £2.10.- capitation fee. You get them for £2 per month for six months.

Six months - six calendar months? - 180 working days.

What farming do you go in for? - I go in for general farming, agriculture and stock.

Do you have to get many Natives, many additional Natives

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for whom you have to pay a capitation fee and to whom you have to give £2 per month ?- No. I try to keep that down as far as possible and I try to get local Natives as far as possible from the adjacent locations.

And what do you pay them ?- I pay them at the same rates as I pay the boys residing on my farm.

And then you save the capitation fee ?- Yes, but it is unreliable. You see, you never know when you can get it and it is absolutely necessary for a farmer to know that he has a certain steady supply on his farm.

DR. ROBERTS: Could you not keep half the number of tenants and make them work all the year round ?- Most of them work the whole year, practically all.

MR. LUCAS: What hope is there in the ordinary way, for a Native who is dissatisfied with the condition on the farm where he is, to get another place to go to ?- Well, as farmers contend that, if a Native does not behave himself on one farm, he should not be taken on on an adjoining farm, but you will appreciate the difficulty there. Through ~~the~~ disloyalty among farmers themselves, that is not always complied with. But in the event of his not being able to find work on another farm nearby, he can always go back to his location.

Yes, but we are told that the locations are all full. Does that not break down your theory of freedom of contact so far as the Natives are concerned? - No, it does not.

But if a Native cannot find another place to go to, he is compelled to remain ?- He can always go somewhere else. I have a lot of suggestions to put forward which will cover this point. I first of all want to say that I have come here to support Colonel Foxon in regard to Clauses 8 and 9 of

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the Masters and Servants Act. We ask that these clauses should be expunged from the Act.

Now, I should like to take you back to 1913, when General Botha brought in a law, which has become known as the Squatters Act, with the idea of only retaining on the farms Natives who were to be labourers and nothing but labourers. Well, that law was discussed throughout South Africa generally, no doubt, and the principle of it was accepted as a good one, but, when the Bill became law, it very soon became apparent that they would have to find more land for the Natives and the result was the appointment of a Commission for the demarcation of areas in Natal that would be suitable for Native occupation. That was held in abeyance for a long time. I must point out that General Botha, General Smuts and General Hertzog, were all in the same Cabinet together and what came about in those days is today a matter of past history.

CHAIRMAN: I think your dates are somewhat shaky? - No, I do not think so; I am correct.

They were not in the same Cabinet at that time - they were in the same Cabinet the year before? - Well, we may take it that the same ideas were in the minds of those gentlemen that segregation would be a solution of the trouble and they then passed a law, as I have indicated, and the result of this law was that they found that they would have to supply more land to the Natives. It is quite possible to suppose that they carried out that principle and that they are now bringing in legislation with the idea of having segregation of Natives as a solution of their difficulties. They looked in the past at matters in a somewhat different light from what they do now -- they looked at matters in the way they did in

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the days of the Voortrekkers, when they regarded it as a great menace to have the Natives here spread as they were over large areas. I can only say that this idea of the segregation scheme came about with the thoughts of past history of trying to find a solution whereby the Natives could be segregated in an area where they would be less harmful to the Whites. That is my interpretation of the segregation ideals.

DR. ROBERTS: Do you really think so? - Yes.

Are you including the 1913 Act among the segregation bills? - Yes, I think so. It was brought about with that idea.

CHAIRMAN: You are referring to the Land Act of 1913? - Yes; it was introduced at first with the idea of doing away with squatters, the men who lived on farms and did no work but paid rent. Now, I wish to say definitely that I am absolutely opposed to the principle of segregation. I do not consider it is a solution of the problem, but it is only putting back the clock. It may have been brought about by the older settlers realising what a fine individual the old Native was, but they forgot that conditions had completely changed and that the old Native has died out and that the young man has come into daily contact with the European and that, under these conditions, things have changed completely from what they used to be in these old days.

It is, therefore, apparent that, if you tried to bring about segregation, which, on the strength of it, without thinking would appear to be a solution, is no solution at all, simply because the Native cannot possibly be segregated. It is a huge contradiction. One day he is living in the locations

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under a real headman and under his chiefs and tomorrow he is working in the town, where he falls under the common law of the country, where he gets all the education that is possible, but where, at the same time, he learns all the vices of the White man. So, when you speak of segregation, I cannot help feeling that it really is a contradiction. It would have been quite a good solution if our areas had been confined to one corner. But let me tell what the position is here in Natal -- here we have Native areas all over. We have our actual Native areas surrounded by Whites and we have various centres where we find locations and these locations were established and brought into being in the older days simply as makeshifts. The Zulus migrated here in order to get away from despotic rule and, let me tell you that, in those days, the rule of the chief was very severe, very drastic. They had to submit to it and they had to see to it that they did nothing wrong, for fear of death.

Equally, the old colonists and the old tribal customs have past. These old people, the old Zulus, were law-abiding people, but civilisation and whatever civilisation has brought with it, has brought about a different state of affairs and that being so, I cannot see how one can possibly hope that segregation will ever be a success.

You have the Transkei which, after all, is one huge block of Native area, it is one solid block, and the same applies to Basutoland. There, perhaps, you could have some scheme of that kind, but, as regards Natal, it is an absurdity because of the fact that you have your locations all over the place, with White areas all round them and all between them.

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You simply cannot force the Natives into one corner, - here in Natal certainly you cannot. Then we have the idea of the ignorant Native being allowed to govern himself - that is the idea of segregation and that, to me, seems to be an absurdity, when you have the Native coming into daily contact with the White. My idea is that, if you do that sort of thing, you are only going to bring about strife and discontent and it will mean that the Native will have nothing to look for in the future.

DR. ROBERTS: May I just put this to you --- I am not clear whether you would include the Transkei in your remarks? - No, I am speaking of Natal only. The Native today is residing in the location subject to the whim of the man who is over him. He has to give obedience to the man who may be described as his headman or his chief. If he keeps in with that individual, he may continue to reside in his own home, but if he should fall out with him, he may be shifted away to another corner of the location. So it means that he really has no permanency of tenure and I think that that is detrimental to the Native, because, in my opinion, it would be better for the Native to have a small holding, even if it should be a few acres only, which he could call his own, so long as he should not be at the beck and call of any particular headman at whose whim he might be shifted whenever it might suit that person to do so.

But, under your system of secretation, you would be perpetuating that evil. You are not giving him the right of tenure to any individual holding, you are simply putting him under the rule of the chief and you are creating new

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sources of strife and discontent, which will undoubtedly result if segregation is to come about, because, even if you give the Native further lands tomorrow, the requirements will be greater and greater, there will be an ever-increasing demand for more land and, in a few years' time, you will have further demands and further outcries for more opportunity and more holding. It is for that reason that I say that I do not think that segregation will bring about the desired results.

It might have been possible, if those Native areas had all been put into one block and if the Natives had been allowed to develop in their own ways and in their own sphere as the case might be. But let me say this, you will have Communism preached and you will have every opportunity created for that discord to be spread right along all the locations and among all the Natives. If there were community of property it would mean very little to the individual, but if he had a holding of his own and if he had right and title to his own land, he would not be likely to break laws if he knew there was a danger of his losing his property. If segregation comes about, there is no doubt that large areas will have to be allocated to the Natives.

CHAIRMAN: Is that the reason for your objection to it? - No. I am giving you the drawbacks to the segregation scheme, and then I want to put forward suggestions to solve that question which, in my idea, is simplicity itself, except on two points. The Native is naturally very superstitious and you will realise that he is governed a good deal by superstition. Now I say that Communistic preachings in Natal are rife today and I am right up against Communistic preaching, because it will simply lead to trouble in the future, and I

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do feel that it will bring about bloodshed and I should like to see the Government take up a strong attitude and put a stop to this.

DR. ROBERTS: Do you really think that there is Communistic preaching going on? - Yes, it is going on in our district daily. About 12 months ago last December, two kaffer girls, I did not actually see them myself, passed through our district and preached to the Natives that they should destroy all their pigs.

Why? - They said that if they did not destroy them the lightning would come and it would strike the pig and the pig would run about with fire in its mouth and burn all the kraals. These emissaries were really sent by the I.C.U. Of course, I cannot verify that myself, but that statement was made to me by Natives and it was supposed that these girls were sent to warn the Natives against the evil that would befall them. These girls went about with a crow which was supposed to speak and warn the people.

CHAIRMAN: Did the crow tell them that? - No, probably one of these girls was a ventriloquist, and the result was that there was not a pig in the district.

I do not quite follow how that bears on the question of solving the Native problem? - I am now dealing with the superstition. I do not know whether you know anything about the Natives.

Well, you may take it we know something about them? - You are only perpetuating the evil. These old superstitions are detrimental to the Natives.

I understood you to say that you were going to tell us what your suggestions were for solving the Native problem? - I

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am coming to that, but I notice that you are in a hurry. Another evil which you are perpetuating is that of lobolo. You will foster lobolo by segregation.

How ?- Because you will perpetuate the evil.

Which evil ?- The evil of bartering, which is the cause of most of the discontent with all the young men today, because they cannot get married when they want to.

I am trying to get you to that scheme which you promised us ?- Yes, I am coming to that. I am coming to the detrimental state before giving you the advantages. My idea is this. We talked about Native trouble, we have talked about Native acts which at various times are passed by the Government and we have talked about difficulties which have faced the country in these matters. I say this, that the simplest way and the easiest way to deal with the position is this, - we must apply the common law of the country.

DR. ROBERTS: What do you mean by that ?- I say that we should put them under the common law of the country and you would solve all these difficulties, and you would give the Native the opportunity to rise in civilisation. You need not force the position, it will come about naturally. And we need not be ashamed of the common law. Our common law is one of the finest laws in the world. It comes originally from the Bible, but today we are trying to solve a problem by going the wrong way round to do so. I say that we have the remedy in our own hands. The only reservations that would have to be instituted would be a reservation in regard to the franchise which the able brains of this country can surely provide for.

Why should you do that ?- And community of property.

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Community of property is detrimental to all. They can flood the land by having this community of property. We know what has happened in other parts. They bought up large holdings by having some company, a colonisation company. They held up the land and the surrounding farms made it valuable. Well, this could be made to apply to the Natives as well as to the Whites. If the individual had the right of purchase, he would realise then that, by his own thrift and energy, he could improve himself and his status in the country and what we want to aim at is to get the Natives on to the land and, by his progress there, he will improve not only himself, but he will improve the whole of the position in South Africa. But I say that you will not do that by segregation.

CHAIRMAN: So your suggestion is that the common law should be made to apply and that the Native law to the extent to which it is applied today, should be abolished. You think that that would solve the whole problem? - Yes, subject to these reservations which I have made.

Yes, the only reservations to be in respect of franchise and in respect of land purchase, which you want to be individual purchase? - Exactly, otherwise the companies will come in and buy up large tracts.

And in regard to drink, have you any suggestions how that could be dealt with? - I do not know that legislation would ever solve the drink question. I was going to enumerate the advantages, but I need hardly do so. For instance, if you had the common law applied to the Natives, it would mean that the Native would come under the ordinary education acts of the country.

That is to say that he would be subject to compulsory

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education ?- Yes. I want to say that I am born and bred in this country and I know the Native language well. I have worked with scores of Natives and I have had gangs of 50 and more of them to manage. Education is not detrimental to the Natives and I contend that it is wrong to condemn the whole trend of education simply because one or two Natives, as a result of having received education, have turned out to be bad characters. Take the commercial side. How much easier is it not to be able to talk to the Natives in their own language, than having to talk to them in kitchen kaffer? Besides, I do not see why, if the Native is educated at the White man's expense, he should not be taught what is the universal language and why any money should be wasted on teaching him his own language. It is to his advantage, as well as to the advantage of the White man, that he should be taught to speak the language of that White man.

DR. ROBERTS: Why do you say that the Native is taught at the expense of the White man. Is that a correct statement to make ?- Yes, so far as I know it is, because the White man will have to shoulder the burden.

But is that so - are you sure that it is so ?- The scheme of education will have to come from the White man.

What do you mean by that ?- That the White man will be responsible for it.

Let me tell you that the White man is not paying a penny towards Native education ?- Perhaps not directly, but indirectly he is paying it.

But the Native claims that the White man is not paying for it, but that, in actual fact he - the Native - is paying indirectly for the education of the White man and the White

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child ?- Everything depends on the question on how much is raised for one thing and how much for another thing, but the point is this, that, of course, the White man is responsible for the present education of the Native and he would be responsible in the same way for Native education in future.

Well, I would not venture on a statement that the White man pays for the education of the Native ?- Well, there it is, that is my opinion and it is pretty generally shared.

But it is incorrect ?- I do not think so. In any case, it has to come from the White man.

CHAIRMAN: Your point is that if there were free compulsory education for the Native, it would be the White man who would have to pay for it ?- No, I do not say that. I say that the White man, who is the Government, would have to shoulder the responsibility of seeing that the Native is educated.

Who would pay for it ?- You would not be able simply to throw the burden on to the Native, but the point is that the country will have to pay, no matter whether the education is for the Native or the White man.

DR. ROBERTS: Do you say that the Native does not pay for his own education, but that it is the White man --- do not the taxes paid by the Native in various ways pay for his own education? What is your contention ?- I say that the responsibility rests with the White man for seeing that he is educated. That is the point. As I have said, I feel that the solution lies in the application of our common law.

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