VOLUME IV

REPORT of the COMMISSION

WITH ANNEXURES

AND APPENDICES A AND B.

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Appendix C

SOUTH AFRICA.

South African Native Affairs Commission

1903-5.

VOLUME IV.

MINUTES OF EVIDENCE

TAKEN IN

RHODESIA, BECHUANALAND PROTECTORATE, BRITISH BECHUANALAND (CAPE COLONY), ORANGE RIVER COLONY, BASUTOLAND, TRANSVAAL COLONY, and again in the CAPE COLONY.

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Presented to His Excellency the High Commissioner and the Governments of the Colonies and Territories in British South Africa.

1904.

CAPE TOWN:
CAPE TIMES LIMITED, GOVERNMENT PRINTERS.
KEEROM STREET.

South African Native Affairs Commission.

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Salisbury, Tuesday, 30th August, 1904.

PRESENT:

Sir Godfrey Lagden (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Sir Thomas Scanlen.
Captain Dickson.	Mr. Sloley.
Mr. De la Harpe.	Mr. Thompson.

The Reverend George Albert Wilder, D.D., examined.

Rev. G. A. Wilder, D.D. (Missionary).

Rhodesia.

30th August, 1904.

33,979. *Chairman.*] You have been a long time in this country?—Thirty-six years.

33,980. In Rhodesia?—Twelve years in Rhodesia.

33,981. What work have you been particularly connected with?—I have been connected with the American Board of Colonial and Foreign Missions and its work among the "Amendawo," this branch of the great Ndoe or Mashona race in the district of Melsetter, and also in the Mosambique Company's territory reaching down to Beira, down to the Sabi River on the south, up to the Pungwe River on the north, extending 20 miles west of the Sabi, a district which I have visited on a good many occasions. My home is in Melsetter district, at a place overlooking the Sabi Valley, 12 miles to the east.

33,982. Have you been carrying on religious and educational work?—Religious and educational work. Our plan is to endeavour to develop the whole man. We introduce industries in consequence. We consider it is necessary to teach a man how to live in this world, and not to be satisfied with merely converting him. We have four teachers on work, one the industrial, another the educational or mental; then the medical and the spiritual.

33,983. Are they all being carried on at one place as a headquarters?—All at the same place. We carry out these ideas on every station or out-station that we open. We have, however, a central station at Silinda, where we have a large industrial plant which the Mission has brought up there at an expense of some £2,000.

33,984. You are teaching the Natives to be skilled labourers?—That is a difficult question to answer. We have not any that we could point to as really skilled labourers, but we are aiming to make them skilled labourers; I think it is quite right to say that.

33,985. You have made them skilled teachers?—Yes; we have a man who is a civil engineer; he has had great experience in the mechanical arts in America, and he has charge of this department.

33,986. Your wish, at any rate, is to create a class of skilled labourers?—The object is to make these men and women who come under our influence, able to reach and retain the ideals which we present before them in religion and in social life; not with an object of competing with anybody else. They may, or they may not do so; that is not the point. Our point is, that a man has been taught that there is something else to do besides pouring beer down his gullet and sleeping with women. He must have some means or power at his disposal, power that he has acquired, which will enable him to maintain standards of moral life, truthfulness, and so forth. Consequently, we give him training in industries. Every student who leaves our place is supposed to be able to lay a brick wall straight—to make the bricks first, of course—and to build a chimney; and we believe it is necessary for any man, if he is going to be at all elevated, to live in a permanent, upright house, with a chimney in it.

Rev. G. A. Wilder, D.D. (Missionary). Rhodesia. 30th August, 1904.

33,987. That conveys the idea that teaching a man to live in a house with a chimney in it, is teaching him self-respect?—I quite accept that statement. That is a concrete way of expressing the principle.

33,988. It is a means of advancement?—It is, and we wish to keep him in an advanced state.

33,989. Is that the line you think the Natives of this country should advance upon by first of all inducing in them the idea of having good houses?—I believe every individual should have an opportunity, whether he is black or white, to enjoy life according to the highest ideas. These Natives are not doing that, they are not a benefit to themselves or to anybody else. We consider that by teaching them as we are they will be able to do just that thing.

33,990. During the years you have been in this country in particular, have you noticed any change in them?—A very great change.

33,991. Of what nature?—Especially in Natal where I was born, where I lived all my boyhood days among them, and where I worked as a Missionary for 13 or 14 years, I saw great changes during the time I was there, and I have visited that country since, when I noticed further changes; first of all in their physique. The physique of the Native in Natal is very much more imposing—if I may use that word—than it used to be. The people are better fed; they seem to be far less subject to disease than they were; they are more contented; they have lost that strained, suspicious look upon their faces that they used to have. They are a happier people. I refer to the whole class of Natives in the Colony of Natal, civilised and uncivilised. Among the civilised or the partially civilised—it is not correct to call them civilised—I notice a greater disposition to work—a very much greater disposition to work. That is shown by the fact that they will work from three to six months on an aveage, where formerly they would not work more than one month if they could possibly help it. They also, in that work, are indicating that they are desirous of learning how to be civilised. It is not a work merely to accumulate means to propagate their savagery. The object that they have in view by spending the money which they earn in civilised implements is that they desire to become better. They are developing by buying land all they possibly can, by introducing better houses, brick houses, by trading, by getting a great many cattle, as we know in the Colony of Natal, I think I am right in saying there is something like 111,000 acres owned largely by civilised Natives. They are the ones who set the pace in buying land. Although a greater part is owned by people who are not civilised, by Chiefs and others, it is getting into the possession of the civilised people. The civilised portion are buying town lots. That points, of course, that they are heading towards acquiring civilised ways of living; they are becoming producers. I notice many other changes, but I should take up the time of the Commission too much if I went very fully into this subject. It is a very big subject. On the other hand, I notice some of the disagreeable results of civilisation. I notice for one thing, that they are far more independent. I do not say that that is a bad thing; I say they are disagreeable. I find they are far more cheeky than they used to be.

33,992. You are talking of——?—I am talking now of those who are more civilised and Christianised, those whom we call the "kolwa" Kafir. Among those there are men and women, and a very

large number—a large percentage, not the largest percentage by any manner of means—who are neither cheeky nor disagreeable in their independence, but who are as solid men and women as you will find, so far as their knowledge is concerned, anywhere on the face of the earth.

33,993. I was asking you, when you interrupted me, whether you were speaking of Natal?—I was then speaking of Natal. In a measure we have the same result produced in Rhodesia. I can refer to cases of young men and women who show more independence. The Natives that we have here are in a measure more civilised. They have probably passed through, or come into contact, in times past, with civilisation which is higher than that which ever touched the Zulu people in my opinion. When the Native starts here, he becomes more rapid in his progress, more independent, more cheeky for that matter, takes on new ideas, is better able to run a whole traction engine, for instance. We have a sawmill managed by Natives under the supervision of our engineer, Mr. Fuller. The Natives are sawing our timbers out in the forest, and running the whole thing themselves.

33,994. Is this independence connected in any way with the increase in wages and the demand for labour that has been set up at the same time, or, I should say, the high rate of wages?—This is a very large subject and difficult for a person to give an intelligent answer to. I do not doubt that the wages and the display of wealth on the part of the Europeans and many other reasons has increased that; it has had something to do with it no doubt.

33,995. And the great demands for labour on the part of the white people and letting the Natives see that they are a factor much in request?—That would have something to do with it. I do not know that it has anything more to do with it than the display of wealth on the part of the white people. I question very much whether it has.

33,996. You spoke about the industry of the Natives of Natal. Can you apply that term to the Natives in this country?—You are putting a question that has a little different phase to it. I referred to Natal Natives, who were partially civilised and Christianised, as having these characteristics of industry. I have said nothing about the industry of the man who is not civilised in Natal; I merely referred to his physique and physical bearing. I also think he is more industrious than he used to be . But, you ask me about the Natives here. Only a small portion of these Natives have been affected by civilisation. Some of them have been affected, of course, Do I find industry amongst these people as I find among the Zulus? I have already intimated, I find they are a more industrious people than the Zulus. They are an agricultural people rather than a nomadic race and a pastoral people. The men work in the gardens with the wives, and the man generally has a garden of his own. Almost every Mashona, of whatever tribe he may be—Ndas, Swina, Druma, Zambza, down to Senna—labours in the garden with the women, if the information is correct which I have been able to gather, and, as far as my own experience goes, it is correct.

33,997. That the men work equally with the women?—In the gardens, side by side with their wives, and secondly, a man almost invariably has a garden of his own. As to their industry, I will give a concrete case. An old man, 65 years of age, who is one of our farmers, came to me when I returned from Johannesburg, about four

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weeks ago, and asked me for a place to start a new garden. When I went to Johannesburg, that man was harvesting the last of his "Umgoza" that he planted a year ago. He wanted a new garden. I told him I could not attend to it, I had other business, and he must wait. He urged me to do what I could for him. I asked him why there was any hurry? He said: "I must begin my garden for next year." There was a period of about six weeks between the time he had harvested the grain, and he was going to begin planting his grain for next year. When they once start making their crops, it takes up pretty much of their time. They begin by cutting the trees down and burning the brush or the grass, and when the first rains come, putting in the grain and digging it over again. But they are very anxious to get it dug up before the rains come. In our district the rains come early. The Natives raise enormous crops, and they drink enormous quantities of beer.

33,998. Do they sell their crops at all?—Yes.

33,999. To whom?—First to the storekeepers, a good number of whom are in the district who supply to the Government. There is no great quantity sold, nothing like the amount of grain sold that would be sold if there were transport out of the country, but we cannot transport mealies out of Melsetter with our present roads.

34,000. What do they get for their grain?—From 5s. to 15s. a bag.

34,001. Mealies?—Yes, and paw-paws about the same.

34,002. Are they heavy drinkers of Kafir beer?—Yes.

34,003. To an alarming extent—do they get debauched?—Yes; when the good years are on they spend a great deal of time in beer-drinking. The common question amongst the Natives is: "Where is there a drunk to-day?" That is the main question everywhere, that is to say: where can we get a drink?

34,004. They have abundance of land on which to grow crops on which to get drunk in good seasons?—They have.

34,005. Do you think that is a desirable state of things?—No. That they have abundant land on which to raise crops I should accept, but not abundant land on which to raise crops in order to get drunk. I do not accept that.

34,006. How would you moderate that?—I would build good roads, so as to get rid of the grain.

34,007. Do you think the possibility of getting a price for the grain would obliterate the desire to get drunk—would overcome the desire?—In a measure it would, for there are other motives that appeal to the Native besides getting drunk. There is a desire to have more women, and the Native will sell his grain and buy wives if he can do so, dispose of his grain, and get more wives. It would modify it to a certain extent, you understand, but the question of modifying the savagery simply by a few economical agencies is a big one and does not really affect the question very much. There must be some other more essential measures adopted to do that.

34,008. Upon the general principle what amount of land a Native can with advantage be allowed, do you hold any opinions?—I do.

34,009. How would you express them?—I think it differs in different countries. The Natives in Mashonaland have a habit of scraping over the ground, and they pass, after the third, or perhaps the fourth crop, to new land. You would have great difficulty to

overcome that. They will not dig deep. We have found that by digging the subsoil and using the ridges we can raise just as good crops as they can after five or six years on the same land. Take their own gardens on my land. I utilise gardens they have deserted, by digging deep with the plough, and raise just as good crops as they can on their second year, and they are very much surprised and beginning a little bit now to cling to the land. We are trying to make them stay on the land that they occupy. It is a great problem. They do not like to do it. Consequently, when you ask me if it is sufficient that a man should have six acres, I should say in some places, yes; six acres is enough arable land.

34,010. You see the advantage of a Native having a limit of land?—I do.

34,011. Would you go further and advocate it?—I would advocate it in connection with other enlightened measures. I would not advocate it by itself; it would simply create discontent. We would have to introduce measures which would bring it on; otherwise you simply create discontent. They have no desire to cling to one piece of land; they have not intelligence enough to use that land, and to simply say to a man: "you can only have six acres here" would be destroying the ends you have in view, and you would accomplish nothing. Taken by itself, I would not advocate it.

34,012. What would you associate with it?—A good many things. My ideas about the development of the Native go far afield of this question, but if you would allow me to say a word or two, I would say this: There are several problems open before the white man in South Africa in connection with the black man. One is, to transport the black man north of the Zambesi, and there leave him to the tender mercies of the missionary or anybody else who wants to go there, and another would be, as an intelligent farmer in our district lately said, "If they remain with us, they must either be enslaved or educated and civilised; one of those two things." The first I consider impracticable. It might possibly be done with a few tribes, but on the whole it would not be an economic way for the disposal of the Natives to let them work out their own salvation, working their own gardens and drinking all the beer they wanted, and so forth. It is impracticable and uneconomic. We need the black man for the development of the country. He is here, and he must be kept here. How can we deal with him so as to produce the best economic result for us and himself? I say, civilise him. How is that to be done? The measure that you refer to is one of the measures I should introduce, amongst others. In the first place, I should tell the Native, to begin with, that he is put here, and we are put here too, and that we are the boss of the show, and he is to do as we tell him to do. We tell him he has got to be denationalised; that is the end of it. I would give out notice from one end of the country to the other.

34,013. What do you call "denationalising"?—Make him give up his polygamy, give up his "lobolo," give up being supported by his wives, and make him support his wife, make him give up his nomandic tribes, give up the Chieftain code, and come under the common law of the Colony.

34,014. Would you do that by legislation?—I should.

34,015. By a stroke of the pen, you would turn the black man into a white man, so to speak?—I should practically do that, and turn him into the most useful individual that could be made for the benefit of the country, and that can best be done by civilising him.

Rev. G. A. Wilder, D.D. (Missionary). Rhodesia. 30th August, 1904.

34,016. Does it appeal to you as a thing which is possible under the laws of nature, to transfer a creature from one sphere to another so rapidly?—I did not say rapidly. I did not say anything about the time.

34,0417. You said by legislation?—By legislation, but not necessarily at once. My idea is, that there should be that ideal which it would be our policy to reach whenever we possibly can. I will give you an illustration. We have Johannesburg in great need of labour, and we are told by the majority that it is impossible to get enough labour in South Africa. I question that, in spite of the views of the majority. The minority brought in a very good report. I have an idea that if the matter had been handled in some such way as this, the difficulty would have been overcome. We know that all over the world men will not work very long away from women. There you have the whole thing in a nutshell. The real trouble in Johannesburg is, that they have not their women their. If they were to transplant the tribes, if they would set up large locations about Johannesburg, where men could have six acres, or even less possibly, for their wives to cultivate, you would find that in time you could draw all the labour you want to Johannesburg. The Government would have to step in to help. The thing is already started. You will find it in Johannesburg and Kimberley; there is quite a population of married people there. The real trouble is, that they are away from their women. I had a conversation on the subject recently with a Native whom I knew here when he was a boy. He had just returned from Johannesburg, and I asked him why he came home. He said: "I remembered the women." That is all the trouble. He could not stand it any longer, and he came home. They get money to buy wives. That is what they want in the great majority of cases, and what you need to do is, in the same way as you bring from India the women for the Indians, and the Chinese women for the Chinese, if you want a population that is going to be permanent, you must let them bring their women with them. It is a large problem, but I believe it is practicable for it to be done. The question is a broad one. I say you must legislate for those men who are there, you will have to legislate for the community that is there, and you will have to induce the men to come. Then I should make these people who are living in the country come together at these points where it is normal for them to come together, where there would be a contact without any evil influences. Then I should suggest there should be a poll tax for black and white indiscriminately, everywhere. That would disarm the criticism of the Natives. In the next place, I should have a tax upon the second, third, and other wives. I should tax them in increasing ratio, just as the original tax was intended to operate in Natal under Governor Scott, I think it was, when the motion was brought forward. The idea was, there should be an increasing tax somewhat on the lines of the idea developing in this country now. There should be an increasing tax on polygamy, in order to discourage it, and there should be an increasing of the opportunities for men to come together in contact with civilisation, as I have indicated. With regard to "lobolo," I would bring about this change. I would permit no man to marry until he had in his possession the value of the "lobolo." I would not require its payment at all. I would not allow them to collect in court any payment, but I would never allow a Native to marry until he had the "lobolo" in hand, that is to say, enough money to support his wife. I would revolutionise the whole thing. The process of evolution is going on here, and the

mighty forces of evolution at work in South Africa are going to revolutionise our country, whether we like it or not, and it seems to me, if we have sense, and are wise, we must realise these facts. Our contact with savages, unless we do something with them, will produce similar results with us as it has with the Boer nation. I speak with all due respect to those people, because I have many friends amongst them. Their moral consciousness and their energy is lacking, because of their contact with savages. If you look at what has happened with the Puritan in America and the Huguenot in South Africa, you get the results. We are coming to the same thing if we are not very careful. You will find our South Africans lose something, simply because they are under the influence of this blighting black man, the savage, whether we like it or no, and we have to be very careful what we do about it. Unless we bring these people up on a plan whereby they can respect themselves, and we can respect them, it will be very much as the late Fred. Douglas said: "The problem of the black man will be answered by the licenciousness of the white man." Of course, it is not true altogether, but there is a great deal of truth in it. We have to build up, and protect ourselves some way or another, and I believe that this class legislation, in the way I have mentioned, or along those lines, would be a good thing. I would enforce education, I would put the children to school, and teach them as many hours at the bench as I do at the books. We have a difficult problem before us. We cannot enslave these people, we have to utilise them, and give them something for what we take away from them. I think it is a difficult problem which will be solved in time by wise legislation.

34,018. Then you approve of class legislation?—Yes; it is a necessary evil.

34,019. Then you spoke of compelling the black man to have sufficient substance before he was allowed to marry; would you apply that to the white man, too?—I should, if there was some prospect of it.

34,020. You would not allow any white man or white woman to be married, unless the Magistrate was satisfied that they had a certain number of cattle, or a certain amount of money in the bank?—No, not quite so bald as that, because it comes to a different thing. You have a different element—civilisation comes in. The white man is educated, he has brain capital apart from a banking account. But, I do object to certain individuals getting married, who have not education or capital of any kind whatsoever—no knowledge of science, or art, or anything—I certainly do..

34,021. White or black?—White or black.

34,022. You are an advocate for compulsory education?—I believe in compulsory education.

34,023. Supposing you educated them, to what standard would you go?—I would go to about the Fourth Standard—for the masses.

34,024. Do you think that is a useful standard?—In our educational system the standards are not what they ought to be. You develope these people by any manner of means. We are dealing with people who have no civilisation, and we take our Royal Readers and Standards as we have them, and apply them to the Natives, and then they are supposed to be civilised. There should be books prepared for teaching them English—if we are going to teach them English—certain class books specially prepared. The education should not be simply the three R's, in order that

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they may understand ordinary business, but with that they should be taught to work. There should be compulsory labour every day —teaching them some useful occupation. I go so far as to say that every Missionary should teach all his converts some useful occupation, and I endeavoured to get the Missionary Conference, that sat in Johannesburg, to accept that.

34,025. What would be the effect upon the Natives if they were all educated; do you think it would take away their desire for manual labour?—No.

34,026. You do not think so?—No, not if the education was proper; if they were trained to work it would not.

34,027. What is your experience of boys and girls who have been educated; has it been that there has been a certain reluctance to pursue the same common methods of work as they pursued before they were educated?—I am sorry to say that there has been, but there is a reason for that. This idea of industrial training has not been advocated, nor has it been practicable perhaps; but where it has been practicable we find them less reluctant than in the other case, and that is all that I can say positively. That there should be some objection to it is natural. They know what work in their own homes is, and they do not know what reading and the "magic page" will give them. As I have said before, the best material we get is from those who have been taught to work.

34,028. You were speaking of land just now; have you got any particular views about individual tenure?—Yes; I have my ideas about it, though they may be very crude. I think that that is a most important subject with us here in South Africa—with these Natives especially. I presume you have noticed what Sir Harry Johnstone has written lately in, I think, the "Contemporary Review." He writes that 1,000,000 square miles should be given to the whites, and the balance of the 11,000,000—there are a little over 11,000,000 square miles in Africa—should be given to the Natives. That expresses a thought which I believe in. I do believe in land tenure for the Natives, and I believe that you will not civilise them without. I believe in it principally, because it will have a tendency to denationalise them and make them useful members of the community.

34,029. By giving them their own plots?—Not giving, but by selling them, though, as to how it should be done, I am doubtful. If it could be done satisfactorily to the Native, the leasehold is the best, but they seem to have a suspicion that we are not honest in the leasehold, and want to get the land back from them. Consequently, I believe, that for the present freehold is the best. Let them get the land, and though some will lose it, under the law of the survival of the fittest, others will hang on and keep it. We have to give them something. They have a great distrust of us at present—that I am satisfied of.

34,030. But, do you think, that it is kind and fair to them, while giving them individual tenure, to give them the right, the option, of parting with the freehold?—I do, but I would not give it to everybody; I should be careful. There are various other things to consider. I contend that we should have a better, a higher, ideal for the black man here, so that a few can attain to it, and be leaders and examples to the others. I would allow a man to vote in exceptional cases, but he would have to have land tenure, he would have

to have education, and he would have to be a man just as useful to the community as a white man. He would probably have to have more income—at least £100 a year income—before I would allow him to vote. To this man I would give freehold, and perhaps the other leasehold.

34,031. We must not treat the exceptions so much as the general mass of them. Supposing it was wise to let them have a certain amount of land on individual tenure, do you consider that it would be fair and wise to allow them to part with that land, say, to speculators?—No, I do not think it would be. It might be wise for the speculators, but it would be unwise and unfortunate enough for the Natives. But that is a process in the development of the race which, perhaps, it is necessary for a certain class to pass through. It is a great question, and I do not feel like dictating at all on that point.

34,032. Of the two systems, the one to a large extent and the other to a lesser extent—that is communal and individual—which do you incline to?—In the tenure of land?

34,033. Yes: communal and individual?—To the individual system, by every manner of means.

34,034. You think that the communal system has disadvantages?—Very great.

34,035. In what respect?—It simply perpetuates the ideal of the Chiefs, while the other system transfers the power of the Chiefs. It makes many Chiefs instead of one. You give the individual a Chief, and you make everybody a Chief—if you understand the paradox. That is why I believe in it. You must make the individual a Chief: he must be independent of everybody else, and then he will begin to think and to do something for himself. Otherwise he will never assume responsibility. That is the idea: make the Native individual responsible for his own acts, which it seems impossible to do to-day, for they are everlastingly shifting the responsibility here, there, and everywhere. Give the Native the land, and you will be able to pin him down to his own responsibility. Communally, you throw the responsibility on the ninety and nine every time, and you cannot drop on them if anything goes wrong.

34,036. Then, with the establishment of an individual system such as you describe, you would, of course, strike a blow at the tribal system, and at chieftainship?—Entirely.

34,037. Is it your experience and your view that it should be struck at?—It is. I have been of that view all these years. I should do away with the Chiefs gradually, not at once. Allow me to explain—I can easily tell you. Where there are petty Chiefs, I should not appoint any new Chiefs, but I should put the whole thing under the administration of the magistrates. I would not even put it under the Native Commissioners. I would have one system. I would not have a great number of different administrative organisations in the same body, with the idea of bringing them together under one system. Then as the petty Chiefs died, I would place the tribes into large tribes; I would amalgamate those who were related in religion, and in customs, and so forth, and make one large tribe of them, and place them under an English agent—perhaps one of the Mounted Police—who would have a few discretionary magisterial powers, possibly. I would do away entirely with the Native Chiefs.

34,038. Do you think that you would eradicate their love and respect for their Chiefs?—That is a question it would be very difficult to answer. In some parts you would not. However, if I am not

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very much mistaken, with the exception of the country which you, sir, administered so admirably, the Natives of the country are not very closely attached to the Chiefs. Rhodesian Natives have very little regard for their Chiefs, though the Zulus have. Where there has been militaryism there has been a greater regard for the Chiefs. In other parts there is a regard for the religious element. Our people here are far more religious than the Zulus. They have more respect for their "umlimo" and things of that kind, than they have for their own Chiefs. The Chiefs have little authority in this country as compared with the authority they exercise in Basutoland, Natal, Xosaland, and perhaps, Bechuanaland. I think we have over-estimated the love of the black man as a whole for his Chief. I do believe that you can supplant the Chief by putting a white man in his place, but you would have to grant concession to the individual, as I have already indicated.

34,039. Summed up, then, in process of time you would place every person under the common law of the country?—I would.

34,040. That, you think, should be the aim of the Government?—I do, as the most economic, commercial, and wisest plan from an administrative point of view.

34,041. You would apply that to the whole of the Bantu races?—I would.

34,042. You spoke just now, about the desire on the part of the Natives to acquire land; do you think it a desirable thing that they should be allowed to purchase land and get title in their own right?—Yes, I do; but I think it has been a mistake to grant them too large amounts. I think there has been a great mistake in that way, tending to speculation. The old Boer idea of having 4,000 or 2,000 morgen for one man, of course, is not economic; it is a disastrous procedure. If we have to deal with the Natives, we will have to regulate these things. Give them what they need—not what the whole tribe require, but as much land as the family require—50 to 100 acres, which is all they need.

34,043. *Mr. Samuelson.*] Would you be in favour of Natives becoming owners of land, whilst under Native laws and customs, or do you think, as a preliminary to their becoming owners of land, that they should be under the ordinary law?—That is what I believe. I think, in the developing of class legislation, you would probably have to have leasehold for a certain class, and freehold for the principal class. Some such arrangement as that would have to be adopted. The law of inheritance renders it almost impracticable to have the freehold as it stands at present.

34,044. *Mr. Campbell.*] The American Missions gave grants of land to the Umvoti Mission Station, and they have left the land and sub-let it to Coolies; what is your opinion about that?—I do not lose my faith at all in giving grants of lands to Natives in consequence by any manner of means, for there are some who still hold the land in other parts of the country and who are improving it. Although you must expect such things as you have mentioned to happen, still it does not lessen my faith in it at all because a few fail.

34,045. *Chairman.*] The point I want to get at is, is it or is it not desirable that Natives should be allowed to go into the market and buy land?—You mean under the present circumstances?

34,046. Yes, in any part of South Africa?—That again has so many bearings to it that it is difficult to give an answer without

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giving a wrong impression. I have already indicated that I think, in the best interests of South Africa, that the black man should be civilised, and, if he is civilised, he must be able to go into the market, where he can buy; so that I would be contradicting myself if I said right out and out "yes," or if I said out and out "no." It ought not to be allowed that men who are in polygamy, and that men, simply because they are Chiefs, can go into the market and buy land; but men who have reached a certain standard and who have acquired a certain status in the commercial life, who have credit, and who have some part in our civilisation, ought to have the right, the same as anybody else.

34,047. Supposing you civilised the population and allowed them to buy land and gave them the franchise, and supposing them to be in a majority of five to one, how will you secure the white man's predominance in the country?—I think that is a supposition contrary to reality. I hold that only the best among the Natives should be allowed to buy land, and by the time you get 500,000 of that class in South Africa you will have 4,000,000 white people here.

34,048. How would you limit them? Supposing a man had the money to put up to buy a piece of land, why would you prohibit him from buying it because, for instance, he was not civilised enough?—The principle would be round the ideal that I have, and that ideal is, that the Native must be civilised, and that only the civilised can have the advantages in the country.

34,049. That would mean education?—Yes, education, industry, and religion, such as we have. A certain standard should be set up, which includes the privilege of buying and owning land.

34,050. You would give them the opportunity of attaining that education?—Certainly.

34,051. So that, in time to come, they will be all educated?—I do not know that; all the people in England are not educated, and I would not allow them to own land, or even guns. As an illustration, we prohibit the Native carrying a gun here—and very wisely so. In America, and in England too, they allow anybody to own a pistol and to fire it off, no matter how little he has of moral nature or of intelligence. It is a very unwise measure, and they should be prohibited from carrying rifles, just as we are in this country. I am not certain that in our day it will be a practical question, and there is a possibility that the Chinaman or the Japanese may come and take the country before that comes about. There is no telling what may happen, but as a practical question, I feel that that does not come up.

34,052. Do you consider that the Native is sufficiently taxed in this country?—There are different standards, of course, and I do not like to answer off-hand. They are sufficiently taxed as compared with the Indian—with the British subject in India—who, I believe, is taxed only about 6s. Of course, we know that in the Transvaal it is £2, in Natal 14s., and here it is £1. I think it would be excellent if they could all be taxed the one sum, excepting that near the centres of industry, where money can be easily obtained, the tax should be greater. It is simply the natural law of commerce, and whether the Transvaal Natives as a whole should be taxed £2 is another thing. Perhaps the Natives in the towns should be taxed more, though I do not think myself that it should be £2 in one place and in another place. 14s. It would be better, in my opinion, to tax them all £1 a head, and then have an extra tax for any special purpose in the dis-

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trict in which they live for any special advantages that they enjoy. Tax the Native only for what he enjoys. Do not tax him merely that you may get something out of him. I believe in a constructive tax, not a destructive tax, and I do not know that we have always been wise in our taxation of the Natives, as they do not realise the benefits they get. I would not presume to suggest what the amount should be, but I would lay down the principle.

34,053. Are you in favour of the prohibition of liquor?—Yes.

34,054. Have you had any experience of what is called the Ethiopian movement?—Yes, I have; and yet again, I have not, as it has not come into my work in Rhodesia. We have men from Natal—fine Zulus who are loyal to the core, and who have helped us in every way in the wars we have had here. I consider that they did a great deal in helping to keep the war out of Gazaland. We never had any war in Gazaland, and I maintain that it was largely due to our own Natives.

34,055. Our own Natives?—Our Zulus. If I were to give you an instance you would, perhaps, believe as I do. There was great unrest in Gazaland. The influence of our Native Magistrates and the Native Commissioner was great, but the influence of the Natives who helped us in Gazaland had a great effect likewise upon the Chiefs in that country, and on others—in fact, an important Chief, whose name I will not mention, told me as much.

34,056. Zulu policemen?—No, a Zulu Evangelist, one of our own Zulu Evangelists, who was up with us in Rhodesia, and who is now among those men. He is one who is intensely independent, but he is perfectly loyal, and I want to show you his feelings. The man is called John Dube. He lives in Natal, and is the son of one of our own Pastors in the Natal Mission. He had a school, which he built up for himself in Natal, and he receives no aid from the Government, because, although he reaches the standards which are equal to those put forward as the standards which will receive Government grants—if I am incorrect, the gentleman from Natal will correct me—the school is not under European supervision. This man is determined to prove and to demonstrate to the Europeans, that the black man can run an educational institution without any white assistance. That is his idea, and he is running the whole thing without getting any financial assistance from the Government. This young man talks to me frequently about it, and he cannot understand why the Government discriminates. There is the essence of the Ethiopian movement. That is at the bottom of it all—they do not trust us. They say, "We want to run the thing alone, and you do not trust us and will not help us when we are trying to do this thing for ourselves." That is the Ethiopian movement. This man is a man whom I trust entirely. He does not do the least thing to interfere with our work, nor would he do so; but in my conversations with him he asks me the question, "Why do they not trust us? What an injustice it is to give to this man and not to the other. The Native is a lover of justice; why not help us?" In Natal, I may say, the pastor of the church were my father was, and where I worked for a good many years—Umtwalumi, an Independent Church, which had its own pastor since 1888, when I came to the country; it assumed its own responsibility and has kept it up to this day without asking for a penny from anybody—went up to Johannesburg and became the pastor of a church which had joined the Ethiopian movement—not that ex-

actly, but our phase of it—the Zulu Congregational Church. The Zulu Congregational Church was a phase of the Ethiopian movement. It was started by a Church in Johannesburg, which was under our care, and followed the lead of that Presbyterian fellow who started the whole thing in Pretoria. They were ministered to by this Pastor of my Church, a man whom I had selected out of the young men of the district as a most promising young fellow, and he went to this Zulu Congregational Church, against the wishes of the Church where I was, and carried on the work, apparently sympathising with the Ethiopian movement. That very same man, in time—after a matter of three years, I think it was—saw the error of his ways, and brought back the Church, and with it five others to our Church, and was received back to my own station. The people forgave him, and he was Pastor there for seven years, and is now dead. He represents the Ethiopian movement, or rather one phase of it. He was a very aggressive man, very intelligent, and very energetic. He worked all the time—day and night—and kept five horses going looking after his twenty stations—which was the work I had left, out-stations and stations—and that Church he had charge of developed from 246, which was the number when I left, to over 600 individual communicants. That man was influenced by the Ethiopian movement, and I followed it very closely, because of this individual. I wrote to him, and I saw people in Natal, and questioned them everywhere about this movement. I saw the first Pastor of that Church in Johannesburg, and talked to him about it, and the upshot of it, as far as those men with whom I had anything to do was concerned, was that I ascertained that they felt that the Missionaries were keeping back from them the privilege of running their own Churches. They had not the least idea of any interference with the Government; there was not the least political thought, so far as our people were concerned. Only that one phase of the Ethiopian movement have I had anything to do with.

34,057. *Mr. Thompson.*] Following on the Ethiopian question, your understanding of the Ethiopian idea, as it existed among those Natives was, that they wished to manage their own Churches entirely without any interference on the part of the white people?—In ecclesiastical affairs, with a word of exception, which I would like to mention right here, so that you will probably see how this came about. There was in the mind of the Native a desire to become independent, as he was educated by the Missionary—for all this was born out of Missionary effort. This desire to manage their own affairs was indicated along the line of their development. They were not developed industrially; they were developed very little intellectually; and they were not developed on the religious side; and when this national spirit—wherever it came from, for it is difficult to trace it altogether—asserted itself, it followed along the line of least resistance, that was their religious line, and so it happened that they showed themselves independent in the Churches.

34,058. If they proceeded for years upon this religious line, this ecclesiastical freedom, do you think that it would produce a desire for political freedom, or would it open the gate to political freedom?—It might; there is a possibility of it.

34,059. Well, following that, and taking Natal on the basis of ten to one, and realising, as you do, that these men have got to rise

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in the scale of nations, and having used the expression "We have to protect ourselves as a white race," what would be the result?—In the Colony of Natal?

34,060. I take Natal as a standard?—You referred to them as ten to one?

34,061. Yes; without any direction, if it were left just simply to develop?—By suppression, or by endeavouring to suppress it, there would be a catastrophe.

34,062. Then do you advocate the ruling power of the country having that directing influence and that vetoing power to prevent the evil results?—I do, decidedly. I believe that there is a great danger in the Ethiopian movement. The Chairman of the Commission did not ask me the question, Do I see any danger in the Ethiopian movement; he only asked me about my personal contact with it. I do see great danger in it, and in two ways: either by letting it alone and not directing it, or by suppressing it. Either way will lead to a catastrophe. If it is suppressed indiscriminately, without proper direction, there will be likely to be danger. I will give you an illustration. I was in Johannesburg the other day, and met a man who is one of our young men checking tickets. He said to me: "Can you tell me anything about this: I hear that Dinizulu is going to be taken prisoner, and that he is going to be deposed." I replied, "What are you talking about?" "Oh," he said, "We hear all about these things. Dinizulu is going to be deposed now." I said, "My dear sir, why do you talk such nonsense as that; you do not hear that in Natal?" He said, "Yes, it is going to be the case." I said, "What is the use of your talking like that? You know it does not do any good; there is no proof in regard to it; it is only a rumour. What is your objection to the Government?" I turned right round on him. I said, "What is your objection to the Government?" He replied, "They are all the time making new laws; we do not know what will happen to-morrow, or what will take place to-day; it is all the time change. They will not allow us to buy land—land that was our fathers', and they will not let us hold land." I said, "What else is there?" He said, "If they take Dinizulu, and if they do not give us land, and if they do not allow us to have privileges like the white man"—(and he commenced the old story of having to walk in the streets)—"it will simply drive us to fight; we carry our lives in our hands."

34,063. You attribute this all to the Ethiopian movement?—I should say that that was a personal experience I had in regard to Ethiopianism in connection with that one individual; and he represents the educated class.

34,064. On the question of labour, you have given your opinion that you do not agree with the Majority Report of the Labour Commission, which said that there is not sufficient Native labour in Africa. Have you gone into the requirements of each individual Colony, like the Cape Colony, with its area of 40,000 6,000-acre farms, its docks, its railways, its mines; have you gone into the requirements of Natal, which has had to import 100,000 Indians; have you gone into the statistics of the Transvaal, with its requirements for the mines and for agriculture; have you at your disposal the approximate figures of the Natives in South Africa as against the requirements; and, if so, do you still say that there are enough Natives in South Africa to supply the labour requirements?—I have seen the Majority Report of the Labour Commission, and I saw the

Minority Report the last time I was in Johannesburg at the home of Mr. J. W. Quin.

34,065. You based your opinions on those two Reports?—Yes. I am not in a position to say that I have gone into these questions thoroughly, as I have not had time to do so as the Commission did, but I do know approximately the number of the people in the country, which is a question I have examined. I do know that the 6,000-acre farms are not worked, and are not likely to be worked. There are a great many considerations that come in that modify the question. Supposing that the premises that were brought forward by the Majority in their Report were correct, then probably their conclusions are true; but I do not accept the premises. As to what is required in the labour market, that is a question I cannot pretend to be an authority upon. I am not a commercial man; I am not working in the mines; but I know this much: When in the Robinson Mine the other day, a mine that was placed at our disposal to examine, I found a man working at a drill—one of those electric drills —and I said, "Why do you not use these drills everywhere"; the answer was, that they were not so economical as Native labour. And so I say that there are a great many questions that come in that modify this question. There is a practical answer by a man in charge of a mine—they could not make quite so much profit. At the same time, I do not believe that he is right. I have a firm belief in the cheapness of machinery; being an American, I believe that it much cheaper than manual labour. When I said that, the man replied, "We cannot get the drill into the small places where we work by hand." "Then why don't you make a smaller drill?" I asked. He said, "We can do it better by Native labour, and if we cannot get that, we can get Chinese labour." Perhaps my opinion on that point is not worth considering; but I do believe this much, that no proper effort has been put forth to collect the Native labour that is available in the country. That I am sure of; I have not the remotest doubt about that.

34,066. Baldly, you stand by that position?—Yes; we have Native labour in Africa.

34,067. Although you admit not having gone into the details? —Yes, that is the worst of it; it is a weak position, unfortunately, and does not amount to much. But I have gone into the question in a general way.

34,068. You said that you were in favour of total prohibition?— Yes.

34,069. Under that head of total prohibition of European drink, would you debar the Native from having his natural Kafir beer?— No; under limitations, I would not, any more than I would approve of a white man being debarred from having his beer.

34,070. Would you approve of a system giving power to the Government to limit the amount of beer he may drink?—Yes, I would.

34,071. You do not object to their natural drink, beer?—That is the position I hold, exactly.

34,072. Is it your ultimate hope, since you have quoted America and England—America being a Republic, and the highest position being obtainable in that country by any man, as in England—that in years to come with the Native, too, it will be possible for him to attain an equal position to what his European brother attains in this country?—I do.

34,073. So, starting on the basis of practically six to one, and knowing, as you do, the ease with which a Native can produce a

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family, by virtue of polygamy and so on; accepting the position that the highest position is obtainable for the Native; knowing, too, that the European tendency is not to increase the families; what is going to be the political result?—The point is that your premises are not correct, because I have said that those positions should only be attainable by those men who are not polygamists.

34,074. Apart from polygamists, the ordinary Native at present with his one wife?—He will not produce so much then, and we will not have the danger.

34,075. You would restrict him?—Yes; I pointed out plainly that only a certain class can attain that position, but the class is open to all if they wish to enter it. That is the limitation that makes all the difference in the world. Hence, I said that it is an impracticable question, one contrary to reality. I see no danger to that line in anything we can cite.

34,076. In your schemes and suggestions of Native policy you always put industrial education first, before civilisation; in your opening remarks you said, I think, "I put industry first, then education"; is that so?—No; that was merely because you were emphasising industry at the time. I said that we aim at educating the whole mass. That is the point I started from before I came to specify. We do not believe in educating any one part of the mass, industrially, spiritually, or physically, to the detriment of the others, or leaving out the others.

34,077. Do you approve of the Natives in this country obtaining the franchise; taking South Africa as a whole?—I do not approve of an impracticable proposition, and with what I have already said, I have endeavoured to show the practicable proposition; that proposition does not give the franchise to all, nor is it likely to do so; but it will give it to a limited number.

34,078. You would limit the number to have the franchise?—Yes; the circumstances limit it, the very development, the evolution will limit it itself.

34,079. And of that limited number, have you any scheme to suggest as to how they should elect, or how they should send their members to the legislative halls?—None at all; I would leave it just as it is among white people.

34,080. You would allow the black and white men to vote in the same booth?—Yes; let a man be eligible, but because he has attained to a certain standard of excellence that he should be elected is another question. The white people probably would not elect him There might be such a large number of Natives attain to this standard of excellence that they might be able to elect one of their own number to represent them. Let the Native know that he has the chance, and you will do away with this discontent.

34,081. So if it became possible for them to send one of their number to Parliament you would not object?—No, not at all.

34,082. *Mr. Samuelson.*] Do you think that the Natives should have a measure of participation in the government of the European population?—I say that he might have, I do not say he should have. I say, leave it possible that he should have a voice.

34,083. In the government of the European population?—The whole thing; I would not discriminate. I do not say it is practicable, but I am speaking of ideas. We want policies to solve our problems; we must have ideas. That might be the result; that might come about, and there would be no harm in it.

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34,084. You seem to be a little in favour of class legislation in respect of the Native in some directions?—I am.

34,085. And in other directions you seem to be in favour of equality, both politically and legally?—I am; and I am afraid that all the world over that is necessary at present. You will find it true in America and England, and everywhere you have class legislation to this day.

34,086. You do not recommend, then, the entire abolition of class legislation in respect of the Native population?—No.

34,087. And yet you recommend, or you are in favour, of the Native, who is subject to special tribunals and special legislation, having the right of political franchise?—Just so, that is my thought exactly.

34,088. Would you recommend that a polygamist be placed on the voters' roll?—Not at all.

34,089. You have resided a long time in the United States of America?—I was there as a boy for twelve years, and have been there since for three years; I was there for fifteen years altogether as a young man.

34,090. Do you consider that the negroes of the United States of America have been denationalised in the manner you gave expression to?—They have not; because, of course, there has been no attempt to denationalise them, only during the last twenty years. Previous to that, slavery did not denationalise them, nor will it denationalise anybody.

34,091. Has the result of the treatment by the Government of the United States of the negro population been favourable to the good relations between the two races, the white and the black?—No; the very unwisest legislation enacted in America has been the legislation for the black people. One of our greatest statesmen, Abraham Lincoln, made the greatest mistake of his life when he gave the franchise to the negro.

34,092. Would it not have been better and kinder to the negro population if they had been kept under special legislation and special restrictions applying to them only?—It would have been very much better.

34,093. It would not have brought the negro so much into prominence, and so much into conflict with the European population as it has?—That is, of course, a large order, but I should hope not. It is very difficult for a person to judge, but I should judge not. I would have made them more industrious. The problem we have now is different. The time when the old slave was content to work more or less has passed away, and the children, who have been pampered by the Government, and by institutions like this, that, and the other, have come to be good-for-nothing fellows. That is the whole problem in the United States now. That is the problem being satisfactorily solved by Booker Washington and others.

34,094. The attainment of the ideal of equality politically and socially in the United States of America has resulted, do you not think, in bringing about very bitter rivalry between the white and the black, and a large amount of hatred and dislike?—That is true.

34,095. It has brought about, practically, a very strong and steady persecution of the negro people?—Yes; I believe in all that, and it does not conflict with anything that I have said.

34,096. Do you not think that if the same ideal were to be aimed at in South Africa, the time would come when the relations between the black and the white races would be almost intolerable and verg-

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ing on general disruption, a political rupture of some sort?—If you put the same conditions and the same legislation here as they had in America and passed through the same circumstances, it would produce the same results. Like produces like. I would not advocate having anything of the kind in South Africa; it was a great mistake in America.

34,097. Has the movement towards a common standpoint between the negro and the European in the United States improved the negro morally, socially, or in any other way?—It has in a great many cases, but as a race I should say not. We have no comparison there, because you see you started with a slave race—you started with a nation that had no family. There is no analogy between the two. For several generations you had a different article to deal with to what you have here. Take that class of people and make them citizens, and do as they have done in the United States, pamper them by legislation and other things, and you will get certain results. It is impossible, in other words, to produce the same state of affairs here as was produced in America, because it is not in your power. Unless you are going back to slavery, and slavery is impracticable morally, and impossible in these days, you cannot draw comparisons between the two States, not having anything like what existed in the States of America existing here.

34,098. You admit that giving the same political freedom to the negro race as to the European population has not resulted in any good for the Natives?—It has not: but there are two sides to that question. Our American franchise is a wretched thing; it is on the wrong basis for the white man. The whole thing is very demoralising. That is the basis of all our rotten politics in America.

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34,099. And yet in South Africa you would wish an ideal to be aimed at which you yourself admit has been a failure in the United States of America?—I did not say anything of the kind; I say the conditions are different. To be broad, I believe that the time has arrived in the process of the development of the human race, Chinese, Japanese, everybody else included, when there is no raising up again the balance between the races, and there will be an amalgamation of the races of some kind or another. Commercial forces at work will produce a uniformity of international laws and uniformity of government in the future—what it will be I do not know—uniformity of franchise, and uniformity of standards, which we have not to-day. I am talking purely from an economic standpoint.

34,100. Taking into consideration the present very great numerical preponderance of the Native races in South Africa, how do you think the white race, which is the ruling race in South Africa, should secure its permanent supremacy and predominance politically over the Native races?—They should secure it by being wise, and by giving concessions to those who are under them which will satisfy them, and will keep them along the line of development which will be most rapid and most beneficial to themselves and to their rulers: and that is by giving them civilisation and allowing the best of them to attain to the political franchise. I think nothing less would be sufficient. That is my point.

34,101. Would you look forward with equanimity or pleasure to a time when Native legislators would be passing laws by majori-

ties of the Natives for the government of the European population?—I do not look forward with any pleasure to it, because it is not a thing that is going to happen in my day, and I do not know if it will happen in anybody's day. It may, but I do not know. I shall not be able to stop it, no matter what I might legislate. In the future there will be a tremendous mixture of the races. You will find all the black people will have white blood in them by that time.

34,102. Your Mission carries on a great deal of work amongst the Indians in the Indian Reservations in the United States of America?—Yes.

34,103. Are the Indians admitted to the same political rights in the country as the negroes?—They are not, but it is the opinion that they should be, and it is working towards that end very rapidly. The Honourable Henry L. Dawes, whom I saw a very few days before he died, went over the whole question with me. He was a great advocate of Indian rights; special allotments of land for individuals, giving the Indian the franchise, and treating him as any other man; and he, I found, stated exactly what I have stated as my views to you with regard to the Natives. And the Government is accepting his position, and the Indian has already been given land in servitude in a great many places with very beneficial results among the Indians; and the time will come when they will receive the franchise.

34,104. The Indians of America have been under the Government of the United States for over 100 years?—Yes, over that.

34,105. No Indians at the present time are admitted to the political franchise of the States?—That is, I am sorry to say, a question I cannot answer, because I have no data, but my impression is that there are some who have the franchise. I feel almost sure Mr. Eastman has the franchise, and I fancy there are a good many others. What I do know is this, that the prevailing opinion is that the Indian who is equal to the franchise should have it, and is going to have it.

34,106. The Indians live in Reservations vested in the Government for their sole ocupation?—Yes, until some white man comes along and the Government gives him the land.

34,107. They are still under their tribal chiefs?—They are.

34,108. And are allowed to maintain the tribal system?—Yes, they are.

34,109. Has it been found to work or to operate injuriously in the interests of these tribes, or in their favour?—It has been found to work in this way injuriously, that they are to-day as great a charge to the nation as they were when they started, in fact more so because there are more of them, in spite of the fact that people think that the Indians are dying off. Consequently they are a charge to the Government, and they are no nearer being freed from that responsibility than they were one hundred years ago, and consequently people in America are seeing that the only way to make them not a charge on the Government is to civilise them and to give them land. That is the position exactly.

34,110. Would any attempt at denationalisation of these Indian tribes and the removal of their Chiefs be favourably accepted by the Indians?—You have asked me a question I do not feel competent to answer. In some cases that is so. They have accepted the position of the allotment of lands as I told you. There was a Commission appointed by the Government, and the lands in one locality

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have been so divided at the request of the Indians. One individual case I know. The number of thousand acres I have forgotten, but the Hon. Mr. Dawes was on that Commission along with various other men, and that has now been accomplished.

34,111. Is there any reservation whatever in the title which prevents the Indian from disposing of the land indiscriminately?—That was just the point that troubled Senator Dawes. He said that theoretically he believed in freehold, and for the time being he held to it that freehold must be given, but he thought that perhaps they would, after having tried that freehold, be driven to a leasehold for the time being until they could get the Indians better protected against the white man; that was his position.

34,112. Can you tell me whether those Indians have been allowed to retain their own laws with regard to their own property?—Yes.

34,113. Both in land and otherwise?—The Indian idea is communal.

34,114. I mean where they become individual owners?—Then they come under the laws of the territory; under territorial jurisdiction.

34,115. Do you think it has been a kindness and a considerate action on the part of the United States to have kept the Indians under their own laws and as a special people, and that it has saved them from coming into conflict with the European population, and incurring the same dislike and hatred as the Negro population, which has been treated differently in the States, has incurred?—I do not think it is a kindness either to the Indian or to the European.

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34,116. You think they should be allowed to compete with the white man?—I do.

34,117. And to come into the same relations with him as any other part of the community?—Yes, the survival of the fittest would apply.

34,118. Is the sale of liquor to the Indians absolutely prohibited?—It is prohibited, but they get all they want. In the town of Maine, where the State does not allow the sale of liquor of any kind, those that drink can get liquor wherever they want. I was going down the street of one of the principal towns of Maine on a Sunday afternoon and came across two men as drunk as they could be. One was flat on his back, and the other was trying to assist him up; they were both of them drunk and did not know what they were about. That is a State which prohibits the sale of liquor.

34,119. If total prohibition were to become the universal law in South Africa in respect of the Natives, do you think that the same result would follow; that is to say, that the Natives would still be able to get liquor wherever and whenever they pleased?—No, not as much as that. I say that they do get liquor, not when and wherever they please; I say they do get liquor. You ask, does prohibition prevent? It does not. It prevents the universal procuration of liquor by all manner of means.

34,120. Have you any suggestion to make as to whether prohibition might be more effectual?—More effectual in South Africa? Yes. I think, probably, the only way that is not now adopted would be the raising of the tax. I think South Africa is a country that could get along without liquor as well as any, probably better than any. It is a luxury, and I think the white people who want liquor

ought to pay about 10 times as much as they do for it. That would be the one way; I know of no other special legislation that would help. The methods that are adopted now are very efficient as far as they go. In Natal the Government officials were very careful and did a lot of honest work in keeping the liquor away. I believe in this country the same thing has happened; they are doing a great deal to prevent the people getting liquor. Over the border here they can get powder, and they can get all the liquor they want by simply stepping over the line into Portuguese territory; but at the same time the Natives know that it is a dangerous thing to get liquor anywhere, and that is because of the arm of the law. I do not doubt it might possibly be more severely applied than it is.

34,121. Imagine a case where a European is brought up for trial for murder or for some serious crime in the Supreme Court or in one of the Circuits of the Supreme Court. Do you think that Europeans should be tried by a jury of Natives, or by a jury composed partly of Natives and Europeans?—That I think I have already answered. Nobody but a voter could be a juryman. It might be possible for a Native to be on a jury in a case of that kind.

34,122. Do you think Natives should be on a jury list?—You ask with regard to judgments on white men, after having committed murder on a white man?

34,123. In any case where they can be tried by jury?—I answer just in the same way, that it is quite possible in our own day for a black man to be eligible to be on a jury, and that there would be no harm in it; but to be tried by a black jury is another question altogether. It is impracticable, would not happen; the case would not arise.

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34,124. Do you think conditions of that sort will not be calculated to bring about a very strong resentment on the part of the European population towards the Native population, which might end in undesirable developments?—I have more faith in the common sense of the Anglo-Saxon to think that they would. If a man is able to meet the requirements I have indicated, the man's judgment would be of such a nature that they would have to respect it.

34,125. Do you think that the Native in his commercial transactions and business matters with other Natives should be entitled to surrender his estate and to be dealt with under the insolvency laws?—Having obtained the position that I have indicated, as a man who has an income of £100 a year for instance, I should say yes.

34,126. There has recently been established a Native Church in fellowship with your Church, Dr. Wilder, named the South African Congregational Church?—Yes.

34,127. Can you say what are the relations of that South African Native Church to the European?—Will you excuse me for one correction; I think it is the African Congregational Church. You ask me what is the relationship between that and the founders of that Church. It was a relationship not organic, a relationship, one might say, simply congregational, where the individual Church has a right to the settlement of every individual case that comes under its individual administration—pure independence of the individual Church; so that they are associated with us just as Congregational Churches everywhere are associated, but not organically connected, nor is there any administration over them so far as discipline in the Church is concerned. So far as the properties which

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they hold are concerned they are, or the great majority are, in the hands of the American Board, so that there is a distinction. The properties, the edifices, the Church buildings, pastors' houses, and so on, as a rule are on land owned by this corporate body, the American Board of Colonial and Foreign Missions. The Native Churches themselves are in all their administration independent of not only the American Board of Colonial and Foreign Missions, but of each other Church; each Church being independent of every other Church.

34,128. Is it your policy as a Church to establish these independent Native congregations, and to pass on from them, leaving them to control their own affairs, to open your work in other parts of the country?—Yes, and no; that is the idea, but we have not left them, and when we do leave them we leave them, as we have already done, in association with other Congregational Churches; they are affiliated to the Congregational Union of Natal and South Africa; they are part and parcel of it at present. They have been accepted. The individuals come in and apply for membership of the Union. I am not positive that all have joined, but individual Churches have the right to come and join. We do not leave them, we put them in conjunction with the civilised Churches which have the same polity. In general your statement is correct.

34,129. You allow them to have their own Moderators?—Yes, we do. They elect their Moderators. The Moderator in our system has no judicial rights of any kind; no administrative powers. He is simply Chairman to carry the meeting through in order.

34,130. In a measure you really approve of their casting off in that way, according to Congregational methods, the direct control of the European in their Church matters?—Yes, and no. The question is a broad question. I myself belong to one of these Churches. I joined when I was a boy ten years old, and I have never taken my name from the membership roll. There are white men who belong to these Churches to-day in Natal. Mr. Goldstone is the man I have in mind just now; Mr. Hargreaves is another one. Mr. Goldstone is dead, but I believe Mr. Hargreaves has membership in these Churches. It does not necessarily follow that they should be entirely composed of black people. Among these Churches there are a great number of half-breeds. The question does not arise in our minds whether we are establishing independent Native Churches or not.

34,131. Do you find that the sentiment of tribalism amongst the Natives is as strong in Church matters as in ordinary social matters, and that the form of ecclesistical government by congregational rules, really constitutes the Moderators or the Elders of these Churches Chiefs?—I do not.

34,132. It does not?—No.

34,133. It does not make these men look upon themselves as leaders, both politically and ecclesiastically?—It does not. I think you will find it is true. The reason is this; the change of the Moderator. The fact that there is a Standing Committee appointed who are delegated to vote the moneys of the individual Church, having the power to veto anything anyone may say to it, prevents any man from it. It is an actual fact, and I think you will bear me out, that you do not find "Amakolwa" among our people looked upon as such.

34,134. Would you like to say anything as to the administration of Native Affairs by the Portuguese Government in so far as you are acquainted with it?—So far as I am acquainted with it? If the Committee would like to have me occupy their valuable time, I will say just a word. The great difficulty with us Missionaries is, we are called upon to talk so much in so many different languages, that we cannot compress as we ought, our views. If I had known what you were going to ask me, I would have thought the thing out, and got it more concise; but in a word, the Portuguese govern the Native by making him pay a tax—that is, since slavery has been abolished—which amounts to 10s. per head per wife, and in certain districts that is paid for by ivory, in others by cash, and in others by rubber. In the forest district it is rubber. There is an enormous amount of rubber taken out of that district by the Administrator. They have Commandants established over the district who are generally intelligent Portuguese. They live in the district; they have under them Native Commissioners; not called Native Commissioners; but this Commandant takes the place of a Magistrate. They seem to be now following along the lines of the Rhodesian Government in its administration of Native Affairs, having what they call a Commissioner or Sub-Commissioner, who goes through the district collecting taxes, and visiting them all the time. They compel the Natives to work for the Government, and pay them nothing, or practically nothing in the case of public works. They make them carry all the stuff that has got to be carried, and although they profess to pay them, I know as an actual fact that they do not.

34,135. Do they do anything towards advancing or developing the people on the lines that you are in favour of?—They do one thing. They make them open up roads and paths. You can travel all over the Portuguese territory on open paths about four feet wide, "skofllles," as the Dutch say, which run between the principal villages. That is a very common thing that the Portuguese require of the Native. They also require the Natives to dress in cloth; they will not allow them to have skins. Since Gunaunhana lost his hold over the territory, the Native has had to cast off his skins, and they look with great disfavour upon a Native who does not wear cloth. They are exceedingly careless about the supply of liquor, and about the supply of ammunition. Our people in Rhodesia get powder from down there. They deny it, of course, but I know that to be an actual fact. I have seen a keg of rough, heavy powder, that was purchased, according to the Native's statement, in Portuguese territory. It may have been got here in Rhodesia for what I know; but according to the Native's statement it was purchased in Portuguese territory.

34,136. In other respects, they leave them entirely to manage themselves as far as their laws of succession and social laws are concerned?—Yes; they administrate them according to the Native law of the country.

34,137. They have not removed the Chiefs or denationalised the people?—Nothing whatever; nor have they attempted to educate them in any way.

34,138. Their Chiefs decide and deal with disputes between the subjects of their tribes?—They do, subject to appeal to the Native Administrator, and subject to appeal to the Commandant, and from there to Beira.

34,139. Are the Natives of those territories, as far as you can see,

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contented and satisfied with this kind of thing?—They are not. I know them very well.

34,140. What are their aspirations?—They object because the Portuguese are all the time calling them up for work and paying them a low wage. They do pay them something, but it is a very low wage indeed, and that they do not like. They are called upon at times to carry for the Portuguese from one place to the other, and they have to be called out to carry.

34,141. The only thing that they dislike is being, as it were, pressed to work?—Yes, that is about it. You must understand the reason why they do not leave the territory is because the territory is so fertile and it is so easy for them to stay there. That is one of the large inducements for them to stay there. They can get a living easily.

34,142. They are not allowed to keep cattle?—At present there is a rumour to that effect, but there you come into contact with the question of who is and who is not a Native. There are plenty of black people at Sofala who have cattle, but they are people who have white blood in them. The ordinary heathen Native, I understand, is not allowed to hold cattle at present.

34,143. Can you say whether the reason for that is that they are less inclined to go out to labour if they have cattle to pay their taxes?—I could not tell you. The area where cattle can be kept successfully in Portuguese territory is very limited. The territory where cattle can be kept is right along the East Coast. We speak about the disease coming up from Beira. It very likely did, for what I know, but you will find a herd of cattle only a few miles out of Beira, and, if you go to Sofala, you will find herds about a dozen miles from the old fort. At Chikuni there is a herd of 400 or 500 Native cattle there to this day. Forty miles from there cattle will not live, until you get to about 100 miles from the coast, and then you begin to get cattle again.

34,144. Now, to come back to this part of the country. Do you think a Native marriage should be registered and recognised as a lawful marriage?—I do. That is one of the necessary methods of restricting their evil habits. In this country it is very necessary for several reasons. The Natives here are different from what they are in Natal in regard to their marriage laws. For instance, if a man wants a wife, and he has no cattle, no "lobolo" of any kind, you will find that man will live in the kraal where the girl is; he will make a contract with the father to go there and breed children for him. That is what it comes to. He works in the gardens all the time with the rest of the family and never leaves; there he remains in that kraal. The children belong to the father. He does not pay any "lobolo" for the girl. That is a thing that happens very often. Of course, our Government is taking a very intelligent view of the subject. Native Commissioners have done splendid work in rooting out these evils. As a result they are registering marriages and seeing that all the "lobolo" is paid before they come to register, or at the same time that they do register. We have evils in other ways, which the Government is aiming at overcoming. They let them pay money. In days gone by they used to exchange a girl and a boy. Supposing there was a little girl, and a man wants a wife, he will take a boy that he may have got in battle, or a slave, he may take a distant relative, a boy whose

parents are dead, who is thrown upon him for support, and he will give him for the girl. She is passed on with the boy. All sorts of things of that kind have occurred. A case came to my notice where a Chief, who wanted a wife, went to a kraal where he knew that a woman was going to have a child, and, as soon as he heard a child was born, ran into the hut and built a fire at the side of the hut. That gave him a right to the girl; nobody could take her away. They used all sorts of means and devices for getting hold of the woman.

34,145. For the protection of the wives, the establishment of legitimacy with regard to the children, you think that every marriage by Native custom should be duly registered?—Yes.

34,146. And that the bond of union should not be severed without an order by some competent tribunal?—I do. I would like to say here, that it is an evil in our district that the people have to come so far. There is only one office at Melsetter, and men and women have to travel with their witnesses 150 miles to get registered. That, of course, is a misfortune. There ought to be some Justice of the Peace, or some local petty officer, like the police, who could register these people. That is the only evil I see in it, otherwise it is an excellent system.

34,147. You referred to a standard—Standard IV.—in connection with education. Is that a standard which is in vogue in Rhodesia, or a standard in some other country?—There are very few schools in Rhodesia. We reach the Fourth Standard with our boys and girls, and that is about all we expect.

34,148. What is the standard you refer to?—It is simply reading, writing, and arithmetic; the rules of addition, subtraction, multiplication, and division, and I believe it includes interest, so that they may be able to carry on ordinary business operations.

34,149. It is not a standard which has been established by the Government of Rhodesia?—No. I used that simply to indicate in a general way what is meant by the standard.

34,150. *Captain Dickson.*] What industrial training do you give your boys?—We teach everywhere brick-making, and where we can, tile-making too. Then we teach pit-sinking, and we teach irrigation, teaching them how to draw out a furrow. We teach agriculture, the planting of trees, the braiding of hats, cutting and sewing of clothing for the girls, housework, common cooking, house cleaning, housekeeping, and we teach the boys in our principal schools carpentering, blacksmithing, and so on. In the outside schools we teach them to make roads, including the cutting of bicycle paths and other paths, bridge-making out of rough stonework, and ordinary woodwork. We have, in addition to that, in our principal school, a sawmill, which runs, of course, by power, and we teach engraving and shoemaking. We have a grist mill and a sugar mill, and we teach printing.

34,151. Do you find that Natives take as readily to roadmaking as they do to other industries?—They take more readily to it, because it is a practice they are accustomed to. They make their own roads to a wonderful extent. They make their own fortifications, and work in stone very readily.

34,152. Does that apply to Natal as well as to Rhodesia?—No.

34,153. I think you said that they are more industrious?—I consider they are more industrious than the Zulus as a nation.

34,154. *Sir Thomas Scanlen.*] In regard to the ideas that you have

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put before the Commission this morning, may I enquire whether you contemplate there would be an increased cost in the administration?—I should say yes, temporarily; it would be an investment which would bring in later a greater revenue than you get now.

34,155. In the first instance, there would be an increased cost of administration?—I think there would be.

34,156. From what source would you look to that being met?—I should get it from the tax on the Natives. Instead of diverting the money derived from the taxing of the Natives, which is now not all spent on the administration of Natives, I would use that for the administration of Natives.

34,157. Would you contemplate an increase of the taxation of Natives in case the account did not balance?—I should.

34,158. In what shape would you suggest that should take place?—The increase would come in in a greater tax on the wives. I would increase the tax on wives in geometrical progression. I think that a poll tax of £1 throughout the country would also probably increase the tax materially in that way.

34,159. Do you contemplate any resistance on the part of the Native people to the reforms which you suggest?—I should not contemplate it, but I should be ready for it. I should expect there would be discontent, just as I would have the Government watchful of the Ethiopian movement. They must be ready for outbreaks in some places. You would find outbreaks against these methods in some places, but no general rising.

34,160. For the purpose of maintaining peace, would you contemplate that the defensive forces should be increased?—Do you mean our present defensive forces?

34,161. Yes?—No; they are ample.

34,162. You think they are ample?—I do; but I should have all our European population a soldier population.

34,163. *Mr. Sloley.*] With reference to Natal and Mashonaland, is there, within your knowledge, much mixture of races by cohabitation of white men with Native women?—Yes. That is a difficult question to answer. You said Natal and Rhodesia. You did not refer to the Transvaal. As a side light, I can point to what the women of the Transvaal have lately brought before the Legislative Council of the Transvaal—that there should be a recognition of the living of white men with black women, so that they could be married. In Natal there is an increasing tendency. There was an old, strong feeling among the Zulu women that they would never have a white man touch them. That feeling is breaking down, I am sorry to say. If I am not very much mistaken, that is so, not only among the "Amakolwa," who are more accessible to the white population, but among the heathen Natives. I have lived many years in Natal as a Missionary and as a boy, and it was not until I went to Natal the other day that, on one of the main thoroughfares of the country, a heathen woman solicited me. That means something. I was rather surprised at that. I have never seen it before, and have never heard of it before in Natal. In Durban, the condition of affairs that I saw there was perfectly amazing to me when I went back recently. There they let the women come to town and sleep wherever they can, and with whoever they can. I claim that the Town Council were not doing what they ought to do. The women must come there, or the men must go to the women; but there was no proper supervision. I feel sure it is not very far from the fact that it is increasing in this country here. Of course, you know the old

story, that just before the Matabele rebellion, and the Mashona rebellion too, there was a tremendous amount of immorality carried on by the white people of the country, and it was done in this way: the Mashona woman said: "We will have connexion with you if you will give us so many rounds of ammunition." That was a thing I had pretty good evidence of. Of course, I cannot be positive, but I was told that by people who knew what they were talking about. In the case of contact with Portuguese down here, we have another phase. The Native women there consider it an honour to have intercourse with a white man; she at once rises in the scale of social life among her own people if she has a white child. You get that all along the East Coast. All her friends also, and those connected with her, are elevated in the social scale, and become a class by themselves, called the "abazungwa." I cannot say that immorality is increasing. It would be a very dangerous thing to say, and a wrong charge to bring against my fellow-creatures; but I cannot say but that it is inevitable that it should increase as the white population comes in, and comes into contact with the Natives. It seems inevitable to me.

34,164. Do you think there ought to be any special legislation to deal with such cases?—Yes; I think the legislation suggested by the women in the Transvaal is one good thing. It would stop it if they were married, and had to be married. I would let the Natives know that, where a white man is found cohabiting with a Native, there would be very severe punishment of the white man. There is nothing that I know of now to interfere with it. It is a case of "Barkis is willing"; that is all. I believe that something of the kind is necessary for our preservation, for keeping ourselves as we ought to as a race. The great curse of the Native men is licentiousness, and, I belive, it is the same with the women. We may say they are virtuous, but I believe they are not. If the black man has lust, the black woman has too, in spite of the virtue that we hear about her being clothed with. It is merely these laws and tribal differences that prevent them from breaking down and getting mixed up. I do not know any way to stop it except to punish the culprit, the white man; and then also to make them get married and live together, whether they want to or not.

34,165. *Mr. Krogh.*] Do you find the Native Chiefs generally opposed to civilisation and advancement of the Natives?—Yes; the tendency is that way. There are exceptions, but as a rule they are.

34,166. I understood you to say that in Natal Natives who have been educated and advanced bought Crown land plots. Do Natives who are under Chiefs in Natal also buy these plots?—I have not heard of a single case. I know of no case.

34,167. Do you think, if the Chiefs were removed, that the Native race as a whole would advance sooner than otherwise?—I do. I would supplant them by enlightened men; that is the point.

34,168. Is there any connection between the Ethiopian Church and the African Methodist Episcopal Church of America?—Yes, that is a question I can answer. They have representatives in the country, and might be able to answer it themselves, but it is a question I am acquainted with too. The African Methodist Episcopal Church was formed by members of the American Methodist Episcopal Church who were dissatisfied because they did not receive the full privileges of their white brethren—that is the long and short of it. They were one denomination in America, the American Methodist Episcopal Church. The offshoot was the African Methodist Episco-

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pal Church, formed by those who left the American Methodist Episcopal Church.

34,169. Formed in America?—Yes; it is a very large denomination of I do not how many thousands. There are thousands and thousands of them. For all I know, there may be 200,000 members of the African Methodist Episcopal Church of America. The character of the denomination is that the Bishop is not a Bishop in the ordinary sense of the term. The Bishops are merely special presiding Elders; they have not the powers of a Bishop in an established Church, and the African Methodist Episcopal Church is affiliated with the Church which they left. They recognise them as their brethren, but of a different colour.

34,170. *Mr. De la Harpe.*] I believe you said you would be in favour of granting to Natives individual title to land. Do not you think it would cause great discontent among the others? How would you draw the line?—That is a serious question. My answer to that is, that to a certain class I should lease land; to others it should be freehold. To those who do not reach the standard which I consider they should in order to hold land in freehold, I should grant leases; not to all. I would not allow polygamists to have it. That, of course, would be a matter of detail. The point is, I would leave an opportunity for them to get the privileges under certain restrictions, and only give the white man's privilege to a man who had attained to the position of a white man.

34,171. Have all the Mashonas more than one wife?—They have not all more than one wife. They would like to have more than one if they could. There are a good many who have not got any.

34,172. Are not there enough women?—That is partly the reason. The Matabele under Gungunhana took a great many women away for themselves, and the Zulus always had all the women they wanted. It is not that altogether. It is the man with property that owns the largest number of wives. They cannot get their wives, because they are bought by those who have property. The most enterprising men get the wives.

34,173. Have you any idea what the average of the crops of the Mashona is yearly?—I would not be able to answer that. The Native Department would be able to tell you better than I can. All I can tell you is, from my own observation I should judge that the average Mashona has about three wives.

34,174. I was speaking about the crops?—I beg your pardon. You mean, what is the acreage per head? I should say, on the average each woman raises three acres of pumpkin beds, pea nuts, sesame, corn, mabeli, rice, and so on. I should say, as a conservative estimate, each married woman would cover three acres under cultivation.

34,175. Have they much stock—goats or sheep?—In certain districts they have, especially through the Ndonga district and up through the Mashona Mountains there are a good many cattle, and a great many goats and a large number of sheep. Of those districts I have no authority to speak. I only know from the reports of the Natives and the Native Commissioner's reports. As a rule they have a very limited stock. They are a poor people—exceedingly poor.

34,176. I am mostly referring to the part you come from—Melsetter?—They are as a rule exceedingly poor there.

34,177. *Mr. Thompson.*] Are you aware that Natives are already enfranchised in Rhodesia, that some are on the Voters' Roll to vote for Members of Parliament?—I am aware of that.

34,178. Could you tell us what class of Natives, and how many, are on the Voters' Roll?—I cannot tell you the number. I know of one Native, who owns land, who is on that roll.

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34,179. Is he a Native of this country?—No.

34,180. A foreign Native?—Yes. That is the only individual case I happen to know about, but I know from reports that there are others. The Native Affairs Office could tell more than I could about that.

34,181. *Mr. Samuelson.*] Did I understand you to say you approve of the inter-marriage of Europeans and Natives?—No; I do not approve of it, but there are a great many evils that are necessary evils that come about. I would approve of those people in the Transvaal, who are living with these black women, being compelled to marry those women.

34,182. As a punishment?—A punishment, if you please, yes. I do not approve of mixing the races. I am very much afraid that the inevitable is coming, but I do not like to accept it myself yet.

AFTERNOON SITTING.

Mr. Walter Stringfellow Taberer, examined.

W. S. Taberer, (Acting Chief Native Commissioner). Rhodesia. 30th August, 1904.

34,183. *Chairman.*] You are Native Commissioner of Rhodesia?—I am Acting Chief Native Commissioner.

34,184. What is your experience in this country?—I have been here since January, 1897, and I have been in the Native Department ever since.

34,185. Consecutively?—Consecutively.

34,186. And before that?—Previously, I was in the Special Magistrate's Office at King William's Town, under Mr. Dick. I had four years with him.

34,187. With regard to the condition of the Natives in Rhodesia, how would you describe it?—In what way do you mean?

34,188. Are they in a primitive stage?—Very much so.

34,189. Are you governed by the instructions and regulations set forth in the Order in Council?—Yes.

34,190. In the matter of administration?—Yes.

34,191. Apart from that you have certain laws or proclamations?—Yes.

34,192. Is there anything else in the administrative system of Rhodesia which is unlike anything else in South Africa?—No, not that I know of.

34,193. What is the system of land tenure up here?—Under the Order in Council a certain amount of land is set aside for Native purposes, for the exclusive use of the Natives, and the Chief holds it on behalf of the people. They pay no rent for it, and there they live together in locations on these reserves. A certain number live on farms as well.

34,194. Are the reserves large?—In most districts they are extremely large. There is only one district in which there is not sufficient ground at present to meet the requirements.

34,195. As a rule they have ample ground for their requirements?—Ample.

34,196. Does the Chief give it out?—The Chief has the right to give out the land to the Natives under him.

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34,197. Is there more than enough ground for the existing Natives?—Far more than for present requirements and for years to come.

34,198. What extent of ground, as a rule, do you think, the Native has for agricultural purposes?—Do you mean at the present time?

34,199. Yes?—For agriculture as well as stock he has an average of about 45 acres.

34,200. Available to him?—Available to him.

34,201. How much of that does he utilise?—Himself?

34,202. Yes?—I should not think more than about 5 to 10 acres.

34,203. And the rest is in reserve?—It is in reserve. He may utilise it if he wishes to.

34,204. Roughly speaking, the Natives are provided for for a long time to come?—Absolutely.

34,205. For expansion?—Yes.

34,206. Do you think that is a good system?—Undoubtedly.

34,207. The meaning of my question is, do you think it is a good thing for Natives to have, at the present time, and in future, an unlimited amount of ground on which they can subsist?—For the present, I do not think it is advisable that the land should be cut up and granted to Natives individually.

34,208. You do not think so?—I do not think so.

34,209. You think the communal system is better than the individual system?—Yes.

34,210. Have you any reasons for that?—The chief reason is, that the Native in this country would not understand; he does not know the value of land; consequently, with the present number of officials in the Native Department, they could never be controlled under the individual tenure system.

34,211. Presuming they could be controlled, do you believe that it is desirable that Natives should have an unlimited amount of land in preference to individual allotments?—Certainly not. I think they should have individual land granted to them in time, but not at present.

34,212. Do you think individual tenure offers advantages which the other does not offer?—Yes; I do.

34,213. In what way?—A Native, once he gets a piece of ground, is then a responsible man, and you can trace him. He knows if he commits a crime, or does anything wrong, he is bound to be found out to start with, because he has a certain piece of ground which is absolutely his own property, and in that way that man could be traced.

34,214. In other words, he has something to lose?—He has something to lose.

34,215. So that, as I understand, your policy would be, in time, to give them responsibility in the shape of individual tenure?—Certainly.

34,216. At the present time, in this country, you think it is inappropriate?—Certainly.

34,217. Intimately associated with the land question, is the tribal question. What is your system up here as regards the tribal system?— The Native Chief is responsible for those directly under him, and he is responsible for everything that takes place in that particular location. We, the officials of the Department, look to that particular Chief for anything that occurs at that particular location.

34,218. In the matter of taxation, who is responsible?—He is responsible that the amount due from his particular location is paid.

34,219. Are the receipts issued to him?—They are issued to him.

34,220. Who distributes them?—One receipt is issued for the kraal and tokens are issued also which are distributed to each individual.

34,221. Do you give that receipt to him when the whole kraal has paid, not before?—Instances do occur where Natives from his kraal are away at work, and he will pay a certain amount, and when they return he will then pay the subsequent amount, and he will receive an extra receipt for that.

34,222. Does that work well?—Very well indeed.

34,223. In the circumstances and conditions of this country, could you adopt any other kind of policy?—Not for the present.

34,224. These people carry out their own Native law?—Absolutely.

34,225. And do you sustain them in the carrying out of that law?—As far as the common law will allow us.

34,226. You mean to say that, in criminal cases, where the law of the land prevails, they cease to have any jurisdiction?—Certainly.

34,227. Otherwise?—Otherwise they follow their laws and customs as far as applicable.

34,228. Is there anything in the present Native laws and customs which is repugnant to civilised thought?—Nothing that I know of. There are certain things that do take place which we hear of, and which we are trying to abolish.

34,229. *Mr. Thompson.*] What are those?—I will speak of one, that is, "maropo," or blood money; that is, when a Native, a stranger to the kraal, dies, the Chief will apply to the Chief of the tribe from which that Native came, for compensation.

34,230. *Chairman.*] For burying him?—Simply because he died in their kraal.

34,231. Is that peculiarly local?—I have never heard of it anywhere else.

34,232. Is that carried out?—It has been carried out. I know of cases.

34,233. It is not a thing you approve of?—Certainly not.

34,234. Are there any other objectionable customs which prevail here?—Witch doctoring prevails. Although there is a law against it, it is difficult to find them out; they screen it so carefully.

34,235. Do they practise witchcraft?—Undoubtedly.

34,236. Have you a law prohibiting the practice of witchcraft?—Yes.

34,237. You have scarcely had time, being a young Colony, to deal with many things that should be dealt with?—That is so.

34,238. You are registering the people of Rhodesia?—Yes.

34,239. That law has only just come into operation, I believe?—Yes.

34,240. The design of that law is that every person should be recorded?—Every male Native over the age of 14 years.

34,241. And his family as well?—Not the female portion.

34,242. Only the men?—Every male over the age of 14 years.

34,243. Do you not take into account whether he is a married man with a family?—That is recorded as well.

34,244. What is the object of that?—So that we may know what number of Natives we have in the country. Previously we had no pass law, and Natives would wander about indiscriminately all over the whole of Mashonaland or Rhodesia.

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34,245. Is the idea to control their movements?—To control their movements.

34,246. Not actually to control what may be called their being, but their movements?—Their movements.

34,247. Is the Native bound now, if he moves from one district of Rhodesia to another, to have a pass?—Certainly.

34,248. Is that pass in addition to the registration documents which you have?—Yes; he gets a separate pass for that.

34,249. The particulars upon the pass, I suppose, are entered from the registration certificate?—From the registration certificate.

34,250. Those certificates are held by each individual over 14?—Yes.

34,251. Do you enter corresponding particulars in a record book?—On counterfoils.

34,252. Not in a record book?—There is a record book kept as well.

34,253. You have not yet had time to be able to offer an opinion as to the advantages of this?—No; it has only been in work since the 1st August.

34,254. As far as you can see it offers advantages?—Certainly.

34,255. That you will be able to mark down every male inhabitant of the country?—Yes.

34,256. I suppose you do not know at the present time what the number of polgamyists is in this country?—I can tell you how many Natives there are that are married, and how many women there are over and above the married men, and by that I could tell you. The Census returns show 69,710 married men, with 108,988 married women, being an excess of 39,278 women.

34,257. What would be the percentage of polygamy in that?—Forty per cent. Some men have forty wives; some have two.

34,258. The general percentage would be 40?—Yes.

34,259. *Mr. Sloley.*] Are you alluding to Mashonaland only?—To Mashonaland only.

34,260. *Mr. Campbell.*] What is the total population?—The total population of Mashonaland is 391,725, including the alien Natives at present in the country.

34,261. *Chairman.*] Have you many of those?—We have Natives from British territory south of the Zambesi, that is, Colonial Natives as well, 514; other Natives, such as Somalis, Blantyres, Portuguese boys, 2,565 enumerated on householders' forms; not included on forms A, B, and C, 9,905.

34,262. How many of the total population are women?—I have not the returns with me, but I can get them for you.

34,263. Comparing your experience here with what you had in the Cape Colony, at King William's Town, do you think there is a very marked difference between the status and condition of the Natives?—Undoubtedly. The Natives here have only recently come into contact with Europeans. Those in the Colony have been in contact with Europeans for a number of years.

34,264. Do you hold any views upon the subject of Native law, as to whether the recognition of it has the effect of deterring the Natives from advancing at all?—You mean their own laws and customs?

34,265. Their own laws and customs as opposed to the common law?—In my opinion, I think the laws and customs of the Natives should be followed as far as possible.

34,266. Do you think it is possible to apply the common law in a country like this entirely?—It is impossible.

34,267. That is, to put them on the same footing practically as the white man?—It is an impossibility.

34,268. You have some Natives in this country who are voters?—Who are qualified to vote—yes.

34,269. Do they vote?—I do not know of any. I know of two last year who registered themselves. This year I do not know any.

34,270. What is the qualification?—To be able to read and write, that is essential; and then he must either be householder of the value of £75, or be drawing a salary of £50, or else be a holder of claims. It is practically the same as that of a European.

34,271. Can a Native hold claims in this country?—I do not know of anything to prevent it.

34,272. When you say earning a salary of £50 a year, does that mean, if in the course of the year he earns £50, he becomes qualified?—Certainly.

34,273. No matter if he did it in irregular periods?—I would not like to say.

34,274. Are you the one who has to determine?—No.

34,275. Who has to determine?—I believe the Magistrate has to determine that.

34,276. Do you think the Natives are fairly represented in the Legislative Councils of the country in regard to their own interests?—Certainly.

34,277. In what way?—The Government watches the interests of the Natives.

34,278. Do you mean to say through the Native Commissioners?—Through the Native Commissioners.

34,279. Do you think that is a fair and sufficient form of representation?—I do not know of any other at the present time for this country.

34,280. What are the Natives taxed here?—Adult males, a sovereign, that is, for himself and his first wife; on any extra wife he may have there is an extra 10s. That is the tax which has been brought into force this year.

34,281. Taking the circumstances of this country altogether, do you consider that that is an adequate form of taxation?—I do not think they contribute sufficiently.

34,282. In what respect?—Towards the administration of Native affairs, and the up-keep of the general administration of the Native affairs of the country, I do not think they contribute sufficiently.

34,283. You mean, you think they ought to pay a higher tax?—Yes.

34,284. Would your idea be that a Native ought to contribute whatever it costs the State for looking after him?—Within reason.

34,285. Supposing he did contribute up to that amount, would that satisfy you?—Yes, certainly.

34,286. What do you think he ought to pay here in order to bring him into line with the amount that is spent upon him?—I do not think a £2 tax would be anything out of reason.

34,287. What is the rate of wages that he can get here?—He can earn anything between £10 and £50 a year; it depends whether he is industrious or not, and anxious to work.

34,288. Are there good labour markets quite near at hand?—Quite near.

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34,289. Supposing, for instance, you impose a tax of £2 a year upon him, would he have any difficulty in getting it?—None whatever.

34,290. Has he any expensive tastes in this country which necessitate his keeping up any appearance?—None whatever.

34,291. No very great wants to satisfy?—None whatever.

34,292. Is he educated here at all?—He is educated at various Missions.

34,293. What State aid is given?—I could not say.

34,294. Is the education a matter which is provided for by law, that he shall get it, or is it optional?—It is optional.

34,295. Whatever the Missions may do in the matter, is aided by Government?—So I believe.

34,296. It is not a matter you know very much about?—No.

34,297. Have they any opportunities of getting liquor in this country?—There are opportunities.

34,298. Spirituous liquor?—They can get it at the mines, and places like that, and in the towns.

34,299. Do they indulge in it very much?—Not to a great extent.

34,300. Would they indulge in it if they could, do you think?—Probably, if they got the opportunities, they would.

34,301. Do you think they like it?—I cannot say that the Natives of this country are as fond of liquor, as far as I know, as the Natives are in Cape Colony.

34,302. Are you in favour of their being allowed to get it?—No, certainly not.

34,303. Would you prohibit it entirely?—Yes.

34,304. Are they very great consumers of the national beverage—beer?—Yes, very great consumers.

34,305. Inordinately?—They consume it enormously just after their crops are ripe, and they keep that up for the next five or six months, until their lands are being prepared for next season's crops.

34,306. Does that influence their habits of industry?—I think it does, undoubtedly.

34,307. Is there any way that you would suggest whereby the consumption of this beer should be restricted?—I do not think it could be restricted.

34,308. Do you think it would be better for the people if it was restricted in some way?—I think Kafir beer essential to the Natives.

34,309. Not the abuse of it, but the use of it. The use of it is essential, but the abuse of it—inordinately drinking it?—They drink it to a great extent, as I say; but to be able to stop it is an impossibility at the present time.

34,310. For instance, where you are speaking of, in the Cape Colony, at King William's Town, they have a law or regulation to the effect that no beer drinks shall be held without being licensed by Government. That does not obtain here, I suppose?—It obtains in towns, not in locations. They are not allowed to sell it.

34,311. Not allowed to sell it anywhere?—No.

34,312. If the machinery of Government allowed of it, would you be in favour of restricting, or at any rate, regulating and limiting these beer drinks?—If it was possible—certainly.

34,313. Do you think that, in the interests of the people, it would be wise?—It would be wise.

34,314. I suppose the people of this country are not very far advanced in the matter of education and religion?—No.

34,315. Have you any views upon the subject of the influence of education and religion upon these Natives?—I have very little as far as I know. I have met many Natives who have been to schools, and I have always found the raw Native the better Native to deal with.

34,316. In saying that, could you give me any reasons for it—any explanation of why it should be so?—No, I could not give an explanation of why it should be so, but it is so undoubtedly.

34,317. The first influence of Christianity and education upon raw Natives, then, is not beneficial?—No.

34,318. So far as you have been able to observe?—So far as I have been able to observe.

34,319. Have you traced anything of what is called the Ethiopian movement here?—No, none whatever.

34,320. Is there any particular point upon which you would like to express an opinion?—No.

34,321. *Mr. Thompson.*] On the question of drink, could you, from memory, tell us what is the largest fine which has been inflicted upon a white man for selling drink to Natives in Rhodesia illicitly?—I believe a £100 fine has been inflicted.

34,322. It is the desire of the Rhodesian Government to keep drink from the Natives?—Certainly.

34,323. Could you roughly tell us how many white men to-day are undergoing imprisonment for selling liquor to the Natives?—No; I could not.

34,324. On the question of land tenure, you said a time will come when the common law of the country will be suited to the Native?—Yes.

34,325. Do you mean to qualify that by saying that certain laws will suit, or will you sweepingly say the common law of the country?—The common law will not suit entirely; you must follow their laws and customs. You could not safely abolish their laws and customs entirely, and say they must act as one with the Europeans.

34,326. Not safely?—No.

34,327. But you would abolish their laws altogether?—I daresay you would in time. It would take many, many years.

34,328. Therefore they will come under the common law of the country?—They will in time; I cannot say how long.

34,329. Under the common law of the country, they could become enfranchised burghers?—They could.

34,330. Do you see any danger in that?—In their becoming voters?

34,331. Yes, with your population of 12,000 at present?—It would be dangerous at the present time.

34,332. So while you would apply the common law, you would apply parts of the common law only to the Natives of this country?—Yes.

34,333. You said that you approved of individual title being given to the Native; would you allow him to alienate his land?—That is to be able to dispose of it?

34,334. Yes?—I should say under the control of the Government. Not to be able to dispose of it indiscriminately to anybody.

34,335. You would only give him a conditional title?—Certainly.

34,336. It would not really be a free independent title?—No, certainly not.

34,337. Have you any opinion to offer as to the right of a Native coming into this country and buying a farm?—There is nothing to prevent a Native coming into the country to buy a farm.

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34,338. I know that; but do you see any danger in numbers of Natives acquiring land—large farms—and holding them under their own title. Have you any opinion on that?—I should not approve of it.

34,339. You would not approve of the Native being allowed to hold land in Rhodesia?—Not freehold land, certainly.

34,340. Not to any great extent?—Not to any great extent.

34,341. I think you said you would not interfere with their marriage laws or customs, or certainly not for a very long time?—Not for a very long time to come.

34,342. And it would be a question whether you would ever interfere with their marriage laws, as far as "lobolo" is concerned?—We have interfered, in that we have introduced an Ordinance into the country, prohibiting certain things which were not permissible.

34,343. Under the marriage laws?—Under the marriage laws.

34,344. What, for instance?—Where young girls of 18 months old were "lobolod," and were forced to go to their prospective husbands when they became of marriageable age, against their consent.

34,345. In your opinion, is "lobolo" a protection to Native women?—Certainly it is.

34,346. *Mr. Samuelson.*] Would you tell me if the Ordinances, which I will enumerate, are in force in this part of Rhodesia at the present time. I will hand them to you when I have enumerated them. The first one I refer to is Ordinance No. 9 of 1899?—Ordinance No. 9 of 1899 is in force at the present time.

34,347. No. 12 of 1899?—That is in force.

34,348. Ordinances No. 19 of 1899, No. 2 of 1901, No. 15 of 1901, No. 16 of 1901, No. 10 of 1902, an Ordinance to provide for the registration of Natives in Southern Rhodesia?—Yes, those are in force.

34,349. No. 11 of 1901?—Yes.

34,350. No. 1 of 1903, an Ordinance to provide for the appointment of a Director of Education and an Assistant?—Yes, that is in force.

34,351. It deals particularly with Native education, in what is called "Order D., Schools for Natives"?—Yes.

34,352. Ordinances Nos. 8, 12, and 21 of 1904?—Yes, they are in force.

34,353. Is this Proclamation also in force—Proclamation No. 4 of 1902, which seems to recognise and to establish some system of Native law?—Yes, I think that is in force.

34,354. Are lawyers allowed to practice in cases between Native and Native in the Courts of the Native Commissioners, or in any cases between Native and Native?—In the Magistrate's Court, yes.

34,355. Whether those cases are under Native law or under any other law?—Native cases, coming under Native law, are generally tried by the Native Commissioners.

34,356. And are lawyers allowed to practice in those Courts?—They have never applied to. The Native Commissioners settle disputes in the districts where there are no attorneys.

34,357. Have you no law or proclamation restricting the appearance of lawyers in cases between Native and Native?—None.

34,358. Such as the one in force in British Bechuanaland?—No.

34,359. What is your opinion? Are there any legal practitioners taking up Native business at all here?—I have seen cases in town where attorneys have appeared on behalf of Natives.

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34,360. What is your opinion of the appearance of lawyers in cases between Native and Native?—I see no objection to it at all.

34,361. Do you know whether grants are made to any Native schools, which are entirely conducted by Natives, and under Native control in this country?—No, I do not know.

34,362. Do you think that any schools of that kind could obtain grants here if they asked for it?—I should think so, certainly.

34,363. You think they could?—I think so.

34,364. Can you say how many Natives have been placed on the Voters' Roll here in Mashonaland?—For the northern districts of Mashonaland the returns are just being completed, and not a single Native has been registered, or has applied to be registered. We have not heard from the eastern or western districts.

34,365. There is no definite legislation which would prevent a Native, so long as he had the qualification that a European would have, being placed on the Voters' Roll?—None whatever.

34,366. Have you anything analogous to what we have in Natal in the person of a Supreme Chief over the Native population?—The Supreme Chief, as regards the Natives?

34,367. Yes; I mean in the person of the Administrator, or the Governor. In Natal, the Governor is also Supreme Chief?—The Administrator at the present time is Acting Secretary for Native Affairs. We have no Secretary for Native Affairs in Rhodesia at the present time.

34,368. Is there any official who has been appointed to look after the interests of the Natives, and to speak on their behalf in the Councils of Rhodesia?—Not that I know of.

34,369. Do you know whether it is a *sine qua non* that all legislation dealing with Natives must have the Royal Assent?—I believe it is so.

34,370. Can you not say positively whether it is so or not?—I believe every proclamation dealing with Natives has to receive the Royal Assent.

34,371. Do you approve of the Crown having the veto over all legislation dealing with Natives?—Certainly.

34,372. And also of all Native legislation being submitted for Royal Assent?—Certainly.

34,373. You would not approve of such legislation being passed by the local legislature and becoming law on the sanction or approval of the Administrator?—No, certainly not.

34,374. Have you anything enforced by law here in the way of tribal or communal responsibility in connection with crime, by which you could make any district or any part of the tribe responsible for an offence committed in their midst, the perpetrator of which has not been discovered, but where there are indications showing that the Natives know who the perpetrator is, and refuse to disclose it? Can you, by any Ordinance in force here, impose a fine on any such community?—No; certainly not.

34,375. Was not that law amongst the Natives here?—I believe it was law previous to the occupation of the country.

34,376. Do you think it would be a good law that that should be recognised by the Statutes?—Certainly not.

34,377. Why?—I think the individual who commits the crime should be the man responsible. I do not see why the Chief or the kraal should be responsible.

34,378. Say the tribe knew who had committed the offence, and failed or refused to disclose who he was?—I do not see how you can, even then, make the tribe responsible.

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34,379. Then you do not approve of the principle of Native law which recognises that?—Not when it comes into conflict with the common law.

34,380. Do you get any assistance from Native Chiefs in the suppression of crime, or in any other way? Are they of any use at all?—Certainly.

34,381. Do you find that they are pretty fair in their decisions, and in their trials of cases?—The Native Chiefs themselves?

34,382. Yes?—No; I cannot say they are. They are very apt to be bribed.

34,383. Have they both criminal and civil jurisdiction, or only civil?—They had previous to our occupation of the country. Now they have no criminal jurisdiction whatever.

34,384. They have civil jurisdiction?—They have civil jurisdiction over petty cases.

34,385. Are the principles of the ordinary law recognised at all as applying to cases between Native and Native, such as prescription of claims through lapse of time?—No; I could not say at all.

34,386. You cannot say?—I cannot say.

34,387. There is no Ordinance applying the laws of limitation or prescription to cases between Native and Native?—Not that I know of.

34,388. Can you, or can you not say whether a debt between Native and Native may be only extinguished by payment, or whether the means of recovery may be barred in any way by lapse of time?—I have never heard of a case where they have been barred by lapse of time.

34,389. Is their law of succession in the families of Chiefs and in the families of ordinary Natives the same?—It varies slightly in different tribes in this country.

34,390. Have the laws of succession and inheritance been reduced to writing here?—No.

34,391. Then the case has to be decided according to the customs and usages of the tribes to which the persons belong?—Yes.

34,392. Do you recognise any age of majority amongst the Natives?—I do not know.

34,393. Does the Native female ever become a major and have an independent right of her own at any time?—A Native woman in this country is property.

34,394. She can never become *sui juris*, so to say?—No, she has no right to anything. She is simply property herself.

34,395. Are there any Natives possessing land here in their own right?—"Kolwa" Natives.

34,396. They are Natives subject to the Native law of the country?—Certainly.

34,397. Are there many?—No, very few.

34,398. How would the devolution of that landed property be regulated in the case of the death of the Native. Would it be under the Native law or the ordinary law?—That is supposing a Native from the Colony comes up here and gets a piece of ground and he dies?

34,399. Yes; or a Native of this country becomes an owner of land and he dies. Under what law would the devolution of the property be regulated?—Under Native law.

34,400. So that the eldest son by the Chief Wife would inherit the whole of the property?—No, it is not the eldest son by the Chief Wife who inherits in this country. The eldest son by any wife.

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34,401. The first born son?—Of any wife—the first, fourth, or sixth one, as long as it is the eldest son. The first three wives may have daughters, and the fourth one has the son.

34,402. It is the first son by any wife?—By any wife.

34,403. Do you think it is well that landed property should devolve according to the principle of Native law, and that the devolution should be regulated according to Native law in landed property?—I do not see how we could alter their laws of succession and inheritance; we are following them out as far as possible.

34,404. You have trial by jury here, I suppose, in the High Courts?—Yes.

34,405. Can Natives, who possess the same qualifications that Europeans possess in order to enable them to be placed on the Voters' Roll, also be placed on the Jury Roll? Could the Native be placed on the Jury Roll if he had the necessary qualifications which the Europeans have?—Presumably.

34,406. Are there any Native jurors on the Jury List at the present time?—Not that I know of.

34,407. To whom do appeals from Chiefs go?—To the Native Commissioner of the district.

34,408. May cases in the first instance go direct to the Native Commissioner or the Magistrate?—Certainly.

34,409. There is nothing to compel Natives to go in the first instance to their Chiefs?—Nothing whatever.

34,410. What is the highest Court of Appeal here?—The High Court.

34,411. That has jurisdiction over both Europeans and Natives?—Europeans and Natives.

34,412. You have no special High Court for dealing with Native cases?—No.

34,413. Could a Native in a case between himself and another Native appeal to the Privy Council?—I believe so.

34,414. I suppose your system here provides for the protection of the interests of the Native individual fully, without any direct representation in the Legislative Council?—Certainly.

34,415. Is there any definite aim here in Mashonaland with regard to the ideal to be reached in Native administration?—To better them in every way so as to become useful members of society. I think that is the definite aim of everybody in the country.

34,416. Is there any idea of at some time levelling them up to the European in every respect?—I do not see any objections to it.

34,417. Do you not think that separate laws and distinctive legislation for the Natives is the best in their interest, and the friendliest thing we could do for them to keep them from coming into conflict with the white race?—Certainly.

[*Sir Thomas Scanlen.* Arising out of questions which have been put to the witness, I would like to call attention to a section of the Order in Council. Section 50 is in the following terms: "In civil cases between Natives the High Court and the Magistrates' Courts shall be guided by Native law so far as that law is not repugnant to natural justice or morality or to any Order made by Her Majesty in Council or any Proclamation or Ordinance. In any such case the Court may obtain the assistance of one or two Native assessors to advise the Court upon Native law and customs, but the decision of the Court shall be given by the Judge or Magistrate alone. In all other respects the Court shall follow as far as possible the procedure observed in similar cases in the Courts of the Colony"—which means the Colony of the Cape of Good Hope. Section 51 says: "If

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in any civil case between Natives a question arises as to the effect of a marriage contracted according to Native law or custom by a Native in the lifetime of one or more other wives married to him according to Native law and custom the Court may treat such marriage as valid for all civil purposes in so far as polygamous marriages are recognised by the said Native law or custom." Section 80 says: "No conditions, disabilities, or restrictions shall without the previous consent of the Secretary of State be imposed upon Natives by Ordinances which do not equally apply to persons of European descent, save in respect to the supply of arms, ammunition, and liquor." I think it is as well the Commission should be aware of this. There was a further statement which arose out of a question put to the witness as to the law of prescription. In cases between Native and Native coming before the High Court or before the Magistrates' Courts those cases would be determined according to the law of the country, and one of the laws of the country arises out of an old Act of the Cape Parliament applying a term of eight years' prescription to certain classes of cases. That would apply equally as between Native and Native as between Europeans.]

34,418. *Mr. Samuelson.*] There are marriages by Christian rites?—Yes.

34,419. Does marriage according to Christian rites, or by Christian rites, bring the spouses under the ordinary law with regard to the devolution or the administration of their property; or do they still remain under Native law?—I have never heard of a case where such a thing has happened, but I believe that in the event of a Kafir being married at, say, a Mission Station, and one or other of them dying, as regards the inheritance, I believe they would then resort to their own Native customs.

34,420. There is no definite law about that?—There is no definite law about that.

34,421. With regard to the possession of firearms; is it prohibited here, or can Natives become possessed of firearms?—There are many Natives who carry arms at the present time.

34,422. Can they hold them by any way except by permission of the Administrator?—Some districts have not been disarmed, and in those districts they carry firearms. In those districts where they have been disarmed they cannot carry them without a regular permit.

34,423. Have you any reason to believe there are large quantities of firearms in the possession of Natives?—There are numbers.

34,424. *Captain Dickson.*] As regards industry, how do the Natives here compare with the Natives at the Cape?—In what industry do you mean?

34,425. Say the agricultural industry?—The country is so rich, that for very little labour they get a very good return.

34,426. Do you consider them more industrious here?—No.

34,427. *Sir Thomas Scanlen.*] You were referring in the course of your examination to portions of the country occupied by the Natives; were you referring to Mashonaland or to the whole country?—To Mashonaland alone.

34,428. What number of such Locations would exist in Mashonaland?—I could not say the number of Reserves, but I can give you the area in square miles of Reserves in Mashonaland. The approximate area of Native Reserves set aside, but not actually surveyed, is 26,757 square miles.

34,429. Referring to that area, has that been set aside by any Notice or law, or is it simply the land which was occupied by the Natives when we came into the country?—A great number of the Natives are living on private farms at the present time, and those farms have been surveyed. The remainder of the population were living on ground, and that ground has been more or less set aside for Natives as Native Reserves.

34,430. Have there been any administrative Acts or Notices or laws creating these Reserves?—No.

34,431. None?—None.

34,432. In those portions of the country that we may term Native Reserves or Locations, would it be competent for a man who held a right to select land or for the owner of a mining licence to go in there and locate within such limits either a farm or a mine?—There is nothing, I believe, to prevent mining being carried on in Native Reserves, but a man cannot go and take a farm on that particular land set aside for Natives.

34,433. Is there a notice to that effect?—I believe so, but it is not in effect at the present moment; the Reserves were only set aside recently.

34,434. Would you favour legislation of a character that should set aside certain defined areas of ground after survey as Native Reserves, to be occupied entirely by Natives, and no change to be made, except change by law, to which the High Commissioner or the Secretary of State would have to give his assent?—Certainly.

34,435. Would there be any difficulty in finding out which pieces of land should be set aside?—Pieces of ground have already been set aside in this way; the Native Commissioners were asked to select suitable ground for Native requirements in their various districts.

34,436. But I gather from what you said before that it has not gone further than the selection by the Native Commissioners; there is no law?—There is no Proclamation at the present time defining those areas, because they have not really been surveyed.

34,437. Would you favour legislation of that character?—Certainly.

34,438. You have not yet had any demand on the part of the ordinary Natives of the country to become landed proprietors?—Not one.

34,439. Do you favour the view that it is desirable to encourage the Natives to become landed proprietors?—Certainly not for the present.

34,440. You are no doubt aware of the condition of things that exists in the Kat River Settlement, not far from Fort Beaufort, in the Cape Colony?—No, I cannot say that I know anything about that.

34,441. It did not come under your notice that land grants made in that Settlement as far back as 1828 and 1830 are still standing in the names of the original grantees although they have been dead many years, and the sites all round are now occupied practically by a number of squatters?—No.

34,442. You have no information?—No.

34,443. *Mr. Sloley.*] You say that the area of these Locations is approximately 26,757 square miles?—Yes.

34,444. You are speaking only of Mashonaland?—Yes.

34,445. And those Locations accommodate a population of 391,000?—No; there are a number of Natives also on private farms, that is actually surveyed farms. I can give you the list of those:

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Natives living on private farms or Locations, 64,000; living on Reserves or vacant land, 310,830.

34,446. That is with reference to Mashonaland, of course?—Yes, with a floating population of 7,000 in towns and mining centres.

34,447. *Mr. Thompson.*] That vacant land you give as how much?—In giving vacant land I refer to B.S.A. Company property, not to Reserves set aside or to private farms.

34,448. The area over which those Natives are living?—Yes.

34,449. *Mr. Sloley.*] They are at the rate of about 12 to the square mile?—Yes.

34,450. In what we may call Locations?—In Locations and on vacant ground.

34,451. Then they must have considerably more than 45 acres per square mile?—Yes.

34,452. They really have about 55 acres per square mile?—About 56, I think I made it out. The density on Reserves strictly is $11\frac{2}{3}$, actually $5\frac{1}{5}$. That is the B.S.A. Company's ground, not counting Native Reserves or Private Locations.

34,453. I do not quite follow; you say the density is $11\frac{2}{3}$?—Taking the actual area of the Native Reserves, the density would come to $11\frac{2}{3}$.

34,454. But taking the whole of Mashonaland?—It would come to $5\frac{1}{5}$.

34,455. Then would it be correct to say, roughly, that a little less than half the country is reserve for Natives?—Yes.

34,456. This is quite disregarding Matabeleland?—I am not referring to Matabeleland at all.

34,457. Do you think that 12 to the square mile would bear considerable expansion of population?—Yes.

34,458. With regard to the protection of Native interests in the Council, the Imperial Resident Commissioner sits in the Council?—Yes.

34,459. And has a voice, but not a vote?—Yes.

34,460. Is that a safeguard for Native interests?—Undoubtedly it is.

34,461. Do you think in the absence of such an official as the Imperial Resident Commissioner the Native interests would be secured?—I think so, certainly.

34,462. How would they be secured?—I think that the Government follow the interests of the Natives as much as possible.

34,463. Supposing Native interests and European interests clash?—That is a difficult question to answer.

34,464. With reference to the amount of tax, what is the amount of the tax in Mashonaland?—The total amount collected last year was £72,337 12s. 7d.

34,465. That is at the rate of £1 per hut?—10s.; the new Ordinance is coming into force this year; those are the figures for last year.

34,466. Do you think that it will be approximately double?—No, about another £50,000.

34,467. That is Native taxation to the amount of approximately ——?—£120,000.

34,468. That seems a great deal for a population of 310,000; does your Native taxation cover Matabeleland?—No, this is Mashonaland alone.

34,469. You see the discrepancy; taking every adult male, a

third of your population would be adult males?—The extra wives have to pay 10s. A man with his first wife pays £1; if he has five more wives he has to pay another £2 10s. Boys of 14 years and upwards have to pay the £1 hut tax.

34,470. *Mr. Thompson.*] That is 40 per cent. for polygamists?—Yes.

34,471. *Mr. Sloley.*] What do you think is the expense of Native administration? Is it not covered by this £120,000?—It depends whether you are taking the administration solely, or whether you include the upkeep of the police force, and things like that.

34,472. Would you charge the cost of the police to Native administration?—I think it should certainly bear it; a certain amount, at all events.

34,473. You say that the Christian or educated Natives are not so easy to deal with as what is called the raw Native?—Yes.

34,474. Do you mean that they are not so law-abiding?—They are not so get-at-able as the ordinary Native in his Location. Once a Native leaves his Location and goes to a mission school, as far as my experience goes, he at once looks to the particular mission people as his immediate guardians, and he will not look to the Native Commissioners at all, and will not recognise the Native Commissioners.

34,475. When going to the mission, do they go away from their Chief and the Native Commissioner, and place themselves under the mission?—Yes, they at once become mission boys and nothing else.

34,476. They are more independent?—They are more independent.

34,477. And more inclined to assert their rights?—Yes.

34,478. Would you say or would you not say that they are less law-abiding than the raw Native?—As far as my experience goes, I say they are less law-abiding.

34,479. Do you think they figure largely in proportion to their numbers in the criminal returns?—No, I cannot say that.

34,480. Do you think the educated or Christian Natives are more inclined to work?—No, I do not think they are.

34,481. They are less inclined to work?—They are less inclined to work.

34,482. *Mr. De la Harpe.*] Have you any difficulty in collecting the hut tax or poll tax from the Natives?—None whatever.

34,483. They have all paid up?—They have all paid up.

34,484. Do those Natives living on private farms, as you say, pay anything to the owners?—In some cases they do, the owners charge a rent; and in other cases they contribute so much in labour for having the privilege of living on the farm.

34,485. There are no restrictions as to how many can live on a private farm?—According to the Ordinance any number of families above seven may live on a farm; there is nothing to prevent forty families living on a farm if they wish to do so.

34,486. Is there any difference between the occupied and unoccupied private farms in the way of restriction?—There is no restriction at all.

34,487. Can Natives remove from one kraal or from one ward to another from time to time?—No, not without the consent of the Administrator in Council.

34,488. You remarked that if a Native dies at the kraal of a Chief not his own Chief, the Chief of that kraal demands from the deceased Native's own Chief payment; have they a fixed amount for that, or do they charge as much as they like?—They generally ask as much as possible.

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34,489. *Sir Thomas Scanlen.*] You referred to the franchise; you know of no law that would exclude a man from becoming a registered voter on account of the colour of his skin?—No.

34,490. If he has the qualification that a white man has he can become a voter?—Certainly.

34,491. Would you favour a change in this way, that a coloured man should not have the right to vote for the ordinary white representative, but that there should be a larger number of representatives for the coloured voters alone?—I would certainly be in favour of that: he should vote for those representing the Natives themselves.

34,492. He should not have the liberty of voting for European candidates?—No.

34,493. You would favour that?—Yes, I would favour that.

34,494. Do you think that that would safeguard the interests of the Natives, and at the same time obviate touting amongst the Natives by white men, which has, I take it, a demoralising effect?—Yes, certainly.

34,495. *Captain Dickson.*] Have the Native Commissioners the same control of the Natives on private farms as they have on Government Locations and Reserves?—In what way?

34,496. As regards their general management?—Certainly.

34,497. Exactly the same?—Yes, excepting, of course, in the case of the owner of a farm requiring a certain amount of labour from a particular kraal on his farm, then the Native Commissioner could not go to that kraal and endeavour to get the boys for work elsewhere without first getting the permission of the owner.

34,498. Do you call out labour for the Government?—No, certainly not.

34,499. *Mr. Thompson.*] Is it not a fact that there are hundreds of Natives living on private farms, and that it has been the policy of the past not to charge them a tax at all, and that they do not pay the hut tax?—The Natives on private farms pay the tax.

34,500. You suggested that it would be a good thing to mark out these Reserves and fix them?—Yes.

34,501. Of course they would be conditionally fixed in a country surrounded with gold; would you so arrange that these men might be moved out at any minute, or would you give them tribal title?—No, the ground would be held by the Government as a Reserve.

34,502. Subject to removing the Natives if any necessity arose?—Yes.

34,503. You say that a Colonial Native coming from King William's Town, for instance, would have to submit himself to Native law even if he acquired a farm up here?—Not the Native law of this country, but the Native law of his own country. Supposing a Native came from King William's Town, the customs of his own country as regards inheritance would be followed as nearly as possible; we would not follow the Mashonaland custom.

34,504. Colonial Natives would bring with them the laws from their own country?—Certainly, and we would uphold them as much as possible.

34,505. Do you approve of the system of polygamists owning land in the country?—I have no objection to it.

34,506. You see no objection to it?—No.

34,507. *Mr. Samuelson.*] Is another name for what you call Mashonaland, Southern Rhodesia; is this Southern Rhodesia that we are in?—This is Southern Rhodesia.

34,508. That is another name for Mashonaland?—Not of Mashonaland only; Matabeleland is recognised as Southern Rhodesia also.

[*Sir Thomas Scanlen*: There are two Provinces, the Province of Mashonaland and the Province of Matabeleland, and they together constitute Southern Rhodesia.]

34,509. *Mr. Samuelson.*] What is the meaning of this section, with reference to your reply just now about compulsory labour? Section 30 of Proclamation No. 4 of 1902 reads as follows:—"A Chief shall be responsible in his tribal district for (8) the prompt supply of men called for under the terms of section 6 of part 2 of this Proclamation as and when ordered to supply the same by the Administrator in Council with the approval of the High Commissioner, through the Native Commissioner." Is that not legislation or authorisation of compulsory labour?—I am afraid I do not know that Ordinance at all; I do not think it is correct if it is supposed to apply to this country.

34,510. It says under Section 42: "This Proclamation shall apply to Southern Rhodesia, and shall take effect from the date of its publication in the *Gazette*"; and the date on which it was published in the *Gazette* was the 11th of July, 1902?—No Ordinance has ever been published in this country enforcing labour.

34,511. It has never been acted on?—If that Ordinance was published in this country it has never been acted on.

34,512. Do the Natives contribute in any other way than in direct taxation to the revenue of the Colony?—Indirectly they do.

34,513. In what manner?—In the purchase of blankets, beads, hoes, cotton goods, and such like articles.

34,514. Are they very large consumers of dutiable goods?—I believe the Customs returns for last year amounted to £15,000.

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34,515. *Chairman.*] Are you a Native Commissioner in this Province?—Yes.

34,516. How long have you been here?—I have been in Rhodesia since 1891.

34,517. How long have you held your position as Native Commissioner?—For nine and a half years.

34,518. Have you got a large district?—No, not very large.

34,519. Are there any big Chiefs in your district?—Yes.

34,520. Have most of them got large powers?—No, they have not got great power.

34,521. Who is the power vested in?—In the Paramount Chief.

34,522. Is there a Paramount Chief outside the Chiefs in your district?—No, there is the one Paramount Chief of every tribe.

34,523. Do they carry on the tribal system?—Yes.

34,524. Do you see anything in that tribal system that is undesirable?—No, nothing in the system adopted by them at present, excepting with regard to some of their customs; in the system of government I see nothing undesirable.

34,525. Do you work through them?—Yes.

34,526. Do you work satisfactorily?—Yes.

34,527. Do you collect taxes through them?—Yes.

34,528. Do you send for criminals through them?—Not always: the Paramount Chiefs will not always give up criminals.

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34,529. Do you send through them in the first instance?—Yes.

34,530. As a rule do they surrender their criminals when they are asked?—Yes.

34,531. Generally speaking, do they conform to the orders you give them?—Yes, they do.

34,532. And do the people obey them?—No, the people do not always obey.

34,533. Was that always the case, or is it something new?—It has always been the case since we came to the country.

34,534. You found them like that?—Yes.

34,535. Are they industrious?—Yes, they are to a certain extent.

34,536. Do you consider that a fair share of them go out to work every year?—No.

34,537. What induces them not to do so?—They can live quite easily at home.

34,538. Do you mean to say they have too much ground?—They certainly have got far more ground than they require as far as my own district is concerned.

34,539. That is to say, in seasons when the crops are good, it enables them to live without working?—Yes.

34,540. Do you think that that is a desirable state of things?—No, I do not.

34,541. What would you like to see in its place?—That the Native should not be able to absolutely live off the land altogether.

34,542. Do you think he ought to be obliged to supplement it with something else?—Yes.

34,543. Have you any idea what amount of land would bring about that state of things?—To each unit of the population?

34,544. Not to each unit, to each head of a family?—Under the present agricultural conditions, under the present way they work the land, it would take from 12 to 14 acres. That is taking the usual Mashona family.

34,545. What does that consist of?—About two wives and four or five children.

34,546. Altogether four or five?—Yes.

34,547. Where there are two wives, is that the general number of children?—Yes, four children to one wife is quite an exception; two or three is the usual number.

34,548. What is the rate of children in those cases where they have only one wife?—About two to three children.

34,549. You mean to say that with only one wife the number of children is less than where there is more than one?—Yes.

34,550. So that polygamy increases the population, you think?—Yes.

34,551. Do you feel certain of that?—Yes, owing to Native custom.

34,552. When they marry do they register their marriages with you?—Yes.

34,553. In every case?—Yes, they have been doing it since the Ordinance came into force.

34,554. Is it obligatory or optional?—It is compulsory.

34,555. You mean to say that in your district you know the full number of wives to every man, and all about them?—Yes, I know exactly how many wives a man has got.

34,556. Do you know the dowry paid in each case?—Yes; all marriages are registered since the Ordinance came in only.

34,557. Not before?—Not before, no.

34,558. And do you register more than one marriage; supposing a man marries a second wife, do you register his cattle and everything, too?—Certainly.

34,559. Do the Natives in your district all pay up their taxes in full?—Yes, they always have done.

34,560. Are you quite certain that all your men have paid?—They always have done up to the present.

34,561. Have you marked them down so exactly that you are aware that each man who is liable to pay has done so?—Yes; every Native's name is in the Register and his payment is opposite it.

34,562. How many Natives are there in your district?—About 15,000.

34,563. Men, women and children?—Men, women and children.

34,564. And have you a clerk?—Yes.

34,565. One clerk?—Yes.

34,566. And you have found out the exact numbers, men, women and children?—Yes.

34,567. Do they vary very much; people going and coming?—In the movements from one district to another?

84,568. Yes?—No, there are very few movements in a year.

34,569. Do you allow them to move without your permission?—No, certainly not.

34,570. Do they ask leave very much?—No, in twelve months there will be very few movements.

34,571. *Mr. Samuelson.*] Do you administer only Native law between Native and Native?—I do.

34,572. You could not try a case between a European and a Native?—No.

34,573. Have you ever claims for rent between Native and Native?—No.

34,574. Is such a claim possible in your district?—No.

34,575. If you were to have a claim on the part of one Native from another, for rent due for a period of, say, eight years, under what law would you deal with it?—I do not quite follow. Of course, it is quite impossible for one Native to claim from another. Rent for land you mean?

34,576. Yes.—There is no Native who holds any land from any other Native.

34,577. I understand there are Natives who are owners of land in Mashonaland?—None in my district.

34,578. Say you were put in a district in Mashonaland where a Native was an owner of land, and he claimed rent from a tenant on that land, due for eight years?—I could not decide it; it would have to go to the Resident Magistrate; I could do nothing in the matter.

34,579. Then any claim which arises between Native and Native under the principles of ordinary law could not be heard by a Native Commissioner?—No.

34,580. Are marriages between Native and Native under Native custom registered in your office?—Yes.

34,581. Is it compulsory that they should be registered?—Yes.

34,582. Both polygamists and monogamists, all marriages?—Yes.

34,583. Are marriages by Christian rites also registered in your district?—I have had none; it is not compulsory.

34,584. It is not compulsory?—No.

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34,585. Do you know whether marriage by Christian rites removes the parties to that marriage out of Native law, so far as succession to their property is concerned?—It has not done so here yet in this country.

34,586. Is it possible that it might be so; could that happen?—Yes, it could.

34,587. Have you any lawyers practising in your Court?—No.

34,588. May they practise in cases between Native and Native under Native law?—There is nothing to prevent them that I know of.

34,589. Is that a desirable state of things? Do you think it would be well for lawyers to appear in cases between Native and Native?—No, not at present; I do not think so.

34,590. Have you many appeals from the judgments of Native Chiefs?—No, very few.

34,591. Do you find that they are usually fair and just in their dealings with their subjects?—Yes, since we came to the country. There have been appeals on cases which were decided before ever we came here. We have had lots of appeals against Chiefs' judgments in cases that they decided before we came to the country.

34,592. They have no jurisdiction in cases of crime of any sort?—No.

34,593. Do you find that the Chiefs are useful to you?—Yes.

34,594. In the suppression of crime and in other ways?—Yes.

34,595. In maintaining order over their people?—Yes.

34,596. Are the Chiefs in your district very much respected, or are they held in contempt by their subjects?—They are not held in contempt. They are not respected as they might be, but they are not held in contempt.

34,597. If the Chiefs were removed from their positions and the Natives were put under the Magistrates, would you alienate the affection of the members of their tribe or their clan from them; would they not still remain as a menace and as a danger to the country, notwithstanding the fact that they had been removed from power?—No, I do not think so. They do not hold enough power at present for there to be any danger of such a thing happening.

34,598. Could you entirely remove their influence over their tribes, if you removed them from the Chieftainship, and allowed them to remain among their people?—Yes, it could be done amongst these people.

34,599. This Chieftainship is only a nominal thing amongst the people?—Amongst these people here, yes.

34,600. Do you approve of the system of special laws for the Native population?—Yes.

34,601. When, if ever, do you think that the Native laws should be entirely removed and that the system of government of the Natives should be assimilated to the government of the rest of the population?—I do not think it is at all possible for the next fifty years with these people.

34,602. Do you not think that it would be kinder to the Native if he was kept under his own special laws, and that it would prevent in a more marked and distinct way any possibility of conflict between them and the Europeans?—I think if special laws are used for them that that would be the best.

34,603. You would not like to see all the male Natives in your

district now who have the qualification to become voters, placed on the voters' list as electors?—No, not at present.

34,604. Have you any Natives in your district who have been placed on the Jury List?—No.

34,605. Could you refuse an application by a Native to be placed on the Jury List?—I do not know whether I could do it, but I would certainly object; I do not know whether I could refuse them or not.

34,606. Who frames the Jury List here?—I do not really know.

34,607. *Mr. Campbell.*] Had you any experience amongst the Natives before you were appointed to your present position?—Yes, trading amongst them.

34,608. Do not you think it would help the Native Commissioners if the Native laws and customs were codified, so that you would be all able to give the same judgments?—Very much.

34,609. It would help you a great deal?—Yes.

34,610. At the same time different Commissioners give different judgments?—They are liable to do so, because in different districts the law is slightly different.

34,611. Have you ever seen the Natal law?—No.

34,612. But you believe it would help you?—Yes.

34,613. *Captain Dickson.*] Do you think it would be possible to codify the Native law?—I do.

34,614. Have not the different tribes different customs?—Slightly different customs, but they could be codified easily enough.

34,615. Have you experience of any other Colony in South Africa besides this one?—None.

34,616. *Mr. Sloley.*] Would you tell me, please, what is the area of your district?—No, I am afraid I could not.

34,617. Could you tell me the amount of taxes collected?—Yes, last year, under the old system of taxation, £2,887 was collected.

34,618. What do you think will be collected under the new tax?—About £4,850 to £5,000.

34,619. How many recognised Chiefs are there in your district?—Four Paramount Chiefs.

34,620. Over 15,000 people?—Yes.

34,621. Do these Chiefs receive any allowances?—No.

34,622. *Mr. De la Harpe.*] Are there many Natives in possession of firearms in your district?—There are still a few up towards the Portuguese border.

34,623. Do you think they are anxious to procure firearms?—Yes, for the purpose of game shooting and that sort of thing they are.

34,624. When they apply is the application granted?—No.

Salisbury, Wednesday, 31st August, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.	Sir Thomas Scanlen.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.

Mr. Harry James Deary, examined.

H. J. Deary, (Merchant).

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34,625. *Chairman.*] You represent the Rhodesian Chamber of Commerce?—The Salisbury Chamber of Commerce.

34,626. You are probably aware of the subects of reference to

34,626. You are probably aware of the subjects of reference to

34,627. Are there any points upon which you would like to express your opinions to the Commission?—Of course, there are several points that I would not express an opinion upon, but there are some upon which I should like to do so, with regard, especially, to Native labour, taxation, and the liquor traffic.

34,628. Have you been a long time in this country?—I came here originally twelve years ago. I have been backwards and forwards to England since that time.

34,629. What views have you about labour?—I think more labour could be obtained from the Natives in this country under different conditions.

34,630. Do you mean labour for the needs of Rhodesia?—Particularly for the needs of Rhodesia.

34,631. Is that labour short now?—The labour is short.

34,632. Do you mean to say some industries are suffering from the want of it?—That is rather a matter which a mining man could reply to better than I could. From my own knowledge it is a fact that the Native labour for the mines is very restricted. It is also to my knowledge that there is a large number of Natives in this country who never work.

34,633. The first thing I would like to ask you is whether there is a lack of labour in the Colony itself?—There is, of a certain class—mining labour.

34,634. What do you ascribe that to?—There are certain of the Natives who will not work underground. The majority of Mashonas will not work underground, and therefore the labour of that sort is wanting. Where you may have a superabundance of labour for surface work, you may not have a sufficient quantity for underground work.

34,635. Why will they not go underground?—I should think they have not been used to it. Some of them have fears of underground working.

34,636. Have you a solution to offer for that? Have you any recommendations to make?—I think the restrictions placed upon the Native Commissioners in this country by the Home Authorities have a lot to do with it.

34,637. What is the nature of these restrictions?—At one time the Native Commissioners were allowed to obtain labour for the mines; now they are not.

34,638. Do you mean as recruiters?—Yes; as recruiters.

34,639. Do you think they ought to be recruiters?—I certainly think so. I think the Native looks to the Native Commissioner as being the representative of the Government, and he would accept what the Native Commissioner said in that respect, rather than a man from a labour bureau. It is apt to confuse his mind, I think.

34,640. Do you mean that some pressure should be brought to bear by the Native Commissioners?—I do not think there is any occasion to have pressure brought upon him. I think a little persuasion would have the effect of bringing more labourers forward.

34,641. Do the Natives want to labour; have they any necessity to labour?—I should think that they should have necessity. If they are to remain in this country they should be taught the dignity of labour.

34,642. Is not that the root of the matter, that their requirements are such as not to make it necessary for them to labour?—Of course, this being a comparatively new country, as far as Natives are concerned, they have lots to learn, and lots of education has to be instilled into them; but I think if they found the necessity for labour you would have more of it. As we advance in civilisation, so the Native finds his wants all the greater.

34,643. How would you create that necessity?—It is gradually being created.

34,644. How would you hurry it?—I do not say I would hurry it. I think it would come in the ordinary course. Even to-day the Native as a purchaser is a far greater factor than he was when we first came into the country. The days of barter are largely removed. The Native is now a consumer, and he is a man who largely purchases European articles of food and clothing.

34,645. What could the Government do to increase their necessity to labour?—Of course, if the thing could be arranged by taxation,—if the Native is sufficiently taxed he will work for that tax, and in spite of himself he will be better off in the end.

34,646. In order to make them work, you think that a tax should be imposed upon them?—I think that the tax at present is inadequate; that a higher rate of taxation would have the result of improving our labour supply.

34,647. What do they now pay?—£1.

34,648. What do you think it should be?—I think they could easily pay £2 without it hurting them at all.

34,649. Do you think that would have the effect of making them work?—I think so.

34,650. What is the rate of wage given here in the mines?—It varies, but I think you can safely say that on the average, take it right through, it would be about a £1 a month with their food.

34,651. So that a man would have to work for one month in order to earn that tax?—For one month only; he would have to work for two months for the extra tax.

34,652. Could he supply that money to pay the tax without working?—There are various Natives in this country. There is the Native of Victoria, who is a large cattle owner, and he has been accustomed to pay his tax by the annual increase of his cattle; but, now that we have this trouble with the cattle disease, of course, he is unable to do so.

34,653. How much labour in this country is really wanting? Can you tell us the numbers?—I should reckon that we have 80,000

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adult Natives in this country, and I do not think it is by any means more than we want. We really want to have every Native in this country employed.

34,654. Do you mean to say that Rhodesia can employ all its adult Natives?—Not exactly, because, as I say, there are some Natives who will not do certain work. For instance, we have to get Natives from Inhambane, and those other places in Portuguese territory, who are better underground boys than the Mashona.

34,655. You spoke of the restrictions placed by the Imperial Government upon the Native Commissioners from assisting in the matter of recruiting. What restrictions are they? Can you quote them?—It is a matter of general knowledge; but the Native Commissioners have been accustomed to find labour for the mines, and they were instructed to cease doing so. Native labour bureaus have been established to take their place, but to my mind, not so successfully as the Native Commissioners were before.

34,656. Was it the custom to call up a certain amount of labour?—No, I should not say that was the custom; but the Native Commissioners induced these Natives to work.

34,657. Did they invite them, or tell them to come?—They invited them.

34,658. And since that time, have they deterred them in any way from coming?—I think the Native does not understand certain things. He does not understand there being several masters, as it were. He understands the Native Commissioner as being the representative of the Government, but when a Native Bureau man comes along, he does not understand that. In the same way, he does not understand a man who comes along from the owners of large tracts of country here; he does not understand his coming for taxes. That is also a thing he does not understand.

34,659. That is the private land-owner?—Yes; it is the multiplicity of masters that I think rather disturbs his mind.

34,660. Do I understand that you would advocate a Government Labour Bureau?—My experience is, that labour bureaux in this country have not been particularly successful. I think the Native Commissioners are well able to induce Natives to work.

34,661. Then you think the extra tax imposed upon them would effect the object of getting more labour?—I think it would largely effect the object. Of course, we have this fact before us, that the present tax, which is an increase on the old tax, has been readily paid.

34,662. Has that effected any change already?—No; but it simply shows that the Native is perfectly prepared to pay the tax. It is a gradual process, and of course, it would rest with the Government as to when they thought it an opportune time to impose it.

34,663. Do any of your Natives here go to foreign countries to work?—They go to the Transvaal.

34,664. In large numbers?—Well, I would not say in very large numbers, but they have been recruited from time to time for the Transvaal. We have had Native labour agents from the Transvaal recruiting from here.

34,665. And they have gone?—Yes.

34,666. How is it that they prefer to go a long way to the Transvaal, when they can get work close at home, in their own mines?—I think that matter rests, to a large extent, upon the ability of the Native labour agent to induce them. Distance is no object to them.

34,667. If, on the other hand, you made it equally attractive,

they would prefer to get work in their own Colony, would they not? —That is a question I would not like to answer, either one way or the other.

34,668. Is it not a question upon which a good deal turns? The character of the Native is such, that he prefers not to go far away if he can help it?—It is so generally—yes.

34,669. Yet numbers do go away?—Not large numbers. They do go. In the same way we are able to recruit Natives from the Portuguese districts as well as the Transvaal.

34,670. Your actual wants in Rhodesia for the mines are really small, are they not?—No, they are very large.

34,671. What is the number per diem employed in your mines? —I would not be able to answer that question, because I am not a mining man.

34,672. Your views are summed up in the recommendations that the Native Commissioners should be allowed to exercise influence to get the Natives to work, and that there should be a higher tax? —That is so.

34,673. Is that all you wish to say about labour?—I think that is all.

34,674. You spoke of another subject?—I spoke of taxation; we embraced that in the labour generally. Of course, there is the question of the franchise.

34,675. Have you got the franchise here for Natives?—No.

34,676. How does the question of the franchise affect you?—I do not think at the present time there is any occasion to think of the franchise in this country. The Natives are too young for that. They are not so advanced as they are in the Cape, in Kaffraria, for instance.

34,677. Upon the subject of franchise, generally, what are your views?—I would not like to speak outside this country, but I think at the present time the Natives should remain undisturbed as they are. They are perfectly happy in the way they are being treated, and there is no occasion to give them the franchise. They are not worthy of the franchise; they have not advanced sufficiently at present.

34,678. You mean this country is not ripe for the discussion of the franchise question?—I do not think so.

34,679. The next subject was ——?—Liquor traffic. I think the laws applied in this country are most excellent; they have been proved to be so.

34,680. You are speaking of spirituous liquors?—Yes.

34,681. Do these laws prohibit the sale?—They are very stringent indeed. They prohibit the sale to Natives in every possible way.

34,682. Are they effective?—Yes.

34,683. Do you think it is a wise law?—I do, certainly.

34,684. You would not like to see it disturbed?—No.

34,685. Is there any other subject?—I think that is all. Of course, land tenure does not apply, and I have no knowledge of marriage laws and customs. That is a matter which those acquainted with Natives would understand. As to education and religion, that is a subject I would not care to touch upon, although I think it is far better to teach the Natives to work first and the Gospel afterwards, as a general rule.

34,686. What do you call teaching them to work first? How would you illustrate it?—It applies more to industrial work. A

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rather difficult question comes in there. If the Native is trained to become a mechanic he comes in conflict with the white man. I am not prepared to speak upon that subject.

34,687. *Sir Thomas Scanlen.*] Do I understand that the difficulty as to labour applies principally to mining work?—That is so.

34,688. It does not apply to agricultural work?—No; I think agricultural work is fairly well supplied.

34,689. Principally in regard to mining?—Principally in regard to mining.

34,690. And in regard to mining, principally with regard to underground work?—That is so.

34,691. Would you recognise that our having so recently come into contact with these Natives may be a reason for this—that they have not been accustomed to work?—Yes, I think it is so; and I think that gradually they will become accustomed to underground working, when they get accustomed to the use of dynamite.

34,692. That would apply to the older men, but would you anticipate the same difficulty with regard to younger men now growing up, who understand, from contact with them, what it means?—Of course, these younger men have to be taught, and I take it, you would require those workers who are capable of teaching them to work with them.

34,693. You would not advocate anything in the way of compulsion?—Oh dear, no.

34,694. With regard to the influence exercised by Native Commissioners, would you view that in the light that they would regard it more or less as an order from the Government?—I would not take it in that way so much, but the Native Commissioner is a man who is known and understood as controlling them, and they would be more apt to accept the influence of the Native Commissioner than a Native bureau man.

34,695. That is, they would respect his wish on the ground that he represents the Government?—To a large extent—yes.

34,696. Would not that be open to objection across the water?—I do not see why it should, because the Native Commissioners are all very excellent men, and it is for the Government to see that these men carry out their work properly. In my experience in this country, Native Commissioners have never exercised their influence in an unfair manner.

34,697. I understand that the class which you represent here would favour the Native Commissioners exercising what influence they possess?—I think so, yes; for the good both of the country and the Native.

34,698. That is the view you have put forward?—That is the view of most of us.

34,699. In regard to taxation. As you are aware, there was a rise suddenly from 10s. in the past, since the Company exercised jurisdiction in this country, to 20s., commencing last month?—Yes.

34,700. Would you advocate a more sudden rise than that, before they become accustomed to it?—No, I would not. I should say eventually, the Native could pay £2 easily.

34,701. When you say eventually, how long would you be likely to postpone that?—That would be a matter which should rest entirely in the hands of the Government; they would be the best judges; guided by the advice of the Native Commissioners.

34,702. As you are aware, it was proposed to increase it to £2?—I know that.

34,703. You could not fix a date upon which you think the change could prudently be made?—I should say that within a couple of years it could be done.

34,704. Are you of the opinion that that could be done without disturbing the Native mind in the direction, perhaps, of giving trouble?—I do not anticipate any trouble. I think that the Native mind has been sufficiently educated up to the fact that he does not pay sufficient. I think he recognises that.

34,705. You would not look for anything in the way of disturbance as a consequence?—I can hardly answer that question, but I should not think so.

34,706. *Mr. Sloley.*] With regard to this Native labour bureau—Is it a local bureau?—It is local as far as the country is concerned, and also, there are bureaux acting in this country, branches of the Transvaal bureau.

34,707. It is not a Government office; it is a commercial undertaking that you are referring to?—Yes.

34,708. With reference to increased taxation: Would you propose, concurrently with the increase of tax, to do something more for the Native?—I would say certainly; if that tax means that the revenue is increased, I think the Native certainly should get more benefit from that. At present the Native does not pay his share of good government, and when that tax is paid, he should certainly get direct benefits from it, after the expense of good government has been dealt with.

34,709. Do you know what amount the Natives are contributing in taxation?—I could not tell you right off. I know it is less than what is expended on them.

34,710. With reference to the franchise, are you quite sure you are correct in saying there is no franchise? Can the Native, if qualified, not register as a voter in Mashonaland?—The franchise in this country is £50 a year, but the Native has no vote of any kind.

34,711. What is to prevent him registering?—That is a legal subject which I would not be able to answer, I am afraid; but I should not think it would be desirable for the Native to have a vote.

34,712. As a matter of fact, as the law stands at present, can a Native qualify if he possesses the £50 a year and the necessary educational qualification?—I suppose he could, but I think the present franchise is absurdly low. That is one of the things, I take it, that we would have to legislate for. The present franchise of £50 a year is quite inadequate to the country. No man could live in this country on £50 a year.

34,713. In that remark, you refer both to black and white?—I am very strongly opposed to the black having a vote of any sort in this country. It is a long way too soon to think of it.

34,714. *Sir Thomas Scanlen.*] In respect to that, you are opposed, I take it, to the black man having a vote for white representatives?—Or a vote of any kind at present.

34,715. Would you object to the black voter returning a limited number of members to the Legislature of the country to represent the Native interests?—I would certainly object.

34,716. You think they should have no say in the Legislature?—Not at present.

34,717. Of course, we are not disposed to hurry the matter, but I am speaking on broad lines?—I should say no. I think we are far better without the Native vote in every way.

34,718. Exclude it altogether?—Absolutely, yes.

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34,719. *Mr. De la Harpe.*] You say that there is a large number of Natives who never go out to work; are they young and able-bodied men?—Many of them are.

34,720. Are they living near the towns or far away?—They live throughout the country.

34,721. Do the women ever go out to seek employment?—The women in this country do not work in the ordinary way that they work in the Cape Colony. The women are really the home workers, the tillers of the soil, who work under the authority of the lord of the hut.

34,722. Do those who go out to work remain away for a long or for a short period?—They work for varying periods, but they do not usually take on too long contracts. They work for varying periods from one to six months.

34,723. Not longer?—There may be individual cases of longer services, but I do not think that that is usual.

34,724. *Captain Dickson.*] If you would not give the Natives any representation at all, how do you propose their voice should be heard?—Their voices can be heard through the Government of the country.

34,725. How?—At present they do not want to have their voice heard, I take it. It is a difficult question, because one has to distinguish between the Natives of this country—the Native who has only lately been brought under our control—and the Natives of a Colony like the Cape Colony, where they have been working peacefully for years, and where you have, as in the case of the Fingoes, men who have got property together as farms, and are respectable citizens. The two classes are not to be considered together. Excepting that they are both black, they are not the same class of people. These people here are too new to civilisation to have control.

34,726. Do you not think they should have someone to voice their views?—They have their Native Commissioners to whom they can apply, and what grievances they have, I take it, would be enquired into by the Commissioners.

34,727. *Mr. Samuelson.*] Do you think it would be in the interests of that respect which the Native should have for the officers of the Government, and for the Government generally, to place Native Commissioners in the position of applicants, or supplicants for Native labour when they would be unable to coerce, or to compel such Natives to turn out?—Of course, coercion would be very undesirable, but I think if the Native Commissioners put the facts to the Natives, and pointed out the advantages of labour, and what it meant to them, when they have the opportunities of doing so, it would have the effect of increasing our labour supply.

34,728. You see how different that position would be in the case of Government officers of this Colony to that that was assumed towards their people by the Native Chiefs and Headmen themselves. Here you wish the Native Commissioner to go to the Native, and practically ask him to do a certain thing, which he may either comply with or neglect to comply with. Do you think that that would be good for the influence of the Government and the respect that should be shown to them?—I speak of the experience of Native Commissioners in regard to Native labour before this restriction was placed on them, and then we found that it worked fairly well. We found that labour was far more available then that it is to-day under the new conditions.

34,729. But do you think that it would increase or diminish the respect of the Natives towards the Government officers if they found that they were asked to do certain things by those Government officers which they could either neglect to do or do if they pleased?—I do not think that it would affect the respect shown to the Native Commissioners at all. I think it is because of the respect that they have for their Native Commissioner that they would be more inclined to comply with the request.

34,730. On the other hand, do you not think that the use of the Native Commissioners in work of that sort would, in some way or other, be taken by the Native as almost a command proceeding from the Government, and remove the voluntary aspect from the action?—I do not think so; on the contrary, I think that it is the Native Commissioner who could explain to the Native far better than anybody else could what the proposal really was, and why the necessity for labour existed. I do not think that it would affect the respect the Native would pay to his Native Commissioner.

34,731. Do you not think it would be better for the Native Commissioner to act, as it were, as an informant to the Native as to where the best wages could be obtained, and where labour could be got?—That is exactly what has been done in the past.

34,732. And to put the Natives into touch with the employers of labour?—That is what they did in the past. There was no coercion as far as the Native Commissioners were concerned; on the contrary, they tried to explain, and succeeded in explaining that work was available, and what rates of wages were given; and the result was that they got labourers.

34,733. They really acted as an intermediary between the employer and the Native?—Exactly so.

34,734. They did not use their influence in any way as a kind of pressure to turn out labourers?—No.

34,735. You are not in favour of compulsory labour at all?—No; it would never do in a British Colony.

34,736. You spoke about the tax being inadequate: did you wish what you said to be taken to apply generally to the Colony, both to private lands and to Native reservations, or only to the latter?—I take it to be a universal tax throughout the country.

34,737. And, in respect of Native Commissioners being used as intermediaries for obtaining labour between the employer and the Native, would you wish them to be made use of in respect of Natives on private lands, or only Natives on Government lands?—That is a very difficult question to answer, because, unfortunately, there are so many Natives on private lands. There is another subject that attention might be paid to, that is, Natives on private lands owned by large companies, who should not have the power to treat those Natives as squatters on that ground. I think that a lot of those companies who own that land are in a false position. That is the difficulty which the Native is in; he does not recognise the fact that the large company is the owner of the ground, and that therefore the company can claim certain taxation from the Natives, which, to my mind, is a great pity.

34,738. *Chairman.*] You mean rent, not taxation?—Rent.

34,739. *Mr. Samuelson.*] Do you not think that if the Native Commissioners were to approach the Natives on private lands, or on lands owned by companies, as you say, in the manner you have suggested, that the owners of those lands would have good reason to complain, and to object to such action?—That question is one that has to be very

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carefully considered, because, in my opinion, the mere fact of the companies owning those large tracts of land with Natives squatting upon them rather disturbs the Native mind. The Native does not understand why he should pay rent to the company and taxation to the Government. I think that that is a matter for legislation in this country, and that it should come up very shortly. I consider that the large owners of ground should not have the power to enforce rents from the Natives.

34,740. You can see the difficulty in whch the Commissioners would be placed if they were made use of in that way, unless they were definitely directed on what land they were to make use of their influence in getting men?—Of course, Native Commissioners are not stationed on those private lands.

34,741. They are on Native reserves?—They are on Native reserves.

34,742. Would you limit their services as intermediaries between the employer and the Native to Native reserves?—Until this question of land occupancy is settled, I would limit it to that.

34,743. Do you approve of Natives owning land in their own right becoming purchasers and owning land?—No, I do not.

34,744. There is, of course, as you know, a very large numerical preponderance between the black population and the white in this country?—Yes.

34,745. Do you not think that it is the first duty of the white population to see that the supremacy of the white race is always maintained?—Certainly.

34,746. And that the white race should at no time be out-voted by representatives of the black race?—Certainly; I am opposed to the black man having a vote at all.

34,747. At no time whatever?—I do not say that; I am speaking of the present generation.

34,748. You appear to be favourable, though, to the Native having the franchise at some time; at what particular time of their history do you think they should have it, or under what circumstances?—I think it is too soon to discuss that subject at present, because at the moment the country is not fitted for it.

34,749. I understand that you have already Native voters on your voters' list in Southern Rhodesia?—I am not aware of it, and I do not think so.

34,750. There is nothing, at any rate, to prevent a Native, who has the qualification, to apply to be registered as a voter?—No.

34,751. Do you think that it is the best thing that we can do towards the Native, and the greatest kindness we can wish him, to keep him in his place and to save him from advancing on lines which will bring him into conflict with the governing or white race?—Quite true, that would be to put him into a position which he is not prepared to accept or to carry out to-day. I quite agree with that.

34,752. It would be the best in his interests, and the best thing for his protection, and will save him from coming into direct conflict and friction with the white race?—Quite so.

34,753. *Mr. Thompson.*] Is it not a fact that this country, having taken over the Colonial laws and accepted the principle that Native locations should not be established on private farms, the policy of Rhodesia was adopted in order to bring the Natives out of the mountains and to allow them to filter on to private farms. Although,

as a policy, the Government of Rhodesia do not like it, still, as the less of two evils, they allow them to filter on to private farms so as to bring out the Natives?—I cannot answer that question directly, but I do know that in the recent rebellion here, the policy of the Government—and it was a very excellent one, too—was to bring the Natives out from the kopjes on to the plains.

34,754. It has been rather the wish of the Government to get them out of those strongholds, although they do not approve of the system of farming Natives on private farms?—Yes; of course, the trouble with the Native is the rent trouble; that is the trouble with the Native on private farms; and to my mind it is an unjust tax on the Native.

34,755. You know that the Government itself is averse to the farming of large numbers of Natives on private farms, and that they have only tolerated it in order to bring the hostile Natives out?—That is so.

34,756. And that they do not even collect the tax from the Natives on those private farms?—No, the Government do not collect the tax at all. [See statement following question 34,884.]

34,757. *Chairman.*] They do not collect the tax on private farms?—I do not think so. It is a question as between a private farm and a private farm. There is the large estate, which is really a private farm, and there is the small farmer. That is where the confusion may possibly arise.

34,758. You wish to draw the line between the squatter and the labourer?—Yes, between the man who has labourers and the squatters on large estates; the latter pay tax to the Government.

34,759. And not the labourer?—That is so; I do not think that labourers on the farm pay the tax; but I would not give evidence on that point.

34,760. *Mr. Stanford.*] In respect of the hut tax, is it not on the basis of £1 for a man with one wife?—I take it to be a poll tax.

34,761. And the man with more than one wife pays an additional 10s. for each additional wife?—The new tax, I say, is a poll tax, not a hut tax.

34,762. So that, in effect, it may be that a good many are paying at the rate of £2 a year, that is to say, the wealthy man?—We want to get at the able-bodied man—the labourer; he has not all these wives; as a rule the younger man has not.

34,763. You want to tax the man who has no wives or hut?—We want to get hold of the young man who is a worker.

34,764. Then your object would not be revenue, but simply to compel that man to work?—It would be a double object: revenue, and inducement to work—not compulsion to work.

34,765. I understood you to say that the Natives in Rhodesia are already becoming consumers of imported and other European goods to a larger extent than they used to be formerly?—Yes; the consumption is gradually increasing every year; they are gradually becoming more alive to the advantages of European articles of clothing and food.

34,766. Do you take that as a sign of advance on the part of the Native towards civilisation?—Certainly.

34,767. And do you approve of that?—Certainly.

34,768. Do you approve in general of the Native being allowed to advance towards civilisation?—I not only approve of it, but I think that when the Native's wants are increased, he is forced to work in order to supply those wants. Therefore, if his wants are increased, our supply of labour is going to be increased also.

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34,769. But, away from the labour aspect, do you approve of the Native under our care being allowed to advance himself?—Certainly.

34,770. In every respect towards civilisation?—Certainly.

34,771. I put on one side at present the question of franchise; would you allow him education privileges?—I do not think that education should be hurried at present; that, I think, should be a very gradual process. It is too soon at present to educate the Native in the sense that they are educated in the Cape Colony. The Native is too raw at present here. It is a matter for some years' hence, but in the ordinary course it will come.

34,772. Do you recognise that as time goes on the desire for education on the part of the Native is going to grow?—I could not answer that question.

34,773. Has it not been so in the old Colonies?—Yes, and I take it that the Native mind is the same here as there, or with a slight variation.

34,774. And, supposing that you have a Native here who desires to give his children education, and is prepared to pay for that education, would you bar him from doing so?—I would at present.

34,775. You would absolutely refuse to let him educate his children?—It depends upon what you call education; by education do you mean the ordinary English education?

34,776. I leave it to the desire of the parent; he may be an ambitious Native who sees the advantage of civilisation, and says, "I wish to educate my children, and am willing to pay for it"?—I am rather doubtful of the advisability of education of any sort at the present moment.

34,777. Would you bar that individual by law from having his children educated?—That is questioning me rather severely; I do not go so far as that.

34,778. But, even were you to go so far, do you think you would succeed?—I think it would be a mistake in the present state of the country to think of educating the Native. He is not sufficiently advanced to understand what it means, and it might have a disastrous effect in this way, that it has happened that the educating of the Natives before their mind is sufficiently trained has had rather a bad than a good effect. They are apt to learn all the vices of the white man without acquiring the virtues, especially in their raw state.

34,779. Are you aware that in Natal and the Cape Colony, Native parents, finding according to their views that they could not get their children sufficiently educated, have sent them away to other countries for that purpose?—I am not aware of that, but I do not think that one can class the Natives of this country with the Natives of Natal and the Cape Colony. They are not the same class of persons at all. This is the raw Native who has very few ideas of civilisation, and we have to protect ourselves in this country in this way, that we have hordes of Natives round us, and we have to keep them under control. I do not think it would be a wise thing to have them educated while our numbers are so vastly disproportionate.

34,780. Supposing this desire should develop here as it has done in other territories, and probably will do here, how are you going to prevent this competition between the races to which reference has been made?—Which competition do you refer to?

34,781. The competition, or the conflict between the two races industrially?—Later on, when things have gone more ahead in this

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country, and the disproportion of population is less, I do not think there will be much objection; but while the disproportion is as it is to-day, it would be very unwise of us to do anything to raise the Native beyond his present status. We, as white people in this country, have to protect ourselves in the first instance.

34,782. You mean, protect yourselves in relation to political power?—And in everything else. We are a small community, with huge numbers of Natives around us, and I think it would be very unwise to raise these Natives at the present moment.

34,783. Do you think it is possible in any way by law to protect yourselves from industrial competition by people, being British subjects, and living in the country who desire to learn trades or acquaint themselves with other forms of labour?—I do not suppose it is.

34,784. You do not think it practicable?—I do not suppose it is practicable.

34,785. What is the present rate of wage for farm servants?—It varies according to the class of labourer. The rate paid for skilled labour would be less than that paid by the mines, and I put the mines at about £1 a month on an average. I would take the farm labourer at less, probably between 10s. and 15s. Of course, it is rather difficult to give that as an actual fact.

34,786. Would you tax the Native working for a farmer at the rate of, say, 15s. a month, £2 per annum?—That would be £9 a year. His 15s. per month means his food and everything else, so that he has his money perfectly clear.

34,787. He is earning, as you put it, £9 a year, and you would tax him to the extent of £2 out of his £9; is not that a high rate of taxation?—The white man's tax is pretty well as high in this country; I do not think it is too high.

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34,788. Do you think there is any white man who pays out of his income relatively to that extent? That is two against nine, is it not?—I would not be prepared to answer that question.

34,789. Am I right in taking it to be your meaning that Assistant Commissioners should constantly lay before the Natives in their districts the advantages of labour and the rate of wages at which they can be employed, and that you do not suggest that they should act simply as labour agents?—No, I have never thought of that for one moment.

34,790. *Mr. Samuelson.*] I suppose, when you speak of education, you wish your remarks to apply to State-aided education as distinct from private enterprise?—Of course; private education they can get easily if they like to pay for it; you could not stop private enterprise.

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34,791. *Chairman.*] You are representing the Salisbury Chamber of Mines, I believe?—Yes.

34,792. You are aware of the subjects of reference which are placed before this Commission?—Yes.

34,793. Are there any particular points that you would like to give your opinions upon?—Nos. 4, 5, 8, 9 and 10 I can give evidence upon.

34,794. We will take No. 10 first, "The status and condition of the Native: his earning power and resources." Do you hold any particular views about the status and condition of the Natives in this Colony?—I referred more, when I said No. 10 to the Native's

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earning power and resources, speaking from a mining point of view. I should not care to give much evidence as regards his status and condition.

34,795. The Native's earning power may be taken in connection with No. 8, "Taxation." Taking the subject of the franchise, have the Natives in this Colony got the franchise?—They have it.

34,796. As a matter of fact, have they exercised it in any way?—No.

34,797. Could they if they wished to?—By complying, I presume, with the very small qualifications that are required.

34,798. Are those qualifications within their reach?—I should think so. I daresay there are Natives who have voted, but whether they are actually Natives of this particular country of Rhodesia or not I am not sure. I should say that there are a certain number of Natives—a very few perhaps—who have voted at elections. There are a good many Natives now who can read and write to a certain extent, on account of the teaching they have received at the Mission schools.

34,799. Has any attempt been made to register them as voters?—I do not think so. Certainly not any organised attempt.

34,800. It would be possible if the attempt was made, you think, for them to become voters; it would be possible for them to qualify?—Certainly, those who are being educated.

34,801. Do you think that would be a wise thing?—Certainly not.

34,802. Have you any reasons for saying that?—Merely the general reason that I deny that the Native's intelligence is in any way equal to the white man's intelligence—at any rate in the Native's present state; and until he proves himself capable, he certainly should not be given the power that the franchise gives him.

34,803. That is the franchise alongside the white man?—Yes.

34,804. Would you deny him the right of some kind of representation?—No; I think that the proposals we have heard of lately are good—the proposals in the press of Cape Colony, I am talking about—that there should be certain representation of the Natives in the Upper House.

34,805. Representatives solely of the Natives, men elected not by the white people but by the Natives?—Elected by the Natives alone.

34,806. To such a course you would see no objection?—None.

34,807. Do you think they ought to be represented in the Legislature?—If their condition is sufficiently civilised. The different tribes of Natives in South Africa, as a whole, are vastly different both in intelligence and in education to the aboriginals of this country, many of whom have never seen a white man, I dare say. They must be regarded as being in a different plane of civilisation from the comparatively educated Native of the Cape Colony. Therefore, I think that he should be judged according to his intelligence and the general intelligence and civilisation of the tribe.

34,808. Whether he is an intelligent and educated man or a mere barbarian, do you not think he should be represented in the councils of the country in some form?—I do, but not by one of his own people.

34,809. When you say "one of his own people," you mean one of his own colour?—I do not say one of his own colour; I say one of his own people. His representative may be one of his own

colour. I should have no objection to an intelligent coloured Native representing tribes of Natives without much intelligence or civilisation.

34,810. Putting aside the question as to whether the representative of the Native should be a black or white person, do you think his needs should be represented in the councils of the country?—I do.

34,811. It is necessary to give him some form of representation in the Legislature, to let his case be represented?—Quite so.

34,812. You are quite opposed to his being allowed to exercise a vote alongside the intelligent white man?—Absolutely.

34,813. Are there any other views about the franchise that you hold that you would like to express?—No; I think the opinions which I have expressed are the opinions which are held by, I may say, every white man in this country—in Rhodesia. I would like to say that, because I think it is only fair and right.

34,814. Are the mining interests in this country very large?—They are the largest interests.

34,815. You therefore represent the largest white interest in the country?—Yes.

34,816. Now, in the matter of Native labour, are you in difficulties in this country for the want of labour?—Not at present, but we are suffering very much from the hard times that exist everywhere, and many of our mines are consequently shut down and development work is much restricted from what it ought to be and what it has been. Therefore, labour is more plentiful. But if we return to the conditions that we have had in this country then we shall certainly be short of labour.

34,817. For what reason?—Because there are not enough Natives who will work.

34,818. Not enough Natives in Rhodesia for your wants?—There are plenty of Natives in Rhodesia, but they will not work.

34,819. Why will they not work?—I think they find it is unnecessary. The Native is not a man to work unless he is compelled by want of money to do so. He prefers to live in idleness and to cultivate a small patch of ground sufficient for his requirements.

34,820. Then how would you induce his labour if he does not require to go out to work?—I think the only way to induce the Native to work is to tax him to such an extent as would be absolutely fair and according to his capabilities of paying.

34,821. What would you call a fair tax with that idea in your mind?—That is a question which has been before this country for a very long time and it has been very carefully considered by the public and by all our public bodies, and we have come to the conclusion—and I hold the same view—that a fair tax is a poll tax of £2, which was proposed more than a year ago by an almost unanimous vote of the Legislative Council.

34,822. Would such a tax, in your opinion, induce more labour than is induced now?—I certainly think that any higher tax must induce labour. We have an enormous Native population, very few of whom you may say do any work, and if you raise the tax it must certainly induce labour to a certain extent. It may be a small extent, but I do not consider now—whether it induced it or whether it did not—that a tax of £2 could be increased. I think that that would be sufficient, and we could only hope that it would induce labour.

34,823. And if it did not induce very much more labour, then

your views would be modified on that subject?—I should probably consider again and find out more about the conditions, when it would probably be found evident that the Native was in a better condition than we thought he was.

34,824. You say that there are a great many Natives in this country who do not work at all?—The majority do not work at all.

34,825. That is because their wants are supplied from their holdings of land?—Yes, they get quite enough, they are well off.

34,826. Have they ever bad seasons here?—Yes.

34,827. And what is the result of those bad seasons; is there not a great deal more labour in the market then?—Yes; there was a drought a year and a half ago, the season before last, and it undoubtedly hit the Native hard, and in some parts of the country they were in a bad condition. Of course, when such occasions have occurred they have been assisted by the Government and the tax can always be remitted or reduced.

34,828. Was the tax reduced or remitted?—No, I do not think it was found necessary. I think they fed the Natives and taxed them, although I do not know if it was reduced in some districts that were particularly badly off.

34,829. Did the Government feed them free of cost?—Yes, as far as I know, and I think I am correct in saying so.

34,830. The Government of the country did?—I think they supplied mealies to the Kafirs that were found to be starving, and I should certainly think free of cost, because I do not think the Natives could pay for a large amount of food.

34,831. You are not able to state whether it was on repayment or not?—No, I am not able to state that.

34,832. Can you state that any of the industries in this Colony, whether mining or farming or anything else, have actually suffered for the want of labour?—Certainly, the mining industry has suffered and suffered very considerably. It has made mining very much more expensive in this country, having the supply of Native labour not only very much restricted but also coming and going at various intervals by fits and starts. We are never certain of our Native labour supply.

34,833. Is that because they dislike mining work?—No, I do not think so; I do not think the Mashona or other Native of Rhodesia dislikes mining work any more than any other Native. They all dislike it to a certain extent, and they certainly do not prefer mining to other work. At the same time I do not think the Native of this country refuses to work because he dislikes mining work.

34,834. Do they go out of this country to work in others?—Yes, to a small extent.

34,835. Why, if they can get work here, do they go away?—Only those who cannot get work here go away, and they are now sent away by the Labour Organisation that exists in this country.

34,836. And if they cannot get work here when they want it, have you not got a full supply of labour; you say they go away from this country because they cannot find work here?—That is just now, when, as I say, mining is so tremendously restricted.

34,837. And with the mining industry in full swing?—Then there are never sufficient Natives for our work.

34,838. Did they go out of the country at that time?—No. We are dependent on our labour for the mines almost entirely on Natives coming from the Northern Territories, North of the

Zambesi and Gazaland. Those Natives have worked on the Rand before, and there are large numbers of them passing through our country to the Rand — considerable numbers of the Northern Zambesian Natives. And, of course, the Shangans in the South, they also go direct there.

34,839. Do you think it is because they do not like your mines here?—No, I do not. I think they have heard more of Johannesburg, and I daresay the average rate of wages is a little more there than it is here. This applies to Natives living outside Northern Rhodesia.

34,840. Is that alone not enough to attract them to other spheres?—I think not. I think that the difficulties and dangers which it may be said the Native goes through in travelling so far as from the North of the Zambesi to the Rand, would deter him if he got good work here. I certainly do not think that the Native of this country who wishes to work would be attracted to the Rand even by the prospect of slightly higher wages considering what he has to go through to get there and to get back.

34,841. Still something attracts him there?—The name of it. It is a very great industry, and in this country the industry is comparatively very small.

34,842. Do you think that there is anything wanting in this country which might induce the Natives to go more freely to work as far as your mines are concerned?—No.

34,843. Or as far as the Government is concerned?—No, I think it is merely, as I said before, because it is not necessary for them to work. They have no wants or requirements of any kind. They are living the lives they lived before we came to the country, except that now they live in security and peace and they did not then. The refusal to work is really because they have no necessity to work.

34,844. Then your solution would be to impose a tax of £2?—To impose a fair tax, which I consider to be £2.

34,845. Upon every adult male?—Yes.

34,846. And you think that that would meet the case?—I think that it would do good; I do not say that it would meet the case. It may be, as I said before, that we will have to consider the question again if they do not work; but I think that £2 is sufficient for the present.

34,847. Then, with regard to the Native's earning power and resources, which we reserved just now, what have you to say on that subject?—The Native's earning power in this country of course is very large, and now that an organisation exists to send the surplus supply to the Rand there is work for every man in the country, whether working at our full capacity—which we are not doing now—or not. The average mining wage of the Native may be taken roughly to be from 36s. to 38s. That is the average wage taking them all through. I had the average made up this morning in connection with one of the mines which I have got working now, and for the last month the return, which may be taken as a fair return, actually was 36s. The maximum wage is about £3 10s.

34,848. That is for skilled labour?—Yes; that is for a boy employed with the engines or on some other skilled work.

34,849. Of course, his earning power is governed by the rate of wage in the country generally which he can get?—Certainly.

34,850. How many boys can you employ upon your mines year in and year out?—Taking the whole of Rhodesia?

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34,851. Yes, taking the whole of Rhodesia?—I do not think I should care to answer that, as I might be inaccurate.

34,852. Can you answer for this Province?—No, I do not think so, and I may say this, that it would be a very. very difficult thing to ascertain, as conditions so frequently change.

34,853. Do you know how many as a fact are employed to-day?—No, I do not; I should not like to answer that.

34,854. Then the rate of wages for work other than mining is very much less, I believe?—Very much. The farming wage is anything from 5s. to 15s. to £1. You can get plenty of labour here for farm work for 10s.

34,855. His earning power, then, is governed very largely by that wage?—No, I should not like to say that; I think his earning power is governed by the industry that affords the greatest opportunity to him for labour.

34,856. You cannot give the numbers; you say "the greatest opportunity?" It may be you want 5,000 or 10,000 or 50,000 on the mines?—I should say, generally speaking, that the mines throughout Rhodesia, if they were in full swing, could employ pretty nearly the whole of that number—50,000. Before leaving this question—which we consider to be a very important one in this country—of taxation, I should like to put in the correspondence relating to the Native Tax Ordinance which was brought up at the Legislative Council at its last meeting. It is correspondence which clearly shows the reasons which the Secretary of State had for reducing the proposed £2 tax to £1, and the answers and the reasons given by the Administrator why the £2 should be maintained. And I would also like to put in the official report of a debate on the Native Tax Ordinance of 1904, at the last meeting of the Legislative Council, which will also show the Resident Commissioner's reasons for making the report which is contained in the other paper, together with the reasons given by the public representatives why the £2 should be maintained.

34,857. Is there anything more you would like to say about taxation?—I think I have expressed myself sufficiently strongly on one of the most important questions in this country, and I do not think that there is anything I can say in addition. The fact remains to-day that the tax is only £1, as reduced by the Secretary of State in spite of considerable opposition, from the public representatives in the Council and from the whole of the general public. Of course, the opposition was even greater after the corrrespondence was published by the Government. It clearly showed the public in this country that the Secretary of State was induced to reduce the proposed taxation by the report which was made by the Resident Commissioner—the Imperial representative in this country, which we find was totally unsupported by any evidence that might be called worthy of consideration; and that the Secretary of State, when he did reduce the taxation proposed by the whole country, overlooked entirely the public views that had been expressed by every public body in the country and by the public generally. The public views were not taken into consideration, and that makes the correspondence the more interesting, as it shows clearly the reasons that induced the Secretary of State not to agree with the public demand.

34,858. Then, with regard to liquor traffic, you have got a law

in this country making the sale of liquor to natives prohibitive ?—Yes.

34,859. Does that meet with the approval of the public of this country ?—Every one of them ; all the white people.

34,860. You see no reason to suggest any alteration ?—No.

34,861. Is there anything in connection with the subject which you wish particularly to say beyond that ?—Nothing ; I hope it will be maintained always.

34,862. Total prohibition ?—Total prohibition for the aboriginal.

34,863. *Sir Thomas Scanlen.*] I gather from your answer that you are totally opposed to the coloured man being on the voters' list at all ?—To the aboriginal Native ?

34,864. Yes ?—Absolutely.

34,865. Now or at any future time ?—I will not say that. I say that, when the aboriginal Native proves himself to be capable of exercising a vote, I think he should have it. When his intelligence is brought to a sufficient stage by education, then I think he may perhaps be able to claim equality with the white man.

34,866. Is there reason to fear the white vote being practically swamped in view of the preponderance of the Native races in this country at some future time ?—I think so, but I do not think there would be any immediate danger of that to the present generation—or even to future generations—if the educational test was made sufficiently high.

34,867. Would you favour, as a line of safety, that the Native voters should be separately registered with the view to returning their own representatives, and not to interfere with the elections of Europeans ?—I am very much in favour of that course.

34,868. You think that would prove a safeguard ?—Yes, I do.

34,869. *Mr Sloley.*] Under the new Ordinance there has been an increase of taxation, has there not ?—Yes.

34,870. Which is now in operation and has been since the 1st of July ?—Yes.

34,871. Has that had any effect upon the labour supply ?—It would not be felt for the reason I have before given, that our mining is at such a reduced stage at the present moment that there is plenty of labour offering for our present requirements. I do not think that the small increase that the tax involves either would make very much difference to the Natives. The Natives are very rich—there is no question about it—in this country, and the change to a poll tax of £1 from a hut tax of 10/- does not amount to really double the old tax. The figures being £107,000 under the hut tax system, and the estimated collection this year is £170,000 under the new system.

34,872. That is both for Matabeleland and Mashonaland ?—Yes, for the whole country.

34,873. You say at present there is no difficulty in securing sufficient labour for the mining industry for your present requirements ?—At the present time I do not think there is much difficulty in any part of the country with regard to labour, but I am speaking more for Mashonaland.

34,874. Of course the rate of wages you have given us includes food ?—Yes, food is free.

34,875. Would you mind telling us what amount of wages would be annually paid in Mashonaland to the Natives by the mining industry ?—No, I could only give the average.

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34,876. Approximately ?—The approximate average paid by the mines is from 36/- to 38/-.

34,877. *Captain Dickson.*] Referring to the Native Tax Ordinance I see that some of the Farmers' Associations hold different views from you ?—You are referring, I believe, to the Melsetter Farmers' Association ?

34,878. Yes ?—There are local reasons for that, which, of course, must occur in every country. The Melsetter farmers happen to live on the Portuguese border, and they are afraid if the tax is increased the Natives will go over the border, and instead of living on their farms and paying the rent which the Native has to do if he lives on a farm, they will go over the border and live in Portuguese territory. That was the main reason the objection was made by the Melsetter Farmers' Association.

34,879. Are these Natives squatters, not labourers ?—They are Natives who live on the Melsetter farmers' farms and do their work for them.

34,880. Is this the view of just simply one Association on the Portuguese border, or are there others ?—I do not think there is another Association in the country that does not agree with the increasing of the tax. There were some views expressed by the Mashonaland Farmers' Association at one time for the principal reason that the objectors believed that if the tax was raised the price of labour would go up. Well, I believe that that was an incorrect view, because it is quite clear that if the tax is raised there would be more competition in the labour of the country ; and I think that view was dropped. I think that every other Association and every other public body, and the whole of the public of both provinces are in favour, as well as the whole of the Native Department, of the tax being £2 as suggested.

34,881. *Mr. Campbell.*] You represent large landed proprietors do you not ?—Yes.

34,882. What rents do you charge the Natives ?—We do not actually charge our Natives any rents.

34,883. They live free on the land ?—Yes, as long as they give us labour when we want it.

34,884. Does the Government charge tax ?—Yes, every Native in the country is taxed whether he lives on private land or not.

[*Sir Thomas Scanlen.* I may take this opportunity of saying that the statement made by the first witness was totally at variance with any knowledge I possessed, and I made this definite enquiry, whether Natives living on private property—that is, farms —are exempted from the payment of hut or poll tax, and the answer was, in very emphatic terms, " No, certainly not."]

34,885. *Mr. Campbell.*] You charge no rent then to a man that works ?—My company do not on their land charge any rent so long as the Natives give us their labour when we require it. We find it works very well, and probably is the best thing in the end for both parties ; but, of course, the majority of the people in this country do charge the Natives rent.

34,886. What do they charge ?—I think the usual rent charged by the private owner is £1 per hut.

34,887. That is, that the Native living on a private farm pays the Government tax, and pays the farmer rent ?—Yes.

34,888. And, therefore, it would be no hardship for the Native living in the locations to pay £2 per hut ?—Certainly not.

34,889. These Natives do not feel it a hardship, or do they ?—Not the slightest.

34,890. Suppose a Native does not work who is living on your Company's land, do you charge him any rent ?—No, we take it from a general point of view, and hold the Chief responsible, and we always find it works very well. The Chief brings his boys to work when we want them. They are paid a fair wage, of course, the ordinary wage of the country ; and they are always available for labour. I find that the Native prefers to be available for labour rather than pay rent.

34,891. *Mr. Thompson.*] You said that if the mining industry as existing was in full swing, you would use all the Natives ?—No, I made a rough estimate and said 50,000 ; but really I do not know. That, I think, is information which can be provided by the Chamber of Mines. I perhaps ought to have it, but at present I should not like to say for certain. I think there is plenty of work in this country for the whole of our adult male population if they would work.

34,892. Having been a long time in the country, and knowing the mining requirements well, present and prospective developments ; if the mines were working in full swing, would you have any labour to spare for any other colony? —No.

34,893. If you have sufficient labour to run your present and prospective mines and to keep your agricultural requirements up, have you then sufficient labour for the outside market ?—No, we have not sufficient labour, as I have before explained. We know that, because we cannot get the people to work here.

34,894. So, in short, you have not, as a matter of fact, sufficient labour for the whole country in all industries if they are working in full swing on prosperous lines ?—Certainly not, under the present attitude of the Natives.

34,895. And how can that attitude be altered ?—Everything has been done to induce them to work. Every measure has been taken to try to show them that it would be best that they should work ; that they should be able to get more, be able to keep their people better, be able to buy more cattle, and generally attain to a better state of civilisation ; but nothing is of any use here with these Natives.

34,896. But you maintain that he exists if he will only work ?—Yes, plenty of him.

34,897. Plenty ?—Yes.

34,898. And to spare ?—In the country ?

34,899. Yes ?—I should think so.

34,900. So that if some possible scheme could be put in towards making him work, you would then have sufficient labour even to supply your friend over the border ?—Probably, if the whole population worked for a reasonable time.

34,901. You might tell us if it would be desirable for the Rhodesian Government to put down the liquor traffic. What is the largest fine imposed on a white man in this country for illicit traffic in liquor ?—I think I remember fines of £500.

34,902. A £500 fine has been imposed upon a white man for selling liquor to the Natives ?—I think so.

34,903. I only want to bring it out to show to the Commission that it is the desire of Rhodesia to keep the Natives sober ?—Yes.

34,904. Are there any white men in the gaols of your two Provinces who are suffering the penalty of selling liquor to Natives ?

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—I should not think there are many, because it is very well looked after. It is one of the principal duties of the Constabulary, who are a large force in this Colony. I do not refer to the police, of course; they do what they can as well, but they are more of a military force at present. The Rhodesian Constabulary do very good work in this way, and I think the thing is very well looked after.

34,905. You think that protection is better than penalising; it is better to protect them than wait and then arrest them?—Certainly.

34,906. *Mr. Stanford.*] The only remedy you see in respect of the lack of the labour supply is increased taxation?—That is the only remedy I can see.

34,907. What would be about the number of the Natives you have in occupation of the lands over which you have control?—On an estate near here, where considerable work is being done, we reckon there are between 80 and 100 able-bodied men living on that property.

34,908. And what proportion of that number is employed by you?—At various times of the year, of course all. I suppose there are from 30 to 40 always employed there, sometimes perhaps a little less, and at times in the year, of course, more.

34,909. Do you during any period of the year require that every one of those men shall be at work at the same time?—No, I do not think I have had need; never more than 40 or 50.

34,910. That is, I understand you give your order to your Chief or Headman, and he brings forward the supply?—We merely send over to him and he is told that we require labourers if they are there. I would wish it to be understood that there is no restriction placed on these natives going elsewhere to work, not the very slightest. If they are there they come and work for us; if they are not there, we have to get outside natives.

34,911. Does he not as a matter of practice bring young men generally?—His young men come and work, yes.

34,912. There would be amongst these people older men living on the property?—Yes.

34,913. Do you find that they are brought to work?—No, not the old men.

34,914. So that, in fact, it is the younger people who are acquiring habits of industry under the system that you have in operation?—Certainly. Of course, my farming people would not accept the older men; if they sent the old men they probably would not have them.

34,915. Because they recognise that it is too late in life for them to acquire the industry to work?—It is the young men we want to work.

34,916. Does that not lead you to this conclusion, that, however you may legislate, you would not train the older Native to our habits of work, but that you may have a prospect of training the younger man?—Not the very old Native, but the middle-aged Native, the Native up to 40 years of age I should say. I think he is quite capable of working and learning to work, if he has never done it before.

34,917. But beyond that it is practically hopeless?—Yes.

34,918. I take it that you pay these labourers drawn from your land at the ordinary rate?—Yes. Again I would mention that there is no special rate fixed because they happen to be on the land. They get the ordinary local wage, and if they do not like my wage

they can go elsewhere for work; my remedy being to terminate their contract for living on the land; that is the only remedy that I have got.

34,919. So far as the occupation of the land is concerned, may it be understood that that occupation is tribal in the sense that they have their Chief there, and their kraals, and grazing, gardens, and so forth?—Yes.

34,920. *Mr. Campbell.*] Do you know if the fact of the Natives being charged a hut rent of £1, the Government tax, and the farmer's rent, is driving them off the private farms?—No, it is not.

34,921. Do you know how the Natives travelling south out of Rhodesia to work generally go? Do they go on foot or by rail?—When they go themselves they go on foot.

34,922. From Northern Rhodesia?—Yes, a large number come down from the North. They all go on foot, unless, of course, they are sent by the Labour Bureau; then I think they are sent by train.

34923. Is that the case with Natives from Southern Rhodesia?—Yes, but there are very few from Southern Rhodesia who go down, if any.

34,924. Do you know if any railway facilities or reduction in fares are made to these Natives going south out of the country to work?—I am not sure. There is a reduction in favour of Natives wishing to travel in this country for work over the Rhodesian systems, but whether that is extended I do not know.

34,925. I suppose the cost of travelling then to Johannesburg and to other parts outside of Rhodesia would in a great measure deter Natives from going there?—No, I do not think so. It might deter them from going by train, but if they want to go there they will walk.

34,926. Will the cost of travelling, taken from the wages received at Johannesburg, bring the result to a level with the wages they might be receiving here, or to a lesser amount?—The cost of travelling would be insignificant in comparison with the wage he would earn on the Rand; but the wages on the Rand are not so very much higher than here. From a general point of view I think that the skilled Native is paid as high here as on the Rand, but the amount paid for raw Native labour is less, because fewer are employed on the Rand.

34,927. There is practically no gain to the Native in going to Johannesburg?—No. It is merely one of those ideas that gets into the Native's head; no one understands how it gets there or why its stays there. They think they will do better in Johannesburg, and some are prepared to walk all the way there, rather than work in our mines, but this, of course, applies more to Natives, coming from outside, North of the Zambesi.

34,928. Do you know if the law of total prohibition of the sale of liquor to Natives also applies to the illicit progeny of Europeans and Natives—illegitimate?—I do not know. There are not many here yet; we have been here too short a time.

34,929. Are you in favour or otherwise of intermarriage between the Native races and the white races?—I am not at all in favour of it; most certainly not.

34,930. Do you not think that some measures should be taken for making it unlawful?—I certainly do, if it is not already the case; I should think that it is, but I am not quite sure. Anyhow, there is a very stringent law against illicit intercourse between white and black; a very stringent law.

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34,931. *Mr. Thompson.*] Enforced in this country?—Enforced in this territory on both white and black. There is a very heavy penalty for illicit intercourse between a white woman and a black man.

34,932. *Mr. Samuelson.*] Has that been long in force?—No, I think it was passed either last session or the session before. It has been in force for two years.

Sir Marshal Clarke, K.C.M.G., examined.

Sir M. Clarke, K.C.M.G. (Resident Commissioner).

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34,933. *Chairman.*] We are very much obliged to you for coming before us this morning. There are some questions of general South African importance upon which the Commission would like to ask your opinion in consequence of the very great experience that you have had in the country. First of all, for the purposes of record, perhaps you would allow me to state what your services have been in South Africa. You were a magistrate of Zululand, and subsequently in the Transvaal as Special Commissioner; is that right?—I was a magistrate in Natal.

34,934. And then in the Transvaal you were Special Commissioner and political officer?—Yes.

34,935. Then you were Commissioner of Police in Cape Colony?—Then I was a magistrate in Basutoland.

34,936. And then Commissioner of Police in the Cape Colony?—Yes.

34,937. Afterwards Resident Commissioner of Basutoland?—Afterwards Resident Commissioner of Basutoland.

34,938. And Zululand and Rhodesia respectively?—Yes.

34,939. We have a considerable range of subjects of reference, and the first one of all is that of land tenure. You are fully conversant with the system commonly known as the communal system of tenure. Of late years some experiments have been made under a system of what is called individual tenure. Do you hold any particular views upon this question of land tenure, individual and communal?—I think the communal system is particularly adapted to tribes living under the tribal system, and when they are so far advanced in European ideas as to emancipate themselves from that I think then individual tenure would be the natural step.

34,940. The communal system has had its uses?—And has still. I do not think it is yet upset.

34,941. You can conceive a time coming with regard to a tribe or people or locality where the individual system might be employed?—Not whilst they are living under Chiefs.

34,942. You would associate the change with the disappearance of what I may call the tribal system?—Yes. Of course the whole of South Africa is in a state of transition now. It is actually taking place before our eyes; it is going on gradually.

34,943. Has it within your experience been patent that any particular tribe or people were ripe for the change to individual tenure?—In the Cape Colony I think they were. The Chiefs were not recognised there.

34,944. Would you consider mere education alone a sufficient reason to make the change? If Natives were educated would you consider that to be a sufficient qualification to give them individual tenure?—I think book education has very little to do with it.

34,945. When land is reserved and set apart for Natives by the Government do you consider that that reserving of land carries obligations which the Natives should discharge to the Government ?—No, I do not, beyond that which is generally recognised, for military service, if called upon.

34,946. And a certain amount of taxation ?—If by that you mean rent, no, I do not think so.

34,947. You do not think that it ought, *per se*, to carry the obligation of rent ?—No, I do not.

34,948. But if given out in individual allotments could you conceive it would be right to charge a rent ?—No.

34,949. In some parts of South Africa they have had what are called Local Councils, which have generally been associated with those places where individual tenure has been established. Have you had any experience of Local Councils ?—No, I have not.

34,950. Do you hold any opinions as to their merits or demerits ? —You mean Local Councils of Natives among themselves ?

34,951. Yes ?—I think anything of that sort is a step in the right direction.

34,952. Do you think it is possible to give Natives responsibilities of that character in the matter of Councils unless those Councils are controlled and directed by European officers ?—I think until they are trained to it it is necessary to exercise control. I believe they will become independent of that control after some time. It is merely a temporary thing.

34,953. Presuming they were established on a large scale which permitted of a great number of Natives coming together at different times to elect representatives, do you think it would be an advisable thing to afford them the opportunity of coming together in large numbers ? - You mean Natives who were civilised Natives ?

34,954. Yes ?—No, I do not think there is any danger from that.

34,955. Take a country where there are a considerable number of sections or tribes who would otherwise not have the means of conversing with each other unless they were called together, does it not afford them the opportunity perhaps of conversation which it might have been better not to have afforded them for political reasons ?—I do not think so. I think the more opportunity that is given them to talk together the better it is, as a rule. They have not got newspapers ; they do not know what is going on ; they are ill informed and if they meet each other they get the benefit of each other's experience and enlightenment.

34,956. In those enlightened areas which we have been just referring to there are a great many of them who do read newspapers, and they have newspapers of their own ?—Yes. Then they are no worse off if they meet together and talk over it.

34,957. As those reserves which have been allotted in the past get filled up, what is your view as to the best method of providing for the natural expansion of the Native races ?—I think it is a problem which will work itself out. It will induce many more men to go out to seek work. It will lead to their taking up their positions on farms as tenants, and it think it is a question that will naturally work itself out.

34,958. My point for the moment is do you think that the Government ought, as they get absorbed, to provide more ?—No, unless in very particular instances where the locations in the first instance were totally inadequate.

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34,959. At the same time you consider that it is necessary for the Native races who are crowded out of the locations and have no definite place to go to, to have places where they can at any rate build and have their habitations?—There must be a limit to that.

34,960. Supposing the towns had all the labour they wanted and did not want any more, and the farmers had as much as they wanted, and they were being crowded out of places, do you think it would be a wise thing to have locations established, where they could not get land perhaps for ploughing, but where they would be able to go and establish their homes?—I do not think it would be necessary.

34,961. You think the population would be absorbed naturally?—I think the population would be absorbed naturally. There is always the possibility that they would like to emigrate.

34,962. And work out their own destiny?—And work out their own destiny. It strikes me there is no good in looking too far forward, too far into the future. We know that a very large proportion of South Africa is very thinly inhabited, and a large proportion which is unsuited for European settlement is very thinly populated.

34,963. In such places, however, the Land Companies have bought very largely and then the Natives have become squatters upon that land. Do you think that it is a desirable state of things?—No, I am very much against it. I think it is a most unfortunate thing—the large amount of land getting into the hands of these Land Companies. The principal object of the locations is to provide some place or other where the Natives can escape being rack rented.

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34,964. Supposing those private locations were broken up by an act of the Legislature then there would be a considerable floating population thrown upon any one Colony. They might not be able to go into the established locations. They would become derelict, would they not?—I do not think it is a case for the Government to interfere.

34,965. You mean that the Government ought not to insist upon the breaking up of these private locations?—The evil exists already and I think it would be unwise to interfere with it in the way of ordering Natives away from where they are settled.

34,966. You would not interfere with that?—No.

34,967. Yet you see evils in it?—I see evils in it, but it is an evil which is existent, and I do not see any immediate way out of it. I think it would be emphasised by the Government disturbing the Natives who are already settled, and perhaps in some cases satisfied with their position.

34,968. Would you take measures to regulate the settlement of this large number of Natives who are now squatting on private lands?—There are laws which have never been enforced.

34,969. They have never been enforced; that is just the point. Do you think the laws ought to be enforced?—I think it is too late. I think it is a case for fresh legislation now to deal with a state of things which was not contemplated when the law was first made.

34,970. The laws want amending?—The laws want amending.

34,971. You consider that they should be amended in that sense so as to bring such locations under sound regulation?—Yes, I think so.

34,972. Arising out of this distribution of the Natives is the question of their purchasing land. They have been crowded out

in some places, and have found means, and have been and are purchasing freehold. Do you think it is a good thing for Natives or for the country that it should be open to them to purchase freehold at present?—I think it is. I think control ought to be exercised, or else these places would become full of Native squatters.

34,973. Would you allow them to purchase their own land at leisure in their own names, getting title to it? In the older Colonies of the Cape and Natal, it is permissible. In the two late Republics, it is not permissible. There is a great contrast between the two. It affords some food for reflection as to which might be better?—I think there are great advantages in allowing them to purchase land, but I should make restrictions as to their subdividing it afterwards.

34,974. The earning power to-day is very much greater than it used to be. There is the possibility that by communal subscription they might purchase a great part of the land in any one Colony?—The price of land is very much higher than it was.

34,975. Still they are in a fairly wealthy position. They would be able to purchase very largely,—in fact, are doing so?—I should not interfere with them, I think.

34,976. Passing on from that to a subject that is closely associated with it, that is, the tribal system. The tribal system has been established for a great number of years in South Africa. Of late years it has disappeared partly from some Colonies. Do you see anything in the tribal system as commonly known that is objectionable?—No, I think it is very well suited to the stage of development that most of the Natives have arrived at.

34,977. It has served a most useful purpose, and was the only policy possible at one time?—And still is serving a very useful purpose.

34,978. It has uses and defects. We know its uses. Could you name any defects that have occurred to you of late years—any reasons why it should be altered or modified?—Nothing to justify a sudden revolution.

34,979. In some parts of South Africa it has disappeared; in other parts of South Africa the tribal system has been codified; there has been a Code of Native Law?—Yes.

34,980. What are your opinions as to the value of codified Native law?—Codifying criminal law is one thing and codifying the civil Native law is another thing, and I think that experience has shown us that while the codifying of criminal law is a distinct advantage, the codifying of civil law is stereotyping a state of law and custom which is naturally in a state of transition, and I think it would be very unwise to do so.

34,981. It would be very unwise to do so now, but in the case of Colonies that have found it well to do it and have found it useful and successful to have done it, do you think that it is necessary for them to reconsider at some period the desirability of either removing it altogether or amending it?—The only Colony I know that has adopted any system of that sort is Natal, and in Natal they are always asking for changes; they are always suggesting changes, even now.

34,982. Do you mean the Natives or the white people?—The Natives and Magistrates.

34,983. And the codification of civil law is a thing that in your opinion is calculated to crystallise the old habits which it is natural

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they should gradually emerge from?—Yes, which they are in process of emerging from in some cases.

34,984. So long as you preserve it it would be impossible for them to move?—Not without constant changes in the law.

34,985. You would have to keep on adapting the law?—You would have to keep on adapting the law, yes, and then you might have to adapt it in one place and not in another. Certain circumstances might arise in a particular locality which might call for a change and which might not be acceptable to people in a different part of the country.

34,986. Codification is always difficult where there are a variety of clans in the same Colony?—Yes.

34,987. In expressing that view I do not understand that you would see any objection to the retention and the recognition, in so far as it was necessary, of harmless customs that the Natives have cherished so much?—No, I do not see the need.

34,988. With regard to the Native laws and customs known to us as "lobolo" and polygamy, and such like, would you disturb them?—No.

34,989. You recognise that they have some virtues?—Very great virtues. It is the foundation of the whole of the social system of the natives. No native woman is without a protector; she can always claim some protector or other. No woman is unattached. If you did away with "lobolo" and if you did away with polygamy altogether and struck a blow at the root of their native system you would introduce the evils that we feel; you would introduce pauperism and you would introduce prostitution, which their social system has enabled them to avoid up to this time.

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34,990. They are very reluctant to part with their custom of of giving dowry, and the advantages that that confers, but with regard to polygamy, do you consider that polygamy is a thing that the Government should in any way encourage or countenance?—I do not think it should encourage it but I think it should recognise it.

34,991. Do you mean to say that in the case of a polygamist that the Government should register polygamous marriages?—Yes.

34,992. On principle, do you consider that polygamy is a thing that the Government should aim at reducing and obliterating eventually?—I think it will pass away itself.

34,993. It is an expensive luxury?—It is not a luxury in nine cases out of ten. A man inherits these women. They are nominally his wives but he has no connection with them and he simply supports them. It is a family arrangement. A man does not collect a number of young wives, as is popularly supposed, but he inherits very often a number of old women. It is so interwoven with their social system that I do not think Government could upset it without doing a very great deal of mischief.

34,994. At any rate it is not a thing you would disturb?—No.

34,995. With regard to the laws providing for the government of the Native races of South Africa, do you consider that the time has arrived or is approaching when the common law of the country should obtain with regard to the Natives?—No, I do not, not with the great bulk of the Natives. I think their own laws and customs are what should guide us.

34,996. Then in giving that opinion, of course, you assume the necessity for class legislation?—Yes.

34,997. You would maintain that?—Certainly.

34,998. Legislation with regard to taxes, passes, squatting, and other things?—Yes, providing the door is open for men to adopt European customs and European laws; provided you always leave the door open for that.

34,999. You mean some kind of exemption?—Yes.

35,000. You recognise the necessity of class legislation, where the common law of the country is not fully applicable. Do I understand you correctly? Do you accept the necessity of class legislation for Natives as a principle?—Yes, I do. Legislation against drink and against firearms, and legislation of that nature, I think, is necessary.

35,001. What would, in your mind, constitute the qualification of a Native to be exempted from the operations of the Native laws of the country?—He should have no liabilities connected with the tribal system; he should adopt European customs and conform to European law in every way—for instance, he should not be a polygamist—and he should be a man of good character, a man possessed of a certain amount of property or means of livelihood.

35,002. And be educated, I suppose?—And be educated.

35,003. And then, subject to his satisfying the Government that he possesses those qualifications you would allow him to be exempted from the Native law?—Yes.

35,004. And come under the common law of the country?—Yes.

35,005. Under those conditions would you give him the right to vote in elections?—I think it would depend very much upon what the qualifications for the franchise were. I should not say that that would at once qualify him as a voter.

35,006. It is necessary that the natives as a body, whether educated or not, should be represented?—I think in time it will be necessary.

35,007. It is necessary that all their matters should be represented in the Councils of the country, it is necessary that they should be heard in some form. You admit that it is necessary that the case for the natives should be properly represented in the Councils of the country?—I think they always ought to be.

35,008. And do you think that under the prevailing systems where they have Native Commissioners and Magistrates, that that is not fairly done?—I think on the whole it is.

35,009. Do you think it is a wise thing to give the Natives votes that they may vote on equal terms with white men provided they have the property qualification?—I think it depends upon what the property qualification is. I should make it a high qualification.

35,010. Supposing it were high, do you think it is a desirable state of things that they should vote alongside the white people?—It is desirable that they should have a vote.

35,011. Supposing, for instance, it was possible to suggest a proposal by which the Native should be allowed to vote solely and exclusively for representatives to go to Parliament, and that white people should not be allowed to vote for those representatives?—That the Natives should elect their own representatives?

35,012. Yes?—White men?

35,013. Yes?—Then would the Native representatives have an equal vote with the representatives of Europeans?

35,014. That is just one of the problems that open out. It was just an idea I wanted to get your view about. It corresponds in some degree to the system adopted amongst the Maoris whereby

Sir M. Clarke, K.C.M.G. (Resident Commissioner).

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they should gradually emerge from?—Yes, which they are in process of emerging from in some cases.

34,984. So long as you preserve it it would be impossible for them to move?—Not without constant changes in the law.

34,985. You would have to keep on adapting the law?—You would have to keep on adapting the law, yes, and then you might have to adapt it in one place and not in another. Certain circumstances might arise in a particular locality which might call for a change and which might not be acceptable to people in a different part of the country.

34,986. Codification is always difficult where there are a variety of clans in the same Colony?—Yes.

34,987. In expressing that view I do not understand that you would see any objection to the retention and the recognition, in so far as it was necessary, of harmless customs that the Natives have cherished so much?—No, I do not see the need.

34,988. With regard to the Native laws and customs known to us as "lobolo" and polygamy, and such like, would you disturb them?—No.

34,989. You recognise that they have some virtues?—Very great virtues. It is the foundation of the whole of the social system of the natives. No native woman is without a protector; she can always claim some protector or other. No woman is unattached. If you did away with "lobolo" and if you did away with polygamy altogether and struck a blow at the root of their native system you would introduce the evils that we feel; you would introduce pauperism and you would introduce prostitution, which their social system has enabled them to avoid up to this time.

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they do not vote alongside the Europeans, but they get proper representation through men elected or nominated by themselves. Another question comes in: would it be wise to nominate or let them elect Europeans to sit in the Houses of Parliament?—They would not be representatives if they were nominated.

35,015. They would be nominated for the purpose of representing them?—Supposing they did not do it?

35,016. That is another question. Would you consider that to be a satisfactory form of representation for the Natives if they were to elect in the way I have indicated?—No, I do not think so.

35,017. You think they are better represented by the Magistrates, the Native Commissioners, and the Governor?—There are the two classes of Native. There would be the Natives who would be exempt from Native law, and there would be the Natives who are under the tribal system. The Natives exempt from Native law would have a vote I presume. The Natives who were under the tribal system I should not give the franchise to, certainly. They are really represented by their Chiefs and their Headmen. The Chiefs and Headmen should be consulted where any purely Native legislation, or legislation concerning the Native, arose. I think their opinion should be taken on it. That could be done by the Native Department.

35,018. There are various grades of Colonies, and it happens that in one Colony Chieftainship and Headmen are largely disappearing, and it is not possible to consult them in the way that you have suggested?—That is the difficulty.

35,019. It is looking to this contingency that I am asking your view. Take the type of Colony where it is disappearing; you cannot consult them; yet you want to give them representation?—Yes, I think they ought to have representation.

35,020. Taken in conjunction with representation comes the question of taxation. Of course, in some parts they contribute more and in other parts less. Do you think that the Natives as a whole in South Africa contribute fairly towards the revenue of the country?—I could not say. I have been very little out of this part of the country for some time past now, but I should say they did.

35,021. Some kind of direct taxation is imposed in every Colony?—Yes.

35,022. Do you see any objection to that form of direct taxation?—No.

35,023. It can and ought to be modified according to the circumstances of the country. If there was a ready and a good wage market it is possible, I suppose, that the direct taxation might be more?—Yes, I think you ought to consider whether the Natives receive any *quid pro quo* or benefit derived from the taxation, in proportion to their contribution to the revenue what benefits they derive from it.

35,024. In the shape of betterment?—Yes, education and other advantages.

35,025. Do you think that the money contributed by the Natives should, after deducting the cost of looking after them, be spent upon them?—Not necessarily.

35,026. Do you think the taxes the Natives pay should be sufficient to cover their cost, because there is policing and magistrates and roads, and a variety of other things, telegraphs, and so on, that

are for their benefit as well as the white people?—I think they ought to derive some benefit from their contribution, that it ought not to be merely how much you can get out of them.

35,027. In giving them education do you hold any views as to the character of the education that there should be for their benefit as well as for the benefit of the Colony?—Yes, I think industrial education is the best education.

35,028. To afford them facilities for getting it?—To afford them facilities for getting industrial education, coupled with book education.

35,029. When you say afford facilities do you mean to give them free industrial education or to give them places where they can acquire it by paying for it?—That is a mere question of detail. If you have money enough to expend I should extend the benefits as far as possible. If you have not, I should get them to pay for it.

35,030. It is a question of State aid that I mean. For instance, with regard to the white children, the Government does not provide industrial schools free for them. Would you do it for the Natives? —I should like to see it for white people as well. In the first place I should like to see it for white people.

35,031. And if done for the white people you would like to see it done for the Natives too?—Yes.

35,032. Supposing it was not done for the white people, would you do it for the Natives and give it them free?—I think it would in a great measure depend on the amount of the contribution they paid to the revenue and what the cost of the expenditure on their behalf was.

35,033. What would be the effect of educating a large number of Natives in technical trades? What prospect would they have of earning their living or getting work? Would they not come into conflict with the European Trades Unions?—In special trades I think very likely they would if it was done on a very large scale, but I do not think it could be done on a very large scale. Up to a certain point it would benefit the European who was the master workman, and if he had journeymen Natives under him we could get a great many things done to-day which are out of the power of the settlers on account of the cost of white labour. If you have to pay white men 25/- or 30/- a day it is very difficult to put up proper buildings or works on farms in out of the way places where you may want to have them put up.

35,034. Is not there a combination amongst white artisans to try and squeeze them out?—I think they object to the Native working, but I think it is very short-sighted on their part.

35,035. You think the Colony would be all the better for educating a large number of Natives in technical trades, because it would bring down the cost of living?—I think there is a great deal of work not done now that would be done if labour were cheaper.

Salisbury, Thursday, 1st September, 1904.

PRESENT:

Sir Godfrey Lagden (*Chairman*).

Mr. Samuelson.	Sir Thomas Scanlen.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.

The Reverend John White, examined.

Rev. J. White, (Missionary). Rhodesia. 1st September, 1904.

35,036. *Chairman.*] Do you belong to the Wesleyan Mission?—Yes.

35,037. Have you been a long time in this country?—I have been here ten years.

35,038. Have you been associated with mission work all the time?—Mostly. I am General Superintendent of the Wesleyan Church in Rhodesia, and I have the European work under my charge as well, but directly, I am working with the Natives.

35,039. With Mashonas, or Matabele?—Mashonaland and Matabeleland both.

35,040. Are there any particular points that you would particularly like to speak about? You have seen the heads of evidence that have been submitted to us for consideration?—Yes, I have. Would you wish me to speak of matters in Mashonaland, or Matabeleland as well?

35,041. We do not want any particular Colony, but to aim at the principles in each?—I am better acquainted with Mashonaland than Matabeleland. I only know Matabeleland from occasional visits I have made. I go there once a year round our stations in that Province.

35,042. You know the heads upon which we are taking evidence. Are there any particular heads that you would like to be asked questions about?—With regard to the marriage laws and customs.

35,043. Are you familiar with the marriage laws and customs in this territory?—Yes, fairly so.

35,044. Do they differ in any material manner from those in the other Colonies of South Africa?—I am not acquainted much with Native life in any of the other Colonies. I lived a couple of years in the Transvaal, but my knowledge of Natives there was very limited indeed.

35,045. Have you actually lived amongst the Natives?—Yes; I speak the language, and preach in it regularly.

35,046. With regard to these marriage laws and customs, what points do you see or read in them?—The Natives here have a law of inheritance: after a heathen Native dies his wives are taken by a younger brother, if he has such; if he has no brother, his wives are taken by his son—all, of course, except the boy's mother.

35,047. How does that appeal to you?—Of course, from a moral standpoint, I think it is very bad. It affects the Natives in this way. A man is getting old. He has several young wives. The son or younger brother, whoever it may be, knows that these wives will be his property shortly, and they take them and use them as their wives even before they actually gain possession of them, and it leads to a considerable amount of dispute and contention. I know that a good

deal of immorality arises in that way.

35,048. Is that an old custom?—It is amongst the Mashonas, I believe.

35,049. What steps would you take to alter or amend that?—I think that the increase of the hut tax will affect that question considerably. The Natives find it increasingly difficult to obtain their hut tax, and to inherit these wives increases their expenses in that direction, so that, especially in the case of old women, I feel certain that they will not take them; they will leave them. I do not think it will be any hardship to these women; there are generally sons who can look after them. I think in that way the matter will be affected somewhat.

35,050. The raising of the tax is effecting a cure for this evil?—I think it will effect it in time.

35,051. In the meantime will you suggest taking any violent action to disturb it?—I do not think so. I do not think it will be wise. It is an old custom of theirs, and I think they would resent it very strongly. I think further that the work we are doing affects it

35,052. The religious work?—Yes.

35,053. Do you mean to say that these evils are gradually being eradicated by the influence of religion?—Yes.

35,054. Do you think, as far as you have seen, that religion has had a good influence upon them?—Amongst the people that we have been working with, I should say most emphatically, yes. We have several instances of polygamists at the station, at which I am living near here, seven miles from town, who have given up their wives—all except one—voluntarily.

35,055. That is, they have gone through the form of renouncing polygamy?—Yes.

35,056. And they have abandoned certain women, and kept one wife?—Yes; they have only one wife. For instance, the Chief here, at the place where I am living, Epworth, orginally was a witch doctor, and had five wives, but he only has one now.

35,057. What is the state of those women that they have given up?—They are all right. They have adult sons who do any work that women cannot do, and they can earn their livelihood; they can get anything they require.

35,058. Has not that rather opened the door to prostitution of women who are suddenly abandoned?—We have not found it so. In one case one of the wives of the Chief in question married another man; they are living together, and they have been married according to the laws of the Church.

35,059. You consider polygamy as a custom a bad one?—I think it is an evil—yes.

35,060. Since you have been here, have you noticed any lessening of it?—No, I have not.

35,061. Do you think it is indulged in as much as it used to be?—I think so; I have not noticed any change.

35,062. What other laws or customs are there that you would like to speak about?—Before we pass from this question, I think, with regard to the Marriage Ordinance of 1901, passed by the Legislative Council here, if it were worked thoroughly, it would have a very good effect, but it seems to me the Natives are practically ignoring it. It was to do away with contracts formed whilst the girl in question was quite young—in many instances an infant. One of their customs is to make contracts for wives when the girl in question is a mere child.

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According to this Ordinance no "lobolo" can be paid until twelve months before the marriage actually takes place, and this marriage must be registered before a Magistrate or Native Commissioner. I think if that law were carried out, it would have a very excellent effect; but from what I can see, they seem to be largely ignoring it.

35,063. I suppose it has had scarcely time to establish itself?—Perhaps not. But that is one of their evils. These girls are "lobo-loed" whilst they are mere children. When they grow up, in all probability, their preference is in another direction, and before the occupation, these girls were forced and made to go to the men to whom they had been contracted for. They try to do that in many instances yet. They dare not use force, but they use all the means in their power to make the girls go.

35,064. It is an old custom of the country?—An old custom.

35,065. And law No. 2 of 1901 is designed to cure the evils that you complain of?—Yes.

35,066. I understand you to say you think it possible, when the law has had time to become known, that this evil can be abated?—I think it would be abated considerably if it could be administered thoroughly.

35,067. Just at this moment, you would like to call attention to the fact that the evil exists?—It does.

35,068. You do not suggest any violent remedy?—No; I think that remedy is sufficient if it is carried out. Then as to the administration of local affairs. Of course, these Chiefs have very little authority; event the paramount Chiefs have very little authority amongst these people. I think that is very different in Matabeleland. The Chiefs there have very much greater authority, more power, but here they have very little authority indeed. They complain somewhat that the Government makes them to some extent responsible—for instance, in the matter of collecting the hut tax, whilst they themselves have very little power over their people. I think, especially in the case of paramount Chiefs, the object of the Government ought to be to strengthen the authority of these paramount Chiefs; that is, if the folks will not obey the Chief, then the people, after the Chief has complained, ought to be severely punished.

35,069. Do you suggest the re-establishment or stimulation of chieftainship here, when it either has never existed, or has voluntarily died out?—It has not died out; it is there nominally.

35,070. What led to its removal here?—I do not know. I think the people have been so split up; and from what I can ascertain, they have never obeyed their Chief, for instance, as the Matabele would Lobengula.

35,071. You spoke of a tax. As a matter of fact, do you know if the tax has been well paid in this country?—Of course, the £1 tax is being collected.

35,072. Take the last tax of 10s.?—I think, generally speaking, it has. I know that there were a number at the beginning of this year in a district with which I am well acquainted—I think, 300—in the Marandella district, who had not paid up very well. Pressure was brought to bear upon them, and I think they paid. That is last year's tax. I think there is about £150 outstanding.

35,073. Out of how many people?—That represents 300 people.

35,074. What would be the population of taxpayers in Marandella?—I could not say from memory.

35,075. Would it be 10,000?—I suppose about that.

35,076. So that 300 defaulters does not appear to be a very large number?—No.

35,077. If the Chiefs have been the main factors in the collecting, it would appear as if they had done their work very well?—I think they have—yes.

35,078. About local affairs: The administration of local affairs means, to our minds, the granting of some local government in the form of Boards to local communities, as far as the Native is concerned?—I think it ought to be in the hands of the Chief largely.

35,079. You do not think these men are capable of forming themselves into a Board and doing very useful work?—They have a kind of Board of their own.

35,080. A Council?—Yes; they have a sort of Council.

35,081. But you are, perhaps, aware that in certain parts of the Cape Colony, where individual tenure has been extended, it has been accompanied with the granting of local Boards, or local Councils, in which they are allowed a certain voice in the management of their own affairs; that is the meaning of it, I take it?—Yes.

35,082. In Rhodesia the Natives are much more backward than in the Cape Colony?—Yes; and the trouble is, that they pay no attention to the administration of their Chief; in most instances they ignore him.

35,083. Do you advocate the strengthening of the power of chieftainship?—I think so—yes, certainly. I think that ought to be the direction in which the Government ought to work.

35,084. What are your reasons for that?—You must have some responsibility for the good government of the kraal, and a Native Commissioner—perhaps one Native Commissioner in a very large area—cannot possibly be responsible; and I think the Chief ought to be held responsible; the Chief, with those under him.

35,085. So that you would perpetuate the old system of government by chieftainship?—In the meantime—I think so.

35,086. You spoke about their taxes being well paid: What do you think of that taxation? Is the rate which they are called upon to pay, in your opinion, a fair rate?—I think it is fair to a large number, but I think that a very considerable number will find it most difficult. In fact, I do not think the Government will collect more than two-thirds this year.

35,087. Why?—Because I do not think they have the money.

35,088. They have able bodies to work with?—Yes, they have, and they have not, if I may put it so. They could work at a certain type of work, but they cannot get it.

35,089. They cannot get work?—No, not the kind of work they want; not the kind of work they are fit for.

35,090. Is not the whole land crying aloud for labour?—The Natives are crying aloud for work, too. I will give you an instance. Yesterday, or the day before, I heard of a farmer near by who wanted a few men to make bricks. These people at the station where I am living were quite willing to work for him and find their own food, for £1 per month, and they were men who had made bricks before, and were well up in it—strong, able-bodied men. They went, and he said he would not give anything more than 10s., and they returned. Others came to me, and said they were willing to work for 10s. I sent them over, and they returned last night to tell me he had already more than he wanted. I am quite certain of this. These men might walk 100 miles, and would not find work at 10s. per month in Mashonaland.

35,091. In the mines of Rhodesia do they not want labour?—The type of Native that I am speaking of is useless for mines.

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35,092. Why are they useless?—If you ask the mine managers they will tell you they would not give them their food. They are awkward and useless. You cannot get them to do even a bit of farm work scarcely without a tremendous lot of trouble in teaching them.

35,093. Is not that the form that their education should take to make them useful?—In the meantime, who will educate them?

35,094. Perhaps they will educate themselves by going to the various labour markets and learning and coming back?—If you could send them, we will say, to the Transvaal or elsewhere, where they are all sure of getting work, I agree with you, but at the present time a very large proportion of the Natives in Mashonaland cannot get the type of work they are fitted for.

35,095. They must be in a very low order indeed if they are unfit to use a pick and shovel, or a hammer?—The mine managers tell you that they will not have them.

35,096. Does that apply to the whole of the Mashonas?—It applies to what you might call the raw middle-aged Native. A lot of them can get work, I know, but a lot cannot get work. There is another question, which, I think, has not been looked at. These older men, for domestic reasons, find it very difficult to leave home. These people recognise no law but the law of force. A man goes away and leaves his three or four wives behind him. Suppose he has three wives, and has to find £2; therefore he must work four months at 10s. per month, which is the maximum wage. He is away for four months, and, when he comes back, he finds that his wives have perhaps been taken by some young man at the kraal, and then there is confusion and fighting. That is the sort of thing that continually occurs. These polygamists, I know, dare not leave their wives for any length of time.

35,097. That is not peculiar to Mashonaland?—No, I dare say it is not, but I am speaking about the state of things that obtains here.

35,098. Have they not got gardens, out of which they get food and grain, which they can sell?—Yes, they have; and in, for instance, a year like this, the crop has been most plentiful, but in these out of the way districts, in many instances, they cannot sell it for cash at all, and where they do sell it for cash, 3s., 4s., and 5s. per sack is the utmost they can get. They have no waggons in this country.

35,099. Have they got any cattle and sheep?—They have cattle, but just now they cannot move them. I have been recently round the Charter and Marandella districts and they offered me cattle there which two years ago I would have had to pay £15 a head for, at £2, £3, and £4 a head. Of course they are useless to anyone because you cannot move them.

35,100. With such a low order of people is it not rather incongruous that they should be educated and taught religion until they have learnt to handle a spade?—We find that the effect of any teaching would be to improve their intellect, and if you improve a person's intellect I think you improve his ability to labour. We find that the people at our stations always get the hut tax—I do not think we have any exceptions—and they can generally command good positions. I believe we supply the bulk of the office boys to the Government for instance.

35,101. Do not you think his intellect would be improved by

working alongside of a higher intellectual order and learning to earn money to improve his condition?—Yes, I do certainly; and I think, in the case of the younger boys, they can earn this £1 easily, and ought to do it. The difficulty is with the older men. I may say, too, whilst we are on this taxation question, that now that a tax has been imposed upon all adult Natives, married or unmarried, these youths, after they have earned their £1, are strongly disinclined to assist their parents.

35,102. They are very disagreeable people, I should think?—The fathers have no authority over their children, or very little. That is one of the great evils of the Mashonas. The parents have no authority. I suppose they are one of the lowest races in South Africa, as far as that goes. I think, from what I understand of the Matabele and the Zulu tribes, the parental authority there is very pronounced. A child dare not disobey. That is not the case with these people.

35,103. How do you account for that?—I think it is due to their general laxity. I do not know how it would be accounted for.

35,104. *Mr. Stanford.*] What powers would you think it advisable to give to the Chiefs of such people?—It would be rather difficult to define the limit of their power. I would not be prepared to say.

35,105. Would you give them any criminal jurisdiction?—No, I do not think so.

35,106. Any civil jurisdiction?—For instance, take the question of the collection of this tax. I thnk it is right that the Chiefs should be responsible for seeing that their people do their best to get it. Their hands in that direction ought to be strengthened.

35,107. I take it, your view then would be to make the so-called Chief a sort of Headman in charge of a Ward or location, and be a policeman in effect?—Yes, in effect he would be.

35,108. It seems to be your view that as regards the middle-aged Mashona, it is hopeless to expect that he will ever become a workingman?—I do not think he will ever be much use to the community.

35,109. But you have better hope of the younger men?—Yes; I think that the younger Mashona is capable of doing skilled work—any work that he would be called upon to do in this country, mining or housework.

35,110. Can you suggest any means by which they could be tempted further afield, because, however limited may be the openings for them near their homes, the want of servants is severely felt elsewhere?—I think the travelling facilities on the railway ought to be cheapened. If a boy has to go out of the country to get labour, he ought to be able to get there almost free, because he has not the money to get away. He might have the money to pay his fare back, but he could not get away. I know that in Matabeleland there is a greater demand for labour, but these people do not care to walk, and they have no money to go there. Of course, there is the other difficulty, that they do not like to leave home to go long distances away.

35,111. Do you think that recruiting agencies would have a fair prospect of getting labour amongst the Mashonas by offering to pay their railway fare to any labour centres?—If you could induce a few batches to go away, and if they were properly treated, and came back and gave a good report of where they had been, you would do it, but I do not think they have sufficient confidence in the representations that might be made to them by labour agents to go on their word alone. That is the difficulty. A lot of them have gone from here up to Wankies, on construction work there, and numbers of them have never returned; they have died there; and that in itself has given

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these outside labour markets a bad name. They have gone to the Globe and Phœnix, and other mines, and lots of them have died there. It may have been no fault of anyone connected with the mine, but that is the fact; and they are afraid. If their confidence in outside labour markets could be established, they would go.

35,112. Would they have such confidence in their Administrators; would they accept the advice of their Administrators in respect of going out to labour?—In some cases only.

35,113. Would you recommend greater attention on the part of the Native Commissioners to the supply of labour available in their districts and to its going out?—They could recommend to the Natives the available labour markets.

35,114. Are these Mashonas a strong race physically?—No, they are not.

35,115. So that the deaths to which you referred may have occurred just in the ordinary course?—Yes, but I think, for instance, that the Globe and Phœnix Mine has a reputation for being unhealthy.

35,116. Is it your experience that in the cultivation of lands only the women work?—No, they all work, both men and women; they have each their separate work. For instance, in preparing new lands the men mostly do that; they chop down trees and burn the branches of the trees and make ashes which they scatter over the land. The women do all the chopping of the wood. In the ploughing season the men and women do the ploughing together. The men thresh, and the women do the winnowing. The men and women cut the grain.

35,117. Would you be prepared to say that the work of cultivation is fairly divided as between the sexes?—Yes. In winter the men have the easiest time, and the women have the hardest work. That is because they have all the grinding to do and all the matters about the house, carrying the water and the wood too. In the summer time the work is very evenly distributed.

35,118. Have you schools amongst the Mashonas?—Yes.

35,119. How many?—I suppose about twenty.

35,120. Do you receive support from the Government?—Yes, we receive in Mashonaland £100 per year, but we do not receive this specifically for schools. Our work is administered under one head, "European and Native," and we receive from the Government £100 per year for the whole of our work in Mashonaland. As a matter of fact, the local Church here receives more than £100—that is the local European Church. I think you understand my point, we do not give this to any specific department of our work.

35,121. And have you a regular attendance of scholars?—Yes, we have.

35,122. Do they learn readily?—Yes, fairly so. We do not go in for advanced education amongst them. We teach them to read and write, and that is about all. Of course, we have done some translation of the Scriptures into their language and our object is to make them able to read this translation and to write the language; and we teach them a little elementary arithmetic.

35,123. Do you give them any manual work?—Except cleaning up the place, no; we have not any industrial training. If I might call attention to another matter, I would like to do so, that is in connection with the Franchise. It is my conviction that the Natives in

this country are not ready for the Franchise, and I do not recommend that it should be given to them. But I do say that something more might be done by the Government than is done at the present time to ascertain the Native standpoint in any proposed legislation affecting the Natives. I have been struck in reading over the reports of the Legislative Council with the lack of detailed knowledge displayed in Native affairs by the Government and by the popular representatives, and it is my firm conviction that something more ought to be done to ascertain the Native standpoint than is done at the present time. I think that Chiefs of approved sagacity and loyalty to the Government ought to be questioned on any proposed legislation as to their views of it, their objections to it, and their standpoint, and I think that it would greatly assist the Government, and that it would make these things a great deal more palatable to the Natives themselves. For instance, I do not think that the case of the Native was fairly stated in the discussion on the increased Hut Tax Ordinance, and many statements were made in that discussion which I think, had they known more of Native affairs, would either have been contradicted or would not have been made at all.

35,124. *Mr. Samuelson.*] If the Natives on being consulted or questioned in the way you suggest were to object to any proposed legislation, what do you think should be done; should they be allowed to have their way?—No, I do not think so in every case. I think, for instance, that anything that increased their burden would be objected to by them. Still, I do think that their standpoint is not sufficiently ascertained.

35,125. Say that they had been consulted with regard to the prohibition of any objectionable or barbarian customs or anything such as witchcraft and things of that sort, and they said, "No, we do not wish these things to be prohibited," do you think they should have been allowed to retain such customs?—No, I do not, and the flimsiness of their reasons for objecting to them might have been the more reason for proceeding with the legislation. But take the taxation question. I read carefully the debates in the Legislative Council on that question. It was stated by one member, for example, that an increase of tax would increase the Native wages, and therefore it would be detrimental to the European community. But perhaps that is not a very good illustration. The fact remains that at the present time, owing to this increase of hut tax, the labour has increased and the wages have decreased. That is very largely owing to the increase of the hut tax. Again, it was stated in that discussion by one of the popular representatives that he had recently bought, I think, 500 sacks of mealies at 30s. a sack, and he said, "If we can buy and pay for mealies at that rate, then the Native is quite capable of paying £2 hut tax." If the Natives, especially of the outlying districts had been questioned, it would have been discovered that in the majority of cases they could not get cash at all, and that where they could get cash the utmost was 5s. a sack of mealies. That man bought in Bulawayo. So the question passed without being objected to in any way, and it went forth as a representation of what the Native could actually earn by selling his grain. I think that in matters of that kind more ought to be done to ascertain the actual condition of things in the outside districts. I contend that men who live in places like Salisbury and Bulawayo cannot understand Native life.

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35,126. Do you not think that the Native interests in this country are sufficiently safeguarded and protected by the present form of Native administration, by the Commissioners and the Resident Commissioner, and by the fact that all legislation especially applying to Natives must receive Royal Assent?—Yes; I think that the government of the Natives is improving, and has greatly improved, and I suppose it will go on in that direction. But when Native legislation is proposed, are these sources—the Native Department, for instance—tapped to their utmost? Do the Native Commissioners give all the evidence that they might give? Have the Legislative Council all this information before them? Do they know exactly the condition of things? That is my point.

35,127. Do you think that the Royal Veto or Assent should be maintained with regard to all legislation affecting the Native population?—I do not know about all legislation, but I think in important and vital matters—yes. For instance, I think if this Native Taxation Act of £2 per head had been passed, it would have been very injurious to the country itself, apart from anything else—apart from the Natives themselves, and I think it was well that there was some restraint. I do not think the condition of things was thoroughly known.

35,128. Is the practice of "lobolo," or giving some marriage consideration in respect of marriage practised amongst the Mashonas?—Yes.

35,129. What is given as "lobolo"—cattle only?—Cattle, goats, blankets, and that sort of thing. These have a certain recognised value with them.

35,130. I see in some correspondence placed on the table yesterday, that bangles were given?—I have never heard of that.

35,131. But blankets have been given to your knowledge?—Yes

35,132. What is the actual significance of "lobolo"? Is it in the form of a purchase, or only as a proof of marriage?—Of course, the Natives object to the term "purchase," and say it is not that. But it is certainly practically that. A man cannot obtain a wife without it. When the contract is fixed, they give very often a goat, or a spade, or something in that line, which fixes the contract. It is an insignificant thing, and not part of the "lobolo" really. But whether they object to the term "purchase" or not, the fact remains that a man cannot marry without it.

35,133. Is it not their method of registering the fact that a woman has passed from the control of her parents or guardians to that of her husband, as well as to the fact of the marriage having taken place?—Yes, it is; but if the woman returns to her father for any cause, the husband demands his cattle, or whatever has been paid, back again.

35,134. Then if it is in some measure a proof of marriage, do you think it is any longer necessary, when registration has become compulsory by law?—I do not think it is; but it is one of their customs which is vital in their life, and to interfere with it I do not think would be wise; at the same time it is not necessary.

35,135. Do you approve of all marriages according to Native custom being registered?—Yes; I think it is an excellent regulation.

35,136. So as to give a definite status and right to the woman herself and to her children?—Yes; and it aids greatly in the administration. I suppose that almost 90 per cent. of the cases that the Native Commissioners have to try have to do with marriage debts.

35,137. Is illicit intercourse between man and woman outside of

the marriage form forbidden?—I think, broadly speaking, it is, although a good deal of that sort of thing goes on, I believe.

35,138. What do you think should be the goal to be aimed at by the Government in the administration of Native Affairs?—That is a very large question, is it not?

35,139. You can put it in a few words?—As regards their own affairs?

35,140. Yes; what is the goal to be attained in the administration of Native Affairs?—I think the ideal is administration of Native Affairs approaching much on the lines of an ideal European State; but that is a long way ahead.

35,141. By that you mean gradually levelling the Native population up to the white population, politically and otherwise?—Yes, in time. Of course, I am against any franchise being given to them at the present time; up here I do not think it would be wise, anyhow. But as regards the marriage laws, and the general affairs of their life, I say the aim should be in the direction of the administration of our best European States. Of course, when they have raised themselves they will have the franchise; I do not think that can be withheld from them; and I do not think it would be wise to withhold it.

35,142. Have they anything in the form of representative institutions amongst themselves?—Yes.

35,143. Of what nature?—They have a sort of an Assembly to try cases, of which the Chief is the head; they try cases connected with "lobolo," and that type of thing.

35,144. That is more of a judicial nature than a form of representative institution?—You mean as to making laws?

35,145. Yes?—No; I do not think they have anything of that kind; I think these laws of theirs have risen from necessity.

35,146. When, if ever, do you think that Native law should be entirely dispensed with, and the Native population brought under the ordinary laws of the Colony?—I do not think until they have become what is called civilised.

35,147. You approve of the total prohibition of the sale of liquor under the laws of this country?—Yes; I think the liquor law in this country, as regards the Natives, is all that can be desired.

35,148. Do you approve of Natives becoming individual owners of land whilst they are under Native law, or whilst they are polygamists?—They are owners of land in this sense—that they are living on the land, the Government occupying the position of guardian to them; these reserves are their own land practically.

35,149. Those are communal lands, are they not?—Yes; communal lands.

35,150. I mean individual owners?—I certainly think that if a man can buy, he should be allowed to do so.

35,151. Whilst he is under Native law and subject to the Native law of succession?—That is a question that I have not looked into much. I would not like to pronounce an opinion on a question of that kind, because I can see the difficulty. In the case of the polygamist, there would be considerable difficulty.

35,152. Do you see no difficulty in the fact that under Native law—I do not know if it is so here—the chief son inherits the estate to the exclusion of the other members of the family?—Yes; there is no estate to inherit here except the wives. Of course if the father was the owner of land, he would inherit the land. We have the same type of thing in European States.

35,153. *Mr. Sloley.*] Have you any personal experience of what

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is known as the Ethiopian Church, or the A.M.E. Church?—A little.

35,154. Will you tell us what your experience is?—They have taken members from us at the Bembisi. They have not been in Mashonaland yet, but we have had a lot of our people secede from us. The Fingoes who came from the Cape Colony had a Church on this Location, and a great number of people left us and went to them. In Bulawayo likewise Ethiopian ministers, or evangelists, or whatever they are called, arrived there and took away a few of our people. Those are the only two Stations at which I think they have affected us.

35,155. Do they do any useful work amongst the heathens?—No, none.

35,156. Do they do any mischievous work?—I cannot say much about the heathen people; I do not think they go to them. My experience of them in this country is that they have confined themselves so far to the Stations already in existence.

35,157. Do you think that it is a Church which is politically dangerous?—I think so. From what I can ascertain of their views I do not think their primary object is the spreading of the Gospel. I think that their aspirations are very largely political from what I can see of them, and they disaffect the people against their European Ministers. That is what they aim at from what we have had to do with them in this country.

35,158. But do they within your knowledge influence the people against the Government?—In so far as they influence their people against everything white; that seems to be their battle-cry: "Down with everything white."

35,159. You think you have discovered a really hostile tendency towards everything white?—I think so, distinctly.

35,160. You would not describe it as a tendency merely to have an independent church and an independent educational system, but you detect a definite hostility to Europeans?—I would not say that there is nothing of the other. I do not say that the other is entirely absent, but that seems to be their primary motive, from what I can ascertain. Our experience is that they take away from us the most unsatisfactory of our people. If we have to exercise discipline over any of our members for misconduct, they generally go to the Ethiopians and are received there with open arms.

35,161. I can understand you considering it very objectionable to any body of missionaries, but you have not given any definite facts within your knowledge as to their political aspirations or their tendency in that direction?—Not so far as the organisation goes, certainly not, but the tone of their talk seems to be in that direction. Of course, I have no specific illustration of it, but if they are asked as to what they object to, for instance, in the Church organisation, their reply generally is, that they object to being governed by European superintendents; not that there is any injustice in the system necessarily, but it is the European superintendent they object to. I have no case in point in which they have done anything or organised anything against the Government.

35,162. *Sir Thomas Scanlen.*] With reference to the custom of polygamy, I do not understand you to advocate that there should be any interference with it by the Legislature?—No, as far as the heathen population is concerned, I do not think so.

35,163. You recognise that with the advance of time it will diminish?—I think so.

35,164. And one cause, I take it, is by our having come into the country and having put a stop to inter-tribal wars, and that women are not taken captive as they were in former days?—I do not think that that will affect the question much.

35,165. Not a number of men being killed off?—In that respect yes; but I mean as far as it is a matter of the conviction of the Natives themselves, that would not affect the question. I think the only hope is in changing these people's minds; or hearts if you like.

35,166. Will this not be inevitable, that owing to contact with civilisation and the stopping of their tribal wars, the proportion of the sexes as time goes on will be more evenly balanced?—That will affect it.

35,167. And that will tend to diminish polygamy?—Yes, it will do, and I think the tax also.

35,168. You recommend that for many years to come the vote should not be given to the black man?—No, except to those who qualify themselves.

35,169. What do you define as "qualifying"?—I think that some test which necessitates their educating themselves and rising to a certain position should be imposed.

35,170. With that advanced class that you have in contemplation, would you suggest that they should be put on the Voters' Roll for the election of ordinary representatives, or that there should be separate representatives for Natives; give them a number of representatives for the Native classes?—I think it would be better to have a Native representative.

35,171. You favour that?—Yes.

35,172. Supposing that they were educated—would you allow them to choose men of their own race to be in the Legislative Council?—No; I think that a European, for many reasons, would do the work better; better for themselves, and better for the general community.

35,173. Would you limit to the European, especially in the first instance?—Yes; for a long time to come.

35,174. Then, when the time comes, would you simply give the seat to the man who has the majority of votes, or say that three members were wanted, that they should elect, say, nine from whom three should be chosen by the Administration of the day?—I daresay there is a good deal to be said for that scheme. The Legislature of the day would, in all probability, know who were the most praiseworthy men amongst those nine; but from what I know of Natives, I think they generally choose men who are "straight"—men that they can trust; their legislative ability may not be outstanding, but I think they generally, in ordinary affairs, put their confidence in men on whose word they can depend.

35,175. In your view, you would give the seat to the man who counts the largest number of votes, as in the case of Europeans?—Yes, I think so. If he is to be a representative of Native opinion, it must be so. Of course, the other scheme you have mentioned I have never thought of.

35,176. Do you advocate establishing in Rhodesia given Native Reserves, where Natives alone should reside?—Yes; where Natives alone should reside, with those who go there, for instance, for trading purposes, and missionaries.

35,177. I have in mind this: that given areas of country should be defined, and that these should be reserved by legislation, and that no land in that part of the country should be thrown into the market for sale to anyone who wished to buy?—Certainly, I think so.

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35,178. Do you think that that would be to the advantage of the country—both Native races and European races?—Yes, certainly I think so; besides which, these Natives would be placed at the mercy of European owners of land if we had no reserves for them. In any case, at the present time they are feeling it rather hard; in some instances, I believe, the reserves are hardly sufficient or hardly suitable, and in others, those who have been living on certain lands which they now discover belong to European owners, have either to pay rent or move. In many cases they prefer to pay the rent, but they do not like it.

35,179. Then on the whole, you think the creation of such reserves would be an advantage?—I think so, certainly.

35,180. Do you favour the views, as I gather from your answers, that the Native Commissioners should be instrumental in procuring labour?—It depends how you define that. I mean that Native Commissioners ought to act as sort of guardians to these people, and recommend available labour markets to them.

35,181. But, if that course were adopted, would it not be open to this objection, that they would be inclined to regard it as a command from the Government, and feel that they would give offence if they did not heed what they took to be those commands conveyed through the Native Commissioner?—It is liable that they might misunderstand a direction for a direct command, but I think that once they got confidence in this new system, it would work all right. At the present time they have no means of ascertaining, except from each other, as to where labour can be procured. They have no newspaper for instance. They do not know that a mine at some place is wanting 100 boys, or that a railway contractor wants a certain amount of Native labour; and the only way for them to ascertain is by going to such people.

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35,182. Should the Government undertake that? Would it not be looked upon rather as a command from the High Chief which they might probably disregard?—There is that difficulty, but I think it could be avoided. The bulk of them know that such a thing as compelling them to work is out of the question.

35,183. They realise that?—I think so.

35,184. With regard to the Natives in this part who are capable of doing farming work but are not fitted for mining work, do you look for this country being more densely filled by a farming population in the future when there will be a demand for farm labour, the Natives in that way finding employment?—Yes, I think so; I think as the country develops there will be plenty of labour in the country without their going out of it; but at the present time there is not.

35,185. You think in that way the surplus population may be absorbed?—Yes, and as the mining industry develops.

35,186. If the mining industry develops, then the farmer comes in to supply the miner and the labourer comes in to supply the farmer; would that not be the case?—Yes; the Native will always go to the employer from whom he can get the most money.

35,187. My point was, will not the growth be in that direction, on that basis?—The labourer going to the farmer?

35,188. Yes?—It may; I think though that the farmers in this country might pay a little more attention to the comfort of their boys.

35,189. Is it not a fact that there are as yet very few farmers compared with the large extent of country there is?—That is true, there are not many; but I believe that the boys at the mines that are

working now and that have been working for some time are better looked after; they have better food, for example, than many of the boys who go to farming, brick-making, and that sort of labour.

35,190. Do they complain of shortage of food supply?—Not so much of the shortage as of the quality. In many instances they get nothing to eat with their porridge. At their kraals they always get a little something savoury to help down this very insipid porridge which they use, and they complain when they go away that they get nothing with it.

35,191. Do they complain of the want of animal food?—Animal food is the only thing to get, that is, meat, from the farmers. At home they grind monkey nuts and make a kind of paste with them, and they use vegetables to make a kind of savoury mess with which they eat their porridge.

35,192. Would that not rest practically on the basis of the contract; when a boy was engaged he would inquire what he was to be supplied with?—But if that is the only source of work available the contract is mostly all on one side.

35,193. Would the Native not refuse to go into service unless his wants were supplied?—Where else would he go; he has got to get his £1, and he must have labour to earn the £1.

35,194. You do not suggest any legislation dealing with that?—No, I think in time these things will remedy themselves; it is a new country and there are difficulties, of course.

35,195. In regard to the hut tax it was suggested, as you are aware, at one time that the tax should be £2; are you of opinion that a tax of £2 is beyond what they can afford?—I certainly say so, in the case of these men that I have spoken of—the middle-aged raw Native.

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35,196. It is beyond what they can afford?—Yes.

35,197. In case assent had been given to imposing a tax of £2, are you of opinion that that would have created any disturbance in the country?—I do not think so.

35,198. You think they would have submitted quietly?—They would have been simply indifferent.

35,199. There would have been no revolt?—No, not amongst the Mashonas.

35,200. No discontent?—What I am afraid of now is that many of them are in danger of becoming indifferent, not trying to get the amount of the tax.

35,201. That would be quiet defiance?—Yes; passive resistance, if you like.

35,202. They would simply say, "We cannot raise it"?—Yes. I have been riding for the last ten days through the country, and many of the Natives I have met did not know me at all, and I took care as I came to these kraals to find out as regards their hut tax. I said: "You know that the time has come; have you got the money?" And in most cases they had not. I said, "What are you going to do?" and they simply shrugged their shoulders.

35,203. On the lines of quiet defiance?—Passive resistance. I daresay, of course, that if a few of them were put in gaol, it would alter their attitude.

35,204. *Mr. Campbell.*] It is quite possible that they may have had the money in the hut all the time when they made these remarks to you?—I do not think so in many cases.

35,205. But the general character you give of them is that they are of a very low standard; do you not think it is quite possible that

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they may have had the money all the time?—The cases that I am speaking of particularly are in the district where this year there were something like 300 defaulters brought up before the Native Commissioner for not having paid last year's tax; and last year they were selling every conceivable thing they could get hold of—goats, fowls, and everything of that kind. That being the case with last year's 10s., where is the £1 for this year? That was in April, and I was down there a few days ago.

35,206. *Captain Dickson.*] In answer to Sir Thomas Scanlen, you said that the farmers did not feed the boys well; are there any farmers in the real sense of that word here?—Yes.

35,207. What do they do?—There are farmers who are ploughing.

35,208. Are there many?—There are not many.

35,209. Are not the class of people you allude to mere wood-choppers and such like?—There are a good deal of those, but they are just round the town; it does not pay to bring wood from a distance.

35,210. How many real farmers do you think there are in this country of Mashonaland?—It would take some time to think that out.

35,211. I mean that employ labour?—I travelled from my place here seven miles out of town about 250 miles on horseback, and in that time I passed two *bona-fide* farmers.

35,212. *Mr. Thompson.*] Are you aware that out of an estimated revenue of £56,000 in no less than thirty days £40,000 was lodged in the bank under the collection of £1?—I daresay; does that include Matabeleland?

35,213. That is in Matabeleland; out of an estimated revenue of £56,000, in less than thirty days 40,000 sovereigns were lodged in the bank?—I am speaking about Mashonaland chiefly.

35,214. And that the balance of £16,000 is expected to be collected in the next thirty days?—Of course, the Matabele are much better off than these people. At the station where I am living our people paid on the date they were called upon to pay, and they had no difficulty in meeting the obligation except in one or two cases.

35,215. That is in Mashonaland?—Yes, that is just seven miles out of town.

Sir Marshal Clarke, further examined.

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35,216. *Chairman.*] Yesterday, when we adjourned, I was asking you some questions about education. I should like to get your opinion upon this point as to whether from your experience you believe that the influence of education upon the Native mind has been good?—I think so distinctly.

35,217. What is your opinion as to the standard up to which education can be usefully given to the mass of the Natives? I do not say to the highly intellectual and advanced Natives but to the mass—as to the standard of subjects?—I should say reading and writing in English and in their own language and arithmetic, and other elementary subjects, and geography, the geography of their own country at all events.

35,218. Do you think to that extent that the State should not only aid it but should make an effort to diffuse education and make it general, if not compulsory?—I do not think compulsory, but I think it should give every encouragement.

35,219. But not make it compulsory?—No, I do not think there is any necessity.

35,220. In acquiring education does the Native in your opinion acquire tastes which require gratification, which induce, again, labour?—Yes.

35,221. Therefore education is of great value to the country in general in that respect?—I think so.

35,222. And is of great value in its elevating tendency for the Natives themselves?—Yes.

35,223. As regards State aid, do you consider that schools for Natives should be supported entirely by Government or only aided?—Aided.

35,224. And that those desiring the benefit of education should assist themselves in some way?—Should be encouraged as far as possible to do so.

35,225. Then, as regards the system that has obtained for a great number of years in South Africa, in nearly every Colony, by which the grants given by Government are administered by the Mission Societies, what is your opinion about that system?—I am altogether in favour of it.

35,226. The alternative is to set up purely Government schools and take the direction of education—not exactly take it away, but compete with the Mission Societies?—I should not like it.

35,227. You would rather see the work done by the Mission Societies?—Yes.

35,228. In the past do you believe that that has effected a sound purpose?—On the whole, yes.

35,229. Do you think that the funds derived by those Mission Societies have been well administered?—I could not say generally. In some cases it is so, in others not.

35,230. The results as a whole, in your opinion, of working through the Mission Societies, are good?—With Government inspection of course where Government aid is given, the results are good.

35,231. With regard to religion, would you give us your opinion as to whether you are led to believe that the influence of religion upon the character of the Natives has been good?—In my experience it has undoubtedly.

35,232. Have you learnt anything of the movements of a sect called the Ethiopians?—No, not directly. Some movement of the sort was going on in Zululand when I was there. It was in its initiatory form; I did not see it working. I did not see how it worked.

35,233. It aims, as far as we know, at setting up an order of things, to be managed and governed by Natives themselves. From what you have heard of it do you think it is a wholesome movement?—I should be very sorry to give an opinion. I have not seen it work, but from what I have heard of it I should not interfere with it I think unless there are some political objections to it.

35,234. Supposing, for instance, they were found to have political aims under the guise of religious aims, would you then interfere with it?—I think that should be closely watched.

35,235. And if found to be so—if they were mischievous, for instance?—I should suppress it.

35,236. If they were misleading the masses of the coloured people in this country, would you call that such a form of mischief

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that ought to be dealt with rather severely?—Yes, I think it should. From the religious side I should very much hesitate to interfere with it, in fact I would not touch it or do anything that could be construed into interference with its religious side.

35,237. Upon the subject of the administrative system in any Colony, I should like to ask your opinion as to the general qualifications and the class of officers that should be employed to work over and amongst the Natives; in other words, do you consider it should always be that such officers should be men who are acquainted with Natives and in sympathy with them?—Yes, or capable of becoming so.

35,238. In order to maintain an influence over them, should they have some judicial power?—Yes.

35,239. Do you think that Native questions should never, if possible, become political party questions?—Not if it can be avoided.

35,240. Continuity of administration in Native affairs is most important?—Most important.

35,241. Anything that would disturb that continuity would be in your opinion undesirable?—Very undesirable. The Natives are intensely conservative by nature.

35,242. And in making any changes from time to time that may become necessary?—I think it should be done very gradually, and I think the Natives should be consulted beforehand. Before the change is made they should be accustomed to the idea that is involved in the change, and they should be allowed to express their opinions and encouraged to express their opinions.

35,243. Before making any change?—Before making any change; before the administration commits itself to any changes.

35,244. Upon the subject of spirituous liquors being supplied to Natives you hold very pronounced views, I believe?—Yes.

35,245. Would you express them?—I consider it most injudicious to allow them access to drink.

35,246. Has it in your opinion wrought mischief amongst them where it has been permissible?—Yes, the greatest mischief.

35,247. Morally and physically?—Morally and physically.

35,248. Do you consider that all the Colonies ought to adopt the same laws in this respect?—I should be very glad to see them adopted.

35,249. Total prohibition?—Total prohibition.

35,250. Is there any particular subject on which you would give us your views that I have not asked you about?—I think you have touched on nearly everything.

35,251. *Mr. Stanford.*] In your experience you have had necessarily to work through the Native Chiefs?—Yes.

35,252. Did you find such administration on the whole satisfactory in respect of the power on the part of the Chiefs in dealing with the people?—On the whole, yes, I think so.

35,253. In such instances would you recognise the necessity for the supreme control resting in an officer representing either the British or the Colonial Government, according to circumstances?—You mean a Court of Appeal?

35,254. I mean the control of the Chiefs?—Yes, I think the ultimate control must be with the ruling race.

35,255. I think I understood you to say yesterday that you recognised that the conditions of Native life in South Africa are rapidly changing, and that the tribal system must in time be modi-

fied?—I think so. In the case of ordinary jurisdictions conferred on Native Chiefs I should make that subject to the Court of Appeal, and I think the probable course that will come about is that the appeals will multiply and that the people will look more for guidance and place more confidence ultimately in the Europeans over them.

25,256. And eventually, as the conditions change, that the people everywhere should have a right to come in the first instance, if they choose, to the Magistrate?—I do not think the time for that has come yet in most places, but I think it will become so in time, that they will go in the first instance to the Magistrates.

35,257. *Mr. Thompson.*] You hold it, I think, essential, if I understand you rightly, that there should be Government inspection of Missionary Schools who receive no contribution, as well as of Missionary Schools in the country receiving a contribution? Do you hold that inspection is essential in both those systems?—I think inspection is essential where Government aid is given, but I do not know how you could enforce inspection on schools that are entirely supported by subscriptions or by societies.

35,258. I was rather thinking of the question put to you by the Chairman as to the Ethiopian movement, in answer to which I understood you to say that you thought it should be watched, and that if necessary, in that case the Government should step in—although it was a voluntary system of religion that the Government should have a right to step in and interfere with it?—If there was political danger.

35,259. And if in Mission Schools—I am not going to select particularly the Ethiopian—if there is a Missionary School which has a particular political tendency, would you have the Government inspect that too, or would you have the Government have the right of veto or interference?—I have never come across such a case.

35,260. On the question of total prohibition, do you take it upon the plane that it is in the interests of administration that total prohibition should be enforced, or in the interests of the Native *per se*?—It is very hard to separate them. Both combined. From the Native point of view and from the administrative point of view.

35,261. *Mr. Samuelson.*] When you were in the Zululand Province, I believe you were Chief Magistrate as well as Civil Commissioner?—Yes, I was Chief Magistrate.

35,262. Were there many appeals from Magistrates to your Court in questions of Native law?—I could not give you the numbers, but there were a good many.

35,263. Can you tell the Commission whether there were many appeals from the Chiefs' Courts to the Magistrates' Courts?—Yes, a good many; they were becoming more numerous by the time I left.

35,264. Did you find the system in vogue in Zululand of having none of the Zulu law reduced to writing satisfactory or otherwise?—Individually I always made use of the Chiefs as assessors in cases where questions of purely Native law and custom occurred, in fact the Magistrates are all under the same order to consult the experts in the law.

35,265. Did you not find that the Native Chiefs, when made use of as assessors, were disposed to take sides in their views and were not always impartial?—Not in defining Native law. In cases they tried they did appear to me very often to be partial, but so far as the law was concerned, I never found them giving a wrong interpretation of the law.

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35,266. Do you think that a knowledge of the Native language is a sufficient qualification for a man to become an Administrator of Native law?—No.

35,267. Are you of opinion that it was a satisfactory state of things to leave the decisions in these Native matters to Administrators of Native law on the unwritten law of the Zululand Province, or that it was possible for each Magistrate to come to practically a different conclusion on the same point according to the knowledge he might or might not possess of Native law?—No, there were certain principles laid down for the guidance of the Administrators of Native law which they had to follow, and the object was to get them together as often as possible to talk over the interpretation of the Native law.

35,268. You recognise that it would be better, so long as we administer Native law, to have that law in writing, and to tell the Magistrates that they are to be guided by that law as reduced to writing, and not to leave to each individual man to decide what is a case under Native law according to his own volition?—I do not belive that a good ultimate object is attained by codifying the law. I should rather give them the principles of the law, and then let them exercise their judgment, and learn from the Natives themselves what the Native law is.

35,269. You think that those instructions which were issued to Administrators of Native law for their guidance were unnecessary?—Not instructions. What I meant was codifying the law and stereotyping it in that way.

35,270. You will remember that the Natal Code of Native law of 1878 was followed by the Zululand Province as a guide?—Yes; it was never recognised in Zululand while I was there.

35,271. It was used as a guide?—In some cases it differed from the Zululand usage, and in taking appeal cases, I was not guided by the Code of 1878. It differed in a very large number of cases—the interpretation put on the law in Natal differed in many cases from that received in Zululand.

35,272. You are not able to say that since Native law was reduced to writing in Natal, and the Magistrates were directed to follow that law in dealing with Native cases, there have been fewer appeals and more uniformity of decision than there were before that law was reduced to writing, which became what is called the Code of 1891?—I could not say. When I was a Magistrate in Natal there was no Code. The cases were all referred to Sir Theophilus Shepstone, who was then Secretary for Native Affairs. He made remarks upon the proceedings. That was the system that obtained while I was in Natal.

35,273. You were a Magistrate for some time in the Colony of Natal?—Yes, two or three years.

35,274. Would you care to tell the Commission whether any promises were made to the Zulus after their conquest as to the disposal or non-disposal of the land in Zululand?—I am afraid to say. It is some time ago, and I cannot remember. I remember some correspondence about it, but I really could not say the nature of the promises or pledges given.

35,275. How far distant, do you think, is the time when we should dispense with Native law and special laws for Natives entirely, and bring them under the ordinary law of the British Government in the Colonies?—I think it is a question of evolution. I could not say when the time would come. I suppose it is coming.

35,276. Do you think that time should be in any way forced on, or brought on, or should it be left to natural evolution and political necessity?—I think it should be left to natural evolution. Certainly in the present stage, I think it would have a very disturbing influence if the Native laws and customs were suddenly abrogated.

35,277. Would you say that with regard to the whole of Native South Africa?—In every case, excepting, perhaps, the Cape Colony, and then I was not long enough there to study the question.

35,278. Did legal practitioners appear in your court when you were Chief Magistrate in the Zululand Province, in cases between Native and Native?—No.

35,279. What is your opinion of the appearance of legal practitioners in such cases, and the influence it has on the Native?—In purely Native cases I do not think they are of very much use.

35,280. Would you draw any line between cases between Native and Native under purely Native law, and cases between Native and Native under the principles of ordinary law?—Yes. There I think it is most desirable to have the assistance of a Native practitioner.

35,281. I will read Section 39 of Proclamation No. 2 of British Bechuanaland, dated October 6th, 1885, which is in force now in the Province of Zululand and in the Northern Territories recently annexed to Natal with regard to the appearance of lawyers, and I would ask you if you think that that is a rule which might with usefulness be adopted in other places, in respect of the appearance of lawyers in cases between Native and Native: "In all Native claims before the Land Commission, and in all cases where Natives shall be parties before any court of law in British Bechuanaland, such Natives shall be at liberty to appear in open court and plead their case in person, but not by counsel or attorney, except with the leave of such Land Commission or Court first had and obtained, and such leave shall not be granted save in cases wherein the said Land Commission or Court shall be of opinion that there may arise questions of law requiring professional assistance, and in such cases the amount of remuneration to be allowed to each counsel or attorney shall be fixed by the said Land Commission or Court."?—Yes, I think that is sound.

35,282. Are you of opinion that the Royal Assent should be a *sine qua non* in respect of all legislation affecting the Natives especially as a class?—Yes.

35,283. Of course, you know that in the Zululand Province and in Natal the Governor of the Colony was also Supreme Chief of the Native population? Is there anything in that dual capacity in respect of the Native population which would commend itself to your mind?—The dual capacity was recognised, I suppose, before responsible government came into force?

35,284. In Natal from the very commencement, and in Zululand from the time of the annexation of that country to Natal and before?—I do not know how it works under responsible government. It worked very well before, but I do not know how it works now—whether it is of any effect now.

35,285. You are of opinion that it worked very well before responsible government came in?—Yes, when I knew it.

35,286. Do you think it is a useful office, or a desirable office for the Governor of a Colony to hold in regard to the Native population?—I do.

35,287. Would you recommend the abolition of the tribal system?—The immediate abolition?

35,288. Or within the next 50 years?—Within our time, I think

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it would probably be found to be a very undesirable move. Now, I look upon it as an impossibility.

35,289. Do you not think that the existence of separate units amongst the Native population helps to keep them divided, and is one of the safeguards that we possess with regard to the Native population—their tribal jealousies and feuds, and so on?—Yes, I think it is.

35,290. And if a system which divided the Natives in that way into units were to be done away with that there would be a greater possibility of their becoming united and a more dangerous people?—No, not in their present stage of advancement. I do not think it would.

35,291. You are speaking of this country now?—Generally, I think. I think there would be a very great increase of lawlessness. We would lose the advantages we now derive from tribal responsibility, and I do not know what would be gained by it.

35,292. Are you of opinion that uniformity or assimilation or federation of Native administration throughout South Africa is a practicable thing?—It appears to be a thing to be aimed at—an object to be aimed at, if it is possible.

35,293. What do you think should be the nature and character of it?—I am afraid that is rather a big question. I should not like to answer it in a few words.

35,294. Do you think that Native government and administration should form, as it were, an *Imperium in Imperio*—a sort of separate unit in matters of administration throughout the country under special officers?—It is necessary to have a department to deal with Natives where you have this tribal system—where you have Native locations.

35,295. Do you think it would be well to have a sort of Federal Advisory Board in Native matters to advise the Government on questions of Native law, Native administration, and matters affecting Natives especially?—I think so.

35,296. Do you think that such a Board would be of use in individual Colonies and to the Government of such Colonies?—Of what nature?

35,297. A Board which would take cognisance of conflicting decisions of courts, questions of defect in administration, and other matters of that sort, and legislation, and to advise the Governments of the Colonies what in their opinion should be done in order to remedy any matter or to improve it?—I think that must rest very much with the Government of the country. At present it employs its own officers for that purpose, the officers connected with the Native administration. I suppose it obtains their views and their opinion upon matters affecting the Natives.

35,298. Do you think it should be made possible for the Native population to participate in the government of the European population?—I think it is very advisable that there should be one Government, the Native population and the European population exist dependent on each other in many ways. I think what is good for one is good for the other.

35,299. Do you think it is a very dignified thing for Europeans to tout for Native support and Native votes in view of elections; has it a tendency to raise the respect of the European in the minds of the Native?—Everything has got its abuses.

35,300. You do not think it is a very dignified position for a European to place himself in to be catering for the Native vote?—No,

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if you put it in that way, I do not think it is, but at the same time I think men whom we very highly respect in the Cape Colony, men whom I have known there, and for whom I have a very high respect, obtained their seats in a large measure by Native votes, and I am perfectly sure they did nothing derogatory to their position.

35,301. I will change the word "dignified" to "desirable"?—I think it depends upon circumstances. I think it is a thing which is liable to abuse, but I do not think the abuse at all necessary.

35,302. Do you think that the official element to whom the Natives naturally look up to a great deal for advice and for guidance would have much influence in directing the vote of the Native population?—I do not at all recommend that the Native under his own social system should have the franchise, and so far as regards the independent, the educated Native, the men who have got the franchise, so far as I saw in the Colony, I do not think the Magistrates did exercise any influence over them, or very possibly could have exercised much influence over them.

35,303. You know, of course, the natural tendency of the Native to seek for advice from those who are immediately over him? He has a great deal of confidence in the views and opinions of old and respected Magistrates, who are perhaps sons of men who lived in the country, and who have grown up in the country, and he is very ready to be guided by what their views are. Do you not think that possibly the views of a great many officials might have affected the Natives in locations in the Cape Colony in favour of the Progressive, and that they might have advised the Natives who had votes accordingly?—I am afraid, I could not give any opinion upon the matter. I have not been in the Colony for many years. There is the same thing in England. Employers of labour have a great deal of influence over their employés, and landlords have influence over their tenants. You get that everywhere. To every extension of the franchise there is the same objection raised.

35,304. Do you think that Natives should be on the Jury Lists, and sit in the trial of Europeans?—I think there would be a very strong prejudice against it.

35,305. Is there anything to prevent a Native here in Southern Rhodesia from applying to be placed on the Jury List, if he otherwise had the qualification?—I believe not, but I am not quite sure.

35,306. Under the Jury Law 10 of 1871 of Natal, the Native may not be placed on the Jury List. There is no law here which excludes the Native from the Jury List?—I do not think so.

35,307. Do you think that Natives should be allowed to avail themselves of the Colonial laws of insolvency in matters between themselves?—No; I am thinking of the raw Native now. I am not speaking of the Native who in Natal would be exempt from Native law.

35,308. You have had a long experience in our Colonies; do you approve of that law of exemption from Native law; do you think it is a good system?—The objection to it is, I think, that it is so seldom exercised So very few men avail themselves of it.

35,309. Do you think it is advisable to create a class in any country which is neither entirely under the ordinary law of the Colony nor under Native law, as has been done in this case?—I thought they came under European law in case of exemption.

35,310. That was the intention when Law No. 28 of 1865 of the Colony of Natal was passed, but during later years a number of laws

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and enactments have been passed which have really reduced the privileges of exemption of these Natives and placed them partly under Native law?—I am afraid I have lost sight of these laws, and do not remember them.

35,311. Do you think that the law of succession for the Natives is the best law for them?—Do you mean their present law?

35,312. Yes?—I think so; it is suited to them.

35,313. Do you approve of the system by which Natives who are married by Christian rites become, through that fact, placed under the ordinary law with regard to the administration of their estates in intestacy?—The fact that they become monogamists has altered their position. The law has to provide for them in some way or another.

35,314. *Captain Dickson.*] What is your opinion of the occupation of large tracts of land by Natives, owned by absentee owners, such as exists in the Colony of Natal?—I have always regarded it as a great misfortune.

35,315. What is your opinion of the higher education of Natives?—I would allow any Native who wanted the higher education to obtain it; give them every facility to obtain it.

35,316. Do you think the State should assist in this?—I think the State should assist directly by aiding the schools that afford them the education, but I would not give it to the individuals. I would make the individuals show that they were capable of it.

35,317. *Mr. Samuelson.*] Do you approve of marriages between Europeans and Natives?—I think they are very unfortunate as a rule. I must say I never saw a happy marriage between a European and a Native.

35,318. Would you have that objection only to such marriages? Does it not tend to lower, as it were, the prestige and the status of the white population in the eyes of the Native?—I do not think so. I would simply object to it on that ground, that I do not think there is the element of happiness in it.

35,319. You said you would be in favour of the total prohibition of the sale of liquor to Natives?—Yes.

35,320. Do you include in the word "Native" the Hottentot and the Griqua, the illegitimate offspring of Natives and Europeans?—As a question of policy, yes, I include them all.

35,321. *Sir Thomas Scanlen.*] Upon the question of the franchise for Natives, I gather you look forward to the time when that is a claim that will have to be enquired into?—Yes, I think it will.

35,322. When the time comes, supposing it arrives now, would you favour the Native being put on the ordinary Voters' Roll for the election of Members of the Legislature, or that there should be a separate Voters' Roll and separate representatives to represent or watch Native interests?—I think there would be objections in the way of having a separate and distinct representation.

35,323. Do you see any objection to a given number, say three men, for the whole province, being elected as members of the Legislature by Native constituencies only, and that there should be no voting side by side of the Native and the European?—I think that would lead very much to a distinction between those members representing the Native constituencies and those representing the European constituencies which might lead to unnecessary embarrassment and friction.

35,324. On the other hand, supposing the Natives increased very largely, and were put on to the ordinary Voters' Roll—might they

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not influence the elections adversely to European interests?—Of course, that is possible.

35,325. Would you not view it ordinarily as rather lowering or degrading if Europeans should go canvassing amongst the Natives for the ordinary vote for the Legislature?—I suppose there is danger of it when political excitement runs high.

35,326. As a choice of evils or undesirable things, would you approve of what I suggested as being the least of them, that is, that they would be given men in the Legislature to voice the Native wants, but that the Natives should not be on the ordinary Voters' Roll to compete with Europeans?—There seem to me to be objections to either form of procedure.

35,327. Of the two, which would you regard as being the least objectionable?—Under existing circumstances, I daresay what you propose might be the least objectionable.

35,328. If that plan were adopted, would you give them the power that is ordinarily exercised of returning, say, three men who have the largest number of votes, or would you prefer to enable them to nominate a given number, say nine or twelve, out of which number the Administration might choose the best men?—I would prefer giving them direct representation. Then they have the responsibility. Otherwise, they might throw all the responsibility on the Government for anything that happened that they did not like.

35,329. Of the two projects, would you prefer that?—I would prefer that. That gives them a distinct control over their members too.

35,330. Do you view that as objectionable?—No, I do not think that is objectionable. Where you give representation I prefer it being real representation.

35,331. Putting the whole of the responsibility on them?—Quite so.

35,332. Have you formed any view in regard to the establishment of Native reserves in Rhodesia?—There are already Native reserves demarcated.

35,333. I mean, to have legislation to fix them definitely, so that no Europeans could ordinarily acquire rights?—I think that is already practically done by the Order in Council. The Administration was bound to provide locations.

35,334. As a matter of administration; but is it definitely fixed by any law or instrument that particular areas of land are demarcated as Native reserves?—The areas that have been demarcated are waiting the approval of the Secretary of State, and I do not think they can be altered without his approval afterwards.

35,335. Broadly your view is that such reserves should be demarcated and should not be infringed?—Yes.

35,336. It has been suggested by some of the witnesses that Native Commissioners should exercise some influence in procuring Native labour?—Yes.

35,337. Would you or would you not favour that?—I do not favour it.

35,338. Your view is they should have no say in it at all?—No say in it at all.

35,339. If permitted, would you regard it as giving the Natives the idea that it was the order or command of the Government that they could not possibly disobey?—At one time they had that idea, I believe.

35,340. *Chairman.*] I wish to ask you as to higher education for Natives. You are aware that a considerable number of them

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have sought it, and in some cases the lack of opportunity in South Africa has driven them to America. I should like to ask your opinion on this. Do you consider that, in the absence of sufficient institutions in this country for the giving of education of a higher order, the Government should provide the opportunity for higher education of Natives?—I think so.

35,341. And, in providing that, do you think that the Natives who seek it should pay for it, so that it might be self-supporting?—I think so; not altogether self-supporting perhaps, that is rather a wide term, but that the Natives should be required to pay for their education.

35,342. You would consider it, I take it, to be an evil if the Natives were driven out of this country to get education in European countries?—Yes.

35,343. *Mr. Stanford.*] May I take it, that within your experience, Native Chiefs of different tribes do frequently communicate with each other on affairs affecting them?—Yes.

35,344. And that it has been practicable in the past for Chiefs and tribes to unite in a common cause, even say, to the extent of rebellion against constituted authority?—That it has been possible for them to unite, that means of communication would have allowed them to unite?

35,345. That they have arranged to combine?—I suppose so. I think it is very likely the case.

35,346. For instance, I may mention for your consideration in that connection, that in the period of war, 1880-1881, various tribes rose in East Griqualand and Tembuland, acting practically in concert with the Basutos in Basutoland. That was done and arranged by their own means of communication, was it not?—Yes.

35,347. So that in that respect would you take it that Local Councils are bringing in any new feature into Kafir systems of communication?—No, I should not think so.

35,348. *Captain Dickson.*] Do you not think that Local Councils are making these matters easier—making communication easier?—I do not think so, because if they were in earnest, the Chiefs have means of communicating to all the most distant tribes if they have a purpose in view. I am very much inclined to think that the more you allow the Natives openly to unite together and talk matters over the better it will be.

AFTERNOON SITTING.

Mr. William Harvey Brown, examined.

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35,349. *Chairman.*] You represent the Mashonaland Farmers' Association?—Yes.

35,350. Are you a farmer?—I have a farm, and live on it, and carry on farming operations.

35,351. Have you been long in this country?—Fourteen years, on the 12th of this month, with the exception of one or two little trips away.

35,352. Do you know the subjects which have been referred to the consideration of this Commission?—I know something about them.

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35,353. You are aware what the subjects are?—Yes.

35,354. Are there any particular subjects on which you would like to express your opinion?—No; I came on invitation. I came here to reply to anything you wanted to find out.

35,355. What subjects on this list are you familiar with?—I am familiar with the franchise, for one; not in connection with this country altogether, but in connection with the negro race in my native land, the United States—and a little about Native labour. I have employed Native labour ever since I have been in the country, off and on. I know something about the Native labour question.

35,356. What do you say about the franchise?—As to giving the Natives the franchise or not?

35,357. Upon the question in general, what are your views?—My views are they should not have the franchise.

35,358. Do you mean that no Native should have the franchise, or that the Natives in Mashonaland should not?—No Native in South Africa—no black man.

35,359. Why do you think so?—Because it means that eventually you will have only the black race in South Africa. That is my opinion. In the United States, where they have given the Native the franchise, it is admitted North and South that it is the greatest blunder they have made.

35,360. Why has it been a blunder?—Because it has not been successful. The negro has lost his head. They attribute the difficulties they have with the negroes, particularly in cases where mob law has come into operation, more to the franchise; the fact that, through getting the franchise, he has come to believe that he is the equal of the white man, and he has become insolent, and thinks that he is a great man. I know them. I have lived amongst them, and they think, as I have heard them say, "The white man is a good man, but the black man can go anywhere and do anything," and the consequence is, through that, and through the fact that he has only recently come from savagery, he does not understand; he has not the same reasoning powers. Our race has been a good many centuries in developing up to its present standard. He has only come from a savage state a few generations. He has been through a training of slavery for two centuries, but that has not fitted him. Although that was the best training, apparently; it was the training the educated negro says they should have had, yet it has not been sufficient to develop him and make him capable of taking on the duties of citizenship.

35,361. Do you think he ought to be represented in the Government of the country?—No, I do not see why he should. He is represented at present. In this country in particular there are certain means of representation through the Native Department. I certainly think that is the sort of representation he should have, not a Legislative representation, but a Governmental representation. He is a child, and 500 or 600 years, or 1,000 years from now, probably he will be ready as a race to have his representation, and take equality, and so on.

35,362. Do you think he is represented fairly now?—I think he is represented very fairly. Of course, I am only speaking of Rhodesia; I do not know enough about the other parts to say.

35,363. As to Native labour, would you like to give your views about that? I will ask you some questions. You are farming?—Yes.

35,364. Have you got enough labour?—Plenty, and always have had.

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35,365. And have the other people in this country got enough Native labour?—Most of them. There has been a scarcity within the last couple of years I think. There have been some new Ordinances passed, which have taken out of the hands of the Native Commissioners a certain control which apparently they had over the Natives. I do not mean to say an unfair control, but during the early stages of this country the Native Commissioners were put in each district, and the Natives of that district looked to him as their white Chief, and they did what he advised them to do. In the last year or two, I do not remember the exact date, certain Ordinances have been passed, or certain notices given, by which they are told that it is not necessary for them to go to work for the white man. I believe at an earlier date they were advised that they should go out to work. Their Chiefs were told how to send men out to work, and they went out; but since that time there has been considerable difficulty among some people in getting labour. Labour is erratic; at times during the year there is an overplus, and at other times, when they are doing their own work during the rains, there is more or less a scarcity of labour. I thoroughly believe that with more power put in the hands of the Local Government, and the restrictions imposed by the Old Country removed, there should be no difficulty in regard to having all the labour we require for many years to come in Rhodesia; and I believe also that it would be a very good thing for the Native to have some other taxation, or some regulation passed by the Government, by which he should be required to come out and work so many months in the year. I think it would be for his own good. It would be a decided benefit in developing the industries, and would be to the benefit of the settlers of the country. It would be the best thing that could happen to him, because he is by nature indolent, and no race can develop without labour, and without some kind of pressure, either by taxation or governmental authority. I do not believe in individual authority, that is to say, not anything approaching slavery; but I certainly think that to be slaves to the State, if you will allow the term, is the best thing for the development of the black races of Rhodesia. Of course, on the other hand, if you look into the question of the future of the white population, it would be much better if they did not work at all. If they did not work at all we would have them out of the way, and have a white race in the country, which would be far better for it than the black one.

35,366. Do you think a white race could live in this country and work in it like the Natives do?—Certainly.

35,367. What do you suggest would be the form of forced labour in the interests of the Natives themselves?—I certainly think it would be in the interests of the Natives in the sense that the whites might think that it would be in their interests, but in the long run it might not be, because if you make the Native work, he is bound to develop, and then, of course, the problem of the future will be whether by sheer numbers, and by having perhaps laws of equality, they will not crowd out the white race.

35,368. What is the law, to which you referred just now, in which you said that the Natives were told they need not work?—I cannot tell you the exact wording of it. I can only give you what it was supposed to be; that there was some notice sent out, and it was understood it was sent to the various Native Commissioners, informing the Natives that they need not go out to work for any white man

unless they wanted to; but it was only left to their discretion whether they should work or not. I can only give you the general idea, because I have been very busy, and have not had time to go into the details of all these various Ordinances and laws.

35,369. There is a difference between the Legislative Ordinances and notices?—I do not think this was a Legislative Ordinance. I think it was a notice which came from the High Commissioner through the Colonial Secretary.

35,370. Did you see a copy of it?—I think so. I cannot tell you exactly. I simply have it from others that there was such a notice sent.

35,371. Is there any other subject that you would like to be asked questions about?—I think, taxation.

35,372. What is your view about taxation?—I think they ought to be taxed more for the up-keep of the country, and taxed considerably. They are a numerous race, and so far, one of the biggest items in the up-keep of the country has been the keeping up of the military police, and so on; and that is almost entirely required through the presence of the Native races, because the white race is a very peaceable race in Rhodesia, and I think the Natives should contribute largely towards that necessity.

35,373. The cost of the up-keep of the police?—Yes.

35,374. You are aware that the tax was formerly 10s., and it has been increased to £1?—Yes.

35,375. Do you advocate a further increase?—Yes, I think they ought to pay £2.

35,376. You think it ought to be increased to £2?—Yes.

35,377. Such has been recently recommended?—Yes; the people who have sent me to represent them are practically unanimous in believing in that in this particular district.

35,378. What effect do you think that would have?—It would make a few of them work a little longer each year, and they would probably raise more grain, but more of them would come out to work, and they would have to exert a little more industry, both at home and going out to service, than they do at present.

35,379. And it will increase the revenue?—It will certainly increase the revenue.

35,380. It would go a longer way towards meeting the cost of the up-keep of the police?—Certainly, that is the idea; and also, of course, towards the up-keep of their department.

35,381. Do you think they could afford to pay a higher tax?—There is plenty of work for them. They can go out and earn the tax.

35,382. When you say there is plenty of work for them, supposing 50 per cent. more Natives were to go out to work than is the case now, would they find it?—I believe they would. Perhaps they would not find it in a week or a few days, or a month, or a year; but I believe if there was a greater supply of labour, we would have a great many more industries. A great many more industries would be opened up, and we would be doing a great many things we are not doing now. We could do more mining, and more farming. Although I have plenty on my farm, and a mine which I am running, still there are some men who are short of labour, and I believe we all would be able to have more labour easily if they did not stick out for the high wages which they often had when it was scarce.

35,383. Is the shortage of labour, such as you describe, the cause of the locking-up of certain industries?—No, it is not the cause altogether. It is in a sense perhaps. I think many industries would

be opened up among the settlers. The cause of the locking up of the industries is principally financial. It has to do with the big companies that are trying to work in the country ever since we started here.

35,384. Would the people you describe, and the companies, if they had a greater supply of labour, open up and develop things more than they do?—I do not think so. They would have to wait until the share market increased and they could re-float, or get more people to squander their money. I do not think they would make much difference in that respect.

35,385. It would not be correct to say if 50 per cent. more Natives came out they would find work?—I am not speaking about the big companies, I am speaking about individuals settled in the country, among whom I believe 50 per cent. more Natives would find work. At present most of our labour comes from north of the Zambesi. It is not local labour. Considerably more than 50 per cent. of our labour at present comes from tribes that live north. The local Natives do not work a great deal, and those people would probably go on towards the Rand and find their labour further down, and we would in the meantime employ more of our local Natives. I firmly believe it might, and probably would, take some time for the conditions to adapt themselves, but I believe that 50 per cent. more Natives could find work in Rhodesia. I presume the question you ask me applies to Southern Rhodesia, because those from the north are in a sense aliens to this part, and and in my experience most of my labour has been from tribes known as Zambesis; men who cut out their upper teeth. Most of them have been from that tribe. The local Natives only work when there have been taxes to pay, and some special stress, scarcity of food, or something.

35,386. Supposing you wanted an additional supply for harvest or other purposes, would you not send and get local Natives?—I do not think I would be able to get them. I would have sent three years ago. I would have sent to some Native Commissioner, and told him if there were Natives wanting work in his district, I would want 40 or 50, and the probability is he would have spoken to the Induna of the district, and he would have sent the boys along,.

35,387. And now?—I probably would not get them. If I sent to him now he would tell me I would have to apply to the labour bureau, which has its headquarters in Bulawayo. They have been instructed recently that they must recruit no labour for anyone applying, and advise the Natives if they come to work, to go to the labour bureau agents.

35,388. What is there to prevent you sending a boy yourself to any kraal and asking them to come in?—I do not know. I am inclined to think, I should get into trouble for sending a recruiting agent out.

35,389. Surely, you as a farmer, and resident in the country, can recruit labour for yourself?—I do not know. I should probably try to, but at the same time I am inclined to think that if the labour bureau found I was doing that, they might consider I was encroaching on their rights.

35,390. Is there any law in the country which confers a monopoly on the labour bureau?—Apparently. I cannot say. I have not gone into the details of it, but apparently there is.

35,391. As a resident in the country you ought to know whether

there is a law?—I know, I ought. I plead guilty; but we have had a great many things to contend with since we settled in this country, and as individuals, we have not had time to study its laws. We have had heavy losses of cattle and other things, and it has occupied us all day, and even all night, to make our living and keep our heads above water, and we have not had time. I plead guilty of negligence in not knowing what the laws are, and they are very numerous.

35,392. It is difficult to arrive at any conclusion on the situation you are in unless you can tell us definitely that you are or you are not forbidden to get labour where you want it?—I am sorry that I cannot tell you that.

35,393. *Mr. Samuelson.*] In what part of the United States did you have your home?—I was born in Ohio, but I have lived in Kansas, and Washington, and various other parts.

35,394. Were there many negroes in the parts in which you resided?—About a third of the population are negroes. They have come from the South. There every man who has a trace of black blood in him is a negro, so there are all shades, from the black up.

35,395. The negroes have all of them the same rights as any other member of the population has?—They have in all the Northern States, but recently the Southern States have disenfranchised them. They have passed amendments taking away from them the right to vote. In the Southern States, too, there is a difference, in that they must ride in certain carriages on the railway, whereas in the North, they have the right to ride wherever they like.

35,396. Did the disenfranchisement operate retrospectively so as to remove from the Voters' Rolls those already on?—All negroes; except that there were certain educational and property qualifications. It has disenfranchised all in nearly all the States of the South. It did not operate retrospectively as regards the whites. Men who were voters before 1862 and their sons were not disenfranchised. It was made to apply to both blacks and whites, but it cut out nearly all the blacks. Although a man might not be able to read and write, if he had been a voter prior to 1862, if he was a white man, he was still allowed to vote.

35,397. From the date of coming into force of the Act of disenfranchisement, no negro might be put on the Voters' Roll?—Except a few of them who might fulfil the qualifications, which were very rigid, about education and property.

35,398. And the reason for that was, that it had brought the negro population into conflict with the European population?—Yes. When the negroes were first given the franchise, there was a class of men known as "carpet baggers," who went from the North down, and catered for the negro vote; they were simply adventurers. They went into the Southern States, and the negroes elected them to the various offices, and they used these offices for their own aims. There was a great deal of corruption, and it caused small revolutions. Some societies arose to drive the blacks away on election day, and so on. It caused a great deal of conflict between the races, and the whites, finally, have been able to get control.

35,399. I expect a great number of those who have been disenfranchised by that Act are men of high education and civilisation?—No, I should not say so. I do not think that is correct, because there are so few of them that are of high education and civilisation. I cannot go into the exact details of the laws that were passed, but it has cut out nearly all the blacks.

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35,400. Would many of them be owners of land and landed property?—No; owners of land were still allowed to vote, and there were certain educational qualifications, but it is practically unanimous, and they considered this merely the forerunner of a more stringent regulation, which will probably be passed at some later date cutting them all out.

35,401. Do you think that allowing the Native races of South Africa to advance on the same political lines with the white man will cause direct competition, rivalry and irritation between them and the white races?—Certainly. I am judging by what has happened in America. The higher the Native rises in political power and education, the greater the race-hatred. There is no part of the world where the race prejudice is so strong as it is in the United States. No man, who is known to have a trace of negro blood in him, would have any social standing; he would be ostracised from all kinds of white society, and he would have to be classed with the negroes. The race-feeling, as the negro race, increases—you cannot imagine it without being there. They cannot help it. It is the characteristic of the black man, as soon as he begins to gain power, to become obnoxious and overbearing to the white race, and it means conflict.

35,402. Therefore, to keep the Native of South Africa under a separate and distinct form of administration, and refuse him the rights of franchise, would be the greatest kindness to him, and would stop him from coming into conflict with the white races?—That is certainly my opinion. It is generally supposed to be impracticable, but I will go further and begin the movement of black races into separate districts; gradually move them off: That is apparently what will eventually happen in the United States.

35,403. When disenfranchising the negro population of the United States, did the Congress provide for their representation in any way in the Councils of the country?—No; there was no provision for that.

35,404. In how many States of the United States was this Act enforced?—I cannot tell you the exact number, but nearly all those that seceded—the Southern States, the slave States—have this law passed now. Each State is a republic in itself, and in certain local affairs the Federal Government of the United States does not interfere, and it seems that they have no right to interfere in these laws that have been passed.

35,405. Is there any restriction with regard to the sale and purchase of spirituous liquors in the case of negroes?—No; that is class legislation pure and simple.

35,406. Have you had any opportunity of gaining a knowledge of the Indians of the United States?—They were disappearing when I was in America. I was born in the West, and moved about the West a good deal, and they kept on disappearing. As I grew up, they were moving away the whole time. The methods there were different to those in this country. They kept moving them on from territory to territory and settling the land vacated completely with whites. I did not see a great deal of them; I only knew of them by the talk of my father and relatives, and so on, and by reading their history.

35,407. Can you say whether the Indians have the right of being placed on the Voters' Roll and enjoying the franchise?—There are so few of them; they may have that right in localities where they have

become civilised in a sense—semi-civilised—but there can only be a few cases. They have been kept in their tribal state, and moved on into new territories. They are a totally different race to the negro, and are not a race that could be enslaved or forced into labour or anything of that sort; consequently, the Anglo-Saxon race has seen fit to push them on ahead.

35,408. Can you say if they have special land reservations made for them by the Government of the States?—They are entirely under the United States Parliament. There is the Indian territory now that belongs to them, and I believe there are certain reservations in parts up in the West, and in certain other States, of which I cannot give the names. There are such reservations in certain localities, but they are very small.

35,409. They are vested in the Government for the Indians?—Yes; they belong to the Government.

35,410. Do you know of any case where a reservation has been converted into individual title?—Oklahoma was at one time entirely an Indian reservation, and it is a State now. It was about 1887 that it was opened to white settlement, and the Indians were given some other territory, or paid out—I do not remember exactly what the conditions were. I think they were given another territory and compensation, and this territory was taken over. Of course, it belonged to the United States Government, and all the Indians were moved out and the territory opened to white settlement.

35,411. What I wanted to know particularly was whether you knew of a case where a reservation for Indians has been converted into individual tenure and granted to the Indians themselves?—No, I do not know that there has been such a case.

35,412. Do you know whether the sale and purchase of liquor is prohibited in the case of the Indians?—I think not, although it is possibly the case. I have been away from that country for fifteen years now, and it is possible that some laws may have been passed in certain territories, but I doubt it.

35,413. I suppose that the negroes of these States, that you have spoken of, are, in all other respects but the franchise, under the ordinary law of the States?—Yes, and through that they have gone back since the war.

35,414. And, as you said, they were not allowed to travel in the same cars as Europeans?—That was another exception; that and the franchise are about the only exceptions. They have their own churches, and they do not go into the white churches—at least they are not supposed to. There have been one or two cases where they have gone into white churches. When President Roosevelt invited Booker Washington to dine with him, the following Sunday, in some of the southern white churches, negroes walked in and strutted up and took front seats, on account of their brother having been invited to dine by the President. They lost their heads, as they often do. They have their own churches, attended to by negroes only, and the whites have their own churches. And in the Southern States there are separate schools for blacks and whites. In the two States, in which I lived, they were all abolitionists and believed in equality of rights, and there they have mixed schools, though it is considered a detriment to the white children to attend them.

35,415. Do you know if any of the farmers in Southern Rhodesia keep sheep to a large extent?—Not to any large extent that I know of; they have not been able to, because the veld is rather new

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for sheep, and we have not been able to get it tramped down by cattle sufficiently.

35,416. Are you aware if there has been stock-stealing to any extent?—At one time and another there have been complaints of cattle-stealing; the Natives have made raids, and there have been cases of stock-stealing and of sheep-stealing as well. But, of course, everything is so new here that that is to be expected.

35,417. Can you say whether the tribal system or the Chiefs are of any use in the suppression of crime of that sort?—I do not know about the Matabeles, but the Mashonas are a peculiar race, and they seem to be more or less of a degenerate race. They seem to be intelligent, but at the same time they seem, as far as political or military organisation amongst themselves is concerned, to be very slack. The Chief of a district is in fact more or less a nominal Chief only —that is in some districts—though there may be a few exceptions. The Sub-Chiefs under him pay allegiance to him, but he really has little or no control over them. And in regard to the Chief of a village again, from my observation, the men recognise him as Chief, and yet at the same time he cannot say, "You must do this, and you must do that." And the same thing goes down through their whole system. In the family life the husband nominally is the wife's master, but at the same time she does what she likes. It is the same with the children. The father scolds a boy for something he has done wrong and wants to thrash him, but the boy runs on to an ant heap and talks back to him, and when the father tries to get at him he runs away. Right through there seems to be a sort of insubordination.

35,418. Do you think it would be of any value to increase the power of these Native Chiefs and their usefulness in the tribe?—It is a difficult question. I think it would be better to have more power vested in some white man, say the Native Commissioner, who should be Chief, and have some control over them. I am opposed to having these Native police and to Native authority of any kind. I think it should be entirely white control, and that the Natives should be moved more. At present we have the thing all mixed up. There is a collection of farms, then a Native reservation, then again another collection of farms, and so on; and later on we shall have a great deal of trouble on this account with Natives crossing the farmers' boundaries and staeling stock, and so on.

35,419. Do you think that Natives should be on the Jury List, and sit on a jury for the trial of Europeans?—Certainly not.

35,420. Do you know if there is anything to prevent it here?—The Natives have the right to a vote under certain educational requirements; so far as I know there is nothing to prevent it.

35,421. *Mr. De la Harpe.*] You said that you yourself always have plenty of Native labour?—Yes.

35,422. Mashonas?—I have a few Mashonas.

35,423. Is it hired labour, or only squatters?—It is all hired labour.

35,424. Have they any families with them?— Yes, I have men with families, but they are not Mashonas. The families I have living on my place and working for me and getting wages are nearly all of another race—Amaxosas, Northern Zambesians, and different tribes that have come in here. I believe, though, I have one Mashona who has his family on the farm, who works for me regularly; but I have very few Mashonas.

35,425. Do you prefer the other Natives to the Mashonas?—The other Natives come along and offer to work, and the Mashonas very seldom do come, and when they do come they will only work for a month or two. Although in rare instances they will work for a year, they usually work only for one or two months, and then go away. By the time you have taught them the work that you want them to do they want to go. On the other hand, those from the North of the Zambesi come away specially to get work and perhaps they will stay for one or two years, and in the meantime you teach them what you want done, and they are able to do it, and you know that you can depend on them, whereas the Mashona you cannot depend on at all. The Mashonas are a very queer people too, and perhaps get offended at some very small thing and go away and leave you without any Natives to do your work; and once they have left you it is very seldom you can get them to come back; and you have no redress.

35,426. Is that the case with the majority of the farmers about you?—Yes, that is the case.

35,427. What is the current wage you pay?—10s. for able-bodied men, but to those who have been with me a long time I pay more. From 10s. to £1 is the average. I generally give them a rise of 2s. or half-a-crown a month until they reach £1, and if they are very good I go on increasing their wage up to their capabilities. Some boys are getting as much as £3. Those are men who can do their work well, who are capable of firing and looking after the engine or of driving oxen.

35,428. *Sir Thomas Scanlen.*] I gather from your answer that you are totally opposed to a black man being on the Voters' Roll at all?—I certainly am. I think that it would be one of the most disastrous things you could do, both with regard to the benefit of the black man and the white.

35,429. You are aware, of course, that as the law now stands the colour of his skin does not disqualify him?—Yes, and though I do not say that that is a mistake, I do say that it is a great blunder.

35,430. Do you think, from his point of view, that he should have an opportunity of making his wants known and his voice heard?—Yes, and I understand that he has his opportunity through the Native Department which has been specially appointed to deal with him and his difficulties and his troubles. You have got a totally different race to those in the other Colonies. Most of the Mashonas are barbarians. They are a stage above savagery, because they cultivate their lands, but they are a very primitive race and they are a child race, not a race that can be dealt with on the same lines as a race that has had the training of the European in the past with his opportunities of development.

35,431. At present they have hardly emerged from barbarism?—They have not emerged from barbarism; they *are* barbarians.

35,432. But in the course of thirty or forty or fifty years, when education spreads amongst them, would you admit that they will then have some right to have their voice heard in the Legislature?—No, I think it would be a mistake. I think you will find there will be a conflict if you do it, and you will have a big war between the blacks and the whites. That is my opinion. If you start giving them the Franchise, Legislative rights, and so on, it means eventually a big conflict or the crowding out of our white race—because they are a most persistent race, and are not like other savages. If you take the American Indian, you find that in any cross with the white race he soon breeds out, but do the same thing with the black races of this

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country and you find that generations after, even if they do for a time lose their blackness, they will throw back to dark colour.

35,433. You say you are opposed to their being on the Voters' Roll and having a vote in the choice of members for the Legislature; would you object to the Native population of the country being entitled to elect a limited number of men, say not more than three, to represent the Native view?—That is the thin end of the wedge; you start at that, and then where are you going to end?

35,434. It would be a separate constituency?—Then put your separate constituency into a separate Colony. Let them be as civilised as they can be; if they have the capabilities, let them attain to what they can—I do not want to keep the black man down. But as for the higher civilisation, if you let the black man come up in that way politically, you will simply have a secondary race in South Africa. For a few years it may be a brilliant country, and then it will be like the South American Republics.

35,435. The black population will preponderate?—Certainly; and as they get civilised, unless you move them on to sections and keep them in certain sections in country not suitable for white occupancy, they will be a danger to us.

35,436. You are, broadly, against their being represented in any way whatever?—Yes, except through a Native Department, with a Chief of Native Affairs, a man of great experience and ability at the head of it; more a parental government for all blacks than a Legislature. They are not a race that can stand self-government. You have only got to go to Liberia and Haiti to see that. There you have educated men, but in those countries—in Haiti in particular—you have the most disreputable government on the face of the earth—purely a black man's government.

35,437. Supposing a white constituency chose to elect an educated black man to represent them?—They will not do it—you need never have that fear—unless the man is so nearly white that the fact of his not being so is not known. Of course, I know the conditions are different in South Africa to what they are in America, where a man may have colour in him——

35,438. Then you rely on their good sense not to do it?—I am quite positive they will not do it; there will be no fear of that.

35,439. *Captain Dickson.*] Are you a farmer?—I am a farmer and a miner—both.

35,440. Principally a miner?—No, I am principally a farmer, but I have a mine that I am working.

35,441. *Mr. Samuelson.*] If it is not trespassing on your private affairs, may I ask if you are a shareholder at all in the Chartered Company?—No; my mining interests are purely my own undertaking; I simply run a mine of my own.

Colonel John Williams Fuller, examined.

Col. J. W. Fuller, (Chief Staff Officer B.S.A. Police).
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35,442. *Chairman.*] You are Commissioner of Police?—I am Chief Staff Officer; there is no Commissioner of Police in this country.

35,443. Are you performing the duties of Commissioner of Police in this country?—No; the Commandant-General, I should say, would take the place of the Commissioner. He is not here at present; he is on leave.

35,444. I understood that you had to do with the Civil Police?—I have had, but at present I am connected with the B.S.A. Police—the Military Police.

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35,445. There are one or two questions I should like to ask you, if you are able to answer them, in regard to the amount of crime and the relative form of crime in this country as regards, particularly, the Natives. Are you in a position to give any information?—I could not give you exact figures, but I could give you a general idea. You mean amongst the Natives of this country?

35,446. Yes; is, for instance, there very much crime?—No, I should say that they are singularly free from crime.

35,447. Is there any what you might call high-grade crime?—Very little.

35,448. Are these people very amenable to the laws and orders of the Government?—I think so, so far as they understand them. Most of the Natives up here are very raw, the Mashonas particularly.

35,449. The statistics of serious crime, then, are low?—They are very low.

35,450. Is there anything in this country that accounts for whatever crime there is—anything unusual?—Yes; the crimes of violence, I think, are the most prevalent amongst the tribal Natives, that is the Natives living in kraals, and they are accounted for principally by beer-drinking at a certain time of the year.

35,451. Have you lived in other parts of South Africa at all?—Yes.

35,452. Is there more beer-drinking here than there is in other parts?—I am not in a position to make a comparison, but I think it is somewhat similar to what it used to be down in the King William's Town district, and about there.

35,453. Is this beer-drinking a menace to the peace and good order of the country?—I do not think so.

35,454. Is it in any way limited or restricted or licensed?—The manufacture of beer?

35,455. Either the manufacture or the consumption of it?—In the towns it is, but not in the country.

35,456. You mean to say that you do not allow the sale of it?—We do not allow the sale of it, and do not allow them to have a large quantity in the huts and in the town locations.

35,457. For the purpose of disposal to others?—Yes.

35,458. But for their own consumption they are allowed to have it?—Yes.

35,459. Have you got a large number of Natives in this town, for instance, which is the capital of Rhodesia?—Yes, there is a large number in proportion to the whites, but I could not tell exactly what the number is.

35,460. Have you got a location specially set apart for them?—Yes.

35,461. Is that under you?—No.

35,462. Who is that under?—It is under the Municipal Council.

35,463. Is it set apart specially?—Yes.

35,464. And can Natives live in any other part of the town but that location?—Yes; employed servants can live on their masters' premises.

35,465. I do not mean servants in domestic employ, but loose Natives?—No, not without special permission.

35,466. And all Natives who live in that location have to receive permission to do so, I suppose?—Yes.

35,467. And without that permission are they obliged to go?—Yes.

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35,468. You do not allow them to remain?—No.

35,469. Is every Native in this town bound to have a pass?—Yes.

35,470. Are they looked up to see that they have passes?—Yes. They are continually stopped by the police and asked to show their passes, and, of course, if they cannot produce them they are arrested.

35,471. Do you think that is conducive to good order?—I am quite sure of it, in the towns.

35,472. Do you think it is a means perhaps of repressing crime?—Yes, I do.

35,473. And dealing with criminals?—Yes.

35,474. *Mr. Stanford.*] Is there much crime amongst the Native people here in the country generally?—No, I do not think so; I think that they are singularly free from crime for savages—for they are perfectly raw most of them.

35,475. They are not much addicted to stock-stealing?—No; that is rather a rare crime amongst them. Of course, it is to be said that there are very few occupied farms in the country, and probably that has something to do with it.

35,476. In the Locations are the Natives accumulating stock?—I am not in a position to say that. It does not come within my province really to know what stock they have. The military police interfere very little within the Native districts. They are altogether managed by the Native Commissioner's Department, and they police them and do everything virtually.

35,477. *Mr. Samuelson.*] Can you tell me whether every Native who travels about in the district from one place to another must have a pass?—Yes, under the present law.

35,478. Even within the same Magistracy or Commissionership?—Yes, I think so. If he wishes to leave the location he is living in and to go to another one he has to get a permit.

35,479. Is that for the purpose of identifying the carrier of the pass?—I take it that that is the reason.

35,480. And do you find that the identification is established completely, and that it gives a sufficient clue to the police to trace the man who bears it after they get this pass?—It has only been in operation for such a short time that it is hard to say what the result would be. I cannot say that it has resulted in anything up to the present. We have only been enforcing it for a month or so—for a couple of months, at all events.

35,481. I suppose keeping the Natives out of the towns in the locations is a good thing both for the sanitary condition of a township and that it is also good as a protection against any likely disturbance or trouble in the town?—There is no doubt about it.

35,482. Can you tell me whether the curfew bell is in vogue here?—Yes, at nine o'clock at night Natives have to get out of the town except such as are living on their masters' property, those who are working as servants, or unless they have got a special pass from their master to be out after nine o'clock. All the others have got to be out of town by that time.

35,483. *Mr. De la Harpe.*] Can Natives live in this location without being employed by a master?—Yes.

35,484. For any length of time?—That depends on the Municipal Council; there is no legal restriction to their living there as long as they have the permission of the Council. For instance, they may be tradesmen, shoemakers, and so forth.

35,485. I am referring to unemployed Natives?—Unemployed people—idlers—would not be allowed there. I take it the Council

would not give them a pass to live in the Location. They have, of course, to have a pass to live there, and the object is to prevent idle Natives collecting in the Location.

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35,486. *Mr. Sloley.*] Are these Natives armed?—The Mashonas are allowed no arms without a special permit.

35,487. Have they been disarmed?—If they were armed it was previous to my time. I came up after the rebellion. I suppose that they were disarmed, but I cannot say for certain.

35,488. You would not like to give an estimate as to what proportion of the able-bodied men have guns?—No; the guns that they have are for the most part very old—muzzle-loaders. I have seen lots brought into Court in cases, and I have never seen a good rifle yet. They have stolen a few perhaps—not a great number, but perhaps fifty or sixty—from the police and the field force.

Salisbury, Friday, 2nd September, 1904.

Present:

Sir Godfrey Lagden (*Chairman*).

Mr. Samuelson.	Sir Thomas Scanlen.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.

Mr. John McKendree Springer, examined.

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Together in Excellence

35,489. *Chairman.*] You are a Missionary, I believe?—Yes.

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35,490. Have you been connected with Mission work a long time in South Africa?—For three and a half years.

35,491. Where?—At Old Umtali. My work has been there almost altogether. I have travelled throughout the district a great deal, and have made a few trips here, and one to Johannesburg. I attended the Conference there in July of this year.

35,492. Had you no previous experience in South Africa before you came here?—I had not.

35,493. Is your work entirely amongst the Natives?—It is, except just temporarily I am filling a place in the white school in Umtali, but that is merely temporary.

35,494. What Church do you represent?—The Methodist Episcopal Church.

35,495. Of America?—Yes. The corporate name is Methodist Episcopal Church, and, of course, it is in America, but we have branches now in all parts of the world.

35,496. That is the same name which is adopted by those Natives who have formed a church of their own?—There is this difference; they have adopted our name entirely, with "African" before it. Theirs is the African Methodist Episcopal Church, and it is entirely a separate organisation. It is not an affiliated church with us at all; any more than the Congregational.

35,497. The initials remain the same?—With the "A" before it—the A.M.E. Church.

35,498. Have you come into contact at all with that Church?—I have not.

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35,499. You have seen, I daresay, the list of subjects which have been referred to us?—Yes.

35,500. Are there any of these subjects with which you are familiar, or concerning which you would like to express your opinion?—There are several of them on which I have some opinions —in fact on nearly all of them. I am not very familiar with the second topic.

35,501. On the first question?—On the first question, the land tenure question,—would you prefer that I should give what thoughts I have on the various topics, and then you supplement it by various questions?

35,502. Land tenure is a large question. I would like to hear your views on that question?—My own impression is that the question will have to be deal with differently with succeeding generations. We have come among a people here that have had a tribal system of land tenure, the land beloning to the King, who allotted it as he wished, and that system has been in vogue with them, and they understand it. There has been, as far as I have been able to learn, no ownership by individuals of particular sections of land; but the gardens have been allotted, and the grazing land has been more or less common. It is very hard to change a system all at once that is so thoroughly established in their ideas. My thought is that in the future—it may be a matter of a few generations—the Native will want his individual holding of land, and that provision should be made so that he can easily acquire attractive lands suitable to maintain himself and his wife and family, and for his uses. It seems impossible to adopt that system at once, and at present they are living on Reserves and on private farms. It does seem to me to be important that land should be reserved, so that in the future, when it is desired to have the individual holding, the Native can obtain it; it will be within his reach.

35,503. Do you consider the grant to him of an individual holding would be to his advantage?—When he wants it, not before. If you should grant land to him to-day, it would be much as with the Indians in America, I should imagine. They have had to be protected there, and the Government has had to restrict the titles in giving the land to the Indians or else they would sell it for a mere song, and be no better off for the allotment. It will be more or less an individual matter or a tribal matter. A tribe or community will in time come to that point where they will want individual holdings.

35,504. In affording him the opportunity to get an individual grant, would you so restrict his use of it that he would not be able to alienate it?—If it were a grant to him free I should think that it would be a good measure to prevent his alienation of it for a certain time.

35,505. Would you grant it to him, or let him buy it?—That is a matter of opinion. My own impression is that he might as well buy it and make a small payment for it, except when it might be in a Native Reserve. In the case of large Native Reserves that his people have been used to occupy, it would be well to give him a grant, because in a way he has a right as an occupier to that land; he has an acquired right the same as others have rights elsewhere.

35,506. You mean give it to him in the form of an allotment?—Yes.

35,507. What would you associate with this privilege of getting individual title to land? Would you associate any obligations with

it?—He would naturally have to assume the obligations of those who have other individual holdings anywhere, of taxes on his land. When he comes to have an individual holding, he would be well on towards citizenship I should say, and then he should take the place and the responsibilities of a citizen. If he has privileges he should have responsibilities.

35,508. In the matter of rent?—It would be a matter of taxes I should say.

35,509. He would pay a tax?—Yes, I am not sure whether we use the word rent in the same sense. If one pays rent he does not own. If he pays taxes, he pays taxes on that to which he holds final titles.

35,510. It is called in South Africa quitrent?—Yes, he pays the same as others pay in the case of those who have individual holdings; call it rent.

35,511. As far as you have seen of these people, do you think they are ripe for any such change as that?—No, I do not.

35,512. Have these people any sense of responsibility in your mind?—I think they have, but responsibility to their tribal organistation—to the King, for instance. They have been used to being responsible to him, but they do not have as yet the sense of independent individual responsibility.

35,513. The tribal system still prevails here almost entirely?—Yes, my impression is that it does.

35,514. Do you think that that tribal system has been beneficial to them, and the recognition of it?—I do not know what other system they could have worked under. I think it was a good system for the old conditions. I think many of their customs are as good as we could make for them under the state of society in which they have lived.

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35,515. Have you observed anything amongst their customs and laws that is repulsive to you?—I know of the killing of infants where there are twins; that is a custom amongst them. They kill them off still in this country on the quiet. I have heard of cases of it not very long ago. Of course, they are a very superstitious people.

35,516. *Mr. Stanford.*] I understand you to speak about the murder of twins. Does that still exist?—I have known of cases within the last two years.

35,517. Did you say anything about the woman? Is anything done to the mother?—Not that I know of.

35,518. *Chairman.*] Have you ever heard of a case being taken up by the law courts?—Yes; there was one case taken up from Rusapi.

35,519. With what result?—I cannot remember.

35,520. You do not know what the verdict was in that case?—I think there was a fine, but there was no execution.

35,521. It is a matter of superstition amongst them?—Yes. I understand that the belief is that one of these twins will rival the King, and therefore he insists on the death of one or both—usually both. There is another custom of which I have known of one instance. If a girl cuts her upper teeth first, she must be killed, because, if she grows up, whoever marries her, will die immediately. It would simply result in her being a loose, free woman in the community, and they kill her off. I know of one case where the girl was not killed off and she is now four or five years past the ordinary time of marriage; she lived near the mines, and she simply became a public character.

35,522. Nobody would marry her?—No black man would marry her.

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35,523. Is that a commonly accepted custom amongst these people?—I understand that it is quite common amongst them.

35,524. Apart from these things, do you see anything in their customs that is very seriously objectionable?—I think not; apart from instances where superstitious customs have their influence.

35,525. Do you see any occasion to hurriedly disturb the customs that are in use amongst them?—I do not. No, I think it would be unwise.

35,526. Have you formed any impression in your mind as to what would be the effect of a violent disturbance of the existing customs?—According to the marriage custom under the tribal system, the women belonged to somebody. That is one of the redeeming features of polygamy amongst these Natives. Tribal wars have killed off the men, both of the invading tribe and of the country invaded, and there was left a greater proportion of women than men. These women were always allotted to men, and they were responsible to those men, were expected to be true to them, and in that way it prevented women becoming loose and public characters among them. If the woman's husband died, someone succeeded to her with the other property, and I believe that was a good system among them, to have these women attached definitely to some men to whom they must be loyal and true, who regarded them as his property, and who would take vengeance on anyone who invaded or disturbed his property.

35,527. These are the advantages you see in polygamy?—Under the old system, yes. Of course, I am not favouring polygamy as an institution to exist for a long period of time. I do not believe we should disturb that system quickly. It will be a matter of gradual growth. I think it will take care of itself in two or three generations. Many of the young men do not want more than one wife.

35,528. If, for instance, the proportion of the males to females was restored at any time through the cessation of wars; do you think it would correct itself?—I think so.

35,529. And if it did not it would then be time for the State to interfere?—Yes, and to prohibit polygamous marriages for the future. If you insist on a man disposing of his wives, and retaining only one, you must provide for these other women in some way. It is supporting an immoral act, to force her to associate herself with, or marry, some other man arbitrarily. At present there might not be as many men as women. It would simply put her out of all relationship with her people, and would disturb their society, I imagine, very considerably. We meet the question in the matter of Church membership. We do not receive into Church membership a man with more than one wife. Different societies take up different attitudes, and proceed differently in this matter, but with many of them, they absolutely refuse to receive into membership, even as a Catechumen, anyone who has more than one wife, although they receive him into a sort of sub-class, give him instruction and so on, but they do not want to recognise polygamy. They might recognise the man's own upright character, but they say that they cannot foster this institution in the Church, or recognise it in the Church.

35,530. Similarly, do you recognise that there are any good qualities in the matter of dowry passing?—Yes, I feel that there are, or there have been at least, some good features about it, but not for the future. It is part of the old system, and it is a question whether the Government ought to recognise it to the extent of legislating on it, but for the future I would absolutely stand against it, and we would

insist with members of our Church that they do not receive "lobolo" for their daughters. A Christian young man may give "lobolo" for some girl he wants—may give it to the heathen father—but he may not receive "lobolo" for his child.

35,531. It is however their form of marriage?—It is, or at least has been, their form of marriage.

35,532. If you take away a form, you must be prepared to put something in its place; you cannot put Christianity in its place?—No, you cannot force Christianity.

35,533. What would you put in its place?—I am not sure that I would disturb it at once. I have no suggestion for that at present. I have not come to a conclusion so far as to a definite substitute.

35,534. To pull down one system which is a form of marriage, and put nothing in its place, I take it, would meet with your disapproval because that would place them in the position of cohabiting like animals?—Yes, very much. There should be some definite form of marriage in any case. That has been their form of marriage, and if a man comes to us married under that system, we recognise him as married; we say to the couple, you are man and wife, and we do not re-marry him.

35,535. It is essential from a moral point of view that some form of contract should be entered into?—So that they realise there is that contract existing. In these matters I feel we may often have to do that which we do not thoroughly approve of, because we must look at matters from their standpoint, and we must let them take such action as shall mean to them the same thing that marriage means to us.

35,536. That it should be consummated in some form or another?—Yes.

35,537. Is there any other subject that you have thought about, that you would like to express your opinion on?—On the matter of the Franchise my impression is that there are at present no Natives in Rhodesia who are qualified to exercise the elective Franchise; and there will not be perhaps for one or two generations or longer, but I feel that the hope of having the Franchise at some time must be held out to the Native, that it is one of the most important matters connected with the peace of South Africa for the Native to have the hope of the elective Franchise when he is able and fitted to exercise it with the majority of the white community. If he is denied that right it will be an occasion of rebellion. He may not feel it so keenly himself, but my impression is that we have more to fear from white agitators than from black agitators, and there is no lack of white agitators who will come out here as they went to the Southern States in America, and say to the Natives, "You are able to vote as well as that man over there, and here you are denied the right to vote." I think legislation should hold out this hope before the Native, and I feel that in teaching the Natives in the Mission Schools it would be of great help if we say to them, if ever the question comes up, "When you are fitted to assume the responsibilities of citizenship, you will get the rights of citizenship." I believe very definite and sufficient tests should be applied before the Franchise is granted, both in regard to education, and in regard to income or property.

35,538. You recognise that they are entitled to some form of representation?—Yes.

35,539. At the present time in this country they are not fit to take their share in the election of members of Parliament?—No, not at all.

35,540. And that may be the state of things throughout South

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Africa?—It may be. I should feel that in the Colony where the Natives have been under the influence of education for quite a century, in some cases they might begin to vote now—a small proportion of them. Individuals here and there might be granted the right to vote.

35,541. Supposing the Natives in their present state were afforded the opportunity of getting representation by being under certain circumstances allowed to elect their own representatives, not alongside the white people, but by separate election?—They are not ready for it here.

35,542. Can you conceive that such a system would meet the case at a certain period in the history of South Africa?—It might be an intermediate step, but it cannot be an ultimate condition in my opinion.

35,543. Do you mean there should be absolute political equality between black and white eventually?—Eventually I believe that must be.

35,544. You can see no middle course, except as an expedient?—Except as an expedient.

35,545. Do you recognise that expedients are necessary?—Yes, I feel in regard to the whole Native question that it is a matter that cannot be settled off-hand for all time. Many people say, "If we could only settle this Native question!" I believe there is no one act of legislation by which we could settle it. It is a matter of life. It is a matter of world history, and in this century we are coming into contact with the race question as we never have before, and we cannot settle it in any one year, or by any one act of legislation. We have come here into contact with the black man, and the black man we must recognise as a member of the great human family. Some people would deny that, but if we grant that he is a member of the great human family, we must grant to him those rights of manhood which our ancestors have fought for against kings, and against those who wished to subdue them and keep them down. I feel we will have the same experience in the future with the races that we have had with the different classes. The negro is far behind the other races, at least in point of time and in respect to education, culture and ability; he is the tail end really of creation, or of the human race, as a race. The Chinaman and the Indian are far ahead of him in civilisation. They have had some settled forms of society and government for centuries. The negro has wandered here and there, his seat of government and form of government changing constantly, and he is quite at the lowest rung, I believe. But we are meeting this race problem in the States, and here in South Africa, and my own impression is that the attitude we must take is that of absolute justice to the Native, and we must grant to him the right to secure for himself the property, position and influence, which he can secure. I do not believe that he should be babied at all. I think that he should stand on his own inherent worth; let his progress be what he can make it, without hindrance and without undue help. Let him give what account he can of himself in a fair field.

35,546. Subject to his gaining that position, or a certain position, you would let everything be open to him; he would be on equal terms with everybody else?—Not as a race, but as individuals. The race question will not be settled as race against race, but individual connected with individual. Take the social matter. Socially, in my opinion, the races will be distinct for centuries, if not permanently. I mean that in the inner social relations of life there will not be the

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mixing of races. I should regret to see it. There has been too much of it already. I understand that there are about 11,000,000 bastards in the world, and this class to a large extent constitutes in America the disturbing element. If we had the pure negro and the pure white we could get along with the race problem in America very much better than we can with the mulatto and the half-caste, who feels that he is above the negro, and at the same time he is despised by the negro and by the whites. He is out-classed. There are many here in this country who have no class, no society. It is one of the problems we have in educating the Native peoples. Those who have been raised above their former conditions cannot associate on an equality with those below them any more than we could associate with those who are much below us in culture and education in our own race. In many cases they are driven and they go to worse extremes than the members of either of the races.

35,547. In the interval, of course, class legislation is necessary?—To a certain extent, yes.

35,548. Wherever it is necessary?—I do not know that we need to call it class legislation. Could there not be legislation—yes, you might say class legislation, but not race legislation? There would be a distinction between class and race legislation, would there not? Do not draw the line at race if it can possibly be avoided, and I do not see why it is necessary.

35,549. I said class legislation?—Yes. I say, let the legislation be of as general a character as possible, without making it specifically racial legislation.

35,550. Do you think, from anything you have observed in South Africa, it is desirable that the Native races should come under the common law entirely?—I do not believe they could do that at first, because there exist among the Natives certain differences and grievances that have their genesis generations back and which could be settled to some extent by their own customs. Where justice can be effected by Native customs and laws I believe in recognising them for the present. Where any of their laws would be iniquitous I believe we should not recognise them. My own impression is that Native law is built on justice to a large extent, because the Native recognises an injustice very quickly, and is very keen in his feelings with regard to it.

35,551. In the administration of their own laws have you observed whether they are just in their dealings with their fellow-creatures?—That is my impression; that they are just. Many of them have had to be apparently cruel, but I think Lobengula gave a good defence in part when he said: "What can I do? The white man has houses in which to confine his prisoners; I have nothing of the kind. Here is a man who is guilty. What shall I do? The only thing is to kill him straight off." That is his defence for much of the cruelty which is alleged against him. In the matter of legislation there is another conviction that I have come to. I am a Northerner myself in the States. In the section where I have lived, as I said before, we have not come very much in contact directly with the negro problem, but the national legislation in regard to the negro has been determined very largely by the Northern States—a section where the people have not known the exact relations and conditions of the white and black people of the South, and who consequently have not had an appreciation of the problems involved. The situation to my mind finds an analogy in the relation of England to South Africa. We did force upon the South a condition which was unbearable. We insisted that the freed slave should be treated as an equal

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and given full political rights, which he was not prepared at that time properly to exercise, and in some States where he was in the majority, there was negro domination for a while, which could not continue. The white race had to live under the negro influence, and the men, often unscrupulous demagogues, whom they voted into power. Thus I have been forced to conclude that the North has not been able always to legislate, in minute matters of detail, wisely for the South. No more do I believe that England can, at the distance that she is from South Africa, legislate wisely for South Africa, and insist absolutely upon the details of the administration of law. I think it is well that the British Parliament stands for justice in regard to all the subject races, but my own impression is that if England insists upon minute matters of legislation for South Africa, that she will insist often upon measures which cannot well be applied, and which would work a hardship upon South Africa. I have met a great many Englishmen since I have been out here, and my own impression is that the average Englishman who comes out here, comes out at first with the feeling that we want to give equality to the Native, and that there should be equality of all; and when he has been out here a little while, and has had to deal directly himself with the Native, he feels differently towards him, and often he goes to the other extreme. He is not infrequently the most intense in his feeling against the Native. Rhodesia is a new Colony, and there are in the country many settlers from the Colonies further south, but probably the majority of the people are recently out from England, and there is on the part of many of these a very keen and bitter feeling against the Natives, a much keener feeling than is held by the majority of the people in the colonies further south. However, I believe that it is also true that in the majority of cases the thoughtful Englishman swings back again from this extreme attitude and, along with the Colonial, takes a more moderate view of the matter. Dr. Gurney recently made a trip through the Colony, Johannesburg, Natal, and the Cape Colony; and one thing that impressed him was that in the Colony, while certain laws of division are recognised between the whites and the black, and the black has his place, still there is not the intense antipathy to the Native which is often found in Rhodesia. My impression is that the Colonial is the better man, being the one who is next to the problem, to deal with it, rather than those who are at a distance. Coming from the Northern States of America, I feel that I could not wisely have legislated for those who had to deal with the negro problem before I came into contact with it as I have in South Africa, and while it is well for the British Parliament to stand for justice to the Native, many of the details may well be left to the Colonial. That may be a gratuitous opinion, but I for one have come to feel it is a very important thing in this race problem of South Africa.

35,552. I have understood your remarks to mean that the Colonials are better able to deal with Native questions, because they are familiar with the consequences that might follow upon injudicious handling of those questions?—Yes.

35,553. Perhaps those who have come fresh to the country do not realise those consequences?—Yes. They do not. An incident that illustrates this point was related to me as having come under her observation by an elderly lady who was born in the Colony, but who has for some years been in some newer parts of South Africa. It

has to do with a recent native uprising. This had been brought about largely in her opinion by the indiscriminate seizure of cattle. Some of the natives would pay their tax promptly, while others were delinquent. Many of those in authority were men new to South Africa, and they did not understand the Native laws of property, nor the attachment of the Natives to their cattle as the principal form of property. If there were a number of delinquents in any certain village, cattle attached to that village were seized without it being ascertained whether or no they belonged to the particular delinquents in question. Thus it often happened that cattle belonging to Natives who had paid were seized and sold. One day, as this lady and other Colonials were watching several herds of cattle, seized for taxes, passing by to be sold, remarks were made to the effect that if a Native uprising occurred it would be the result of just such actions which were to the Natives a gross miscarriage of justice, and it was not long after this that the rising did occur. In extenuation of this, my informant said that most of the men engaged in the actions described were new to South Africa, and they did not understand Native prejudice, etc.

35,554. You are referring to the indiscriminate seizure of cattle on account of the tax?—Yes.

35,555. Those cattle were not the communal property of the villages, or the tribe, but belonged, perhaps, to a series of individuals?—Yes.

35,556. Some of those cattle, for instance, might have been dowry cattle?—Yes; it disturbed the whole system.

35,557. The whole of the social economy of the village was upset by the indiscriminate seizure of cattle?—Yes.

35,558. What do you think about the labour question?—I think that the Native will make and is one of the very best labourers in the world. The Southern States of America are very well satisfied with their negro labour, I am told. You hear much about the agitation in the States on this question, but the agitation is principally in the North. The Southerner recognises that the negro is a good labourer, and is satisfied and content. Mr. Adlum, who is connected with the Government here, travelled through the South, and he told me that that was his impression; he said that there was not much heard of the negro problem in the South. It is the same in the Colony. Social lines are drawn, and the Native does not come across them; or, if he does, he is soon brought into line; and so things go on peaceably, and the relations between employer and employé are usually cordial. In the majority of cases, I feel that the Native of Africa will make a very good labourer. At the Rand I found no dissatisfaction in regard to Native labour, except in regard to the quantity supplied. I was told there were 80,000 or 90,000 labourers on the mines, but they wanted 250,000. One secretary told me that if they could get enough Natives they would be perfectly content and satisfied with them. My own impression is that the increase in the demand for Native labour is so rapid that the Natives cannot adjust themselves to the rapidity with which the increase in the demand is going forward. It is only sixteen years since the Rand was opened up, and the increase in the demand for Native labour is very great. And besides the 90,000 employed on the Rand, there are almost an equal number working in the city in various ways, and labour is being called for that was not called for before. Natives have also been called to other centres, and the trouble it-

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self is very largely due to the rapid increase of the demand for Native labour. The Natives, I believe, are more and more coming out for work, and can be led to come out willingly to supply the labour desired. There is one thing about the Native, and that is, that he does not work over hours. He wants his work to be from sun to sun, or ten hours a day, and after he has been working for ten hours he wants to quit. I have known Chinamen to work twenty hours a day, day after day, which shows that they can do it; but after his day's work the Native wants his little social time round his fire at night with his brothers and his family. The Native seems to have inherently in him the conviction that about ten hours is enough for a man to work a day. We have been settling that matter in Europe and in America by strikes, having come at length to a kind of wisdom that the Native seems to have had born in him. He says ten hours to work is quite enough, and he will quit when the time is up, and you can hardly persuade him to work overtime. That is my experience, at any rate. He will do it as a matter of accommodation for you, but he does not want to do it. And, as to the Native Commissioners, my own feeling is that if you want to get the labour supply that is in the country, you must get it at least partly through the Native Commissioners. If the Native Commissioner is allowed to exercise his power as formerly here, he may abuse it at times—I believe some have abused it. I remember one instance, when I was at the residence of a mine manager, who said, "I want boys for my mine, and I cannot get them. I have tried to get them through the Native Commissioner, and he says that he cannot help me; and at the same time I have seen 200 boys go through that town at the very time I have applied for Natives, going to a mine at a distance." That abuse is not against the Native but against the particular mine. So far as I have been able to learn the Native Commissioners never abuse their power, so far as the Native is concernd, and, I think, provided the power placed in his hands in this respect were restricted, the Native Commissioner would be able to help to get more labour than we can get under the present system. I have heard that Natives in one of the sections where they got the best labourers for the mines say, "We used to be told where to go to get work, and now the Native Commissioner cannot tell us where to go to work. Now, we do not know when and where they want us to work." And the consequence is that not so many go out to work.

35,559. A Native Commissioner can and does, no doubt, always inform the Native in reply to questions where work is to be found, and what the nature is?—They could, but they do not bestir themselves at all to do it now, and the result is, that the Native is not going to work, and says "Where am I to find work?"

35,560. Still, if he wants work, that is the action he would take: it is open for him to go to the Native Commissioner and ask questions, at any rate?—I do not believe the Native will do it to any extent. He wants a lot of stirring up.

35,561. What is the position of the Government officer—Native Commissioner, or whatever name you may call him—if he is called upon by the Government to supply a certain number of men for private work, and he sends out for Natives, but the labour does not some, and he is asked again to get men? Is not the reasonable presumption likely to be that he would put pressure upon them to come in?—He might apply pressure for a while, but if he abuses his posi-

tion to do that, that abuse would soon be known, and would be corrected. Under any system of government a man must be given certain responsibility and certain opportunities, and although he may abuse that power for a short time, excessive abuse would soon correct itself.

35,562. If he, as the recruiting agency, is called upon for a certain number of Natives—say to-day—what remains for him but to say, "I have failed"?—He might be left to exercise his influence and offices to the best of his ability, but not forced to supply the labour required; but if he is forced to do it, then he must put pressure on the Native.

35,563. Then it becomes a matter of legislation; you cannot expect a Magistrate or Native Commissioner to exercise his power by forcing Natives out when there is no law in the country which admits of his doing so?—No.

35,564. So that you are placing the officer of the Government—who is a Magistrate, in fact—are you not, in entirely wrong relation to the Natives if he is obliged to influence them unduly?—That is a wrong position.

35,565. Is it not possible that that would be the position at which you would arrive if the Government was the agency for recruiting, and labour was badly wanted?—Why must the Government agree to supply a certain amount of labour? Where would their obligation come in? Simply in a general promise to the enterprise of the country?

35,566. The progress, perhaps, and the prospects of the country might depend entirely upon labour; then if Government, realising that fact, is called upon to supply that labour, and the labour is not forthcoming, the Government is blamed, and may put forth efforts in order to get it, to satisfy the public wants, and to promote its own progress, may it not?—I should say it would hardly be incumbent upon the Government to do that. Any enterprise coming into the country must recognise the conditions of labour supply. The Government should be in the position to use its influence to lead the people out to work, and tell them where they can get work, and even direct them in somewhat positive terms at times; but to absolutely send out a troop of policemen and force them to come in, I believe, would be very wrong, and in time might lead to trouble.

35,567. Are you not suggesting a course which has failed in the history of South Africa?—Perhaps so.

35,568. Has it not happened that in times past the Government has been the agent that you are now advocating, and that the public has asked the Government to stand aside, saying, "We think we can get more labour ourselves," and the Government has stood aside; and that is the position right throughout South Africa to-day? We have passed the stage you are urging we should revert to?—The means employed to-day are not supplying a greater amount of labour than was supplied under the old system, I believe.

35,569. But then the demands are ten times as large perhaps. If you compared the labour actually in use 30 or 40 years ago with what it is to-day, you would find that to-day it is ten times as much. In those days there was no mining industry, there were no industries at all. Is that not so?—That is what I spoke of, the rapid increase in the demand. While they are getting a large number of labourers to-day, the question is whether they are getting all the available supply, or getting as much as could be secured with the aid of the Native Commissioners.

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35,570. You were stating that in your opinion the Native Commissioners—or we will call them Government officers, not to distinguish them too closely—should be employed to collect the labour for public works?—Not necessarily to collect; but, as I understand the position to-day, the Native Commissioner can say hardly anything to the Natives. He can hardly make a suggestion, and does not exercise himself at all. Could we not have a combination of the two systems? Could not the Native Commissioner, having the confidence of the Headmen under his jurisdiction, suggest to them the time at which labour is wanted, and use his influence to get the men to go to work, and so assist the various enterprises requiring labour to get it?

35,571. That was suggested yesterday, and I asked the witness who stated it, if he could show me any law which forbids the Native Commissioner from acting in the way you suggest, and he was unable to name such a law; and I have ascertained since that there is no such law?—Then the general impression is incorrect evidently, because, as I have stated, I understand that Native Commissioners have said, "I cannot say a word any more, I have nothing to do with it; I must keep my hands off entirely."

35,572. We must distinguish between the actual laws and facts and impressions?—I understand that, and it would be well to have that impression corrected then.

35,573. *Mr. Stanford.*] I take it that all you mean is, that the Commissioner or the Government officer should be in a position to advise the Native as to where labour is required, and at what rate; simply put the matter before him?—Yes, but I would not urge that he should be the only recruiting agent.

35,574. Just as I take it in your sphere you would talk to the Native about the advantages of labour, but not in any way use compulsion?—Exactly.

35,575. *Chairman.*] Is there anything else about labour that you particularly wish to state?—No, there is nothing, excepting that, as far as industrial training is concerned, I feel that gradually and as they desire it, the Natives should be trained to various trades, and that they would make good tradesmen.

35,576. What would be the effect of training them largely in that sense?—If they were trained largely, they would doubtless, to a great extent, monopolise certain trades, and I believe they are doing that somewhat in the Colony.

35,577. And the effect would be to drive out the white artisan population?—Yes, or else drive them to other forms of labour.

35,578. At any rate, it would have the effect of driving them?—Yes, displacing them in some trades.

35,579. Do you think that Government should be an agency for promoting the driving away of intelligent European tradesmen by educating the Natives to compete with them?—No, I do not think that they should be driving them away; and I do not believe that they could do so. In Rhodesia, for instance, the Native as a skilled mechanic will not be a factor for a generation or two; and the amount of work to be done will increase more rapidly than the amount of skilled Native labour in the country.

35,580. But he quickly develops. Supposing the Natives were to develop the power to compete with Europeans in trades, do you think it would be a wise thing for the Government to bring the races into industrial conflict?—No, I do not believe in bringing them into

sharp conflict; although I believe it will be inevitable to some extent if the Native is trained as a mechanic. My own impression is that the English mechanic would come into this country less and less, and, as the country develops, and the Natives want better houses for themselves they will need these skilled mechanics to build their houses. They can build their own brick houses very cheaply, but there will still be room for both in the country for generations. The white man would have to do the skilful labour, and as there is a great amount of building operations going on throughout the country, and there is likely to be much more, the white man will still have a great amount of work to do, and even an increasing number of them would be employed, while the Native could do the rougher work.

35,581. Still, it would deter white mechanics from coming here if they thought there was a race of Natives being trained to compete with them?—I think it would deter many from coming—yes.

35,582. Do you think that this is a white man's country?—Not exclusively, no; it cannot be; because we have the Natives here. We must not look on South Africa merely as an outlet for excessive populations in older countries; we must also consider the interests of the indigenous peoples. They must be given the opportunity to develop to the best of which they are capable.

35,583. When I say "a white man's country," I mean a country in which the white man can live and flourish in succeeding generations?—I believe he can. I also believe the white man here is under a certain moral responsibility for the training and development of the Natives. I believe that is the function of the white man in connection with the black man to a certain extent. He is not to stand in the way of the development and progress of the black man, and if he does it will be to his own detriment. You can keep the black man down for a while, but if you stand in his way and deny him the opportunity of going on and improving his condition, and improving his earning power, although you may stand in his way for a while, still there are, or will be, enough educated Natives to teach their own people; and if you force them away from the white man, and from sympathetic relations with him, they will go apart. If there is any forcing to absolute division between the whites and the blacks, it will be by the foolish attitude of the white race; but I believe if we deal wisely with the black race, if we give the Native the opportunity to develop, and encourage him, and adjust ourselves to the new conditions, we can keep in the van, and find plenty for our people to live on, plenty of work for them, and that there will be room for both.

35,584. Is there any other particular subject you would like to express your opinion upon?—In regard to the liquor traffic, I feel that we have the right legislation here. It is absolute prohibition to the Natives.

35,585. That is your conviction?—Yes; I see no good that liquor will do them, and it will certainly do them harm.

35,586. *Mr. Sloley.*] You look forward to a time when absolute political equality shall prevail between white and black in South Africa?—Between at least some of the blacks and the whites. Between the whites and those blacks who are fitted for citizenship—yes.

35,587. Do you not think they will fit themselves very rapidly for it if they see it is within their reach?—I believe it will hasten it very much, but I do not believe that the denial of citizenship will

prevent their development towards it, and in time they will be in such numbers that they will demand it. It will be obtained either by quiet grant or by rebellion. I believe that is inevitable.

35,588. But is it not the case that this ideal of equal political rights for all men, and government by representative institutions only prevails over a small portion of the earth's surface, and that it has come about in quite recent times?—That is true; but it is spreading over an increasing part of the earth's surface. It is the principle of government which, I believe, is going to obtain more and more throughout the world.

35,589. If you take the United States, has there not recently been a counter movement in the other direction?—Of giving greater power to the Executive?

35,590. Of limiting the franchise amongst the negroes?—We have been correcting a mistake of the time of emancipation. It was a mistake, in my opinion, to grant to all the freed men the right to vote, as they were not fitted to exercise the power. The South is simply correcting that mistake to-day. But an increasing number of those negroes will vote, even in the States where those measures have been taken. In some of the States, I believe, they are endeavouring to disenfranchise the negroes absolutely, but that will not be sanctioned, as any legislation on the subject of race will be declared unconstitutional, I am certain, by the Supreme Court. If they put up the qualifications for the franchise in the way of education and owning property, that, I believe, will be constitutional, but to legislate on race lines will not.

35,591. Will it not be just this qualification that will have the effect of drawing a race line?—I would not say that, because in the States, in the South, there are many educated negroes who are quite as competent to exercise the franchise and the ballot as the average white man. There are many negroes who are above the average in education.

35,592. Do you not think we can conclude, taking into consideration the present stage of the world and its past history, that the existence of two races or castes in a State, occupying different political positions, is consistent with a very high state of civilisation and prosperity?—It may be a temporary condition, but I do not call to mind any State where that has gone on permanently.

35,593. Would you not rather say that this idea of absolute political equality for all is quite a modern idea, and that for untold generations the world has been governed on different lines?—It is an idea which has taken definite form, I believe, in the last century or two; but I believe it is the principle which the English were fighting for a thousand years ago. It is a principle which has been established in England. You have denied the "divine right" of kings there, or the "divine right" of any man to hold his fellow man under him simply through the accident of birth.

35,594. You cannot point, in the history of the world, to any instance where two races, so distinct by nature as the European and the African Native, mingled on terms of political equality; you cannot point to any instance of that nature which we can adduce as a successful experiment?—I believe that is true; but we are under entirely new conditions. A century ago the nations lived in their own little yards, so to speak, but to-day, owing to the better means of communication, we practically live in one great yard. This race question is forced upon us, because of the greater facilities of communication of country with country, and of race with race. The

race question is the problem of this century. I believe *the* great question of to-day is this question of white and black, yellow and black, and yellow and white.

35,595. *Mr. De la Harpe.*] You said that you are of the opinion that Natives should be granted allotments of land in their own name?—In time, not at once. I do not believe that that would be a wise measure at the present time, but when they come to have the feeling that they want individual holding, so that they can plan for their future, and settle down to farming, as men farm in England and in America and in other parts of the world, and demand individual holding, then I believe it will be wise to give it to them; and it will be well to hold land in reserve to give them in that way.

35,596. When the time comes that land should be granted to them, as you propose, would you allow them to dispose of the land—to sell it again?—You may keep them in a state of tutelage for a certain time, but when they are fitted for the responsibilities of setting up for themselves, I consider that you will have to grant to them the same right to sell that we would claim for selling any land of ours. That is not a problem at the present time, but it is a problem which we will have to face in time; and the conditions may be so changed when that time does come, that any opinion that we may give to-day as to details, will be out of place. Still, I believe, it is a question that we ought to recognise will come before us in the future. The condition I fear is that when the time does come, as it may in the course of a century, that the Natives want individual holdings, that the land will be almost altogether in the hands of private individuals or large companies, and that they will not want to sell except at such a high price that it will be practically impossible for the Native to buy.

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35,597. *Mr. Samuelson.*] Have you studied India at all?—I have not done so definitely. I only know general conditions there.

35,598. There you have a large native or aboriginal population living under their own laws without Parliamentary representation, is that not so?—I am not familiar with those facts definitely. I think that this matter of equal representation will not be a matter of immediate interest for probably a century or two; still, I think, while we are planning for this, we should not shut the door to the Native.

35,599. Do you know anything of the Indians of America—the States—or Canada?—I do not know fully about them, but I know many facts in regard to them.

35,600. Do they live in reservations vested in the Government for their use and occupation?—Some tribes are still living on reservations. The Government has treated with different tribes at different times for their land, opening up a part of it for white settlement, and letting a part of it to the Indians for their own use. I know of one reservation where every Native was given a title to 160 acres of land—even the smallest child—and even children born within a year of this time were all given this 160 acres of land; but they could not sell it or alienate it for 21 years, till the youngest had come of age. And then they were also given certain allowances each year—enough to live on. They could live on what the Government gave them, and some who had been farming found that they had no need of farming any longer, but that they could live on this ground and the grant, so they quit farming, and went back to their old life. There were a few cases where men kept on farming, even although they had got this grant, and were using the grant in the development of their farms.

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35,601. Has that conversion of communal to individual tenure been of any practical value to the Indian?—It has not been of much value to him.

35,602. Has it improved him as a citizen, or improved him morally, or improved him as a farmer?—It has improved him in some cases. The Indian is a very different individual from the negro. He is much more constitutionally opposed to labour than the negro; and he does not make a servant. There are very few, if any, Indian servants in the States; they do not lend themselves to service.

35,603. Would you care to make any comparison between the Indians who remained in reservations and the Indians to whom individual tenure was granted?—I have not seen enough of the two to be able to draw a comparison.

35,604. Were they allowed to retain their own tribal system and to remain under their Chiefs, and to have their own laws of succession with regard to property?—As long as they stayed in reservations I believe they were, but when they have had this allotment of land, when the title has passed freely into their own hands, then they are treated as ordinary citizens.

35,605. Then, in that case, where they were treated as ordinary citizens, did they become entitled to the franchise?—Yes; there were some special qualifications for voting for the Indians. One qualification was, that they must be dressed in civilised clothing—European clothes, for instance; they could not come to vote in blankets. I know that in one instance two cowboys went to bed for the day and let out their suits. They were let out over and over again that day. Two Indians would dress up in the suits and go and vote, and then pass the suits on to others, and so on.

35,606. Then there are Aboriginal Indians on the voters' rolls in some of the States in America?—Yes.

35,607. Are the Indians in reservations also acquiring the franchise?—No.

35,608. Is it not a sort of inbred doctrine with these Indians that the soil is sacred, and that it belongs to the tribe; and was not the conversion into individual tenure unpopular with them, and contrary to their belief?—I believe it was. Our relationship to the Indian is a matter of which we cannot be proud as a nation—I must say that. Advantage has been taken of the tribe, I believe, in many instances. When a reservation has been opened up in the way I have alluded to, and part of it allotted to the Indians, the allotment would consume only a small part of the reservation, and the rest would be thrown open to white settlers; and as time went on, the Indians would have very little of their original land left to live on.

35,609. There was no such thing as individual tenure amongst the Indians themselves under their own customs; the land belonged to the tribe and to the Chief?—So I understand.

35,610. Is the sale and purchase of liquor by the Indians allowed, or is it prohibited by the laws of the States?—It is prohibited absolutely.

35,611. Is there anything else in the way of class legislation that applies to the Indians specially and not to the rest of the population?—Not that I know of.

35,612. To come to the negro: Would it not have been a greater kindness to him, and would it not have saved him a great amount of trouble and conflict with the white race, had he been kept in his own place, under separate control and management, and under his own tribal laws, as the Native was in Africa?—I do not believe that that could have continued for very long.

35,613. Why?—Their systems are not such as would have lent themselves to a civilised State; they would not have benefited by it. When they come in contact with the white man they want different conditions and different relationships. If labour be drawn from them, their contact with the white man changes their ideas, and they will advance inevitably if they work with the white man. Every white man who trains the Native to do anything is benefiting him and helping to educate him. Many masters even teach their servants to read and write, and when the Natives have come under these conditions they do not want their tribal system. I believe that it is inevitable that it will pass away, but at the same time my opinion is that it will be a gradual process.

35,614. Do you not believe that placing the Natives on the same lines of advancement and giving them the same privileges as the European population is bound, at some point or other during the progress of the two races, to bring about serious conflict between them?—I do not feel that it is inevitable. I feel rather that it is a matter of wise treatment of them and the wise granting to them of the rights we enjoy. My opinion is the same as that of the negro leader, Booker Washington, who holds that there are certain relationships in which the two races must be separate, but they must be one politically. Eventually they must be on a common footing politically and industrially, but socially and religiously and in their Church organisation they will be separate. I think that, inasmuch as social relationship is a matter of the individual. You will grant, I think, that there are certain members of your own race whom you receive into your house as equals, and some whom you do not. It is the same with negroes; you may find the white man talking to one man of his own race on terms of equality, but not to others. Because you entertain one negro, you have not to take in the rest. The social matter is an individual matter; and it is not, in my opinion, a matter subject to legislation.

35,615. Taking into consideration the very great numerical disproportion between the Native and the European population of South Africa, how would you propose that the white race should keep their supremacy politically, if the Native races are to have the same political rights?—They will keep their supremacy simply by their fitness to hold it, I believe. Things find their level in the world, and if the white man goes on developing others, he will be developed himself in turn, and he will keep in the van. But if the white man busies himself to suppress the black race, and schemes in every way to thrust him aside and keep him down, I believe that it will be to the detriment and ruin of the white man himself. I believe that the white race will develop by leading, but not by blocking.

35,616. Say that the Native races were by constitutional measures to get the political supremacy, what would then become of the white races?—I believe if the white man had dealt justly with the black man in the past, he would be dealt with justly by him in the future, and that the white man would be granted those matters of personal liberty which he wants and enjoys now. It certainly would not be a gratifying thing for a white man—at least in our present feeling—to see that his rulers, or his legislators were black; but if the white man is unjust to the Native when he is in power, when the Native comes into power—if he ever does—he will not forget it, and I believe he will pay the white man back in kind.

35,617. Do you not think that such a state of things has been regarded as possible in the United States of

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America, and has led to the disenfranchisement of the negro in many of the States?—I do not know all the reasons which have led to the disenfranchisement of the negro there, but I believe largely that it is simply because of his unfitness to exercise the franchise, and the attitude of the negro after he has received a little education. The effect of education upon the negro, if he comes from an ignorant class, is the same as it is on others of similar antecedents; after he has had a little education, he has the conceit to think he knows all, and the little knowledge has obscured his understanding, and often makes him very offensive. It is at this intermediate stage that he is so offensive and repulsive to the white man.

35,618. Do you think that it is within the range of possibility or likelihood that the European race would submit at all to be governed by a Native race which has attained supremacy by constitutional measures?—I do not think that they would do that—not for a good long while, at any rate. In the event of such a state of things as you allude to coming about, it might be settled in the same way as it is being settled in the States. There is a "black belt" where the negroes are moving in, and the whites are living out. In certain States we have almost an exclusive negro population, and in others the negroes are living mostly in one part, the whites moving out for them, while the whites live in the other part, the negroes moving in turn, so that in one part of the State the local officers would be black and in the other part they would be white.

35,619. Marriages are registered here in Southern Rhodesia. Do you approve of the registration of all marriages according to Native custom and usage?—I believe that that is a wise measure; all marriages should be registered.

35,620. Do you think that a legal status should in that way be given to the woman who is married under polygamous customs, and that it is desirable in the interests of her children?—I believe for the present that that is wise.

35,621. Have you had any occasion to observe whether polygamous marriages are more favourable to the increase of the population than monogamous marriages, on the average?—I have not; but I have observed that the population is increasing very rapidly here. I find that in the many Native villages I go to practically every woman has a baby on her back.

35,622. Is that due to polygamy?—No; many of these women are simply the single wife of a man.

35,623. You are particularly engaged in education?—Yes.

35,624. Have you any views to express to the Commission with regard to the education of Natives? What is being done in that direction here?—I simply feel that their education should be gradual, and that it should be different for different generations. I believe that, for the present, a short period—three or four years—is as long as the Native should remain at school. When he has been there about three or four years, and can simply read and write, and do a few sums, and has come to have a small general knowledge, tell him to go out to work with the white man, and do not encourage the idea at all of his settling down on the Mission. I think that is wrong. I think the Mission should turn out its boys into the community, and they will be better factors in the community. And in the next generation, perhaps, they can have a little better education. I do not believe in carrying it too far in any one generation.

35,625. Do you give preference to industrial training, or to

mental training?—I would combine the two. I would receive no boy at the school—although he could support himself, and pay his expenses, board, schooling and all—as a pupil if he would not work during the half-day. At our mission the boys go to work at sunrise, and work until noon, having school in the afternoon, and when the school routine is over, at about 5, they have the remainder of the day for play.

35,626. Do the Natives show any inclination for education, industrial or otherwise?—They show a very keen desire to learn to read and write, but not many have shown a decided preference for industrial training. Some of them have shown a great interest in mechanical devices and things of that kind, but it would be a small proportion of the boys who would want industrial education, which is largely because they cannot at present see the advantages of taking a course of such training. They say it would be all right if we would pay them while they are taking their apprenticeship, but to go and work at the bench for three or four years, and call that school, is quite out of their thought at present.

35,627. So far as you have been able to ascertain amongst the Natives, what is the significance or meaning of dowry, or "lobolo" as it is called here? Is it a price paid?—No; they repudiate the idea that the woman is sold, and if you say that a man has bought his wife, he is indignant. It is an arrangement which guarantees good treatment for the woman on the part of her husband. If the husband mistreats his wife, she may go home, and I believe, if she can establish that there has been cruelty, he cannot recover his "lobolo"; but if she goes home of her own free will, and he has not been cruel, he can recover his "lobolo." And I believe it secures fidelity on the part of the wife to her husband, and it stands in the way of divorce, because the giving back of the "lobolo" is a serious matter—especially after the goats or cattle have been eaten.

35,628. Is it not also an inducement to the father to take a greater care of and interest in his daughter, and in that way it becomes a measure of protection against the daughter going wrong?—I believe that is true.

35,629. Is it not also an indication—like a stamp on a document—to show that the woman has been transferred from her parental control or her guardian's control, to that of her husband? It is really the Native way of signifying that the marriage has taken place, and of registering it in the public mind?—Partly so; but many times the "lobolo" has been paid in advance, and many times it is not paid until long after the marriage; it is not always transferred at the time of the marriage.

35,630. That depends, I suppose, on the circumstances of the persons?—Yes.

35,631. If the person giving the "lobolo" were able to give it all at one time, he would do so?—Yes; but I believe that they usually have witnesses enough, so that it is known that there is this obligation. And it does steady the marriage relations; it has had that effect very largely in the past.

35,632. It is not only cattle that is given as "lobolo" here?—Goats are given, and I understand that money is often passed. For instance, I understand that in some tribes there has been a bag containing, say, £30, and that has been passed, and has settled many a marriage contract.

35,633. And are bangles given, or blankets, or anything of that sort?—Not that I know of.

J. M. Springer. (Missionary).

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35,634. Do you approve of intermarriage between Europeans and Natives?—I do not.

35,635. Do you think that any measures should be taken to prevent it?—I do. In one case a woman came to our Mission with a little child of about two years of age—a half-caste. A white man had taken her to live with him, and she had lived with him for a matter of four years, and had been true to him, as far as I was able to learn. The youngster was big enough to toddle around, and was a standing reproach to him. He left her, and I understand took another girl, and she came to us; but we told her that we could not take her.

35,636. I mean actual marriage—I do not mean illicit intercourse?—I disapprove of it, but I do not see how we can interfere and stand between them if it is a matter of choice. It is one of those matters that we want to exercise our own judgment about.

35,637. Do you know that there is an Ordinance here which forbids illicit intercourse between a white woman and a Native?—It would be a good thing to put it the other way too.

35,638. Is it not put the other way yet?—Not that I know of; at least, it is largely disregarded if it is.

35,639. Do you know of any legislation which, in your mind, has been forced on any of the communities in South Africa by the Home Government? You seem to imply that such was the case?—I have been unable to get definite information. I have heard a great deal of talk, but I have not been able to get any exact information, so that I cannot point to any particular case.

35,640. Is there anything that you still wish to say that you have omitted?—I think not.

35,641. *Mr. Thompson.*] Do you know the history of South Africa—the Native history?—Not largely.

35,642. You expressed your opinion, that comparing this part of the country with the other Colonies, hatred of the Native was intense on the part of the white man?—Yes; on the part of some white men, but not all.

35,643. Do you realise that this is the first part of Africa where little white children and white women have been killed in scores? Is not this the only case in the whole of South Africa?—My impression was, that it had occurred also farther South.

35,644. Is it to be wondered at that the white men whose wives and children have been killed in scores in this country—knowing human nature as you do—may be a little more hostile to the Natives than men settled in those places where these things have not taken place?—I do not wonder at this feeling on the part of those who were here during the rebellion, but very largely this feeling is on the part of men who have only been here two or three years, who have no real cause for this intense feeling.

35,645. This is rather a sweeping saying to say the whole. You would rather say "some" of the whites living in Mashonaland have an intense hatred?—Yes, some of them.

35,646. You would not generalise, and say the whole community?—No; I think I have stated that a good many of our people come from the Colony, and you do not hear much from them. Many of those whom I have found most intense have been those who have come out from the older Home countries after the rebellion. I would like to make just one statement in regard to the killing of those wives. A Matabele was taxed with that long ago, and he said, "We had to kill the women as well, because they could shoot just as well as the men. We had to kill them in our own protection just the same as the men."

J. M. Springer (Missionary). Rhodesia. 2nd September, 1904.

35,647. And the children?—Of course he could not say that about the children. I do not know what defence they would give for that.

35,648. You have no idea of the numbers of white children which have been killed by the Matabele?—I do not know definitely how many. There were not large number of families at that time.

35,649. *Mr. Stanford.*] Is there any legal bar in America to a negro being returned as a member of Congress?—No; there are negro members of Congress. At least, there was one not more than three years ago.

35,650. How is this association of Europeans and negroes in the same Legislative Assembly looked upon?—As far as I know, they simply meet on a parity, on an equality. There are certain seats allotted to certain States, and the representatives of those States take their places there.

35,651. Have you had any means of judging as to the quality of the work done by those negro members?—I have not.

36,652. Has there been any exhibition of racial feeling against them on the part of other members of the Congress that you know of?—Not that I know of. I am not very familiar with the details of the relations in Congress; I could not tell you. It is a matter I will study when I go home. I am going through the South then; I have not done so up to the present.

35,653. I suppose, as a matter of equal rights, they would meet on equal terms in the work to be done there, but not necessarily meet outside socially?—Not necessarily, and yet there are certain State functions, receptions, where negroes have for years been attendants on an equality with others, and they have been received at the White House or Executive Mansion. Considerable agitation has been raised against President Roosevelt, but as a matter of official records, he has not exceeded his predecessors in his appointing black men to office, and receiving them as guests at the White House.

35,654. Is there any legislation in any of the States of America directed against a marriage between a mulatto or a negro and a white person?—I think not. I have never heard of such. I know of one case where a white woman has married a black man, and I know of other cases where white men have married black women.

35,655. Do you think that any such legislation as affecting the intercourse between the sexes would be effective in any way in any part of the world?—No, I do not; and I do not think it could be held to be constitutional.

35,656. Even if the legislation in itself were constitutional, do you think it would be effective?—No, I do not. I rather feel that it might encourage it the other way. There is a contrariness in human nature; if it is said you cannot do a thing, you are bound to do it. That is what I feel about a great deal of this legislation. If you put up a prohibition, those affected will want to get over it; if there is no prohibition, they will not think about it.

Dr. George Duthie examined.

Dr. G. Duthie, (Director of Education). Rhodesia. 2nd September, 1904.

35,657. *Chairman.*] You are the Director of Education of this Colony?—Yes.

35,658. For the whole of Rhodesia?—For Southern Rhodesia.

35,659. How long have you been engaged in this pursuit?—For three years.

35,660. Up here?—Up here, yes.

35,661. Have you been long in South Africa?—Yes, for the same time—three years.

Dr. G. Duthie, (Director of Education). Rhodesia. 3rd September, 1904.

35,662. You came out here on purpose for this?—Yes.

35,663. Have you got any definite scheme here for Native education?—The definite scheme, as far as Native education is concerned, is contained in Order D of the Education Ordinance of 1903.

35,664. What has this resulted in? Have you acted upon Order D to any large extent?—I have acted under the clause about industrial training rather leniently. There has practically been no alteration in the last three years in Native education. We are only concerned with three schools. We give grants to only three schools. We have applications sometimes for grants for other schools, and I go and examine those and see how far they come under the Education Ordinance, but I have found none that satisfy the conditions laid down there, even to a small extent, so that the number of schools that have grants is just the same as it was three years ago.

35,665. Do you give your grants in aid, to, and through Missionary Societies?—Yes, all through Missionary Societies—all of those three.

35,666. When you say you only give grants to three schools, do you mean grants to three Missions, or grants to three individual schools?—They are given directly to the schools, to the Missionary who is in charge of the school. We have no communications with the societies as societies.

35,667. Are there only three schools in Rhodesia which can conform to those simple regulations which you have laid down?—So far as have applied—yes.

35,668. How many Native schools are there in the whole of Rhodesia?—That I could not say, unless I looked it up definitely. I could supply the information later by letter.

35,669. You can tell me approximately—are there a great number?—Yes, there are a considerable number.

35,670. For instance, there are many Missions here, I suppose?—I should say there are about ten different Missions.

35,671. Each of them have schools?—Yes.

35,672. So that it is something multiplied by ten?—Yes.

35,673. You referred just now to one of the conditions—industrial work—being systematically taught, that you have been rather lenient about. How would you define industrial work, as it is meant here?—What we aim at is industrial work of the most elementary kind. The industrial work that the Mission schools usually encourage, being the simplest for them to adopt, is agricultural work.

35,674. Would the words "manual labour" express it as well as industrial work?—Yes; but we wish to start with the most elementary work, such as domestic work. We wish the Mission schools to train them in ordinary domestic duties, starting with the first duty of cleanliness, and everything appertaining to the cleanliness of a community.

35,675. What cleanliness can you teach a poor little urchin who has not any clothes, for instance?—They very soon are provided with clothes from the Mission.

35,676. And soap?—And soap, yes. Individual cleanliness is quite easy to teach the Native. The Native is very imitative, and they are very easily taught to be individually clean, but when it comes to be the cleanliness of the community, a cleanliness which would lead to the health of the community, then it is not so easy to teach.

35,677. Have you got the same regulations with regard to the white children, to inculcate the habit of cleanliness amongst them?—That is always understood.

35,678. Is it not laid down?—It is not laid down specifically.

35,679. Nor as regards what is called the coloured people?—No.

35,680. Have you found that these regulations of yours have, perhaps, been prohibitive of schools being developed or aided by Government?—I think it rather comes to a difference of opinion on the part of those who carry on the school. They do not wish to conform, particularly with regard to teaching the English language. We laid down there that one of the first things is for them to teach the Natives to speak and understand the English language. That is to say, we do not necessarily wish them to learn to read the English language, or to write it, but merely for the purpose of communication with the whites, so as to do away with as much misunderstanding as possible between the Natives and the Europeans. We wish them to learn the speaking of the English language, and the understanding of the English language. In many cases the Missionaries wish to teach the Native language, and to read and write the Native language. Well, we are not opposed to them, but we are opposed to the absolute neglect of the speaking and understanding of the English language.

35,681. In these elementary schools, which there must of necessity be a preponderance of in a country like this, do not you consider it is well that they should first of all learn to read and write their own language?—The difficulty in this country is to find out what is the Native language.

35,682. Still, the Missionaries are prepared to try and teach it?—They are prepared to teach a kind of language.

35,683. And because they do that, then they get no grant?—No, certainly not; because they neglect the other part. We do not object to teaching the Native language at all.

35,684. One is a half step to the other. First of all, in all elementary schools, a child learns the rudiments of its own language before it goes to the higher one?—Yes; but the speaking and understanding of a foreign language may easily be taught before the Native is taught to read and write his own language. The teaching of reading and writing is a perfectly different thing from the teaching of speaking and understanding the language.

35,685. Regulation No. 1 provides that no grants in aid shall be made unless there are 40 pupils who have attended 150 days of four hours during the year, so these little urchins have to be there four hours a day for 150 days—40 of them—without which you will not give a grant to any school?—That is so.

35,686. Is not that rather a hard provision, almost prohibitive?—In one school at the present time there are 110 pupils. I just give this as an illustration. The Missionary there has found it necessary to impose an entrance fee of £3 for every Native entering the school. That has just occurred this last year. There are so many applicants to go into that school that he has had to charge them £3 entrance fee. He has actually got 30 of them to pay this £3 in this way in the school at the present time, and he has had 6 of them pay the £3 who are not in the school, and cannot get into the school until there are vacancies, so that there is no difficulty in getting the numbers I should say.

35,687. This regulation as regards attendance is not a regulation that you impose upon the other schools, the white schools or the coloured schools?—The condition imposed in that case as to numbers is left to the discretion of the Director of Education.

35,688. And the days and the hours?—The days and the hours are much longer. The hours are the same, but the number of days

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is much longer for the white schools than for the Native schools. The reason why it is so small for the Native schools, is to allow them to go home at the harvesting time.

35,689. Have you actually made it a rule as regards the public schools?—As to the number of days?

35,690. Yes?—It is contained in one of the paragraphs there.

35,691. Is it your desire to encourage the Natives if they show any desire for education in being able to get it?—Certainly.

35,692. During the three years you have been here, three schools have received grants?—Three schools have received grants—yes.

35,693. Do you consider that that is a success? Do you think it a successful state of things that only three schools are receiving State aid?—It is necessary, in order to make Native education a success, that one should be very careful at the beginning as to which schools should have grants, and if the schools do not conform to the idea of education as it ought to be taught to Natives—the idea which represents itself as best to the Government of this country—they cannot possibly get grants.

35,694. Have the Mission Societies shown a disposition not to conform to the regulations?—Not as a rule—no.

35,695. Are they so independent that the Government grants are immaterial to them?—I think, in most cases, the grants that they get from the Mission Societies are very considerably more than the grants they could possibly get from the Government under the Ordinance.

35,696. *Mr. Sloley.*] You might tell us what is the total annual amount of these grants to these three schools?—I am very sorry. I only had an intimation that I was to be here a few minutes ago, and I am not quite prepared to say; but I could get all the figures for you.

35,697. Could you say approximately?—If you will allow me one moment I will find it. (After referring to papers): During the year ending March 31st, 1904, the total amount of grants given in aid of schools amounted to £153 15s.

35,698. Do you happen to know how many Native scholars, approximately, are receiving instruction in the schools in Southern Rhodesia?—Including those schools that do not obtain a grant?

35,699. Yes?—No; I cannot say that at all.

35,700. Can you tell us how many Native scholars are attending these schools which receive that grant of £153?—Yes; there are 97 in one, 110 in another, and 127 in the third, making a total of 334 in the three schools.

35,701. Are there any other schools which have applied for grants and have not been allowed them?—Yes; chiefly because they did not encourage industrial education.

35,702. Do you think there is a tendency on the part of the Directors of those schools to come into line with the Government's requirements?—That is rather difficult to answer. In some cases they are quite willing, and agree to conform. In other cases there is a difference of opinion as to the items laid down in the Education Ordinance.

35,703. The Ordinance was framed under your advice?—Since I was here—yes.

35,704. Do you think the terms of the Ordinance are wise and just?—I think so, naturally.

35,705. I did not know whether you were called upon to administer an Ordinance which you had not a hand in framing?—No, certainly not.

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35,706. *Mr. Samuelson.*] Are your regulations and conditions for Native education here as favourable as they are to the European?—Except as regards the number of 40 in the school, they are.

35,707. The regulations in the Ordinance are not really aimed at excluding the Native as much as possible from assistance by the Government in education?—Certainly not.

35,708. Do any of the Natives pay for their education?—There is just that case I mentioned where now they pay £3 entrance fee.

35,709. You cannot say whether they pay for their education in these schools which are not receiving the support of the Government?—I do not know if it is exactly considered payment, but there are collections, and they pay for books, and things like that. I do not know if it could be put down exactly as fees for schools.

35,710. Can you say what object the Native has in becoming educated, or in seeking for education—what the ultimate object is?—As regards seeking for education, I think the only reason for a Native seeking for education is because he sees in some cases Natives who have been educated getting better pay than he does. As regards their desire to enter Mission Stations, I think they do that because they have, for the Native, a very pleasant time. Whether the two are one and the same thing, seeking to go into the Mission and seeking education, I should not like to say.

35,711. In your early replies, were you speaking only of Mashonaland, or including Matabeleland as well?—Matabeleland as well.

35,712. *Mr. Stanford.*] It would appear, from your evidence, that there is a considerable amount of school work in respect of Native children residing in Southern Rhodesia, which is in no way under your control?—Quite so—a considerable amount.

35,713. Do you think that satisfactory?—No. If we had money in this country, I should like to see started a purely Governmental system for Native teaching, quite apart from Missionary Societies; but at the present time we cannot indulge in that.

35,714. What was your object in imposing the limit of 40 pupils for the Native children as against no limit in respect of the coloured children?—In the case of the Native schools, I must say that, as regards the Native schools, the number was higher in the original Ordinance than it is now. In the case of the whites, there was also a limit laid down, but, in the case of the Natives, after taking the opinions of the Missionaries in connection with the schools, we arrived at the conclusion that 40 was quite a satisfactory number. In the case of the whites, a very difficult situation arose, that in some communities where there were only, say, 10 children, they could not, under the old Ordinance, get any grant for a school. I find in several cases that Natives were receiving an English education, where, under the Ordinance, no assistance could be given to whites to educate them, and we found the very extraordinary circumstance that sometimes whites appealed to Natives to read their letters for them. The consequence was, that it was necessary to make the restrictions for the education of whites as local as possible, to make the number as small as possible, in order to reach every possible white if we could.

35,715. My question had reference to the schools for coloured children. I had in mind what you stated, that in general you regarded the terms for the schools for Natives as being equal to the terms for those other schools?—Except as regards the number of attendances—40.

35,716. But I find that the conditions of the coloured schools vary

Dr. G. Duthie. (Director of Education). Rhodesia. 2nd September, 1904.

throughout?—There are no restrictions as regards attendance in coloured schools at all.

35,717. I observe that there you do not require the English language, you do not require habits of discipline and cleanliness?—All that comes under the general regulations. I have power to report whether the school is conducted in a satisfactory manner or not.

35,718. With these regulations as recorded, you can hardly hold that the schools for coloured children, and the schools for Native children, are receiving like treatment?—No; I quite misunderstood. I thought you were making a comparison between white and Native schools. In the case of the coloured schools, they are invariably taught in the English language entirely. We have had no difficulty at all as regards the coloured schools. There is only one coloured school in the country.

35,719. May we take it that you hope in the future, as revenue improves, to establish what we may call a better system, with greater facilities for the education of Native children than now obtain in Southern Rhodesia?—Yes, certainly.

Bulawayo, Thursday, 8th September, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.	Sir Thomas Scanlen.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.
Mr. Krogh.	

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Mr. Herbert John Taylor examined.

H. J. Taylor. (Chief Native Commissioner, Matabeleland). Rhodesia. 8th September, 1904.

35,720. *Chairman.*] Have you been a long time in this territory?—Just on ten years.

35,721. You are now Chief Native Commissioner?—Yes; of the Province of Matabeleland.

35,722. Did you hold office in Natal before you came up here?—I never held any official position until I arrived in this country.

35,723. You know that there are a variety of subjects which have been committed to us for enquiry: I daresay you have seen the list?—Yes.

35,724. Are there any particular subjects which you would like to be questioned upon?—I am prepared to answer to the best of my ability on all the subjects.

35,725. Will you tell us briefly what the system of land tenure is in this province?—Yes. The Government has set aside reserves which are vested in the Natives under communal tenure. A large proportion of the Natives reside on private property, under agreement as between landlord and tenant. In the case where an agreement is entered into between landlord and tenant, the interests of the Natives are safeguarded in so far as every agreement is made in the presence of the Native Commissioner, who explains to the Native the terms under which he is allowed to occupy land, and they are submitted to me for approval. This is in accordance with the Proclamation which was issued by the High Commissioner.

35,726. Do you mean to say that in every case in which a Native is squatting, not as a labourer but as a squatter, upon land in Rho-

desia, agreements are made and registered?—Agreements are made and registered.

35,727. Is that done, or is it merely a law that admits of it?—It is not altogether a law, but it is done in order to safeguard the interests of the Native, and it also does safeguard the interests of the landlord, because he is only too glad to have the agreement entered into before the Native Commissioner. There is a Proclamation issued by the High Commissioner on October 16th, 1896, which makes provision for the location of Natives on private lands. These agreements are practically on the same principle; they are not opposed to the Proclamation.

35,728. Is there any restriction on the number of Natives who can be registered?—No; not under these agreements.

35,729. There is no restriction?—There is no restriction as to the number under these agreements.

35,730. The object of my previous question was to ascertain the effectiveness of this law or regulation in Rhodesia; because there are laws regarding squatting in other Colonies in South Africa, and those laws have never been properly carried out. I wanted to know whether it is a law in Rhodesia that is carried out?—It is a law, and it is carried out.

35,731. Entirely?—Entirely.

35,732. Is the result to your mind satisfactory?—Very satisfactory.

35,733. To both the landlord and tenant?—To both landlord and tenant. I have not had a single grievance from either side since these agreements have been in force.

35,734. Each party looks upon it as a compulsory measure?—Yes.

35,735. Supposing they do not register, and go through the proper formula, are they punishable for it?—No, I do not think they are.

35,736. What means have you of compelling them to do as you describe?—The landlord, unless the agreement is certified before the Native Commissioner, would have no means of obtaining redress from the Native.

35,737. Nor the Native from the landlord?—Nor the Native from the landlord.

35,738. It partakes of the nature of a voluntary act?—Of a voluntary agreement. The Chiefs know that these are the terms upon which they are allowed to settle upon private lands.

35,739. Arising out of that situation here, do you consider that the State should make a law providing for this?—I should think it is in the interests of the Natives, that their rights should be safeguarded in these respects—that all agreements should be submitted to the head of affairs who is in charge of the Natives. I think it is necessary.

35,740. At the present time you have no law drafted of that description?—There was a law published in 1896.

35,741. *Sir Thomas Scanlen.*] The law you refer to places a restriction upon the removal of the Natives from the land?—That is so. This is the law which I refer to, which is not opposed to these agreements. It is headed: "Location of Natives on Private Property," and is dated 14th October, 1896. The marginal notes are: "The removal of Natives from locations"; "Allotments of Arable land"; "Agreement with and Employment of Natives"; "Compulsory Labour and Rent"; "Limits of the Ordinance."

35,742. *Chairman.*] That became law?—That became law.

35,743. You were here when this was proclaimed?—Yes.

35,744. What made it necessary to have this, seeing that, pre-

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sumably, there was ample room for all Natives to live in Government reserves?—The necessity for introducing this was that after the rebellion in 1896, many of the Natives came back and settled on the lands previously occupied by them. One of the conditions was that they should come back when they surrendered, and occupy the lands they had previously occupied, and therefore it was necessary to have this ordinance, so as to make that occupation tangible.

35,745. Because that land had, in the meanwhile, been confiscated?—Because that land had, in the meanwhile, been confiscated.

35,746. Are the reserves in the country sufficient for the Natives?—They are more than sufficient. There are 12,000 square miles for this province alone.

35,747. Have the Natives insisted on going back to their land, which had subsequently become private property?—They preferred to retain their old lands.

35,748. They would live as tenants or servants of the Europeans?—Yes.

35,749. Have they shown any tendency to go to their reserves since that time?—Yes; in some instances they have.

35,750. Is there any bar placed in their way to stop them from doing so?—Nothing whatever.

35,751. The present existing reserves are more than enough for the Natives?—More than enough for the whole of the population. There are 12,000 square miles in Matabeleland; the population of Matabeleland is under 200,000.

35,752. These Natives living on reserves have more land than they want?—Considerably more.

35,753. Is it protected from being invaded, so that in time to come you will have spare ground to place others upon? Are the Natives living in the reserves now forbidden to plough or to sow more land than is necessary for their immediate wants?—They are allowed to use as much land as they like.

35,754. Supposing that in time to come you had to place others there?—There is still sufficient land.

35,755. I want to ask you what these people who are now on private land pay to the owners of that land?—If any rent, they pay on an average £1 per adult male per annum. If it is a labour agreement, then the terms are three months' work at the current rate of wages.

35,756. If they give three months, they get their holdings free?—Yes.

35,757. What do they do as a rule?—They prefer to pay rent.

35,758. They can be removed according to the law by the owner?—Provided they transgress any of the provisions of the agreement.

35,759. Otherwise?—Otherwise, no. As long as they carry out the agreement between the landlord and owner, they cannot be removed.

35,760. Never?—Never. The agreements are generally made for a definite time, of course—as long as that agreement is in force.

35,761. The agreement commonly lasts for a year?—There is a year's notice on either side.

35,762. Do they also pay the Government taxes?—Yes.

35,763. Do they supply the labour wants of the farmer on whose land they are?—Not unless they are under agreement to do so.

35,764. Unless they are under agreement to give labour?—Yes.

35,765. If they are under a rent agreement, then they do not?—Then they prefer to have their own sphere to work in.

35,766. Where do the farmers get their labourers from in that case?—From the voluntary labour that offers.

35,767. Are the farmers short of labour?—No.

35,768. *Sir Thomas Scanlen.*] Have you a specimen printed form of the agreement?—Yes; I will put one in. [See Appendix.]

35,769. *Chairman.*] The whole of the reserve land is on the communal system?—Yes. [See Annexure.]

35,770. Is there any case where it is held on individual tenure?—There are a few Fingoes here at present under a form of contract similar to that in force in the Colony, under the principles of the Glen Grey Act.

35,771. With whom did they make that contract?—With the British South Africa Company.

35,772. Was that land set apart for them?—No. The land was purchased by the British South Africa Company from individual owners of farms, and set apart for those particular immigrants.

35,773. Fingo settlers?—Yes.

35,774. How many came up?—Three hundred families; over 1,000 men, women and children.

35,775. Have they each an allotment?—Yes.

35,776. Of what size?—Ten acres.

35,777. Have they got grazing rights?—Yes.

35,778. What do they pay for the whole thing?—They are paying nothing at present. All they pay is the £1 Native tax.

35,779. Is this an agreement that you made between the individuals who came up, or is it a thing that you do by virtue of some law?—It is an agreement made by the British South Africa Company and the Natives who came up.

35,780. Just the same as you might have with white people?—Yes.

35,781. What has been the result of this experiment?—I think it is a little too soon to say. They have not been in the country very long, but everything goes to show that the result will be satisfactory.

35,782. Are the relations between the Fingoes and the Chartered Company good?—Yes.

35,783. Have they cultivated much land?—Yes, quite a lot.

35,784. Have they found any labour?—Yes; they have all worked. One of the conditions under which they occupied this land was that they were to put in three months' work every year.

35,785. With whom?—Anybody. They have always complied with that.

35,786. Every individual allottee must put in three months' work?—Yes.

35,787. Has that been followed up?—In every instance.

35,788. Then they get a certificate?—Then they get a certificate.

35,789. Then they pay nothing in the form of rent?—No.

35,790. And taxes?—Nothing, except the £1 Native tax.

35,791. I should like to see a copy of the agreement?—I will send you a copy. [See Appendix.]

35,792. Under what authority can you impose a fine upon a man who does not carry out that agreement?—It would be purely a civil action to recover this fine. It is a contract between those Natives and the British South Africa Company.

35,793. Has this country afforded you any views as to the relative merits of the two systems of communal tenure as a whole, and individual tenure, where it can be applied?—Yes; I am in favour of adopting this system throughout the country as the Native advances

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in civilisation—that is, the system under the principle of the Glen Grey Act. I am not in favour of retaining the system of reserves on communal tenure, but I think it is necessary in the case of uncivilised Natives.

35,794. You say you are in favour of applying it when they are civilised?—Yes.

35,795. What would you make the qualification of civilisation?—I do not know whether you can exactly put a standard upon what you call the qualification. I think that greatly depends on your individual knowledge of the Native.

35,796. Supposing that the Native showed a progressive tendency, and was obedient, and anxious to be obedient to the orders and laws of Government ——?—Yes?

35,797. Or of an intelligent character—would you call that a qualification?—I should call it so—yes.

35,798. Given such qualifications as those, you would extend the individual system throughout the country?—Throughout the country—yes.

35,799. This country is not ripe for it, I suppose?—Not ripe yet.

35,800. Are there any people in the country who have shown an aptitude of this description?—Yes; in fact, there are a few Matabele who have asked to come and occupy land on the same grounds as the Fingoes already in the country, and have been allotted land on that settlement. They come under the Fingo Chief.

35,801. What kind of people were those who applied—educated men?—No, the ordinary Native, who has come into contact with the conditions, and seen the advantage of it.

35,802. Has any Chief or Induna asked for his particular clan or division, and come under the system?—No.

35,803. Supposing they were to ask?—I should certainly favour it.

35,804. Nevertheless, the communal system, as now obtaining, is necessary so long as the people are in their present condition?—As long as they are in an uncivilised state—yes.

35,805. Associating with this communal land system the tribal system generally, do you hold the same views about that—that it should not be disturbed?—I do not think it should be disturbed.

35,806. What would be the effect of any disturbance of their tribal system or their land system unless they demanded it?—I think from the fact of the Natives having lived always under a tribal system, they would naturally feel concerned about any new measures; and the fact, I think, would make them think that the Government was not treating them altogether fairly. They would not be able to grasp the idea in the first instance; they would have to be educated up to it first.

35,807. So that any kind of change should, in your opinion, proceed by very steady steps?—Yes.

35,808. I suppose this territory of Rhodesia is probably the most backward of any territory in South Africa?—Yes, I should say it was, in education. [See Answer to Question 35,894.]

35,809. Are there any particular views which you hold as regards the laws or administrative system in connection with Natives?—I think the laws we are acting under at present meet the case of the Native very well.

35,810. You are allowed to recognise Native laws and customs in so far as they are not repugnant?—Yes.

35,811. Do you think there is anything in the administrative sys-

tem by which they are governed which is deterrent to the natural advance of the Natives?—No; I do not think so.

35,812. That is by the recognition and support of Native customs and Native laws?—Native customs and Native laws are regarded when necessary. Due regard is given to Native customs and laws. We have no codified law laid down; we have no Native Code.

35,813. You have an unwritten Code?—We have no written Code.

35,814. Do you consider it would be possible in a territory like this to try and adopt the common law of the country?—I think so.

35,815. And bring Natives under it?—I think in time—yes.

35,816. I mean now?—I do not think you could do it at once, not at the present moment.

35,817. Do you think that that should be aimed at?—I think so; I think that is what we aim at eventually.

35,818. To bring them under the common law in a hurry, on the other hand, I suppose, does not appeal to you?—No; it should be a gradual process; as the Native becomes more advanced, so he will grasp it better.

35,819. Then such a change must proceed in line with education and his improvement and advancement in civilisation?—Yes.

35,820. But that is not yet?—No.

35,821. Are there any Natives in this country who enjoy the franchise?—Yes.

35,822. Do they exercise it?—I think so.

35,823. Do you know how they exercise it? I do not mean to say who they vote for, but whether they exercise the vote intelligently?—I do not think it is possible for them to exercise it intelligently.

35,824. Would you say that about all Natives?—I would not apply it generally to all Natives, because, of course, there are individual Natives who do know how to exercise their vote.

35,825. But you have not met them?—I cannot say that, as I have met such individuals; but I say, speaking generally, that the Native, through ignorance, cannot judge for himself as to the merits of most political questions, and under these conditions, I think, his vote becomes an uncertain quantity.

35,826. Does that mean that you do not consider the Natives in their backward state are competent and fit to be entrusted with the franchise?—Certainly, I do not think they are.

35,827. The giving of a vote presupposes that you want to give a man some privilege and some form of representation?—Yes.

35,828. Do you think that the Natives are properly represented already?—I certainly think they are; so long as they remain in an uncivilised state I think they are properly represented.

35,829. But supposing they were brought under the common law of the country, would you then have Native Commissioners, as they have now, with the Governor as Supreme Chief?—Of course, my replies are confined to this Province only, and where we have such a sparse population of Europeans and such a large population of Natives, the question of the franchise must be taken into very careful consideration so far as the Natives are concerned.

35,830. At any rate, you think that the Natives ought to be represented?—I certainly think they ought to be represented.

35,831. And in this case you say they are?—They are represented, yes.

35,832. Have you any view in your mind as to how they should be best represented if the time came that they should be allowed to vote; that is to say, do you think it is a wise and sound system to

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allow them to vote alongside the European?—No, I would not let them vote alongside the European.

35,833. What would you do?—I would allow them to vote for themselves, as it were, for a Lower Council.

35,834. You would allow them to have a vote for men specially representing themselves?—Yes, for men specially representing themselves.

35,835. And that their vote only should send those men to the Council?—Yes.

35,836. Do you think that that would be a remedy in time to come?—I think so.

35,837. And a good form of representation?—Yes.

35,838. A great deal has been said and written as regards the labour question in this territory?—Yes.

35,839. It is said that there is a comparatively small demand for labour, and that this demand cannot be supplied?—Yes.

35,840. Is there anything in this country that makes labour unattractive to the Natives so that they will not go out and earn money, or is it that they are not yet accustomed to it?—It is simply that they are not yet accustomed to it. Still, I notice a greater tendency on the part of the younger generation to go out and seek work; every year it is increasing.

35,841. Are their wants increasing?—Certainly, their wants are increasing.

35,842. And you notice a gradual increase in their going out to work?—Yes.

35,843. And in due time you think that it will lead to the general adoption of habits of industry amongst them?—I certainly do.

35,844. As soon as the value of money becomes known to them?—Yes.

35,845. Do you think that that will induce them to go down the mines, which they do not seem to like now?—The Matabele proper I do not think will ever take to the mines.

35,846. If offered good wages and good conditions?—Even then not.

35,847. Have they any superstitious objection to it?—No, I think it is simply because they are by instinct agriculturists and stock-keepers.

35,848. Are not all the Bantu races that way inclined?—No, I do not think the Shangaans are, nor the Zambesis.

35,849. But they live on their lands?—Yes, but they are not stock-breeders, not to any extent. The true Matabele are looked on as the aristocratic race amongst the Natives, and classed as are the Zulus in Natal or the Southern tribes in the Cape Colony. My experience is that the Zulu will very seldom go down a mine, though he does not mind working on the surface.

35,850. Do they hold that it is more dignified to be a kitchen boy or a farm servant?—Yes, I think there is a good deal in that.

35,851. You really think that that accounts for their objection to go down the mines?—I think to a great extent.

35,852. On the other hand, some numbers of your people go to the mines at Johannesburg, do they not?—Yes, a small number, but very few so far.

35,853. They have overcome the objection?—I do not know that, but most of those boys are not Matabeles, although they are Natives from this country. Here we have so many different tribes to deal with. The number sent to the Rand during the four months ending

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July 31st, from Southern Rhodesia, including both Provinces, was 115, whereas the total number of Natives exported was over 1,100. On the other hand, numbers seek work in Southern Rhodesian mines from the Transvaal.

35,854. Matabeles?—115 Southern Rhodesia Natives; that includes Matabeleland and Mashonaland. Those are the last returns.

35,855. You are carrying on a system of registration in this country?—Yes.

35,856. You have just begun it?—Yes.

35,857. It is perhaps not fair to ask you many questions about it at present, but I might ask you in principle do you think it will be of value to the country to have a record of every individual?—I think it will be very valuable.

35,858. That individual will be protected by having in his possession a document which identifies him?—Yes.

35,859. And if he goes to work, is that document taken away from him?—Not the registration certificate; he retains that.

35,860. He always retains it?—Yes.

35,861. If he goes out of the Colony does he take it with him?—No, but he has got a passport.

35,862. And is this retained?—The passport is retained. I have prepared a lot of notes with regard to the Pass Law, a copy of which I can let you have if you wish it.

35,863. I shall be glad to have it; is it a memorandum or private notes of your own?—Yes, with reference to a digest of laws framed by Mr. Advocate McGregor.

35,864. You are just on the threshold of your educational movement?—Yes.

35,865. So that it is not a subject that you can talk about at this moment, I suppose?—Excepting in a general way.

35,866. Has any advantage accrued, in your opinion, from the education already offered amongst the Natives of Rhodesia?—Yes; there are quite a number now being taught industrial work at the various Missions.

35,867. I meant, has any advantage accrued to the country and to the Natives themselves, do you think, from the education they have already received?—Yes, certainly, advantage has accrued in many respects.

35,868. Do you think they become better workmen?—Yes, the younger generation have considerably improved their status and industrial habits.

35,869. Of course, it is more interesting to observe it here now, because you are beginning almost amongst an entirely uneducated population, but have you yet noticed any remarkable changes?—They have taken a good deal to European clothing and things of that sort.

35,870. Is that in consequence of education?—Yes.

35,871. Might that not be in consequence of their contact with the European race in the country perhaps?—When the Native comes in contact a good deal with Europeans, that is education to a great extent.

35,872. It is a form of education?—Yes, the very fact of his coming in contact with Europeans.

35,873. It is not in consequence of his learning the "A B C"?—No.

35,874. *Mr. Stanford.*] Have you many of your Natives on farms under the special agreement which you described?—Yes, quite a number.

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35,875. Would you say that it is largely a sentimental attraction towards their holding that makes them prefer the farms to the locations?—I think that has a great deal to do with it.

35,876. Would you not say that with the exception of special forms of Native customs, such as "lobolo," and inheritance, the Natives are now under common law?—Those are the only two customs that it is necessary, I think, to consider specially, that of "lobolo" and inheritance and succession.

35,877. That is, ordinarily, any contracts into which a Native might enter would be decided by the common law, but you specially treat him in respect of certain customs practised by him but not practised by Europeans?—Yes.

35,878. And I understand you to say that at present he is not debarred from the franchise?—No.

35,879. Is there any bar to the Native in this country making a will disposing of his property?—No, that comes under the common law.

35,880. Have you defined any age of majority for women?—No, not as yet; we have not given an age, though the question does arise when the girl's consent is required in connection with a marriage.

35,881. Apart from that, would she remain a minor all her life, whether married or unmarried?—They generally marry very young here.

35,882. Supposing she becomes a widow, does she still remain under guardianship?—Yes; if she becomes a widow she goes back to her father.

35,883. Would it not be better, in your opinion, to give the woman the same opportunity to advance as you give to the man?—Yes, I think it would.

35,884. Do you allow Natives in this country to purchase land in their own right?—Yes, they can if they wish to.

35,885. *Chairman.*] Have any of them done so?—I cannot give an instance at present.

35,886. *Mr. Thompson.*] You said that certain Natives exercised the franchise?—Yes.

35,887. Are they Natives of this country?—No, they are mostly alien Natives.

35,888. No Matabeles or Mashonas have yet been enfranchised?—No, not up to the present.

35,889. You said that the Natives were rather backward in this country; what is the total amount of hut tax you should collect annually?—In this Province?

35,890. Yes?—This year's estimate is £56,000.

35,891. And you have been now about 30 odd days collecting it?—Yes.

35,892. How much have you collected in the 30 odd days?—£38,000.

35,893. Nearly two-thirds?—Yes.

35,894. Would you still call that backward?—No; I meant they were backward in civilisation because they had not come in contact with Europeans. As regards obeying the laws of the country, I do not think they are backward at all. [See Answer to Question 35,808.]

35,895. You said that the reserves were vested in the Natives?—Yes.

35,896. Is there any form of title given to those Natives?—I do not think so.

35,897. Is it not a fact that the Government of this country can remove them without more than 12 months' notice to another part

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of the country without any compensation, if required for gold-mining or any other purpose?—Yes, if required for gold-mining.

35,898. So that they have no vested interest really; they are tenants at will?—I will read sections 81 and 82 of the Southern Rhodesia Order in Council of 1898 dealing with the settlement of Natives on land. It says:—"The Company shall from time to time assign to the Natives inhabiting Southern Rhodesia land sufficient for their occupation, whether as tribes, or portions of tribes, and suitable for their agricultural and pastoral requirements, including in all cases a fair and equitable proportion of springs of permanent water. All questions relating to the settlement of Natives on the lands within Southern Rhodesia shall be dealt with and decided by the Administrator in Executive Council, but all such decisions shall be subject to review by the High Commissioner." Then, as regards the removal of Natives, section 85 (1) says:—"No Natives shall be removed from any kraal or from any land assigned to them for occupation, except after full enquiry by, and by order of the Administrator in Executive Council approved by the High Commissioner."

35,899. From memory, do you recollect whether there is a clause in your agreement with the Fingoes that Natives failing to put in a certain amount of labour their tax per annum shall be £5 a year?—There is a penalty.

35,900. So that that is a labour tax?—Yes.

35,901. It is really the labour clause of the Glen Grey Act?—Yes.

35,902. Only that it is £5 instead of 10s.?—I think it is £3, but I am not quite sure on that point. We have never had occasion to enforce it.*

35,903. But it is still retained?—Yes.

35,904. You have never had occasion to enforce it?—No.

35,905. The Native has always put in his three months' work in the year?—Yes.

35,906. He only has to work for 36 months during his lifetime to become a landowner of 5 morgen?—Of 10 acres of land.

35,907. This land the Government bought for £7,000 or £8,000?—Yes.

35,908. *Chairman.*] Does that mean that if he works for three consecutive years, he need never work again?—No, not in order to retain that particular piece of land.

35,909. He has to work three consecutive years?—It can be spread over a number of years, so long as he works three years in his lifetime.

35,910. Then he becomes a freeholder?—Yes, he gets title to the land.

35,911. *Mr. Stanford.*] Would title be issued to him?—Yes.

35,912. *Mr. De la Harpe.*] What is the extent of land?—Ten acres.

35,913. *Chairman.*] Can he sell that land after he becomes a freeholder?—I do not think he can, except to one of his own people.

35,914. If you are not in a position to answer positively now, will you find out and let us know?—Yes.

35,915. *Mr. Stanford.*] I suppose the conditions of title would come up for consideration when the title was issued?—Yes.

35,916. *Mr. Krogh.*] What proof is furnished that the Native has worked three months in the year?—He gets a certificate from his employer to that effect.

* The amount is £3. H. J. T.

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35,917. *Mr. Samuelson.*] I do not quite understand your saying the land is vested in the Natives?—Under communal tenure.

35,918. Is it vested in the Natives or in some Government body for the Natives?—In so far as the Government, of course, are the trustees of the land for the Natives.

35,919. It is vested in the Government for the Natives?—Yes, under communal tenure.

35,920. Has a special trust been created in Rhodesia, or a special body of trustees in whom these lands are vested?—There is no special body of trustees. The Administrator and the Executive Council represent the Natives.

35,921. Are they defined as such—as trustees?—No.

35,922. Have these lands that are vested in the Executive Council been defined and marked out?—In so far as that it has been defined what are Native reserves, where the boundaries are, and so forth.

35,923. Have you copies of this Ordinance for the registration of contracts?—Is that Ordinance No. 16 of 1901?

35,924. You did not give the number; you spoke of the registration of contracts between the farmer and his Native tenant as being compulsory?—You mean agreements as between landlords and tenants?

35,925. Yes?—Yes, I think I quoted it.

35,926. What is the number?—It is a Proclamation dated 14th October, 1896.

35,927. Could you possibly get us copies of that Proclamation?—I will endeavour to do so; I am afraid I cannot do so just now, but I will send to Salisbury for copies.

35,928. Is Southern Rhodesia inhabited entirely by the Mashonas and Matabeles and the Fingoes who have come up from the Cape Colony?—There are other tribes that are classified under the Mashonas. The Kalanga tribe, for instance, have almost the same customs as the Mashonas.

35,929. Are their laws of succession and inheritance the same or do they differ very much?—The Kalangas' practice is practically the same as that of the Matabele.

35,930. And the Mashonas?—I am not prepared to say about the Mashonas.

35,931. Have you an officer here for the administration of Native intestate estates, or are they administered by the Native Commissioners?—They are administered by the Native Commissioners.

35,932. In the case of landed property, who administers the property then?—No cases have yet arisen where such administration has been necessary.

35,933. But say a Native owner of land were to die, how would the estate be administered; according to Native law or to common law?—According to common law if the Native was the owner of land.

35,934. If he was a polygamist, how would you manage then?—That would be a question of inheritance arising then, and we would have to follow the Native custom as regards the inheritance.

35,935. Then, would you administer the estate according to the Native law of inheritance?—If he had land?

35,936. Yes?—It is very difficult to answer hypothetical cases, of which that is one.

35,937. You have no law dealing with the matter?—We have laws dealing with Native inheritance, insomuch as we follow the Native custom. I can tell you what is the custom of the Natives here.

35,938. I know tha custom, but I want to know if you would follow the Native law of succession in the case of land?—I do not think I would be prepared to do that.

35,939. Not even if the Native was a polygamist?—Not even if he was a polygamist.

35,940. You said that the Natives were represented?—Yes.

35,941. Who are they represented by, and where?—By the Government.

35,942. Do you mean by "represented" that their interests are sufficiently protected by the system of Government and Government officers?—Yes; that was the object of appointing Native Commissioners, in order to guard the interests of the Natives.

35,943. Of course, the Native has no representative in the Legislative Council?—His Honour the Administrator, as Secretary for Native Affairs, represents the Natives.

35,944. Does he speak for the Native population, and does he take up their cause in any way?—His Honour the Administrator?

35,945. Yes?—I do not know whether I should answer that question about the Administrator.

35,946. *Chairman.*] You might answer whether you consider that the Natives under the present system are fairly and sufficiently represented?—Yes I do.

35,947. *Mr. Samuelson.*] There is no necessity, then, for their being directly represented in Parliament by elected members?—Not in their present state; not so long as they remain in an uncivilised state.

35,948. Was it an oversight, or designedly done, that they were not excluded from the franchise if they have the qualification?—I do not think it was an oversight at all. We adopted the laws of the Cape Colony, and amongst those laws was the franchise.

35,949. *Mr. Campbell.*] I would like to ask with reference to the agreement between the farmers and the Natives, what proportion of Natives living on farms have agreements with the farmers; is every farmer supposed to have an agreement with his Natives?—If the Natives reside on the farm, the farmer certainly has an agreement with them.

35,950. Then every farmer having Natives on his farm has an agreement with those Natives?—Yes.

35,951. Every one?—On every occupied farm, yes.

35,952. *Captain Dickson.*] The agreements you allude to are only with squatters, and not with servants on the farms?—They are independent agreements as between tenants and landlords.

35,953. Squatters?—Yes.

35,954. What number of Natives have the franchise in this country?—The number in this Province on the last Voters' Roll was 42.

35,955. Can you tell us the date when these Natives were put on the Voters' Roll?—I am afraid I have not the Voters' Roll with me just now, but I could get a copy of it. The total number on the last Roll was 42, and the new Roll is not completed yet.

35,956. Are you aware whether there will be an increase or a decrease?—That I cannot tell you.

35,957. Have all the Fingoes who have applied for land been granted allotments?—They all have land; all who came under those contracts had the land ready for them.

35,958. Are there not a number of Fingoes applying for land at the present time?—Yes, from the Colony.

35,959. Have they been granted the land?—No, not yet.

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35,960. Can you give us any idea of the number that have applied?—I could not tell you the exact number that have applied for land.

35,961. Are there many?—I know that there are a great many wanting to come up here and occupy land.

35,962. Are there many free labourers on the farms here—what we call volunteer labourers, that is, boys who get paid a wage?—Yes, quite a number.

35,963. Do they work for a long period or a short one?—They work for a longer period now than they used to work. They work generally for four or five months, and in some instances they work for a longer period. I think the average length of service is four months.

35,964. Can a farmer up here get as much free labour as he requires?—At present he can always get sufficient labour, and during the last year has had sufficient.

35,965. Are those free labourers squatters, or do they come from outside districts?—Some are squatters and some come from outside districts.

35,966. *Mr. De la Harpe.*] Is there any limit on the locations as regards the cultivation of land?—No, there has been no limit; they have been allowed to cultivate the same lands that they occupied in the time of the King.

35,967. *Mr. Krogh.*] If a Native living on a farm refuses to enter into an agreement with the farmer, can the farmer have the Native removed?—Yes, he can have him removed, and for Natives who are so removed the Government finds land in the Native reserves. The object of the Native reserves is to provide land for those Natives who have been removed for not being prepared to enter into contract as between landlord and tenant.

35,968. *Mr. Sloley.*] I would like to ask you one further question about the Fingo settlers. You say that after 36 months' work they will get some form of title to their holding?—Yes.

35,969. Will that include a share of grazing land?—Yes.

35,970. What is the extent of grazing land that they would have attached to a 10-acre lot?—To the extent, at present, of five farms of 3,000 morgen, that is 30,000 acres.

35,971. Is it rather better than the average land?—It is very good land.

35,972. Better than the land in the locations?—I do not know that it is better; there is very good land in the locations.

35,973. Of the 42 voters, are there any large number of those Fingoes who have taken advantage of the franchise and been registered?—Those already settled in the country under the Settlement?

35,974. Yes.—No, there are very few of them; in fact, I do not recognise any of their names amongst the 42.

35,975. The 42 voters are largely the original inhabitants?—No, they are other Fingoes, and Natives who have come into the country.

35,976. No Matabele have yet been placed on the Voters' Roll?—No.

35,977. Is there a tendency on the part of farm owners to convert their farms into large locations and encourage a number of squatters?—I do not think so; I have not noticed that tendency myself.

35,978. Then you said that you would, in course of time and as the Natives advanced, favour the conversion of their tribal lands into individual holdings?—Yes.

35,979. I would like to know for what reasons; what have you

observed about the system that has induced you to hold that view?—My reasons are generally on the line of progression; I think they can progress much better that way than they do under the present tribal system. If a Native occupies land by himself he has something definite before him, that is, to improve that land.

35,980. Have you observed that it has that effect in regard to these particular Fingoes?—Yes, I have seen it.

35,981. *Sir Thomas Scanlen.*] There are certain sections of the country used as Native reserves?—Yes.

35,982. Are those reserves contiguous or scattered?—They are scattered all over the country; in every district we have a Native reserve.

35,983. Have they been defined by any survey or document?—They have been defined by document. I have a description of the Native reserve.

35,984. Has that been published?—It has been formulated but not published.

35,985. Could you direct the attention of the Commission to it?—I could get a copy of it as submitted to the Secretary of State for the Colonies—a copy of the description of the Native reserve.

35,986. Will you supply that?—Yes.

35,987. Have you any recollection that any law has been passed defining those reserves?—I think there is a Proclamation notifying that a reserve has been set aside for the Natives.

35,988. Will you kindly look that up?—Yes.

35,989. And having these reserves, you do not consider that at the present time the Natives are sufficiently advanced to receive individual title?—They are not at present.

35,990. Would you favour a certificate of right which would enable the head of the family to keep the land during his life, but liable to forfeiture if he broke certain conditions?—Yes.

35,991. And in that case to transfer the right to the next in succession?—Yes.

35,992. Would that meet your views?—Yes.

35,993. That would be practically a lease for life subject to certain conditions?—Yes.

35,994. And it would then be passed on to the next male heir?—Yes.

35,995. You favour that?—Yes.

35,996. And in regard to the Legislature, you are not in favour of the ordinary Native coming on the European Voters' Roll?—No.

35,997. Would you favour a separate Voters' Roll made up from a given qualification prescribed by law, and that the Natives should elect a limited number of representatives in the Council, but should have no right of voting with the Europeans?—Yes, I think that the Natives should be represented by themselves, as it were.

35,998. That is on the lines of my question: Supposing there were two Voters' Rolls—a European Voters' Roll and a Native Voters' Roll—and that from the Native Voters' Roll a limited number of representatives could be elected to represent Native interests on the Council, would that meet your view?—Yes.

35,999. Supposing that within reserved areas there were already located farm rights or gold-mining rights, how would you propose to deal with those?—Within the already reserved areas?

36,000. Yes; if there were already marked farm or gold-mining rights in an area reserved for Natives?—I should say that it would be a question of agreement between the Native Chief and the people; we would have to compensate the people.

H. J. Taylor, (Chief Native Commissioner, Matabeleland). Rhodesia. 8th September, 1904.

36,001. It ought not to be exercised as a matter of right?—No.

36,002. In regard to the provisions you have referred to in the Glen Grey Act, by which the right to land may be passed over simply as we pass over the right to promissory notes, that is, by mere endorsement; do you favour that?—No.

36,003. Then I gather that you place no restriction upon the Native going into the market as others can, and buying land, subject to the ordinary tenure of the country; but if we allot land to Natives within certain Native reserves, it should be merely a right of occupation subject to good behaviour?—Yes.

36,004. *Chairman.*] You said just now that there were five farms used for this Fingo settlement?—Yes.

36,005. Are they all of the same extent?—Yes, 6,000 acres.

36,006. With regard to those in the first lot of 300, in distributing them did you put them all on to one farm?—No, they were allowed to choose their own lands at first.

36,007. So long as they did not exceed 10 acres?—So long as they did not exceed 10 acres.

36,008. Did you survey that?—It has not yet been surveyed.

36,009. Is it beaconed off?—No, not yet.

36,010. So in the meantime they might have been using as much as 20 acres?—I do not know; the object was to give the Native every opportunity of judging the ground. He would have to experiment in order to find out where the good ground was. It is merely a question of time.

36,011. You are really trying to make it attractive to them?—Yes.

36,012. It has been advertised?—Yes.

36,013. And until the advertisement has done its work you do not want to be too stringent in the way they are treated?—Exactly.

Mr. Clive Lancaster Carbutt, examined.

C. L. Carbutt, (Native Commissioner). Rhodesia. 8th September, 1904.

36,014. *Chairman.*] Are you Native Commissioner in Matabeleland?—Yes.

36,015. How long have you been here?—Seven and a half years.

36,016. Is this your first experience in Native administration?—It is practically. I was in Natal for a very short time, about six months.

36,017. Have you seen the heads of evidence on which we are examining witnesses?—Yes.

36,018. Are there any particular points that you would like to offer your opinion about?—Yes, I would like to give my opinion generally on some of the questions.

36,019. On the first subject of land tenure do you hold any particular views?—Yes.

36,020. Do you see any objection to the present system of communal tenure?—Yes, I think the individual system would be better.

36,021. What makes you think that?—The land question appears to me to be pretty well the crux of the whole Native question, especially the labour question.

36,022. In what way does it appear to you to be the crux of the question?—It appears to me that at the present time the conditions under which the Natives occupy land are too easy. They are so easy now that there is no necessity for the Natives to work.

36,023. Easy in the respect that he has plenty of land, and in good seasons can live upon it?—Yes.

36,024. How would you limit that if it is an evil in your opinion?—I think they ought to be made to acquire land much in the same way as white men do.

36,025. To purchase it?—Yes, to purchase it, or become tenants.

36,026. Do you mean to say that where the Government has set apart reserves on purpose for them, that you would make them purchase portions of land, or lease portions of land?—Yes.

36,027. Really you would take away from them again what you have already given them?—Yes, I suppose one would have to do that.

36,028. And recall the grant?—I think it is a mistake that the grant was ever made.

36,029. Do you think it would be possible and practicable to summarily bring about such a change as that?—No; I am afraid it would not. Not in the more settled parts of the country. I should think it would be easier here in the unsettled parts of the country than in the Cape Colony or Natal.

36,030. Because the Natives are less intelligent here?—They have not been settled so long on these locations. In Rhodesia comparatively few of them are on Government land. The majority at present reside on farms as far as Matabeleland is concerned.

36,031. You would not interfere with those living on farms?—No.

36,032. You are only speaking of reserves?—I am only speaking of reserves. Those on farms now are practically tenants.

36,033. Do you hold the opinion that in all Government reserves if it were possible the individual system of allotment should prevail?—Yes.

36,034. Do you think it would be good in the interests of the Natives, and in the interest of their natural progress that you should do that?—I think it would be the very best thing in the interests of their progression.

36,035. Is there any other point in connection with the land tenure question about which you wish to express your views?—No, I do not think so.

36,036. Do you think that the progress of the Native is a thing that should be aimed at?—Yes.

36,037. How can that best be aimed at?—I think one of the best ways is to do away with the tribal system of land tenure.

36,038. Would you eradicate it by law?—I presume that is the only way to do it, as these locations have been constituted by law.

36,039. At the present time you work, I understand, through the Chiefs and Indunas of the country? Do they do their work well?—Yes, on the whole they do it very well.

36,040. Are you dissatisfied with them at all?—No.

36,041. Do you think it could be done better by other means?—No, I do not think it could. I think that is the best way.

36,042. What would be your object in destroying the tribal system?—I do not see that there would be any actual necessity to do away with the Chiefs because you did away with the tribal system of land tenure.

36,043. What do you mean by the tribal system?—I mean where a tribe simply squats on a location, and the location practically belongs to that tribe; they have the right to the whole of a certain tract of country, where they can do anything they like.

36,044. I thought that you meant something else when you spoke of the tribal system at the beginning, because we have spoken already about this communal land tenure. Is there anything else

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in the tribal system besides the land tenure that you object to?—No, I do not think so.

36,045. By the doing away of the tribal system, do you mean that all Native laws and customs should at the same time be done away with?—No, not entirely. They might in the course of time; but I do not think you can do away with them at once.

36,046. That is to say, if you did do so the consequences might be inconvenient?—Yes.

36,047. So you would advocate their disappearance gradually?—Gradually, yes.

36,048. Do you think the process is going on; that they are getting more inclined to civilised ways than they used to be?—I do not think it is; or in a very small way, if it is at all.

36,049. You have scarcely had time to notice it?—It is not noticeable really.

36,050. If it was noticeable it would be a very bad thing, because the change would probably be too rapid?—I do not think so; not if they change their habits voluntarily.

36,051. Anyway, you do not advocate any disturbance of their laws and customs in any violent way?—No.

36,052. Is there any other point that you would like to offer your opinion about?—I think Native marriages should be fully recognised by the State.

36,053. You think marriages should be recognised by the State?—Yes.

36,054. What are your reasons for thinking so?—I think it a good thing that there should be some sort of ceremony to indicate that there has been an actual marriage, and I do not think it concerns us so very much what that ceremony is. If they choose to go in for "lobolo" or any other ceremony, to show that a marriage has taken place, we should not interfere with it.

36,055. The marriage tie ought to be consummated in some way?—Yes.

36,056. Do you think that the registration by Government is a good form of consummation?—Yes, I think it is a very excellent form; in so much as it is an absolute certain form; there is absolute proof that the marriage has taken place if the marriage is registered.

36,057. You have a law which provides for that?—Yes, we have a "lobolo" law.

36,058. And is that form of registration what you consider necessary as recognition? You spoke of marriages being recognised, is the recognition you referred to met by the new law which admits of registration?—Yes.

36,059. Is there any other subject?—With regard to marriage laws I do not think that Christian marriages are a good thing for Natives as a general rule. I mean marriages conducted under Christian rites.

36,060. Of Christians?—Of Natives.

36,061. But presuming they are Christians?—They are only called Christians; I think very few of them are actually Christians.

36,062. Before they can be married under Christian rites they have to be admitted to the Church, have they not?—I do not think that amounts to anything in this country. If a Native here attends a Missionary School a few times, the Missionaries are always prepared to marry him under Christian rites. I do not think the Natives have any standard of Christianity.

36,063. These men are not polygamists who are married under

Christian rites, are they?—When they get married they always state that they have no intention of becoming polygamists. I have known many of them get married under Christian rites and shortly afterwards wish to take a second wife.

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36,064. Do they do so?—I have never actually known of a case where it has been done.

36,065. I take it you think they do not understand the relative importance of Christianity when they are married under Christian rites?—They do not understand the legal consequences that follow.

36,066. What are the legal consequences?—For instance, if a man wants to get a divorce, it is very much more difficult for him to do so if he has been married under Christian rites, than if he has been married under Native law.

36,067. Is it never explained to them?—Not as far as I know.

36,068. Are you a marriage officer?—I am a marriage officer for Natives under Native law. I cannot marry under Christian law.

36,069. The Magistrates can?—Yes, the Magistrates can, but as a rule it is the Missionaries who do so.

36,070. Are the Native Commissioners not marriage officers?—No.

36,071. You think these Christian marriages are performed without the Natives being duly initiated and told what it means?—Yes.

36,072. Is there any other subject upon which you wish to speak?—As to Question No. 6; the Natives of the Zambesi Valley are not organised altogether under a tribal system. They are not under any regular tribal organisation. All the people there are under petty Chiefs, and quite independent of each other, although they actually belong to one tribe.

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36,073. Chieftainship has gone?—The Supreme Chieftainship has gone. I do not think there ever has been any so far as I know.

36,074. Who has been the head of that family, that tribe; have they a Council?—No, they have no tribal organisation whatever. They are under a lot of petty Chiefs, each one of whom simply has a few kraals which are under him, and they do not recognise any other Chief in any way whatever.

36,075. Have not they always been fighting with each other?—Yes.

36,076. Is there anybody left?—There are a few of them left still.

36,077. Are they under this Government?—Yes; they are in Southern Rhodesia. Some of them are in Northern Rhodesia, and some in Southern Rhodesia.

36,078. There you have to deal practically with every kraal?—Yes.

36,079. Is there any other subject which you wish to express your opinion about?—No, I do not think so. I think, as far as Question 5 is concerned, I have already answered it in giving my views on Question 1.

Native Chiefs *Gambo* and *Sikombo*, examined (*Mr. Carbutt* acting as interpreter).

36,080. *Chairman.*] Where are you living?—(*Gambo*): I live at Manzamnyama of Bulilima. (*Sikombo*): I live close to Ntaba Zenduna.

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36,081. Are those the places you have been accustomed to live in?—(*Gambo*): No; during Lobengula's time I lived at Kami River. (*Sikombo*): I lived practically in the same place as I am now, a little nearer Bulawayo.

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36,082. Are you living with the same people who used to live with you?—All my people are not still there; many of them are scattered about all over the country since the occupation. (*Gambo*): The same remark applies to my people.

36,083. Is the land upon which you are now living on Government reserve land?—I am on a reserve. (*Sikombo*): I am on a farm, and have farms all round me.

36,084. Is it well with you on the reserve, Gambo?—(*Gambo*): In what way do you mean?

36,085. Have you land to plough, and have you room for your people?—I have plenty of room, both for ploughing and for grazing stock.

36,086. Is not that what you like?—I am quite satisfied with the land I have. I have plenty of land for ploughing and for my stock. I am quite satisfied.

36,087. Do you like living in a reserve?—Yes.

36,088. Sikombo, you live on private land?—(*Sikombo*): Yes.

36,089. Have you to pay for living on that land?—Yes, I have to pay rent.

36,090. How much?—£1 for each hut.

36,091. If a man has several wives and a lot of huts, would he pay for each?—Yes, he pays £1 for each hut.

36,092. Would that include a store hut?—I only pay rent in respect of huts which are occupied, and used for sleeping purposes.

36,093. Do you like living upon this private land?—I do not like living on private land; I only live there because I cannot find a Government Reserve.

36,094. How is that?—I do not know. It appears that all the country is occupied by farmers; there is nobody but farmers.

36,095. Have you many people with you?—Yes, I have a large following. They occupy the land between Ntaba Zenduna and Insiza River.

36,096. Have you actually asked any Government officer to try and get you placed on a reserve?—No, I have never asked any Government official for Government ground. I have simply occupied the ground of my own accord. The farmers who own the ground do not beat me or bother me in any way. I have room for my stock, so I simply stay there.

36,097. Is it quite fair to say that you cannot get reserve land when you have not asked?—When I have asked a Government official where their land is, whatever land they have pointed out to me has been unsuitable. It has not had sufficient arable land for ploughing purposes.

36,098. Have you asked Government to grant you land?—I have not acually asked for it, but the Native Commissioner I am under has often indicated to me where the Government land is.

36,099. Would you like to go to a Government reserve if you had the chance?—I would not care for it. I am a man who is full of ailments. If a lot of people went ahead of me and occupied the land then I might follow them.

36,100. You are contented where you are?—Yes; I am satisfied. I get plenty of corn off the land.

36,101. Are the people with you well to do?—No; the people are not well off. They lost all their stock during the rinderpest. They only have a few small stock now that they bought in Bulawayo.

36,102. Do they go out to work?—Yes.

36,103. Can they get work?—At times there is a difficulty in

getting employment, but at the present time a great many of them are working on railway construction.

36,104. Can as many get labour as wish to do so?—There is no one at present, who is at the kraals, who has been unable to obtain work. The Natives who are at the kraals have been to work and have come back.

36,105. When you came to live under the Government did it make any change in your method of living?—It has made a difference in so much as when we lived here before we were all gathered together in a comparatively small space. Now we are scattered all over the country.

36,106. Has this change of living affected you in the matter of your laws and customs?—At the present time we are freeer than we used to be. We go where we like. A man can go to Selukwe, for instance, or anywhere he wants to. Before, if a man left this country and went to Bechuanaland it was reported that he had run away.

36,107. Is that a change that is agreeable to the people?—No; they did not like it under their own rule, and they do not think it is right now. Under their old rule they did not like the people to be allowed to wander about just as they liked, and they do not like it now.

36,108. Are the laws, which you have come under, laws which pinch you?—The Government laws do not bother us. We can still drink our beer and eat our corn.

36,109. Do you feel happy under the Government laws?—(*Gambo*): I have not had sufficient experience of the white man's rule. I have not made up my mind whether it is pleasant or whether it is not. It is different from the rule I was under originally.

36,110. Are you happy?—We have not got used to the ways of the white man altogether.

36,111. Have you in your minds an idea that you would like to progress and become enlightened, or whether you would like to live as in the old days, when you were naked, and went about armed with assegais?—(*Sikombo*): No man would like to be kept down, and be only the size of a rabbit, when he might be made into a big man. We would like to progress.

36,112. Would you like to see your children educated and improved?—(*Gambo*): Yes; even at the present time many of our children are at the schools.

36,113. Why does it appeal to you that education and improvement are good for you?—As we have to live with the white man, I think it is as well we should be educated. We would then understand the white man and his laws better.

36,114. What, do you think, is the best way to educate Native children? Do you think it is best to give them the education they get out of books, or that education which they get by learning to work?—I think we ought to learn both,—both how to read and write and be educated, and also learn trades.

36,115. Are there any laws which you think the Government ought to make which would be better for you?—I am quite satisfied to leave the affairs in the hands of the white people.

36,116. Supposing there is anything which is hurting you, do you feel you can always find your way to the Government, and that you will always be listened to?—As far as we know, any complaint, or anything we report to the Native Commissioner, is always

Gambo and Sikombo. (Native Chiefs).

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brought to the notice of the Government; we always get replies.

36,117. Is it always open to you to approach your Native Commissioner and your Chief Native Commissioner?—Yes; we have free access both to the Native Commissioners and to Mr. Taylor.

36,118. Under the Government under which you are now living, I presume what you have got is your own, and nobody can take it from you?—Yes; everything belongs to us ourselves. We can kill any stock which is in our possession, or do anything we like.

36,119. Did you always do this?—Yes; under our King we had stock that belonged to us that was given us by him, which we could kill at any time we liked, or do anything we wanted, without consulting the King.

36,120. We have heard that up in this country there are Fingoes who came up from Cape Colony that have a settlement of their own, and have got land in a different way to the way people have in this country, that is, on individual tenure. Have you heard of those people, and what do you think of it?—(*Sikombo*): I think it is a good system to have land under individual tenure.

36,121. Do you think the people would like it?—(*Gambo*): I am not sure what the people would think of the suggestion; but, as far as I am concerned, I prefer a Government reserve. If the country were divided up into small lots we would not have sufficient ground to graze our stock. (*Sikombo*): I agree with Gambo that there would not be sufficient grazing ground. If the country was divided up into small lots, and each man had to live on his small plot, each individual would not have sufficient ground to cultivate and to graze his stock.

36,122. Have you been out to see this settlement?—(*Gambo*): I have never been to the location. (*Sikombo*): I have lived next to the location and know it well.

36,123. Have you not ascertained that the people have grazing rights?—I know they have grazing ground, but their stock has been greatly reduced by disease. Before the disease broke out, I had not been on the location.

36,124. Is the only objection you have as regards grazing?—(*Gambo*): If the country is cut up like that, would not we be occupying it in the same way that white people occupy farms?

36,125. *Mr. Stanford.*] Were you both Indunas under Lobengula?—Yes.

36,126. Had each of you a tribe under your control?—Yes.

36,127. Did you decide cases that arose amongst your people?—Yes; we decided small cases. When there was a big case which we thought was beyond us, we took it to the King.

36,128. If a man was accused of witchcraft, did you deal with that case, or take it to the King?—Cases of witchcraft went before the King, because they were a matter of life and death, and the owner of the country was the only man who could deal with cases of life and death.

36,129. They could be executed only on the word of the King or Supreme Chief?—They could only be killed on the order of the King.

36,130. In other matters, too, the power of life and death vested only in the Paramount Chief?—The King was the only man who had a right to kill anyone.

36,131. How was the order of execution usually carried out?—(*Sikombo*): When a case of that sort arose, the Induna of the district reported it to the King, and asked for his instructions. If the King said that the accused person was to be killed, the Induna went back

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and appointed certain people to go and perform the execution. They went and caught the man, and hanged him to a tree. *Gambo and Sikombo* (Native Chiefs). — — Rhodesia. — — 8th September, 1904.

36,132. Was there not another form of execution sometimes, by order of the King—to throw people to the crocodiles?—Such a case was only known once, and that was when some of the youths of the Mbizo regiment took some of the King's slaves without an order from him. The slaves reported the matter to the King, and he had the people up before him, found out who had actually killed any of the slaves, and then had them tied up and thrown to the crocodiles.

36,133. In those days you were the conquering nation in these parts, were you not?—Yes.

36,134. How far in the direction of the Zambesi would your expeditions go?—We never went on an expedition ourselves, but from what we have heard, some of the Impis went as far as the Kafue River, north of the Zambesi.

36,135. Is the account true, that on one of these occasions an impi of your tribe perished on one of the islands of the Zambesi?—(*Gambo*): Yes; it was one of Umzilikazi's impis.

36,136. How did that occur?—They were taken on to the island by owners of canoes, and during the night the owners of the canoes slipped away with the canoes, and left them on the island. They were unable to get across to either side.

36,137. So they perished there?—All of those that were on the island died. Some of them died on the island. Others attempted to swim, and were unable to swim across.

36,138. What time of the year was this?—It was a very long time ago, when Umzilikazi first came to the country, and we do not know what time of the year it was. I think it was in the winter time.

36,139. On these expeditions, was it your practice to kill the men and the women, and bring away the children and the stock?—(*Sikombo*): As a general rule we only killed the men. The women were made to carry the children back. Any woman who got ill on the way was killed.

36,140. And the stock was all brought away?—All the stock was brought back, except what was killed for eating purposes.

36,141. You recognise that on the white conquest here you have been differently treated? Your women have not been killed; you have been given land; and you are living comfortably under the present regime?—Yes; I recognise it is a better rule, for we have security of stock.

[Questions 36,142-144 deleted.]

Bulawayo, Friday, 9th September, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.	Sir Thomas Scanlen.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.
Mr. Krogh.	

Colonel William Napier, examined.

36,145. *Chairman.*] Are you representing the Farmers' or Landowners' Association, or are you just an independent witness?—I am an independent witness. *Col. Wm. Napier*, (Farmer). — — Rhodesia. — — 9th September, 1904.

36,146. I daresay you have seen the subjects upon which we are taking evidence in this Commission?—Yes, I have.

Col. Wm. Napier, (Farmer). Rhodesia. 9th September, 1904.

36,147. Are there any particular points in these subjects upon which you would like to express your opinion?—Yes; there are several, but I think if you are going down the list I might take them in rotation, as they come.

36,148. Do you wish to be asked questions upon all the subjects?—Whichever you think most necessary.

36,149. You are a landowner and farmer?—Yes.

36,150. Are you carrying on farming operations?—Yes.

36,151. Have you got a large number of Natives upon your property?—Yes, I have.

36,152. What are they—tenants?—Yes, tenants.

36,153. Did they ask your leave to go and settle there?—Yes, as a rule they did.

36,154. Were they on these same holdings before the war?—A few of them, not all. Many of them have come since.

36,155. Have you entered into contracts with them?—Yes.

36,156. Are these contracts satisfactory as between yourself and the Natives?—Yes, they are, as far as Natives go. Now and again you have two or three who are a little bit obstreperous; but, as a rule, they are very satisfactory.

36,157. What do they give you for the privilege of living upon your land?—I have them for labour pure and simple; I charge no rentals.

36,158. They all have to give you labour?—Yes.

36,159. Do you require it all?—Yes, I require it all.

36,160. You enter into written contracts with each one of these persons?—I have a contract with the Head of the kraal.

36,161. Is that registered before the Native Commissioner?—Yes; it is done under the supervision of the Government representative.

36,162. Are the Natives contented with that?—The Government always see to that.

36,163. As far as you can judge?—Yes, the Natives are perfectly satisfied under the agreement.

36,164. Is there any restriction as to the number you can have upon these terms?—There has been no restriction made. Personally, I do not want more than I actually require for my own labour. I do not want to have them on the farm under that contract except for labour.

36,165. Is that a custom largely adopted in this country, that land-owners get upon their land a large number of Natives as squatters?—I do not know that anyone puts themselves specially out to put them on. The Natives flock to different parts of the country, which they like.

36,166. Do you think that is a good system, and a good thing for the country, that Natives should be settled in that way in large numbers on farms?—Yes, I rather approve of it, because they have either to contract for labour or pay a rental, for which they will have to work in order to get the means of paying.

36,167. Do they work?—Yes.

36,168. Has the farming interest got as much labour as it requires?—Of course, at certain months of the year we have ample.

36,169. Are your Natives allowed to go out and labour elsewhere?—Yes, whenever I do not require them.

36,170. When you enter into a contract with them to supply you with labour, do you limit the period of that labour?—I have not up

to the present. It is generally understood to be for two, or four, or five months, as I may require them.

36,171. Consecutively?—No; I might possibly average 70 or 80 out of one farm for two or three months in a year; sometimes 1½ months, sometimes four months. The average would be about three months.

36,172. You take a man for a month at a time: Is he then able to go out and get work?—As soon as I am free of him, I give him a note saying that he can go and labour for as many months as I do not require him.

36,173. Do they cultivate very much?—Yes, a good deal.

36,174. Have they means of selling the produce?—Only in the same way as the white population have, of course.

36,175. Are these Natives who are living under contract with you under the influence or authority of chieftainship at all?—Yes, the Induna of the district is there.

36,176. Can he call your tenants away at any time?—On a matter of Government importance, yes; or even on a family matter. As a rule the boys that are on the farm work on that farm; they are not taken to any distance.

36,177. Are any of these Natives educated?—Yes, they are; so far as being able to read and write slightly in Kafir.

36,178. What is the difference as a workman between the educated and the uneducated Native?—Personally, I prefer the uneducated one. I find him more amenable.

36,179. Amenable to labour or to discipline?—In everything—labour and discipline; more trustworthy, if I may put it in that way.

36,180. How do you account for that?—The educated Natives seem to imbibe the white man's ideas, and it overcomes them as soon as they get a little education into them. They go to the other extreme.

36,181. Have you been a long time in this country?—Yes; I came in the early part of 1891.

36,182. You have witnessed the disappearance, practically, of chieftainship in the country?—Yes.

36,183. Do you consider the people of the country are happier and in a better condition, generally, since that?—Yes, they live in less fear; they have more protection.

36,184. Do they like that?—Undoubtedly. Of course, I am talking of the majority, when I say they like it; there might be a few exceptions in the higher classes.

36,185. Are they less under the influence of their old laws and customs than they were?—Yes.

36,186. Do you think, taking it altogether, that the people are in a better condition now, materially and morally, than they were?—Materially, yes. I would not say so much morally.

36,187. Is there any particular subject you would like to express your views about?—There is one point, about the franchise. Personally, I think it is a mistake to give the Natives the franchise at present. I do not think they are qualified to appreciate the importance of it. Not only that, I think that pandering to the Native for his vote is very harmful, and it is quite possible it might be dangerous in the near future.

36,188. Has such a thing been done in this Colony?—We have a few educated Natives here who are qualified to vote, and at the very last elections I saw it going on here.

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ment to educate the Natives?—I do not think so. I think that possibly might be left for our children. What I do think is necessary is that they might have industrial schools and teach the Natives industrial work, not so much education as education in the way of industry.

36,224. Would you approve of the Government establishing industrial schools so that the Natives could compete with the white men?—No, I should always have the Native as an unskilled labourer as far as I possibly could.

36,225. You would keep him down?—No; as far as I possibly could for the present. I do not think he is fit for any other position just now.

36,226. You think the time for starting to advance them would be in the next generation?—I think if you commence teaching them manual labour you are advancing them now.

36,227. Manual labour?—Yes.

36,228. Have they not been accustomed to that?—They are very disinclined to work at most times.

36,229. Do not you think an educated Native appreciates the franchise, or vote, as much as, say, an English labourer?—Possibly he does. The only point I make is that I do not think they are sufficiently educated to be able to fully appreciate it.

36,230. In either case?—I think that will take time.

36,231. *Captain Dickson.*] I have here a copy of an agreement. (Produced.) Is this a common agreement here?—Yes.

36,232. I notice most of these agreements are made with the heads of the kraals. Are there no agreements made with individuals?—When I say, "head of the kraal," it may be put in the agreement "head of the kraal," but there may be only one man living in that kraal. As a rule, where there are several living in a kraal, they have always one head man,—I am talking of the race that is here now—and that is the man they look up to, and the man the Government here generally takes as having authority over that kraal and the people in it.

36,233. What number of working men would be working on an average under the head of a kraal?—That is very difficult to say. Some kraals have only two families; some have four or five. You may have a father with four or five sons, all married, under him.

36,234. I take it by this agreement no Native in this Colony can leave except with a year's notice; they are tied to you for a year?—I should say that is to get over the season, so that he cannot have his planting and reaping and grazing of his stock on your farm for nothing.

36,235. Does not it seem to you rather a one-sided agreement that they are bound to stop a year?—Not a bit. I do not see why the Native should come on to your land, plant on your land, graze his stock, use your timber, and water, and everything else, and then go off without paying you. If he does not like to plant he can go at any time.

36,236. This agreement is only terminable by twelve months' notice on either side?—That is giving a Native full time to reap his crops and get away.

36,237. Does it not practically give the landowner power to keep the Native almost for ever on the ground?—It cannot; it is impossible. He only has to apply to the Government, and the Government sees him out of it. I cannot read it that way myself.

36,238. Have you any volunteer labour on your farm, or is it all squatters' labour?—I have a lot of Natives coming to me, but I have been a long time in the country, and they know me.

36,239. How long do the volunteer labourers usually work?—As a rule longer than my own labourers.

36,240. Have you any volunteer labourers who work from year to year?—No, I have not.

36,241. What industries do you carry on on your farm?—Ordinary farming, hay, growing of mealies, potatoes, pumpkins, and ordinary things pertaining to a farm-stock.

36,242. Are there many farmers similar to you about this part?—Yes, a great many, considering the drawbacks they have had.

36,243. I do not know if you have paid attention to clause 8 in this Agreement and if you are in favour of it; it says: "The said Headman shall be personally liable jointly and severally for all payments accruing under this Agreement"?—Yes, I think that is quite right. The younger Natives all look up to the head for advice and anything appertaining to their household, and if you are to pass the Headman and go to any of the juniors you would be interfering, as I mentioned a few minutes ago, with the control of the parent or the head guardian.

36,244. *Mr. Sloley.*] Do you happen to know what part these educated Natives took in the rebellion?—Some were with the King and some with us. A good many of the Natives from the Cape Colony and Natal stuck with us.

36,245. How about the educated Christian Matabele?—We had a few educated Matabele with the rebels.

36,246. Had you any educated Matabele remaining loyal?—Yes, I had a few of them. They were not well educated in those days. They had only been conquered a few years, but I had a few with me who remained loyal.

36,247. The point of the question is whether the training they received rendered them more disinclined to go into rebellion?—No, I should say that the knowledge the Natives who were up here at the time had of the other States of South Africa made them appreciate the white man's strength, if I might put it that way. That is the reason why we had more from the other Colonies on our side.

36,248. *Sir Thomas Scanlen.*] I gather that you do not favour the ordinary Native of the country being placed on the Voters' Roll for the election of members of the Legislature?—No.

36,249. I conclude that you look to the time, to the advance of education and civilisation amongst them, when there may be a demand on their part for it?—Undoubtedly, later on.

36,250. Would you favour making a separate Voters' Roll and allowing the Native element to send a limited number of representatives to the Council?—I do not think so at present, speaking for this country. I think it would be wrong and dangerous.

36,251. I am referring to more advanced times, when there would be a demand for it, that to yield that demand to the limited extent that I suggest might be a useful step?—You mean extend it to those who have the franchise now?

36,252. It is not a question of now, but in the early future, that those who have a right to the franchise and make a demand for it should be given a limited number of representatives to voice their interest?—Personally I should rather leave that for a future date.

36,253. I am not suggesting that it is to take place to-morrow, but as you are aware they are not excluded from the right to go on

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the Voters' Roll to-day?—I do not think possibly one generation could be qualified and fully able to appreciate the full significance of the franchise. I am inclined to think the knowledge they would gain would be rather dangerous.

36,254. For at least a generation you do not think that question need be considered?—I should not think so.

36,255. With regard to land tenure, do you favour the Native holding individual title?—No, I do not know that I am entirely in favour of that. We all know how disinclined Natives are to work as a rule, and I think it is rather a good thing they should have more in the way of reserves, and, where reserves are not possible, that they should settle on farms as tenants, as the rents they have to pay there form an inducement to make them work.

36,256. I gather you favour the establishment of reserves where large bodies of them could be under observation and control?—I see no harm in it.

36,257. Is there not some advantage?—I think there is an advantage in having them in large reserves.

36,258. From your observations, I conclude that you have arrrived at the opinion that they are not yet sufficiently advanced to appreciate the advantage of an individual title?—No.

36,259. *Chairman.*] Have the Natives on your farm got cattle-stock?—Yes.

36,260. You say you cut hay very largely on your farm?—Yes.

36,261. Is that for the purpose of feeding your stock?—No; for sale locally, and for export.

36,262. Is it for the purpose of feeding stock?—For the purpose of feeding stock.

36,263. Have the Natives themselves adopted the habit of cutting grass for their stock in the winter?—No.

36,264. *Mr. Stanford.*] Do you pay your labourers at ordinary rates, or do you take their labour as a form of rent?—I pay them the ordinary rate of the country.

36,265. You really keep them on your farms simply to have your labour supply?—So as to have my labour supply.

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36,266. *Chairman.*] You have been a long time in this country, Mr. Helm?—Yes, since 1875.

36,267. All the time in Matabeleland?—Yes, except for just a visit to England occasionally.

36,268. That is thirty years?—Yes.

36,269. With what particular Mission work have you been associated?—With the London Mission Society.

36,270. Did you establish it in this country?—No. Mr. Sykes, and Thomas and John Moffat began the work here.

36,271. Then you are well acquainted with the Matabele?—Yes, I think so.

36,272. And during the last few years a great change has come over the country, a change of government?—Yes.

36,273. What is the effect of that change, in so far as it is possible to observe it, in the minds of the Natives?—It is difficult to say what they really think. Some of them are not satisfied, especially the people who had a great deal of power in the olden days and have

now lost their power; but I think that on the whole they are satisfied with the present state of things. They see that they have more advantages and more security of life and property.

36,274. Have you noticed amongst the Matabele during your thirty years with them, any change in their status and condition?—In what way?

36,275. Well, their mode of living and their habits of industry, or their morality?—There has been a great change. They have taken, I consider, wonderfully to labour, to work for wages. It is a mistake to think the Matabele never worked in the olden days; the men worked as hard in the gardens as the women always. Then they used to do the bowls and prepare the huts, and many things like that; but since this change has come in the government, they have begun to work, I consider, very well indeed. Before they worked just at times, just for the garden season, and so on. There was no labour to be had, certainly; but now you find them going out frequently and earning money, and according to the amount of cattle in the country in the hands of the Natives, and sheep and goats, I think that proves that they have earned a great deal of money, since the rebellion, for instance, because the rinderpest killed nearly all their cattle. There were very few cattle in the country after the rinderpest had gone through it, and then the African Coast Fever again destroyed a great many of their cattle. The people have a great number of cattle, and most of it was purchased by their earnings, working at the mines and other places. Another thing that shows that they have taken to work well is the amount of money they spend in buying clothing, and other things that they begin to consider necessaries. As to their moral condition, previously they were in a very low state, fearfully low. In fact I do not know that you could find a chaste girl or a chaste woman in the country. One trader many years ago told me he knew of one only—of course, he was in a better position for knowing than I was—one only, and that was the daughter of the King's brother. How far that was quite correct I do not know, but still it was not considered much of a disgrace for girls to go wrong in that way. The married women were supposed to keep to their own husbands, but it was very often merely supposition that they were faithful. For instance, even the King's wives very often misbehaved themselves. When they were found out, of course, they were killed, but they took very good care not to be found out if it was possible. I do not know the Natives of other countries, but I do not think there could have been a country where morality was at a lower ebb than amongst the Matabele, and of course there is still a great deal of that; it is only the few, and those few who, I think, have accepted Christianity, and have learnt to know what Christianity is, who have become Christians in fact, who are beginning to have an idea of purity and morality. I say this, that it is, as far as I know, only confined to this kind of people. When I have been out in certain districts away from our stations, the Native men have complained very much about their girls going always to the mining centres, where there are lots of boys working for money, in order to earn a few shillings by prostituting themselves. There is one man who said, "We have no girls now for marrying." On the other hand, I know that a good many of them, for instance, at our station, who, as far as I know, and as far as I can find out from the people themselves, are keeping pure at present; and as for truthfulness and honesty, there is a great change come over them too. In olden days one never dared to leave any single article about that

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could be carried away or taken away outside of your yard; no matter who came, whether it was men of position, or women of position, they took whatever they could lay their hands on. I have had to follow old Queens, Umzilikasi's widows, and take my property out of their hands, and I know Lobengula's wives, when they came into the shops, had to be watched closely, and very often the trader would take away what they had hidden and tried to hide as they were going out; and amongst themselves they stole just as badly, from the King even. At the present time people can leave their things lying about outside the yard, even in the veld sometimes, and a great many of them will not touch those things. I do not say they have all become honest, but there is certainly an idea of honesty amongst them.

36,276. Is not this thieving and the sexual immorality you have described against all the known traditions of the Zulu race?—I do not know the Zulus, but on board ship one journey, I met a gentleman who had come from Swazieland, and he told me that the Swazie girls were pure. He had lived in the country a long time, and said that such a thing as immorality was unknown. Well, it seemed to me that it was almost impossible for such a state of things to be, so I asked him, "Well, do you mean to say that these Swazie girls never have any intercourse with the Swazie young men before they are married?" He said, "Yes, yes; but they will never go to a European." I do not say that that is the state of things in Zululand, or was the state of things in Zululand, as I do not know; but I know it was the case among the pure-bred Matabele, as well as among the Maholi. Nothing was thought of such a thing as the King's brother going one day to Hopefountain, and saying, "It is getting late, and I have still to go and look for a girl for myself"; it was just ordinary talk. And at a big feast, the annual feast, it was a common thing for men, old and young, to have young girls to sleep with them, and it was known; it was not made anything of, because it was so common.

36,277. Was it always so, ever since you have been in the country?—Yes.

36,278. Have you anything to account for this rather low state of morality which you have just described?—I do not know. I think it is human nature, to a great extent, degraded human nature, imperfect human nature. I do not know, but I have always heard of this among the Zulus, and I should like to know if this is a fact.

36,279. Then you consider that since the change of *régime* here there has been improvement in this respect?—As I said, when I have been out in the districts, away from my own home, where the people are not under religious instruction, there I have heard the complaint made by the men, that the girls are just as bad as ever; and I have noticed the difference amongst our own people, and I daresay every Missionary, and anybody who has taken interest in the people, or where they have taken to instruction, may be able to see the same, and I hope they can say the same thing. There has certainly been a change, and a great change, for the better in that respect.

36,280. Then you described the men as being by no means lazy; you went so far as to say that they were anxious for labour, and did go to work; is that because they wish to have cattle, or because they are characteristically industrious?—I would not really call them industrious people, but still they are not a lazy, lackadaisical people, a people that are satisfied to lounge. We always noticed

amongst the Matabele that there is a great deal more energy than, for instance, among the Bechuanas. I have travelled through the country many a time, but do not know them so well. Among the Matabele there is always more energy; for instance, you would find a young man going along the road, instead of walking quietly along, just trotting along, he seemed to be full of life and full of energy. They found, of course, that there was no need to work in order to get their food, and now they work, because they want clothing and other things, and they also want to "lobolo." That was one of the reasons why they used to work in the olden days, and tried to get down to Kimberley, some of them, and into the Transvaal, because they wanted to get money in order to buy cattle, sheep and goats, so as to be able to "lobolo" for their wives.

36,281. Then, do you think that in consequence of having this natural energy you have described, they are capable of being made into a useful and industrious race?—Certainly, I think so; considering the few years they have had this change of Government, the amount of work they have taken to is remarkable, and that they are capable of learning, I think anybody will acknowledge. For instance, we have industrial schools, and a training institution at Hopefountain, for young lads, brick-making, building, carpentering, and such like. At Hopefountain they have erected a church under the direction and help of the instructor, but most of the work has been done by those Native young men, and the church is certainly a credit to the country. I would not be afraid to put it in Bulawayo, or even in Kimberley, as a church; you can examine the whole building, every part of it, and you will find the whole thing done well.

36,282. And do you think they know that in nearly all parts of South Africa there is a large field of labour for them?—Yes.

36,283. Because I understand that in Matabeleland itself the field of labour is a narrow one rather?—At present it is. I am only speaking of course for our own district as I do not know other districts, how they are off for labour, but at present labour is scarce.

36,284. Labour is scarce in this country?—Work is scarce; they cannot get work.

36,285. What I want to get at is, can South Africa look to the Natives of this country, whom you have described as being very energetic, as a field from which labourers can in time to come, when they know more about it, be largely recruited?—According to what people say, there are not even enough people in the country to supply the labour that will be necessary in Matabeleland itself for mining purposes. It seems that the population is not large enough to draw from.

36,286. Have you found that in the case of those Matabele who have been educated the influence upon them has been good?—Among their own people?

36,287. Yes?—I think so; I think it is so especially in this way, that they are looked up to with respect by other Natives.

36,288. Are you carrying on any education?—Just a day school, and we have begun a training school for young men wishing to become Native teachers.

36,289. Have you had a school for many years?—Practically only for the last, say, ten years—since the occupation.

36,290. Have you educated many children?—If you will allow me to say, formerly we used to have a school, but the people used to

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come for a week or fortnight and then they would disappear again, then by-and-by we would try and get a school again and they would come for a month or so and then clear off once more. So that we had scarcely any people in the country who had learned to read or write—just a very few. Nowadays we have a large number who can read and write. This may be a guide: I got out a thousand copies of the New Testament the year before last, and they are all sold. I have got 600 or 700 now again and they are going fast; and hymn books and lesson books are being sold day after day. And I may say that at Josana's out-station, on Mr. Rhodes's farm, I have a Native who is the teacher there who can just manage to read and write, and yet a couple of months ago when his school was examined we found thirty boys and girls who could read and write fairly well; they could write better and read better than the teacher himself could.

36,291. There are several large reserves in Matabeleland, and a great number of Natives are also situated upon private land; have you observed the Natives under these two systems—on private land and in Native reserves; is there any difference between them?—I cannot say, because I have not been anywhere near a reserve; we have no reserve near us.

36,292. What have you got near you; is it all private land?—Yes, it is all private land. Hopefountain, of course, is mission land, but it is private mission property. It is a property that we received from Lobengula, and it was acknowledged that it was ours, granted by Lobengula. Murati and the other farms we have are granted to us as mission farms so long as we continue mission work there. But although I do not know any Native reserves, I know something about them. The difficulty with the Native reserves, so far as I can see and from what the Natives have told me, is this. Take the Shangani, for instance, it is a very good country, a splendid country, only it is so very unhealthy that people cannot live there.

36,293. Do you see any indication of a demand for the land on individual tenure among the Natives?—No, I do not think they know what it means. But, I must make an exception. There is one young man who was granted a piece of land by Dr. Jameson because he had a garden there and was growing vegetables for the King. On that account Dr. Jameson gave him 100 acres on that spot, but somehow or other someone bought the farm, and this farm surrounded the whole 100 acres, and consequently the Native lost his ground. It was said that he could get another piece of ground, but I understand that the piece of ground that he now has is on a Native reserve, and is only his, just in the same way as any ground on Native reserve is open to any Native who lives on it, whereas the piece of ground that he had first of all was his private property, granted to him by Dr. Jameson. This man's brothers also have just lately purchased a piece of land on the Umguza for their gardening. Therse are all young men. I do not want you to think that we take very much glory to ourselves, still it is a fact that these young men are young men who were trained on Mission Stations, the one by Mr. Thomas on Hopefountain, and who have been under missionary influence for many years; they have learned something, and have the desire of obtaining this land as their private property.

36,294. They have become progressive?—Yes.

36,295. And do you think that the holding of land individually is a good thing for the Natives?—No, I do not; not among the Matabele in this country.

36,296. But so soon as a Native, such as you have described just now, had a progressive tendency and had been educated, you would let him purchase?—I certainly would put no restriction against the Native buying land. I was referring to the Native reserves. There is no individual tenancy there, and I think it is a good thing that they should have communal tenure which they have been accustomed to. On pieces of land on private property it is almost impossible for them to do anything, because water is probably on one part of the farm only, and if you cut off that piece the whole of the Native reserve might have to do without water entirely.

36,297. Then the Natives in this country are very backward in every respect?—Yes, they are only just beginning to go forward.

36,298. And therefore to interfere in any way with their communal or tribal system, I presume, in your opinion, would be unwise?—In which way do you mean the tribal system?

36,299. I mean the system under which the Chiefs and Headmen have influence and power over the people and under which the Natives are governed by their own laws and customs?—After the rebellion—or after the war—the people got scattered, and a great many of them lived under other than their own Chiefs. They are now living in the district of another Chief and they do not acknowledge that Chief. Therefore, the tribal system only applies in certain districts where the people still remain on the land of their old Chiefs, or their descendants. Of course, when a Chief dies and his son succeeds they acknowledge him just the same as they acknowledged the father. The people, for instance, from the Imbizo, one of the old Chief's principal towns, have been scattered entirely and are living in different districts, and where they are under those circumstances they have no respect for the Headmen of that district.

36,300. Here you have two comparative systems; one where the people look up to and respect their Chiefs, the other where they do not do so. What are your opinions upon the merits of these two systems?—My idea is this, that in addition to the tribal system there should be this Native Commissioner to look after the Natives. For instance, as I have said, in certain districts where men are living away from their own districts and do not acknowledge the Headmen of the districts in which they are living, the Native Commissioner should be at the head of affairs—over the Induna and over the Headmen—in order to look after those men who do not respect the Induna because he is not their own Induna.

36,301. So that the change should be that the Native Commissioner should become what the Chief used to be in his influence over the people?—The Induna, do you mean, or the King?

36,302. I used the word "Chief" because it is a combination of the two?—He should; but where the Induna is still in his own district and where he has a number of his own people, he has a great influence over his people and they report to him, and I think such Indunas are very useful in that position. The Native Commissioners, I think, find that it is a very good thing to do what they have to do through the Native Headmen.

36,303. And do they do it well?—They differ; some men are absolutely no good; the people do not respect them, nor did they respect them in the olden days. But where there is a man who has the respect of his people, his position is certainly one that helps the Native Commissioner very much.

36,304. I suppose that, seeing that they are so immorally inclined, it could scarcely be expected that those Indunas or Chiefs

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would administer justice fairly to their people?—They have their system, even if it is not pure and perfect; they have certain ideas that have been among them all these years, and they will act according to them to a great extent.

36,305. That is where Native law is concerned?—Yes.

36,306. They administer that all right, because they cannot do very wrong?—Yes.

36,307. But I mean in the actual administration of justice between man and man, where the Induna is called upon to decide?—I do not think the Induna has the power to decide now.

36,308. He used to formerly?—No, there was always the King.

36,309. Did the King hear everything in Matabeleland?—In minor matters, where the people were satisfied with the decision of the Induna that was sufficient, but if there was anything in which they were not satisfied with the decision of the Induna, then they could go and report to the King.

36,310. Did the King administer justice?—Yes.

36,311. Fairly?—It is very difficult to say, as their idea of justice is so peculiar.

36,312. *Mr. Thompson.*] What is your opinion as to the taxation of the Natives by means of the hut tax; are they taxed sufficiently?—I think the tax is quite sufficient; and that reminds me that there was one thing I was thinking of speaking about, that is, the earning power of the Native. To talk about their getting so much a month is a mistake. It is not so much per month; it is so much for so many days. They have the tickets and they have to fill up the days. If they do not work on the Sunday that day does not count, and if they are ill one day that does not count. They have to work, I am not quite certain whether it is 30 or 31 days, to make up the month.

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36,313. The Native does not work all the year; how long does he work, and what is he capable of earning at the present prices per annum?—A good many farmers pay £1 per month—that is for so many days' work. Some pay less for herd boys, but farmers who really work their people and know what the value of work is pay £1 a month, and some pay more for boys that have become more skilful. Mr. Hull, on Mr. Rhodes's farm, told me that to some boys he pays £1 5s. a month, because he has taught them to irrigate the wheat-fields and that is their work, so he pays them more than the other boys; and he says that he has not a Colonial Native on his farm, except one who came the other day. All the work he is doing, he is doing by the means of these Matabele Natives.

36,314. That is the farm hand; what does the mining Native earn?—They say from £2 up to £2 5s., and sometimes £2 10s.

36,315. What would you strike an average at?—From 35s. to £2, but I cannot speak from my own knowledge.

36,316. Do you think that the present hut tax is high enough or too high?—I always say our people can afford to pay it, because they are near town and they can always earn money. They used to earn a great deal more than they are doing now, because there were a lot of shops about where they used to work, but those shops are now shut up and they cannot get work. Still, they grow a few vegetables—a few cabbages and tomatoes—which can always be carried into town and money got for them. Our people can afford to pay the hut tax; and I think that it is quite a good proportion of the taxes that the Natives pay in the country. I may just say that we were going to appeal to the Government when it was proposed to put the hut tax down at £2. All the Missionaries in the country came together, and

we were going to see Sir William Milton and talk to him and say that we thought it was altogether beyond a fair proportion that these people should be required to pay £2 a hut. Then we heard, before we had said very much about the matter, that the amount would not be allowed to be £2, but £1. Then we said, "Well, our people can afford to pay that," and we left it at that. I certainly think that anything more than £1 a hut would be a very unfair rate to tax the Native.

36,317. That would apply to Matabeleland—Yes.

36,318. Where they can only earn about £2 a month?—Yes; and then as to indirect taxation, I think the Natives pay a lot, because the amount of goods that they purchase is something remarkable.

36,319. Your opinion is that they pay enough?—Yes.

36,320. You do not advocate the cutting up of land into small allotments at the present time, at any rate?—To sell to the Natives?

36,321. Not necessarily to sell, but to give individual title, as under the Glen Grey Act?—No.

36,322. You think they are still too green?—Yes, and I do not think the country is well adapted for it. For instance, take this Government reserve, which is on private property—on Mr. Rhodes's farm. The Natives there have to send their cattle for miles to water, right away to the Malema River—or a branch of the Malema—and then pay the European who has that piece of land on Mr. Rhodes' ground and lives on it so much to allow the cattle and the goats to go to drink there. It is a large tract of country that they occupy, but it is only able to feed 500 or 600 head of cattle, and there is not a drop of water, scarcely even any water for the Natives to drink.

36,323. You do not think that this country is adapted for cutting up into allotments?—No, excepting along the rivers for gardening purposes; that might be done. But anywhere away from the rivers you cannot do it.

36,324. Generally speaking, the Native reserves cannot be cut up?—No.

36,325. The land is unsuitable?—Yes. I know one Native reserve, or rather the country adjoining it, down at Bulilima, where the Natives have to go early in the morning to fetch drinking water for themselves, and the cattle have to be left down at the Tegwani River, miles away from where they live. The Native reserve adjoining would be just the same. We have four farms at Bulilima, and at present I believe it is only where those farms touch the Tegwani River that there is any water for the cattle to drink. They are four farms of 3,000 morgen each.

36,326. That being the case, you would prefer to leave them under their communal system as they are?—Certainly.

36,327. *Mr. Samuelson.*] Do you think that polygamy and the laws of succession present any difficulties or any obstacles to Natives owning land in their own right individually?—Not according to their own ideas, because the eldest son of the father inherits all, except what the father has given away during his lifetime to the younger children. For instance, a Native who might be the owner of 100 or 200 head of cattle, when a son was born he would give two or three cows to that son, and those would grow up among the father's cattle and be the property of that son, or of the two or three sons if he had them. When the father dies, the eldest son takes all the cattle except those that were given to the other children when they were born, and which may have increased in number. Those are their private property, and the eldest son has nothing to say about them; but outside

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of that all the rest of the cattle are his. It was understood that he should give his younger brothers a few cows, but it was left for him to do that. There was no rule, no law; it was only just a general idea of the people round him that made him give a right proportion. If, for instance, a man was very stingy, and gave only a very small proportion to his brothers, all the people round him would talk about him and he would be ashamed and find that it was not a good thing for him to do. As regards polygamy and individual land tenure, it would mean this, that the eldest son of the first wife would inherit the lot, and the other children would get nothing.

36,328. By first wife, do you mean the first wife in order of marriage?—Generally speaking, but not always. The rule was that the first wife if she came without a child to her husband, that is, if she had had no child before by another man, then her son would be the eldest son; but if she came having had a child by another man before she married him, her son would not be the heir. The heir would be the son of the woman who came to him as a girl without children, unless when he took the other girl to wife who had already had a child—he had to "lobolo" for her, of course—the father gave him two or three cows, and said, "That is to take away the wrong my daughter did in having a child."

36,329. Do you think it is fair to the rest of the family for the eldest son by the chief wife to inherit all the unassigned property?—No, I do not think so.

36,330. Is it not the case that the general heir also inherited the obligations of the father towards the family?—Yes.

36,331. And that he really became a sort of trustee of the general property on behalf of the whole family?—Yes, he represented the father all through.

36,332. Is that kind of trusteeship by inheritance carried out here?—It is, even now, but not always, and not everywhere; and that is just the difficulty. I find in regard to some cases that have come to my knowledge, the eldest son has inherited all the property of the father and of other sons; when the father dies the property all goes to the eldest son, and he does not take the responsibility himself of providing for the other children as he ought to do. Now, under present circumstances, people do not know anything about it, or not much about it. There is no Headman, or no important people living in his district, who can point out to him where he is coming short in his duties, and that is why I think the Native Commissioner should have some power in the deciding, even with regard to the inheritance, as to what proportion should be given to the younger children. In a case like that, where a man observes the Native law by providing for his younger brothers and for the girls, that is a different thing; there is no need to interfere. But in cases where the man does not do his duty, I think the Native Commissioner should have the right to say, "Well, you must give up so much of your property," and not always follow the Native rule.

36,333. Do you think that there is a growing tendency on the part of heirs to ignore their trusteeship and administrative obligations in respect of their fathers' estates towards their brothers and sisters?—I only know of one or two instances, but I think the tendency would be like that where the man is not in his own district and known by everybody, but living by himself in a different district then he seems to take advantage of it and to give less than he ought to do to the other brothers.

36,334. Do you think it would be a protection to the interests of

minors amongst these Natives if an inventory of the estate was filed with the Native Commissioner on the death of the head of the kraal or the head of the family?—I think there would be difficulty. I think, as a matter of fact, the Native Commissioners have always an inventory of all the cattle and property belonging to the Native; they know pretty well. The case I am referring to was the case of a man who died just after the Europeans came into the country, so that his property was not known.

36,335. In teaching these Native children the rudiments of knowledge, do you teach them in the English language to begin with, or do you recommend that they be taught first of all in their own language?—Certainly in their own language. As a matter of fact, we have nobody else to teach them but Natives; we cannot afford to pay European teachers, and we have to get those Native boys that we have trained a little and make them the teachers, and they can only speak one language. But we have begun a higher school in which the English language is being taught to those who desire to become teachers. We only commenced it a month ago—in August—so we cannot say much as to what will be the result of that. Still, we want to have the Native teachers trained to know a little more than the people whom they are supposed to teach, and also to have some idea as to how to get such teachers.

36,336. You are in favour of giving some foundation of education in their own language, and then proceeding to teach them in English?—Yes, I think it is almost impossible to teach them English under present circumstances, because there is so very little English spoken. How can they possibly learn a new language just in the few hours of school? We have not very long school hours; some of the children have to come six miles, for instance, and you cannot expect to keep them five or six hours in school, and then expect them to go home again.

36,337. Are you of opinion that teaching the Native the English language tends to make him more respectful towards the white man, or are they more inclined to claim equality with him and so on?—I do not think it influences them at present, only one would fancy that if a Native learned the English language thoroughly, it would not add to his respect for the white man. That is one of the things that I find a difficulty in thinking or speaking about, and I should at all events like to express my opinion about the subject. We always say that the Native should respect the white man. I say, how is it possible when there are a great many white men who do not behave themselves properly, that are a disgrace to any nation or people; how can you expect a Native, who can see the difference, to respect a man like that? But I think the Native will respect the white man.

36,338. Do you think that Natives who have learned the English language are generally good leaders of their fellow-Natives and useful advisers, or are they inclined to communicate all manner of things to their more ignorant fellows?—I cannot say, because we have had no experience in this country. I think there is a tendency to a little conceit in the Native when he knows English, as he is one among a lot. Still, one has that difficulty always; one has superior knowledge and he knows it, and thus he is superior to the others. That is even among white men.

36,339. Is there much illicit intercourse between the whites and blacks in this country?—Yes.

36,340. What has been the tendency of that in the Native mind—to enhance their respect for the whites, or the contrary?—The con-

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trary. They look down on all the children of such illicit intercourse. They are neither white nor black.

36,341. Is it not the case that amongst these Matabele the value of a woman who has had sexual intercourse with a white man is rather enhanced?—No.

36,342. That is not the case?—No.

36,343. Do you approve of intermarriage between whites and blacks?—No; I think it is an unwise thing.

36,344. Would you be in favour of legislation making both illicit intercourse and marriage unlawful between whites and blacks?—I would make the illicit intercourse unlawful, but I do not know that we should be justied in saying "You must not marry." For instance, amongst the English people there are certain classes; you cannot make a law and say the upper class and middle class must not marry with the labouring class. You can say it is an unwise thing to do, and I think that is all you can say with regard to this.

36,345. You do not favour, then, drawing a colour line or race line in marriage?—No; I think it is very unwise and injudicious, and I do not see that you can make a law to that effect.

36,346. Do you think that there should be interference or interruption of their customs as to polygamy and "lobolo" in the near future?—I certainly should discourage polygamy as much as possible. "Lobolo" does not really affect them, I do not think. When they come to me, those who want to marry under Christian rites, and say, "What about 'lobolo'?" I say, "Well, you have your custom, and we have ours. When a rich white man's daughter is married, he gives her a lot of things that she takes to her husband; and you do the other thing. That does not matter. If you like to 'lobolo'—if the father wants 'lobolo,' pay it and be done with it." But I should certainly discourage polygamy, even by law. The Native, with his first wife, pays only £1; if he has a second wife, he pays £1 10s. My idea would be to make the second wife £1 too—that is, for young people, not for the old men.

36,347. What is your objection actually to polygamy—is it on social grounds, or on political grounds?—It is more on religious grounds; but I say that if the moral state of the Matabele is due in any extent to polygamy, then it cannot be condemned too greatly.

36,348. And are the females numerically in preponderance here, or the males?—I think the women are.

36,349. Do you not think that forbidding polygamy would lead to a great deal more illicit intercourse; men and women would live together in an unmarried state?—I do not know that it would make much difference. At present, I must say, it would have no influence upon them. I do not know as to the future, when they attain a higher moral standard, but at present I do not think it would make much difference.

36,350. Do you think, or do you not think, that it is a greater kindness towards the Native to keep him from running on the same lines of competition or rivalry, both politically and socially?—From the European?

36,351. Yes?—I do not see where it could do him any harm to leave competition open for him.

36,352. Both politically and socially?—Yes; politically, for instance, for the franchise, make it as high a standard as possible, and do not admit him to the franchise until he has attained to that standard.

36,353. Make it higher for him than you would for the European?

—No, I would not. I said that the European who cannot learn what the Native has learned, is not fit to have a vote. He is not able to judge as to the result of his vote, as to what will be the effect of his vote.

36,354. Do you not think that it would be better for the Native, if he is to be directly represented in the Parliaments, in the Legislative Assemblies of the country, that he should have the right to elect his own representatives, and not share in the election of the representatives of the European population?—I have never thought of that idea. To have separate members for the Natives?

36,355. Yes; when he does have the vote, when he receives the right of franchise?—There is, of course, a difficulty, because the Natives are in large numbers in the country, and it would depend upon how many separate representatives you gave them, because by-and-bye their representatives might out-number the European representatives if you went by numbers, and then it would be rather a difficult job.

36,356. And is it not possible that with a great numerical preponderance, if they are put on the voters' list now, they will be in the political ascendancy by-and-bye constitutionally?—No, I do not think so. For instance, if you make the franchise qualification an intellectual one, I think the Europeans will always have the preponderance, because certainly they are in a better position to receive instruction and to obtain education than the Native as a rule.

36,357. How far distant, do you think, is the day when Native law and Native special forms of government should be abolished, and all legislation be assimilated with the ordinary laws of the country?—You mean up in this country?

36,358. Yes?—It will take some years before they are ready for it; I cannot give any definite statement as to how long it will take.

36,359. *Mr. Campbell.*] What is the size of your station?—6,000 acres.

36,360. What number of Natives have you on it?—Unfortunately, when the land was opened for pegging, I was on the road, and the rivers were full; I was delayed, and got here after the land was already pegged out, and I had to take what I could get on the farm, and it is all among the hills. There would be very little garden land, so that we have not very many Natives residing at Hopefountain; I think about 500.

36,361. Do you charge them rent?—No.

36,362. Do you make them contribute towards the church and school fees?—School fees we have not adopted; we make it compulsory for them to send the children to school. Their contributions to the church are purely voluntary. We make them work. If I want anything done on the farm, then I call them up, and they have to come and work.

36,363. You do not pay them for working?—I generally give them something.

36,364. What would that something be for a week's work, say?—I do not call them up for a long time, just for a day or two. I would give them a piece of tobacco, or something like that.

36,365. And you make it compulsory that the children go to school, because they are living on your farm?—Yes; that is one of the conditions.

36,366. Do not you think it rather hard that a child should be made to walk six miles?—Those are not children on the farm; those come voluntarily.

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36,367. Are there many that come voluntarily?—Yes; we have a large number from farms on either side I said our population is comparatively small, because we have no land, and the Native will not live where he cannot have a garden, so that we get most of our people from outside; from Douglasdale on this side, where the old town of Inyati was, and from Emanqeni on the other side.

36,368. What numbers have you in the school?—From about 160 to 170. There are more on the books than that, but that is the average attendance.

36,369. *Captain Dickson.*] Are there districts in this country which are unhealthy for Natives?—I cannot say from personal experience, but I hear that there are two that are unhealthy, Belingwe and Shangani. I do not know either of those districts, but I understand they are both unhealthy, because I have friends who have lived at Belingwe and know about it, and the Shangani district, the Natives have told me, is very unhealthy.

36,370. Do you think the reason the Natives stay on the farms is on account of the unhealthiness of the Native reserves?—They like to go to their old home where they used to live—that is the main thing.

36,371. Did I understand you correctly to say that farm labour in this Colony is not paid by the month—it is paid at so much per day?—I was referring more to mine labour. I am not sure about the farms. I think that is generally done by the month, not by so many days. The mining labour is all done in that way.

36,372. Do you think that is a good system of paying mining labour?—No, I do not. I think a month ought to be the ordinary calendar month.

36,373. Do you not think miners and contractors would get more labour if the boys were paid by the month instead of by the ticket system?—I think so. I think there would be more inducement for them to go. Sometimes a boy gets ill who comes from a long distance with another lot; he cannot do his work, and when the other boys are paid he does not get paid, and he will go without pay rather than wait a day or two until he has finished up the month. I have known cases where a boy has been injured in the mine, and during his mining work, and had to go home for a week or a fortnight, and that was all deducted from his pay.

36,374. Does not this system create a good many disputes between employer and employed?—I cannot say. I have not heard. I have known cases, but I cannot say it is general.

36,375. *Mr. De la Harpe.*] Prior to the occupation of the present Government, had you any difficulty in getting labour at your Mission Stations?—No, except on occasions when there was a raid on. Then, of course, everybody cleared out of the country to go on those raids. We never had any real difficulty.

36,376. You are paying now more than you paid prior to the war?—Yes; the rate of pay was very small in the olden time. They considered it very good. We used to have, for instance, the post carried to Tati, backwards and forwards, and the rate of pay for that was a cotton blanket, valued at about five, six, or eight shillings, for four days' journey there and four days' back, and they considered that very good payment. We used to pay them a cotton blanket for two months' work. Many a time I have wished I could get a boy for 10s. a month who would do the work and stick to it. You could not get them to do that.

36,377. Do the women take service, or offer their services to the white people here?—No.

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36,378. Neither in towns nor country?—I do not think so. At our own station we get them, but they do not want to go away. They have not any inclination to go away from home, and the parents do not like their children to go away.

36,379. Even those that are squatters on farms?—No. The custom in this country, as far as I know, almost universally is to encourage boys to work. It is very seldom that you have any enquiry made about girls, and as far as I know, the housework is always done by boys, except in a few instances, perhaps.

36,380. *Sir Thomas Scanlen.*] Has it come under your notice that before the last Matabele rising, Native women were more in the habit of going out to cohabit with white men than earlier?—In former times there were no Europeans in the country.

36,381. Before the Native rising did it appear that the women were going out more freely?—Just before, do you mean?

36,382. Yes?—No, I do not know. I know nothing about it as a matter of fact except what I have heard from others.

36,383. Are you aware if there is any truth in the report that was current about that time that Native women would go out and cohabit with white men, and would not accept payment in money, only in cartridges?—No, I have never heard anything about that.

36,384. That was currently reported. It never came under your notice?—No; my own idea is that the Native rising in 1896 was not a preconcerted thing at all, that they rose simply because of the quarrels in the mining districts, where the trouble began. The men revenged themselves, and then it spread, and by-and-bye the older men living in the central part of the country, whose children were out in that direction, joined simply because they did not like to oppose their children. That was my idea, and in speaking about it to one of the Chiefs, he told me, "What could we do when our children began fighting against the English? We could not fight against our children, and that is how we joined them." He said, "We knew nothing about this rising coming on." Our own people at the station also said they had heard nothing, but they say, and that is true, that even if there had been this idea of rising, if it had been general, they would not have known, because the people would not have told them anything about it; they would have hidden it from them.

36,385. In regard to polygamy, are you of opinion that that is decreasing or not?—I think it is decreasing among the young people, yes.

36,386. Do you allow for the fact that in olden times there were frequent raids amongst them killing off the men and the women became in preponderance, and in progress of time that will balance itself; that as these raids are stopped the number of men will increase?—Even in the olden days, as far as my recollection goes back, the women were not captured and brought back into this country more than the men; they were killed. Only children were brought away, and the children were brought whether they were boys or girls.

36,387. Was that the practice in the early days?—Since my time, yes. I have heard, but cannot vouch for the truth of it, that in Umzilikazi's time they took more women prisoners, and brought them into the country, and got them married among the people. I do not know anything of that myself.

36,388. You have replied very fully in regard to the voters' roll.

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Do I gather that you would favour a voters' roll for the election of white representatives in the Legislative Council, excluding Natives altogether, and a separate voters' roll for Natives, for Natives to elect a limited number of representatives to voice Native interests?—No; that was a suggestion made by one of you gentlemen. My idea was that the European voters and Native voters should have representatives representing both people.

36,389. In course of time would it not come to this that the Native voter would preponderate on the roll?—Yes; but I said my idea is that the Europeans would always have a preponderance of educated people, and in that way the European voters would be in larger numbers than the Native voters.

36,390. Would you not regard it as an evil that white men should go canvassing amongst Native voters, and making perhaps rash promises to induce the Natives to vote for them?—I do not know. To me it seems very like when you have a very large number of candidates going among the lower classes in England, and trying to get their votes.

36,391. You will perhaps admit that there is some objection to that, but is the objection not aggravated or accentuated in the case of white men in a superior position to these ignorant Natives?—Of course, there may be this, that a class of representatives may try and get the Native vote, who would condescend to do things like that.

36,392. Then there is the other aspect that in time you may have Native men elected as representatives and they may ultimately be in the majority?—I do not know. If you give the Native a separate vote, and a separate qualification to vote for his representative only, in that case I do not see how you can prevent him electing a Native.

36,393. You would restrain the number by legislation; you would restrain the number, giving them sufficient representatives to voice their wants and interests, but not to preponderate?—Even supposing a candidate does that kind of thing, go and pander to the Natives in order to be elected, I do not see that the Natives would have a larger proportion of representatives in Parliament than the Europeans.

36,394. The Natives on the voters' roll might increase to any extent?—I would raise the standard,—raise the qualification every time.

36,395. Higher for the black man than for the white?—No; I say the proportion of white people to get a higher education is much greater than ever will be amongst the Natives.

36,396. That is the case at present, and within the early future, but if we are to look forward, to guard against possible evils in the future, should there not be some precaution taken now?—I think if the Native is sufficiently educated, and sufficiently civilised, and sufficiently advanced, then, if he should be in preponderance—well, it is such a remote contingency that I do not care to say anything about it.

36,397. You would not view that with any alarm if it did come about?—If it ever comes to this, that the Native gets superior to the white man, why should not he have the benefit of his superiority? But I do not think there is a chance of it. If I am in competition with a Native, and he is the better man, then I do not see why he should not get the thing that he competes for, although he is a Native.

Mr. Hugh Marrison Gower Jackson, examined.

36,398. *Chairman.*] I have just been reading through the answers in the memorandum that you put in. Have you anything to add to what you have written in this memorandum?—Nothing at all.

36,399. I will just ask you briefly one or two questions. Whilst inclining to the view that individual tenure might be useful, you consider that in this country it would be very undesirable to make any radical change?—Quite so.

36,400. Then you say that tentative steps might be taken to introduce individual tenure. What do you mean by tentative steps?—Steps which would not necessarily commit one. For example: a mistake might be made, and it would be well to go back on it if it were found out that the step taken were a mistake.

36,401. You mean, you would not have a law laying down the procedure too rigidly until the experiment had been fairly tried?—Yes. I think I referred to the Glen Grey Act as being a useful model.

36,402. You hold it very essential that Native marriages should be recognised?—Do you mean polygamous marriages?

36,403. That all Native marriages should be recognised in some way, so as to give them some kind of status?—At present—yes.

36,404. You think if that is not done, it will tend to bastardise the people?—Yes; and it would throw the whole working out of gear. At the same time, I think the ultimate object in view should be to abolish polygamy.

36,405. That should be the aim in view?—Yes; that should be the aim in view.

36,406. But it would be a matter of gradual process?—Yes.

36,407. Talking about the franchise, you say "There is a ridiculously low educational test, and the property qualification is very small. The younger Natives are educating themselves rapidly, and in a few years a great number of them will be qualified as far as the educational standard is concerned." Do I understand from that that a good number of young Natives are now undergoing education?—Yes, they are educating themselves. I know dozens of instances in which young men are educating themselves or using the nearest Mission Station as a convenience. One young man I know, who has already two wives, and is looking out for more, reads and writes, always has a Bible at his elbow, and is educating himself. In another twelve months, at the very latest, that man will be qualified to be put on the voters' roll.

36,408. Do you know that he is really thinking of being a voter?—No; I do not think he is; he is only thinking of improving himself.

36,409. Have any of the Natives got the idea into their minds that if they do educate themselves they will become voters?—Not in Rhodesia.

36,410. Not at present?—No.

36,411. In speaking of labour you say that the Natives of Rhodesia volunteer more freely than formerly. May I take that to mean that industrial habits are rather increasing and improving?—Yes.

36,412. Is that the growth of contact with Europeans and being under civilised government?—Yes.

36,413. Do you see in the condition of the Natives here to-day anything hopeful?—Very hopeful indeed, I think.

36,414. You say that the younger Natives show a surprising

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thirst for knowledge. How do they show that?—They have made up their minds to be educated. They do not quite know what education is, but they have made up their minds to become the same as the white people. For instance, you never hear such a thing as a Kafir song sung; it is always a Kafir hymn, not because of there being something sacred in the hymn, but because they think that is a step nearer. Their next step is to get a book. Nearly every young Native in the whole country has some sort of book, and they acquire a lot of very useless knowledge; the tonic sol-fa system, and that sort of thing, but nothing can stop their thirst for knowledge.

36,415. You referred to the Ethiopian Church having harmful political tendencies. Have you any facts at your disposal which justify your belief in that?—I am afraid I have not, not of my own knowledge.

36,416. Have these people extended their work up here in this country?—No; they attempted to do so, I believe, but I have only come in contact with one of their Missionaries so far.

36,417. It is only a matter of surmise as to the mischief they do?—Yes, based on what one has read, and what is more or less a matter of common knowledge, I think.

Mr. Hugh Marshall Hole, examined.

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36,418. *Chairman.*] How long have you been in this country?—I came up in 1891.

36,419. You have been here ever since?—Yes, with intervals during which I have been home on leave.

36,420. We have a list of subjects upon which we have been taking evidence. Are there any particular ones amongst them that you would like to express your opinion about?—I have made one or two notes on some of the questions. There are some which I cannot answer. I have the list here.

36,421. Are you referring to the questions, or to the subjects on the front page?—To the questions.

36,422. Which questions?—I have answered the first and second. I explained that my direct knowledge of Natives was rather limited.

36,423. Do you speak the language?—I have only a smattering of the Native language.

36,424. What do you say on the third question?—I cannot give you any information on that point, nor on the fourth, nor on the fifth; I cannot give you any special information on the sixth. On the seventh I have made some notes.

36,425. That is about the franchise. You have a few Natives here who are qualified to exercise the franchise?—Nominally, every male adult Native, who fulfils certain qualifications, is permitted to exercise the franchise.

36,426. Do they have to satisfy you as Civil Commissioner before they are empowered to do so?—They have to satisfy the Magistrates.

36,427. A certain number have already done so?—Very few, I believe; that is to say, as far as Matabeleland is concerned.

36,428. Do you hold any opinions upon the principle of it?—Yes; I think that the extension of both Parliamentary and Municipal franchise to Natives in their present stage of development would be a mistake, because I think it would place the Native in the power of

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unscrupulous political agents who might use them for their own purposes. Several cases have already come under my notice since I have been in the country, in which unscrupulous men have used the Natives in some political way for their own needs.

36,429. Your Natives are already entitled to exercise it if they can qualify?—Yes; the qualification is very small indeed.

36,430. Would you amend the law in that respect so as to prevent any further number qualifying?—I should like to see the law amended. I think that the Natives are sufficiently represented at present through the Native Commissioners, who are responsible direct to the Administrator. The duty of the Native Commissioners is to watch and safeguard the interests of the Natives; that is their *raison d'être*, and I believe they fulfil that duty very well.

36,431. Believing that they are now fairly represented, and that it is undesirable that they should vote alongside the Europeans, you think that for those reasons the law ought to be amended?—Of course, it is a very difficult thing to amend the law, in this way: it is a difficult thing to take away from a man a right which he already enjoys, but I do consider that the vote would be abused if the Natives were permitted to exercise it.

36,432. What do you say on the next question of labour?—I have made a few notes on that. There always has been a considerable amount of difficulty in procuring a sufficient supply of Native labour, especially for the mines.

36,433. Do you know any objections which the Natives of this Colony have to going to the mines?—In the first instance, the Native has an inherent objection to going underground. As he gets familiarised with mines, I believe that objection disappears. I have served on the three labour bureaus which have been in existence in Matabeleland, and I also had a good deal to do with the recruiting of Arabs for this country, and I found that the same objections existed amongst the Arabs. They did not like the idea of going underground, but as soon as they get used to it, the objection disappears.

36,434. Have any attempts been made to familiarise them with mining work? Have the head men never been brought down and shown around?—I do not think so; not among the Natives of this country. I do not know of any.

36,435. Do they fear accidents, or illness, in going down?—I think it is more a superstitious or sentimental horror of going underground. As a matter of fact, of course, an accident in a mine will generally have the effect of inducing a few desertions. I can recall an instance some four or five years ago, which was followed by great unpopularity in respect of that particular mine.

36,436. It acts as a deterrent for a time?—For a time—yes.

36,437. Do you think that their present superstitions or objections might be removed by any action on the part of the Government?—Familiarity is doing what is necessary. I think that, as the Natives get more familiar with the idea of going below, the objections will disappear.

36,438. So soon as they suffer want of any kind, do you think that will also tend to make them go down?—Do you mean in the direction of increased requirements?

36,439. Supposing they must work somewhere, and the only work they can get is mining work?—Natives always work better in times of scarcity. Their wants are so very few, that under ordinary circumstances, they have no occasion to work in this country. There is a remark I should like to make about domestic service. It is much

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more difficult now to get domestic servants than it used to be some years ago.

36,440. Why is that?—They ask much higher wages, and I find that the domestic work of towns has got into the hands of alien Natives, Somalis, and East Coast boys, and Zambezi Natives.

36,441. Do they monopolise it?—They are gradually monopolising it.

36,442. Cannot you get the young men of the country to go and work for you?—They do not seem to care for domestic work; the only work which really appeals to the Native so far as my observation goes, is work on the farms.

36,443. At any rate, the farmers, I suppose, are well supplied?—Pretty well; but there are times in the year when the farmers cannot get the boys they want. I mean, the ploughing season; and when the Natives are busy with their own agricultural affairs.

36,444. So it seems that none of the industries, including the domestic industry, are well supplied with labour?—The farming industry, for a great portion of the year, is fairly well supplied; the others are not.

36,445. Have you in mind a remedy that you would suggest, so that all might be supplied?—I think the supply of labour will increase to a certain extent automatically, as civilisation gives the Natives increased requirements. As their wants increase, I think their readiness to work will increase; but it may take a great number of years.

36,446. That is the best line of progress?—I think so. I do not think that will operate very much until the new generation, which did not live under the old regime, has grown to manhood. I think you will find that the generation now growing up to manhood will have a higher standard of luxury, more requirements, and be consequently more ready to work.

36,447. And that thus it will affect the whole labour question?—I think so.

36,448. Do these Somalis and others, who have monopolised the domestic supply of labour, demand higher wages than the Natives of the country?—No; they are very much more satisfactory, because they have been familiar with European civilisation for a much longer time than the Natives of this country, and they have learnt to realise the value of labour.

36,449. And of money, I suppose?—And of money.

36,450. Is there any other question that you have made notes about?—I should like to say something about No. 9.

36,451. Do you hold any views as to the influence of education and religion upon the Natives?—In speaking of education, my experience has been limited to the observation of Natives in towns chiefly. I have not seen the effects of education out in the country, from the nature of my work. I have not noticed that the education of Natives in town has had a marked effect upon either their industrial habits or upon their general utility; and I think that is largely because education has not been conducted on proper lines. I should like to see industrial education attempted on a systematic basis, under the control of the State.

36,452. How would you define industrial education?—Industrial education, I should say, should include all unskilled kinds of manual, domestic, and agricultural labour.

36,453. Do not you think that the Native is quite skilled in all those things?—Certainly not in domestic labour, and only in a very limited sense in agricultural labour.

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36,454. He is a very useful domestic servant; he does not want much training for that?—The Native of this country?

36,455. Yes?—In my opinion, until he has had some experience he is quite useless.

36,456. Is not that the same with all countries? He has to be taught?—He has to be taught.

36,457. You must make allowance for that; but given the teaching, does not he develop quite as well as any other Native?—No; the Matabele boy does not, nor did the Mashona boy.

36,458. Why? Is he less intelligent?—I think it is not so much that as that the work is less congenial. I do not think a Matabele boy likes domestic work; he dislikes it; he does not take the pains to learn. He makes a bad domestic servant.

36,459. Supposing you got them into a school, how would you train a lot of boys to be good domestic servants? What would your school consist of?—I have not thought out any scheme to that close extent, but I can conceive an institution where dairy work might be taught the boys, and all sorts of farm work, and work about the house, and so forth, but it should be taught on a systematic and uniform basis throughout the country, and it should be under Government supervision. Why I say that is because education, so far, has been largely in the hands of the Missionaries. Some Missionaries devote themselves to the industrial side of education; others neglect that, and devote themselves entirely to spiritual training. Some of the Missionaries are experienced, and some are absolutely inexperienced; some have tact, and some have not; and the Natives of a particular district will benefit or the reverse, just in proportion as they have a good or a bad Missionary amongst them. That is why I say that the education of Natives on industrial lines should be supervised by the State, in order to secure uniformity, and the best possible teaching.

36,460. Is there any other subject?—As to No. 12, I am absolutely in favour of the total prohibition of the sale of liquor to the Natives.

36,461. Your experience dictates that?—Absolutely. Of course, I would say that the Natives of this country, Southern Rhodesia, have never had the opportunity of becoming addicted to drink, because ever since the inception of the Chartered Company one of its sheet anchors has been prohibition, but we have had ample opportunities of observing the bad effects of liquor by studying the Cape boys and other alien Natives who have acquired a taste for liquor in other countries.

36,462. The aboriginals of this particular Colony have never yet cultivated the taste for it?—Generally speaking that is the case.

36,463. Unless they have been away?—When I was Magistrate in Salisbury, I found cases in which Mashonas were charged with crimes arising from drink were very rare.

36,464. You are strongly opposed to it?—I am strongly opposed to the sale of liquor to the Natives.

36,465. Is there any other question?—There is no other question I wish to specially make any remarks upon.

36,466. No other views you wish to express which I have not asked you about?—I think not.

36,467. *Mr. Stanford.*] You do not appear to have any Native women or girls in domestic service here?—Very few aboriginal Natives. The Native Commissioners' families generally have a girl or two engaged in domestic work.

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36,468. Do they get those from the ordinary Matabele or Mashona families or from Mission trained Natives?—I think direct from the families. The Native Commissioners, of course, are more closely in touch with the Chiefs.

36,469. Do the women turn out good servants?—I am afraid I cannot speak with any experience on that point.

36,470. What is the reason of the apparent general disinclination on the part of Native girls and women to accept domestic service?—I am afraid I cannot answer that.

36,471. Would you say that the influence of the families is against the women leaving their kraals to look for work?—Probably that is the case. It does operate to a certain extent, because a woman is generally married at a very early age, and has sufficient to keep her employed at her own kraal without seeking work.

36,472. *Mr. Sloley.*] Do you know or do you not that these girls, when they do go into domestic service, in a certain percentage get seduced by white men?—Are you speaking now of domestic service in towns?

36,473. In towns?—I think not in towns, because social opinion would act as a restraint on the white man; but, of course, in the country undoubtedly a good number of white men cohabit with Native women.

36,474. The point is: do you think that domestic service gives the white man greater opportunities for seducing the girl?—I should say not. I have not come across any cases, or very few indeed, where a Native woman has been seduced in a town. So few of them come in to work, that cases must be rare.

36,475. *Sir Thomas Scanlen.*] With reference to the franchise, have many men who are native to the country qualified to be placed on the voters' roll?—I can only speak as far as Bulawayo is concerned. I believe between 30 and 40 have registered here.

36,476. Are they men native to the country, or Natives of South Africa who have come from other parts?—That I cannot say without reference to the register.

36,477. You are in favour of excluding the black man from the voters' roll entirely?—I should be in favour of raising the educational test.

36,478. Would you make that different to the European?—Of course, you cannot differentiate. I should raise the educational test generally.

36,479. Would you favour having a separate electoral roll for the Natives, and for them to return a limited number of members to the Legislature to voice their wants?—No; I consider that at the present stage of the country, the Natives should not be represented by elected members on the legislature.

36,480. That is in the present state of the country?—Yes.

36,481. Looking forward some years ahead, when education will make further advances amongst them, and political agitators stir them up, will it not be prudent in time to take some precaution?—Possibly in time; but that would very largely depend upon the effect of education on the Natives. We should have to watch their social and educational progress, and then decide whether to extend the franchise to them.

36,482. If they made it a point to get on the electoral roll, might they not in time—perhaps no very distant time—became so numerous as to embarrass the Europeans?—I should say most decidedly they would.

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36,483. In view of that possible contingency, ought not some measure to be thought out now?—The danger of the Native vote being abused is not an imminent one, because the Natives have not availed themselves of the facilities for registration, but I foresee that danger will occur. I think you have only to look at the Cape Colony to see that the Native vote can be abused for party purposes.

36,484. Then it would be well to take steps in time if you can?—I think so.

36,485. In regard to Native land tenure, do you approve of individual title being granted to the Native?—I have not thought very much about that subject, I am afraid.

36,486. Of course, I do not mean if he went into the market that you could interfere with his holding here, and becoming a registered proprietor; but as regards making Native reserves, is it in your opinion expedient to give them individual title in these reserves?—Do you mean allotments in the reserves?

36,487. Yes, separate allotments?—I should not like to answer that question off-hand.

AFTERNOON SITTING.

Colonel Percy Durban Crewe, examined.

Col. P. D. Crewe, (Farmer). Rhodesia. 9th September, 1904.

36,488. *Chairman.*] You represent the Farmers' and Landowners' Association?—I am Chairman of the Farmers' Association.

36,489. You have seen the subjects of reference to us?—Yes.

36,490. Are there any particular subjects which you would like particularly to speak about?—Yes.

36,491. Have you been long in this country?—Fourteen years.

36,492. Are you farming?—Yes.

36,493. Have you a lot of Natives on your farm?—Yes.

36,494. Are they settled there under contract?—No; I charge no rent.

36,495. You have a contract with them?—They give me their labour.

36,496. Do you utilize the labour?—I utilize the labour.

36,497. How many have you?—About 200 boys.

36,498. What is the extent of the farm?—18,000 acres.

36,499. Have you labour for them all?—I use them for herding.

36,500. For herding stock?—Yes.

36,501. All the 200?—More or less. Of course, if I require any labour outside, I take it.

36,502. You must have a lot of stock, I suppose?—I have a lot of stock.

36,503. How much of their labour per annum do they give you?—I suppose, taking it all round, these boys would work about four months.

36,504. Do they work in the remaining portion of the year?—No.

36,505. They are at liberty to work for others?—Yes.

36,506. As a matter of fact they do not?—No.

36,507. Do they pay taxes?—They pay the ordinary Government tax.

36,508. How do they earn the money to pay that with?—I pay them, of course, when they work for me.

36,509. When they work you pay them wages?—Yes.

36,510. I thought you said they gave their labour in lieu of rent?—On the farm, yes. If they work off the farm, then I pay them.

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36,511. Do they work for you off the farm?—Yes. On the farm they herd the cattle for nothing.

36,512. Do they plough?—No.

36,513. They get no produce to live upon?—Yes; they have their own gardens.

36,514. How much land do you give them?—As much as they want.

36,515. Plenty of water?—Yes.

36,516. Have you got as many as you want?—Yes. As a matter of fact, I have got more than I want. I have actually to turn boys off the place.

36,517. Do the farmers that you represent labour under any disabilities?—In the country?

36,518. Yes?—Some people experience a difficulty in getting labour.

36,519. Why?—I think, as a matter of fact, they do not understand how to work the boys.

36,520. Have the farmers as a body any other grievances besides that?—No. It is quite an art—working boys, and a lot of people, do not, I think, understand how to work the boys, and owing to that, they have some difficulty in getting the necessary amount of labour.

36,521. Did the farmers ask you to represent anything in particular in their interests?—No.

36,522. Then is there any point on which you wish to express yourself particularly?—No.

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The Reverend Father Marc Barthelemy, S.J., examined.

Rev. Father M. Barthelemy, S.J. (Missionary). Rhodesia. 9th September, 1904.

36,523. *Chairman.*] Are you carrying on Mission work?—Personally, I have never been with the Natives; I have been always employed among the Colonists, and engaged in white work. I have no personal knowledge of the Natives, still, of course, I have been 18 years in South Africa, and I know indirectly, I think, a good deal about the Natives.

36,524. How long have you been in Rhodesia?—For eight years now, and two years before—ten years altogether, at Victoria and in Bulawayo.

36,525. And your headquarters have been mostly in town?—I have been always in towns with the whites.

36,526. And you have never lived amongst the Natives?—No; I have never lived amongst the Natives.

36,527. So that many of the subjects which we are considering are not familiar to you?—Except indirectly, by what I may have observed, or heard from others.

36,528. You have before you a list of the subjects that we are taking evidence upon?—Yes, I have read this list.

36,529. In that list there are ten headings; are there any subjects concerning which you wish to express an opinion?—I have been asked to come before this Commission, and I expected to be called on Wednesday, and only just before lunch I was told I would have to come this afternoon, so that I have not had much time to pick up my thoughts. Still, there are one or two points which I may speak upon. I have always been very satisfied that the treatment of the Natives on the part of the Government has been very fair, but there is one thing that struck me from the beginning, and that is, that the

Native races are not much improved by their dealings with the whites. In the Cape Colony, where I spent about eight years, it struck me from the first that no means were taken to improve the status of the Natives. It seems to me that if the whites disappeared suddenly from the Cape Colony, for instance, the Natives would be just barbarians, as they were before—unable to put a brick upon a brick, and unable to construct for themselves any decent hut, or make clothing for themselves, or till the land in a better way. It seems to me that the Natives are not improved in the least by the occupation of the white man. It also seems to me, with regard to that point, that some use might be made of the taxes. I have no objection to the blacks being taxed as they are; in fact, I think it is very fair. But if some encouragement were given to them at the same time it would be better. For instance, if on account of their improvements in their fields or in their habitations a remission of a part of the tax were given to them, it would encourage them to pay their taxes and to improve themselves. If a Native cultivates a certain amount of land—a fair amount, fixed by law—he might be remitted a few shillings of his tax; and if he builds a very good house for himself and shows industry, another remission of the tax might be given him; and so forth. I do not know, but I think that that is a little bit the idea of the Glen Grey Act. I do not take my idea from the Glen Grey Act, which I do not know sufficiently, but I take it generally. It struck me that the tax might be made a means to improve the Native without very much trouble.

36,530. You think that the form which should be taken to improve the Native races and to encourage them, should be first of all by imposing a tax and then remitting a part of it to those who show progressive tendencies?—Yes, progressive tendencies and industry.

36,531. Is there any other form of improvement which Government should encourage?—I cannot see any at present; there may be many others, but I do not see any.

36,532. You say you have lived in the Colony a good many years?—For eight years.

36,533. Do you find much difference between the Natives in the Cape Colony and the Natives here?—Not a very great difference. There are about the same tendencies, though I have often been told that one Native race is very different from another Native race, and that they ought not to be all treated in the same way. This I have no personal opinion about, but I know, in regard to the Natives, that some are a little more industrious, and some are a little more serviceable and obliging than others. Still, there is not a great difference, as far as I can observe myself. With regard to the tax, I should perhaps add one word more. Our Native law here says that all "adult" Natives shall pay the tax, but the law does not define what adults are. It seems that "adult" means, according to the law, anybody above 14 years of age. This creates a great difficulty for us in our Mission Stations. Boys of 14 are just at the age when we can educate them, that is teach them to work and to farm—to work on the land—and if these school-boys—for we may call them so—are taxed, what are we to do? We cannot pay £1 for each of our school-boys; they cost quite enough without our going to pay a tax for them at the same time. Most of them have no wages, or a very small wage, just to help them to clothe themselves; and therefore it is a great difficulty for us. I know that the law gives power to the Administrator to remit this tax according to his judgment, and I am sure he will remit it in all these cases. I have per-

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fect confidence in all the Administrator's dealings, but it seems to me that the law itself should provide that boys who do not work for wages, who are under tutelage or under instruction, should be freed from that tax. Or another way to adjust it would be to fix the adult age as meaning 18 or 19 years of age, about.

36,534. You have raised two questions; the one is the age at which the tax should be payable, and the second is the question of the remission of the tax of those engaged in being educated. Taking first of all the age at which they should pay, there is nothing in the law to the effect that 14 years is the age?—It is the interpretation that is given sometimes. I am not sure of the age, but that is what it seems to me to be the case, and I have heard complaints about young boys being taxed, but whether they were exactly 14, or 15, or 16, I cannot say; they were boys still in school. At the same time, I quite acknowledge that the Government is very fair about it, and is quite willing to examine any deserving case and to make individual remission of the tax for Natives who are at school; but it is not provided by the law sufficiently.

36,535. You say the word "adult" is used in the law?—The word "adults," yes.

36,536. And the interpretation of that locally is about 14 years of age?—The interpretation seems to be those who have attained the age of puberty.

36,537. Is not perhaps the design of those who have made the law and of those who are carrying it out that the age to pay is the age at which a young man can earn a man's wages?—It would appear that that is so; I should think so.

36,538. And if that is the case, do you not think that they are liable if they have the capacity to earn a man's wages?—Yes, but if they do not actually earn a man's wages, how can they pay that tax?

36,539. If they are capable of earning it, then they have the labour market in front of them to go out and do so?—It is, I think, a pity if a boy is withdrawn or enticed from the hands of the Missionaries at that time, instead of being allowed to remain under tuition.

36,540. I will come to the question of education afterwards; I am just treating of the age at which a boy should pay, which the law describes as an "adult" age, and I ask you whether you think that that adult age might be defined as being the age at which a male can earn a man's wages?—Yes.

36,541. Now about the exemption question: You say that in this country the Government is quite accessible in the matter of remitting the tax upon the boys who are engaged in education?—Yes; but this is only done as a favour, and by special application.

36,542. Does the law enable the Administrator to make such remission?—Yes; there is an article in the law which allows him to do so.

36,543. Then it appears to be only a matter in which application should be made to the Administrator?—Yes.

36,544. Is there any other subject which you wish to speak on?—Yes, there is another subject: that is the subject of polygamy, which is also connected, I think, with the tax. I think that polygamy might be checked more than it is by putting an increased tax upon polygamists. I do not know if it has not been attempted in the Transvaal, but I have always had the idea that it has been. I have

discussed the matter often with people who know the Natives well, not only our own people, but people outside—Native Commissioners and others—and I have come to the decision that a way to make polygamy more difficult would be to have a proportionate increase of the tax for plurality of wives. For instance, a man who has only one wife would only pay £1—there is no tax for his wife in that case. Then if he gets a second wife, according to the law here, he pays 10s. more, and if he gets a third wife, he pays a further 10s., and so on—always a further 10s. for each additional wife that he takes after the first. I may be mistaken, but I think that is the law. Instead of that, I would put for the first wife no special tax—the £1 represents one wife as well as the hut—but for the second wife I would put a second £1, for the third wife I would put £2, and so on—always an additional £1 for every additional wife. This, I think, would discourage polygamy.

36,545. Do you think that that would have the effect of checking polygamy in the future?—It might do something. I do not know if it would be quite effective, but at least it would be a certain check, and would show the tendency of the Government to do all in its power against the practice of polygamy.

36,546. And how would you deal with those who have more than one wife at the present time?—With those I would be more lenient; they might be left in their present state without that part of the law applying to them. That would be for the future.

36,547. You would name a date, and from that date you would have a graduated tax?—Precisely.

36,548. You say that this might check polygamy; do you believe that polygamy is injurious?—I believe it is most injurious, both from the point of view of political economy, and because it is against Christianity. I believe the way to improve the Native races is to make good Christians of them, and therefore, from that point, anything which does not favour Christianity ought to be checked. I think also that, politically speaking only, it is most desirable to check polygamy; and in the way of morals and in the way of undue increase of the Native population, and so forth.

36,549. Do you think it does increase the population more than monogamy does?—I have been told so, but I cannot answer by personal observation. Of course, *à priori*, it would seem that it is so, and I am confirmed in my opinion that it is so in several parts of South Africa.

36,550. You are aware, of course, that there was a reason in days gone by why polygamy became a custom in this and in other countries; that was in consequence of there being a much larger proportion of women to men, owing to the men being killed in wars, and so on?—That may have been one of the reasons.

36,551. Then, do you think that it would be a desirable thing to have a lot of loose women about the country—there being more unmarried women than men—or women who were living in prostitution?—No, but some arrangement could be made to take care of those who could not be married; but I do not know if there is such a disproportion of womenkind to menkind that there should be difficulty about it.

36,552. There is a disproportion?—There is still a disproportion?

36,553. Yes?—Well, some arrangement would have to be made about it.

36,554. How would you arrange?—I have not thought of it, and do not know.

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36,555. Is there any other subject?—If I might add a word about the franchise. I have seen in the Colony great inconveniences resulting from the franchise being given to Natives, and though I spoke before of improving them and giving them little privileges if they showed industry, I do not wish to imply in the least that I am in favour of increasing those privileges too much; giving them, for instance, the franchise. Even educated Natives in the Colony enjoying the franchise vote exactly as they are told by one white man or the other who can manage to bring influence to bear upon them. I do not think that anywhere the franchise is good for the Natives, and I should always be in favour of limiting the franchise as far as possible.

36,556. Would you limit it to Europeans?—I do not think it is possible, but if it were possible I would do so. And I do not think it is possible to absolutely exclude the black races, as in course of time they may arrive at a stage of being able to exercise the vote, as they do in America. They might be introduced by degrees to the vote, but this ought to be done by very slow degrees and as a great privilege, and only for a very small number, it seems to me.

36,557. Do you think that they are, so far as you know them, at present unfit to exercise the right of voting?—In Matabeleland absolutely.

36,558. And in other parts?—In other parts I should think so. I was living in Graham's Town for some time, and it was quite a sight to see the Natives led by one white man or the other and come in and plump for this man or the other, whose names they did not even know; they were just going to vote, and not exercising their judgment in the matter at all.

36,559. Would you give the Natives any other kind of representation—special representation?—I do not see the necessity of it at present. I think the white man can look after them. They are children, and I think they ought to be treated as children.

36,560. Do you think they are properly represented at the present time?—In this country?

36,561. Yes?—In this country, certainly.

36,562. And in the Cape?—In the Cape, if anything, I should think too much. The franchise in the Cape, it seems to me, is if anything too much extended. I would rather restrict it than otherwise.

36,563. Have you any other subjects?—I do not think so at present.

36,564. Are there any views you particularly wish to express?—No, I cannot think of anything very special further. There are many other questions which I know are very important, but I have not sufficient knowledge to express an opinion about them.

36,565. *Mr. Stanford.*] In what part of Cape Colony were you?—In Graham's Town.

36,566. Was this voting to which you referred before the passing of the Voting by Ballot Act in Cape Colony?—I was just trying to remember before I came here; I believe it was before; it was about 1890 or 1891.

36,567. And before the raising of the educational test for admission to the franchise?—It must have been about that time; of course, being myself very busy in our College which we have in that city I could not give much attention to politics; only that fact

struck me at the time, and that is why I mentioned it. I could not state exactly the time this incident occurred.

36,568. Have you followed the Cape University Lists, showing how the number of Natives passing these examinations, right up to Matriculation, is steadily increasing?—I have noticed that, and that is why I say I would not take away the franchise absolutely from the Natives. I would introduce it by degrees, but at the same time in principle I would be rather against it.

36,569. Of course, you would be aware that there are Natives in the Cape Colony who are editors of newspapers, others who are law agents, others who have established stores of their own, and so on?—Yes; sometimes they go too quickly, you know, with those things.

36,570. I take it that you admit that as the Native advances in civilisation, and, from your point of view, in Christianity too, you have to recognise his status and to allow him, in regard to his taxation and qualification, a certain voice in defence of his own rights?—Yes.

36,571. As to polygamy, do you not think that if you make your law too sudden and stringent in respect of the social customs of these people, you may develop a greater evil than polygamy, that would be immorality and licentiousness amongst the Natives: instead of wives, they would keep prostitutes?—I think, although I am not a politician, that some means could be found to avoid that evil.

36,572. Do you recognise that hitherto, all the Natives who have adopted Christianity, though possibly low in some cases in the scale of civilisation, have very little pauperism, and very little prostitution amongst them?—So I have been told.

36,573. Are you giving the lads on your stations any industrial training?—As much as possible, that is the education we try to impart to them: to give them habits of industry and work.

36,574. What special form does that training take?—To cultivate the land, of course; and when we can we teach them some trades, such as carpentry, masonry, shoemaking, or anything they show a disposition to take up.

36,575. And you see, of course, that as you give them those trades, it necessarily brings them into closer competition with the European?—That is a danger, but I think that they will remain always in such a secondary state, that they cannot injure the European by their competition; and it seems to me, on the contrary, that it would favour the industry of the European. You have very often in this country Europeans who do not exercise their industry, because white labour—and they have no other—is too expensive.

36,576. Have you had any opportunity of observing the work of the Native child of Christian parents who themselves have been trained, and come out of tribal land? Do you see what effect one generation even has had upon their capacity?—I have never seen Natives so well educated as that. I have never seen a shop conducted by a Native, or a shoemaker's business, or anything of that kind. I have seen sometimes a little boy or a man helping in a shop, and so enabling a white man to carry on his trade. But take, for instance, an industry like a shoemaker's business, or a saddlers's, here in Bulawayo: it is almost impossible for anyone to carry on such an industry, because he cannot afford to employ a skilled white man at 25s. a day; but if he could employ a well-educated Native at, say, 5s. a day, then he could carry on his industry.

Rev. Father M. Barthelemy, S.J. (Missionary).

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36,577. So you think that for the present training in trades would result only in bringing forward journeymen who would be employed by the European master-tradesmen?—That is what I believe.

36,578. As to the franchise, would you favour the separation of the Native voters as they come on to the list owing to the advance of civilisation, and allowing them to elect members apart from the European voters, so as to have direct representatives in the Legislature in charge of Native interests?—I have never examined the question, and it is difficult to give a proper answer about it without thinking over it more.

36,579. It is a question you would like to think over?—Yes; *à priori*, I would not be very much inclined to create a sort of State in a State. It would be representation by class rather than representation by the people.

36,580. I am referring more to the Natives who are advancing in civilisation, those whom you regard as likely, in time, to be qualified for the franchise rights?—Yes, quite so; that would seem to me, *à priori*, a very dangerous thing, because it might bring about antagonism between the two races.

36,581. Do you think there is more danger of antagonism by such a separation of the voting than by allowing them to vote concurrently with Europeans in districts in which both Europeans and coloured voters are residing?—I cannot say; I have not sufficiently studied the question.

36,582. *Mr. Samuelson.*] May I ask you what country you come from?—From France.

36,583. What is the qualification there for an elector?—I left France very long ago, but I think that every citizen is allowed to vote.

36,584. Every peasant?—Every peasant—everyone is allowed to vote. It is absolutely a free vote. French politics are rather far away from me, because I have spent so long in South Africa; and even before I came to South Africa I was a long time in England; but so far as I can recollect every man has a vote.

36,585. Do you find that the Natives you teach are very good at figures, money matters, keeping accounts, working out accounts, and managing their financial business?—I do not know.

36,586. You know, of course, that the Natives of this part, for instance, and of other Colonies of South Africa, are subject to special laws, such as the prohibition of liquor and the prohibition of the possession of firearms?—Yes.

36,587. Do you not think that if the Natives could become voters and could put representatives in Parliament, they would soon set about agitations for repealing those special laws, in order to bring themselves entirely into line with the European population?—Yes, that would be one of the dangers. I do not think I would favour that special representation at all, because those laws prohibiting the use of firearms and the use of liquors are certainly most wise.

36,588. You can see, then, how they might make use of their power in order to relieve themselves of laws which have really been designed for their best interests and their good?—Yes. I have said especially that they should not enjoy too much power. They are still children, and they will be children for many generations; and they are not ready to govern themselves; they should not be given, except very, very slowly, any part in the government.

36,589. And I suppose it is quite natural for any race of people who have special laws applying to them which are naturally irksome to them, to set about as quickly as possible to relieve themselves of that kind of legislation?—Quite so.

IN LUMINE TUO BIMUS LUMEN
University of Fort Hare
Together in Excellence

Bulawayo, Saturday, 10th September, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.
Hon. Mr. Campbell.
Captain Dickson.
Mr. De la Harpe.
Mr. Krogh.
Sir Thomas Scanlen.
Mr. Sloley.
Mr. Stanford.
Mr. Thompson.

The Rev. Michael Makgatho, examined.

Rev. M. Makgatho, (Native Minister).

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36,590. *Chairman.*] What nationality are you?—I was born near Pietersburg, in Sekukuni's country.

36,591. What are you?—I am a minister.

36,592. What of?—The African Methodist Episcopal Church.

36,593. How long have you been here?—I began to work as a minister in 1882, and have worked until this day.

36,594. Where did you begin?—I began as a preacher in the Transvaal under the Rev. S. Hofmeyr, a Dutch Reformed minister.

36,595. Why did you leave that Church?—I went from the Transvaal to Mashonaland.

36,596. Why did you leave?—I became a preacher in Mashonaland.

36,597. You now belong to the African Methodist Episcopal Church?—Yes. I was under the Rev. A. A. Louw in Mashonaland before I joined the African Methodist Episcopal Church.

36,598. For what reason did you leave the other Church?—The reason was, the Rev. Mr. Louw was not civil to me, so I left the Dutch Reformed Church.

36,599. Did you get into any trouble in the Dutch Reformed Church?—No, I had no trouble in the Dutch Reformed Church besides the Rev. Louw.

36,600. For what reason did you join the African Methodist Episcopal Church?—I joined it because the Rev. Louw kept me out from my work, because I never saw why Mr. Louw should keep me out of it; there was no reason why Mr. Louw should keep me out of the work. I was a minister of the Dutch Reformed Church; I was sent from the Transvaal with the Rev. Mr. Hofmeyr to Mashonaland, and I was the first Dutch Reformed minister in Mashonaland, even before Mr. Louw was sent there. Mr. Louw followed me and the Rev. S. P. Helm; they all followed me to Mashonaland. After the Rev. Mr. Helm's return to the Transvaal, the Rev. Mr. Louw was not good to me; he was always against me, and tried to find something against me. A few years later he almost beat me in the church on account of the school. Owing to personal differences between myself and Mr. Louw I changed my church.

36,601. How did you come to join the African Church?—I joined it because I was an orphan; I had nobody looking after me.

36,602. Was that Church already established up here?—Yes.

36,603. Who was the head of it?—A Native from Klerksdorp.

36,604. What is the purpose of this Church that you now belong to?—I joined that Church because I heard it was the Church of the coloured people.

Rev. M. Makgatho, (Native Minister).

Rhodesia.

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36,605. Who received you into that Church?—Bishop Coppin.

36,606. Were you made a minister?—Yes, Bishop Coppin ordained me.

36,607. Did he do it personally up here?—In Cape Town. Bishop Coppin called me to Cape Town and ordained me there.

36,608. Did you receive any instructions?—Bishop Coppin's instructions were, that I was to do God's work amongst the heathen, and to educate the coloured people, so that they might understand God's Word; and I, as a minister, must try and find out, and try to understand the laws of the Natives; I must learn their customs, and so on, so that I should not do anything wrong against them, or even against the white people.

36,609. Were you to interfere in any way in the matters between the Natives and the white people?—I must teach the coloured people, and must endeavour to keep the laws of the white people and the Government.

36,610. Have you many churches in this Colony?—Four churches.

36,611. Are you the head of these churches?—Yes.

36,612. Where are they?—One is four miles from here, at Ncareni; one is twenty miles from here, at Rietbank; one is further off, and one is at Namakazi. One minister is Jeremiah Sitole; one is Simon, another is Jonah Mapapule, and I am here.

36,613. Where does Jeremiah come from?—He is a resident of this country.

36,614. And Simon?—Simon comes from the Transvaal.

36,615. And Jonah?—He is a resident of this country.

36,616. Are there many people following these churches?—Not many. My following is a little more than twenty; Jeremiah has about thirty; Mapapule has, I think, about twenty, and Simon twenty-five.

36,617. Have you any schools?—You cannot call them schools; they are just in their infancy.

36,618. Have you anything from the Government to show that the Government recognizes you?—No; I have nothing from the Government. I have made two applications for licenses to marry, but I have so far failed. I made the application but the Magistrate said it must be supported by Bishop Coppin, and that he was to countersign my application, so when my people marry I take them to the Magistrate's Office.

36,619. Do you receive any money from the Government?—No.

36,620. Where do you get money from?—I am in great straits. I do not get fixed fees from my people. I get nothing from Jonah; but I always try to get a few shillings from the offertories of the church, just to keep me in food and clothing. Perhaps a month passes when I do not get anything.

36,621. Do you receive any pay from the church itself through Bishop Coppin?—No.

36,622. So you are living on your congregation?—Yes.

36,623. Do the other predikants do the same?—Yes, just the same.

36,624. *Mr. Stanford.*] As a minister of the Dutch Reformed Church, did you celebrate marriages?—No.

36,625. How is that, as ordinarily Dutch Reformed ministers do celebrate marriages?—I was not ordained then.

36,626. To which tribes do the ministers of your church mainly belong?—Most of them are Matabele. There are a few Basutos.

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36,627. Have you any adherents who have joined you from other Churches?—No; so far as I know there is not one belonging to any other Church previously. It may have been before I got here, but since I have been here no one has come to me belonging to another Church or congregation.

36,628. Have you members who are educated Natives who come here from other colonies?—There may be some, but they are not educated.

36,629. What is the position which you take up as a branch of the African Methodist Episcopal Church in respect of the Government of this country?—As far as I am concerned there is no feeling or anything by me against the Government. There may be others who differ in that respect, but I am quite satisfied with the English Government.

36,630. Do you preach to your people that they must be obedient to the laws of the country and loyal?—Yes, I do.

36,631. What may I understand by your reference to others who may be pursuing a different course?—I only conclude that we are not all of the same feeling, have not all got the same heart, and when I came from my country I said, "Now I am going under the British Government." I am still of the same opinion, and am loyal. In all the wars in Mashonaland and here and with the Dutch Government, I was always with this Government, and I do not know why I should now change.

36,632. Who are these people of whom you seem to entertain or imply a doubt?—I make this remark simply because, especially since the last war, I have heard so much talking that the people were not properly treated. I myself was almost murdered, and I know from that time that we have not all the same sentiment or the same heart or feeling.

36,633. Are you satisfied with the progress of your work amongst these people, spiritually, and also in respect of the schools which are under your charge?—I am not satisfied.

36,634. What are the grounds of your dissatisfaction?—I am not satisfied because I am interfered with and thwarted rather in my work. Many of my people are living in town and I cannot minister to them. I am not allowed to have a church here and that is the reason why I am dissatisfied. I cannot say whether the fault is with me or with the Government, but if I go to the people where I should go to get redress—the Government people—I always fail. I can never get any redress or get things right. Every obstacle is put in my way.

36,635. Have you made formal application for permission to build a church?—Yes, I sent the application to Salisbury, but it failed.

36,636. Where do you wish to build that church?—I wanted to build it at the location because some of my congregation live there.

36,637. Had you the necessary funds?—We would collect, and I said if they would not give us a stand we would buy a stand.

36,638. Have you bought a stand?—No, I cannot get a stand; I sent my agent to get one but he has not succeeded.

36,639. Is that because no stand is available or of any opposition on the part of the Government or the Municipal authorities?—I do not understand it. As I said before, I do not know where the fault or the mistake is.

36,640. Who is your attorney in this matter?—Mr. Champion.

Rev. M. Makgatho (Native Minister). Rhodesia. 10th Sept., 1904.

36,641. Would not the question of the construction of a church on the location ground here be rather a Municipal than a Governmental one?—The location belongs to the Municipality

36,642. *Mr. Samuelson.*] You carry on work amongst the Matabele, who are not akin to you by race or language?—Yes.

36,643. Did you go there on the principle that a prophet is of no honour in his own country?—I only came here to teach.

36,644. Are these four stations you have spoken about in the neighbourhood of other mission work, that is missions belonging to other Societies?—Only one, but we were there before the other Mission came.

36,645. You said that you joined the African Methodist Episcopal Church because you understood that it was the Church of the Native race?—Yes.

36,646. Is there any sort of motto in that Church that Africa is for the African?—I joined the Church because I understood it was a Church for Africans, I being an African too, but I have never preached nor taught that Africa is for the Afrikanders. I belonged to the Dutch Reformed Church formerly, and I never heard a minister of that church preach "This is the Dutch Reformed Church."

36,647. Is it the object of the African Methodist Episcopal Church, to which you belong, to dispense with white control in all your ecclesiastical and Church affairs?—No; there is no objection, so far as I know; we are prepared to take white ministers also, although in South Africa there are no white ministers in our Church.

36,648. You are prepared to take white ministers, to be under your control and as members of your Church?—Yes.

36,649. But you are not prepared to put yourselves under the control of white ministers?—Yes, we are prepared to do that; if a white minister is taken into our Church and he is above me, I will be satisfied to work under him.

36,650. Have you heard that the negroes of the United States of America would be very glad to return to Africa?—That I have never heard.

36,651. It is not part of the objects of your Church to prepare the way for the return of these people to Africa?—I have never heard anything of that nature. There were two men, Gaba and another, who went to America and attended a conference there, and reported that the Americans said, "We have seen the Africans, but they are not like us, and they are not attached to us," and the Conference was of opinion that the Americans would never come to an agreement with the Africans. Tani, an American, who was born in Cape Town, returned to America, and said, "It is quite certain we will never agree with the African people; they do not even look like us; they are not the same as we are."

36,652. Are you on the Voters' Roll here?—No.

36,653. At what time do you think that such people as yourself should have a voice in the election of members of Parliament?—I cannot say. People who are educated among the Matabele should be allowed to vote, but I do not think that the ordinary Matabele should, because he will simply follow others, and if a person says, "You must vote for this man or that one," he will vote in that way, and will not know what he is voting for.

36,654. *Mr. Thompson.*] Will you tell the Commission exactly what Tani said?—I do not know what he said myself, as I was not

there, but those who were there told us what Tani said. At our last Conference at Aliwal North we had a big quarrel. There was Bishop Coppin, the Rev. A. H. Attaway, the Rev. F. M. Gow, and Tani, all Americans, and we were all Africans. The Bishop said that he was not satisfied with our Conference, because he wanted Tani to come here and be General Superintendent, and we said that we did not want a General Superintendent and had never asked for one. We only wanted a Bishop, and if they sent a General Superintendent they could send him back. The Bishop said he insisted on us having him, and we said that we would not have him, and Tani felt very much dissatisfied. And then again we were dissatisfied with the school in Cape Town. We maintained that the school should not be in Cape Town, where the people are educated, and being educated, but it should be in the Transvaal, where the masses are uneducated. The Bishop and Attaway and Tani said, "No, the Africans do not understand what we are aiming at; they will not work with us, and if we propose anything they are always against it; there is always a division between us." In consequence of this Tani said, "I think that in South Africa there must be three different Conferences; there must be a Conference in the Transvaal, one in the Orange River Colony, and one in the Cape Colony"; and we said, "Our African people must only have one Conference for the whole people." The Bishop and Tani were not satisfied with us.

36,655. *Captain Dickson.*] Can you tell us the result of the Conference they are now having in America between the Americans and the Africans?—I have not seen newspapers from there, and cannot say. A man must understand a thing well before he speaks.

36,656. How long were you in Cape Town before you were ordained a minister of the African Methodist Episcopal Church?—I was there a month for the first time, and then I went for six months and was ordained.

36,657. Do you believe in all the doctrines of the American Methodist Episcopal Church, to which you belong?—I am satisfied, as far as the Church is concerned, with the Church tenets and laws.

36,658. Are you satisfied with the law which says Africa is for the coloured people?—There is no such tenet or law which says Africa is for the Africanders.

36,659. Have you never heard any of your clergymen preaching that Africa is for the black man?—I do not know of such a tenet; perhaps there is such.

36,660. Did you never hear when you were in Cape Town any ministers of the Church saying that Africa was for the black man?—No.

36,661. If you were made a marriage officer and allowed to purchase stands, would your Church not increase far quicker than it does at present?—Yes, certainly.

36,662. How many times have you been inspected since you have been a minister of the Church by a higher official of the same?—There was one visit paid by Bishop Coppin, but I was not here; the Church was not even established here then.

36,663. *Mr. De la Harpe.*] When you were ordained, did the Bishop make you any promise to help you with money?—No; they cannot assist us, because when we sent to America we sent word with our men that we did not want their money; we wanted to stand by ourselves and to work out our own salvation.

Rev. M. Makgatho, (Native Minister).

Rhodesia.

16th Sept., 1904.

36,664. *Mr. Sloley.*] I suppose you do perform marriages?—I am a minister and I can marry people, but I am not a licensed marriage officer.

36,665. Do you marry people?—I have not married people in Rhodesia.

36,666. Have you not gone through the marriage service with people?—Yes, after they have been married at the Magistrate's Office I have read the marriage service over them.

36,667. But the Government will not register a marriage which you perform?—No, Government cannot do it.

36,668. Heathen marriages are registered in this country, are they not?—No.

36,669. Has not the Government registered such marriages?—They must go to the Native Commissioner and inform him of the marriage by "lobolo" and get a letter from him.

36,670. Marriage made with a couple of cattle, or a few picks, or money, is registered, and your marriage is not registered; is that the position?—I do not know; all I see is that when they return from the Native Commissioner they have got a letter.

36,671. But if you marry before the couple have been before the Magistrate or the Native Commissioner, will the Government register that marriage?—It would be a mistake on my part if I married people without the certificate of the Magistrate.

36,672. Is it true that at your Conference at Aliwal North, you requested Bishop Coppin and the other Americans not to send any more American ministers?—Yes, that is true; we said we only wanted a Bishop. Attaway is necessary at the school. If they come they come on their own account.

36,673. Is it not a fact that you Africans are beginning to be of opinion that these Americans are not cleverer than you are?—The Americans are cleverer; they are better educated than we are.

36,674. They have not better heads, but they have had the advantage of more education?—They are better educated, but we are as clever as they, naturally. It was said at the Conference by Kumalo that Bishop Coppin's head was not so good as some of ours, but we were not educated.

36,675. *Sir Thomas Scanlen.*] You have told us that your agent endeavoured to procure a stand to enable you to build a church; is that a stand in a surveyed township, or close outside?—I told my agent to get a stand wherever he could; if it was a place in town, close to a town, or at the location, I would be satisfied.

36,676. But who prevented you from getting a stand; if you were prepared to purchase a stand, as I have understood you to say you were, who could prevent you doing so?—I do not know, but I know I tried many times, and I could not get one. There are stands at the location, but I cannot get a stand there, and I do not know why.

36,677. From your knowledge of this country, since you have been in it, are there any matters that you and your people complain of, or think ought to be put right?—Personally, I have never been dissatisfied with the people in Bulawayo; I have never had reason to be dissatisfied. I might say that I had an exemption pass, and one day this pass was taken away from me. I did not feel satisfied with that treatment.

36,678. Was that put right by the police authorities, or what did you do?—There was a man—I do not know his name—who called

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me in the street and asked me if I had a pass. I said that I had an exemption pass. He then took me round to the police camp, and from there to the Magistrate's Office, and afterwards he said I could go. The next day, or two days afterwards they sent for me again and took me to the Magistrate's Office, and they said I must wait for seven days and then come back. In seven days I returned, and they took my pass. I asked, "Why do you take my pass?" and one of the clerks said, "You are a boy just the same as other boys; you can go to the Native Commissioner and get a pass."

Rev. M. Makgatho. (Native Minister). Rhodesia. 10th Sept., 1904.

36,679. And what became of the exemption pass; was it given back to you or torn up, or what was done with it?—They kept it at the Magistrate's Office.

36,680. Did you never get it back again?—No.

36,681. *Mr. Samuelson.*] Do you know what a Freemason is?—No.

36,682. Are you not a member of a secret society started by Bishop Coppin and Mr. Attaway in Cape Town?—No.

36,683. You were never photographed with a few other brothers of that secret order down there?—No, I was not photographed with any secret society. I was taken at the Conference, but not with a secret society. There were also women present. I was also taken in Aliwal North.

36,684. You were not taken in a group of men who had peculiar aprons on, and badges and signs?—No.

36,685. *Mr. Krogh.*] Do you know of such a thing?—It can be possible that there is such a thing, but I have not heard of it.

36,686. When you were in the Cape did you ever hear of such a secret society?—No; I know that Bishop Coppin and Mr. Attaway, and others were photographed.

36,687. *Mr. Samuelson.*] I suppose you have your letters of ordination, and you would not mind showing them?—No. (Witness produced his letters of ordination.)

Baleni and *Gwabo*, Matabele Natives, examined.

36,688. *Chairman.*] Where were you educated?—*Baleni*: We were taught by the Reverend Thomas, a Missionary.

Baleni and Gwabo, (Natives). Rhodesia. 10th Sept., 1904.

36,689. What are you working at?—*Baleni*: I am a preacher. *Gwabo*: I am a gardener.

36,690. What Church do you belong to, Baleni?—*Baleni*: The London Missionary Society.

36,691. Have you ever been out of Matabeleland?—Yes, I have been to Pretoria.

36,692. Are you a minister?—I am only an evangelist. I am not ordained.

36,693. Are you carrying on school work?—No, I could do so if that work were given me; but my work is that of a preacher.

36,694. Are you paid for that?—No.

36,695. How do you earn your living?—By working six days of the week; and I preach on the seventh.

36,696. Do you know the Matabele well?—Yes.

36,697. Have you seen great changes in the country?—There has not been very great change in the advancement of the people. In former days there were men who had been taught, and who were Christians, just as there are now; there may possibly be a few more now than there were then, but the change has not been great.

36,698. I mean changes of government?—It is a thing I do not know about; so far as the views of the Matabele are concerned, I do not like to say anything about it.

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Mr. John Kerr, examined.

36,699. Have you been a long time in this country?—Yes, nearly ten years.

36,700. And in South Africa?—About twenty years.

36,701. What part of South Africa have you been in before?—I lived on the border, in the Albert district, in Molteno, near the coal mines.

36,702. Have you been to Natal?—No, I have never been to Natal.

36,703. You have seen the heads of evidence on which we are examining witnesses?—I only got them this morning, and I have never looked them through.

36,704. Perhaps you would like to do that, and tell us whether there are some particular heads upon which you would like to express your opinion?—I know your time is short. I wish I had more time to go into a number of these, because on some of the heads I have very strong convictions.

36,705. If you will state them as we take them in order, I will ask you some questions upon them. Upon the first item, of land tenure, is that a matter to which you have given your attention?—Yes, it is.

36,706. You know that in this country the system of land tenure is what is called communal?—Yes.

36,707. It is all held in communal trust by the Chief?—Yes.

36,708. In some of the other parts of South Africa the experiment has been tried of giving out land on individual tenure; is that a matter upon which you would like to express your opinion?—Of course, that would differ very much as to whether it is in Rhodesia or in Natal or the Cape Colony. Perhaps individual title, the same as, or something like, that of the Glen Grey Act, would be all right as applied to advanced Natives in the Cape Colony or Natal, but I think that areas as we have in Rhodesia set apart for Natives, without giving them any definite form of tenure, is, under the present circumstances, the best.

36,709. For people of the character of the Rhodesian Natives individual tenure is not advisable?—I do not think so. I do not think they are ripe for it yet, and, of course, the country is new. The Government can scarcely form an opinion of what the future may be, and I do not think it would be wise to bind them to any particular course under the present circumstances. I quite understand that the Natives should be amply provided for, and guaranteed certain areas that they work in, and so on. That is, they should not be disturbed so long as they are satisfied that the area they are in suits their purpose, or that the Government has some valid reason for moving them.

36,710. You believe that it is necessary for Natives to have certain areas to which they can always have access?—I do.

36,711. And go and live and establish themselves?—Yes.

36,712. And call it a home?—Yes; call it a home.

36,713. From which they can then go out to work?—Yes, quite so. There may be circumstances which may arise in this country in the future that may necessitate the change of these locations or areas, but it should not be done hurriedly.

36,714. As to the conditions under which the Natives occupy these reserves; do you think that the setting apart by Government of reserves, and the maintenance of them, should entail on the Native certain obligations?—I think so.

36,715. What obligations?—I think they should fairly contribute to the maintenance of the good government of the country directly, and through taxes indirectly, that is, through customs.

36,716. As a matter of fact they do contribute to the customs?—Yes, they do.

36,717. And they do pay a direct tax?—Yes, they do.

36,718. Do you consider these direct taxes are sufficient?—I think the tax hitherto in the Chartered Company's territories of 10s. was not sufficient. It has now been raised to £1 a year, but I think that it would be no hardship whatever on the Natives of the country to be charged £2 a year, because I think they can very well afford to pay it, and in all respects, I think they could be brought into conformity with the Natives of the Transvaal.

36,719. How do you think they could find the means wherewith to pay a larger tax than they do now?—If you take mealies at even the very low prices that are ruling here, 15s. a bag, and Kafir corn, and all other products in the same proportion, which is absolutely the lowest on record in this country, I think they could easily manage to pay the £2 without it being the slightest hardship. If there would be any hardship, I would not advocate it, but I do not think there would be.

36,720. You have to presume certain things; first of all, that they all have land on which to grow these mealies; secondly, that they have markets where the produce can be bought and sold; and, thirdly, that either somebody will fetch them, or they can have transport to take them to those markets. In the first place, are you satisfied that all the Natives in this country have gardens, and can grow more mealies than they require for their food?—That I would not like to say, because I have not been in the outside districts, but then I presume that the Chartered Company would locate them on ground that would be suitable for growing produce, and so on.

36,721. They are located to-day. Are they are on ground that will grow crops?—I would not like to say, because I have never been to their kraals, except in a few instances, and therefore I would not like to say; but I believe that in a majority of cases they are located in ground that is suitable.

36,722. You referred to mealies being 15s. a bag: where is that price given?—That would be given locally. Of course, I do not suggest that the Native would get 15s. a bag; as a matter of fact, he is bound to get less, because there is the matter of transport.

36,723. How much would he get at his kraal, where he grows it?—Of course, that would vary. I should say, on an average, perhaps he would get half the price.

36,724. So that their earning power, from what you have said now, is a great deal less than what it was when you started speaking. You said 15s.?—That would be the gross profit—15s. landed at some station.

36,725. That would not be the profit of the grower?—No, it would not; because the transport has to be reckoned.

36,726. The initial value to the grower is 7s. 6d. a bag?—It would be between 7s. 6d. and 10s.

36,727. Would the purchaser go and fetch it from the kraal?—It would be the Native trader who would deal with that.

36,728. Are there plenty of Native traders?—Yes, a great number.

36,729. Do the Natives take it to these traders themselves?—Yes.

36,730. How do they transport it?—The Native trader has to transport it. I may point out here that a lot of Native traders are very

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unscrupulous. I think an unscrupulous Native trader should not be allowed in the country. They are chiefly composed of foreigners, not Englishmen.

36,731. Can any man get a licence simply by applying for it?—I believe so; but subject to the recommendation of the Native Department.

36,732. Is there no restriction whatever?—Not so far as I know, except for that.

36,733. What I want to get at is this: Do you say the trader transports it from the kraal, or has the Native to do it?—The Native has no means of transport, so it must be done by the trader.

36,734. In these days, when transport is so much hampered, I suppose there is a possibility of none being available for this trade?—Yes, that is so.

36,735. So that the chances of a Native selling his crops are somewhat precarious?—I think that that would apply to some of the outlying districts. I think, in most districts, there are facilities for getting the corn in to some centre.

36,736. Presuming, then that they did grow crops, and that they could get a price, you think that they could pay £2?—I think they could.

36,737. Supposing these conditions did not exist, he would have a difficulty in doing it out of his crops?—Of course, there may be circumstances which may arise in the future which may, perhaps, cause a hardship, but I should say that any administration under such circumstances would take the difficulty into consideration.

36,738. Year by year?—Year by year; that is, in case of a good year they could pay it. If the crops were a total failure, then it might be a hardship, except there was an outlet for labour at the mines. At the present time, if the crops had been a total failure, and if they were called upon to pay the £2 hut tax, I do not think they could do it, because there is not sufficient outlet for labour in this country at the present time. There may be in a year or two, but there is not at the present moment. That is, the demand for Native labour is so limited in Rhodesia at the present moment, that Natives would not be able to pay the £2 hut tax except they had fairly good crops.

36,739. So that you would either have a flexible law which the Administration could relax if they wished to, or else the Natives must go out of the country to work if they had to pay the higher tax?—Yes; I would certainly have a flexible law in that respect, because I think that is absolutely the correct thing to do.

36,740. In this country?—In this country.

36,741. Do you think it is a possible thing in any country for any length of time that you could have a law which could be relaxed in that way?—I think it is very difficult with all Native affairs to lay down a hard and fast rule with Natives, something that will apply uniformly to all Native territories, so to speak, but I think in the matter of taxation it should be elastic.

36,742. Something like the income tax in England which is a moveable quantity?—Yes. I think every administration ought to have a certain latitude. In the case of a drought, I do not think the tax of £2 should be collected.

36,743. Do you mean to say that in hard times Natives should not be governed like white people, and that if crops fail they should have to earn their living in some other way by supplementing it by labour or what not?—There would be no such tax with the white people; it would be purely a Native tax, and I think, in the case of

a bad season, if you were to exact £2 hut tax, I think it would be a great injustice to the Natives. It would be no injustice whatever if the crops were all right.

36,744. Now, you went on to say that the opportunity for getting labour in this country is scanty; there is not much chance of getting work in this country?—No, I do not think so at present. As a matter of fact, I think a lot of Natives are going down country in order to get work.

36,745. Do you not think that this is a good thing for these Natives, that they can go and do that?—I am not quite sure about that really. I do not think ultimately that it is a good idea for the country for the Natives to go to Johannesburg from here. I think the distance is too far for them; but the reason I raise that question is because there has been an outcry in this country that they cannot get sufficient Native labour, therefore they want to get in Chinese, which I think is a huge mistake.

36,746. Before we leave the subject, do you not think, seeing that these Natives are acknowledged to be rather backward in the use of implements, that they are no good underground, is not it a good thing for them to go and work alongside people who are skilled in the use of the pick and shovel and the hammer, and to go back and inculcate ideas that they have got into the country, and so educate their fellows?—I daresay that would have a good influence, but I am not quite so sure whether, taking everything into consideration, it is advisable for them to leave this country.

36,747. Then you anticipate mining in this country that will employ all the labour that is available?—I think in the course of a year or two there will be a great development of the mines, and they will want a considerable number of Natives.

36,748. Your Natives here do not like mining?—I think they like mining as well as any other Natives in South Africa.

36,749. As a matter of fact, if you take your mining statistics, I think it will be found that there are very few Matabele amongst those who are working in the mines?—I think that may be accounted for as arising from the conditions in the early period of the country. In the early period of the country the Mining Companies have not acted as they ought to have acted towards the Natives, and I think there is a great deal of prejudice at the present time, and has been all along, on behalf of the Natives, against working at the mines, which I think in time will be eradicated. As a matter of fact, I know that for some time past they have had more applications on behalf of Natives than they could make use of.

36,750. Are they Matabeles?—Matabeles. The Matabele is a first-class workman for a Native. But, like all proud Natives, they do not like underground work.

36,751. In what way do you think that the Mining Companies could make their work more attractive to their own Natives?—I think the supervision at the mines has not been what it ought to have been. Of course, I would modify that by saying that during the last two or three years the Mining Companies have done a great deal to improve the condition of the Natives at the mines, but what they should have done in the first instance would have been to have made the conditions at the mines as near as possible to the conditions at the kraals, and to make the work interesting. But, as a matter of fact, that was not done in the early days. Natives died of various diseases and other things, and they were never accounted for.

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36,752. How do you mean you would assimilate the life at the mines with the life at the kraals, because you must, where you have a body of men, preserve discipline of some sort?—That is quite correct, I would have discipline; but the Compound Manager should be a man who understands the Native character, and a man who should take an interest in them, and, in addition to that, they should have taken more precautions agains the various diseases, pneumonia and others. There is no good in putting Natives down a shaft and have them working underground, coming up at 12 o'clock on a cold winter's evening, perhaps having to walk a quarter of a mile to get to the kraal, without blanket, and without shirt, or something else. He must be taken care of, naturally.

36,753. That, I believe, is now very much improved?—There has been improvement of late years.

36,754. Do you think it has acted as a deterrent in the past?—I think so. I think a great number of Natives have died, and naturally the Native Chiefs want to know what has become of their boys; they have never returned, and no account has been given of them.

36,755. When they got ill they just went away from the mine and died on the way home?—They did not die on the way home, they died in the next few days. I think, to a great extent, the Mining Companies have seen their mistake. If they had realised the position in the beginning, which they should have done, I do not think there would have been any difficulty whatever with the want of labour.

36,756. You are accounting for the want of labour in the past. Do you think that in the future, this labour, as the mines open up, will be forthcoming?—I am absolutely certain. I do not think for a moment they will want any imported labour.

36,757. Do you think that this Colony of Matabeleland has all the labour supply that it requires for every purpose?—I think so, taking into consideration that the railways are going up to the north.

36,758. How does that affect it?—Because I know that there is a tremendous supply of Natives between here and Central Africa. When you take into consideration that we have, south of the Zambezi, something like 6,000,000 Natives, and that the whole of Africa is reckoned to contain 200,000,000; that Central Africa alone contains about 100,000,000—that is the figure given by the best experts —I consider that we are on the verge of an enormous quantity of Natives.

36,759. This Colony has all it requires on the spot if properly used?—I am certain it has.

36,760. That is, for farming and all other purposes?—For farming and everything else.

36,761. Have you got land of your own in the country on which Natives are squatting?—No, I have not.

36,762. Have you any other views upon the land question which you would like to express?—I think that Natives are bound, in a country like this, to be provided with land. I think that is only fair and just to the Natives, seeing that the Chartered Company have really practically confiscated the whole of the lands, and that they are only living on sufferance, and therefore I say it is the bounden duty of the Chartered Company to see that if the Native does not like to go out to the mines, he has somewhere he may call his home, where he can be located, because I do not see that it is possible to

compel a Native to work. There must be no compulsion. I find that the Chartered Company has provided sufficient land for the Natives.

36,763. Apart from compulsion, which you condemn, and which everybody condemns, do you think it is a good thing in the interests of the Native, in forming his character and improving him, that he should go to work as the white man goes to work?—I certainly do.

36,764. And that in all reasonable ways he should be stimulated?—Yes.

36,765. And the best way to stimulate him is to attract him?—To attract him.

36,766. Not necessarily by giving him higher wages?—No. He should feel that it is to his interest to go to work, and of course, that comes about through the higher civilisation.

36,767. Do you mean that you would give him the highest civilisation, or how would you civilise him?—I would civilise him by expanding his mind, by his realising that his needs are greater, and through a certain amount of education, but I think that for the present education should be gradual.

36,768. You think it is the best policy of the Government to, as far as possible, create new wants?—Yes, new wants.

36,769. So that the Native may be obliged to satisfy those wants?—Yes.

36,770. Which it requires labour to do?—Yes.

36,771. You think that should be the policy of the Government?—I think that should be the policy of the Government.

36,772. In carrying out that policy, what should be done that is not being done to-day?—I think everything within reason, as far as I know, has been done in this country. I have a letter here, which I wrote to a Nonconformist paper at Home, in reference to a letter that was published, reflecting very gravely on the Chartered Company, and their administration with regard to the Natives. Now I think the Chartered Company, as a Government, has pursued a very wise policy right through, and whatever faults may have been found in connection with the working of the Natives, that is not in consequence of the Administration. It may be the individual companies. If this were to be taken in evidence, it embodies a lot of my convictions. It would be too long to read over, but perhaps there are extracts that might be taken from it.

36,773. Would you just quote anything you like, so as to have taken down the salient points in it?—I would not care to pick out on the spur of the moment anything here or there.

36,774. The question I asked you was, in view of the policy which you think ought to be adopted, what is being done now, and what ought to be done now to carry that policy into effect? Do you think, for instance, that there is enough education being offered to the Natives to raise them up?—Of course, that is a very difficult point to say. I think a little education—although it should not be carried too far—is a good thing for the Native. That is, it does open up his understanding, and it makes him a more intelligent being; but then you can get to a point of education which for the time being will spoil him. There is an old saying that a little learning is a dangerous thing. Of course, you must have the little learning to begin with, or else you will not have the ultimate result. At the present moment the feeling is that the educated Native is a spoilt Native. That is the general impression. I do not take that view

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of it, because I think it is the first step, and the first step is always an awkward step. It is absolutely the same in everything after all. If you take a little chicken, it looks a beautiful creature after it has left its shell, but in a month or so it begins to show feathers. Without the feathers you cannot have the lovely plumage when it is six months old. So it is with the Native; the first steps in education spoil him, so it does a white man, but it is afterwards that the effect will be seen.

36,775. So you think great care should be observed in the initial steps?—I think that great care should be taken, and that nothing should be taught them at the present moment, that is likely as far as possible to spoil them.

36,776. I consider your meaning to be that you think the first education should be very elementary?—Very elementary. I think what I would aim at would be this. I would teach them to speak the English language, on account of the fact that so many people in this country are principally from home or some foreign country; they do not know a word of the Native language, and therefore it would be a great advantage to the Colonists in this Colony if the Natives could understand the English language, but beyond that, I do not think for the time being I would aim at anything; I think you only unfit the Native really for a position that first of all he cannot aspire to. In addition to that, as for industrial schools, I think there will be a great opening, and is at the present moment, for them. We do not want them to make tables, or anything else in the way of woodwork, because I think that is impossible; but I would have a Native be able to plant a row of vegetables straight, without putting down a line for him ,and showing him exactly how to do it. I think there is a great scope for Missionary enterprise in that respect, for a Native that will intelligently lay out a garden, look after fowls, and do various things about a house in an intelligent way, will be of value.

36,777. Do not you think the Native is fairly well able to do that in this country? Is he not an intelligent creature in all those matters about the house, and about the farm ?—He has great intelligence. The Native of this country has great intelligence if he is only shown. The difficulty is, we are all at business, in our various occupations, and we have not the time during the day to show the Native, but if we had the time, I know he could pick up a thing quickly. Therefore, I say, that it is the duty of the Missionary to show him how to do this thing; to plough his land properly, and plough it in a perfectly scientific way.

36,778. Would you give Missions large settlements where these things could be taught?—I think they should be taught on every Mission Station.

36,779. Would you give the Missions land for this purpose ?—They have land already.

36,780. In some cases, not in all?—I think the bulk of the Missions here pick their own farms which have been allotted them by the Chartered Company.

36,781. You are speaking for the moment of the Chartered Company in Rhodesia; but I am thinking throughout South Africa. Throughout South Africa the system has been that philanthropic people in England and other places have put their hands in their pockets and given money, with which land has been purchased. Now it would be manifestly unfair for the State to step in and tell these

Mission Societies the lines upon which they can proceed. Here in Rhodesia it would be easier, because you have given the land, and you may put the obligations upon it. What you suggest would not apply to the whole of South Africa?—Certainly not. What I have stated may not be in accordance with the views of those in Cape Colony or in Natal, but I think that if it were adopted in a modified way, it would be of great benefit to the whole community.

36,782. Give me your views as to what action the State ought to take, not the Mission Society, if it does anything at all. Should it do anything, and if so, what?—I do not believe, myself, in going in for carpentering, because that is always bound to bring up the worst feelings of the labouring classes; but there is, all over South Africa, a great demand, I think, for a Native who can work out a thing for himself on a farm. I would show him how to plough properly, how to lay out a garden, how to grow vegetables, and everything else in the way of agriculture.

36,783. Would you begin by showing many of the Europeans how to plough properly?—That could be done as regards the poor whites. I do not suppose the educated man, although he does not know, would like to have advice.

36,784. What happens with regard to most of the farmers? Do not they call out their boys, put up two stones, and tell them to sow from one to the other, and then go home?—That is so; but in my experience in the Cape, the thing was so badly done, that it had no result. The thing has to be done scientifically, and the Natives should be shown how to do it properly.

36,785. If the State should take this action on behalf of the Natives, would you not advocate that it should do the same for the whites?—I would certainly have any whites who would like to take the lessons. I think that is the great need of South Africa, so that men can do their work properly.

36,786. What would you recommend the State to do in this matter of educating Natives to be good servants, and to lay lines, and other things that you have described? Do you mean that there should be large schools for the purpose?—I do not believe in giving too much schooling, because you unfit them for a position, as I said before, that they absolutely will never occupy, and therefore there is no good in it. I think too much education, in the ordinary sense of the term, is a mistake. I think it should be gradual. The great point is to develop their intelligence, and therefore I would have centres where Natives and white men, if they liked, could be taught the rudiments of agriculture, and shown how to plough, to plant rows of vegetables straight, to plant a field of potatoes straight, and not have them scattered all over the place.

36,787. Do you mean such schools should be subsidised by Government, or should those who go to those schools pay for their education?—I should say that wherever it is possible, those who attend those schools should pay; but of course, it may not be always convenient for the poor whites, and also for the Natives to pay.

36,788. What you are saying now applies equally to poor whites who are unable to pay for their education?—Yes, certainly. I think there are great numbers of people in South Africa, not only here but elsewhere, who would be prepared to give greatly increased wages to a Native who was intelligent, and who could lay out his grounds, and grow vegetables, and attend to various things in a proper manner.

36,789. You have not met that class of man yet?—We have not. There have been Missionaries up here for a long time, but to-day, if you want a Native whom you can depend upon, you cannot get such an individual.

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36,790. Are they not to be got in other parts of South Africa that are more advanced than Rhodesia?—I have never met them even down below. Here and there you find men who have been taught really by private individuals. For instance, if I have a gardener, I take some time to show him; perhaps he leaves me in the course of twelve months or two years; he knows more or less, and he is a valuable boy, because I trained him; but if I want a man, I do not know where to get him. There should be an institution where you could send for a boy qualified to do certain work, and get him.

36,791. Is there any other particular subject that you would like to express your opinion about?—I might just make one remark about Christianising the Natives.

36,792. One question is, "What influence has the teaching of the Christian religion exercised"?—I think there is nothing detrimental to the interest of the Native in Christianity. I think it is the correct thing to do if it is done wisely.

36,793. Do you think the influence in the past has been good?—I think it has, taking South Africa as a whole, and taking other Native countries all over the world. I think the influence of Christian Missions has been very good.

36,794. Do you think it ought to be continued?—I think so.

36,795. And increased?—Increased as far as possible.

36,796. Do you mean the teaching of religion by the State?—No, I think it should be encouraged through the various churches who take the matter up. I should say there should be no liquor traffic allowed in Native territories.

36,797. You are in favour of total prohibition?—Absolute prohibition for Natives. There are various other things here, but I am afraid your time is short, and I will not go into them.

36,798. Is there anything that you consider yourself to be so conversant with that you feel you would like to express an opinion about it?—I do not think there is anything of great importance, and there may be other witnesses.

36,799. *Mr. Thompson.*] I think you expressed an objection to men going out of this country to work in Johannesburg. You do not like the system of Natives going away from here to Johannesburg to work?—That is so.

36,800. Have you any objection to the Natives coming in from other territories to work here?—Not the slightest.

36,801. Is that fair?—If they come in voluntarily.

36,802. Do you object to the Matabele going out voluntarily?—The reason I object to that is because for the last two years—as a matter of fact for the last five or six years—there has been a tremendous outcry, on behalf of the Mining Companies, that they cannot get sufficient Native labour for the mines. I can see plainly enough that they are short perhaps this month, the next month they have sufficient, but the Natives should not be encouraged to leave the country unless they are satisfied in their minds that there is abundance of labour in the country.

36,803. What authority have you for saying that there are 200,000,000 Natives in Central Africa?—I believe there are two or three of the leading historians who put that down. That is given as the estimated number of Natives in Africa.

36,804. Have you read that?—Yes; I think you will get it in all the leading authorities.

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36,805. You will get it in all the authorities that there are 200,000,000 Natives in Central Africa?—No, in Africa.

36,806. Have you any idea of the requirements of Matabeleland and Mashonaland for mining, farming, transport, municipal and domestic services? Have you any idea of that?—I would not like to state without reference what the requirements would be.

36,807. Take Matabeleland alone?—I should say that 10,000 to 12,000 Natives would cover the mines, the municipalities, and households for the time being.

36,808. Twelve thousand Natives would be sufficient for the requirements of the mines, farming, and everything else in Matabeleland?—The farming is a difficult thing to get at, because all farmers want not only sufficient labour for what they want themselves, but they want a number of Natives to stay on the farms, so that it is a very difficult matter to get at it.

36,809. You would roughly say that Matabeleland could do with 12,000 Natives?—It could, I should say roughly, for these purposes.

36,810. Do you know the Government's estimate for the requirements of Matabeleland and Mashonaland alone for the mining industry?—No; I must have seen it, but I do not remember.

36,811. In guaranteeing these people land to live on as reserves, you would retain, I take it, the right, if it was so required, to move these men on to some other portion of the country. For instance, if a goldfield was discovered in their reserve you would like them to be moved off at once?—I think so. I think the Government should have that right, and it will be just to the Natives themselves.

36,812. So the title would be vested in the Government itself?—Yes; it should be vested absolutely in the Government of the country.

36,813. On the question of hut tax: They pay 20s. at present?—Yes.

36,814. For that they have the right to an unlimited amount of land to produce mealies?—Yes.

36,815. And as three months is required practically for producing mealies, what do you suggest that they should do for the remaining nine months of that year?—Of course, when that is over, the proper course would be to go to work.

36,816. What could they earn in the remaining nine months of the year if they would work?—I believe they could earn—as a matter of fact, it works out, I believe, for the twelve months at 37s. 6d. a month. That is the average. If they cannot obtain work there the position would be altered.

36,817. Roughly speaking, about £22 a year?—Yes.

36,818. Seeing that they could make all their taxes with three bags of mealies grown on the land which they get for nothing, and they have then £22 a year earned—do you still think that 20s. a year is too much—could they not fairly bear a £2 tax, when they can earn £22 in cash, and they can earn sufficient off their mealie lands to pay that tax?—I think I stated distinctly that £2 was not too much. But work must be obtainable to enable them to comply with the tax.

36,819. You approve of a £2 tax?—I approve of that absolutely.

36,820. Taking into consideration that they have land on which to grow their mealies, that they have a chance of earning on an average £20 a year——?—I think they might pay a £2 tax without the slightest hardship.

36,821. Would it be too much trouble for you to let us have the authorities of those books in which you have seen that there are 200,000,000 Natives, before we go on Monday?—Yes; I will be very

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pleased to get it for you. Theal is one of the authorities, and there are one or two others. It is given in all the official records as 200,000,000.

36,822. *Mr. Samuelson.*] I think you said that there were sufficient able-bodied Natives in Southern Rhodesia for all the present requirements of labour?—I said in Rhodesia.

36,823. The whole of Rhodesia, Northern and Southern?—Yes, to do sufficient for itself.

36,824. I have travelled right through from Umtali to the Zambesi by rail; I have got out at a number of places, have stopped at Salisbury and here, and I have found that there are a number of Natives from Umzila's in Portuguese territory, a number of Natives from Tete in Portuguese territory, on the Zambesi, and also Natives from Barotseland, and Natives from Blantyre, all at work here in Rhodesia. How is it they have come down here to work when there is sufficient labour in the country for its requirements?—Of course, that is capable of a very easy explanation. To begin with, the Natives, of course, I think from Portuguese territory, and from the other territories that have been accustomed to work for a number of years in the Transvaal, come into this territory and get the first chance at the same money, because the Natives to a great extent in Rhodesia, as far as mining is concerned, with the exception of the little experience they have had here for two or three years, have not been accustomed to that sort of work, and therefore we give the preference to men from other territories; but as a matter of fact to-day, as it is, if you want to place 200 Natives in this country, you could not find them employment. It is not because these boys will not work, but because the Mining Companies fancy the Shangaans, and the men from the Portuguese territory.

36,825. The employment of so many men from outside territories, I suppose, keeps a good many Natives at their homes here in Rhodesia unable to get work?—Naturally it keeps them at their homes. It is not because there are not sufficient Natives forthcoming, but because people are in a position at the present moment to have a selection, and therefore they naturally select the better class men.

36,826. What need is it that impels the Native to leave home here to work. What is his object in leaving home to work?—His object would be to buy clothing, perhaps, and odds and ends. Coming into contact with Europeans in this country, his taste becomes elevated naturally; he wants to earn money to buy odds and ends, a concertina, a pair of trousers, a shirt, blanket, and so on. That is his sole object. It is purely a matter of necessity with him, the same as it is with the white man.

36,827. And to meet obligations to the Government of the country in the way of taxes?—Yes; that in some cases would be one of the objects.

36,828. And also to pay rents on farms, where rent is paid?—Yes. Still I do not think that would be so much. I think a Native, even with any sort of crop, would be able to pay whatever rent he had to pay to the farmer without having to go to work.

36,829. Is the procuring of the marriage consideration, which has to pass in connection with marriage between Native and Native here, any inducement to him to go to work?—I daresay it is. Both things taken together are bound to have an influence.

36,830. Can a Native get a wife here without giving "lobolo"?—

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I think so. I think that the law of "lobolo" in this country is really to keep it within bounds, but there is no reason, as far as I remember, why a Native should not get married without any "lobolo."

36,831. Could you say how much "lobolo" is usually given on a marriage?—The highest, I believe, is five head of cattle. They can give as few as they like, or none.

36,832. And is the value of cattle very low, or very high in the market at the present time?—The price of cattle would be greatly regulated according to the prices ruling, but there is no price stated in the Act as to what value the cattle should be, as far as I remember.

36,833. What Act are you referring to?—There was a "Lobolo" Act passed a year or two ago. Sir Thomas Scanlen could tell you all about it.

36,834. Have you had occasion to consider what effect the abolition of "lobolo" would have on the Natives of the country or on the Native women?—Of course, I think the idea was intended to do away with the abuse of "lobolo," so far as the action of the Chartered Company was concerned. My own personal feeling is, I do not believe very much in "lobolo."

36,835. You do not think that it operates as a kind of protection to the women?—No; I think that "lobolo" in this country is much better than the system which was in existence in Basutoland, and other Native territories in the Cape. In this country I think it was more intended to do away with the abuse of "lobolo" than really to sanction "lobolo."

Bulawayo, Monday, 12th September, 1904.

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Present:

Sir Godfrey Lagden (*Chairman.*)

Mr. Samuelson.
Hon. Mr. Campbell.
Captain Dickson.
Mr. De la Harpe.
Mr. Krogh.
Sir Thomas Scanlen.
Mr. Sloley.
Mr. Stanford.
Mr. Thompson.

The Reverend James Walter Leary, examined.

Rev. J. W. Leary, (Missionary). Rhodesia. 12th Sept., 1904.

36,836. *Chairman.*] Are you engaged in Mission work here?—I am.

36,837. Have you been here a long time?—since 1898.

36,838. Which Mission do you belong to?—The Church of England.

36,839. Have you been a long time in South Africa?—I was born in the Cape Colony.

36,840. There are a certain number of heads of evidence upon which we are examining witnesses. Have you seen these heads of evidence?—I think I have.

36,841. Are there any particular ones which you would like to express your views about?—I do not feel at all an authority on Native questions, although I have been working for about four years in this country amongst the Matabele. I do not pretend to know the Natives as well as a very large number of people in the country, but I should like to present the Commission with the views of the Church in this Diocese. I have brought a copy of the resolutions which were

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passed at a Conference of the Clergy in 1902. I expect the Commission has had that. I do not personally agree entirely with all their resolutions.

36,842. This has reference to some extent to the marriage laws and customs of these Natives. I understand that you are opposed to polygamy?—Yes, I am.

36,843. You say that it is very harmful, and should be discouraged?—Yes.

36,844. In what way is it harmful?—I think that it tends to destroy the home life of the Natives, and I think it causes jealousy and ill-feeling.

36,845. In what way would you discourage it?—I think it might be discouraged by taxation.

36,846. Do you mean by the taxation of every man who has more than one wife?—It might be eventually. I do not think that measures should be taken by the Government suddenly. I think it might be very harmful if measures were taken to discourage it all at once, but I think they might eventually put a tax on all wives after the first.

36,847. There is a tax on them now?—Yes, there is a tax on them now.

36,848. Do you mean that that should be increased?—I think it might be, eventually.

36,849. Do you mean that a graduated tax should be imposed upon them, rising and rising according to the number of their extra wives?—I think so. I think possibly that would be the best way of dealing with it.

36,850. You say that the absence of wants amongst the Natives is answerable for the present condition of the Natives to some extent?—Yes.

36,851. Do you think the Natives in this country have had an opportunity of creating wants for themselves?—No, I should not say they had as yet.

36,852. How do you think these wants ought to be created? What action ought to be taken to create them?—I think they ought to be educated and taught to work.

36,853. How would you educate them?—I believe we should mainly give them industrial education, and I think such education should not be left entirely to Missionaries. It should be performed by the State.

36,854. Do you mean compulsory education?—Yes, I am entirely in favour of compulsory education.

36,855. To what extent?—It might be impossible at the present moment, but I think eventually as education must draw out all the good qualities in human beings, we ought to have universal compulsory education.

36,856. For white as well as for black?—Yes.

36,857. You speak of industrial education; can you define what you mean by that?—I mean that Natives ought to be taught to work with their hands.

36,858. Whilst at school?—Yes, whilst at school.

36,859. What method would you employ to do that?—I should be inclined to establish central industrial institutions in each country.

36,860. To be accessible to all the children who are being educated?—Yes, to all those who wish to learn skilled labour. Of

course a large number would probably choose to perform unskilled work.

36,861. For those who were being taught industrial trades and so on, would you let them pay for it themselves, or would you grant it to them free?—I should eventually charge them.

36,862. So it would be optional for Natives to learn these trades or not, as they wished? If they had the money and wished to expend it in that way you would afford them facilities?—Yes I should do so; but if it were possible to force them to learn trades I should be in favour of doing that; but I do not see how it would be possible if we were to charge them.

36,863. Have you considered what would be the result of educating a large number of Natives in skilled trades?—Yes, I have to a certain extent. I think that throughout South Africa there is a large amount of work which might be done by cheap skilled labour, on the farms all over South Africa, which is at present done badly, or left entirely undone by the farmers, because they cannot afford to pay the present high prices for skilled labour. Further, I think that the white man is capable of competing with the black man, and if he is not capable of competing he ought to go under.

36,864. Do you think that the effect might be to swamp the European skilled tradesman, to drive him out of the country?—No, I do not think so. I think the European skilled tradesman will always be superior to the Native; at any rate, for the next 50 or 100 years, Native tradesmen can find plenty of work all over the country, which is not done at all at present by white men.

36,865. Would it have the effect of deterring them from coming to this country?—I do not think so.

36,866. Generally speaking, you believe in the Native being educated at industrial institutions and learning trades?—Yes, I do. I do not believe in Natives receiving the higher education. In fact very few of them are capable of it, I think. I do not think that the Native brain is original, I think that it is imitative, and that is the reason why we find so many failures amongst educated Natives, because I think that Natives are influenced by environment, and consequently they very easily copy the bad qualities of the white people.

36,867. Have you an industrial institution of your own?—No, I am afraid I can hardly call it an industrial institution, but I am aiming at eventually establishing one. At present I am by way of running an industrial farm, but owing to want of funds I am unable to start any trades.

36,868. Is that what is called St. Augustine's Industrial Mission at Umtali?—No, it is St. Aidan's on the Zambesi.

36,869. What is the St. Augustine's Industrial Mission at Umtali?—That is a Mission farm belonging to the Church of England. Their principal idea is to get hold of the Natives and educate them for three years, in return for working on the farm. They do four hours' work every day. They have 100 boys at present, and this year they have started a girls' institution.

36,870. You seem to hold the view that the Natives are not capable of exercising the rights of citizenship?—Yes, I hold that view myself, but I think that in these resolutions it is guarded. I think it says in the next resolution that under certain conditions they might hold it. Personally I think that in order to maintain the white supremacy in South Africa, we ought to use every means of

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preventing the Natives from having a vote. We ought to legislate for the future generations.

36,871. Then you believe it is necessary for the white people to maintain their supremacy?—I think so.

36,872. In the interests of the Natives as well as in the interests of the white people?—Yes.

36,873. For that reason you would be opposed to their getting the franchise?—Yes, strongly opposed.

36,874. Where they have already got the franchise as in this country, what would you do?—I expect there are others who would know best what should be done, but I certainly should be in favour of withdrawing it if it could be done without creating disaffection.

36,875. Beyond the substance of these resolutions is there any other matter upon which you would like to give your opinion?—I think not.

36,876. *Mr. Stanford.*] Your point is that the Native is much influenced by his environment. Do you not recognise that in the imitative faculty to which you have referred, he is just as much likely to follow our virtues in some instances as our vices?—Yes, I do certainly, but I was speaking of the failures. So many white men bring up the educated Native who has failed, who has committed forgeries, and so on, and what I meant was that those failures are not due to the education received, but to his imitative faculties, under which he has copied the evils of the white people. Many Natives copy the virtues of the white people, but it is very much easier to see the evils than the virtues as a general rule. The evils of civilisation are easily seen in the streets, but the virtues are kept locked up.

36,877. Are you not aware that criminal statistics are entirely in favour of the civilised Native, as showing apparently less disposition to crime?—No, I was not aware of that, but I do not doubt that at all.

36,878. In respect of education you say they should not have the higher education. Do you mean that that should not be provided for them by the Government, or that they should be actually debarred from the higher education when they are able and willing to pay for it themselves?—I think that it ought not to be encouraged by the Government, but I think in exceptional circumstances, if they are able and willing to pay for it, they might be given the opportunity.

36,879. Then your plan would be to give State aid up to a certain standard, and stop there, leaving the rest to the energy and ambition of the individual Native or his parents?—Yes.

36,880. Of course, you are aware that the Native is taxed directly in all South African States, and, indirectly, on his contributions by way of purchase of goods?—Yes, I am.

36,881. If you bar these people entirely from representation in our Legislative Assemblies, do you think sufficient attention will be given to their views and to their interests in the country?—I think so, yes. I think that steps might be taken to provide for that. For instance, in this country, someone might be appointed to sit in the Legislative Assembly who would have the interests of the Natives at heart.

36,882. You would favour then special nominations, say, by the Government, of a member to represent the Native interests?—Yes, I would.

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36,883. Do you think the supremacy of the white man in this country will be successfully maintained by artificial restrictions on the advancement of the Natives if they are able to advance?—I think so. I believe that in India the supremacy of the Mahommedans was obtained for many hundred years, owing to restrictions placed on the Natives of the country. I think I am right in saying that, and I do not see why it should not be done here.

36,884. Is not it a fact that in India you have Indian provinces actually governed at this time by Indian princes, with their own assemblies and executive officers?—Yes, I believe that is so; is not that owing to the action of the British Government?

36,885. Certainly, but as indicating that there, where there are no representative institutions, apart from such representative institutions, Indian princes are actually in a measure in power in their own States. You recognise, of course, the difference between the Indian and South African States, that there are no representative institutions there at the present time?—Yes.

36,886. In this suggestion of yours, with respect to the nomination of a representative member, how would you meet the claim of the highly civilised Native, because it seems to be clearly established that there are instances in which they do become highly civilised, and take up a good position?—I should be in favour of disallowing the claim. I am afraid I do not believe in the doctrine of equal rights for all men, and I think personally that we ought to do all in our power to keep up the distinction between the white and black races. In the first place, I do not believe that the two races can ever mingle, and if they never inter-marry and fuse, I think we must do all in our power to maintain the supremacy of the white race; not by keeping the black people back, not by suppressing them, but by treating them as the conquered race. I think, as we won this country by right of conquest, we have to maintain it by right of conquest.

36,887. If you were to disallow the highly civilised Native of good character, you would debar him from any political rights simply because of his colour?—Yes, I would.

36,888. Do you think that it is a safe policy to pursue?—I think it is the policy which will avoid ultimately the least bloodshed. I think it is the safest policy. Of course, I speak with great hesitation; I do not feel that I am an authority at all on the Native question. My opinions are quite opinions of my own.

36,889. *Mr. Thompson.*] You said, I think, that the taking away of the vote from the Native presented certain difficulties. You said if it were possible to take away the vote from the Native, you would?—Yes.

36,890. Would this scheme meet you, of allowing the Natives their own representatives, for whom they should vote; that is to say, the Native of the Transkei, the Native of Kimberley, the Native of Port Elizabeth, all casting their vote for their own representative, and not casting a vote for the white man; would not that meet your case?—And so have a Native in the House.

36,891. No, have a white representative. For argument's sake, put up eight white men, and the Natives be allowed to select four with their vote to represent them in Parliament?—I should not be in favour of that.

36,892. You are in favour of taking the vote right away; not allowing the black man to vote at all?—Yes.

36,893. Would that apply to clergymen in your own churches who have become highly civilised; would you apply the same to

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them?—I should apply it to all Natives. I do not think we could make a distinction between the Natives themselves. I think we should have to have one rule to apply to all.

36,894. Would you allow him to buy land, and hold it under free title, if he paid for it? For instance, if he bought a farm next to a white man in the Queenstown district, would you have any objection to that?—I should personally, but I do not see the equity of my objection. My feeling would be against it.

36,895. Your feeling would be that of a colonist?—Yes, it would be, but it seems unfair really on the ground of equity that the Native should not be allowed to buy a farm if he wanted to, and can afford it; but on the grounds of a colonist, I think I should rather object to it. I think, if they wanted ground, there are plenty of Native reserves, and that they might settle down in the Native reserves. In the Colony I believe the Native reserve is the finest part of the Colony.

36,896. Still you would allow him to, and make him, pay taxes, one and all, equally with the white man; directly and indirectly?—Yes, because I think he would receive the benefits of the Government, even if he had not a voice in it.

36,897. But the white man receives those too, and has a voice in it; but on the ground of equity, how would you withhold his political rights?—I am afraid my policy would not be altogether on the ground of equity, it would be on the ground of expediency, and maintaining the white supremacy.

36,898. Can you give us any idea from your experience, comparing the white family of Africa and the black family, in numbers, how they compare in increasing? Have Natives large families?—I should say in this country the Natives have not large families.

36,899. *Mr. Krogh.*] I take it that you consider that it will take centuries before the Native can be brought to the same state as the white man?—Yes, I do.

36,900. Though he may be highly educated, education will not disperse his heathen instincts at once?—No, not education alone, but I believe that Christianity will. I believe that Christianity is the only way in which to overcome his heathen instincts, not education solely.

36,901. That is if you can get him to understand Christianity and to accept it?—Yes, of course, if he can be got to understand it. He would not become a Christian of course unless he did understand it to a certain extent.

36,902. *Captain Dickson.*] Have you had any experience of what is commonly called the Ethiopian movement in these parts?—Very little in these parts. I believe there is an Ethiopian Church in the district called the Fingo Location, but practically the Ethiopian movement has been discouraged here by the Government and by the Municipality of Bulawayo, and it has not taken root in this country at all.

36,903. Do you consider it is a good thing that the Government and the Municipalities of this country have discouraged it?—I do, because I think it is a political organisation.

36,904. Has your industrial farm up here been successful?—We are only in the initial stages.

36,905. I referred to the one at Umtali?—Yes, that has been up to the present very successful. The boys who have been working there have benefitted very greatly from the training they have re-

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ceived. As an instance, last year they gave up their holiday, and made about 100,000 bricks in order to build a school for themselves.

36,906. Can you see a marked improvement in these boys when they leave the school as Native farmers?—I have not had any experience of the boys in Mashonaland yet. In this neighbourhood, of course, we have not had time to produce many boys, but the few boys that have been at my station certainly have gained very much. They have learned methods that are not practised by the Natives around. I might say that with regard to the Natives who have been on our stations in this country, many of them occupy the most responsible positions in Bulawayo. Where boys are employed in Bulawayo for responsible work, I find usually they are Christians.

36,907. *Mr. De la Harpe.*] I believe you are against the Natives buying land on their own account? Can you give us your reasons? Would your reasons be that if you were a farmer in the country you would not like to have nothing but Natives surrounding your farm, and you in the centre?—That would be one of my reasons.

36,908. You have had experience in the Colony?—Very little. I was born in the Colony, and passed my early years there, but I cannot say that I have had experience there.

36,909. You have never heard that in the district of Fort Beaufort people have sold their farms on account of having too many Native neighbours?—No, I have never heard of that.

36,910. As regards the industrial training of the Natives; would they willingly go and stay two or three years, do you think?—They do so at our industrial station in Mashonaland, and now they are getting them to come with a certain amount of money. They are beginning to charge them for the three years' education, as well as to exact a certain amount of work from them.

36,911. We have had evidence in this country since we have been here that they do not go willingly, that they expect to be paid for doing industrial work?—Have you been to Umtali or Salisbury?

36,912. We have been to Salisbury; that is where we got the evidence?—This station at St. Augustine's is in charge of the Reverend E. H. Etheridge, and I am certain that he would certify that he has about 100 boys there who come for three years, some of them bringing either a goat, or two or three pounds, and that they are not paid a penny, and they remain through their time. I can vouch for that, and I can bring witnesses to prove it.

36,913. *Sir Thomas Scanlen.*] I gathered from your answer that you favour compulsory education for teaching the Natives?—Yes, I am in favour of that.

36,914. Naturally that would involve a considerable amount of expense?—I did not contemplate that the Governments of the various Colonies would be able to bring that into effect at once.

36,915. To meet any expense arising out of it, would you favour anything in the way of a special tax upon them?—I think they might be charged for it. They might have compulsory education, and each Native family would have to support its own children.

36,916. Would not that be likely to be resisted by the Natives? Might a Native not say, "I do not want my children educated; why should you force me to do it, and to pay for it?"?—I think if the Government ordered it he would not resist. Of course, the thing would have to be introduced very gradually, and it would not be introduced in a country where they are likely to resist; it would not be introduced suddenly into a country like Rhodesia, where the Natives are still in the early stages.

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36,917. It would have to be dealt with very cautiously?—Yes, very cautiously.

36,918. In Rhodesia do you favour the Natives being collected in reserves?—No, I do not think I do altogether. There are a certain amount of Native reserves, but I think that the people in the country would get more out of the Natives if they were distributed over the farms.

36,919. Would you favour any action for breaking up the existing reserves?—As a matter of fact, I believe the existing reserves are very poor country.

36,920. Is it not one of two alternatives—either you must have reserves, and practically keep the white man out of them, and particularly keep drink out of them, or else you must break up the reserves and allow them to seek homes as tenants of farmers?—I do not see why they should not have both.

36,921. I do not contemplate that there should be any restriction as to either a white man or a black man coming to make himself a tenant of any land owner, but those who perhaps have not the means, or want the inclination to go as tenants of farmers—you would favour those being in certain defined areas, where they would be under control and observation?—Yes, I would certainly.

36,922. Generally, a scheme of forming certain Native reserves where they would be under observation and control, without interfering with their liberty to go where they please; would that meet your views?—Yes. They would not be prevented from settling on farms if the farmer consented. I do not think the people who own private property should be forced to receive tenants if they did not want them.

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36,923. Has it been your observation that the Native fully understands or appreciates holding land by individual title? I am not speaking of the Native of this country only, but of the Native in South Africa?—Yes, it has been. I have observed that they appreciate holding land in that way.

36,924. Are they beginning to purchase land as Europeans would?—Of course, the Natives in this country are not beginning, but I believe they are in South Africa. I heard of the case of a Fingo only yesterday who was trying to purchase a farm in this country.

36,925. You would not favour any interference with that inclination?—The inclination of the Native?

36,926. Yes?—Yes, I would.

36,927. Do you think that by law he should be prevented?—I do not think, as far as I know, that he could be prevented at the present time. I think there would have to be special legislation.

36,928. Would you favour legislation on those lines?—Yes, I would certainly.

36,929. Does not it strike you that that would be rather an extreme measure?—I think that in order to maintain our supremacy we have to resort to extreme measures.

Mr. Edward Ansdell Hull, examined.

E. A. Hull, (Farmer).
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36,930. *Chairman.*] Are you a farmer?—Yes.

36,931. Have you been a long time in this country?—For nearly seven years.

36,932. In Rhodesia?—Yes.

36,933. And in South Africa?—All my life.

36,934. Have you got a large number of Natives on your farm?—Yes.

36,935. How are they living; under what conditions?—The conditions are these, that they are bound to put in a certain amount of labour per annum for the right of living on the farm, for which labour they get paid a wage.

36,936. That is you bind them, in the official contract, to put in a certain amount of labour every year?—Yes, three months.

36,937. For which you pay them?—Yes.

36,938. What other conditions do you impose upon them?—None whatever; or rather only one, which has lately been imposed by me on my own place, that is that in the event of press of work, say harvesting or something of that sort, I have the right to call out boys even although they have already completed their three months' work.

36,939. There is a universal form of contract?—Yes, it is fairly universal.

36,940. Is it not laid down as a schedule to some law?—I do not think so; I think that only applies to the Rhodes estate. It is simply a compact between master and servant.

36,941. Does every landlord have a different form of contract?—Most of them have some Natives living on their place and charge them a rent in the form of a hut tax or a poll tax, perfectly independently of what they pay the Government.

36,942. Have you any Natives who rent land from you on those terms?—No.

36,943. Do you not like it?—No.

36,944. Why?—First of all, I do not think that the individual Native to-day is in a position to deal singly with any white man in the country, with regard to the leasing of land from him, for the reason that he is not in a fit position to look after an establishment, and he is not a responsible person enough.

36,945. Yet you think he is capable of making the contract you have alluded to?—The contract with regard to work under certain conditions?

36,946. Yes?—Yes, but when you let land to a man, whether a Native or a white man, he is simply your tenant, purely and simply. They are contract boys, according to law, I think.

36,947. Do you not charge them any rent at all?—None whatever.

36,948. It is only the obligation that they shall furnish you, on payment, a certain amount of labour?—Yes, three months'.

36,949. Have you as many Natives as you want?—Yes, more than enough.

36,950. Have the farmers in this country got all the labour they want?—It depends entirely on the farmer.

36,951. Is there plenty of labour to be had if the Natives are properly treated?—Any amount, if they are treated properly.

36,952. When you say "treated properly," you mean treated by people who understand them?—Yes, by people who understand their customs and understand what they are intellectually.

36,953. Then you do pay a certain amount of respect to their customs?—Distinctly.

36,954. You think that it is necessary and a wise thing to do?—I would not say so with respect to their customs, but to the present state of their intellectuality. I consider this way, to put it plainly, that the Native is a school boy, or about on a same par, and he is to be treated as such.

E. A. Hull.
(Farmer).
—
Rhodesia.
—
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36,955. And you think there is enough labour in the country for all the wants of the country?—Under proper legislation, yes.

36,956. What kind of legislation?—Am I to give my personal ideas about this?

36,957. Yes?—What I should suggest in a country like this would be, that instead of forcing a general hut tax all over the country, wherever any Native could show he had worked six months in the year for any white man in any department, whether mining or farming or anything else, that that Native should be exempted from the payment of hut tax altogether, and that the man who had not gone out to work should bear the brunt of the whole thing. I should suggest that a very heavy hut tax be imposed on all men that are not workers, and that they should pay for the men that are workers. This condition would afford a great inducement for Natives to go out and work.

36,958. You have named the period of six months; do you think that that should be the test of exemption?—Yes.

36,959. Will it be reasonable to expect that all Natives who have lands and families and other concerns to see to should be away from home for so long a period as six months?—Not at a stretch; but for three months at a time.

36,960. Then, some of them would have a long way to go to get labour, because where they live there are no farms and no mines?—I do not think that a matter of distance would interfere with the Native very much if he wanted to go to work. Time does not come into the reckoning, nor distance, I think.

36,961. What would you tax those who do not put in their six months?—£3 a head.

36,962. And supposing a man put in, instead of six months, three months in the year, would you give him any remission?—Yes, I think his hut tax should be £1 a year.

36,963. What effect do you think that would have on the country generally—first of all, upon the Native mind; secondly, upon the progress and development of the country?—With regard to the effect it would have on the Native mind, I think the Natives would be only too pleased to have a law which would exempt them from paying the hut tax, which every Native, no matter who he is, does think a certain hardship, and if he could be exempted from it, I think he would avail himself of the opportunity. I think the tendency to-day is for the Natives to go to work, more than it was when I first came into the country. They want work. They have begun to see the benefits of a little bit of civilisation and the necessity of clothing, and so forth, and they know they will have to earn money before they can buy these things. The present tendency of the Native, so far as I can see, is to work rather than not in most cases.

36,964. They have the advantage of contact with civilisation?—Yes.

36,965. That has developed them, I suppose, and now they have greater wants?—Yes..

36,966. And that has made them desire to work?—Yes.

36,967. The more that desire can be stimulated, the better, you think?—Yes.

36,968. Is there any particular subject amongst those which are committed to us for consideration upon which you would like to give your opinions, besides those you have already given?—No, I do not think so. The only question I can speak about at all is as a farmer. I have had a great deal to do with the Matabeles, and I

have really taken a great interest in them as a race; and I have found out that the better they are bred the more apt they are as pupils, and that the thoroughly well-bred Matabeles can really be taught anything. In my experience with Natives I have found that every farmer who deals with them has to pay as much attention to them as to his team of bullocks, that is, he has to select the wheelers and the leaders. You find some boys, especially the "amazansi" (that is the pure-bred), who will learn anything, from driving teams to working machinery, and the more responsibilty you put on them the better they are. Others you find exactly the reverse, and as soon as you put them in a responsible position they abuse it immediately. I may say that personally I have been very successful. Although people will tell you that the Matabele will not stay with you, I have boys who have remained with me for seven years, all the time I have been in the country, and who are absolutely capable men to-day, though they were perfectly raw when I started with them. There is one other point that I should like to mention, that is the present administration of the Masters and Servants' Act. I think that the legal part of that Act takes too great a place in any sort of question arising between a master and his servant. I think that the status of the master with regard to his methods of working with his Natives should be taken very much into consideration. To cite a case, very often you have to thrash a boy who has deserved punishment, and if you are known to be a man who has always had plenty of labour and a man whom the Natives respect, surely the Magistrate or the Native Commissioner should not fine you, according to law, but he should take into consideration that you were simply in the place of a schoolmaster dealing with his pupil.

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36,969. You think the master should be allowed a little more latitude in the matter of discipline?—I do.

36,970. Do you think that that is capable of abuse?—Distinctly.

36,971. And how would you restrict that capacity for abuse?—By having good Native Commissioners or Magistrates, officials who know each individual farmer or man they are dealing with who is brought by a Native to justice for, so to say, having flogged him, or anything of that sort. It is a matter where the man's personality should come into consideration, and where the legal point should be disregarded, I think.

36,972. Would you put a clause in the law to that effect?—No; I say, give the Native Commissioner more latitude, and let him use his discretion. I think the law should be as a thing apart with regard to that.

36,973. It is the administration of the law that you would like to change?—Yes.

36,974. Are you speaking of the Mashonas as well as the Matabele?—No, Mashonas I know nothing about. I know something of the Makalakas or Makarangas; and I have had a long experience in the Free State.

36,975. Compared with the other races you have known in South Africa, do you think that these people up here are very backward?—Distinctly.

36,976. Do you think they are capable of becoming what other races have become within your experience—that is, clever, intelligent, eager, and apt to learn?—The better bred are; the pure bred.

E. A. Hull. (Farmer).

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36,977. What distinction of breed is there?—There are some who are the true type of Matabele, the "amazansis," and others are half-bred, such as the Makarangas and Mashonas.

36,978. And the cross-bred are not so good?—No, nothing like it; they are not reliable or apt to learn.

36,979. What is the bulk of the population composed of—pure-bred or half and half?—I should say half and half.

36,980. Do you think, taking the people up here as a whole, that they will develop into useful workmen, such as are to be found in other parts?—Yes, I think so.

36,981. They want opportunities?—They want opportunities and proper handling.

36,982. Are they physically strong?—Yes.

36,983. Active?—Yes, fairly.

36,984. And do you think that they will be useful factors in the general labour market in time to come?—Yes.

36,985. When they have been taught a little more useful employments?—Yes.

36,986. Is there any other subject I might question you about?—I do not think there is anything else.

36,987. *Mr. Thompson.*] Do you know the total of the Native population of Matabeleland?—No, I do not.

36,988. Do you know the labour requirements of Matabeleland—mining, farming, shop, and domestic?—No, I do not.

36,989. How do you arrive at the conclusion that there are enough Natives for all requirements if they are properly handled?—I base my arguments on this, although I have never gone into figures. From hearsay, from Native Commissioners, and so forth, I do not think that there are ever more than one-eighth of the available Native population at work.

36,990. Do you mean one-eighth of the entire population or one-eighth of the male population?—One-eighth of the male population, of the available working population. I am mentioning this from hearsay.

36,991. Can you form any estimate, roughly, how many Natives are being employed in Matabeleland at present?—I should say from about 15,000 to 20,000—about 18,000.

36,992. Do you know how many of these are boys from across the border and from Portuguese territory?—I should not think that they were a very great percentage; about 10 or 15 per cent., or something of that sort.

36,993. And you would estimate that there are about 15,000 men working at the present time?—Yes.

36,994. What do you consider that the Native works a year—three or six months?—I should not think the average was as much as three months, I should rather think about two months.

36,995. So that, therefore, you would want 90,000 Natives to keep up the supply of 15,000 working?—Fifteen thousand working to-day—that is, throughout the year?

36,996. Yes, to have 15,000 working; how long do they work?—I should not think that those boys worked on an average more than three or four months.

36,997. We will say they work four months; that would mean that you would require 60,000 men to keep up the present supply?—Yes.

36,998. Do you think, from your experience in the Free State and in the Cape Colony, that three months a year would be sufficient

for a Native to work?—No, I do not; I think they should be made to work for six months.

36,999. So that you would then want 30,000 to keep that supply up?—Yes.

37,000. You do not know the population, so I could not ask you to compare and say what proportion that 30,000 would bear to the whole?—No.

37,001. If all the mines in Matabeleland were working in full swing, those that have been already pegged out and those that will be pegged out in the future, do you still maintain that there are sufficient Natives in Matabeleland, if properly organised, without getting in any from abroad?—I cannot answer that.

37,002. Would you still say that there are really enough Natives for all requirements?—No, not taking these things into consideration.

37,003. *Captain Dickson.*] You used to farm in the Orange Free State?—Yes.

37,004. Did you get plenty of labour there?—Yes.

37,005. What is your opinion of the Native laws of the late Free State?—Perfect.

37,006. Did the farmers about there find much difficulty in getting labour?—The answer to that is exactly the same as I gave to the Chairman; it was purely a matter of the farmer himself.

37,007. Do you think that that remark applies to other occupations besides farming; would it apply as regards the mines?—Yes, it would apply very much also as regards mining, as far as I have seen.

37,008. Therefore, I take it, if the mining companies were more careful in the class of men they employed to handle the Natives, they would have a better supply of Natives?—Certainly.

37,009. *Mr. De la Harpe.*] I believe you are in favour of the Native being taxed if he does not show that he has worked for six months?—I am.

37,010. Would you tax the Natives living on private land such as yours the same as those living on Government land or reserves?—No; I should deal with that question when a question of that sort came forward. We could have the same sort of laws as were enforced in the Free State, that is that no farmer should be allowed to have a location on his farm of more than a certain number of Natives; he should be restricted to a certain number of huts for a certain acreage of ground only.

37,011. In what district were you farming?—In two parts; on the Basutoland border and in the Bloemfontein district.

Mr. Philip Llewellyn Jenkins, examined.

37,012. *Chairman.*] Are you the Secretary of the Chamber of Mines?—Yes.

37,013. Have you held that position a long time?—About seven months.

37,014. Have you been long in this country?—I have been over ten years in this country.

37,015. As representing the Chamber of Mines, have you anything that you wish to state in evidence before this Commission?—Remarks on the principal heads of evidence have already been handed in in the form of a memorandum.

P. L. Jenkins, (Chamber of Mines).

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37,016. Beyond that memorandum have you anything to state?—There are a few additional points that were brought forward at the last meeting of the Executive Committee of the Chamber. The Committee wanted to impress upon the Commission that superior hospital arrangements are now provided at the mines, and that the death rate in the Rhodesian mines is very low, being only 31·87 per 1,000 as against something like 68 per 1,000 on the Rand.

37,017. What dates are you making a comparison for?—The Rhodesian figure is for the twelve months ended 31st March last, and will be found in the reports of the compound inspectors of Matabeleland; and the Rand figure is taken from the last report of the Transvaal Chamber of Mines.

37,018. Have you had personal experience of these mines yourself?—I was for five years secretary of the Geelong Mine.

37,019. Do you know what happens in this country when Natives working on the mines get ill?—Yes; on that mine there was a medical officer and a hospital.

37,020. Is it not correct that a certain proportion of those who get sick, when they feel unwell, start off and go away?—They are very liable to do that.

37,021. As a matter of fact, within your knowledge they do so?—Yes.

37,022. And then the presumption from that is that a certain proportion die on the road, or die when they get home, instead of dying on the mines?—Yes.

37,023. That may account for your small percentage?—That may partly account for it.

37,024. The facilities for going away here are many, whereas on the Rand the Natives bound, if they get ill, to sit down and remain?—Yes; of course, as far as I am acquainted with the mines up here, endeavour was made to get the Natives to go into hospital, but, especially amongst the raw Natives, they would try and get away if they could; they preferred not to accept the hospital treatment.

37,025. You appreciate the fact that the comparison is hardly a sound one under the circumstances between the death rate on the mines here and the death rate on the Rand, seeing that many of your Natives up here go away to die?—I should say it was sound to this extent, that I do not think we have such a large death rate as there is on the Rand; but then perhaps we do not employ such a large number of Natives who are subject to pneumonia and so forth, which is the principal cause of death among the Natives on the Rand.

37,026. Can you give me the percentage of deaths from pneumonia on your mines in Rhodesia, or from respiratory diseases?—In Annexure "E" that was handed in to the Commission, it shows that 113 died of pneumonia out of 285 deaths for the year ended the 31st of March, 1904.

37,027. And meningitis?—There were five deaths from meningitis.

37,028. Phthisis?—There are no deaths set down from phthisis; but bronchitis is set down at one.

37,029. However, you wish now to let the Commission know that in the mines of Rhodesia efforts are being made to establish good hospitals?—Yes.

37,030. With the object of lessening the rate of mortality?—Yes.

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37,031. And making the conditions better?—Yes.

37,032. And, I suppose, the deduction from that is that in such a way you would attract more labour to the mines?—I think the Chamber says in one place in its last report that they cannot hope to improve the labour supply very greatly immediately, but one of its conclusions is that the only method in which to deal with the matter is to accept such labour as can be obtained and to hope for an improvement during the process of evolution; and that meantime unskilled labour must be obtained from elsewhere. The Chamber do not think that that would appreciably affect the Native labour supply, but they just want to point out that they are doing all that they can in the matter.

37,033. Your great object, I suppose, would be, if possible, to get your labour supplied locally?—Yes.

37,034. You would rather get it from this territory of Rhodesia than from across its borders?—Yes, if we could get the class of labour that is required; but, of course, the labour that comes from across the border is of a much better class than Rhodesian labour.

37,035. Why is that?—It is difficult to say why; the local Native is not so adaptable as the Shangaan, I suppose.

37,036. Is it that he cannot adapt himself, or that he will not adapt himself, or that he has not had the opportunity?—I find some difficulty in answering that question; it is a matter largely of opinion, and it depends really on the individual Native himself.

37,037. Are you well acquainted with the Natives in this country?—Fairly well; I have been more or less in contact with them ever since I came here.

37,038. Do you think they are capable of adaptation to the industrial wants of the country?—In physique, certainly, I think so.

37,039. Have you ever had, say, a single boy in this country who, after you had taken some trouble to show him anything of a technical nature, has learned it and learned it readily?—Yes; I have noticed, especially in fitters' shops and work of that sort, that they are very intelligent and that they acquire the necessary knowledge very readily; but to underground work they do not take readily.

37,040. Is that because they do not like it?—I think so; they do not like it.

37,041. You would not condemn the whole of the people up here, as a nation, as unfit for mining work?—No, but I would say that they are more suited to surface work, because they like it better.

37,042. Is there any other matter besides the hospitals that you would like to mention?—Yes; that an attempt has been made to improve the scale of food latterly. The rations now include meal, rice, beans, monkey-nuts, and on many mines endeavour is being made to make the food as far as possible similar to the food the Natives get at their own kraals.

37,043. That is, you wish to say that that has now become a part of the system, in so far as the Chamber of Mines can advise it?—Yes.

37,044. But they cannot compel any mines to do it?—No.

37,045. As a matter of fact, have any mines adopted the advice of the Chamber of Mines?—Two or three gentlemen at the last meeting of the Committee gave this as the scale of food being adopted at their mines.

37,046. At the time?—Yes.

37,047. And, generally speaking, the idea is to do all that is reasonable in providing for the necessary wants and for the fair comfort of the Natives employed on the mines?—Yes.

37,048. Still, all that has failed to attract the local Natives to the mines?—Yes, it has failed so far.

37,049. *Mr. Thompson.*] Can you tell me the actual requirements of the mining community in all its branches in Matabeleland?—At the moment?

37,050. Generally, the average requirements per annum?—They have varied greatly at different periods; at the present moment there are something between 6,000 and 7,000 working.

37,051. Daily?—Yes.

37,052. Would that be the full requirements of Matabeleland as far as the mining is concerned?—It is sufficient at the moment, as far as we know.

37,053. In saying "at the moment," have you in mind the fact that a good many mines are at present closed down and not working?—Yes, a good many have been closed down, including several of the large mines.

37,054. You have no means of telling me what would be the average requirements of the Matabeleland mines? The present is an abnormal state, as so many mines are shut down; but what would you put down the average requirements of boys per day? What would you put it down as a Chamber of Mines?—It was estimated at one time at 25,000.

37,055. Per day?—Yes.

37,056. *Mr. Samuelson.*] Have you any Indians working in the mines?—Quite an insignificant number.

37,057. Have you Natives from other territories than Southern Rhodesia working for you?—Yes; the figures are in the schedule.

37,058. Can you give the number of Indians, and such Natives?—No; they are not given, but the figures that are given are as follow:—In July last: 2,057 local; 2,754 Portuguese territory; 1,545 North of the Zambesi; 407 other sources; and 160 unclassified, giving a total of 6,523. The Indians would be included under that 160 unclassified, so that you will see that there are a very small number of Indians indeed.

37,059. Has the introduction of these Indians and Natives been necessitated by the shortage of the supply in the country itself?—No, the Indians were never introduced on any large scale; those Indians that are employed have come in casually.

37,060. I mean particularly, the Natives from other countries than Southern Rhodesia?—Yes, that was due to the shortage of local labour.

37,061. How is it that there was a shortage of local labour? Had your labour gone somewhere else?—No; but when mining was started here, it was simply found that the local Natives did not take to it; they did not like it.

37,062. They did not like underground work?—No; they did not like underground work.

37,063. There were ample Native labourers in the country, if they had only come forward to work?—Yes.

37,064. For all your requirements?—Yes, for all the requirements up to the present time, certainly.

37,065. Have the mines found any difficulties in connection with the administration of the Master and Servants laws here?—I do not think so. The only difficulty, perhaps, is the difficulty of getting

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redress. That point was mentioned at the last meeting of the Committee. It is sometimes difficult to get redress on account of the long distances one is from a Justice of the Peace, which sometimes makes it difficult to catch a Native or to do anything with him; and the result is that people allow a case to drop rather than go to the trouble of sending witnesses all those distances.

P. L. Jenkins, (Chamber of Mines). Rhodesia. 12th Sept., 1904.

37,066. Does that weaken discipline over the Natives working at the mines?—No, but it facilitates desertion. The Native knows that he can go away without any punishment being likely to follow.

37,067. *Mr. De la Harpe.*] I believe you have said that there are a good many mines shut down, and not working at the present moment?—Yes.

37,068. Was that on account of the want of labour?—They could not procure labour continuously.

37,069. Is that the reason they are closed down?—I know in one case of one large mine that is closed down for that reason.

37,070. But not the majority?—Well, indirectly they are closed down for that reason, because the want of continuity of labour has caused such enormous expenses.

37,071. You have said that the Natives work only for three months, but at the expiration of those three months could they not replace those boys? Has that been tried?—No, you cannot replace them, because, generally, when one mine is short, all the mines are short; all the mines are applying to the bureau at once.

37,072. They have never been known to stay longer than three months?—Yes, boys do stay longer than three months, especially boys from other parts of the territory—although the number of local boys who work for three months is very low. I have known, on the Geelong Mine, boys from outside territories—Shangaans particularly—who are very good miners—who have worked for years; in fact, they settled down there and had their wives, and so on.

Mafeking, Thursday, 15th September, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.

Mr. Jules Ellenberger, examined.

37,073. *Chairman.*] You are Assistant Commissioner for the Bechuanaland Protectorate?—Yes; for the southern district of the Bechuanaland Protectorate.

J. Ellenberger, (Assistant Commissioner, Southern Bechuanaland Protectorate). Bechuanaland. 15th Sept., 1904.

37,074. Have you been a long time in the country?—Fourteen years.

37,075. Have you served in more than one part of the Bechuanaland Protectorate?—Occasionally I acted as Assistant Commissioner in the Northern Protectorate.

37,076. You are acquainted with the whole of the country?—I know very little with regard to the Northern Protectorate.

37,077. Will you tell me what the Protectorate consists of?—

J. Ellenberger, (Assistant Commissioner, Southern Bechuanaland Protectorate).

Bechuanaland.

15th Sept., 1904.

What is known as the Bechuanaland Protectorate was the Protectorate established in 1885, and no steps were taken towards establishing an administration in the country until the 10th June, 1891, when the first proclamation in connection with the Protectorate appeared.

37,078. What is the extent of it?—I should say the whole of the Protectorate was about 275,000 square miles.

37,079. How much of this is reserved for Natives?—There are five Natives reserves in it, and the country occupied by the Bamalete.

37,080. In which Natives are living?—Yes.

37,081. Is there any reserve of land beyond that for Natives?—No, there is no recognised reserve; all the remainder to the west of the Native reserves is Crown land.

37,082. Is that land occupied as occasion may require by Europeans?—Not up to now. There has been no occupation by Europeans outside of the reserves. The only Europeans who are in the country are practically living within the Native reserves, and on the railways strips, and in the Tati and Ghansi districts.

37,083. But, supposing any European individuals or companies were to combine and buy blocks of land, would they be available to them?—Certainly, subject to the approval of His Majesty's Government.

37,084. Is there some reserve upon the land on each side of the railway?—The Transvaal border on the east is our boundary, and then there is the reserve of the Bangwaketsi, and the reserve of the Bakwena on the west. The strip that is between the Transvaal border and the eastern border of these reserves belongs to the Chartered Company. It is known as the Lobatsi farms block and the Gaberones farms block.

37,085. Was there any reserve on each side of the railway of a certain radius given to the Chartered Company in consideration of the construction of the railway?—Yes. The railway has a strip throughout the whole of the Protectorate of a uniform width of 100 yards. At the time that Chief Khama, Chief Bathoen, and Chief Sebele went home in 1895, they ceded to the Imperial Government a strip of country not less than six miles and not more than ten miles in width; that is all along the Transvaal border, and the railway runs through that strip in the Southern Protectorate.

37,086. For what purpose was this concession made?—For railway purposes.

37,087. Was that ceded to the Chartered Company or to the Government?—Originally it was ceded to the Imperial Government.

37,088. Could you give us an approximation of the extent of land in miles or acres which is reserved for Natives alone?—I am afraid I could not.

37,089. Could you tell us the Native population for the whole of the Protectorate?—Roughly, 130,000.

37,090. Men, women and children?—Yes.

37,091. Have you any idea how much land is divisible between them?—No, I could not say.

37,092. Is there ample ground for the 130,000 people?—Yes.

37,093. For generations to come also?—I think so.

37,094. Is it a well watered country?—No; water is very scarce.

37,095. Can water be found by searching for it?—I think so. In places in which we have sunk wells in the Protectorate, we have generally been successful, with a few exceptions.

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J. Ellenberger, (Assistant Commissioner, Southern Bechuanaland Protectorate).

Bechuanaland.

15th Sept., 1904.

37,096. Is it a productive country?—The Natives only grow mealies and Kafir corn. Of course, on account of the scarcity of water, it is absolutely impossible to irrigate, and there is no wheat grown.

37,097. Is there a good rainfall?—There has not been a good rainfall for the last few years.

37,098. Taking a cycle of ten years?—No; I might say there has been no good rainfall during the last ten years, with the exception of the year 1903-04.

37,099. Is it a country in which there is a fair rainfall, or is it a dry country?—It depends very much. When we first came into the country most of the rivers were running. The Notwane was running all the year round; but for the last six or seven years it has been practically dry, with the exception of a month or two during the whole year. The rainfall seems to be getting less and less.

37,100. Do the Natives suffer from fever?—They have suffered very heavily from fever since 1898.

37,101. And the Europeans?—The Europeans also; but as far as I can see the country seems to be getting healthy now.

37,102. Do I understand that it is not a country where Europeans can flourish with their families?—It is a little risky.

37,103. Even the Natives get it?—Yes.

37,104. Will you tell us, with regard to this land, what the system of tenure is amongst the Natives?—You mean so far as the reserves are concerned?

37,105. Yes?—The land belongs to the Chief, and to the tribe.

37,106. Do they apportion it?—No; it belongs to them as a whole.

37,107. Does the Chief apportion it as required, when men apply for land to plough?—Yes; if a man requires land to plough, he simply goes to the Chief and asks for it, and the Chief points out to him a place where he can plough.

37,108. Can the Chief remove people also?—From the reserves?

37,109. Yes?—Not without reference to the Assistant Commissioner of the district.

37,110. Does the Government exercise any control over the land?—So far as timber is concerned, we do not allow them to cut any timber; we do not allow them to cut any green wood.

37,111. Do you control it to this extent—that you prevent people coming in to settle here without your permission?—Do you refer to Natives?

37,112. Yes?—No; if a Native wishes to live in a Native reserve, he simply has to go to the Chief of the reserve and ask for his permission. If the Chief is willing we cannot say anything.

37,113. Then you do not exercise control in that way?—No.

37,114. They could fill up the whole country with Natives imported from Basutoland and other places?—Yes; it rests entirely with the Chief of the reserve, and with the people generally.

37,115. Is that done to any large extent?—No; I do not think many Natives come into the Protectorate—at least, not into the reserves.

37,116. Can they admit white people also?—Yes, they admit white people.

37,117. You mean to say that the Natives can allow people to occupy land within the reserves?—The Chief generally informs the Assistant Commissioner if a white man wishes to settle in the reserve, and it is made clear to the white man that it is only a temporary thing. If at any time he is required by the Chief and the Head-

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man of the tribe to leave the reserve, he will have to do so without any claim to compensation.

37,118. Can he buy?—No; Chiefs cannot dispose of any ground without the consent of the Secretary of State.

37,119. So that if a white man is allowed by a Chief to come and settle here, he is entirely under the domination of that Chief, who can at any moment tell him to go?—Yes; of course, the Chief has absolutely no jurisdiction over him.

37,120. You admit that the Chief can issue orders for him to leave?—If the Chief wanted him to leave, he would request the Assistant Commissioner to tell him to go.

37,121. Would you do so?—Yes, if the Chief wished him to go. Of course, the Chief would have to show good reason.

37,122. A white man's position is very risky?—In the Native reserve?

37,123. Yes?—Yes; it is only of a temporary nature.

37,124. He might put money into buildings and gardens, and one thing and another, and then be summarily called upon to go?—Yes.

37,125. In that case, would the improvements that he had made to the land revert to the Chief?—Yes; to the tribe generally.

37,126. The Chief, then, might lure a man on to make some nice improvements, dams and things, and then bring up a charge against him before the Assistant Commissioner, with a view to getting him removed?—Yes, there is nothing to prevent that.

37,127. Do you think that is satisfactory?—I do not think it is satisfactory; but of course, the white man is told that any improvements he may effect are entirely at his own risk, and if he is ordered to leave he will have to do so, without any claim to compensation. It rests with him whether he takes the risk of making improvements.

37,128. Is Khama living under your jurisdiction?—No.

37,129. Whom is he under?—He is under the Assistant Commissioner at Francistown.

37,130 Are you aware whether the Natives here have made any suggestion in the matter of individual land tenure?—No, I do not think so.

37,131. Has any question of land tenure ever come up within your knowledge?—Do you mean in the Native reserves.

37,132. In connection with Natives?—No; not that I can think of. The Native Chiefs were told by Mr. Chamberlain, when they visited England in 1895, that no white man would be allowed to settle in their reserves without their consent. That is in one of the Blue Books.

37,133. Was that a statement in a despatch?—In a letter addressed by Mr. Chamberlain to the three Chiefs who visited England in 1895.

37,134. That no settlement would be allowed in their teritory without their consent?—Yes.

37,135. Does that refer to the whole of the Chiefs within the Bechuanaland Protectorate, or only to Khama?—That applies to the three Chiefs who visited England in 1895, Bathoen, Sebele, and Khama, and as it applies to them it applies to the other Chiefs in the Protectorate.

37,136. Does the Bechuanaland tribal system apply generally in this territory?—I think so.

37,137. Is it the same as other tribal systems in South Africa as regards the customs and so on?—Yes; the customs are very much the same as those of most other Natives.

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37,138. Do you work through the Chiefs?—Yes.

37,139. Have you a Code, or anything to guide you in doing so?—No.

37,140. Are you called upon to determine any questions of Native law?—Very seldom. Section 8 of the Proclamation of the 10th June, 1891, which is the first proclamation in connection with the Protectorate, provides that the jurisdiction of the Courts of the Protectorate shall not extend to any matter in which Natives only are concerned, except when, in the opinion of the Courts, the exercise of such jurisdiction is necessary in the interests of peace and order, or for the prevention and punishment of acts of violence to person or property; and, therefore, as far as Native cases are concerned, the Chiefs deal with them within their respective reserves.

37,141. Can they appeal to you?—Yes.

37,142. Have they any criminal jurisdiction conferred upon them?—No, they have none actually conferred, but do exercise such jurisdiction so far as their people are concerned.

37,143. As a matter of fact they deal with all cases between Native and Native?—With all cases amongst their own people. For instance, if a Native from one tribe has a complaint against a Native of another tribe, *i.e.*, if there is a case between the two, the case is generally referred to the Assistant Commissioner, so as to avoid friction between the two tribes.

37,144. Do they bring many appeals?—No, there are very few.

37,145. I suppose they are not allowed to hear cases of violence to the person, manslaughter, and those sort of things?—They can deal with all cases among their own people, with the exception of murder. Murder must be dealt with by the Court of the Resident Commissioner for the Bechuanaland Protectorate.

37,146. Assaults with violence, causing grievous bodily harm?—Yes. Amongst their own people they deal with them.

37,147. Do they deal with them satisfactorily?—Yes, I think so. If a man is dissatisfied with the decision of his Chief he can appeal to the Assistant Commissioner.

37,148. Have you had any cases were they have appealed, and where the appellant has suffered for having done so?—No, I do not think I can remember any case.

37,149. Do the Chiefs object to appeals from their Courts?—They generally do. I do not know whether the scarcity of appeals from their judgments is due to the fact that their people are so much afraid of them.

37,150. Do I understand you to say that the tribal system, in so far as you have seen it here, has been successful?—Yes, a great success.

37,151. Would you desire to see it changed?—No, I think everything is going on very well as it is at present. The Chiefs seem to be all contented.

37,152. Are the people of this country of a progressive nature?—Well, I have been in the country for fourteen years, and I must say they are very much in the same state now as they were fourteen years ago.

37,153. Is there any sign of progress amongst them that you can name?—No, I do not think so. So far as education goes, perhaps, they are learning to read and write; perhaps there is progress in that way.

37,154. Do you mean in the number, or the desire for education?—I suppose the number would follow on the desire to be educated.

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37,155. Is there a desire for it?—I must say the Natives in the Protectorate have struck me as being indifferent to education, as they are to almost everything else.

37,156. Have you traced any good results from the education that at present has been gained by them—upon the individuals or the tribe?—Some of the people are very useful in this way, that they can act as interpreters or as secretaries to their Chiefs, but there are very few who can do so.

37,157. Do you think that the influence of education upon the tribes has been visible?—No, I do not think so; at any rate, not to any extent.

37,158. Or of religion?—I do not think so. It seems to me that they are very indifferent to religion, the same as they are to education.

37,159. Are these people in a good condition here? Are they in fair circumstances?—They have suffered very heavily, of course, since 1896, when their cattle died from rinderpest, and ever since they have had very bad crops owing to drought and locusts, and I might say that last year's crops were about the first good crops which they have had for the last five years.

37,160. In view of that, was it necessary for the whole of the male Natives to go out and work?—A great number of them went to work, but they were pressed for food.

37,161. Do you think that the Natives of this Protectorate do work?—I think more of them might go to work than actually go.

37,162. I meant to ask whether those that worked, worked because they were starving and must have some food, or whether they worked to gain money because they have wants that need satisfying?—No, I do not think so. Their necessaries of life are very few, and they are easily supplied.

37,163. Has each man abundance of land wherewith to keep him in sustenance?—Yes, certainly.

37,164. And plenty of room to run cattle and stock?—Yes.

37,165. So that they are in a happy position?—Yes.

37,166. What do they contribute to the country for that? You say they do not give much labour. Do they pay taxes?—They pay 10s. a year hut tax.

37,167. In the case of polygamists?—They have to pay 10s. for each hut. The hut tax is not per man; it is per hut occupied as a dwelling; this applies only to the case of married men.

37,168. What is the amount of you hut tax?—I can only state roughly with regard to the Southern Protectorate.

37,169. Do all the men in the Southern Protectorate pay?—I might explain that the hut tax is payable from the 1st day of July to the 30th September in each year. After the 30th September it becomes the duty of the police to go round and see that each hut has been paid for.

37,170. Are they Native police or European police?—Native police. We generally use Native police in cases where Natives are concerned. We send them to the Chief, and ask the Chiefs to send one or two of their Headmen round with the police. We do not give a paper receipt, we give them a metal token, and this token has to be affixed to the door of the hut, or on the right hand side of the door, so that the policeman passing in front of the hut can tell whether the tax has been paid or not.

37,171. Have you reason to think that a certain number of people do not pay the tax they are liable for?—In the Native reserves

the Chiefs are entrusted with the task of collecting the hut tax, and of course, we have absolutely no means of checking their work.

37,172. If the Chief liked to exempt a particular village he could do so?—Yes. Of course, he would take the risk of being reported by the police.

37,173. And then, could he be punished?—He receives an allowance of 10 per cent. on the amount collected by him, and the allowance might be cut down or suspended entirely.

37,174. As it is only 10s. per hut, and not per man, do not a lot of the able-bodied men escape taxation who have no huts of their own?—The Bakalahari, who are roaming all over the country, have no fixed place of abode, and it is very difficult to collect the tax from them; one never knows where to find them. I daresay the Chiefs only know those who live in the villages, but there are many of them who are simply like wild buck, who simply roam about the veld.

37,175. Supposing half a dozen men live together in a hut in any one of your villages, who would pay for that hut?—One man would pay 10s., and the other five would pay nothing.

37,176. Do you call that a satisfactory state of things?—I think that the system is working pretty well. I think that instances in which several men would be found in one hut are very rare. I might explain that until the 1st July last only bachelors were supposed to live together in one hut, and each of them had to pay 5s.; the tax was not imposed on the hut, but on the number of bachelors in that hut, men above 21 years of age. That has been done away with, or rather the proclamation has been amended. They all have to pay 10s. each, so that if there is a hut in which there are three bachelors of full age, each individual has to pay 10s., and as a rule with Natives, immediately a Native marries, he has a hut for his wife; if he has two wives, he has two huts.

[Questions 37,177-8 deleted.]

37,179. Can the Natives in this Protectorate get access to labour easily?—Very easily. They only have to get into the train and go down to Kimberley or Johannesburg.

37,180. In those places they get high wages?—I do not know exactly what they get in Johannesburg, but all of them seem to prefer to work at Kimberley; they seem to think that they get better wages in Kimberley.

37,181. They are at any rate high in Kimberley?—Yes, I think so.

37,182. Do you think that the tax now imposed upon the people of this Protectorate is a fair tax?—I think it might be increased. It all depends upon the circumstances of the country; if they have successive years of drought, as has been the case lately, I do not see how we could increase the amount of hut tax. Not only that, but with the exception of Rhodesia we cannot send any stock anywhere on account of cattle disease, although the Protectorate is pretty free. The Cape Colony is shut to us, the Transvaal is shut, so we can only send stock to Rhodesia under certain very stringent regulations.

37,183. Taking the seasons by average, do you think the taxation of the Natives in this Protectorate is fair; do not pick out a good season, or a bad season?—I think myself that it could be increased; that is, provided that the thing is properly worked so as not to give the Natives cause for dissatisfaction. Of course, we would have to put in the thin end of the wedge first, and gradually work the thing up, not impose it on them all of a sudden.

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37,184. It was not the manner of doing it that I was asking about, it was just your mere opinion upon the principle. You think that the tax is too low at present?—I do not think there are any other Natives in South Africa who pay 10s. I think they all pay £1 or more in other States. I might state that the question of raising the tax has been discussed, but that, taking into consideration the hardships through which the tribes in the Protectorate have recently gone, it was decided not to increase it this year.

37,185. In consequence of the bad seasons?—Yes; bad seasons and losses generally.

37,186. The raising of it is under consideration?—Yes.

37,187. Have you a stringent liquor law in this country?—Yes.

37,188. Is that a prohibitive law?—Yes; no Native is allowed to purchase liquor.

37,189. No Native is allowed to purchase it?—No; and anybody giving a drink to a Native in the Protectorate is liable.

37,190. Is a Native allowed to be in possession of it without a penalty?—No; there is a Proclamation, No. 18 of 1897, making it an offence for a Native to be in possession of liquor; and the Proclamation of the 4th April, 1892, deals with liquor generally.

37,191. Have you had any experience of what is called the Ethiopian movement?—I know very little with regard to it, but I know that they have been at work—at least, I have reason to believe they have been at work in the Protectorate amongst the Natives.

37,192. From your own personal knowledge, are you able to state anything in connection with it?—No.

37,193. Is there any particular subject that you would like to express your opinion about that I have not asked you?—No, I do not think so.

37,194. *Mr. Sloley.*] Do you find that this control of the people by the Chiefs works well as a system of keeping them in order, and checking thefts and irregularities?—Yes, I think it works very well.

37,195. Do you think the discipline preserved amongst the people by the Chiefs is good?—Yes; I might state in connection with that, perhaps, that in 1890, when Lord Loch, then Sir Henry Loch, held a meeting of the Chiefs in the Protectorate, he told them that as long as they dealt with their people justly, they would not be interfered with; that their jurisdiction over their people would not be interfered with.

37,196. What is the position of the women—have they reasonably good treatment and freedom?—Yes; I think that the condition of the Native women in the Protectorate seems to be the same as in Basutoland, pretty well.

37,197. Are there many cases, or any cases, brought to your notice of forced marriages?—No.

37,198. Have you observed that the tribal system has the effect of preventing pauperism and the neglect of children, and certain other evils that accompany the higher form of civilisation?—No, I do not think I have specially noticed that.

37,199. *Mr. Krogh.*] Do you think that the Chiefs are opposed to the general advancement of their people?—No, I think they rather encourage them, if anything.

37,200. In the way of schools?—As regards schools, I may state that the London Missionary Society has schools at Kanye and Molepolole, and they have started an industrial school at Tiger's Kloof, close to Vryburg, in connection with Natives from the Protectorate, and the Dutch Reformed Church, at Mochudi, are carrying on their work there, and there is also a Lutheran Mission at

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Ramoutsa, which is the principal village of the Bamalete tribe. There are Missionaries at the principal centres.

37,201. The Chiefs do not interfere with the children going to school?—No.

37,202. Do they encourage them?—I am perhaps wrong in saying they encourage them, though I have not had a single case brought to my notice, in which the Chief interfered with a child who was sent to school, or being educated. I am afraid I have only spoken with regard to the Southern Protectorate. Of course, in the Northern Protectorate the London Missionary Society are carrying on work also.

37,203. *Captain Dickson.*] How are the Natives taking to industrial education?—It is very difficult to say. I do not think anybody could express any opinion at present on the subject, because this industrial school, to which I refer at Tiger's Kloof, has only just been started.

37,204. Is this the first one in the Protectorate?—This is the first one having reference to the Protectorate; of course, it is not in the Protectorate.

37,205. It is for the Protectorate?—Yes, it is for the Protectorate. Hitherto, I might state, the better class Natives used to send their sons to Lovedale to be educated, or to any other principal Native school in the Colony.

37,206. Are the farms here well off for labour?—I think they might obtain labour locally if they wished to. It would be very strange if, with all the Natives which we have on the border, the few farmers that there are, could not get labour; although, I may say, that one farmer who has three farms told me yesterday that at this time of the year, after the harvest, he himself experiences great difficulty in obtaining labour.

37,207. *Chairman.*] After the Native harvest?—Yes. They have then plenty to eat and drink, apparently, and do not care to go to work anywhere.

37,208. *Mr. Samuelson.*] Are you an officer of the Cape Government?—No; I am under the Imperial Government.

37,209. How is legislation effected for the Protectorate?—By Proclamation by the High Commissioner. I might explain, perhaps, that the first Proclamation for the Protectorate, which was put in force on the 10th June, 1891, provides that all the Acts of the Cape Colony enacted up to the 10th June, 1891, shall be in force in the Protectorate, *mutatis mutandis*, of course, because there are certain Acts of the Cape Colony which could not be applied to the Protectorate at all; so that we are really guided by the laws of the Cape Colony up to June, 1891, and subsequently by Proclamations.

37,210. Do you consult the Native Chiefs in any way with regard to legislation for the Native population?—Yes, I think so. I think that it is a recognised rule that if any legislation is contemplated as regards the Natives, it is the duty of the Assistant Commissioners to find out what the opinion of the Chief and of the people would be on the subject.

37,211. Is legislation brought about through the initiation of the Native Chiefs, or the initiation of the Imperial Protectorate officials?—It is brought about through the initiation of the Protectorate officials.

37,212. Have you got any special courts for cases between Native and Native, or do the ordinary courts deal with all matters?—The ordinary courts deal with all matters.

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37,213. What is the highest Court of Appeal, in a Native case, for instance?—The Court of the Resident Commissioner. I may state that the powers conferred upon an Assistant Commissioner are the same as the powers conferred upon a Judge of the Supreme Court, and that the Court of the Resident Commissioner is a Court of Review and Appeal.

37,214. Would that Court deal with any matter arising out of the laws of inheritance and succession between the Natives?—No; the Chief of the tribe would deal with any case occurring amongst his own people.

37,215. There is no appeal to the highest Court?—I take it that any party dissatisfied with the decision come to by his Chief could appeal to the Assistant Commissioner in the first instance, and set his case before him, and if the Assistant Commissioner is satisfied that such person has cause for complaint, he would reopen the case, call the witnesses before him, deal with it, and reverse the decision of the Chief if necessary.

37,216. Have you any restriction with regard to the appearance of legal practitioners in your Courts in Native matters?—No; there is a Proclamation dealing with the appearance of legal practitioners in our Courts.

37,217. What is that?—On payment of a fee of £20, they are admitted to practice. Of course, they must produce their certificates to the Resident Commissioner before they can be granted a licence to practise in the Protectorate.

37,218. I mean, in cases between Native and Native?—They can appear; there is nothing against it. Provided an attorney holds a certificate from the Resident Commissioner to practise in the Protectorate, he can appear in any case he likes.

37,219. May he appear in the Chief's Court?—I have never had a case of that sort. I do not think that the Natives would ever employ an attorney to appear in cases amongst themselves, being tried by their Chiefs.

37,220. Is there not a provision by which it is necessary for a lawyer to show that there is a point of law involved in a case before he can be allowed to appear in a case between Native and Native?—No; I do not know of any such provision. Of course, in cases of Native against Native heard in our own Courts, lawyers frequently appear.

37,221. What do the Native Chiefs do with the fines?—The fines are generally paid to them in stock, and that is looked upon as the property of the Chief, and he uses such stock for the entertainment of any other Chief or Chief's messenger, or any visitors who come to see him.

37,222. Is the power to fine limited at all?—No, it is not.

37,223. The Chief can fine up to any amount?—Yes; but, of course, his people always have the right of appeal to the Assistant Commissioner.

37,224. Can the Chiefs imprison?—No, they have no gaols.

37,225. Have you any regulation with regard to the registration of Native marriages?—Native marriages contracted according to Christian rites?

37,226. Marriages according to Native custom?—No, we have no registration thereof.

37,227. Are those marriages recognised as valid in law?—They are not, excepting when it comes to a Court case, when they may be recognised for the purpose of deciding the ownership of property; we would follow, as far as possible, the Native custom as regards the ownership.

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37,228. Have the children of a polygamous wife the same rights to succession as the children of the first married wife in their father's estate?—I am afraid I could not tell you.

37,229. Have you any restrictions with regard to "lobolo" or "bohadi"—that is, marriage consideration?—No, there is no restriction; we never interfere in any of these matters. I have never had a single case brought to me in connection with "bohadi." I take it by "bohadi" you mean the cattle which a man gives to the father of his wife?

37,230. Yes?—No, I have never had such a case.

37,231. Is the "bohadi" in the nature of a purchase price, or what is the actual significance of it?—I think it is simply a gift to the father. A man does not purchase his wife; that would be slavery, and slavery is not allowed anywhere.

37,232. Are you in favour of restricting that custom in the way of limiting the amount to be given?—No; I think the matter had better be left to the Chiefs and to the people themselves to deal with. I have never had any complaint on the subject, and there having been no complaints, I should think the people are satisfied with what the custom generally is on the subject.

37,233. Is there much polygamy amongst the Natives; is it much practised?—Judging by the hut tax returns, I do not think that there are very many cases of polygamy.

37,234. Are they on the decrease?—I do not think I can say that either.

37,235. Can you say whether the Native population is increasing or decreasing?—No; we have no means of showing.

37,236. The Census was not taken this year?—The Census was taken this year for the first time. The Natives have only been paying hut tax for the last five years, and it is difficult to say whether they have increased in numbers in such a short period.

37,237. What is the average contribution to the revenue throughout the Protectorate by Natives per head?—I do not quite understand; each Native pays 10s. hut tax.

37,238. They contribute in other ways, I suppose, through the Customs, and so on?—They contribute very little in that way, I think. The only other tax they pay is for ammunition certificates. They cannot obtain any ammunition without taking out a licence, and this licence is only granted on a certificate signed by the Chief of the tribe to which the applicant belongs, which certificate states that the applicant has had no ammunition during the year beginning the 1st of January. If a man wants ammunition for a breech-loader, he pays 5s., and a licence is given to him on the certificate of the Chief. If a man wants ammunition for a muzzle-loading gun, he pays 2s. 6d. for the licence, which authorises him to purchase from any recognised licensed dealer in gunpowder.

37,239. May Natives possess firearms on the permission of the Chief?—Yes, they have firearms, but we do not allow them to obtain any rifles. They can obtain shot-guns or muzzle-loading rifles, but no other rifles are allowed.

37,240. By permission of the Chief only?—No; they need not necessarily go to the Chief to ask his permission to buy a shot-gun at one of the gunpowder stores.

37,241. Then it is not necessary for a Native to have a permit from some Government official before he can possess a firearm?—There is the Delivery Permit Law, under which no person can deliver any firearm to any other person without a permit from one of the

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Assistant Commissioners. So far as guns are concerned, the Native is not bound to go to his Chief to obtain his certificate. A man can come straight to the Assistant Commissioner and say "I want to buy a shot-gun at such and such a place; will you give me the necessary permit?"

37,242. There is no restriction specially applying to the Native which does not apply to the Europeans with regard to the purchase of firearms?—No, except that they are not allowed to purchase rifles.

37,243. Have you any knowledge of the Native law of succession amongst the people here?—No; I am afraid I can say nothing with regard to that. As I said, all Native cases are dealt with by the Chief of the tribe in which they occur, and therefore I have very little opportunity of making myself acquainted with their laws.

37,244. Would you be in favour of the abolition of the tribal system?—No, not at all. I do not think that any change is desirable. I think things have worked very satisfactorily so far, and I really see no reason why a change should take place.

37,245. Are the Chiefs much used in the Government of the Protectorate?—They are very willing, and they generally do anything the Protectorate Government ask them to do. I might state that quite recently the Chief Bathoen sent some of his men to assist in putting up a wire fence between the Transvaal and the Protectorate in connection with an outbreak of redwater in the Marico district. He sent them to work without any pay, and without any food. We supplied them with food, although we had in the first place asked him to send them without pay and without food. But they were a long way from their homes, and we supplied them with food.

37,246. I suppose the question of the franchise does not enter at all as far as the Protectorate is concerned?—Not at all.

37,247. I think you said that the sale of liquor was absolutely prohibited?—Yes, it is.

37,248. Are there any restrictions with regard to beer-drinking parties, and so on?—You mean Kafir beer?

37,249. Yes?—No; in fact, the Proclamation of the 4th of April, 1892, which deals with liquor in the Protectorate, specially states that the provisions thereof shall not apply to Kafir beer.

37,250. Are there many inter-tribal dissensions or dissensions between members of a tribe arising out of the consumption of beer?—No, I do not think so. I think that, taken as a whole, the Protectorate Natives are a very orderly lot.

37,251. There is not much crime amongst them?—No, I do not think so.

37,252. I suppose no record whatever is kept of the decisions of Chiefs either in criminal or civil cases?—No, they do not keep any records at all; everything is done *viva voce*.

37,253. And you do not know how many fines may be inflicted by a Native Chief?—No, we have no means of checking.

37,254. *Mr. Thompson.*] You said that the Natives do not contribute very much indirectly; would it not be a fair estimate to say that two out of three Protectorate Natives go to work, between the ages of 20 and 40?—It is very difficult for me to say, because they do not come through me. Any of them who wish to go to work either go direct to the mines, or are engaged by a labour agent, and I do not see any returns.

37,255. Is it not a fact that hundreds do go to work out of this territory in the De Beers Diamond Mines?—Yes.

37,256. You have no idea what money they bring home?—No;

sometimes, immediately they are out of the compound at Kimberley, they spend their money in Kimberley, and bring the things they buy home with them, and arrive in the Protectorate with nothing at all in their pockets.

37,257. Inasmuch as they spend their money when they get out of the compounds they benefit the revenue?—If they spend it in the Protectorate.

37,258. Whether they spend it in the Colony or in the Protectorate, as consumers, they are indirect contributors?—To a certain extent.

37,259. They have never gone to war with the British?—No, never.

37,260. They voluntarily ceded a territory 400 miles by 450 miles without any pressure by the British Government?—I cannot say that they have ceded the whole of that territory to the British Government. When the reserves were marked out, they were marked out in accordance with the ground they occupied at the time. Take their western boundary, for instance; it runs where their western cattle posts were. The whole of the land to the west did not belong to them; they did not occupy it.

37,261. They have come under the protection and under the administration of the Imperial Government without any monetary consideration at all?—You mean they did not receive any payment?

37,262. They, that is, the Chiefs, received no payment?—No; the only payment they receive from the Government is the allowance of 10 per cent. on the hut tax they collect.

37,263. And before the Imperial Government came they had it all; whatever they collected from the tribes they kept it all?—They have their own tax still which the Natives pay besides the tax paid to the Government. Each member of a tribe has to pay a certain amount to his Chief as a hut tax. I believe it is from 4s. 6d. to 6s. in most of the tribes.

37,264. But when they were amongst themselves they could levy an extra tax of 10s. if they so wished it; that is, before the Imperial Government came in?—You mean the Chiefs?

37,265. They were independent Chiefs, and they could have levied an extra 10s. if they had wished to do so?—They could have told their people that they wished them to pay an extra 10s. a year, but they had no means of compelling them to do so; if the people did not comply with the Chief's order, how was the Chief to enforce it?

37,266. You hold that the Government have police at their back to enforce the payment of the hut tax, and that that is the difference?—Yes, certainly, we can enforce it; we have power under the hut tax Proclamation to punish them for not paying the hut tax to the Government.

37,267. It has been a voluntary treaty, by which they have come under the British Government; it has not been any act of annexation?—We have not annexed them, so far as that goes; we have simply declared a protectorate over them—whether they wished for it or not, I do not know.

37,268. There were certain treaties made between Khama and the British Government. Do you know what the nature of those treaties was?—No, I cannot say.

37,269. Have you any idea, or had I better get it from the Chief Commissioner—what the revenue of the country is?—I think the

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Government Secretary would be in a better position than I am to give you the information.

37,270. And the cost of police?—Yes, he would be in a position to give you all that. He is the Accountant to the Resident Commissioner at the same time, so you would be able to get all the information from him.

37,271. When Pitsane Potlugo was ceded to the Chartered Company, did it go through the Chiefs?—That is on the Baralong farms

37,272. Did they get that through the Chiefs, or direct through the Imperial Government?—The Chartered Company?

37,273. Yes?—They do not possess it. It belongs to the Baralongs.

37,274. Has not a piece been ceded to the Chartered Company?—In occupation of which they are now?

37,275. Yes?—That is not Pitsane Potlugo; that is the Lobatsi farms. A concession was originally granted to Mr. Riley and some others by the Chief Gaseitsiwe, Bathoen's father, and the Company acquired that.

37,276. And it was countersigned by the British Government?—It came before the Concessions Commission in 1893, and was subsequently approved by the Secretary of State for the Colonies.

37,277. Is it possible for a man to go to Chief Bathoen and get a farm of 7,000 acres from him?—No; he has absolutely no right to dispose of any land.

37,278. If he disposes of it with the consent of the Imperial Government, can he do so then?—If the Secretary of State approves of the transaction, yes.

37,279. The Secretary of State has the vetoing power?—Yes, certainly, under the Proclamation of the 10th June, 1891, Section 45.

37,280. Did I understand you to say that if the Natives of the Protectorate were not pressed for food they would not go out for work?—I daresay a certain number of them would still go to work.

37,281. If they were given good seasons?—As a whole I do not think you would get much labour out of the Protectorate, except, of course, from such individuals as desired to work in order to earn a little money for themselves; but taken as a whole I do not think you would get many Natives from the Protectorate to go to work, providing they had good seasons.

37,282. You said, I think, that the population was 130,000?—Yes, roughly 130,000.

37,283. To get at the male adult population, what would you divide that figure by?—I think the usual allowance for reckoning is six persons to one family.

37,284. That would be 26,000 adult males in the whole of the Protectorate of 400,000 square miles?—There would not be 26,000.

37,285. *Chairman.*] I think five is the proper divisor. That would give 26,000?—Yes, 26,000 males.

37,286. *Mr. Thompson.*] Over an area of 400,000 square miles?—Yes.

37,287. Is there any restriction on the white man having as much drink as he likes, at the railway stations?—The only restriction is Section 9 of the Police Offences Act, under which a man being drunk in a public place can be arrested, and other restrictions under the Cape Liquor Act of 1883, which is in force in the Protectorate.

37,288. That is after the trains have passed?—The holders of liquor licences are only authorised to sell between the hours of six in the morning and nine at night, and after that, between nine to six, they can only sell within half-an-hour before and after the arrival

and departure of the train—because they have accommodation places at those stations.

37,289. So that it would be quite possible for a low-class man to buy two or three bottles of liquor at one of those railway stations in the Protectorate, and re-sell to the Natives, and there would be nothing to stop it unless you had a policeman on his track all day?—There would be nothing to stop it except that probably the Natives so supplied would be found in a state of drunkenness next morning and on being pressed would say from whom they obtained the liquor.

37,290. *Mr. Stanford.*] What form of punishment is usually inflicted by the Chiefs on convicted criminals?—It is generally a fine.

37,291. And if the criminal happens to be a man without property, what is done?—They have no gaols, and I do not see how a Chief can enforce his decision in a case of this sort.

37,292. It must happen then that those criminals without property, on conviction, escape punishment?—They might escape it on one or two occasions, but if it occurs too often the Chiefs will send them to the Assistant Commissioner. I have had two or three cases of that sort, in which a Native without property was sent to me by one of the Chiefs to be dealt with according to our law.

37,293. Then how do you deal with them?—I tell the Chief to send in the witnesses and deal with the case in the ordinary way.

37,294. Then you exercise jurisdiction in a case of that sort?—Yes.

37,295. On reference to you by the Chief?—Yes.

37,296. And you then commit to prison?—Yes, or give the option of a fine. Of course, if the man has nothing to pay a fine with he goes to gaol.

37,297. Are your powers based on a Proclamation?—Yes.

37,298. I suppose much of this country is that which is usually described as a desert, is it not?—Most of the Natives reside on the east of the Protectorate and all along the Transvaal border, say within 50 miles from the border; and after that, going further west, there is such a scarcity of water that there are very few Natives and very little occupation of land there.

37,299. Is that the part which has usually been known and described as the Kalahari Desert, or a portion of it?—Yes.

37,300. On the whole, these Bechuanas are a mild race compared with the Xosas, Zulus, and so on?—I think they are one of the lowest of the Native races that I know of, so far as their physique is concerned; they are not to be compared at all with the Basutos, or to the Zulus, physically.

37,301. I noticed, in travelling through, that wherever I have seen these people, men and women, they appear to be wearing civilised clothing; is that general?—Yes; it is general. I think they dress a good deal. That is, those who live in towns and villages. If you take the ordinary Native who lives at the cattle posts, you will generally find him in his own skins.

37,302. But the greater proportion of these people do reside in the towns?—Yes. If you were present at a meeting called by one of the Chiefs, you would find most of the people present dressed in European style.

37,303. So there must be a considerable contribution towards the Customs of the country?—Yes, through the trader.

37,304. But ultimately the payment is by the consumer, is it not?—The trader imports, and he has to pay the duty on what he imports.

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37,305. Do you think he fails to put on the duty when he is fixing his price of the goods to be sold?—No, certainly not.

37,306. So that ultimately the consumer pays?—Ultimately, yes.

37,307. Are you not of opinion, looking to the fact, that much of the country is still wild, and that there are many ferocious animals in it, that the issue of a certain quantity of firearms and ammunition is necessary for the protection of the people?—No, I do not think so.

37,308. You do not think so?—No. Whatever they would require would be, as you say, for contending against wild animals. Of course, they would want a certain amount to protect themselves; but that would be a very limited amount. I should say that most of the ammunition they get they employ in shooting game.

37,309. Is there still much game in the Protectorate?—Yes, there is a good deal, from all accounts. You will not find very much, say, within 50 miles west of the Transvaal border, because that is where most of the Natives reside. There is more water there than there is west, and therefore the Natives live close to the Border; but, draw a line about 50 miles west of the Transvaal border, and you get into the Kalahari proper, and I think you will find a good deal of game still there.

37,310. And have not these people considerable trade in karosses which they make out of the wild animals they catch?—Yes.

37,311. You have no labour statistics?—No, I have not.

37,312. *Chairman.*] Do you know whether the storekeepers in this Protectorate sell to the Natives second-hand clothes or new clothes?—I believe they are new clothes; it is just the ordinary Kafir trade; clothes of an inferior quality.

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Chief Khama, examined (through an interpreter).

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37,313. *Chairman.*] I daresay you have heard, from those who are over you, what this Commission means?—I do not know exactly.

37,314. It arose out of a great Conference held at Bloemfontein nearly two years ago, when the High Commissioner and all the Great Ministers of the various Colonies met together. At this Conference, amongst other things, this important collection of Ministers discussed certain matters relating to Natives, but they found themselves very much confused; because the circumstances and the laws and conditions of each of the Colonies were different. So they said, "Let us appoint a Commission to find out how all these matters stand, to find out what the laws and what the conditions are in each Colony, and to find out where they differ; then, perhaps, it may be possible hereafter to find out some common or single way of working matters in South Africa." We are the outcome of that Conference, and we are going round South Africa listening and seeing with our own eyes. We have no power to make laws or to make changes. That is what this Commission means, and any questions asked you I wish you to answer in this sense. You have got a large amount of land and a lot of people under you?—Yes.

37,315. Is this the land you always occupied?—I occupied the country after my father and my grandfather.

37,316. Was it larger or smaller then than it is to-day?—During the time my grandfather and my father ruled the Bamangwato territory it was larger than it is now.

37,317. But in those days you were under the terror of your neighbour to the North?—Yes; in those days we were very much

afraid of the Matabele, because they used to come and attack us at night, and they used to go all over the country seizing our stock.

37,318. Since that terror has been removed the Bechuanas have moved out into the open country more?—After the power of the Matabele had been broken the people who had hitherto been living very close together scattered a little. On one occasion the Matabele came and attacked us and seized our cattle, but my father and his followers went after them and recaptured the cattle and drove the Matabele back, and from that date the Matabele did not trouble us again. That occurred during my father's lifetime, and they left us in peace until I became a young man, when they attacked us again. I drove them back, and they never attacked us again afterwards, but confined themselves after that to looting our cattle which were a long way from our homes in the Makarikari saltpans.

37,319. Do you cultivate more than you used to do?—The number of lands has greatly increased. In the old days they used to hoe the land, whereas now they have imported ploughs, which is a much faster method, and therefore more land is cultivated.

37,320. Can you get more grain than you want for your own consumption?—If we have good rains my people have very good crops, and then they have more than they require themselves and sell the surplus.

37,321. Can they sell it readily?—Yes.

37,322. Do they get a good price?—We obtain a good price, a price with which we are satisfied. So far as the disposal of the grain is concerned we are quite satisfied, but what hurts our feelings is that if there is a famine or a drought then we have to buy grain, and the storekeepers charge very heavily.

37,323. When they sell their grain, what do they do with the money?—Those who want clothes or any article of European manufacture go and buy it at the stores, and others invest it in cattle.

37,324. You, Khama, have got the character of being a progressive man; I want to ask you what your thoughts are of progressiveness?—I do not know what my people's ideas on the subject are, and I would not like to say anything on that subject without first consulting my people.

37,325. Are you progressive in your mind?—So far as I am concerned, I would like my tribe to be called.

37,326. Do you like to see your people in clothes instead of in skins?—It is one step forward, and I am very pleased to see the people dressed in European clothing instead of in skins.

37,327. And do you like to see them educated?—I would be very glad if they could make progress in education. My desire is that they should be educated; I would be very much in favour of education.

37,328. In order for the people to educate themselves, and to qualify themselves, and to progress, they must earn money to pay for these things; therefore, when you urge them to progress, do you urge them to be industrious also?—I have tried to impress upon my people the advisability of working so as to earn money with which to pay the school fees for their children.

37,329. Have you been doing that for many years?—For a long time past I have been trying to impress this upon my people.

37,330. Has it had any result?—It is difficult for me to say, but, in my opinion, I think that the tribe has made a certain amount of progress.

37,331. I suppose the land that you have inherited is given out

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to people as they grow up upon applying to you or your subordinates?—Whenever they have moved to a fresh place and have a new village, I have allotted certain garden land to the people. Children, when they come of age, do not come to me, but go on ploughing the same part of the land that has been allotted to their fathers.

37,332. I take it there is plenty of land for the fathers and the children?—Yes.

37,333. How many gardens are allowed, as a rule, to each man, not a head man, but a common man?—A man can have as much land as he desires. If he can plough as much as five or six lots he would be free to do so, but if a man has some difficulty in ploughing, if he has no oxen and no ploughs, he has to confine himself to one.

37,334. There is no limit beyond which he might not get gardens?—As long as a man occupies a reasonable number, the Chief will have no objection to his ploughing as many as he likes, but if the man wanted to extend his lands too far, the Chief would tell him to think of others. The power to grant lands practically rests with me in this way, that I tell a certain number of my people, "You can plough from this spot to that spot,"—there may be ground there for several gardens, and if they find that the limits assigned are not sufficient, they come to me to ask whether they can plough somewhere else.

37,335. Your policy is to encourage the industrious and progressive man?—Yes.

37,336. So that if a man was extra industrious and put a fence round his land and led some water and cut some furrows, you would be pleased with him?—I would be pleased to see a man effecting improvements generally.

37,337. Supposing a man disagreed with his Chief, say with you, or somebody under you, would that man be driven away?—If the man was a source of trouble to me, I would expel him from my country.

37,338. Has it ever occurred to you that if men knew that they were liable to be driven away they would not put forth the energy and industry which you try to encourage?—It is only people who have done something wrong who are driven away, and the man who was expelled would know that he had done wrong, and would not regard his improvements. It is the same as it is with the Europeans. Europeans would not like to have amongst them a man who was constantly giving trouble.

37,339. In the case of a man who has improved himself being driven away, would he be allowed anything for his improvements?—He would receive no compensation whatever.

37,340. That brings me to the question I want to ask. Have you ever thought whether the people would be better, whether the tribe would be better, if a man had a piece of ground which he could call his own, and as long as he behaved within the law, that land would always be his?—It would mean ruin to the tribe, because they would all scatter.

37,341. Why?—Their ideas are that people should all live together, and if the people were scattered all over the country there would be no main village.

37,342. I do not say scatter them, but that whatever a man ploughed he should be able to call and to look upon as his own. I

do not say remove his village or remove his people from the actual land they are cultivating?—We should be afraid of such a thing.

37,343. Has such a matter as this ever been discussed by your Councillors at any time?—No, the matter has never been discussed amongst us.

37,344. The way in which land matters now exist amongst them, I take it, commends itself to you; you do not desire any changes?—I would not like to see any changes in the present procedure.

37,345. Is it the same with your Native customs such as polygamy and "bohadi," that you desire no change in regard to those?—I am not in a position to answer your question. My people would be in a better position than myself to answer it.

37,346. You can at any rate tell me whether you think that the retention both of their customs such as I have named and with regard to land causes them happiness, or whether any prohibition of these customs would cause them unhappiness?—So far as polygamy is concerned I have spoken to some of the younger men in the tribe who have taken several wives and told them they have a church in their village and a Missionary amongst them, and that they should not take more than one wife, but my words seem to be unwelcome to the people.

37,347. You are a Christian?—Yes.

37,348. Do I understand that the people are wedded to their customs and would not like to see them changed hurriedly?—The laws and customs which we have now are the laws and customs which our fathers had before us and as far as they go we are satisfied with them. As regards new laws, I am unable to say how the people would receive them as I myself do not know what those laws would be like.

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37,349. You spoke of polygamy. You are not a polygamist. Do you think that, during the time you can remember, polygamy has become less or more?—In the days when my father ruled, men could take as many wives as they liked. I am trying to put a stop to it, therefore I think the number is less than it was before my father's death. Besides my own advice to my people they have a church in the village, they have Mission work, and that has a certain influence upon the people. Of course all those who are members of the Church, as they become members of the Church, must give up some of their wives and only keep one.

37,350. Besides these efforts of your own to suppress it, besides the influence of religion, is there anything else—the extra expense of keeping these wives—that tends to decrease it?—Money is of no importance to them as far as marriage is concerned. Even if a man has nothing he can afford to have several wives, there is nothing to prevent him.

37,351. Do they cost nothing to maintain?—They do cost something to keep, but it often happens that a man takes several wives, and after a certain time he will find he cannot keep them on; he dismisses as many as he is unable to keep. Then it also happens that it is the wife who abandons her husband if he neglects her, if he does not give her all the food she requires.

37,352. Under these combined influences, do you think that polygamy is a thing that will gradually disappear?—Under these various influences my own opinion is that polygamy will come to an end.

37,353. You have the reputation of having fought against liquor?—I strongly object to it to-day also.

37,354. Do you drink brandy yourself?—No, I do not drink any liquor at all. I do not even drink Kafir beer.

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37,355. In spite of your efforts does drink come amongst your people?—Despite my efforts some of my people have obtained liquor. White men introduce liquor for their own use, and the people steal it and obtain it in that way.

37,356. Do you approve of the laws being strong in order that it may be stopped?—I am pleased that that is so.

37,357. Seeing that the laws have not entirely fulfilled their purpose, is there anything outside the laws that can be done by the Government to make the laws successful, that is, to prohibit the introduction of drink amongst your people?—I cannot say much on that subject. In my opinion there is only one way of preventing my people from obtaining liquor, that is, to entirely prohibit the importation of liquor into this country; but the white man cannot live without his drink, and it is impossible under the circumstances to pass a law of this sort. With regard to the boys who are being taken to the mines, many of them come back drunkards; they take the drink while at the mines. I have tried to impress upon employers not to give liquor to my people.

37,358. Most of your people go to Kimberley?—Some go to Kimberley and others to the Transvaal.

37,359. Have you got schools in your country?—Yes. The man who is with me is a teacher in my village.

37,360. Have you enough for the desires of the people?—There are too many people for the schools.

37,361. There are not enough schools?—There are not enough schools.

37,362. The people appear to call out for more schools; do they call out for any other kind of education that they have not got?—I am not in a position to reply to the question. It all depends on the feeling of the people in the matter. There are many professions, and it all remains with my people whether they wish to learn any of them.

37,363. Is this matter of education a matter which is exercising their minds in any way, or are they content to go on quietly as they are?—Do you refer to industrial work or to school work?

37,364. What is in their minds upon this subject. Have they any craving for industrial schools, or any kind of school?—I have been trying to impress upon all my people the advisability of going forward in every branch of education, and if any one of them comes to me and mentions that he would like to learn this or that trade, I try to encourage him as much as I can.

37,365. We have heard a great deal about the Methodist Episcopal Church, sometimes called the Ethiopians; have they reached you?—I have heard the name, but so far there are no Ethiopians in my country.

37,366. Is there any matter, about which I have not asked you, upon, which you would like to express your views?—I have nothing to mention except that I have not had much notice. I came down here in the dark, not knowing what I was wanted for.

37,367. *Mr. Stanford.*] In any case, I suppose you would not drive a man out of your country unless he behaved very badly, as the tendency of Native Chiefs is usually towards welcoming people to them rather than of dispensing with them?—I would not expel a man from my reserve unless I had good reason for doing so. If a man's actions are such as to spread discontent and dissatisfaction amongst my people, then it becomes my duty to expel him. As

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regards strangers coming to the country, I am not particularly anxious that any Natives should come and settle under me. I only resort to the punishment of banishment in cases which really deserve it. I first of all send for the man, speak to him, and remonstrate with him, and if the man will not mend his ways then he has to go.

37,368. Can you give the Commission any information as to the number of generations for which the tribe of which you are now the head has been in occupation of this part of the country?—So far as I know they have always been in occupation of the country which they occupy now.

37,369. For many generations?—So far as I know my ancestors were in occupation. I know I am in possession of the country which my father occupied before me.

37,370. You are now under the protectorate of the British Government?—Yes.

37,371. You accepted that protection voluntarily, without any quarrel having occurred between you and the white people?—I do not want to fight with the British Government; I have not fought with it; it is by mutual consent that the Protectorate has been established.

37,372. You are a man who has given protection to Missionaries, and given them every opportunity to teach and improve your people?—I do not know if the Missionaries who are in my country are satisfied with me, but I am pleased to have them in my country, and do what I can to assist them.

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AFTERNOON SITTING.

Mr. Edgar Rowland, examined.

E. Rowland, (Farmer).
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37,373. *Chairman.*] Have you been a long time in this country?—Yes, a great many years.

37,374. Are you well acquainted with the Natives in this country?—I have lived among them for very many years.

37,375. And with the general conditions under which they are administered?—Yes, I think so.

37,376. There is a list of subjects which are referred to us for consideration. Have you noticed them?—Yes.

37,377. Is there any particular subject upon which you would like to express your opinion?—No, I do not think so; except it might be the subject of taxation. They are trying to get the Natives to pay a dog tax now which they are greatly against. They first paid the hut tax and they were told that that would be all, then they came upon them for a road tax, and they were told there would be nothing more, after that they try to get the dog tax out of them.

37,378. What is the amount of the dog tax?—It is 5s. per dog.

37,379. And the road tax?—2s.

37,380. Have they paid the road tax?—Yes, for a couple of years.

37,381. Is the dog tax imposed by law?—By the Divisional Council at Mafeking.

37,382. You are speaking of Cape Colony?—Yes.

37,383. It is part of the law of the Cape Colony that they should pay, I suppose?—They have never paid for it before.

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37,384. Is it the common law of the country?—That I could not say.

37,385. The Divisional Council have the power to impose it if they like, is that it?—I suppose so. I consider that their dogs do far more good than harm in keeping down the different sorts of jackals and all those kind of animals. The only reason why they are asked to pay dog tax is because they say that they kill the game. They only kill the game on their own ground, and the white people of the district have the free run of the Native territory to go and shoot. It is Native territory where the people of the town shoot, they have not any ground of their own. We have not more than a dozen farmers in the district.

37,386. Are you a farmer?—I am manager of the waterworks.

37,387. Are you a farmer as well?—I have also a farm.

37,388. Is this tax imposed on the white people?—Yes, the town people have always paid it.

37,389. And in the country as well?—Not in the Division. I have paid it this year for the first time, I live out of town in what is called the military reserve, and this is the first year that I have paid dog tax. I live in the Divisional Council.

37,390. Are the farmers in the country called upon to pay the dog tax equally with the Natives in the country?—Yes, it was the farmers of the country who started it.

37,391. With the desire to preserve the game?—Yes.

37,392. Is this tax imposed with the object of keeping down the dogs and preserving the game, or with the object of making revenue?—That I do not know.

37,393. Then you object to it, I take it, on the grounds, not that the Native cannot pay it, but that it was a bad thing to tax the dogs because of the vermin?—Yes, because of the good they do in that way. At the same time the Natives hardly like to believe in us. When there is a fresh tax we tell them it is the last, and then we start another one, as has been done with regard to the dog tax. We distinctly told them that the tax before that was the last. You cannot get the Native to understand these things like you would the white man. They say, "If we pay that, what will you put on us next?" They say, "We shall be stifled with taxes directly; we pay you now hut tax, and we pay you road tax, and now you want dog tax."

37,394. You are not living in the Protectorate?—No, I am living in the Mafeking district.

37,395. The hut tax paid by the Natives in the Cape Colony is 10s.?—Yes, that is what they pay here.

37,396. Apart from that do you consider that the Natives are well off and able to pay taxes?—I certainly think they could pay, but you cannot say they are well off; they have tremendous losses. They had great losses during the war, and as to what little compensation was given to them, what with the lawyers' fees in giving the account in and taking the account out, and the petty Chiefs, they have nothing, so that a lot of them have really nothing in the world. They have not such a thing as a cattle post to-day.

37,397. They have lost their cattle?—Yes, first with the rinderpest, and then with the Boers. The Boers took a lot.

37,398. Has that made them more industrious and induced them to go out to work more?—I do not think so.

37,399. Are they inclined to go and work?—This lot, yes. This lot supplies Kimberley. There is a lot of boys here who go backwards and forwards all the year round. They are well known there.

They work for De Beers mostly, I think. The whole of the Baralong tribe supply Kimberley.

37,400. Do you think they go out in reasonable numbers to work?—No, they could go out far more.

37,401. What do you think would conduce to making them more, let us say, industriously inclined?—That I do not know. I have often tried to think that out. It is not a thing where you can frame any law to compel them to go and work. I do not think that would answer.

37,402. Could you do anything to induce it?—No, I cannot say that you could. The pay is good enough, and they are being well treated at most of the mines now. It is not like a few years ago. I never hear any complaint amongst the Natives now of being ill-treated at the mines.

37,403. Is there any other subject besides taxation on which you would like to express your opinion?—No, I do not think so.

37,404. *Mr. Thompson.*] You do not so much object to the tax, what you would like to see is the Native being told at once that he is to pay 20s. or 30s., and then be finished with it. You do not like half a dozen authorities coming in?—Yes, they would like that. Now they say, "We cannot believe you; you have told us twice it would be the last."

37,405. You do not object to the tax?—They would pay that if there was a guarantee that it would be the last.

37,406. You think in the administration of Natives on reserves that their taxes should be consolidated?—I think so.

37,407. You know the reserves between Mafeking and Setlagoi, the Baralong reserves?—Yes.

37,408. Have you any idea of the extent of them?—No, that I could not say. It is far more than they want. If you could give them something else for it, I am certain it could be worked. There is a lot of very valuable property all round Mafeking which could be turned into good farms, but they must be sold to people who would work them. There must be a stronger law as regards these Government farms being sold here. We have, I daresay, 100 farms in this district belonging to Companies. Nobody ever lives on them, and nobody ever will.

37,409. What I wanted to get from you is that the reserves that the Natives have allotted to them are very much larger than their requirements?—Very much larger than their requirements. They have not the stock to feed it off in any way.

37,410. The reserves round about Setlagoli have practically no Natives on them?—Very few.

37,411. Do you think they pay a big enough tax—10s. a hut?—I think so.

37,412. You think that is enough?—I think so. I certainly should not raise that. I do not think it would help.

37,413. *Mr. Stanford.*] Is it not understood that the Baralongs are about to bring a case in the Supreme Court to resist payment of the tax lately imposed on their dogs by the Divisional Council?—I have heard so but not from the Natives. The Natives have not spoken to me about it in any way.

37,414. Do not these reserves occupied by the Baralongs and other Bechuana tribes represent the reservations made in their favour at the time that the Cape Colony took over Bechunaland from the Imperial Government?—Yes, they were given then to understand

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that it was their property and their property alone, it did not belong to the Government, that the Cape Government would not take it over, but that they could live on it, and it was to remain the same as Sir Sidney Shippard left it. He told them himself in my presence.

37,415. Is it not also a fact that the Cape Government and Parliament have no right to alienate any portion of these reserves without the special sanction of the Imperial Government?—Yes, that is right.

37,416. *Captain Dickson.*] What are these companies doing with these farms; are they using them for squatters?—No, there is nobody on them. There are a few on one or two farms up the river.

37,417. Are they absolutely without occupants of any sort?—Yes.

37,418. It is good land?—Yes, they are good dry farms. Of course there is nobody working them to sink for water.

37,419. They would make good stock farms?—Yes, they are good stock farms; you could not get finer.

Chief Badirile Montsioa (Baralong Tribe) *and Followers*, examined (through an interpreter).

Badirile Montsioa, (Native Chief).
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37,420. *Chairman.*] Are you a son of Montsioa?—Yes.

37,421. Have you lived here all your life?—Yes.

37,422. Are you the Chief of the Baralongs here?—Yes.

37,423. Have you a large piece of country?—Yes.

37,424. Many people?—Yes.

37,425. Are your people increasing or are they decreasing?—They are increasing.

37,426. Is that by population or by people coming to join them?—By the increase of population.

37,427. If you wish people to come and join you, are you at liberty to ask them?—Yes.

37,428. When they come to you can you place them without reference to the Magistrate?—Yes, if they are Natives.

37,429. When you place them do you give them so much land?—No, they just live as a community or tribe.

37,430. Do they get land to plough?—I place them under a certain Headman and he gives them lands to plough.

37,431. How much land does a man get in that way?—If there is plenty of arable land and this man has a large family he gets as much as he can plough.

37,432. Have they all got ploughs?—Yes.

37,433. Does the Headman give out so many gardens, or does he give just a piece of country?—He gives them so many lands to plough.

37,434. How many lands does each man get?—Sufficient for his purposes to plough.

37,435. Does he get so many lands for Kafir corn, and so many lands for mealies, and so on?—If he complains that the land at his disposal is too small he may get an extra piece of land for mealies.

37,436. Supposing he is a man with two or three wives, does he get two or three times more than a man with only one wife?—Yes, in order to provide for the children of the extra wives.

37,437. Do the people plough a great deal?—Just according to their ability.

37,438. Ability to do what, to work?—According to how they have been instructed by the Headman.

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37,439. Does it depend upon a man's energy whether he ploughs a lot or not?—No, it mostly depends upon how much the Headman is able to give.

37,440. Does he plough all the land that is allotted to him?—Yes.

37,441. In good seasons do they get good crops?—Yes.

37,442. I suppose they get more than they want to eat?—The owner of course knows better whether he has sufficient or more than he requires for his own consumption. I am not able to tell that.

37,443. As a rule does a man plough with the idea of getting enough grain to feed his family, or to get a little more in order that he may sell it?—Just as much as he is able, according to the extent of land at his disposal.

37,444. If he gets more than he wants, I suppose he does sell it?—Yes.

37,445. He gets money for it?—Yes.

37,446. Have you traders in your country?—Yes.

37,447. How did these traders come in; did you invite them?—These traders are in town.

37,448. Are there no traders living out in the reserves?—No.

37,449. Do these men in town buy your mealies and buy grain?—Yes.

37,450. Are there any white people settled amongst your lands?—There are some.

37,451. What are they doing?—They plough.

37,452. Who gives them leave to do that?—If someone makes application and I like him to stay I generally arrange with the Magistrate and he is allowed to stay.

37,453. Does that man plough for himself?—No.

37,454. Who for?—He ploughs for the owner of the land.

37,455. A Native?—Yes.

37,456. What profit does that man derive by so doing?—They divide the profits.

37,457. Do they plough on halves?—Yes.

37,458. And do they put up houses there?—No, they live in houses that are there.

37,459. Whose houses?—The houses of the owner of the lands.

37,460. Native huts?—Houses.

37,461. To whom do those houses belong?—To the Natives.

37,462. Are there many white people doing that?—No, not many.

37,463. When the Natives get money which they derive from the sale of their grain how do they use it?—They may perhaps buy cattle or something else that they require.

37,464. Do they go to work very much?—Yes, they do.

37,465. Do they earn a lot of money?—They do earn money, although they grumble at the wages.

37,466. With this money do they also buy cattle?—Yes.

37,467. Do they do anything else besides buy cattle to improve their condition?—They build European houses.

37,468. Do you think that the Baralong people are people who are progressing?—Yes, they do progress.

37,469. In what way?—They do other things and they have schools where they educate their children.

37,470. Are the educated boys any more industrious or any better than those who are not educated?—It depends upon the nature of the individual, because all people are not alike.

37,471. Do the people like their present way of living?—Very much.

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—
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—
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37,472. Do they like the way they give out the land and the way they allot the land?—Yes they do,

37,473. Do they like the way that they are allowed to adhere to their old tribal customs?—Yes, they do.

37,474. Are you allowed to deal with cases between your people?—Yes.

37,475. Do you refer matters to the Government?—Only if it is beyond my jurisdiction.

37,476. What is your jurisdiction?—I do not try cases of theft and murder.

37,477. When you say theft do you mean theft amongst your own people or theft by your own people from white people?—I do not try thefts between my own people and white people.

37,478. Thefts amongst your own people?—Those I try.

37,479. Have you a Council of your own?—Yes.

37,480. Of your headmen?—Yes.

37,481. When you are dealing with matters do your Council sit with you always?—Yes.

37,482. Is there anything in the minds of the people that they would like to express in the matter of, as I say, going forward; have they have any feelings in the matter?—Yes, they have.

37,483. What are they?—They would like to go in for industrial training besides book learning.

37,484. Have you schools in your country?—Yes.

37,485. Are they Mission Schools?—Yes.

37,486. Have you enough schools?—Yes, because nearly every village has a school of its own.

37,487. When you refer to industrial training what do you mean?—Carpentry work, or any other work that a man can find to do.

37,488. Would the young men of your tribe like to learn those trades?—They would; they are very anxious to do so.

37,489. What makes them anxious?—In order to be able to live better.

37,490. How do you think they would live better by learning trades?—Because if they learnt those trades and worked at them they would be able to live better; they would manufacture saleable articles.

37,491. Do you mean they would be able to go out and work at those trades and earn money or that they would be able to do things within their own tribe and better their means of living there?—Even if they go abroad. If a man goes out and he knows a certain trade he would be able to live by it.

37,492. To earn money?—Yes.

37,493. What I want to arrive at is, is their object to earn money?—Yes.

37,494. They like money?—Yes.

37,495. Because it enables them to buy certain things?—Yes, they can buy everything they need.

37,496. What sort of things do they need?—It may be stock, it may be clothing, or any other things.

37,497. Are they beginning to need and to look for clothing and such things?—Yes.

37,498. Do they drink tea, coffee and sugar?—Yes.

37,499. And use looking-glasses?—Yes.

37,500. Is this desire to have these things felt amongst the greater portion of your people or only amongst those that are educated?—Throughout the tribe.

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37,501. Is that a change that has come over the tribe of late years?—Yes.

37,502. How has that change come about? Can you give any cause for it?—By the education so far introduced.

37,503. The book education?—Yes.

37,504. Supposing there is a desire on the part of your young men to have this industrial training, have they got the schools near them to which they can go?—No, they have not got those schools; they are in need of them.

37,505. What do they do in order to get those schools?—They are only anxious to get these schools.

37,506. Are there none within their reach?—They are far away, like the one at Lovedale, for instance.

37,507. Would they like to see such schools established near to them?—Yes.

37,508. Would they be prepared in all cases to pay for their children learning these trades?—Yes.

37,509. When you say that, do you speak what are your own thoughts or what are the thoughts of your people?—They are both my own thoughts and those of my tribe.

37,510. Do you drink brandy?—No.

37,511. Not at all?—No.

37,512. You know the law of this country which forbids it?—Yes.

37,513. Is that a good law?—Very good.

37,514. Is it in favour with your people?—Yes.

37,515. Have you been visited by any people who call themselves missionaries and who are people representing what is known as the Ethiopian Church?—Yes.

37,516. What has happened?—We did not want them.

37,517. Did you dislike them?—No, we did not dislike them.

37,518. Did you not want them?—We did not want their Church.

37,519. For what reason?—Because we had our own Churches already.

37,520. And you were satisfied?—Yes.

37,521. Did these people make any communications to you?—Yes, they did.

37,522. What did they say?—They said that they wanted to introduce their Church amongst the tribe, because it was a Church for black people.

37,523. What else?—That is all they said; but we did not want them.

37,524. And so it finished?—Yes.

37,525. Is there any subject in your mind or in the minds of your people which you would like to speak to this Commission about? Before you answer, I had better say what I said to Khama just now in a few words. You may or may not know how it is we have come here. It came about in this way. Nearly two years ago there was a great meeting at Bloemfontein of all the Great Ministers in South Africa, and they discussed many matters affecting the whole of South Africa, and amongst other things they spoke about matters affecting the Natives; but they said, "As to these matters affecting the Natives, there are many different laws and customs and conditions, and each Colony seems to have different ones. Let us appoint a Commission who will look into these matters, who will see what the laws and the customs and the characteristics really are, and, having found out what they really are, see if there is any way of bringing about unity." So it is that this Commission is now going about South Africa, look-

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ing and hearing, but not bringing new laws and not making changes. Now, is there anything you wish to say?—*Josiah Motshegare*: The Chief has mentioned nearly all the principal points. The chief points are, how the people are progressing. What we require besides what we have now is simply that somebody should come to teach the people how to work, how to build, how to do carpentry work, and how to work generally with their hands; to teach and improve the women; how they ought to cook and how they ought to sew. There are some of what we call our educated children who have only gone as far as the Sixth Standard and have not gone any further. Of course, we are still holding our land in the same way that our old Chief Montsioa had it; even the laws are just the same.

37,526. If they went beyond the Sixth Standard, what would they gain by it?—They would be able to do carpentry and all the other things.

37,527. But, going beyond the Sixth Standard does not teach them to work with their hands?—When will they be able to be taught to use their hands; when they are at what Standard?

37,528. They can do that without a Standard?—That is just what we require: people to know how to use their hands, so that we can progress.

37,529. And is that, to your mind, the way they should progress: by learning to work with their hands?—I do not mean that generally, because it may be that one may be educated, and then his heart inside will be lazy.

37,530. Are the Baralongs a lazy people?—They work very much with their hands.

37,531. Do they go out to work much?—Yes, they do, at all times.

37,532. Do you elders of the tribe do your best to get the young men to go out to work?—They go out without any urging from the elders, because a good many are away at the mines just now. The Chief generally tells them whoever likes to go out to work can do so, and then they go out.

37,533. *Mr. Sloley.*] Are you a voter, Badirile?—*Chief Badirile Montsioa*: Yes.

37,534. And many of your people?—Yes.

37,535. Do the people seem to like that privilege of voting?—Yes, they do like it.

37,536. For which member do they vote?—For the one whom they choose to vote for.

37,537. Is it for Kimberley or Barkly?—For Mafeking Division.

37,538. Have you any ideas about their voting that you would like to put before the Commission?—No.

37,539. *Mr. Krogh.*] I take it that you have a fixed income, Chief?—From the Government?

37,540. From the Government and from your people?—Yes; I do get an income from the Government.

37,541. Is that the only source from which you derive your income?—The people only assist me generally when I have got something to do for the tribe.

37,542. Do you not tax your people?—No; I only tax them when there is a particular object for which we require the money.

37,543. How do you get the money from them then?—I get up a meeting, and tell them at this meeting that I require the money.

37,544. *Mr. De la Harpe.*] Do the Baralongs take more than one wife?—Yes.

37,545. How many have you got?—Two.

37,546. Have you got a fixed price here for "lobolo"?—No.

37,547. They simply bargain?—Yes, just at the time.

37,548. The money you get from the people you do not return to them again?—No.

37,549. How far do you live from here?—It is not far off; it is less than a mile.

37,550. *Captain Dickson.*] Do you think your people would have progressed more if they had had industrial training as well as training by book-learning?—Yes.

37,551. Have you read in the Native paper about the small experiments that have been started at Borchoka and Thaba 'Nchu?—Yes, I have.

37,552. Do you consider those as steps in the right direction?—Yes.

37,553. You have no such institutions for the Baralongs here?—No.

37,554. Do you think, if they were started, that the Baralongs would flock to them in the same manner as the Natives have done in the Moroka district?—Yes.

37,555. *Mr. Campbell.*] Are you very anxious for your people to go in for industrial work?—Yes.

37,556. Why do you not undertake it, then?—Of course, I expect help in that direction from the Government.

37,557. Have you ever asked the Government for help?—No.

37,558. If you are very anxious, you, being the Chief, could easily get industrial schools for yourself?—I do not know how to do it myself.

37,559. You want this very much for your people?—Yes.

37,560. But you have never asked the Government or anyone for help in the matter?—It has been our intention to ask help from the Government.

37,561. *Mr. Samuelson.*] How much do you give for a wife here?—It is according to the ability of the man.

37,562. There is no limit to the amount?—No.

37,563. What is the meaning of this "boghadi"? Is it a purchase, or has it some other meaning amongst you?—It is simply a present to the parents of the wife.

37,564. It is nothing in the way of a purchase price—buying the girl?—No; it is to show that the wife really belongs to the man.

37,565. Is that the main object in it?—Yes.

37,566. You are not a Christian yourself?—No.

37,567. Is the law and custom of succession the same in your family as it is amongst your people?—Yes.

37,568. What is it?—The eldest son is generally the heir.

37,569. What do you mean by the "eldest son"—the first son of the first wife?—Yes, the first son of the first wife; the eldest son of the first wife is entitled to the whole estate, and is at liberty to give whatsoever he likes to the children of the other wives.

37,570. In taking over the father's estate when his father dies, does he not also take over the duties of the father to his brothers and sisters?—Yes.

37,571. That is, it is his duty to do out of the estate towards his brothers and sisters what his father had to do?—Yes.

37,572. And if the first wife had no sons, then the second wife's sons came in?—Yes, the eldest son of the second wife is entitled to the estate, and he also takes over the duties.

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37,573. Do you report all your marriages to the Magistrate?—No.

37,574. They are not written, then, in the Commissioner's office?—No.

37,575. You have power to fine in some cases, have you not?—Yes.

37,576. What becomes of those fines? Are they your personal property?—Yes.

37,577. Have you any limit to your fines, or can you fine anything you like?—It is according to how the Headmen in council decide.

37,578. How did you come on the voters' list? What was your qualification?—One who owns a house; and I can also read.

37,579. Is that how you got on—because you have a house, and can read?—Yes.

37,580. Are there many of your people on the voters' list?—Yes, many of my people.

37,581. Can you say how many?—No, I do not know their number.

37,582. When the election comes, you and your people who are voters vote for the representative of the white man?—No; he represents the district.

37,583. Does not your voting bring you into competition with the white man?—No.

37,584. Would it not be better if you had your own separate representatives, to be voted for by you Natives yourselves, and not by the white people?—No, I do not know that, because we only send white men to represent us in Parliament.

37,585. I mean a white man; but voted for by you Natives only, and to represent you Natives only?—It would be all right if the Government decided that way.

37,586. How do you, as an elector, make your views known to your representative in Parliament? How does he know what your wishes or thoughts are with regard to any laws or any matter of Government policy?—We tell him.

37,587. Does your representative hold meetings amongst you, and do you then let him know what your wishes are?—Yes; we always go to him, and tell him our views.

37,588. Are there appeals from you to the white Magistrate here?—I do not think so, if it is a member of my tribe.

37,589. Then you are the final Court in your tribe?—Yes.

37,590. You are under the Cape Government?—Yes.

37,591. Do lawyers appear in your Court?—No.

37,592. Do lawyers ever help your people in civil cases between themselves?—No.

37,593. You do not know anything, then, about lawyers and their work?—No.

37,594. Can you say or not whether it is a good thing in your mind for lawyers to appear in cases between Native and Native under their own customs and their own laws?—No.

37,595. Have you any system of representation amongst your people—that is to say, are there men who represent the interests of districts in your Court or in your assembly?—Yes, Headmen.

37,596. Would you like to give up your laws and customs and your tribal system, and come entirely under the white men, and live under the white men's laws like the white men do?—No.

37,597. Do you think your own system of tribal government is the best for your people?—Yes.

37,598. Do you think your people will say so, too?—Yes, they do say so, too.

37,599. When do you think you ought to give up all your customs and your ways of living and your tribal government, and come under the ordinary laws of the country, the same as the white men?—I do not see how we can leave them.

37,600. In some things you do like the white man's laws and the white man's privileges?—Yes, those I like.

37,601. What do you understand by being a voter; what does it mean exactly?—A man who is qualified to vote is a man with a house, or who is receiving a salary of £50 a year. He has to guard himself in the laws of the country, and he has the right to select his own representative.

37,602. You think that that kind of protection in the legislation of the country is necessary for the black man?—Yes, he requires that.

37,603. *Mr. Stanford.*] How long is it since your father died?—My father died in 1896.

37,604. Are you able to write?—Yes.

37,605. Do these people whom you receive into the Baralong Reserve pay hut-tax to the Government when they settle down?—Yes, they pay hut-tax to the Government.

37,606. Who places them on the register for the purposes of hut tax?—The official who collects the taxes—the Inspector of Native Locations.

37,607. Have you many people who have come into the reserve in this manner?—No, there are not many.

37,608. Are they people of your own tribe, usually, or do they belong to other tribes, such as the Fingo, Xosa, and others?—They are Baralongs.

37,609. Were not instructions issued lately by the Government for the removal of certain men who were found to be squatting in the reserve?—No; we were instructed to register all those people, white or coloured, who were living among the Baralongs.

37,610. You had to register them with the Magistrate?—Yes.

37,611. And you have not yet had orders for the removal of any of them?—We once had an order to that effect.

37,612. Are not the powers you exercise in cases between your people written down in the law?—Yes.

37,613. And are you quite sure that the same law does not provide that there shall be an appeal from your decisions, if the people are not satisfied with your decisions, to the Magistrate?—Not if the person is a member of the tribe.

37,614. You think that he has not the power to appeal?—No.

37,615. *Mr. Samuelson.*] Do you think that your representative in Parliament would be doing his duty if he did not try to get such laws as the Liquor Act repealed, so that you could all of you have as much liquor as you pleased?—He is doing all right by not allowing us to have liquor.

37,616. You do not think he would not be doing his duty if he did not try to get laws repealed that apply to you Natives only?—He is doing his duty now.

37,617. If he did not get that repealed?—Yes.

37,618. You are a voter?—Yes, I am.

37,619. By becoming a voter you are exempted from the Liquor Act?—Yes, but I do not drink liquor.

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Badirile Montsioa, (Native Chief). Bechuanaland. 15th Sept., 1904.

37,620. Do you think it is a good thing for a Native, by becoming a voter, to be exempted from the Liquor Act?—No.

Solomon T. Plaatje, examined.

S. T. Plaatje, (Native Editor). Bechuanaland. 15th Sept., 1904.

37,621. *Chairman.*] You heard a lot of questions asked the last witness, and you heard his replies?—Yes.

37,622. Do you think, having translated those replies, that you agree with them, generally speaking?—I would not say that I do.

37,623. On what points do you disagree?—I have not made up my mind yet, as to what points I disagree with him upon.

37,624. Is there anything which you, having heard that this Commission was coming, have thought of that you would like to express your opinion about?—No, I never thought of anything I would like to express any outside opinion about, except on points the Commission like to ask me.

37,625. How old are you?—I am 27 years of age.

37,626. Where have you been to school?—At a Mission School close to Kimberley.

37,627. Is that all?—Yes.

37,628. What are you doing here?—I am editing a paper.

37,629. Is that paper printed in Serelong?—In Serelong and English.

37,630. How came you to be the editor of a paper?—I just started it as an enterprise.

37,631. Did you begin the paper?—Yes, I began the paper, and one of the Chiefs financed it.

37,632. What is your object in carrying on this paper?—Supplying information to my people.

37,633. What kind of information?—About what is going on all over the country.

37,634. What is your object in doing that; do you want to enlighten them?—Yes; that is my wish, if I can.

37,635. Enlighten them in the politics of the country?—Not only in politics, but in the welfare of the people generally.

37,636. In what way can you enlighten them through the paper?—In many ways. They will be able to know what is going on, not only amongst their own people, but with regard to any advantageous things going on in the other Colonies; they will be able to compete with the people succeeding in any kind of enterprise there.

37,637. How do you calculate it will reach the people in this country; are they well educated, or educated enough to be able to read?—Most of them are only able to read, and cannot do anything else.

37,638. Do you sell a good number of your papers?—Yes.

37,639. To the Natives?—Yes.

37,640. Do they write letters to you?—Yes.

37,641. And in that way you think you will diffuse a certain amount of knowledge?—I think so.

37,642. Do you think that that diffusion of knowledge is useful to the people?—I think so, if they are by it getting acquainted with the outside world.

37,643. Is your object to try and do them good?—That is my object, if I can.

37,644. How long have you been in this country?—Since the "eighties."

S. T. Plaatje, (Native Editor).

Bechuanaland.

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37,645. Were you born here?—No, my parents were living at the time I was born in the Free State.

37,646. But you have been many years in the country?—Yes.

37,647. Do you think, from what you have seen of these people, that they are of a progressive nature?—I would not say that all of them are.

37,648. Take them as a whole?—I would not say our people are.

37,649. Have you seen any tokens of progress amongst them?—No, I have not observed such.

37,650. Do you think they are in such a state of mind that any attempt to press them towards progress would be useful?—To press them in what way?

37,651. In any way; to put it in another way, do you think from what you know of the people in this part of the world, that it would be wise to try and push them along too much?—I do not think it would, because they hate being pushed along.

37,652. And they carry that into their whole lives, do they not; they dislike changes?—They do like changes.

37,653. What kind of changes do they like?—As the Chief was saying, to be able to live like the white people do.

37,654. They like a change that would enable them to live like white people?—Yes.

37,655. I thought that was just what he said they did not like?—No; with regard to the work, he wanted them to be taught not only to read and write, but also to use their hands.

37,656. He was asked the question whether he would like to be under the white people's law, and he said "No"?—I mean apart from that.

37,657. If they were to come under the white people's law, would they not also have to be governed like the white people are in other respects?—If they did they would have to, but at the present time they do not like that.

37,658. Then, in your opinion, do you think that it would be wise to hurry them out of their present state of life?—How hurry them?

37,659. Do you think it would be wise to do away with their present system of managing their own affairs and their present laws and customs?—Not at the present time.

37,660. Do you think they cherish them very much?—Some young men who are enlightened do like to live like the white people.

37,661. But the great mass of them?—No, they do not like it.

37,662. Is there any change in anything that you think they ought to have which it would be possible to give to them for their benefit?—No, except industrial education, as the Chief has said, my reason for saying that being that there are large tracts of land at the disposal of the people and they do not know how to use them. If they could be taught how to till the land, for instance, that would be a very good change.

37,663. How do you mean to be taught how to till the land; do they not know how to use the plough?—They only know how to use the plough and put in the seed when it has rained.

37,664. What further education would you give them?—Tell them which are the best seasons to put in different kinds of seed, and how to get water on to their lands.

37,665. It is improvement in agriculture that you think would be better for them?—Yes.

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37,666. Do you not think that these old Natives know a good deal about that sort of thing themselves?—They know a good deal about Kafir corn, but nothing else.

37,667. What other kind of seed do you think might be introduced which would grow and be of benefit to them?—Potatoes, for instance.

37,668. Do they not grow the sweet potato?—No.

37,669. Do they not grow the ordinary potato?—No.

37,670. All the boys that go to work in all parts of this country and in other countries are eating potatoes every day of their lives; and do they not know the value of potatoes?—They do not eat potatoes every day; they mostly eat mealies; that is in the mines.

37,671. I speak for the moment of boys who go into domestic service, where they always get potatoes?—Yes, a good many of them do.

37,672. Do you think that if the use and cultivation of the potato was established, it would be a good thing for these Baralongs?—Yes, potatoes and similar crops.

37,673. What other crops would you call similar?—Anything they can grow besides potatoes, like wheat and forage.

37,674. Will wheat grow in this country?—Yes, it does grow where people have water.

37,675. And forage too?—And forage too.

37,676. Surely, the Natives have seen wheat and forage growing for years up here; what kind of stimulation do they want to grow it themselves?—They would not get any stimulation without water, because the little arable land under water at the present time is well occupied.

37,677. Then, does it come to this, that you would suggest that some means be taken to give them an artificial supply of water?—Yes.

37,678. You mean, the springs of the country are dried up?—Yes, they want an extra supply of water.

37,679. Do you think the Government ought to find this extra supply of water?—Yes, if the Government can.

37,680. And if the Government did that, would the Natives pay for it?—Yes, they would pay for it.

37,681. It is Government help in the matter that is wanted?—Yes, it is Government help in the matter all round.

37,682. You express an intelligent idea; have you ever given it any kind of voice by asking the Government to give you such facilities?—Yes, we did once, before the war; then the war broke out and put everything upside down again.

37,683. Are you going to renew that request?—I do not know whether there is that intention yet.

37,684. At any rate, you think that that would be a very good way of increasing the output and developing the intelligence and industry of the Natives?—Yes.

37,685. If Government would give them some artificial supply of water?—Yes.

37,686. For which they would pay?—Yes.

37,687. Is there any other way in which you suggest that they might be helped?—In the way the Chief suggested. One of the suggestions of the Chief was that the girls be educated, and learn how to cook and learn housework generally.

37,688. Would the girls go out to work if they were taught?—I should think they would.

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37,689. They can be taught now if they would go out to work; every mistress in the country would gladly teach them?—It is not so easy to get them away from their homes and send them to the mistresses.

37,690. Would it be easier to get them away from home if they first went to school?—They would be used to white people then and be glad to go out and work.

37,691. Would the Natives like such schools situated in their own territories?—Yes, they want that very much.

37,692. Who would eat the food you cooked in order to teach them?—We would eat it ourselves.

37,693. At any rate, you think it would be a good thing to have a school of cookery for girls?—Yes.

37,694. And for the boys too?—Of cookery?

37,695. Yes?—I do not know.

37,696. Still, that is quite a useful idea; is there any other kind of teaching you think might be useful to them?—I do not remember any other.

37,697. Those are the points you wished to mention?—Yes.

37,698. *Mr. Sloley.*] Do you belong to the Native Press Association?—Yes.

37,699. What are the objects of the Native Press Association?—It is simply to improve the press of the Natives generally.

37,700. Did you go to the last meeting?—No, I was not able to go at the time.

37,701. Who writes the articles in your paper?—I do.

37,702. The English?—Yes.

37,703. And the Sechuana also?—Yes.

37,704. You have no white writers?—No.

37,705. What are your views on the franchise?—Just as the franchise is.

37,706. What are your views as to the representation of Natives, about which the Chief was asked, that is as to Natives electing their own members?—Separate representation?

37,707. Yes?—They say, "The proof of the pudding is in the eating." I have never seen it done, and do not know how it would work amongst our people.

37,708. Do you think the present system works well?—Yes; I have seen it work, and I have not seen any harm in the present system.

37,709. Do you not think that the time of election stirs up hostile feelings between black and white people?—No, not in these parts—from Kimberley upwards.

37,710. Did you vote yourself?—Yes; and I have only seen elections between this and Kimberley, and I have never seen any hostility between the whites and blacks.

37,711. You did not find, when you went to record your vote, that there was any difficulty in getting to the proper office and recording your vote?—No; at that time everyone was only too anxious that every voter should record his vote.

37,712. You have separate political meetings for Natives addressed by the candidates?—The candidates usually go out to our meetings and those of us who understand English attend the white people's meetings too, because at our meetings we use interpreters; we attend nearly every one of the meetings that are held by the white people in their halls.

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37,713. What attitude do your people take towards the African Methodist Episcopal Church?—I have not seen it do any good and it has certainly not done any harm. That is as far as I know.

37,714. What are your views on land tenure?—What land tenure; individual?

37,715. There are two systems, the individual and tribal?—The tribal one works all right up here, though I do not know how it works in other parts. For instance, anyone in the district of Mafeking can go out and buy a farm. Some Natives do hold farms, which they have paid for, and there are four or five farms which were bought together, belonging to the tribe, and registered in the name of the Chief; and there is this Native location in the Cape Colony. Besides that, there is the Native Reserve in the Bechuanaland Protectorate, where our people also have land, and they also hold land in the Protectorate—farms given to different Headmen by the late Chief Montsioa before he died.

37,716. *Captain Dickson.*] You have written rather strongly in your paper about the treatment of Natives in the mines; can you give us any individual cases?—In the mines?

37,717. I think you mentioned our Chairman's name and said if he could not find cases you could?—There were some people who came here and made complaints about bad treatment they had received, but not actually at the mines.

37,718. You took up a challenge from our Chairman and said you could find a case if he could not?—There were some at that time, but they have been redressed since.

37,719. All the cases you have written of in your paper have been redressed?—Yes; it was at the time the statement appeared in the paper that Sir Godfrey Lagden in the Transvaal said he did not find a single case in six months of grievance on the part of the Natives. There were at that time some of these Natives in Mafeking coming over from the Transvaal, and one gentleman read in the paper that we could tell him of some cases, and he took up the matter and the matter was thoroughly gone into, and the cases of the Natives were taken up and they got their money back.

37,720. All the cases have been redressed?—All those I knew of.

37,721. Have you altered the attitude you had a little while ago towards the Ethiopian Church; you wrote rather strongly a little time ago?—It was against the individuals that I took up the attitude, not against the Church.

37,722. You had very strong antipathy towards many of the leading individuals in the Church at the time?—Not leading individuals, ministers of the Church.

37,723. It is the ministers of the Church you have antipathy against?—Yes.

37,724. You hold the same opinions as you held six months ago?—Yes; I told the Bishop that some time ago when he was here.

37,725. You think that several ministers of the Church are doing a great deal of harm?—Yes, a great deal of harm.

37,726. *Mr. Campbell.*] Do you think that a polygamist, say with a dozen wives, should be allowed the franchise?—If the man is otherwise qualified I do not see why he should be deprived of the franchise because he has more than one wife.

37,727. You do not think the law ought to be altered to stop a man who has such a lot of wives voting?—I do not think it ought to be altered if the man is otherwise qualified.

37,728. You do not think so?—No.

37,729. *Mr. Samuelson.*] Have you a Native Vigilance Association here?—Not here; anything that crops up, or anything affecting the Natives here, we first advise the Chief about and ask him to take steps in the matter.

37,730. Have you any Native Political Association?—No, excepting the Press Association.

37,731. What is the name of your paper?—The "Koranta ea Becoana" ("Bechuana Gazette").

37,732. Are you married?—Yes.

37,733. Were you married by Christian rites?—Yes.

37,734. Under what law is the estate of Natives married by Christian rites administered?—Under the laws of the Colony. The minister solemnises the marriage and it is registered in the Colonial Office.

37,735. When a man who is married by Christian rites dies under what law is his property administered?—If he has made no will his eldest son is the heir.

37,736. It is administered under Native law?—Yes.

37,737. He can make a will depriving his children of his property and willing it to somebody else?—He can do that if he likes as far as that goes, but they have not generally gone in for that on a large scale.

37,738. Can they do it under Native law pure and simple?—I do not think so. I have never seen it done.

37,739. You think, whilst Natives cling to their customs, their usages, their polygamy and their "bogadi" they should be entitled to ask for and to have the highest privilege of civilised nations—the franchise?—While he has his obligations to the State as well as any other civilised man he is entitled to it.

37,740. What do you mean by industrial training; what do you include in that term?—In the same way as was explained by the Chief here a little while ago, and also with regard to ploughing the land and also advice as to the best way of putting their produce on the market and so forth.

37,741. What do you mean by industrial training?—I mean that they should be taught any kind of work, agriculture, and everything else.

37,742. Building, carpentry, saddlery, and so forth?—Yes.

37,743. Is there much superstition amongst your people?—Yes, but it is dying out now, like polygamy. There are very few people going in for polygamy.

37,744. Are many of your people being trained in the use or practice of European medicines?—No. There is one young man in the Training Institution at Lovedale, where they teach them how to dispense medicine.

37,745. Do you think it is a good thing and that it would get rid of a good deal of superstition with regard to medicine men?—Yes, I think it is a very good thing.

37,746. *Mr. Thompson.*] Are you a Baralong?—Yes.

37,747. Were your father and mother?—Yes

37,748. You have answered your cross-examination very fearlessly and well. I want you to answer me equally honestly on the question of the franchise. Do you think that all the Natives who have the franchise among the Baralongs are fitted for it and can use it intelligently and honestly?—There are not many who have it;

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there are only one hundred who have it, which is about the number of those who are able to use it honestly.

37,749. Those that have it can use it honestly?—Yes.

37,750. And have as intelligent a view of the franchise as the Chief?—A better view of it than the Chief, some of them.

37,751. *Mr. Stanford.*] It seems the Chief is under a wrong impression with regard to the appeal?—Yes, he was making a mistake.

37,752. The people know they have an appeal?—Yes, the people do, although as a matter of fact no one has appealed as yet.

37,753. They accept his decisions?—Yes.

37,754. Legally they have an appeal?—But according to the Act they have no appeal in civil cases.

37,755. Yes, there is an appeal in civil cases?—I mean in civil cases his jurisdiction is exclusive, although criminal cases can go before the Magistrate before they go to him.

37,756. Section 33 of the Act says: "It shall be lawful for any person party to any dispute civil or criminal before any Native Chief exercising his jurisdiction under the provisions of sections 31 and 32 of these regulations to appeal from the decision of such Chief," etc., "provided that in all cases appeal shall lie from the decision of any such Court as herein provided to the Chief Magistrate."—His jurisdiction is exclusive.

37,757. It says so in the first instance but it goes on as I have read?—That had escaped my notice.

Bloemfontein, Wednesday, 21st September, 1904.

University of Fort Hare
Together in Excellence

Present:

Sir Godfrey Lagden (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	

The Honourable John George Fraser, M.L.C., examined.

The Hon. J. G. Fraser, M.L.C. (Solicitor).
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37,758. *Chairman.*] Are you aware of the subjects that have been referred to us for our consideration?—Yes, I have had a syllabus of the subjects sent to me.

37,759. Are there any particular portions of these subjects upon which you would like to give your evidence?—I replied to the Secretary that I could not offer myself as an expert on Native affairs in any shape or form, but if any information gained in the course of my experience would be of service to the Commission I would be glad to give it.

37,760. Will you look at the heads of evidence and tell me upon which subjects we may ask your opinions?—May I just state what I think about these heads. On the subject of land tenure I can only tell you what the position of affairs was under the old Government.

37,761. Will you tell us first of all, what, if any, is your system of land tenure in this Colony?—No Natives could hold any land under the old Government either by purchase or hire; only by inheritance.

37,762. No pure Natives?—No pure Natives. Bastards could hold erven; that is to say, the child of a white father and a dark mother, or *vice versa*, could hold erven in towns under certain conditions, but pure Natives could hold no land either by purchase or hire, except they inherit it from their parents.

37,763. That is to say that the Registrar of Deeds was not allowed to grant title or transfer?—Even the sale or lease was subject to fine. Any white man letting or selling to a Native was subject to a fine.

37,764. Having sold it, could he get transfer?—No, he could not.

37,765. Then, as to the tenure of land by Natives; you have two particular locations, one at Thaba 'Nchu, and one at Witzieshoek?—Yes.

37,766. On what conditions do they hold land there?—With regard to Paulus Mopede, he came under the Orange Free State Government by virtue of a special treaty entered into between him and the old Government, and there was a special Ordinance passed regulating his location at Witzieshoek. His tenure there is simply tribal tenure. The whole tribe was located there, subject to certain conditions, by the old Government.

37,767. Was that strip of ground vested in Paulus Mopede?—No.

37,768. Who is it vested in?—It is vested in the Government.

37,769. Did he hold it upon certain conditions, such as good behaviour?—There was an Ordinance passed in 1869 or 1870, or perhaps a little before that, regulating the conditions under which Paulus Mopede was allowed to occupy the ground at Witzieshoek.

37,770. Could he sell it or otherwise alienate it?—No.

37,771. Was the power reserved to him to apportion the land in that location at Witzieshoek?—No, there was no power of that sort given him. There was a Commandant appointed, and the Commandant represented the Government in all matters connected with the land and the Natives.

37,772. You stated that it was under tribal tenure?—I mean communal tenure; there was no personal tenure.

37,773. The Chief under communal tenure generally has the power to locate the portions of land which the Natives hold?—That would not apply here, because the Government was Chief; the Government was the owner. Under ordinary tribal tenure the tribe is owner.

37,774. The Commandant allotted?—The Commandant allotted for their residence, and for grazing, and one thing and another.

37,775. Had he the power to remove or deport any Natives who were occupying land?—I do not think he had that power; he could only represent to the Executive. The President and the Executive dealt with the matter. Several of these articles have been repealed and amended; I can let you have a copy of the original Ordinance.

37,776. This is held on communal tenure by the Natives?—Yes.

37,777. Does the ordinary tribal law prevail, or the common law of the country?—All minor offences were tried by the Chiefs, but there were certain offences which had to go before the Commandant who tried those offences.

37,778. Has that location, as at first beaconed off, ever been altered?—No, except in so far as that a certain portion of land in it was granted to the Dutch Reformed Church for Mission purposes.

37,779. Then it has practically been a location under a Magistrate,—the Commandant as Magistrate: he had magisterial jurisdiction?—Yes.

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37,780. Has that been found to work well?—We found it work very well.

37,781. And he used the Chief as his medium of authority?—To the people, yes.

37,782. Had he police of his own?—Yes; there were one or two police given to him, I think.

37,783. Has that land all been absorbed agriculturally?—No not all. There is a considerable amount of stock.

37,784. Have they applied for more land?—No.

37,785. Supposing that it now got filled up by Natives, and they did ask for more land, would your Government have granted more land to them?—I do not think so, because the Government had not it to grant, unless they purchased it for them.

37,786. Do you know what the policy of the Government would have been in the matter? Would they, if they had more ground, have given it to them?—I do not think there would have been any objection if the necessity for it had arisen, but the question never presented itself.

37,787. What I want to arrive at is as regards expansion, supposing there was an overflow, would you have let them shift for themselves as they overflowed, or would you have provided them with more room?—I think they would have had to shift for themselves.

37,788. Do you recollect what particular conditions were attached to this reserve? Did they pay rent as well as taxes?—No, they paid no rent. They only paid hut tax, and they paid a certain tax at their own request for school purposes.

37,789. And a poll tax?—No, only a hut tax. Afterwards they were put on a level with the other Natives.

37,790. In the matter of poll tax?—Yes; but according to the original agreement between them they were subject to a hut tax of 10s. per annum.

37,791. With regard to the reserve at Moroka, is that upon the same lines?—No. It is not on the same lines.

37,792. Can you quote the points of difference?—Moroka came under our Government in 1884, when the territory of Moroka was annexed to our State by President Brand. There was a proclamation issued, guaranteeing to the Natives the rights then existing; amongst others, of course, their tribal tenure. Before this had taken place Sepinari Moroka and his Council had already resolved to grant separate titles to various Chiefs for ground that they held, subject of course to the tribal rights of their subjects existing on the ground. The whole survey had been made by the surveyor, and diagrams had been made, so that when the annexation took place, our Government gave effect to that and to the titles of these various holders, subject to the tribal rights of the Natives.

37,793. There were some white holders, and some black?—There were a few white holders. There were about 17 or 18 white holders—not more.

37,794. You recognised Sepinari's right to alienate?—It was alienated in this way to certain Chiefs—certain portions to certain Chiefs.

37,795. His own family?—The family Moroka and others, too, who were not of his own family, but who seemed to have a certain preferent right to certain territory.

37,796. A certain claim?—A certain claim.

37,797. They proceeded to part with their rights?—I have heard first of all after the annexation was made, that there was a plan amongst some of the people here to go in and buy up a lot of these farms, and I drew President Brand's attention to it, and then a proclamation was issued by him at once, stating that no transactions of that sort would be recognised by the Government at all until all of the matters of the country had been dealt with by the Volksraad itself. They were then dealt with by the Volksraad. Two Commissions were sent out to examine and enquire into all these rights, and when the matter was brought before the Volksraad a resolution was taken to render the sale of ground a matter of great difficulty. It could only be sold under approval by the Volksraad, the Government reserving a pre-emptive right of purchase, and alienation was rendered impossible for 15 years. The tribal rights of the people having been guaranteed, there were certain regulations made under which the titles were issued, and one of the regulations was that the rights of squatters on these farms had to be respected, —the rights of the Baralongs living there. Those rights were looked upon, of course, as limited to the persons who were in occupation at the time of the annexation.

37,798. As a matter of fact a good strip of this country did pass into private hands?—Yes.

37,799. Is what remained of the country tied up in any way?—That became Government property, and most of it was set apart as locations. Good strips of it were set apart for locations for those Natives that had no other place to live on.

37,800. What are the conditions upon which that land was set apart and is now occupied?—The Natives just simply live there, and they cultivate, paying certain poll tax.

37,800A. Have they also a Magistrate with them?—At first they had.

37,801. Have they now?—Now, of course, it is a district of the country under the Government. It was a district before the war, under a Landdrost.

37,802. Is that land actually reserved for them?—Resolutions were passed by the late Volksraad setting apart certain farms as locations for these Natives who had no ground of their own, and were without places of residence, where they could go and settle.

37,803. What I mean is, is that land so reserved that it cannot be taken away from those Natives except by an Act of the Legislature?—I think an Act of the Legislature would be required to move them off the ground.

37,804. They occupy that land on communal tenure?—I think so, yes.

37,805. After the murder of Sepinari, and the flight of Samuel, did you recognise another Chief in Sepinari's place?—No.

37,806. Who was the representative person?—There was a Commandant there first. We recognised the local positions of those Chiefs. There were several of Moroka's sons who had ground there, but we never recognised any governing power in any Chief after that. A Commandant was there first of all, and afterwards a Landdrost was appointed.

37,807. It is under communal system you say, and under that system there is almost invariably a head. Who was that head?—Any little habit or custom, as far as their communal tenure was concerned, was a matter for their Chief, but for the rest they were under the common law of the country.

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37,808. Was there a Chief or not?—That is to say, the local head of the kraal, you may say; we did not recognise anybody as Chief. For instance, there was Richard Moroka and George Moroka; they were nobody, except that they were sons of the old Chief

37,809. The Magistrate has no paramount person to whom he refers in these matters?—No. They are all under the common law now.

37,810. Does the Resident Magistrate of the district give out all gardens?—No, he does not interfere with that.

37,811. Who does that?—First of all there was a list made under the late Government, a sort of census of the district, stating where the people were living, but there is no such thing as giving out gardens. These people are there and cultivate certain portions of land, and if they go away from there, their tenure being a personal right, they would lose their tenure.

37,812. Who determines whether a man who wants more land is to get that land, or if a new man coming there wants to get land whether he is to have it, and if so, what amount?—I think that was a matter of arrangement for each kraal. I am not aware that there is any special machinery for that. If there is it must be of a very domestic character. There is no special machinery for giving it out. The people are there, and allowed to sow and reap, and as long as they are law-abiding, they are not interfered with.

37,813. There is a large strip of country. What I wanted to know was whether you had forbidden the ploughing of any more land?—I do not think so. I do not think there is a single enactment to that effect. It was not done by our Government, in any case, and there is no legislative enactment since prohibiting their ploughing.

37,814. You have two locations in this country which are both under the communal system?—Yes.

37,815. I daresay you are aware of the fact that in some Colonies in South Africa experiments have been made in the direction of individual tenure. Do you hold any views upon that?—I cannot say I hold any definite views upon the matter. I have always considered it would be a good thing if there were individual tenure.

37,816. Do any reasons occur to you for that?—Simply to teach the owner the responsibility attaching to the possession of land.

37,817. You recognise he is the better for feeling some responsibility?—I think so.

37,818. Do you think that is one of the most useful steps to be employed in elevating the Native, that he should feel responsibility?—I think so.

37,819. With that responsibility what do you think should go?—It is a very wide question. I should say the elevation of the Native depends upon his being allowed to feel his responsibility as a member of the community. There are various views concerning the position of the Native. I know the late Government, and most of our people held, that it was not a desirable thing to over-educate the Native, seeing he was not in a position to make the best use of that over-education, and that it only spoilt the Native to over-educate him. That was the view which was held. I think that view has become gradually modified, because, before the war took place, the Government began to see the necessity of making small grants towards education, but education of a simple type, sufficient to enable the Native to read, and chiefly they considered the education ought to be to teach him the dignity of labour, and to teach him how to live.

37,820. If you gave the Native land, gave him responsibility, and made him, as you say, a member of the community, perhaps a respected member of the community, do you think that any privileges of any sort should accompany that?—You mean in the shape of franchise?

37,821. In any shape?—I should be very chary of giving the Native the franchise in this country at all, for the simple reason that numerically it would eventually become a black Government. They outnumber the white population to such a degree, and they are so much more prolific than the white population is, that, if they got the franchise, it must eventually culminate in the whole country being under a black Government. One idea occurred to me, which might be a benefit to the Natives, and that was if they showed their sense of responsibility to any marked degree, to such a degree that they were prepared to become in the next generation good citizens, people who would take their share of the public burdens and public responsibility, as a preparatory measure if you gave them individual tenure you might inaugurate a sort of separate deliberative Council for them. I cannot conceive such a thing under our conditions at all—perhaps when the millennium is here it may be established—as whites and blacks sitting in the same Council, whites and blacks legislating on conditions of equality, but I do not see why such a thing as a deliberative Council should not be inaugurated in which these people, according to the degree of their enlightenment, could debate their conditions, and could arrive at certain resolutions which they thought was good for their condition. This could be submitted to the other Legislatures for consideration and for application where necessary, and where possible. Anything putting them on a basis of equality with the whites, as far as franchise and political rights are concerned, I think is precluded by the conditions existing in this country.

37,822. I will come back to your opinion about representation directly. I want to ask you before we go on whether, in giving them individual tenure, you would give them a grant of land, or whether you would let them buy it, or whether you would lease it to them?—I should commence by leasing it.

37,823. What would the tenure be under the lease?—I would give them every chance of developing their property, and so on. I would make the lease in the same way as under the former Government. When land was leased, and they made any improvements on it, and lost it, they should be compensated for their improvements; otherwise, to let them have the same use of the land under the lease as any other man would have, for the purposes of agriculture or anything else. I would make it impossible for them to sublet without the consent of the Government, because if they could sublet they would very soon part with the ground. If you give them individual tenure you must have such a condition that they are obliged to hold it.

37,824. That they should not have the power of disposing of it either by sale or by sub-letting?—No.

37,825. Would you provide that it should be held during good behaviour?—I think that would follow, as a matter of course. You do not want to have a whole lot of criminal tenants on your ground.

37,826. You would have to provide for it specially because you said just now this leasehold should be held by them like any other man; presumably you meant a white man. You could not put

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such a clause in the agreement as to a white man misbehaving himself?—It would all depend on what misbehaviour was meant. If it was drunkenness or immorality or anything of that sort you would require to safeguard yourself in the case of the Native in that direction, but for a white man of course it is different.

37,827. Supposing he was treasonable or disobedient?—It stands to reason he would be amenable to the common law.

37,828. If he came under the law and was punished?—I would let that involve forfeiture.

37,829. What kind of rent would you charge him and how much do you think would be a fair sized allotment?—That would vary in different parts of course. If it was all agricultural land I would follow as nearly as possible the conditions which now exist in their locations. They live together in certain kraals at different spots and their lands are round about. At present these lands are cultivated in blocks. I am not sufficiently acquainted with their ways to say whether they all sow together and divide afterwards or whether each sows certain portions of land and reaps them for his own purposes, but I would give each a certain portion of land and if possible I would make him live on it.

37,830. Where it has been done there is a communal grazing ground. What I am asking you is what size do you think the allotment for agricultural purposes should be, because if you made a law providing for this you would have to state at any rate the maximum which you would not exceed in making these allotments?—I have not experience enough to speak on that.

37,831. Generally speaking you would let them cultivate what they are now cultivating?—Yes, what they find sufficient at the present time.

37,832. I am supposing that the Government acquired or set apart a tract of country, not necessarily the existing locations; then you would have to lay it out in blocks?—Yes.

37,833. I wanted to get your view as to what would be a fair size?—I have not sufficient experience of their requirements to say.

37,834. What charge would you impose upon them?—I would make it the same amount as anybody else is paying, make it a quit rent if it is all agricultural ground, and give it to them at 10s. or 20s. a year.

37,835. For the block?—Yes.

37,836. Not per acre?—No, for the block. Our quitrent in the country is 2s. per hundred morgen. If you have a 3,000 morgen farm you pay £3. Of course if they are subject to poll tax as well it will come pretty heavy on them to make it that. Then they could pay an ordinary quitrent for an erf, 5s. If it is about the size of a good erf make them pay 5s. for quitrent.

37,837. That is presuming the Native could earn his quitrent and his means of living out of the ground he occupied?—Yes.

37,838. Take the case of a white man on say ten acres, you would not expect him to live entirely on that land; he would supplement his means by labouring?—He would only have to pay to the Government 2s. per hundred morgen.

37,839. He could not live out of so small a quantity of land?—Yes, if it was good ground.

37,840. Out of ten acres?—Ten morgen.

37,841. If he could not he would have to supplement it in some way?—Yes, and generally would.

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37,842. Supposing the Native was unable to live out of his small allotment it would be open to him to supplement it by labour?—Of course. I would not confine him to the land.

37,843. You would not make it a *sine qua non* that he should have enough land to live entirely out of it?—No.

37,844. Upon the subject of representation, you recognise that the Natives ought to get, and are entitled to get, some kind of representation in the Councils of the State. You went on to say that if they had a Council of their own it might meet the case?—I say they get representation now. We may look upon it as direct or indirect, but indirectly at any rate they get it. Although they have no vote, the men who represent their districts are all aware of their conditions and are open to approach from them to represent any grievances they may have, at least, I have always found that the case. When I was a member of the Volksraad, Natives have often come to me with grievances of one kind or another, and they have a certain degree of representation. Direct representation in which they would have a vote I do not consider possible. I should think a full generation would have to pass away before anything like a practical consideration of that position could with any degree of probability be entertained. I should say the only way of giving them a chance of having representation for their position would be to form some sort of separate Native Council to which they could send elected representatives, and that Native Council should discuss any questions arising in regard to their conditions, and in regard to their grievances. They could discuss that, and the resolutions which such a Native Council would arrive at would be submitted to the Government, and the Government could then see how far legislation taken by the white Parliament could meet the position.

37,845. Who would preside over this Council?—An officer appointed by the Government. The Government could appoint an officer.

37,846. It would take the form of an Advisory Council?—A Deliberative Council and Advisory Council. I think that would be a measure which would gradually accustom the Native to open discussion of his grievances, and accustom him gradually to the responsibility of that representation and educate him up to the necessity of having that representation made in the same way as is done in Parliament at present for the white population.

37,847. You object pointedly to the idea of the Natives and the Europeans voting alongside each other?—Yes.

37,848. Supposing it were possible to give the Natives direct representation in Parliament by allowing them to vote for separate members, not alongside, competing with the Europeans, but dividing the country, say, into circles, and letting the Natives who are qualified by law to vote, vote for and send to Parliament a limited number of men representing them?—To sit in the same Parliament?

37,849. Yes?—I do not think that is feasible or desirable under present conditions. I do not consider that the Natives of the country as a whole are sufficiently educated up to the responsibility of legislation to give them any voice in it.

37,850. What is in your mind for the moment, that the men sent to Parliament would be Natives?—Yes.

37,851. I did not say Natives?—They are at the present time doing that in the Colony; they are exercising a vote for white men.

37,852. In the Colony the Natives vote alongside the white man.

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I am speaking of Natives only voting for representatives who would go to Parliament?—If they sent white representatives of course my objection would fall away because then they would be likely to choose men who are educated up to the responsibility of the position and who at the same time would not solely look at the thing from the Native point of view. If you sent Native representatives they would absolutely look at it solely from the Native point of view, which is totally opposed to the white point of view.

37,853. Supposing the Natives, being qualified to vote, voted for white people and sent them in a limited number to Parliament, you would not see the same objection?—No, I would not see the same objection to that provided that the representation is limited to white representatives; I would not leave it free to them to send either black or white.

37,854. You would limit it to white?—I would limit it to white.

37,855. You were speaking just now of the education question. You said that the late Government held that it was necessary to move discreetly in the matter and that they had done so. Then you went on to say that that education should in the opinion of the late Government be of a simple nature and it should teach them industry?—Yes, principally.

37,856. Have you pursued any kind of policy indicative of that?—Only to a very small extent as far as the Witzieshoek location was concerned. The conditions under which the Moroka people came under our Government had been settled upon definite lines for so many years that no attempt was made to disturb them. Moroka was looked upon as our ancient ally and any attempt to alter the conditions of his people was scouted by the Volksraad. The Volksraad I think saw themselves under the necessity of annexing them to this country and decided to make as little change as possible in their conditions out of a grateful memory for what Moroka had done many years ago to the Voortrekkers, sending his wagons and rescuing them from Umzilikatzi, so the Volksraad refrained from doing anything which would look like striking at the rights of these people in any way, so that there were no experiments made with them at all. The chief attempt at education amongst the Witzieshoek people was left in the hands of the missionary.

37,857. To begin with, are the Natives in this Colony industrious?—We had a fair amount of labour and they were fairly happy. There were, of course, from time to time complaints, which resulted in legislation in regard to squatters and the allotment of labour more or less. There were parts of the country where large numbers of Natives were allowed to squat on the farms—in the Harrismith district and up over the border—where the owners used in former years to let the Natives pay a heifer a year, and so on. These people had numbers of Natives on their farms, while perhaps their neighbours could get none, and they were demoralised with regard to that until legislation culminated in limiting the number of families that each man could have on his farm. A farm occupied by a white man could have five heads of families, and a farm not occupied by a white man could have two heads of families for labour purposes, and I think we can say that as a whole after that there was not much difficulty in obtaining the labour required for the farms, that was labour of an average class, labour as it was. A great deal also depended upon the man himself. If a man treated his Natives fairly he always had lots of them in his service and so had lots of labour; but if a man got the name of not treating his

Natives fairly, of course, there was always a difficulty in his case of getting labour. The legislation I have mentioned was the only limitation that was placed on the squatting system. Then, if five heads of families were not sufficient for the requirements of the farmer in the cultivation of his farm, the farmer could go to the Magistrate and the number could be increased up to as high as fifteen heads of families after the Magistrate had enquired into the circumstances and saw what was required, the farmer having to pay for the additional heads of families he was allowed.

37,858. *Mr. De la Harpe.*] He was allowed up to ten, I believe, and on paying he could get five more; was that not it?—Yes.

37,859. *Chairman.*] I will come to squatting presently; my question was, do you think that the Natives in this Colony are industrious?—They all have to work.

37,860. For what purpose?—To live.

37,861. They have to work for their living?—Yes.

37,862. Then they are industrious here because they are obliged to be industrious?—Yes.

37,863. Supposing you had a great deal more Natives than the farmers wanted here, and supposing they had enough land to keep them going without labour, have you in your mind any views as to how such people could be induced to become industrially inclined?—We never had that position that we had more Natives than we required, and therefore the matter never presented itself as to what would happen supposing we had a plethora of Natives in the country that we had no occupation for. That position has never occurred.

37,864. Still, as one who has thought of the question a good deal, I am putting the abstract question to you as to whether you have any opinions as to how the Natives can be induced to become industrially inclined?—I cannot say I have formed any definite idea upon that head. Up to the present time in this country the great thing has always been to educate the raw Native to work.

37,865. I suppose by raising the standard of his wants, if these wants are created he has to satisfy them?—That follows as a natural course. We have always had a law that the Native must be clothed. Directly he came into this country he had to cast away his blanket and wear clothes; he could not go about naked.

37,866. He had to wear a pair of trousers?—Yes; and the result was, of course, that he had to get a shirt; and he gradually got accustomed to this.

37,867. Those are not all his wants; those are things the law compelled him to get?—Yes.

37,868. What I want to get from you is whether you think as a means of making him industrially inclined it would be wise to cultivate in him the desire for things which he has got to obtain?—I think that will follow as a natural course, because the only way to make him contribute to the expenditure of the country and also to attain to a better position for himself is by inculcating those desires for civilised conditions.

37,869. One means to that end would naturally be the simple education you referred to?—I think so.

37,870. Then, supposing Natives demanded a higher education, and supposing they were prepared to pay for it, would you let them have it?—If they were prepared to pay for it, and they wanted to have it for the benefit of their class, I do not see why they should not have it.

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37,871. Do you think the State ought to meet such a demand?—If it appeared that they are considerable contributors to the revenue of the State, then I should say the State could do something to help them towards it; but if they are only in a small degree contributing and the expenditure involved was large, then they ought to subject themselves to a special tax for the purpose.

37,872. I said, presuming they were prepared to pay for it would you meet them to that extent that you would provide the schools?—I think it would be fair.

37,873. An alternative you know, I daresay, is that where Natives are demanding education in South Africa and it is not provided for them, they have in some cases sought that education in America?—Yes.

37,874. And with not very satisfactory results?—Yes.

37,875. I want to get your opinion about this: do you think it would be a wise thing to drive aspiring Natives to seek education in foreign countries?—No; I think it would be better then to give them facilities here, subject to the supervision of the Government.

37,876. You said, if they contributed towards the revenue of the country, it was the duty of Government to respond to that in some way by helping them?—Yes.

37,877. As a matter of fact, do you know what amount of the direct revenue of your country is paid by the Native in hut tax and poll tax?—I think it comes to about £30,000 a year. I think it figures in the Estimates for this year at some £32,000.

37,878. In all?—Yes, in all.

37,879. And indirectly?—What they contribute indirectly it is difficult to say; it depends on what they consume, the amount they pay in Customs, and one thing and another On blankets and other things they use they pay direct to the Customs.

37,880. And their clothing?—Yes; articles of clothing, and food, and so on. I could not say what the proportion of the indirect contribution is.

37,881. Do you know the Natives of this Colony well? You know the location Natives here; perhaps they are large consumers of European goods and things?—Yes.

37,882. But taking the other Natives in the country; do they consume to the same extent?—Not nearly to the same extent.

37,883. Would you call your Natives here—those who are all over the country—an advanced type?—No, I would not call them an advanced type, although I would not put them on the same basis as the "naturellen," the raw Natives. They have taken up a certain degree of civilisation, and some that have been born in this country and have lived amongst our farmers for a long time are considerably advanced. Some of them are Natives of a good stamp, but they are not so advanced with regard to their contribution to the revenue and their consumption of civilised goods as those living in the towns.

37,884. You spoke just now of teaching them to work; what was in your mind; did you mean teaching them technical trades? —Every raw Native who comes from the kraal here has to be taught. He not only has to learn the language as he goes along, but he is taught masonry or carpentry work, or whatever his master's work may be; the master has to teach him from step to step whatever he has to do. I did not have in my mind regular technical education or instruction, although I do not see why, if they are fit, when they are taught simple education, a branch of their work

should not be labour—labour in the field. At one place certain hours of the day while they are at school they have to devote to labour, to digging, to agricultural work, to carpentry work, and other things. I do not see why it should not be done.

37,885. Supposing you had a school here in town, how would you teach them agricultural work; you have a large location, with thousands of children?—In town it would be a difficult matter, because you cannot dispose of the ground. The ground is municipal ground, and the question is always whether the Municipality would put aside a piece of ground that is irrigable or which could be put under water in the ordinary conditions of agriculture in this country. I doubt whether such a piece of ground would be available. But in the country it is different. For instance, at Witzieshoek there is a school where they can be taught agriculture; and they can be taught agriculture in Moroka, as there is a school there also.

37,886. Would you do that by means of Government teachers?—If the Government provides the education it is sure to provide the teachers; those teachers would have to supervise the training.

37,887. If you subsidise a mission that is carrying on education, would you impose that as a condition?—You might impose that as a condition.

37,888. Do you do that, as a fact?—So far as I know it has not been done, as a fact.

37,889. Manual labour of some sort or other ought to be associated with education?—Yes.

37,890. That would be your policy?—Yes.

37,891. Now, to get on to the squatting question. You told us that the Squatters' Law in this Colony—with which some of us are familiar—is one that has, generally speaking, answered very well. I want to ask you your opinion about squatting in general. Do you think it is a good thing that European landowners should allow Natives to squat on their land in large numbers in excess of what they require for agricultural and farming development?—No, I should absolutely prohibit it by law.

37,892. Have you had any experience which justifies you in forming that opinion with regard to Kafir settlements on private lands?—In years gone by there was a case where a Native had a farm, and where, before there was any limitation at all of residences, a good number of Natives came and resided on the farm along with him, and the result was that the stock of the surrounding neighbours was absolutely unsafe. The neighbours' stock disappeared, and yet it was difficult to bring home thefts to these people. Their own stock was never slaughtered, and there was absolute moral certainty that they were the thieves, and that the continual losses inflicted upon their neighbours came from them. And we had three particular places where farms were from early times in the hands of the Natives, and which, according to the decision of the Volksraad, were allowed to descend from father to son. The descendants of the original owners were allowed to inherit, and on these farms Natives squatted. We were then bound to make the law also apply there that they could only have five heads of families on those farms, because they were a source of annoyance to the neighbours round about. I have heard it alleged that in Natal, for instance, 400 or 500 Kafirs may club together, and, contributing £2 or £3 a-piece, go and buy a farm which they could get for £1,200 or £1,500, and having got their farm they make it so hot for the neighbour that he finds himself obliged to sell, when they club together

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again and buy that property also. By that means there are large Native locations arising in Natal in places where white residents occupied the land before, and where the Natives make residence for their white neighbours totally unsafe. I think it would be a wrong policy for us to adopt.

37,893. You are speaking of land acquired by Natives, and acquired by them as locations in their own right?—Yes.

37,894. The question I asked you was whether you concurred in European farmers having upon their land locations of Natives?—I say no; I do not consider that it is a good policy to allow European landowners to have large locations of Natives squatting on their land.

37,895. Then you pointed to the evils of Natives purchasing land in their own right; would you object to that altogether?—Yes.

37,896. The law of this country does not allow it?—No, the law does not allow it.

37,897. But in some countries the law does allow it?—Yes.

37,898. Would you allow them to lease it?—No, because the same thing can happen through the lease and has happened through the lease. If you lease a farm you can hardly impose the condition that there is nobody else to be allowed on the farm except the man himself to whom you lease it; and where you have a number of Natives assembling, there you have the same trouble with regard to the white neighbours.

37,899. Are you in favour of the prohibition of the sale of liquor to Natives?—Certainly.

37,900. Is that your law in this State?—Yes, that is the law in this State.

37,901. Have you any knowledge of what is known as the Ethiopian movement?—Only by hearsay. I have only come in contact with it in certain small ways, in connection with the Church, to which I belong. I am a member of the Dutch Reformed Church, and I know through our ministers the trouble which these so-called ministers of the Ethiopian Church give in their congregations. In proselytising they are not particular about the application of discipline. They admit members of our Churches who on the very slightest pretext withdraw themselves from our mission congregations, and these seceeders are received with open arms, as well as those who are placed under censure, and so forth. I know there has been a lot of trouble, and our Government formerly refused to admit them as marriage officers or to admit their status in this respect, on that ground.

37,902. Do you think that in addition to having, as you say, done harm to the existing Missions they have done any harm to the Government?—From my own observation I have noticed that Natives belonging to that connexion seem to take up a very much more, shall I say, independent and arrogant position in regard to their relations with us than other Natives do. They seem to think a great deal more of themselves and to consider that their rights are not sufficiently recognised. I am speaking of Natives belonging to that connexion with whom I have come in contact.

37,903. Is that caluculated, do you think, to mislead their own countrymen—their own people?—I think so; I think it would be a very easy matter to influence the minds of the other Natives in that direction—in the direction that they look upon themselves as a subject and an oppressed race. It seems an easy matter, because the

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Native mind is very suspicious, and if suspicion is once implanted there it is very difficult to root it out.

37,904. You have a Pass Law in this country which makes it obligatory for every Native if he moves from one district to another to have a pass?—Yes.

37,905. Do you think that that is a good law?—Yes, I think so.

37,906. Do you think it is necessary?—I think so.

37,907. Is there anything about the Pass Law which you would like to say?—I do not think there is; as it is used here in this country there is nothing to say against it. I think it is very necessary to control the movements of the Natives, and it is a particularly useful measure in that it enables the Government to have control in matters such as the theft of stock.

37,908. Is there any particular subject upon which I have not asked you questions about which you would like to express an opinion?—I do not think there is anything particular that I have to say further.

37,909. *Mr. Stanford.*] With the exception of these small tribes of Moroka and Mopiri, it seems to me that your position has been that of a State having to deal just with the overflow population of neighbouring parts coming in to seek labour amongst you, rather than having had to face difficulties connected with large cohesive tribes as in the other States of this country; is that not so?—Yes, that is absolutely so. Of course, there are remnants of other tribes in the country who have become habituated to the country and are scattered all over it. For instance, some of the Griquas under Adam Kok, and some of Lepui's people from Bethulie; then Taaibosch's people, and down here some of Mahara's people; Witzie's people up in Witzieshoek, Sekonyela's remnant, and so on. All these little tribes had little Chiefs who have died off, and their remnants have been left here, like Goliath Yzerbek, of the Koranas, who used to be in Bethanie. They are settled in the country, and their descendants have been born and grown up and become accustomed to the country. But, with the exception of these, it is, as you say, incomers looking for labour, from Basutoland and elsewhere.

37,910. Have you applied your Squatting and Pass Regulations to your coloured people as well as to your aboriginal Native population?—Yes, where there is a coloured landowner he is under the same law; but we have not applied, and we have not been able to apply it in locations, which are, of course, under separate conditions. Where there is a coloured landowner, he is under the same conditions, except in Moroka, where there may have been men who have had a tribal right of tenure on farms held either by a white or coloured land-owner. That right is not interfered with, and he has a right to live there and cultivate till he dies.

37,911. Would you bring into reckoning with any farmer a Griqua family he had on that farm as one of the families allowed under the Squatters' Law?—Yes.

37,912. And you require your coloured people to carry passes as they move?—Yes.

37,913. Have you any instances in which your law directed against the Native holding land in his own right has been evaded?—Yes, there have been instances, and I think there is an instance in existence now, though I do not know if the Government is aware of it. In Heilbron district, a white man bought certain ground which he held in trust for some Natives. I think that that is a solitary instance, and I do not know of any other; and if there is any other I do not think that it is known to the Government.

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37,914. It seems to me that you recognise that it is the duty of the Government to assist the Native to rise in the scale of civilisation as his opportunities afford him the means; do you not?—Yes, I think it is a moral obligation.

37,915. And that in time to come highly civilised and respectable Natives should be admitted to the privileges of citizenship?—Yes, although I am absolutely convinced that it is a matter of time altogether.

37,916. You hold that the conditions do not admit of this consideration being extended to them at present?—No; in fact, they are being utterly spoilt.

37,917. I suppose you draw your labour supply largely from Basutoland, especially at certain seasons, for agricultural requirements in the Conquered Territory, and also for sheep shearing, and harvesting?—Yes, Basutoland is our chief source of supply, and they are very good labourers too.

37,918. To return for a moment to this question of a Native holding land in his own right, how would you regard the instance of a highly civilised and educated Native of good character, desirous of acquiring land in his own name and opposed to any suggestion of establishing a location on such property, being permitted to purchase?—I do not see how you are going to do it, unless you have class legislation, and I do not see where you are going to draw the line afterwards.

37,919. The class legislation is in preventing him doing so?—You would have to make special legislation, I mean, to meet his position.

37,920. In view of your existing laws?—Yes, in view of our existing laws.

37,921. But I am putting this question to you to ascertain your view of the fairness of the proposition?—I have no objection to allowing a man to acquire land, always hedging his title about with the servitude that he can never have a location on the place. It would depend also what degree of development the man had undergone. We have instances where highly educated Natives have simply returned to the kaross and simply returned to their Native ways, and what safeguard have you got? You may have a very highly educated Native who under certain conditions will throw back into his old tribal conditions and——

37,922. Admitting that you were satisfied as to his good character, as to his appreciation of the rights of citizenship, and as to his being highly civilised, you would not then oppose his acquiring land in his own right?—I think it would be fair to make provision for such a man; I would make provision to meet that man's endeavours to raise himself.

37,923. *Mr. Samuelson.*] Is the definition of the word "Native" quite satisfactory here in the Orange River Colony?—We have made a distinction between a "naturel," which is the Native in his original condition—for instance, coming from his kraal the Basuto would be a "naturel"—and an "Oorlamsche," that is, a Native who had already been a certain time in service and in contact with the white population. Then there are bastards——

37,924. Is the bastard comprised under the definition of the word "Native," that is, the illegitimate offspring of Europeans and Natives?—No; they are called bastards in our law and defined as the progeny of a white father and a black mother, or *vice versa*.

37,925. And come under the ordinary law of the country?—They

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have more privilege than the ordinary Native because they are allowed to have erven in the town. They can have an erf in the town, whereas the "naturel" cannot have either an erf or anything else.

37,926. Are you in favour or otherwise of the perpetuation of the system by which Natives hold lands in community, such as we have in Natal, such as in Basutoland, and the Native reserves in Bechuanaland?—No, I am against that. I consider that individual tenure is what they must have.

37,927. Would you fetter the individual tenure in any way so as to prevent the Native from disposing of his land to any other Native or to Europeans?—If the idea of the Government was to have that land a separate reserve for Natives, then I would limit their right of disposal to Natives, not to white men, so I should keep it a Native reserve. But I would give them individual tenure, in order to give each man the chance of improving the property permanently for himself and his descendants, and so give him a sense of responsibility in regard to it.

37,928. You recognise the necessity of special dealing with Natives in legislation and in government for a long time to come?—Yes.

37,929. Do you think that whilst he is subject to special laws and special tribunals, and whilst he practises polygamy and "lobolo" and other Native customs, he should be entitled to be placed on the voters' roll or to enjoy the franchise?—No, as long as he is allowed to have a single barbarous rite, I would not put him on the voters' roll.

37,930. You expressed your views to the Chairman with regard to the separate representation of the Natives by members elected by the Native population only?—Yes, a sort of Deliberative Council.

37,931. You would not care to advance any further than that?—No.

37,932. If there were to be an agreement between the various Colonies of South Africa to enter into a federal union, how would the Natives then be represented in the Federal Parliament?—The Federal Parliament would be composed of representatives of the various autonomic Colonies. Each Colony would probably have its own Deliberative Council of Natives; their resolutions would be represented to their own Legislature, and their Legislature, after dealing with those matters, would refer them to the Federal Parliament for final legislation. This would be for any legislation which would apply to the whole of the country generally. There would be certain questions which would apply to South Africa generally; others would merely apply to the Colonies locally, and those could be dealt with autonomously, while those which would apply to the country generally would have to go to the Central Parliament.

37,933. Do you think that, taking into consideration the very varying conditions under which Native affairs are administered throughout British South Africa, it is possible to arrive at any uniformity of control and management of the Native population now, or to federate in any way in that respect?—I am, of course, only aware of existing conditions through reading, not through personal acquaintance. I should say there are such differences between, for instance, the Zulu conditions and Pondo conditions, and the Transkei conditions, the Tambookie and the Basuto conditions; there are such differences between the various tribes, that it would be very difficult to bring them all right down to the same bedrock policy and mode of living; but I do not see why there should not

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be one system of control, modified here and there according to the local conditions existing; the main principle of control being the same all through South Africa.

37,934. What would be the main principle, in your mind?—I would adopt the main principle that all Native tribes should be subject to the common law; that all tribal law and chieftainship law should be abolished. Take that as the main principle. There may be certain difficulties in each different part of South Africa, where that general action may be modified to a certain extent to meet local conditions, but where the main conditions would still be carried out. That is to say, the common law would not support such a thing as polygamy, or the sale of wives, and other practices. There is no reason why such a common policy should not be adopted, only the measure of application could be modified to meet any local difficulty which might exist.

37,935. You gave expression to very strong disapproval of land being bought by Natives in companies, and held by Natives, in the midst of European farms. Would those objections also apply to lands occupied communally by Natives as reserves?—No, not in reserves where you have no white population; and if a white man goes into a Native reserve, then I take it, of course, he goes with his eyes open to the conditions under which he places himself, and he must take all risks. That is quite a different position to allowing Natives to come into the middle of a white population.

37,936. But very many of these reserves, both in this country and elsewhere, are really surrounded by European farmers?—Yes, they are surrounded, and the very fact of their contiguity has taught the European farmer what a detrimental thing it is to have a Native neighbour. There used to be everlasting trouble even in Moroka's country, but since Moroka's country came under the common law of our State there has been an end to a lot of that trouble between the white farmer and the Native.

37,937. Are you of opinion that anything can be done, where Natives have become owners of land, to go back to the system which is in vogue in this country?—In the Colony proper, I only know at the present time of three Native landowners, and those are the Oppermans at Jacobsdal, Adonis in Hoopstad district, and one family in Kroonstad district. I am not sure that they hold the ground now, and that they did not sell it to the late James Robertson. But here in Moroka's territory, of course, and in Witzieshoek, no white man has any ground at all; that belongs to the State, and it is a location where we have placed the Natives, and from it we can take the Natives at any time, if we consider it desirable as a matter of State policy, though it has never appeared so. We have always considered that as Mopeli came under us under that treaty, it is right and just to leave him there, and to hold that ground for him. I know that the late President Reitz once had an idea of apportioning out Witzieshoek, to sell it out in farms, but the Volksraad itself did not share that opinion, because there was the treaty with Mopeli, and we considered that it was not right to make any breach of that. Here in Moroka's territory there are white owners of farms, and there are Native owners of farms; and, as long as those Native owners of farms are there, and as long as there are squatters on those farms with tribal rights of tenure on that ground we cannot interfere with them; but when these people, having tribal rights of tenure, die off, then we interfere, because it is a personal right. Those landowners will then be subject to com-

mon[illegible], and only allowed to have five or two heads of families, as the law provides.

37,938. May any Native be exempted from the necessity of carrying a pass for travelling from one part of the district to another?—We have an exemption law for Native ministers and other Natives whom the Government consider comply with the conditions laid down under that law.

37,939. You think that the privilege of exemption should be granted in certain cases?—In certain cases, I say so; if, for instance, there is a Native minister of a Native congregation, a Native minister who is a good member of the community, and a respectable man in every way, and so on, it may be irksome to him that he should carry a pass, and then I think it is only right to exempt him.

37,940. Would you exempt him also from the cattle pass regulations?—Yes.

37,941. I do not know whether you can answer this question, as it is more an official question, whether marriages by Native custom in this country are registered and recognised by the laws of the country?—They are recognised in this way. The off-spring of a man and woman who, according to Native custom, have been married in Moroka, are legislated for purposely in Native territory, where you have polygamy and also Christian marriages. There we have provided by law for the inheritance. We looked upon every Kafir, whether married to one, two, three, or four wives, as married in community, and we legislated for the purpose of inheritance. Where there is a Christian marriage he has every right; and it was also legal in Moroka's country that people should get married according to Native custom, and where marriages were carried out by Native custom, they were recognised by the Government after the annexation. But generally through the country the Native marriages are not registered.

37,942. But they are recognised as lawful marriages, whether polygamous or monogamous?—Yes, as far as Moroka's territory alone is concerned, there is legislation for it; but in our country we have never recognised polygamous marriages.

37,943. What is the status of the children of such marriages?—They are illegitimate. The mother is looked upon as their legal guardian. In such cases, where the father and mother are apart, the mother is looked on as the head of the family.

37,944. And they are incapable of inheriting, by any law in the Colony, their father's property?—There is generally very little to inherit; and when the Kafir is advanced enough to have anything to inherit, he generally makes provision.

37,945. Does marriage by Christian rites bring the property under the ordinary law of the Colony for administration?—Yes.

37,946. Would you be in favour of any interference by legislation with polygamy or the consideration that is given in connection with Native marriages?—I should certainly prohibit it. I think it only wants firmness, and the Kafir would very soon recognise the position.

37,947. *Captain Dickson.*] By your answers on the Squatters' Law, you are in favour of what we commonly call labour tenants, but not of squatters pure and simple?—Yes.

37,948. Would you allow the farmer in this Colony to have as much paid labour on his farm, together with the wives of those people, as are required agriculturally?—Yes, certainly.

37,949. Is it your opinion that there are many Natives in the Moroka district that have a servitude at the present time?—Yes,

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there are still a good many; a good many have forfeited the land by going away from the place, but there are still a good many who have it.

37,950. *Mr. Sloley.*] Does the Dutch Reformed Church ordain any Natives as ministers of that body?—No, not as ministers; they may ordain them as missionaries, with a different status.

37,951. They would not give the power to celebrate marriage, or to administer the Communion?—They have not done so as yet. The Dutch Reformed Church has appointed white missionaries to every mission congregation in the country. There are some that we call catechists, but these catechists have no right to administer any Sacrament.

37,952. When you allude to Native ministers within the State, you are speaking of ministers of every denomination?—Yes, of every denomination: Wesleyan Church, English Church, Methodist Episcopal Church, and so on; but not to the Dutch Reformed Church.

37,953. Can you tell us anything about the moral condition of these large numbers of Natives that live in locations near the towns? What is their condition, for instance, in regard to sexual morality? Have you any knowledge of that?—I am afraid it is very bad. I have not got accurate statistics to give you, but from what information I can gather from the police, and from what takes place before the Magistrate's Court, I think it is very bad. I think there is a lot of immorality going on.

37,954. Do you think that there is much prostitution amongst the Native women?—Yes, I believe so, among a certain class; and I am afraid it is increasing.

37,955. What would be the moral condition, in that respect, of the Natives living on farms in the country?—I am not in a position to speak positively about that. The isolated conditions of such a life may, of course, preclude facts coming to the knowledge of the people of the country generally; and, generally, the labourer on the farm has his wife and his family. I do not think there is so much chance of immorality there as in the towns, where you have a lot of young females that are not married, and a lot of young males that are not married, and where in addition there are a good number of the white population that are single.

37,956. Do you happen to know whether on the farms, in regard to their marriage arrangements, they follow Native custom?—I believe so, but a good many from the farms come into town to get married. Round about here, for instance, where there are churches, a good many Natives come into town to get married by the minister; but the generality go according to Native custom.

37,957. *Chairman.*] Do you think it would be a good thing if the Natives were all to adopt Christianity?—I have not the slightest doubt about it.

37,958. Do you think it would be a good thing in any way to anticipate their arriving at that stage when they can understand it and will become Christians?—They seem to be exceedingly eager to adopt Christianity from what I can gather from all the denominations labouring amongst them.

37,959. You are speaking of the towns Natives?—Towns and country.

37,960. You cannot make them Christians by law, can you?—No.

37,961. You spoke of the immorality going on; is that not caused perhaps by the non-recognition of marriages in some form or another?—No, I do not think that.

37,962. If you will not give their marriage any kind of recognised status, is it not rather throwing them back on animal existence?—I do not think it is that, because there is no reason why they should not, in getting married, enter into a Christian marriage; there is nothing to stop them. There are churches all over the country, and they can go anywhere and get a Christian marriage celebrated.

37,963. Would you have them enter into Christian marriage when they are not Christians?—That is a matter for the church, and, if they do not want to get married in the church, they can go before a Magistrate and contract a civil marriage. What is to prevent them?

37,964. Then the banns have to be published?—No, not in that case. The banns are simply posted up in the Government office, according to law, and perhaps read off three times.

37,965. You would have Natives go through that form of having their banns put up, not being Christians?—I think that Natives have got married who have not become Christians in that sense—I take it that you mean baptised and admitted to the church?

37,966. Yes?—I think that Natives have got married in that way, though I am not sure, and I cannot speak definitely that they have got married by civil ceremony; but there is nothing in the law to prevent them going to the Magistrate's office and getting a civil marriage effected. The Marriage Law does not demand that they must be Christians before they can be married.

37,967. May they come under the criminal law relating to bigamy?—Yes, if they get married civilly; then they would certainly come under the law.

37,968. Do you think they understand the meaning of that any more than they understand the meaning of Christianity, being still barbarians?—That I cannot speak definitely about, but I do not see why it cannot be made plain to the Native, the same as it is made plain to him that he cannot go and steal any man's horses. He can be made to understand that he cannot go and take two wives without breaking the law, and that the law only permits him to have one; he can be taught that.

37,969. Do you think it would be possible to bring about a change throughout South Africa of that nature all at once?—I am not sufficiently acquainted with the conditions of large tribes of Natives in various parts of South Africa to give an answer to that question.

37,970. You are aware that it might give rise to some confusion?—I do not see how it could give rise to confusion if the law is made and a certain time is given to these people in which trouble is taken to explain the provisions of the law, and to say that from such and such a date no polygamous marriage will be acknowledged, and that all people must get themselves married civilly.

37,971. How long would you give notice of that?—I could not definitely speak as to that; but I should think that if all the various ministers labouring amongst these people, and all the Magistrates labouring amongst them took the trouble to do it, the meaning of the Government could easily, in six months' time, or a year, be made plain to these people. I do not know what the ordinary Government machinery is in large Native territories to communicate its wishes, but judging from what I can see of the way things are dealt with in the Colony, and from the cases which come before the Magistrates' Courts both in the Colony and in Natal—and in Basutoland also—it seems to me that the Natives are very quick in finding out exactly what they can do and what they cannot do. I

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do not see why their aptness in matters criminal, for instance, should not also be made applicable in matters civil. It seems a weakness to give to Native custom so much force as is being done at the present time.

37,972. *Mr. Samuelson.*] The only marriages that are recognised in this Colony are marriages by Christian rites, and marriages before the Magistrate?—Yes; those are the only marriages that are legal or valid in the eyes of the law, except, of course, those polygamous marriages which have taken place according to Native custom in Moroka's territory before its annexation.

37,973. How are Jews married here? Are they married before the Magistrate?—No, they have their own marriage officers, who are appointed by the Government. The Rabbis come up here, and are appointed by the Government, and they celebrate the Jewish marriages. The Synagogue here has its own marriage officer.

37,974. And marriages according to Jewish rites and usages are recognised?—Yes ; they are duly recognised and registered.

37,975. What do you think of the right of veto, or Royal Assent to all legislation respecting Natives? In Natal, for instance, no law may apply to the Natives unless it is assented to by the King?—It seems to me to be a superfluous provision, because I cannot see how a Government so far away from the place of legislation, and so little acquainted with tribal rights, and with the rights of Natives, is in a position beneficially to exercise a veto on any legislation which the local Legislature may deem necessary for the position of affairs existing, and with which they are acquainted.

37,976. You have read, I think, of the dual capacity filled by the Governor of Natal, as Governor and as Supreme Chief?—Yes.

37,977. Is that a system you would approve of at all?—Personally, I think it is pandering to the Native idea of having a sort of Supreme Chief. I would not have it. I would have the Governor sole representative of the Government, and I would do away with the Chiefs as much as I possibly should.

37,978. *Mr. Stanford.*] I suppose you are aware that all legislation by Colonies possessing Responsible Government is subject to the sanction of the Crown?—Subject to veto.

37,979. To the sanction of the Crown?—Yes, to sanction, which involves a veto.

37,980. As long as you were controlling Moroka's location distinctly as a reserve apart from the Free State proper, you allowed Moroka and his people the utmost liberty in respect of their own customs, did you not?—Yes; but only for a very short time. It was in 1884 that it was annexed. Before that time, he was our ally, and he was absolutely independent of us. We never interfered in his country in any way. There was just a treaty of alliance between Moroka and our Government.

37,981. And do you not pursue the same policy in respect of Witzieshoek, in respect of non-interference with their own people in the observance of their own customs?—Yes. When Mopeli came over to us from Basutoland in 1867 or 1868, at the time of the Basuto war, special agreement was made between him and our Government with regard to his coming in under our Government as a subject.

37,982. As regards the Native within the Colony proper, having married according to Native custom more than one wife, and having during his lifetime apportioned his property to different houses in accordance with his laws, would the children of such houses be debarred from enjoying the ownership in that property upon their father's death?—No.

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37,983. Would you advise any alteration in that respect?—No, I would advise no alteration, because our law has already recognised the right of the children to succeed to the father's inheritance. For instance, there is the case of David Opperman. He was a slave who escaped from the Colony, and acquired three, or four, or five farms in the Jacobsdal district, and his descendants have lived on that ground since. The land was secured to him, and special legislation was passed to give him the right of five heads of households, to relieve them from this law in years gone by, because they were just as good as burghers of this State; they were devoted to the Government, and took their share in everything that went on.

37,984. *Mr. Krogh.*] Excepting the franchise?—Yes, excepting the franchise.

37,985. *Mr. Stanford.*] Have you considered, in respect of your view in connection with polygamy, that direct interference might lead to deceit and also immorality on the part of the Native people; that they might endeavour to avoid a form of marriage, and thus be led to keep women whom they would not call wives?—Yes, I have taken into consideration that question, but I cannot see why legislation should have a different effect in that respect upon them from what it has upon the whites.

37,986. Have you considered that they have their hereditary customs and laws for which they have regard, and that inherently they do not consider polygamy to be immoral, and that before you can effectually deal with such a custom you have to raise the moral standard?—Yes, but you can render it illegal. You do not find with the Kafirs and with all those people such a very keen idea of the *meum et tuum* principle, and it is only when the law comes in and shows them the punishment for theft and other crimes, that they recognise that they are bound by that law; and if the law makes polygamy illegal, and says that for economic purposes, for the purposes of government, to have regular order in succession, and so forth, a man must only have one wife, they would very soon drop into it. It is merely now, because there is no prohibition that they do indulge in polygamy. And, on the other hand again, if you reckon the evils that you do away with, if you do away with polygamy, there is no doubt as to what is the position the Government ought to take, because the evils resulting from polygamy are endless; and I do not think the condition of polygamy is a very moral one, all things considered.

The Reverend Joel Goronyane (Native minister), and *J. M. Wyokong* (Native landowner), examined.

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37,987. *Chairman.*] Are you a minister?—*Goronyane*: Yes.

37,988. Of what Church?—The Wesleyan Church.

37,989. Where do you come from?—Thaba 'Nchu.

37,990. Are you a Baralong?—Yes.

37,991. Are you living in the location at Thaba 'Nchu?—Yes.

37,992. Have you people living under you in Thaba 'Nchu?—Yes, I have people on my farms.

37,993. When you say your farms, what do you mean by that? How did you come by them?—I have three farms, but my people are living on my farms.

37,994. How did you come by those farms?—I got them from my Chief; some of them from Sepinari in the old times, others from Moroka.

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37,995. Does the Government give you title to those farms?—Yes.

37,996. Are they in your name?—Yes.

37,997. Can you do what you like with those farms? Can you sell them?—There was some law made by the Free State Government by which we could not sell our farms except we first asked permission.

37,998. So that the Government may have the first chance of buying?—Yes.

37,999. Have you many people living on your farms?—Sufficient people.

38,000. Are you allowed to have as many as you like?—According to the late Free State law I was precluded from getting as many as I liked. I could only have a certain number.

38,001. Are you under the Squatters' Law? Under the Squatters' Law you could not have more than five families?—Yes, under the present Government. Under the old Government there was servitude on our farms.

38,002. What was that servitude?—The servitude was in this way: When the Free State Government took over our country, there was not sufficient ground for the Native people. The Free State Government could not provide the people with enough land, therefore they made a servitude on all Native farms, allowing more than the usual number to live there.

38,003. Have you the right to remove people from your farms if you do not like them?—According to the present law, it is right to drive them away; but I have to give the reason before the Magistrate for doing so. If any boy refused to do certain work on my farm, I had the right to drive him away. Before driving him away, I had to explain it before the Magistrate.

38,004. Did you call upon the boys on your farms to do farm work for you?—Yes.

38,005. Did they work without pay?—According to our agreements with them.

38,006. They had to give free labour?—Yes.

38,007. How much?—I pay them with cash when I have made an agreement to pay them with cash, and I pay them in certain favours when I have made an agreement to pay them by doing certain favours for them. Some of them have the right on my farm to plough and to graze their stock, and they have not to pay me for that right; where they have to pay for grazing and ploughing the farms they do it by working on the farm for me; they pay no rent.

38,008. Do they pay the Government taxes?—Yes.

38,009. Do you pay the Government taxes?—I am paying quit-rent on the farms.

38,010. Is that all you pay?—That is all.

38,011. Are the people on your farms all Christians?—Most of them are Christians; very few are not Christians.

38,012. As to those who are not Christians, are they allowed to have their tribal habits and customs?—Those who are on my farms have not been practising their tribal customs; the only tribal custom they can practise, if they are allowed to, is circumcision, but I do not allow them to practise such customs on my farm.

38,013. Do they pay dowries for their wives?—I could not tell, because they never told me anything about it. Most of those who live on my farm have been married in the church.

38,014. Are any of them polygamists?—There are a few of them—about three, who are polygamists.

38,015. Are you hard upon those who marry with cattle, and upon polygamists?—I used to tell them that I did not agree with polygamists.

38,016. Did you drive them away?—No.

38,017. Do you think that the payment of dowry in marriages and the habit of polygamy are bad things?—For myself, I think them to be bad things; I do not like them. If you like, I can explain why I do not like them, but I would like to refer to something else before doing so. I would like to speak on the subject of education. Such customs as circumcision, dowry, and polygamy, are against education, therefore if I were to say I approve of dowry and polygamy, it would mean to say that I like my people to go against education and industrial training. People in the by-gone days were kept back by these customs of dowry and polygamy and circumcision. There is no progress which can be shown nowadays to be brought about by these customs. Through following these things we had to lose our country. Instead of working the country up, they were delayed by these customs, which have done nothing after all.

38,018. You think these old customs of "bogadi" and polygamy are most non-progressive? A great many people adopt these habits and customs. Do you think it would do if these people were obliged, roughly, to give up their habits and customs?—These things are now in the hands of the Government. I fear that perhaps the Government might be afraid to make a law to suppress these customs; my own opinion is that these customs should be suppressed. I think I could suggest some way in which the Government could suppress these customs.

38,019. In what way?—By bringing education amongst the Natives. The ministers have done their own work with regard to religion well and it has been answered well; and the success of their work has been seen by everybody nowadays. Now, to-day there are Native ministers in the ministry, but they could do nothing to change the customs of the people, and this is the thing which is for the Government to do. I think, if the Government can have many schools, these customs can be suppressed by education.

38,020. Education is the great medicine for everything?—I think education is the main thing to change the people.

38,021. Is it the only medicine?—I think this is the beginning of all; there are others, but I think that is the main thing.

38,022. What other medicines are there besides education?—Good laws.

38,023. What kind of laws?—I think there should be the same law. At present there seem to be two different laws—one law for the white people, and another for the coloured people, and yet we are all under the British Government.

38,024. You think we should all be under one law only?—Yes.

38,025. So that the laws about passes and taxes and those things should be done away with?—I do not quite understand how this pass law makes a difference between the coloured people and the white people when they are under the same Government.

38,026. Do you not think that when a Native is travelling about it is a good thing for him to have in his pocket some paper that will enable him to travel without any fear?—I should like to know what it is to protect him from?

38,027. Do you not think it is a security for a Native when he is going to work in some other part of the country to have in his pocket a pass that will identify him?—I do not think it is necessary that he should have such credentials.

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38,028. Do you think it would be a good thing to alter the law which prohibits Natives from getting drink?—I think I am not quite able to enter into that. That is in the hands of the Government, and I would like to be excused.

38,029. In some parts the Natives are not allowed to sell their lands to white people; is that a good law?—I think that is a good law; there are not many coloured people who have lands of their own.

38,030. Then you mean to say it might be difficult in their interests to do away with laws for Natives because some of them are good for them?—I quite understand; but still, for all that, I do not like there to be two rules, one for the white people and one for the Natives. During the old Government, there was a law which prohibited coloured people from buying any land; and the way in which we understood this law prohibiting coloured people from buying any land was, that it meant success for the white people, and no protection for the coloured people. We did not agree with the law. We took it for a law of people who were not wise. We are afraid when the Government begins to make a law for the white people and another one for the coloured people, when they are the same people under the same Government. We made representations before the old Government on the subject of this law, and told the Government that the law prohibiting the coloured people from buying land was not liked by us, and asked the Government if that was the law. The Government told us "That is the law for the whole Colony." The Government helped us in this way: It allowed us to sell to each other—a brother to a brother, and so on, but not to the outside people.

38,031. Do you also object to the law under which the Government of this Colony and of other Colonies has set aside and has reserved a lot of land for the Natives, the locations at Thaba 'Nchu and Witzieshoek, for instance?—I think it is right, because it is helping the people who have no land of their own.

38,032. That, you think, is right?—Yes.

38,033. *Mr. De la Harpe.*] You say the Natives should have the same law as the white man?—Yes.

38,034. Would you like to see that they could get as much liquor as the white man?—I do not wish to enter into that question. That question I leave to the Government. The Government is responsible for the people, and that they do not get drunk.

38,035. *Mr. Sloley.*] Do you know anything of the Ethiopian Church?—I know it only from hearsay. I have heard of it from the people, but I do not understand the objects of the Ethiopian Church. My own opinion is, I cannot agree with them forming their own church, whilst amongst the white people, I think the people ought to work together; that is why I do not agree with the Ethiopian movement. I do not understand the object. It may be that they are going the wrong way. If there were some white people in it, I would not object very much to it.

38,036. *Captain Dickson.*] Is there anything else you would like to say to the Commission?—There are some things that I would like to say to the Commission, especially regarding the part of the country where I come from. There is a reserve for the Natives in Thaba 'Nchu. If the Government continue cutting up this reserve ground the people will not have any place to go to. I say this, because the Government has cut another part of the reserve in Thaba 'Nchu, and that belongs to the Municipality of Thaba 'Nchu now, and there is another part again cut up for the station ground. There is

Rev. J. Goronyane, (Native Minister), and *J. M. Wyokong*, (Native Landowner).

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another thing which I would like to speak about, and that is education, which I say is the main thing. I should like to see something which shows success. There is another piece of ground which has been cut, and on that piece of ground there has been erected a girls' industrial school, and that is the main work that has been done by the Government towards the Natives. We would very much like the Government to make a boys' industrial school at Thaba 'Nchu. Although the Government cut another piece of ground from the reserve we would not object to that, because it would be for the purpose of teaching the people industries, which is the main thing I would like the Commission to understand.

38,037. *Chairman.*] Do you agree with what Joel Goronyane has said?—*Wyokong*: Yes. I would like to ask some questions about the pass law. Once upon a time, when I wanted to come to Bloemfontein, I was with some white people here working under me. When I got to the station to get my ticket, I could not be allowed to get a ticket to travel to Bloemfontein, because I had no pass, and they came on to Bloemfontein, and I had to remain behind. I think that was not right. I do not know whether the present Government will act in the same way as the old Government.

38,038. What kind of work were these white men doing under you?—They were making a dam.

38,039. Were you paying for it?—Yes.

38,040. Is that what you call being under you?—Yes, because I had hired them to do the work. Another one was working with a windmill. I then came to Bloemfontein. I had to pay some fines because I had come here to Bloemfontein.

38,041. If you hire a tailor to make you a suit of clothes do you call that being under you?—The tailor is not under me, but the one who works on my farm is under me.

38,042. Have you applied to get exemption?—Not here; those who get exempted are the educated people; I am not educated myself.

38,043. *Mr. Stanford.*] Are you an owner of a farm?—Yes.

38,044. In Moroka's old country?—Yes. Before I go, I would like to say something about the Ethiopian movement. The Ethiopian movement in our country has troubled us very much since they have been taking the members of the other churches to form their church. Since the Ethiopians seem to be taking the members of other churches to form their church, I think it is not right. I think that is the reason why I hear from the people of the Ethiopian Church that those who are under the Wesleyan ministers are bound to the Wesleyan Methodist Church by the English ministers.

38,045. Is that the only harm you have to say about that Ethiopian Church?—Yes; I think that is the only harm.

38,046. Are these Ethiopians to whom you refer represented by a minister in your neighbourhood?—There is no minister in our neighbourhood; there is a minister in Bloemfontein, who visits Thaba 'Nchu. He has just started a church there.

H. Gunn, (Director of Education).

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Mr. Hugh Gunn, examined.

38,047. *Chairman.*] You are Director of Education in the Orange River Colony?—Yes.

38,048. How long have you been in the Colony?—About 2½ years.

38,049. Is that your first experience in South Africa?—Yes.

38,050. Are you, on behalf of the Government of this Colony,

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doing anything in the matter of Native education?—Yes, we do a certain amount. We give grants to the Churches, and they are directly responsible for the spending of the money for the secular part of their schools.

38,051. What obligations do you impose with respect to grants in aid?—So far, we are merely getting our system settled, and beyond having visits from Inspectors yearly, we leave it to the Churches, but it is looked upon as purely a temporary arrangement. When the grants were last paid, the different denominations were told that policy might not be pursued later on.

38,052. That Government might have a scheme of its own?—Yes.

38,053. At present, you have not got one?—In the meantime we simply pay the money to the Churches, according to the number of pupils they have got.

38,054. Are they Mission Societies who are carrying on Native education?—Yes, amongst the recognised Churches—the Church of England, Dutch Reformed Church, Primitive Methodist, Wesleyan, and Presbyterian.

38,055. Are there many schools in the country?—Yes, a considerable number. I should say there are about 50 schools.

38,056. Approximately, how many scholars?—About 6,000 or 7,000.

38,057. What is, approximately, the amount of the grants in aid?—£1,500 a year.

38,058. Do you consider a fair amount of Government aid and encouragement is being given to those who are carrying on the work of Native education?—I consider that is a very small sum proportionately to pay for Native education.

38,059. Is there much demand for it?—There seems to be a very great demand amongst the Natives.

38,060. On the part of the Natives, or on the part of those who are guiding them?—I think, as far as I can gather, the chief demand seems to be from the Natives themselves. It seems to me to be a case of the Missions keeping pace with the demand.

38,061. Have you any demand for higher education for Natives?—Owing to the policy that has been pursued of giving grants to the Churches, we have not had very much direct connection with Natives, but I have had one or two deputations meet me to ask for grants in aid directly to the Natives.

38,062. Has any body of people ever approached you upon the subject of certain Natives being afforded the facilities of higher education?—No, not directly.

38,063. Supposing such a demand was made on you, would you be able to give it? Have you a school to which they could go?—No, not beyond the ordinary Native schools.

38,064. Then they would be forced to go elsewhere?—Yes.

38,065. Have you, in this Colony, any Natives who go elsewhere for their education?—I believe a considerable number go to Lovedale.

38,066. Do any of them go to America from here?—I could not tell you.

38,067. *Mr. Stanford.*] Have you any Ethiopian schools established?—You mean the American Methodist Church?

38,068. The African Methodist Episcopal Church?—Yes; I think there are a considerable number of these schools in the Colony.

38,069. Are these receiving any support?—No; they are receiving none whatever.

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38,070. Have you any idea as to how the schools are conducted?—In some cases I had private reports brought to my notice from the Magistrates, in which they complained of the tone adopted by some of the teachers, but there have not been any particular cases brought to my notice in which action has been taken.

38,071. Have you any information as to the attendance at these schools?—The deputation which called upon me recently said there were about as many children as the Wesleyan Churches had—about 2,000 or 3,000 people.

38,072. In respect of the children the African Methodist Episcopal Church is getting a strong hold?—It is getting a considerable hold as far as I can gather.

38,073. Has the head of the Church been up here to visit and inspect these schools yet?—I could not tell you. This deputation which called upon me wanted to know whether they could get a grant; they said they thought they were just as much entitled to a grant as any of the other religious bodies. So far, of course, we have made the distinction that it is only recognised white Churches that can get these grants, but they say they think they are quite as much entitled to the grant, as long as they satisfy our conditions, as any of the other Churches.

38,074. Your position is, you decline to recognise the African Methodist Episcopal Church?—I told them they would have to get the Church recognised by the Government before I could consider their case. I may say that the whole of this question is one that is looked upon as requiring settlement. Mr. Sargeant, Director of Education of this Colony, is investigating the question and reporting on the matter at present, I understand, and everything is being left more or less in abeyance until such time as he makes recommendation. We have had so much to do in re-starting our own white schools, that we really have no time to go into the question of Native education. Everything that has been done has been done simply provisionally.

38,075. *Captain Dickson.*] You started an industrial school at Thaba 'Nchu, I believe?—Yes; quite recently.

38,076. And you are giving a grant to a Wesleyan boys' school at Thaba 'Nchu?—Yes, the feeling of the Government is that beyond giving a certain amount of elementary education, a little in the way of literary education, more should be done in the way of industrial education, and we have started a school at Thaba 'Nchu, in which there are 25 girls being taught housewifery, cooking, and laundry work, of a plain kind, and at Boichoke there is a special grant of £200 being made to the Wesleyan Church for an industrial school. There is a certain amount of literary work, but it is mainly industrial. The grant was given last year for the first time; it has only just been started. The grant given to the girls' school at Thaba 'Nchu is in addition to the £1,500; it would probably be about £300 extra.

38,077. You are aware that several of these girls have been refused admission at Thaba 'Nchu, on the ground of the want of accommodation?—Yes; I believe there is a great demand amongst the Natives for this education.

38,078. As to the school at Boichoke, that is for industrial education?—Yes; they are doing the practical work required by starting this school.

38,079. They are taking up horticulture, too?—Yes

38,080. *Mr. Sloley.*] Have you had any of the Ethiopian schools inspected?—No, nothing has been done so far beyond visits from the Magistrate.

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38,081. Have you been able to form any idea as to the efficiency or equipment of them?—I have in one particular case. The Magistrate said that the school was well conducted, but, as a matter of fact, I am not speaking from the Educational Department point of view, because we have done next to nothing in the way of visiting them up to this stage. According to our Education Ordinance all schools are supposed to be registered; there are a certain number registered, but I intend getting inspectors to visit these schools when they have overcome the greater part of their ordinary regular white work.

38,082. To visit the African Methodist Episcopal schools?—To visit all the Native schools in the district, as far as possible.

38,083. From an educational point of view, can you see any reason why these African Methodist Episcopal schools should not be recognised, and get their share of Government support?—No, I see no reason, as long as they satisfy our requirements from a purely secular point of view. I think they are entitled to a grant as much as any other. I think the general principles are being settled first on what lines Native education is to proceed. Once that is done, if grants in aid are to be given, I think they should be given to any people who do the work. Personally, I do not like the system of grants in aid. I think it is a work that the State should take in hand directly, and, if possible, have more or less a common system for the whole of the sub-continent.

38,084. Of course, that would be a gigantic business when you deal with the masses of Natives in other parts of the country?—Yes; I know it is a very large question, but it will probably have to be faced some time or other.

38,085. The Government system of grants in aid to Mission schools costs less?—Very much less, of course; and you get the Christianising influence at the same time as the ordinary educational influence brought to bear upon them, and that has to be taken into account as well. At the same time, I think the system of grants in aid is very wasteful in many ways, because you have two or three schools in the same village, one overlapping the other, and you have not the same check. It is better than no system, but I do not think it is the best system we could have.

38,086. Do you not think that as long as grants in aid are given it will not be possible to permanently ignore the efforts of those African Methodist Episcopal schools to teach their fellow countrymen?—I think, logically, they are entitled to the grant as long as they satisfy our requirements from the purely educational point of view; but if there is anything wrong with the Church, it should be suppressed by the Government quite apart from the educational aspect. That is what I felt when I met this deputation.

38,087. *Chairman.*] With regard to this industrial school at Thaba 'Nchu, the girls' school: Is that entirely run by the Government—built and supported and conducted?—Yes; the teachers are being paid by Government.

38,088. Is it in charge of a selected matron?—There is an English teacher—a trained teacher of housewifery, from England, and she has a Native assistant. Of course, it is a small place to begin with.

38,089. You are not able to state any results that have been obtained at present?—It is too early to say. From what I can gather, it seems to be getting on satisfactorily. It seems to be very promising indeed.

Bloemfontein, Thursday, 22nd September, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.

The Hon. W. S. Whitworth, M.L.C. (Mine Manager).

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The Honourable Walter Stanley Whitworth, M.L.C., examined.

38,090. *Chairman.*] You are a Mining Manager at Koffyfontein?—Yes.

38,091. Have you been a long time in the country?—Something over ten years.

38,092. Have you been connected with the mines all the time?—All the time at Koffyfontein.

38,093. Is that your sole experience in the country?—I have had a certain amount of experience going about recruiting for Natives and forming agencies, but I have been situated at Koffyfontein all the time.

38,094. So that you have been managing Natives?—Yes.

38,095. What Natives?—I think we have had Natives from nearly every part of South Africa.

38,096. Are there many?—Not at present. It is not on account of Native labour that we are working on a small scale, it is because of financial difficulties that we are only employing about 300. If the financial difficulties are overcome we shall be employing 2,500.

38,097. You have seen the list of subjects upon which we are taking evidence. What is there in the list upon which you feel qualified to speak?—I hardly feel qualified to speak on many of them, because I think you must have had the evidence that I could give over and over again. It is chiefly with regard to Native labour that I would speak.

38,098. What do you propose to say to us about Native labour?—There is really only one point that might be fresh, that is, we are a poor proposition, and we have to economise in every way we can in Native labour. If the present rates of recruiting are kept up it will mean our working either on a small scale or closing down altogether, probably the latter. To overcome this difficulty two years ago, we thought it advisable to try and start a Native reserve or location, not exactly in the vicinity of the mine, but within reasonable distance, with the idea of bringing the Natives and their wives and families down to this farm where they could settle, and where we hoped they would remain for five or six years, until at last they had saved a sufficient amount of money to go home and set up as agricultural farmers on their own Native reserve. We bought a farm, taking the preliminary steps, and then found that it was contrary to the law to allow more than five families to settle on one farm. The Orange River Colony Government said it would not be allowable at present, but that the law was under consideration, as to whether it would not be advisable to reduce it to a certain extent, and that the matter must rest until that was done. In large industrial centres, I think it would be a very great advantage if that could be provided for, that a reserve of one or two farms should be allowed where you could get a number of Natives and their wives and families belonging to the same tribe. I would not mix the tribes.

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If we were allowed to do that it would pay us to go up to Portuguese territory, and import boys and their wives, if the Portuguese would allow it—that is a point I am not sure about—and bring them down, even only on a six months' contract, in hopes that with good treatment, and being well looked after, we should induce them to stay three or four years, instead of continually paying railway fares backwards and forwards, which is at present taking away all our profits.

38,099. So that your experiment could not come to a head?—It could not come to a head. We are quite prepared to go on with it at any time we get permission.

38,100. They do not object to your taking a number of boys to work for you?—No.

38,101. What do they object to?—They object to more than five families being located on one farm. Our farm is situated about an hour and a half from the mine. The idea was, that we did not want it too close, or else the boys would be continually wanting to go home to their families; we were agreeable to let them go home now and then for the week end. We thought that if we could get three weeks' work out of them in a month we would allow them to rest the fourth week.

38,102. The law is a little bit flexible in that respect; it allows discretion, does it not?—I understand it does not.

38,103. Have you not studied the law yourself?—I am afraid I have not, on that point.

38,104. How do they manage at Jagersfontein—they have a lot of labour there?—They simply import in the usual way. Lately they have been paying £1,000 a month in recruiting. That is utterly beyond us.

38,105. Then you have made no serious effort in the direction of asking the Government to relax the law in your case?—We have allowed the matter to drift for the present, because, owing to our financial difficulties, the future is a little bit uncertain.

38,106. What is the number of men that you would employ when the machinery is all going, and everything is in full work?—2,000 to 2,500.

38,107. At the present time you have only 200 to 300?—300.

38,108. You would like to get a considerable number of families permanently settled there?—Yes; we should try and get 100 families for an experiment in the first place, and see how that worked out.

38,109. The view you wish to express to us is, that if that was allowed, if it was not prohibited by law, it would be a great benefit to local industries?—Quite so; not only that, and not only to the Colony, but to the district, and to the boys settled there. At present the boys earn fairly large wages, and return to other Colonies, and perhaps to Portuguese territory, with their earnings, whereas they would remain and spend it in the district where the mine is situated.

38,110. You have had no opportunity of trying the experiment?—No.

38,111. Was there any other point in connection with labour that you wished to express an opinion about?—No; I think the new law that has lately come into force, the Municipal Corporations Act, in the Orange River Colony, deals with obliging Natives living in town locations to go to work.

38,112. Does this law make it compulsory that all Natives shall have regular employment?—Yes; that has just come into operation.

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38,113. Has the effect been considerably felt?—Yes; our locations are filled to a large extent with Kafir women loafing about making Kafir beer, and living on prostitution. This law has enabled the police there to make them go to work and earn a livelihood, or as they have got rid of them in Cape Colony.

38,114. You are speaking of the women?—Chiefly. The men they have always been able to get at, I think, but there has been a great outcry for the want of Kafir maid-servants, and I think that this law is very effective, as far as our part of the Colony is concerned.

38,115. How has it provided you with maid-servants?—It has made these women here, living on the making of Kafir beer and prostitution, go into service; it has obliged them to do that or clear out.

38,116. That is not an altogether desirable class of servants, is it?—It is not, but it has stopped a growing evil. If you had allowed that to go on, those women, who are desirable servants at the present time, would soon take to the undesirable.

38,117. It has taught a certain number of the coming generation that they cannot pursue these same habits?—Yes. With regard to the administration of local affairs on Native reserves, I know very little. Once or twice, when I have been up there, and had a meeting with the Chief, the Chief has had very little power as regards enforcing his wish to make the boys go to work. Up at Mafeking, especially, the Chief has complained that the boys have all been owing hut tax, and he was very anxious for them to go and work, and he has held a meeting, and spoke very strongly, but not with very much result.

38,118. Do you suggest that the Chief should have power of forcing his people to go and work?—I would not say the Chief, but I should say there ought to be some local government of which the Native Commissioner of the district is the head, and which should have the power of directly taxing boys over 16 years of age who are not married and have got no home ties.

38,119. What Colony are you speaking of for the moment?—Bechuanaland, chiefly.

38,120. Do you happen to know what persons are liable in Bechuanaland for taxation?—No, I do not. I do not know anything about the Native laws on the settlement.

38,121. In many of the Colonies in South Africa men of an adult age have to pay the tax. What is it in your own Colony?—There is only the hut tax and the monthly pass.

38,122. Who pays the hut tax?—In the locations, the boy living in the hut. He pays half-a-crown stand licence to the Estate Company.

38,123. In the country?—I suppose it is the head of the family on the farm. It is only a matter of £1 a year. I do not think that is sufficient for any man between the ages of 16 and 24 say. I should not tax them for the benefit of the Colonial Governments. I should let that money be applied to improvements and to the upkeep of the government of the Native reserves. I should make it to the interest of the Chief to tax his subjects who ought to be out working.

38,124. You mean to say, to give the Chief an interest in the amount collected?—Yes, which affects the number of men out—forcing the men to go out and work.

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38,125. The more he put out the more he would profit?—He would be obliged to send them out to work if he enforced the tax properly.

38,126. Do you say that they do not go out to work?—Yes.

38,127. In this Colony?—Well, there are so few boys in this Colony that are any good for mine work. As regards farming work I have very little experience, but you can practically say we have to import the whole of our industrial labour for mining from outside the Colony.

38,128. You have no supplies to draw on?—No.

38,129. Is there any other subject?—There is the Liquor Law. I think it is very good in this Colony. It allows every master to give his *bona fide* servant one tot of liquor per day, and I think in mining work there must be some little licence allowed to the employer or else it is impossible to get the boys to do certain work—for instance, working in water in winter. Unless you promise the boys a tot of brandy after they finish that work it would be impossible to do it. You cannot force them and it has to be done. I think there is one rather weak point in the Liquor Law. It would be rather unpopular perhaps to make any alteration, but it allows for a white man to send his coloured servant to a canteen or public-house and get a corked bottle for his master's consumption. That is a clause that gives the white man an opening for abuse. He gives his boy a *briefje* to go and get a bottle of liquor and if the boy is found with the liquor on him he is "bringing it to his master." If he gets clear away from the hotel on his way back to his master he takes it to the location. That is a way I know in which the Liquor Law is being abused at Koffyfontein at the present time.

38,130. In which certain low white people lend themselves to this traffic?—Yes.

38,131. But that is the law of the land at present?—Yes, that is the law of the land at present.

38,132. Is there any other subject upon which you would like to speak?—No.

38,133. *Mr. Stanford.*] Is yours a diamond mine?—Yes.

38,134. Have you visited the De Beers compounds and studied the system upon which they are worked?—Yes.

38,135. And have you observed that De Beers appear to be able to secure sufficient labour for their requirements?—Yes. If you are prepared to pay sufficiently high wages—that is the great inducement at De Beers—and if you can spend the money in recruiting you can get Natives. It is only a question of means; but in a poor mine like Koffyfontein we cannot do what the De Beers Company are doing.

38,136. Is it unreasonable on the part of the Natives to prefer to go where they can get good pay?—Not at all. I mean that the wages at De Beers are greatly in advance of the wages on the Rand or in other mines because there is a certain amount of danger and risk.

38,137. The position then seems to be this, that at De Beers, where the Native would say fair wages are paid, labourers are available, and at your mine, because the rate of wages is lower, you advocate additional taxation in order to compel the Native to come to you for a lower rate of pay?—Other Natives who are not working. I do not want to interfere with De Beers' Natives.

38,138. That is the object, to compel his services at a lower rate?—Yes.

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38,139. Would not a cup of hot soup do just as well as the tot of brandy to the Native after working in the water?—It would not be the same inducement to him.

38,140. They prefer the brandy?—Most certainly.

38,141. You have not tried the soup. It is used at De Beers successfully we are told?—No. We feed our boys; De Beers do not. I consider our system is an improvement on De Beers in that way. In De Beers compounds the boys are paid so much a week and have to feed themselves at a compound shop. It allows for a raw Kafir coming down in a poor state of health to go in there with the one idea of saving money and going home as quickly as possible and starving himself to do so. With us directly he comes in he has his fixed rations daily.

38,142. I am afraid you are met there by the fact that out of 3,000 boys we found in the hospital only between 30 and 40?—Yes, just at the present time. If we had to pay the same wages as De Beers are paying, I am afraid a lot of the outside mines would have to close down at once.

38,143. *Mr. Campbell.*] Do you approve of the Government spending public money in educating the Natives?—To the extent of the money that is drawn from Native sources. Anything in the form of Native taxation, I think, ought to go to the education of Natives, as far as educating them for useful purposes. I think the white community will reap advantages from that. I do not think the white community will reap much advantage from teaching them to read and write.

38,144. Do you think it is our duty to civilise the Natives, to push them forward?—I think that will come in time. I do not think it requires to be pushed at the present time.

38,145. You do not think it is our duty to take the subject up at once?—Not to a very large extent. I would rather make a Kafir useful than make him learned.

38,146. Would you approve of the law being altered so that the Native could buy land?—No.

38,147. You would not allow him to buy land?—No.

38,148. Would you debar the Native only? Would you allow others to buy?—The whites?

38,149. Yes, or coloured?—No, I do not think I should let coloured people buy at all.

38,150. *Captain Dickson.*] On the whole you have been fairly well off for labour until just lately?—Yes. I explained that it was not labour that was keeping us back at the present time.

38,151. Is there anything else you would like to speak upon?—I do not think so.

38,152. You know that our Native laws are under consideration at the present moment?—Yes.

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R. Dickie, (Farmer).

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38,153. *Chairman.*] Are you a farmer?—I am.

38,154. Where are you farming?—At a farm called Daggerfontein, in the Thaba 'Nchu district.

38,155. Have you been a long time in the country?—Fourteen years.

38,156. All the time in the Orange River Colony?—In the same district, and on the same farm.

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38,157. You know there are a certain number of matters which have been referred to us upon which we are taking evidence. Have you seen those subjects?—I have.

38,158. Are there any particular ones amongst them which you feel you would like to speak about?—I could speak on from No. 3 onwards. What you would ask me about No. 3, I am not quite sure.

38,159. It has reference to the administration of local affairs by Natives where many of them are living together, as to the share that Natives might fairly be allowed to have in the administration of their own local affairs. Do you not know anything about that at all?—I thought you would ask me whether it was good, as it is now in the hands of the Resident Magistrate and Resident Justice of the Peace, as things are at present. I thought perhaps you referred to those things. I think they are quite good as they are.

38,160. I did not intend to ask you questions as to the administration of the O.R.C. Government. As to the franchise, have you anything to say? There is no franchise in this Colony?—No.

38,161. But there is in some Colonies?—I understand there is in the Cape Colony under certain conditions.

38,162. What views do you hold upon that?—I am very strongly against such a thing being introduced here. I think the time is not ripe for that here yet in this part of the country. I feel very strongly on the point.

38,163. Is that because of the circumstances of the country, or because the Natives are not in a fit condition?—Because of the Natives not being in a sufficiently forward condition to exercise what would be their rights under that heading.

38,164. Do I understand you to mean that if they were more advanced they should be allowed to enjoy the franchise?—I do not think so.

38,165. At no time?—Not for a very long time, it may be 30, 40, or 50 years hence. Things might be so very much different then.

38,166. What should determine the change?—I suppose higher education; when they are able to exercise the privileges that are granted to them in a proper and fit manner.

38,167. When they are sufficiently educated?—When they are sufficiently educated. I would not say I would grant it even then, but I would be open to consider it perhaps at a future period. At the present time, I feel that the time is not ripe for the Natives of the Orange River Colony to have the franchise granted to them.

38,168. If higher education would in time to come be a qualification which would satisfy you then, in the meantime do you consider it is the duty of the Government to prepare them for that by education?—The question is a very comprehensive one. The one question merges into the other—franchise and education. The one hangs on the other. You ask me if the Government ought to prepare them for such a time. No, I cannot say that I think so.

38,169. Should the Government afford them fair facilities for elevating themselves if they wish to?—I think so.

38,170. Do you think that should be done out of State funds?—The education of them?

38,171. Yes?—No, I think they should be made to pay to a certain extent for their education.

38,172. Granting that they would pay and that they did pay, would you give them the full amount of education they desired and demanded?—I am not in favour of that.

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38,173. Not even if they paid for it?—Not even if they paid for it. I grant that it is perhaps an impossible thing to do to withhold that education from them, but education has such an effect upon the Native that it increases his ideas about himself altogether, besides making his needs more, and he will not undertake the work that he would do if he were not educated.

38,174. Would you deny it to him altogether?—No, I would not.

38,175. You say that education increases the needs of the Natives; is that not the very thing that ought to be encouraged, the increasing of their needs?—Yes, I see no harm in it, but the question that is troubling the minds of a big majority of the people just now is the question of farm labour, and education has the effect of taking the Natives away from that particular work.

38,176. In what way does it do so?—When they are educated they are able to earn higher wages, as the demand for educated Native labour is much greater than it used to be. They will go to a town and earn from £2 to £3 per month, whereas in the country as farm labourers they would only earn from 10s. to 20s. per month.

38,177. Then, do you think the State ought to protect the farmer against the payment of high wages and not educate the Natives?—No, I would not go so far as to say that.

38,178. What is your remedy for this?—I think some encouragement might be given to the Native to work on the farms in this way—and that will bring me on to the head of taxation in the way of poll tax. I think it is not a proper thing that the Native who is working on a farm and earning from 10s. to 20s. a month should have to pay the poll tax of £1, while the Native who is educated and is earning more money in a town (where he is able to earn £3 or £4 monthly) has to pay the same tax. I hold that a Native earning the small wage that he does on a farm at the present time cannot afford to pay 20s. for poll tax, or a sixth part of his wages.

38,179. Do you realise, in making this comparison, that the educated Native who lives in a town first of all has to meet certain wants that have been created in him; that is to say he has to pay for clothes, he lives in a superior way, he has to pay fees for stands, for sanitation, and other things, which absorb a considerable amount of the high wages you refer to. In making the comparison have you given weight to these facts?—Yes; I could grant that perhaps the one is not so very much better off than the other, but that has been the great complaint, particularly in my own district, which I am speaking of. The Natives cannot afford to pay the poll tax of 20s.; they do not earn sufficient wages.

38,180. Which Natives are you speaking of; are you speaking of those who live on farms and have a little land to plough, and a little place to run their cattle, and so on?—No, I am speaking principally of hired boys.

38,181. Where do they come from?—They belong to the district; the majority of them have always been in it.

38,182. They have a home somewhere?—Yes.

38,183. At that home they have got land?—In some cases only. Some farmers grant their boys a piece of land and plough it for them; they give it to them for their families. Other farmers do not; they pay a monthly wage and give them so much food for each working boy who is in their service.

38,184. When you spoke of those boys coming to your farms from other places, I thought you meant for the moment locations?

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—I am speaking of boys from the district of Thaba 'Nchu, some perhaps on the location, but principally on farms.

38,185. But then they have some holding or other upon those farms?—No.

38,186. Then what do they give to the farmer where they reside for the permission to reside there?—They do not give him anything. Perhaps a head of a family will go to a farmer and will ask for a place to live on. The farmer will ask, "How many sons have you? Have you any children?" Yes, he has got two or three boys. Then the farmer will offer those boys a certain wage, and in a great many cases the boy will say "No, my father will go and perhaps leave one boy; the others will go off to the towns." In many cases they go on to the farms and get a holding for the sake of having a home, the younger members of the family in the meantime going to the towns.

38,187. Or to other farms?—Yes, or to other farms.

38,188. When they get to the other farms they are employed at so much per month and their food?—Yes.

38,189. You said the wage paid to these boys was not sufficient to admit of their paying a tax?—Yes.

38,190. What is their wage?—From 10s. to 20s. a month.

38,191. Now, what are their wants?—Their wants are clothing, food——

38,192. Their food you give them?—The boy who is working gets his food, but he may have a wife and three or four children; he does not get food for them, but has to keep them with this 10s.

38,193. I thought you referred to unmarried young men. You spoke of a man having a family of young sons who went out to work, and I was tracing the case of those?—No, I was speaking more generally.

38,194. Now, if a man with his wife and family settled on your farm in that way, would you not give him a holding and a bit of land to plough?—I always do.

38,195. Then he has something to earn for his family?—Yes, and that has always been my idea; I can see a boy can live quite well, but his wife cannot.

38,196. In addition to that he earns some wages?—Yes.

38,197. And with this he is called upon to pay a tax amongst other things?—Yes.

38,198. The amount of that tax is £1?—Yes.

38,199. And you hold that with the present rate of wages that boy is not able to pay that tax?—I hold that that is so.

38,200. Then, going a little bit further, what you wish is that boys working on farms should be exempted from that tax?—It should be either modified or exempted altogether, provided that boys will enter into service for, say, a year, or for six months, but not for what you might call ordinary monthly service—only boys who will enter into a contract with the master to remain for six or twelve months. I hold that they should not have to pay poll tax. That is to assist the farmer too. I think it would have the object of enabling him to get more labour to work on the farm.

38,201. Would it supply the farmers with all the labour that they require, do you think, in this Colony?—I think so. I think there is quite sufficient labour, if the Natives are fairly treated, and have a fair wage.

38,202. Do I understand you to mean that at the present time there is a shortage of labour on the farms?—There is.

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38,203. And this would be your remedy for it?—That would be one of the remedies.

38,204. What would be the other remedy?—I think the other remedy is rather outside you; it is in the hands of the people themselves, the employers. I think in many cases the treatment they receive is not what they care for.

38,205. In what way?—They cannot get on in a great many instances with their employers.

38,206. Whose fault is that?—I think in a great many instances it is the fault of the employers themselves, although the boys, I have no doubt, are to blame, too.

38,207. In what respects?—They enter into contracts, perhaps to sow on the halves, and to do certain work, and after such a contract has been entered into they may have a disagreement. The boy finds his master is very severe with him, and thrashes him, and he gets orders to go; and this has caused great complaints all round the district.

38,208. Has the district got a bad name for the treatment of Natives?—From the Native point of view, they all complain.

38,209. Do you think that is justified?—I think in many cases it is.

38,210. Is that because the masters are new?—I think so, but it is not that they are quite new to this country. In the particular district, to which I refer, they are principally Colonial farmers, and ought to know better, but they have been in the habit of working with the Colonial Natives, and get on much better with them—in fact, a good many of the Colonial Natives are up here now—; but they do not seem to get along with the Baralongs at all.

38,211. Why is that?—On the one hand they say the Baralongs are lazy and will not work, and on the other hand the Baralongs say, "We will work if you pay us; you do not pay us sufficient, and we cannot live."

38,212. Do you think the farmers can afford to pay more than they are paying?—At the present time, I do not think so.

38,213. Being a farmer, you must say no to that, I suppose?—Speaking for the farmers, I should say no.

38,214. You have given us your views about the labour and taxes; is there any other subject that you are familiar with?—About the Pass Law. In the old days, previous to the war, Natives were allowed to move about in the district without a pass; now they complain that they have to have a pass to move from one farm to the other.

38,215. An official pass?—No, a pass from the master.

38,216. Was that not always the rule?—That was not always the rule, no.

38,217. Who intercepts them now?—The police.

38,218. In the same district?—Yes, in the same district.

38,219. Is that the law?—That is the law: a boy may not travel without a pass.

38,220. A pass from his master?—Yes, a pass from his master.

38,221. That always was the law?—That always was the law; but on many farms there was no master, and they were allowed to go to and from Thaba 'Nchu, and to different parts, without any passes at all.

38,222. Were they in occupation of farms untenanted by white people?—They were.

38,223. Then they used to be allowed to go to Thaba 'Nchu without a pass?—Yes, and to Dewetsdorp, which is outside the district.

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38,224. Being without a master they could not get a pass?—Yes.

38,225. What is your difficulty?—They complain to me. They think they are hardly used compared with the way they were used before. They think they should be allowed to go about freely in the district. They think it is proper that they should have a pass to go out of it, but their great point is going to visit one another from farm to farm; they say they cannot move about, but they are kept and tied down, and they do not feel at all free. That is the whole thing.

38,226. They do not complain about the other pass out of the district?—No, not at all.

38,227. Is that a matter that has been represented to the authorities?—Not officially.

38,228. So that it is a mere statement of a grievance without any qualification that efforts have been made to remedy it?—Quite so, there has been nothing done to remedy it.

38,229. Under the circumstances, it would not be very profitable to discuss it, because it might be remedied locally?—Quite so.

38,230. Is there any other point you wish to mention?—On the subject of taxation we have spoken; that is in regard to the amount of poll tax. Subject No. 9 is liquor.

38,231. What have you to say about liquor?—I think the law as it stands at present is very good, and I do not see any cause for having it altered.

38,232. The prohibitive law?—The prohibitive law, absolutely.

38,233. Can the Natives on the farms get liquor?—Only what they make themselves—beer.

38,234. Not European drink?—No, they cannot get it.

38,235. Are the farmers well satisfied with this law?—Yes, they are very well satisfied with the law as regards getting European liquor, and they object in many cases to their being allowed to brew Kafir beer.

38,236. Is that not rather an unreasonable objection?—I think it is very unreasonable.

38,237. Are you representing the farmers of the district?—No.

38,238. Only yourself?—Only myself. I have been amongst the Natives ever since I came out here, and during the war I had charge of about 15,000 of them in Thaba 'Nchu. Previous to that I have always been with them and I know pretty well all of them in the district.

38,239. Do you speak their language?—Yes.

38,240. Serelong?—Yes, Serelong.

38,241. Those are all the subjects?—Yes.

38,242. *Mr. Sloley.*] Do you keep a store in addition to farming?—I do.

38,243. Do you find the Natives pretty good customers?—Not now; they were good customers, but the majority of them have gone out of the district.

38,244. I was asking the question to get your view as to whether they were more and more becoming consumers of manufactured goods and articles used by civilised people?—Yes, I should say that they are.

38,245. In a marked degree, do you think?—No, I should not say in a marked degree at all; from my own experience I should say not. May I ask if you refer to the matter of direct or indirect taxation?

38,246. I had in my mind both?—I know there has been a duty

put on certain woollen goods which the Natives were in the habit of purchasing largely, with the object of taxing them indirectly. Well, the effect of that, I think, has been to put it on the wrong shoulders to some extent, because they are buying the same goods to-day as they bought before at the same price; they do not pay any more. If you want the Native to feel the tax you must do it through his pocket.

38,247. Directly?—Directly; if you want to make him feel that he is having to pay something towards the revenue.

38,248. Where does the incidence of this taxation fall which is supposed to get at Native consumers; upon whom does it fall?—It falls on the traders and the merchants in the Colony. The same article is supplied now as was supplied before without any increase in price being asked for.

38,249. Would you illustrate it by describing which articles?—The articles they buy mostly are rugs. In the old days they bought a certain rug which is known as a 3¼ lb. rug for 10s., and at the present day they can buy the same rug for 10s. If the merchants and the traders both put the extra duty on to these rugs the Natives would probably have to pay 6d. more for them, or perhaps not so much, but they actually get the same article and they do not feel the tax. That is the point I wish to bring before you.

38,250. Is it not the fact that the manufacturers have met the situation by putting less wool into the rugs?—That may be so, but they do not know it.

38,251. The Natives do not know it?—No.

38,252. *Mr. De la Harpe.*] How do you find the Natives since the war; have they improved?—Improved in which way?

38,253. In civility and respect and in being more industrious?—In some cases, yes. Speaking generally and from what I can hear, I should say no, they are not. They are willing to work, but their idea of their wage-earning power is very much higher than it used to be, owing no doubt to the wages they were paid during the war.

38,254. You made some remarks about the Colonial settlers. I think you meant that they do not understand the Natives and cannot handle them so well?—No, they cannot handle them so well.

38,255. You think the old Free State burghers knew them better?—I do.

38,256. I understand you to say that the farmers in the Ladybrand district go halves with the Natives in ploughing?—Yes, in a great many cases; not in all cases.

38,257. *Captain Dickson.*] Do you not consider that the effects of the war on the Natives are wearing off?—Yes, that is my opinion. I think in time it will work to an end and things will gradually settle down to a much better state than they are at the present time.

38,258. I understood you to say that the farmers that came up from the Colony did not understand the class of Native that is up here?—That is what I said.

38,259. It was not that they did not understand Natives, but that they were now handling another class, and they had to learn them?—Yes, I explained that.

38,260. Do you consider the Native farmers in the Thaba 'Nchu district industrious?—No, I cannot say I consider them very industrious.

38,261. Do you consider that they are as industrious as the Natives of the Cape Colony?—I cannot say. When I say I do not

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think they are so industrious as they might be, I think they could be a great deal more so, but the fact that people do not pay them as well as they might does makes them hold back. I daresay they would be willing to work if they were well enough treated and well enough paid. I have no doubt they would be willing to do a great deal more than they are in that case.

38,262. Do you know the law of the Cape Colony as regards the taxation of Natives?—I am not certain, but I believe it is on a certain scale which grants a Native exemption provided he hires himself to a master. I hear so, but I cannot say for certain if it is so.

38,263. I take it you would be in favour of a law in this Colony which would exempt all Natives in regular employ from the imposition of a poll tax?—Natives labouring on farms, yes.

38,264. *Mr. Stanford.*] Would you extend the same view to the Native who is in *bona fide* and continuous employment with the townsman as well as with the farmer?—I am afraid I should say yes, for this reason, that, as we say, his needs are more, and although he is getting more money he perhaps does not save much more after it all.

38,265. And, after all, the main point would be that you were encouraging continuous service as against intermittent service?—Quite so.

38,266. Would you advocate that as a sound principle to apply throughout?—Yes, I would. It would be a sort of incentive to boys to remain at work, and not do as they do now: work a month or two months, then go away home for two months, and keep moving about. That is the great drawback with Native labour, in my opinion.

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38,267. *Chairman.*] Supposing a man worked continuously for twelve months, although he changed his master once or twice, would you not give him exemption in the same way?—I hardly think so, for this reason, that it would make an outlet for the law to be abused. But it might be on a modified scale: say, a boy remaining for six months would be asked to pay a certain amount, and a boy that hired himself and remained for twelve months would be asked to pay less, or perhaps nothing at all.

38,268. Then, in the case of boys who go away out of their own country and work in mines and such places, do you not think they are entitled to exemption as well?—In mines they are exempted; they do not pay.

38,269. When they come back they pay; supposing your Natives go abroad to work and perform continuous labour for six months or more and come back and bring money to spend in the country, do you not think they are entitled also to exemption?—No; but if they go into employment again, yes.

38,270. But supposing a man had gone to work for twelve months, would he not, in your opinion, be entitled to exemption for that year?—Yes.

38,271. It is the reward of continuous service; it does not matter where he does it?—Yes, I quite follow you now; I certainly would exempt him.

Mr. Alec Wilson, examined.

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38,272. *Chairman.*] You are a farmer, Mr. Wilson?—Yes.

38,273. Are you representing yourself or others?—I am representing the Moroka district.

38,274. Have you come in the name of other people or of an association?—Yes.

38,275. A Farmers' Association?—Not the actual Farmers' Association, but in the name of all the farmers round there; they do not all belong to the same Association.

38,276. Have you been a long time in the country?—Nine years.

38,277. All the time in this State?—No; I was in Griqualand East before I came here; I was down in Griqualand East for seven years.

38,278. You have been up here for two years?—Yes.

38,279. Since the war?—Yes.

38,280. And you are farming on your own account?—Yes.

38,281. Have you got a large number of Natives on your farm?—I have four families now.

38,282. Have you had much to do with Natives?—Yes, I was five years on the Basutoland border.

38,283. There are a certain number of subjects that have been referred to us; have you seen the list of those subjects?—Yes.

38,284. Are there any of them upon which you wish to express your opinion?—There is the labour question, which is very bad just now.

38,285. When you say "very bad," do you mean there is a shortage of labour?—Yes.

38,286. Yet you have a good many Natives near you?—Yes, but we cannot get them to work.

38,287. Why cannot you get them to work?—There are two reasons. One reason is that they are too well off; the other is the system of ploughing on the halves. Some farmers have big tracts of land, and they get these Natives to plough on the halves, and the result is that those farmers who only have small holdings, like the settlers, cannot get labour unless they like to pay big wages. The Natives are asking £2 a month round there, and the farmer cannot afford to pay that.

38,288. Are there no Natives who go about working for lower wages than that?—You can occasionally get one, but those Natives will not stop.

38,289. When you say that the Natives are too well off, do you mean the Natives of the Orange River Colony or other Natives?—The Natives of the Orange River Colony; those who are living up there now.

38,290. Do you mean those living in the location at Thaba 'Nchu, or those living on the farms?—Those living on the farms. The farmer may have his five families, which he is allowed, but those five families have two or three spans of oxen, and when they have ploughed up his land they will go on to another farm and plough there too. They do not stick to one farm.

38,291. You say the Natives living on the farms?—Yes.

38,292. They are Natives who go to work on other farms?—Yes.

38,293. How are they too well off?—The majority of them have one span of oxen, while the others have two or three spans.

38,294. Even the young men?—The young men have to work for the fathers; they have to go and plough.

38,295. Is it the fathers who go out and work on other farms?—No, the fathers do nothing as far as I can make out.

38,296. It is the young men who go out to work?—Yes.

38,297. Have they not got spans of oxen?—No, but they go and work for their fathers.

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38,298. Who are the surplus boys who go to work for farmers like yourself?—The boys living on the farms. I have three families on my farm which each have a span of oxen. I have made an agreement with them that they have to supply me with two boys to do my work, and for that I allow them to plough. They live on the farm. But there are a lot of farmers who have not got the ploughing land to give to the Natives to plough, and they have to pay them high wages if they want their labour.

38,299. They cannot get labour unless they pay a higher wage?—Exactly.

38,300. That is because the rate of wages in the Colony is high?—Yes.

38,301. Has the rate of farm wage been raised?—Yes; before the war you could always get labour for 10s. a month.

38,302. Can you not get it for that now?—No, it is an impossibility; 10s. is paid for a herd boy now, a boy of 8 or 9 years of age.

38,303. What is your remedy for this?—The farmers say that if this system of ploughing on the halves was done away with, it would be right; but it is the usual custom, and unless there is co-operation you cannot do away with it.

38,304. You yourself allow this ploughing on the halves?—Yes, I have to.

38,305. Do you suggest that the State should introduce a law to make it prohibitory?—That seems to be the idea; they have made it prohibitory down in the Colonies.

38,306. In the Cape Colony?—We saw a case in the papers the other day where the Magistrate said it was illegal.

38,307. Ploughing on the halves?—Yes.

38,308. Do you think that that would be a solution?—I think we might get more Natives to work than we get now. At the present time there are a few farmers who have a monopoly of these Natives, and we others cannot get them.

38,309. Is there an actual shortage of labour?—Yes, there is an actual shortage of labour.

38,310. And is the farming industry suffering in consequence?—Yes.

38,311. Is that as regards both stock and agriculture?—As regards agriculture; a larger staff of labourers is required for agriculture than for stock.

38,312. Are the farmers unable to put seed into the ground in consequence of this?—Four or five farmers round me have not a single boy.

38,313. And they cannot plough?—They plough themselves; they have to do all the work themselves; inspanning and ploughing.

38,314. Are they able to till as much as they want in that way?—No; while they are ploughing they are obliged to forsake the other work on the farm.

38,315. Do you not think that it is a good thing for the white people in a nice high altitude like Thaba 'Nchu to take off their coats and work?—Yes, and they do so; but there is other work besides ploughing to do.

38,316. But there is nothing derogatory in it?—No.

38,317. In other Colonies, Australia, New Zealand, and Canada, the white men do all the work?—Yes, but the white man always has help; he does not have to do all the work himself.

38,318. He gets other white people to help him?—Yes, he gets

white assistance, whereas, as I have said, up in Moroka district there are four or five men who have to do all the work by themselves.

38,319. Is there any other point in connection with Native labour which you hold opinions about?—Nothing, excepting with regard to these American Missionaries about the country, who do a lot of harm.

38,320. Will you describe to us any harm that you know they have done?—They teach the Natives wrong ideas, I think; they teach them that they are on a footing of absolute equality with the white man, if not superior to him.

38,321. Have you ever heard them do that yourself?—No, but there was one of those Missionaries on my farm at the time I came up here, whom I cleared off very shortly afterwards. I had one boy who used to attend this Mission, and he told me one day that he was not going to work for me, as he was equal with me, and that the Missionary who had been there had told him that.

38,322. Was that the American Methodist Episcopal Church?—Yes.

38,323. What did you do with him?—I cleared him off too.

38,324. What became of the Missionary?—He is now on another farm.

38,325. Is that not a case where you might have sought the aid of the law, in that this man was interfered with while in your service; I am referring to the Masters and Servants' Act?—This boy was not actually in my employ; he was not a monthly servant, but was living on the farm with one of the families, and when I wanted extra labour he had to come down.

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38,326. And the result of this contamination was that you lost the labour of this man?—Yes.

38,327. Is this Church now carrying on its work in your district to your knowledge?—Yes, I believe so.

38,328. And with evil results?—I have not heard of any since then.

38,329. You just believe that it is so?—Yes.

38,330. Did you report this case to the authorities?—No, I just cleared them off the farm.

38,331. Is there any other matter you wish to mention?—It is only the labour question that we are worried about up in my district.

38,332. *Mr. De la Harpe.*] Do I understand you to say that the farmers who have no land to give the Natives for cultivation can get no boys?—Yes.

38,333. The farms are too small?—Yes, the farms are too small; there are a lot of farmers who have only about 200 or 300 acres to plough, and they want all that land for themselves; and if they cannot give ground to the Natives they cannot get labour.

38,334. I suppose you have found out that they look for the best places where they can get good grazing and good land?—Yes; but the farms are so small, only about 400 or 500 morgen, and there is generally a kopje on them, and it will not give you much land for yourself if there are boys also ploughing there.

38,335. *Mr. Stanford.*] Had you any opportunity of verifying from the Missionary what the boy told you, that is that he had been told by the Missionary that he (the Native) was a better man than yourself?—This was after I had cleared the Missionary off.

38,336. But, beyond the boy's own statement to you, you never ascertained that it was true?—No; he was cheeky.

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38,337. Do you pay these labour tenants of yours at the ordinary rate of wage when they are working for you?—I have all monthly boys. I engage them for six months at a time, and have to pay them 30s. each.

38,338. *Mr. Sloley.*] And their food?—Yes, and their food.

38,339. *Mr. Stanford.*] And with this arrangement have you now sufficient labour for your farms?—I have, personally.

38,340. Does it not resolve itself into this, that the advantages they gain from you as labour tenants compensate them for the higher wages they might obtain in the open market elsewhere as labourers?—It is the trouble in getting the labour.

38,341. I mean from the labourer's point of view; he could go elsewhere and get higher wages, but by reason of getting certain advantages on your farm he comes to you instead of working at the mines or in the towns?—Looking at it from the labourer's point of view, perhaps it is so.

The Reverend Canon Horace William Orford, examined.

Rev. Canon Orford, (President Native Teachers' Association).
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38,342. *Chairman.*] I have a letter from you, Canon Orford, to say that on behalf of the Native Teachers' Association you desire to bring before the Commission certain matters coming under section 6 of the objects of this Commission's enquiry. Section 6 is "Education"?—Yes.

38,343. Have you been a long time associated with Native education?—I have been for the last ten years Chancellor of the Cathedral, and it is specially in my department so far as the educational work of the Church is concerned; but the Teachers' Association has only recently been formed.

38,344. This is a Native Teachers' Association?—Yes.

38,345. Does that embody all the teachers of all the Missions in the Orange River Colony?—It embodies the teachers of all denominations in the Colony.

38,346. Does it include the African Methodist Episcopal Church?—It includes all teachers. So far as the Teachers' Association is concerned we do not know any politics and we do not know any Church; it concerns purely those who are teaching.

38,347. Do you recognise that Church, for instance, in your Mission dealings with other Churches?—I cannot say that I recognise them, as I have nothing to do with them. With regard to the Teachers' Association, teachers, as such, were invited to form an association, and we simply know them as teachers.

38,348. And there are members of this community members of the Association?—Yes; Jonathan Motshumi, who is with me here, will be able to tell you about that better than I can.

38,349. Is he associated with you?—Yes, he is one of the Committee.

38,350. The objects of this Association are the improvement of Native education in the Colony, and the study and discussion of matters bearing on the theory and practice of education; this Association is really for discussion more than anything else?—It is to improve the character, the quality, and the status of teachers.

38,351. Have you any influence over the teachers who are employed in the various Missions?—In what way do you mean?

38,352. Can you, for instance, recommend men for selection and appointment?—No, certainly not. We are simply an association of teachers seeking to improve themselves and to get what help they

can in improving their position as teachers, and to make themselves better teachers.

38,353. So far as you have yet gone in this matter, what are your views upon the subject of Native education?—In which direction? Do you mean as to the character of education?

38,354. The character, the amount of it, the desirability of it, and the results of it in the past?—There have been mistakes, I think, and where a thing is beginning, it must be so; but I distinctly say the results are good, and the desire for education is a reasonable one.

38,355. Is the desire for it a very large one in this Colony?—I should say so, certainly.

38,356. Supposing you set before you the aim of educating the masses, do you think that in doing that you would be serving the Natives well?—So much depends on what we mean by education; that is a very wide word.

38,357. Do you think, first of all, it elevates?—Yes, distinctly.

38,358. Do you think there is a certain amount of education which is useful to them, which, if you went beyond, might not be useful to them?—I should say that that is possible.

38,359. Have you an idea in your mind what is a useful limit?—I should say it should be freedom of opportunity, just as I should say that with regard to elementary education in Europe. Where they have it in them, whether boys or girls, there should be nothing to prevent them getting on, if they can.

38,360. On the other hand, if there was a demand for it, and if they were prepared to pay for it, would you afford the facilities on the part of the Government for them to get it?—Yes, certainly.

38,361. In what way?—What the Association is asking for is that Government should direct it and give the teachers opportunities of attending, say, vacation courses, and of getting lectures from skilled and trained teachers. There is a great desire on the part of the teachers to make themselves better and more fully qualified for their work.

38,362. That is one form of higher education: to enable teachers to qualify themselves in special and higher subjects?—Not necessarily in higher subjects, but in all subjects. We know, in the elementary subjects, that a trained teacher is better than an untrained teacher. And the teachers themselves wish to be trained.

38,363. Then you would require training colleges for this purpose?—There are a certain number of training colleges.

38,364. For Native teachers?—For Native teachers.

38,365. In the Orange River Colony?—Not in the Orange River Colony; they have to go out of the Colony.

38,366. We are speaking of the Orange River Colony for the moment; do you think the Government of this Colony ought to provide colleges of that nature?—I think so, certainly. There ought to be some means by which the Native teachers can be properly qualified, if they are to teach at all. Of course, the properly-trained teacher must be a better one to trust with the work than the untrained teacher.

38,367. The Government should support and control these colleges?—Yes.

38,368. They should be Government institutions?—Yes.

38,369. Then, as regards the higher schools to which Natives who desire higher education should go, do you think that the Government should found schools of that character?—I think they should be Government schools, if there are to be any such schools at all.

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38,370. And should those who seek the education pay for it?—I should say so; it is worth more to them if they pay for it.

38,371. Has the Government got training colleges for the training of teachers for European children?—Yes, in Bloemfontein.

38,372. It is the opportunity which you are so pronounced about that should be afforded to those who wish to learn as teachers and as pupils?—Yes.

38,373. And at the present time that opportunity does not exist?—It does not exist.

38,374. Are there any Natives of this Colony who, wanting such education as teachers, or as pupils, have sought it outside the Colony?—Yes.

38,375. Have they gone abroad: to America, for instance?—That I am unable to say. They generally go to Cape Colony, to Zonnebloem and Lovedale, and places like that.

38,376. Do those places, Zonnebloem and Lovedale, afford the opportunities that are wanted?—Yes; and there is also a place at Graham's Town.

38,377. Up to a sufficient standard?—Yes.

38,378. Do those places come within the reach of those people? Is there room if they apply and are in a position to pay the fees?—Yes, certainly. At the same time, I think that those who direct the Missions, as well as the teachers themselves, think it would be better for the Natives to be educated in their own Colony. They do not think it is always a good thing for them to go to Cape Town or elsewhere in the Cape Colony.

38,379. Is there such a demand in this Colony for this kind of education as would justify the Government in meeting it?—I should say so myself, but it is only an idea that I have formed. There is a very large amount of educational work going on among the Natives, and it would be better that it should be sound and on good lines.

38,380. Where does this demand spring from—from the towns, the farms, or where?—I should say from all round, but chiefly from the towns.

38,381. Do the farm Natives seek any education?—They come in to the towns from the farms.

38,382. Can Natives who desire it get elementary education in this Colony?—Yes; there are some large schools in Bloemfontein. I have examined some of the Native schools, and I have applied the same tests and the same standards as are applied to the elementary schools when examined in England, and the results have been decidedly good.

38,383. The Natives learn, as youths, very quickly?—Yes; subjects like arithmetic I have been particularly struck with.

38,384. Upon this subject, is there anything particular that you would like to say?—There is one point which we were asked to bring under your notice. As far as we are informed, the different Municipalities are making regulations compelling children to leave school at a certain age, and it seems hard that this should be so. The age varies; different Municipalities are making different rules. Here in Bloemfontein the age is 16; at some places it is 14; and in some other places we have heard that the age is 12 years. Now, the children may only go to school at 12 or 14 years of age, and it seems to our teachers hard that if parents are in a position to give their children further opportunities, and are willing to pay for them, and are also willing to pay the poll tax for them, that they should not be allowed to do so.

38,385. Could you quote a clause in any municipal regulations which forbids Natives going to school after a certain age?—I do not think there is any clause, but it is the action that they take.

38,386. How is the pressure brought to bear?—I think they go round to the schools and say: "You have children here of 14; they must leave school and go to work."

38,387. Who supports those schools?—Different religious bodies.

38,388. Do the Municipalities support them too?—There is some assistance given by the Orange River Colony.

38,389. Municipal support?—No, Government support.

38,390. Is this pressure brought with the knowledge and approval of the Director of Education?—I do not think he knows anything about it.

38,391. Is it a subject quite ripe for discussion, seeing that he who is the head of education in this country has not been approached on the subject?—The Director of Education has not yet taken in hand Native education. All that has been done so far is, that the Government have set aside a certain sum to assist Native education, and it is given in a block grant to the heads of the different Missions, who are trusted to distribute it as fairly as they can, and to make it go as far as they can. But the Government have not inspected Native schools in any way, or as yet controlled them.

38,392. Those schools are under some responsible Mission?—Yes, they are all under Missions.

38,393. It is in the province of the Missions to remonstrate or to represent things to the Government?—Certainly.

38,394. You do not know that what you say about removing the children from school has been done?—No; we only hear that they are making regulations with that end in view.

38,395. You cannot quote a clause, or quote an actual legal provision, that is binding in the matter?—No.

38,396. Evidently the matter has not matured, so I do not think we should go into it?—Mr. Scott knows more about that point, and he has found some difficulty about it.

38,397. Is there any other matter now which you wish to represent in this connection?—In connection with the schools there is one thing which is within my knowledge, that is, as to the working of the new law regulating Municipalities here, which forbids the erection of a church or school—I am speaking of it now from the point of view of a school—outside a location. Then, inside the location, you are absolutely at the mercy and the discretion of the Municipality whether you can get a site at all. I have had some difficulty lately brought before me from Bethulie, for instance, where the Rector of Bethulie has a private site not given by the Municipality, just outside the location. He understands that the new law forbids him to put a church or school for Natives there, and they decline to give him one in the Municipality.

38,398. He understands it, but is it the law?—I have been to the Colonial Secretary, who says that is the law, but the Colonial Secretary says he cannot understand that a Municipality would decline to give him one inside the location; but the Municipality has done so.

38,399. The view you represent then is that the practice of the country prohibits the building of churches and schools in urban areas?—In urban areas. That is a new Ordinance which is recently out. Whether its full bearings have been realised or considered, I do not know. I can see what it is aiming at.

38,400. Then such action, if it is correct, would, as you say, be

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prohibitive of religious and educational instruction to some extent?—Yes; it would make it at the mercy of Municipalities, which would vary very much. On the question of the school age, I was asked to say that it would not be so objectionable if the age were fixed by Government, but it varies from place to place.

38,401. Do you think it would be fair and right on the part of Government to name an age beyond which a person should not be allowed to be educated?—No, I should not say so myself, speaking personally. I think the end the Government would wish to attain might be got in a better way.

38,402. *Mr. Sloley.*] The Teachers' Association is an Association of Native teachers?—Yes.

38,403. Are you associated with it?—To my surprise, they asked me to become the President. I did not know they would have such confidence in me. I became the President, not from the point of view of a minister of religion, but as an old schoolmaster.

38,404. You are the European president of an Association which otherwise consists entirely of Native teachers?—There are one or two other Europeans on the committee, as you will see by the card which I sent you. The teachers who set the Association going were very anxious to have the assistance of a European as president, and I was very glad to do what I could to help them.

38,405. I suppose the Association would like the organisation of a regular three years' course of training for their teachers, as obtains in the Colony?—I think they would. The Association is similar to one which exists in the Cape Colony. There is such an Association of Native teachers affiliated to the Association of European teachers.

38,406. Are you of opinion that, after undergoing that three years' course of training, young Natives would be content to go on working as teachers, or would they perhaps not seek better-paid employment in other directions?—I think they certainly would be content; but would there not be some such regulation as there is with European teachers—that having received a course of training, they would be bound to serve so long in school work? In all training colleges there is a regulation of that sort. Here, with the European teachers, they are bound to serve two years.

38,407. That is a new regulation, I think?—I think that is a regulation of all training colleges; it is so in England.

38,408. It is not in the Cape Colony?—In England they must either serve so long, or pay the value of their teaching.

38,409. The Native teachers as a body would be content with such a regulation?—I should say so. They are anxious to be teachers—to be good teachers.

38,410. What is the opinion of the Native teachers as to the proper curriculum for Native elementary schools? Should the instruction to Natives be the same as that given to European children?—I think there is a general idea that the standard should not be quite the same. There might be a variation in that way. It is a question on which I have not quite made up my mind as to what are the best standards.

38,411. What is the opinion of the Native teachers as a body on the subject?—Practically, they follow out the same code as is carried out in European schools, and have seemed satisfied with it.

38,412. The A.M.E. teachers have been admitted to this Association. Have you any knowledge of their schools?—None whatever.

38,413. *Mr. Samuelson.*] Is there much scope for the use of education by the Native here—the education he may attain to?—Do you mean the commercial value?

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38,414. The use he can put it to?—I should say distinctly you will find that all the stores are very anxious to get boys who can read and write well. I think if you enquire from the leading storekeepers they will tell you they generally choose educated Natives.

38,415. Are there many educated Native young men and boys employed by Europeans in such capacities in the Colony?—I can speak better of Bloemfontein. A firm like Fichardt's, or Champion's, have a very large staff, and some of their Native employés occupy rather important positions.

38,416. Are there Native youths employed in Government departments as clerks and interpreters, and so forth?—I think so, especially in the Police Department; some of them are Native constables.

38,417. Are Native schools limited by the Government to any particular standard above which Government support will not be given?—The Government has not interfered at all. They have not expressed any opinion yet. They have simply assisted the various recognised Missions with a block grant for the last two years. For instance, the Church of England has received £400 for the whole Colony.

38,418. Is the Native language used as the medium of education, or the English language?—The English language in the upper standards; the Native language in the lower standards.

38,419. Up to what point do you recognise that the Native language should be the medium of education?—Do you mean speaking as an educationalist?

38,420. Yes?—I should say it would be very much better if the Native language were the medium of education.

38,421. Right through?—Right through; but at the same time they should learn English. My idea is, if you want to teach a young person, you must teach him in the language which gets best into his mind.

38,422. Does the Native language lend itself usefully to education?—I should say so, distinctly.

38,423. Do you find that educating him up to a knowledge of the English language is good for the Native? Does it make him more respectful, and is it useful, generally, to the Native to make him a better citizen?—I should say so. I think all education does. It is the true meaning of education to bring out the best there is in a man.

38,424. I am speaking only of language?—I think a man must be a better citizen; he is certainly more useful to the community if he can communicate with those around him. It is a great trouble to those who cannot speak the Native language when they have to communicate.

38,425. Does it breed any familiarity with the white races?—I have never noticed anything of that sort.

38,426. Is industrial training made use of much here?—It is in the early stages. There is what I think is a promising industrial training institution, started by Miss Wilson this side of Thaba 'Nchu. There they have the commencement of what has been very successfully started at Graham's Town, the training of Native girls in domestic economy, that is cooking, washing, laundry work, and so forth.

38,427. Has that been taken to willingly and freely by the Native girls?—It is too early to say, but I think it is very hopeful.

38,428. *Chairman.*] Are Native boys at school exempted from the poll tax?—No, when they come to the age of 16 they pay the poll tax.

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38,429. Might it be that some question has arisen whether certain boys at school were of an age to render them liable to pay the poll tax?—I think that question may have arisen. I should like to add that I have the impression that the Native teacher would rather welcome Government direction of education, but in what relationship to the Missions, I do not know. They are rather anxious to have Government supervision and help.

38,430. How would the Missions treat it?—I think they would be very glad, if the interest of the Missions were safe-guarded.

38,431. You would be glad if the Government would take over the whole scheme of education?—I would welcome Government inspection.

38,432. You are liable to that now for your grant?—They have not been able to do it yet.

38,433. Do you get grants?—We get this block grant.

38,434. Have they not reserved to themselves the right to inspect and to impose conditions?—They have not said anything about it. They said, "We are not able to take it in hand; we trust the heads of the Missions to see that the best is done."

The Reverend Jonathan Motshumi (Native Wesleyan minister), examined.

Rev. J. Motshumi, (Native Minister). O.R.C. 22nd Sept., 1904.

38,435. *Mr. Sloley.*] Do you know the views of the Native teachers on the subject of elementary teaching for Natives, and if they have formed any opinion as to whether the course should be the same with Native children as it is with European children?—Their opinion is that it should be the same as it is in the Cape Colony, and so far they have worked according to the curriculum of the schools in the Cape Colony.

38,436. *Mr. Samuelson.*] Is there an education tax payable by Natives here per annum?—No.

38,437. Do none of the Natives in this Colony pay an education tax?—No.

38,438. Do not the Natives at Witzieshoek pay an education tax?—I do not know.

38,439. Do you know whether the Teachers' Association are in favour of compulsory education amongst the Natives?—I think they are in favour of compulsory education amongst the Natives.

Mr. James Walter Hancock, examined.

J. W. Hancock, (Inspector of Locations). O.R.C. 22nd Sept., 1904.

38,440. *Chairman.*] You are Inspector of Locations?—Yes.

38,441. Have you been so a long time?—Not very long—about four months.

38,442. Have you had much experience of this kind of work?—No, not official inspection.

38,443. Have you had much to do with Natives?—Yes, ever since my birth.

38,444. In the Cape Colony?—In the Cape Colony and in the Orange River Colony.

38,445. You have a large location here?—Yes.

38,446. How many people are in it?—About 18,500 all told.

38,447. Are these people all registered?—Yes.

38,448. Can people live there without being registered?—No.

38,449. When a man wants to erect a building, or to occupy a

building there, has he to obtain your permission?—He has to obtain permission of the Council.

38,450. And get a permit?—Yes.

38,451. Without that, he cannot do so?—Without that, he cannot do so; but they do so—they trespass.

38,452. In fact, you find difficulty in controlling that?—Great difficulty.

38,453. Are people allowed to go in at pleasure without pass or permit?—Not according to the laws; but the same rule applies, that there is a great deal of trespassing and going in without permission. I am daily turning people out.

38,454. Do you allow people to remain, if you know it, in this location, who are not engaged in regular work?—No, not unless there are special reasons for them staying.

38,455. As a matter of fact, are you able to carry this out?—I have not been at present, because I have only been lately appointed. I am the first Inspector that has been appointed.

38,456. It is possible that there are a good many people there who are not performing regular daily work?—Yes, there are a good number.

38,457. Do you think that is a good thing?—It is a bad thing for the town.

38,458. Why is it a bad thing?—Because if a Native is not working, he is getting his living by some other means—somebody else is working for him.

38,459. Is it possible that there are a class of men who do work for a certain time, and then, according to Native characteristics, want to go and rest?—They do not come to rest here; they generally go to their birthplace, or to their Kafir kraals.

38,460. Has the Government erected buildings for the Natives in this location?—No; the only provision has been made by the Municipality.

38,461. When I say Government, I mean Municipality. Are they erecting buildings?—They do not erect buildings; they grant them plots of 50 by 50 feet in surveyed locations.

38,462. Is water laid on?—Water is laid on, not to each household, but it is laid on to standpipes at different parts of the town.

38,463. What do they charge for these stands?—They charge them 6s. 6d. a month after the house is built. They build the house themselves, and after the house is built, they charge 6s. 6d. a month That includes water and sanitary.

38,464. Any lighting?—No.

38,465. Is the electric light laid on?—No.

38,466. What wages are these Natives, as a rule, getting in town?—Just according to the nature of their employment. The Town Council are at present employing a great many Native boys; their wages are from 3s. to 4s. 6d. a day.

38,467. What as?—On sewage works and waterworks.

38,468. Three shillings to 4s. 6d. a day?—Yes.

38,469. Can they not get them at a less rate than that?—I should imagine they could at the present time, because labour seems to be pretty plentiful at present.

38,470. What was the rate before the war?—I could not tell you I was not interested in it then.

38,471. Do you think it would be a good thing if the Municipality were to erect regular buildings of a uniform type?—No, I do not think it would be a good thing, because if the Native had no personal interest in the value of the place he would not take care of it.

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38,472. Do you think it is a good thing to see them make houses out of these biscuit tins, and so on?—We do not allow it; that is the very thing I am removing at present. When they get the erf, when their plot is allotted to them, they are allowed to put up a temporary building until such time as the brick building is finished; then they have to remove it immediately.

38,473. Is the brick building put up on plans you supply?—Yes, the Council's plan.

38,474. It must be on that plan?—It must be on that plan. The plot 50 by 50 is pointed out to them when they go on to it.

38,475. Then they must erect these standard buildings on that?—Yes.

38,476. Can they afford to erect a building of that description?—Yes. When I tell you that some of them cost from £250 to £300 to build, you will see they have got the money from somewhere.

38,477. Supposing you force a man to go and live in the location, and then tell him that unless he builds a house of a certain type he cannot remain there, then you expect him to produce from £100 to £250?—No; I expect him to build one that would cost him from £10 to £12. Then he gets nine months to build his house.

38,478. What sort of house could you build for £9 or £12?—You can see hundreds of them. They build them with raw brick and straw, with an iron roof; they have two rooms, sometimes three.

38,479. £9 or £12 would not pay for the iron, would it?—Yes; they do not necessarily buy new iron.

38,480. You allow the erection of houses that cost £9 or £12?—We are indifferent as to what it costs them. They are at liberty to put it up as cheaply as they like, but it must be to the satisfaction of the Council or its representative.

38,481. You are against the erection by Government of buldings?—Yes, certainly.

38,482. What dictates that?—Because the Native loses his personal interest in it. He would not care how the house went to rack or ruin, he might be in it for only a month or two. If it is his own property he would secure his residence, and his labour is of benefit to the town. The object of the giving out of plots is for a convenience for the servants of the town, the Native employés in the town, and if a man could come and go just as he wished he would be of no use to the town.

38,483. A certain number must come and go, must they not?—Not necessarily; we do not want to be a passing station for Natives—which they are making it to some extent at present.

38,484. Take the Natives who come in to work on contract with builders, and those sort of people, if the builders are not allowed to keep them in the town, but force them into the location, where do these men go to?—They have places allotted to them for these people.

38,485. By whom?—By the Municipality.

38,486. In that location?—No; the men are at liberty to live in the location if it suits them, but they must have a permit for it. The contractors are not private contractors; the men are in the employ of the Council,—the Natives that are working on these sewage works,—and the Council allow them to live at certain places only while the works are going on.

38,487. Is there not, on the other hand, a class of Natives who cannot live in the town, who are obliged to go into the location to live?—Yes, they are in a certain sense obliged to go into the location. It is not compulsory for them to settle in the town. I have

applications daily for servants to go and work, and they positively will not go. It is one of my difficulties to make them go out of the town. It is the country people who are in a greater difficulty than the townspeople for servants.

38,488. Farmers?—Yes, farmers.

38,489. Why do they not like going to the farms?—They say the farmers cannot feed themselves, and will not feed their servants; that is the excuse they give to me, but it is a Native's excuse.

38,490. *Mr. Sloley.*] Have you any Municipal regulation which would make any Natives leave their own schools and go to work after a certain age?—There is a rule that they shall be employed at 16 years of age, but, as far as schools here are concerned, I do not think much of the education that they are giving. I think work is about as good gymnastics as Natives could get, or any other person, and you see them daily down here practising gymnastics, and white persons to teach them.

38,491. Still it would have the effect of getting these boys away from school; they could not continue their education after 16 years of age under that?—No, they are not supposed to. I consider that work is about the best education they can have, and all work is education. Teach the Native to plough a straight furrow, and shear a sheep properly, not teach him sciences.

38,492. Do you allow Natives roaming about the country to go in the location and settle?—No, they are allowed 48 hours, and the owner of the hut, or house they go to, is supposed to go and report them. They do not do it. They evade the law as much as possible according to Native custom. They will evade any law as much as possible, but they are supposed to go and report themselves, and the object of their visit or business in the town.

38,493. You do not at the present time allow any more to add to the number you have already in the location?—Not as residents.

38,494. You will not have them?—No.

38,495. You think you have too many already?—Far too many. There are hundreds and hundreds of them, male and female, lying there not working; nominally they have got masters, but if I may be allowed to give expression to what I mean, I can tell you how they are here. The military stations in the small towns and villages have been broken up, and practically the Native women are camp followers, following the military to the towns wherever they are. They come in and get a ticket as a washwoman, wash perhaps once for a soldier, and they are supposed to be washwomen. They cannot live on 1s. 6d. for washing a shirt or so.

38,496. *Mr. Samuelson.*] What is the minimum age to which that labour regulation is applicable?—I have not seen the Municipal regulations as regards their labour. It is according to what work they are doing.

38,497. I mean the minimum age when a boy or a Native has to be put to work, or may not stay in the location without working?—Sixteen years, the regulations say.

38,498. That is the minimum?—Yes.

38,499. He can go to any school he likes up to that age?—I suppose so—yes. He is not supposed to carry a pass or a permit.

38,500. Have you any schools in the location?—Yes.

38,501. A good many?—Three or four. There are between 500 and 600 children going to school there every day.

38,502. Are the Ethiopian teachers busy there too?—Yes.

38,503. Do you approve generally of their methods of instruction?—No; I consider that labour ought to be the instruction.

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38,504. Do any of these children pay fees for attending these schools, or do they get the education, such as it is, free?—That I do not know. I take it that it is free.

38,505. Do Natives pay the same monthly rent for married quarters as for single quarters—6s. 6d. a month?—A single man is not supposed to own an erf.

38,506. It is only in the case of married Natives?—Yes.

38,507. Do you not allow any unmarried Natives in that location?—We allow a man, with the permission of the Council, to sublet a room to single people.

38,508. You charge them no rent yourself?—No further than 6s. 6d.

38,509. I mean the unmarried Natives?—No; they pay it direct to the holder of the plot.

38,510. Have you any system for putting Native labourers in the location into touch with employers of labour in the town?—No further than giving them permits to look for work in the town; people apply to us for labour and we send Natives to them.

38,511. You do act as mediums of communication between employers and Natives wanting work?—Yes; but the communication is not nearly so complete as I could wish.

38,512. There might be some improvement in the system?—Much, but we require the assistance of the public largely. The public are very lax in their dismissing of servants. They let them go without saying whether they are dismissed or not, or giving them any kind of character. Some of them do take the trouble. For instance, you will find a servant is obliged to carry a ticket showing whose employ he is in, and that ticket lasts him so long as he is in that employ; but he leaves, or the master allows him to leave, without taking the ticket from him, and he walks about, perhaps for months, with that ticket in his pocket. Whenever the police accost him or ask him for his ticket, he shows that.

38,513. Have you any Government or other hospital, and medical men attending to any cases of sickness?—The Council has its own medical officer.

38,514. There is a hospital in the location?—No.

38,515. How are Natives treated who get ill there? Have they to look after themselves?—The same as the white people. It is not everyone who is taken ill that is sent to the hospital. I think the Natives have probably the best of it. More Natives go to the hospital than white people, and go free.

38,516. Are there many women of ill-fame in the location?—I think so. I do not know how they live if they are not.

38,517. How do they come to have permission to live there? Do they pay a rent for keeping those houses, or how?—If a woman comes to the office, and hands in a note from any white person in town, "Please give this Native woman a ticket; she is in my employ as a washerwoman or laundrymaid," we do not go any further than that.

38,518. Has she to pay for her right of occupation there, or for the liberty of living in the location?—If she has not got a house of her own, or her husband has not, or any of her relations, then she hires a room from someone else.

38,519. Do you allow liquor to be brought into the location?—No. These questions that you are asking me are more particularly with regard to police supervision.

38,520. Is the nine o'clock bell in force here with regard to Natives?—So far as I know not.

38,521. They can leave the location?—They are liable to be imprisoned if they are caught after nine o'clock, but I do not think there is any bell.

38,522. Being abroad from the location in the town after nine o'clock is an offence?—Yes.

38,523. Do you take in domestic servants employed in town?—Yes, that is the object of the location: it is for the servants employed in the town. It has been allowed to grow and grow, and that is the reason of my appointment.

38,524. May no Native in domestic service in town here live in town in the night?—Yes, but not more than five, and then they must be notified to the municipal authorities.

38,525. Not more than five on any particular premises?—Not more than five on any particular premises, without permission.

38,526. Do you find that this location system works well on the whole?—It will work well enough when it is brought into working order; but, as I say, things have been allowed to lapse, and the location allowed to do pretty well as it likes, and it is my duty and difficulty to get it straight. As I have to work almost single-handed with 18,000 people, you can imagine it cannot be done in a day.

38,527. Does the Native Department assist you at all, or is it entirely a municipal matter?—You mean the Native Police Department?

38,528. No, the Government Native Department?—No; nobody assists me but the Council.

38,529. *Mr. Krogh.*] Can you force the Natives to go out to work?—You cannot force them to go to work, but we should be able to force them to leave the town if they do not.

38,530. What do you mean by saying if a man does not work, he has somebody else who does it for him?—Somebody has to find the food.

38,531. Who is that somebody?—I do not know. It may be some farmer's sheep, or another man's bag of mealies.

38,532. *Mr. Stanford.*] I understand from you that the moral state of this location is at a very low standard?—Yes. I am only there in the daytime. I do not see very much of it myself, and I can only judge from what I hear, and see, and know. I know that these women who are not working have no other source of income.

38,533. I understand you also quite disapprove of the missionary work that is being carried on?—I do not disapprove of missionary work, but I disapprove of the way it has been carried on. As I say, I consider work is education.

38,534. Would you debar them from teaching the Natives to read and write?—No.

38,535. Would your idea be to accompany it with industrial training?—Yes. My idea is to accompany the industrial training with reading and writing—not the other way.

38,536. You would put the industrial training first?—Yes.

38,537. Would you teach them trades?—Yes; I do not see why they should not learn trades.

38,538. Have you many of the better-class buildings in the location?—A good few.

38,539. Is there a respectable class of Natives living there too?—Yes, very respectable.

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38,540. How are they usually employed?—Some of them have carts and horses, with which they do carrying trade in the towns. Others are brickmakers, and build houses for other Natives. They are not allowed to work at their trades in the town without a licence, and they are not allowed to work at their trades in the locations without a licence either.

38,541. Is the influence of the African Methorist Episcopal Church gaining ground or not?—I do not think so. I fancy there will be a split amongst them before long, although they are applying for more ground to build schools on. I may say they have got 400 by 400 feet already, and they are applying for more.

38,542. What have they put up on this land which they have now?—A church and schoolroom, and a minister's residence.

38,543. What do you think will lead to the split to which you refer? Have you noticed indications of it?—It is only from information that I got from the members of it. Some want to call it one church and others want to call it another, and the parties in possession want to secure the property. We have nothing to do with the property. I may say that all property, buildings, standing on these erven cannot be sold or disposed of as houses or churches, or whatever they may be. The ground is the property of the Council, and they are only there at the pleasure of the Council, and any person buying that property only buys it as material.

38,544. So that the builders of these houses are simply tenants at will?—Yes; and that is why I say, if they build their own houses, we are more likely to keep them as a benefit to the town than if the houses were let to them. They could then come and go monthly, as they thought fit.

38,545. What sense of security can they have if they are liable to be turned out, being simply tenants at will?—That is their look-out. They are not obliged to take the erven. There are hundreds and thousands of white people at Bloemfontein at present who would be very glad to have the same privilege. There are these poor white people here who have to beg and pray to get leave to put up a tent on a piece of ground, and they cannot get it; while a Native gets 50 by 50 feet by merely holding up his finger.

38,546. Your argument was, you prefer the Native should be made to build the house, because it is his own and he takes an interest in it?—Certainly, the house is his own.

38,547. How do you reconcile that with the fact that he is merely a tenant at will, and may be ordered to remove?—He is a holder of the plot at will. The property on it is his.

38,548. He would not be dispossessed of that; he would get the value of his labour?—Certainly; that is his property; he has sole title to whatever he puts on it, but he cannot sell the ground. I may say, some of these people have been in the location for the last 30 years, and they are still there, and some of them are drawing as much as £9 a month rent.

38,549. From other Natives?—Yes; so they are not likely to work in the town. That is an evil that has grown through not being looked after, and that is one of the difficulties to undo.

38,550. Do you think, upon the whole, this respectable class of Natives to which you have referred is increasing?—No, I do not.

38,551. What are the conditions leading, then, to a change?—I suppose, as I say, for one thing, the Natives who have been living on the farms are all crowding into the towns, and it is only the

needy ones who come into the towns. The better-class Native is dying out all through as far as I can see.

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38,552. What was it in the past that led to the growth of this respectable class of Native, which in your view is now diminishing?—The bossing of the Government that he was then living under.

38,553. You attribute it to better management in the past?—Certainly.

38,554. Could you indicate to the Commission what is the difference in the better management in the past as compared with the control exercised now?—The difference is this—that under the old control the Native had the good will of the inhabitants just as much as, and in fact more than he has to-day, but at the same time he was not allowed to take liberties. If he was told to do a thing he did it; and after he did it he was rewarded. Nowadays he is treated the same, whether he does it or not; he has just as much right to say "no" as anybody else, although he is getting all the benefits of the Government.

38,555. It is really the growth of a more independent feeling and attitude on the part of the Native?—Yes.

38,556. And also a less sympathetic attitude on the part of the European?—Yes.

38,557. *Mr. Sloley.*] Have you a system of Native Headmen in charge of wards in this location who can assist you in tne work?—They had it before my appointment, I believe, but it did not work. The men were not interested in it. These Natives worked for their own benefit, just as a Native always does. They do not value an honorary position.

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The Reverend James Scott, examined.

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38,558. *Chairman.*] You have been a great many years up here?—I arrived in Thaba 'Nchu on Christmas Day, 1861, having spent a couple of years down in the old Colony.

38,559. Have you been here ever since?—With the exception of eight years in England, and three years down in Durban.

38,560. Will you tell us what kind of experience you have had as regards Natives?—For ten years I was in charge of Thaba 'Nchu, in the old days of Moroka, and for 18½ years I have lived in Bloemfontein, and all that time had charge of Native work; and I have been in close touch with the Natives, principally the Baralongs, all the time.

38,561. Through all these years have you noticed any visible changes amongst them?—Yes, very remarkable changes.

38,562. As regards their condition?—For instance, I have recently been at Thaba 'Nchu, and I could not find an old house anywhere. The superior old Native house that used to be, I could not find anywhere.

38,563. What have you found?—Inferior square houses to a very large extent.

38,564. Do you consider that a sign of progress, or otherwise?—Yes; a sign of imitating the European—getting from the round to the square.

38,565. Is imitation a sign of progress?—It depends upon who is imitated.

38,566. What is your view of it?—I think it is the march of civilisation with them; and, I think also, so far as the Native generally

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is concerned, it is beneficial for moral reasons, because the house is generally divided into two or three apartments.

38,567. Well, do you say that in your opinion there are indications of real progress in the Natives to-day compared with what you knew them?—Both as to housing and as to clothing, there is no mistake about it.

38,568. Is that all the change in Native morals and manners?—There is a great improvement as to morals: as to truthfulness, for instance.

38,569. That is a good form of morality, truthfulness?—Very good.

38,570. Do you think they have improved in that?—I think they have.

38,571. Under what influence; under the influence of religion?—Decidedly, under the influence of Christianity.

38,572. Religion only?—I think so.

38,573. Not education?—No, I think not education, except in so far as education is associated with religious education. By that I mean religious instruction given in schools.

38,574. Do I understand you to mean that the principal force to be employed, in order to induce them to progress, should be Christianising, not education?—The two must go together, and, if you will allow me to add, the gospel of work.

38,575. What do you mean by the gospel of work?—If you will allow me to illustrate it, I may say that whilst amongst the Natives I have always insisted that, "Six days shalt thou labour, and remember the seventh day to keep it holy."

38,576. Is that the gospel of work?—That is the gospel of work to them, in my opinion.

38,577. Have you succeeded in causing any number of them to work for six days in the week, like you and I have to do?—I see a marvellous change in this particular, that when I went there in 1861 the work was practically all done by the women. The men prepared skins and sewed karosses, and so on; but they did very little work in the fields, whereas now the work is generally done by the men.

38,578. That is as it should be, I suppose?—Yes.

38,579. But do you trace any desire on the part of the male population to be more industrious than they used to be?—Certainly.

38,580. With what object?—To enrich themselves.

38,581. The idea of enriching themselves is because you have created wants in them which they have to satisfy?—Yes.

38,582. Is that the line, do you think, that should be pursued in advancing the Native races—that we should daily create more wants—civilised wants?—I think there is no mistake in pursuing that course, and I think it is the best course to pursue; it is the very same influence, if you will allow me to give my opinion, which bears upon Europeans—white people.

38,583. Well now, what are the general lines which, in your opinion, their advancement should proceed upon? You say you advocate that facilities be afforded to them to advance and progress?—Yes.

38,584. What kind of facilities do you think should be best accorded to them for that purpose?—Education, both religious and industrial.

38,585. Now, separating the two, what would you call education? How would you define it?—My own opinion is strong that all the Natives should, first of all, be able to read and write their own

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language. I have no sympathy at all with their learning the English language, unless they can read and write their own language. Then, I think, they would be more useful members of society, and then they could go on to learn English, to read and write it, and the bulk of them ought to reach about the fourth or fifth standard. I think all Natives ought to have facilities for making that advance in education. If beyond that they want anything, let them pay for it themselves.

38,586. First of all, what is the virtue of education being given in their own language?—Of course, I look at it as a matter of religion; in the first place, they will be able to read the Scriptures.

38,587. In their own language?—Yes.

38,588. They could read it equally well in the English language?—A very few have such an intimate acquaintantce with English as to be able to profit by reading it in English.

38,589. I understand you attach importance to the learning of their own language, because it gives them access to the Scriptures?—Yes, to the Scriptures, and to the few books that are published in their language.

38,590. Then you spoke of industrial education?—Yes.

38,591. What do you mean by that?—I think, if they are to advance in civilisation, in the matter of houses, furniture, and so on, they ought to be able to build their own houses and furnish them.

38,592. You mean, cut out doors and windows and things?—Yes, build their own houses, in fact.

38,593. Would you give them industrial education as a means to their own advancement, in that they would help themselves to build more civilised habitations?—Yes.

38,594. Is that all?—Making their own shoes; they might learn to be tailors, and so on, though not in the way of competition with European tradesmen.

38,595. Not in the way of competition?—No.

38,596. Would you object to that?—"Object" is a strong word; I would say discountenance it.

38,597. Why?—Because I have the impression that Europeans ought to work for Europeans.

38,598. Do you not like the idea of Natives being able to supply the wants of the Europeans by being able to carry on technical trades, say, at a cheaper rate?—No; I am not in favour of underselling.

38,599. Would you fear it would have a deterrent effect upon European enterprise and immigration?—I think it would.

38,600. Do you think that that is a thing which should not be deterred?—Yes.

38,601. Do you attach much value to the attraction to this country of immigrants?—Not in face of the present state of things.

38,602. But as a principle?—Were the country in prosperity, I think it could bear a very large number of immigrants.

38,603. Do you think that South Africa is and will be dependent upon its immigrant population to some extent?—It may, in years to come, but not at present. I think the country is too full.

38,604. Too full?—Yes; but then you know very well the state of the country.

38,605. Well, I would say, looking ahead a little bit, do you think it is a thing to be aimed at, to be encouraged, to be hoped for, that this country of South Africa, this Dominion, shall be peopled by Europeans?—Pardon me for asking a question. Do you mean, excluding the Natives?

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38,606. No?—Then I have no hesitation in saying yes.

38,607. The Natives are here, and they have got to remain here?—Just so.

38,608. And it is one of the functions of higher European civilisation to do their duty to these people?—Yes.

38,609. The questions that I have been asking you are on that plane—what are our duties to the Natives? I was asking you about religion and education?—Yes.

38,610. Now, you have mentioned the fourth standard. Why do you think the fourth standard is the limit which would be a useful limit in teaching the ordinary mass of the Natives?—I think at present, that would give the Native a sufficient standard of education to enable him to pass through life with enjoyment to himself so far as literature goes. A boy or girl in the fourth standard can read and write well, and I think at present that is all that is necessary for the Natives—as a body.

38,611. You spoke of enjoyment, but I should like to ask you from the point of view of utility?—I consider the majority of the Natives will be servants, and as servants the standard attained as referred to is a sufficiently high one; but if they wish to go beyond that, let them do so.

38,612. Does the attainment of that standard make them better servants?—I might answer negatively: it does not prevent them from being good or better servants.

38,613. I ask you if you think education does have a useful effect upon them in making them better servants?—I have no hesitation in saying from my own experience that it makes them better servants.

38,614. Does it make them more inclined to become industrious?—Yes.

38,615. Does education in any way, in your opinion, militate against their being useful members of society?—Not in my opinion.

38,616. Now, do you think that the State should do more for education than it does?—Pardon me if I ask you do you refer to the Orange River Colony?

38,617. I would rather not particularise; you know what is done throughout South Africa generally?—I am best acquainted with the Cape Colony. There might be some larger grants made, but on the whole the Cape Colony does well, in my judgment.

38,618. I mean, do you think that the State should take more initial steps to bring education, either by compulsory methods or by placing opportunities within reach of the mass?—I think that the limit should be to the extent that the Natives should be dealt with in the same measure as the Europeans are. If the one is compulsory the other should be compulsory. But I think all efforts by Government should be met by contribution on the part of the Natives.

38,619. As well as by the white population?—Yes. What I mean is, that what costs them nothing they will not value.

38,620. Would you advocate free education being given to the white people and not to the Natives?—I could not express an opinion with regard to free education. My own conviction is against free education, though I may be behind the times.

38,621. For any classes?—Yes, unless they are very poor.

38,622. If compulsory education were given by the State, it would naturally have to be more or less free?—Yes.

38,623. And that you do not advocate?—No.

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38,624. Now, taking South Africa as you know it, from different sides, do you think that there are enough facilities afforded to those who aspire to higher education, to gain that education?—Amongst the Natives do you mean?

38,625. Yes?—So far as my knowledge goes I do not think there are any facilities given for higher education by the Government except in the matter of Normal Colleges. So far as my knowledge goes there are none given in this Colony at all.

38,626. Do you think facilities ought to be given?—Only as grants in aid. If higher education is required the Natives ought to pay for it themselves.

38,627. Granted that they demand this education, and granted that you agree that they ought to have it if they demand it, how are they to establish Normal Colleges and training schools? What means have they to do so?—The Normal Colleges would be very largely subsidised by the Government for the sake of providing teachers for elementary schools.

38,628. Who would erect the buildings?—The Government would assist.

38,629. You consider, I take it, that education should be within the reach of those who demand it if they are prepared to pay for it?—The higher education, yes.

38,630. That they should not be driven to seek education in foreign countries?—Exactly; as you are doubtless well aware several youths have been sent to America for that purpose.

38,631. Do you hold any pronounced opinions on what is called the land question, with regard to the Natives in South Africa?—I think it ought to be competent for the Native to possess land if he can purchase it.

38,632. Do you mean by that that he should be allowed to go into the market, and if he put up the money he should get anything he wanted?—I think so.

38,633. And would the possession of that land carry with it the privileges of ownership, in the matter of, say, the franchise?—I am not competent to give an opinion about that, but I should think that it would follow as a matter of course. If he has such a position as a citizen as to be able to acquire landed property, that property carrying with it, as it does, certain responsibilities and advantages, I think he might very well have the benefit of those privileges.

38,634. Do you think it is a desirable state of things, if the Natives were to acquire the qualification as voters, that they should go on increasing and increasing and voting alongside with the white man?—No, certainly not.

38,635. Why do you think it is wrong?—I think that they would be much more liable to be influenced to vote this way or that way. They are not able to form a judgment as to representatives and so on. I could easily illustrate it. There is a Headman with influence over a number of men; these men have not an opinion of their own, and they would have to vote as the Headman said.

38,636. They would have to do what the Headman said?—Yes.

38,637. Still, you acknowledge that if a man has acquired a certain property right, and has become qualified to take his place, he ought to get some kind of representation in the State?—Certainly.

38,638. What kind of representation do you think he might best be given?—I think something like a Native Advisory Council—not legislative, but an Advisory Council. I think the opinion of the

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Natives ought to be elicited by communication amongst themselves first of all, and then carried to a Legislative Council.

38,639. Do you mean an Advisory Council of Natives elected by themselves?—By themselves.

38,640. And presided over by ————?—I think it would be best to have a European.

38,641. Do you think any Council of Natives could run by itself without guidance?—Not without European guidance.

38,642. Then that would give them the opportunity of discussing matters relating to Natives, and laying the result of their deliberations before the Government in some form or another?—Exactly.

38,643. And that, you think, would be a useful form of expression?—Yes, and at the same time satisfy them that they had a voice in the Government.

38,644. Do you think there are matters in which it is necessary that they should be satisfied? Do you think that they are labouring under any grievance or disability which requires this kind of outlet?—The matters on which they feel are comparatively trivial as they come under my notice at present.

38,645. Is there a public opinion amongst them that requires expression?—I am not prepared to answer that question.

38,646. Going a step further: If you admit that they require representation, would it commend itself to you that they should be allowed to elect by their own voting—by the voting of people who are qualified by the electoral law—and send members to Parliament; not voting alongside the white man, but voting by themselves, and voting for a limited number of representatives?—Do you refer to Native members of Parliament, or Europeans?

38,647. You can differentiate afterwards?—I do not see my way clear to express an opinion as to having representatives in any Parliament specially elected by Natives, or specially representing Natives.

38,648. Even if they were white men?—Even if they were white men.

38,649. What objection do you see to that?—I should not like to be that man myself.

38,650. Why? He might be, as we see in the Cape Colony, which is not far distant, an able and representative man, representing the Native territories, returned almost entirely by the Native vote?—Yes.

38,651. What objection is there to that?—I suppose deep down in my own mind is the feeling of prejudice against the Native, and that man would be looked at askance in Parliament.

38,652. That might be so were he elected by the two races in combination—the European and the black; but I am not speaking of that. There would be no competition as there is now, at least, not the same degree of competition. Can you conceive that the prejudice against that would be very strong?—Unless there were several of them in Parliament, I think his influence would be very, very limited.

38,653. Still, he would represent these people specifically, and it would give them direct representation?—It would give them direct representation, but, considering their numbers, they would not be fairly represented. But that is a question I have not gone into. I am not a politician to a great extent.

38,654. You mean, they would not be proportionately represen-

ted?—Yes; it would give them the appearance of representation, but not the reality.

38,655. Of course, we are taking them to represent that proportion of the Native race which had qualified by civilisation?—Yes.

38,656. We started the conversation by your saying you thought the Natives ought to buy land. I should like to ask you a question arising out of that. Do you think that the Native would be a better or more progressive man if he held an individual interest in the land?—I have no hesitation in answering that in the affirmative, because, after all, the nature of the Native is very much like my own nature. If I have a house of my own, I am more interested in improving it; and so it is with regard to the land.

38,657. It is human?—Yes, it is human.

38,658. So on those grounds, you would advocate it?—Yes.

38,659. And with that idea in your mind, what is your view upon the subject of tribal tenure, and the tribal customs now prevailing in many parts?—I think the sooner they are abolished the better, if the Natives are to rise in the scale of civilisation.

38,660. Do you think these customs are retrogressive in their tendencies?—Decidedly.

38,661. Do you think they deter the Native races from rising?—That is my opinion.

38,662. They are very long-established laws and customs, and to disturb any long-established usage hurriedly or abruptly is also against one of the laws of nature, is it not?—Yes.

38,663. So what would be your idea as to the methods to be employed in bringing about such a change?—I should say, certainly, first of all discourage them.

38,664. Which?—Take such a custom as polygamy.

38,665. How would you discourage it?—I will mention this as an illustration. I have known the Baralongs since 1861. They are now to a certain extent a people scattered. When I first knew them, the rite of circumcision was constantly and regularly practised among them. Now it has disappeared entirely. I give that as an illustration of a thing which, being discouraged, gradually passes away.

38,666. That was an orderly change?—Yes, it was through the advance of religion and civilisation amongst them.

38,667. Do you think that polygamy is undergoing the same change?—Polygamy has always been practised among the Baralongs, but not to the same extent as amongst some other tribes. It is not so common now as it was.

38,668. And would you advocate doing anything that would hasten the discouragement of it?—Most certainly I would withdraw anything like encouragement.

38,669. Is encouragement given now?—Yes, I think so, by registering wives, and so on—by acknowledging those women. Encouragement is given in Natal by the acknowledging of the second and third wives as lawful wives.

38,670. Then, in such ways as refusing to register more wives than one, you would discourage it?—Yes; let the one wife be registered, and let the others be, as amongst Europeans, concubines.

38,671. You could scarcely do that all at once?—That is so.

38,672. You would have to give notice of it?—Yes.

38,673. Subject to that being done, it is a course you would advocate?—Certainly.

38,674. And similarly with other Native customs, you would treat them in the same way?—Will you refer to any other custom?

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38,675. I will name dowry—"bogadi"?—I think it ought to be discouraged. My own conviction is that with the spread of Christianity these things will pass away, but not so much by active opposition. There are men who will differ from me, but I think there is nothing immoral in the dowry, as there is in polygamy.

38,676. Polygamy was not established amongst the Native races because it was immoral; it was because of the paucity of men in days gone by?—Yes.

38,677. So it followed one of the ordinary laws of nature?—Yes.

38,678. How could you discourage the custom of giving dowry?—I do not see how the Government could interfere with it, except by taking no notice of it whatever—ignoring it entirely and making no interference in questions of dowry.

38,679. Not allowing the officers of the Government to be the mediums of registration?—Exactly.

38,680. Then you would cut adrift from the Natives an established form of marriage?—Except a civil marriage with the first wife.

38,681. I am speaking of dowry, not polygamy—we have done with polygamy; that is their established form of marrying?—Yes.

38,682. If you cut that away from them what ought to be put in its place; you could not insist upon Christian marriage?—No, but there could be civil marriage.

38,683. By the Magistrate?—Yes.

38,684. Is that the substitute you would employ?—I know of no other at present.

38,685. Then you would bring them under the common law of the country when they entered into those marriages?—As soon as possible.

38,686. When they entered into those marriages?—Yes; as you said just now, after giving them notice.

38,687. Do you think the common law of the country might wisely be established where Native law now prevails?—Certainly, but not without a lengthened period of notice.

38,688. There are a variety of subjects, and it is a very large question indeed we are investigating. I would ask you whether there is any particular subject upon which you would like to express your opinion?—I do it with great diffidence, but I have a very strong conviction with regard to the Pass Law. It is a law under which the Natives groan, if I may use the expression. I think it is hard enough for them to be required to take a pass, but it is harder still to make them, as is done in some Colonies, pay for it.

38,689. Are you referring particularly to this Colony?—Yes; I am acquainted with this Colony. I believe, in the Cape Colony, the Natives do not pay for their passes.

38,690. Is it the payment you object to?—That is the added inequality; but I think that there might be a registration of respectable Natives, and that would allow them to have exemption.

38,691. But you have got a law that enables you to do that, I think?—In this Colony there is a law, but it only allows one in a thousand, or one in two thousand, exemption.

38,692. But does it not allow these men who have reached a certain standard of respectability to be exempted?—No; there are only three classes—ordained ministers of religion, certificated teachers, and men following a profession or trade.

38,693. What is a trade?—Carpentry, for instance,

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38,694. Does a carpenter get exemption?—Yes, he gets exemption.

38,695. What class of man do you think ought to get exemption who does not get it now?—In my opinion, there are scores of men who have been well known for years as respectable men, and I see no reason why they should not have exemption.

38,696. Do you know they cannot get exemption?—I know they cannot. I have asked for exemption again and again in connection with evangelists in our church—not ordained ministers, but catechists—but unless they come under one of those three heads I have given, they cannot get exemption.

38,697. I understand that you do not object to the necessity of Natives having passes to travel from one country to another?—No. I do not object to their having passes to travel from one country to another.

38,698. Or from one district to another?—Or from one district to another even; I think that that is a protection to themselves.

38,699. But you think that enough liberality is not shown in extending the exemption clause to deserving people?—Yes.

38,700. Is there any other point you would like to express yourself upon?—I am not quite sure that I am right here, but I would like to say something further about the poll tax. If the poll tax is payable, say, in November, and a man comes to this Colony from Basutoland in March, who has paid the poll tax there, and he works for six months here, I do not think he ought to have to pay the poll tax here also. If I go for six months to England, I do not have to pay income tax. I think that is a hardship on the Natives. Supposing they came here in September, they would have to pay their £1, and again in November they would have to pay another £1.

[*Mr. De la Harpe*: If they are three months in the country they have to pay the poll tax.]

38,701. You wish to establish the point that it is a hardship to tax Natives who are not domiciled?—Yes, exactly.

38,702. If they are merely foreigners and strangers in the land, they ought not to have to pay the poll tax?—Yes; I refer only to the poll tax.

38,703. Is there any other point on which you would like to express yourself?—I had an appeal the other day from the schoolmaster at Vrede, saying that the Town Clerk had called to say that all children over 14 years of age must go to work. I know it is the law here that every boy over the age of 16 must have a ticket as being at work. I know that that is the law here, because I enquired at the Town Office.

38,704. *Mr. Stanford.*] How does that law operate in respect of the boys at school? Does it imply their removal?—They could be removed, though I do not believe that has yet been done.

38,705. It is a law that is not enforced?—It is not enforced.

38,706. I understand you to say, Mr. Scott, that in the working of your Wesleyan constitution you have in the first instance separate Synod meetings of the Native ministers and of the Europeans?—Yes.

38,707. Then how is your General Conference constituted?—There are certain official members, and after that there are two ministers and two laymen—two English ministers, two English laymen; two Native ministers and two Native laymen. The official element consists exclusively of Europeans, so there is a majority of the Europeans. But by the resolution of the last Conference the

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Native representation was to be doubled; and, of course, the majority is less than it was.

38,708. But you still have a majority?—Yes, we still have a European majority.

38,709. How is it found to work?—In the Conference?

38,710. Yes?—Very well.

38,711. The European and the Native ministers sitting in conference together?—Yes.

38,712. Have you come up against what is called the Ethiopian movement here?—In the country generally I have not come against it, because I have passed by on the other side.

38,713. Has it adversely affected your Church at all?—We have lost a good many members.

38,714. And in your opinion is the influence of the A.M.E. Church spreading amongst the Native people, or otherwise?—They are constantly establishing Churches in new places.

38,715. Have you been able to judge at all of the effects of their teaching and preaching on the people?—No, but I have seen several copies of the organ of the A.M.E. Church published in America, and certainly I have seen several statements there that if taught amongst the Natives here would be injurious; statements affecting the equality of Natives, their not having their rights, and so on. I have heard to some extent of the same thing here, but I cannot prove it.

38,716. Did those allusions touch particularly upon the situation in South Africa?—No.

38,717. *Mr. Krogh.*] The A.M.E. Church have, I believe, only Native ministers; is that so?—Yes; so far as I know there is not a European connected with them, either in America or in this country. It is a pure negro Church in America.

38,718. How are these ministers ordained?—It is an episcopal church; they call it the African Methodist Episcopal Church, and they have Bishops amongst them. That is how they are ordained.

38,719. *Mr. Samuelson.*] At district meetings and at meetings of the Conference where there are Native delegates, are they allowed to vote on matters affecting the white congregations?—Not in District Synods, but in the Conference they are. They have perfect liberty to vote.

38,720. Then they could by their votes, if they were strong in numbers, greatly affect the policy with regard to the white congregations?—Yes. There have been subjects, as with the Irish vote at home, where they have turned the balance. They used to sit all together like a flock of sheep and vote the same way. Now they are scattered throughout the Conference.

38,721. Do you believe that is a prudent or discreet policy to allow the Natives to take a part in the control of the white congregations?—We cannot help it, it is our constitution. Our constitution was given to us from England and we are not as yet independent of the English Conference.

38,722. You appear to be very strongly in favour of the Natives having individual ownership of land. Would you wish them to be owners of land with unfettered or freehold titles?—I think so, yes.

38,723. You do not anticipate any difficulty arising from borrowing money from Europeans or from Indians, and the land passing away, sooner or later, from them entirely?—It might be limited only to re-selling to Natives.

38,724. You will remember, whilst you were in Natal, having

heard of the difficulty which has arisen at Edendale. So much of the land there has passed into the hands of Indians, because there was no restriction as to the disposal of the property?—Yes, I quite agree with what you say.

38,725. In proportion to the taxes and other contributions to the revenue by Natives generally, do you think that they receive a fair *quid pro quo* in the way of education and other matters from the State?—No, I think not.

38,726. In what way do you think more could be done in view of their contributions?—Either more could be done or less could be paid. It baffles me to understand why that poor Native man should pay £1, and I do not pay anything.

38,727. What would you recommend—a reduction in the taxation, or an increase in the benefits to be conferred arising out of the taxation?—If there could be an increase of benefit, by all means.

38,728. In what direction do you think that the increase of benefits from the State should go?—In this State they certainly might go in the direction of educational and industrial institutions, and so on.

38,729. Have you any reason to believe that the effects on Native youths and others sent to the Southern States for their education have been injurious to them, that they would return with a very strong racial feeling, and injured in other ways?—I am not able to judge.

38,730. Do you think that whilst Natives continue to be subject to special law, and continue to hold to their own customs of polygamy and "lobolo," and such things, that they should have the rights of the franchise?—No; I think they exclude themselves by continuing in those practices.

38,731. What, in your mind, should be the qualification of the Natives for the franchise?—I cannot express an opinion on that: generally, I should say property, and an educational standard.

38,732. And to be entirely divested of all Native customs, such as polygamy, and so forth?—All heathenish customs—yes.

38,733. You spoke about an Advisory Council. Would your remarks apply equally to a country like Cape Colony, where Natives enjoy the rights of the franchise on certain qualifications?—I think so. I think it would be a satisfaction to them.

38,734. As far as I could gather from what you said, I think your view is, that if the Natives were separately represented by members elected by themselves, that would really take away from other members of Parliament a sense of responsibility as representatives of the Native population?—Yes, to some extent it would, I think.

38,735. And it would throw the whole onus of representation on the separate members?—Yes, who would be in a minority.

38,736. Those members could always turn the tide of events by voting with the Opposition or with the Government?—That is beyond me.

38,737. *Mr. Stanford.*] Supposing the Natives were allowed to go into the open market and buy land in the same manner as Europeans do, would you advocate special conditions protecting the Native in that case?—I think if it were a simple farm then it might be unfettered, but I know the position that Mr. Samuelson refers to in Natal.

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AFTERNOON SITTING.

Mr. George Henry Turvey and *Mr. Johannes Michael van Reenen*, examined.

38,738. *Chairman.*] Are you representing the Farmers' Association?—*Mr. Van Reenen*: I am.

38,739. Both of you?—*Mr. Turvey*: I am not representing the Farmers' Association exactly; I represent Ladybrand.

38,740. Are you together in your representation?—*Mr. Van Reenen*: Yes; we are together from Ladybrand.

38,741. You know that there are a certain number of subjects upon which we are taking evidence, and you have no doubt seen a list of those subjects?—*Mr. Turvey*: Yes.

38,742. Are there any particular subjects upon which you would like to give your opinions?—I should like to speak on the question of land tenure. I suppose that means that the Natives shall have the right of purchasing a piece of land.

38,743. If it is a subject upon which you would like to express your opinions I will begin by asking you whether the Natives in this Colony have a right to acquire land in their own name?—No.

38,744. Do you think they ought to have the right?—No.

38,745. Why?—They make a squatters' place of it. Supposing a Native buys a farm he has the right of having so many kraals and it becomes a nest of thieves, in my opinion.

38,746. Is that the only reason?—I will not say that is the only reason. I say that in the Cape Colony it has not worked altogether well. I do not say there could not be exceptional cases, but in the majority of cases if the Natives had a right of purchasing ground I think the country at last would become more Native than European.

38,747. You mean that the land would fall into the hands of the Natives?—Yes.

38,748. You allude to certain exceptions which might be made. How would you make those exceptions? Where would you draw the line?—It is a very difficult matter to draw the line, but still I will not say there are not exceptions.

38,749. Do you refer equally to erven in towns?—Yes, equally to erven in towns.

38,750. That is as regards Natives holding land in their own right. Do you see any objection to Natives being allowed to hold land, provided it was purchased by them and held in trust by some officer of Government for them?—I do not know that it would be advisable to do so.

38,751. Can you urge any reasons against it, providing the Government was satisfied there existed reasons for the application being made?—No, I say there might be cases, and I think of course if there were fair reasons why it should be allowed it might be done. There are so many cases that can be brought forward that it is a very difficult matter. *Mr. Van Reenen*: My opinion is that it is detrimental to the white population of the country; that is why I should strongly object to Natives being allowed to purchase.

38,752. Being allowed to purchase at all?—Yes. Secondly, a Native can live on very much less than a white man can, and we have found it out. Lots of people had the habit in former days, especially in Harrismith, of allowing Kafirs to occupy their farms. I could mention one place where a man had a farm which was occupied by 1,500 Kafirs. That is why the law became so strict. From

these Natives he used to draw from £1 to £2 each, and we found it was really a nest of thieves. The Kafir, in sowing for the farmer on thirds can come out with a third very much easier than a white man can on halves, because his cost of living is of course only one quarter that of the white man; therefore I should think it is very detrimental to the white man to allow the Kafir to hire land.

38,753. Either to lease or to buy?—Yes, it is very detrimental to the white population of the country.

38,754. In your answer you introduced the word "squatting." Do I understand you disapprove of the old form of indiscriminate squatting on farms being allowed?—To a certain extent. *Mr. Turvey*: To a certain extent, but not altogether. *Mr. Van Reenen*: I think our former law of the Orange Free State worked very well indeed. We were allowed five heads of families. If the farmer finds out that he requires more than five heads of families he makes application to the Magistrate of the town, who sends them out a Commission which was composed of two gentlemen appointed by the Government, by the Magistrate, or other official, and investigates the matter. I was on that Commission myself and I remember particularly I was called out by a man who, I found, had a threshing machine, a drill going, and a mill going, on his place, and several other things. I found that it was necessary to give that man more than five families, and I gave him five more, which made ten families. In another instance a complaint came in that a man had too many, that he had five families of which he only used one boy, and the others used to sow on thirds. That is detrimental to the white population. A man would sooner take a Native to sow on thirds for him than he would a white man, because a Native can make a profit by taking a third whereas a white man comes out badly on a half on account of his living expenses.

38,755. Would you prohibit this ploughing on halves or ploughing on thirds?—Most undoubtedly.

38,756. How? By law?—By law, prohibiting the ploughing on thirds with Natives altogether. I would not do so at the present moment, because at the present moment the country is in such a state that there are hundreds of boys that have gone to Basutoland with their wagons and things and have now returned to their masters and their masters are only too glad to have them there because it is perhaps the only span of oxen he has on the farm, the country is in such a state: but later on, when the country is stocked better and people have their own stock, I would certainly prohibit it. I have always done so in former years and I think it has worked well.

38,757. How can you prohibit a farmer from making any arrangements he likes with another man, white or black?—Simply by making a law that if a Native sows on shares it shall be considered a lease. Of course, if that were to become law he would be allowed to do it, if the Native is allowed to become a tenant.

38,758. That would be your remedy?—Yes.

38,759. Upon the subject of squatting generally, would you alter the existing laws?—No, I would not. I would give every man five families, and if he required more he should make an application to the Commission, and the Magistrate would then send out the Commission to see what the man does on his farm and see whether he required more. I am a farmer myself, have farmed both stock and agriculturally, and I could no more manage with five heads of families than I could with one. I require more like fifteen. Perhaps my next door neighbour would not even require five. I should

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think it would not be right to prohibit a man that really wants the men from having more. A man that requires the servants should have as many as he requires, and the others that do not want them should have them taken away from them.

38,760. Are there people who have more than they want, and people who have less at the present time?—Yes.

38,761. Is there a shortness of labour?—I cannot say that there is. If you can pay a boy you can always get labour. The labour that we get at present is adequate.

38,762. You are close to the border?—Yes. *Mr. Turvey*: There is labour to be had if you pay for it, but the farmers are not in a position to pay for it. That is the reason they prefer families, as they get the men to work them on shares with them.

38,763. Is the rate of wages now different to what it used to be?—It is a little higher. We used to give boys 10s. a month, and we pay them 15s. to 20s. now.

38,764. Can you get boys at that rate?—Yes.

38,765. In abundance?—25s. I should pay. *Mr. Van Reenen*: If you treat them well you can get any amount.

38,766. What do you mean by treat them well?—He would go and work for a man who is a severe master but he knows at the end of the month he gets his money and he gets enough to eat.

38,767. There is plenty of labour as far as you know in the Orange River Colony if the Natives are properly treated?—*Mr. Turvey*: In our part.

38,768. Are you in a position to state the wants of the Colony generally from a farmer's point of view?—As Mr. Van Reenen has said, there is plenty of labour, but the farmers are not in a position to make use of it. They may want five or ten boys who have to be paid at the end of every week and they have not the money to do it.

38,769. They want the boys but they cannot pay them?—They want the boys but they cannot pay for them.

38,770. What happens then?—Then they try and get their families to live there and give them a piece of ground to plough, and the boy ploughs a piece of ground for them. That is the way the majority of the farmers are going on now. Of course, there are exceptions.

38,771. Does that mean that the farming industry is suffering?—Yes, the farmers are actually suffering from want of labour, although the labour is to be got if they had the money to pay for it.

38,772. Do you think that is a matter that will be adjusted in due time?—I think so.

38,773. So it is only a matter of to-day?—Yes.

38,774. Is there any other subject upon which you are particularly interested that you would like to be questioned about?—I should like to speak on the franchise.

38,775. Have you anything to say on the question of the marriage laws?—*Mr. Van Reenen*: That is a question that has been under my notice for eighteen years in succession. Their marriages are not looked upon by the Government as lawful marriages. In Basutoland, of course, if a man buys a girl for 10 or 20 head of cattle and the girl runs away from the boy to her father she is brought back. At the present moment and in the time of the Free State Government if the girl ran away from the man back to her father she could not be, because if he did that he was brought up for ill-treatment.

38,776. He cannot control her?—He cannot control her and he has no redress in the way of getting back his 10 head of cattle. If the Government is going to allow the Native marriage law, which I do not possibly see they can stop, because it is the customary way, they ought to give the boy some sort of redress if the girl goes back to her father—enable him to regain his cattle or something of the sort. I have had many and many of these cases during the time I have been a J.P., for eighteen years, and I have told the boys I could do nothing. I can send for the father, and say it is no more than fair, that as the girl has come back to him, the boy should get his cattle back. Perhaps he gives one or two back, and sticks to the rest; and on account of its being an unlawful marriage, according to law, the boy cannot go to Court.

38,777. Do you think the Magistrate should be empowered to make an order of Court for the return of the dowry?—For the return of the cattle, or for the woman to go back to her husband. As it is not a lawful marriage, I do not see how you can make an order for the woman to go back. I do not see how we can quite stop that form of marriage, because it has been a custom from generation to generation, and I cannot quite see how it could be stopped; but a law ought to be made that the man has some redress. I have had many and many of those cases in my time.

38,778. If you are going to give redress and an order of Court, you must have a recognition of the marriage in some form or other?—It has either to be recognised according to the Native fashion, or it has to be abolished altogether.

38,779. Would you advocate the registration of cattle marriages?—That is what I would do, by allowing him to barter his women for ten head of cattle, and then make it compulsory that the man and the girl should go to the nearest Missionary or somewhere, and get married as well. Then it would obviate taking away that custom from them, because they think a lot of their girls. They think: "When I have five girls, I have 50 head of cattle"; and if you take that away from the Natives, there would be a rumpus.

38,780. You could not force Missionaries to marry people who are not Christians?—Something will have to be done, because the men will have to have some redress. This is a thing which has been going on for some time. It has caused murders, and one thing and the other. The boy goes there in the night and kills the girl.

38,781. Would you like to see the Magistrate allowed and empowered to carry out these marriages between Natives?—Yes.

38,782. Is there any other point on which you would like to speak?—*Mr. Turvey*: On the question of the administration of local affairs—Does that mean that the Natives should administer their own laws?

38,783. The question is how far the Native, being a tax-payer, should be allowed in certain parts of the country to have a voice in the management of his own affairs. In the Cape Colony, as you know, they have what are called District Councils and General Councils, dealing with roads and all sorts of things in the Native territory?—*Mr. Van Reenen*: Would that include the pass law as well?

38,784. No; we will come to the pass law?—*Mr. Turvey*: With regard to the administration of local affairs, I do not think it would be advisable in the Orange River Colony.

38,785. Not advisable to give them any form of local councils?—No.

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38,786. Mr. Van Reenen, you wish to say something about the pass law?—*Mr. Van Reenen*: I should like to mention with regard to that, that I do not think the Natives are treated at all fairly. Of course, the pass law is a great source of revenue to the country, but, nevertheless, we consider that Basutoland and the Orange River Colony are under practically one Government. When a Basuto wants to leave Basutoland he has to take out a pass, for which he is charged 1s. He proceeds to seek work, and he goes into the Orange River Colony, and has at once to report himself and take out another pass in that Colony, for which he has to pay another 1s. That is absolutely unnecessary, and is much too stringent on the Native. Why should he not present his pass at the office, or before a J.P., and have stamped on it "Reported," and why should not that pass hold good for a month; why should he pay the penalty of another 1s. for going to seek work? It is severe on us farmers. I have myself gone to Maseru and brought 50, 60, and 70 boys out to a farm for harvest work, and have had to pay 50s., 60s., or 70s. there for the passes, and the same this side. They want to go to work, but they have not the money to spend. I think the passes issued in Basutoland, or in the Orange River Colony, ought to hold good by being presented and having stamped on them "Reported."

38,787. You are aware that a pass issued in any part of South Africa taken by a Native in Basutoland carries him through that country and back again. No charge is made in Basutoland for passes from other countries?—I am speaking about the Native leaving Basutoland for work in the Orange River Colony or elsewhere.

38,788. In the Orange River Colony a Basutoland pass does not carry?—No.

38,789. Similarly a Native of Natal or the Cape Colony going to the other side has his identification pass taken away and a new one issued?—Gratis?

38,790. No. These are the different laws obtaining in the different Colonies. Have you ever taken the matter up and made representations with a view to this law being altered?—I have often spoken about it to the authorities. I consider it an imposition on the Native. I would like to see the boys work, but I think, especially now, it is an imposition. It was a different thing when it was the Free State on the one side and the British Government on the other, because the one wanted the revenue, and so did the other; they both wanted something out of the boys. Now that they are both one Government, I do not think it is fair.

38,791. I understand the matter is under consideration in your own Government. Is there any subject upon which you would like to speak?—*Mr. Turvey*: With regard to the franchise, I suppose that is intended to give them a vote if they possess property.

38,792. It is a subject of investigation. Do you wish to express your views upon the question of the Natives getting the franchise?—Yes.

38,793. What are your views?—I do not think the Natives are fit for it at present.

38,794. In this Colony?—In this Colony. *Mr. Van Reenen*: I think it is unnecessary to speak about that subject until we have representative government.

38,795. Putting it in the abstract, you mean to say you do not think any Natives are fit to exercise the franchise. Will you draw the line at the colour?—No; I do not think any Natives ought to have the franchise. Judging from America, it has not worked well

there, and in the Cape Colony there is a coloured gentleman sitting on the Legislative Assembly—or he will sit there.

38,796. *Mr. Stanford.*] There is no coloured gentleman in the House of Assembly in Cape Town?—In the Town Council.

38,797. *Chairman.*] You object on the ground of colour?—I do not object on the ground of colour; I object on principle.

38,798. Would you just enunciate the principle?—*Mr. Turvey*: It is rather difficult. *Mr. Van Reenen*: They are our inferiors in every way. *Mr. Turvey*: I will not say that there are not Natives who are equally well educated as white men, but still, on principle, I think it would in a great measure spoil the other Natives that are not equally educated.

38,799. Is it your interest for the Natives that makes you say this?—I think the Natives ought to be treated well and kindly. I think they are more or less half-grown-up children, and I think that in giving them the franchise, and giving them a great many other things, it is like putting fire into a child's hands; they do not know really how to use it. I do not think that the time has come. I do not say that it will not come.

38,800. Have you anything to say on the subject of education?—With regard to education, I am not against educating the Natives, and I think they ought to be educated; but I do not think they ought to have the higher education at present. I know this much, that directly a Native is educated, he makes a worse servant. That is my experience of it—that he is a worse servant.

38,801. Have you ever had an educated servant?—Yes.

38,802. Why did his education make him a worse man?—He would read the Bible and translate it in his own way; he had his own ideas about things, and he at once imagined that he was my equal.

38,803. Is that the effect of education, in your opinion?—It is the effect of education on the Native to a great extent.

38,804. Still, you recognise, I suppose, that the Natives, although they are of a lower order, must advance?—Yes.

38,805. And that their advancement should proceed upon organised lines, perhaps laid down by the various Governments?—Yes.

38,806. What kind of lines could you suggest that that advancement should proceed upon?—They send these men to colleges. My experience of the Native in some cases when he has been to college is that he returns almost worthless, and most people will not engage him, because they do not trust him. He has got wonderful ideas about himself and about the world in general, and college seems to have spoilt him. If you take a poor white person and educate him, he does not seem to have the same ideas as are bred in the Native afterwards. It may be that the Native wants to show himself off, because he thinks to himself, "I am your equal in everything except colour."

38,807. Supposing you were the head of a State, and were called upon to do something, what would you do yourself to deal with this problem?—I would certainly have schools for the Natives, and I would educate them to a certain extent, but I would not give them "higher education."

38,808. To what extent would you educate them?—I would teach them to read and write.

38,809. Do you think that it would be in the interests of the white people, as well as in the interests of the Natives, that they should have that much?—Yes, I think it would.

38,810. And having done that, you would stop?—Yes.

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38,811. Supposing a certain number of them afterwards wanted to get higher education, would you let them get it at their own expense?—I think it would be a very arbitrary law that would not allow them to get it at their own expense.

38,812. You would not prohibit it?—No, I would not prohibit it.

38,813. But you would not help them?—No, I would not help them.

38,814. Would you do that for ever and ever?—If they are a nation that is going to rise, having that opportunity of being taught to read and write, if it is in them they will rise themselves.

38,815. Then, if they do rise themselves, that is a thing you would tolerate?—Yes.

38,816. But you would not guide them in the matter?—I would guide them to a certain extent. As I have already said, if you take the raw Native and educate him, and then send him back to Basutoland, say, he has wonderful ideas, and he seems to impregnate the others with even greater ideas; and I have certainly found that they do not make good servants as a rule. *Mr. Van Reenen*: When I came to the country in 1873, I happened to be squatted down just among all the Mission stations. There was Dumas' at Maquatlin, 20 minutes' from me; Precksley's at Groenkloof, also about 20 minutes' off; old Mr. Kyk's at Mobalela, about six miles distant, and then another Mission at Impokani, also close by. The boys who lived around there were all educated boys, and the result was that we were not on the farm very long before we had to get rid of the whole lot and get raw boys from Basutoland. Those were the educated boys belonging to those Mission stations around. They would want to go to church three times a week. We might have a lot of loose stuff lying on the ground, and see clouds coming up, and want to get it in, but no! they had to "go to church," and they simply saddled up their horses and went off. They were not satisfied with only going to church on Sunday, but they fancied they must go all the other days of the week as well. We simply had to let all those boys go and get raw Natives from Basutoland in their places. I would certainly be in favour of educating the Native in the way of teaching him the trades, that is, carpentry, blacksmithing, masonry, and other work; but, as for giving him a "higher education," I do not think it is of any use to him. I think we have a very good example in George Moshesh in Basutoland; he had a decent education at the time, but he has not turned out very bright.

38,817. Do you allude to the George Moshesh who lives in Matatiele?—I do not know where he is living now.

38,818. He is an extraordinarily able man. You must be thinking of some other man?—*Mr. Turvey*: Yes; Mr. Van Reenen refers to Tsekelo.

38,819. You advocate the teaching of Natives trades, like blacksmithing, carpentry, and trades of all sorts?—*Mr. Van Reenen*: Yes.

38,820. Would you take and educate the mass of them in that way?—No, not the mass, but those that are willing. They are able to learn, and with regard to labour, I say that they are the most capable men whom we have on our border. You cannot improve on the Zulu and the Basuto; they are absolutely first class.

38,821. Just try to forget for a moment that you are dwelling on the Basuto border, and think with regard to the whole of South Africa?—I have not had experience of the whole of South Africa.

38,822. But I want to ask you to carry it a little further. Sup-

posing it was a policy in all the territories of South Africa to go in for an extended scheme of industrial education of Natives, and that you were to throw upon the world a considerable number of youths as technically educated tradesmen, what would they do?—They would do all the trades. We have to import, as it is now. Carpenters are imported daily, and all sorts of tradesmen are imported into this country to do the work, while these men all the time are splendid men for the purpose. They can stand a hard day's work as well as any white man—they are even harder—and I do not know anyone to touch them in trades. They are splendid tradesmen, and they are very quick in picking up anything you like to teach them. You can take the rawest boy from Basutoland, or anywhere else, and put him to work in your garden, and if you keep him a couple of weeks or a month there, he makes a splendid gardener. Or you can put him in your stable. I have a boy who is a splendid groom now. He could not speak a word of English or Dutch when he came to me, and he knew nothing about the stables, but now he is an excellent groom. I would teach them all sorts of trades, as they take to work of this nature splendidly.

38,823. You referred to the importation of skilled labourers from abroad. If you were to educate all the Natives in trades, would you not stop that importation?—Why should we not do so, if we can get the material in our own country.

38,824. Would you like to stop the importation?—Yes, if we could produce the workmen in our own country.

38,825. Although they were Natives?—Although they were Natives. I would certainly have them if they could do the work.

38,826. And do you think the European artizans, who are skilled tradesmen in this country, would work alongside of them, and agree to it that the Natives should be workmen on common terms with them?—As I have said before, we would be able to get our work much cheaper, because the Native can live so much cheaper than the white man.

38,827. How about the white working man? How will he take it?—They will simply have to work in gangs, the same as they do in Johannesburg now. At the mines you will not find two tribes working together, such as Zulus and Basutos; nor do you find white men and Natives, nor Chinamen and Natives working together.

38,828. You think the white workmen would work in a lot by themselves?—Yes, they would work by themselves, just as the Kafirs work in gangs. As I have said before, the Native can live much cheaper than the white man, and if we can produce the workmen in our own countrty, why should we import them? *Mr. Turvey*: I do not suppose the white man would object. Supposing it was a large shop, and he employed 300 Natives; he being the head of that place would not object to it at all.

38,829. He would not, but what about the journeyman tradesman? What is Trades Unionism?—I do not know.

38,830. The great mass of labour which is required in South Africa is unskilled labour?—*Mr. Van Reenen*: Unskilled.

38,831. And if you created a tendency amongst the Natives to learn trades, and gave them the opportunity to do so, because of the higher wages paid to white workmen, and other things, might it not result in the great body of unskilled labourers being unavailable for the farmers of the country, and for the other industries?—

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No, because the farmer requires these men. I am a farmer, and I know it would be very handy for the farmer if he knew that his boys could do carpentry or blacksmith work.

38,832. He would have to pay very high wages to have that?—Yes; and it would pay him to do so. We will take one simple thing by way of illustration. In the early days, when we were going from the Ladybrand district to Kimberley with our wagons, we could not get a boy to handle a whip if we paid him £5 for doing so—because he was not accustomed to it. In these days, a white man would never think of taking the whip, as these boys have become the finest possible handlers of whips since they have been trained. They are splendid drivers now, whereas, in the old days, they would not touch a whip. To-day you can send them anywhere with the wagons by themselves, and if the disselboom breaks they know how to mend it.

38,833. They know how to do that without being a carpenter, because they have learnt it from the Boers?—Yes, they have learnt it from the Boers.

38,834. That covers education. Is there any other matter you wish to speak about?—*Mr. Turvey*: I should like to say something about taxation. I see in the list of subjects there is "direct and indirect taxation." I do not think that it would be advisable to tax them indirectly. When the Natives know that they have a certain amount of money to pay, they go and engage themselves in order to earn that money; but if they have to pay indirectly, I think it will lessen, to a certain extent, the labour available. Often when a boy engages himself, he says: "I want to work for a month, as I have to pay my 10s. hut tax." If it was indirect taxation, he would not bother about that.

38,835. Perhaps you are aware that the Native does pay very largely now in indirect taxation, through the Customs?—Yes, he pays through the Customs, but at the same time I think that the competition amongst the traders is so keen that he pays very little in indirect taxation. I believe it is about 20 per cent. he is supposed to pay, but he does not pay that; perhaps he may pay a sixpence.

38,836. If he consumes largely, he must pay indirect taxation?—Yes.

38,837. Then the question is, is he a large consumer?—As a rule, he is not a large consumer.

38,838. He wears clothes?—Yes, he wears clothes.

38,839. And the Natives, you know, buy saddles?—Yes, in late years they have consumed a great deal more than they used to do.

38,840. And they buy boots?—Yes.

38,841. And coffee, and sugar, and tea?—Very few do, but still there are instances.

38,842. A shop in the locality you come from contains a very varied supply of stuff, does it not?—Yes.

38,843. And it is nearly all Kafir trade?—A great deal of it is Kafir trade.

38,844. Is that not evidence of their consuming powers?—Yes; I do not mean to say that they do not consume, but I say that the competition amongst the traders is so keen that the indirect taxation they pay is very small.

38,845. Who pays it except the consumer?—I suppose the store-keeper would have to take a less profit.

38,846. Still, the duty is paid by the consumer in the end; it is not paid by the store-keeper, although, of course, he pays it in the

first instance?—He pays it in the first instance, but it is another question whether he always gets it back or not.

38,847. He loads it off on to the goods?—Yes, he puts it on the goods.

38,848. And if his balance sheet at the end of the year is a good one, the consumer has paid the duty?—Yes.

38,849. That is what is referred to in the list of questions as indirect taxation. It was not the idea to propose more taxation, but to consider the question generally in all its bearings?—Yes; of course, the extra duty is only on what they call Kafir truck.

38,850. Is there any other subject, Mr. Turvey or Mr. Van Reenen?—I would like to speak about the liquor traffic. I think the law is good as it stands.

38,851. The law of the Orange River Colony?—Yes.

38,852. You support that law?—Yes. When the law was not in force there was a great deal of thieving from the farmers, especially of sheep, but since the law has been passed that has been put a stop to a great deal. *Mr. Van Reenen*: I think the liquor law is very good.

38,853. *Mr. Stanford.*] Reverting to the marriage question, Mr. Van Reenen, I take your view to be that some simple form of remedy should be permitted to the husband whose wife leaves him without sufficient cause?—Yes.

38,854. And that he should at least be enabled to recover his dowry or a portion of the dowry, according to circumstances?—Yes, according to circumstances.

38,855. I would ask you also in this connection, do you advocate that the children of these marriages should be protected in respect of their rights to inheritance?—Yes.

38,856. And do you see any reason why there should be a formal registration of a marriage in order to enable a Magistrate to do justice in these civil cases?—Because it so often takes place in the Orange River Colony.

38,857. My point is: do you see any necessity for formal registration to enable the Magistrate to take any action?—I think there ought to be a registration with regard to the marriage.

38,858. Why should there be registration; could not Jonas come before the Magistrate and say, "I married Jacobus' daughter, and she has run away, and I want my cattle back"?—There is no law at present, and you would have to make a law for that purpose. Then it would be admitting the Kafir marriage, which, I say, it would be difficult to abandon afterwards.

38,859. That is just the point I want to bring home to you—that to your mind there is no necessity for the formal recognition of the marriage, but that you would give the Magistrate or Special Justice of the Peace power to adjudicate in those cases without formal recognition?—Yes; that could be easily done, though it has not been done up to the present.

38,860. You say that that could be done?—It could be done very easily. It is very easy for a man, if he has a daughter, to barter her away to a boy, and then to even tell the girl privately, "If you do not like that man, you need not stay with him a long time, but you can come back to me." Then when the girl goes back to her father, that poor fellow has no redress or recovery of the stock he has paid, because the marriage is not legal.

38,861. The present position, then, I take it, is that these men are driven away from your Courts, and they cannot get redress?—They cannot get redress at all.

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38,862. And in the meanwhile, the old father may profit by marrying his girl to several men in succession?—Yes; and the only thing that the boy would be able to claim would be the child or children, if she had any. That is the only thing possible; further, he has no redress at all. I think something ought to be done.

38,863. I suppose you regard it that if a Native were allowed to buy land in his own name, he would, in a certain sense, come into competition with the white farmer?—He would not only come into competition with the white farmer, but he would make the land, as Mr. Turvey said before, a nest of squatters; and that man, being able to live so much cheaper than the white man can live, the Natives would sooner go and live with him than they would come and live with me. If there was a vacancy for them on the place of their own brother, they would sooner go and live with him than come and live on my farm.

38,864. Do you not think it might be an improvement in your squatting law if, instead of having a certain number of families fixed, the number should be regulated according to the requirements of the farmer?—Most undoubtedly so; that would suit us admirably.

38,865. If you had a stringent squatters' law, that law would apply equally to the Europeans and to the Native land-owners, if there were such a class?—I am very much against the Native being in possession of landed property, either by tenure or by purchase.

38,866. Do you think that in the end it will really tell, when you admit the Natives to competition in respect of trades, and by-and-by in respect of professions, from which you cannot keep him?—It will really tell on the white people, I am sure. *Mr. Turvey*: Take the coolies in Natal, for instance (Mr. Samuelson will correct me if I am incorrect in what I say); and if you go to Durban, you will see what the Natives possess there. Coloured people are gradually working their way in there. They are allowed to purchase ground there, and they come into competition with the whites. In fact, according to the papers, they are even the masters of the situation. And look at the places that they keep! I mean to say, it is detrimental to the white people who are living in the same streets with them.

38,867. Then you regard it really as a matter of self-preservation for the white man, to exclude the black man from owning land?—That is my opinion. I think that it is a case of the "first law of nature"; and I think that the white people must have the land to themselves.

38,868. Then, my question is, will you be able to maintain this self-preservation by just closing the avenue to the land when all the other avenues are open to the black man, such as the professions, trades, and even farming itself through the lessons he derives from the white farmers?—I think that the Native will improve year by year, but I do not believe in giving him all these things at once.

38,869. Shall we say, then, that you will be in favour of giving him first one avenue and then another, and then last of all the one to land?—I do not know about that, but it seems that in the course of nature it will come, no matter how the whites strive against it. I do not know that it is advisable to commence in our generation to do it.

38,870. *Mr. Samuelson.*] Do you think that the introduction of Chinese into the Transvaal, or into South Africa, will release any of the Natives at present at work, and throw them back on the farms for employment?—*Mr. Van Reenen*: I have no doubt it will do so,

because, as they say in Johannesburg, the Chinese work up to the mark. I do not know if the introduction of Chinese is going to be of benefit or an improvement to the country, but I certainly think the farmers are going to benefit by it, because 5,000 or 10,000 Chinese imported to Johannesburg means at least a few thousand Natives to us to remain to work on our farms. *Mr. Turvey*: I think it is a good thing.

38,871. Did you notice that there was a very strong tendency for a time to almost compel the Natives to go out to the mines to work in some way or other?—*Mr. Van Reenen*: Yes.

38,872. And do you not think that the Native has reason to be grateful at his escape from that by the introduction of Chinese?—I do not think it would have been wise to force the Natives to work, because, as we see in the case of the Indians, being forced to work is useless.

38,873. Do you not think the Native has reason to be grateful at having escaped that tendency to force him into the labour market, by the introduction of the Chinaman?—I think he has reason to be grateful, because the Native does not like to be forced.

38,874. As the owner of a farm, you have to keep a list of all the Natives on your farm, and of all their stock, and of everything that belongs to them?—I have to keep a list of Natives and of everything that belongs to them for the purpose of the Collector of Taxes. It is a sort of sworn declaration I have to sign, "I hereby declare that I have the following Natives on my farm,"—and so forth.

38,875. Has that to be done here?—Yes, that has to be done here; it has to be filled in by the farmer.

38,876. And if you do not do that, as a farmer, you are liable to a penalty?—Yes.

38,877. I do not know whether it was you or Mr. Turvey who said that he thought the Natives should be taught to read and write. In what language would you teach them to read and write?—It was Mr. Turvey who said that. *Mr. Turvey*: I would teach them in any language they liked, but preferably I would teach them in their own language. When they learn English they very often use their knowledge to write out passes for themselves, or to write notes for liquor. Of course, I do not say that white people would not take the same opportunities if they were placed in similar circumstances. It would be certainly preferable, I think, to teach them in their own language.

38,878. I think your view, Mr. Van Reenen, is this, that the Natives should be taught as much as possible industrially; they should be taught trades?—*Mr. Van Reenen*: Yes.

38,879. And in your mind the object in teaching the Native a trade would be to supply within South Africa itself, the needs of the country in all directions?—Yes, the needs of South Africa could be supplied, because the Natives are so quick in learning.

38,880. And really to put a check on the importation and the introduction of skilled labour from other countries?—Yes.

38,881. And at the same time you would deprive the Native of the rights of franchise? You do not approve of the Native being a voter?—No, I am strongly against it.

38,882. I think you were an official under the late Government for a long time?—For eighteen years.

38,883. Were the Natives allowed to purchase farms, and to come into the position of farmers?—No, it was strictly prohibited.

38,884. You believe in that?—Yes.

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38,885. As a farmer and as an old official, you approve of special dealing with the Natives under special laws?—Yes.

38,886. For how long do you think that that should continue?—As long as the country is in the state it is in now. You are, of course, now referring to the system of ploughing on shares?

38,887. No, I refer to class laws for the Native population; how long do you think that they should be governed in a separate way from the way the European population is governed?—Until such time as they are so improved, that they can be classified under the same laws.

38,888. To go back to the liquor law: A farmer like yourself can give a Native a pass to go and get a bottle of liquor at a bar or canteen, and bring it to your place?—He would have a note in his possession that it belongs to me. He must have a note in his possession to pass the bearer with a bottle of brandy or a bottle of whisky to me on my property.

38,889. Does not that exception in regard to the Liquor Act lead to a great deal of abuse, and make it difficult for the police in the matter of ascertaining whether or not the Native is carrying liquor for himself?—It does, and it would be good if a thing like that could be met in some way. But if that was prohibited, it would be hard on a white man, because everyone would then have to go and get his own liquor, and I do not see how that could be brought about.

38,890. As an employer of Native labour, you have the right to give that Native liquor?—I can give him one liquor; that is the law.

38,891. Is that not open to a great deal of abuse?—I do not think so. I think that if a boy really works hard he deserves it. Of course, it could always be abused, as no one could say, "This is the third liquor you have given him." You might really have given him six, and you might only say it was the first. Of course, you might abuse it if you liked.

38,892. You are only in favour of a modified prohibition, not total prohibition of the supply of liquor to Natives?—Yes; I think the Native very often requires a liquor. I have been on a farm for the last 33 years in this country, and it has often been the case with me that I have had a large quantity of oats ready to tie up lying on the ground, and I have told the boys, "If you get these oats tied up by this evening, I will give you each a 'soupje,'"—and it has been done, and they have each got their 'soupje.' It does them no harm. In fact, it does them good. If I had offered them a sixpence, the work would never have been done; but for the 'soupje' they did it readily.

38,893. Having these views, do you think it is fair to prevent the Natives purchasing Eau de Cologne and other scents?—Yes, because the Natives are that way that they cannot tell the difference when they have once had the taste of liquor. When they get drink, and become intoxicated, they cannot stop themselves, and then they start off and use a lot of abusive language, and one thing and the other.

38,894. Is the law still in force which controls the brewing of this Natitve beer called "twyala"?—Yes; they have to take out a licence, and to pay a sovereign for the licence, and they can only hold their beer drink for a day.

38,895. They cannot hold a beer drinking on a Sunday?—No.

38,896. And no Native may supply Native beer to another unless he has permission to hold a beer drinking from his landlord?—No; and every boy has to have a pass from his master that he can

go to the beer drink. The boy who gives the beer drink has to see that every boy who comes there has a pass.

38,897. Does that law work well?—It works very well indeed.

38,898. Has it the effect of preventing a great many faction fights and tribal disturbances?—Yes, it has.

38,899. *Chairman.*] How long has that law been in force?—It was passed in the old times—in the Free State times. *Mr. Turvey*: It has been in force for ten or twelve years.

38,900. *Mr. Samuelson.*] Is there anything to prevent a Native being a burgher, and having the franchise here?—*Mr. Van Reenen*: At the present time, or in the old times?

38,901. In the old times?—He could never become a burgher.

38,902. It was absolutely prevented by law?—Yes, it was absolutely prevented by law; he could never become a burgher.

38,903. And, therefore, he could not vote at all at the election of any member of the Volksraad?—No.

38,904. Has there been a change since the war?—No, not yet.

38,905. The law stitll remains in force?—Yes.

38,906. And do you think it should continue to be in force?—Yes.

38,907. I suppose you have trial by jury here?—We have.

38,908. No Native may be a juror?—No.

38,909. *Captain Dickson.*] I understand, Mr. Van Reenen, you are in favour of total prohibition of the sale of liquor to Natives?—I am.

38,910. I understand also from your answers, that you look forward to the time when you will be able to put down farming on halves?—Yes.

38,911. What would you be in favour of the farmers having? Would you be in favour of their having labour tenants?—I would be in favour of a farmer having so many families on his farm; then, if he wants more, he could apply to the Magistrate, and the Magistrate should send out two men capable of judging the farmer's requirements, to report whether the application should be granted or not.

38,912. You would be in favour of no man having Natives unless they were absolutely required for the work on his farm?—Yes.

38,913. I suppose you are aware that there is a great deal of squatting in some districts?—I am not aware of how it is now, but I know how it was in former years when we made that law. There were in the Harrismith district farmers who kept farms especially for squatters.

38,914. Do you know the laws of the Cape Colony as regards squatting?—No.

38,915. The laws of the Cape Colony allow the farmer as much free labour as he requires. I suppose you would be in favour of that, if he pays for it?—Yes, if he requires it.

38,916. Everyday labour?—Yes.

38,917. There should be no limit whatever?—No.

38,918. *Mr. De la Harpe.*] Could the farmers in the Orange River Colony do without these squatters—labour tenants, as we call them—altogether?—No, we could not do without them; we want them. They are the right men for the country, and we cannot improve on them.

38,919. As regards the purchasing by Natives of land or erven: You have farms and erven in the district of Ladybrand. Would you like Natives around your property, and in charge of your property?—No; if the Native was allowed to buy an erf next to mine at Ladybrand, I would sell mine at once.

38,920. Is that your opinion too, Mr. Turvey?—*Mr. Turvey*: Yes.

Bloemfontein, Friday, 23rd September, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Stanford.
Captain Dickson.	Mr. Thompson.
Mr. De la Harpe.	

Mr. Cornelis Hermanus Wessels, examined.

C. H. Wessels, (Landowner).
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38,921. *Chairman.*] You are a landowner in the Orange River Colony?—Yes.

38,922. Formerly Chairman of the Volksraad?—Yes.

38,923. You are a very old resident of this Colony?—Yes, I was born in this Colony.

38,924. You are aware perhaps that certain matters have been referred to this Commission to enquire into?—I have seen something about it in the papers.

38,925. Do you know the subjects which have been referred to us?—Yes.

38,926. Will you tell me upon what subjects you wish to be examined?—From No. 4 to No. 9.

38,927. Upon the subject of the franchise which you first named, you have no law in this Colony which admits of the coloured people getting the vote?—No, we have no law. It is against our Constitution.

38,928. You hold opinions upon that subject, I suppose?—Yes; I believe that for centuries these Natives have not been accustomed to have the franchise, and they are accustomed to be ruled by their Chiefs, and whatever they say they agree to, and I believe that if they get the franchise it will be very easy to misuse it. In most instances they will use it in a wrong way. I believe an individual who has influence over them will have every Native vote, and very cheaply. It has been proved that in some States of America, where the negroes have been connected for the last two centuries or more with the Europeans, they misuse the franchise, and they are doing their best there to take it from them, as you are aware. Our Natives have only been connected with the white men for half a century, and I believe they are not prepared to have the franchise yet. They will have to be better educated, and understand it better, before they can get it. In some cases, I admit, you have Natives who would make proper use of the franchise, but very few.

38,929. You seem to think that if they had the franchise they would elect people of their own colour?—No, that is not my point. The point is they do not know what it means, and in fact they do not seem to care, as far as I understand the Natives. They are quite satisfied if they are treated like children, that is my experience of the Native here. They want fair treatment, and they want education up to a certain point, and that makes them very happy; but, if they get the franchise, and you get one of these Natives who has influence, he can get the Natives to vote for a certain man. You may get that man to go round for you, and you will get the whole of the Native vote by giving them Kafir beer, or any other consideration. There are not very many strong characters among the Natives in this country.

38,930. You say they have shown no desire or wish for it?—No, not in my experience.

38,931. In one of the States of South Africa there are a considerable number of voters. Have they not displayed a good deal of interest in these matters in the last two years?—In the Cape Colony, of course, they have the franchise. I believe it has been misused on several occasions.

38,932. Have you considered that there is a rising desire for it, which is, perhaps, being generated in one of the States of South Africa, where it already exists?—I do not think so. In the Cape Colony they have a class of Natives who have been connected almost for a century with the white man, and some of these men understand it. Of course, I believe it is nothing but right that they should have their vote; they have been educated, and hold property in the country; and I think it is nothing but right that they should have the franchise; but in this country we have very few of that class of Natives.

38,933. Are you thinking for the moment of coloured people, or of pure Natives?—My remarks in this country deal with the pure Native. In the Cape Colony, I should say coloured people. We have only a few here in the towns; in the country we have very few of them.

38,934. My remarks relate entirely to the Natives, not to the coloured people?—I do not think they ought to get the franchise at present. It will do more harm than good.

38,935. You acknowledge that there are amongst them certain advanced and educated men who are property holders, self-respecting men, and such people you will admit, I suppose, want some kind of representation?—Yes; I fully admit that they want to be represented.

38,936. Do you think they are represented at the present time?—At the present time nobody seems to be represented in the Orange River Colony.

38,937. White or black?—White or black. Of course, we have no Constitution—no franchise.

38,938. Take the old Government—were the Natives represented under the old Government?—No, they were not. The Government were supposed to look after the Natives, but that was a defect in our system. I always thought we ought to have had an officer for Native Affairs: a man who was responsible to look after the interests of the Natives.

38,939. Do you think that is a sufficient representation?—At present.

38,940. The Natives now are beginning to contribute very largely to the revenue of the country?—Yes.

38,941. Both by direct and indirect taxation?—Yes.

38,942. You admit, then, that they ought to be fairly represented?—By a Native Commissioner—a man appointed by Government to look after the interests of the Natives.

38,943. Do you think that is a sufficient form of representation?—That is my idea.

38,944. Supposing it were possible to make plans by which the Natives should be allowed to alone vote for representatives to go to Parliament, not voting alongside the white man, as in some parts of South Africa, but voting by themselves, sending separate representatives?—I believe we will get better men, and will be better served by appointing one.

38,945. By nominating one?—Yes.

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38,946. A man who could sit in the Council?—Yes, and a responsible man.

38,947. You would rather have him nominated than elected?—Yes. I am afraid in some cases the wrong man would be elected.

38,948. Why do you think that? Do you think they might be misled?—They might be misled. The raw Native has no idea how to use his vote.

38,949. I was presuming that you understood that the persons who would elect such people were not altogether raw, but who had some qualification for that?—But then we will only have a very few who have got that qualification, and it will not be representing the bulk of the Native population.

38,950. With regard to No. 5; what do you wish to say about that?—As far as this country is concerned, being mostly a pastoral country, Native labour is indispensable; we cannot do without it. Farming does not pay well enough to have the more expensive European labour at the present prices and under the present circumstances; and that is why Native labour would be the only labour which under the circumstances would pay, and to secure that labour—I will again allude to what I have said—we will have to treat the Natives like children. Let them have confidence in the white man, and let them have the satisfaction that they get fair treatment, and an opportunity of living comfortably. Do not interfere with their habits. Give them a certain kind of liberty, to have the same privileges they have in Native countries. I do not mean to abuse the law, but to give them an opportunity to have the usual system with their wives and with their children. They have a system amongst them to buy their wives.

38,951. To pay dowry?—Yes. If we interfere with that system they will leave the country and go elsewhere. I do not allude now to the Native who is being settled in towns. Of course, they keep no families. They have a wife for a couple of years, and then leave her and take another one. But I am alluding to the Native who takes his wife, rears up a family, looks after the family, takes care of his daughters, and keeps them from going wrong, and marries them to a man. They are healthy, and they are the best Natives we have here. If we allow them some of their privileges which they enjoy in the Native country they are quite happy in the Colony, and we shall always secure, I would not say a sufficient supply, but a fair supply of Natives if we treat them well. Have, as I said before, a Commissioner to look after them, and have officers all over the country to whom they can go to make their complaint if they have one. Do not let them run to a lawyer in town, who is very expensive, but have special Justices of the Peace all over the country before whom they could lay complaints, and who could arrange the matter and give them satisfaction. They would then live amongst us and give their labour.

38,952. So long as their customs and habits were harmless and not repulsive you would not disturb anything?—I would not.

38,953. At the same time you would give them facilities for getting their matters dealt with by competent and special officers?—Yes.

38,954. You make a strong point of that?—I do, because I know we have some men in the country who treat Natives as I would treat a monkey or a baboon, give them a hiding whenever they like, or treat them worse than dogs. These Natives want to be attracted in order to enable us to get a good supply of labour. I do not say

people are all like that, but we have some people who would do that, who do not know anything about the Native or about his character; and they believe it is the best way to treat the Native to give him a hammering when they think fit. These Natives ought to be attracted. We have a class of men in the country also who would always complain. If a man has a lot of Natives and treats them well, and the next-door neighbour cannot get Natives because he ill-treats them, he will complain. Some people make misuse of the laws and they keep a lot of Natives on their farms to the loss of their neighbours. That also ought to be put a stop to. We have prohibited by law giving land to work on halves by Natives. That has proved very bad in the Eastern and North-Eastern districts. The Natives are located together on the farm, and live very cheaply; they grow Kafir corn and they live on that. A Native family would live on about a dozen bags a year. They make "tywala," and are very comfortable and happy. They only buy a blanket and they live on these farms and are very comfortable and happy. If they feel inclined to have a bit of meat, they send a man on horseback to three or four farms, and get hold of a sheep or bullock, put it on his horse, and they have then a supply. That ought to be prevented. A fair supply of Natives ought to be allowed on a farm.

38,955. Then, subject to the Natives being encouraged and treated gently and properly, you think there are enough in the Orange River Colony for the labour demands?—Not at present. There was a fair supply before the war, but not at present. I do not know where they have gone to; I believe mostly to towns and railway works. I do not know where they have gone to, but at present there is a scarcity of Native labour.

38,956. Is that because of the high rate of wages given in these places?—Perhaps it is. They get better wages, and Natives are very slow to return. During the war they have left the country, and it takes a long time before they return. I know by experience. One of my Native boys said, "I will come back to you again." It is now over a year, and he is not back. I know he will come, but after two or three years. They are very slow to make up their minds.

38,957. If they are not well treated, you think they will leave the country?—Yes. If there is a place where they can go to, they will go there.

38,958. Is the farming interest suffering from want of labour?—I believe it is at present.

38,959. All over the country?—All over the country.

38,960. Is that on account of wages—on account of not being able to pay high wages, or on account of the farmers actually not being able to get the boys?—I do not think it is on account of wages. They pay as much as they can for it now, but they do not care to go out of town. I am alluding now to Bloemfontein. We have a lot of Natives in Bloemfontein. Whether they are all busy or not I have had no opportunity of finding out; but if you ask a Native in the street here, he will say "No," he does not want to go to a farm; he prefers to be in town. They work certain hours in town. Their women have got in a bad way, and make a living very easily in town, not in the country—they have to work there. A Native on a farm will have to work eight or twelve hours; he has to milk at night, look after the horses, and work in the day time as well.

38,961. Are you speaking of farm Natives, to whom you give a bit of land to plough, or of purely hired labourers?—I am speaking of farm labourers, Natives on a farm to whom we used to give

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land to plough for their own benefit, and pay them a certain amount of wages for their labour, and also what we called monthly Natives.

38,962. Is there a shortage of both these classes?—Yes.

38,963. Do you think the Natives who have the offer of a bit of land to plough and farm are deterred from coming because they like town life better?—In some cases. In some cases the farmer has no land to spare. If they could go and plough, some Natives would like to go and live in the country and plough, but under the present circumstances they have no cattle to plough with, and the farmers have none to spare to lend them.

38,964. It is possible that will right itself when cattle get more plentiful?—I believe it will. We are really getting a new class of Natives out of Basutoland. I am afraid a good deal of those we have in this Colony have been spoilt. After they have been in town for a certain time they get accustomed to certain habits which they do not get on the farms, and then they prefer to stay in towns.

38,965. What do you think there is in town life which spoils them?—The opportunity of getting liquor is one thing. Some of them take to liquor, and they do get it sometimes. The females have a very easy living by immoral means.

38,966. Can they get liquor on the farms?—There is very little chance of getting liquor there.

38,967. Whilst I am upon that subject, what are your views upon the subject of Natives and liquor?—I believe it a blessing if you can prevent them from taking liquor. If it is bad for a white man it is worse for a Native.

38,968. You have expressed your objection to the squatting of Natives on farms and their ploughing on halves?—Yes.

38,969. If that is going on to a large extent, how, in your opinion, should it be prevented and suppressed?—It should be prevented by law. A man has got a right to give a Native a bit of land to plough for his own use, but it works badly on the whole. If you give the liberty to a man to permit Natives to plough on halves he will not move himself, but just give his land to the Native and the Native will do all the labour and then hand back his half share of the produce to the owner of the farm; and he does not work, nor do his children, and I believe it will be very bad for the future of the white population in the country.

38,970. Is it not interfering with the liberty of the subject to prevent him from making agreements of that sort?—In a certain way, yes; but in another way you have no right to have a lot of Natives on your farm and keep them there to hinder the progress of your neighbour. It is a danger to the neighbouring farms to have a lot of Natives all round the farm doing nothing but ploughing on halves. If the Natives are occupied they do not take so easily to mischief, but after ploughing they have nothing to do. They sleep during the day, and at night time wander about doing mischief.

38,971. Do you think that the people in this Colony would agree to pass an Ordinance the title of which should be, "To prohibit the ploughing of land by Natives on halves"?—They have an Ordinance at present; an Act is now in force, I believe.

38,972. What is the title of that law?—It is in connection with the Plakkers law. I believe there was a special regulation passed relating to ploughing on halves.

38,973. Do you see any occasion to object to the existing Squatters' Law, by which no more than five families are allowed unless

there is special reason shown for it?—Yes, I am not against that law. I am afraid that under present circumstances there is more need than there was before the war, owing to Native labour being more scarce than it has been. Of course, my experience is that if you allow certain men to give farms on half to plough you will get fifty families on that farm and it will be a very undesirable location, having no control. If you have a public location under control of Government you have a man to look after them, but in this private location you have no control except that of the farmer. He may be a very good man, but he goes to bed at ten o'clock and does not know where the Natives are during the night time.

38,974. Then in this Colony you think this law should be enforced?—Yes, I do.

38,975. Referring to the next subject, that of education, have you views on that?—Yes. I had several Natives as farm labourers on a farm who had some education, and I had some very good men with religious education, but mostly very bad ones. Some Missionaries, I believe, think it their duty in the first sermon they preach to tell the Native that he is equal to the white man; that he is black, but he has the same right as a white man, and it makes them proud. Some of them make use of religion to do a lot of harm on the farm among my ordinary labourers. They would come there as Missionaries, and it has been my experience that the ordinary Native would steal a bullock or a nice fat sheep to feed the religious man. Some Missionaries teach them that their first duty is to be obedient, and to live by the sweat of their brow. Those men are very good. Generally speaking, I prefer the raw Native as a farm labourer to the religious, educated one.

38,976. What class of Missionary teach the creed of equality; white or black?—White men come out as Missionaries; the black Missionaries are sent out by the white. I am not against religious teaching of the Native; I believe it will improve their character if it can be done in the proper way. But to do everything we have two ways, a right way and a wrong way, and the Natives are more likely to accept the teaching that they are equal to the white man, and in some cases superior, because the vices of the white man are pointed out, which they have not got, and it spoils them as labourers.

38,977. What in your opinion is the right way of imparting religious knowledge?—For instance, the poorer classes in Europe are educated to do their work as part of their religion. If they preach that religion to the Native here it will do them a lot of good. Of course, I do not like to point to certain Missionaries, but I remember there was a Missionary at Vaal River among the Korannas who would teach them not to be lazy and it has done a lot of good there. When the diamond-fields were discovered there all religion was blown away and they took to liquor, the whole lot of them.

38,978. I understand you admit that the teaching of the Natives of some kind of education and religion is a public duty of the State?—Yes, certainly; and a blessing to them.

38,979. But that you think it should be carefully directed?—It should be very carefully directed.

38,980. Is there any particular line upon which you think it should be directed?—I would not like to point out to a religious man on what line to educate a raw Native, but I know by experience that if they are educated to understand that work is part of a religion, and that they have to work to live honestly, that would be the best kind of religion to preach to the Native.

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38,981. Preach them the gospel of labour?—Yes, and honesty.

38,982. Was there any other view you wished to express upon education and religion?—Not particularly. I think we have enquired as to the laws affecting Natives. Then, as regards taxation. If you care to hear my view about that, I believe under the former Government the Natives were rather heavily taxed. I am speaking now from the farmers' point of view. We are paying Natives even now on the farms—and we could hardly afford to pay them more—about 15s. to 25s. per month, and if the Natives getting 15s. have to pay £1 tax out of their £9 or £10 a year, I think they are very heavily taxed. I think we ought to encourage Natives to go to work. They pay their taxes by giving their labour, and I believe that we rather heavily tax them.

38,983. Your remarks point to a suggestion almost that farm servants who work well and continuously should be absolved from taxation?—Not only farm labourers, town labourers as well; it will encourage them to go to the country and earn money, and even if they get very good wages, they take away only a few pounds after a year's hard work, and I think we ought to tax them as little as possible to encourage them to go. I know by experience. Most of the boys' taxes I have paid myself, because I thought it would be fair to them. Some people do not do it, and those Natives, of course, have to pay their taxes, and it is rather hard on them.

38,984. Would you exempt all, or only those who perform labour?—Those who perform labour, who are working continuously as labourers, not those who squat; they ought to pay, because they live on the fat of the land. We have some of them who live very comfortably and very easily.

38,985. The squatters and the idlers should pay?—Yes.

38,986. Those who work continuously should not pay?—That is my idea. That is why I thought it was nothing but fair to pay my Natives' Government taxes.

38,987. Do you think that would be sufficient inducement to stimulate their industry?—Not sufficient; it would be some inducement.

38,988. It would go part of the way?—Yes. We had that law before, but it was mis-used; some people would engage all the boys just before the quarter came round; they used to pay about sixpence a month or so, and then they were free of taxation. That has been an abuse of it.

38,989. Any law of exemption is liable to that abuse, is it not?—Yes, any law is liable to be abused. To tax them indirectly, the only way is to put a heavy duty on goods they buy. Blankets are now the only things they call for. Squatters can afford to pay more for their blankets than ordinary Natives.

38,990. Are you not satisfied that they do contribute a good deal by indirect taxation?—At present they hardly contribute anything. They buy one blanket a year. I do not know what the present tax on blankets is; it used to be very heavy before the war; they used to pay about 2s. on the blanket. They buy a blanket once a year, and that is all they have, and ordinary "hoofd belasting" of £1.

38,991. Do they buy clothes?—They do not wear clothes on the farms in the huts, or what they do wear costs them very little.

38,992. When they move about they are bound to have them?—Yes.

38,993. Do you not think that the Natives of late years have taken to spending a great deal more money on these kinds of luxuries?—They have in the towns, yes. They have started getting silk dresses for their wives; they have a tendency to spend.

38,994. Even on the farms?—Not on the farms. On the farms they have a tendency to buy stock. They would buy cattle and they would buy stock to supply their boys with wives, because the father has to get wives for his boys, and he always buys cattle.

38,995. Do they not drink coffee and sugar, and consume tinned provisions?—Very little coffee or sugar; they do buy some coffee, some get accustomed to it, but not much; they live on milk and Kafir corn.

38,996. And in bad seasons?—They have to buy.

38,997. So they become in bad seasons consumers?—Yes.

38,998. You have already spoken about the liquor traffic?—I think it is a blessing if we can keep them from taking liquor.

38,999. Is there any other subject upon which you wish to express your opinion?—Not particularly.

39,000. *Mr. Thompson.*] Mr. Wessels, you have been dealing with the Kafir, what about the Cape Boy, what you would call the bastard?—There has always been a difficulty in this country about that class of man. I would not treat him the same as we do the ordinary raw Kafir. The bastard has some religion, one or the other religion, and he is accustomed to some European comforts, and so I think we ought to draw the line between them. The difficulty is where to draw the line. That is the difficulty we have always felt here. We have not many of the bastards in this country. We did not encourage them to come here; they were not white, and they were not black.

39,001. If they were properly educated, would you deny them the franchise?—No, certainly not.

39,002. You would let the intelligent coloured man have the franchise?—Yes, I would.

39,003. Then you went on to say, and these were your words: "As some of the Cape Kafirs have been connected with the whites for a century"?—I think I said coloured men.

39,004. On the question of franchise: Take the Native who has been connected with the whites for 100 years; how would you deal with that man?—I would give him the franchise to a certain limit. He must have certain qualifications.

39,005. You would not deny the franchise to the black man if he is intelligent and a landowner?—No, I would not.

39,006. Could you give us any idea how you would like him to use the franchise? Would you like him to choose his own members, being white, or would you like that man to cast his vote side by side with you and I at the polling booth?—I would like him to have a representative of Natives, but a white man.

39,007. Therefore, you would like all the Natives who have the franchise to cast their vote, Natives only, for the choice of a white man?—Yes.

39,008. You are against white and black going together to the polling booth?—Yes, experience has taught us you cannot mix the races; you cannot mix them in Church or in State.

39,009. As a practical farmer, what do you say would be a fair number, year in and year out, for a *bona fide* farmer with, say, a three thousand morgen farm; how many families would you allow him on that farm?—It all depends. One farmer is a hard-working and industrious man and he could use twenty-five Natives all the year round, and another one has no work for five. I would leave that in the hands of a man who was able to judge the qualifications of the different farmers.

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39,010. Therefore the official over them should have the right of veto as to the number each man should be allowed?—Yes.

39,011. I think you said you were in favour of remitting the tax when a Native has shown himself to have done work?—When he is shown to have worked twelve months.

39,012. Where a man has worked for twelve months you would say there should be no tax?—Yes.

39,013. On the other hand, on the location or the reserve where a man for twelve months has done nothing, what tax would you put on him?—It depends on circumstances. If you keep a heavy control the tax ought to be heavy; if you keep a light control the tax ought not to be so very heavy. I do not think we ought to tax the Natives to raise the revenue. We ought to tax them for what it costs to keep them in the country, because it will always be good in the country to have Natives. You want their labour. You cannot get white men to work like Natives on a farm.

39,014. I allude to the idle Native who lives on a reserve and gets his dozen bags of mealies and does not go out to work at all; what would you tax him?—It all depends on circumstances. I would tax him rather heavily.

39,015. What would you call heavily?—About £2 would be a heavy tax.

39,016. Where he worked for twelve months you would let him off his tax?—If I could get a reliable certificate that that man had worked for the last twelve months, I would not take anything from him.

39,017. If you had a certificate that he had worked for six months would you remit half this tax?—It all depends. If he could not get work I would not make him pay, but if he could get work, and he would not work, I would not remit a cent if he has only worked six months. An able-bodied man ought to work.

39,018. You said he was a pastoral man and he had his cattle and sheep, and though a willing Native might be prepared to work the whole twelve months, still in fairness to his own family and his own home he must go home for six months and plough and look after the sheep and goats?—It does not affect the Native who lives on farms, because he is every night with his family and with his goats, and there are always the old men.

39,019. I mean the man that comes out of the reserve. You have a reserve at Thaba 'Nchu?—That is different. You may have different laws for a reserve. It is nothing but fair you should let them go back for three or six months.

39,020. Then you would make a partial remittance?—To those who live on locations or out of the country, yes.

39,021. Where has it been your experience that the franchise has been abused? You say you have not had it in the Free State. Where have you seen the black man go round and buy votes? You have lived in the Free State. You expressed an opinion that the votes could be bought and brought to the polling booths in large numbers?—In Cape Colony we had that experience. In America where they had the votes they have taken them away for certain reasons, because there has been abuse.

39,022. You point to America and to the Cape Colony, where the franchise has been abused?—Yes. Even here it has been abused—by white men also, but by Natives more.

39,023. You mean the unintelligent white man who has a vote has been carted off and taken to the polling booth?—Yes; some of them would sell their vote for liquor.

39,024. *Mr. Stanford.*) Not necessarily unintelligent, but immoral?—Yes, perhaps so.

39,025. *Mr. Thompson.*] So the fault is common?—Yes, but more so with the Native, because he is not supposed to be of so strong a character as the white man.

39,026. *Mr. Campbell.*) Would you allow this intelligent Native who was fit for the franchise to buy land and own land?—Yes, under certain circumstances I have no objection to an intelligent Native having land. Some of them had land under the Government here, and there was no reason to complain, but in some cases if a Native has land he is very liable to have a lot of Natives on his land to squat there; but that could be prevented by law.

39,027. So you see no objection to an educated Native holding land and buying it in the open market?—No.

39,028. *Mr. Samuelson.*] You spoke of the missionaries teaching the Natives equality. Do you mean social or religious equality, or equality in the eyes of the law?—Religious equality, and social equality also.

39,029. Do you think a Native who practises polygamy and adheres to Native customs and usages, although he may be educated and an owner of land, should have the right to the franchise?—To a certain extent. If a man was educated I do not think he would stick to the old customs. It is almost an impossibility if he takes to education and takes to religion for him to stick to the old customs. Those two things do not go together.

39,030. I know of cases where educated Natives are polygamists?—Then they must have no religion. They stick to their custom because it suits them better.

39,031. Do you think in a case like that they should have the franchise?—I do not think we ought to encourage giving them the franchise. It is a thing that I should not encourage.

39,032. I do not know whether you were in the Volksraad when that law to control and regulate the brewing of Kafir beer was passed. Do you remember that law?—Yes.

39,033. Had it become necessary through the use of "tywala," or because of faction fights or disturbances?—It was misused. As a rule, their free day is Sunday, and on Sunday nights the Natives would disappear, and go to the next or the second or third farm, and on Monday morning they would perhaps be back again, but unable to work, having been under the influence of this Kafir beer. Then a law was passed that they could not do it without permission. The farmer would then know where his boys were and he would not expect them on Monday morning.

39,034. Do you think it is in the interests of the Native population generally and in the interests of the Government to keep them under special laws and special control?—Yes, I do.

39,035. Which does not apply to other sections of the population?—If we could make special laws for a certain class of white men it would be good, but that is impossible.

39,036. How long do you think such a system should continue in respect of the Natives?—For a very long time. You are always getting a fresh supply of raw Natives from Basutoland and from the interior, Bechuanaland, Mashonaland, and those parts.

39,037. What in your mind should be the objective to be attained in Native administration?—To give them an opportunity to live comfortably here and be happy in the country and under the laws of the country; make the laws relating to Natives so that they

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can understand them. It is very difficult for a Native to act under a law if he does not understand it. For instance, if he does not understand why he is prohibited from making beer he does not submit to the law, but tries to abuse the law as much as possible. If he understands it he submits to it and takes out his licence and has a party now and again once a year or so and takes as much beer as he likes and he knows it is all right; he knows he has paid his licence and is allowed to do so.

39,038. You have read the history of the negro race in the United States, have you not?—Yes.

39,039. Has not the present state of things there and the strained relations between the negroes and the European population arisen through their having been allowed to run on the same lines of advancement and progress, and therefore having been brought into conflict with the white population?—Yes, they have been given too much liberty. Now it is unfair but it is in the interests of the country to take back what has been given them too freely.

39,040. Do you think it would be a kindness to the Native population and would save that population from coming into conflict with the white race if they were kept on separate lines?—It would be a blessing to them.

39,041. *Captain Dickson.*] Do you mean by separate lines that they should be under separate laws?—In some cases. I mean that Natives ought to be treated as children, not as equals, but in the way that a man would treat his children. Let a man treat the Native fairly and educate him according to what he wants to make of him.

39,042. You do not advocate a Code of Native Law, such as they have in Natal, do you?—I am not really acquainted with that Code of laws. There may be some good ones, but, generally speaking, I think Natal has made a mistake with their Native Code. There is the fact that they have got about ten Natives to every white man, and still they have to import Indians.

39,043. With reference to the Natives employed by farmers, I take it it is your opinion that the farmer should be allowed to have as much free labour as he likes on the farm, together with the wives of such free labourers, if he pays for them?—If he has got employment for them.

39,044. If he pays the wages?—If he uses them as labourers, but I am sorry to say some farmers are using these Natives as stock-in-trade. They make them pay so much for living on the farm.

39,045. I was talking of volunteer labour?—That ought to be free. If any farmer wants a thousand boys for large irrigation works, for instance, you ought not to hamper him.

39,046. He ought also to be allowed to have the wives and children of those people on his farm?—Certainly.

39,047. You would allow farmers the number of labour tenants they could employ?—Yes, I would.

39,048. But you are against squatting?—Certainly. That has been the curse of the country.

39,049. You know that that is locking up a lot of labour?—It does lock up the labour, and it does a lot of harm to the neighbouring farms.

39,050. Can you give any views as to the better management of town locations. There is a lot of labour locked up in town locations?—I would not be prepared to give any views on that.

39,051. You are aware there is a lot of labour locked up?—Yes,

they have a lot of them in certain towns, and it acts very badly on the Natives generally.

39,052. Do you think it would be better for the Colony as a whole if the Municipal laws of the different towns were all on the same basis as regards the Natives?—Yes, I think one code of laws would do for the whole country.

39,053. It would be much better than the present system?—Yes, we ought not to be afraid to pay heavy expenses to keep these locations under control, especially where you have military settlements.

39,054. Is there any other question with regard to the Natives of this Colony that you have not been asked on which you would like to express your opinion?—Not particularly.

39,055. Would you like to express any view on the Pass Law?—I think we ought to have a Pass Law. That is the only way by which you can have a check upon them, especially when they move stock with them.

39,056. Do you think that the passes of other countries should be in force, and *vice versa*; for instance, if a pass was given in Basutoland, that it should be in force in this Colony?—Yes, I think so; as long as a man has a pass of a man who has the right to give a pass he ought to be free to pass through this country.

39,057. That is, the pass of one Colony should be accepted in another?—Yes; it ought to be endorsed at the boundary.

39,058. *Mr. De la Harpe.*] Do you think it necessary that the Kafir women should carry passes with them also? You know sometimes they travel with stock through the country?—Not long distances. They used to carry liquor out of towns for their husbands.

39,059. Every white man can give a Native a pass. You know there are some irresponsible people in this Colony, as well as in other Colonies—perhaps an old tramp or a mason, who works on your farm—who sends the Natives about with passes. Do you think that is right?—No, but whatever law you pass it is always liable to abuse. Any white man ought to have the right to give his Native a pass as long as he remains in his district where he is supposed to be known, but not to go all over the country. If he goes into another district or a long way off he ought to get a pass from a responsible official of the Government.

39,060. Do you think we can guard against that action by irresponsible people?—It is almost impossible to guard against it. If a man lives in my district I know him; if I do not know him my neighbour knows him, and if I have any suspicion I take the pass to my neighbour and ask him if he knows anything about the signature.

39,061. We know that a tramp may hire a Native to do some work for him and during that time he is a master?—Any law is liable to be abused; you cannot prevent it.

39,062. It has happened many times in my district and on my farm, and that is why I am putting that question?—I am aware that several people have done it. Educated Natives write the names of their masters, and send boys out, and do a lot of harm, but you cannot prevent it.

39,063. *Mr. Stanford.*] Do you think it is wise to tax all labourers who come from Basutoland or elsewhere seeking for work, at the rate of 1s. per pass?—It ought to be endorsed. I think you ought to encourage labour. The shilling is not very heavy, but I have always been of opinion that it should be given free as long as they are *bona fide* labourers.

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39,064. Have you any religious or moral test in respect of the qualifications of a European to be placed on the voters' roll?—No. I know some Europans hardly use the franchise, but you cannot prevent it.

39,065. You have no moral or religious test?—No.

39,066. You spoke of the Natives as children, to be treated, as regards the great majority of them, as children?—Yes.

39,067. I gather you recognise that some of these Natives are growing up; they are not all going to remain children?—Most of them remain children until they die.

39,068. You recognise that some will grow up?—Very few.

39,069. Those who do grow up you would treat differently?—I admit they ought to have the franchise.

The Reverend Heinrich Grützner, examined.

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39,070. *Chairman.*] Are you a missionary?—Yes, of the Lutheran denomination.

39,071. In the Orange River Colony?—Yes, I have been for 26 years in this Colony, and for 16 years in the Transvaal, with two years between those periods spent in Germany.

39,072. Are you carrying on missionary work in this Colony?—I am, at Bethany.

39,073. Amongst the Natives?—Amongst the Natives, yes.

39,074. Both religious and educational work?—Yes, in the children's school.

39,075. Is your mission supported from Germany?—Yes.

39,076. You know the list of subjects which have been referred to this Commission?—Yes.

39,077. Amongst that list are there any particular subjects which you would like to express your opinion upon?—I wish to speak about the franchise and land tenure and religious instruction.

39,078. Referring to religious instruction, which you have been dealing with for a great many years, do you think it has resulted in good influence over the Natives?—I think so, because in Bethany we have about 975 souls now, more or less, and we have had nobody in prison for years.

39,079. Have you noticed any improvement in the Natives since you have been here?—When I came to Bethany it was an old station; it was founded in 1834. It was the first station of the Berlin Mission, before the English were here, and of course, as I say, none of them have been in prison.

39,080. Have they shown any tendency during all these years to progress?—Not all of them. As missionaries we do not think it advisable to make them big scholars. As long as they know how to read and write, know their Bible, know how to write a letter, we are contented as missionaries.

39,081. You have 975 pupils?—Yes. Most of them are baptised. There is a census taken on the 1st April of every year. Perhaps sixty may be unbaptised; the others are all baptised. We have 260 children in the school, and out of that there may be twenty unbaptised children. We have other stations where we are working more amongst the heathen.

39,082. Do you get a Government grant for education?—We got from the Boer Government £30 for the school. We get nothing now.

39,083. Why?—I do not know. The children have to look after the sheep, and one day the children will be there and another day some of them will be away. The Boer Government were contented with it, so we got the £30. Now we have on one day 110 and on another day 150 children in the school. We would have to build larger school houses if all the children came every day, and it would require more teachers. The circumstances after the war are very discouraging with reference to money. Perhaps the English Government is not willing to give us a grant on account of that.

39,084. Are these Natives that you have there ploughing on your farm?—Yes.

39,085. Do you give each man an allotment?—For dry ground every man has his ground. There are a good many dams there and we have springs there. We got the farm from the Griquas. Every family has a garden. Some of them are under water.

39,086. Do they pay rent for them?—They give half of the produce. On dry grounds they give one bucket out of the muid.

39,087. Have you a store on the farm?—Yes; it does not belong to the man; the storekeeper has leased it.

39,088. Does the house belong to the Society?—The house belongs to the Society, not the goods.

39,089. When speaking about religion and education, you said you had some views about the franchise. Do you consider the Natives, or any class of Natives, have arrived at such a condition that they are fit and competent to exercise the rights of the franchise?—I would say self-supporting Natives, knowing how to read and write and having property, might perhaps be so, not the others.

39,090. Should the qualification in their case be the same as in the case of the white people?—I cannot say because I have never thought about it much. I should say colour itself should not make the distinction.

39,091. It should not be determined on colour lines, you mean?—Yes.

39,092. Does that mean you admit in certain cases that they should get it but in the great number of cases they should not?—You see some of them have more sheep and stock than some of the poor white people; why should not they give their votes as well as the poor white people?

39,093. Do you think the Natives are well represented in the State at the present time?—No.

39,094. Are they at any time represented now in the Councils of the State?—As far as I know not.

39,095. Does anybody speak for them?—That I do not know.

39,096. Is there any other subject that you wish to speak about?—I only wish to speak on the question of education and religion.

39,097. *Mr. Stanford.*] Have you applied to the Government for support for your school?—Not now.

39,098. Have the people on your mission built square houses?—Some of them have square houses, some not. Before the war, having much sheep, horses and cattle they had to trek when the grass was very dry, so they then had to take their round houses with them; also they say they are very much warmer in the winter than square built houses.

39,099. Do they have to hire grazing from the neighbouring farmers in winter?—Yes, but they are not doing so now; there is grass enough, and there is no necessity for them to go away.

39,100. Do you give the children any sort of industrial training

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or teaching at your schools?—No; I do not consider that it is necessary on our part to provide them with industrial schools, because every Boer or English farmer will be glad to get the labourers and teach them smith work and carpentry on the farms. Why should the mission trouble about that work; it is not mission work? When we first came among the wild heathens, the missionary had to build his house himself, and then we taught them to be carpenters. I have been in the country for 45 years, and I can say that 40 years ago we had carpenters and smiths, and so on in our mission; but now we let that be, because all the white people are very glad to get the Natives and show them how to do that sort of work. If the black people are looking to get work they can get it.

39,101. Do many of the people belonging to your mission go out to work amongst the farmers and elsewhere?—Yes, many of them go. We have, as I told you, 975 souls at present, more or less. 260 of those are school children from 7 to 14 years of age, and about as many may be children of from 1 to 7 years of age. That makes some 500 out of the total. On the 1st of April we had 112 young men working outside and from 80 to 90 girls; so that one-fifth of all the people living at Bethany are working outside. Of course, before the war they did better. Having their sheep and having their ground, not so many were out of work; but now they must go out to work for the subsistence of themselves and of their families, and of the old people staying at home.

39,102. What reputation do these people gain amongst their employers in respect of their work?—We get so many applications to send our people to work that I am sometimes tired of receiving the letters and enquiries. They all say that the Bethany people are better than the people on the locations, and so it happens that most of our people are working at Bloemfontein—in fact, all of them are working here. I would not like to say that the employers could not do better, because I am a missionary and I do not like to praise my own flock.

39,103. As a matter of fact, you get applications based on appreciation of previous services?—Yes. Of course, I tell them that they are not slaves or under my hands, that I can order them to go out, but that they must do just as they like.

39,104. *Mr. Thompson.*] What size is the mission station at Bethany?—21,000 and some hundreds of morgen.

39,105. Practically seven farms?—Yes.

39,106. And there are about 200 families living on the seven farms?—Yes, about 1,000 people; of course, the mission itself works some gardens, in order to sustain the station.

39,107. In the case of a Native wanting to move on to this mission station, to whom does he apply?—He applies to me.

39,108. Can you refuse him permission?—Yes, of course, and we do refuse such applications. We say to a man, "If you have anything to work with, for instance, oxen, so that you can make dams and work the land, you can come and live here and we will see if we will let you stay." Then, if they are not up to the standard required by the station, we send them away.

39,109. How was this land granted to the Society?—Adam Kok, the Chief of the old Griquas, gave it to us.

39,110. On what conditions?—There were no conditions; we became owners of the land entirely.

39,111. It was not granted to you for a Native reserve?—No; it is a farm and we could sell it any day if we thought fit.

39,112. There is absolute title, and no restriction?—We have absolute title.

39,113. *Mr. Krogh.*] Do most of your men go out to work for the Boers, or do they come to the towns and villages?—As I told you, our people had sheep and oxen, and they were glad to get grazing with the Boers, and the Boers were very glad to get our people to do their work on the farms. There was an agreement between the two parties, and so the Boers got labourers and the Natives got grazing for their stock. But now they have no stock, and therefore they must work for a living and for their food.

39,114. Where do they work?—Mostly in Bloemfontein.

39,115. In the town?—Yes, in the town; on the railway, and wherever they can get work. The reasons that they come into the town are, firstly, that the Boers have no houses, secondly, they have no money, and, thirdly, if they cannot afford to pay 2s. 6d. a day for a labourer, the Natives are obliged to say, "What can we do? We have wives and children at home, and our old parents, and we must work for food for them and for ourselves." So, since the war they have been working in town or on the railway where they can get money.

39,116. How long do you keep the boys at school?—Up to 14 years of age. The larger children attend three times a week, and the smaller ones twice a week. It is a very big farm, and some of the pupils live five English miles away from the school at the head station, and the younger children of eight and nine years could not walk that distance to attend school every day.

39,117. *Captain Dickson.*] Will you describe, for the information of the Commission, how you work your farm?—Some of the lands are under the direct supervision of my colleague, the Rev. Mr. Schultz, and others are worked by the families living on them, and they give a half share of the proceeds to the Society.

39,118. How many Natives are living in the village where your mission station is situated?—In the village itself there are only three or four families; the others are living around the station.

39,119. So that under your immediate control on this mission of yours there are three or four families?—They are all under our immediate care and control. Every little village has its four families under one of the Native missionaries, but they are all controlled by us.

39,120. But you would say that under your immediate control there are three or four families?—No, I cannot say that; they are all under the same control, that is our control.

39,121. As you told the Commission, your Society owns practically 22,000 morgen of ground at Bethany?—Yes.

39,122. And most of the Natives are living on the boundaries of that land?—Most of them are living where their fathers and forefathers lived before them.

39,123. All around the boundaries of this 22,000 morgen of land?—Yes.

39,124. I would like the Commission to know if the farmers and your neighbours are continually complaining about this system of yours, or not?—We have very good friends around us who always help our people with work, though they cannot do so at present for reasons I have already given. The Natives must work for food, and the Boers cannot pay them money, although they would be glad to have them living on their farms and working in return for grazing for their cattle. They cannot get them now, because the Natives

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are compelled to seek work so as to get money in order to buy food.

39,125. Most of your boys live on the boundary of your farm?—All our Natives belong to the Berlin Mission, and we have many outside people also belonging to our congregation. The people living at Bethany are not a people who move about, but they remain where their elders and parents have placed them.

39,126. And they are farming on shares with you?—Yes, and a share of the Mission Society's proceeds also goes into the common fund. In bad years the mission supports its inhabitants, because they are working in shares. Last year my colleague gave out 37 muids of wheat and 14 muids of oats, and we only got 10 muids back from the 37 given, because a large portion dried up, and from the 14 muids of oats we only got 200 bundles. We also have to sustain our people in bad years, because we are working in shares—we getting half and they getting half.

The Reverend E. T. Mpela, the Reverend B. Kumalo, J. Twayi, A. Jordaan, J. Mocher, J. Lavers, and *Peter Thaslane,* examined.

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39,127. *Chairman.*] I have got a letter here signed by Mpela, saying that the Native Vigilance Association of the Orange River Colony would like to give their evidence before this Commission; did you write this letter?—*Mpela*: Yes.

39,128. We should like to know who the members of this deputation are?—*Lavers*: I am in business here, and I formerly belonged to the Cape Colony.

39,129. *Mr. Stanford.*] What tribe do you belong to?—I am a Tembu.

39,130. *Chairman.*] What business are you following?—I am making bricks and am a cartage contractor.

39,131. And the next one?—*Mocher*: I am a mason.

39,132. From what country are you?—From the Transvaal.

39,133. What tribe?—Matlonka.

39,134. And the next?—*Jordaan*: I am a Cape boy.

39,135. And you?—*Twayi*: I am a Fingo.

39,136. What are you doing?—I am a dray cart driver.

39,137. And you, Kumalo?—*Kumalo*: I am a Zulu.

39,138. You are a minister?—Yes, I am a minister of the African Methodist Episcopal Church.

39,139. And the next?—*Mpela*: I am a Basuto, and I am also a minister.

39,140. From where do you come?—From Basutoland.

39,141. *Mr. Stanford.*] What Church do you belong to?—To the African Methodist Episcopal Church.

39,142. *Chairman.*] And you, Thaslane?—*Thaslane*: I am from the Transvaal, and am a cartage contractor.

39,143. Are you all members of the African Methodist Episcopal Church?—No.

39,144. How many are members of that Church?—*Kumalo*: Two; Mpela and myself.

39,145. Who is to be the spokesman of this deputation?—*Twayi*: The Rev. Kumalo has been appointed spokesman.

39,146. Now, Kumalo, what is it that you are appointed and desire to state to this Commission?—*Kumalo*: We considered that we were going to answer the questions put us according to the items as they appear on the list of subjects—on each subject.

39,147. Have you answered those questions already in writing?—No, we have not answered them yet; we have only had a discussion about them.

39,148. Are there not some particular subjects upon which you wish to speak which are on this list?—Yes, there is the subject of land.

39,149. What do you want to say about land?—It is only that, as you are aware, we have no right to buy land in this country. It has been our desire all along to have the right to buy land, as the black people have in the old Colony and in Natal. Their having the right to buy land in the other Colonies has made all the people here, who have not that right, desire also to be able to do so. They consider it to be slavery not to be allowed to buy land, especially as they have to live on those town lands known as locations where, especially at some places, the police have the right to enter when they wish. We consider, further, it is enlightenment and progressiveness, and those who wish to speculate must have the freedom to do so that other people have in speculating and buying land. We say that it is the desire of all our Natives to have a piece of land, either on a farm or in a town, and that they should not be prohibited from buying land wherever they think fit if they are in a position to do so, and that they should have in their possession their title deeds.

39,150. You are aware that the great number of Natives in South Africa are living under what is called the communal tenure system?—Yes.

39,151. Do you see any objection to that system?—As I said before, we consider it slavery. Every man has the right to go on his land, and even the Town Council makes laws to affect even our wives, simply because we live on that ground.

39,152. Would you like a new law made which would enable you to buy land at pleasure?—Yes.

39,153. And that would bring you more or less under the European law?—Yes.

39,154. And would you like to be brought under the European law in all ways?—Yes; that is our desire, too, to be brought under European law.

39,155. Then, I suppose, under these circumstances it would be necessary to cancel all the old laws; such laws indeed as protect all the Natives in South Africa in the reserves which they now occupy?—We here will not represent that class of people who are still far in heathenism and in darkness, but for those who have already advanced it is so much the better that they should be cancelled, and let those people be governed by the one law governing all British subjects.

39,156. How many people do you represent?—We represent what we call the enlightened people; we do not represent those people who are still under Native law in the true sense of the word. We are more or less governed by the Church laws, although, in the eye of the law, we are considered to be under Native law; and the Church laws are those which are governing civilised people.

39,157. Then you recognise that Government must have two kinds of laws, one for the unenlightened and one for the enlightened?—Yes; because we feel that it would not be fair to press those people who are still in heathenism to come up to those who are already enlightened. Still, we think that they should be encouraged to be brought to enlightenment.

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39,158. And the whole point of your view is that those who have advanced and who desire to progress should be afforded facilities for their progressiveness?—Yes.

39,159. That is the gist of everything?—Yes.

39,160. But with regard to the great mass you have nothing to say; they and their lands should be let alone?—May I ask one question: Do you refer to the Orange River Colony?

39,161. I refer to South Africa?—I confined my mind to the Orange River Colony, the Colony we represent; I do not allude to other places.

39,162. Well, answer for the Orange River Colony?—We consider that the most of the people here in the Orange River Colony are civilised.

39,163. Most of the people?—Yes.

39,164. What is your population?—I could not exactly say.

39,165. How many Christians have you?—At the different Churches?

39,166. Yes?—I do not consider that Christianity forms what we call civilisation only.

39,167. Well, how many can read and write?—Even that I do not consider as civilisation.

39,168. What is civilisation?—Civilisation is the state of living and of progressiveness, even whether you write or cannot write; if you live in a state of progressiveness, that is civilisation.

39,169. Is that in the dictionary?—I did not look at the dictionary; but I consider, in my explanation of the thing, that that is the position. Of course, the knowledge of writing and reading must come in sometimes to cause civilisation, but that is not the most essential factor.

39,170. Do you mean that the first footsteps that a Native may take towards civilisation at once make him a civilised man?—No, it is the mode of his living. If he shows in his living, in his deeds, and in his works, that he is progressive, that causes civilisation. I can say this by way of illustration: Here is old Father Lavers; he can neither write nor read, and yet his mode of living in his home is that of a civilised person. I would therefore call him a civilised man.

39,171. You have expressed yourself on this point, and have covered what you might call the subject of land tenure?—Yes.

39,172. Is there any other point upon which you would like to speak?—The franchise.

39,173. What have you to say about the franchise?—That is another desire we have. We wish also to enjoy the privilege of the franchise.

39,174. That is, if you acquire the qualification laid down by the law, you should be allowed to exercise the right of voting?—Yes.

39,175. Do you say that in view of what you have just said with regard to the progressiveness of the Natives?—Yes; I would not force those Natives who are still in darkness; I only refer to those who are progressive in their minds and civilised in their modes of living.

39,176. Then your arguments are practically the same as those you used in regard to the acquisition of land?—Yes.

39,177. What is there next?—With regard to marriage, I hold the same views as I hold on the subject of land tenure. Those Natives who are still in darkness should not be forced to be married according to civil laws.

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39,178. How would you allow them to be married?—They must marry according to their own customs and ways, although I consider that some improvements might be made. I do not think that they should be forced to marry according to the Church way of marrying people.

39,179. According to Christian rites?—According to Christian rites—they should not be forced into that.

39,180. You would not force them to be married according to Christian rites, or according to civil law?—It may be a civil matter. I would recommend the civil law of Natal for those who are not civilised and who are not Christians.

39,181. Do you mean what is enacted under the Natal Code?—Yes.

39,182. When you say you would not disturb the untutored and unenlightened Natives in their present system, do you mean that you would tolerate and legalise marriage with cattle, by payment of dowry?—I would not recognise that amongst the civilised Natives.

39,183. Not amongst the civilised, but amongst those who now practise it?—As regards the "lobolo" it is a certain form of slavery—and it is so practically at some places. I think we should not interfere with those Natives who are behind us. Questions of that nature ought to be argued with them, and whilst we are going to give it to them in an enlightened way, if they do not like it that way, perhaps they can give better reasons according to their lights.

39,184. Then, what you say about marriage is to leave things as they are?—Yes, not to trouble those Natives who are still unenlightened, but here and there Government must seek to make improvements.

39,185. In what way?—In such a way as the custom of "ukungena"—that is, to go and raise seed to a deceased brother.

39,186. To prohibit it, do you mean?—Yes, to prohibit it, because it causes the woman to be a slave of that party.

39,187. You would have to legislate for this particular purpose of suppressing a custom?—Yes, if it is for the good of the people.

39,188. Do you say the same about polygamy?—Do you ask me if I say it should be tolerated?

39,189. Yes?—I would not care for its toleration; I would not say that it is right to tolerate it.

39,190. What would you say ought to be done then?—I think everybody ought to be satisfied with one wife. Although I think that is too tender a subject for us to touch as enlightened people, we are safe in saying that everybody should have only one wife. I must view it in that way, whilst those who are still unenlightened might be able to give their reasons for continuing the custom of polygamy.

39,191. It is a custom that has got hold of the imagination of the great mass of the Bantu races; would you disturb it at the present time?—There are places, such as the Orange River Colony, where most of the people have one wife; they do not have polygamy. In this Colony polygamy has not a great hold, and it is dying out.

39,192. Have you seen it dying?—Yes, I have seen it dying amongst the church people; polygamy now does not trouble them; whereas, in other places, such as Basutoland, it troubles them when they come to the church about their wives. Here they are satisfied to take one wife only.

39,193. Do you think it ought to be allowed to die quietly?—Yes.

39,194. What is the next subject?—Administration of local affairs; I would like a little explanation of this.

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39,195. In a word it is this: In some parts of South Africa there are what are called District Councils of Natives, formed of Headmen and other appointed representative Natives, presided over by the Magistrate. In those Councils they discuss matters relating to the Natives in the respective districts where they exist, such matters as schools, roads, and other things, and the people pay a special tax of 10s. a year towards the upkeep of the schools?—That is done under the Glen Grey Act?

39,196. Yes; they have a certain share in the management of their own affairs?—In this Colony we have locations belonging to the Town Council. We have not, as they have in the Cape Colony under the Glen Grey Act, District Councils; we have Town Councils.

39,197. And so they have in all large towns, such as Cape Town and Port Elizabeth?—Yes. If that is included in this heading, "Administration of Local Affairs," I would recommend that the Natives should look after their own work in the location. They should appoint men to discuss matters; and even monies that are collected from the location should be used to improve the location.

39,198. Is that not done?—No, it is not done.

39,199. It is done in some parts of South Africa, where they have a Council of the leaders of the location, who are consulted on matters affecting that location?—I do not remember any.

39,200. At any rate, that is what you think might well be done?—Yes, to manage their own local affairs in the location. We especially consider it a great grievance in regard to these policemen. The Town Council here says our wives must have tickets, and of course, sometimes they forget those tickets; then for a man to catch hold of another man's wife and say, "Give me your ticket," is a thing we do not like because these policemen handle the matter in any way. I know we have a remedy in Court, but the thing has happened as I have described it, and we consider it to be a great grievance about these Municipal tickets.

39,201. Tickets for the women?—Yes, tickets for the women. People who are living in a good mode. And for men also, I may say.

39,202. You recognise, I suppose, that it is necessary for any Municipality to keep a proper control over the people living within the Municipal limits?—Control can be kept without that.

39,203. Have you not got a very large number of what we may call loose and irresponsible men and women living in this location?—I will not say that we have not; we have such people at different places.

39,204. Is it not, perhaps, with the object of creating a better moral atmosphere that the Municipality has taken this measure?—No, it is not on account of that; it is merely to increase their monies.

39,205. Supposing it was for some moral reason—would you approve of it on that ground?—Yes; although we must bear in mind that when people come together, it must always occur that the morals become affected in some way. With every civilised people that must occur; and it must occur in all countries, with all classes and colours of people.

39,206. The view you want to express is, that such a regulation as you have described can be administered too harshly?—Yes. I think, if the Natives themselves were managing their own affairs, they would work it better, and the morals of the people could be better looked after. The Town Council make laws for these people.

but they do not take much interest in their progress. If we have to have such locations, I would recommend that they be on landed property that is bought by the people themselves, because if the people buy the land they will improve it, and Natives will have no right to go and cluster there, because the owners will be held responsible for their advent. I should say that it is the fault of the Municipality that this immorality is going on.

39,207. In all these things, you mean to say, you think the Native should be consulted?—Yes; and furthermore, when they do consult the Natives, they do not consult those people who will give them enlightenment, but they always go to those people who will not give them enlightenment on things affecting the Natives. Even if they do go sometimes to an enlightened person, I think that we, who are the leaders of our people, are the persons who should be consulted on anything affecting the interests of the Natives in the country. We are the people who should be consulted, but what do they do? Even the Government will sometimes go to those raw Natives, and want the Natives to give them ideas as regards us who have left that state of heathenism and darkness. The desire may be to uplift the Natives, but by going to enquire of those people who are still in darkness, is to press those who are already enlightened down.

39,208. I want you to deal with the general principle, and not to be particular as to what is happening in the town of Bloemfontein. It is not a part of the scope of our enquiry as to what is being done by Bloemfontein particularly, or by any particular Government; but we are enquiring into principles. Well, we have heard your views upon that. Is there any other subject?—Education.

39,209. What have you to say upon the subject of education?—The best form of education is compulsory education; compulsory education for us would be a very good thing. And when we have education, I think it would be better that we should have it for a certain object. If a person wants to be a teacher, he must study for that purpose, and if he wants to be anything else, he should study with that end in view. We are accused of having a little education, which is spoiling us, and yet in view of that accusation which is brought against us, even the Government has set a standard where the Native must end his education—a standard which does not enable the Native to reach that point in education which will not spoil him. And in regard to industrial education, it is only training to go and plough the ground and sow seed. The Natives all do that. Every Native knows how to plough ground, and to sow seed, and how to do all that kind of thing. That is not what is wanted. They must be taught to study the soil, and they must be enabled to study everything, so that they can improve. With the industrial education given at present, even in becoming a mason, they are only taught to take a brick and some clay, and to put it down in its place. That is not industrial education enough. When they know those things, they must learn how to make contracts, and they must know all the other branches of work which will make them skilled workmen.

39,210. What is it that you are now aiming at? Is it the opportunity to learn those trades?—What we have now, is merely to have a young man sent to school and apprenticed, and he has to take two pieces of wood, and knock them together with a nail; and when he comes out of school he does not understand a trade at all.

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39,211. Why do you say that? What is your experience? Have you been through it yourself?—I have been studying the Natives as I have been looking at them.

39,212. Have you been to the industrial schools where those things are being taught?—No, I have not been there, but I have studied the result of the industrial schools.

39,213. Where have you studied it?—Amongst the Natives who have come from those places.

39,214. Do you think that all they learn is to knock two bits of wood together with a nail?—Yes, or to make a box, or a table, and such little things. But they know nothing about a trade. They do not become skilled workmen.

39,215. And what is it now that you wish?—If Natives are taken to be taught industrial work, they must be taught to understand all about it. If, for instance, a Native is to become a carpenter, he must be a skilled man. Of course, I know that they cannot all become skilled men, but that is not the point. If they are taught to do anything, such as ploughing or carpentry work, as I have mentioned, they must be taught thoroughly those things, so that their mind will always be desirous of doing the thing properly. Sometimes, when they have not got enough education in the doing of those things their mind becomes benumbed, and they get tired, and cannot go on to reach those places which would improve them, and make their earnings better. They get discouraged, because they have not got the right thing. Therefore, I say, if this compulsory education comes about, it must be that kind of education which will improve them.

39,216. Do you want compulsory education?—I think it would be a good thing.

39,217. Do you think the State ought to pay for it?—I think it ought to be taken from the taxes paid by the Natives towards the revenue of the State.

39,218. With regard to the high form of industrial education which you have indicated, do you think that the Natives themselves ought to pay for that?—Yes; but the Government must help them.

39,219. In what way?—The Government can help them by erecting those institutions, and receive from each of the pupils a small fee on entering for that work.

39,220. We have now heard your views upon education; is there any other subject?—*Mpela*: With regard to the question of taxation, we think that since the Native is also contributing something towards the revenue of the State something should be done to improve him, so that he can understand that he is taxed for his own benefit. At present there is nothing much done by the Government to encourage the Natives to pay the tax.

39,221. What form of encouragement are you alluding to?—The form of encouragement might be in the way of getting so many Natives who are so well advanced that they can do things well, and giving them work in some good positions in the Government service. This will improve them, and enable them to see that if they can do those things, and pay the taxes, they do it for themselves at the same time as they are helping the Government.

39,222. I suppose you are speaking of the encouragement of enligthened and educated Natives?—Yes.

39,223. It is difficult for Natives to find work?—Yes.

39,224. What you would like is that when once a man is educated he should always be able to secure work?—Yes; he should be able to secure work from the Government.

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39,225. Many educated Natives have not got work: Is that it?—Yes.

39,226. Does not that rather open your eyes to the fact that there is a danger in over-educating the masses, because there will be no work for them to do?—That is just the thing. If the Native could be given a proper and thorough education it would not be like educating the masses. You would get the proper men in the proper place; but now you view all Natives alike, and that is where the trouble comes in.

39,227. What work would you find for them if they were educated in the way you allude to?—If you could get thoroughly-educated Natives, and if you could put them anywhere, to be Magistrates' clerks, or anything like that, that would be good for them, and it would also be good for other Natives, because they are looking after those children when they send them to school. Boys, when they come back from school, must take a prominent place in the country.

39,228. That is your aim: that your children should be well educated, and made able to occupy the offices of the State?—Yes. I would also speak about the indirect taxation. We think that there is too much of it at present upon the shoulders of the Natives, especially in the way of these travelling passes, Municipal passes, and other things like that.

39,229. You call that indirect taxation do you?—Yes, if a man has to pay for a pass when he gets it, then it is indirect taxation.

39,230. Do you mean that when the Native has to get passes they ought to be free and not paid for?—Yes; because it is for the protection of good people. The Native is made to pay for that pass, and by that he is made to contribute to the State too much, because when the monies are aggregated at the end of the year, you will find that the Native has paid more than he expects, and has benefitted very little.

39,231. This is a matter that you have made representations to the local Government about, I think?—We did some time back.

39,232. I understand that the matter is under the consideration of this Government, and therefore it will not be very appropriate if we discuss it any more now. We have heard your representations to the Commission?—About the status of the Natives and their condition, we think that the Government should do its level best to encourage those Natives who are emerging from darkness.

39,233. To encourage them to do what?—To encourage them to go forward, so that the Government, in them, shall have their best supporters.

39,234. How is the best way to encourage them?—Just the same as I have already said—by the Government showing that it cares for the education of the Natives, and takes account of those who are educated.

39,235. *Mr. Stanford.*] You seem to advise that a very distinct line should be drawn between the Native who still practises the old heathenish customs and the Native who has emerged therefrom and adopted a certain measure of civilisation?—*Kumalo*: Yes.

39,236. Would there not be a difficulty in placing individuals in respect of such a line? How is the Government to gauge the measure of civilisation which has been arrived at here and there by any individual Native?—As I have said, in this Orange River Colony, our people are already reaching this stage of civilisation, and are reaching it daily, whilst in such places as Basutoland and others, the people are not civilised.

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39,237. Are you really justified in saying that the majority of the Natives in the Orange River Colony are more advanced than the Natives in Basutoland?—Yes, I am justified in saying so. I think they are even more advanced than the people in the old Colony, because in the old Colony they have education, but they are not progressing in their mode of living in their homes. Educationally, the old Colony is far superior to this country, but in the mode of living, these people are far more civilised than those in the Colony.

39,238. Is it not a fact that a great many of these people living on the farms hardly use any European clothing at all, and are living very much in the old Baralong style?—No; the majority would be those that are living in the European style of clothing.

39,239. On the farms?—Yes.

39,240. Where they are at service amongst the European farmers?—Yes.

39,241. Then your contention is, that the majority in this Colony are now fit to exercise the rights of franchise, and to be freeholders in respect of landed property?—Not those who are still at the back, but for all those who are showing their progressiveness in their mode of living and otherwise, I say yes.

39,242. *Mr. Thompson.*] I would like you to give me your opinion on this scheme: If the Government of the Orange River Colony were to-day to move you all—you and the unenlightened—to a spot a couple or three miles out of Bloemfontein, there cut up plots of half-acres, sell you those plots, and keep you in there, right out of town, away from the white people, would that meet your idea?—Not fully, because that would not give the black man the right to buy land in town. He ought to have the right to buy land in the town even, and to speculate if he wishes to.

39,243. But answer this first: Would you not like to see, in the first place, all the Natives moved from these slums and all about, and put a couple of miles out of the town, with a proper railway system to bring them out in the morning, and take them back at night, ring the curfew bell at night, at nine o'clock, and keep them in their town. Do you not think that would be in the interests of the Natives as a whole round Bloemfontein?—Yes, it would be a good plan; you mean also that they should manage their affairs there?

39,244. Yes, they can have their own Council to manage their own affairs. You would not consider it a hardship if the Native was told, "You cannot live here, but you must go out to your own township"?—Yes, that would be a proper thing; it would teach them to recognise and to know each other. That would be the best, I think; but not to interfere with their business things.

39,245. They could come in and carry on their business, but there they must go for their homes?—Yes, I think that would be the best.

39,246. *Mr. Samuelson.*] You say, Kumalo, that in this Colony here the Native is more highly civilised, and has improved more in his methods of living and life at home than in the old Colony, or even in Natal?—In Natal the only improvement is buying land; they have done a lot of that.

39,247. You say that in civilisation and in methods of living they have improved far more in this Colony than in the Cape Colony?—The majority of the people.

39,248. Is that not a proof then that the special form of government of the Native population here has been better than that which is in vogue in the Cape Colony?—Special form of government?

39,249. Yes; that the way the Government of this country has treated the Native has been better for them than the methods adopted by the Governments in the adjoining Colonies?—The cause, I think, that has made them so is that they were under a harsh Government, and that made them understand that they must work. Whether it was or was not in their mind at all, they had to do it; and hence that has caused their minds to be full of work. In the Colony the people were not taught in that way, and they did not have any encouragement to that end. They have had the English Government there, and the English Government never put anything in front of them to lead them to do something; therefore, their minds have been lying dormant and are so still.

39,250. Then you attribute to the special form of government adopted by the late Free State Government, the improvement of the Native in this Colony?—No, I do not. I take things as I find them now and I appreciate them as I find them now, but I would not say they must go to suffer slavery.

39,251. What is that special improvement in this Colony, which you say does not exist in other Colonies, in civilisation and methods of living due to?—In this Colony the people used always to plough for themselves, and sow different things that are to be sowed for produce, not only Kafir corn and maize, as they do in the old Colony—most of them. Here they wanted to go and have corn, potatoes, mealies, and everything. They got rich, and when you get into their homes you find they all have tables and beds, and when they have their meals you find that even in their meals they are improved.

39,252. I want to know from you what is the cause of that?—I think the cause of it was that they were under a harsh Government.

39,253. A good strict Government?—They were under that slavery Government which had taught them.

39,254. You call advancement, then, slavery?—No; you know when you are under slavery that you must do the thing your master tells you, whether good or bad, and you get acquainted, when you are working every day, with the work of the white people. They are used to work; they have been working for years, and have become used to that thing.

39,255. Then you admit, Kumalo, that the system in this Colony, which you call slavery, has benefitted the Native races here to a great extent?—As I find them now, I admit it; but I do not admit that what has caused them to be so is good.

39,256. You are from Natal?—Yes.

39,257. Your brother is Solomon Kumalo?—Yes.

39,258. Why did you leave Natal?—I am a minister, and we are sent everywhere.

39,259. I do not want to be personal, but you left it to come to a country where you knew that there was more civilisation and more freedom than the one in which you were living?—No; there was no freedom during the time of the Boers. As I have said, there was slavery; and I do not think that means freedom.

39,260. But there was more civilisation and more improvement in the Native life generally here than in Natal?—I say Natal has an improvement of Natives being able to buy land.

39,261. Only that?—And they are here and there, but not as a mass, advanced in civilisation.

39,262. *Captain Dickson.*] You acknowledge, Kumalo, that the Government has been productive of good?—But that is just what slavery will do.

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39,263. *Mr. Stanford.*] You have been reading Booker Washington?—I have read some works of his, and I have studied our people as I walk about.

39,264. *Captain Dickson.*] When the Government of the Colony consults the Natives, do you not consider that they ought to talk the matter over with all classes of the Natives?—They should consider those people who are progressive. I do not mean progressive in the point of progressiveness, as it is called, but people who are leaders—people who can tell them more than those people who are still raw.

39,265. But do you not think that those people whom you say are still raw ought to be considered also?—Yes, they also can be considered; but they must not represent the educated class. The educated class must represent itself, and they also must be represented themselves.

39,266. Have you lately returned from America?—I was never in America.

39,267. *Mr. De la Harpe.*] In saying the late Government has been a slavery Government, a harsh Government, what do you think of the total prohibition of liquor? Was that a good law?—Not as the Government uses it, and not as the Natives have now taken it, because they can get liquor; it is a certain privilege.

39,268. You would like to see the law abolished, and drink thrown open for the Native to buy as much as he likes?—I do not consider it should be open for him to buy as much as he likes. I think that both black and white should be stopped from liquor, because I see it is injuring all classes of people. But I say it has been made something of, as if it is a thing to lift up a person. It has worked in that way in the mind of the Native people, because they say, as they do in the Cape Colony, "I can drink liquor, because I am a voter." That is the way those Natives who can obtain liquor look upon it. They say to the others, "You cannot drink, because you are not a voter," and those people think they are still far behind, and think it a grievance because they cannot have liquor through not being voters. And those who are voters take it and think they are superior to the others. It has been working in the minds of the people in that way.

39,269. Will you explain, and tell us what measures were so harsh in the late Government?—The very worst was flogging. Everybody was a policeman, and could do what he liked when he met you. He could kick you and flog you just as he liked, and flogging was simply in the hands of everybody—everybody taking the law into his own hands against a Native.

39,270. *Chairman.*] I understand that Kumalo and the other speaker has represented the views of those who are present?—*Thaslane*: Yes. *Mpela*: I should like to say something also with regard to the statement made about the late Boer Government improving the Natives. We think that in some measure they did good, on account of those harsh laws, but now, not to make a difference between the better class of Natives and the raw material, that makes it to be worse. If we only knew that when a Native was civilised the restrictions could be removed from him, a great deal of good would be done for the Natives.

39,271. *Mr. Krogh.*] You say that the Natives were treated harshly, and flogged by everybody, everybody taking the law into their own hands. Was there no redress for the Native?—*Kumalo*: Not proper redress.

39,272. Could he not go to Court?—Yes, he could go to Court, and then he would be told, "You know that that is a white man." That was all.

39,273. Do the old laws still operate?—They are not abolished altogether, because you meet such cases even now.

39,274. Have you got any new laws in regard to Natives?—There are no new laws.

39,275. The same laws are now in existence which were in existence before?—Flogging is not permitted now.

39,276. My question is whether the same laws are in vogue which existed before?—Except a few.

39,277. Which?—The one I have mentioned—flogging.

39,278. Was there a special law about flogging?—Yes; I think the Field-cornets and others had great power under that flogging law.

39,279. What are the others?—There is now the exemption to the pass law; the pass law is being improved.

39,280. In which way?—They are giving exemption from the necessity of having passes to certain Natives, to those to whom they choose to give exemption.

39,281. *Captain Dickson.*] Are any of you exempted Natives?—I have been refused. All our ministers in this Colony have been refused.

39,282. *Chairman.*] Ministers of the A.M.E. Church?—Yes.

39,283. Are you exempted, Thaslane?—*Thaslane*: Yes.

39,284. What are you by business?—A cartage contractor.

39,285. Are you exempted, Twayi?—*Twayi*: Yes, and so are Jordaan, Mocher, and Lavers.

39,286. Five of you are exempted?—*Kumalo*: Yes.

39,287. *Mr. Stanford.*] Have you had any means of estimating the quantity of cereals and hay or vegetables grown by Native people in the Cape Colony?—No.

39,288. Have you visited the Native people much in the Cape Colony?—I have visited the Keiskama, and I have also been to Alexandria, Port Elizabeth, and King William's Town, and different places there. I have been to Tembuland also.

39,289. Did you find a large number of Natives round King William's Town living respectably, and having furniture in their houses, and supplying the market with vegetables?—Here and there you will find one.

39,290. It is exceptional?—It is exceptional.

Mr. Harry Frederick Gill, examined.

39,291. *Chairman.*] You are representing, Mr. Gill, the Bloemfontein or the Orange River Colony Chamber of Commerce?—Yes.

39,292. Is there anything amongst the list of subjects which are committed to us for enquiry upon which you wish to state your views?—I may say at once that I very much appreciate the action of the Commission in having asked representatives of the Orange River Colony Chamber of Commerce to come forward and give evidence. I am afraid you will find me rather a barren witness, because we live in a part of the country where we have very little to do with the Natives. The list of subjects was only placed in my hands yesterday afternoon, and I have not had time to study it, but if you will kindly give me one now, I will see if there is any subject on which I can speak.

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39,293. We have called the Chairmen of Chambers of Commerce in all parts of South Africa, and they have given evidence and varying opinions upon the subject of indirect taxation and the purchasing of commodities by the Natives. What are your views on that subject?—The Natives in our immediate neighbourhood, at any rate, are living very nearly under the same conditions as the white man. I mean that in the locations they use practically the same articles as, for instance, the poor white.

39,294. Are they large consumers?—They are large consumers of what you might call more or less the ordinary articles which are sold in any shop.

39,295. Are you in a position to state that in this town they do purchase a number of things that the Europeans purchase?—Yes, undoubtedly.

39,296. Will you name those things?—The ordinary clothing which we wear they wear. I do not think that blankets enter into the question at all in Bloemfontein—at any rate, not to the same extent, for instance, as it would in Basutoland or in Native territory. As a matter of fact, they are well clothed, if not better clothed than many of our white people, and they buy exactly the same sort of stuff in the way of silks and satins and gentlemen's clothing, under-clothing, and things of that description, as we do.

39,297. What else besides clothing?—The Native possibly pays more to the Government through the Customs than the white man in proportion to his income, because he consumes highly-rated articles such as coffee, tea, and sugar. I am leaving out blankets and shawls, because in that direction the consumption is not very large, as far as I know.

39,298. Are you speaking for the moment mostly or exclusively of the town Native?—Of the town Native, because that is the only Native I understand very much about, and after all we have rather a large number here. I think there are about 16,000 or 17,000 of them.

39,299. And that is not a man who can grow any kind of produce himself?—No.

39,300. So he purchases out of your stores?—Yes; he spends, I think, practically everything that he earns, and saves exceedingly little, I should say.

39,301. And most of the things he consumes are rated?—Yes.

39,302. They are not free?—No, not all.

39,303. They are not the produce of South Africa?—Of course, they naturally still buy their mealies and Kafir corn, and articles that we produce ourselves. When I speak of their contribution to the revenue, I mean that in proportion to their income they contribute more through the Customs on highly-rated articles than the whites do. In that way, I think, proportionate to their income, they are very large contributors to the revenue.

39,304. You have been a good many years in Bloemfontein?—Yes, I have been here over thirty years.

39,305. Have you noticed a growth in the Native trade since you have been here?—Yes, locally there has been a growth in this way, that their requirements are larger.

39,306. Larger and more expensive?—Yes.

39,307. Since you have been here so long you can recall what it used to be years ago?—Yes, I have been in business twenty-five years in Bloemfontein.

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39,308. Would the trade of the Orange River Colony suffer very much if the Natives ceased to be what they now are, purchasers of these commodities?—Yes, undoubtedly, it would suffer to a very large extent.

39,309. Are you very largely dependent on the Native trade?—Personally, I am not at all dependent on the Native trade.

39,310. I do not mean your own firm, but I mean the Orange River Colony generally?—The Orange River Colony, I think, is to a very large extent dependent on the Native trade.

39,311. And values it?—I suppose if it were swept away it would sweep away a third of the business of the country. That may be a little bit exaggerated, as I have not the figures before me; but certainly, it means a very large proportion of the total trade.

39,312. Besides this point I have asked you about, is there anything else you wish to express your views upon?—I hope that no change will be made in the law regulating the liquor traffic in this country, as our Native is undoubtedly a very much better man without liquor. I think the prosperity of the Natives, in Bloemfontein especially, is to a great extent to be traced to the fact that they cannot get liquor—or, if they do get it, they get it through some smuggling agency.

39,313. *Mr. Stanford.*] What is your view on the direct taxation of the Native in this Colony?—In what respect?

39,314. As to whether it is fair, or excessive, or not sufficient?—I think they are paying at the present time £1 poll tax, and I think that is the only direct taxation they have to pay. I have always held that the Native, when he pays £1 poll tax, is paying greatly out of proportion to his income. But, on the other hand, possibly, from a State point of view, it is the right thing to do to tax him, to make him work. Therefore, I would not advocate that his poll tax should be reduced.

39,315. Accepting the State view, would you recommend that consideration be given to the Native who is in continuous employment, both on the farms and in the towns?—Yes; in a case like that, I think I would be prepared, if I had a vote at all, to remit his tax if he was at continuous work and could prove it. I think the poll tax should only be a vehicle towards driving the Native to work.

39,316. Are you a member of the Town Council?—No.

39,317. Have you any knowledge of the control exercised in the Native location attached to the town?—Yes, I have some knowledge of it.

39,318. What do you think of the state of affairs there?—I think the Natives are fairly dealt with. They are, of course, very large contributors to the revenue of the town at the same time. The conditions under which they live are preferable to, and more healthy than, those under which a large proportion of the white people have to exist at the present time, as a result of the war. I think thousands of our poorer people would be only too pleased to change places with them. As far as the accommodation is concerned, I think our location is an exceedingly well-managed one.

39,319. Out of this revenue which they contribute, do they receive any support for their schools in the location?—That I do not know; I do not think any large amount is spent upon them, and I think they are supposed to do as much as they possibly can for themselves.

39,320. Do you approve of the restriction placed on Natives acquiring land within the limits of the township?—Yes.

H. F. Gill. (Chamber of Commerce). O.R.C. 23rd Sept., 1904.

39,321. You think that that should be maintained?—Yes.

39,322. With what object in view?—I am of opinion that this is a white man's country, and we do not want the same state of affairs to be brought about in this country as you find in Cape Town, where you have all sorts of people living together, and the black rather ousting the white inhabitant. I do not believe in giving equal rights. It is only once in a thousand years, or at any rate once in a hundred years, that you find an ordinary black man who rises to the same degree of intelligence, or whatever you like to call it, as the average white man; and I think the time is not ripe to allow them to acquire property, and to move in the same circle as we whites.

39,323. And where these exceptional instances do occur, of a Native becoming highly civilised, and being a man of good character?—I think you might wait till there are more of them.

39,324. Meanwhile, the exceptions must go with the mass?—I think so.

39,325. *Mr. Thompson.*] With a view to keeping the Natives separate from the white people, and avoiding the disadvantage that you say we labour under at the Cape, and with a view to preventing the Natives occupying valuable land in Bloemfontein, would it not be the right thing to take these Natives a couple of miles out of Bloemfontein, locating every black man out there, and ringing the curfew bell at night?—That is practically what obtains at the present time. I think all the black people in this Municipality live in the location, except where their masters can provide them with accommodation on their own premises.

39,326. But do you not think the location is too near the white centre?—Yes, but that is a matter of accident, I think. When the location was laid out, it was sufficiently far away, but the town has grown, and I suppose it is really a question now of finding sufficient funds to move them out. Then, there is the inconvenience in putting your Native labour so far out of town, of getting them in to work.

39,327. There could be railway communication with the location: trains leaving there at 6 o'clock in the morning, and returning at 6 o'clock at night; would that not meet the case?—Undoubtedly.

Maseru, Monday, 26th September, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.

Paramount Chief *Lerothodi*; Chief *Jonathan Molapo*; Chief *Theka*; Chief *Maama*, and other Chiefs, accompanied by Headmen and Councillors, examined (through an interpreter).

Lerothodi, Molapo, Theka, Maama, and other Native Chiefs and Councillor. Basutoland. 26th Sept., 1904.

[*Chairman*: Lerothodi, we are very pleased to see you here this morning. Speaking in the name of the Commission, I offer to you and to those who are with you our greetings. I daresay Mr. Sloley has already told you what is the object of this Commission, but in a very few words I will repeat it. It will be remembered, that about

eighteen months ago there was a great Conference at Bloemfontein, presided over by the High Commissioner. At this Conference there were representatives from all the Colonies of South Africa. These were the most important representatives of the various States, beginning with the Prime Ministers of those States. They met to discuss various questions, and although they did not meet to discuss what is called the Native question, they did discuss it briefly. When they began to talk about it, they found that everything was different in every Colony. The laws were different, the people and customs and the general conditions were different; so they found it very hard to talk. Then they said, it may be well to appoint a Commission that shall go round South Africa and ascertain how things are exactly; this Commission can report what they find, and then in time to come it may be possible to work in some kind of unity. So it is for that we have travelled throughout South Africa until we have come to Basutoland. It is our business to look and to listen, and to record what we find, and by-and-by to report. Now let it be understood that we are listening. We are not going to make laws: we have no power to make changes. When this Commission was constituted, there was a considerable number of subjects which were referred to us for consideration; those amongst you who have read, who are many, will have read what that reference was, but I daresay all of you know. I am not going to ask you questions on all the subjects which were referred to us, but upon some of them.]

39,328. First of all, Lerothodi, I wish to ask you whether you hold this country in trust for the people?—My reply is, that this country is the country of the Basutos, and I am taking care of it for the Basutos.

39,329. As caretaker of the country, do you part with any of it—do you sell any of it?—I do not think I have ever done such a thing. I have no power to sell it.

39,330. Is it against the custom that you have been brought up to, to sell any portion of the land?—I should say this: This country is old Moshesh's country. Afterwards Moshesh placed himself in the hands of the Queen. Now this is the Queen's country. No one has power outside the owner of this country to sell any portion of it.

39,331. It is the law not to sell, but it is an unwritten law?—Yes, it is our law, and a law which is not written down; but now it does not belong to us any more.

39,332. This country is divided out amongst the sons of Moshesh and other Chiefs?—Yes, it is so; but there is Molapo here next to me. He is the first one you should ask, and I can speak afterwards. Jonathan is the first man to answer to these questions; I can speak afterwards.

Chief *Jonathan Molapo*, examined.

39,333. *Chairman.*] These children of Moshesh and Letsie are responsible to the Paramount Chief and to the Government?—Yes, they are responsible.

39,334. In that position of responsibility they give out land to the people who live under them?—That is so.

39,335. The people who receive this land are not during their life and during their good behaviour disturbed?—That is so.

39,336. Although I know these things, I am asking them so that we may have them recorded. The system is that in addition to

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these gardens which you enjoy you have also the right to graze your stock?—Yes.

39,337. That is called the tribal system?—Yes.

39,338. I want to ask whether that tribal system is one which makes the people happy?—Yes.

39,339. Why I ask this particularly is that in some parts of South Africa a beginning has been made by which people get land given to them which they call their own, from which they cannot be removed so long as they conform to the laws?—It is the custom; if the people under you agree with you in everything they cannot be removed.

39,340. You are quite aware of what is called the Glen Grey system in the Cape Colony. It is a system established some years ago by which the people in a certain area have ground beaconed off for them which they call their own, to which title deeds are issued. You must have often heard people talk about this, and I should like to hear what you think of it?—Our thoughts about this question are, as Lerothodi has already said, that, as Moshesh gave the country to the Queen, and it was divided into three districts, our wish is that the Government in preserving us in this country should preserve our rights in these three districts. I wish to explain. Although, as I have said, this country was divided into three districts, it belongs to one man as Paramount Chief, all the whole country; but still in these three districts there are caretakers who are taking care of the country for the Paramount Chief. In these districts the full power is given to the sons of Moshesh who are caretakers of these districts. As for the people, it is only lent to them; when they are given fields and little caretakings, all those lands and caretakings are under the big Chief.

39,341. Is this system of Chieftainship one which you like?—Yes, we like it. If the Chief is ruling us according to laws, we like it just the same way as when Moshesh was ruling the Basutos they used to like it. When Moshesh gave himself over to Her Majesty the Queen, he asked that he should be governed by the laws. He said that he noticed that his country was breaking up by having many laws in it.

39,342. You say that the people like being governed by the Chiefs so long as they are governed by the laws. What do you mean by laws?—I mean good laws, by which the Chief will be able to govern the people. The Chief must take care of his people.

39,343. Do you mean written or unwritten laws?—Written laws.

39,344. Yet Moshesh had no written laws?—That is true.

39,345. Were his laws good?—During his lifetime Moshesh's laws were good, but after his death his laws were spoilt, because there were too many Chiefs, and too many children, so I thought of asking the British Government to make its laws in this country. Those are the laws that are good now, and we want to be governed by those laws.

39,346. Those are the regulations you are under to-day?—First of all we were under the Cape Government and we were governed by the Cape Government rules. Under the Cape Government we were glad. Afterwards the gun war broke out and spoilt all those laws. Afterwards new laws were formed, which are called Basutoland Regulations. Those laws were read to us by our Chief, Sir Godfrey Lagden, whom we are very glad to see here to-day. That was the time when our father Letsie was alive. We were happy under those laws. Those are the laws that we, the sons of Moshesh, should be ruled by.

39,347. The Government regulations which are your laws are what you like?—Yes.

39,348. Even where they are harsh, that is to say, where for instance it is forbidden to introduce brandy into the country, is that agreeable to you?—That is what we wish.

39,349. Wherever you are bound by those laws you are bound happily, are you?—Yes.

39,350. Is there anything in those laws which appears to you to require any change?—The only change that we are asking for is, we wish that our Governor, Mr. Sloley, should be empowered by the High Commissioner to have full power to rule us according to these laws.

39,351. Do you mean he is to have more power than he now has?—Yes.

39,352. In what way?—In this way: that he should have full power and he should be empowered to look after a Chief and the common people in the same way as the English Government does, where nobody is badly treated unless he has committed a crime.

39,353. Who treats people badly if they have not committed a crime?—No one; but Moshesh our Chief observed that we his children will not be able to govern each other because we are little children.

39,354. First of all, has not the person who is aggrieved the right of appeal to the Resident Commissioner?—Yes; everyone has the right of appeal to the Resident Commissioner, but, as I have already said, since the gun war the Government has given us, the sons of Moshesh, full power to govern ourselves.

39,355. You used the word "children," and then you went on to tell us about the power that is given to you to govern yourselves. Do you think that power to govern yourselves has been too great?—Yes.

39,356. That is to say, being children, you are not able to govern yourselves?—Yes, that is true.

39,357. You have spoken about Moshesh's laws, which have descended to you. In using the power which you have just told us is given to you, do you administer Moshesh's laws, or do you administer the written laws of the Government?—Since the gun war, I can say we are not working according to the law of Moshesh or of the Government.

39,358. What laws are you administering?—We are doing what we wish.

39,359. Do you mean that every man has got his own law?—Yes, everyone has taken the power in his own hands, without being supported by anyone.

39,360. Still, according to the Government regulations, which bind you all, there are certain matters which you cannot touch; for instance, cases between Europeans and Natives. Is that not so?—It is so.

39,361. For instance, cases of manslaughter and grievous bodily assault?—Yes. This is what I say. I say that since the gun war, although we are not touching such cases as you have mentioned, the people are doing what they like. They are killing people as they like. They are taking up arms, and killing people as they like.

39,362. When you say killing people, I should like you to explain yourself. I understand the expression, but when it is written down it may appear as if they were really killing people?—I will give you an instance. My younger brother Joel, who is living under

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me, not long ago, killed five men and seven horses. He said those people came to the Government and to myself outside him.

39,363. Do you mean "ate them up"?—He killed them. Joel was in prison for twelve months, but no compensation has been given for his killing those five men whom he killed. He killed another man, named Matella, in the same way, as you know.

39,364. You refer, of course, to killing in fighting?—Yes, but if people are governed by the law they have no right to kill each other.

39,365. In dealing with cases between Native and Native, do you still administer what are called Moshesh's laws?—No, we have gone away from Moshesh's laws.

39,366. What laws do you use?—Since our own law has been given to us we do what we wish.

39,367. Do I understand you think there ought to be a change in the matter of the power which is given to you to deal with matters?—Yes.

39,368. Is that the feeling of the nation?—I think so; I have heard several people say so.

39,369. I would like to ask you about another matter. A great many of the Chiefs, who are now before us, are grey-headed men, and I should like to ask you, Jonathan, speaking for them, what they have seen during their years. Have they seen their people progressing?—Since after the gun war, the nation has been going backwards.

39,370. Why do you think that?—Because I see the people are saying we are not ruling them well, and they have no property.

39,371. I see them to-day wearing their nice clothes, and I did not see that when I first came here many years ago. Twenty years ago I saw the country full of brandy. I do not see it so to-day. I see the country full of stock to-day and the people all looking fat. These are signs of progress. There are also many schools in the country?—When we were under the Cape Government our property, our cattle, and all the things that we had were being protected and the nation was very happy.

39,372. Do you think it would be a good thing for the Basutos if they were to progress?—That is my wish and thought.

39,373. How can that best be done?—It can be done in this way. Let us have firm laws like white people; let us not kill each other. Let us not deprive people of their things.

39,374. When you say firm laws like the white people, do you mean you would like to be entirely under the white people's law?—Yes.

39,375. Do you mean without any respect being paid to your old laws which you like?—There are some customs which I think that civilisation will do away with.

39,376. For instance, if you were brought under the white man's law, as you express it, you would not be able to carry on your customs of "bogadi" and polygamy. Is that a change which you seek?—Yes, this is what we want. But first of all, before anything is done, we want to be educated. Civilisation will do away with those things.

39,377. What do you mean by civilisation doing away with those things?—I mean that our children should be taught. For instance, I asked Tau, who is my son, if he wanted to go to the circumcision dance. He said no, he wanted to go to school and to learn. What we want is that our children should be sent to school to learn.

39,378. Do you mean schools in the country, or schools outside the country?—Schools in the country, and that Government should teach our children through the money we are paying.

39,379. Are there not many schools in the country?—There are schools, but very little schools—very weak.

39,380. Is it a higher class education that you refer to?—Yes.

39,381. Do I understand you mean that you cannot get that here or that you want more of it?—I want more of it.

39,382. What happens now? Have the people to send their people away to school?—We have to send our children to school. We want schools here in the country.

39,383. What do you think your children gain by higher education?—I cannot tell you. Here we have no children who have higher education in the country, so I do not know what they gain by it.

39,384. Do you think if many of your children received a higher education, such as the education your son Tau got, that it would be useful to them, that they would get work?—Yes.

39,385. What work would they get if there were many of them?—They will work in the office of the Resident Commissioner or Assistant Commissioner.

39,386. There are not many required for that?—I do not mean to say that all the children could go and work in the office, but some of them could learn trades such as carpentry and other things.

39,387. Is not an industrial school being built here?—I do not know.

Chief Lerothodi, further examined.

39,388. *Chairman.*] I have asked a few questions. It may be that you yourself personally, or through Jonathan, might like to say something to us?— When you first asked me I was a little alarmed. According to our Basuto customs my younger brothers are to be asked first. There are four sons in Moshesh's house. My father is the first one, Jonathan's father the second, Masupha the third, and Mavara the fourth. Mokhachane's sons were: Makhabane, the grandfather of Peete, and Pushuli. Those who belonged to Letsie's are Lerothodi and Maama. Although Bereng is dead, Maama comes after me, and they are the people who should be asked these questions first, and after that Theko. As for the sons of Masupha, they are very young. I have my Councillors here. They can be asked.

39,389. Other members of the Commission wish to ask some questions as I have done, and I will leave it to them?—Very well, sir. I should like that those who ask may ask my younger brother.

39,390. Who is to be spokesman?—Maama.

Chief *Jonathan Molapo*, further examined, and Chiefs *Maama*, *Theka*, *Mojela*, examined (through an interpreter).

39,391. *Mr. Stanford.*] You said, Jonathan, that you are very contented, all of you, with the regulations that are now in force in Basutoland, and that where a good Chief and his people understand each other well matters are proceeding satisfactorily. I gather that in your opinion there are instances in which Chiefs depart from the written law, and also from the old custom of Moshesh, and that in your opinion these Chiefs are not adequately dealt with; and the remedy you propose is that the hand of the Resident Commissioner should be strengthened. Am I right?—*Jonathan*: Yes.

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39,392. What is your opinion of the two courses of procedure; one in which it is open for a man to select his own court to which he will take his case, and the other in which he is compelled in the first instance to go to his Chief?—My opinion in this matter is that we all know that Lerothodi is our father; but, if a man has a complaint, let him be allowed to take his complaint to the Government Court.

39,393. If he wishes to do so?—Yes.

39,394. I would like to put the question to the other Chiefs mentioned by the Paramount Chief Lerothodi; what does Maama say?—*Maama*: My opinion is that the man should first take his case to his Chief, and, if he is dissatisfied with his Chief's judgment, then let his Chief allow him to pass on to the Government Court.

39,395. In a case of that sort, if a man appeals, is his treatment afterwards quite satisfactory. If he has to say to his Chief, "I am not satisfied with your decision, and I am going past you," does that not tend to bring about estranged relationship between the man and his Chief?—Yes, it is so.

39,396. And then, under your old custom, before you came under the Queen, when you had your Paramount Chief Moshesh ruling in this country, was it not open for any Mosuto to take his case straight away to the Paramount Chief, and leave a smaller Chief, if he preferred to go to the Paramount Chief at once?—It was so. Although, when Moshesh was ruling, we were still young, we used to see people take their cases right to Moshesh. Moshesh was not like us.

39,397. I will put the same question to Theko?—*Theko*: My opinion in this matter is that when a person is living under a Chief, he must in the first instance take his complaint to the Chief, and, if he is dissatisfied with the decision given, then he can tell the Chief that he wants to appeal to the Paramount Chief Lerothodi, and the Chief who has first of all tried the case must say, "It is all right; pass your case on." And if the man is dissatisfied with Lerothodi's judgment also, then he should be able to ask Lerothodi for leave to appeal to the Government Court, and Lerothodi should give him leave to appeal to the Assistant Commissioner's Court, or to the Resident Commissioner's Court, which is the highest Court. We are not bound to bring our complaints here to the Government Courts, but we have the liberty to bring our cases to those Courts. This is the agreement made by Moshesh and the Government. This right of going to the Government Court is a right which was given to us by Moshesh when he first gave himself over to the Queen's Government. Moshesh said, "Take me with my blanket and the lice in my blanket." That is my opinion in the matter.

39,398. What do you say, Mojela; you have heard the question put to the others?—*Mojela*: Our custom is that we have our Paramount Chief, who is above us all, and we must take our cases to him. If we are not satisfied with his judgment, then we can appeal to the Government Courts, and if we are satisfied with his judgment then we go back to our home, being content.

39,399. *Mr. Thompson.*] When those five men to whom you have alluded, Jonathan, were killed, what action was taken by the people as a whole; did the matter end there, or what happened?—*Jonathan*: I reported the matter to my elder brother Lerothodi, who instructed me to call those people and the Chiefs who had fought to come here to Maseru before the Resident Commissioner and before him. The case came before our Resident Commissioner, and it was decided, my younger brother being sentenced to twelve months' im-

prisonment. The matter was judged, and Joel was imprisoned for twelve months and fined £2,000; but no compensation was made to the relatives of those men whom Joel had killed.

39,400. That might have happened even in our own country amongst white people; we do not compensate the wife of a man who is killed in that way. But you hold that under Native law, and if there were no white people in the country, a certain number of cattle would have had to have been paid to the families of the men who had been killed?—Yes.

39,401. Then you followed on, and said you do not want the Kafir law; you want the white man's law in this country, even to the doing away with "bogadi"?—Yes. I say that we should feel that we are protected, that power should be given to those who rule us, and that we are not to kill each other.

39,402. The Government of the country did all that was in its power when the case was brought before it, did it not? If you had British law, law as administered in England, the same thing might happen. Then you went on to say that under the existing state of affairs, people may be deprived of their things. What do you mean?—When I say that people are deprived of their things I mean that supposing there is a case of stealing at a village, when the Chief of that place hears of the stealing he sends his people to go and "eat up" the man without bringing the man to his Court and judging him for the crime he has done and then fining him.

39,403. Therefore, you do not like the arbitrary rule of a Chief; you prefer the direct rule of the white Magistrate?—That is what I wish.

39,404. *Mr. Samuelson.*] I suppose, Jonathan, it is in accordance with your national customs that questions are put to you and to leading Headmen like yourself instead of to the Paramount Chief. The Paramount Chief cannot amongst you speak his own opinion—he can only speak for the nation; is that not so?—The Paramount Chief has the full right to answer any such questions, and he is the one who should be asked.

39,405. You have recently had a change in your country here; you have a National Council now?—Yes.

39,406. How is that Council formed?—The National Council is formed in this way: It has to speak on Basutoland matters, and there are certain Native laws which are made in this Council; although I was not asked my opinion about the laws formed by the Council.

39,407. Are the members of the Council elected or chosen by the people, or are they just the heads of the different districts in the country?—I do not know. It appears to me as if they have been selected by the Paramount Chief. I was not there myself, but I was at my own place, my other brother being sick.

39,408. You have not attended any meeting of that Council?—I came, but all the matters had already been spoken about.

39,409. Is it any different to the old "pitso"?—There is a difference between this Council and the national "pitso." When the Council was opened I asked the Resident Commissioner and the Paramount Chief whether by reason of laws proposed by the Council the regulations made by the Government for the Basutos were to be cancelled.

39,410. What is the difference between the Council as it is now and the "pitso" as it was?—I have already said that I myself expected that the laws given to us by the Government were the laws

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which should be confirmed by the Council. What I was going to ask was, "Should we go according to the laws made by the Government, or should we go according to the laws made by the Council?"

39,411. I want to know the difference between the "pitso" and the Council?—The difference is that the Council has formed certain laws, but in the national "pitso" no laws were made except what were made in these Government regulations.

39,412. Then, in forming the National Council instead of the "pitso," you are following the custom of the white man in his Parliaments and in his Councils?—Yes, it is so, but what I am objecting to is that the Council is forming the laws. What I myself want is that these laws made by the Government should be read to us in the same way as they were read to us in the national "pitso."

39,413. I suppose it is only an Advisory Council. You Chiefs and Headmen meet together and discuss matters of national interest, and you communicate your resolutions to the Resident Commissioner, and advise him of the feelings and views of the people, in order that he may arrange with the High Commissioner for laws before they are made in the direction of the wishes of the people expressed by the Council?—That is true.

39,414. That is the way you Chiefs and people of the Basuto nation make your wishes known to the Resident Commissioner and to the High Commissioner?—Yes.

39,415. And the views of the whole of the people are in that way conveyed to the Resident Commissioner?—That is true.

39,416. At one of the recent meetings of the Council, the Council declared what was the Basuto law of succession and inheritance?—Yes.

39,417. And that declaration made by you people in Council you wish to be the general law of the Basuto nation with regard to succession and inheritance?—In that matter the only thing which was spoken about was the eldest son, who is the heir; but as for those who are coming after him, nothing was said about it. At any rate I did not hear it.

39,418. Then the declaration is this: that the eldest son of the first wife is the general heir, both in the case of the Chiefs and in the case of the people?—Yes, it is so.

39,419. Has that declaration of the Council of the nation received the approval of the Resident Commissioner of the Government here?—I wish Maama to answer that question. *Maama*: It is so; the eldest son is the heir. He is the heir to Chieftainship, and it is the same amongst the people; but if the people under him have complaints they must be allowed to bring up their complaints.

39,420. What I wish to know is whether the English Government has sanctioned or agreed to that declaration made by the Council?—I do not know whether the Government has sanctioned that or not, because I do not see the name of the Government in these laws. I do not see the name of Mr. Sloley, who is our Resident Commissioner, and I do not see the name of the High Commissioner. So I do not know if the Government has sanctioned it.

39,421. The declaration of the Council has been reduced to writing and has been printed, has it not?—Yes, it has been printed.

39,422. And it is now followed in any decision in the Courts of the Chiefs when disputes about succession take place?—According to Basuto law, the eldest son is the one who should take his father's place. There is no doubt about that. But, at the same time, he is not to deprive his younger brothers of their rights. I think that it is the same according to the white people's custom.

39,423. With regard to the law of Moshesh which Jonathan spoke of, I suppose he meant the old laws and customs and usages of the Basuto people, not any particular laws made by Moshesh himself?—It has been answered already that Moshesh had really no laws, but being a very good man the people used to respect him and also to avoid bad things.

39,424. What constitutes a marriage according to your laws here?—I am younger than Lerothodi, and Lerothodi is the one who should answer these questions, being an older man. Amongst us what I know of the custom is that we marry with cattle.

39,425. Without cattle or "bogadi" it would not be a lawful marriage?—According to our custom it would not be a marriage at all if we did not marry with cattle.

39,426. And if a man and woman are married according to that custom how do they separate from each other and leave each other? Is it done by the Chief? Does he grant a divorce or separation?—There are certain reasons on account of which the Chief has a right to grant divorce, because sometimes the woman is bad, and sometimes the man is bad; therefore, the Chief is bound to grant divorce under those circumstances.

39,427. Then a woman can only leave her husband and marry some other man after the Chief has decided that she can leave him?—Yes; when the Chief has granted a divorce then the woman has the right to marry another man if she wishes.

39,428. Can a Chief grant a divorce in this country both in marriages according to Native custom and in marriages according to Christian rites—by Christian custom?—The Chief has a right to give divorce in cases of marriage according to these two customs—marriages according to the Sesuto custom and according to Christian rites; that is if the Christians choose to take their cases to the Chief.

39,429. I would like you to tell me what is done about the "bogadi" when a divorce is granted; has the father to return any of the cattle or all of them, or what?—Our custom in this matter is that if a woman has children the cattle are not asked for, but if she has no children then the parents of the woman have to return the cattle.

39,430. The whole of the cattle?—Not the whole of them, if the husband is in the wrong; those people will be asked the reason why they want to be separated, and if the Chief thinks that the man is in the wrong, then a portion of the cattle will be restored, not all.

39,431. Are all your marriages by Native custom and by Christian rites reported to the Magistrates?—No, not all; all the Christian marriages are reported in the offices of the Magistrates, but marriages according to Sesuto custom are not recorded. In some cases there are people who report their marriages to the Magistrate, but not all.

39,432. There is no law, then, for having all those Native marriages registered in the Magistrate's office?—That I do not know; those who are above me may know.

39,433. *Mr. Stanford.*] Does it not happen that if a daughter returns to her father after being married, dissatisfied with the treatment she receives at her husband's kraal, and that the father after enquiry decides that he will not give the girl back but hands the cattle back, the matter is then decided between the father of the girl and the father of the husband without there being divorce or anything else?—No, there is not such a state of things; always if a

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girl has run away from her husband and returned to her parents, if divorce should be granted, the parents of the girl and the parents of the boy could not manage this matter between themselves only; it must be taken to the Chief's Court.

AFTERNOON SITTING.

Chiefs *Jonathan, Molapo, Maama, Theka,* and *Mojela,* further examined.

39,434. *Mr. Samuelson.*] Is the custom of "ukungena" practised in Basutoland?—*Jonathan*: Yes.

39,435. Under your law would a son by that custom inherit the Chieftainship?—Yes, he inherits the Chieftainship if he respects the one who has taken his mother.

39,436. It is not the custom with you people to exhaust all the direct blood first, before you take "ukungena" issue?—According to the Sesuto custom if your elder brother dies and leaves a widow with a child, then you come to that house and inherit, and the child from that house, if it is a male child, inherits the Chieftainship.

39,437. Do you think that that is a custom that is good and ought to be kept up?—Yes.

39,438. You Basutos take a great interest in the education of your children, do you not?—Very much.

39,439. Have not the people recently contributed a large sum of money for the erection of a school for the education of the people here?—Yes, they have done so.

39,440. How much have you contributed as a nation towards the erection of a national school for the education of your children?—Those who have contributed money towards this school are the people living in this southern part of Basutoland, but as for us people living in the eastern part we have not contributed anything towards this school. We are waiting to see what sort of a school it will be.

39,441. You want all your children to be educated in the country and not to go away for their education?—There may be some of us who would like that our children should go outside Basutoland for their education, but most of us wish our children to be educated here. What we want here is that we should have schools in different districts of Basutoland. For instance, one at Berea and one at Leribe. We should have a school in each district where our children could be educated.

39,442. Government schools?—Yes; we want the Government's aid with these schools.

39,443. Have any of your people in Basutoland sent their sons right across to the United States of America to be educated there?—They have not sent them to be educated in America, but they have sent them to be educated in Cape Town and at other schools in the Colony.

39,444. Have you a Church conducted by Natives working amongst you?—Yes, we are beginning.

39,445. What is it called; is it called the Ethiopian Church?—Yes, but I hear very little of it here.

39,446. They have not been trying to get you Chiefs to send your sons to America to be educated there in the negro colleges?—

I have not seen anyone; no one has spoken to me about it at all.

39,447. If a member of your section of the Basuto people or a member of one of the other sections were to pass by his Chief and go direct to a Magistrate with his case, would it not be regarded with greater disapproval than if that Native had gone to the Chief first, and then appealed to the Magistrate after the Chief had given his decision?—That would be a mistake. Even I myself am under Lerothodi, but I do not agree to my people passing me and going to Lerothodi without my sending them on to Lerothodi myself.

39,448. Then you think a Native who went direct to the Magistrate would be disliked more than a man who went to his Chief first and then appealed to the Magistrate afterwards?—Yes.

39,449. Will not that declaration of the Council of Basutoland with regard to succession go a long way towards discouraging polygamy, and really put an end to it in time, as it gives a higher status to the children of the first wife and practically disregards the children of the other wives?—I think it will. A lot of people have been taught and told about this first child being the heir. I think it will do away with polygamy by-and-bye.

39,450. Was it the object of the Basuto Council, when they made that declaration, to try to gradually get rid of polygamy that way?—Yes it was, but apart from this declaration there are several in Basutoland who do not agree with polygamy. Some of the young men and young girls when they marry do not want there to be more than one wife.

39,451. *Mr. Krogh.*] Is Basutoland thickly populated?—Very much.

39,452. Is it getting overcrowded?—It is overcrowded.

39,453. You will have a surplus population presently; what do you propose to do with that surplus, and how are you going to provide for them?—Our thought, and the thought of our late Chief who placed himself under the Queen's Government, is that it is not a question for us, but that it is for the Government to know what is the best thing to be done with the surplus.

39,454. You would leave it in the hands of the Government?—Yes; that is what was done by our grandfather Moshesh. He said that the preservation of his people and the country he placed in the hands of the Queen.

39,455. Has the matter already engaged the attention of the Paramount Chief and the other Chiefs?—Yes.

39,456. Have they already approached the Government on the subject?—That I do not know. We have our elder here, Lerothodi, and I do not know whether he has said anything about it to the Government. But our father used to say that in such matters as these it was for the Government to see.

39,457. *Captain Dickson.*] Do many Basutos go out to labour?—Yes, they are a people who love work.

39,458. Have you any grievances that you would like to express on behalf of these men who go out to labour?—Yes.

39,459. We would like to hear them?—The grievances they bring to us are these: They say the work in the gold-fields is not like the work in Kimberley. When we first went to Kimberley—myself and the Chief Lerothodi—we were given work and we worked it nicely and we were paid nicely; the people were paid according to their work, and how they knew the work. But now, even although a man works hard and knows the work, he does not get his wages properly. And they are complaining of us, their Chiefs, selling them. When they get to work the master of the

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work says, "I have already finished with your Chiefs and I am not going to pay you what you want; I have told your Chief what I will pay you." The boys do not like to be sent by us, because they say we get money for them.

39,460. Is there anything else you would like to say on the labour question?—No.

39,461. Would you like to express your opinion on the Pass Law of this or of any other State?—The question you are putting before me is a question which was asked by His Excellency a long time ago. The only trouble we have is that we are taking passes from the Government Courts here and those passes are not recognised in the other territories. After the war we thought when we had passes from Basutoland that we would have the right to travel with them through the other Colonies, because we all belong to the one Government. But now I find they are making us pay for passes in the Orange River Colony.

39,462. Does the want of recognition of passes from Basutoland in the other Colonies delay the labourer going to his work, through the necessity of his going backwards and forwards about his pass?—It does delay the labourer.

39,463. Do the other Chiefs agree with what Jonathan has said on the labour question?—*Maama, Theko,* and *Mojela*: Yes.

39,464. *Mr. De la Harpe.*] You said repeatedly this morning, Jonathan, that prior to the change of Government in this country, that is, before the change from the Cape Government to the Imperial Government, the people were better off and richer. Will you give us your reasons for saying that; what has made them poorer? Of course, I am aware that they are not so well off to-day as they were seven or eight years ago, because I am living on the border and am often in Basutoland; but I would like to have your reasons for saying this?—*Jonathan*: My reasons are these: We are depriving the people of their property and we have no law to protect the people's property.

39,465. When you say "we" do you mean the Chiefs deprive them of their property?—Yes.

39,466. You yourself also?—Yes, I myself. If I am pleased with another man's ox, and if I see it is a big one, I can take it; and I know that no one will take it away from me.

39,467. Do you think other Chiefs are as guilty as you in such things?—Yes, the other Chiefs are also guilty the same as myself.

39,468. Now you think, as you are rich enough, that you ought no longer to take your people's cattle?—I say, let the people be protected and let their property be protected too.

39,469. Very good, but it seems that the Chiefs do not protect them; that is from your own mouth. Will Maama answer the question why are the people worse off now than they were before the change of Government?—*Maama*: My reason is this. In the time of the Cape Government—although we complained of the Cape Government—there were laws given us, and certain privileges, and I know that these privileges have slipped from our hands. We were given privileges by the Government, and I consider that these privileges given to us are slipping from our hands. That is my reason. At that time there were laws protecting the people.

39,470. You mean to say that the Government protected the common people, but now they are not protected; they are left over to the Chiefs entirely?—I say so.

Chairman: Lerothodi, you said when questions were put to you at the beginning, that you would first of all like them to be answered

by your brothers, and that then you might wish to speak yourself. The questions are finished, and perhaps you will now like to speak, and perhaps some of your Councillors might like to say a few words too.

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Lerothodi: My Chief, I ask you please if you will allow me to say a few words, and after I have spoken I would like to ask a few of my Councillors to say what they have to say. My Chiefs: Those who are sent by Government: I am sorry. The reason I am sorry is because these children are Moshesh's children. Moshesh is no more. They were Letsie's children, and Letsie is dead. I believe that some of you here know us. I remember that some time ago the High Commissioner sent Mr. Perry to come and say to us that if the Chiefs are not members of this Council, this Council will be no good to us. This Council was called for from the time of my late father Letsie. My father said I must ask for this Council. Mojela is my witness; it was before Mojela lost his arm. After Letsie's death this Council was asked for. Our Resident Commissioner at that time was Sir Godfrey Lagden, and the High Commissioner consented to our having a Council. Why I am sorry about this is that I do not know what some of you will think of us; why we should ask the Government to give us a thing and then turn our opinions afterwards, trying to run away from it. If you were to ask for the letters which were written asking for this Council to be formed, they can be produced before you in this office. My reply to Mr. Perry was, "Although I am getting old and sick, still I will try my utmost to be present in the Council. No Basuto refused this Council; no one said anything about it. My name can appear before you here in this Council in the name of my younger brother Jonathan." To cut this matter short, Chief, we asked our Resident Commissioner to write to the High Commissioner and tell him that we had consented to this Council. Now, Jonathan and Maama, who are you accusing? This Chief of ours here knows well that we all consented to this Council. I personally came to the Council; although I was sick, still sometimes I used to go there. I say to you, Jonathan and others, what sort of Basutos are you if you deny knowing about this Council? If Mr. Perry was here amongst you he would say that what I say is true, that we all consented to this Council. I say to you Chiefs that my Resident Commissioner is my fountain and he is my witness, that all of us Basutos agreed to this Council. Even Bereng, who is no more, consented before he died to this Council. I have only one witness and that is my Resident Commissioner, who knows we all consented. I said, "Even though I am sick I will come to Maseru and wait here, and when I feel a little better I will go into the Council and hear what is going on there." You Basutos consented by lifting up your hands. The Resident Commissioner was there, and Mr. Wroughton was there; why should you now deny it? There are lots of letters written about this Council, and I say to you my brothers, "Do not ask the Government to do something and afterwards run away from it." With regard to education, I have asked the Chiefs Jonathan, Masupha, and Maama, to pay some money for the erection of industrial schools. Jonathan refused; Masupha refused; and Maama refused. But I am not complaining. I have not many words to say, but I will say this, that Mr. Sloley, the Resident Commissioner, is my witness; he knows all that passed, and I think he ought to let the meeting know that this Council is the Council which we have asked for. Let us not deny what we have asked.

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Theka: I say to you, sons of Moshesh, that I am very sorry. You are witnesses that Sir Godfrey Lagden, when he was still here, used to be with us; and when he left, Mr. Sloley came and stayed with us. Mr. Sloley was with us in the Council. There were many coloured people there, but he was the only white man amongst us. I am very sorry indeed, because these people here will think that Mr. Sloley has been telling them what is not true, on account of what they have heard from us. As to this Council, it is the Council we asked for, and we gave our letters to Mr. Sloley for him to forward to the High Commissioner. Our letters are here in the office. What you say, Jonathan, I do not know anything about. I never touch a man's beast, although it is a big ox, or a fat ox. Mr. Sloley is my witness about the matter. I would not speak, but I speak because I can see that these Chiefs have spoken in the presence of Mr. Sloley. I do not see why they should speak in this way in the presence of this Commission. I do not see why they should express themselves in this way, saying that in the time of the Cape Government they had protection for their property, but now they do what they wish. Why do they say so? It will appear to these gentlemen who are here, that the Resident Commissioner has given them power to do what they like to the common people. I am sorry to have heard these words. Even in the Council those Chiefs were present. The Resident Commissioner was amongst us, and he has been listening to our speeches now. It is only to-day that these Chiefs are denying this Council.

Setha: Chiefs, we greet you! You have come here to visit the sons of Moshesh, and I am very glad indeed with the whole of my heart to see you here, because you have come to examine this nation belonging to King Edward the Seventh. The questions you asked you were asking the Chief Lerothodi, but Lerothodi requested that, as his younger brothers were here, they should be asked first. They have answered your questions, and you have heard what they said. You have come to examine this nation belonging to you, and in examining it you have already found that we differ, and it is a good thing that we should differ. I do not speak about the Cape Colony Government, but I should like to know why we left the Cape Colony Government. I am saying this, because I hear that some of the sons of Moshesh prefer that they should be governed by the Cape Government again, and I should like to know what is their reason. The Chief Lerothodi says he wishes the Imperial Government to preserve him, as it has been preserving him, and if we men of Lerothodi should be asked to hold up our hands, I think that all of us here would lift up our hands, and say that we should be preserved by this Government. I do not deny any matters here; there are matters, but those matters are matters for Mr. Sloley to see to. Every nation has its own matters. Why should we be taken out of the hands of the Imperial Government? The only person who can take us out of the Imperial Government is the High Commissioner; and I say to the Chiefs who have come to see us here, and to enquire about matters from us, that the Government we want to be under is this Government. As for this "eating up," that is a matter for the Chiefs; they know about it, but we common people do not know anything about it. We are prosperous under this King's Government. Who says that we are poor? We have wagons, we have money, and we have money in the banks, and we are living very nicely. I say that any Chief who says he is "eating up people's property, says so because his conscience is telling him it is his fault. What we wish,

Chiefs, and what we are anxious about, is schools. Let our children be taught, so that they may advance, and by so doing they will then not go to circumcision lodges any more. Some of you Chiefs speak about schools being here in Lerothodi's district; why should you say so? Lerothodi has asked you to give money for industrial schools, but you have refused. I ask you Chiefs on this Commission, if you are going to meet us again to-morrow, that you should ask us any questions you wish to ask. If anyone makes a mistake we will go to Lerothodi, and say to him humbly, "Chief, you are making a mistake." As for this Council, it has been consented to by every Chief in Basutoland, and even the laws passed by the Council have been agreed upon by all the Chiefs, and they are confirmed.

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Lerothodi: As to polygamy, I should like to say, I consider it is nothing. The greatest thing I am looking at is the laws. When the Government adopted us we were in polygamy. It is our nature to marry many wives. As Jonathan has already said, it is my wish that the hands of the Resident Commissioner and his Magistrates should be strengthened. As for polygamy it is nothing; it is only our nature. As for the laws, I would let the laws be confirmed, especially in the matter of drink. I wish that liquor should be stopped in the country here. I wish, when my people say things, they would say what they mean. As for myself, I have not deprived anyone of his things. I say to them do not say that you want to be governed like white people when you do not mean it. I would ask you if you would allow Phillip to say a few words, which I have given him to say.

Phillip: The first question was about land. I say, with regard to that question, this land belonged to our Chiefs; but we, their people, also have a right to it, because we help them in the work they are doing in the country, and this is the reason why we are going to them and asking them for lands. The second matter is about the Chief's judgment. As regards the judgment of the Chiefs, when we have cases we take our cases to our Chiefs, and we have been doing this ever since Moshesh was taken by the British Government. With regard to appeals, our Chiefs do not stop their people when they appeal to Government Courts. We have a system here in Basutoland that, when a person is dissatisfied with his Chief's judgment, he has the right to appeal to the Paramount Chief, and if he is not satisfied with the Paramount Chief's judgment, he asks the Paramount Chief for an appeal, and the Paramount Chief gives him leave to go to the Government Courts. We are satisfied with this. As to the Council, this Council has been consented to by all the Basutos. It was the wish of the nation to ask the Resident Commissioner and the Paramount Chief to draw up some written laws for the guidance of the Basutos, and those laws were discussed and passed in the presence of all these Chiefs, and we, as a nation, were satisfied with those laws which were passed in this Council, because that was our wish. We wanted to have the law, and if we did wrong we would be fined. Before those laws were made there were different decisions, and this is the reason why we are now satisfied with those laws. Now I come to the matter of progress. We want to advance. This is the reason why we were glad to hear from the Paramount Chief when he asked us to pay some money towards education. What gladdened us more was that we saw that we were crowded here in the country. We like this industrial school very much, because by its means our children can learn trades, and when the

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country is full, they will be able to go and work outside the country. As a nation we wish to have schools in this country that will teach trades, because our country is getting small. As for these Government regulations we have nothing to say at all, and they have nothing to do with these laws which were passed in the Council. With regard to these Basuto customs, some people look at it in this way, that when civilisation comes into the country some of these customs will be done away with, because, if people are taught, the children that are taught will not marry with cattle, nor will they marry more than one wife. Another question was about passes. We are very much dissatisfied about these passes. We take passes here, and, when we go to other countries, we are charged for our passes. We live here, having Government passes, and we say that we are losing by paying for our passes in other countries. The people of those other countries must also pay for their passes in this country. We are dissatisfied, and we say that we are making other countries rich, and we do not get anything. Those are our grievances about passes. Now, I wish to speak on the labour question. We are very anxious to go to work and earn money, as our country is getting crowded, as I have already said, but the people who are going to work have many grievances. This is the reason some people do not want to go to work, although they like to work. Some say they are not living nicely at the gold-fields where they are working, as regards food and sleeping accommodation, and they say that the sick people are not well looked after. Some say that the food they eat is not suitable food. They are also complaining about the money they are paid. They also say they are paying poll tax where they are paying hut tax here. They also say that there are some places where, when they return from their work, they are charged. These are the reasons why these people are hesitating to go to work, although they like to go to work.

39,471. *Chairman.*] With regard to the statement that you have made that some of your people are charged poll tax where they go to work, what country do you refer to?—Some of the young men from Bloemfontein say they have been charged poll tax.

39,472. Is that the only place?—All those who are working in the Orange River Colony.

39,473. Is that the only place you refer to?—Yes.

Mr. George Richard Hobson, examined.

G. R. Hobson, (Merchant).

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39,474. *Chairman.*] You have been a great many years in this country?—I have been twenty-five years in Basutoland.

39,475. You have been identified with commerce all the time, I think?—All the time.

39,476. And latterly have been President of the Basutoland Chamber of Commerce?—Yes, I have been President of the Chamber of Commerce for the last fifteen years.

39,477. We should like to ask your views particularly as to the consumption of dutiable goods by Natives, and the change that may have come over the people during the period you have been here, in the matter of the present and past consumption. First of all, do they consume a great number of dutiable goods?—A very large number. I think the proportion of dutiable goods is very much larger than that of goods which are imported free.

39,478. Could you enumerate the various classes of goods which they purchase in Basutoland?—A large proportion of the goods consists of blankets and cotton goods. Then we come to dress materials, both cotton and woollen, a large amount of clothing, hats, boots, and shirts. Then they are buying a good deal more in the way of groceries than they used to buy. You are speaking particularly of dutiable goods.

39,479. Any kind of goods?—Then, of course, they purchase agricultural implements. They are still buying the single plough, mostly the American plough. They do not seem inclined to go in for more complex machinery. They buy a large number of spades, and things like that, and a good deal of hardware and crockery. The trade is made up of such an innumerable quantity of articles that it is difficult to mention them all. The value of the imports has increased most marvellously.

39,480. Who are the consumers?—The Basutos.

39,481. Is the variety of goods very much more extensive than it used to be?—Very much more extensive.

39,482. Would you say that they had progressed to such an extent that they were considerable contributors towards the revenue?—I should say they were the principal contributors towards the revenue, not considerable, but almost entirely. The few European inhabitants of the country really do not amount to very much. There are only about 800 of us all told, and there are 347,000 Basutos.

39,483. Do you think the Basutos purchase in a different way to other Natives in South Africa?—I have had no experience of other tribes. I have been in Basutoland twenty-five years, and the other five years, during which I have been in the country, I have been travelling about, and I did not take any notice particularly of what they were buying and consuming, but, as a general question, I should say they were consuming a better class of article than the Natives of other tribes. I am open to correction, but that is my opinion.

39,484. Have you found their earning power greater of late years?—The earning power is certainly greater; it must be, otherwise their spending power could not be greater. Their earning power, of course, is derived from many sources. The principal source is agriculture, but other sources are cattle-raising, horse-breeding, wool and mohair. They have a good many strings to their bow. They are not bound down to one source.

39,485. Has the value of the imports increased very materially during the past few years?—It has vastly increased. Up to the 31st March of last year the imports amounted to no less than £298,000.

39,486. What was it ten years ago?—If I remember rightly the Collector of Customs in Cape Town said ten years ago the imports of Basutoland never had been £100,000 and never would be, so they must have considerably more than doubled since the Imperial Government took the country over.

39,487. Are they also producing more from the soil than they used to?—I am afraid they are not. We have had very severe droughts, locusts, and one thing and another, and the falling off has been terrible. Last year I think there was a falling off of £133,000 in the grain export.

39,488. That was on account of the bad season?—We had a failure of the wheat crop and a partial failure, followed by an almost total failure, of the mealie crop, and then another failure of the wheat crop.

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39,489. Would you from your experience say that they are a progressive people?—Decidedly. They are progressive in this way, that they are susceptible to influence; they are very imitative. If they see a thing that they like, if they can afford to buy that thing they will buy it. It must be noticeable to those who have been living in the country for some years that even in the construction of their houses they have improved. You will find doors and windows. You will find that they will buy tables and chairs, bedsteads, lamps, and things like that which they seldom bought twenty years ago. In those days perhaps we would place an order for say ten hut doors; now we place an order for a couple of hundred.

39,490. American doors?—American doors, yes. I am only just giving this as an instance of the increase. Then when you come to clothing it has been very noticeable. I have consulted people living outside and they tell me that even heathen women are wearing what they call Christian clothing, sometimes they even go to a heathen dance in Christian clothing. The demand for prints, flannelettes, piece goods, and all kinds of dress material has immensely increased. It is quite astonishing to see the way in which it has increased.

39,491. Are they well provided with money?—At present I should say no. As I pointed out just now, the falling off in the grain export last year was £133,000; that is £133,000 reduction in their spending power.

39,492. Do you give them credit?—No.

39,493. Not at all?—No.

39,494. Is there much credit given in the country?—I should say not.

39,495. The whole trade is a cash trade?—Practically. I will not say there is no credit given, but it is taboo. We do not encourage it and we do not like it and we would rather not do it.

39,496. The volume of the trade with the Natives can be ascertained by the takings in cash?—The volume of trade of course I should say could be more correctly taken by the value of the imports; that is unanswerable.

39,497. *Mr. Stanford.*] Although they have not bought ploughs of a better description than the single furrow, are they taking more of these single furrow ploughs than they used to do?—Yes, we are selling more ploughs than we used to do. I have not the comparative returns for 1891, but I see the number of ploughs in the country at the last census is 14,388.

39,498. That will be sufficient. Do you refuse credit in your own interest or because you have difficulty in recovering debts?—One question answers the other. We refuse credit because we cannot recover.

39,499. How are you debarred?—We are not allowed to sue in the Court for recovery.

39,500. Do you approve of the policy?—No I think it is wrong.

39,501. What are your grounds for condemning it?—I say if we look upon them as children going through an educational process one of the things we ought to teach them is common honesty. When a man comes to your store and says his children are hungry or cold and he wants food or clothing and wants you to give him that clothing on the understanding that he will pay when harvest comes. I think if he does not pay for it he ought to be made.

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39,502. On the other hand, does not the recovery of back debts by the process of law lead to ill feeling between the traders and the Native?—We never found it so in the old days, and in fact it very rarely happened; during the whole of my experience we only had occasion to summon about three men. If they knew they could be summoned they paid without being summoned. It is only the very fact of their knowing they cannot be summoned which encourages them to refuse payment. The thing has now got to that stage that we simply do not give them credit unless they are people we absolutely know.

39,503. In ordinary seasons is the quantity of wheat grown in this country increasing?—No, it is decreasing.

39,504. And in quality?—So very much depends on the season. We have had very good quality wheat and very poor quality. Last season it was very poor quality because we had very little rain.

39,505. To what reason do you attribute the decrease in the production of wheat?—The bad seasons.

39,506. Do the people generally appreciate the alternative crops, wheat and mealies and corn. Do they appreciate that here?—Certainly.

39,507. *Mr. Samuelson.*] Do you know the language?—Very little.

39,508. Has your experience in the country taught you that the Chiefs in any way oppose, or are unfavourable to, the progress of the people in the direction you have stated, towards civilisation, and the purchase of goods, clothing, and so on?—I should not say that the Chiefs do it for that reason. I do not think they wish to oppose the progress of the people, but they do it nevertheless. They do it in this way. Many of the Natives have complained to me that when a poor man commits a petty theft, or does something that the Chief does not like, he is made to pay a couple of fowls or a sheep, or something of that sort, but if a man of wealth does something that his Chief does not like he is "eaten up" or very heavily fined. That is not an encouragement to them. I do not think the Chiefs look at it in that light. They dress very well themselves, and as I said before, the Basutos are an imitative people, and if they see a man well dressed they like to dress like him. I do not think the Chiefs see it in that light, but the fact remains that they are very hard on their people. I know the common saying amongst the people is that there are far too many Chiefs.

39,509. Do you find that they are purchasing foodstuffs very largely this season?—No, they are not buying foodstuffs this season. Last season they bought largely.

39,510. They are well supplied this year?—Well supplied, not too well supplied, but they had a surplus which they were selling until the rain held off and now they are holding until they get sufficient rain for ploughing.

39,511. As an indication that they are changing from their old savage ways and habits, I would like to hear from you whether they buy such things as tinned salmon and sardines and pork and things of that sort?—They buy sardines very largely. I do not think they buy much in the way of salmon. They buy jam, golden syrup, tea, coffee and sugar, and things like that.

39,512. Would you like to venture any opinion as to what could be done or might be done with a country like this in the event of federation of the South African Colonies?—That is a question which would require very considerable thought. I think from what I

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know of the Basutos they are a very deserving people. Personally I should be very sorry to see anything happen to them. I should be very sorry to see them put into locations or deprived of the country they are living in in any way. They seem to me to produce, not as much as they are able, but under the present circumstances as much as they are able. I have no doubt as years go by they will improve their methods of farming, they will improve their stock, improve their horses, their wool and their mohair, so that the land can carry a much larger population than it does to-day. I have never thought of the question whether it would be possible to change the whole state of Basutoland from the point of view of federation. That has not entered into my thoughts at all.

39,513. Is the present form of government employed here in your mind more favourable to the advancement and to the attainments of the people than Representative Government with a Parliament?—Do you mean if the Natives should have the franchise?

39,514. Yes?—I think they are utterly unfit for it, either by education or public spirit. At the present time they are almost in the power of their Chiefs and would vote as their Chiefs told them. You cannot have a feudal system and the franchise together; they are diametrically opposed.

39,515. There is a very strong feudal system?—Very strong.

39,516. *Captain Dickson.*] Are there any subjects upon which you would like to speak?—No, I do not think so. I have made notes on the questions that were to be asked, but I expect they have been answered so many times that you hardly want my opinion on them.

39,517. Will you hand in those notes?—I will have them written out and sent to you if you would like to have them. On some of the subjects of course I have not had much experience, but I have watched the people carefully, and naturally I am interested in them.

39,518. Can you give us any information on the Pass Laws?—The only thing I know about the Pass Laws in Basutoland is that the Natives are not allowed to leave the country without a pass. The only question on which I feel strongly with reference to the Basuto is, as I said before, that the Chiefs have too much power. I think they oppress the people. I do not think they do it with the object of keeping them back, but they simply have the power and they use it.

39,519. *Chairman.*] The power of oppressing?—Yes, I think they do. People say there are too many Chiefs.

39,520. Do you think the country would be better if Chieftainship were done away with?—I think that is a thing that could not possibly be done hurriedly. I think if you wish to do away with the power of the Chiefs it would have to be done very slowly, and the people would have to be gradually weaned from the Chiefs; that is to say if a common Basuto came to the Magistrate and made a complaint that the Magistrate would try that case and would protect that man and see that the decision was carried out, and by that means—it would be very slow, but I believe it was done before the gun war—people would gradually be weaned from the Chiefs. To destroy the power of the Chiefs suddenly would be dangerous.

39,521. *Mr. Stanford.*] Do you approve of the tax of 1s. in the neighbouring States upon every pass that is issued in this country?—That is a matter which is open to discussion I think. The great complaint has been that people could not get labour, and it does seem rather absurd to put a tax on them when they want to go and

work. They are taxed directly and they are taxed indirectly, and in some things they are taxed very severely. To put a tax on them when they want to go and labour is, I think, rather unfair. At the same time I am quite of opinion that if the Native tribes in other States in South Africa had contributed their share of the labour in the same measure as the Basutos have contributed, there would not have been so many labour difficulties as we have had, and perhaps it would not have been necessary to have the Chinese in the country. I think that the Basutos are a very industrious people and contribute a very fair share of the labour.

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Maseru, Tuesday, 27th September, 1904.

Present:

Sir Godfrey Lagden (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.

The Reverend Canon Spencer Weigall, examined.

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39,522. *Chairman.*] You represent the English Church Mission in Basutoland?—I only represent them in one capacity, the educational capacity.

39,523. You are carrying on Mission work on behalf of the Church of England?—Yes.

39,524. Have you been many years at this Mission work?—Twenty years and a half.

39,525. Not all the time in Basutoland?—Ten and a half years in Basutoland, one year in Thaba 'Nchu.

39,526. And for the remainder of the time in other parts of Africa?—The rest of the time I was in East Central Africa.

39,527. Comparing other Natives of Africa that you have come into contact with with the Basutos, what is your opinion of the relative status and condition of the Basutos towards the others?—I think generally speaking they seem to have more unity among themselves. I suppose it is forced upon them to a great extent, but wherever I have lived before in Africa amongst Native tribes they seem to be broken into such small detachments that one never felt that one was living in any great tribe that could make itself felt, and had a voice of its own. Here in Basutoland, by reason of their surroundings, hemmed in on all sides, they assume more of an individuality.

39,528. Did the tribal system prevail in those other places?—Tribal systems of a sort, I cannot speak about them in any great detail. They were so very much broken up by slave raiding in this particular country where I was living that many parts of the country were devastated, and others used to live in continuous fear of raids and oppression from a branch tribe which had broken out from South Africa, and had gone up to Central Africa, supposed to be allied to the Zulus.

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39,529. Had education and religion spread to these people?—It was spreading to a small degree, but we were an isolated little Mission there—they were mainly released slaves—a colony planted down in the middle of a Native territory. Of course we were in touch with much larger work at Zanzibar. There might be perhaps 200 and 300 miles between our different stations, so that the whole country was practically virgin soil as regards either education or religion.

39,530. You are not able to form any estimate of the influence that education and religion had had upon these people?—I was able to estimate to a certain extent how education affected them. Compared with people there the difference is very marked I think. One seemed to be able to educate the Native in those parts without the evil results which seem necessarily to follow to a great extent in South Africa. They were not surrounded by white people, and they were not exposed to the pernicious influences to which they are exposed in South Africa, where they are surrounded by such an enormous amount of temptation, and education seemed to do more for the Native and to lift him far more above his surroundings than it does here in South Africa. The results that we achieved by educating Natives were very much more satisfactory; there was a very much smaller percentage of failures.

39,531. What are the evil results here?—I think the evil results are to a great extent that they copy the vices of the white man and leave his virtues alone; that is, it is their tendency to do so. Here you find the Native is being Europeanised, while there I think that civilisation is proceeding along somewhat truer lines. Here we begin by dressing a Native as a European, which is a tremendous step, although people do not take any notice of it; it really means a tremendous lot in the way of Europeanising him and trying to make him a white man more or less in his habits and customs. There we never allowed them to wear European dress; it was a thing which was steadfastly discountenanced.

39,532. Are the evil results to be traced in the home life of the Basutos, do you think?—I think so. I think they are far less reliable and far less trustworthy. To take one particular instance in the way of our ordinary Mission work, we were able to raise a fairly reliable ministry up there composed of men who have done uncommonly well, and some of those boys who have been in my own school from the age of 14, are now ordained ministers; I think four of those are ordained ministers. I think they are far more ahead with regard to a Native ministry up there than they are down here. Here I have not seen the slightest sign of a Native who would be likely to come forward for such responsibility as the ministry at all events.

39,533. This sudden contact with civilisation has not, I take it, in your opinion been altogether beneficial to the development of this race?—I think you see the Native under a far worse aspect and to the very greatest disadvantage here in South Africa. I think he is quite a different kind of being. I think he is seen to very much greater advantage in the wild parts where is not surrounded by whites.

39,534. Seeing that it is an evil as you express it; do you see any way to combat this evil—any remedy for it?—I could not suggest any one remedy straight off. I do not think there is any one particular remedy. There are a good many things that one might sug-

gest, but it is no use taking up the time of the Commission in generally talking about things. I suppose education would be one matter.

39,535. Do you think, for instance, that the form of education or the system under which Christianity is carried on ought to be taken exception to?—I would rather not say anything about the form of Christianity. I would ask you not to refer to that. With regard to the education, I think that there is no doubt at all that the course of education which we offer to them is on wrong lines, and that a very great mistake has been made. It does not seem to me that the education of the Native has ever been studied from the professional point of view of the expert, from the Native point of view, that is to say, taking into consideration the part the Native is destined to play in South Africa for a considerable number of years to come. We have simply taken the same course of instruction which we have for our European schools, and we have rammed it down on the Native, irrespective of his capacity for assimilating the instruction that he gets; and we have been content to accept the course which was given us by the Government. I think we have been very greatly at fault to accept it, and I think the Government made a very great mistake in advising it without having made a very careful enquiry into the question of whether this education is best suited to the part that the Native is going to play. At the same time the whole question bristles with difficulties. We may see clearly that the education which we are giving to the Native is doing a great deal of harm, but unless we can say that all its results are harmful, it would be a very bold man indeed who would say that you must dispense with it altogether. There is a certain percentage of good results, a very small percentage. Personally, I should like to see the whole system modified, and industrial work and educational work go hand in hand. The industrial work alone means that a very fair standard of school education must be acquired, at least up to the fourth standard; and that, in my opinion, would be the best way of educating the Native. If we are going to draw the line now after having seen our mistake—we see that education is not fit for the Native, he cannot digest it and assimilate it—if we are going to draw the line now and bar them out and say: "No, we are going to put you back a grade or two and give you a different system of education," then there comes the great danger that others will step in and offer them what we refuse to give them. Of course, the Ethiopians are waiting for a chance like that, and to take only a single instance, the day before yesterday a woman came to me with a letter from one of these big Ethiopian people in Cape Town—I do not know what position he holds—at an events it was a letter begging the mother to entrust her son to this particular man and give him the rights of guardianship over him. He would take him to America next month, and would return him here educated, according to American negro notions, when he was of age, restoring him to his mother's care. She wanted to know what she had better do. I know the boy myself, he is a very promising boy, unusually intelligent; and that is the kind of thing which I think will happen with greater and greater frequency as years go on. If they find they are prevented from getting education straight from the Government or from the Missionaries, such education as they deem is right for them, then they will seek it elsewhere, and there is no doubt that merely by having the youth of the Native races in our schools we do get a certain amount of control and ascendancy over

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them. You have the means of influencing them one way or the other, imbuing certain ideas which you want to imbue, and it would be very fatal to let that opportunity slip out of our hands.

39,536. What do you consider is wrong with the present system?—I think they get on from standard to standard too quickly, and without thoroughly mastering each standard as they go. The fourth standard, I think, ought to be made very much more crucial and rather wider, elaborated somewhat, and they ought to be able to know intelligently what they learn; that is to say, to apply it to a certain extent. A boy will very often be able to read English very well indeed, but be unable to explain the words; he will be able to do his arithmetic extraordinarily well, and yet if you ask him the simplest question in practical arithmetic he will not be able to do it. I think there is a great deal too much time wasted in teaching rather advanced arithmetic, in teaching grammar, and history, and recitation of poetry. I think it is simply a painful sight to see a lot of these raw Natives brought out and taken into a school and made to repeat things like, "Mary had a little lamb," and several other poems of a very much higher type than that, or to recite Shakespeare. I think it is entirely beyond their powers of assimilating. They do go forward very rapidly during the time they are in school, and one could hardly believe that they will put their education to such very little use. They are so very amenable. They are delightful boys to have, as I find to a very great extent, and they do their work very well and show the greatest interest. When they leave this school they very often simply go to the bad and their education really seems merely to have unfitted them for the part they have to play. They would have been far more useful as members of the society in which they live had they been allowed to be herd boys. A great big boy, 18 or 19 years of age, will spend three or four years in school, stumbling through the first and second standards, when he would have been far more useful as a transport rider, or learning to plant trees, or doing something on his own lands. At the same time I think, on account of the few successes that we have, it is worth while going on with until something else can be devised. One must do something, and although it is a system which is fraught with many dangers, and in which we have a certain percentage of failures, I think it is better to go on with that than throw it away altogether, and I do not see how you are to modify it to any extent without throwing the education of the Native races into other hands, where they will get control in a very different direction to what they will if left in ours.

39,537. You mean in the Government's hands?—I think Government and white Missionaries generally here; the two are combined, the Government and the Missions; all the Mission schools are aided by Government.

39,538. Do you think Government ought to take the education in hand?—I think that it ought to take it in hand more than it does. I think that a greater grant might be made in aid of Native education, but it is simply throwing money into the fire if you do not have a capable Native inspector, a permanent Native superintendent or educational inspector, who will live in the country and study the Native and education. It is an enormous subject, one of the most important, and up to the present it seems to have been simply played with. We are not in a position to study the thing all the way round, and it requires very careful study before a satisfactory answer can be arrived at. In talking of education I should like to

say that the Natives get their education far too easily, and that no grant ought to be made to a school which does not have some system of small fees, say 2s. a year at the very least. I am perfectly certain that nearly every school can get fees. I have insisted upon this and begged the Government to make this a condition of giving their grants some years ago. I feel quite sure that even in quite out of the way places they are able to afford fees. One other thing I think might be done, and that is that the education authorities at the Cape ought to take greater care about the testimonials of those whom they allow to enter for the University Examinations. The testimonial as to character ought to be very strict and searching. We teach a boy in our schools, he goes through the first, second, and third years teacher, then he passes a school higher and he is a power for an enormous amount of evil unless a very strict hand is kept over him. We feel as soon as he has arrived at that stage that we have been responsible for turning that boy out into the world. He may make a fairly expert forger. I had a case only a little while ago where our most educated lad, the boy who I thought was getting on best, was entered for his Matriculation Exam. at Aliwal last Christmas, and I was requested to send in a testimonial as to character. About a week after I had sent the testimonial I found out that the boy was, from our point of view, a thorough scoundrel, thoroughly unreliable. I immediately wrote to the Registrar of the University to cancel my testimonial, thinking in my simplicity that they would surely write and ask if I had any substantial reason for cancelling it. Not at all. They write to the boy and say, "You must get another testimonial signed by someone else." He apparently got someone to sign a testimonial and sent it in. It was either a bogus signature or a forged one, from someone who signed himself "Guardian of the boy from infancy." As I had been the guardian of the boy since he was ten years old, and had been responsible for his education, I think I am justified in saying that the signature is open to grave suspicion. I applied at the office of the University Registrar myself in Cape Town, and he wisely shut himself in his backroom and only sent out a subordinate to see me, who said he was sorry, but he thought it was probably some little misunderstanding between myself and the boy, that the latter had asked for another testimonial and had got it. I said I would like to know who signed it, but he refused to tell me, saying it was not within his province. I applied to Dr. Muir and got the same answer back, saying that next time they would enquire into it. This was a boy who had been aided by the Government to a great extent. I think if we are going to give them advanced education we ought to put every kind of restriction we can upon them in the way of searching testimonials before they are admitted to the higher examinations, and before they are admitted to take responsible posts. This boy is in Basutoland, and has started a school of his own on the same kind of lines as Cranmer, and he is a grave source of danger. I am quite sure I know the kind of thing he is teaching.

39,539. This you mean as an illustration of the danger of higher education?—Of higher education without very strict control being kept where it is possible. That was a case where it was perfectly possible to prevent this boy from going in for a higher education; but the Cape University, through slackness, and thinking it was unimportant, let the boy slip through their hands, and, of, course, he thought it was a private plot of mine to keep him back.

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39,540. Supposing the Government undertook the entire education, what in your opinion should be the aim in educating the Native?—My own aim would be to make him an intelligent and industrious artisan; that is my own aim. There would be a certain number required for higher posts, but they would be very few, such as interpreters, clerks, schoolmasters, and so on. The general aim should be to make the Native a useful member of society, not necessarily that he should be a hewer of wood and drawer of water and go up to work in the mines for the white man; I think that is altogether a purely false estimate of the Native's position. Try and develop him along his own lines, and let him develop in his own country, and make a decent little homestead for himself. All that depends to a great extent upon the Government of the country, but that is what I should aim at, and I think he may turn into a very intelligent artisan. If we are going to train him in the industrial way, then you find you are handicapped by other parts of South Africa, such as the Bloemfontein Municipality, for instance. We might train a Native here to make bricks in a very admirable way or to be a carpenter. He goes to the Municipality of Bloemfontein and finds that there is a law which prevents a Native from making bricks and selling them to a white man, or I believe from acting as a carpenter. At all events I believe there is a strong feeling in various parts of South Africa, that if we train the Native artisan too well we shall be training him to take the bread out of the white man's mouth. I have heard it said myself by these white artisans themselves on starting this industrial school, "What are you going to do? Train the Native to take the food and the wages out of our mouths?" So that the whole thing is bristling with difficulties, but I think that is a fair aim to have in view.

39,541. Then in educating him up to that standard that you have described there must be an object; would that object be to make him a skilled artisan eventually?—Well, a certain number would make skilled artisans, but generally it would be a great thing to train them to live in their own places. The agricultural training is a very important one. They ought to learn how to plough. It is one of the first things a Native ought to be taught; it is his natural occupation. They do not even know how to plough deep in this country, much less to plough straight; the consequence is they cannot get the same amount of crops off their land that they would if they knew the elements of agriculture. I think the agricultural department would be a very important one.

39,542. They cannot be all agriculturists; we live in the days of expansion, and in many parts of South Africa there is no land at all for them; they are obliged to go out to work?—I am especially thinking of Basutoland; nearly all I say has special reference to it.

39,543. Will you extend your view a little further and think of the expanding population who cannot live upon the land any more?—I think the artisan type is about the highest I should expect for the bulk of the Natives; the educated and trained Natives.

39,544. Would you educate every Native up to the fourth standard?—I would if they could go on, but you could not do so, they would not pass it; lots of them would fail when they got to the second. If a Native when he had been in school for a certain number of years and was of a certain age, showed that he could not go on, I would turn him out.

39,545. Do you think the Government ought to make it compulsory for the Natives to go to school?—No, certainly not.

39,546. You spoke of industrial education going hand in hand with what they call the fourth standard education. Do you mean the Government should establish schools for that purpose everywhere?—I think that if it could be done it would be a very excellent thing, and that such schools would be doing far more good—industry and school education hand in hand—than these little schools that are dotted about the country, where they are simply learning, by reading and writing, to despise the work of their fathers in the lands, and they refuse to help their parents. They say, "No, we know how to read and write, and we are not going to work on the lands." I think it would be a step in the right direction.

39,547. Would it make them more industrious or more inclined to be industrious—the mere fact of their learning to be skilled labourers?—With a proportion of them it would, certainly. Take the results of our school. The men we turned out from there had a very good reputation in various parts of Basutoland. They had a very fair amount of work here, and were getting 5s. a day, and there are others up in the camp who are getting over 5s. a day, I believe. They were very well spoken of indeed, and there is a very great desire for industrial education, certainly down in South Basutoland, because there are always far more applications for this industrial college than they can cope with.

39,548. Do you think South Africa could possibly thrive with a population of trained Natives who could carry on skilled occupations and would require 5s. a day. Is that your aim, to turn out that class of man?—I would not say only turn out that class of man; I should say train them to work on farms in an intelligent way, and you would be doing a great deal of good; I should think there is an enormous demand for farm labour. Even if they knew how to improve their own country here in Basutoland it would be a great thing.

39,549. Then you want an intelligent wage at the same time, which the farmer, I am given to understand, cannot afford to pay?—The artisan would certainly require an intelligent wage, and he would get it if he were a good workman.

39,550. I am speaking of the mass?—Directly they get outside Basutoland, of course, they get a very much higher wage, and it almost seems to be tending to increase. I think they are very gradually learning what a very large wage a skilled artisan can get in South Africa, and that every year more and more Natives will be more inclined to take up industrial work. I had a Native talking to me the other day. He was originally a saddler here in Maseru. He is getting £250 a year now, simply at saddling work at Potchefstroom. He said it was not worth his while to go to Basutoland to train or teach any Natives there the work of saddlery, because we could not make it worth his while; he was getting £2 10s. a week.

39,551. Supposing your aim is to produce this class of Native, and supposing the tendency in their minds is in that direction; what becomes of the entire agricultural interests of South Africa, putting aside the industries, which want a low class of labour?—Attached to every industrial institution, I should say, there ought to be an agricultural department in which agriculture is taught, so that at all events you would be turning out a certain supply of intelligent farm labour from such institutions. I certainly do not think that institutions ought to be simply stone-cutting, and carpentering, and blacksmithing, and that kind of thing.

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39,552. What I mean is, are you not by such a policy educating a class of men who will want a wage which cannot be paid to them?—I think things tend to find their own level. If there are too many artisans in the market, I suppose the wage will tend to fall, and they will not get what they expect. If they do not think it is worth while working they will go back again to the land.

39,553. You began by intimating that in your opinion education on the lines of the standards had produced evil results?—Yes.

39,554. What is your remedy? Do you think the present system of giving them education up to the third or fourth standard should cease entirely?—If it were in our power to do it without creating greater evils than there are at present, I would, most certainly. I would knock the present course on the head, and put in a new course, which has been specially prepared by those who are in the position of experts and have examined into the question. But I am afraid, if you do that, you will find that they will get their education elsewhere.

39,555. Do you know of any boys who have been forced to go to foreign schools?—What do you mean by forced?

39,556. Because the opportunity was not given to them here?—No, I cannot say I do know.

39,557. *Mr. Stanford.*] Are you aware that large numbers of the unskilled labourers, or the ordinary labourers at the mines, are able to read and write, and largely use the postal facilities of the country?—Yes, I am aware of that; a great number of the people from our district go up there who I know can read and write.

39,558. Does not that indicate that the knowledge of reading and writing does not prevent them from occupying themselves as labourers?—I think you will find that many of those had very much higher aspirations when they began to go to school. I know many of them were simply unsatisfactory specimens of our schools, who have been kicked out, or have been dismissed in some way or other, and who have naturally taken to mining work as an outlet for their energies. They could probably earn something more in the way of being either porters or warders, or interpreters or something. I know four or five boys to whom education has done a great deal of harm. They go up to the mines, and get higher wages than the others, on account of their education.

39,559. Have you personally visited large labour centres such as Kimberley, Somerset West and others, and made enquiries there as to the proportion of labourers who can read and write, and as to the character they bear as ordinary workers?—I went to Kimberley ten years ago. I did make some enquiries then, but I cannot remember any details now, and I have not been to any schools. What knowledge I get from those places is from returning Natives.

39,560. You are aware, of course, that in the Cape Colony, and in other States as well, attention has been given to the industrial training of Natives in institutions such as Lovedale and others, Blytheswood, and so on?—Yes.

39,561. You appreciate this tendency of the Natives towards higher education?—I appreciate it in this way, that I should do exactly the same if I were a Native myself; but I think we can see that it is most unwise that human beings who are centuries behind us in the race of progress and civilisation, should have exactly the same course of education meted out for their use as we mete out for our own children. It is very unlikely that they would have the mental ballast to take it all in and make use of it. I think the percentage of failures is far too great now in the present course.

39,562. Do you advocate that the desire of those who are looking forward to higher education for their children should be met in this country as far as possible?—Most certainly, I think that whatever is done in the way of legislating for education, and providing for it for the Natives, there ought always to be an outlet open for the Natives getting the very highest form of education that they can, for just the small percentage of those who show extraordinary promise.

39,563. I am assuming, of course, that he should pay for this education?—Yes, certainly.

39,564. *Mr. Thompson.*] In your work in Central Africa you said you rather approved of the system of the Native not wearing clothes?—I do not say wearing clothes, but not wearing European clothes.

39,565. He would wear an ordinary piece of calico in that case, would he not?—Yes, or he would wear a piece of skin.

39,566. You do not encourage it; you prefer him to be in his piece of calico and skin?—We could borrow another type of clothing which was at hand. In the same way as this Native language here borrows from the Dutch language words which it has not got, so we used to go to Mohammedan usages for our clothing, and used to make our boys in school wear the Mohammedan clothes.

39,567. The value of the clothes would be infinitesimal compared with the European clothes?—Very slight in actual price.

39,568. They would not be very great contributors to the Customs?—No, they would not.

39,569. And that would be carrying on Christianity without developing the commercial aspect of the country, as far as their being contributors to the revenue in the shape of Customs?—As regards European clothing, certainly.

39,570. How would those men contribute at all to the Customs of the country—how would they be of any use to the nation as a whole, as consumers of manufactured goods and things of that sort?—I suppose there are a good many things which a Native can turn to a profitable use if he pays for them,—agricultural implements, for instance. I would not deny him blankets, and I would not deny him windows, and anything that he can make his house better with. I would not encourage the importation of Native truck.

39,571. Or European clothes?—Yes, of course, I know it is perfectly impossible to arrest that here. I am not saying for a moment that it could be stopped here; it has gone too far.

39,572. What I was feeling is that for the Missionary to go out and Christianise and civilise the Native, and not teach him habits where he would be of a certain value to the State, is not a thing that one would approve of?—Is he of greater value to the State by wearing European clothes?

39,573. As a consumer. Do I understand you to say that all Missionaries and all Mission Stations in this country are controlled by the Government?—I did not say anything like that.

39,574. I thought you said they were all under the control of the Government?—I said the Missionary and the Government go hand in hand, because nearly every school in this country gets a Government grant.

39,575. Do the French Missions get a Government grant?—Yes.

39,576. Do you suggest that there should be a contribution towards the educational system of 2s. a year?—I said that as a minimum fee for the day schools. We are only just beginning to be alive to the idea of fees at all. We begin with that as a minimum.

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39,577. How would you propose to raise the money for these industrial institutions?—It could only be done by the Government.

39,578. You would let the Natives pay for it all themselves?—I would fix their fees at a reasonable rate, and try and make them pay for it as much as they could, but it is a very expensive experiment, industrial work for Natives, because they spoil such a lot of material.

39,579. In any case you would make it self-supporting indirectly, inasmuch as they would have to be taxed in this country?—They would have to be taxed in this country for the maintenance and for the building of the industrial school.

39,580. On what lines would you suggest they should be taxed—increased hut tax, increased Customs, poll tax, or what would you suggest? If it is to be developed to a large extent it will run to a good many thousand pounds?—I do not think it is quite within my province, as a Missionary, to give opinions as to taxation, but still I cannot help feeling that the young man of the country gets off exceedingly lightly. He is a young loafer, he does not support his parents, but goes about and gets money as he likes, spends it as he likes, is a nuisance to society, and no one has control over him. I would most certainly impose a tax upon the loafing youth of the country who has not yet attached himself to a wife.

39,581. Then it would be practically a poll tax on the unmarried men?—Yes.

39,582. *Mr. Samuelson.*] Would you propose to sell any of the products of these industrial schools, like tables, or anything else in that way?—I would sell everything one could to make it self-supporting.

39,583. Would you not raise a good deal of opposition on the part of the public that you were entering into competition with the public as an institution supported out of public revenues?—I pointed out before that that would be what would be said of such institutions, but I do not think we ought to try and undersell those who could produce the same kind of things around us under different conditions because we should be Government aided. That is going to be our line here with this particular institution, that the prices are not going to cut down the others.

39,584. The Basutos themselves have contributed very largely towards the erection of this industrial school that is proposed here, have they not?—Very largely indeed; I may say, almost entirely. I do not know the whole details of the thing, but roughly speaking they have contributed very largely.

39,585. It has been a voluntary contribution?—I am not in a position to state the amount of voluntariness that came into it.

39,586. Do you know how much they have given?—Roughly about £3,500.

39,587. Do the Ethiopians give education free, or do they charge fees at such schools as they may have?—I cannot say; they have only so recently arrived in the country that I cannot say.

39,588. I thought I might find out from you whether the imposition of a fee in the schools at a minimum of 2s. would not perhaps drive the Natives away to the Ethiopian schools?—We have got it in a great many of our schools. I have been aiming at that in my own schools. I have three or four schools where we have fees to begin with, and I suppose there may be 20 or 30 schools in the country where there are fees, and it does not have the effect of driving the children away; in fact, they tend to prize their education a little bit more, and to attend with greater regularity.

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39,589. Is it 2s. per school month you would recommend, or 2s. a year?—Two shillings a year is the minimum that I have ever heard of as a fee, but I should hope it would be much higher. Sixpence a quarter is only an improvement on nothing; that is all you can say.

39,590. *Captain Dickson.*] Do you not think there would be an outlet for the Natives on farms if they had a superior agricultural training?—I think so, certainly. Of course, one does not know very much about the demand for farm labour, or the type of farm labour that is required, because we do not have farms in Basutoland.

39,591. Over the border, do you not think that boys with a superior agricultural training will get an increased wage?—I certainly do.

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39,592. *Chairman.*] We have received the reply you sent to us on the various questions. You are quite aware of all the subjects which have been referred to us for consideration, and I should like to ask you some questions on some of them. In the first of your answers you said tribal tenure is the only advisable one. Do you say that as a result of your long experience in the country?—I think there is no doubt that for the present the Basutos are much better under tribal tenure than under any other. I have had twenty-seven years' experience in the country, and I think all my observations go to prove that.

39,593. When you say tribal tenure, do you mean what accompanies that, the whole tribal system?—I am excluding individual rights of land, as that would lead to the breaking up the tribe and the alienation of the land.

39,594. The present communal system of land tenure together with the tribal customs and methods adopted for dealing with the people?—Certainly.

39,595. You think that is the best and the only advisable one for some time?—I think so. Certain modifications might be brought in as to dealing with the people, but not with regard to the holding of land rights.

39,596. You seem to think that individual tenure, such as has been tried in some parts of South Africa, is not desirable here?—I do not think it is.

39,597. Do you think it is a progressive movement?—Do you mean progressive with regard to Basutoland?

39,598. To any Natives, not only the Basutos, to give them an individual interest in a certain holding?—It might be in time, but for the present, and for a long time to come, I do not think that it would be advisable to bring in any other right to land.

39,599. Do you think it is an error to have attempted to have done that already?—With regard to the Cape Colony?

39,600. I do not mention any particular State, but the principle?—It was well to give it a trial in certain parts, but I do not think that that trial would justify any change with regard to Basutoland.

39,601. Have you any information from people who have been associated with it which makes you think that it has been a failure or has done harm?—No, I cannot say that I know, with the exception of simply reading up on the subject.

39,602. Then, believing as you do in this present system here, the communal system, do you think it is well that the power over

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all the disposition of the land should be, and continue to be, vested in Chieftainship?—I think for the present it would be advisable.

39,603. Do they manipulate it well?—There are certain things that are not quite just, which might be corrected, but that makes a minor matter, the general outline should be kept to.

39,604. Now, whenever there is land, a Native applies to the Chief and gets it?—As a rule.

39,605. Subject to his owing proper fealty to that Chief he retains it?—Yes.

39,606. Subject to his quarrelling with that Chief he loses it?—Yes.

39,607. Do you think that is a useful state of things?—I think that is a useful state of things.

39,608. That is feudal pure and simple, and the people like it in this country?—Certainly.

39,609. They have associated with it the administration of law and procedure between Native and Native at the hands of Chieftainship?—Yes, where injustice may be brought in dependent on the absolute decision of the Chief.

39,610. After all these years, do you consider that as a whole the Chiefs have administered their powers fairly?—I think so, with regard to land.

39,611. And with regard to other things?—There are defects, and all are human, but I think, taking it as a whole, and making all allowances for human weakness, they have done very well.

39,612. The powers given to the Chiefs in this country by the existing laws or regulations have, I take it, in your opinion, been fairly administered?—I think it is very satisfactory considering, and during the last thirty years things have worked very well.

39,613. Do you think there is much hardship in the fact that people suffering from injustice are not able to get further redress by appeal?—I think those injustices should be seen to by the existing Government, and pressure brought to bear upon the Chiefs, as a general thing to give consideration to all, and not only to a certain number.

39,614. You have a great many Christians in this country, I believe?—Yes, the Christians are a considerable number.

39,615. They amount to many thousands?—In connection with the Paris Society we amount to about 40,000 adults connected with our Church, of whom over 20,000 are on the Church roll.

39,616. Amongst this large class with whom you are so familiar, has there been any outcry or any demand in any shape for a change in the order of things here?—There has been no general demand for it that I know of.

39,617. Has the voice of reform in any way made itself felt, or the desire for change?—In certain details there are things that our church people would like to see modified.

39,618. What sort of things?—With regard to marriages.

39,619. With regard to the marriage system?—With regard to the marriage system—certain disabilities which we think it would be very advisable to modify.

39,620. Are you referring to Christian or to cattle marriages?—The injustice comes in between the two.

39,621. Would you describe it?—In short, it is just this. Where Christians have given their daughters in marriage to young men at the time professing Christianity, these young men have afterwards contracted heathen marriages, and passed cattle, and the tribe re-

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cognises the second marriage as being quite as lawful as the first. The father, the mother, and the relations who have entrusted their daughter to him, find it a great grievance now that their grandchildren are disinherited, because as a rule the inheritance passes to the children of the cattle marriage instead of to the children of the Christian marriage. You asked me if there was a grievance and if there was any general feeling against it. The feeling is rising so much that we have had a good deal of trouble in getting our Christians to register their marriages of late. Only a week ago one of the Missionaries had quite a spirited discussion with one of our leading Christians, an elder in one of our churches, a very intelligent man who would not pay the half-crown for registration. He said, "It is utterly useless; we get no redress; we get no recovery from the Government. Our marriages are noted and registered in the Government offices, and yet our children are not protected, and our grandchildren lose their inheritance thereby." We are quite aware that it is rather a big question, and theoretically it may be said that these marriages are not marriages, that they are taking concubines; but that is not the idea of the Native. Thirty head of cattle have been passed and the man retains his status in the tribe and retains all the respect of the tribe. Certainly our people expect their daughters to be protected, or at any rate the rights of their children to be protected, and these men who have broken their solemn vows should be subjected to some kind of disability—at any rate, they should not be placed in positions of trust, because they have proved themselves to be untrustworthy in a very great matter, and certainly we think they should be disqualified for public service after having broken their solemn vows. The matter is creating a good deal of feeling now among our Christian Natives.

39,622. You spoke of redress and protection being given to the aggrieved people. What redress could you give them, what protection could you give them, and what remedy would you propose for this?—The best redress is to try and stop these double marriages by bringing in legislation that would make these people suffer for it, and let them feel that these marriages are not marriages. Secondly, as a direct measure, it should be laid down that the children of that second marriage after the Christian marriage will not be allowed to inherit.

39,623. That is by legislation?—By legislation.

39,624. Is there any other reform possible except legislation to deal with such a matter?—There is moral pressure, and I think that the influence of all right-thinking people should be upon the side of discountenancing it, and by showing disapproval of it—any man taking up that position to be disqualified for certain positions. That is the only way of showing disapproval as far as I can see, apart from legislation.

39,625. How far is this extensive amongst the Christians, this taking of cattle wives after Christian marriage?—I cannot give the numbers exactly, but only last year I received a letter from one of our Missionaries asking me if there was no possible means of representing the matter, as within the last year or two some six or seven cases had come under his notice, speaking of his own boys.

39,626. You cannot give a percentage?—I cannot give a percentage.

39,627. How far are the other Missions in this country in agreement with your views upon the subject?—We have not discussed the point whatever.

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39,628. As a matter of fact, are they not a little more flexible in their view of it?—I do not think that there is any church in the country which would maintain a man who has broken his church vows and taken a second wife.

39,629. Do not some of them recognise cattle marriages?—They might recognise cattle marriages certainly, but not taking a second wife after they have solemnised the first marriage according to Christian rites.

39,630. Has any Government at any time in South Africa been approached or made any offer to deal with this question, within your knowledge?—I am not aware of any.

39,631. Then, for the reasons which you have given, you are opposed to cattle marriages?—Yes, we are opposed to cattle marriages as leading to polygamy inevitably.

39,632. Do you consider they are degrading?—Yes.

39,633. And generally destructive of the good influences of education and religion?—They are demoralising.

39,634. Have you any reason to see in them anything that has been or is of benefit to the Natives themselves?—I cannot say that I have. One has to recognise the fact that throughout South Africa every tribe has its own customs, and it would be very wrong to judge of the customs holding good with one tribe as necessarily holding good with another; a conclusion of that kind would be wrong.

39,635. Of course, it is one thing to disapprove; it is another thing to change their old tribal customs. Would you advocate the sudden suppression of these practices?—Certainly not, much as I disapprove of the custom. I think that legislation to abolish either polygamy or the cattle marriage would be an evil at the present time, but we consider that a great deal could be done by indirect means to attain the object, and to discredit such marriages.

39,636. In what way?—Disapprobation being shown by the Government and all Government officials; then it would be an understood thing that all such customs in that way would be discredited.

39,637. Do you mean that Government officials and public bodies should agree not to employ anybody who was not a Christian?—Certainly not.

39,638. Not that?—I think that it is quite necessary that the Government should employ not only heathen, but even heathen polygamists if necessary. You are dealing with a heathen people and must take them as they are.

39,639. Do you mean it should be so in higher offices?—I think so. I think that in the higher offices certain embargos should be brought in.

39,640. Do you think that would have the effect that you would desire of diminishing the custom?—It would be a marked disapproval of the system.

39,641. That is the line upon which you think it should proceed?—Quite so. Then another matter which you will find in the written statement was in the imposing of the hut tax—to make it, instead of easier, more difficult for a polygamist to have a number of wives.

39,642. Do you mean by having to pay a graduated tax upon his wives?—I should adopt a sliding scale: so much for the first wife, and for the second wife something more, and so on; for every extra wife he should pay more than for the first.

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39,643. With this great increase of Christianity in the country since you have been here, I suppose polygamy has proportionately decreased?—I have no figures on which to make that statement, but I rather think it has, excepting in the higher circles among the Basutos.

39,644. I suppose it must of necessity have been so. If you have so many virtuous Christians who refuse to take a second wife, it means that they have abandoned their old habit?—Certainly; those have. About one-sixth of the tribe is excluded from that. I might say that there are about one-sixth who are so under the influence of Christianity that they are excluded from the temptation of doing it. Then, of course, there are a large number again who do not go in for it for various reasons.

39,645. For what reasons?—Economical, and for reasons of taste as well.

39,646. So there is every possibility of its gradually disappearing?—We hope so, if it is discountenanced, but certainly there should be a greater effort to discountenance it, to show disapproval, without legislating to do away with it.

39,647. Would you advocate legislation?—Legislation to do away with the custom altogether I think would be altogether premature.

39,648. Then upon the subject of education, with which you have been so largely connected, you have given the opinion that it has increased the industrial habits and been for the betterment of the Natives generally?—Certainly.

39,649. You have had great opportunities of following that up. Can you illustrate to us in what way this has become manifest to you?—The educated Native has new tastes imparted to him, and to supply the wants produced by these tastes he must work, and he must gain more; the more he gains the more he can spend, and increasing his spending power means industry, and also gives work to others. You have only to ride through the country at the present time and compare the buildings now existing with those that existed twenty years ago, to see the difference that has come about. You find cut stone cottages right away through the country; you find doors and windows; and you find a little bit of furniture here and there. These are all things that did not exist twenty years ago. All these have to be procured by industry. They have borrowed a great many of the European customs, even for their food, and so on; coffee, sugar, and things of that sort are being taken to a large extent; clothing is being bought to a much greater extent than it was formerly, and certainly all that has been very much increased by the education that has been given throughout the country.

39,650. Do you think that the adoption by the Natives of European habits and customs has been wisely done; has it been of benefit to the Natives?—There may be exaggerations in certain instances, but that you will always have in a state of transition. Taking them as a whole, I think it has been all that can be wished.

39,651. Would you like to say that the Natives as a whole take on the habits of Europeans as your advanced Natives have done in this country?—No, I do not think so; we have never urged them to do it. We have allowed education to come among the people as a leaven, and it has produced the effect of raising their moral standard and their wishes. They have more regard for the artistic and the beautiful now than they had formerly, and that has made them more industrious and more intelligent in the way of doing their work.

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39,652. Do you think that the form of education that has been adopted has proved, in your experience, to be the best form?—I think it has been satisfactory. In my statement now, I said that I think that the Cape system seems to me the best for the Native that has been adopted throughout South Africa, and, notwithstanding certain defects, I think it has been the best.

39,653. That is by taking the Mission Societies into their confidence, by giving them grants in aid, and entrusting to them the distribution of those grants?—Yes, in those details I think that they have been wise.

39,654. That is what you call the Cape system adopted towards the Natives?—Yes.

39,655. What defects of the system could you point to?—The system has been carried out by men who have known the Native wants and who have already been in contact with the Natives. These men have had a possibility of supervising the work, where it would have been difficult to have created a new system of supervision and management of these schools. There they are also directly for the benefit of the Native, and education has also been brought in for the benefit of the Native. Those who were in a position to administer the education of the Natives at the time that this Act was brought in have, on the whole, done satisfactory work, and it has led to a more general distribution of knowledge among the people.

39,656. You spoke of certain defects; I want to know what are those defects?—Defects are, of course, necessary where you have got a mixed population. The standards are, perhaps, not altogether suitable to the Natives; but I do not know that I could suggest a cut-and-dried system which I would supersede the other with.

39,657. Do you think that the development and progress of the Native should proceed on the present lines, that is giving them education through Mission Societies?—I think for the present it is the most satisfactory system.

39,658. Have you considered the question of education by Government schools?—The Government has generally distributed the grants through the Missionaries and carried on the work through the Missionaries, but has always exercised the right of inspection, and in that way the Government keeps those schools under its control. To a very great extent those schools are under the direct control of the Government, although they are worked through the Mission Societies.

39,659. Still, in the case of Europeans, Government has what are called Government schools all over the country, and, although education is not compulsory, the schools are entirely controlled and managed by the Government. Do you think it would be wise to apply that to Natives?—We are speaking about Basutoland, and referring to Basutoland I think it would be very unwise.

39,660. But in general, as a principle?—I do not think that the Natives in Native territories are ripe for it.

39,661. Where there are Missionaries at work?—Where there are Missionaries at work.

39,662. Supposing there were no Missionaries at work?—Then it would be advisable for the Government to have its own schools.

39,663. As I said, Mr. Dyke, there are many subjects which you have replied to very fully; I should like to ask you whether there are any subjects in particular upon which you would give us your opinion that I have not asked you about?—I would just like to say a

word in favour of the Council that has been established in Basutoland as one that we as Missionaries consider a very useful addition to the legislature of the country.

39,664. Do you think it is a form of representation?—Certainly; it is a first step, and we as Missionaries consider it a very useful step.

39,665. Do you consider that the Natives are represented?—By that Council?

39,666. In any way in South Africa; do you think they are represented in the Councils of the State?—I do not think that the voice of the people is heard much or has much to say. The Chiefs certainly do represent them, and the people exercise a certain influence, but it is very small. I do not think the voice of the people is heard, and we hope that through this Council it may be. It certainly showed itself to have been so at the last meeting of that Council.

39,667. That the voice of the people is beginning to be heard?—Yes.

39,668. But, as a rule in South Africa, do you consider that the Natives are represented in the Councils of the State?—Not having been outside Basutoland I have certainly not the right to say very much about it, and I would rather confine my observations to Basutoland.

39,669. Is there any kind of special representation which you think they ought to have?—At present I think that the Council system is the most favourable we can expect. I should certainly not like to see elections brought in for representation by election in Basutoland at the present time. They are not educated up to that yet.

39,670. The present Council is nominated?—Yes.

39,671. And you think it has worked well?—I think so. It has certainly shown an independence of feeling which has given certain protection to the people as a people even amongst their Chiefs.

39,672. Is there any other subject particularly?—No, I think that we have gone over most of the points.

39,673. *Mr. Thompson.*] You hold, Mr. Dyke, that for Basutoland the best mode of living is this communal mode?—It is, certainly.

39,674. You are opposed entirely to the Glen Grey system of the cutting up of land?—I am entirely opposed to it. It may eventually be necessary, but for the present I think that it would be an evil for Basutoland. I do not wish to condemn the Glen Grey Act as applied to that particular part of the country. It has been a wise experiment and therefore I would not like to condemn it in any possible way; besides, I am not sufficiently conversant with all the details of working, not being on the spot.

39,675. Realising that the Native Christian who marries by Christian rites has practically no redress for his children, do you not recognise that eventually these Natives must be strengthened in their individual interest in the country?—That is one of the evils that we see in the present state of things, with regard to polygamy and the cattle marriage; that is for the right of succession. It complicates these things very much.

39,676. Yesterday it was given in evidence, and I would just ask you if it is correct, that it is within the power of the Paramount Chief to dissolve a Christian as well as a cattle marriage; is that so, or is it not so?—The Chiefs have interfered with the children of

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Christian marriages in a way that has been very unsatisfactory and in a way which has shaken the faith of the Basutos in the Christian marriage at certain times. It depends upon the caprice of the Chief. Letsie did certain things that Lerothodi condemned afterwards, things that he (Lerothodi) certainly would not have done.

39,677. In the case of Natives marrying under Christian rites with you, would it be possible for the children of such marriages to appeal to the English Courts here for redress on the question of inheritance, or are they debarred from coming and entering civil actions?—I should say that they are debarred. Not that there is any law that I know of, but the practical outcome of experience has shown it to be impossible. In certain cases where we have tried to push this matter through we have found it impossible. I will give you an instance. A Christian marriage was contracted very many years ago, and thirty years afterwards the maternal uncle claimed the children of that family, or rather the daughters, because his sister had been given by the father without cattle; and Letsie gave that man the right to take the daughters and sell them for cattle. These were the children of a Christian marriage in which the father had appeared in the church and given away his daughter.

39,678. Would it not be possible in Basutoland to have a regulation legalising and maintaining the position of the children of these Christian marriages as against the Chiefs?—I certainly think that it would be most advisable, and it is one of the things which we Missionaries have asked for. I should have mentioned before that one of the things that we should like done would be that any man who tries to procure cattle for the issue of a marriage in which cattle had not been passed should be debarred from doing so. Even the Chiefs see the fairness of this, and Lerothodi has on several occasions expressed great disapproval to those who have taken daughters of these Christian marriages and sold them for cattle, because he has used the word "rekisa," which means to sell. On three different occasions I have heard Lerothodi say, not "bogadi," but "reka," to buy, or "rekisa," to sell.

39,679. Do you not, as a Missionary, insert certain words on your certificate certifying that it is not a cattle marriage and that there is to be no cattle payment and all that sort of thing?—Yes, we make that a condition, and it is mentioned during the publication of banns as a rule—though not always. It was a form that was adopted by our Church that it should be announced from the pulpit that this was a marriage without cattle. It is not done in all cases, but it is an understood thing, and when they come to make the declaration before the minister it is declared that this is a marriage without cattle.

39,680. What is your objection to the passing of cattle as a marriage settlement one way or the other; if a marriage is contracted according to Christian rites, what is the great objection to this "lobolo"?—There are many reasons for our objecting. The first reason is the complications that arise. If these cattle were given by the young man or by the father of the young man only to the parents of the girl as a compensation our objection would be brought down to nothing. But we know that that is not the case. The cattle are not given by the father only, but by his brothers, the uncles of the young man, and when they are passed over they are taken up by the maternal uncles rather than by the girl's father. The father will only get two head of cattle—the "sileleka." Say

that there are thirty head of cattle, the maternal uncle, the "malume," would get half, the father and mother of the girl would only get two, possibly, and then the other members of the family would get the rest. The consequence is that the children of that marriage do not belong to the parents, because all the children go to those who have given the cattle; they are "bana bogadi"—children of the cattle—and the marriage of those children is not under the control of the parents, and therefore they can be passed on by those relations who have given the "bogadi" to old polygamists or to any higher bidder—to the highest bidder, in fact. That is our principal objection.

39,681. So, in short, you look on this "bogadi" in the Basutos as flavouring too much of a trade speculation and as having a commercial aspect?—It is becoming more and more so. The idea of its being a dowry puzzled us for a long time, but so far as we can now see there is no dowry in the matter at all. There may have been some reason for saying it was dowry under the old Kafir system, but in that system things certainly have changed.

39,682. Has not "lobolo" the effect of keeping both men and women more chaste or more careful how they deal with one another, lest the wife should go away and the cattle has to be given back by these "malume" and other relations?—I do not think that chastity may be spoken of at all.

39,683. I will say good behaviour?—I do not think so at all, because the cattle lead on to polygamy and polygamy leads on to very loose morals.

39,684. Did I understand you to say that you approve of the system of education as administered in the Cape Colony?—Yes.

39,685. What is your idea of what is going to be the ultimate object of these men who are being so rapidly educated?—In the general work that they have to do they will certainly show more intelligence. They are not educated, I think, at present beyond their present requirements; but few go on to Standard IV, and a certain number go only to Standard III, that is to be able to read and write and to understand a little English. What gave a great impetus to education in Basutoland was the late war; and why? Because young Basutos who had passed Standard III could always command a higher price with the troops, and they can command a higher price in the towns now because they can read and write. They know the difference in letters, and so on, and they can do work that the ordinary labourer cannot do. That has had its effect upon education here, because they found that instead of getting £3 a month they could get £4 a month, and we had a very marked increase in the schools when they came back from the troops.

39,686. They can command £3 and £4 per month if they can read and write; now, what is the political aspect of South Africa as a whole when you view it from that point of view?—I think it is safety.

39,687. With the numbers as we stand?—Certainly, it all tends to safety.

39,688. When these men can earn their £4 a month, being educated up to the 4th standard, would you allow them to take a share in the administration of the country?—It would not be the fact that they had worked themselves up to Standard IV that would give them the right to that; but the fact that they had had education would certainly open their ideas and, I think, make them moral, loyal subjects. That is what I mean by safety.

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39,689. You do not think that that condition, coupled with the Ethiopian movement in this country, would be a danger?—I do not think so. I think that as the general level is raised and the intelligence of the people is opened, that even idiosyncracies like this Ethiopian movement will die away.

39,690. *Mr. Samuelson.*] I think you said that it was possible for a Native Christian who had married a wife by Christian rites to marry a second wife by Native custom without incurring any criminal liability for doing wrong?—Yes, that has been the practice adopted since the gun war. Only one case that I know of (I sit corrected if I am wrong) has gone through the Courts in Basutoland, and that was immediately before the gun war. One man was prosecuted for bigamy and got eighteen months' imprisonment.

39,691. You know, of course, of the existence of this provision in Proclamation No. 1 of 1884 of Basutoland: "Any marriage celebrated by any minister of the Christian religion according to the rites of the same or by any civil marriage officer duly appointed by the High Commissioner to solemnise marriages shall be taken to be in all respects as valid and binding and to have the same effect upon the parties to the same and their issue and property as a marriage contracted under the marriage laws of the Cape Colony"?—Yes, I am quite aware of that.

39,692. Notwithstanding that provision, which is law here, a Native who has married a wife by Christian rites can marry legally another wife by Native custom?—Whether legally or not I do not know; but he does it.

39,693. It is done?—Yes.

39,694. But you do not think it is possible for a second wife to be taken in that way in the Cape Colony and a prosecution for bigamy not to follow?—I do not know. The law of the Cape Colony, as I understand, is more or less divided. What exists, I believe, south of the Kei does not exist north of the Kei; and I am not quite certain whether, north of the Kei, a prosecution for bigamy would be adopted—I have the impression that it would not.

39,695. Are the Basutos aware here that if they are married by Christian rites their property is brought under the ordinary law of the Cape Colony for administration; that is to say, it is taken out of the province of Native law and brought under Roman-Dutch law for administration on the death of the husband?—I did not know that that followed as a natural sequence, and I do not think it has been followed out.

39,696. We heard that that was the case in the Cape Colony where Natives were married by Christian rites?—I do not think that the law of inheritance of the Basutos has been in any way changed. The inheritance has always just gone according to Native custom.

39,697. But bringing such marriages under the law of the Cape Colony has that effect?—I was not aware of that; I was not aware that it brought about as a consequence the inheritance law of the Cape Colony.

39,698. Were you aware that in 1887 the administration here issued a proclamation of a retrospective effect bringing all marriages by Christian rites which had taken place in Basutoland prior to 1870 under the same regulation as this one, No. 1 of 1884?—Yes, and I know the case that brought that law into existence.

39,699. Will you state it please?—It was the case of Chief Tsiwu, who in former years had married a wife by Christian rites in the church, and who afterwards celebrated another marriage, this first

wife still living, in another church according to Christian rites. The case was referred for legal opinion to Cape Town, and it was held that there was no legislation for it; and it was in consequence of that that this proclamation was issued.

39,700. What do you do in the case of a polygamist husband who becomes a Christian; do you marry him by Christian rites?—Not until he has arranged his domestic affairs; that is, not until he has put away his other wives and keeps to one only.

39,701. Which one?—The principal wife. She may not necessarily be the first one that he married, but the one who is considered the principal wife. It may be the wife "sifuba," that is, the love wife, or it may be the one that the father gave to him. There are often questions of that sort arising.

39,702. But how is it possible for a man in that position to put away his other wives, wives legally married to him by the Native customs of the country?—He has the right to do it, and even according to Native customs it was done.

39,703. Simply send them adrift?—He would not send them adrift exactly; he would certainly make provision for them and see that they were cared for. Or, he might even have them living in his village at a certain distance, and acknowledge that those women were no longer his wives, but were under his protection.

39,704. And would his sole action in that case constitute legal divorce, which would enable those women to be married to other husbands if they wished?—Yes.

39,705. It would not be necessary for him to have a legal separation in a court of law?—Hitherto it has not been done. The custom of this separation of wives was adopted in Moshesh's time, and we have documents now in which Moshesh liberated minor wives of his own when they became Christians, giving them a certificate, which was also signed by his Councillors and by witnesses.

39,706. But in other cases you say that it is quite sufficient for the husband alone to do that without any reference either to the Chief or to the Court?—That has been the system that has been adopted, but before witnesses; a public declaration made before a certain Council of some kind.

39,707. Then, does that entirely deprive the issue of such marriages of any rights of inheritance on their father's death?—It does not affect the position at all. The children still belong to the father. He may leave them under the control of their mothers, but he still is their father and their guide.

39,708. And they retain their rights of inheritance?—Certainly; it does not interfere with any of their inheritance rights. Of course, you are aware that the inheritance, according to Sesuto custom, is made to the eldest son of the principal wife.

39,709. That is the first wife?—Yes, the first wife. But during the lifetime of the father, he can apportion to each house a certain part of his belongings, and in that way can practically almost disinherit the first son—by giving away his property during his lifetime.

39,710. Then, when a man has put away his wives in that summary way, the Church considers itself right in marrying him by Christian rights to his favourite wife?—Yes.

39,711. The hut tax in Basutoland in 1884, and a few years afterwards, was still 10s., was it not?—Yes; I think for four years it has been £1—just double.

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39,712. Have the Basutos taken quietly and cheerfully to the doubling of the tax to £1?—I do not think that there are any difficulties at all connected with it.

39,713. You are aware that it is optional for Basutos to register the first marriage according to Native custom and usage in the Court of the Native Commissioner?—Yes, but I am not aware of any having done so.

39,714. Do you think it should be compulsory for every marriage of a polygamist to be similarly recognised?—I think it would be advisable. It would certainly have certain good effects, especially if the cattle were registered at the same time, as suggested in the law.

39,715. That would give a certain amount of decency to the union and protection to the children?—Yes.

39,716. But do you think that it is a good thing for Native men to be able to separate themselves from their wives in this way and send them adrift into the country?—We cannot judge the Native by the European ideas, and those who know the social standing of the women in the tribe, and the Native manners and customs, find much less difficulty with it than would suggest itself to the European mind. The rough and ready way of saying "cutting adrift a wife" seems a terrible thing to the European; but when we know the manners and customs of the people, and the provision that can be made for these wives, it minimises what would appear to be an evil to nothing.

39,717. In the case of any such woman who has been really divorced from himself by her husband, if she were to become a Christian, would you consider yourself quite right in marrying her to some other man if she has not gone through a proper process of divorcement in the Court?—There have been complications in cases of that kind that have made us as Ministers very careful and very chary about exercising our right, or even to favour those marriages. We regret that more protection could not have been given to those women, and that this divorce could not have been made in such a way that such a woman should have been perfectly free. What I mean is this, that there have been cases in which the wife who was divorced from the husband has been claimed at the time, or at any rate, her children have been claimed after she was married by Christian rites to another husband; but the complications arising out of such cases have been brought down to a very small quantity.

39,718. Whilst you approve, then, of the registration of every marriage by Native custom, do you not think it would be better, in the interests of these Natives, that a woman should only be divorced by a Court?—I think that it would be very advisable that the Court should grant such divorce, and that it could follow such cases up. That would be a step in the right direction.

39,719. I think you said, in reply to the Chairman, that you were not aware that any Colony had made any provision for dealing with a second marriage by Native custom by a Native already married by Christian rites?—I do not know what has been done in the Cape Colony.

39,720. In our Colony, that is, in Natal, Law No. 46 of 1887 has made it an offence for a Native married by Christian rites to contract any other marriage; it would be bigamy?—I am very glad to hear it.

39,721. You have heard of a declaration made by the National Council here as to the law of succession and inheritance amongst

the Basutos a little while ago?—Yes; I think I have got a copy of that.

39,722. Do you think that that is a good thing, and that it goes towards discouraging polygamy through its recognition of the first son of the first wife as having the preferable status in succession?—I doubt if it will have any direct effect, it having already been accepted by the Basutos before that. It was simply insisted upon. Their own custom was insisted upon. I do not see that there was any real change brought in; it was rather to prevent eventualities and the bringing in of customs of other tribes in which the nephews rather than sons inherit.

39,723. Is it not a move in the right direction, and one which is calculated to discourage polygamy, that of recognising as the principal heir the son of the first wife?—I do not know that it will affect it very much, as long as it is possible for the father to give away to the other houses, to "tsoela," as they call it, to mark off to those various other houses during his lifetime whatever he likes. But it may disallow the other provision.

39,724. You have been such a long time in the country: Can you say what was the actual significance, or meaning, of this "bogadi," or marriage consideration, amongst the Basutos; was it in the nature of a purchase, or did it bear some other character?—I can hardly say what the origin of it was, or what the original motive was. Of course, the people themselves, especially polygamists, never like to hear the word "reka" connected with this "bogadi."

39,725. "Reka," to sell?—To purchase. You will find that they always say it is not a purchase, and so try to get out of it. But I have spoken to many intelligent Basutos upon the subject, and asked them straight if it is a purchase, and they say it is a purchase in every sense of the word, that it always has been, and that it is becoming more so.

39,726. Is the passing of such a consideration not regarded with approval and as valuable by the woman herself; is she not inclined to look upon herself with contempt, and to be looked upon with contempt by other women, if "bogadi" has not passed in connection with her marriage?—I do not think so, from the fact that so many Christian women exist in the country at the present time who have not had "bogadi" passed with them, and who are respected quite as much as any who have been purchased with cattle. This proves that there is no loss of prestige or of position attained by them. Every four years we have a thousand marriages; surely that must have a certain effect.

39,727. Does not the father or the guardian think more of the girl and look after her more and take more interest in her, in view of the "bogadi," than he would otherwise do when she is a young girl?—I do not think so. I think the "malume," even amongst the Christians, has quite as much to say as the "malume" in the heathen customs. Only a little while ago, I was speaking to a man about his "malume," and he said, "I have to give him every respect that the tribe gives to the 'malume.'" This was quite independent of anything we are speaking about now; it was a gratuitous statement.

39,728. What do you think will be done with a country like this in the case of a federation of the South African Colonies?—Do you mean unification of laws?

39,729. The federation of the Colonies; the unification of the marriage laws, and so on. Could such a unity as that exist?—It certainly would be a mistake, I think, to have one invariable law

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throughout South Africa for all the existing tribes, their manners and customs and their whole education having been so different until now. It would be a mistake, in my opinion, to tamper with these, and it would especially be a mistake to try to legislate according to Native idea and apply that to all the tribes of South Africa. If there is to be any legislation which is to be universal throughout South Africa, it must be European and not Native.

39,730. I was not thinking so much of a federation of Native law and administration as a federation of the Colonies. How could such a country as this be brought into such a partnership for union, for federation?—That is a political question that requires a good deal of thought, but I do not think the possibility is beyond the power of those who have to legislate. It seems to me that some kind of European representation could be sent in by the Basutoland Government. I do not see why such a means should not be adopted.

39,731. You do not think it would be impossible?—I do not think it would be impossible at all. I presume you mean to ask, how could Basutoland be represented in the federation?

39,732. Yes?—That is my idea; a European representative could be sent by the Government. As I have said before, I would deprecate election, as the people are not educated up to it yet.

39,733. *Mr. Thompson.*] Nominated members?—Yes, nominated members, nominated by some kind of Council or some kind of Court, but certainly not by the public voice or by general election.

39,734. *Chairman.*] I want to ask you one more question relating to higher education for Natives. Do you think that sufficient higher education is open to the Natives in South Africa?—I think that more might be done for the higher education of the Basutos. I qualify my words "higher education" by saying "higher education for Natives," but it would correspond with the higher education in England or in the Cape Colony for Europeans. By higher education I mean anything beyond Standard IV. I certainly think more might be done in Basutoland than is being done.

39,735. Do you limit your views to Basutoland?—No, I think I would generalise them.

39,736. What I mean is, supposing there came to be a class of Natives whom you in your schools had educated to a certain standard who desired as a class to go beyond that standard and there was no place for them to go to where their aspirations might be fulfilled; what would be the consequence?—One consequence is that they would go elsewhere; they would go beyond the limits of South Africa even to get that education. I think that that in itself constitutes a danger and an evil.

39,737. And for that reason you advocate that some facilities should be provided for such persons?—I would not put that as the reason, because I think that there are other and better reasons. I would certainly provide facilities, and the principal reason I would give is that my experience has been that there are openings for educated Natives in South Africa much more than is generally thought of at the present time. If I only had better educated young men at Morija, I could supply three or four times as many from that school as I can at the present time. I have constant applications which I cannot meet.

39,738. The question I want to ask you is, whether you think the State ought to provide the means of such people gaining a higher education if they sought it and were prepared to pay for it?—I think the State should certainly do more than it is doing at the present time.

Pretoria, Monday, 3rd October, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.

Mr. William Windham, examined.

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39,739. *Chairman.*] You are Secretary for Native Affairs in the Transvaal?—Yes.

39,740. Before you came here you had had considerable service in Natal, I believe?—Yes, for the most part in Zululand.

39,741. Natal and Zululand?—Both Natal and Zululand.

39,742. There are certain subjects which have been referred to this Commission of which you have seen the list. The first subject on that list is that of land tenure. I believe in this Colony the land system is entirely communal?—That is so.

39,743. Would you state generally what the condition of the land question is in this Colony?—I have only briefly set out, in reply to the memorandum supplied by the Commission, the position with regard to this question; but, generally speaking, the Transvaal is tenanted by Natives to a considerable extent on private farms. Then there are the Natives settled on Government locations, some of which have been definitely laid out by the Government. Others have not been laid out, but they are recognised as established locations. Then there are other Natives scattered over the remainder of the Transvaal and on farms which have been purchased by Natives for themselves with their own money, the lands being held partly by the Native Affairs Department in trust, and partly by missionaries. With regard to those held by missionaries, arrangements are being made for transfer to the Native Affairs Department in trust, so that all lands which may be said to be private lands, held by Natives will ultimately be held by the Commissioner for Native Affairs as trustee for the Natives. The distribution of the population will be shown in the report submitted to the Commission, by the Commissioner for Native Affairs, with reference to the acquisition and tenure of land by Natives in the Transvaal. On page 3 it will be seen that the Natives are distributed in the following manner: on private farms owned by Europeans or companies, one-fifth; on established Government locations, one-fifth; on Crown lands, one-eighth; on land owned by Natives, one-twelfth; and on the remainder of the Transvaal, two-fifths. That shows roughly the distribution of the population, about one-third of which is located in the Northern Transvaal, in the district known as the Zoutpansberg, where there are some 300,000 Natives altogether.

39,744. As regards the Government locations to which you have referred, are they actually set apart, surveyed, and recorded as such?—They are for the most part.

39,745. That was done under the late Transvaal Government?—Yes, by the Native Location Commission, which was appointed under the Pretoria Convention of 1881. The functions of that Commission appearing on page 33 of the report, to which I have referred,

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were specifically set forth in the original Pretoria Convention, and subsequently ratified by the London Convention of 1884. There it was laid down that certain lands in the occupation of the Natives should be defined as locations for specific purposes.

39,746. Was that done in its entirety?—Some of the locations were not so marked off, but the Commission carried out the greater part of its work.

39,747. Were there not a good many tribes and Chiefs to whom locations were promised by the late Government who never got those locations?—That is so; a number remained undealt with by that Commission.

39,748. Does that account, in your opinion, for the great number of Natives who are now squatting on private farms?—It may account for it, but not for the greater portion of them, because I do not think the Natives, as far as we have been able to ascertain, removed from the lands of which they were in occupation as locations, but which had not been laid off in that manner.

39,749. That is to say, a great number of people who formerly lived on the land, which they claim as their own, have never removed from it?—They have not been removed, to my knowledge.

39,750. And are now looked upon as squatters?—As squatters upon Crown lands. There are a lot of open Crown lands in the Transvaal where the Natives are densely settled, but for whom no definite location has been laid out; details of these areas are shown in the report.

39,751. And this was formerly the undisputed property of the Natives themselves?—Entirely.

39,752. And to which they have now no claim?—They have no claim whatever, because the land is regarded as the land of the State, which has never been conferred upon the Natives in any way.

39,753. They are more or less derelict?—Yes.

39,754. And the Natives have to pay rent?—They have to pay a rent of £1 per annum per cultivator. A large proportion of these Natives are settled upon what are defined in the report as Crown lands, extending over one-eighth of the total area occupied by Natives in the Transvaal.

39,755. In order to settle these people on land a considerable amount of it would be required?—A considerable area.

39,756. Is the land you refer to upon which they are living, land which can be occupied by Europeans?—Generally speaking it would not be the case, because it is a fact that most of the best land in the Transvaal which could be occupied by Europeans was allotted to the Boer farmers, and the Natives were allowed to take up their occupation on the land which was not suited for Europeans. In a broad sense I think that that is the position.

39,757. Unsuitable for Europeans?—They were for the most part turned on to lands that were more or less unsuitable for Europeans.

39,758. What would be the effect of removing those people?—Removing them to other parts of the Transvaal?

39,759. If you had other parts. Supposing you ejected them?—I think it would result in a widespread dissatisfaction on the part of the Natives in this country.

39,760. And what would become of them?—They would probably go to other parts of South Africa unless suitable land was set apart elsewhere in the Transvaal, and I do not think that land is available. If you move them from the lands they are living on,

I very much doubt whether you could find other suitable ground for them in the Transvaal; and if you turn them off in large numbers from these areas I do not see where they could possibly go to unless they went over the borders.

39,761. It has been urged from time to time that what are called these locations on private farms, and locations on Crown lands, should be broken up and that the people should be removed from there?—Only a portion of these people could be moved, I take it, to available lands in locations already established, but a large number would not be able to find sufficient accommodation, because, as we have shown here, they represent such a large proportion of the population of the Transvaal. You might be able to accommodate a certain number of them in locations already existing, but you could not accommodate the whole of them in that way.

39,762. Do you think that the ejectment of these people would result in disturbance?—In dissatisfaction.

39,763. In dissatisfaction?—Yes, if it were done in a wholesale way, I do.

39,764. Do you think it would be injudicious to enforce their removal unless there were some place to which they could be directed?—I do.

39,765. All the Natives are under the old tribal system?—Yes, that system generally prevails throughout the Transvaal.

39,766. Have you had any experience of any other land system than the communal and tribal?—None at all.

39,767. Do you hold any views about the question of land tenure?—My views were briefly set out in the replies to the questions specifically put to me by the Commission, but I might now elaborate them. I pointed out in my memorandum that whilst I recognised that the location system had had its advantages in the past, I thought that, as a matter of *future* policy, it would be well to endeavour to establish the system of individual tenure, rather than the system of communal tenure, as obtaining in the Transvaal at the present time. There are certain parts of the Transvaal which might be said to be ripe for a change of this kind, in very small parts only. But, as a matter of general policy, I certainly am decidedly in favour of the system of individual tenure where it can be applied to the more advanced sections of the population.

39,768. Why do you believe that individual tenure is better?—Because I think it will tend to create an individual feeling of responsibility in the Native which he does not have at the present time. He is nothing more than a child under the Chieftainship system. All his own individuality is taken away and absorbed entirely by the Chief; he is treated as a child, and he never will emerge from that existence until we change the system of land tenure. I believe it would have the effect of introducing individual responsibility where it is collective under existing conditions.

39,769. Are Natives in this Colony allowed to purchase and to hold land in their own right?—Subject to the approval of the Commissioner for Native Affairs, who holds the land in trust, Natives are not prohibited from purchasing land.

39,770. They cannot get direct title?—No, they cannot.

39,771. You stated just now that a large amount of land had been purchased by the Natives?—That is so, particularly in the Western Transvaal in the Rustenberg district, as a reference to the map which is attached to the land report will very clearly show; the spaces marked blue on that map give a bird's-eye view of the

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land acquired in that way by the Natives. The areas so marked indicate the lands which have been bought by Natives with their own money, which lands are held in trust either by missionaries or by the Superintendent of Native Affairs and the present Commissioner for Native Affairs. There remain, as I have already stated, only a very few farms held by missionaries; for the most part we now have the title recorded in the Native Affairs Department.

39,772. In no case has title been granted to any individual?—There is only one case in which title has been granted. I cannot recall the particular case for the moment, but we have one isolated case in which a Native has title in his own right.

39,773. Do you see any objection to the granting of title direct to Natives?—I see very strong objections to it. I think it will expose the Natives to temptations to dispose of the lands, which will result in their gradual acquisition by speculative Europeans, who will buy them out at very small amounts, and ultimately it will thus result in the loss of the lands to them. I think complications are bound to arise if we allow the Native free dealing in land.

39,774. I do not mean any land that has been set apart by Government already; I refer to the open purchase of land by Natives at the present time in the market?—Do I see any objection to their purchasing land at the present time?

39,775. Yes?—As I have already stated I hold very strong objections to it. I think there are good reasons why Natives should not be allowed to acquire or purchase land in their own rights; for one reason, I do not think they are sufficiently responsible to deal with such important property as land property.

39,776. Do you think they wish to do it?—There is a decided feeling on their part in the Transvaal at the present time that they should be allowed to acquire land.

39,777. Have they the means to do so?—They have in a very large number of cases; in fact, it is the one question which is now exercising the minds of the Natives here more than any other in the Transvaal : the question of the acquisition of land. They feel they have been crowded out in the past. A very small area has been left for their exclusive occupation, and they are very anxious to secure their position and have made repeated application to the Government for permission to buy land, and in a large number of cases they have satisfied us that they have the money necessary to purchase farms outright.

39,778. According to the recognised law or custom in the country, they are, however, unable to do that?—They are unable to do it.

39,779. *Mr. Stanford.*] Except through the Commissioner for Native Affairs?—Subject to that reservation.

39,780. *Mr. Thompson.*] That is only a custom?—It is a principle that was initiated by the London Convention, in which it was expressly provided that where Natives did acquire land they could only do so through the Commissioner for Native Affairs in trust. That was specifically laid down in the Convention of 1881, and ratified in 1884. It might interest the Commission to refer to the particular article of the Convention which has reference to that question, which reads as follows:—"No grants of land which may have been made, and no transfers or mortgages which may have been passed between the 12th April, 1877, and the 8th August, 1881, will be invalidated by reason merely of their having been made or passed between such dates. All transfers to the British Secretary for Na-

tive Affairs in trust for Natives will remain in force, an officer of the South African Republic taking the place of such Secretary for Native Affairs." The Executive Council of the late South African Republic, on the 4th January, 1886, considered the question of appointing an officer to take transfer of land for Natives as provided by the London Convention, and the following resolution was passed:—"Article 1 on the Order: the appointing of an officer in terms of Article 18 of the London Convention in whose name as trustee all transfers for the Natives shall be placed. Resolved for that person to appoint the Superintendent of Natives."

39,781. *Chairman.*] In advocating individual tenure, do you consider that the Natives are fit for it?—In a very few instances only at present.

39,782. Do you mean that it should be a gradual process?—I do. I certainly think it would be a very grave error to attempt to apply that principle to any large extent in the Transvaal at the present time. I would only advocate it being done in a very few isolated cases for a beginning, and as the system met with success it could be extended amongst those of the Natives of the Transvaal who were far in advance of the remainder. In the Northern Transvaal—for instance Zoutpansberg—the Natives are in a very raw state indeed, and totally unripe for individual holdings. As a matter of future policy, I am in favour of the system of individual tenure.

39,783. In advocating that, what conditions or obligations do you attach to it?—I should regard it of first importance that any holdings of the kind should be held in leasehold, not in freehold, subject to compliance with specific conditions which should be laid down by the Government as to beneficial occupation, and to a small annual rental upon the land. At the present time the Natives contribute nothing on account of the land on Government locations. They are required, where they occupy private farms, to pay a rent of something like £1 a year, and on open Crown lands belonging to the Government, where they are in occupation, they have to pay £1 a year, which practically is a ground rent. In the Government locations there is no such ground rent at all, and if a small annual rental could be paid on leasehold lots, that is the system I should advocate.

39,784. What size lots?—Something like eight to ten acres—a sufficient amount of ground to allow of cultivation and to provide for the general domestic purposes of a family.

39,785. Are these the only conditions you would impose?—There are a variety of conditions which could be set forth in the lease, such as the prohibition of the leaseholder to transfer his lots without the permission of the Government in writing, or to mortgage them or encumber them by servitude, or to deal with them in any possible way. He would hold the allotments simply as a personal holding for the use of himself and his family.

39,786. As regards the question of exempting the holders of such allotments from rent, or a portion of their rent, on account of continuous labour, have you any views?—I am not personally in favour of any exemption from taxation, from personal tax or land tax, where labour is rendered. I do not believe in differential treatment in any shape or form in the matter of taxation.

39,787. Do you see in it no way of encouraging industry and continuous labour by so doing?—I have no doubt that it would have the effect of encouraging industrial work, but at the same

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time I do not think that is the method which ought to be adopted. I consider that where a tax is imposed, that tax should fall equally upon every member of the particular class to which it is applied. I do not consider that the mere matter of labour or service anywhere should exempt any Native from a general tax which is so imposed.

39,788. Is there any way you can suggest by which continuous labour and industrial habits should be encouraged?—The only way that I can suggest is by means of taxation—by making the tax upon the Natives sufficient to induce them to work for a certain period of the year. It is wrong that a people should be in a position to remain idle all their lives, and I think it is an unwise thing to allow Natives to remain in idleness. The general taxation of the Natives should therefore be so regulated as to induce the able-bodied section to turn out for a certain period of the year for work.

39,789. What I wanted to get at was: do you think that there is any way in which the industrious man can be encouraged as against the man who is not industrious—who is lazy?—When a man works he earns a certain amount of wages. The wages are very high in South Africa; that in itself is a sufficient inducement to encourage Natives to come out to labour. The man who comes out and works and then goes home with £30 or £40 in his pocket can gratify all sorts of wants which the man who remains idle at home cannot; and that consideration, I think, would have the desired effect. The wage-earning capacity of the Native here is very high, and it frequently happens that Natives after a service of twelve months can go home with about £40 cash and so be in a position to satisfy hundreds of little wants which the brother who has remained idle at home cannot satisfy. The man who goes out to work has certainly a very great advantage on that account, and offers no small inducement to a Native to turn out.

39,790. You spoke of wants; how is the best way to create those wants?—By bringing the Native as much as possible into contact with civilisation. I have found from my experience that wherever Natives are accustomed to go out to labour, either in domestic service or in the public works, or where they are thrown into contact with Europeans to a large extent, they gradually crave for European food, European clothing, and other civilised requirements. They get accustomed to the use of these things and they gradually require them at their homes. For instance, in the ordinary matter of diet, they are not content, after having worked for any length of time amongst Europeans, to go back to their homes and live on their old food for all time, but look for various luxuries in their kraals which they otherwise would not have thought of getting. What I have said applies, perhaps, with more force in connection with clothing; their wants have increased enormously in that direction.

39,791. Do you think their wants are gradually increasing without any State pressure?—I do, undoubtedly.

39,792. Are all these Natives to whom you are referring living under the old tribal laws?—Nearly all the Native population of the Transvaal is living under tribal law, with the exception of those, of course, who reside on private farms, of whom there are a great many, as I have already shown.

39,793. There is no written Code of Native Law in the Transvaal, I believe?—No.

39,794. Do you hold any views about the question of Codes of Native Law and the question of Natives being under common law?

—I think that it would be a good thing to lay down by written Code the Native law of the Transvaal. It is not possible to bring the Natives under the common law at the present time. For some years to come we shall have to continue to administer the Natives under Native law and gradually work towards common law, especially in the distant regions of the Transvaal where the location and tribal systems prevail. But at the same time I am strongly in favour of gradually merging Native law into the common law of the country as far as it is possible to do it.

39,795. Have you had any experience with any general system of registration of Natives in any Colony?—I have not.

39,796. Do you think it is a good thing to do?—I do.

39,797. Amongst the subjects that have been referred to us can you name any upon which I have not asked you any questions upon which I may question you?—You have not asked me about the franchise.

39,798. What is the law in this country as regards the franchise?—The Natives do not enjoy any franchise privileges in the Transvaal, either political or municipal.

39,799. Do you hold any views upon that point?—I have expressed my views briefly in my written replies, and I have there stated that I think the Natives are totally unfit for the qualification of electors in any sense in the Transvaal. I do not consider that at any time it would be advisable to allow the Native to have a vote for the election of European members of public bodies, nor do I think that they should have any votes in connection with the municipal elections; that is to say, they should have no vote where their own affairs are not particularly concerned. On the other hand, I do not hesitate to say that the Natives ought to have due representation in Parliament, and for that purpose I think that special representatives should be nominated by the Crown to represent the Native interest in Parliament. Ultimately, as the Natives develop and become more educated all round and able to exercise the franchise, it may be possible for them to elect their own European members, quite apart from the ordinary members of the Legislature. I would like to see the Natives elect their own members of Parliament, but that is a thing that I do not think can happen for some years to come, because the Natives are a long way behind, and with very few exceptions they are not able here to understand the vote or the value of a vote.

39,800. It should be treated upon race lines, as I understand your opinion?—Upon racial lines more than anything. Their interests are quite different to those of the European, and their lives are totally distinct. The conditions of Native life vary so considerably from the conditions of European life that for that reason alone it is undesirable that Natives who do not understand the requirements of Europeans should exercise a voting power in all that affects them.

39,801. Do you consider the Natives fairly represented at the present time?—I do not.

39,802. Would you give them nominated members now?—I would.

39,803. Nominated by the Governor?—Yes, nominated by the Governor; one or two members might be nominated for them. But much depends, of course, on the constitution of the Transvaal. As that constitution exists to-day, I do not know that it would be advisable to give the Natives such nominated representation, but the constitution is going to be changed, and with an enlarged con-

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stitution here I certainly am of opinion that the Natives ought to have representation.

39,804. Speaking on broad general grounds and relating to the whole of South Africa, do you consider that it would be more advisable to have nominated members than elected members?—I do, now.

39,805. Throughout South Africa?—Yes.

39,806. Do you refer to nominated Europeans or nominated Natives?—To Europeans only.

39,807. With regard to Native marriages, are they registered?—Only those marriages are registered which are solemnised according to Christian rites; marriages according to Native rites are not registered.

39,808. On general grounds, do you consider that Native marriages should receive some kind of recognition, not in this Colony only, but as a matter of broad principle?—I certainly do; I think that every Native marriage should be duly registered immediately after its solemnisation.

39,809. You are not referring to Christian marriages only?—No, I am referring to all marriages: whether according to Christian rites or according to Native rites.

39,810. Does that opinion include the registration of cattle?—The dowry cattle?

39,811. Yes?—No; I do not favour the recognition of claims for dowry cattle in any Courts of Law, so I should not advise the registration of cattle at all. I would not recognise them in connection with the marriage, but as to the marriage itself I am very strongly in favour of its registration.

39,812. Can you name any other subject upon which I can question you?—The Commission have already had so much valuable evidence upon the general questions affecting the administration of Natives under the tribal system, particularly in Natal where my experience has been gained for the most part, that I do not think it would be any use my taking up the time of the Commission in going over the same ground. You have had the evidence of the best authorities in Natal, and I can only say that, my experience having been gained in Natal, I share the views principally voiced there.

39,813. *Mr. Thompson.*] You would like a note to be made that you give your evidence based on your experience in Natal?—Yes, my experience has been gained almost entirely in Natal. Here my experience has been limited to two or three years, and I have not come into the same immediate contact with the Natives in this country as I did in Natal, particularly in Zululand. In an administrative capacity at headquarters one is not brought into such close relationship with the kraal life or with the tribal life of the people as an official naturally is when out in the Native districts; I should prefer that the Transvaal evidence with regard to these questions should therefore be taken from those Native Commissioners who have been summoned to give evidence before the Commission here, who are in a better position to answer the questions and who will be able to give a very clear outline of the condition of things in the Transvaal, and who will be able to do so far better than I can do.

39,814. *Chairman.*] Does that refer to the whole?—To the rest of the questions. I think my evidence would be of more value simply on pure questions of high policy dealing with Native affairs, because that is the peculiar office and part of the work with which I have

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had to deal in the Transvaal. I have not had anything to do with all the detailed administration of Native affairs as it would be dealt with in the various districts.

39,815. Is there anything in particular you would like to express your opinion about before the Commission?—Nothing more than I have already briefly stated in my memorandum.

39,816. *Mr. Stanford.*] What redress has a Native in the Transvaal, who is married according to Native custom, whose wife leaves him?—I am sorry to say there is very little redress open to him, because the recovery of "lobolo" cattle under the ordinary Native system is not recognised in the Courts of Law here. In fact, no cases for the recovery of "lobolo" are cognisable in the Courts of Law in the Transvaal. That principle was laid down under instructions from the Superintendent of Native Affairs under the late Government, and it has been adopted by this Government. But there is no doubt that the question of the marriage rights of Natives wants to be put on a sound footing, and it would have been taken up before now were it not for the fact that this Commission has been sitting, and that this is one of many questions deferred pending the result of its work.

39,817. But if you leave out of the calculation the "lobolo" question, what redress can you give such a Native, presuming his wife has left him without good cause?—That, I think, should be provided in a regular marriage law which should specially deal with Native marriages. All questions of seduction, abduction, desertion, and matters of that kind in connection with Native marriages should be specifically dealt with.

39,818. Still, you have not told me what form the redress would take?—The form of redress would be recovery by civil action.

39,819. Recovery of what?—Recovery of damages by civil action.

39,820. Recovery of cattle?—Not of cattle, but of value: money.

39,821. The case I am putting to you is that of a girl or woman who leaves her husband and returns to her father without sufficient cause, the father having received cattle for that girl from the husband?—We do not recognise the payment of cattle.

39,822. What form of redress do you recommend should be given to that man?—Under the present system?

39,823. No; you have shown that under the present system he cannot get redress, and you propose to meet the case: How do you propose to do so?—I propose to meet a case like that by providing in the marriage law for the recovery of civil damages; it may be from the parent, and in such a case I say hold the parent responsible as much as you do under the Native law for the recovery of the cattle.

39,824. At present the position is that any parent by collusion with his daughter can rob a man of his cattle by allowing the marriage to subsist for a short time, the girl then returning to her father?—That is an evil, of course, under which we are suffering at the present time, owing to the unfortunate circumstances which prevail in the Transvaal.

39,825. Have the rights of children, too, become similarly affected?—Yes.

39,826. What radical objection do you see to the application of common law to the Natives of this country combined with a certain tolerance of their customs of marriage and inheritance?—I do not see any objection. As I informed the Chairman just now, I would like to see the common law of the Colony applied as far as it possibly

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can be applied to the Natives; but we are now going through a period of transition from one state to another, and you cannot abruptly eradicate old Native customs.

39,827. Can you mention any distinct evil or objection against the application now of the common law of this country to the Natives, combined, as I have said, with toleration of such customs as marriage and inheritance?—You have got the very important question of inheritance.

39,828. I said toleration of the custom of inheritance?—That custom of inheritance is a very important thing indeed, and could not be dealt with under common law.

39,829. Your common law does not cover inheritance at any time?—No.

39,830. So that there is no reason why the common law, after setting by inheritance, should not apply?—No; where they are not in conflict I would certainly converge the two laws as far as possible. I would apply the common law where it could be applied, but where it comes in conflict and clashes with Native custom I do not think it should be applied; and common law and Native law do come into conflict upon such questions as inheritance. The whole tribal system and the whole family system is dependent upon that of inheritance.

39,831. Could not that simply be met by a provision in your law that Magistrates or Assistant Commissioners dealing with Native cases should have the power to apply Native custom where both parties to the suit are Natives?—Yes, I think that could be done, and I should advise it.

39,832. *Mr. Samuelson.*] That is so at the present time, is it not?—Yes, as far as we can possibly do it that is the principle upon which we work in the Transvaal.

39,833. You have issued a proclamation, I think?—Yes, applying the laws of the Transvaal, so far as they are not inconsistent with Native law in the country, to Native administration.

39,834. I mean with regard to the administration of Native estates by the Native Commissioners?—Yes.

39,835. You have distinct provision for that?—Yes.

39,836. *Mr. Stanford.*] At present you have a poll tax applicable to all Natives in the Transvaal?—Yes.

39,837. Amounting to £2?—Yes, £2 a head.

39,838. And you collect that from the lad in continuous service as a domestic servant either on a farm or in the town just the same as you do from the Native who is holding land in the location?—That is so.

39,839. What wages does the boy on the farm in continuous service earn?—I have not got my statement here of the wages paid, but, speaking generally, I should say that it is something over £1 a month.

39,840. Do you not think that the proportion of such taxation is onerous on such boy?—No, not having regard to the high wages he can earn elsewhere.

39,841. At your own estimate he is earning £12 per annum, out of which he has to provide himself with certain necessaries, and from that £12 you take away £2 in direct taxation?—If the boy remained permanently on a farm earning only £1 a month, it may be that the tax would hit him much harder than the Native who goes out into service and who earns his £3 or £4 per month. Taking the wages as a whole, the average rate must be very much nearer £3 a

month than £1. £1 is paid only by the poor farmer who cannot afford to pay his servants more. But then the Native on the farm gets other privileges which the Native who is in service elsewhere does not get.

39,842. What land have you available for issue under leasehold to individuals on the system you suggest?—We have in the first place all the established Government locations, and then we have large areas of Crown lands which are occupied only by Natives and where no Europeans are living at all. All these could be utilised for that purpose; and we also have the lands which are held by the Natives themselves, their own land, which could be subdivided.

39,843. Do you approve of the present provision by which Natives may buy land provided that it is vested for them in the Commissioner for Native Affairs?—I do; I think it is a good provision.

39,844. You would not bar them from the acquisition of land through that channel?—Not so long as we are under the existing conditions, but if a policy of individual allotment were adopted I would not like to see anything done which would compromise us in dividing up the land under such a system of individual allotment. That is to say, I would not like to see the Natives acquire individually blocks of land, which would tie the hands of the Administration here, and which would tie the land up so that we could not apply this principle of individual allotment when the occasion arose. If the Natives were allowed to purchase now, subject to the understanding that title was taken by the Commissioner for Native Affairs in trust, and subject to such conditions as the Government may hereafter adopt with reference to the allotment of individual holdings, I think that that would meet the case for the time being.

39,845. Do you see any objection to the acquisition by a hard-working civilised Native of good character of a piece of land by purchase in the open market for his own use?—I do; I think that it is advisable that any such land should be held in trust for him for the reasons which I have already stated. I do not consider that the Natives are in a position to understand the value of their rights to real property, and in all probability if they were allowed to acquire land in that way we would find immense complications arising between them and European speculators; they would recognise very soon that they could raise money upon their land and they would place it under heavy debt and get into serious difficulties over it.

39,846. Why should you specially protect the Native who is highly educated and civilised who comes out and buys a farm much in the same way as a European buys it in the open market?—Because, although such a man in himself may, as an exception, be able to live an advanced and civilised life, his children would probably relapse, and when they come to inherit his property they would dispose of it in the very way I have mentioned. The Native mind is not sufficiently strong under the circumstances to resist the temptations to which it would be exposed once it were found that he could deal with his lands and raise money by mortgage, etc.

39,847. *Mr. Thompson.*] Is it not, in short, Mr. Windham, as a matter of expediency that you will not let the Native have land and you will not let him have a vote; is it not really a matter of expediency, because he will eventually outnumber the whites?—That is a fact, undoubtedly.

39,848. It is a matter of expediency; you do not think that he should have a vote, and you do not think that he should have land,

because he would outnumber the white race?—I am opposed to it as a matter of expediency and as a matter of State policy.

39,849. It does seem a little inconsistent. To use your own expression, you would create individual responsibility; he pays his rates and taxes, and yet you would not allow him to voice his interest?—I would allow him to voice his interest in the manner which I have clearly stated, that is by means of his nominated or elected representatives.

39,850. You mean that he would have to take anyone that was chosen to be given to him?—Yes, so long as he is in his present savage state.

39,851. I am speaking of the time when he has emerged from that state and bought his £1,000 farm?—Once he has emerged from that state and there is a sufficient number of Natives to exercise the franchise, I would allow them to exercise that privilege in the election of their members of Parliament.

39,852. That would apply also to Natal, where the franchise has not been granted to the Natives in any large numbers?—Yes.

39,853. Do you see any objection to the Natives in the Cape Colony, where they have already got the franchise in large numbers, being allowed to vote for their own white members and sending their own white representatives to Parliament?—Certainly. I am not acquainted with the present state of the advanced Natives in the Cape Colony, but if they were sufficiently advanced and in sufficient numbers to do it, I should see no objection to their being granted the franchise for that purpose.

39,854. Provided it is circumscribed to such an extent that they cannot be a danger to the whites?—Yes; I do not wish to see the white and black interests brought into conflict when it can be avoided.

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39,855. You say the Native does not pay tax enough at present; what do you suggest he should pay?—I did not say that he is not sufficiently taxed.

39,856. I think you said he should be compelled to work by means of his taxation. He pays £2 now, which does not compel him to work; how much do you think would compel him to do so?—I do not think I am prepared to admit that he does not work in the Transvaal. There are, of course, large numbers of Natives who do not work, but, generally speaking, I should say that the Natives in the Transvaal do work.

39,857. And you do not favour the system of a remittance of the tax where a man works for twelve months as against the man who only works for one month, the man who works for a year getting £1 a month?—No; as I have already stated, I do not believe in any differential treatment in the incidence of taxation as a means for the enforcement of labour. You could not get away from the fact that if such a remission was granted you would be positively forcing the Natives out to labour.

39,858. You said that under certain articles of the Convention it has been an adopted custom and practically an unwritten law that a Native can only buy land to be held in trust for him by the Commissioner for Native Affairs or an official appointed for the purpose by the Government?—Yes.

39,859. That has been broken through, has it not? You let the individual missionary, who is not at all bound by the Government, hold land for the Natives?—That was done in a large number of cases before the war. The Boer Government allowed those pur-

chases to go through, and the missionaries now hold the land in trust for Natives. But in some cases it was an arrangement between the Natives and the missionary that they should jointly contribute the purchase price of the land, and as the missionary was a very large contributor to that purchase price he took the title in his own name, and to-day holds an individual interest in it.

39,860. Is there not a case now pending in the Transvaal where a missionary not having contributed a sixpence, but having bought land for and holding it in trust for the Native is now disputing the right of the Native and the Native is suing him in the Supreme Court?—I do not know that the case to which you refer has reached a state in which actual proceedings are being taken, but there is such a case as you refer to where the missionary and the Native are in dispute, and it may possibly lead to legal proceedings.

39,861. Do you not think it would be wise to legislate against any outsider or person, save and except an official, holding land in trust for any Native?—I am very strongly in favour of such legislation.

39,862. For instance, if the Ethiopian Church were to obtain a status in the country, and if this missionary element in the purchasing of land by Natives were not stopped, might they not acquire large tracts of land in their name and be a menace to the State?—That is so. I certainly am in favour of a system under which the Commissioner for Native Affairs only should have a hand in the acquisition of land for the occupation of Natives, or in any transactions therewith.

39,863. *Mr. Samuelson.*] In expressing your views here to-day, Mr. Windham, are you speaking as an official or expressing only your personal opinions?—My private personal opinions.

39,864. You have class legislation in the Transvaal, that is to say class legislation as directed against the Natives, and you approve of it?—For the Native.

39,865. Is there a large amount of land in this Colony which has been purchased by Natives, and is held in trust for them by the Commissioner for Native Affairs?—Yes, that is specifically stated. The amount is something over 500,000 acres.

39,866. Say a judgment were to be obtained in any competent Court in this Colony against a Native owner of land held for him in that way by the Commissioner for Native Affairs, how could satisfaction be obtained as against that land by the creditors?—If, by the order of the Court, the Native was required to surrender his rights or meet his liabilities out of his estate?

39,867. Yes; say judgment for £500 were given against a Native owner of land held for him by the Commissioner for Native Affairs in that way, how could that judgment be satisfied out of the land?—There is only one instance in the Transvaal that I can remember, and in that particular instance there are three individuals holding land purchased with their own money, each individual contributing a third; there is only one such farm in the Pretoria district. There they have an equal proportion in the title to that ground, and were a judgment to take place in that particular case I take it that a third interest only could be dealt with by order of Court. But, generally speaking, purchases are effected by collective contribution in which a very large number of Natives participate.

39,868. That is not my point. How could that land be placed under attachment for a judgment given in favour of somebody against the Native owner of that land which is held by the Commis-

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sioner for Native Affairs for him?—I say that the land is invariably held collectively by a very large number of people, so that judgment could not be given against the whole of the owners where an individual only was concerned in a case before the Court.

39,869. I am stating a case where a claim is made against an individual Native who is owner of land which is held for him in the same manner as you have stated by the Commissioner for Native Affairs; how could the land be placed under attachment in satisfaction of that judgment debt?—If there were only one owner? There is no such a case. In the event of such a case the Commissioner for Native Affairs, as trustee, I take it, would be the party cited, just as an ordinary trustee in an estate.

39,870. Would he have to be sued in conjunction with the Native in the Court?—I take it the action would be against the Commissioner for Native Affairs as trustee in the estate; it would not be as against the Native. But no such case could arise, because, as a matter of fact, there is not one instance in which a single Native owns property.

39,871. Have Chiefs in this Colony any judicial power on private lands?—On private farms or on open Crown lands?

39,872. On lands which are not reserved for Native purposes?—Where they are settled in large numbers they are subject to the Chief's authority.

39,873. But not on private farms?—Yes, wherever the tribal system prevails.

39,874. The tribal system prevails throughout the Colony?—Yes.

39,875. Have the Chiefs both civil and criminal jurisdiction?—Yes.

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39,876. To what extent have they criminal jurisdiction?—It is almost unlimited, except in very serious offences against the person.

39,877. Is it unlawful for a Native man who has been married by Christian rites to some Native woman, to marry another wife according to Native custom?—Yes, it is unlawful.

39,878. It would be treated as a case of bigamy?—Strictly speaking, I suppose it would.

39,879. Does marriage by Christian rites remove the administration of the estate of the Native out of Native law in any way?—No, not by the legislation of the Colony.

39,880. I understood you to say you approved of a written code for the guidance of those who have to administer Native law?—I do.

39,881. Do you think it is possible to have a uniform Native code throughout the Colony, in view of the difference between the tribes and the people in the Colony?—Yes, I think you could have a uniform Code.

39,882. Do you think that Natives should own land at all in their own right so long as they are under the Native laws of succession?—Individual right?

39,883. Yes?—No, I do not.

39,884. Do you think if they by some process came under the ordinary law of the Colony, that they could then hold land in individual right?—I have already expressed my opinion strongly that I do not favour the Natives holding title to land in their own rights.

39,885. Whether under their own law or under the ordinary law?—Yes.

39,886. You seem to approve of the general registration of the Native population?—I do.

39,887. Would you make that refer to all Natives in the Colony, whether on private lands or on Native reserves?—Yes, I would make it throughout the Colony.

39,888. Do you think that the carrying out of such a law would be possible?—I do.

39,889. At the present time a Native going home from this Colony into Natal, say, would have to take an outward pass?—He would have to take out what we call a travelling pass.

39,890. Are you of opinion that the travelling pass given to a Native either in this Colony, to go home to, say, Pondoland, in the Cape Colony, or the travelling pass given to a Native in the Cape Colony to go to the Transvaal to work, should carry him right through?—Yes, I certainly think so.

39,891. You do not think a Native going home from labour or going to labour should take an inward and outward pass in each Colony he goes through?—I think he should report himself on crossing the border to the nearest official, but I do not think he should be required to take another pass; that pass should simply be *viséd* by the official.

39,892. You have a pass system in this Colony by which a Native going from one working area to another has to take out a new pass for that area that he goes into?—That is so.

39,893. At a cost of how much?—One shilling.

39,894. Do you consider that necessary or a hardship that he should have to pay for a change of pass in consequence of a change of area?—The fee of 1s. is only imposed to cover the cost of the administration, but it may be taken to be a hardship in the case of Natives coming down from their homes to labour. In the Transvaal there is this fee of 1s. imposed on such passes to Natives coming down to labour in Johannesburg and elsewhere, and I think that that might be regarded as a hardship in some cases.

39,895. No Native may travel about this Colony without a pass?—No.

39,896. Not even from one farm to another?—No; he has to take out what is known as a permit to remove from his farm or proceed within his own district on a visit or to travel about in it, a pass which endures for three days.

39,897. *Captain Dickson.*] Does he pay for this?—No.

39,898. *Mr. Samuelson.*] What is that considered to be necessary for?—To control the movements of the Natives. The supervision of the pass regulations is entrusted to various Government officials throughout the Transvaal, and unless every Native is required to hold some document to show he is legitimately travelling it would defeat the main purposes of the general pass regulations whereby the law aims at being able to detect deserters and criminals of all sorts who are moving about the country. For instance, if you had the police in the Pietersburg district, and Natives were going by there freely without any passes at all, a criminal could go by without a pass, and say, "I am only moving from my kraal to another kraal," and it would be very difficult for the police to verify the man's statement. But the possession of a pass from an official shows that the man is travelling on legitimate business, and that if he has no such pass he may be a suspicious character.

39,899. Who can issue such passes? Can they be issued by private individuals?—On private farms, the farmer can issue to his tenants, and in the case of locations the Native Chiefs can issue a small printed note giving the name of the Chief. It is simply a pass for three days, signed by a Chief with his stamp.

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39,900. Do these regulations apply to both males and females?—No, only to males.

39,901. And you think they are justified by the necessities of the case?—Yes, at the present time I do.

39,902. May a Native be exempted from the necessity of taking out such a pass?—Yes. There are two systems in the Transvaal. There is an exemption proclamation, exempting highly-educated Natives, of whom there are something like 70 in the Transvaal at the present day, from the payment of taxes. Section 1 of Proclamation 35 of 1901 reads: "Any ordained coloured Minister of a recognised Christian denomination, any coloured person holding a certificate of qualification as an elementary teacher may be granted a letter of exemption . . . " To people of that advanced description letters of exemption from the operation of the law relating to taxes and passes may be issued. To another class who do not attain to that standard, certificates of registration are issued. On the payment of £1, a Native artisan or skilled workman of any sort who does not attain to the high standard required for full letters of exemption, may obtain this intermediate sort of document, which operates for a period of one year, and which exempts him only from the pass regulations, not from the payment of taxes.

39,903. Do those exemptions apply to all manner of passes, whether they are cattle passes or other passes?—It applies to all the pass regulations.

39,904. And have any of the leaders of the Ethiopian Church proved themselves worthy of exemption?—In no case have letters of exemption been granted to an Ethiopian minister.

39,905. Is there anything beyond the fact that really the whole population of the Transvaal is at the present time disenfranchised, to prevent a Native from being placed on the voters' roll?—I am not quite certain, but I believe that there are laws in existence which would not allow that equality to exist between the Native and the European. I am not sure about it, and would not like, therefore, to express an opinion.

39,906. Is your answer, then, that you are not sure so far as electoral franchise is concerned, but in respect of municipal franchise Natives are specially excluded?—That is so. You were asking me on the general question of political franchise, and I cannot answer that with any certainty; but as regards municipal franchise, they were especially excluded by this Government.

39,907. I suppose you would not care to answer the question as to whether the Constitution of this Colony was not abrogated by the annexation?—I do not think I am in a position to answer that.

39,908. You said you were in favour of nominees as representatives in Parliament?—Yes.

39,909. How would you propose such men should ascertain the views of the Native population, in order to give expression to their views as their representatives?—The educated class, of whom there are a very fair number in the Transvaal, could write very freely to those representatives. And, as you know, there is a regular Native paper published in Pietersburg, which represents a certain section—a limited section, but still a certain section—of the more advanced class of Native with which we have to deal. In Pretoria and in Johannesburg they have their organisations, at the head of which there are highly-educated Natives who write, and who frequently correspond with us. This class should be able to ascertain and keep the members, their nominees, in touch as far as possible with what is required. But, quite apart from that, nominees should

be specially selected on account of their knowledge of the Native requirements, and, without receiving any direct expression of opinion from the Chiefs, it would be their duty to keep, as far as they possibly could, in touch with the current Native feeling and opinion, and from their knowledge of the Natives and their customs they would be able to vote with some authority on all measures affecting the Native population. You would get specially-qualified men for it, of course.

39,910. Would you, for instance, be in favour, as a Government officer in your position, of such men convening large meetings of Kafirs in your Native reserves and in other parts to ascertain their views and express political opinions?—I do not think that method should be adopted. It would not be wise. There are other methods of ascertaining Native feeling. Anything in the nature of large Native gatherings is to be deprecated, whether they be convened by nominee members, or by the Chiefs and people.

39,911. You said that in your opinion it was a matter of expediency to keep the Native out of the ownership of land, and also out of the privilege of franchise?—I did.

39,912. Do you think that that process would really be the greatest kindness which could be shown to the Native, and that it would at a very early time save a conflict between them and the white race?—That is the whole object with which I make the recommendation, because I do think that, if some such course is not adopted now, you will find the two races in direct conflict with one another. It is to avert that very thing that, I think, some other means must be devised of giving them those privileges to which they will undoubtedly ultimately become entitled.

39,913. Would you care to answer this question: as to what have been the results in the United States of America of giving the same advantages to the negroes, socially, politically, and economically, as to the white races. May it not be said that the two races, in consequence, are practically at each other's throats?—My knowledge of the circumstances is limited to articles read in magazines and other literature. I could not, therefore, give expression to any opinions on the point.

39,914. Have you a return of your labour population, those at work in the Colony, and those at work out of the Colony?—We have no record of those out of the Colony, but we have one of those within the Colony.

39,915. Is there any means of ascertaining how many Natives are out of the Colony at any one time in service?—It might be ascertained, but, as a matter of fact, I have not got it on record.

39,916. You cannot say, then, out of your present population, as shown by the census, how many Natives are actually at work at any time?—At work, yes, but not where they are, nor how many are outside the Transvaal.

39,917. Is there a fair proportion, so far as you have ascertained, out of the total population at work?—Yes; as is shown in the returns which are published in our Blue Books. I am sorry to say, I have not got before me at present the specific returns which have been compiled on this question. They are in the printers' hands at this very moment; but those returns would fully indicate the extent to which the Natives in the Transvaal were at work up to the 30th June last.

39,918. You think it shows a fair proportion?—I think so.

39,919. Have you any special Courts for dealing with cases be-

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tween Native and Native?—Yes, the Native Commissioners' Courts.

39,920. To whom do appeals go from those Courts?—From the Sub-Commissioners they proceed to the Native Commissioner, and from there to the Commissioner for Native Affairs.

39,921. Not to the Supreme Court of the Colony?—That is a very fine issue. It would be a question of the jurisdiction of the Comsioner for Native Affairs in relation to the jurisdiction of the Spureme Court, which is not very clearly defined. The question has arisen, and it is quite open as to whether appeals in certain cases should not go to the Supreme Court.

39,922. Then the Commissioner for Native Affairs at the present time exercises the jurisdiction of the highest Court in this Colony in cases between Native and Native?—It is conferred upon him subject to the approval of the Government, that is, the Executive Council. That authority is specially conveyed by one of the laws here, but at the same time the Supreme Court has authority to try cases of appeal from all Courts in the Transval. So there is, as I say, the jurisdiction of the Commissioner for Native Affairs in the matter of the final appeal at conflict at the present time with the jurisdiction of the Supreme Court in certain cases.

39,923. Is that jurisdiction conferred on him by any law in the Colony?—Yes, specifically by Law No. 4 of 1885.

39,924. Are lawyers, or members of the legal profession, allowed to appear in cases between Native and Native in the Courts of the Native Commissioners and of the Commissioner for Native Affairs?—With the approval of the Commissioner for Native Affairs or the Commissioner trying the case.

39,925. And is that approval limited to any particular case, or may it be given in any case?—In any case it may be given, but, as a matter of fact, it would not be given in a case where the total amount involved would not even meet the cost of the action, and where it would manifestly not be advisable to allow such appearance.

39,926. Then the appearance of legal practitioners in such cases is excluded except where permission is expressly given?—Yes.

39,927. *Mr. Campbell.*] Is there much difference between the Natal Native laws and customs compared with those of the Transvaal?—No, generally speaking, they are very much alike.

39,928. The Natal Native code could be administered here with slight alterations?—The general principles of that code would be applied, I think, to the condition of things in the Transvaal, except that whereas in Natal you have one Zulu-speaking population, in the Transvaal we have a very great variety of Natives of Sesuto origin, Zulu, Bechuana, Shangaan, and others. There are a great number of these here, but, broadly speaking, I think the principles of that code would be applicable to the Transvaal.

39,929. Do you think it would be a wise thing for the Government to have a code administered here, so that all the laws should be uniform?—I am in favour of a written code.

39,930. *Captain Dickson.*] Do you not think that putting such a code in writing would delay the day you are looking forward to when they should come under the common law of the Colony?—I do not think so, because we are practically working on an unwritten code at the present time, and practice varies in an unwritten code; whereas, if you had it expressly provided in writing, every man who adjudicates in cases would know exactly where he is, and the limits of his powers. Without such a code you have a very varying practice.

39,931. Have you studied the laws of the Cape Colony, especially the law passed in 1899 dealing with labour tenants, squatters?—No, I am sorry to say I have not.

39,932. Have you watched how that law has worked in the Cape Colony?—No.

39,933. Therefore, you can express no opinion from a farmer's standpoint as to whether that law would be better than what you suggest?—No, I am sorry to say I cannot.

39,934. I suppose you agree that the practice of a law of such a nature would be much better than any amount of theory?—Of some written law?

39,935. That four or five years' experience gained by such a law would be very much better than any amount of theory, judging from a farmer's standpoint?—Yes; I think that experience is always better than theory.

39,936. You tell us that the poor Boer farmer pays 20s. a month for Native labour. What does the ordinary farmer of the Colony pay—or do you mean that that is the ordinary farmer?—That is a very difficult question to answer, because the position of the farmers varies so much according to the different conditions of the Transvaal. You have the poorer classes, and the classes who are better off. But I think, as a minimum, £1 a month is practically what is paid. It might vary from that up to £2, and I believe that some farmers do, as a matter of fact, pay £2.

39,937. Do you not think it would be possible to carry out some squatters' law in some portions of this Colony?—Yes, I do think it is possible.

39,938. Then if you did carry out a squatters' law, on what lines would you go?—It is difficult to set forth on what lines a squatters' law should be brought into operation here, but I think some such law as the one that is enacted in the Transvaal might be tried. The principles of that law could be fairly well applied in some parts of the Transvaal, but it is a law which would require a great deal of modification.

39,939. How would you modify it?—In such points as the number of families on a farm, I think the provisions are very indefinite under the present law. It is not an easy thing to define what a family is, and the law ought to be very much more specific in its details than it is at present. It contains very broad principles, which ought to be set out very much more fully than they are, in my opinion.

39,940. In bringing forward such a squatters' law, would you deal with volunteer labour also?—What do you mean by that?

39,941. I mean monthly servants, with their wives and families?—To bring them under the operation of the squatters' law?

39,942. Are they not, to a certain extent, at the present moment under the operation of the Squatters' Law in this Colony?—The law is practically a dead letter at the present time.

39,943. You did try to enforce it at one time?—It was not exactly enforced; we endeavoured to see to what extent it could be applied, but we found it was a difficult thing to work such a law, as it was unworkable in many of its provisions.

39,944. Do you think it would not be workable if volunteer labour were allowed, and if a man were allowed a number of tenants according to his requirements?—It would be difficult to determine what is volunteer labour. It is a sort of thing that might be abused. A man might be admitted as a volunteer labourer on

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to the farm when the man is admitted there purely as a tenant to pay a rent, and Natives in that way would be admitted on to the farms simply for rack-renting.

39,945. Do you think it is not possible to meet that?—With a well-conceived law, I think you could overcome these obstacles, but there are many difficulties in the way of an application of the Squatters' Law.

39,946. Is there any ordinance in this State which allows constables to take sticks away from Natives travelling by train?—There is no law.

39,947. Is there any regulation?—There is no regulation.

39,948. Have you any means of controlling in any way syndicates and contractors who defraud their Natives?—Do you mean in the labour districts?

39,949. In the Colony—for instance, if they go out prospecting?—The protection of Native interests in their relations with employers is a duty which is recognised by the Native Affairs Department, and, wherever it is possible to do so, we take up the case for them, and pursue it as far as we possibly can to obtain redress.

39,950. Have you sufficient power? Do you consider the laws at the present moment give you sufficient power?—We have not sufficient power to allow us to do it, but we do as a duty protect the Natives. We are appointed Protectors of the Natives, and where possible we enter into communication with the parties concerned, and endeavour to obtain redress, and apply pressure.

39,951. Under the Masters and Servants Act, as in force in the Transvaal for the moment, do you think the penalty is sufficient?—I think it is a very good Masters and Servants Act.

39,952. And the penalty is sufficient?—I think so—yes, supported as it is in the large labour districts by the labour regulations under which contracts of service are specifically provided for. Those regulations are to be found on page 8 of the pamphlet for Native Pass Regulations. There is a section on page 8 providing that a passport shall contain a complete record by which the holder can be identified, and his movements traced, and shall in any Court of Law be *prima facie* evidence of the facts thereon recorded. The facts recorded on such a passport would be all the terms of service, and consequently where a Native suffers any wrong from his employer, he has that documentary evidence, and he can produce it in a Court of Law, where it will be accepted as *prima facie* evidence of the facts. Thus if a Native received only £1 10s. when £2 is shown in his contract of service, the Court would hold that the contract was for £2.

39,953. Do you think it is a good thing that Natives are allowed to engage themselves in the Cape Colony, for instance, and go and work in the Transvaal, and then be moved under the same contract to work in another Colony, the Orange River Colony, for instance? Does not that lead to a good deal of fraud?—I think it is very unsatisfactory.

39,954. Therefore, you think the Native ought to be only made to work in the Colony in which he contracts?—Certainly, I do. He should know where he is to be employed and under what employers he is to serve.

39,955. I suppose these cases have come to your knowledge?—Yes, they have. I think they are to be deprecated.

39,956. What is the state of labour on farms in the Transvaal at the present moment?—I believe it to be far from satisfactory.

39,957. *Mr. De la Harpe.*] I understood you to say that the Natives have to pay £1 hut tax and £1 per head on the Crown lands as well?—They have to pay the ordinary general tax of £2 which is imposed upon every Native adult in the Transvaal and on account of every married woman. That tax is generally paid throughout the Transvaal; it applies to all Natives. In addition to that there is a rent payable by Natives residing on Crown lands, a ground rent of £1 per annum per cultivator.

39,958. *Mr. Krogh.*] Per hut?—Per cultivator.

39,959. *Mr. De la Harpe.*] Are the holders of private lands allowed to let land to Natives?—That is contrary, of course, to the provisions of the Squatters' Law, but, as a matter of fact, they are doing it throughout the Transvaal; they are letting lands to Natives.

39,960. The Government does not interfere?—It has not interfered up to the present to any extent.

39,961. That touches the question of keeping so many families on the farm?—The Squatters' Law is more or less in abeyance at the present time.

39,962. Is the want of labour felt all over this country of the Transvaal, or more in one direction than another?—It is felt throughout the Transvaal.

39,963. Equally?—Equally, as far as I know.

39,964. As regards Native Chiefs, do they give satisfaction as far as your experience goes?—As a rule they do, yes.

39,965. Have they much power?—They have unlimited powers with the exception, as I have stated, of grave offences against the person.

39,966. Do you approve of it?—No, I think that the exercise of jurisdiction, both civil and criminal, should be restricted more than it is; I think that a great deal of the jurisdiction exercised at present by Native Chiefs should be vested in responsible officials, the Native Commissioners, or the Assistant Magistrates, as the case may be.

39,967. You mean to say the Chiefs should be regarded more as officials, and should draw salaries?—No, I do not mean to say that. I think that they already enjoy far too high a jurisdiction both in civil and criminal cases. They receive no remuneration from the State at present, nor do I recommend that they should receive remuneration.

39,968. The State looks to them to keep their men under control and give an account of any misbehaviour?—They have in return for that their positions as Chiefs recognized by the Government. Their powers are recognised, and they have a great many privileges attached to Chieftainship; they enjoy that benefit, and it is a great benefit, too.

39,969. The jurisdiction is not confined or limited. They have as much as they like?—Yes; I think it ought to be controlled more than it is.

39,970. *Mr. Krogh.*] I understood you to say that the Natives are treated like children by their Chiefs?—I meant to convey that they were in the position of children towards a parent, that is to say, the members of the tribe were in the position of children towards the Chief of that tribe.

39,971. Do the Chiefs do anything to improve the Natives, or their people?—No, I do not think so.

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39,972. Do the Chiefs exercise forced labour?—They have no authority to do so.

39,973. But do they do it?—Not that I am aware of.

39,974. Do they sell their Natives to labour agents?—I have been given to understand that it is so in the case of a certain Chief in the Waterberg district, but I am not aware that it is actually a fact. I have reason to believe it is, and the question is under notice.

39,975. Do you believe it in the case of the Native Chiefs in the Zoutpansberg district?—It has not been brought to my notice, as it has been done in the case of this particular Chief to whom I refer in the Waterberg district.

39,976. *Mr. Sloley.*] Can you tell us the amount realised by the collection of poll tax?—For the past year?

39,977. Yes, in the Transvaal?—In the financial year it was something like £273,000.

39,978. I presume that the £1 which they pay on Crown lands does not apply to those Natives in established locations?—No; it applies only to those Natives who are resident on Crown lands.

39,979. What other contribution to the revenue do they make? Have you any idea what their indirect contributions are?—I can give that briefly as far as possible. It is difficult to say exactly to what extent they do contribute. I only just give here, in my memorandum, a brief outline about indirect taxation from Natives on account of dutiable goods consumed, viz.:—Ten per cent. on household utensils, 25 per cent. on blankets, 25 per cent. on shawls, and 25 per cent. on sheetings, and other things. To that extent only am I aware that Natives contribute towards indirect taxation.

39,980. You could not form an estimate of the annual amount?—No, I could not possibly do that. I tried to ascertain from the Collector of Customs some time ago whether he could give me any idea. Unfortunately, without going very carefully into elaborate returns, it was impossible for him to render me such a statement as I asked for.

39,981. Have you any record of the revenue from passes?—Yes, that is precisely given and recorded. The total revenue of the Department is something like £500,000 a year, of which £300,000, roughly speaking, may be taken to represent the £2 poll tax, and the balance of £200,000 would be represented by the fees on passes. I would ask you to understand that the latter is not payable by the Natives altogether, because a very large proportion of it is collected on monthly labour passports from European employers.

39,982. That is the two shillings a month on every Native employed in the labour districts?—Yes, it produces a very large revenue, something like £120,000 a year. That is all more or less payable by Europeans.

39,983. Do you not think eventually it reaches the Natives?—To a large extent I have no doubt it does, but in the case of the companies, for instance, who are after all the principal people concerned, the charge is met entirely by the mines. They employ something under 80,000 Native labourers, and the whole of the two shillings monthly pass fees are payable by the mines. The charge does not fall either directly or indirectly on the Native. It has not affected his wages in the slightest.

39,984. It is a tax upon labour?—It is a tax upon labour, but not upon the labourer.

39,985. It cannot be regarded as an encouragement to labour?—It cannot be taken altogether to be a tax. A very expensive

machinery is employed to protect the Natives and to protect the employers in their relationship with their labourers, and, as I have pointed out in the course of my replies, the pass-ports which are issued here operate as contracts of service as well as passes; they serve a dual purpose, and the more important consideration is this contract of service, a recognised contract designed to protect both the employer and the employee.

39,986. Would you express an opinion as to the amount of annual State expenditure which is incurred on account of Natives?—On Native administration it is something like £80,000 a year.

39,987. Then it appears that the Natives contribute, roughly speaking, half a million, and the direct proportion which should be charged to them of the total expenditure, amounts to £80,000?—Yes, but I have tried to make it clear that of this £500,000 something like £120,000 is contributed by white employers, but if £100,000 be taken in round figures to represent the European contribution, the revenue derived purely from Natives would be something like £400,000, while the expenditure amounts to about £80,000 per annum.

39,988. *Mr. Krogh.*] Could you inform the Commission what amounts the Natives contribute towards land rent?—I am not in a position to answer that, because this department is not charged with the collection of those rents. I think it could be ascertained. I may say that the land rent has only recently been charged, and I do not think it has been rigidly collected; in fact, I know it has not.

39,989. *Mr. Sloley.*] As to the Ethiopians in the Transvaal—the Ethiopians, or the African Methodist Episcopal ministers, are not in any way recognised?—No, in no case have they been recognised.

39,990. Do you think that is an attitude which can be permanently maintained towards independent Native churches?—It is very difficult, of course, to ascertain with any accuracy what the movements of these people are, but so long as they remain under any ban of suspicion, it would be a great pity, I think, to recognise them or to give them an opportunity of preaching political propaganda throughout the country. If they confine their work purely to the work for which they are called, their church work, I do not think it would be a right policy to continue to exclude them from any recognition.

39,991. Can you name any European Church, some of the ministers of which have not at one time or another taken part in political discussion and political propaganda?—Do you mean in South Africa, or in the world's history, because it is a very wide question?

39,992. Say in South Africa?—In South Africa I can name a Church that has interfered very seriously with the politics of the country.

39,993. Then would it not be fairer, unless these African Methodist Episcopal ministers are definitely seditious in their utterances, to recognise the fact that it is perfectly natural that now and then they should take part in politics?—No. In dealing with the Native question, I do think an effort should be made always to exclude any people who attempt, at the present time, in the raw condition of the Native, to stir up political questions such as these people are supposed to do; that is, teaching the doctrine of equal rights for both white and black races. It is a dangerous doctrine, and I think, in the interests of the State, it is advisable that it should be suppressed as far as possible. We are not dealing with a civilised people, and I think these mischievous preachings are bound only to lead to

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trouble, and certainly to trouble as far as the Natives are concerned, whose interests we are specially endeavouring to safeguard.

39,994. Then you advocate its suppression?—As regards anything of the nature of political propaganda such as these people are said to be preaching, I certainly would advise its suppression in all possible legitimate ways.

39,995. Do you not think it is necessary to recognise that sooner or later we must have an independent Native Church in Africa?—That certainly is the undoubted tendency of to-day. I think everything points to such a thing. I do not know when it would be advisable for the State to recognise it in any way, but, in the initial stages which we are going through now, its alleged doctrines are very dangerous, and should not be countenanced by the State in any way. It may be that in course of time they will establish their own Church, built up purely on Church doctrines, and to that I see no possible objection so far as the State is concerned.

39,996. You think there is evidence that the doctrines are distinctly politically dangerous?—I am inclined to think so, although we have no direct evidence. I can obtain no direct evidence of their work in the Transvaal, for instance, although I gather from records in various parts of South Africa that there appears to be a general concensus of opinion that their doctrines are dangerous from a political point of view.

39,997. You have no evidence?—No.

39,998. *Mr. Samuelson.*] The law in this Colony is total prohibition with regard to liquor in the case of Natives, is it not?—It is.

39,999. In the case of legislation affecting Natives, is it subject to the Royal Assent, or can the Governor of the Colony give his consent on behalf of the Home Government, or in the place of the Royal Assent?—Any Native legislation in the Transvaal would require the Royal Assent.

40,000. Do you think it should be an absolute rule with regard to all legislation affecting Natives that the Royal Assent should be obtained?—It depends to what extent your question would go. I do not think it is necessary to refer such questions as pass regulations and matters of minor importance of that kind, but in the case of questions of high policy affecting the Natives, I consider it is desirable that legislation should receive the Royal Assent.

40,001. Must it be done in any law now existing in this Colony?—All measures by this Parliament have to go Home to receive the Royal Assent.

40,002. Do many Natives desert from this Colony to their homes in adjoining Colonies?—No, the desertion now has been very considerably reduced. Before the war it was a very serious factor. It affected the labour question very seriously.

40,003. Do you think that a Native should escape prosecution simply because he is able to go into an adjoining Colony?—No, I think that is very undesirable.

40,004. Do you not think that desertions and offences under the Masters and Servants Act should be made extraditable offences?—Departmentally, yes. I do not know how you could bring them under an Extradition Treaty, because they are not extraditable offences, but I think departmentally arrangements might be made throughout South Africa whereby deserters could be surrendered on the borders from one Colony to the other, or one administration to another administration.

40,005. I suppose contracts of service between masters and ser-

vants are only good legally in the Colony in which they are made?—That is so.

40,006. And they cannot be enforced in another Colony unless they have been confirmed in that Colony before some competent authority?—That is the case. That is under the ordinary Masters and Servants Act.

40,007. You said action under the Squatters' Law was in abeyance?—Yes.

40,008. Is that because you found a difficulty in dealing with the Natives if you were to enforce the provisions of the Squatters' Law; you would not know what to do with them or where to place them?—One of the first reasons was that it was unworkable in its provisions to a very large extent, and another was that there were practical difficulties in the way at the present time of applying the law. It requires considerable modification, I consider, before it can be really thoroughly enforced throughout the Transvaal.

40,009. What is the greatest difficulty in the enforcement of it?—The question of the settlement of the Natives is a very great difficulty. If you disturb or displace them now, because they happen to be settled in large numbers on farms, you have to make provision for them elsewhere, and unless you have got that provision you are confronted with a serious difficulty.

40,010. Have you placed any bounds on the amounts of "lobolo" here by legislation or proclamation?—"Lobolo" is not recognised at all.

40,011. Does the Governor of the Colony possess any such authorities as the Governor of Natal does as Supreme Chief?—Yes, he has all the powers and authority which are exercised by Native Paramount Chiefs.

40,012. Has that been given to him by law?—Specifically, by Law No. 4 of 1885.

40,013. Would you read the section which confers that authority?—Section 13 says: "The State President, as Paramount Chief, shall exercise over all Chiefs and Natives in the Republic all power or authority which, in accordance with Native laws and customs, are given to any Paramount Chief. He is hereby empowered, with the advice and consent of the Executive Council, to depose from his Chieftainship any Chief found guilty of an act whereby the peace of the Republic is endangered, to remove him from the place in which he has resided, to place him under such supervision and in such safe custody as may appear expedient, and to appoint some suitable person in his place. Any decision of this nature shall not be subject to revision in any Court of this Republic."

40,014. Is that law in force now?—That is in force now.

40,015. What is the law with regard to the possession of firearms by Natives at the present time?—Shortly after the conclusion of peace the Natives were called upon to surrender their arms, and that surrender was thoroughly carried out. Under the ordinance now in force, the Commissioner for Native Affairs has power to grant licences to such of the Chiefs as to him may appear fit to hold firearms. A number of such licences have been granted and issued to the Natives. I do not know how many there are, but I should say something like four hundred have been granted.

40,016. Is such a privilege restricted to Chiefs?—To Chiefs and Headmen in responsible positions.

40,017. Not to any common Native?—Not to any common Native.

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40,018. Is there any restriction as to the carrying of lethal weapons such as assegais?—No specific regulations.

40,019. *Mr. Thompson.*] How were these Natives compensated when you disarmed them?—We paid them on a certain scale of valuation. It was dealt with absolutely by the Native Affairs Department. The Native Commissioners received instructions to receive these arms from the Natives, and to assess the value of the arms, and they were paid on that assessment within certain limits.

40,020. Satisfactorily?—Very satisfactorily. It worked out at something like rather over £1 a weapon. Most of them were very obsolete.

40,021. *Mr. De la Harpe.*] Have you any difficulty in the collection of the taxes from the Natives?—None at all.

40,022. They have all been paid?—It would not be right to say they have all been paid, but generally speaking, the taxes have been very satisfactorily collected.

40,023. You do not know the amount that is outstanding unpaid?—No, I am not able to say exactly what the arrears amount to. We could not tell, because in the first place there was no complete registration of Natives; this is only our second year of collection, and we have not had a very complete registration. Until the Census was taken, we did not know what our population really amounted to, and we can only judge now by averaging out the population to arrive at any estimate of the proportion of Natives who have not paid the tax. I am now endeavouring to ascertain this information, but I do not think there really are any considerable arrears.

40,024. *Captain Dickson.*] May I take it, from your answers to Mr. Samuelson, that you think it is possible to have a Squatters' Law for the whole of the Transvaal?—No; if there was a Squatters' Law, I certainly think it ought to be applied by proclamation to certain districts at a time where we found it could be satisfactorily applied. I would not apply a Squatters' Law right through the Transvaal as a whole, because the conditions do not admit of such general application at the present time.

40,025. In applying it, you would begin at the farm districts first of all, I presume?—Yes, where there are purely nothing but farmers—in districts like Heidelberg.

40,026. *Chairman.*] On the question of the carrying of weapons by Natives, is there not a municipal regulation by which the carrying of sticks and weapons is regulated?—That is so, yes.

40,027. I understood you to say it was necessary for every Native leaving his place to have an official pass. The question I wish to ask you is whether, under Proclamation No. 18 of 1903, Natives residing on farms or private property anywhere in the Colony can get permits from their employers or masters to go anywhere they like for three days?—I believe I have already stated that either the farmer or a Native Chief can issue these permits for three days.

40,028. And that it was only when he wished to remove from his district that he had to get an official pass?—That is so.

40,029. With regard to your answer to the question about the jurisdiction of the Commissioner for Native Affairs, you said he was an absolute and final Court of Appeal?—Subject to the approval of the Government—yes. I spoke without reference to the law, but I think that is so.

40,030. Will you read the last part of the section of Law No. 4 to make it quite clear?—"For a final decision in appeal both parties

shall have recourse to the Superintendent of Natives, provided that no judgment of such official shall be executed or be executable until it has been passed or confirmed by the Government."

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40,031. This refers, according to the law, to civil cases only?—Yes.

40,032. Is there any law in this country that provides for the registration or compulsory holding of passes by women in townships?—No.

40,033. Has the question arisen at all in this Colony?—It has arisen on more than one occasion.

40,034. Are there any difficulties or problems connected with this question which you could express?—Within the limits of the townships I may say I am in favour of the registration of women and the compulsory carrying of passes by them, but not outside such municipalities. I do not know that there would be any actual difficulty in applying the pass law to them within municipal townships.

40,035. Is that for the better control of loose and irresponsible women?—Yes, it is found in the Transvaal that townships do attract a certain class of undesirable women of loose character, and I think if they were under some better control than they are at present—and that control might well be exercised under the pass law—it would be for the benefit of the Natives and of the town.

40,036. You are only speaking of municipalities?—I am only speaking of municipalities. Outside municipalities I do not advise the registration of women, although that question has been raised.

40,037. *Mr. Samuelson.*] Under municipal laws the Council can compel Natives to keep off the footpath, I believe?—It is a debateable point.

40,038. It has not been settled yet?—It has not been definitely settled that I am aware of.

40,039. Has it been put into operation?—It has been put into operation.

40,040. Where?—In Johannesburg at the present time and here.

40,041. It has not been disputed in any Court of Law?—No, not to my knowledge.

40,042. *Captain Dickson.*] Are there different regulations as regards Natives in all the different towns of this Colony?—They are now trying to bring them down into one uniform system. Pretoria and Johannesburg have got their regulations dealing with these matters. The general Municipal Pass Regulations may be applied to all the towns of the Transvaal and they are gradually being extended to the townships under one uniform system.

40,043. Do you consider a uniform system is better?—Undoubtedly.

AFTERNOON SITTING.

Mr. Edward Huthwaite Hogge, examined.

E. H. Hogge, (Magistrate and Native Commissioner) Transvaal. 3rd October, 1904.

40,044. *Chairman.*] You are a Resident Magistrate in this Colony?—I am.

40,045. You have been for the last two or three years a Native Commissioner in this Colony?—Yes, up to last June I think it was two years.

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40,046. And before that, you occupied a position in which you used to do with Natives in the Cape Colony?—Yes, altogether I was in that position about twenty-two years, or rather more than that—about twenty-four years.

40,047. You have, therefore, had considerable experience of the management of districts in which Natives and white people are living together?—Yes; as Magistrate of Matatiele I had a very large Native population of something between 20,000 and 30,000, and the European farmers were about 2,000. In the Cala district I had almost purely a Native population, with just a few white men scattered here and there, traders and farmers; and previous to that I had been in Kokstad with Mr. Stanford, and had considerable experience there too.

40,048. Is there any wide difference between the Natives in this Colony in which you are now serving and those in the Cape Colony, where you formerly served so long?—Yes; I consider that these Natives are at least twenty to twenty-five years behind those of the Cape Colony, particularly those at such places as Cala and Matatiele, where the Natives were decidedly advanced, especially those in the Cala district, where they held land under individual tenure, though they did not have title deed to it. There they had almost entirely local self-government, and they managed their own affairs almost entirely. Here you have Native tribes that are broken up very much; for instance, the Mapogo tribe, who, after the war of 1886, were given out by the Boer Government to the farmers in the Ermelo, Carolina, Wakkerstroom, and Middelburg districts in families to work for these different people. Of course, my only experience in the Eastern Transvaal with any tribe as a tribe is that of Sikukuni, the Bapedi tribe. There you have men living entirely on the tribal system under their Chief.

40,049. That is under the communal system of land tenure?—Yes, that is under the communal system of land tenure.

40,050. Has that experience offered to you any reflections upon the relative merits of the two, taking into consideration the positions of the people respectively?—In what way do you mean—socially?

40,051. The merits of individual land tenure and local self-government?—As far as I understand, the only location which is recognised or was recognised as a location by the late Government is that of Sikukuni, which was given to him under the London Convention of 1881. That was specially reserved for him. With regard to the other Natives, they have no tenure of land at all; they are living principally in the Eastern Transvaal—I can only speak of the Eastern Transvaal—on farms occupied by Europeans, and very largely upon farms belonging to large land companies, and, of course, some are living upon Government land as well, also under their tribal system. I think there are only three or four Natives, perhaps not so many as that, who have individual farms, of which you, sir, are the holder in trust.

40,052. But you spoke of individual tenure in the Cape Colony, tenure granted by and approved by the law of the Colony?—Well, it is rather a peculiar position, that at Cala. The Natives had gathered from Emigrant Tembuland after the war of 1881, and were put under the charge of the Magistrate there, Mr. Levy, who inaugurated this system of giving each man, I think it went from five up to ten morgen of ground, with an additional ten morgen for every morgen occupied, to be used as a communal pastoral ground for the location. They have asked for individual titles, but have never got them, and they have had to pay an annual quit-rent of 1s. 6d. to

the Government, which has been rather a sore point with them. They have not been able to get their titles; they have a certificate of occupation.

40,053. But that is a local question as to whether they get the title or not?—Yes.

40,054. It is upon the merits of individual tenure itself I am asking. You have administered the system of which that was the basis; do you think it was a success?—Yes, I think it was. In the Matatiele district we had men who were exceedingly well off, Basutos particularly, who had purchased land from private people and used it to their own advantage. Of course, the owners, as far as they were able to, gathered other Natives on that land and tried to make themselves into more important men than perhaps they were entitled to be considered.

40,055. I mean the individual tenure granted by the Government of 10 morgen or whatever it may have been; was that a success from the Government point of view and from the Native point of view?—I have never been in charge of a district where the Glen Grey Act was enforced.

40,056. Do you hold any view, then, upon this question as to whether it is to the advantage of the Natives and of the State that at a given time the Natives should have a holding of their own?—Personally I am very much in favour of it. As you know, in the Transvaal there is a squatters' law, and I think that it is to the great advantage of the country that Natives should not be allowed to gather together in large numbers, but that they should be distributed over all the farms in the country. I think that this certainly is to the advantage of the country itself.

40,057. Distributed as tenants, do you mean, or as labourers?—As tenant labourers really, to live on the farms, to plough and sow; to work a certain number of months for the farmer, and the rest of the time to plough on their own holdings or to be allowed to go out to service.

40,058. Do you mean that that system is good in principle or that it is a means of providing for those people who have no holdings of their own who are now squatting indiscriminately?—It is certainly to the advantage of those people who have no land, because in the Transvaal there is no land to give them, and by that means they are able to provide for their families on these different farms where the farmers will have them.

40,059. Are there farmers in this country who are willing to give holdings to Natives on those terms?—Yes; the great complaint has been since we took over this country from the Boers that we have not compelled the Native families to go out and live on the farms as they did before the war. Before the war the Native Commissioners had the right of taking men or taking families, where there were too many on one farm, and saying, "You must move and go on to So-and-So's farm." Again, when labour was very scarce, they had the right to go on to the locations—or rather to the different Government farms, I will not call them locations—and there gather families not exceeding five and also put them on the farms. It has been a great cause of complaint against us that we have not carried out that policy; and we have always pointed out that while the Transvaal Government may have done such things, we cannot under our law do it.

40,060. Do you advocate that the Native Commissioner should have the power to compel a Native to move from one farm and to go

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to another one?—I would give the power to a Native Commissioner or Magistrate, or whoever was appointed, that where there was an excess number of families on a farm he could have those families removed, not to say they must go to any particular farm, but to say "There are too many of you here; you are in excess of the law, and you must go and look for other holdings."

40,061. That means that you would enforce strictly the provisions of the Squatters' Law?—I would, if the Squatters' Law were amended to meet the ideas of the present Government of the Transvaal, the present English Government. I think it is a matter that would work very satisfactorily indeed.

40,062. How would you amend it?—I have discussed this matter with you before, but unfortunately I did not bring my papers, as I did not think you would ask me questions on this. Under Section 7 of Act No. 21 of 1895, it says:—"Every owner, hirer, or inhabitant, shall give a written permit to reside to the heads of the families which he keeps under the provisions of this law." I would rather see that go further and say that every farmer, or inhabitant, or owner, or hirer, whatever the case may be, who wishes to have Native families on his farm, shall enter into a written contract stating exactly the terms of service for which the head of the family is engaged. At the present time the Transvaal Administration demands from every Native in the Transvaal the sum of £2 a year, and £2 for every wife that he has. Well, a Native going on a farm under this law has no right, according to the farmer's idea, to go out to seek labour elsewhere so as to earn money, first of all to pay for those taxes, secondly to provide his children and wife with clothing and other necessaries of life. His whole time has to be devoted to the exclusive use of the farmer, who pays him absolutely nothing in return for his labour, but simply gives him the right to live on his ground and to plough. Recently, owing to the dearth of cattle, the farmer has, in most instances where he has been able to, ploughed for the Native, but he has given him nothing in kind or money to repay the labour which he has demanded from him. If we had a written contract setting forth exactly the terms of service, I think it would not only be of benefit to the farmer but to the Native also, for the Native would know exactly where he stood.

40,063. That is to say, the Native who becomes an agricultural tenant of that description, and gives in lieu of rent his personal services on the farm, you think is in a bad position, because the law does not enable him to go out to work and earn money?—To earn money to provide for his family; and, of course, the farmer extends the terms of service further still. He not only demands personal service from his tenant, but in many cases also from the children, and from the wife, so that the Native is a very great sufferer. I had many complaints when I was Native Commissioner from Natives who had gone on to farms in this way and who came to me and said, "What am I to do? I cannot even get my wife to cook my food for me. The farmer demands that I shall go and work in his fields all day, and when I come home at night time there is no food. What can I do?" If that can be arranged by a written contract it would protect the Native, and it would also be, I think, in the interests of the landlord.

40,064. Is this agricultural tenant forced to give his whole time to the farmer?—Of course there are farmers *and* farmers amongst Dutch farmers as amongst English farmers. There are many farmers who do not require the full term of service, but who allow

their Natives to go out and work for themselves; that has been brought about by our constantly hammering at these men the advantages it would be to them not to insist on their Natives fulfilling their full year's service with them, but rather to allow them to go out and earn money for themselves. Of course, as you will understand, there are many who will not listen to us at all, but who demand every spare minute of the man's time.

40,065. That being the agreement under which the tenant entered into service?—Yes.

40,066. Your remedy for that would be to have a written agreement?—Yes, my remedy for that would be to have a written agreement.

40,067. Do you mean that the Native should be enabled in that written agreement to make terms which would enable him to go out at intervals to work?—Yes; I think that it should be the duty of the Government officers to see, when that contract was being signed, that the Native was being fairly treated. I would not say that he should be allowed to go out to work necessarily, but that he should give a certain number of consecutive months' labour in return for the privilege of living on the farm. We all recognised that, as far as farmers are concerned, in South Africa, it is impossible for them to pay the high wages that Natives at present can get, but if the farmer requires the services of that man for anything over and above the time specified in the written contract, for that service he should then pay the current wages of the country.

40,068. The gist is, there should be a fixed term of labour?—Yes.

40,069. After that term expires, the Native should be free to labour where he likes?—Yes; but you can put a provision in your contract that he should work for the farmer if the farmer requires him, at a fixed rate of wage, or at the current rate of wage, whichever you decide.

40,070. Now, as regards the Government farms in this Colony, and private farms belonging to landowners where a considerable number of Natives are living in unhealthy areas: What is your view about that?—I would allow it to be a permissive Act; that it should be proclaimed by the Governor in certain districts, and even in parts of districts. For instance, take the Barberton district, of which I had control as Native Commissioner. There you could not enforce that Squatters' Law at all; and if you attempted to do so, a large number of Natives would go over to Portuguese territory. It is not a white man's country, and no white man will live in parts of the Barberton district. The town itself, and Kaapsche Hoop are healthy. Again, take the Lydenburg district. Parts are high up, and healthy; but the larger portion is unhealthy, low veld, and no European will live there if he can help it. That land is practically all owned by large companies in the Transvaal, and they farm the land out to Natives. Of course, you could not enforce the Squatters' Law there. That is why I say it should be a permissive Act, not only for districts, but for parts of districts.

40,071. Do I understand you to mean that the Governor should proclaim certain districts, or parts of districts, where the Squatters' Law should be enforced, and in other districts it should not be so?—That is it. As the law exists now it is inoperative. It has never been enforced, either by the late Government, who were afraid of their own people, or by us. We have not thought it advisable to enforce it so far.

40,072. When you say they were afraid, do you mean they were

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afraid of losing the Natives?—They were afraid of losing the Natives. They were afraid, in districts like Zoutpansberg, Barberton, and Lydenburg, that the Natives would cross into Rhodesia; that those in the Western parts would cross into Cape Colony, others into Portuguese territory, and others into Zululand, just according to where they had come from, and where they thought they would be best treated.

40,073. That was their view; do you endorse that view?—I think we should lose a great many men from the Transvaal if the Squatters' Law was enforced in these districts I have mentioned.

40,074. In other respects, do you believe that the Squatters' Law is one which, with such modifications as you have mentioned, might usefully be enforced?—I do; I think it is a very well-thought-out measure, and it is one which is for the interests of the country. I am not speaking of any other country; I am speaking of the Transvaal only. I think that, as the conditions are in the Transvaal itself, it certainly is a measure which could well be carried out.

40,075. I did not get a clear answer from you just now about the land question. What I want to know is, whether you are of opinion that there are any Natives in this Colony to whom it would be desirable to grant the privileges of individual tenure of land. Are they advanced enough, in your opinion?—No, I do not think they are; and even if they were, I should not recommend, as far as the Transvaal is concerned, that there should be individual tenure of land. I think it is entirely opposed to everything that has gone before. The idea of the late Government was always to break up all those different locations, and I know that any attempt to grant individual title to Natives would meet with very strong opposition on the part of many.

40,076. Not the word "title" for the moment—that is not the question; but granting them an allotment which should be held on any kind of title or lease you might like to determine. Do you believe that with Natives who are advancing, it is a sound progressive system to let them have an individual interest in allotments?—It certainly has been found, so far as the Cape Colony is concerned, to be a great advantage. It has brought the Natives forward, and helped them on in many ways. They have improved their position very largely by being allowed to hold these different allotments under the Glen Grey Act.

40,077. Is it a thing that you think should be aimed at as the Natives progressed?—Do you mean in South Africa generally?

40,078. Yes?—I think, perhaps, in years to come, but not at the present time.

40,079. Have you any reasons to urge for any changes in the general tribal system by which Natives are governed in their own way?—No; I think that where you have the tribal system, their own laws, those laws by which they are governed internally by their own Chiefs, are by far the best for them; and I do not think that we can in any way improve on them.

40,080. For instance, can you conceive a time when it might be desirable to bring the whole of them under the common law of the country?—It might in years to come, but not at present; I think it most inadvisable at present; in fact, it is playing havoc with the Native families right through the Transvaal that they are not allowed to bring their cases before the authorities. The unfortunate man who marries pays a certain amount of dowry, and his wife lives with him for four or five years, then suddenly takes a fancy to some-

one else, and away she goes; and that man has absolutely no redress, because we will not listen to his case, and his Chief, if he has one, has no means of carrying out his judgment. The family conditions in the Transvaal are most deplorable; in fact, in my opinion, in a few years' time the Native woman in the Transvaal will simply be a prostitute, and nothing else.

40,081. What is the solution of that; do you mean that all Native marriages should be recognised and registered, and that recovery of cattle by order of Court should be permissible?—Yes. I think that the Transvaal Law No. 4 of 1885, as we have it, is everything that we could desire as far as the Native is concerned. The preamble reads:—"Whereas the ignorance and the habits and customs of the Native population of this Republic render them unfit for the duties and responsibility of civilised life, and further, whereas it is necessary and desirable to provide for their better treatment and management by placing them under special supervision, and for the proper administration of justice among them until they shall be able to understand and appreciate such duties and responsibility as they may reasonably be deemed capable of undertaking in obedience to the general law of the Republic, be it therefore enacted by the Volksraad of the South African Republic," and so on. Section 2 of the same law says:—"The laws, habits, and customs hitherto observed among the Natives shall continue to remain in force in this Republic as long as they have not appeared to be inconsistent with the general principles of civilisation recognised in the civilised world." And then it goes on to say, in Section 5:—"All matters and disputes of a civil nature between Natives shall be dealt with according to the provisions of this law and not otherwise, and in accordance with Native laws at present in use and for the time being in force." That is the law of the Transvaal, but under the late Government special instructions were issued to the Native Commissioners that they were not on any account to hear "lobolo" cases, and that has been continued with us; so the consequence is that the Native at the present time has no redress as far as his family affairs are concerned, and I think it is most desirable that he should have some redress.

40,082. In saying that, do you mean that "lobolo" is a thing that you agree with?—Yes, I do; I think it is the Native family's greatest safeguard. Of course, my greatest experience has been in the Transkeian Territories where we practically administered the law that I have read to you, and we found that it worked most satisfactorily.

40,083. As a Magistrate in the Transkei, were you empowered to determine cattle disputes regarding marriages between Native and Native?—Yes.

40,084. Had you a code to guide you?—We had a proclamation which gave us certain authority to hear all Native cases according to the custom of the defendant.

40,085. Do you mean that when a case was presented to you about the restoration of cattle on account of a woman running away you had power to actually order the return of the cattle?—Yes, and the Messenger of the Court used to carry it out.

40,086. The Messenger of the Court used to carry it out?—He used to carry out the judgment, yes.

40,087. Was that a common practice in the Transkei?—Yes, right through, from the Kei to the Umzimkulu.

40,088. And that is what you would like to see here?—Yes.

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40,089. That at once validates the passage of cattle or other consideration in connection with marriage?—Yes; and it is quite certain that you can never do away with it by surgical operation. It is only a question of allowing it to die out by itself in course of years. At present we have absolutely nothing to put in place of it. Certainly, a religious ceremony or a civil ceremony before the Magistrate will not take the place of the Native custom—at any rate, not in our time.

40,090. Not even a properly registered marriage before the Magistrate?—No, because that does not safeguard the interests of the children. The "lobolo" system is so far reaching as far as the internal arrangements of the family are concerned that I do not see what we are going to put in the place of it—not with the ordinary Native.

40,091. Do you look upon it as one of the functions of the Government to encourage the Natives to advance?—Yes, certainly.

40,092. How would you do that?—It is rather a big question to answer. I do not think it is to the advantage of the Native to do away with his existing marriage customs at the present time, and I am not certain that the missionaries are doing everything that could be done for the advancement of the Native either. I do not see how I could exactly answer your question; it is rather a big one.

40,093. Do you think the Native is fairly represented as a rule in South Africa?—In the Cape Colony, of course, the Native has the franchise. I do not know the exact number, but a very large number of them are registered voters. Personally, I do not think it right that a black man should vote at the same booth as the white man, but I think that some form of representation should be given him, perhaps, for instance, on the lines of New Zealand.

40,094. Is the Native represented to-day?—In the Cape Colony?

40,095. In any part?—Of course, some say he is not, and some say he is. In one or two districts he certainly has very large voting power.

40,096. Do you think he is represented fairly when he gets the franchise?—I think he exercises it in quite an intelligent way. Of course, he is rather apt to be led by his leaders—that is, the ordinary man; still, I think he is fairly well represented.

40,097. Take the country where the Natives have not got the constitutional qualifications required of the white man, do you think the Native is fairly represented in that country?—Do you mean in the Transvaal, Rhodesia, and Natal?

40,098. Take types of Colonies like those?—Of course, in Natal, the Orange River Colony, Transvaal and Rhodesia, he has absolutely no representation at all.

40,099. Do you think he is represented in the Councils of the States, and do you think his feelings and grievances and other things find ventilation as they should?—He certainly makes himself heard in the Cape Colony; there he is certainly not backward in voicing his ideas at public meetings.

40,100. Let me put it in another way: Do you think that the mass of raw Natives are represented fairly through the medium of their Native Commissioners, Magistrates and higher officials?—Yes, certainly, where men are in sympathy with the Natives, as the Native Commissioners are that you have in the Transvaal. They certainly are very well represented indeed, and the present Magistrates who have charge of them are all more or less men of experience. There are very few men now as Magistrates who have not had expe-

rience of the country, and who are not more or less in sympathy with them, and bring forward their ideas and grievances as best they can. I say that I am totally opposed to the Native having a vote in the Transvaal. I do not think that that would be at all advisable—at any rate, not as it is known in the Cape Colony at the present time.

40,101. Do you mean that your answer should be viewed from race lines; that because men are coloured they should not be allowed to vote?—Yes, it practically comes to that.

40,102. And your reasons?—The people of the country have decided, in years gone by, that no Native shall be put on the same footing as the white man, and I think it is a very good rule too. I think it is most undesirable that the Natives should be granted electoral privileges the same as the white men are granted.

40,103. It may be undesirable, but have you any reason in your mind that you can give for that?—No, I cannot say that I have any particular reasons to bring forward. I only say that it is against the lines that the Boers themselves set up for the Transvaal, and I think it would be very much opposed by them, and they would feel it very bitterly if the Natives were in any way granted the vote. In the preambles to all the laws which in any way have dealt with Native subjects we find they made a very strong point of the difference between the white man and the Native. Take the preamble of the Marriage Law, which says: "Inasmuch as the People allow the dissemination of the Gospel among coloured people and provision was made by Law No. 3 of 1871 that the marriages of coloured people should be regulated by law, and inasmuch as the People will not tolerate any equalisation (as between whites and blacks) either in Church or State . . . ."; and so it goes on. That was the policy laid down entirely by them, and I think it would be very unwise if we were at once to go against that now.

40,104. Presuming, however, a time to come when a considerable number of Natives reached a higher standard of education and civilisation, acquired property, and showed themselves to be men capable of accepting responsibility, can you conceive it being desirable to give them any special form of representation?—I understand that in New Zealand they have a special form of representation as far as the coloured people are concerned—or whatever they call them. They have one, two, or three representatives in the Parliament for themselves, for whom they vote, whether he is a white man or whether he is a black man. If we have once given them that privilege of voting, I do not think that we should stop to consider whether the representatives they send to Parliament should be white or black. I think it would be natural that they would send a white man, but still I would not stop at that.

40,105. You mean that no matter what standard they might attain to, they should never get equal voting rights with the Europeans?—That is it.

40,106. Do you consider that the Natives in this country are fairly taxed?—I do not think you can tax them any more, though I quite agree, in the altered conditions that have come about, with the taxing of the Native pretty heavily. Where he used to get his 10s., or 7s. 6d., or even only 5s. a month ten years ago, now you cannot get a boy of ten years of age to work much under 45s. a month and his food, while grown-up men receive their £2 10s., £3, and £4 and food. In consequence of that altered state of things the Native can afford to pay a higher tax than he could some ten years ago.

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40,107. Are you referring to farm labourers when you quote that rate of wages?—No, I am referring to the Natives working in the towns, on the mines, and so on.

40,108. Do you know what wages the farm labourer gets?—The few men who can afford to hire labour on the farms are paying £2 10s. or £3 a month and food, but that is only where they are obliged to have them. That is, of course, apart from the families which are living on the farms. That is what they are paying, and no farmer can afford to pay that.

40,109. Are farming operations affected by this high rate of wages?—Very much; this year especially the farmers are complaining most bitterly that there is no labour of any kind to be got hold of.

40,110. Do you ascribe that entirely to the wages?—Yes, to the high wages; the farmer cannot afford to pay so much.

40,111. Do you consider that common labourers working on farms should enjoy any exemption from the ordinary tax of the country?—I think it is very advisable that they should, as an encouragement to get them on to the land. At the present time a Native living on a farm is under a great disadvantage, for the reasons I have already given you, that he is not able to get about and seek other sources of labour to supply him with money. I think he should certainly be either exempted from the tax altogether or only have to pay a reduced sum.

40,112. For what?—For Native tax.

40,113. For what reason?—That the farmer demands so much of his time, that he is not able to get away from that farm to earn money to pay his tax with, and to buy clothing and food, and so on.

40,114. I mean, on what lines should the exemption proceed?—Any Native in the *bona fide* employ of a farmer should be exempted.

40,115. Do you mean that he should work for a full year in order to gain exemption?—No; I think a period of three or four months would be quite sufficient.

40,116. To exempt him from the whole tax?—To exempt him from the whole tax. It is of vital interest to the country that the farmer should be put on his feet again, and you have no idea of the destitution that really exists amongst farmers at the present time, simply for this want of labour. The farmer has got the land, and may have a few mules, but he is not able to work them.

40,117. This would then become a form of protection for the farming industry?—Yes.

40,118. Have you had any experience of what is called the Ethiopian movement?—I have seen it several times, but I have not had an opportunity of seeing so much of it that I could pass an opinion upon it.

40,119. What views do you hold about it?—It is so difficult to get hold of any concrete case. For instance, the English Wesleyan clergyman came to me the other day, and said: "Oh! Mr. So-and-So preached a sermon last Sunday, in which he stated that the black man should drive the white man into the sea, and that the Natives should not go and work as servants for the white men; let the white men rather go and work as servants for them." I said, "Will you please let me have the man who told you this?" He said, certainly he would; but when he went to see this man, one of his own Evangelists, who had been present at the service in question, he said, "I never told you anything; I know nothing about it." It is very difficult indeed to get hold of a case. I even went so far as

to get a man from the district from which I came—a Sesuto-speaking man—and got him to join their Church. He joined, but after he had done so, I could get nothing more out of him than I could get out of anyone else. He would not tell me.

40,120. Have you any reason to express the opinion that the propaganda or the mission of these people is harmful to the State?—I do not think that there is any doubt about it, from all that one hears round about the country of the stand they are taking with regard to the Natives. I do not think there is any doubt that their propaganda is of great harm.

40,121. And yet you have no concrete case?—No; I am trying every day to get a concrete case.

40,122. Have you seen the effect of it at all upon the Natives?—I do not know that I have, and yet I saw a Native charge into an old Dutch Boer with his bicycle. I think that is a thing the Native would never have dared to have done before, and I think it is due entirely to the stand that the Ethiopian parsons are taking up in connection with the treatment of the white man. But, as I say, there is no concrete case that I can bring before you.

40,123. *Mr. Stanford.*] Was this Native who charged the Dutch farmer to your knowledge a member of the A.M.E. Church?—He was, because I happened to overhear a conversation between him and two or three other men. I was sitting down one day talking to a Native, and these men were some little distance from me, and this man said, "Sikomela (who is the head of the Ethiopian movement in the Middelburg district) said that it will be a nice thing for us, won't it, when the day comes when we can say to the white man, 'How d'ye do, old chap; how are you?' instead of having to take off our hats and say 'Daag, baas.'" In that way I knew that he was a member of that Church; otherwise I might not have known it.

40,124. What did your Basuto intelligence man say to you in his report?—He said that when he was there there was no sedition talked or preached by this man, but he told me that story so often that I quite got to see that he was not prepared to give his people away at all.

40,125. But if he told you he found Native sedition, would you have been prepared to have accepted his statement?—Not at all; I should have been prepared to go further and see what it really was. I should have taken it as a clue and gone further.

40,126. You would have wanted to make further investigation?—I certainly would have made further investigation.

40,127. What weight do officers employed by the Government carry in the Legislative Assemblies of this country where Natives and European interests conflict in any discussion that may take place?—I have not the faintest experience.

40,128. I am referring now to your statement that the Natives are represented through their officers?—I do not know that they would carry any great weight in the affairs of State, but the Administration here has always been very willing to listen to the advice of officers that has been given and to hear what the Native people have to say through them. I know of many little cases where their conditions have been ameliorated by the representations made.

40,129. But you will admit that that is not representation in the ordinary acceptation of the word in the Legislative Assembly?—No.

40,130. Have you not found, on the whole, that the treatment of Natives by Dutch farmers is kind and sympathetic?—Far more

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so than our own. I think you will find as a rule, at any rate in the Transvaal, that a Native would very much sooner go and work for a Dutch farmer than he would for an English farmer. And I found that in the Cape Colony too, in the Matatiele district especially, a Native would often go and work for a Dutch farmer when he would not go and work for an English farmer. I came up here with the idea that the Native had been particularly badly treated by the late Government, but I have come to a very different conclusion now.

40,131. You will perhaps remember, Mr. Hogge, that the ticket of occupation prevailing in the Xalanga district was based on the recommendations of the Tembuland Commission of 1882 and 1883?—Yes.

40,132. And, as you said before, you had to administer under that system?—Yes.

40,133. Did you find the Natives of that district progressive and industrious?—Yes, very progressive, and certainly most industrious.

40,134. Was their loyalty to the Government constant?—Yes; they did not always vote for the Government candidate or for the Progressive party, but still they were loyal.

40,135. I am speaking apart from any political exigencies of the situation; were they loyal to the Government?—Yes.

40,136. They were loyal subjects?—Yes, their whole record was one of loyalty, from the very earliest days.

40,137. How were your crime statistics in respect of these people?—I was there two years during the war time. I went there in August, 1900, and left in June, 1902; and I cannot remember a single case that ever came before me. That is, with regard to the people living in allotments.

40,138. And towards yourself, as an officer of the Government, were they in any sense lacking in respect?—No, not at all; they always treated me with the greatest respect.

40,139. *Mr. Thompson.*] You said, Mr. Hogge, that it was owing to the desire of the Transvaal, as in all their preambles to laws they alluded to the inequality of the Native, that you were of the opinion that it was inadvisable to give the Native the franchise. Is it not a fact, that in the Colonies, the Native, numbering practically four or five to one, is numerically stronger than the white man, and that if you extend to him the franchise politically, you will swamp the white? Is that not really your reason? It is not so much the desire to curry favour with the existing people in the Transvaal, who in all their preambles to laws preached inequality, as it is in consideration of the interests of the whole State?—I think it is my general feeling of a wish of prosperity for South Africa that makes me express this opinion.

40,140. You think that the white man, being numerically less, requires protection?—He requires protection from those Native voters if they are going to swamp him.

40,141. And the result of Native franchise politically would be swamping the white man in this country?—Yes.

40,142. *Mr. Samuelson.*] How would an ordinary Native woman, or, in fact, a partially civilised woman, regard marriage without "lobolo"?—She does not like it at all. I have known many instances in the Cape Colony where women have been married in the church to men, and where, in one particular case, the woman worried her husband so much that he went into the kraal and drove out thirty of his best cattle, and said, "Here you are; take them to your

father," and those cattle were paid as dowry. But he gave the woman such a thrashing that peace remained there ever afterwards.

40,143. They do not regard it as a respectable and proper marriage without "lobolo"?—No, they do not.

40,144. Do you know that women in many cases, first wives and second wives, actually ask their husbands to marry other wives?—Yes; it lends dignity to their position; it also lightens their household labours.

40,145. You have not found that there is very much objection on the part of the women themselves to polygamous marriages?—No.

40,146. Is "lobolo" one of the incentives for a Native to go out to work?—Undoubtedly, because he has to go out to earn money to get the "lobolo" cattle with.

40,147. And if "lobolo" were to be prohibited or done away with, that would remove one of the few incentives the Native has to go out to work?—I think it would remove a great incentive.

40,148. What requirements has he very much?—Since the war his requirements are very much greater than they were before, and his ideas of living are much higher.

40,149. I suppose when a Native goes out to work he goes out for some specific purpose?—Yes.

40,150. And the sooner he attains that, on account of the high wages he may get, the sooner he is able to get home and the longer time he is able to spend at home in idleness?—Quite so.

40,151. Have you any reason to believe that the Natives of this Colony depend very much on their women's labour for their subsistence and for the payment of their rents and taxes and so on?—No, I cannot say I have found that. I have found that the men go out very freely to labour, especially the Sesuto-speaking tribes, who naturally are much more inclined to hard work than the Swazies, for instance. I have had no experience of the Zulus at all.

40,152. The inclination, then, as far as you have observed, is not to depend on the labour of the wife and through her labour to live in idleness, but to share the labour with her?—Yes, I think so, certainly.

40,153. What are the general arrangements between landlord and tenant here; are they the payment of rent or giving labour in lieu of rent?—In the case of non-residential landlords like the gold companies they pay a rent varying from £1 up to £3, according to the quality of the land which they occupy. On the other hand, where they go and live with farmers as individual tenants—tenant labourers you may call them—they give their labour in exchange for the privilege of living on the farm.

40,154. Is it compulsory to have those contracts for labour in lieu of rent in writing?—No; all that is required by the present law is that a Native shall have a piece of paper showing the farm on which he is at work, and the place on the farm which he is to occupy.

40,155. Do you think that those contracts are carried out fairly and faithfully by the landlord towards his Native tenant?—It is a constant source of complaint, not only from the Native but from the farmer—more from the farmer than from the Native.

40,156. It would be better, then, and in the interests of both parties, if the contracts were in writing and made compulsory?—Yes.

40,157. What would be the result now of the sudden abolition

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of the tribal system, say in this Colony?—I do not see how you are going to abolish it by proclamation. You must give the country time to absorb the surplus population which would have to be taken off the locations.

40,158. Would it add any work to the Magistrates or Native Commissioners, or would it reduce their work?—It would add considerably to it. It is very much easier to govern the Natives by the tribal system than when they are scattered all over the farms. You could not then work them through their Chiefs as you can under the tribal system.

40,159. Would it lessen or strengthen their control over the Native population?—I think it would rather strengthen their control, in this way, that the Native would be away from the influence of his Chief.

40,160. And do you think that the individual Native would be more in touch with the Magistrate without the tribal unit and the tribal factor?—Undoubtedly, if he were under proper contract of service.

40,161. Is there much feeling between the tribes here; has any hostile feeling arisen out of old historical reminiscences?—No. Of course, there was a hostile feeling between Mapogo's Kafirs and Sekukuni's men. Mapogo himself was an old Zulu, who stayed behind in the country, but the Mapogo Kafirs have practically taken to the same tribal conditions as the Bapedi; they inter-marry and they go in for circumcision and so on.

40,162. Then, in breaking up their tribal system, would that not have the effect of making them more of a single people and of uniting them more than they are under the tribal system?—It certainly would not tend to unite them if you broke them up and put them on to the farms.

40,163. It would not tend to unite them?—I should not think so.

40,164. Are Chiefs of any use at all so far as you are aware?—They are very nice men to have to deal with if they run straight. You can order the Chief to tell his people to roll up to pay their taxes and there is no difficulty about the matter at all; but now you have to look everybody up.

40,165. Are you of opinion or not that the interests of the Native population are sufficiently safeguarded and protected by the present system of government over them: Native Commissioners, Magistrates, Commissioner for Native Affairs, Governor as Supreme Chief, and the veto on Native legislation, without any direct representation in Parliament?—I think they should get some representation. I have no idea what the Cape is going to do, but if you could give them some representation on the lines of New Zealand, I think it would be to the advantage of the people. They should have certain members to represent them and represent them only, and they should have the election of those members.

40,166. Then, in the event of representation being given them, by what method do you think the Native should reach the voters' roll; by the same qualification as applies to the European, or by some method of testing him and educating him up to that position?—It is rather a difficult question to answer, because all my evidence has been tending rather not to give the Native a vote on the lines that we have it; and to settle what should entitle him to vote is to look to what may only happen hereafter.

40,167. Is not one of the main principles of this Ethiopian movement the entire exclusion of white men and white missionaries and white clergy and white control from their affairs?—Yes.

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40,168. And is it difficult to see that exclusion in Church matters in their own minds may operate towards a desire for exclusion in other matters?—I think the analogy is quite close.

40,169. Then, have you been able to observe their methods at all; are not their methods in the direction of upsetting by interfering with all the previous mission work done by the European missionaries amongst them?—I notice that their great desire is to get the Native clergy who belong to other denominations to join them. They seem to do everything in their power to get them over, not always successfully, but still they do get over a certain percentage.

40,170. Have you any law in this Colony which is akin to the Native law of tribal responsibility or communal responsibility in case of a crime?—No.

40,171. Have you special cattle-stealing Acts applying only to Natives?—No; the Cattle-Stealing Act applies to whites as well.

40,172. Is prohibition of the sale and supply of liquor to Natives effectual?—My experience in the district is that it is fairly effectual. Of course, where you have got a large mining centre, as I have in Witbank—a coal-mining centre—it is most difficult to stop the sale of liquor. Your very next-door neighbour has some interest in it perhaps, and the ramification is so great, that it is almost impossible to stop it.

40,173. May no civil case between Native and Native be brought in your Court before you as a Magistrate?—Yes, certainly.

40,174. As an appeal from the Native Commissioner or as a case of the first instance?—I do not think the law is quite clear on that point. Under the late Government there were Native Commissioners and sub-Commissioners. There were appeals from the sub-Commissioners and from the Native Commissioners to the Superintendent of Native Affairs. I suppose an appeal now would be from the sub-commissioners to the Commissioner for Native Affairs.

40,175. Then they may be brought to you as a Magistrate in the first instance, whether they are under Native law pure and simple or whether they are under the principles of common law?—Of course, we would not listen to any "lobolo" cases; we are not allowed to .

40,176. Would there be an appeal from you as a Magistrate to the Commissioner for Native Affairs?—I do not know; I know that the Supreme Court has laid down that there is an appeal from the Native Commissioners to themselves in all cases, and I suppose there would be an appeal from the Magistrates, too, in all cases.

40,177. They have laid that down?—Yes.

40,178. But it is quite possible for appeals to go either to the Supreme Court or to the Commissioner for Native Affairs in cases between Native and Native?—I have known of no cases where an appeal has been made to the Commissioner for Native Affairs from a sub-Commissioner or Commissioner.

40,179. *Mr. Campbell.*] Did I understand you to say, Mr. Hogge, that in some cases the farmers paid their Native tenants no wages at all?—That is so.

40,180. And that they work practically all the year round for no wages?—They practically work gratuitously in return for the privilege of living on the farm and in return for the land they till and which their cattle graze on.

40,181. Where do they get the money to pay their taxes?—Their children go to work.

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40,182. I thought you said that they kept the children, too?—In many cases the children's labour is demanded as well.

40,183. And the women's as well?—And the women's as well.

40,184. Then how do they pay their taxes?—The main tax outstanding at the present time in my district is that due from those very men whom you have named.

40,185. Do you think that the Government should compel the farmers to have a written agreement between them and their tenants?—I do.

40,186. In this agreement fixing a minimum wage to be paid?—Yes, and that whoever has the drawing up of this agreement should safeguard the interests of the Native.

40,187. When you were in the Transkei, did you administer Native law?—Yes; the Native law of the defendant in every case.

40,188. You used your own constables to see that it was carried out?—Yes.

40,189. Are the laws and customs in the Transvaal somewhat similar to what they were in the Transkei?—Very much the same.

40,190. You have no difficulty in deciding cases, although you are only a new arrival?—No, I have no difficulty at all.

40,191. Do you think in that case it would be well to have the Native laws codified?—When you asked me just now whether I had any difficulty in trying these cases, I have never really tried a case, but I have acted as arbitrator for them; they have come before me, and I have told them I could not hear their case as Native Commissioner, but if they wanted to lay the facts before me, I would arbitrate for them, and they have invariably been satisfied with my judgment, and have carried it out.

40,192. In the Cape territory you did not act as arbitrator but as a Magistrate?—Yes.

40,193. And your judgment was carried out?—Yes.

40,194. Do you not think that it would be well that the same thing should apply in this country as in the Cape Colony?—I am of that opinion, certainly.

40,195. With regard to the codification of the laws?—I have no experience of that. I believe they have a codification of laws in Natal, but we have no codified laws in the Cape, or in the Transvaal.

40,196. Do you not think it would be wise to do so, seeing that there are so many Magistrates administering that law?—There are little differences between the tribes; for instance, the Basutos pay more dowry than the Tembus, and there are little tribal differences of that kind. It would be very difficult to codify a law for the whole of the Cape Colony and Transvaal and Natal.

40,197. In the old Colony there was no fixed dowry?—No.

40,198. Therefore you could not stipulate?—No.

40,199. Then that would be no bar to codification?—No, perhaps not. Perhaps it might be done.

40,200. Do you not think it would be wise to do so? Has it been a success in Natal?—I do not think so. I have never been a Magistrate in Natal, but I have lived on the Natal border for many years, and I have heard constant complaints against the codified law of that country.

40,201. What were the complaints?—Principally over "lobolo," as to the restrictions which were placed upon it, that no more was paid for a Chief's daughter than for a commoner. I have not studied the codified law of Natal at all.

40,202. Chiefs are entitled to get more?—That is only what I have heard Natives say.

40,203. *Captain Dickson.*] You have got on very well in the Transkei without codified law?—Yes, very well indeed.

40,204. Do you think that by codifying it would deter the Natives from coming under the ordinary common law?—It might have the effect. I do not see why it should.

40,205. Have you studied the law of the Cape, especially the law of 1899 as regards squatting?—No, I cannot say I have. In the Transkeian Territories, where I was a Magistrate, it was not every law in force in the Cape Colony that was in force there, so I was not in contact with it.

40,206. I was asking you about one particular law—the law which affects farmers?—That particular law was not in force in the Transkei at all.

40,207. I will ask you another question on the same matter. Do you think that what you have suggested in your answers to the Chairman with regard to squatters would have the desired effect of getting the Natives on to the land?—I think it would. I think it would have a very great effect.

40,208. Therefore you would not be in favour of a system which encouraged to a great extent volunteer labour?—No.

40,209. I call volunteer labour monthly service, such as in the law of the Cape Colony?—The farming industry is like any other industry—unless it has a continuous and sure supply of labour it cannot possibly get on, and a monthly system of labour is not one which any farmer can put up with for a moment if he wishes to carry on farming on a big scale.

40,210. Is not the monthly system of service the sort of labour which is so successful in the Bedford, Fort Beaufort, and Graham's Town districts?—I do not know those parts of the country at all.

40,211. Would you, in your ideas of altering the Squatters' Law, differentiate between labour tenants and squatters pure and simple?—Under this Squatters' Law, no man has more than five families living on his farm, whether they are squatting there or living there as tenants. I certainly think, if you are going to allow families to live on a farm as squatters pure and simple, they should be taxed, and taxed pretty heavily, and you should differentiate in that way between them and the *bona fide* servants of the farm.

40,212. Would you let a farmer have as many servants as he required on his farm, together with their wives and families, provided they were continuous monthly servants?—That is provided for in our law. It is at the discretion of the Government through the representative officers. I will read the section: "The number of families mentioned in Articles 3, 4 and 5 may not be exceeded without the express consent of the Government acting on the proposal of the officials concerned."

40,213. Is that volunteer labour, or squatting?—It is all under the one law in this country.

40,214. I suppose at the present moment it has not worked, because the Squatters' Law has not worked?—There is nothing in the Transvaal law which prevents any farmer from hiring as many servants as he pleases as long as they are not living on his farm.

40,215. Would you not allow that farmer to have as many families living on his farm provided they were in continuous employment?—He may not have more than five, without the express consent of the Government. That has always been construed as allowing a farmer as many families as he could show he had work for.

40,216. Would you not be in favour, without the express consent of any official, of allowing a farmer to have as much labour as

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he requires, as long as he pays monthly for it, the same as in the Cape Colony?—I think it would be, in many cases, detrimental to his neighbour, and I would not allow it to that extent. There is no doubt there are many Natives who would rather work for you than work for me, and nothing that I could do, even if I offered them higher wages, would make them come to me, and if you are allowed to absorb all the labour of the district, as you would wish to under those circumstances, you would act detrimentally to the other men.

40,217. *Mr. De la Harpe.*] I understood you to say that the Natives of the Transvaal were about twenty to twenty-five years behind those of the Transkei?—Yes.

40,218. Can you explain in what way: in property?—In property, certainly, and in their general mode of living they are very backward compared to our men.

40,219. Is the Transkei the only part of the Cape Colony you are familiar with?—I spent twenty-two years of my life in the Transkei.

40,220. You are not familiar with the other parts?—I am not familiar with the other parts.

40,221. You also said, that in a contract made between the owners of farms and Natives, it should be inserted that the Natives should have time to go and seek labour for the purpose of earning money?—It should also be stipulated that the farmer should have the right to employ them at the current rate of wages.

40,222. Do you think the farmer is getting six months' labour out of the twelve months of the Natives' hire?—He would not average more than four.

40,223. He will get about four months' labour?—Yes.

40,224. Out of that four you propose they should have time to go?—I would put in their term of service that they should work for the farmer four months in return for the privilege of living on the farm and for the land they have ploughed, and the other eight months of the year they should be allowed to go out and seek service.

40,225. Do you not think there is a difficulty if a farmer cannot plough at the time he wants to plough; supposing he has to wait for two or three months until his boys come back?—Yes.

40,226. You would have this contract, of course, very elastic?—Yes.

40,227. Do you think there would be time for those men to go to seek labour when the farmers are only allowed ten men on the farm?—A man leaving a farm cannot get a pass from the Government office, unless he can produce a pass from the owner of the farm which he is leaving, and unless it is written on that pass that the man is allowed to get a pass to go and work at such and such a place that pass is refused at once. Many of those passes come daily before us to allow farm servants to go.

40,228. Do you not think those are from farmers who have more than the actual amount allowed by law?—That may be.

40,229. Did you say that children worked for the farmers without payment?—In many cases, yes. Their wives help about the farmer's house, the daughters look after the children, and the boys go out and herd.

40,230. The men told you that the women have not time to do their cooking?—I said, I had complaints made to me by the Natives that the women had to go and help in the household, and, therefore, they had not time to cook their husbands' food. I do not say that

applies to every case. It was only my argument in favour of having a definite written agreement made between the farmer and the servants, which, I think, would be in the interests of both.

40,231. You made some remark about Natives preferring either to go to English or Dutch people. Which was it?—Mr. Stanford asked me whether the Native did not prefer to go and work for the Dutch farmer, being more in sympathy with the Natives than the English one, and I said most certainly, I knew many cases in which Natives would not work for an English farmer, while they were willing to work for a Dutch farmer.

40,232. *Mr. Krogh.*] Were you here before the war?—No.

40,233. You do not know how the Native squatters lived then on the Boer farms?—They lived in perfect harmony with their masters; everything seemed to work like clockwork.

40,234. What class of Natives would you say were better off: the Natives living on farms as servants or squatters amongst the Boers—and other farmers, of course—or the Natives in their tribal system?—The compensation claims in connection with the late war have clearly proved that the Natives living on the farms were very much better off than the Natives living in the locations, and more prosperous and more advanced.

40,235. *Mr. Sloley.*] Would not the fact that the war did not come into the locations as much as the farms also affect it?—It would, but I think military operations were carried on right through the district I speak of.

40,236. You have expressed an opinion against the codification of Native law?—I say, I have had no experience of it, and I do not think it advisable for the whole of South Africa, because there are differences of Native law in this country here and in the part of the country you come from.

40,237. Do you consider that a penal code for Natives is a good thing?—I am not in favour of having special criminal laws for Natives, but I think everybody should come under the same law.

40,238. Have you had experience of the working of the Native Territories' Penal Code?—That did not only affect Natives, that affected everybody in the Transkei.

40,239. In dealing with Native cases in the Transkei you administered Native law?—Yes, and it worked exceedingly well.

40,240. How did you arrive at decisions—by Native advice?—Yes, if the law was not clear, I called in Native assessors, who gave their opinions.

40,241. Do you think that is a better system than having a written code to which you would have to refer?—I think so; it allows a certain amount of elasticity.

40,242. *Mr. Thompson.*] Captain Dickson asked you if you would have any objection to a farmer who wanted 10, 20, or 50 Natives employing those Natives if he had *bona fide* work on his farm?—I would if it were to the detriment of his neighbours.

40,243. Then you would advocate a division of labour?—A division of the family labour, yes. You cannot interfere with the actual hired labour of a man.

40,244. What is the position if one master is a good master and the next door neighbour is a bad master; would you take the bad master's side, and force him to have a portion of that labour?—No, I would not. I would use no compulsion about it at all. I would say to the Natives, you are in excess of the numbers on the farm where you are living. It is for you to find a place for yourself.

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40,245. In case a man wants a hundred men to erect an irrigation work on his farm, would you attempt to stifle his energy?—No, certainly not. I would let him have unlimited labour as long as he did not want a hundred families to live on his farm, to carry on a particular work.

40,246. Do you not think it is an advisable thing, where it is permanent work, that those men should have their wives near them? Do you approve of that?—No, I do not, because there you are clearly exceeding the number which would be required, because you would not have work for all those women. You would have those women living on your farm, and there would not be sufficient work for them at all. Let them live on the farms round about, and let them use their labour. Let them live on locations or private land, and let that surplus labour go out.

40,247. It would not have a tendency of taking those men at the end of three months to go and see their women, and perhaps put an end to their work?—It no doubt would, unless you hired them for a certain specified time.

40,248. *Mr. Samuelson.*] What influence on the Native mind would two political parties vieing for the Native vote have?—I would not care to answer that question.

40,249. Do you think it is in the interests of proper feeling between Natives and Europeans to make use of the Native vote in order to level up any difference in voting powers between one political party and another?—That question is so much allied to the other one, that I do not think I would like to answer it.

40,250. Say a farmer were to be allowed to have ten families on his farm because he required the labour of those ten families, and say that through adversity, or bad seasons, or something of that sort, he were only to require the labour of three families, what does the law provide in such a case: that the difference between his needs when he was in prosperity and his needs in adversity or in bad seasons should be turned off his farm?—I do not think the law would be construed so strictly as that, but that a good deal of latitude would be allowed to the men who were dealing with the people of the district.

40,251. Does such a case ever happen?—I have not known it.

40,252. Is compulsory labour employed at all in this Colony?—No, it is unknown.

40,253. Not for Government purposes?—I do not know what you call compulsory labour.

40,254. I mean, ordering out Natives for Government work in the Government Departments, or Public Works, at a specified wage?—When we first came to the Transvaal, we were asked by the Government to obtain a certain amount of labour, but we did not go to the Chief and say, "The Government wants 1,500 men from you; you have to turn them out." We said, "The Government have got this work. If you have any boys who want work, let them go to this particular work." We in no case ordered, as I believe they can in Natal. I believe there the Governor can order out a certain number of people to work on the roads. There is nothing like that in this country.

40,255. No order is issued by the Governor here as Supreme Chief?—No.

40,256. *Captain Dickson.*] Is there anything in this Colony to prevent any number of Natives, together with their wives and families, living in any location attached to a town, provided they can get work in that town?—In every country town there is a location

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set apart where all those who are able to get employment, apart from those living practically in the house, such as washerwomen and boys who do odd jobbs about the town, live. There is no limit in it.

40,257. If I establish an industry in Middelburg, for instance, I could bring as many Natives as I required for that industry to the location?—I fancy so. I have never looked into that point, but I fancy so.

40,258. Would you not give the same privilege to a farmer?—I would not in the way of families. I would in the way of hired labour.

The Reverend M. M. Makone, Reverend J. Z. Tantsi, and *Reverend S. J. Mabote* (Ministers of the African Methodist Episcopal Church), examined.

Revs. M. M. Makone, J. Z. Tantsi, and S. J. Mabote, (Native Ministers, A.M.E. Church). Transvaal. 3rd October, 1904.

40,259. *Chairman.*] Do you represent the African Methodist Episcopal Church?—*Makone*: Yes.

40,260. Are you carrying on work for the African Methodist Episcopal Church in Pretoria?—Yes.

40,261. And you, Tantsi?—*Tantsi*: In Johannesburg.

40,262. And you, Mabote?—*Mabote*: In Pretoria.

40,263. What work are you carrying on?—*Makone*: I am a Presiding Elder.

40,264. Are you ordained?—Yes.

40,265. By whom?—By the Reverend Owen Watkins, and George Weavind, and others, and by Bishop Turner.

40,266. The two names you mentioned were those of members of the Wesleyans?—Yes.

40,267. Have you anything to do with them now?—No.

40,268. Did you leave them in order to join the other Church, the A.M.E. Church?—Of course, at that time there was no A.M.E. Church.

40,269. Are you acting upon any instructions from the Bishop or the Elders of the Church of which you are a member?—Yes.

40,270. What are those instructions?—Do you mean as to the discipline of our Church.

40,271. As to the duties of your Church?—As Presiding Elders our duties are defined. My duty is to travel my district, to see my members and my pastors, and so on.

40,272. What are your aims?—To carry on the Gospel among the Native people.

40,273. Have you been visited by the Bishop or other Elders of the Church?—Do you mean lately?

40,274. Since you have been working at it?—The Bishop has never been in the Transvaal since I came from Cape Town last year.

40,275. Have you many agencies in the Transvaal?—Yes, we have ministers and their licentiates.

40,276. All over the Transvaal?—Yes.

40,277. Are they under you?—They are under the different Presiding Elders of the district.

40,278. Are you carrying on educational work?—Yes, day schools and night schools.

40,279. In all these places?—At some places we have no schools yet. At other places we have schools.

40,280. Have you any adherents?—We have.

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40,281. From what sources are they drawn? What people are they?—They come from various districts, and include Basutos and Shangaans.

40,282. Are they people who formerly belonged to other religious missions?—Not many. Some have been converted to our Church.

40,283. You asked to be allowed to give evidence?—Yes.

40,284. Presumably, that was because you wanted to say something?—I have no object at all. I thought it was a right thing for the Commission to ask me to come and give evidence.

40,285. There is, perhaps, something you would like to say in connection with the matters which have been referred to us?—Yes.

40,286. What is that?—We thought perhaps we should be asked the questions that the Commission wanted to ask us.

40,287. Are there any particular points upon which you would liked to be asked questions?—One thing which we would like the Commission to have a clear understanding upon is about our aims. You have asked what is our aim in carrying the work amongst the Natives, and I said, preaching the Gospel amongst the Natives. We think we had better explain in a clear way, in the presence of the Commissioners, and I think Tantsi will, if the Commission will allow, explain the aim of our Church. *Tantsi*: We are very grateful we have been allowed to appear here, in order that we may explain certain points which have special reference to our Church. Our object is a simple and clear one: to preach to our people the Gospel, to advance education to their good, and to encourage them in habits of industry. It is not right that our Church should be credited with feelings of hostility towards the Europeans. That is absolutely not true. There is no one who would stand forward and establish it. There are men of all colours in our Church. A white man may enter our Church. We have a white minister in Cape Town. We ordained him. He has all the privileges of our Church. What led us to establish our Church was our idea of securing rightful orders, and we recognise equality in the Church. We make no distinction of colour in the Church. We do not interfere in politics. This is not a Church which has any business with political affairs. No instance can be brought of a charge of sedition against a minister in this Church from the very time of its inception until now. What we do preach to our people is obedience to the laws, that they must be obedient to the Magistrate and to the Government. I have a firm belief that if there were a Native rising, our people would be found to remain loyal. We deeply regret the charges of disloyalty which from time to time are brought against our Church. This Church was established in the Transvaal in 1893, and all our teaching has been in the direction of obedience to the Government. The second point I wish to make clear is that we are accused of teaching the people in this country to buy land. We have held no meeting of the A.M.E. Church to encourage the purchase of land. I do not say we have no right to hold such a meeting, but I state that as a fact it has not been held. I wish to make it quite clear to the Commission that, in my opinion, no better Church has been established in South Africa than this Church of ours.

40,288. *Mr. Sloley.*] I would like to ask about the American ministers connected with your Church. Is their teaching the same as yours?—*Makone*: There is no difference as regards the discipline of the Church. As regards teaching the individual, they may be different in their teaching.

40,289. Is it the case that you have decided at your Synod to ask the American Church to send no more ministers to you?—We have never had that resolution passed in Synod.

40,290. I think it occurred at Aliwal North?—It was our intention, in February, at the District Conference, where we passed some resolutions, that we send our delegates to the Conference in Chicago, and tell them that they must bring it to the notice of the General Conference that from henceforth, if possible, we would not have them as ministers unless they had certain qualifications which we thought would fit them for their work, except in regard to any Bishop whom they might send.

40,291. Does that mean that you are beginning to feel that you can get along without these American missionaries?—No. One of the obstacles for them is the language of the country, and the life of the people of the country does not agree with them. In some other points they are highly cultured, and we are yet too low. They have a broader mind and a broader view than we have, being brought up to such an extent differently from us.

40,292. Do you think the American ministers are naturally cleverer than the educated Natives of this country?—In education we have found that some of them are very smart, and that some are not, just like most of us here.

40,293. Have you been to America?—I have been to America.

40,294. Is it not the case that a Native can get a fair education cheaper in Africa than he can in America?—People who have studied in America have had a fair education, and a very cheap education, too—I mean when they pay for their education. When Tantsi and myself were in America, at Oberlin's University, they asked us to send over boys and girls, and a lot of documents have been printed and issued from that University to send the African boys there free of charge.

40,295. *Captain Dickson.*] What number of ministers have you got in the Transvaal belonging to your denomination?—I cannot tell you exactly.

40, 296. Can you tell the number of members you have got?—No, but just roughly guessing, I should say that there are between 4,000 and 5,000 members in the whole of the Transvaal.

40,297. *Mr. Stanford.*] How many schools have you established in the Transvaal, day schools and night schools?—In my district of Pretoria and Zoutpansberg there are thirteen schools; in Tantsi's district there are about six; at Potchefstroom there are two;———

40,298. About thirty, say?—Yes.

40,299. Do you get any State aid towards these schools?—No.

40,300. Are the schools inspected by Government officers?—Never.

40,301. Have you ever asked for any State aid?—Yes. *Tantsi*: I wrote to Mr. Clark, the Deputy Superintendent of Schools, and he told me if my school was in the location in the town he would come and examine it if the minimum quarterly average was sixty; as soon as I got that average attendance in my school he would be able to come over and examine it.

40,302. Have you not got that number yet?—No, we have only seventy children on the roll.

40,303. Would you like to have your schools inspected by Government officers?—Yes, it is what we have been struggling for all the time.

40,304. Who is your Bishop at the present time?—*Makone*: Bishop Smith.

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40,305. Where is he resident?—It is not decided yet.

40,306. Has he arrived in South Africa?—He is due on the 11th of this month in Cape Town.

40,307. Then at present your churches and your schools are entirely self-supporting?—Yes.

40,308. And is your work spreading amongst the people?—Yes, it is spreading, so far as we can judge.

Pretoria, Tuesday, 4th October, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.

Mr. George Glaser Munnik, examined.

G. G. Munnik, (Farmer, ex-Landdrost, and Mining Commissioner).

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40,309. *Chairman.*] Are you an official of this Government?—No, I am a farmer.

40,310. Have you been an official?—Yes.

40,311. In what capacity?—I was Mining Commissioner and Landdrost of Zoutpansberg for twelve years, and Special Judicial Commissioner of Boksburg until the country was taken over.

40,312. You have been a great many years in this country?—Yes.

40,313. Have you had anything particularly to do with Native affairs?—Will you allow me to state, that I am also President of the Boeren Vereeniging at Zoutpansberg.

40,314. Have you had any particular work in connection with Native affairs?—Yes, in Zoutpansberg.

40,315. Are you familiar with the Natives and with Native questions in the Transvaal?—Fairly well, from my experience in Zoutpansberg, which is one of the chief Native districts in the country.

40,316. You are aware that we have a list of subjects which have been referred to us for consideration?—Yes.

40,317. Perhaps there are some particular subjects in that list upon which you would like to be examined?—Yes, numbers 1, 3, 5, 8, and 10.

40,318. Upon the subject of land tenure, you know the system, in this Colony at any rate, under which the Natives are living—that of communal tenure?—Yes.

40,319. And there are a certain number of locations set apart?—Yes.

40,320. Do you hold any particular views upon this question of land tenure?—Speaking as a Boer, I think that the Boers are of opinion that it is wrong to allow Kafirs to squat on Government ground. They think that there are plenty of other and better uses for Government ground than to allow Kafirs to squat on it. If you were to take them off Government ground, you would be giving the farming population a great lift by forcing these men to go in families of five to live with farmers. At the present time there is a tremendous scarcity of farm labour; we cannot get it. Then I think that a Chief should be allowed to buy ground adjoining his location

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if he wants it, on condition that it is placed in the name of the Commissioner for Native Affairs for the Government.

40,321. You refer to a scarcity of labour now. There has always been, I believe, more or less a scarcity of labour on the farms?—On the farms, yes, on account of the high wages which Natives can earn at the goldfields in Johannesburg.

40,322. That has been the trouble for a considerable number of years?—Yes.

40,323. And your remedy for that would be to force the Natives to leave the Crown lands, with the idea of settling them on the farms?—Yes. I do not know whether it is the law still, but under the late law, every farmer could have five households, and it must be a very poor farmer who cannot employ five households.

40,324. That is the present law?—I do not know.

40,325. Have the farmers made any great efforts, and proper efforts, to get labour on to their farms?—Every effort has been made, and we cannot get them.

40,326. The Natives, I understand you to say, prefer to go to the industrial centres, where they can earn higher wages?—Yes.

40,327. So that higher wages are a feature in the situation?—Yes.

40,328. You spoke of forcing them to leave the Government ground. If you forced them to leave the Government ground, would you, at the same time, force them on to the land of private owners?—No, I would not.

40,329. Do you think they would go?—I think they would.

40,330. Why do you think they would go?—Because any farmer would offer inducements to a Native to go on to his farm. At the present time it is absolutely no good, because the Native is so well off, that he will not come. For instance, a man with two wives has no necessity to work—you know that. He has no necessity to work when he has two wives, because he has everything that he wants; he can go and squat on Government ground, and those two wives work for him. They grow and reap sufficient grain for him every year to keep him in idleness, so that a man with two wives is absolutely no more a factor in the labour market.

40,331. That is, presuming that he gets a considerable amount of land, and that he cultivates it, and that there is a good season?—Yes.

40,332. Is that always the case? Do they get any amount of land?—It seems to me that in Zoutpansberg they can get as much land as they want.

40,333. Do you know it as a fact?—I know it as a fact.

40,334. Do they cultivate largely?—Yes.

40,335. In the last two or three years, first of all there was the war, when they did not cultivate much, then followed two years of drought; what became of them then?—I will tell you. During the war the Native earned very high wages. Not only did he earn high wages, but he looted and stole everything he could lay his hands on; whether it was a bedstead, or whether it was a coffee pot, he stole it and took it home; and he has really been living on these high wages and on the loot; and that is really why there has been a scarcity of labour, because he has been looking after all this stolen stuff. He was afraid to go away from home.

40,336. Still he has had to live and he has had to pay a tax?—Yes, but he was earning such fearfully high wages in the late war out of the Imperial chest that he could save it up.

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40,337. Did they all earn high wages?—Most of them.

40,338. Do you mean to say most of the people went out to work?—Yes, with the military.

40,339. It can hardly be said that they are lazy if most of them went out to work?—No, I do not think that they are lazy, but no man, whether he is white or black, will work if he need not work.

40,340. Do you not think, if you disturbed and forced many hundreds or thousands of people to give up their occupation at the present time, that it would have a very disturbing influence upon them, and that they might leave the country altogether?—I do not know. There have been very many other disturbing influences that have not influenced them very much. It has created dissatisfaction but not disaffection; for instance, the increased tax has created dissatisfaction, but they pay it. They pay enormous fines now for non-payment of taxes.

40,341. These people were liable to pay the same tax before as they do now?—No. They paid £2 a year, and they are paying now £2 a year and one wife thrown in; and they have to pay £2 a year for every other wife now.

40,342. I am speaking of the men, not of the wives—of the individual. The individual was liable for £2 before the war?—Yes.

40,343. And he is liable for the same now?—Yes, but his wives count in the present taxation; you must remember he is fined from £7 10s. to £10 if he does not pay that tax.

40,344. How many people are fined in that way?—A great many. The labour agents in Zoutpansberg secure labour now by paying these fines, and the arrear tax, which amounts sometimes to £6 and £8. A Kafir told me only lately that he had to pay up £16 or £18 to the labour agent before he earned a penny, and, to use his own words, he said to me, "Sir, for months we are slaves."

40,345. How many wives has he got?—I do not know. That is what a Native told me quite lately. I speak from book, that the Native agents are securing workmen now every day by paying the fines and the arrear taxes, and the sum amounts in some cases to £16 or £18.

40,346. That is those people who are in arrear?—Yes.

40,347. You spoke of the high wages being deterrent to the farming interests?—Yes.

40,348. Have you any suggestion to make as regards the question of wages?—Yes, I think that some drastic laws ought to be passed by which the wages are fixed by law. A Kafir is not worth more than 30s. a month, no matter where he is employed, and we have to pay him £3 to £4—double what he is worth.

40,349. There is a demand, and the supply is not forthcoming, and then people offer the wages which they like to offer?—Yes, that is so.

40,350. Which are higher than you think they ought to pay?—Yes, it is higher than what the Kafir is worth; he is not worth that money.

40,351. How can you deal with a matter like that by legislation?—Fix it by law. You fix it by law that he may not drink; why cannot you fix this by law? There is class legislation in this country as far as the Native is concerned if you look at the Liquor Law. If there is class legislation in one respect, why not in another?

40,352. Is the farming industry suffering from want of labour?—Very greatly.

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40,353. Are you speaking of a country that is unhealthy for Europeans?—Parts of Zoutpansberg are unhealthy, but most of it is very healthy.

40,354. If you have unhealthy areas where Europeans cannot live, do you think it is a good thing that Natives should occupy that country?—Yes, and they do occupy it, and they live, and they do not get fever somehow.

40,355. Is that, in your opinion, the best way of having the country occupied?—Yes, but I would bring the Native nearer to the gold mines where it is possible. Here are these Springbok Flats up here; no white man seems to be able to live in that locality. Why not put them there, where they could live comfortably? There are Native locations in the Transvaal which are admirably suited for white people, the cream of the country almost, which have been selected as locations for Kafirs. A Kafir does not want as much water as a white man. He does not lead water, he waits for the rain, and it rains a lot on the Springbok Flats; and you would then have him nearer to the gold-fields.

40,356. Do you mean that where locations are good and well watered, you would remove the Kafirs from those places?—I would, and give the land to white people.

40,357. Remove them to other areas and give their locations to white people?—Yes.

40,358. You spoke just now of allowing the Natives to buy land alongside their own locations?—Yes.

40,359. Now you suggest removing them from those locations where they are good?—Yes, if you are going to move them at all; but if you are not going to move them, do not let the Government give them any more ground.

40,360. Let them buy it?—Yes, let them buy it.

40,361. Do you mean buy it collectively by subscription?—Yes, let the tribe buy it, and it should be vested in the name of the Secretary for Native Affairs for the tribe.

40,362. Do you think the Natives would desire to buy it largely?—I do not know whether they would buy largely, but they would buy.

40,363. Do you limit yourself to the locality of the present locations, or would you extend that to any part of the country?—Where it is wanted. Some locations are too big, and some are too small. I see that a location has just been given to Umpefo in Zoutpansberg. I think that is too big. The argument is that it is made big for a growing tribe, but for his present use it is absolutely too big.

40,364. You see no objection to locations, because you would suggest that they be extended by purchase?—Yes. The objection is to squatting on Government ground.

40,365. Will you answer my question as to whether you think it would be practicable and desirable in any part of the country that they should be allowed to buy by collective subscription?—Yes, I think they should be allowed to buy.

40,366. But the Government should not give?—No, that comes out of the pocket of the white ratepayer again.

40,367. Have you any remarks to offer upon the subject of land tenure as it is here, that is communal tenure, amongst the Natives?—I do not see what else you can have. You could not give them individual tenure.

40,368. You are aware perhaps that in some parts of South Africa the system of individual tenure has been tried?—Yes.

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40,369. Have you followed the results of that?—Yes. But you have done it in parts of the world where the Native is comparatively civilised, not where he is a heathen and a barbarian, such as he is in the Transvaal.

40,370. Given that he has advanced and progressed as you describe, or that he is civilised, do you think that then it might be advisable?—Speaking for the Transvaal, I do not, because you will be flying in the face of the prejudice of the majority of the inhabitants of this country.

40,371. In what does that prejudice consist?—The prejudice consists in this, that a Boer thinks that there should be class legislation in this respect, and that the black man should not hold ground; and you will not get over that prejudice.

40,372. Supposing that the land, instead of being held under communal tenure, was given out say on leasehold, in individual plots?—I think the objection would remain; in fact, I may tell you that in Zoutpansberg there is very great dissatisfaction at this moment amongst the white population because lands which were surveyed for whites are now being leased to Kafirs. I am alluding to the agricultural lots at Haenertsberg, upon the gold-fields.

40,373. They have been leased by whom?—By the Government, to Kafirs. These lots which are called "agricultural lots" were distinctly surveyed for white people of limited means to supply the gold-fields with farm and garden produce.

40,374. Could you tell me of any of the conditions of these leases? Does it come within the sphere of the Agricultural Department?—I have not the smallest idea.

40,375. You have heard this?—Yes.

40,376. You could not give any particulars?—No, I could not give any particulars.

40,377. You were speaking just now of the Natives who have become civilised and advanced in some parts of South Africa: have you seen any sign of any such advance in this country?—No.

40,378. Do you consider that the time may come when they will advance?—Not in my time.

40,379. A time will come?—I should not like to say. I do not think so. I think they are too far behind.

40,380. As regards the tribal system, which is a part of the present system of land tenure, have you anything to add about it, which includes the recognition or the perpetuation of Native laws and customs?—Yes. I think it would be a very dangerous thing to take away the jurisdiction of the Native Commissioner and give it to the Magistrate, for the reason that the Magistrate is chosen for his fitness to govern whites, and the Native Commissioner for his fitness to govern Natives. In fact, I think that the jurisdiction of the Native Commissioner should be extended. In my opinion it is impossible to govern a Native with the white man's laws, just as it is impossible to govern a white man by Native laws. In Natal they have the Zulu Code; those people have the experience of decades of years, and they find they must have the Zulu Code to govern the Natives by, and I think it would be wrong to place the Natives under the white Magistrate in this country. You would also be creating an injustice if you did it, because the white Court is an expensive Court, and the Native Court is a cheap Court. A Native goes to law for a very small thing, and he cannot afford to pay the high rates in the Magistrate's Court. Then, in the second place, General Joubert's proclamation, with which you are no doubt ac-

quainted, says that no Native custom repugnant to civilised law must be upheld in a Court. Now, it is quite impossible to do that in a white Court. In the first place, the moment you do that, with one fell swoop you do away with "lobolo," and you cannot do it. No white Court can uphold "lobolo," and the Natives in this country are not so far advanced that you can do away with it.

40,381. You will remember, perhaps, that under the late Government it was forbidden that any Native Courts should take cognisance of "lobolo" cases?—Yes, I am quite aware of it, but I was not the late Government; I was only a very small part of it, and I did not agree with it.

40,382. You say "lobolo" cannot be touched?—No, there are so many reasons for it. I think "lobolo" does good. In the first place, I really believe that it is an incentive to virtue amongst the Kafir women, because the parents of the Kafir woman, first of all, to get her dowry, have to protect that girl's virtue. Then when she is married the wife knows that if she goes wrong her husband can go and get back the dowry, and if he takes her home she leads a dog's life at home, so that it is an incentive to her to keep straight when she is married; therefore, I think that "lobolo" is a very good thing.

40,383. Do you hold the same view about the other customs—polygamy, for instance?—In thirty years' time I daresay you might try and alter a great many customs, but I do not think the time is ripe for it now.

40,384. Do you think they are decreasing at all?—I do not think so.

40,385. You spoke of the impossibility of Native cases coming into Magistrates' Courts. Do I assume from that that you advocate the employment of specially trained men for Native matters?—Certainly, like they have in the Cape Colony and in Natal.

40,386. Do you think it would be possible to place the Natives under the common law of the Colony?—It would be quite impossible. There are two things that I wish to mention in connection with this; firstly, the police. I am speaking of Zoutpansberg as my guide, and I say that the Native police force in Zoutpansberg is wholly inadequate.

40,387. Do you consider that Native police are essential in dealing with Natives?—They are quite essential. In Zoutpansberg you have an area of 360,000 square miles and you have 309,349 Native huts, and to govern these you have 50 police. Two hundred are not enough. I think you will find if you have 200 police that they will pay for themselves. Besides the moral effect of their presence in increased numbers all over the district, you will find that they will pay for themselves in the extra taxes that you will get from defaulters and shirkers, who are bound in that enormous area now to shirk paying their taxes.

40,388. Do you see other and more important value in having these Native police messengers, besides the collecting of revenue?—Yes, I say the moral effect of their presence will keep down crime and all sorts of vicious Native customs. I wish to say something more in connection with the collection of taxes. I have heard that now the Native is made to come to a centre to pay his tax. I think that is wrong. I think you lose a great deal of revenue through it. First of all, again, there is the moral effect of the Native Commissioner visiting the "hoofdstad" of a tribe to collect the taxes, and thousands and tens of thousands of Kafirs do not come to pay at the

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centre that you appoint. This may arise from ignorance, as they are not accustomed to it. Then there is the natural inclination, as there is to a white man, to avoid paying anything he has to pay, and if he can shirk it he will do so; and for that reason all these enormous fines are being imposed upon them now.

40,389. Is it not the custom throughout South Africa, in all Colonies, that those who collect revenue go to certain centres and call the Natives together for payment?—Yes, but you are not going to as many centres as you ought to go to. I think there ought to be, judging from Zoutpansberg, more Sub-Native Commissioners to control the Natives and the collection of taxes.

40,390. Will you speak generally about these things without particular relation to any district. It is in general terms that we are taking evidence regarding South Africa?—I cannot speak for anywhere beyond the Transvaal.

40,391. What you mean to say to us is that where you have a large Native population you want a considerable number of officers?—Yes, in districts like Zoutpansberg, Lydenburg, and such districts, you want more Sub-Native Commissioners.

40,392. That is the point you wish to lay before us?—Yes.

40,393. Wherever there is a density of Native population you want officers and Native police?—Yes. I do not say you want it in districts like Potchefstroom and Carolina, but there are some districts like Waterberg, Lydenburg, and Zoutpansberg, where you could not have too many Sub-Native Commissioners.

40,394. You say that in general terms about any part of South Africa?—Any part of South Africa.

40,395. Is that all you wish to say about land tenure?—Yes.

40,396. Then as to No. 3, the administration of local affairs?—I think we have covered that.

40,397. Then No. 5, Native labour. That was a subject you said you wished to speak on?—I wish to say that before the introduction of Chinese I do not think there was any real intention of recruiting Native labour. The scarcity of labour was one of the planks for the introduction of Chinese, and it was beautifully worked.

40,398. Did you give evidence before the Labour Commission?—No, I have never given evidence before any Commission hitherto.

40,399. This matter came out very exhaustively before the Labour Commission?—Yes, I believe so.

40,400. Is there a general scarcity of Native labour in the whole of the Transvaal?—There ought not to be; there are Natives enough.

40,401. Is there anything you could suggest that could be done to make them more inclined to go out to labour than they do?—No, except that the Native taxation should be increased; it bears no comparison to the white man's taxation.

40,402. Do you think those who do go out to labour should enjoy any kind of exemption from taxation?—No, I do not. Why should they? I think you ought to collect Native taxes on the gold-fields. I think you are losing a lot of revenue from not collecting taxes on the gold-fields. Sometimes a man comes to the gold-fields and stays for three or four years, and there seems to me to be absolutely no reason why taxes should not be collected on the gold-fields.

40,403. This is a point on which you suggest the taxation of Natives going to the industrial centres. Will you give us your views on that. I should like to say that a very large proportion of

the Natives in these industrial centres are foreigners to the country. Do you mean to say that you think taxes should be collected from foreigners?—Yes; you collect it from a German, and you collect it from a Frenchman.

40,404. They pay their direct taxes in their own countries. You would handicap the man who comes out to work?—I would not handicap him; I would make him pay level with the rest of the community, that is all. I do not see that he should be exempt because he goes to the gold-fields, and is a foreigner.

40,405. Would you exempt him because he worked for a farmer?—No, certainly not; if he works for a farmer he is near his Native Commissioner, and his Native Commissioner looks him up. My boys get orders to leave my service for three or four days to go and pay their taxes at the centre appointed, and they have to go.

40,406. Do you think it would affect the question of the supply of labour on farms if labourers who worked continuously were exempted from taxation?—I think it would, but it would be difficult to adopt that principle.

40,407. Do you advocate that course?—I do not think you can afford to exempt anybody from taxation now, but what you can do is to make the Native who does not work pay a bigger tax.

40,408. The man who does not work at all?—Yes, make him pay a bigger tax.

40,409. That, of course, would have to be done by special legislation?—Yes; let him be exempted according to the labour certificate that he brings. Make it penal on me if I do not give him a discharge certificate of labour done for me—fine me £10 or £20, or anything you like. Let the Native produce his discharge certificates, and exempt him from extra taxes according to the number of labour certificates he brings you.

40,410. Then you would exempt the labourer?—What I mean to say is that I would not exempt him, but I would make the Native who does not work pay a bigger tax. It is a matter of legislation, and the Government officials can work that out very easily. The man who lives in Park Lane in London without working pays more than the man who lives in the East End. In the same way, the Native who wishes to live in his Park Lane, let him pay more for it.

40,411. We have now passed on to the question of taxation; do you consider that the present taxation imposed upon the Natives is a fair taxation?—Too little, in my opinion. Considering his wants, considering what he earns, considering that he earns so very much more than he is worth, I think his taxation is too small.

40,412. Does he not pay a considerable amount indirectly by his consumption of dutiable goods?—No, he pays nothing indirectly. The clothes he wears he knocks out of his master, who gives it to him to keep him in good humour and to keep him in service; and the food that he eats his master gives him, and when he goes home he eats the produce of the veld.

40,413. You are speaking just now of the farm servant, who is supplied with these things?—Yes.

40,414. Take the other Natives in the Colony, people who live in towns, for instance, who have no gardens to plough?—They all live from their masters. You do not have a servant in this country that you do not feed. He draws these exorbitant wages with his food. No Kafir feeds himself; it is not the custom in this country.

40,415. Have you many Natives on your farm?—Yes, I may say I have about a dozen.

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40,416. Do you enter into agreements with them?—Yes.

40,417. Will you tell us the nature of those agreements?—I give him his food and I give him £2 a month, and I give him a house to sleep in, and then I cannot get one to stay with me for longer than two months.

40,418. Is £2 the current rate of wages on the farms?—Yes.

40,419. Why do they not stay?—Because they are a roving population, and because the pass laws are not carried out as they ought to be; in fact, the pass laws are a dead letter.

40,420. I was asking you about what influences the Natives in not staying more than two months?—It is in his nature not to stay longer. In India you cannot get rid of a servant, but here you cannot keep a servant. He is of a roving disposition and he will not stay, treat him as well as you like. The pass laws should be made more stringent and they should be carried out. Punish the Kafir, and punish me also. If I hire a boy without a certificate from the Native Commissioner that he comes from a kraal or without a discharge certificate from his last master, fine me £20. That is the only way to do it. Then I will take very good care that I do not hire him without a certificate, and the next man will do the same. As things are going on now it is too terrible. A Native has only to go away from me to the next farmer who is only too glad to hire him.

40,421. Do you know the Natives you employ?—No, I do not know them.

40,422. There is a Masters and Servants Act here?—Yes, but while that Masters and Servants Act is all very well for a white population it is not for a Native population.

40,423. In engaging Natives all over South Africa, is it not customary that the name of the Native, his kraal, his Chief and his Headman are noted down?—Yes. I had a boy who ran away from me, and I went to the Native Commissioner about him. They tracked him down to the Sand River kraal and brought him back. But he was out of my service for ten days, and when he got back he at once gave me a month's notice.

40,424. Then he acted within the law?—He acted within the law, but he did not do so when he ran away. The Pass Laws, I repeat, are not carried out as they ought to be. The Pass Law provides for a fine of £10, but I do not think that there has ever been a white man fined £10 for employing a Native without a pass.

40,425. Now, as regards the "Status and Condition of the Natives," which you said is a subject you wished to speak about, what have you to say on that point?—I say that the Native is fat, he is lusty, and he is able to live very much better than a white man without work; and that is the reason why he does not go into the labour market.

40,426. Do you mean to say that his condition to-day is better than it used to be?—Used to be when?

40,427. Than it used to be in days gone by; a few years ago?—No, certainly not; it is a little worse, because then he only paid a tax of £2 a year, and now perhaps he has to pay £6.

40,428. For his many wives?—Yes, for his many wives; but even that he can earn so very easily. I would be glad to hire as many boys as want to come to me for £2 a month and their food, and would be very glad to give them old clothes thrown in just to keep them, but I cannot get them, simply because they can get more on the gold-fields, where they earn at least 15s. a week.

40,429. *Mr. Thompson.*] You know the history of the Transvaal

pretty well; do you maintain that the Natives who were originally here and who are now on their reserves—in some cases having been there from time immemorial—have a vested interest in the country?—No.

40,430. You hold that they have no vested interest?—No, it never was the intention or the law of the Republic that they should have it.

40,431. Although they were found on their reserves originally?—Yes; we call them locations, which were given them after survey by the Government.

40,432. And as a compromise you have practically given those locations to the Natives?—Yes, but not all of them; some locations are of quite recent existence.

40,433. Taking a place where there is water running on the land and where the Natives have been settled for scores and scores of years, do you not think it would be very unfair because there happens to be a little water there that they should be turned out and put on arid dry soil?—I have very peculiar views, perhaps—views which may seem very peculiar to other people—and I say that this ought to be a white man's country, and the Native is quite a secondary consideration.

40,434. In fact, you can do without the Natives?—We cannot do without them, but they can live as well on the Springbok Flats as in the lovely sylvan arbour where they are now.

40,435. You say that there are quite enough Natives in the country for the requirements of the labour markets?—Yes, when you think that there are 320,000 in the Zoutpansberg alone.

40,436. Well, taking them at 1,000,000 all told, do you approve of a company like the De Beers Company coming up here to recruit labour for their mines?—No, I do not; there are quite enough Natives in the Cape Colony for them.

40,437. You object to any outside people coming to get labour in your State?—Yes.

40,438. Do you know the number of agricultural farms you have in the country?—No.

40,439. Do you know the actual requirements of the mines?—Not well.

40,440. Do you know the requirements of the stores, the Municipalities, and the domestic needs generally?—Superficially, yes.

40,441. What would be, roughly speaking, the number of able-bodied men wanted to run this State?—I should say 700,000 or 800,000.

40,442. You want 700,000 or 800,000 able-bodied men to run this State?—Yes.

40,443. And you have 1,000,000 Natives all told in this State?—Yes.

40,444. And in the same breath you say that Chinamen should never have been brought in, as the labour supply of this Colony has not been exhausted?—Yes; then I say beyond the Limpopo you have millions and tens of millions of Natives.

40,445. But you have adopted the principle that it is unfair for another State to come and recruit labour in yours?—Yes, where that State wants its labour. We want our labour, but the Portuguese do not want their labour.

40,446. You think it would be fair that you should go into Portuguese territory?—Perfectly fair, if they do not want the labour; but if they want the labour, I should say that it would be right for them to say, "Now you must stop."

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40,447. You say that 700,000 would run this State?—Yes.

40,448. Have you gone at all, as a Mining Commissioner, into the requirements of South Africa generally?—I have not been a Mining Commissioner for twelve years.

40,449. You were for some time, and I have no doubt that the question of labour generally came before you; could you not roughly estimate what would be the requirements of the whole of South Africa for adult labourers?—I think 700,000 Natives would run the whole show—that is, the whole Transvaal I mean, not the whole of South Africa.

40,450. And you have only 1,000,000 all told?—Yes, but there are tens of millions outside.

40,451. What percentage would that 700,000 adult males be in the whole Native population?—I could not tell you.

40,452. That is practically all the adult males there are from the Zambesi to Cape Town, is it not?—How many?

40,453. 700,000 adult males available?—I cannot say.

40,454. You approve generally of the Natal administration of Natives?—Yes.

40,455. To get back to that subject, has it not been the policy of Natal rather to look after its Natives and not to deprive them of their well-watered places?—I can only speak of Natal's policy generally. I am not acquainted with the internal workings of the Government. I have been there on visits, and I can only speak of their general policy.

40,456. But you think it a fair policy in the Transvaal to take away fountain farms from the Natives and put them on the Springbok veld?—The Kafir does not want those farms; I say he does not need water, as he waits for rain, and the white man does want those farms.

40,457. You do not think the State should teach him to use that water?—Until the State has taught him that, I say that all that lovely land is going to waste, and white people are being kept out of the country simply because they cannot live on the arid parts.

40,458. *Mr. Samuelson.*] Do you think the increase of Native Commissioners would improve the control of the Native population?—Certainly it would.

40,459. And that these officers would pay for themselves, as they would bring in more business, by being more accessible to the Native population?—Yes, you would get at the Native better, to collect the taxes, and you would do away with dissatisfaction, because now the Native, as I told you, does not pay; he tries to shirk his tax, and if he shirks it he is fined from £7 10s. to £10. Well, that is rather a big lump, whereas if he had a Sub-Native Commissioner near him he would know he could not shirk it.

40,460. You think that would improve the control and the supervision of the Native population?—Yes.

40,461. And that would be an improving factor altogether?—Yes.

40,462. Have you ever had anything to do with the Courts of the country?—Yes, I was a Landdrost.

40,463. Did you ever allow legal practitioners to appear before you in cases between Native and Native?—The Native Commissioner tried Native cases, and he always allowed it.

40,464. Do you think it is a good thing?—Certainly; why not?

40,465. Do you think that their influence is good?—Decidedly it is. The more you bring the Kafir into contact with the white man the better.

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40,466. And what was the process of charging; was judgment given against the defendant with costs?—Yes. I never had anything to do with the Native Court. The system under the Republic was that a Native could come to the white Court if he liked, but it was not compulsory.

40,467. I am not quite sure whether you said the Native could come to a Court and get judgment for "lobolo"?—I think in the Native Court he could, but it was not recognised by the law. The Native Commissioner never drove "lobolo" cases away, because it was not expedient, so he settled them somehow.

40,468. You cannot say positively?—I could not tell you more than I have.

40,469. You know, of course, with your knowledge of the Natives, Mr. Munnik, that every Native travelling in the country was expected to be able to give a reasonable account of himself, and to give satisfactory identification of himself?—Yes.

40,470. And you believe, then, in Natives carrying what is called the identification pass?—Decidedly; and I think that if you increase your police force, and increase your Sub-Native Commissioners, it will be a very easy matter. I think that you could then even register Native marriages, which would be a tremendous help towards identification.

40,471. And you approve of a penalty being imposed upon anyone who employs a Native without an identification pass?—Yes, punish the master who employs that Native, as well as the Native himself; fine him £20—it is the only way to do it. Things have come to such a pass that that has got to come. The master must be punished if he hires a man without a discharge certificate or a certificate from the Native Commissioner that he come from a kraal.

40,472. You had, I think, under the late Government very stringent beer-drinking regulations?—Very stringent regulations for everything.

40,473. Are they still in force, those regulations?—I could not tell you about beer-drinkings. But if a Kafir did not pay his hut tax we did not fine him; the Sub-Native Commissioner used to give him a hiding—and he liked it better.

40,474. You recognise that a beer-drinking party is very injurious to labourers and to the interests of employers of labourers, do you not?—Not more than the white soakers who are lying about the canteens. I should very much like to know what gives us the right to tell a black man that he must not drink, when we allow these loafers to go about in the canteen and soak, soak, soak all the day long; they also are lost to the labour market.

40,475. You do not approve of any restrictions?—Oh, yes; I approve of restrictions. I should say there should be class legislation right through, and that is what I argue. I say, if you can make class legislation as far as liquor is concerned, you can make it in every other respect.

40,476. Did the late Government recognise marriages according to Native custom?—Yes.

40,477. Were they registered?—No, never.

40,478. Do you not think it would be right and fair, in the interests of the women themselves, to register these marriages?—Yes; but at the present time you have not the machinery for it, you have not enough officials for it.

40,479. It would improve the status and dignity of the woman and secure the status of her children?—Yes, and save a fearful lot of litigation.

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40,480. You do not think that polygamy should be discontinued?—I do not see how it could be at the present time.

40,481. All marriages should be registered?—Yes, I think so.

40,482. *Mr. Campbell.*] What is your agreement with your Native tenants on the farm?—They are servants. I have no Native tenants; I have got servants.

40,483. You have no squatters or tenants on your farm?—No.

40,484. *Captain Dickson.*] What is your opinion, Mr. Munnik, of this system of squatting on farms?—Do you refer to the Plakkers' Wet?

40,485. I mean this wholesale squatting on farms?—How are you going to obviate it? The Plakkers' Wet was in force for ten years as a measure on the Statute Book, but we could never practically put it into force, because we were afraid of driving the Natives away. And the squatter is a source of revenue. I will give you an instance. In the Zoutpansberg division, while I was Landdrost there, we once collected £26,000. The average income from Native taxes in the Zoutpansberg Division was £24,000 a year. Last year, the new Government collected £140,000 from them. It shows you what a source of income they are.

40,486. Do you not think that this wholesale squatting on farms by Natives has got something to do with the scarcity of labour you complain of throughout the country?—You mean the squatting on the companies' farms?

40,487. Yes?—Decidedly it has.

40,488. Would you not in some way legislate to prevent this absentee landlordism?—There seems to be a very great danger about legislating for this. It is different with Crown lands, and I would commence there.

40,489. At one time you lived in the Cape Colony?—Yes.

40,490. Do you know the laws of the Cape Colony as regards squatters?—I have forgotten them; it is twenty years since I lived in the Cape Colony.

40,491. Do you think it would be possible to be in a worse position in regard to labour than you are at the present time?—Hardly, so far as the farmer is concerned; as far as he is concerned, we cannot be worse off.

40,492. Do you think it would be possible in certain districts in this Colony to carry out the Squatters' Act?—You mean the Plakkers' Wet?

40,493. Yes?—No, we cannot carry it out. The order is too big, but it is reduced by putting it into force on Crown lands, for living on which the Native pays no rent.

40,494. Are there not Acts on somewhat similar lines you could carry out?—I do not think you could do so, because the Boers are a very practical nation, and if they could have done it they would. General Joubert went very deeply into the matter, and he saw the inadvisability of carrying it out.

40,495. Have you ever heard of Native Chiefs selling Native labour to labour agents?—Yes, it is done every day.

40,496. It is of common occurrence?—Yes.

40,497. *Mr. De la Harpe.*] What part of the Plakkers' Wet does not answer?—The whole of it.

40,498. I believe it is similar to the old Free State Plakkers' Wet?—I do not know what the Free State Plakkers' Wet was. But in the Free State it was different, because the Free State was more densely populated than the Transvaal.

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40,499. Did I understand you to say that the recruiting agents did not take much trouble in recruiting labour before the agitation for Chinese labour?—No.

40,500. They did not take trouble?—No.

40,501. Are they doing so now?—They are very vigilant now; they are tumbling about and racing about like anything.

40,502. Do you know if they are successful in getting Native labour?—Yes, they are successful.

40,503. They are succeeding satisfactorily?—Yes. I saw a letter from a labour agent three days ago, in which he wrote to a Chief, who said he could get any amount of boys by paying their fines for arrears of taxes. He said, "Pay." It did not matter if it was £15 or £16 he had to pay, but he said "Pay."

40,504. Is that the reason he gets boys, because their fines are paid?—That is one of the reasons.

40,505. You said you would not be against the Native buying land all over the country?—No. What I meant to say was that where the location is too small the tribe should be allowed to buy a farm adjoining the location, so as to make the location larger.

40,506. I believe the Chairman put the question to you whether you would allow them to buy anywhere, and you answered "Yes"?—I did not understand that. I meant anywhere adjoining a location, but not anywhere in the country.

40,507. *Mr. Sloley.*] You seem to think the land question has a great deal to do with this unsatisfactory position of the Native as a labourer; that he has too much and too good land?—Yes.

40,508. Have you seen the Land Report on the Transvaal Native?—No.

40,509. I will hand it to you. You will see that the various locations are coloured: the Government locations brown, and the private locations yellow?—Yes.

40,510. It does not appear from that that the Natives possess an inordinate amount of land as locations, does it?—It might not look big here on this bit of paper, but it is big; and the Native has got the cream of the country.

40,511. If you take the Zoutpansberg district, which you say contains 360,000 square miles, the portion of that district reserved for Natives is extremely small?—I have been in every one of those locations marked here, and there is not one of them that is too small, especially since rinderpest has carried off the stock; they are all too large.

40,512. But I mean the proportionate area occupied by Natives and by Europeans?—The European has bought that white bit, and the Native has got that red bit for nothing.

40,513. And the private locations, marked yellow?—They are all companies' farms, and that sort of thing; they are not private locations. The Native pays rent to the company, but he pays nothing to the Government for the enormous tracts he occupies outside the location. These are the men I would wish to see living with farmers instead.

40,514. Are those farms on which the Plakkers' Wet is not being carried out?—Those are just exactly the farms on which the Plakkers' Wet is not being carried out. Some of the yellow spots are, of course, Crown lands.

40,515. And outside of those coloured spots, the Native, if he wishes to live in the Zoutpansberg district, has to live on the terms that some white land-owner may impose?—No, but on the terms he

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(the Native) agrees to. The master of the situation is the Kafir; as far as the labour is concerned, there is no doubt that he is the master of the situation. There is a superabundance of labour, but the Native will not work any more than you or I would work if we needed not to. I will give you an instance why I hold that there should be legislation to enable the Government to expropriate a Kafir location. I had the honour of an interview with Lord Milner when I came back from being a prisoner, and I spoke to His Excellency about a water scheme for Zoutpansberg from the Woodbush range of mountains. At present the water runs down into the fever country and into what is called the low veld, but if it is diverted the other way it will run down where the white people live, and can be made of use. This is the Broeders-stroom, or the head-water of the Letaba; the river there could be diverted and utilised at a very small cost. It rises almost on the watershed, and all that has to be done is to bring it down this way instead of letting it down the other way where it runs at present. I said to Lord Milner that it would be a splendid scheme, but that it was no good taking it in hand, because the only people it would benefit would be Legalie and Mabul —you will see their locations marked on the map here. Those are the two people who would benefit most by the scheme, whereas if you put white people there and diverted the stream the land would bear a very heavy white population. That is one reason why I think the Government should have the right of expropriating the Kafir locations.

40,516. What is the number of the European population of Zoutpansberg; do you know?—I could not tell you. I have had to work very hard for a living since the war, and I have not had time to bother about anything of that sort. I have not meddled with statistics.

40,517. But it occurs to me, as a stranger to the Transvaal, and looking at this map, that the distribution of land appears entirely in favour of the white man?—There is an old Dutch expression, "*Papier is geduldig*" ("Paper is very patient"), and that is the same with this map.

40,518. I presume the map is correct; do you not think that the relative proportion of the locations is small?—Speaking of the Zoutpansberg district, I say that the Native has got too much land, although it appears on paper that his relative proportion is small.

40,519. You could not reduce that very much without eliminating the Native locations altogether?—No; but you could huddle some of these yellow spots into the red ones.

40,520. On the yellow spots they are paying rent to their white landlords?—Yes.

40,521. The only places where they live rent free are these brown spots?—Yes, and on the yellow spots that are Crown lands. The Natives on those yellow spots ought to be made to go to the farmers in families of five, but the farmer cannot get them; no farmer can get five families on to his farm.

40,522. They prefer to live on the yellow places and pay rent?—Yes, because they can loaf their lives away there.

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40,523. *Chairman.*] You are a member of the Legislative Council?—Yes.

40,524. And you have been a great many years in this country?—I have been 32 years in this country.

40,525. Have you held any administrative offices in this Colony?—Under the interim Government I was Master and Registrar of the High Court.

40,526. Any magisterial district work?—No; but I have travelled a great deal about the country.

40,527. You are aware that there is a list of subjects which have been referred to this Commission?—Yes.

40,528. Have you got that list before you?—Yes, I have the list here.

40,529. The first amongst those subjects is that of land tenure. You are aware that in this Colony the Natives are situated in a variety of ways on Government locations, and Crown lands, and private farms, and scattered about in other directions?—Yes.

40,530. And the general system of land tenure in locations is what is known as communal?—Yes.

40,531. Do you hold any views upon this question of land tenure by Natives?—Yes. As regards the question as to whether Natives should hold land in freehold I have a very strong opinion, and that is that no Native or tribe should hold land in freehold.

40,532. Do you mean in their own names?—Yes. I believe at the present moment land is being acquired by Natives themselves and it is held in trust for them by the Native Commissioner. I think that is bad in principle, because eventually it will mean that the Natives will absorb most of the land in this country. They are at the present moment, as you know, receiving very high wages, and if a thousand of them, say, chose to work for twelve months, they could easily get together a sum of £20,000, and purchase land to be held in trust for them by the Native Commissioner to almost any extent. Under the present system you are creating new Native locations in this country. Then, of course, the question arises whether the Native, when in a location, is of much benefit to the country. He cultivates just as he thinks fit, and does not go in for progressive agriculture, and there appears to be a tendency to retrogression as long as he remains in a location. I do not contend for one moment that you should at the present moment break up the existing locations or take them away from the Native; I do not think that would be a wise or a just policy, but I say you should not increase the evil by allowing them indirectly or directly to form new locations in the country. Location life, as far as I have been able to judge, is a life of idleness. As we all know, the Native's requirements are very small, and he need not, unless he chooses, work more than three or four months in the year, just long enough to get sufficient money to pay his taxes and satisfy the small requirements that he has. There is another point, and that is the wisdom of putting Natives on Crown lands. Here again, as you know, the Crown lands of this country are not very extensive, at least those Crown lands which are both healthy and suitable for agricultural purposes, and if you allow them to be squatted upon them what is the result? They exhaust the land, they destroy the wood, they destroy the game, and one of your best national assets is deteriorating every year; and what do you get for that—little or nothing. Compare, for instance, the position of the Native to-day, squatting on Crown lands, with that of your white settler, who has to pay for every acre of land that he requires. The Native, on the other hand, merely pays his poll tax, and obtains as much land as he can cultivate. Therefore, I am strongly in favour, if we wish to raise the Native from his present state of existence to some-

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thing better, of a policy being initiated to force him if possible on to the farms occupied by white persons, where he would come in contact with the white man and more advanced agriculture, and would certainly become a better husbandman and a better labourer. I would point out at this juncture that under the late Government, as you are aware—it seems an extraordinary thing, but it took place, and I do not know whether it is going to be continued by the present Government—farms belonging to white persons were expropriated and turned into Native locations. By what manner of reasoning this was done I do not know, but it has been done, as you are aware, and I think that anything of that kind should not be permitted in the future. I do not think I have anything more to say on the point of land tenure.

40,533. You are aware that at the time of the late Government, a Convention between Her Majesty's Government and the late Government provided that the Natives should be allowed to get land, but that it should be held in trust by a Government officer, and that the late Government, in pursuance of that agreement, facilitated the transfer of a great deal of land to the Natives?—Yes, under the Convention certain Natives were allowed to, or it was agreed that they should, have locations. There was a "pitso" held in Pretoria, and all those tribesmen represented were to have locations beaconed off to them. I know it took many years to do it, and I believe some are not beaconed off to-day, but I do not think that it was intended that the Natives should be allowed to acquire land in freehold—nor even set forth in the Convention.

40,534. There was a clause in the Convention which provided that it should be possible for Natives to acquire land, but that it should be held in trust by, at that time, a Commission appointed under the Convention, which was subsequently substituted by the Superintendent of Natives under the late Republic. The clause reads: "Natives will be allowed to acquire land, but the grant or transfer of such land will in every case be made to and registered in the name of the Native Location Commission hereunder mentioned in trust for the Natives"?—Did not that refer to those Natives who specially appeared at the "pitso" in Pretoria?

40,535. No. There are several clauses. I will read you what was said by the Royal Commission to the "pitso." [Reading]?—That refers to the obtaining of land for tribal purposes—not individuals.

40,536. "Natives will be allowed to acquire land" not "Native tribes"; this was the Convention. Then upon that the late Government facilitated, as I say, the passage of a considerable amount of land to Natives which was held in trust by the late Superintendent-General of Natives?—Yes, that is so, but I hold, as I have pointed out already, that the acquiring of land by Natives in this country in freehold would be detrimental to the expansion of the country, especially as a white man's country.

40,537. Would you see any objection to the granting within existing locations of individual tenure in small allotments to Natives?—Splitting up the locations and dividing them amongst the individuals of the tribe?

40,538. Giving each man an allotment?—I have never really thought that matter out. I believe the Glen Grey Act in the Cape Colony is based on those lines, but I understand the experiment is not a success. I am only speaking from hearsay.

40,539. Do you think there is anything to commend it in letting the Natives feel greater responsibility in having a definite area for cultivation?—That would mean doing away with the tribal system I take it?

40,540. It might follow?—As far as I can judge at the present moment, it will not be advisable to do away with the tribal system unless you can offer the Natives something better in its place, because I think you will lose control over your Natives in this country. You can control them through their Chiefs, but I doubt very much whether you will be able to control them when you once cut away those Chiefs; and if you cut up their locations into small lots naturally you will then destroy the power of the Chief entirely.

40,541. So you consider that the tribal system should be maintained in this Colony?—I am no admirer of the tribal system, but I think that unless you can give the Native something better in its place it would not be a wise policy to destroy it.

40,542. What, in your mind, would be something better to give?—That is a very difficult question to answer. I should say if you can get the Native away on to the farms of the white man under fair and reasonable terms, so that he labours alongside of the white man, and he learns from the white man, I think that would be something better than leaving him in a location to pursue his own ideas of labour and agriculture.

40,543. Supposing the tribal system and Chieftainship had disappeared entirely in some cases, or partially disappeared, would you re-establish it, where it had gone?—I do not think that would be advisable myself. I do not see how you are going to re-establish it. When the power is once destroyed I doubt very much indeed if you would get the Natives themselves to recognise it again. I do not think it is a feasible proposition.

40,544. It must be either a system that you are going to support, believing it is right, and re-establish where necessary, or it must be one that will in time disappear?—Not necessarily. If the power of the Chief has gone and the tribe is broken up, it would be very difficult, I think, for you to get them together again, or to recognise the power of the Chief again. On the other hand, I say, where it does exist, I think, until you can offer the Native something better than the tribal system, it is unwise to destroy it.

40,545. You look to the tribal system as one which is of use to the Government in managing the Natives?—Yes, under present conditions.

40,546. Do you see anything at all conflicting with European ideas, or with the interests of the country in the tribal system?—No, not under the supervision of civilised government. Of course, you are a paramount power, and the Chiefs owe allegiance to you. You are the white Chief, I take it, and you control through the Chiefs, and if there are any excesses they could always be checked by you.

40,547. Do you see any objection, I mean, to the laws and customs which they have inherited, and which they like, being abolished?—I think, as far as the laws and customs are concerned, it is a matter more for the expert who has a very intimate knowledge of the laws and customs of the Natives to express definite opinions upon, but I would point out that I think Native Courts in Native districts, administering Native law between Native and Native, might be established until such time as you have been able to civilise the Native so far as to get him to recognise our own laws and customs.

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40,548. You mean that there should be officers with Courts specially set apart for the treatment of all Native cases in every district?—In the big Native districts of the country.

40,549. Wherever there is a density of population?—Yes. Otherwise I do not see how you are going to govern them properly. Take, for instance, the Zoutpansberg district and those large areas up there occupied by Natives: I think it is very necessary that you should establish Courts up there. As regards the Natives who are scattered all over the country and who are in close touch with civilisation, of course, I do not see any great necessity for Native Courts.

40,550. Then what is the necessity, do you think, for Native Courts. What is the object of them?—You have gradually to break down their ideas regarding their own laws and customs. To remove laws and customs which have been handed down from generation to generation would be unwise, and I do not think you could sweep them away in a minute. The evolution would have to be very gradual.

40,551. Are not those Natives that you have referred to in every district in this Colony?—No, I think many of those that have really left their locations and left their tribes, and are now settled alongside of the white farmers, will begin to lose most of their customs, and I should not encourage the continuance of the Native customs under those conditions.

40,552. Do you think that such districts might be brought under the common law of the country?—In many instances, yes, I think so.

40,553. Would you do it entirely?—That is rather a difficult question to answer. I should attempt it where they have absolutely broken away from all tribal control and influences.

40,554. Would you prohibit the use of their Native customs?—If you mean to say as far as polygamy is concerned, that is a question which stands by itself. I do not think you should interfere with that at the present moment. It is a custom you intend, I presume, to break down by civilisation, but you could not I think make any sweeping alterations there without creating trouble.

40,555. Would you allow cases relating to polygamy and "lobolo," and such like, to come into the Courts of Magistrates in those districts to which you refer?—No, I think anything of the kind should be settled by the Native Commissioner.

40,556. I am presuming you have not a Native Commissioner. Take the districts where there are no Native Commissioners, where you say they are not required?—I do not know any districts myself where a Native Commissioner is not required.

40,557. Without naming a district, I understood you to say that there were some districts where the Natives were scattered and in contact with civilised people, and where the special employment of Native Commissioners might be dispensed with?—I did not say the employment of Native Commissioners might be dispensed with. What I wish to convey is this, that it would not be necessary, in my opinion, to establish Native Courts except in big Native centres where the Native laws are still recognised by all the Natives, but where they are scattered throughout the country I do not think it would be necessary to have those Native Courts You might have your Native Commissioner, and I think a Native Commissioner is most essential in every part of this country to look after the interests of the Natives.

40,558. He must have a Court with jurisdiction—what would he be without?—He would have a certain amount of jurisdiction for Native purposes, certainly.

40,559. That is what I want to get from you. You do recognise that in every district where Natives are living there should be some forum to which they could go for the settlement of cases?—Yes.

40,560. Just now you used the expression "until we have been able to civilise the Natives." Do you recognise it is one of the functions of the people and the Government to do anything towards the civilisation of the Natives?—Yes, I think that it is the duty of every man to try and civilise his fellow-creatures as much as it is possible to do it.

40,561. How do you think that can best be done?—I think it should be a very gradual and a very primitive form of civilisation and education which you should offer him in the first instance.

40,562. Education?—Education and civilisation would go together.

40,563. Do you think that the Government should have compulsory education for the Natives?—No. I do not see the necessity for compulsory education. I think first of all the principal education that a Native requires is to be taught to work if you can possibly teach him.

40,564. How would you do that?—I would do it by altering the present condition of affairs. As long as the Native in this country is lightly taxed and has as much land as he chooses to cultivate I do not think there is any necessity for him to labour much. No man wishes to labour. It is all very well to talk of the dignity of labour, we hear it talked of every day, but the white man does not labour because it is dignified to labour; he labours because he must eat, and the Native does likewise, I presume.

40,565. Would you take away from him the land that he has?—No, I would tax him more heavily, I think, and I should try and get him on to the land where he would be useful and come in contact with the white farmer and afford a certain amount of labour to the white farmer.

40,566. There are several classes of Natives: there are those who are in locations in the country who pay the Government tax but no rent; there are others who pay the tax and rent. Do you think those who pay rent are not sufficiently taxed?—To whom do they pay rent? Do you mean to private individuals?

40,567. To individuals or to the Government on Government farms which are not public locations?—If you will allow me I will give you my own views with regard to what is termed the Squatters' Law in this country and which will be, I think, an answer to your question. The Squatters' Law, to my mind, is deficient, very deficient, because it only provides for a certain number of householders on each farm, so that a farmer who is farming on a very extensive scale cannot possibly get the labour he requires under the Squatters' Law. My own opinion is that the Squatters' Law should be so amended that the farmer may secure sufficient labour for all his requirements, and, over and above that, there should be a surplus of labour which could expand in other channels or be used in other directions than agricultural. Now the difficulty hitherto has been what I have pointed out, that only five householders are allowed on each farm. Well, if I am a large farmer five households will not assist me much in my farming, and if the law is so amended that a reasonable amount, or a reasonable number, of householders may reside on a farm, so as to give that farmer sufficient labour, he will be able to farm as he should farm. Then, independent of that, I would not allow—and this is a strong point I

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make—I would not allow Natives to squat on any farm that does not belong to a *bona fide* farmer, or any farm that is merely owned by a land speculator, for the purposes of speculation. At the present moment the whole of the land companies in the Transvaal are turning their lands into Native locations by allowing Natives to squat on them, and the consequence is the farmer in this country will never get any labour so long as this is permitted. You will say then, probably, that if this were done the labour would be a form of forced labour. No, I say, that is not my intention, I merely want to force those Natives to go and live alongside of civilisation and learn something from civilisation. I want the Native to learn farming if he can, and that is the education I want to give him in the first instance. I go further than that. I say, in order to protect the interests of the Native and to protect the farmer himself, there should be an agreement entered into in every case where Natives go and squat on a white man's farm, and the Native Commissioner should see that that agreement is carried out in the interests of both parties. That agreement should specify the amount of labour he has to give and what he is to be paid for it, and I think if you introduce a Squatters' Law on those lines you will find that it will work very well in this country, and you will do away with what is now taking place, the squatting upon lands in the country belonging to wealthy land corporations and turning them into Native locations, to the detriment of the farmer in this country.

40,568. I should like to remind you that the law of this country to which you have referred, admits of more than five families on one farm if justification is shown that they are required there for developing the farm. There is nothing to prevent it. Now you spoke of forcing the Natives to go and work on the farms under agreement. What methods could you employ to force them to do that?—Did I say force them?

40,569. You said you would like to force them to do it?—No. If you by law say that no Native shall reside on an unoccupied farm, a farm that is not occupied by a white man, then he must go on to a farm that is occupied, because the Native locations, we are told, are too small to hold any more Natives. What I want to prevent is land companies holding enormous tracts of land simply turning those tracts into Native locations, to the detriment of the country, preventing expansion of agriculture in this country by encouraging the squatting of Natives on to their farms. I do not think you could call that forcing them to labour.

40,570. In order to remove them from those places you must eject them in some way or another?—By law you should prohibit squatting on land that is not in the possession of a *bona fide* agriculturist. If the land companies wish to turn their land to account they can surely lease it to white men and they would have the benefit of the Natives' labour. You would then have the Native working alongside of the white man, learning at any rate to farm on more progressive lines.

40,571. You are aware no doubt that in this Colony to which you are referring a great deal of the land which is now occupied by squatters of this description is situated in unhealthy areas where white people cannot live?—Yes, a certain portion is in the low country.

40,572. How would you utilise that land to the best advantage for the State, whether it belongs to the State as Crown land or whether it belongs to private individuals or companies?—That is

land that you will not be able to utilise probably for many years, and I do not think you will find very much of that land is occupied by Natives. From my own experience, and I have travelled throughout the low country, there is very little of it, unfit for white occupation, that is occupied by Natives. You will find along the Middle Letaba and the Klein Letaba Rivers and about IJzerberg a certain number of Natives, but you will find the thickly populated portions are the highlands where white men can live and do live.

40,573. If you take the white population of any one of those districts, Lydenburg or Zoutpansberg, and compare it with the black, and strike out what are known as the Government locations, the remainder of the Natives must be situated upon private land of some sort or other?—Yes.

40,574. Why do not the white people occupy that land if you think it could be occupied?—Most of the land has passed into the hands of large land corporations who are holding it, I suppose, for future generations.

40,575. Supposing you passed a law making it prohibitive for Natives to live upon any farm that was not occupied, those who are now in occupation would have to leave?—Yes.

40,576. Where would they go to, do you think?—They would pass on to land occupied by white men.

40,577. That is if they wished to do so?—Yes. I would protect the Native in every possible way, as I have pointed out already, by agreements, and the Native Commissioners must see that those agreements are carried out, and I think you will find that if the Native has a hard and fast agreement he will be very pleased in many instances to leave those unhealthy lands and go on to healthier lands, but the fact that there is merely a law and he knows he may be treated improperly, makes him keep away in many instances from those lands or from the farms where he can get labour. If you protect him by a standard agreement and you see it carried out, I believe you would have a great number of Natives happily settled in a very short time and doing very good work in the country in the interests of agriculture.

40,578. Do you believe that those Natives, who have all their lives occupied those warm latitudes in the low veld, would go on to the extremely cold high veld to live?—No, I do not expect those Natives would, but they would go into what we call the intermediate veld, and you would find the Natives on the intermediate veld would probably go on to the high veld.

40,579. You said you would not interfere with the existing locations. Do you think that the occupation of those locations should carry any obligations to Government beyond the payment of the tax?—Yes, I would increase the tax.

40,580. Why?—I think the tax is too low. I will give you my reasons. We are told, for instance, that a Native, if he likes to work three or four months in the year, earns sufficient money to pay his taxes and buy what he requires for the rest of the year. I do not think that is a healthy state of things, for it means that for eight or nine months of the year, with the exception of the little agriculture he may do when he gets home, he is an idle man, and I think that state of things is detrimental to the general interests of the country and it should be stopped if possible. The question is how are we going to stop it. My own idea is that £6 per year would not be an exorbitant tax, and I will give you my reasons for saying so. When you first taxed your Native, some 40 or 50 years ago, the tax was

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10s. per hut. In those days he earned 5s. a month and he lived on mealie meal. To-day his average wage, I think, is about £3. They earn from £2 to £4; take the mean, £3. And he is not satisfied with mealie meal; he wants bread and meat, especially the domestic boy. Now if he could afford to pay two months' wages forty years ago as a tax he can afford to do it to-day, and it would be no hardship. I will go a little further and I will compare his lot with that of the white artisan. The white artisan in this country earns about £300 a year—he is a well-paid man if he does—and out of that he has got to pay in house rent and taxes about £100—that is one-third of the whole amount he earns; so if you tax your Native £6 a year he is not, comparatively speaking, so heavily taxed. I will make another comparison. Take your white squatter in this country—the bijwoner—the white man, who is getting none of the facilities that the black man is getting as far as Crown lands are concerned; he is farming on private land and has to farm on halves, or give a quarter, or a third; that is to say that half of the produce he produces, or a third, or a quarter, as the case may be, he has to give to the owner of the land for merely using that land. That is the white man's condition, so he is paying far more in taxation than the Native would be paying at £6 a year. Again take taxation in England. There is the income tax of 1s. in the £1, one-twentieth of a person's income, independent of all the other taxes that are levied, which compares favourably with the £2 now paid by the Native out of the £36 which the Native could earn if he chose to work for twelve months. The white man must work the whole year, the artisan must work the whole year; if he takes seven days' holiday in the year he thinks himself fortunate. Therefore I say that the present tax of £2 is absurdly low compared with the benefits the Native enjoys and the wages he earns.

40,581. Would you tax all the Natives at the rate of £6?—Yes, all the able-bodied Natives, from 16 years and upwards.

40,582. Every male?—Yes. If a man likes to spend his life in idleness he should pay for it. It is a luxury, and he is not paying much for it, even at £6.

40,583. I want you to consider the case of a certain class of Natives, whom I will call for the moment farm Natives, Natives who live on farms and work under agreement with the farmer for him every year, who are unable to go out and earn the high wages you speak of; how could they pay such a tax?—Natives working for farmers at a low wage—I do not know of any. The general complaint is that nobody can get any labour at all, even at present wages. That may have happened in the pre-war days, but I do not think you will find it so to-day.

40,584. Are there not a hundred thousand Natives who are working for the farmers,—not as many as they want, but still there are that number approximately?—There are a good some working. I do not know that they will run into a hundred thousand.

40,585. They are in many cases fixtures upon the land and are tied to the farm?—How are they tied?

40,586. They are unable to go out and work, because they have to work for the farmer?—I do not know of any agreement of the kind. I know the Native in this country, if he gets tired of one master, goes to another, moves from one farm to the other, until he is satisfied. That is constantly taking place.

40,587. There are many tens of thousands of Natives who with

their families are living on farms?—Yes, but I do not know that they are bound by hard and fast agreements.

40,588. As a matter of fact, where they are treated well they remain for years and become tenants practically of the farmer?—Yes.

40,589. How is that class of man to provide the wherewithal to pay a tax of £6 a year?—Very easily. As a rule, they do not give more than three months' labour—some four—to their master, whatever he pays them for it. The rest of the time is their own. I have had numbers of boys working for me who came from Boer farms, and in some instances they were with me for twelve months before they were called upon to put in any labour for the owner of the farm.

40,590. That is where he has all he wants. Take the man who has not anything?—As I pointed out, I do not think there are any hard and fast contracts that are binding those men down.

40,591. You mean to say that the farmers of this Colony would come forward and say that they do not require and do not ask for the continuous labour of the Natives on their farms?—Do not misunderstand me. I am quite prepared, if a Native will put in labour to remit all his taxes, even to £6, if he will work nine months in the year.

40,592. Would you do that as a reward for labour, or in order to assist the farmer?—I would do that as an inducement to make him go out and work.

40,593. If he worked at home would you absolve him?—Yes, as long as he gave full nine months in the year to his master, I would remit his taxes.

40,594. If he went to the mines, or if he went anywhere?—Anywhere he liked to go, so long as he laboured.

40,595. Would you exempt him entirely for nine months?—Yes.

40,596. Are you aware that the Natives of South Africa contribute considerably in indirect taxation to the revenues of the Colonies?—Yes; I do not know that I would call it a considerable amount. They do contribute to the taxation.

40,597. Are there any other remarks upon the land tenure question that you would like to make?—No, I have nothing further to say on that point.

40,598. Will you tell me the next subject on which I may ask you questions?—As regards marriage laws and customs I have nothing to say. I think that is a matter more for the experts who have gone into the laws and customs of the Natives, as to whether those laws and customs are good or not. I do not know quite what you mean by the administration of local affairs. Do you mean of a municipal nature, or what?

40,599. The administration of local affairs has relation to the question of individual tenure of land, which is associated with, in some parts of South Africa, local Councils, composed of Natives, who are allowed to represent matters, and to deal with certain matters affecting them in those areas?—Do you mean a kind of Divisional Council for certain purposes of a municipal nature, or what?

40,600. No; they are District Boards which deal with things like Native education and roads, dipping tanks, scab regulations, and so on, in those parts occupied entirely by Natives?—Personally, I think that entrusting the Natives at the present moment, especially in this country—I am not speaking from experience of the adjoining Colonies, because I have been out of Natal for so many

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years, and I know very little about the Cape Colony Natives—but, taking the Natives in this country, I do not think they are capable, or sufficiently advanced in civilisation, to undertake Boards of that kind, and the result would be that the masses would be exploited by a few semi-civilised Natives, full of arrogance and assurance, and I do not think it would be to the benefit of the Natives if they were allowed that control at the present moment. I think that until they are absolutely capable of administering affairs of that kind thoroughly, the white man should be in evidence, and assist them, and direct their affairs.

40,601. Do you think that the Natives as a whole are fairly represented in the Councils of the State?—What do you mean by representation in the Councils of the State?

40,602. Are their feelings, their wants, and so on, heard? Have they means of making them heard?—They have, I take it, through their Native Commissioners, and the head of the Native Affairs Department. I do not see that they have anything to complain of.

40,603. Has it occurred to you that they require any special form of representation?—I should say no, not at the present moment. I do not think they are sufficiently far advanced. Do you mean the franchise?

40,604. I ask you whether you think they are represented in the Parliaments of the States of South Africa?—I take it they are represented, as far as our own legislature is concerned, through yourself.

40,605. Do you hold any views upon the franchise question?—Yes, I hold very strong views. I do not see it is possible to give the coloured races the franchise in this country, unless you wish to make this country intolerable for the white man to live in. My idea is that the two races must be kept distinctly apart, black and white, if you wish both parties to be contented, and if you do not wish to breed a mongrel race. That, I take it, would be most undesirable; at any rate, it would mean destroying the power of the white man, and practically lowering the white races to the level of the black. What I feel is this. If you give the Native the franchise you place him politically on an equality with the white man. If you place him on an equality politically, then what are you going to do socially? You must admit him socially if you give him full political powers. I say, that it is possible that a Native may be sufficiently educated and sufficiently intelligent—I do not think it is probable myself, if he is a pure-blooded negro—to take an official position; then you must admit that man into the Civil Service.

40,606. You say, you must admit him?—Yes, if you are going to give him the franchise, if you are going to make him politically the same as the white man, you will force him upon the white races socially, and the question is, can you accept that—will you accept that? I say, you cannot do it. As I have pointed out, we should take every precaution to prevent the fusion of the two races. Let us keep the two races distinct, and let us govern the black races to the best of our ability; because, I also hold, I may tell you, and you cannot get away from it, that the negro races occupy the lowest position in the evolutionary scale. If we are going to believe scientists, anthropologists, they tell us that they are a lower order of beings than ourselves, and, if they are a lower order of beings, is it not very foolish of us to try and force them to an absolutely impossible position? Are you not flying in the face of Divine Providence in attempting to do such a thing? That is the opinion I hold. For instance, to-day you will not give the Native a glass of

grog, and yet you talk about giving him the franchise! To think of the thing is absurd to my mind. We may lay the foundations of a higher civilisation, which may only be consummated thousands of years from hence, or hundreds of years from hence, but to think we are going to take a lower order of creatures—that is, if we believe scientists—and bring them up to our own standard in a few generations, I say, we are taking upon ourselves an impossibility.

40,607. Supposing in any one Colony a considerable number of men attain to a reasonably high standard of education and civilisation, do you not consider that they should be represented in some way?—I do not see how you are going to do it, if the white man is to be the dominant power in this country. You have only to look abroad; you have only to look—I do not wish to make invidious remarks—but look at the Portuguese race to-day. I say, that if you are not going to draw a hard and fast line—which may be rather harsh, but, taking everything into consideration, it is the most merciful course—then you will have a mongrel race eventually in this country, and then I would like to know what is going to become of our British supremacy in the future.

40,608. When you say a mongrel race, do you mean a coloured race—half castes?—Yes. I call them mongrels. You cannot get away from the fact that for thousands of years the negro tribes came in contact with the finest civilisation in the world, and yet it has left no trace upon them whatever. I trust we are all men of common sense, and we take these things into account in dealing with this question. If the negro races were capable of being raised there would surely have been some trace of it. The known history of the negro races points to the fact that no impression has been made, and points to the fact that the negro must be of a lower order. For instance, I do not suppose you would argue for one moment that the Bushmen, or the pigmies of Central Africa, or the aborigines of Australia, are equal in intelligence to the Native of South Africa, and you would not attempt the impossible, and try and raise them to our own level suddenly—and yet they are members of the same race. In the course of evolution it may come, but it may take hundreds or thousands of years. If we can arrive at a basis of treatment of these people we may lay the foundations of evolution, but as to our seeing the result of it, or generations for hundreds of years to come, I doubt it.

40,609. *Mr. Krogh.*] What class of Natives would improve sooner, those who have left their Chiefs or who have been conquered and distributed amongst the farming classes, or those living in big locations under the tribal system?—My own personal experience has been that those Natives who have lived away from the towns, but have come in contact with the white agricultural people of the country, have improved more than any other. Of course, it depends a great deal upon the character of the man the Natives lives alongside of. That stands to reason.

40,610. I think you said it would be our duty to try and improve the Native?—Yes.

40,611. Would you think that the Natives could be improved who are living in those large locations under Chiefs?—No, I do not think that they would improve there. There is no inducement in a location to improve. They live amongst themselves, cultivating a little land, taking as many wives as they think fit, and consuming as much beer as they can drink.

40,612. Yet you would retain those locations under the Chiefs?—

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What I wish you to understand is, I would not sweep them away immediately. I say that would be a drastic measure, and I do not think it would be just. They might gradually disappear, but to go and sweep them all away by a stroke of the pen, I think would be a mistake, and wrong in policy. I certainly would not increase the number of locations.

40,613. *Mr. De la Harpe.*] You said you would not allow Natives to live on land not occupied by those big companies, as the owners of land, on which there is no white man?—Yes.

40,614. Suppose a company owns 40,000 morgen of land, is not it possible to place one white man in charge, and put Natives on at the same time?—My own idea is that legally the owner should be entitled to sufficient Native labourers for his agricultural undertakings.

40,615. Of course, it is a matter of detail?—My idea is to prevent all those lands, practically waste lands, being locked up by large companies, and turned into Native locations, which is now taking place in this country.

40,616. The farming of Kafirs?—Yes. I believe the Natives pay so much per head to the company, and that is about the only revenue the land companies receive, I understand. I believe, the Natal Land Colonisation Company has held very large tracts of land in the Colony of Natal for many years, and most of that land is occupied by Natives only.

40,617. We have had evidence saying that the farmers up here in the Transvaal utilise not only the men, but the women and children, to work for them all day. Has that been your experience of the Transvaal farmer?—Just the reverse. My own impression is that they have treated them exceedingly well on the whole. You may find individual cases where the Natives have been badly treated, but you will find that, I presume, in any country in the world where you have a white population coming in contact with another under similar conditions.

40,618. You mean it might be an exception?—Yes.

40,619. *Captain Dickson.*] Is there a scarcity of labour amongst the farmers at the present time?—The farmers, with few exceptions, are complaining bitterly that they have no labour at all.

40,620. Have you studied the Native laws of the Cape Colony?—No.

40,621. Do you think it would meet the case of the farmers in most of the districts of the Colony if they were allowed as much free labour as they required, and a certain number of labour tenants on their farms, and squatters were as much as possible prohibited?—I am certain it would assist them immensely.

40,622. Do you think that a law somewhat on those lines could be carried out in this Colony?—I think so, that is, if you do not, as I have pointed out before, increase your Native locations, or allow the Native to squat on those large areas possessed by land companies or on Crown lands.

40,623. Is it your experience that the labour difficulty is getting better, or worse, at the present moment?—Worse.

40,624. *Mr. Campbell.*] You object to the Natives acquiring land in the form that is being done now, it being held in trust?—Yes; it is practically creating Native locations in another way; that is all.

40,625. That land in the present form could never come into the market again?—No, unless the Natives agreed. I believe the present form is that the farm is held in trust for the whole tribe.

40,626. Is this land bought by certain tribes?—Yes.

40,627. Not by individuals?—It is bought, I believe, in the name of the Chief, and it is held in trust for the Chief, and for the use of the tribe.

40,628. And it is impossible for that land ever to come into the market?—I should think so, if it is purchased by the people; unless they all consent, it could never come into the market.

40,629. Do you think it is possible for the Natives to all consent?—I do not think it would be possible to get the consent of the whole tribe.

40,630. Every acre of land that is bought under these terms is held by the Natives in perpetuity?—Yes; it passes on from father to son, or rather, from generation to generation.

40,631. And they can go on accumulating land, and this land can never come into the market?—That is the position.

40,632. And you object to it on that ground?—Yes, I object to increasing the number of locations, not only on that ground, but because I contend that the more locations you have the less labour you will get in the country, and the more idleness you will create.

40,633. Would you object to a Native buying land in the open market, just in the ordinary way of buying and selling?—Yes.

40,634. You would object?—Yes.

40,635. You do not think that educated advanced Natives, who live as white people do, are on equal footing, say, with the Continental lower classes?—No, it seems to me civilisation is only transitory. You will find the son of that man generally goes back, reverts to the old conditions.

40,636. You said in your evidence, that you would like the Native to work for the farmers, so that he should improve his knowledge of farming, which would make him useful, and yet you would refuse him permission to buy a small farm to make use of the knowledge that he has gained?—Yes.

40,637. You would give him no privileges at all?—No.

40,638. Notwithstanding that the ground originally belonged to him?—Notwithstanding that, because I contend that, if it had not been for the protection of the white man, there would have been very few Native tribes in the country to-day. They were eating one another up as fast as they could, and always did, before the advent of the white man. They lived on one another.

40,639. *Mr. Samuelson.*] Does your objection to a Native being a possessor of land only apply to him whilst he is under Native law and Native laws of succession, or would it equally apply to him if he were by some process or other under the ordinary law of succession and the ordinary laws of the Colony?—No, for all time. I draw the line between black and white.

40,640. Can you say positively whether at the present time a Native can only purchase land and hold it in his own right by having it vested in the Commissioner for Native Affairs, and held, as it were, in trust for him?—As far as I know individual title has never been recognised in this country. I think, in 1874, or 1875, an attempt was made to introduce a Bill into the Volksraad to allow Natives to purchase land, but the Bill never passed the Volksraad. It was vetoed. *

* See Volksraad Resolution of 21st October, 1874. Volksraad vetoed the draft law to allow Natives or coloured persons to hold land as being a violation of the Grondwet or Constitution.

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40,641. Are there any cases, do you now, where land is held in trust for Native purchasers by missionaries, or by any other person than the Commissioner for Native Affairs?—I believe there are several cases. There was one in connection with the English Church. There were certain farms bought in Rustenburg, and they were transferred to the Registrar of the Diocese in trust for a certain Native Chief and his people, but, I believe, they brought an action in the High Court, and the Court ordered that the land should be transferred to the Superintendent of Native Affairs of the late Government in trust for the Chief and his tribe.

40,642. Take a case like this: say a Native, whose land is held for him in trust in that way, either by the Commissioner for Native Affairs, or by a missionary, or by anybody else, owed you £500, or £1,000; whom would you sue to get payment of that debt out of the land belonging to the Native? Who would be the defendant?—The trustee, I should say. Land is always executable if you once get a judgment against the owner.

40,643. Is such land attachable for a judgment debt?—As against the Native for whom it is held in trust?

40,644. As against the person who holds it in trust for the Native?—I should think so, yes. I am not a lawyer.

40,645. Natives in that way may continue to purchase land from Europeans, increase their holdings, and have them secured to them in that way?—That is the process at present which I object to.

40,646. And the white man may practically not purchase that land again from the Native?—No.

40,647. Is there anything to prevent it?—I suppose if you got the consent of the whole tribe, or the people, it could be done. I think, practically speaking, it is impossible.

40,648. To go to another subject: Were burgher rights entirely kept out of the reach of the Native under the late Government?—Entirely. No freehold land tenure was recognised by the late Government.

40,649. Does that law still exist?—Yes.

40,650. And burgher rights depended only on ownership of land?—A burgher right gave a man a right to a farm.

40,651. And also to the franchise, I suppose?—No, it had nothing to do with the franchise.

40,652. What was the qualification for the franchise?—You had to be a burgher before you got a burgher right. You got the franchise before you got the burgher right.

40,653. Was there anything to preclude the Native from the franchise in the laws of the Republic?—Yes. Article 9 of the Grondwet says, "There shall be no equality between black and white, in State or Church."

40,654. Does that law still remain?—No, that has been repealed.

40,655. What is the position now?—I hardly know what the position is. So many laws have been repealed. That is a question that the Chairman might be able to answer.

40,656. Can you destroy the influence of the Chiefs by denying them recognition and defined responsibility, and can you, by depriving them of their official status, eradicate from the members of their tribes that inherent loyalty and attachment which they have for their Chiefs?—I think you can to a very great extent in this country. I do not think they are as loyal in their ideas as the Zulus.

40,657. You approve generally of class legislation for the Native population?—I see no other way out of the difficulty if the white man is to be the dominant power in this country.

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40,658. Are you satisfied with the definitions in the laws of this Colony of the Native, as to what a Native really is?—No, I am not.

40,659. What improvement, do you think, should there be in the definition?—The latest definition is that both of his parents must be aborigines of Africa, so that the slightest strain of any other blood in his veins means that he is not an aborigine. What position would he take up? For instance, I am prosecuting, and I say the accused is a Native, and as such he has violated the law in some way or other, and the Native replies, "My grandfather was a Malay," or, "My great-grandfather was a Coolie"; how am I to prove that he was not? He is not a Native then, within the meaning of the law.

40,660. If we are to have distinctive or class legislation in respect of the Native, we must first of all make it perfectly clear what the Native is?—Yes, I take the broad term that the late Government took. They called him a coloured man, and the Magistrate's judgment decided what a coloured man was. It was the simpler way out of the difficulty. As far as I know it worked well, and there was no injustice done. Wherever there was a doubt in the Magistrate's mind, the accused got the benefit of the doubt.

40,661. The Roman-Dutch law makes the status of an illegitimate off-spring of two persons follow the mother, is not that so; that is to say, an illegitimate child takes the status of his mother?—I know you can legitimise a child by marriage under Roman-Dutch law, but I do not know what the status of the child is before such marriage.

40,662. Do you think that the illegitimate offspring of white people and Natives should come under Native law?—Yes. My reason for that is this. I do not want to encourage a mongrel race, and if a white man sinks so low as to tie himself with a black woman let his progeny follow the lower order, and he must know the consequence beforehand.

40,663. Is there not a law in this Colony which prohibits the inter-marriage of black and white?—There was a law, I believe, but it may have been repealed. The marriage law of the late Republic did not recognise a marriage between black and white.

40,664. Does that law still exist?—I fancy it has been repealed, but I am not certain.

40,665. You know that if a Native gets the franchise he also gets the grog in the Cape Colony?—Yes, I presume he should get everything. I mean to say, if he is your equal politically, he should be your equal in everything else.

40,666. Do you think that illicit intercourse between white and black should be forbidden and made unlawful?—Made unlawful, yes. That was the position, I may tell you, the old "voortrekkers" took up when they entered this country, and you will find that there were very few bastards in this country born in this country, and the drawing of that distinct line, I take it, was one of the reasons.

40,667. Can you imagine anything which has had greater influence in the bringing down and lowering of the white race in the minds of the Native than this promiscuous intercourse?—No, I cannot imagine anything greater.

40,668. Do you think that it has had a very bad influence in that direction?—My own experience is that the Native looks down upon a mongrel—the intermediate race—just as much as the white man does.

40,669. *Mr. Thompson.*] You have taken the high plane that you object to the franchise because you cannot give them politically the franchise unless you admit them to social equality?—Yes.

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40,670. Is it not really this, that owing to the numbers of Natives, if you give them the franchise politically they will swamp you; is not that the main argument?—That is also a strong argument.

40,671. Is not that the main argument?—That is one of the main arguments; you may call it the main argument.

40,672. It is not really social equality that is the argument?—I thought that was so well understood that I never raised it, when you know that you have some five million blacks, and a little over a million whites.

40,673. It is political dominance you are afraid of?—Yes, by a lower race of beings.

40,674. By the Native?—I say he is of a lower race.

40,675. *Mr. Stanford.*] You do not object to the Native improving himself from being an unskilled labourer to a skilled labourer?—Of course, it would have a deterrent effect upon the white artisan if he did it, but, I think, I would start by making him a good husbandman, a good farmer, if possible; I think that is in his line more than anything else. My reason is this, as I have pointed out before. Directly you start making artisans of them you bring them into the towns and in contact with a lower class of white men, and the Native deteriorates. I do not want the Native to deteriorate; I want him to be as good a subject as it is possible to make him, or at least, as good a man as it is possible to make him, and I think if you leave him in the country that it will be more effective, and you will improve him, just the same as we find to-day that the white bijwoner who comes into town deteriorates. We are now seriously thinking of getting that white man back on to the land for that very reason, and the same argument applies to the Native.

40,676. With all this demand for Native labour in the mines and in the towns is it practicable to keep him from the mines and the towns?—Of course in the mines he has not the same liberty that he has in the towns. It is not practicable to keep him from the mines, but nearly the whole of our mine labour is coming from the adjoining territories; very little comes from the Transvaal itself.

40,677. Would you absolutely debar an ambitious Native, with means to provide for his son learning a trade, from applying his means in that direction?—I am afraid you will have to do it if you want the white man to exist in this country. It seems a very harsh view to take, but it is a question of self-preservation. We have arrived at that stage now.

40,678. What goal do you put before your Native whom you desire to be instructed as a husbandman?—His greatest ambition, as far as I know the Native, is to acquire cattle, and he can acquire as many cattle as he wishes under the conditions which exist.

40,679. Is it not a fact that when a Native living on a farm becomes rich in cattle then the owner is apt to consider that he is losing by the running of so much stock on his property and gives the Native notice to go?—We have not got to that stage here yet.

40,680. When you speak of our duty as a superior race to assist the lower race in rising, you accompany that with a bar to all the avenues by which he may rise, trades and professions and education?—He may be capable of rising to certain trades. Whether that will be repeated in future generations I do not know. As a rule he goes back, reverts to the old condition. The progeny does not seem to be as intelligent, as a rule, as the father, but rather to be a throw back.

40,681. Have you been following the lists of University Examinations in Cape Town and observed how the Natives are passing the higher standards?—Yes, I have seen that is taking place, but are they full-blooded negroes or have they a large strain of white or other blood in their veins?

40,682. In a great many instances they are absolutely pure-blooded Natives?—It will be interesting to know what their children will become.

40,683. You do see that they are passing those higher examinations?—I quite admit they do get to a certain stage, but they invariably drop back again. It seems to be merely a flash in the pan.

40,684. What personal experience have you had with the advanced Native, the tradesman, and the men who have done well in educational work?—I have only come across certain educated Natives. I have not had much personal experience. I recollect coming across an educated Native once who had spent eight years of his life in France, and three years in London, walking about in his native garb.

40,685. Was that the case of a well-known Basuto Chief?—No, the one I speak of was a Native of Natal. I was a boy at the time, and I was very much impressed with what I saw. He spoke both French and English fluently.

40,686. You judge the many by that instance?—Well, past history has shown us, as I have pointed out before, that the negro tribes have not been impressed by civilisation. That is a fact I cannot get over.

40,687. Apart from any question of the correctness of your view, are you aware of this, that where Natives in South Africa cannot get the education they desire for their children they are sending them away to America and to Europe?—Yes.

40,688. So that your bar does not stop them?—I know it will not stop them from obtaining a certain amount of education, and I might say I consider, and I think the Commission will agree with me, that as far as education and civilisation is concerned in this country it should be controlled absolutely by the Government, because we are realising in this country that American negroes who come here ostensibly for mission purposes, are nothing more or less than political agitators. Their idea is, and they preach it openly I am told, "Africa for the aborigine." We have had the same propaganda before; it was "Africa for the Africander," and we know what that led up to; and if you are going to allow the American negro to come here and inform the Native that he is the rightful owner of the country, and that the white man is an interloper, you yourself must recognise that there will be trouble brewing in the future.

40,689. Has it been practicable to trace any direct seditious teaching to these ministers from America?—I cannot say, but it should not be difficult. There is a paper issued now in Zoutpansberg called "The Native Eye," and you can find that paper, for instance, in nearly every kraal in Zoutpansberg. Some most extraordinary articles have been published in that paper. I recollect hearing of an article, or reading it myself in a Native paper, in which they scouted or deprecated the idea of a Native greeting a white man. Further it was contended that the Native being the aborigine of the country should not lift his hat to a white man, a foreigner in their country; and that he is just as good as the white man. That is the kind of literature that is passing into the hands of savages at the present moment throughout South Africa.

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40,690. *Mr. Thompson.*] Do you know the date of that paper?—I believe the Chairman keeps a file of "The Native Eye." It would be just as well to read most of the articles that have been published.

40,691. *Mr. Stanford.*] You cannot mention a case in which direct seditious teaching has been brought home to any of these ministers?—I can give you the name of a gentleman here—I am not going to give his name publicly—who has a Native in his employment here in Pretoria, a Zulu boy, and he has about 40 or 50 Natives who turn up and listen to his teaching. He is a member, I understand, of the Ethiopian Church, as it is called. This Native told his master the other day, "This country is ours; we are the brown man, and we are the rightful owners, and in future generations the white man's children will work for us."

40,692. Can you suggest any means by which these ambitions can be stifled in any way? You recognise that since the European has landed in this country the idea of Native independence has been present among the Natives; for instance, the old cry of driving the white men into the sea is no new thing?—It is no new thing, but it is quite apparent, I think, to all of us that the object of the Ethiopian mission is more than religion.

40,693. *Chairman.*] Supposing there is in South Africa a legitimate demand by Natives to get education, and get higher education, and that if the Governments do not facilitate it in any way it has the effect of driving a certain number of men to America and bringing them back disaffected—do you think that is healthy?—No, I do not think it is healthy. I believe that they will gradually fall back again to the old condition of things. I do not think it will be anything permanent, even after they have got their education.

40,694. Do you think it is desirable that they should be forced, as it were, to go to America for their education which they are prepared to pay for?—No, I do not think it is desirable.

40,695. Supposing they are prepared to pay for it, do you think that the Government should say, "Well, in that case we must afford you facilities"?—But they have facilities here in South Africa for higher education, I understand.

40,696. Can they go to schools where Europeans are?—No, but do they go to schools where Europeans are in America? I do not think so. They may in Europe, but I think you will find there is a very distinct aversion to it in America.

40,697. They have got the schools there?—They have, yes, but you have your institutions in the Cape Colony where they get a higher class of education, I believe. Why should they go to America when they can go to the Cape Colony? I do not think it is a question of going to America for higher education; it is a question of going to America to imbibe political views.

40,698. *Mr. Samuelson.*] Getting such titles as D.D. and M.A. and Doctor of Philosophy is a very simple matter in the States, is it not, and it is a thing that they very much prize?—You cannot apply the condition in the States to the condition here, because here you have every colour under the sun, and many of those men, those highly educated men, of America, are more than three-quarters white; at any rate, nearly all of them have European blood in their veins.

40,699. I mean that the degrees in the United States are very easily obtained?—Yes, very easily obtained, I understand.

40,700. And the examinations are in no way as stringent as they are in Europe for those degrees?—No, the mere fact that they do not

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recognise many of those degrees in other countries points to the fact that they are obtained very easily.

40,701. And, of course, it is only natural they would go to a country where they could more easily obtain those degrees?—Yes. Then, of course, they obtain a status, as far as the Ethiopian Church is concerned, which they could not get anywhere else. The Ethiopian Church has its Bishops, and so on, independent of all other Churches, I understand.

AFTERNOON SITTING.

Mr. Edward Philip Arnold Meintjes, examined.

E. P. A. Meintjes, (Justice of the Peace).

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40,702. *Chairman.*] Do you hold any official position in this Colony?—No.

40,703. Have you held any official position?—No. I am a Justice of the Peace and member of the Town Council.

40,704. You have been a long time in this Colony?—Yes.

40,705. You are aware that a certain number of subjects have been committed to us as a reference for investigation. Have you a list of those subjects before you?—Yes.

40,706. Are there any particular ones upon which you would like to express your opinion?—Yes. I shall first confine myself to the land tenure for Natives.

40,707. We would be glad to hear your views upon that subject?—My opinion is, and my views are, that to give the Native land tenure, or, as we call it, free transfer of land, will be absolutely fatal to the best interests of South Africa, will tend to make the ruling of the Native races more difficult, and will bring the white man in conflict with any Government that attempts to do it. I shall give you my reasons if you would like to know them. They are that the whole law of franchise in South Africa hinges on the land tenure. The moment you give the Native land tenure or free title to ground, it will not be long before he will come and claim the franchise, and by letting him into one of the great and principal fields which he has always been kept out of, it would to a certain extent justify him to ask that privilege. We see in other countries that the franchise is to a great extent guided by the holding of land, and once the Native gets that right he will claim it, and I am afraid that it will cause friction. On the one hand you can say, "Yes, but what is to be done for the Native?" The best way is to let him hold his land, if he has to hold land, in a subservient way under the Government, by lease, and to let him pay for the land the same as any white man who leases land has to pay for it. Then you will always have him in hand; if he does not fulfil the conditions of his land tenure you can always put him off, and always keep him in check. I hold that it is the great thing in South Africa to let the Native feel that he will be treated justly, but that he is not going to be put on the same plane as the white man.

40,708. When you say this, are you referring to Natives who have anywhere purchased or been able to purchase land and get a title to it?—I do not know what has been done in the last two years, but before, as you are well aware, the Native could never hold land in his own name; it was always put into the hands of the Superintendent of Natives to be held in trust. It was only big Chiefs who

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got the right, and the Government was always very chary of letting them exercise that right. There is not the slightest doubt that the land tenure question with the Native has always been a big question in this country.

40,709. Well, supposing they could afford to pay; supposing they desired to purchase on payment, would you let them do it?—No, decidedly not; the white inhabitant, the Government, must always be the paramount factor in the matter. You must treat them fairly, but they are not, I consider, in a fit position to hold land, because I see in the near future the giving them of the land tenure will cause them to come and claim other rights as British subjects. And it is really no hardship, because they have the fat of the land now.

40,710. What do you mean by their having the fat of the land now?—You are going into another question now. They squat. For instance, you have big land companies whose sole revenue is from their Natives, and whose shares rise on the profit that they get from their Natives. They do a bit of Kafir farming all through South Africa, but mostly in Natal and in the Transvaal. Those companies are letting the Natives live on their land. They cry out for Chinese afterwards, but they are afraid to hunt the Natives off their grounds, to let them go into a more useful and better sphere of work than they are in at present. If you go down, as you no doubt have been, in those different places, you will find that they have got huge lands, that they have got four or five wives each, that they simply squat on their own haunches, and that they pay the taxes to the land companies. The farmer has no use from them, and the mines have no use from them; and that is, in my opinion, one of the great reasons why there is a scarcity of Native labour. The Native on those lands lives like a fighting cock. He has nothing to do, and I am sorry to say, as time goes on, he is getting more insolent and he fancies now that he has a right to those lands. In conjunction with that I should say that the law should regulate the matter. Where people have large numbers of Natives squatting on their ground, the Plakkers' Wet must be enforced, and it must be amended. Tax those Natives on those Kafir farms—as we call those establishments—to a greater extent, then the Native will find that if he goes out to the farmer he will not be taxed so highly; and let that operate the moment he moves out from those locations and goes and gets a good master. Put down the inducement for him to leave those haunts and to go on to the agricultural land, to the farmer outside and to the mines; make it easy for him to go there, but make it difficult for him to stay on those lands. I have no hesitation in saying that that Native farming as we have it now is one of the most iniquitous things in South Africa, and is going to cause a lot of trouble eventually. Of course, the Commission would know best by what means they can break up those unauthorised locations, as I call them, but it is their existence that is a great cause of the scarcity of labour. It makes the Native more indolent; and he is becoming a worthless creature now. And on those lands you find that missionaries of different types go and inculcate into them the idea that they are now equal to the white man. That is the Ethiopian missionaries. I do not speak from hearsay, but I get my knowledge from people who have been at some of those meetings, and they are a danger because they are not under the control of the Government. They are absolutely free lances; they do what they like, go where they like, and will not work.

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40,711. You spoke of making it easy for them to move from those lands where they are squatting to the lands of the farmers; how would you make them?—I would simply tax the man who lives an indolent life heavily, but the moment he goes to the Commissioner and says, "I am going to live with 'A' and 'B,'" say "That tax is taken off you"; and I will even go further and say that the Native will then be a help to the country. The moment he makes up his mind to go and work for "A" and "B" and builds his hut there, I would even reduce his hut tax. If a farmer says he wants ten or fifteen families, and he proves to the Commissioner that he has work for ten or fifteen families, you can say to the Natives, "If you go to that man's farm and make an agreement with him your hut tax will be reduced; instead of paying £2, you shall pay £1 a year." The law could be so made when the owner applies for Natives and they go to him, and then something will be done towards making the Natives more useful.

40,712. Would you exempt a Native from taxation because you want him to assist the farmer?—Yes, to a certain extent I would, because you make a useful man of him then.

40,713. Or would you exempt him because you wish to encourage the Native to labour?—That is my wish. He goes to labour then, and he gets more in touch with the white man; and you make a thrifty man of him, instead of him lying in the kraal beer drinking all day.

40,714. For which reason would you do it; do you think that the farmer requires to be protected in that way?—Certainly, because the farmer's Native pays as much as the man who lives on these companies' Native farms, and he has to work a certain time in the year. Take, for instance, any proclaimed areas. We will take from Bronkhorst Spruit up to Middelburg to illustrate the disadvantage the Native labours under there. There are farms on which there is not a single mine, yet those people must go and pay the mine tax, and I made representation to the Native Commissioner here in town about it. There is not a mine within miles, but for some reason they have been proclaimed as being within a mining area and have to pay a heavy tax; and that is a cause of great dissatisfaction. I will mention names if you like.

40,715. Which men have to pay taxes?—The farmer, against his will. You know the pass laws better than I do. There is no mine on his farm, but perhaps on the next farm there is. We will take the farm Doornbult and the farm Hartebeeste Laagte and all about there; there are no mines, but on Balmoral there are mines. The farmer on Doornbult has to pay the heavy pass duties; he has to pay before he can get his Natives to work.

40,716. You mean to say it has been included in what is called the labour district?—Yes.

40,717. And they have to take out passports and pay a monthly fee?—Yes.

40,718. You say there are no mines there and they ought not to pay?—That is what I say.

40,719. Is it a matter in which those who are interested have represented their case to the authorities?—Yes, personally I went to the Native Commissioner here with Mr. Müller and laid the matter before him.

40,720. Have you received any reply yet?—No.

40,721. Whilst the matter is *sub judice* it is not a matter for this

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Commission to enquire into?—No. I just wanted to show the hardship; and having to pay so much for the Natives, they cannot pay the wages they would like to pay, because they are paying to the mining industry now.

40,722. That is purely a local matter that is under investigation?—Yes.

40,723. Would you also exempt from the payment of these taxes those who go out to work in the mines and such places?—Yes, certainly; I would do it in this way, that on the indolent man I would put a heavier tax, and the man who can prove to his Commissioner that he has worked so many months should have his taxes reduced considerably.

40,724. You would do it entirely on the ground of a man being industrious?—Yes, absolutely.

40,725. Do you think he should be absolved from the payment of all his taxes if he was industrious?—It all depends; I say if a Native works for twelve months of the year you might just make him pay a small registration fee, so that you know where he is; but I would certainly reduce his tax.

40,726. Do you think that would tend to assist the farming industry?—Yes, and the mining industry too.

40,727. Is the farming industry in want of assistance?—Very much. There are some places—I think the Secretary knows about them—where the Natives absolutely refused to move. Of course, this is a year ago. We went to the Commissioners, and, although I will not say they were powerless, still we then went to the High Court and got writs of ejectment from the High Court to send them off the farms.

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40,728. Some of those places that you have referred to, where there are a great number of Natives squatting on farms belonging to companies, are unhealthy areas?—Yes, to a certain extent, for whites.

40,729. How would you utilise those areas in the best interests of the State?—That is a matter for the companies who get the public's money; the State has not to look after them, but they must look after themselves. If you take a few of the prospectuses you will see what they thought of making their money out of. I may say that the majority of those companies have not put a pick in the ground, or done anything to improve the ground. Then take the Zoutpansberg district. The Government has bought a big estate there where white men have gone and tilled the ground and grown coffee and sugar and everything on their own initiative. It would be all right if those companies legitimately exploited the ground and kept to the objects for which they were floated, but, as we all know, they do not do that. I had some interest in those companies myself, but I took that practically as a huge speculation. I do not think that in their examinations the Commissioners found that any of those companies had to any large extent gone in for improving their lands. They have good lands, and lands that might be improved, but they have done nothing. The companies wait and see whether minerals come out, and if they do then they may float a mine. But good land is lying fallow now.

40,730. What I want to know is whether you think that Europeans could occupy this country?—Yes, they do it now, in the Tebene and other places. The Government has bought a big estate

there which a few years ago was thought unhealthy. They paid a big price for it and they are advertising now, and holding out big inducements for unsalted people from England to come out. Surely that ought to be healthy enough.

40,731. You have come to the conclusion that the Squatters' Law should be put in force?—Yes.

40,732. Do you think that that Squatters' Law should contain any provisions such as are not contained in any laws you now know of?—Yes; for instance, if a man or an industrial company can prove to the Commissioner that they can employ 100 or 200 Natives, and honestly employ them, they ought to be given the chance to have them. That will be an incentive to make people work more. Most of the people on the farms have not even a boy to look after their cattle, and so the children cannot go to school. If you by judicious laws bring the Natives on to the land to work, you can then also by degrees get a decent education law, and the people can have a chance of sending their children to school: but they cannot do it now.

40,733. You mean the Native children?—No, the children of the white people. The white people have to do all the work now, and the children cannot be sent to school; and the people are blamed afterwards because their children are not educated.

40,734. What prevents the Natives going on to the farms and settling now?—Because they go and live, as I said before, on big settlements, on those big companies' farms—and not only companies, but private owners, too, own Native farms from which they draw a big revenue. There the Natives have no cares, no sorrows, and they do not want to come and work. You must strike at the root first; then you will see them come out.

40,735. Have you any more remarks to make on the land tenure question?—Just one more if you will allow me. The Government has big lands which may, as you say, be a bit unhealthy, but on those lands the lease system might be put in force. Lease the lands to the Natives, and according to the work they put in the rents could be reduced. That would help a good deal too, because the Government sins as much as the companies in some instances.

40,736. Then you do approve of the Government leasing land to Natives?—Yes, providing that the Government always has the hold and has the handle in its hand. The Natives must know that they hold the land on sufferance from the Government.

40,737. Would you allow private individuals and companies also to lease lands to the Natives?—No.

40,738. Why would you restrict it to the Government?—Because the Government is the paramount power, and the Government has to provide in certain matters for the Natives; it is their duty. You will remember well in 1881 when the Convention was drawn up. It was put in the Convention that the late Government should hold certain lands for the Natives, and that is a law which is in existence now; and what was given then, I suppose, would hold good now.

40,739. That is to say, that certain locations were not to be touched, and that certain Chiefs who were entitled to locations were to have them beaconed off?—Yes.

40,740. That was the Convention?—Yes.

40,741. Do you see any objection to that?—No, it is the law; I do not see that you could take the right away, but you could amend

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the law. I would not add to those locations, and some of those locations, as you are very well aware, are getting too small. If they want to go on any other Government ground, let them go on a fixed understanding that they have that only on leasehold, and have it surveyed and give each Native his plot of ground, that he has to pay so much towards the State for. We will take any figure, say 10 morgen. Say to the Native, "You can have that 10 morgen if you pay so much a year, and if you do not go to work you will have to pay so much more." Then the Native who does not want to go and work, but wants to lead an indolent life, will have to pay more than the man who does go out. So you can balance your revenue; but I think you will find if you make that law that they will go out.

40,742. What is the next subject?—What is meant by the question "Administration of Local Affairs"?

40,743. You touched on it just now in saying give them individual tenure, naming 10 morgen. In some parts of South Africa the giving out of certain small portions like that has carried with it certain privileges; the Natives have had a certain management of their own affairs on the areas in which those allotments were given out?—What could be done is this. The allotments would be more or less areas of a good size; you would have your Native Commissioner there and you would have what you call the recognised Headman, who would rule the thing. I would not, for instance, give the Native a Town Council or a County Council or anything like that; but if you make those allotments I would certainly put your Commissioner there and have, say, one or two recognised Heads of the tribe.

40,744. Then you recognise that there is some virtue in what is called the tribal system in which those Headmen and Chiefs are recognised?—Yes.

40,745. Do you think that the tribal system is a good system?—I think it has been good for South Africa. If all the Natives were under one man, I do not think that we would be here very long. It is the tribal system and rivalry that has kept the ball rolling. You cannot break up the tribes, as it would be unjust, but you can bring them under a law.

40,746. As a means of government and administration, do you think that the tribal system is a good one?—I think so; so far it has worked well.

40,747. You mentioned the two things just now: County Councils and voting. Do you think the Native requires to be represented in the State more than he is now?—No, I do not think so; I think that the Native is and has been very well treated all round. You are talking of the Native franchise now?

40,748. Yes?—I think for the next thirty years it will be one of the most dangerous thing to touch, that is to give the Natives the franchise.

40,749. Why do you say the next thirty years?—After that we can see how the thing goes; thirty years is a long time.

40,750. What, in your opinion, would determine the question?—As the country goes on. They say we are not a very enlightened population. The next generation may think differently, but the present generation, I am sure, will never tolerate it.

40,751. The question is whether a certain body of Natives in any area, having attained to a certain standard of civilisation and education, should or should not have and be entitled to some kind of representation?—In the different Colonies you have the Native

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very well represented. When you have Responsible Government, you put your best man on as Superintendent of Native Affairs, and I think that the Natives have been uncommonly well looked after. The great point is that 99 per cent. of the white people will not tolerate it. It is a question that is dangerous for any Government to tackle at the present moment. If you had to take a plebiscite to-day you would find that 99 per cent. of the people would absolutely vote against the enfranchisement of the Native. I am speaking of white people, of course. And after all, what is the voice of the country? It is that South Africa is to be a country for the white man; that is the stand that the people take up at the present moment. Wherever you go, that is the view. Even people who have only been a couple of years in the country bear it out. I hope it will not be taken amiss when I say that the Native during the last two years has presumed more than he has ever done before, and he is presuming more day by day; and the conviction has been borne out, not only in the minds of the old people but in the mind of the newcomer as well, that unless some plan is found to show the Native that he is a man subservient to the white man things will not go right in this country. You can see it in the towns, and you can see it everywhere. If you go out shooting, as I have been out, you will find the Native says, "The military have given us these lands, and you cannot turn us off." The Natives are getting arrogant, and before you can do anything with them they must be taught that their first duty is to obey.

40,752. What is the next subject?—"Native Labour." That, I think, has been answered fairly. I think that if they were taken in hand and properly handled we ought to get more Native labour than we get now, for the farms and mines.

40,753. And the next subject?—"Education." I am afraid that this is a delicate question. I have seen that the religious influence of some of the missionaries has been very good. In other cases the Natives have been taught that they are equal to the white man, and they have taken all his vices and none of his virtues. All my life, with the exception of three years, I have been in the country—and that will be forty years next year. Take the old Pretoria Schoolplaats boys, who are living to-day on this side of that spruit. They have been taught one system of religion and education; that is, that the white man is the ruler of the country, and they must respect him. The Rev. Mr. Groenberg started that mission, and they had been taught that to work is no crime, and they have been taught to be respectful to the white man; and to-day those Natives are just the same as they were twenty years ago. They live in decent houses, they till their ground, they come out and work, and they are what I call a respectable class of Natives. Take again the Natives on the other side, who are taught by some missionaries that they are equal to the white man. They do not respect our womenfolk, and they do what they like. If you just go into the Courts, or read the proceedings of the Courts, you will find they think they are on an equal footing with the white man, so much so that in Johannesburg they are already demanding the municipal franchise. There are the different types. Certain missionaries have had good influence and some have had a very pernicious influence upon the Natives, because the Natives are being taught that they are equal to the white men—by the Ethiopian missionaries in particular. I am sure that if a Native is taught properly and given an industrial education—and there are lots of German, Dutch, Norwegian, and

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English missionaries who have adopted that principle—he will make a good member of the Native community. But some missionaries have taught them nothing to be proud of.

40,754. What do you call industrial education?—Teaching them to work. If you want to educate them, start in the school to make useful men of them. If a Native wants to go and learn a trade put him in a position to learn it.

40,755. Do you mean that the Government should do this?—No, I am taking education generally; but I think the Government might assist. The Native, however, gets such big wages now that he does not want to be indentured—or, at any rate, very few of them do. Then you have as an offset against this, the fact that the moment the Government starts educating the Natives and making bricklayers, and carpenters, and blacksmiths of them, you will have the "labour men" as you have in Australia shouting out. You are then courting the same danger that you have in Australia absolutely.

40,756. I am taking your words, in which you said just now that the proper way to teach them is to give them industrial education?—As one who has grown up in the country I say that it is a good thing to teach them that way.

40,757. I want you to tell us how it is to be done, and by whom?—The Government might assist in doing it, but then, at the same time, I say that the Government must start with the white people.

40,758. Start teaching the white people?—Yes, because there are very few industrial schools started up to now; I think we should tackle that first.

40,759. You first of all suggest teaching the Natives by giving them industrial education, and then you go on to say that, if that is done, it will bring them into conflict with the whites?—No, I say that that is the danger.

40,760. Which thought is most predominant in your mind: is it to teach them, or to avoid the conflict with the white man?—If you ask me a plain question, I say, that my personal opinion is, that it will be a good thing to teach the Native. We had Natives in our employ, who were taught by my father, and who were very good workmen. But if you are going to bring them into conflict with the white man, then I say that it is for the Government, who has to carry it out, to see what is the best thing to do. You see it day after day on the Rand. Let twenty Chinamen out of the compounds to go and work as bricklayers, or as masons, and the white skilled labourer will stone them. I say that you must take both questions, the one with the other. I think that if the Native is taught to be a good farm labourer, and a good miner, and that class of work, that that would perhaps be the best solution of the whole difficulty.

40,761. How is he to be taught, and by whom?—If you send him out to the farms, or mines, he will very soon learn, and you could encourage him to go out and learn by saying, "Go on to the farms, or mines." As you know yourself, Sir, having been in the country before, when the people had lots of cattle, they trekked to the Bushveld and left the farms to their old boys who had been taught by themselves. Those boys irrigated the land, reaped the crops, and all that sort of thing, and when the Boer came back they had everything done for him. Now they do not do that any more; the Boers have not the cattle, and do all the work themselves, not being able to get the Natives.

40,762. Then you recognise that there is a good deal of good in the Native?—Yes, certainly.

40,763. Do you think that he is ever capable of developing to such an extent as to rise to a high standard?—Yes, in the course of many, many years.

40,764. Do you think that the Government has any functions to exercise in the matter of that elevation?—It all depends on what lines the Government takes up. One Government may perhaps decide on negrophilist lines, and that will not do any good. I say, let the white people in South Africa decide. I think the white races can safely be trusted, when the time comes, to take their stand, and to rule the Natives well, and I think that the Home Government will be satisfied with the course they adopt. If it is left to the people of the country, I think you will find that a lot of those bogies will be removed.

40,765. What is the next subject?—"Laws affecting Natives and their Administration; the Tribal System." The tribal system, as I have already said, is a good system, provided you do not give the Natives more right in their own affairs than you give white people. For instance, we will take the place that you, Sir, have come from, and that you administered for a long time, that is, Basutoland. On that you would be able to give better evidence than I can; but, there is the question again. As long as a Native has more rights in a country than the white man, such as carrying arms and doing what he likes, it will always be a cause of friction. But that is a question that I will leave to higher authorities.

40,766. Have you any views to express upon the taxation of the Native, that is, direct taxation?—To make the Native work you must tax him directly. Then, with regard to the heading, "Indirect Taxation with regard to the Consumption of Dutiable Goods." I think there are lots of luxuries that the Native has that he could be made to pay indirectly on. Take beads, for instance. They have taken the duty off Kafir beads, and one or two other things, while on certain food-stuffs the duty has not been taken off.

40,767. What other subject is there?—Then there is the liquor traffic. In one word, I may say, that I have always been opposed to giving the Native drink. It demoralises him. The Native ought not to have drink.

40,768. You support prohibitory laws?—Absolutely. Even if you made a law which allowed them to have one "soupje," or two "soupjes," it would always be abused. It would not be abused by the man who gets his work out of the Native, and who wants to give him, perhaps, a refresher of an evening, but it would be abused in Johannesburg, and other thickly-populated places, where you get your low-class illicit liquor seller, who breaks a law, if you give him an opening to break it. I think prohibition is a good thing. I do not know how it will work in the Cape Colony, but we have got it here, and in the Free State, and I think we ought to keep it.

40,769. Is there any other observation you would like to make?—"The Native's Earning Power and Resources." I have nothing to say about that further; but, if you have any further questions to put to me, I can answer them.

40,770. *Mr. Sloley.*] Will you tell us what is the rent that the Natives pay these land companies and private landowners?—We will take the farmer. Where he has got Natives living on his farm he makes an agreement with the Native, in the presence of the Na-

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tive Commissioner, which agreement the Native signs, and in which it is stated for how long he shall work. I think it is four months in the year that they have to work for their master at a wage of perhaps £1, perhaps 10s., or perhaps even more than £1. Then, as to the land companies, they charge from £1 a hut up to £3, which latter figure, I know, some companies get.

40,771. The first class of tenant is a labour tenant, and the second is purely a tenant?—Yes, and the latter does what he likes on the farm.

40,772. What area does he get for the £3?—It is not limited. Say it is a farm of 3,000 morgen. The Native comes along and says, "I want to come and squat here," and the owner tells him he will have to pay £3 a year for doing so. As long as he gets the £3 a year, the owner does not mind where the Native settles down.

40,773. He lets the Natives settle that amongst themselves?—Yes. In most cases they have their Chiefs, and in any case there is always a recognised head. In many cases farms have been bought at big prices, simply because there are lots of Natives on them, and people get a very good interest on their outlay. If there is a farm in the market, these people look on the map, and if they find that there are a couple of hundred Natives living there, and if they can get the farm for £500, or £600, or more, it yields a good percentage on their money. If the Natives do not like the amount of rent they have to pay, they can go.

40,774. But the whole thing is an infringement of one of the existing laws of the State?—Yes; but the law is not carried out. It is more observed in the breach . . ."

40,775. *Mr. Stanford.*] You think that the Natives should be encouraged to go on the land and work for the farmers?—Yes, and they should be encouraged to go and work in the mines, too.

40,776. At the mines and at the farm centres, do you think, that under the tuition they would get there, they would improve into becoming skilled labourers?—Yes. I will give you an instance. Take the Natives on the mines—the Machopis and Shangaans, I think they call them—a certain class of Native that comes from beyond the borders of the Transvaal. They are the best Native drill men in the mines. They do not know anything when they come, but they are very apt to learn, and they very soon acquire the knowledge, and command higher wages than the others. If a Native wants to learn, he very soon learns.

40,777. I suppose on the farms he would learn how to plough and sow on improved methods, and he would learn how to prune trees, and make gardens, and so on?—Yes, and he would learn how to work with the reaping machine, and with other machines. The Natives afterwards become very valuable boys, and they command much higher wages than the others do.

40,778. Then, is there not a danger in that way of their coming into competition with the white men as skilled labourers?—There is that danger, but they are here in the country, and you cannot always keep them down. Of course, there is a certain class of white men who, I hold, the Native will never get the best of, but there are other classes whom he will injure undoubtedly. I refer especially to those labour unionists, men who, when they have to lay 350 bricks a day, if they lay 350½, get sat upon. That class of men certainly will be injured. But a good white man need never fear the Native. It is the other class of men that you are going to have trouble with eventually.

40,779. As to the inferior European workman, you think he must face the competition that is coming?—Yes.

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40,780. *Chairman.*] Did I understand you rightly to say that if the Natives wished to obtain land with their own money, and that land was taken in trust for them by the Government, you would approve of that?—No; I said there are big tribes that have the land, but I would not encourage it. Of course, there are some who have already got land, and that you cannot take away. It is a big question in these large locations, and it is to get at them, and to prevent them from squatting, that you must tax them. It is Government land, and you must tax them more, and say to them, "If you want to live here you will have to pay a higher tax, but if you come out and work upon the farms, or at the mines, and you can prove that you have worked, you can go on as you are." Take, for instance, the Mapoch and Malaboch tribes. They have all been broken up and put amongst the people. Mapoch's country, for instance, has been given to the white people, and his people are now squatting, and some have gone into locations. The locations are really getting hotbeds of Natives, and they will have to be dealt with afterwards; and the sooner the law is made, so that they can understand this, the better. The moment you turn a Native off your farm he becomes recalcitrant, and he goes to the locations; and you will find that the most of the locations are already overburdened.

40,781. What I wanted to ask you is the position of the Government if a number of Natives come with money in their hands and say, "Will you buy land for us? We have no place to go to. Here is money, and we agree to your taking the land on trust for us." Would you let them have the land then in their own name?—No; I say that they have enough already. We will not go into the past, but, I must say, that that was a law really forced on this country. If a lot of Natives come and say, "We are a lot of Natives, and we have no ground to go on to," Government must say, "Well, you must go there; we will give you a lease of the land for so long, and you must pay so much." But once you let them buy land, you will find that they will come in scores and scores. The Government must always be the dominant power. I do not suppose that this alteration will come forward at once, especially in view of the wider representative government to be given soon, as I understand. And, in view of what I have seen in the papers lately, I think it is best to leave this question absolutely to the next Government of the people to settle. I may be wrong in saying this, but that is my opinion, and I think for the Government itself it will be much easier if they let the white people of the country themselves decide.

The Reverend Samuel Jacobus Brander, the Reverend Joshua Mphothleng Mphela, and *Stephen Nguato,* examined.

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Rev. S. J. Brander, Rev. J. M. Mphela, and S. Nguato, (Native Ministers, Ethiopian Catholic Church in Zion). — Transvaal. — 4th October, 1904.

40,783. What is that?—It is an organisation which we have commenced lately since we resigned from the A.M.E. Church.

40,784. Where is it situated?—In Pretoria.

40,785. Is this the first centre of it?—Yes.

40,786. Are you the head of it?—Yes.

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E. P. A. Meintjes, (Justice of the Peace).

Transvaal.

4th October, 1904.

tive Commissioner, which agreement the Native signs, and in which it is stated for how long he shall work. I think it is four months in the year that they have to work for their master at a wage of perhaps £1, perhaps 10s., or perhaps even more than £1. Then, as to the land companies, they charge from £1 a hut up to £3, which latter figure, I know, some companies get.

40,771. The first class of tenant is a labour tenant, and the second is purely a tenant?—Yes, and the latter does what he likes on the farm.

40,772. What area does he get for the £3?—It is not limited. Say it is a farm of 3,000 morgen. The Native comes along and says, "I want to come and squat here," and the owner tells him he will have to pay £3 a year for doing so. As long as he gets the £3 a year, the owner does not mind where the Native settles down.

40,773. He lets the Natives settle that amongst themselves?—Yes. In most cases they have their Chiefs, and in any case there is always a recognised head. In many cases farms have been bought at big prices, simply because there are lots of Natives on them, and people get a very good interest on their outlay. If there is a farm in the market, these people look on the map, and if they find that there are a couple of hundred Natives living there, and if they can get the farm for £500, or £600, or more, it yields a good percentage on their money. If the Natives do not like the amount of rent they have to pay, they can go.

40,774. But the whole thing is an infringement of one of the existing laws of the State?—Yes; but the law is not carried out. It is more observed in the breach . . ."

40,775. *Mr. Stanford.*] You think that the Natives should be encouraged to go on the land and work for the farmers?—Yes, and they should be encouraged to go and work in the mines, too.

40,776. At the mines and at the farm centres, do you think, that under the tuition they would get there, they would improve into becoming skilled labourers?—Yes. I will give you an instance. Take the Natives on the mines—the Machopis and Shangaans, I think they call them—a certain class of Native that comes from beyond the borders of the Transvaal. They are the best Native drill men in the mines. They do not know anything when they come, but they are very apt to learn, and they very soon acquire the knowledge, and command higher wages than the others. If a Native wants to learn, he very soon learns.

40,777. I suppose on the farms he would learn how to plough and sow on improved methods, and he would learn how to prune trees, and make gardens, and so on?—Yes, and he would learn how to work with the reaping machine, and with other machines. The Natives afterwards become very valuable boys, and they command much higher wages than the others do.

40,778. Then, is there not a danger in that way of their coming into competition with the white men as skilled labourers?—There is that danger, but they are here in the country, and you cannot always keep them down. Of course, there is a certain class of white men who, I hold, the Native will never get the best of, but there are other classes whom he will injure undoubtedly. I refer especially to those labour unionists, men who, when they have to lay 350 bricks a day, if they lay 350½, get sat upon. That class of men certainly will be injured. But a good white man need never fear the Native. It is the other class of men that you are going to have trouble with eventually.

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40,789. Why did you leave that Church and start one of your own?—When we found that we could not get ahead, Makone and myself came together to raise the Church of Ethiopia, and later on we joined the A.M.E. Church of America, because we found at that time that it would go better if we joined the American Church, as they had education and other things better than we had. We considered that it would be better for us to join them, so that they could help us, being coloured people themselves.

40,790. What nation are you?—My father is Mokhatla of this country, but I was born in the Cape Colony.

40,791. And Mphela?—He is of the Bapedi, Transvaal.

40,792. And the other man?—That is Nguato, from British Bechuanaland.

40,793. What are your aims and objects in this new Church of yours?—Our aims and objects are to teach our people the Gospel, and later on, when we are strong enough to erect schools as industrial colleges, to educate our people in the Transvaal.

40,794. Have you many people who follow you?—I have got a lot of branches; I have got over 600 people who are following me; that is, since May.

40,795. Were you ordained in the English Church?—I was ordained as deacon in the English Church.

40,796. Did they withdraw that office from you?—No.

40,797. In coming here to-day, I suppose there is something particular that you wish to say?—There is something that I would like to say. That is about education and our schools. We are very weak, and we have not got the money, and our people are still in darkness, and we want aid from the Government to help us with the schools. That is our great disappointment which we wish to speak about. I made an application last year while I was in the A.M.E. Church for a grant in aid for the Ethiopian school, which was refused to me by one who said that the Ethiopian Church was not recognised as yet by the present Government. So we have to wait until such a time comes, when we can bring up all our complaints and what we want from the Government. That is all we can say: we want the Government to help us.

40,798. Were those 600 children, or people of whom you spoke, not afforded the opportunity to get education under other missions before you gathered them to yourself?—They were all in the A.M.E. Church with me; those people have all followed me from that Church.

40,799. Have you done much damage to the Ethiopian Church in taking them with you?—I cannot tell; I have not heard of any.

40,800. Is that the only thing you wished to say?—That is the only thing I wished to say.

40,801. *Mr. Sloley.*] What is the object of your people in desiring this education?—It is because our people cannot come up to a proper standard, or come up to the white people, and do what they want; and education is the only thing we find that will bring us up to a standard like that.

40,802. Can you explain it more fully; do you mean it will improve their chances of getting wages and property, or what?—The first thing is that they would be allowed to buy farms outside for themselves, and to erect schools on them, whereon they could be taught industrial work. I think that would help them a great deal. That is the only thing that can make our people not lay in the kraals; and, while they lay there, there is nothing to make them

work. The Chiefs sit with them there, and only make Kafir beer, and now and again send their people out to work to get money for the taxes. When they can be taught how to work in the industrial schools, and are brought up to a higher standard, that will be a good thing. Then, with regard to the wages, the wages are only for the town Natives. For those who are living in the locations the wages are very small. And we have a lot of taxes to pay, after which we find our people cannot afford to pay for schools, or anything. That is an application that has been made already by the people here to the Municipality, and I do not think that I can bring up anything of that.

40,803. Where were you yourself educated?—I was educated in the Colony, in the mission schools, and then, later on, I was with Archdeacon Gaul, who is now Bishop of Mashonaland.

40,804. You were educated at Zonnebloem?—No, at Lovedale.

40,805. *Mr. Krogh.*] Why did you leave the English Church?—We came together in a meeting that we called, and said, "Let us go and teach our own people by ourselves." That was all.

40,806. How far do you want to educate your people?—We think, if the Government will help us, we would bring them up to matriculation, if we can.

40,807. The object, I take it, would be to bring them on an equality with the white man?—Not at present, but for the future.

40,808. *Mr. De la Harpe.*] Have you many churches in the Transvaal belonging to your persuasion?—I have them on a paper, but I cannot tell them out of my head.

40,809. You do not know how many members you have belonging to your Church?—I have over 560, from here to Basutoland and British Bechuanaland.

40,810. Over 500 members?—Yes, those who have joined me since I started the organisation; it is only five months since I opened the Church here.

40,811. Is that only men, or men and women put together?—That is men and women.

40,812. Are they increasing very fast?—They are increasing.

40,813. How long is it since you actually commenced, since you were the head of the Church?—Since May this year.

40,814. *Captain Dickson.*] What was your object in leaving the A.M.E. Church and starting a Church of your own?—We left on account of the promises they gave us when we joined them not being kept. They promised that they would give us a school from America at their own expense, with teachers and all, and this they did not do. It is now six years since we were united with them, and all those promises they failed to keep. We had to support our schools and everything here ourselves, and at the same time collect our yearly income, and also take collections for Easter Day, contingent moneys, and all that money had to be forwarded to America. When we asked for help when we were in debt, or anything, they refused to help us. I did that three times, when the Church was in danger of debt; three times I sent an application to America for them to help us, and they said they could not help us, at the same time saying we had to forward all our moneys to them. So I said it was no good for us, they would not help us from America, and it would be better for me to stay in Africa and help my people. That is my reason.

40,815. During the six years you were a minister of the American Church, did you receive any grants from America at all?—Not one.

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40,816. Was there any political teaching in the Church during the six years you were a member of it?—Not to my knowledge.

40,817. Have you in the Church that you have just lately started no white supervision whatever?—No.

40,818. What is your object in starting a Church independent of the white man and of white control; seeing that your first attempt at that was a failure, what is the reason that you made a second attempt?—We have not seen that we have become a failure as yet.

40,819. Did you not say you made a mistake by joining the A.M.E. Church?—In joining the American Church we thought that, as they were our own colour, they would help us up, but we found they helped us down, and they took all the best positions without telling us a word, sending men from America, and putting them into those positions, and taking us away, without giving us any notice.

40,820. Did they not give you any grants in the schools in Cape Town and elsewhere?—No. I sent some scholars from Pretoria—orphan children—to that school, and they refused to receive them, unless I paid for them all along. I sent three from Pretoria, and I was only able to pay for them for one year. It is £24 a year.

40,821. How many ministers have you got in your own Church?—In my own Church I have seven ordained ministers.

40,822. Who ordains them?—They are from the A.M.E. Church.

40,823. What connection have you got with the A.M.E. Church now?—None at all, because I have left that Church.

40,824. Do I take it that you only admit ministers in your new Church who have been ordained in the A.M.E. Church?—Yes, for the time being, until our next conference, when we will pass resolutions, and see how we can help ourselves.

40,825. Are you a marriage officer of this State?—Not as yet.

40,826. *Mr. Campbell.*] If the members of your congregation want to get married, how do they mange?—All our people, who have got married, we have sent to the Commissioner; that is what we are doing for the time being.

40,827. It is a civil marriage?—Yes, it is a civil marriage.

40,828. Do you allow white people to join the Church?—Yes, any people.

40,829. *Mr. Samuelson.*] Are you subject to any Church either in Europe or America?—No.

40,830. You are entirely independent of any other Church?—Entirely independent.

40,831. What is your form of Church government: Congregational, or what?—It is Catholic.

40,832. And your main object is to dispense with all European control?—Yes.

40,833. In all your Church matters?—In all Church matters, and school matters as well.

40,834. And yet you expect help from the European population and the European Government?—If it cannot come to that end, I cannot help it; but I think I shall bring my application in. If any reason should be brought before me, and I am told for that reason I cannot get help, then we will go through it in our conference first.

40,835. You like their money, but you do not like them?—Excuse me, but I misunderstood you from the beginning. I want to be under the control of the European from A to Z. I want them as guides over me with all my people. I misunderstood you.

40,836. You mean under a white minister?—I have started my work, and if a white minister joins me we can go together.

40,837. He being subject to you?—Subject to me, under my jurisdiction.

40,838. Are the two men with you members of your congregation and fellow-workers with you?—Yes.

40,839. Do you in any way set yourself up as a political leader of the people who are members of your congregation?—No.

40,840. Are they all members of some Native tribe and under some Native Chief?—Those of Basutoland are, but those here are most of them living in the locations.

40,841. Are they not subject to any Native Chiefs?—They are subject to some Chief. Some of them are from the Zambesi, and some of them are from Mashonaland.

40,842. Do you think that government of the Native population by Chiefs is a good system, or one that ought to be abolished at once?—I do not know exactly. I think it must be abolished, because it takes the people more to the dark instead of bringing them to the light.

40,843. In fact, you would prefer them to be under yourselves to being under heathen Chiefs?—I prefer that.

40,844. You are practically getting up tribalism under the guise of church work?—Yes.

40,845. *Mr. Sloley.*] Did you understand that question?—I am not sure as to what was meant by it.

40,846. *Mr. Thompson.*] What did you understand?—I understood it to mean that our people should be under the Government and not be in the dark under their Chiefs.

40,847. *Mr. Samuelson.*] Do you send any of your children to America?—I have not sent any.

40,848. I mean any of your people?—No.

40,849. You are satisfied with the education they can get here?—I am satisfied.

40,850. What was the original object of the African Methodist Episcopal Church in coming out from America?—We called them out here.

40,851. You called them out?—We called them out. Makone, who was with me, was a man who had a young lady from here. She went to America with a choir and when she was there she met the church and sent a letter to him. After she had sent the letter to him he brought that letter to the meeting, and the meeting found it good to ask those people if we could unite with them, and if they could give us help, and the answer came, "Yes, with the greatest pleasure."

40,852. Your motto and the motto of the A.M.E. Church is "Africa for the Africans"?—Yes, "Africa for all nations."

40,853. Like the motto for the Afrikander was "Africa for the Afrikanders"?—Yes.

40,854. And you are working on those lines; that is to say "Africa for the Africans"?—Yes, on the lines "Africa for the Africans," besides the others. I will give you a little explanation of what I mean. We were united to the Americans because we thought they would help us, but we were cheated by them. They told us, "Look here; we will show you and teach you and bring you equal in education with the whites, so they will recognise you through the education which we will give you." And they did not give it to us.

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40,855. Do you think it would be a good thing for you Native races to run side by side with the white races in everything, just like the two rails of a railway line?—Not at present, but in the future I think so.

40,856. When?—In years to come; it may be after 50 years.

40,857. Do you not think it will be better for you to keep always separate like the two rails on a railway line, so that you will not come into conflict, and perhaps into ill-feeling with one another, and so get into trouble with each other in some way?—No; I think when we are educated we can be united and we can be one with the white all over, and I think we will have peace later on.

40,858. You think at the same time you should all have the same right to the franchise, the same political rights and the same social rights?—Yes, when our people are educated to such a standard.

40,859. And you would also like in time by constitutional methods, that is by lawful measures, to get yourselves into the control and management of public affairs in the Government as you have done in the church?—Yes, I should think so.

40,860. *Mr. Thompson.*] And where would you end; would you like the races to amalgamate?—Yes.

40,861. Would you like the white man to marry the Native woman?—I should think so.

40,862. And the Native man to marry the white woman?—I should think so.

40,863. *Mr. Stanford.*] Did you quite understand that question about getting ultimate political control into your hands; do you mean that you want to govern the white people of this country?—No, it is not so. While we live together?

40,864. That is what you said?—While we live together it would not be for us to govern the white people, but to be with them. We are under the whites, and I do not think we would ever come up to a standard like them to govern the white people.

40,865. You recognise that the white man must always govern in this country?—I recognise it in that way.

40,866. What is it then you desire: religious freedom?—Yes, religious freedom.

40,867. Do you in your church preach loyalty to the Government and obedience to the white man?—Yes.

40,868. *Captain Dickson.*] Do you not look forward to the day when you will be capable of governing yourselves, both whites and blacks?—No, I do not think so; when I look into that I do not think so at all. I think we can be pleased if we are educated so far that the Government can recognise us so that we can become members of Municipalities or anything like that. I think that would do for us. The white people would be with us and have a supervision over us, and when we are in the meetings we could advise for our people and speak for them. I think that would do for us

40,869. *Chairman.*] That is all you wish to say?—Yes.

Pretoria, Wednesday, 5th October, 1904.

Present:

Sir Godfrey Lagden (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.

Mr. Theophilus Shepstone, C.M.G., Mr. C. E. Fourie, Mr. G. du Toit, Mr. A. H. Malan, Mr. H. A. Baily (representing the Transvaal Agricultural Union), and *Mr. G. J. Riekert*, examined.

T. Shepstone, C. E. Fourie, G. du Toit, A. H. Malan, H. A. Baily G. J. Rickert, (Transvaal Agricultural Union).

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40,870. *Chairman.*] Do you represent one or more associations?—*Mr. Shepstone*: We represent the Transvaal Agricultural Union.

40,871. Is that entirely representative of the whole of the country?—We were the persons elected by the Agricultural Union.

40,872. Does that represent the whole of the Transvaal?—As far as I know. *Mr. Malan*: As far as agricultural societies are concerned.

40,873. Do you represent the Krugersdorp Farmers' Association at the same time?—There were delegates at the Congress representing the Farmers' Association and they elected us jointly.

40,874. So you represent them as well?—Yes. *Mr. Baily*: We simply represent the Agricultural Union.

40,875. You are aware of the list of subjects which have been referred to this Commission?—*Mr. Shepstone*: Yes.

40,876. The first subject is that of land tenure, and the Commission would like to hear your views upon this subject. I might introduce the subject by saying that in this country in particular the Natives are situated in various ways and there are a certain number of them in what are known as Government locations; a good many of them are distributed over the land on farms; there are a considerable number of them on what are called Government farms, and a considerable number on private farms as squatters. This makes the general question of land tenure in this country rather involved. We should first of all like to hear what views you have to express about it?—Our views are these, that we decidedly object to any titles to land. We consider that the land tenure should be the same as it was under the old Government, in other words that all land held for Natives should be held by the Government in trust, or rather by the Native Commissioner.

40,877. Do you say that with particular regard to the circumstances and conditions of this country, or do you say it in the abstract, referring to the whole of South Africa?—I am referring particularly to this country, because I know it varies in the other Colonies.

40,878. In saying that you have some reasons which have induced you to come to that conclusion?—Yes.

40,879. Will you give us those reasons?—My reasons are that it would be inserting the thin end of the wedge to grant the Natives the franchise, and it would also be a step towards bringing them on an equality with the white population, which I for one do

not agree to. In the next place I do not think they are fitted to be land-owners in their present state of civilisation, or want of civilisation.

40,880. When you say individual title, do you mean freehold title, or do you mean that you object to the granting of allotments to Natives within location reserves?—I mean freehold titles, that is individual titles to land, by which they would become the freehold owners of those lands; I object to that.

40,881. You object to their being allowed to purchase it with the freehold?—Yes; I do not object to the leasehold in the locations provided the land still remains the property of the Government; that is to say it must be the property of the Government, they having no title even to the leaseholds, except *qua* leaseholds.

40,882. I understand that you see no great objection to the Glen Grey system which is such as you have described; individual tenure upon leasehold within Government reserves?—So long as it does not grant title to the land itself to the Natives, then I do not object.

40,883. In giving that opinion are you influenced by local or general circumstances?—No, it is my opinion, the result of my living in the country all this time.

40,884. Have you any objection to Natives acquiring land in the manner provided in the Convention between the British and the late Transvaal Governments, where it was provided that Natives might acquire land which should be held in trust by the Commissioner for Native Affairs?—That is what I said at first. It must be held in trust by the Commissioner for Native Affairs.

40,885. Have you any objection to their acquiring land in that form with their own money?—No, so long as it is held in trust by the Government; that is not what I call individual title to the land. It would be in the same position as a location. It would practically be a location.

40,886. Not quite on all fours with it?—So long as it is held in trust for the Natives it means turning it into a location. There is another point that I wanted to mention and that is that my colleagues here are very strong upon the point, that any land so acquired by the Government for Natives when it is necessary to acquire it should be acquired down in the low veld. Mr. Baily will give evidence on that point afterwards; he wishes to supplement that point.

40,887. You used the expression just now that any land acquired by Natives and held in trust by the Government must be an ordinary location. Now I want to put the case to you of a good deal of land that has been acquired in the Transvaal in the past, not under this Government but under the late Government, in this manner, that a Chief or Headman and his people subscribed a lot of money and went to the Government and asked leave to buy for them and their immediate following. The Government granted it and received transfer of land on their behalf. That land would naturally be not an open location on which anybody could go and squat, but would be reserved to and for those people who put up the money?—That particular section of the tribe, or that particular tribe, yes.

40,888. That has been done very largely, especially on the Western side; the Rustenburg Division is almost entirely made up of tenure of that description. Do I understand that you see no objection to that?—I see this objection, that if it goes on they will get

all the land in the country; it will be one Native reserve; and that is one of the reasons Mr. Baily wishes to give evidence on the point of having any further purchase of this sort take place on the low veld and not up in the agricultural portions.

40,889. Purchasing from Government, do you mean?—From anybody. So long as it is down in the low veld where it is not agricultural land. Mr. Baily will give evidence on that point.

40,890. Mr. Baily, the expression has been used, "Buying in the low veld where it is not agricultural land." What object would the Natives have in purchasing land down there if it is not agricultural?—*Mr. Shepstone*: I mean agricultural for whites. *Mr. Baily*: I might read out the resolution which was passed which we agreed to last night, "That no more land be transferred to Natives for agricultural purposes on the high or middle veld under any consideration whatever." That was the unanimous resolution last night.

40,891. Transferred to Natives?—To Natives. That means we object to any extension of the location system whatever on the high or middle veld; we absolutely object to the Natives buying through missionaries or through private parties further farms on the high or middle veld. Any land which should be in future allotted to Natives should be on the low veld. Much of the best land in the Transvaal is on the low veld and the Native is constituted for that climate and likes it, better perhaps than he does on the high veld. The Government have 21,500,000 acres of Crown land in this Colony, and a great part of that is on the low veld, and a lot of it is occupied to-day by Natives, but as we are all aware it is not under control to any extent to-day, and the idea of tenure which we decided to bring before the Commission was that no freehold title should be given; the land should be leased for a stated period at a fixed rental, the Government to reserve power to re-assess the land after a given number of years. I may say I have had eighteen years' experience in India amongst the Natives among the estates there, and I have been putting two and two together, and seeing if some of our land settlement schemes in India could not be applied here, and I have thought that with the Natives in the South African Colonies we ought to apply our Indian experience. We have the finest Civil Service in the world there, and there are a certain number of officials who are always at work on land assessment, and the Government revenue—or the main portion of the Government revenue—is drawn from rents; that is land revenue. We took over the scheme from the Mohammedans, who started it in the time of the Mogul Emperor Akbar, who reigned about the time of Queen Elizabeth. We simply adopted their land system, and I have made a short sketch of it, but it practically amounts to this, that the Government get 55 per cent. of the gross proceeds of the rent which the landlord derives from the village. That land is assessed for 33 years. You have one-twelfth of the village approximately reserved for the landlord at what is called a peppercorn rent in his case. Seven-sevenths equals a good rental, and he gets it at one-seventh. That would take one-twelfth off. Then you fix tenants under him at different rents. The best system the Government go on now as far as possible is occupancy rights for the Natives, rent to be fixed for a certain number of years, no power to sell, no power to mortgage, and on the re-assessment of the village there is a certain standard laid down by the Government as to what that land can produce if it is properly cultivated. As to whether that man works that land or not, that is his look out, but a certain proportion of the

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crops are assessed by Government as their share and that man has to pay it. That is the system which it seems to me in any future locations in this Colony, on the low veld, would be desirable. We discussed the matter last night, and it was suggested that if this scheme was adopted, a second Commission might be formed, on which certain farmers and certain officials might sit, and go round the country, but that the Government of this country should ask the Government of India to send one or two of their best assessment officers out here to advise us on the whole scheme, and see what we could do here.

40,892. You suggest a separate Land Commission?—A separate Land Commission, because the conditions vary so in these Colonies. You have a tropical climate, and you have a temperate climate, and you have other classes of climate, and, of course, the conditions vary so much that I think you cannot make one scheme apply to all the Colonies.

40,893. In making that suggestion do you mean a Land Commission for the Transvaal or for the whole of South Africa?—All our evidence we wish to apply to the whole of South Africa, wherever it can be applied. The other Colonies have got to come into line with the Transvaal. That is one of the main ideas which we have, and we have something to say on that point later on.

40,894. Who are the landlords which you spoke of in India?—The Natives are the landlords under the Government; that is the revenue system; the 55 per cent. of the gross rental is the Government's property.

40,895. You think that as between the Natives and the landlords the Government should intervene and regulate?—Yes, I do think so. I refer only to land expropriated or bought for Natives, or Crown lands set aside for Native occupation. It is found to be necessary in India, because you must protect the rights of your individual occupancy holders, otherwise as land goes up in value the landlord's share, if he could dispossess a tenant and raise the revenue first of all, would come to more, and the Government has to see that the thing is carried out fairly to everybody.

40,896. For instance, a portion of the rent goes to the Government under this Indian scheme and a portion goes to the landlord?—Yes.

40,897. Can that be done in any way except by the intervention of Government as the medium?—It is rather a difficult question to answer. It is a question of detail of which I have not thought out the application. It is the general system of collecting revenue that I was thinking about. You have your Native Chief here and if you gave him one-twelfth at the peppercorn rent you might have a European official in charge of all these locations—we have decided to suggest that all these locations should have a European official in charge of them—and it should be modified to meet the case.

40,898. Do you advocate that the Government should take Natives from various parts of the country and place them in the low veld and lease land to them, or should they facilitate this leasing of land to the owners of private land?—The idea is that the Native should be taken from the high veld, that the Government might simply start a new location, if you like to term it so, in the low veld, but under such conditions that the Government are going to get their fair share of revenue, on the basis of what the land ought to produce if it is properly cultivated, and those tenants are not allowed to move, as they do to-day, over the whole of the country at

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their own will and pleasure, and cultivate land here to-day and to-morrow there.

40,899. You would establish, I take it, individual tenure in the low veld?—Not giving them freehold, but leasehold; but still there would be the communal system in this way, that the Chief would get a share with his people—that, I think, is the idea.

40,900. You speak of Chiefs, and at the same moment you speak of taking people from various parts of the Transvaal who belong to other Chiefs. What Chief do you refer to, as being down there under whom would they be; would you bring Chiefs and place them there in charge?—The idea was when those tribes hived off they took one of their Headmen with them. Of course, these questions of Native tribal system I do not pretend to know.

40,901. Supposing 100 men from Rustenburg and 100 men from Lydenburg wanted to move and you were prepared to settle them on these conditions that you have outlined, they would belong perhaps to Headmen or to Chiefs in these respective districts, but they would have no relation whatever to the people and the Chiefs living down in the country where you would place them. They might not speak the same language, or have the same customs?—*Mr. Shepstone*: Of course, that would be a difficulty. *Mr. Baily*: We will leave that question open.

40,902. Can you open up another subject upon which you wish to give us your views in connection with land?—*Mr. Shepstone*: I think that is the only point.

40,903. I should like to ask you with regard to the existing Government locations. You know what the obligations for living on these locations are. Do you suggest any modifications or changes in that?—Do you mean as regards rental?

40,904. As regards anything. At the present time they pay a tax to the Government?—Yes, of £2. The other thing I would suggest is that there should be indirect taxation for the purpose of sinking for water, and making roads through the locations. Of course, as it is, I notice it has been stated there is not sufficient agricultural land in the locations for the Natives in those locations. That is principally for the want of water. That is one of the aims of indirect taxation that I would suggest; there should be some developing work going on, for which the Natives ought to pay, because it is for their benefit, such as sinking wells, for instance, making roads, and properly fencing the locations, because under the present Fencing Act those locations, or most of them, will have to be fenced sooner or later. That is the only suggestion I have to make at the moment as to any alteration in the terms on which they are living in the locations. I do not think it would be possible to increase the hut tax at present, because it has only just been levied, but I think where it is for their own benefit, and for the benefit of the country generally, that there should be more agricultural land or land that they would be able to cultivate in the locations, by making wells and boring for water, making roads, and various other things, they should certainly pay for that. *Mr. Malan*: Certainly we see no objection to the increased development of existing locations, but we strongly object to the extension of it, because originally these locations were placed with the object of bringing the Natives within a certain limit, and through that to have them scattered all over the country for agricultural purposes. But if these locations are continually increased in area the main object is lost, because the country at large will not benefit through that.

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40,905. Coming back to Mr. Shepstone's statement, I should like to ask you, Mr. Malan, when you say that the principal idea in placing these Natives in the places where they now are, was to distribute them more: is it not a fact that these Natives, for the main part, are to-day living on the land that they have always lived upon?—No, not altogether. Some of them have been, where they were living on private lands, placed on Government lands, on the locations; the places were surveyed and given to them. But it was fixed at a certain limit, so many acres per head. If the Government is going to increase that area the object is lost, because the original idea was, as you could not force the Native on to the farmers' lands to go and work for the farmers, to make it impossible for him to live on the location after the increase, and so drive him on to private lands to assist agricultural purposes.

40,906. My point is not how much land was given to them when the locations were beaconed off, but whether the Natives to-day are not living on the veld that they were born upon, more or less?—To a very small extent, because when this country was occupied the majority of the Natives living in the occupied districts—I am speaking about farther north—were simply running all over the country, and after the occupation of the white people they got settled. The Matabele drove them all over the place; they had no fixture. There is no Native in the Transvaal besides Mpefo, who can say, "This is my land that my fathers occupied so many years ago. I can mention the whole lot by name." They were simply running about. There was no land that they possessed. They only settled down and got to rest after the white occupation of the country.

40,907. They were running about under the influence of war and the European invasion?—The European invasion brought them to rest.

40,908. Mzilikazi's invasion?—Mzilikazi's invasion.

40,909. They were running about under the influence of invasion?—Yes.

40,910. You spoke of the location law being altered. You are perhaps aware that there is no such thing as a location law in this country.—*Mr. Shepstone*: You asked me if I could suggest any alteration.

40,911. You quoted location law. There is none at the present time. There is Native law. Do you think that the Natives to whom you refer should be compelled to pay this indirect taxation on account of water and roads; opening up water supply, and making roads?—I do not see why not.

40,912. That is to say, wherever it was necessary to develop the water supply, you would compel the Natives who would benefit by that supply to contribute towards it?—Certainly, that can be done easily through the Chief, through the Native Commissioner as head of the department.

40,913. Do you mean by law calling upon them to pay?—By their own law and custom, and they would pay you, and I think they would very gladly do it if they could get the water.

40,914. Do you think there is much land to be reclaimed by the opening up of the water supply?—That I could not say as regards the rest of the country. I know in the location near me there is a very large tract of land.

40,915. Now very dry?—Now absolutely dry.

40,916. And if water was opened?—You could cultivate all of it. Sibidele's location I am talking of.

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40,917. What sort of water do you mean? Water from wells?—Water from wells and the river water could be diverted, or burrowing for water.

40,918. The rivers are very dry as a rule?—There is a big river always running through my farm to the location

40,919. If you take that water supply to open up another part of the country would you not deprive the riparian owners?—No, it turns on to the Government farm adjoining Sibidele's location. You could turn it out there and not only water the two Government farms there but the location also. From there it runs down into the Oliphant's River. I think they would be exceedingly glad to pay for it.

40,920. By diversion of the supply?—Yes.

40,921. There are laws relating to water supply in this country which might or might not be affected?—They could not be, because there it goes through your own property beyond the location into the river adjoining the location. That is one instance. I have not been to other locations so I could not tell you, but I presume there must be land there that would be benefited by water being developed, and probably it is so in nearly all the locations.

40,922. By that means you would be able to utilise a great deal more of the existing locations?—Certainly, for agricultural purposes.

40,923. You are aware that a good part of the country of which you have been speaking, the low veld, is at the present time tenanted, we will say, by a considerable section of Natives gathered from different parts, some of whom are upon Government lands, and some of whom are upon private lands?—Yes.

40,924. They are what are called squatters. You have something to say about this question. I had better perhaps give you a leading question. Do you think it is a good system to allow squatters, as they now are, upon these properties?—Will not we come to that presently under the Plakkers' Wet.

40,925. Take it now; it is part of the land question?—Upon that point it is intimately connected with the Plakkers' Wet, and I myself personally am satisfied, and I know these other gentlemen are also, that it is impossible to enforce that Plakkers' Wet for many reasons. Not only would it be a source of very great danger, but it would be a very great injustice, and I think it would drive the Natives out of the country, and there must be another way of getting the same result as was anticipated or contemplated when that Plakkers' Wet was passed.

40,926. You have given this opinion that the present Plakkers' Wet of this country is not in your opinion one that can be enforced for the reasons you have mentioned. Do you say that as your own opinion?—I think the others want to say something on it also. Mr. Malan has strong views on that.

40,927. Can you indicate in what way the Plakkers' Wet is deficient or defective?—In the first place, the reason I say it is deficient is because it is unjust, to begin with; because it gives you the power to order people off a farm, all over five families, unless you have special permission, but it does not say where you are to put them; you are only to turn them off. It would be unjust if you said you had to put them somewhere, because you are taking people off the land where they have been born and have grown up and placing them on other lands. Probably you might put them on the high veld from the low veld. A greater injustice it would be the

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hardest thing possible to conceive. You limit the families under the law to five. The children of these people are growing up, and when they are married, they like to live near their own people, instead of which, under this law, you would have ruthlessly to turn them off the land, and say they must find a home somewhere else. I say I consider it would be a source of grave danger, for that very reason, that they would resent being taken away from the land where they have grown up and put on to the high veld.

40,928. What is your remedy?—My remedy is that the distribution of these families on to occupied lands could be arrived at in another manner, and in the first place there ought to be preference given to the private farms that are beneficially occupied, and that the families who work for the farmers on those farms should work free of any poll tax. Supposing they are working for the whole year they should be absolutely freed from poll tax. I believe that the Government can give permission for so many families to be on the farm, over and above the five families, in accordance with what work is being done, and what development is being carried on. If these people remained there all the time working for you they should be exempted from the poll tax. I go further than that. I say if there are certain families who work for three months in the year regularly, they should be exempted from 50 per cent. of their tax, because that gives them time to have a rest and get away, and work say, six months at the mines, or four months at the mines, as the case may be, and so earn money for any wants that they may have. All the Natives who squat on the unoccupied lands, the companies' lands, and the Government lands, should have an extra fee put on to them. The Crown lands and private farms, of course, must be treated the same, and there should be an extra fee, or a fee of some sort. I will not name the amount,—that will be a matter for the Commission to decide,—which ought to be charged these people over and above the poll tax, for their being registered and having the privilege of squatting on these particular farms. And I think the owners of these farms ought to be responsible for these men, and for the poll tax, and registration fee, or whatever fee you like to call it, and they can make their own arrangements then with the Natives, as to what they have to pay them for residing on the farms, and that would have the effect of sending a large number of Natives not only to work but also to give a residence on occupied farms where they can get work, by relief from their poll tax, and yet have land to cultivate. That roughly is the only way I see in which you can practically apply the provisions of the Plakkers' Wet, as they were intended to benefit the white people occupying the farms.

40,929. You are referring, of course, to those?—Yes; my remarks also apply to the Natives living on Crown lands, who should be treated in exactly the same way.

40,930. You are aware that on the Crown lands at the present time they are paying rent of £1 per annum?—It is contemplated to make them pay that, I believe.

40,931. And on private farms they presumably pay that amount or more?—Yes.

40,932. So that in addition to the tax imposed by law of £2 they have to pay their rent?—Yes.

40,933. And in addition to that you suggest that they should pay a registration fee for the privilege of living on Crown lands or on private farms?—Yes; and there ought to be a register kept of

all these people, so that we can check the collection of the hut tax and get it.

40,934. You said that a registration fee would have the effect of driving them away from those unoccupied farms?—It would not drive them all away, but it would drive a good many away.

40,935. And from the Government farms?—Yes; of course, it depends on the amount of the fee.

40,936. *Mr. Thompson.*] Did I understand the gist of Mr. Shepstone's answer to be that he considered that land companies and individual private farm owners should be treated and charged alike?—Not individual farms that are occupied; I was not talking of farms occupied by a white person.

40,937. *Chairman.*] Then, you consider that no force should be used to remove the people, but that they should be induced to leave in consequence of the taxation you place upon them?—Yes, and not only that, but by reason of the inducement that they will not have to pay at the other places.

40,938. In connection with this, you would exempt, if I may recapitulate, those who work on occupied farms from the tax?—Yes.

40,939. Would you exempt them entirely?—Yes, if they worked the whole year round. The different farms and the different owners of these farms make different agreements with their Natives. I say that they must be all under an agreement, whatever it may be. Some families will make an agreement with the farmer, and be perfectly satisfied to work all the year round, off and on, and some would prefer perhaps to give their labour for three or six months. The latter should also have a reduction, but those who stay altogether to work should have complete exemption.

40,940. In what ratio would you exempt men who work for three months?—Fifty per cent.

40,941. Do you mean three months continuously?—Yes, certainly.

40,942. And do you mean this to apply to all Natives who work in the Transvaal, or only to those who work on the farms?—I am talking of the occupied farms.

40,943. But take other Natives who do an equal amount of work. Take the Native who goes to work at the mines, and who has disagreeable work, or, at any rate, not such work as the man who goes to labour on the farms; would you exempt that man too?—No, because he is paid for his work. And that is why I say that a man who works on the farm for only three or six months in the year should not have the full exemption, because he has an opportunity in the interval of going to work at the mines, where he can earn more money, and he can still be back in time to complete the work he must do in the twelve months on the farm.

40,944. So you would not exempt that man?—No, because in one month he can earn enough money at the mines to pay his tax for the year.

40,945. Then, taking the ordinary farm labourer, who has got small wages, would you exempt him?—No, because he can go and work wherever he likes. *Mr. Malan*: It is the man who is living on the farm, having a yearly agreement with the farmer.

40,946. *Mr. Krogh.*] The labour tenant?—*Mr. Shepstone*: Under the late Boer Government we would give him a certificate that he had worked as an agricultural labourer on the farm for whatever period he had worked, whether one month, or three or six months, and he would be exempted from the tax. But he must be an agricultural labourer; that was the idea.

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40,947. *Chairman.*] Do you know where any records of that are to be found?—Yes, I have the counterfoils of the certificates.

40,948. Have you ever seen, or can you tell me where there is a book to be found in which these exemptions were recorded?—No; I have never looked at the Commissioner's books; but I know that it was allowed.

40,949. Now, I want to ask you what purpose you expect to serve by exempting Natives in this way; is it to give a reward to industrious men, or is it to protect the farmer?—*Mr. Malan*: It is not a reward, but an inducement. *Mr. Shepstone*: We want it as an inducement for men to come on to the farms to work, and the Government must assist. If a man does work in that way, he is helping in the development of the country by providing the farmer with labour, and that man ought to be exempted from the poll tax. That is the idea.

40,950. You have come to the conclusion that the farmer needs protection of some sort?—Certainly, nearly all of them do.

40,951. Does the Agricultural Union consider that the farming industry is suffering in consequence of the shortness of labour?—Undoubtedly, and they complain very bitterly because the Government allows the Natives to squat on the Crown lands; and I fancy that it is on account of that complaint that the Crown land tax has now been enforced.

40,952. Your proposals have relation to a great number of Natives, something approaching a quarter of a million; how long do you think it would take to bring about such a change as you have indicated—a change in their minds which will induce them to do what you wish, that is, to go on to the farms?—*Mr. Malan*: We had the same thing raised before. In 1885 the first Squatters' Law was passed in this country, fixing the number of five huts to each farm, and the Commissioners were instructed to enforce that law. The result was that the majority of the farms were cleared of their Natives, and it could not be carried out. That was our experience.

40,953. It could not be carried out?—It could not be carried out, because if you sent away either the father or the son the other would go with him. Two years later the Squatters' Law was altered to its present state, and for all Natives living on Government lands and on locations the tax was increased. Instead of 12s. 6d., as it was, it was made £2. The result was that all complaints ceased, and the farmer was properly supplied and provided with labour. That is my personal experience as a farmer. After that we had no complaints for want of labour throughout the whole country. You never heard anyone complain of the want of Natives on his farm, and you never heard anybody alluding to the Squatters' Law and saying it should be enforced. Nevertheless, the law was in existence, though no one asked for its enforcement. Of course, the inducement was made for the Natives to go on to the farms. They had to pay £2 on the locations, and they only had to pay 12s. 6d. on the private farm. And, at the same time, both the labour markets were supplied, in this way, that the farmer had sufficient labour, and as for the Native living on the Government lands in order to get his £2 to pay his tax he had to go to the mines to work. Both our labour markets were supplied, and even if the mines were not fully supplied, still there was a great improvement all over the country. *Mr. Du Toit*: As Mr. Fourie has said, that law was made in 1895, No. 24. *Mr. Malan*: Mr. Fourie was a Native Commissioner, and he can fully endorse what I say.

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40,954. Since you have alluded to this, Mr. Malan, may I call your attention to the fact that numerous petitions were brought to the late Government asking that this Plakkers' Wet should be enforced, on account of the shortness of labour, and that various Commissions were appointed by the Government on that account. Orders were given to the officials to carry out the law, but eventually, just before the war broke out, it was determined by the responsible officers of the Government that it was impossible to do so for reasons given by the late Superintendent-General of Natives. These are records which have been collected lately and are very striking?—Nevertheless the complaints were reduced by more than 100 per cent. after the enforcement of the alteration.

40,955. We have got, Mr. Shepstone, your views on the subject of squatting; is there anything further that you wish to state about that?—*Mr. Shepstone*: No.

40,956. The remedy, briefly, is exemption from taxation?—Yes.

40,957. And that, you think, will have the effect of breaking up the locations?—Yes, and very shortly after it became known; probably the year after it became known. *Mr. Malan*: I would like to make one more remark. The Orange River Colony has a much lower taxation of the Natives than the Transvaal, and we who are living along the border experience the effect of that state of things. As soon as the hut tax is collected by the Commissioners, if the farmer does not pay the Native's tax, the latter simply crosses the border into the Orange River Colony. It is direct taxation on the farmer. As it is to-day we have to pay the taxes of the Natives if we want to keep them on our farms.

40,958. What is the tax in the Orange River Colony?—It was 10s. the year before last, and last year it was increased to £1. In the Orange River Colony the Natives pay much less in taxation than our Natives; and if we do not pay their £2 per hut they simply cross the border and go into the Orange River Colony. That proves that if they are exempted here, and if inducement is given to them, we will have them back from over the border, where they have gone. *Mr. Du Toit*: Mr. Fourie says that if you have got an interpreter to translate what he says he will explain the reasons why the law was not brought into force. *Mr Fourie* (through an interpreter): The reasons why the Squatters' Law could not be carried out were: firstly, if we tried to enforce it, there were some articles that were in conflict with the Convention; and, secondly, if we had enforced the law we would have driven the Natives out of the country, because our neighbours had not the same law as we had. The laws of the adjoining States were more lenient than ours. In my district the Squatters' Law was carried out, but then I lived in the middle of the Transvaal. I was the person who suggested to the Superintendent of Natives to call all the Native Commissioners together in order to consider and suggest a revision of all the then existing Native laws in the country. The Native Commissioners came together, and we suggested improvements in the law, but before our recommendations were brought before the Volksraad the war broke out. The Squatters' Law was not carried out in all the districts, because it was not matured; it was too young. Those are the only two reasons why that law was not carried out. Of course, there were other lesser considerations; for instance, where there were five heads of families on a farm, and those families increased by way of marriage and otherwise, it would be an injustice to have the surplus Natives removed from that farm.

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40,959. *Mr. Stanford.*] An injustice to break up the family?—Yes.

40,960. *Chairman.*] Are there any other points in connection with the Squatters' Law, or locations, or land tenure, that you wish to express your opinion about?—*Mr. Shepstone*: No.

40,961. Or the other members of the deputation?—*Mr. Baily*: There is one point I would like to mention with regard to the locations. We have, of course, discussed the matter, and the opinion seems to be that the Natives in the locations are rather unduly favoured at the expense of the other Natives in the country. The question has been discussed by us whether we should suggest to the Commission that the communal tenure should be continued, or whether the land should be allotted out to the Natives under individual tenure, and the uniform opinion that we came to last night was that the communal system should be continued in the locations. The law under the old Boer Government decidedly put an extra poll tax on Natives in locations as against the Natives outside the locations. I am referring to Law No. 24 of 1895. Under that law, when the £2 poll tax was imposed on the Natives of this Colony, it was quite irrespective of the 10s. hut tax, and that, I think, was indirectly mixed up with the clauses of Act No. 20 of 1902. Under that law (No. 24 of 1895) the Native had to pay £3 2s. 6d., arrived at as follows: £2 poll tax, 10s. dog tax, 2s. 6d. road tax, and 10s. hut tax. Then under that law (No. 24 of 1895) there was exemption provided, that was exemption of all Natives residing with white people as servants. Two months after peace was declared—in August, 1902—the ordinance with regard to the taxation of Natives was altered, and in place of £2 poll tax and 10s. hut tax, etc., the tax of £2 was only imposed on every male adult. And the only exemptions under the new law (No. 20 of 1902) were of cripples, those who were of old age, and those suffering from chronic diseases. Therefore, the Natives living in the locations to-day are paying less taxation than they were under the Boer Government. What we wish to suggest is that the Natives living in the locations shall also pay revenue under two heads to the Government: one to the Government as a poll tax, and the other as a local tax for the betterment of the locations, on the lines of the Glen Grey Act, Part 5, Section 53.

40,962. *Mr. Stanford.*] That is practically what Mr. Shepstone has already said?—Yes, but it is in connection with the taxation which has been lowered that I have brought this up.

40,963. *Chairman.*] May this be interpreted to mean that this Agricultural Union deliberately recommends the application of a portion of the Glen Grey Act to the Transvaal?—I was simply using that as an illustration that a certain tax should be raised in the location for the betterment of that location, and paid by the Natives.

40,964. I wish to know if the Union regard the Glen Grey Act, or portions of it, as sound and designed for the betterment of the Natives?—We do not like that at all. We do not approve of the Glen Grey Act. I simply took that as an example.

40,965. You referred to the law, and quoted the law No. 24 of 1895. As you know, the translation is rather obscure; it uses the expression that exemption shall follow to Natives who are residing among white people. Does that mean the Natives who are living in towns; are they not residing with white people as well as when they are residing on the farms?—*Mr. Malan*: I believe that the original article of our law meant the exemption to apply to Natives living with the farmers on their farms. It was not meant to apply to Natives living in towns.

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40,966. But, as a matter of fact, the law reads that it does apply to all Natives residing with white people?—If the Native with his family resides in the towns; but if he was only here as a labourer it did not apply to him in the least.

40,967. But, as a matter of fact, the law is obscure upon the point?—It is, rather. *Mr. Du Toit*: The law applied to the Kafir working in town and living on his erf. It was just the same for him as for the Native on the farm. He also paid less than the Kafir living in the location.

40,968. Then you differ from Mr. Malan?—*Mr. Malan*: No; I say if the Native lived on his erf in town with his family he was exempt, but if he was only here for a couple of months, as a labourer coming from the location, it did not apply to him.

40,969. Do you know any such cases where people actually lived and resided in that way?—There are Europeans having their servants with them in that way.

40,970. Was it at the end of one year, or at the end of six months, or when, that he was entitled to exemption?—He had to pay yearly; it only applied for the year.

40,971. Mr. Baily opened up another subject. Have you finished on the question of land?—*Mr. Baily*: Yes.

40,972. *Mr. Stanford.*] You recognise, I suppose, Mr. Shepstone, that in allowing the Native to purchase land subject to the trusteeship of the Government, you give that Native, or those Natives, protection which is not afforded to the ordinary purchaser coming into the market?—*Mr. Shepstone*: Give him protection against what?

40,973. You afford him protection, in that he cannot sell his land; he is protected by the trustee?—He cannot sell.

40,974. You recognise that that is additional protection?—Yes. There is another reason, which I intended to mention before, why we object to their having individual title to land, and that is, that probably the land will eventually find itself in the hands of speculators, or, if they get very rich, the Natives will be buying up the whole country themselves. But, I take it, that if they did have small plots they would be eventually taken from them by speculators, or store-keepers, or someone else; they would lose the land.

40,975. Do you think that there is such resourcefulness and strength in the Natives that, if they were allowed to purchase land, they would actually buy out the Europeans?—To a great extent they would do so; the tribes to-day do, and they can do it by the tribal system.

40,976. Then, is your objection mainly against the purchase in trust for tribes?—My contention is that they should not have any land except it is held for them in trust. It would be for the Government to consider each individual case. Supposing a Chief comes, and says he wishes to buy a certain farm, it should be for the Government to decide if he shall do so. Let this be in the hands of the Commissioner for Native Affairs, who will submit it to the Executive Council. But, in any case, land should only be purchased by the Natives, and held in trust for them by the Government.

40,977. But, suppose a Native were to advance in civilisation, and desired to buy a farm, entirely for his own use, apart from any tribal occupation, would your objection still remain?—Yes.

40,978. On what grounds?—For the reasons that I have stated before. In the first place, it would be the commencement of his getting the thin end of the wedge in towards getting the franchise;

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and, secondly, it would be the commencement of putting him on a footing of absolute equality with the white man, and I do not think that the time has arrived for that.

40,979. Do you hold the same objection to the acquisition by a Native of property other than land?—No.

40,980. How do you regard the possession by the Native of land as specifically leading in the direction of franchise privileges being conferred on him?—Because the possession of the franchise eventually—and even now—is a matter of qualification, not only an educational qualification, but also one on the basis of immovable property, or yearly rental. It will all depend upon what the law provides as to giving the franchise.

40,981. Are you not aware that the Government, in providing the franchise for the Cape Colony and for Rhodesia, took a wages qualification?—I believe so.

40,982. So that if it is a question of qualification, the non-possession of land does not necessarily exclude the Native in the Colonies I have mentioned from getting on the electoral roll?—No, and it is very unfortunate that it is so, I think. I do not think we are going to have it here, if we can prevent it.

40,983. My point is with regard to the land?—Yes; I think that they would have much more claim if they did have land, and that is what I want to avoid.

40,984. Do you see any likelihood of the Indian system, which has been described to us, in the occupation of land suitable for the Natives, being adopted in this Colony?—We did discuss the matter, and it is an interesting problem, but I do not think myself that it can be carried out here.

40,985. Do the others agree with that?—*Mr. Malan*: I do not agree, for the reason that the Indian population is quite different to the South African Native population. *Mr. Fourie*: I am against such a thing, because there is so much difference between the Indian and the African Native. *Mr. Baily*: I would like to explain that we discussed the question last night, and the idea was not the same as it was given just now.

40,986. Broadly, on the squatters' question, Mr. Shepstone, your view is that the policy of the Government should be directed against squatting, and that favour should be shown to the man in continuous service, and perhaps in a lesser degree to the man who affords the farmer intermittent service?—*Mr. Shepstone*: Yes, that is my idea.

40,987. Are you aware that that is the policy of the Cape Colony?—No.

40,988. I would like to ask you, Mr. Fourie, if you can tell us what were the main improvements in the Squatters' Law which the Commission you referred to were prepared to recommend to the late Government?—*Mr. Fourie*: The first point was to eliminate from the Plakkers' Wet Article 3 altogether, because it limited the number of Native families allowed on a farm to five households. Five was the number of families allowed on each farm or title deed. Of course, the large companies would be benefited, because a company might have a hundred transfers and would then be able to have 500 families on their ground; but we suggested that the law should provide that not more than twenty-five families should be authorised to live on one farm. If a man had three title deeds he could get twenty-five households on the one farm. I proposed that Article 3 should be eliminated altogether from the law, and that a new article

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should be inserted, to read as follows: That the owner of a farm should have the right to allow as many Natives to live on his farm as he wished, under the supervision of the Native Commissioner for his district. They were to be looked upon as Government Natives, because they paid rent to the owner of the farm for living on his farm. And then as many as he required for work on his farm should also live there under a contract between him, as owner, and them. The rest of the Natives should be looked upon as Government Natives and the Government could dispose of them as they liked. That is to say, those Natives who were selected by the farmer as his servants would only have to pay 12s. 6d. per annum, but the others who lived on the farm would have to pay the same amount as those living on Crown lands and locations, namely £3 2s. 6d. That is the first point, so far as I can remember. The second point was this: The law was that when a Native reached the age of 21 years he was liable to be taxed. I suggested that young Natives, from, say, 14 years, or younger still, up to 21 years—that is, up to the time when they were liable to pay the tax—should not be allowed to go to the mines to work, and that they should only be allowed to go to the mines when they had got to pay the tax, that was, when they were 21 years of age. If any mine engaged a Native minor, that is one under 21 years of age, they would be liable to a fine of £25, and the official who gave the pass to that young Native to go to the mine would also be liable to the same fine, and the Native himself would fall under the Pass Law. The object of that proposal was that the young Kafirs should not go to the mines to work, because when they did go to the mines it was not to work but to go into employ in the towns as kitchen boys, and to cook food for the other Natives in the compounds. And those young Natives are really the Natives who are required by the farmer. This proposal would have been made law, but before it could be made law the war broke out. I think this alteration was made in 1898. We also suggested that the marriages of the Natives by their own customs should not be recognised by the Government, but that the various missionaries should be appointed by the Government to marry the Natives when they wanted to get married. Those are the main points of alteration which we suggested.

40,989. May I then take it that your idea was to apportion Native labour to the farmer according to the requirements of his farming pursuits, instead of having by law a fixed number of families available indiscriminately for every farm?—Yes.

40,990. *Mr. Thompson.*] Mr. Shepstone, you rather advocate that the Natives should be allowed to acquire land, but you stipulate that it should be entirely registered in the name of the Commissioner for Native Affairs?—*Mr. Shepstone*: Yes.

40,991. Do you place any limitation upon this? Supposing, for instance, what might be called vulgarly a negrophilist were the Commissioner for Native Affairs, would you provide by law limitations to Natives acquiring large tracts of country?—I think there ought to be limitations, otherwise some of those Native tribes would become particularly rich, and would go on acquiring land indefinitely.

40,992. You would say, in allowing the Native to acquire land, that there should be a limitation; the land acquired should not exceed a certain amount of area?—That is my idea.

40,993. Would you advocate legislation barring missionaries or disallowing missionaries or any other white people from holding land for Natives in trust?—Yes.

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40,994. It is the custom, I understand, in this country, for missionaries to hold land in trust for Natives?—I do not know that it is or was the custom, but I understand that such a thing has happened.

40,995. You understand that it is possible?—Yes.

40,996. Would you advocate legislation prohibiting any society or individual from holding land in trust for Natives?—I have not considered that point, but I am rather inclined to think I would; but I would rather leave it entirely in the hands of the Government.

40,997. Where a Native tribe have bought land, and it is registered in the name of the Commissioner for Native Affairs, and they wish to resell that land, would you have any objection to their reselling?—That would be a matter entirely for the trustee—that is, for the Government—to decide. Do you mean selling it to other Natives, or to white people?

40,998. Selling it to white people. They bought it from white people?—Circumstances might arise that they wished to sell the land. If they said that they wanted to leave the country, or to move to another part of the Transvaal, and had made arrangements to do so, they might apply to the Government for leave to sell this particular property. It would then be a perfectly *bona fide* transaction, and might be allowed to go through. It would be entirely a matter for discretion on the part of the Government.

40,999. Would you have any objection to a tribe re-selling their property which they had bought in the open market?—No, provided they got the consent of the trustee.

41,000. Do you think the trustee's consent would be required?—He would have to give the transfer, and so it would be required.

41,001. Do you think it fair, if a tribe has bought land and wishes to resell that land, the sale should be subject to the trustee's consent?—That is a big question all of a sudden. Of course, the trustee, which is the Government, would be influenced by the surrounding circumstances, or the reasons they wanted to sell. Everything being found right, I see no objection to the selling of the property.

41,002. And you say that it should be with certain qualifications that any body of Natives should be allowed to buy land?—Yes.

41,003. You said, when speaking on the question of land tenure, that for the present you considered them unfitted to have individual tenure. Do you contemplate a time when they will be fitted to have individual land tenure?—It is a matter of the dim future. They may be fitted for it in a very long time to come, but it will not be in my day.

41,004. You will let the future take care of itself?—I will have to.

41,005. Still, it will be rough on the children of the future?—Yes, but we cannot do anything now.

41,006. Did I understand you correctly, Mr. Malan, when I understood you to say that you consider that the Natives now living on nine-tenths of the reserves in this country have no prescriptive right to the land?—*Mr. Malan*: Yes; they were practically driven all over the place.

41,007. And with the exception of a few tribes, you hold that they have no prescriptive rights?—Yes, very few have such rights. I do not know about the matter myself, but I have heard it from the old voortrekkers that that was actually the case.

41,008. So that some of these Natives now living on the reserves may have come from South or West?—Yes.

41,009. That is your opinion?—That is a certainty.

41,010. Mr. Shepstone, you said that if the Natives were removed from some of the low parts of the country, you would consider it a

very grave danger; what did you mean by that?—*Mr. Shepstone*: I said that if the Plakkers' Wet were enforced, and the Natives summarily moved from the farms or reserves, there would be very grave danger.

41,011. Do you think the Natives would fight the Transvaal?—I think you would have to use force.

41,012. Then, I think, Mr. Baily, you suggested that on the locations they should pay a tax towards the revenue and a tax for local government purposes?—*Mr. Baily*: Yes.

41,013. How would you advocate that money being spent, or how would you suggest that that money should be spent? Would you grant them a certain amount of self-government within that location, and power to spend that money?—I would suggest that a European be placed in charge of any reserve, who should have full powers. When he wanted to get any water bores to bore for water, he should apply to the Public Works Department, and if he wanted to do any fencing in connection with the reserve, he should apply to the Government Land Department; and the same with regard to road-making. He should be sole Chief in the location.

41,014. Where they had locally found the money on that location, having a white official at the head of affairs, would you object to the Natives coming in and helping that white officer to administer the internal affairs of that location?—Yes, officially; but unofficially, I would have no objection.

41,015. Would you give them any measure of self-government?—No.

41,016. Although they were locally taxed for a particular purpose?—Even so.

41,017. Would you, Mr. Shepstone, advocate the Natives living on large areas owned by land companies being treated in the same manner as a Native living on a private farm as far as exemption is concerned? If it were shown to you that the Native living on the land company's farm produced a certificate of, say, twelve months' work in Johannesburg, would you exempt him, as in the case of the Native on the private farm who produced a similar certificate?—*Mr. Shepstone*: No, because he would have been earning money all the time.

41,018. Do you advocate this system of Kafir farming, as it obtains in some parts of South Africa?—No.

41,019. You are diametrically opposed to anything of that sort?—You mean collecting Natives on farms?

41,020. Yes?—Of course I am opposed to it.

41,021. That, of course, is prejudicial to the farming interest?—Yes; and it keeps the Native lazy.

41,022. And it places the Native in an independent position, in that he need not go and look for work anywhere?—Yes, and he does not go anywhere to work. With the Crown lands it is the same.

41,023. *Mr. Samuelson.*] Individual ownership of land is quite foreign to Native custom and usage, Mr. Shepstone?—Entirely foreign.

41,024. No such thing as proprietary right, as it is understood amongst civilised nations, ever existed amongst them?—No. There is one thing that I wanted to say on that point, and I should be glad if I might be allowed to mention it now. If you are going to give the Natives individual title to land you will have to alter the law of inheritance.

41,025. I was just going to ask that. The land was national

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property, was it not, the nation being represented by the Sovereign, and the people depended on his will alone for their tenure?—Yes.

41,026. In no case did the holder ever get proprietary right by length of holding or application of industry or capital or anything of that sort?—No; and on the other hand, if he did not cultivate his land, I think it was for three years, the Chief would take it away from him and apportion it to someone else.

41,027. Then, propietary right in the soil is practically unintelligible to a large number of the Native population?—Yes.

41,028. And inconsistent with their views?—Yes.

41,029. Amongst them the cultivator exercised no proprietary right over the soil, and there was hardly any privilege which he did possess in regard to it except the liberty of abandoning it?—Exactly; he was allowed to cultivate that particular piece of land, and if he did not cultivate it for three years—I think that was the time under Native law—then he lost it, and it would be apportioned out by the Headmen to others. He then no longer had any right to the land at all.

41,030. You spoke about irrigation and boring, and making roads and so on in these Native reserves; how would you propose that funds should be raised or furnished for such work?—I think through the Chief. If they knew that such and such a thing was going to be done and that it would cost so much, the money could be collected through the Chief, and such expenditure would be for the benefit of the tribe or for a portion of the tribe.

41,031. How would you get the money; by some form of taxation?—No; I say do it under Native law. If the Commissioner for Native Affairs was to tell them that such and such a thing was wanted, they would soon get the money.

41,032. Do you think it would be wise for a Native Commissioner or other Government officer to suggest anything or ask anything from the Natives which he cannot make them do or enforce under some provision of law?—I take it that you can make them do anything in that way under Native law, provided it is for their own benefit.

41,033. That is, under the special powers possessed by the Governor of the Colony as Supreme Chief?—That is what I think.

41,034. I noticed a Proclamation, I think, the day before yesterday, that practically meant the annexation of Swaziland?—Yes.

41,035. How would you propose that lands occupied and possessed by the Swazi Natives as a nation should be dealt with?—It is provided for in the Proclamation.

41,036. Is it possible, under the Proclamation, for any of that land to be alienated from the nation by sale, purchase, or otherwise?—No; I think it is carefully tied up in the Proclamation. It was a very difficult point, as you can imagine, because the whole country had been given away in concessions of all sorts. But the Proclamation conserves the rights of the Natives now.

41,037. Now, we will take the case of a farm bought by an individual Native, and vested in the Commissioner for Native Affairs in trust for that Native. Say a sum of £500 or £1,000 were to be due by that Native to some merchant or other person, how would you propose to reach that property in satisfaction of that debt in the event of judgment being given in favour of the claimant?—Do you mean if the land was held in trust for that one individual?

41,038. Yes?—If that individual owned the land, and it was held in trust for him, there would be the procedure of going through the

Court for it; but I cannot conceive the position of Government holding land in trust for an individual. I can understand land being held in trust for a tribe.

41,039. I understood that you do not approve of a Native purchasing land except in that way, that it should be held in trust for him by the Commissioner for Native Affairs?—Yes; of course, I was alluding to Native reserves, and Chiefs buying for their tribes.

41,040. Then it is not possible for any individual Native to plank down his £1,000 and buy his piece of land, and have it vested in the Commissioner for Native Affairs?—It is possible. I suppose it is a question for the Government to decide; but I think it would be very inadvisable to allow that.

41,041. We will take this land vested in the Commissioner for Native Affairs for a community of Natives, which they have purchased for themselves with their own money. Say that judgment were to be given against any of those Natives, how would you proceed?—You could not levy on that land, because the trustee has the responsibility of looking after the interests of the children of those people too.

41,042. Then a judgment debt of that sort would be practically valueless?—It would be valueless against the property.

41,043. Do you think that it would be altogether satisfactory that judgment debts could be defeated in that way—by lands being held in trust for Natives?—The creditor ought to know beforehand that he could not recover against that land, and then he would not give credit on the strength of it. Of course, you have to look at it from both sides. If the creditor does not know, he ought to know.

41,044. Do you think that the right to land should devolve under Native law and succession or under the ordinary law of succession in the case of Natives?—They have got no land.

41,045. I suppose the son would have the right to take the father's place on the land?—Yes; but in this country they have not got any land, except in those particular places.

41,046. Then there are no individual rights at all?—No.

41,047. Is there any provision in this Colony for preventing a farmer taking over a Native who has been expelled by an adjoining farmer for a theft or anything of that sort?—I do not know. *Mr. Malan*: There is nothing to prevent it; but it is a very good point and one that we were thinking about. In giving passes the custom is this. If the Native wants to leave my farm, or if I want him to leave my farm, a month's notice is given, and I give him a pass to go and look for work at another farm or at some other place, and it ought to be made compulsory that his character should be stated in that pass so as to prevent that thing or like nuisances.

41,048. Then what power do you think the Chief or Headmen on those lands vested in the Commissioner for Native Affairs for Natives should have in regard to that land?—*Mr. Shepstone*: I think they ought to come under the ordinary Native laws of the country.

41,049. I mean in regard to making allotments or regulating the occupation or cultivation, or anything of that sort?—Under their own law, just the same as they do in Zululand or anywhere else.

41,050. You think that they should have the power to regulate those rights?—Yes; the Headmen have that power. They say, "That is your piece, and that is your piece," and so on.

41,051. I may tell you that in Natal we found it very unsatis-

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factory and we made special legislation by which the trustees have power to make regulations for the occupation and regulations for the cultivation of the land?—Yes, that is under the Natal Native Trust. As a matter of fact, there is no trust here at all. *Mr. Malan*: The Chief does it.

41,052. *Mr. Campbell.*] You said, Mr. Malan, that Natives in the Transvaal paying £2 a year hut tax sometimes crossed over the border into the Orange River Colony because in that Colony they were charged a lower tax?—Yes.

41,053. Do you think it would be a wise plan for all the Colonies to fix the same amount of taxation?—Unless it is made the same we shall never get an end to the struggle. The South African Native question will never be settled unless all the Colonies combine and have one uniform law as regards taxation, etc.

41,054. And what tax would you fix that the whole of the Colonies should charge?—My contention is that for the furthering of the agricultural interests of South Africa all Natives living on private farms and giving assistance to that end should be dealt with as lightly as possible; and, on the other hand, in order to support the mining industries, all Natives living on Crown lands or on unoccupied or uncultivated lands should be highly taxed, because the higher you increase their taxation the more you divert them to supply the wants of the mining industries of the country or whatever general works are being carried on. We have to look at both the labour markets, and I do not think that we can support them better than in this way which I have indicated, that is by decreasing the taxation on the Natives living on private farms and increasing the taxation on the Natives who are living simply by themselves. The latter must go to work for the mines, or on Government works, public works, etc.; and, on the other hand, if inducement is given to them they will come to the assistance of the agricultural interests of South Africa.

41,055. In fact, you would have a sliding scale?—Yes.

41,056. The man who works on the farm would be charged so much less tax?—Exactly.

41,057. I would like you to give us a figure that you think would be a fair charge as a maximum that the man who does not work on the farm should pay?—He should pay at least £3 per hut; that is, the male adult.

41,058. Do you think the hut tax is better than a poll tax?—I think the hut tax is better, for this reason; one male adult might have three wives or more, and then, of course, he would have to pay according to the huts he has, and having to pay so much more on that account that would force him to work or to come back to civilisation.

41,059. You think, then, a hut tax of £3 as a maximum to be charged would be a fair thing?—Very fair.

41,060. I should like Mr. Shepstone's opinion on that point?—*Mr. Shepstone*: I consider a tax of £2 would be sufficient and the registration fee. *Mr. Du Toit*: Mr. Fourie and myself are of opinion that Kafirs who go and work for a master for a part of the year only are free and can easily pay 10s. a month; after the three or six months they are quite free for the rest of the year to go and work elsewhere. If they work for the whole year, of course, they have not the time to go elsewhere and work. If you do not make the tax so heavy that they feel it they will never go and stay on the farm

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with the farmer. Then, again, the white man will never get the ground for 10s. a month that the Kafir has in the location.

41,061. Do you think it will be better to tax the Natives by the number of huts they have or to impose a poll tax?—The poll tax is better, because the Natives are sometimes living three or four in one hut; and formerly we found it was a great difficulty to find how many there were and to get at them, and someone had to be appointed to hunt them up. *Mr. Malan*: When I alluded to a hut I meant only one male adult in that hut. Mr. Du Toit says there are three or four living in a hut, but I did not know that.

41,062. Are there many Natives leaving the Transvaal to go to the adjoining Colonies of Natal and the Orange River Colony?—Unless the farmer pays the tax the Native leaves him. That is our experience since peace was declared.

41,063. Have many left to your knowledge?—No, because the majority of the farmers do pay the taxes in order to have the labour. We are forced to pay, otherwise we cannot keep the labour.

41,064. Do you know if the adjoining Colonies will receive these Natives?—They are only too glad to get them.

41,065. Both Natal and the Orange River Colony?—I cannot speak about Natal.

41,066. *Captain Dickson.*] What kind of labour do you employ on your farms in the Transvaal?—Speaking for myself, I have Native labour and white labour.

41,067. I want to know if it is free labour, paid by the month, or do the Natives give a certain number of months' service in the year?—They give a certain number of months' service per annum.

41,068. A few months' service?—With me they have to serve all the year round, and for that I have to cultivate all their lands.

41,069. You cultivate their lands and they get no pay?—The cultivation is the payment for the adults, and the youngsters get so much pay per month.

41,070. Is that general in this Colony?—More or less.

41,071. But there is very little of what we call volunteer labour in the Cape, that is boys who come by the month and get paid by the month?—Very little.

41,072. Have you studied the laws of the Cape, especially the laws of 1899, as regards squatters—labour tenants?—No.

41,073. I might explain that the laws of the Cape are somewhat on these lines: a farmer is allowed to have as much free labour as he likes, that is he can have boys paid by the month with their wives and families on his farm. He is allowed as many labour tenants as the Native Inspector thinks he requires. Squatting pure and simple is put down with a strong hand. Do you think such a law is applicable to this Colony?—No, because I think squatting is the only thing to save us. By squatting I do not mean Kafir farming; that we do not want.

41,074. Do the other gentlemen agree with you?—*Mr. Baily*: I do not agree. *Mr. Fourie*: Mr. Du Toit and myself are also in favour of what Mr. Malan says. *Mr. Baily*: I do not agree, and I think that these other gentlemen are also of the same opinion as myself, although they do not actually say so. A great part of the Transvaal is most unhealthy for Europeans; there are parts where Europeans cannot live, and the land lies absolutely waste if it is not cultivated. But by having Natives on that land to cultivate it it means we get so much revenue out of it, and so much mealies, and we have so much less to import from the neighbouring Colonies and from over

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sea. I think these other gentlemen will agree with me in that respect.

41,075. Do you know the laws of the Cape?—Yes. You allow forty Natives on a farm and you charge them £1 for squatting on private lands.

41,076. Do you not think that squatters should pay a heavy tax?—No; I think if you can get your Natives to raise produce for the country and so help towards reducing the cost of living, as long as you control them, it is all right that they should squat on the land. What you do want is to have them raise a lot of crops, because at present you rail all your stuff up here from the other Colonies and have preferential rates. The farmers here have to import their stuff, and it amounts to a "bounty."

41,077. *Mr. De la Harpe.*] Does such a thing as Natives ploughing on shares with the whites exist in this country. *Mr. Shepstone*: Not that I am aware of. *Mr. Malan*: There were very few instances of this before the war.

41,078. *Mr. Krogh.*] In case gold or diamonds were found on location ground or on grounds bought by Natives and now standing in the name of the Commissioner for Native Affairs in trust for them, what would you suggest in regard to that. *Mr. Shepstone*: It is the property of the Government.

41,079. If the Native bought the farm?—Yes; all the gold in this country belongs to the Government. You are talking of the Native locations?

41,080. Yes, and of land bought by Natives. Supposing a single Native buys land and has it registered in the name of the Commissioner for Native Affairs, and gold or diamonds are found on that property, what is the position?—We discussed that matter amongst ourselves and came to the conclusion that if the law does not provide for that at the present time we would suggest to the Commission that it should be made to do so, so that any gold or other precious stones found upon any of those lands held by the Commissioner for Native Affairs in trust either for Native individuals o tribes should be the property of the Government. When the Government sell any of the Crown lands now they reserve the minera rights, and it ought to be on the same level in regard to those other lands you speak of.

41,081. *Mr. Sloley.*] Can you say, Mr. Malan, why it is that the private lands owned by Natives appear to be principally in the Rustenburg district?—*Mr. Malan*: I cannot make a positive statement, but I believe that the selling of private lands in that district was started on an application from the Native Chief Magato. I believe Magato bought a farm before the law was passed to the effect that Natives should not own title deeds, and after the law was made, the buying of ground by the Natives ceased. As far as my knowledge goes, Rustenburg is the only district where the Natives do hold land, and Magato was the first Chief who bought a private farm in this country, and he bought it before the law was passed prohibiting Natives buying ground. *Mr. Du Toit*: It was before the law was passed.

41,082. But this title of Magato must have been added to by a great many farms?—They bought a few since the law was passed.

41,083. *Chairman.*] What law do you refer to, Mr. Malan, that prevents Natives buying land?—*Mr. Malan*: The law that stated that all ground owned by Natives should be transferred to the Na-

tive Commissioner. *Mr. Shepstone*: I think it was a Volksraad resolution. *Mr. Malan*: A law and a Volksraad resolution were one and the same thing.

41,084. We have done with that subject, Mr. Shepstone: I think you said you had some observations to make upon the subject of franchise?—*Mr. Shepstone*: The only remarks I have to make on that are that we differ *in toto* with any idea of granting the franchise to Natives. Not only do we say so openly now that we do not agree and can never consent to the franchise being given to the Natives, but we wish to point out also that under the terms of peace at Vereeniging it was decided that the question of Native franchise should not be touched until there was some change in the form of Government. But, whether that be so or not, I wish to put it on record that I will certainly not agree to granting the franchise to Natives. That was opposed by the Agricultural Union also in the Congress, and that is the view that I hold in common with these gentlemen here.

41,085. It is not so much the question of granting the Natives of this particular Colony the franchise, but it is the question of granting the franchise to the Natives in South Africa. It is the policy of granting the franchise that I want to ask you about?—I am against it. I am aware that the franchise is granted in the Cape Colony, and that a very large number of Natives there do hold the franchise, but that does not affect my opinion that it should not be so; and I think that that itself will be a great stumbling-block as regards federation between this Colony and the Cape Colony. You know, Sir, as well as I do, and so do the other members of the Commission, that the inhabitants of this country feel very strongly about that question of the franchise for the Natives.

41,086. Do I understand you to mean that, no matter what qualifications a Native may have, in the matter of property, education, or whatever standard of civilisation he may have attained, on race lines he should be perpetually barred?—I do not say perpetually, but he is not entitled to get it now, nor do I think he will be entitled to get it for a very considerable time to come.

41,087. What should determine the question at a later period? You say "for a very considerable time to come"?—I do not know when that will be; it must be a very long time indeed, in my opinion.

41,088. What conditions should, in your mind, then determine it? What change in conditions should affect the question?—I am not sure that they should ever get it, because they are not the same as the white people. At any rate, it will take a very considerable number of years before you get them educated sufficiently, or before they are sufficiently advanced, to be able to exercise the franchise or to enjoy it.

41,089. Do you think the attainment of any kind of standard that could be named would justify the granting of the franchise?—I am not prepared to go even as far as that now.

41,090. Is this the view of the whole of the members of the deputation?—Yes; and it was a resolution also passed at the Conference of the Union. *Mr. Malan*: Our strong reason is this: that we maintain that for his existence in South Africa to-day the Native has to thank the European. If it was not for the intervention of the European, they would have swallowed themselves completely up. If we had not come here, there would not have been a Native in existence in South Africa to-day. In view of that, I think they can confide their existence and their progress into the hands of the European.

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They are not advanced in any way to-day sufficiently to exercise anything of such a nature as the franchise; that is, any political rights.

41,091. *Mr. Stanford.*] How do you account for the fact that when the Europeans landed in this country they found the Natives, and Natives were existing in large tribes right away northwards, as far as the country was known?—They were in such a state that there was no rest or peace in any one part of South Africa; they were simply eating each other.

41,092. Those inter-tribal wars had been proceeding for a long period, we suppose, and still there they were when we entered into occupation of this country?—They have increased; I could not state the proportion, but they have increased from tens to tens of thousands since the European invasion. *Mr. Fourie*: In my opinion it is quite undesirable to give the Native the franchise. We will not gain by it, but we will lose by it. In the first place, it will bring the Native to think that he is the equal of the white man in every respect, and he will not remain satisfied with voting; he will not be satisfied with going to the polling-box, but he will try to exercise his rights in all civilised circles. And then he will think that the white man's daughter should be married by him. For those reasons it is quite undesirable.

41,093. Why should the franchise privilege, more than advancement in any other direction, put the idea of equality into the mind of the Native?—Because he has no conception; he has not the idea, and giving him the franchise would give him such a tremendous idea of himself. If he had the right to exercise the franchise, that would put into his head the idea that he is really equal to the white man. The time is not ripe yet when he should have the franchise; he is not quite educated enough.

41,094. But the point I am pressing is this, that Natives, as we know, are now sending their children to England, or America, for higher education, and they are paying for it; why should the franchise more than higher education lead to the conception of equality?—*Mr. Malan*: Do not those who are going in for higher education try to mix in every way with the European on account of that higher education? And does that not simply prove what we state?

41,095. You recognise that the Natives throughout South Africa contribute largely to the revenue of the country?—Yes. *Mr. Du Toit*: There is another point. If you give the Kafirs the franchise they will all vote just as the Chiefs tell them to vote. They have not got their own opinions, but they would simply do as the Chiefs tells them to do. They are not independent enough, and, therefore, they are not fit to have the vote.

41,096. That is your opinion, but it is not based on any experience?—My experience with the Kafirs is that they do just as the Chief tells them to do. They listen to what the Chief says, and do not go according to what their own opinion is.

41,097. Have you any suggestion to make by which the Native interests might be represented in the legislative assemblies of South Africa, otherwise than by exercising ordinary electoral privileges and by representation by membership?—*Mr. Baily*: I think that one of the heads of the Native Affairs Department should officially represent the Natives in the Legislative Council.

41,098. But where you have Responsible Government the officials are not members of the legislature?—You would have to make some special regulations, so that the Government officials could sit

there as their representatives. They need not vote, but they could express opinions on the question under discussion from the Native side, and would probably do so with a great deal more common sense and fairness than a dozen Natives, and with much more power, because every one would recognise that such a representative was in a position of trust, and would consider his views as valuable. *Mr. Shepstone*: That question will come before us very soon with the change of government that is to be submitted to the country. The Native must be represented in some way or other, that is, so long as the Executive members are not in the Lower Chamber. For that reason I think that there ought to be two persons—not necessarily officials—nominated to be members of that Council, who would represent the interests of the Natives in the country.

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41,099. Nominated representatives?—Yes, not elected representatives. It has been done before, and can be done again. These two men, nominated by the Governor, would represent the whole of the Transvaal, and they would be supposed to look, not only after the interests of the Natives, but after the general interests of the country. That is the only representation that I think you will get us to agree to—at the present, at any rate.

41,100. You will favour, then, nominees by the Governor, or by the High Commissioner?—Yes; there must be some representation, and that is the only way I can see in which representation can be given, that is, by two nominated representatives—or, perhaps, only one; it depends on the size of the Council.

41,101. You would not see a difficulty, Mr. Shepstone, in respect to the suggestion that came from Mr. Baily just now, that a permanent official should be the representative in the House of Assembly, because that might lead to a conflict between the permanent official and his Minister?—The representative need not be a Government official.

41,102. You mean, he need not be an official at all?—No, and I do not think that the Governor would nominate an official. He would be very much more likely to nominate someone from outside.

41,103. Would it not be practicable to devise some other scheme by which the Natives might feel that they were more directly responsible for the members representing them, say, in the way of the Governor nominating certain gentlemen who were supposed to be sympathetically disposed towards the Natives, and that the Natives should indicate their wishes in respect of one or two of those men nominated by the Governor?—I would not like to go further than that they should be nominated by the Governor, because once you begin to ask them what their views and grievances are, and this, that, and the other, you will have a constant stream of representations and grievances. There are quite enough of these as it is; they are always imagining that they have some grievances.

41,104. Do you not think that as your educated class increase in number, which it will do, that they will be more likely to be satisfied in that way than by simple nomination?—There is no doubt that they would communicate with the people they know are nominated, so, in that way, they will. But I do not think that any arrangement should be made by which those representatives should be in direct communication with the tribes of the country.

41,105. *Mr. Thompson.*] You said that in the past men have been nominated to represent the Native interests in the Parliaments of the country; where has it been done before?—There were nominees in the Natal Parliament. We used to call them "Members for the Colony," and they were nominated by the Governor.

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41,106. Were they specially nominated to represent the Native interests in Natal —They were supposed to represent the Colony, but it was understood that they were really looking after the interests of the Natives, and safeguarding the interests of the Natives. As a rule, they very seldom voted against us.

41,107. You mean, that the principle of nomination has been adopted in this country already?—Yes, in Natal.

41,108. Is it not a fact that you are afraid, with the Native having the franchise, that he will politically gain a dominating influence in Africa?—He would eventually, undoubtedly. That is one thing, and there is another: we object to them being on an equality with us.

41,109. There are certain Colonies in British South Africa that have given the Natives the franchise?—Yes.

41,110. There are several Colonies in British South Africa where the franchise has been given to the Native; in one Colony, perhaps, more than the other. Now, as an old Colonist, we want your opinion, to help us out of what you think is the difficulty. Having a given number of voters, do you not think it would be fair that those men, having enjoyed the franchise for a number of years, should be allowed to select their own members in that particular Colony, who should go into the Parliament and represent the Natives' views—realising the position that we have already given them the franchise in some of the Colonies?—You cannot prevent them. They have got the franchise, and they can elect their members. You cannot take the right away from them.

41,111. How would you suggest averting the danger that you foresee, of the political annihilation of the white people in South Africa, presuming that it is a danger from your point of view?—You cannot take away the right from the men who have already got the franchise, but you can prevent the extension of that right. That is the only way in which, so far as I can see, you can stop it.

41,112. Would this scheme do: where there are numbers of enfranchised Natives, we should tell them that although they had the franchise they must elect one or two members to represent themselves—altering the Constitution accordingly—and not allow them to vote side by side with the white voter, or to vote in any district. Would you circumscribe the Native vote into one area, and say, "Those are your candidates; you can cast your votes for or against two or four members out of those candidates, as the case may be. Pick your own white men, but you shall not mix or vote with the white men"?—Of course, where the Native franchise is in existence, you could do it that way, but I would be dead against it otherwise.

41,113. Have you any suggestion to guide this Commission?—The only way out of the difficulty that I can see is to prevent any further franchise rights being granted to the Natives in these Colonies. They must die out.

41,114. And where it does exist?—There they must go on, because you cannot take it away from them. In Rhodesia and in the Cape Colony it is not that they have had the franchise given to them, but the franchise was never prohibited by the Constitution. Is not that it? That is the difficulty. In this country the franchise for the Native was prohibited, not only in the Grondwet, but in the Law No. 58, and also in Law No. 7 of 1882. In the Franchise Law, after giving the qualification, it is provided in Section 2 that, "No one who is not reckoned amongst the white inhabitants of the South African Republic shall be registered as an enfranchised burgher."

So that we have prohibited it in this Colony, although it is not prohibited in the other Colonies.

41,115. Where do you draw the line, as a Colonist, between a black and a white man?—*Mr. Malan*: The law makes provision for that. The law says, "That in the case of any man marrying, or taking a black woman as a wife, his descendants shall fall back, and will not be acknowledged as white men."

41,116. Would you approve of that man also losing his citizenship and becoming a Native?—No, but his descendants.

41,117. Do you not think that the white man, who married a Kafir woman, should lose the franchise, and go back and be considered a Native?—Yes, certainly.

41,118. You would approve of such a measure?—Yes; we want to build up, we do not want to break down.

41,119. Would you admit of no heavy qualification entitling the Native to the franchise; would you not admit him under a heavy qualification, such as wage-earning. Supposing a Native earned his £300 a year, would you give him the franchise?—No. But in those Colonies where the franchise is already exercised by the Native, I think a high qualification might meet the case.

41,120. So that if, in a Colony where there were large numbers of Native voters, the qualification was increased, that would meet your objection?—Do you mean where it is not in existence?

41,121. Where it is in existence?—Where it is in existence there might be an increased qualification.

41,122. For those who are to come, or for those who are already on the voters' list?—For those who are to come and for those who are on the voters' list already.

41,123. Would you raise the qualification of those who are already on the list?—Yes.

41,124. Would that apply in such a Colony to whites as well as to Natives who have the franchise?—I cannot see how you can make a law with two eyes.

41,125. You cannot see how they can make one law for the white and one law for the black?—No; where there is this increased qualification, it will have to be for both.

41,126. But in other Colonies? In this Colony, for instance, you believe in making one law for the white and one law for the black?—We have not two laws here.

41,127. The Native cannot become enfranchised, can he?—No.

41,128. The white man can?—Yes.

41,129. Those are two distinct laws?—But we have not mixed them.

41,130. Still, they are ruled by separate laws. Although you say you do not believe in a law with two eyes, you believe in making two laws for white and black?—I said that with regard to the qualification; in that case, the two must exercise the same right, and they are exercising the same right. I do not see how you can make one qualification for the one and the other for the other. I do not think that would be right.

41,131. That is where the franchise already exists?—Yes.

41,132. Having given them the franchise in that particular Colony, all should be treated alike, both black and white?—Yes, I should think so.

41,133. *Mr. Samuelson.*] Mr. Baily, you have lived a long time in India?—*Mr. Baily*: Yes.

41,134. Can you tell the Commission how the popular voice was

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represented there, and how the interests of the people were safeguarded in the Councils of the country?—In Lord Ripon's time, about twenty years ago, we started with certain municipal laws, and they were extended practically all through the country, as far as I can remember; and to represent Natives in the Legislative Council, the Governor nominated certain men, Native Maharajahs, or Chiefs, as members of the Council. Of course, India is purely what we call out here a Crown Colony, and the Government majority is always perfectly safe; and although we make a great fuss in India with our Native Chiefs and with our Natives generally, there is really very much less power in the hands of the Natives in India than there is in the hands of the Natives in South Africa—especially than there is in the hands of the Natives in the Cape Colony.

41,135. There are no elective or representative institutions in India?—No, with the exception of municipalities, and no one takes much interest in municipalities in India.

41,136. I mean, having, as a people, any representative institutions in the sense that we use the word?—Officially, no. They have a Congress, and similar institutions to our Farmers' Associations, but that is all.

41,137. The question of electoral franchise has never been raised?—No; and we should be very soon out of India if we attempted anything of that sort.

41,138. In taking into consideration the results of the Census this year, may not the same possibility arise in South Africa?—In South Africa, I look upon it as a most serious danger to the future of the white population. People are filled with sentimental ideas on this franchise question, but you have to look to your grandchildren, three or four generations ahead. You have to-day a million white people in South Africa, and you have five million Natives, and you probably have two millions in Portuguese territory; you may say you have seven to one, and it seems to me that all these ideas on the franchise are sentimental. You have not got any education amongst these Natives to-day. You have ten million Natives in America. What has happened to them? You have Europeans there making beasts of themselves, going back to barbarism almost, because they have those Natives there and cannot control them. What is the Native vote in America? Is it exercised? You have history before you, and I would not on any account have any Native franchise.

41,139. You think it is worthy of the serious consideration of the Colonies of South Africa whether the white man and his children at some future time, perhaps an early future time, will suffer political annihilation, unless they provide against it in some way?—There is an old Persian proverb, "You cannot put two swords into one sheath," and that is the whole question here. Here you have seven to one, and unless you are going to enable the white man to be at the top, he is going to the wall. You have 1,200,000 men in the Transkei and in Griqualand East. I know you have 10,700 square miles in the Transkei; I cannot get the figures from the Cape Colony, but, anyhow, you have 15,000 square miles there on the west side of Natal; you have Basutoland farther north, and Zululand on the other side—the whole of Natal is hemmed in on every side with Native locations, and, as I say, you are simply protecting by artificial means the reproduction of the Native as much as you can. You are stopping him from getting drink, you will not let him fight if he wants to, and all those other little pleasures which he indulges in, which limit his reproduction, you put a stop to.

41,140. You think it is our duty to ourselves and to posterity to secure the predominance and supremacy of the white race in some way?—Absolutely, and I think the sooner the Cape get their franchise laws knocked on the head, and get their white members elected by the white voters, the better it will be for the whole country.

41,141. Do you think it will be a serious bar to political partnership, to a federation of South African States, in the case of any Colony which gives the franchise to the Native?—I think so. You had a civil war in America over the Native vote, and, if you get a big white population here, you might just as well have the same thing here, too. The same reasons might apply here.

41,142. You do not think it will be well for this South African State, or possibly other South African States, to take into political partnership any particular State which gives the franchise to the Native?—I think the States which have not given the franchise will not co-operate with the State which has given the franchise. They will simply put an ultimatum before it, and say: "We will federate on certain conditions, and if you do not accept these conditions we are finished."

41,143. *Mr. Thompson.*] Would you be prepared to amalgamate with a State which gave to the lowest class of foreigner the franchise?—Yes, I would, for this reason: You get a low-class white man here, but that man may accumulate wealth, and improve his position. He marries, and his children are raised in the scale, and by the time you have got to the grandchild, he often is married into one of our best English families. He improves the whole time he goes along.

41,144. *Mr. Samuelson.*] Do you think it is in the interests of the white man's well-being and respect amongst the Natives for two political parties to be vieing for the Native vote?—Decidedly not. You are not treating him in his own proper line.

41,145. You spoke about nominee members, Mr. Shepstone. How would you propose that those nominee members should ascertain the Native view or Native wishes with regard to anything affecting their affairs and their interests?—*Mr. Shepstone*: I do not know. They ought to be selected as men who know what ought to be done for the Natives, but I do not think it would be judicious to have them travelling about amongst the different tribes, and asking them what they want, or what they feel. That would be stirring up unrest.

41,146. It would very much embarrass the Government, would it not, and the officials who have to do with the government of the Native population?—Yes, of course it would.

41,147. You would not recommend that?—No.

41,148. Take the Colony in which you used to live. There the Native at the present time is represented by the Magistrate as Administrator of Native Law, by the Secretary for Native Affairs, by the Governor as Supreme Chief, and by the fact that all legislation specially affecting Natives on any matter of importance must receive the direct sanction of the King?—Yes.

41,149. Do you not think that the Native interests are sufficiently protected by that?—Yes, I think they are quite sufficiently protected, but the time will come when some outside influence will be brought to bear to say these people are not represented. Therefore, you have to look at it in that way, and my suggestion is, that it will have to be in the shape of two nominated members. So far, they have the Commissioner for Native Affairs, and all the officials of the country,

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the Lieutenant-Governor, and above him they have the Supreme Chief here.

41,150. Do you think that the Natives would be more satisfied with men appointed for them in that way by the Government?—No, I do not. It is the public over the water you have to think of.

41,151. You would not consult the Native, as far as the appointment of nominees is concerned?—No; I am certain the Native would sooner let the Government represent him.

41,152. You spoke about the representation of the Native not being prohibited in other Colonies. When you stated that, I suppose you meant that in Bechuanaland and in the Cape Colony the Native was not excluded from the franchise where he had the necessary qualifications?—Whereas here he is excluded.

41,153. With regard to Natal you know that there is a very rigid process indeed by which the Native can obtain the franchise, and that it makes it almost impossible for him to reach the franchise?—I believe there is only one Native who has it. I have not been in Natal since 1887.

41,154. You know from your long experience in the Colony as a lawyer that a Native has first of all to be exempted from the operation of Native law?—Yes, I know all the details.

41,155. He has to be exempted for several years?—Yes, that was the process in my time. I have not studied the subject since I left.

41,156. You would not use the words "not prohibited" in Natal to the same extent as you would in other Colonies?—In the Transvaal they are prohibited.

41,157. I say you would not use the words "not prohibited" in the same sense as you would use it with regard to the Cape Colony and Bechuanaland?—No, because there is a right to them to have it there under the law. That is a special Act, of course.

41,158. Are the laws which you referred to and which you read from in force at the present time?—No. The Grondwet was the Grondwet of the Republic. I was reading that to show that it was prohibited in this country. I do not know whether the law of 1882 has been cancelled.

41,159. At the present time there are no franchise rights either in the case of Europeans or Natives?—No.

41,160. That is a matter you will have to provide for?—Yes.

41,161. *Mr. Campbell.*] Mr. Shepstone, you have had a wide experience amongst the Natives. Have you never come across a Native who would do credit to himself and to the white nation by having the privilege of exercising his vote?—Very, very few. I can name one or two, and, curiously enough, they never spoke English, but they are very able men in other respects. There is no doubt there are exceptions of that sort.

41,162. And has education done that?—No, I think their natural ability.

41,163. Do you think it is the duty of the Government to support the education of the Natives?—I think their training ought to be principally industrial.

41,164. You do know a few Natives who would be qualified to exercise the franchise?—I know one or two.

41,165. *Captain Dickson.*] You would not, in the present state of affairs, give those Natives the franchise?—No.

41,166. *Chairman.*] Would you name another subject on which you would like to express your views?—*Mr. Baily*: I should like to

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say something on the subject of education. I will read a resolution which we passed at our meeting last night on this subject : "No State grants to be made for the education of Natives residing on locations or on private farms owned by Natives. A special tax should be imposed on such locations for the education of Natives in locations. No State funds to be applied to the higher education of Natives. That the policy of Government education of Natives, if directed on industrial, including agricultural, lines, with the use of agricultural implements, such as ploughs, be encouraged, as by that means polygamy would be discouraged."

41,167. Taking the last sentence first, how can polygamy be discouraged?—The idea was that only men can use ploughs and agricultural implements, and, therefore, the hoeing of land by women and general agricultural work will be discouraged.

41,168. Are you aware of the number of ploughs in use now in South Africa amongst the Natives?—Only from the Blue Books. They simply say they are making very little progress in increasing the number in many parts.

41,169. Do you know any Colony in South Africa where the hoe is still used?—I have seen it in Zululand.

41,170. Can you name others?—No. *Mr. Malan*: Also in the Transvaal, since the cattle disease came.

41,171. Putting aside the cattle disease, is the hoe in use in the Cape Colony?—I do not know.

41,172. In the Orange River Colony?—In a small portion.

41,173. It is necessary for us to consider this in connection with your suggestion?—*Mr. Baily*: It is only one of my suggestions after reading the thing up.

41,174. Are you aware of the extensive use to which the plough has been put in the greater part of South Africa at the present day?—I should judge it a good deal from your statistics on polygamy. You have between eleven to twelve per cent. of the Natives in the Colony to-day who are polygamists, and I think in Basutoland you have seventeen per cent., and, of course, I thought that that was a sign that agricultural implements were not used to that extent.

41,175. Then you referred to industrial education as the thing to be aimed at. Would you explain what you mean by industrial education. How would you define it?—Skilled labour in the way of blacksmiths, for instance.

41,176. Skilled labour?—Yes.

41,177. Do you think that is the kind of education that should be held up for the Natives?—Yes.

41,178. Technical trades, skilled trades?—Yes.

41,179. Would you have the whole population doing that?—The agricultural population, decidedly.

41,180. So that in due time you would have the whole of your Natives skilled labourers?—A small proportion of them. It would be very useful, too, I should think, in the outlying districts of the Colony especially.

41,181. Do you think this is a country to which white people should be attracted?—I know you come into conflict with the white skilled artizan on this line, but you have to come into conflict with the white man all over the country.

41,182. In having a policy to educate the whole of the Native population in a certain manner, the question is opened up whether you do or do not come into conflict with the class of people who are or are not of advantage to the country—that is, the white people. It

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is a large question, upon which I am asking the opinions of the deputation?—*Mr. Malan*: If you look to what South Africa produces, we cannot increase our labourers to too large an extent, because South Africa does not produce half of what we want, and it is on account of the lack of skilled labour that we do not produce it. If we had more skilled labourers, we would produce sufficient for our own consumption and also something to export; and unless it comes to that, South Africa cannot keep up the position that it ought to.

41,183. Supposing you turn your Native male population, or Indian male population, into carpenters, and blacksmiths, and tailors, and other things, where will you get all the men from to work on your farms as common labourers?—I do not look upon carpenters, and so on, as the only skilled labourers. I want the Native to work an agricultural machine—a potato-planter, for instance, or harrow, or anything of that kind. We have not got them to-day. We can get the machinery, but we have not the men to work it—not even white. That is what we want to get at.

41,184. Can you teach the use of those machines yourself?—Yes.

41,185. Can you not teach the Native as well as he can learn that at school?—If we have time enough to do it, of course we can do it.

41,186. Would it be your object to have Government schools, State-aided schools?—I do not think that is what is meant.

41,187. It has been put forward as a policy. I ask now: should the Government have State-aided schools, in which the use of agricultural implements and machinery should be taught?—No, not State-aided schools. The funds for education would have to be supplied by the Natives on the locations.

41,188. Are you only referring to location Natives when you speak of education, or to the Natives of the whole country?—To the Natives of the whole country. *Mr. Shepstone*: In a despatch from Lord Milner, he touches upon this particular point, in which he says: "I do not mean that they should be educated like Europeans, for their requirements and capacities are very different; but that they should be trained to develop their natural aptitudes for their own good and that of the community. Undoubtedly, the greatest benefit that could be bestowed upon them, or South Africa generally, would be to teach them habits of regular and skilled labour." What is really the meaning of this industrial training is, that every man, especially if he is going to be an agricultural labourer, or to work on a farm, is most useful if he can do a little carpentering and blacksmithing—a little of everything. I do not suppose that these men will ever be able to compete with white people when they are taught, because they have not the same brains, but everything that they are doing now, in laying bricks, in working at the mines, is all industrial training; it is all assisting them, and, when they are young, if you can teach them carpentering or blacksmithing, or anything else, it will come in particularly useful wherever you may be, whether you are travelling on the veld, or are in the mines. Whatever number of trades or portion of trades they can learn, they will always be useful, not only to the man, but to the master—the farmer, or the man who wants them in the mines. That is the idea of the industrial training—that they should make themselves useful, not only to be able to earn money themselves, but to be useful in developing the country itself; and as to supposing that those men will ever be able to compete with white men as skilled labourers, I think that is quite out of the question—a thing which there is no need to fear at all. They must learn to walk before they can run. Do not begin with ideas of

higher education. Let them first learn to be useful, and to be able to assist. Teach them like many of the missionaries do. They teach them trades, and teach them useful things to do, and they always turn out to be the vey best men. But if you begin on the question of education, by trying to teach them higher education than learning how to read and write, then you will never be able to teach them any industrial work at all. That is the idea we had in laying the thing before you.

41,189. Please tell us how you would give them this training on a farm?—Of course, that is a difficulty. I think the missionaries should do it. That undoubtedly could be done by them. The industrial part of it is going on as long as you have the men going out to work, and in the building of houses, and all that sort of thing, they learn things. At the mission stations they must have all those things done, and they can be teaching the young fellows to be doing that at the same time. Mr. Malan wishes to speak to you on the question of having all mission stations under Government supervision.

41,190. The Natives you refer to, who are out at labour, are each one learning something, but I understood you to refer to education from a higher point of view, that is, from the point of view of whether education should be given, and, if so, by whom. Should education be given by Government in Government schools, which will include the training to which you refer?—No, I do not think that. I think all these different mission stations and societies ought to be the people to give them that.

41,191. That is a voluntary effort on their part?—Yes.

41,192. Can you interfere with that voluntary effort?—I do not know whether these mission stations are assisted by the Government in any way. I do not know whether they get any allowance from the Government, or grant in aid. If they did, then it could be a condition that they must do that, but I do not know whether they do or not. I have not looked into the question.

41,193. Are you aware of the conditions under which grants are made in this Colony, or in any other Colony in the matter?—No, I do not know whether it is so or not. *Mr. Malan*: I wanted to suggest, on the question of education, that no missionary should be allowed to work in South Africa unless he is under Government supervision, and that he should pay a certain licence to get the right. I make the suggestion for this reason. I believe there is to-day in South Africa a certain class of people busy inciting the Native against the white population. That ought to be put down. I have been thinking over the matter, and the only way I can get at it is, that the missionaries of South Africa should be placed under Government supervision, so that, in case the Government should find that a missionary uses his influences against the general interests of South Africa, he should be prohibited, or his licence should be withdrawn. I would further suggest that the Government should invite the aid of the different societies to discuss this matter, and come to a final decision upon the subject.

41,194. Upon the subject of being licensed?—Upon the subject of being licensed, and to prevent a wrong impression on the Native, because, as has been proved to this Commission, it is a great question for South Africa to-day, the question of the Native *versus* the white man, for us and for coming generations, and we, as the ex-

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isting generation, ought to make provision against it. I fully support the religious education of the Native—it is a Christian duty—but it should be supervised to prevent wrong influences.

41,195. Supervised by the State?—Supervised by the State.

41,196. What denomination would you have?—I would not prescribe a certain denomination.

41,197. Would there be a State religion?—I do not mean that. I believe there is to-day, in South Africa, a certain society exercising to my knowledge certainly a wrong impression amongst the Natives. It puts the idea into the head of the Native that he is in every respect, except his colour, equal to the white man, and if that idea is impressed upon the whole Native population of South Africa, I do not see what is to become of the white man. I cannot see any way to prevent wrong influences of that nature but by Government supervision.

AFTERNOON SITTING.

Mr. T. Shepstone, Mr. C. E. Fourie, Mr. G. du Toit, Mr. A. H. Malan, Mr. H. A. Baily and Mr. G. J. Riekert, further examined.

41,198. *Chairman.*] Mr. Shepstone, in the matter of education, supposing there were in any Colony a body of Natives who wished to acquire higher education, and to pay for it, would you afford them the opportunity of getting that education?—*Mr. Shepstone*: I do not see how you can stop it.

41,199. Do you think the Government should take the initiative in any way in affording it, provided they would pay for it, by providing schools?—That is a point I had not thought about.

41,200. Supposing, as an alternative, the Natives in South Africa who desired to get higher education could not get it here, and were induced to go and seek it in other places, such as America, do you think that would be a good thing?—No, I do not.

41,201. Can you suggest any alternative?—I suppose they are entitled to go wherever they like, if they can pay for it. One reason that I am particularly strong about this matter of their going to America, or wherever it is, to get educated is, that they come back imbued with these Ethiopian ideas, and there is no doubt that these sects are doing a great deal of harm, and I think that is one of the reasons Mr. Malan had for saying there ought to be Government supervision for these mission stations. It was really directed at these sects, which we consider to be not really for the purpose of education, but to be really political societies.

41,202. As an alternative to these people going abroad to get this education, which you think is an evil, do you think that the Government should step in and provide what they want, provided they are able to pay for it?—I do not know. I have not considered that point. I am against this higher education. I do not think they are fitted for it.

41,203. Presuming they ask for it, and they are prepared to pay for it, can you prevent it?—I do not see how you can prevent it. I would not encourage it, but I do not think you can prevent it. *Mr. Malan*: Supervision is the best thing.

41,204. You speak of supervision, Mr. Malan. Unless the Government grants money in aid of education, is it justified in supervising what it does not contribute to?—I should say it is the first duty of the Government to know what these Natives are taught, and that they are not imbued with ideas detrimental to the country.

41,205. Is not that a political matter, rather than an educational matter?—It is a political matter.

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41,206. You mean to say that the Government should keep itself well informed of all that is going on, whether it is religious teaching, or education, or in other ways?—Yes.

41,207. No matter who the people are who are perhaps suspected, whether they be white or black?—Whether white or black. That is the reason I would repeat my suggestion of this morning to get the assistance of all the different mission societies in South Africa, or the different Churches, to form a Commission to work as a kind of Board to define the qualifications of any missionary or evangelist before he entered the field.

41,208. That means legislation, of course?—Yes.

41,209. Do you think the States of South Africa should legislate in that sense?—Certainly.

41,210. You have associated with this education question, Mr. Shepstone, the subject of questionable teaching on the part of a certain sect. No doubt you are referring to the Ethiopian movement?—*Mr. Shepstone*: I am.

41,211. Are you in a position to state, or are any of the deputation in a position to state, any facts relative to the teaching of these people, to which attention should be particularly drawn, as being dangerous to the country, dangerous to the interests of the country?—During your absence, Mr. Chairman, I have reported various things concerning the Ethiopian Society to the gentleman who is acting for you, Mr. Windham, and those are filed of record, in which I give facts and state what I know to be going on.

41,212. Would you state for the information of the Commission any facts which might be illuminating?—I also wrote to the public press about it. They go about preaching the principle of equal rights, that they must clamour for equal rights, and keep on until they get them, and get the land, and get the franchise. That, generally, is what is being taught amongst the Natives now, pointing out that the land really belongs to the Natives, that the white people have no business here at all, that it is Africa for the black race and not for the whites. That is what the Ethiopians are preaching, and the Ethiopians are going about now in the low country, the Spelonken, preaching this thing.

41,213. Has anything that they have said or done, within your knowledge, constituted a contravention of the criminal law?—Undoubtedly, but the question was to get hold of the particular men. We know that it is going on, but you want to arrest the particular men and you cannot get at their names. That the thing is going on there is not slightest doubt.

41,214. The law officers of the Colony, if they had any information that led them to think that a man had committed a seditious act, are bound to take it up through the Public Prosecutor?—The difficulty is that we cannot get hold of the names of the different people. Until you can get the names it is impossible for the law officers of the Crown to arrest them. That is one of the reasons why I think it would be so very advantageous if your Department had a secret service society, or secret service fund, and had your men, who are unknown to the Natives, down amongst these people, and then you would be able to assist them.

41,215. I cannot state what my Department, or any Department in the Cape Colony, might be doing in the matter of secret service?—You must take it simply as a suggestion from me.

41,216. That, in your opinion, is the only way to get at it?—It is the only way. Things are reported to you, but the people who

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give the information cannot give the names of the people who said it, and by the time you have sent there the men have gone somewhere else.

41,217. What the Commission is anxious to discover in any Colony it has been to is a concrete case?—That is the difficulty, of course.

41,218. Upon that point you are not able to give us positive information?—No, I cannot. *Mr. Malan*: They have gone so far that they have a newspaper representing them in Pietersburg, "The Native Eye," which preaches their doctrine.

41,219. You are aware, Mr. Malan, that there are Native papers all over South Africa in every Colony?—Yes.

41,220. There is nothing unusual in it?—No, but that was the first in the Transvaal, and that preaches their doctrine. For the information of the Commission I might state that I make that suggestion as to the control of evangelists and placing them under Government supervision. They simply go about, these evangelists who have not been sent by the Episcopalian or other Churches, and who have not the power to baptise or anything else, but only to teach—they are instituted as fully fledged missionaries, with all the powers connected with the position, and so they gain one hundred per cent. more influence than any other man, whether the man is capable or not. *Mr. Baily*: Might I mention that at our meeting last night we decided on one suggestion to make, and that is that no mission should be recognised by the Government in the Colonies in South Africa unless it is under the charge of a white missionary.

41,221. Is that to be taken as a recommendation of the present deputation?—Yes.

41,222. Are there any other points in connection with education and the Ethiopian movement that you wish to state?—No.

41,223. *Mr. Stanford.*] You will know, of course, Mr. Shepstone, that in the olden times the Native witch-doctors used to preach the same doctrine, "Africa for the Africans," and used to provide medicines and schemes by which the white man should be driven into the sea?—*Mr. Shepstone*: Yes.

41,224. So it is no new idea, "Africa for the Africans"?—Those were isolated cases. This is a big movement.

41,225. Would you call them isolated cases when they led to wars such as that of 1846 and 1850 in the Cape Colony?—Those men were supposed to have supernatural gifts and that is what caused that. With these people it is a very large movement, where they are not pretending to have supernatural gifts, but are simply preaching this doctrine.

41,226. *Mr. Samuelson.*] You said, Mr. Shepstone, that Christianity teaches equal rights. Does Christianity teach equal rights politically or equal rights spiritually?—Not politically.

41,227. Do you think it is a wise policy not to recognise in some way or another by grants the schools established by these people for the education of their kind, or by more State assistance?—I see no objection provided, as I say, the training is for a beneficial purpose, like industrial training, the teaching of handicrafts and that sort of thing. That should be the foundation of all education.

41,228. It would give the Government, at any rate, the right of examining these schools, inspecting them, and seeing that they were carried on on proper lines?—Yes.

41,229. Which they cannot have without those grants?—Yes.

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41,230. One of you gentlemen said he thought it would be better to leave the question of the Native to Missionary Societies and to religious bodies?—Subject to supervision, yes.

41,231. And that the Government should not itself undertake anything directly in respect of the education of the Native?—Yes, I think that was said.

41,232. Does not that rather tend towards making the Natives look to missionaries and others as their benefactors, and as having their interests at heart more than their Government, and therefore alienating their affections from the Government of the country?—I do not think so if there was Government supervision, as long as they know they are under the Government.

41,233. And Government grants?—I would assist the missionaries in that, but you must have Government supervision in all cases, I think.

41,234. You know, of course, that a great deal of the religious and educational training of Natives in Natal and other South African Colonies is carried on very much by missionaries from other nations than the English nation?—Yes.

41,235. Do you not think that there is a tendency there to make the Natives, or lead the Natives, to look upon other nations as having their welfare at heart, and as being their benefactors, more than the people who actually govern and rule?—No, I do not think so. My experience is that those missionaries have generally been the best and the most successful.

41,236. Is the recognition of religious bodies at all necessary here, or compulsory, under any of the laws of this Colony?—Not that I know of.

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41,237. In what way could the suggestion be effected that these people should not be given recognition, if recognition is unnecessary in the case of the others?—It is a suggestion. Of course, it would require legislation. It is only our suggestion

41,238. Are any of the ministers of this Ethiopian movement marriage officers?—I do not know. I think one or two are.

41,239. Do you think it should be made compulsory on any minister of religion to have a licence in order to marry Natives by Christian rites?—He must have a licence, I understand.

41,240. Every minister of religion must have a licence?—Yes.

41,241. Have you any reason to believe that these leaders and agents of the Ethiopian movement are getting up another form of tribalism, with themselves as leaders and heads, in the place of the Chiefs?—It looks very like it.

41,242. That it is a political movement in the direction of making themselves the leaders and to get rid of the Chiefs?—It is a political move for some ulterior object, for upsetting not only them but for upsetting us.

41,243. Can anyone rely implicitly on Native detectives in cases where their own people are concerned?—There are different tribes. You do not always send people belonging to the same tribe. They all understand one another's languages and customs. Of course, you cannot always rely implicitly upon them, that is quite certain, but you can always get sufficient information to satisfy you as to whether that information is correct or not.

41,244. Then it is a most difficult matter really to bring to light, taking into consideration both the secrecy and carefulness of the people themselves, and the unreliability generally of the Native to give information against his own people?—Yes, of course, it is difficult, but it may be done.

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41,245. Would it be a good thing, or otherwise, for the Government to provide schools for the education of the sons of Chiefs and Headmen in order to fit them more for their duties, and make them more able to perform the duties entrusted to them?—I have not considered that point.

41,246. Do you think it is more in the interests of these young men who may hereafter become the Headmen and Chiefs, to go out of the Colony, either to America or to other Colonies, to get their education, outside the control of their own Government?—No, I think it is much better for them to get it here. *Mr. Riekert*: I have been connected with the Native Commissioner's Department for about eleven years, and, as far as my experience goes during that period, I am quite confident that the missionaries are quite reliable, as far as the education of the Native is concerned, and it can safely be left in their hands. The education and the progress under that head amongst the Natives is so small that you cannot enforce it in general, and for that reason I think missionaries are the right men, and it should be left to them to bring the Natives to understand that education is in their interests. Many of the Chiefs have sent their sons from the Transvaal to Basutoland and to the Cape to get educated, and they were advised to do so by the missionaries. If the Government would try to do it in another way they would look upon it as compulsion.

41,247. Do you not think, Mr. Shepstone, or have you not heard, that the Ethiopians make use, as an argument in favour of themselves, and one which has given them a good deal of influence, that the Government is unwilling to assist the Natives to become educated, that they want to keep education from them, and that they are the people who are going to give the Natives the education that they should have?—*Mr. Shepstone*: I have not heard that.

41,248. Do you not think that is an argument they can use in their own favour?—They will use any argument they can. *Mr. Malan*: They used that argument against the Dutch.

41,249. And it is, therefore, undesirable, Mr. Malan, to put a weapon in their hands by which they can gain influence amongst the Natives, by refraining from direct action in the way of educating the Natives?—Certainly, and for that reason I have advocated that it should be taken in our own hands as much as possible.

41,250. Have you done that in the public press?—I have done that in the public press. It is in the interests of the people of South Africa to take the education of the Kafir in their own hands and not to leave it to foreigners. For the majority of our trouble in South Africa as far as the Native is concerned we have got to thank foreign education. I do not blame the foreign missionaries, but they do not know the South African circumstances, and they do not know the South African interests, and they simply teach them from their own point of view, and for that reason the Natives get ideas that are not beneficial to the general interests of South Africa. They do not mean to do us harm and yet they do. This is also applicable to the Ethiopians. They do not mean to do so much harm as they generally do. They are bringing home to the Natives of South Africa American ideas which are not at all suited to us, and for that reason it is our bounden duty to take the Native education into our own hands as much as possible.

41,251. In connection with that, I would like to ask you, Mr. Riekert, whether the remarks you made are applicable, or you mean them to apply, to the Ethiopian missionaries and teachers?—*Mr.*

Riekert: I said I referred to the missionaries that were here long ago, not to the new importation.

41,252. Will you say distinctly European missionaries and clergy, and any Native clergymen under the control of those European missionaries?—It was the Hanoverian Society and the Berlin Society. There was always a discord between the Ethiopians and the others.

41,253. Then in your remarks you do not want us to understand that you approve of the education and teaching of Natives being in the hands of Ethiopian teachers?—No.

41,254. *Captain Dickson.*] Mr. Malan, if you were starting industrial education what industrial education would you first teach them?—*Mr. Malan*: Industrial education, I think, has to come from the farmer, or the miner, or the mechanic who takes the man in hand. I do not think the time has arrived that industrial education has to be brought to the Native in the way of schools, for instance. *Mr. Shepstone*: I cannot agree with that. *Mr. Riekert*: I was present with you, Sir Godfrey, at a meeting of all the Native Chiefs from Rustenburg and Zeerust, and all the western Chiefs, and you impressed upon the Native Chiefs that the young Kafirs should go out to work, and that that was the best education the Native could get. As an official who has been connected for eleven years with the Natives, I fully agree with you. The Chiefs then complained that they had no control over their young folks, and unless they had the power to compel them to go, they would never leave the kraals, but stay there and drink beer. That is my experience also in my time. No young man will go to work unless he is compelled in one way or another by the Chief.

41,255. I should like to hear your views, Mr. Shepstone, as to, if you are going to give them industrial education, what lines you would start them with?—*Mr. Shepstone*: My own idea is that these missionaries ought to give them industrial education in the first instance; give them a good education and an industrial education. *Mr. Riekert*: With regard to industrial education, I want to state something. Under the old Government it was also a question the same as it is to-day. The officials then could not form an idea or agree on that subject because the Native was so uncivilised. Then the missionaries were consulted. The missionaries reported on the subject and the reports of the missionaries were that all the Natives that went to the farmers came back more or less civilised, that those who went to the farmers were more civilised than those who went to the mines, and more trustworthy. And everybody received the missionaries' reports and said that the Chiefs should get more power over the Natives; that when the Native Commissioners, as was the custom, applied for young Kafirs to be sent out to the farms, they should be sent there until they became of age, and only then should they go to the mines, as Mr. Fourie stated this morning.

41,256. I should like to hear your views upon technical education, Mr. Baily?—*Mr. Baily*: There should be technical education in every school throughout the country for agricultural work. I think the Agricultural Department of the Government might start a school for teaching these people a certain amount of tropical agricultural work. We want a lot of labour for tobacco in this country, and we probably can grow our own tea and coffee, and other tropical products. We shall require good agricultural skilled labour which we can always depend on, and, of course, the Natives will receive more for that labour than for the ordinary work. As I say, the exist-

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ing schools in the country might have workshops attached to them, have so many hours a day devoted to that class of work, and the agricultural farms which we have started in this country might have a special farm set aside in the low veld where this tropical agriculture will be eventually established.

41,257. *Mr. De la Harpe.*] What is your experience of the educated Native going out to labour; what difference do you find between the educated and the raw Native?—*Mr. Malan*: As far as my experience goes I prefer the former. I have educated Kafirs on my farm, and I also have to deal with uneducated Kafirs. More than half the farmers in the country prefer the educated Kafirs as against the uneducated ones.

41,258. *Chairman.*] You prefer the educated Kafirs?—Yes, educated by our own missionaries.

41,259. *Mr. De la Harpe.*] Is that your opinion, Mr. Shepstone?—*Mr. Shepstone*: I do not know what Mr. Malan means by an "educated Native." *Mr Malan*: Civilised as far as Christianity is concerned.

41,260. You mean you prefer those who can read and write?—They cannot all exactly read and write. I prefer the Native who has learnt that he is not existing by himself, and who has learned that there is a God above him, and who has learned through Christianity to respect his master and to obey his orders.

41,261. *Mr. Krogh.*] By education you mean to be civilised to a certain degree?—Civilised to a certain degree.

41,262. You would not, for instance, prefer the Native who would say at this time of the day to you, "Morgen, Baas"?—No, and I would not prefer the Native who would try and forge my cheque, etc.

41,263. *Mr. Samuelson.*] You said, Mr. Baily, that a branch of technical education should be added to every school?—*Mr. Baily*: Yes.

41,264. Who do you propose should bear the cost of the purchase of materials, and the waste of materials, and of educating the Native in any branch of technical trade?—Put it on to their friends who are going to derive the benefit of it, or their fathers.

41,265. You do not think such education should be given to them free of cost?—No.

41,266. You know, of course, that there is a great deal of expense and a great deal of waste in connection with any kind of technical training?—You could cut your coat according to your cloth.

41,267. And would you approve of these schools or these branches which impart technical knowledge selling any of the products and entering into competition with the public?—Yes.

41,268. In order to cover the cost?—In order to cover the ordinary expenses.

41,269. I would like to ask you, Mr. Shepstone, if you care to reply to it, in what language you think the Native should be educated?—*Mr. Shepstone*: How do you mean? Industrial training?

41,270. No; in schools. In what language do you think he ought to be educated so as to be best for his welfare and best for his demeanour and attitude towards the white race?—For these races I should say educate him in his own language, the Native language.

41,271. You think that educating him in the English language is rather calculated to bring him into familiarity and contempt towards the whites?—Yes, I think it is.

41,272. *Mr. Stanford.*] Would not a knowledge of English or Dutch tend to make him a more useful labourer?—Of course it does. But it will take him twice as long a time if he is taught in the English language as if he is taught in his own. Of course, he will learn the English language at the same time.

41,273. That is not my question. Would not a knowledge of either the Dutch or English language make him a more valuable servant?—Yes, to an employer.

41,274. *Mr. Samuelson.*] He would be more useful to the white employer, but I suppose that teaching a Native industrially is more to make him useful amongst and to his own people than to the white race?—Yes; but he is useful also to the country if he helps to develop it.

41,275. *Chairman.*] Mr. Shepstone, is there any other subject now that we have not gone over which you or your deputation wish to speak about?—I intended to say something about the administration of Native affairs. With regard to that, it is on the question of the retrenchment that has taken place in the Native Department that we wish to speak. We think it is a grave mistake.

41,276. Perhaps you will address yourself to the general question as to whether it is necessary or desirable to have a good staff of trained and competent men to deal with Natives?—Yes, it is important. The Native Department in this country is absolutely under-manned, and it is a false economy that it should be so, because thousands and thousands of pounds are not collected which are due by the Natives. Very many of them have not paid since the war, and probably never will pay now, and that is entirely because the staff of the Department is not sufficient to do the work. If you take the district of Zoutpansberg; it is larger than Natal, and I think there are only three officials there for the purpose of collecting the taxes, as against perhaps ten times that number in the Colony of Natal. Now, it is quite impossible that the whole of that district can be managed by only three officials; it is a false economy to do so. And I know that not only on the Crown lands, but elsewhere too, it is quite impossible for these people to collect the taxes, and that thousands and thousands of pounds are due to the Government now, and have been due for the last two years. I think Mr. Baily has got some figures here.

41,277. I would like to ask you, then, whether it means that in any part of South Africa where there is a density of Native population, you consider it necessary to have a good and sufficient staff of men to deal with Natives, in their interests and in the interests of the State?—Undoubtedly.

41,278. That is really what you wish to say, not limiting yourself to the Transvaal, but speaking generally?—Yes, but I point this out as an instance that it is so in this country. *Mr. Malan*: If I may state something under this head it would be this, that in the whole of South Africa, in the management of Natives, I think it is the best policy to get the men to deal with them who are most acquainted with them and with their customs, and, of course, capable enough to represent the Government in dealing with such matters. My experience is that the first thing that you must do is to get the full confidence of the Natives. As soon as they have confidence in you, you can deal with them and do with them what you please; and for that reason it is in the interests of the Native population of South Africa, in order to get everything from the Native that is due, to obtain the men who are most acquainted with him. For instance, in

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Natal, I think, you have only got to deal with Zulus, but here we have to deal with Basutos, etc., and whatever class of Natives it may be you must have the men who are acquainted with those particular Natives. That was the experience of the Transvaal Government. They tried to do it in that way, and for that reason we managed as we did to get through with the vast population that we had to deal with.

41,279. In the case of this Administration, Mr. Shepstone, do you think that it is a good thing to adopt what is called the tribal system, and work through the Chiefs and Headmen?—*Mr. Shepstone*: Yes, I think with those tribes up in the north you cannot adopt any other system. It is the only safe system, one that you can easily work, and one they understand themselves.

41,280. Can you conceive a time arriving in any Colony in South Africa when they might emerge from this state of things and come under the common law of the country applicable to the white people?—It must come in time, there is no question of that, the same way as you have it going on in Johannesburg and here. They have practically broken away from their Chiefs and tribal system and are living in the towns now under the control of the municipalities. Of course, that process will take a very long time; still if it does go on it will in time come to the same thing throughout the country. But at present with those tribes up in the north and in the east such a thing would not be advisable, as they are mostly barbarians and but slightly civilised. The only law to be administered with any success is that of the tribal system and Chiefs—always with the Supreme Chief, of course,

41,281. Recognising their acknowledged local laws and customs?—Yes.

41,282. In so far as they are not repugnant to civilised laws and customs?—Yes.

41,283. *Mr. Thompson.*] Did you mean to say you were against a country like the Transvaal introducing men whose experience had been gained in the Cape Colony or Natal to administer the Native affairs in the Transvaal?—*Mr. Malan*: Certainly, because the Natives in the Cape are absolutely different from the Natives in the Transvaal.

41,284. So you are against this country recruiting officials from the neighbouring Colonies; is that what you mean to say?—Wholesale, certainly.

41,285. Where do you think you should get the officials who are to administer the Native affairs of the Transvaal?—In this country.

41,286. You mean men born and bred here?—I mean men born and bred here; those who have lived in the country, and who know the Natives, their language, customs, and everything. It would be a very bad policy for Natal to come to the Transvaal and get officials here—they do not know the Zulu language, for instance—to go and administer the Zulu people.

41,287. *Mr. Samuelson.*] What do you think should be the maximum Native population under any Commissioner in order to ensure complete and satisfactory control and supervision?—*Mr. Shepstone*: It all depends, of course, on what part of the country he is in, because where you have to go about altogether on horseback it means limiting your area very much.

41,288. You might distinguish, then?—I really do not know how many it ought to be. Zoutpansberg itself is larger than Natal.

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I do not know what the population is, but it is in the census returns, which show that it requires a good deal of supervision.

41,289. As a rule, apart from the question of locality, what do you think a fair average population?—I really do not know; I could not say. I would leave that to the Commissioners themselves. We only make the suggestion that there ought to be more Native Commissioners.

41,290. Do you agree with this, that a Court within easy reach, as distinguished from one far off, helps by securing more business to defray the cost of its establishment, and to concentrate supervision, authority, and influence, as it is brought within effective and manageable limits?—Sometimes the Natives have to walk over 100 miles to get to a Court, and that does not seem conducive to good government, does it?

41,291. And particularly in respect of these pass regulations; do you think it is right for a Native to walk, say, 50 or 60 miles to get a pass?—They have to do it sometimes; it is a great pity, and a great hardship, too.

41,292. And to take a complaint to a Court, or to make a charge of assault or any criminal charge against anybody?—Yes. For instance, a man has to walk from my place 50 miles to get a pass to go to Pietersburg. Now that does not seem right, but there is nowhere else he can go to get that pass.

41,293. And if a Native wished to go from your place to Pietersburg, what is the distance he would have to travel?—He would first have to go to Pietpotgietersrust and get a pass, and then come back to my place, and from there he would have to travel to Pietersburg. That would be altogether 85 miles, to get from my place to Pietersburg.

41,294. And if he wanted to ride to Pietersburg, he would have to do all that journey to get a pass to ride his horse?—Yes.

41,295. Will you not give some idea as to what is a fair distance to a Magistrate's office or a Commissioner's office for a Native to go to get a pass?—I do not know. If you had a resident Vrederechter or Justice of the Peace, say, near where I live, he could give this man a pass, and that would be a matter of the Native having to go only a few miles to get his pass to go wherever he wanted. Another reason is that there is a great loss of revenue in it too, because Natives, rather than have to walk to Pietpotgietersrust to get their passes to go to work, say, at the Premier diamond mine, which lies in the opposite direction, would start and walk across country, right through the Springbok flats, to the Premier mine, and risk being caught by a policeman on the road and arrested for not having a pass. That is 120 miles. I could not say what the area ought to be. There is only one Magistracy in Nylstroom, an immense district—that is the Waterberg district; and Zoutpansberg is bigger.

41,296. Then you do not think that large territorial jurisdictions should be perpetuated?—I think it would be best that those districts should be divided: Waterberg and Zoutpansberg. We want more Native Commissioners in them.

41,297. But in the eyes of the Native population, do you think it as well to have officials of that sort within short distances subordinate to each other, or should each jurisdiction be complete in itself and only responsible to a higher Court?—I think that Zoutpansberg might be made into two Magistracies, and Waterberg as well, with great advantage.

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41,298. Do you believe in and approve of special Courts and special laws for Natives in matters between themselves?—Under the Native Commissioners; the Native Commissioners are the proper persons to try those cases.

41,299. With appeal to what Court? To the Supreme Court of the Colony?—No. The Supreme Court in this country does not recognise Native customs. The appeal would be to the Supreme Chief.

41,300. Do you hold that the Supreme Chief has judicial authority in civil matters between Native and Native?—Yes.

41,301. And you know that the Native Chiefs have both civil and criminal jurisdiction; rather extensive criminal jurisdiction, and unlimited civil jurisdiction?—Yes.

41,302. Is that a thing you approve of? In civil matters it is unlimited and fairly limited in criminal matters?—Yes, because there is always the right of appeal. Every man has a perfect right to appeal from any judgment given by his Chief.

41,303. You think it is a good principle to allow the Chief to fine and to pocket the fine?—No; but I know that is done in Natal. It is not a good principle.

41,304. I understand that the Chiefs' power to fine here is not limited in such criminal cases as they have jurisdiction in?—Of course, there is always the Native Commissioner, who supervises any sentences they give.

41,305. Do you believe in the principle of having a Supreme Chief over the Native population?—Certainly; if you are going to run them under the tribal system, under Native law, you must have a Supreme Chief.

41,306. Do you think the Native population should be governed under autocratic laws?—Yes; under the Native law pure and simple.

41,307. Then do you approve of the appearance of the legal profession in cases between Native and Native under Native law?—No, I think it is a great mistake; they are all born lawyers themselves. I have been in the profession myself.

41,308. *Mr. Thompson.*] You have given that opinion as a lawyer too?—Yes.

41,309. *Mr. Samuelson.*] Do you think that the Natives, members of tribes, should be encouraged to pass by their Chiefs to go direct to the Native Commissioner, with a view to discounting the Chiefs and eventually getting rid of them?—No; I am certainly against that. My idea is that the Chief's power ought to be upheld, because you have to govern those Natives through the Chiefs. The Chief is responsible to the Native Commissioner, who is in the place of the Supreme Chief, and every man under him is responsible to the Chief again. They are all responsible, the one to the other. You certainly ought not to go behind the Chief. *Mr. Du Toit*: He should be regarded as the head policeman.

41,310. Do you think it should be compulsory on any Native suitor to go to the Chief first before going to the Native Commissioner with his case?—*Mr. Shepstone*: I think, certainly, he ought.

41,311. Would you not make it compulsory in cases under a certain value, and allow it to be optional in cases over a certain value?—Of course, it might be done in that way; that is only a matter of detail. What I mean is that the Chief is the head of the tribe, and if a man wants to make a complaint against another member of his

tribe he should go to the Chief first. The Chief knows he is under the Native Commissioner, and he can say, "I will not try this case, you must go to the Native Commissioner." But the Chief tries the case in nearly every instance, and, if either party is dissatisfied, they have the right to appeal to the Native Commissioner, and so on, upwards.

41,312. With regard to Native law itself: I think you were a member of the Natal Native Commission of 1881, were you not?—No, I think I was in England at that time. But, I may have been, as I was in the Legislative Council at the time.

41,313. Do you prefer the Commissioners of Native Law in the Courts to act and give decisions on an unwritten set of Native customs and laws, or do you think it is better to secure unity in decisions and practice by having such laws reduced to writing?—I think it would be a most advantageous thing if we could codify Native law in this country, the same as has been done in Natal.

41,314. You do not think it would be impossible to do it?—No. It would be of great advantage to Magistrates and to people who are acting as Commissioners, who are really not so versed in Native laws and customs as yourself, for instance, who have grown up amongst them. It would be of great assistance to them.

41,315. In Natal we have not gone so far as to say that the Code of Native Law is to be the entire Native law on which the Courts are to act. The Native High Court can go outside the Code, and upset the decisions of Magistrates, or Chiefs, on points of law which are not in the Code?—So I have heard.

41,316. Do you think that the law should go further and say, when the law has been codified, "This is Native law, and no Court may go outside of that to make use of any rare or unknown customs to set aside a judgment"?—It seems to me a very peculiar thing that where you have codified your Native laws, and where the Supreme Chief, who is the Governor, has approved of that law, that anybody outside should go beyond that and upset the judgment of the Supreme Chief given under that law, and say that the Court should not have gone upon that law. Cases should be adjudicated within the four corners of that Code.

41,317. And you think an enactment should be made to declare that?—Certainly, when you have once got your code finished.

41,318. *Mr. Thompson.*] Do you, Mr. Malan, endorse those sentiments?—*Mr. Malan*: The codifying of the laws would certainly be advantageous.

41,319. *Mr. Samuelson.*] I do not know if I will be travelling out of the province of this particular section, but I would like to ask the question whether you, Mr. Shepstone, think that illicit intercourse between white men and black women, and inter-marriage between whites and blacks should be prohibited by law throughout South Africa?—*Mr. Shepstone*: Yes.

41,320. In order to keep the races entirely distinct?—Yes, certainly.

41,321. Do you think, or do you not, that illicit intercourse between black and white has very much lowered the white race in the estimation of the Native population?—Undoubtedly.

41,322. And altogether, from what you have said, both yourself and the deputation, I gather this, that you think that the best thing we can do for the Natives, and the greatest kindness we can do to them in order to preserve them and protect them from any political or commercial conflict with the white race, is to keep them as a separate people?—That is my opinion.

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41,323. And that that would be the best way of saving them from coming into a conflict, or into rivalry with the white race, which might operate against them?—Yes.

41,324. *Captain Dickson.*] Is there any police station near you where passes can be issued?—There are two police there, but passes are not issued there. *Mr. Malan*: To facilitate matters for the Natives as well as for the farming population, I would suggest that every registered farmer be a pass officer. It can so easily be done, it will be a great source of revenue to the Government, and it can be very easily administered. The Government, or the Native Department, might issue to every farmer registered as a landowner, a small counterfoil pass-book, and if a Native wished to travel out of the country, or go to the mining centres, he could get his pass from his master, and pay 3d. for it, or he could get the pass from the nearest Magistrate. But to move in the district, that is the greatest difficulty. If you want to send your boy in the district you must first send into the town, or to the nearest police, and get a pass; and if the boy wants to get a pass he must do the same thing. If the registered farmer had such a pass-book, he could at the end of the month or quarter bring it to the Magistrate and have it audited. It would facilitate matters very much with regard to passes, and we would find that the pass law would not be contravened half as much as is the case now. As Mr. Shepstone states, the boy simply marches miles across country to save time in going to the Magistrate. So, if anything of that kind could be introduced, and I cannot see why it could not, it would be very beneficial to everybody concerned. This matter would then be met to the satisfaction of everybody: Natives as well as farmers.

41,325. *Mr. Thompson.*] Would you charge for these passes?—Certainly.

41,326. Supposing your next-door neighbour wanted to send his boy ten or fifteen times a month a mile away, should he have to pay for a pass each time?—It is only when he goes to the neighbouring district.

41,327. Well, would he have to pay each time?—Yes; it is much better to pay than that the boy should be running fifteen times without his permission.

41,328. *Captain Dickson.*] By your regulations in this State, cannot a farmer give a pass to a boy to travel anywhere out of the district?—Only to his neighbours within the district.

41,329. Within the district?—*Mr. Du Toit*: Yes.

41,330. Section 3 of Proclamation No. 18, of 1903, reads as follows:—"Any Native residing on a farm or on private property in this Colony or in a Government Native Location who desires to travel within this Colony for the purpose of visiting or on the business of his employer may do so upon a permit or note issued by the owner of the farm or private property on which he resides or by an official or Native Chief appointed by the Commissioner for Native Affairs to issue such notes or permits to Natives residing in such location as aforesaid, or by his employer, as the case may be"?—I do not know whether the law has been altered by the present Government, but under the late Government each farmer had the right to give his boy a pass to move in the district. As it is now, many Natives can write passes the same as their masters; and they do so. But when it is a printed pass, taken out of the book, with a counterfoil, and has to be signed by the master, then the Native cannot forge the pass. He

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now writes a pass himself, and goes wherever he pleases within the district, and when you want him from the kraal he is nowhere to be found.

41,331. You wish the farmers' passes to be restricted to district passes?—Yes.

41,332. Do the other gentlemen agree with that?—*Mr. Riekert*: The administration is too cumbersome. A Native should get a pass from his master, and if, when he has not got a pass from his master, he writes one for himself, that is a false pass and you can go and make a complaint to the police and have him arrested and prosecuted for it. *Mr. Malan*: I agree with that. *Mr. Riekert*: I mean, when my boy writes a pass and goes off without my permission, I can go to the police or to the South African Constabulary and have him arrested and handed over to the Magistrate or Native Commissioner to be punished. The law read is the same as the law that we had before. The owner of a farm had a right to give his boy a pass to go about in the district, but if he wanted to cross the line of the district he had to go to a Native Commissioner or Field-cornet to get a pass to go to Johannesburg, say, or anywhere outside the district. It is just the same law as we had before.

41,333. *Mr. Thompson.*] And that is satisfactory?—Yes.

41,334. *Mr. De la Harpe.*] You say owners of farms should give passes?—Yes, the owner of a farm and the master of the boy. You cannot give my boy a pass. I must give him one.

41,335. *Chairman.*] With regard to one of your answers, Mr. Shepstone, when you spoke about the difficulties of Natives obtaining passes: Under the late Government there were, I believe, Field-cornets in this Colony—a great number of them?—*Mr. Shepstone*: Yes.

41,336. They used to issue passes?—Yes.

41,337. Are there no Field-cornets now?—No.

41,338. Then if there were officers in the same position as the Field-cornets who used to be here, officers to issue passes, that would meet the contingency you allude to?—Certainly.

41,339. You spoke of the necessity of retaining and supporting Chieftainship. I want to ask you whether, in the case of Native Chiefs in this Colony who have been deposed and deprived of their Chieftainship, you would re-establish it as a policy, where such Chiefs and Chieftainship have disappeared?—I do not know. I thought when you deposed a man you always put another man in his place.

41,340. I am asking you the question, supposing Chiefs were deposed, and Chieftainship had disappeared in any parts, do you think it as well to re-establish those Chiefs?—I say it is impossible for Chieftainship to disappear. You may depose a Chief, but you must put another in his place, because the tribe is still there to be ruled; unless you break up the tribe and distribute it amongst other tribes, which I do not see you could very well do.

41,341. Then you spoke about codifying Native law. Has there, or has there not, ever been a code of Native law in this Colony?—I believe not.

41,342. Do you think it would be a progressive or a retrograde movement to codify Native law to-day?—I think it is for the benefit of the Administration that it should be done. It will assist the Magistrates very much, and the Native Commissioners.

41,343. But, as regards the whole of the Native question, do you think it would be a progressive thing to do?—We would get the thing on record, and know what the law is. I do not think it would

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be retrogressive. After all, appeals are made to you, and you want to know that an appeal is not always coming to you through a subordinate. Notwithstanding it is Native law, there are difficulties, whereas, if the law were codified, the Native Commissioner or Magistrate would know what the law was, and be able to administer it, and so save appeal.

41,344. Is there a code of Native law in any part of South Africa besides one Colony?—I only know of Natal having a code.

41,345. The other Colonies, presumably, get on without it?—Yes.

41,346. And this Colony, too?—Yes, they have got on without a code, certainly. It is not that a code is necessary for the Colony to get on, but I mean it would be advantageous for the information of the officials.

41,347. Do you think the Natives in this Colony have suffered in consequence of there being no code?—No, I do not think so, because I think up to now the Magistrates and Native Commissioners have always been people who understand the laws and customs of the Natives.

41,348. *Mr. Krogh.*] Nyabel was deposed, and another Chief was appointed in his place?—*Mr. Malan*: No, the tribe was broken up.

41,349. What became of the tribe?—It was distributed all over the country, and they are living on private farms to-day; they never re-assembled.

41,350. Are these people now progressing towards civilisation?—Yes.

41,351. More so than under a Chief?—Yes, it seems so. *Mr. Du Toit*: There was a Chief named Jafta, who has been reinstated since the war.

41,352. Who appointed him?—He was appointed by the British Government.

41,353. I do not think your information is correct?—I was with the Resident Magistrate when he met him and asked him about guns.

41,354. *Mr. Samuelson.*] I think Mr. Malan said that he did not approve of the registration of marriages by Native custom. Do you agree with that, Mr. Shepstone, or do you think it would be fairer to the Native women, so long as polygamy is allowed, that their marriages should be registered, to give them a legal status, and to give their children protection, as the legal children of a polygamous husband?—*Mr. Shepstone*: I do not know how you are going to do it. In Natal you have your official witnesses, but there is nothing of that sort here. If they get married on the eastern border there is no one to keep a register of it.

41,355. A law could be made, or an instruction could be issued, telling every Native to have his marriage registered with the Commissioner?—Yes.

41,356. It should be made compulsory for marriages to be registered?—That is another reason why there should be more sub-Commissioners.

41,357. Do you think it should be done, or not?—I think it would be a very advisable thing.

41,358. Do you think it would be more just and more right towards the Native women themselves and their progeny that it should be done?—Yes, I think it would be fair to them, certainly. Of course, a man never could repudiate his marriage, because there are too many people around who would be able to prove it and the passing of the "lobolo."

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41,359. *Mr. Krogh.*] Mr. Du Toit, the Malaboch Natives were distributed amongst farmers, and some were sent to the townspeople. Are those people prosperous?—*Mr. Du Toit*: Yes.

41,360. Are they more so than they would have been under their Chief?—Yes.

41,361. Are they more civilised?—Yes.

41,362. Would it have been the case if the successor of Sekukuni, or any other Chief, had been deposed, and his people distributed in the same way as the Malaboch people—would those people have been as prosperous and advanced towards civilisation?—Certainly, yes. From my experience of those people living on farms during the war, I can say that some of them had over one hundred cattle and over two hundred head of sheep and goats, which they would not have had under their Chief. With regard to the Sekukuni Kafirs, I can say there is not one private Kafir that had so many head of cattle and sheep as those Kafirs living on farms.

41,363. Generally speaking, the Natives would advance sooner, and would be more prosperous if their Chiefs were deposed?—Certainly.

41,364. *Chairman.*] Do you agree that people progress better if their Chiefs are taken away and they are distributed?—*Mr. Shepstone*: No, I would not endorse that off-hand. *Mr. Riekert*: In isolated cases, as in Zoutpansberg, to the north, where the Chief is more or less left to his own free will, the Kafirs are treated very harshly. They had no right to own anything by themselves. Everything they had was practically the Chief's. When it pleases the head he simply orders a man to be killed, and takes everything he possesses. Nearer civilisation it is otherwise The private property of the Native is respected by the Chief, and when he wants something from the tribe he calls his Council together, and they pass a resolution, and it is collected. *Mr. Du Toit*: With regard to the Squatters' Law, one of the reasons that the law was made was to get the Kafirs out of the locations, for there is always sickness amongst the Kafirs and amongst their cattle. In Sekukuni's land we got the tick fever for more than a year. There is always sickness amongst their cattle, and there is always some kind of sickness amongst the Kafirs. When they are spread amongst the white people they are healthy.

41,365. *Mr. Krogh.*] By retaining the Chiefs and the tribal system, and by codifying their laws, would you not perpetuate barbarity and heathenism?—That is just my argument. One of the strongest reasons and one of the reasons for that Plakkers' Wet was the intention of distributing the Native all over the country, away from the kraals, in the interests of the Native.

41,366. *Mr Samuelson.*] You know, Mr. Shepstone, from the time you have spent in our Colony of Natal, and you have been there since, that we have a very wealthy land-owning community in Natal amongst the Natives?—*Mr. Shepstone*: Yes.

41,367. You know that at Ladysmith, and in the neighbourhood of Ladysmith, in the Klip River Division, there are educated civilised Natives, owning something like 20,000 or 30,000 acres of land, and large flocks of cattle, under a Chief named Johannes Kumalo?—Yes.

41,368. And you also know that in the Newcastle and Dundee Divisions there are also Christian, educated, and civilised Natives with large flocks of cattle, and owning large extents of land, under a Chief named Timothy Gule?—Yes, I know them both personally.

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41,369. And you know that in other parts of the Colony, like Groutville, and the neighbourhood of Stanger, there are Natives very well to do, and owning large tracts of country, under Native Chiefs, and that Chieftainship has not in that case acted detrimentally to their interests?—Those tribes have not been split up. In the other case the Chief had misbehaved himself, and the tribe was dispersed all over the country. While you have to rule the Native you must rule him under Native law.

41,370. *Captain Dickson.*] Would you consider those cases which Mr. Samuelson has quoted about Ladysmith, and the other cases, typical cases? Are they ordinary savage Chiefs?—They are real Natives.

41,371. Are they the ordinary savage Natives?—No.

41,372. They are Christians?—Yes, they are educated, too.

41,373. They would not be typical of the generality of the Chiefs?—No. The point I wanted to make was this, that where you destroyed the Chief of the tribe and deposed him the tribe was dispersed, but unless these other Chiefs do something you cannot disperse them, and disperse the tribe all over the country.

41,374. *Mr. Samuelson.*] Perhaps I made a mistake in mentioning Christian educated Native Chiefs. I should have mentioned heathen and savage Native Chiefs. Do you remember Pata, the Chief of the Amaxolo, and Mtshiwa, Chief of the Amanyuswa tribe, both of Alfred County?—No.

41,375. You might know that those Natives own large tracts of landed property, and that they are raw savage Native Chiefs wearing "mooches"?—Yes, like the ordinary Native Chief.

41,376. *Mr. Thompson.*] They hold land under title?—Yes.

41,377. Raw Natives holding title?—Yes.

41,378. *Mr. Krogh.*] I should like to know whether Mr. Shepstone agrees with the opinion expressed by Mr. Du Toit, that the men have progressed more than they would have if they had remained under the Chiefs?—I have no doubt they have. I do not know it personally, but, if he says so, I have no doubt they have done so. At the same time, I say you had the reason there for deposing the Chief and dispersing the tribe; of course, you cannot depose a Chief arbitrarily and distribute his tribe all over the country.

41,379. Might it not be done in a way? Might not a way be found? When a Chief dies his successor might be pensioned off, or he himself might be pensioned off?—Where would you disperse the tribe to?

41,380. The Chief might be placed within a location?—It can be done in that way.

41,381. And the rest of the tribe might be dispersed?—Yes, but you would have to put him in a location. The object is to distribute them amongst the farmers.

41,382. Do you agree, Mr. Riekert, with the opinions expressed by Mr. Du Toit? I would not limit it to farms, but I would say in proper locations close to towns?—*Mr. Riekert*: I fully agree with Mr. Du Toit that these Natives living privately by themselves are better off and more prosperous than those living with the Chief in big locations, but I would not enforce the dispersement of them.

41,383. Do you agree, Mr. Malan?—*Mr. Malan*: I personally agree, because I know the Native tribes that have been dispersed. I knew them before they were dispersed, and I know them to-day. There is another strong case demonstrating this fact. The Native

Chief Malaboch was dispersed. When he was released he went back to his old place, and he has his people there to-day. They are almost starving, and they have gone back to the same state of barbarism that they were in before they were taken from him.

41,384. Could you express an opinion, Mr. Baily?—*Mr. Baily*: I am new to the country. It is not a thing I know much about.

41,385. *Chairman.*] Is there anything else you wish to say?—*Mr. Shepstone*: On the subject of taxation we want to suggest that the other Colonies should, if possible, come into line with this Colony in the matter of taxation. It was touched on, I think, this morning. I do not know whether the statements were taken down.

41,386. You put that in as a suggestion?—Yes.

41,387. *Mr. Stanford.*] You have no suggestion that this Colony might level down so as to meet the others as a compromise?—I do not think we will reduce from £2 to 10s.

41,388. *Mr. Thompson.*] Do you know what the revenue derived from the Natives is in this country?—No. I know a great deal of it is not derived.

41,389. Directly, the Natives contribute something like £300,000?—I think the indirect taxation is infinitesimal. I believe the duty has been taken off beads, and those sorts of things, which would assist revenue.

41,390. *Chairman.*] Are they not very large consumers of all kinds of goods?—Clothes, Kafir truck, beads, and so on. The townspeople buy the clothes. The indirect taxation is very small indeed. I believe it is under 10s. a head in Natal, and I certainly should not think it is a tenth of that in this country.

41,391. With regard to the subject of the liquor traffic, Mr. Shepstone, will you express your views on the matter of prohibition?—Our opinion is that there should be total prohibition for Natives.

41,392. You are in favour of total prohibition?—Yes, all of us are absolutely in favour of total prohibition. I am not alluding to Kafir beer, of course; I refer to spirituous liquor. *Mr. Riekert*: It always has a very bad influence on them if they get liquor. *Mr. Baily*: We passed a resolution amongst ourselves that no Native be allowed to purchase spirituous liquors: "Any farmer who employed a Native should be allowed to give him a drink of spirituous liquor only"; and also, "That there should be sanction to brew Kafir beer, but they should not be allowed to sell it."

41,393. Do you mean to state that permission could be given to the Natives to make Kafir beer?—To make it. *Mr. Shepstone*: Not to sell.

41,394. Do you mean the Natives should not make it without special approval?—They could make it, because I say that Kafir beer is both food and drink to the Natives in many instances, but they ought not to be allowed to sell. There ought to be some regulations which I have in mind that the Native Department will draw up, that these big beer-drinkings must be stopped in these locations, and that when they are going to have a beer-drink, or anything else, it ought to be reported to the Chief, or to the nearest Native Commissioner, or some Headman, so as to know that this is going to take place, so as to see that no abuse takes place at these beer-drinkings; but that is only a matter of detail. What we state is, that we are in favour of the total prohibition of spirituous liquor for the Natives, and, as to the Native beer, we do not wish it to be stopped, but it ought to be controlled in some way, and they certainly ought not to be allowed to sell it.

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41,395. *Mr. Samuelson.*] You recommend that brewing for sale should be stopped?—Yes.

41,396. You are really then in favour of the law in the Orange River Colony with regard to the control and management of beer-drinks?—Yes.

41,397. *Captain Dickson.*] Do you think that all employers of labour ought to be allowed to give their Natives liquor?—Last night, when we were discussing this matter, Mr. Du Toit said, "Would it be illegal for me, supposing my man had had a hard day's work, to give him a 'tot' of spirituous liquor?" I said, "No; if it was under those circumstances, I presume it would be taken as being medicinal." I do not agree with it. *Mr. Du Toit*: I want to explain. If I give my Kafir a drink of liquor he works hard and does his best, and I get through lots of work; but if I cannot give him a drink of liquor, when he is planting he is cold and cannot work, and I cannot do anything with him. If I have the right to give my boy a drink in the morning when he commences work, again in the middle of the day, and in the afternoon, he will then do twice as much as when I do not give him liquor. I think it should be free for the master, who is responsible for everything the boy does, to have the right to give his boy liquor in order to encourage him—not to sell the liquor to the boy, but to give it to him to make him work harder. *Mr. Malan*: I would certainly not agree to applying that as a general rule. *Mr. Baily*: I quite agree with what Mr. Du Toit says. When I say I agree, I mean I agree to one "tot" in a day.

41,398. Mr. Du Toit, do you not, as an experienced farmer, think that something could be substituted instead of liquor, which would encourage the man to work just as well?—*Mr. Du Toit*: I try to give the boys coffee and things to make them happy, but I find the best thing is to give the boy a drink of liquor in the morning when he is cold, and then he will do twice as much as when I do not give it to him. To those who come when the sun rises I give a drink, but those who come at eight o'clock get nothing; then I find that all my boys come when the sun rises.

41,399. *Mr. Thompson.*] And in the middle of harvest, in the middle of the day?—Then it is not good. I leave it to the discretion of the man. If it is not cold, I do not give it.

41,400. On a cold harvest, would you give it him in the middle of the day?—If it was cold, yes.

41,401. *Captain Dickson.*] If you brought this into a law you must remember you are giving the low-class man, who goes about perhaps as a mason, or a carpenter, the same privilege as you have got, and he may not be able to discriminate as well as you do. Have you thought upon it in that light?—The master of the boy is responsible when he gives the liquor; if he makes him drunk he will be punished for it.

Pretoria, Thursday, 6th October, 1904.

Present:

Sir Godfrey Lagden (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.

Mr. Allister Mitchell Miller, examined.

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41,402. *Chairman.*] You are residing in Swaziland?—Yes.

41,403. Have you had a good deal of experience in South Africa?—I have been sixteen years in Native territory, and a year previously in Cape Town, and I know a great deal of the eastern portion of South Africa.

41,404. Principally the Swazies?:—Principally the Swazies.

41,405. Have you ever held any office under Government?—Never under this Government or the Transvaal Government, but under a Government Committee formed in Swaziland by a charter granted by Umbandine in 1888 to the Europeans there.

41,406. You have seen and replied at length to some of the questions that have been referred to us for consideration?—I have.

41,407. The first of these questions is the matter of land tenure. Is there any system amongst the Swazies affecting land that is different to other parts of South Africa?—Not as far as I know other parts of South Africa. It is the common system obtaining amongst the Bantus on the eastern littoral of South Africa.

41,408. That is communal tenure?—That is communal tenure.

41,409. Do you think that is a good system?—I do not think so.

41,410. What are your reasons for not thinking so?—I feel that communal tenure does not impose upon the Native that individual obligation that improves the type. As a member of the commune he is leaning against his neighbour very frequently. He is not sufficiently pressed to provide for himself because, as we all know, under the communal system the whole community is as one large family, and they are all leaning against each other and helping each other at different times in their adversities or periods of necessity.

41,411. Do you think that has had the effect of keeping him backward?—I do.

41,412. Have you any opinions as to the best manner of making him progressive?—I believe that in respect of the whole Native problem it entirely hinges on the question of individual tenure. It appears to me, as I have seen these Natives, that they are in the position of enjoying the privilege of living without any exertion at all, because in a country like Swaziland, with which I am particularly acquainted, they have an immense area of ground to select from, and they are picking it in small areas and raising crops, without having in any way to study ground cultivation. We know perfectly well that the Native is increasing, and the area of the country is not increasing. We know that ultimately the Native must come to rub shoulders with the European. If the Native is enabled during this long period of ease to grow crops with an absolute minimum expenditure of labour and intelligence, when the time comes that he

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absolutely will be forced down to live off a small and confined area, in the first place he will be confined to an area that possibly has been denuded of all its richness by having been cultivated and re-cultivated, and then subsequently neglected; and in the next place he will find himself quite unfitted by education or training, or anything of that sort, to produce from the soil the ordinary necessities of life. I feel myself that, with regard to the Native, the first and great principle we have to inculcate is the responsibility of individual obligation; the second is to enforce it by individual land tenure, at a time when the country is still to a certain extent virgin, so that when the land becomes impoverished, he, being confined to a certain definite area of it, will grow wise as the country grows poor; and when real scientific fertilisation is required, the Native will be capable, by experience, of dealing with the soil that he will have at his command.

41,413. With regard to this solution of yours—individual tenure. What do you mean exactly by it?—Taking the position in Swaziland to-day—that is, if you will allow me to use my examples as applied to Swaziland, as it makes it easier for me—we will say there are 15,000 male married adults in the country. I should take it that individual tenure could be best applied and enforced there by granting to each married male adult a specified area of ground which would be beaconed off and entailed on him, and off that ground he would have to live.

41,414. You mean arable ground?—Arable ground.

41,415. To what extent?—I thought it would be liberal to give him for both purposes, both cultivation and grazing, as a maximum, 10 acres.

41,416. Do you mean to say that each man would have his grazing and arable lands close together, or that the grazing land should be communal?—The proportion that would be allotted to each individual for grazing land would be put into a commonage, just as we do in our own towns. The proportion that would be agreed upon as an average arable portion, would be the portion which would be delimited, and on which he would live.

41,417. The 10 acres would be inclusive of both?—Yes.

41,418. Do you mean that this land should be leased to him?—No, I take Swaziland as an instance, because, as you know, we have certain obligations to the Natives there, and in that case I thought that he should have the ground entailed on him, that that should become his entailed property, and that it should be a servitude on the lease of the land-owner who was holding the farm on which this section was situated. Of course I may say, with regard to large location areas, it might be possible or found convenient for the Government to remove a portion of the Natives from these on to other locations, giving them their delimited areas as compensation for those that they had lost in the locations; but, I take it, for individual tenure purposes, every male married adult, every man who had a family, should have individual tenure.

41,419. Do you mean on farms that have been conceded, that come within the concessions, or the existing locations?—I mean the farms that come under the concessions.

41,420. Would you extend this individual tenure to the locations where they are living?—Certainly.

41,421. Then what servitude or obligations would you attach to this entailment?—I should consider that it was practically presuming that the man who has this granted to him has been a land-owner in community of property before; I should presume that this

entail area that he obtains is the Government's *quid pro quo* to him for having removed him from his communal privileges, and that would be to him a title, such as a man would acquire who purchased a farm or purchased a piece of land. The advantage of it, in my opinion, is, first, that it creates individual responsibility on him to live off that area, and not in a communal way to select pieces of ground wherever he likes, and be generally supported, or assisted, or, in his turn, assist his communal friends. It would first of all make his individual obligation apparent, and, in the next place, it would be practically a limit to the area which he or his children might expect. The entail would mean that he might have an heir, and that that heir would inherit the property; but, if he had nine children, the other eight would have to go out to work and acquire property for themselves, not, as in the communal system, that they would inherit it in the ordinary course of their reaching the adult age.

41,422. Do you mean that the eldest son, if he had one, should inherit the land and the whole of his property?—Yes.

41,423. Primogeniture?—Yes.

41,424. Would you allow him to sell this?—With the sanction of the Government, to another Native, yes.

41,425. Only to a Native?—Yes.

41,426. Would you charge him any rent for this?—Yes.

41,427. What rent?—His taxes; the amount of the present tax, probably £1 or 30s. a year.

41,428. In addition?—Not in addition. He would pay taxes on it.

41,429. He would be, presumably, as part of the Transvaal, liable to the direct taxation of the Transvaal?—Yes.

41,430. But, in addition to that, would you charge him rent for the land which you allot to him?—Possibly a purely nominal rent.

41,431. *Mr. Sloley.*] Are your suggestions for the whole of South Africa, or are you suggesting only for Swaziland?—For the Transvaal.

41,432. Not for the rest of South Africa?—I am not sufficiently acquainted with the conditions of other countries, but I think one would like to see a plan of that sort adopted generally, because the more general it is, the more successful it is likely to be. As I am only acquainted with the Transvaal, I do not suggest that it should be applied in the adjoining Colonies.

41,433. *Mr. Campbell.*] Including Swaziland?—Including Swaziland.

41,434. *Chairman.*] Do you consider that the Swazies, of whom you are principally speaking, are in a fit condition to be charged with the responsibilities of individual tenure?—Yes.

41,435. They are, I suppose, very backward in many respects?—Absolutely.

41,436. Compared with other tribes in South Africa?—Yes.

41,437. Your opinion is that individual tenure can be applied to any Natives?—Yes, at present, in a country like Swaziland.

41,438. Whether they are backward or not?—Yes; it is merely a question of feeding themselves, and as long as the land is sufficient—ten acres is sufficient, or six acres is sufficient to feed a family. Then, with the alternative at all times of a labour market where they can always earn sufficient to provide them with the necessaries of life, the present is a unique opportunity of formulating a scheme and putting it into practice.

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41,439. Are there any other obligations that you would attach to this grant of individual tenure?—There are no other obligations, except such as might apply through necessities arising that are not contemplated at the present time.

41,440. Then you say that the men should pay the taxes of the country. Are there any circumstances which appear to you to justify an exemption from that taxation?—I do not think so.

41,441. Do you, for instance, think that if Natives laboured, and laboured continuously, they should enjoy any kind of absolution from taxation?—Are you talking of taxation under the system I suggested, or now?

41,442. The taxation of the country, whatever it might be. There is a tax now which is applied to Swaziland?—The present tax?

41,443. Yes?—I feel myself, with regard to the present scheme of taxation, that it certainly is a great hardship on the Native, if he conscientiously intends to pay his taxes, but it does not come as a hardship to him at the present time, because, if he cannot pay it, he does not.

41,444. Are the Natives able to go out and earn wages?—Yes.

41,445. Wherein, do you think, it is hard to tax Natives directly?—I do not think so. I think the plan of direct taxation is, under present conditions, presumably, the only method by which taxes can be levied; but the present tax, that is, the tax of £2 per hut, is not in my opinion a fair tax, inasmuch as it has a retrospective effect. It is taxing people who contracted obligations at a time when they could never have contemplated the taxes that are now being levied upon them.

41,446. Do you refer to polygamists?—Yes.

41,447. Putting polygamists aside, and taking the adults, do you think there is any reason why they should not be taxed?—None whatever.

41,448. And at the present rate?—I think it too heavy.

41,449. Do you think that they should be taxed in any way?—Yes. I think that on the principle that they have to contribute something to the State, whether by labour or money, they should be taxed according to the amount of labour they do, that is, on the principle of the old tax, a tax which made them contribute in a general way to the country's expenditure, 10s., I think it was; but in the event of their being well-to-do men, and finding it unnecessary to work, or to contribute with their muscles to the country's needs, they were taxed at the rate of £2 as non-workers. If they showed that they had worked for six months they were exempted from paying that tax, and they just paid the ordinary tax to the Government. Although this rather suggests forced labour, and all that we hear about making the Native work against his will, at the same time, I take it, that is the condition which he understands. In the days gone by he had to contribute a certain amount to the State. He gave his life; that was his contribution; he risked his life. To-day, as we are a peaceful people, we do not ask him to do that, but he must risk his muscles instead, and if he does not risk his muscles, he quite understands that he has to pay something for it; and the feeling the Natives themselves have at the present time is that it is a terrible hardship to them that a man who goes and works—simply immolating himself on the altar of industry—should have to pay the same as the man who stops at home drinking beer.

41,450. You agree that the man who does not labour should be taxed?—Yes.

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41,451. What tax, first of all, should be imposed upon him?—He should, first of all, be called upon to pay the ordinary tax, which is the general tax, and, in addition to that, he should be called upon to pay an additional tax, which should not exceed £2.

41,452. What do you call the general tax?—A tax which would be generally leviable on all Natives, for instance, such as the 10s. tax previous to the war, and the 2s. 6d. road tax. I think, altogether, it came to about 12s. 6d.

41,453. Then your answer to me just now, when I asked you if you favoured any form of exemption, was not quite correct. You said, "No." Exemption for labour is what you do favour?—I consider that there is to be one general tax which applies to all male Natives of adult age; but, over and above that, there should be a special tax, which would apply to those who contribute nothing in the way of labour to the State.

41,454. A tax upon idleness?—A tax upon idleness.

41,455. Is that your whole view about taxation?—Yes, under present conditions of communal tenure.

41,456. I suppose the Swazis have scarcely reached that standard that they are large consumers of dutiable things?—No, they have not.

41,457. Is the demand for dutiable goods increasing amongst them, do you think?—No, it is decreasing.

41,458. Why would it be decreasing?—You see the country has rather fallen back the last five years. The European population has decreased, and we have had now for two years no civil laws or any administration, beyond just a temporary one, in the country. The population has not increased, and, I think, the Native has got rather out of touch with the European.

41,459. Then in your earlier answer you spoke of the population increasing. Are you satisfied that they are doing so?—No, I have not studied that point, and I simply look at it from a general point of view; and we know in Swaziland it has materially increased. It has increased to such an extent that it is quite inexplicable unless it may be accounted for by the fact that hundreds of Transvaal Natives who were of Swazi origin returned to the country during the war. Generally, judging from the rule that is proved as a rule elsewhere, under purely communal conditions the Natives will increase, but under ordinary conditions of competition, civilised competition, I do not think they will increase.

41,460. Why? How do you account for that?—In the first place, living as they are to-day, they have no responsibilities, they have no hardships. They do not feel even the ordinary strain and stress of daily life, because, as I have explained in my paper, if they have good years they have a very fine time of it. If they have bad years they have assistance from the Government, and they have assistance from Europeans in the country, and they are tided over, whereas they were very virile people before in the early days, simply because it was, through generations, the result of the survival of the fittest amongst them. The weaklings did not reach maturity. When these people, a people built up on a fairly sound foundation, such as they were, are suddenly released from all the stress and strain that made them sturdy people, naturally they increase and they expand very rapidly, but then the type deteriorates. Then, when that type is again brought into competition with another form of struggling life, they naturally are brought back to their original state of the survival of the fittest. At the present time they have no obligations.

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They are simply expanding. They were a sturdy, virile, healthy people, able to go through periods of tremendous stress, and now they are increasing, but they are deteriorating in the type. Even in our short experience of Swaziland we can see that.

41,461. In establishing a new system of land tenure such as you indicate, how would your tribal system and customs be affected?—They would go absolutely.

41,462. Do you mean by law?—By the mere fact of establishing a system of individual tenure.

41,463. Do you mean polygamy would disappear?—It would have to go ultimately. It would not perhaps disappear for a generation, but it would disappear, because the necessity would be so great for the man to live off the actual area that was allotted to him, and his demands would be increased with his increased responsibility, and his increased intelligence, that naturally the causes similar to those which, if we except the theological reasons, led to the abandonment of polygamy amongst the Caucasian races, would also affect the Native.

41,464. And "lobolo"?—"Lobolo" is disappearing now.

41,465. Under what influence?—Poverty.

41,466. Do you mean to say they are marrying now without any consideration being given?—They are marrying so much on credit that I think one can almost see the end of "lobolo."

41,467. Even if cattle were to be plentiful again?—Not if cattle were to be plentiful.

41,468. They would go back to it?—Yes.

41,469. They cherish it?—They do.

41,470. It is a form of consummating the marriage?—Exactly. It is a portion of their system—perhaps one of the most vital portions of their system.

41,471. Yet you say it is disappearing?—Yes.

41,472. Do you think that is a good thing or not?—I think it is a bad thing under their own system of government. I think it is a good thing under the system of individual tenure—the abolition of all Native customs.

41,473. It is a means by which marriages were arranged and consummated?—Yes.

41,474. Do you think what you describe as going on now is a desirable state of things, to marry without any formal ceremony or anything that binds it?—I do not think so. I do not think it is a desirable thing under their tribal customs. If they are living in communities under their Chiefs, I think it is rather a sad thing to see the "lobolo" disappearing, but at the same time I do not think it is a very serious thing, because, after all, the "lobolo" was practically more the banking account. It was the commercial side of their life; so much so that in the old days a man who owned a great quantity of cattle used to buy girls for every man, and this was his means of placing his capital at an advantage, just the same as we might invest it in something. The whole side of "lobolo" was the commercial side of Native life.

41,475. If, by the introduction of a new system, or by the loss of cattle, they are losing the benefit of contracting their marriages as they like and as they used to do, do you think that the Government should do something to assist them, to meet them in their difficulty?—I do not.

41,476. By registering their marriages?—I think it would be a very desirable thing, but I do not think the mere fact of having paid

"lobolo" in any way leads to the legislation of the marriage. Take, for instance, the conditions in the country of thirty years ago, when a favourite servant of a Chief had a woman given to him. He practically gave nothing more than a single beast as a sort of present in return, yet that woman was none the less married. She did not like it, but as far as the actual legality and complete consummation of the ceremony was concerned, she was still married, though she was naturally reproached in that man's house as having come along as a non-"loboloed" wife; still, that was merely a sentimental reproach, nothing else.

41,477. What to-day constitutes marriage?—Amongst the Swazis at the present time the handling over of a beast, or I may say the handing over of two or three pounds to the parents of the girl, practically completes the transaction, but they have degenerated to such an extent during the last seven or eight years that I have known four or five cases to my own knowledge—and I daresay generally there are more in the country—where women have simply come into the huts of the Native and said they had "somad" him, and asked to be taken into his hut. They have put their hair up, and that has ended the whole transaction, and they pass as his wives.

41,478. That is more or less an animal form?—Exactly.

41,479. What I am asking you is whether, if they are advancing, and it is our duty to assist them to progress, we should not assist them in this very serious matter of marriages?—Yes. I think, with regard to registration, it would be an excellent plan; in fact, I should say they should be compelled to register. It would be very desirable, because the more statistics we can get about them at the present time and the more information we can obtain individually, the better we will be able to deal with them hereafter and the better we will understand them.

41,480. Would you let them be or force them to be married before marriage officers—I do not mean under Christian rites?—No. If they are taken out of their communal system of tenure and any individual obligations are enforced on them, I should say that would be one of the most important methods to adopt.

41,481. I see in your paper you favour industrial education?—Yes.

41,482. What do you mean by that?—I think that the Native should be compelled to pass some course of his earlier life in industrial training, particularly agricultural industrial training. The Government should institute some form of school in the vicinity of districts, and the Government should encourage, in districts where the Natives are not living together in communities, the Natives taking lessons in industrial agricultural training, and every effort should be made to give the Native an opportunity of making himself a useful labourer on the land.

41,483. Would you do this by having State schools?—Yes.

41,484. So that education would be a very considerable matter in the State?—It would.

41,485. Do you mean you would have State schools in every town, and in all the villages, and locations?—No, I would not say that. I would have it in the country districts. For instance, take this State of the Transvaal now. I would say there ought to be a school at Ermelo, there should be one at Carolina, there should be one at Piet Retief, and, perhaps, a couple of them in Swaziland, one in the north, and one in the south.

41,486. How would you bring it within the reach of the Natives? Do you mean them to go there and board?—They would go and work; they ought to be made self-supporting, if possible.

41,487. Will each Native in turn be compelled at a certain age to go to these schools?—I think the Native would go. I do not think they need be compelled.

41,488. At what age?—From 10 to 15, or 16.

41,489. How long would they remain?—Five or six years. They might go for six months in the year during the busy season, or some portion of the year, but they need some form of industrial training, undoubtedly.

41,490. Do you think that the Native is unintelligent in agricultural matters; does he not learn to do what he is shown very rapidly?—Yes.

41,491. Could he not do that under the teaching of his master on a farm, for instance?—If the Native could be kept on the farm, yes; but, unfortunately, our experience in the eastern Transvaal—very much more in the eastern Transvaal to-day than in Swaziland—is that the Native on a farm, who is a worker, will not now remain at his farming, but leaves it and comes here. The Native, who is not a worker, condescends to take a two or three months' engagement during the year, and then goes back to the kraal, and does not work. The result is that the class of men on the farms in the eastern Transvaal are men who are not intelligent, and who are not workers. The class of men who are workers go to the mines, or go to towns.

41,492. If they go to the mines, and go to the towns, why should you waste several years in teaching them agriculture?—Our hope is that the Native will be kept on the land as much as possible.

41,493. How would you keep him there?—By affording him employment.

41,494. I thought you meant "keep" in the sense of restraining him, making him remain there?—I presume that it is a reasonable thing to hope that the class of labour we shall be able to get in this country, in the mines particularly, where the Natives are mostly absorbed at the present time, will be a class of labour that will give the country districts the benefit of cheap Native labour. I do not altogether mean the Chinamen. I hope the day is not very far distant in this Colony when we will see the European working in the towns.

41,495. The Native will be thrown back on the land?—Exactly.

41,496. Do you think the Native can be attracted to the land at the present time by any advantages that are offered to him, apart from high wages?—I only think by industrial training. I think if the Native can be taught to take an interest in farming operations, as our farming develops and the country goes ahead, the Native will become quite a different man on the farm from what he is to-day. To-day, on the farm, he is practically a loafer. If we could only get Natives on the farms to work like they do up at our properties at Forbes Reef in shafts and tunnels, where they are working in large numbers, really it would be an absolute pleasure to farm in the country, but we cannot. They do not take an interest in their work. They take an interest in their work at the mines because they go through a period of qualifying years. A hammer boy is quite proud of the number of holes he puts in, and he works hard at it, but a boy on the farm cannot understand the advantages of fertilising and careful treatment of ground, because he considers he knows more

about planting things than any European; but as to applying his knowledge in any intelligent way to cultivation he has never had any training.

41,497. He is a born agriculturist, is he not?—Instinctive agriculturist.

41,498. And yet you say he dislikes it?—Dislikes it, does not take an interest in it.

41,499. You are speaking of the Swazis?—Yes, all I speak of with respect to Natives is based on my experience of Swazis.

41,500. You say you are not in favour of the teaching methods adopted by missionaries?—Yes.

41,501. Will you explain that?—I do not agree with a purely theological education or an education in which industrial training does not form the basis.

41,502. Would you expect every mission society to have a farm or industrial shops about the mission?—Yes.

41,503. That is expensive?—It is expensive, but then the Government might assist them. If the Government did not find its way clear to establish training schools of its own, then they might assist the missionaries to do it; but I think it would come far better from a secular source, because anything connected with the Government in the eyes of the Natives is authoritative, and they would be more likely to accept it as such than when it is connected solely with the civil population.

41,504. If Government had schools do you think they should teach religion in them?—No.

41,505. Why would you withhold religion from them?—I think the missionaries will impart that. If the missionaries were removed out of the country then I should say some form of religion would be an excellent thing for the Native, but I think religion always appeals to a Native, who is wholly sentimental, better from a man whose profession it is to teach it than it does coming from a man who is teaching secular and industrial things.

41,506. Do you believe that religion does exercise a good influence upon the Natives?—Yes.

41,507. You are against Natives g tting spirituous liquors?—Yes.

41,508. In one of your answers in reply to the question, "What is your opinion on the condition of the Native men and women compared with twenty years ago," you put the word "Degenerated"?—Yes.

41,509. Do you believe that would apply to the whole of the people?—Generally, yes.

41,510. What has brought that about, in your opinion?—I think it has mainly been caused through, first of all, the long period of mourning that followed Umbandine's death, during which the people got very slovenly in the country. They neglected their kraals, they neglected their appearance, and generally they got ragged; the whole nation got ragged. That lasted for four years, and then there was a period of great uncertainty in the country, during which they did not know what the position was going to be, as far as Europeans were concerned, and it has affected them to such an extent that they have never seemed to have recovered their original condition of smartness and cleanliness, and that amount of national dignity that one looks for in a semi-independent people like the Swazis. I attribute it to the changing condition of affairs and the fact that a great many of their customs have been abolished, customs

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such as killing off, smelling out, and the massing of impis, when the girls would dress themselves up to appear before the men and show themselves to the best advantage.

41,511. This change then has been due rather to the local circumstances of Swaziland?—Yes.

41,512. You are not speaking of the Native races as a whole?—No.

41,513. Is there any other subject that I have not touched upon upon which you would like to express your opinions?—I think not. I have been as full as I can be in that paper of mine which I should like to hand in as my evidence.

41,514. *Mr. Stanford.*] Will you state a little more fully your reasons for regarding the present incidence of taxation as unfair?—There are two positions created in Swaziland which make it an unfair tax. The first is as applied to a man like the Chief Makahleleka, who has 35 wives. The second is as applied to a poor Native who has taken over six, perhaps, of his brother's wives. In the case of Makahleleka, there is no doubt that he can afford possibly to pay; he is a well-to-do Chief, and he can afford to pay his £70 or £80 or £100, if it were necessary, for his wives, but that amount is a drain on his capital. That man contracted his obligations during a period, perhaps, 20 to 30 years ago, when the country was absolutely an independent country, and obligations of this description were contemplated. He feels that he is called upon to pay a tax for women in numbers, that he is being unjustly treated, because he has contracted those obligations at a time when it was never contemplated that he should be taxed. On the other side we have the poor man. The poor man has had, according to the customs of his tribe, three of his brother's wives, or four of his brother's wives, handed over to him, and he has to take them. He has to build houses for them, they come into his kraal, and the obligation to take them over is a part of his being, so he cannot get out of it. He is called upon to pay his £2 per hut for each of these women. Consequently, I think it is absolutely unfair in both cases. The Government may, and the Government does, limit the tax to, I believe, a charge on three wives, or to the sum of £6—it has done so—but the mere fact that these Natives have been told that they have to pay for each woman appeals to them as an unjust act, and although a large amount may be rebated them, although they may be excused from paying a very large amount, the poor man has great difficulty in paying, and, he says, "as for the man with 35, he is a big Chief, and they do not make him pay," and so a general feeling of dissatisfaction grows up in the country.

41,515. What are the special advantages that you see in the registration of Native marriages?—The advantage is a statistical one. We will know exactly how many married women there are. Secondly, it is advantageous because it will possibly, and one may reasonably hope it will ultimately, lead to the registration of births and deaths amongst the Natives, and thirdly, it brings the Native into contact more intimately with the Government, which is always an advantage.

41,516. Then you would not propose to dignify the Native marriage in any special manner by reason of this registration?—It would dignify it. The handing of a certificate to a Native would mean a very great deal.

41,517. But only in that sense?—Only in that sense. It legalises it. If that became a law it would legalise it, and they would come to adopt it.

41,518. For the purposes of registration you would regard it as a simple marriage under Native custom and nothing more?—Yes.

41,519. In allowing ten acres as the portion of commonage for the grazing of stock belonging to the head of a family, what do you reckon in the way of stock to each head of family?—Two I think. It is not ten acres. It is ten acres as a whole, a portion of which is to be arable and a proportion of which is to be communal.

41,520. What proportion of the ten acres would you think fair for arable purposes?—I think about, and certainly not more than, six acres, and probably four. Between two and three acres is actually what they are utilising now. To be liberal, I think it might be extended to four.

41,521. Do you consider the allowance of four acres of grazing land to the head of a Native family is anything like proportionate to the stock they own or their requirements?—Yes, they will have to learn to feed their stock just on a small scale. In this movement we are practically preparing for future contingencies when there will be absolute limitations of land.

41,522. Under this system of yours, I take it that the area at present available for Native occupation in Swaziland would be greatly restricted?—No, not the present area of occupation. I reckon at the present time that they are occupying 150,000 acres of ground in Swaziland—that they are actually in occupation, with stock and with cultivation, of 150,000 acres. Now we are presuming that, in addition to that, the suggestion I made in my paper was adopted that a like area should be reserved. I really feel quite nervous in discussing Natal or in discussing some of the large Native areas in the Cape Colony in this connection, but I presume they too will be practically faced with the same difficulties we can see ahead of us in Swaziland, and might almost safely be embraced in the whole scheme. I take it, that in Swaziland we would provide 50,000 acres, which is actually the area occupied by the Natives at the present time, and an additional 150,000 acres for contingencies, and allot that to Natives in perpetuity.

41,523. Before you go further, where do you propose to get the additional 150,000 acres?—In Swaziland the conditions are rather unique; they would not obtain elsewhere. In Swaziland the proposal would be that the land-owners should supply it from their land, and that it should be marked off as a servitude on their leases. That is a case quite foreign to any other Colony. But the land should be acquired and set apart, and it should be set apart out of Government lands. In Swaziland the Government own but little land, but in the Transvaal they have considerable areas. It should be provided in small sections of, say, certainly never more than 500 acres, sufficient for, perhaps, 50 families, because the larger the area the Native is tied up in the less he comes into touch with the European. I take it that to answer your question, 150,000 acres of Swaziland, with an additional reserve of 150,000 acres, would meet all contingencies, provided that that ground is invested in the Native solely, and if the Native buys more he cannot buy it outside of that area. If the Native sells ground he can only sell it to a Native; in fact, the Native for a considerable period in his history will have to be entirely under the control of the Government in respect of his land titles.

41,524. Practically your scheme then would be to give out to the Natives, to each family, an arable lot of, say, about six acres, and then let the balance of the land be available for a commonage?—Yes,

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give it out to the Natives concentrated in small areas not exceeding 500 acres.

41,525. *Mr. Krogh.*] What would you say is the area of the whole of Swaziland?—4,500,000 acres. It is about 3,000,000 acres now as it stands, shorn of the Little Free State, Zambana's, and Umbigisa's.

41,526. *Mr. Stanford.*] Are not the Swazis pretty well scattered over the 3,000,000 acres?—They are mostly scattered over the central portion of the country.

41,527. What do you estimate is the extent of the area now in actual occupation by the Swazis, irrespective of concession claims?—Do you mean actually under cultivation?

41,528. In occupation, which they are cultivating and grazing, irrespective of concession claims?—I reckon it out at 150,000 acres.

41,529. Then there must be a very considerable extent unoccupied?—Enormous.

41,530. The whole of it is really the part of the country owned by the Swazi Chief and his people before the concessions were granted?—Yes, for about 50 years. Previously a portion of it was owned by a tribe of Basutos.

41,531. Do you think that those people contemplated the alienation of the tribal land by those concessions granted from time to time?—I do not think that the mass of the people contemplated anything at all; they simply obeyed their Chiefs and Indunas, but the Chiefs and Indunas looked at the position in this way. They saw they were surrounded by Europeans, and Umbandine himself, in reply to a question and a protest which was made by Mr. Jackson, a missionary there, explained that the Europeans were all round him, and he knew he would have to give way before them, and he thought he might as well be paid for it. That was the view adopted. He said, "I may just as well eat before I die." He said, "My father told me that if the Europeans came in here they would never go out. I have the Portuguese on this side, I have the Transvaal on this side, and the Transvaal on the other side, and so on, and I may as well get something for it." That was his argument, and that was the argument of the Indunas. But to the Native, as you know, the question of the future does not enter into his reckoning at all. Had it not been for the Europeans who were protecting him, I doubt very much if the Swazis would have existed to-day as a tribe; they would have been swallowed up, or chased away by the Zulus, but they gave a strip of their country between Zululand and Swaziland to Europeans to protect them, and they engaged the influence of Sir Theophilus Shepstone to speak to Mpande, and under those conditions they, as they put it, came under the armpits of the Europeans. They did not discuss, or think it necessary to discuss the future, they put themselves under the armpits of the Europeans.

41,532. You regard them then as fairly well satisfied with what was done by the Chief?—That is a very difficult question to answer, because it is absolutely impossible to know when a Native is satisfied, and when he is not satisfied. He is never satisfied, if he knows he can get anything by being dissatisfied, but the moment that he finds absolutely that there is a finality to his protests he becomes satisfied immediately. I can assure you, if you went to Swaziland to-morrow, and asked them whether they were satisfied with the condition of affairs, you would have such piteous protests and pathetic stories that you would really think they were the most distressful people in the world, but if you told them such and such is bound to be the case they would say, "Thank you."

41,533. And still retain their own opinion?—And still retain their own opinion, whatever it might be.

41,534. Do you think any period of continuous service should exempt the Native labourer finally from the labour tax which you propose to impose upon him?—No, I should say that as long as he is fit to work, it is reasonable he should work, or pay his tax.

41,535. You would not allow even the limit which is observed, say in the Civil Service, of retirement at the age of sixty?—Yes, I should say at the age of sixty so very few Natives would be able to work, that Nature would put its limits upon their responsibilities under the tax.

41,536. *Mr. Thompson.*] I think you said that a man considered it a hardship having to pay for a plurality of wives?—Yes.

41,537. And he never contemplated that in the annexation of his country by the white man, and so on?—Yes.

41,538. Would not that same argument hold good in the question of the labour tax. Did he contemplate, in giving his country to the white, that he should ever have to pay a labour tax?—Yes. You see he never paid a tax to his Chief for his wives.

41,539. He paid his blood?—No, not for his wives. That is my argument. In the place of his labour he gave his blood; he risked his life. Now we have every reason, and can logically contend, that as we do not ask him to risk his life, we may ask him to risk his muscles to the State, to pay his strength—that he can understand.

41,540. Would you not rather attribute the deterioration of the Swazi, which you set forth, to the fact that there has been practically free trade in arrack and Portuguese liquors on the border, and that he has been able to get as much liquor as he likes?—No.

41,541. There was a time when there was a good deal of trade in arrack with the Swazi from the Portuguese side?—No; the Swazi was quite a connoisseur in liquors, and never drank anything but the best Hollands gin. In 1891 that was absolutely stopped, and the Swazis have since been as sober as a nation, excepting for their Kafir-beer drinks, which are quite legitimate and not very harmful, for the last fifteen years, as you will find anywhere in South Africa. What you speak of has not affected them, though you can see, the moment you cross the border at Nomahasha, the difference in the Natives. The orgies there are simply appalling; but that has not reached the Swazi.

41,542. Further, do you attribute a good deal of their deterioration to the fact of the young King having taken to drinking?—I should have made that exception in my previous answer: the example of the young King and his immediate *entourage.*

41,543. That, you think, was one of the main causes?—That is a cause. I have no doubt his influence would have bucked them up materially if in the earlier period of his reign he had been of a different character.

41,544. And for that reason, in the interests of the Natives themselves, as well as in the interests of the labour of South Africa, no means can be severe enough to keep the drink away from them?—I agree with you entirely.

41,545. *Mr. Samuelson.*] Have the Natives of Swaziland free and easy access to the Courts of the Native Commissioners?—Yes.

41,546. There is no delay in the administration of justice, or anything to complain about?—None. They have, of course, in the first instance to appeal to the "Ndhlovu Kazi" (the Queen Regent), but

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they have at all times an appeal from her judgments to the Native Commissioners.

41,547. Does the Queen Regent personally adjudicate?—Through her Indunas.

41,548. Through her Headmen?—The Headmen actually take the case, and she confirms their decisions. Sometimes she may take an interest in and hear a case herself, but, as a rule, the Prime Minister undertakes the details of the work.

41,549. Are balances of "lobolo" recoverable in the Courts of the Native Commissioners?—Our present Courts have not existed in any effective form so far as the laws of the country are concerned. They have simply been temporary offices, more for the preservation of order than for the administration of Native laws.

41,550. May "lobolo" be sued for in the Courts of the country, that is, in the Native Courts?—Yes, amongst the Natives themselves. In fact, there is a suit before the Courts now, which is a case in point. A Native "loboloed" a girl 10 years ago, and the girl refuses to go to him now. I believe that under the Native law of Natal no woman can be forced to go to a man. And now this man demands the repayment of the cattle which died in the rinderpest and coast fever periods. That is a case in point. The Natives are very insistent on that point, that is the returning of this "lobolo."

41,551. And if there was an appeal from the Queen herself to the European Court, would an appeal on a question of that nature be entertained?—That I cannot say. I do not know what the provisions are that have been made under the Proclamation which only comes into force on the 15th of this month.

41,552. Still, if the Natives of Swaziland found that they had no right of redress or right of appearance in the European Courts of the country in cases of "lobolo," what would be the position?—Dissatisfaction.

41,553. Do you think it would be an injustice if they were refused redress in such matters?—I do not think it would be just to them.

41,554. In speaking of the Native tax and a labour tax, would you include the Native Chiefs and other officials under the tribal system in Swaziland and in the labour tax provisions?—Not at the present time. Special provision would have to be made in Swaziland, as there we are handling practically the most independent Native race in South Africa, I mean the race which has enjoyed the greatest period of independence of any. Special provision would have to be made for certain members of the ruling caste, which would exempt them from many of the obligations imposed on the others.

41,555. And so long as the tribal system is maintained and the officers of that system are kept up, you would not recommend a labour tax being enforced against them?—Against them individually, no.

41,556. You have marriages by Christian rites, I suppose, in Swaziland?—A few; of course, there are marriage officers there.

41,557. Is that a contract which is binding and which precludes polygamy in Swaziland?—It precludes polygamy so long as the Native remains in the immediate environment and under the influence of the missionary, but I am afraid that the percentage of deflections in Swaziland has been very great indeed.

41,558. It is not an offence, then, for a Native man who has been married by Christian rites to contract a subsequent marriage by Native rites?—No, it is not an offence.

41,559. I think you said that you are in favour of the registration of all Native marriages by Native custom and usage?—Yes.

41,560. In order to give a legal status to the wife and also to protect her children?—I did not exactly specify those reasons. I referred more to the statistical value of it and to the possibility of its giving the Government ultimate control over the registration of births and deaths, and generally controlling the lethal statistics of the country.

41,561. Do you think that it would be right to do so for those reasons?—I think it would be possible to bring the Native nearer the influence of the white man than it does at the present time.

41,562. You would not recommend the abolition of the tribal system and tribal government?—Absolutely.

41,563. You would recommend it?—Yes.

41,564. When?—As soon as possible; to-morrow if the Government felt strong enough to undertake it.

41,565. And the conduct of the Chiefs and their way of managing affairs has been altogether unsatisfactory?—It is marvellously satisfactory, that is the unfortunate part of it. It is marvellously satisfactory as applied to a people who are going for ever and a day to live *en famille*. It is one of the most perfect systems of administration that one could have if the Native was perpetually and for ever and a day going to live *en famille*, and never going to elevate himself out of that state and move into the sphere we want to see him move into; that is, a purely industrial and civilised sphere.

41,566. Are Natives rather encouraged to take their cases direct to the Courts of the Native Commissioners, or must they go to the Courts of their Chiefs in the first instance?—They must go to the "Ndhlovu Kazi" in the first instance.

41,567. And nobody's case may come before a European Native Commissioner before it has passed that Court?—Not hitherto. Of course, you understand that we have been purely in a transitory state, and I do not know what the new arrangements will be. But hitherto the Natives have had first to go to their Chiefs.

41,568. The questions of franchise and representation, I suppose, do not arise at all in connection with Swaziland?—Not at the present time.

41,569. What is your opinion with regard to the Natives and the franchise?—I am absolutely opposed to it in any form.

41,570. At any time whatsoever?—As far as we can humanly say, at any time whatsoever.

41,571. Will you state the ground on which you base that view?—Certainly. In the first place I believe that the Native is not capable of equitably considering any question, or of importing equity into his consideration of anything. I consider that that position is proved by the existence of Hayti and Liberia and the Native States in the West Indian Islands, and of the negro rule in the United States between 1866 and 1877. The Native, if he is a highly-educated man, naturally is an ambitious man, but he finds himself, no matter how high his educational attainment may be, barred from social equality with the European, and that status of equality no legislation can ever bring about. Of course, we do not know what process of evolution the Native may pass through that may fit him for all sorts of things, but at the present time, as far as we can humanly see, there is no possibility of social equality; there is no prospect of the admission of the Native on a footing of social equality with the white man, no matter how highly educated he

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41,547. Does the Queen Regent personally adjudicate?—Through her Indunas.

41,548. Through her Headmen?—The Headmen actually take the case, and she confirms their decisions. Sometimes she may take an interest in and hear a case herself, but, as a rule, the Prime Minister undertakes the details of the work.

41,549. Are balances of "lobolo" recoverable in the Courts of the Native Commissioners?—Our present Courts have not existed in any effective form so far as the laws of the country are concerned. They have simply been temporary offices, more for the preservation of order than for the administration of Native laws.

41,550. May "lobolo" be sued for in the Courts of the country, that is, in the Native Courts?—Yes, amongst the Natives themselves. In fact, there is a suit before the Courts now, which is a case in point. A Native "loboloed" a girl 10 years ago, and the girl refuses to go to him now. I believe that under the Native law of Natal no woman can be forced to go to a man. And now this man demands the repayment of the cattle which died in the rinderpest and coast fever periods. That is a case in point. The Natives are very insistent on that point, that is the returning of this "lobolo."

41,551. And if there was an appeal from the Queen herself to the European Court, would an appeal on a question of that nature be entertained?—That I cannot say. I do not know what the provisions are that have been made under the Proclamation which only comes into force on the 15th of this month.

41,552. Still, if the Natives of Swaziland found that they had no right of redress or right of appearance in the European Courts of the country in cases of "lobolo," what would be the position?—Dissatisfaction.

41,553. Do you think it would be an injustice if they were refused redress in such matters?—I do not think it would be just to them.

41,554. In speaking of the Native tax and a labour tax, would you include the Native Chiefs and other officials under the tribal system in Swaziland and in the labour tax provisions?—Not at the present time. Special provision would have to be made in Swaziland, as there we are handling practically the most independent Native race in South Africa, I mean the race which has enjoyed the greatest period of independence of any. Special provision would have to be made for certain members of the ruling caste, which would exempt them from many of the obligations imposed on the others.

41,555. And so long as the tribal system is maintained and the officers of that system are kept up, you would not recommend a labour tax being enforced against them?—Against them individually, no.

41,556. You have marriages by Christian rites, I suppose, in Swaziland?—A few; of course, there are marriage officers there.

41,557. Is that a contract which is binding and which precludes polygamy in Swaziland?—It precludes polygamy so long as the Native remains in the immediate environment and under the influence of the missionary, but I am afraid that the percentage of deflections in Swaziland has been very great indeed.

41,558. It is not an offence, then, for a Native man who has been married by Christian rites to contract a subsequent marriage by Native rites?—No, it is not an offence.

41,559. I think you said that you are in favour of the registration of all Native marriages by Native custom and usage?—Yes.

41,560. In order to give a legal status to the wife and also to protect her children?—I did not exactly specify those reasons. I referred more to the statistical value of it and to the possibility of its giving the Government ultimate control over the registration of births and deaths, and generally controlling the lethal statistics of the country.

41,561. Do you think that it would be right to do so for those reasons?—I think it would be possible to bring the Native nearer the influence of the white man than it does at the present time.

41,562. You would not recommend the abolition of the tribal system and tribal government?—Absolutely.

41,563. You would recommend it?—Yes.

41,564. When?—As soon as possible; to-morrow if the Government felt strong enough to undertake it.

41,565. And the conduct of the Chiefs and their way of managing affairs has been altogether unsatisfactory?—It is marvellously satisfactory, that is the unfortunate part of it. It is marvellously satisfactory as applied to a people who are going for ever and a day to live *en famille*. It is one of the most perfect systems of administration that one could have if the Native was perpetually and for ever and a day going to live *en famille*, and never going to elevate himself out of that state and move into the sphere we want to see him move into; that is, a purely industrial and civilised sphere.

41,566. Are Natives rather encouraged to take their cases direct to the Courts of the Native Commissioners, or must they go to the Courts of their Chiefs in the first instance?—They must go to the "Ndhlovu Kazi" in the first instance.

41,567. And nobody's case may come before a European Native Commissioner before it has passed that Court?—Not hitherto. Of course, you understand that we have been purely in a transitory state, and I do not know what the new arrangements will be. But hitherto the Natives have had first to go to their Chiefs.

41,568. The questions of franchise and representation, I suppose, do not arise at all in connection with Swaziland?—Not at the present time.

41,569. What is your opinion with regard to the Natives and the franchise?—I am absolutely opposed to it in any form.

41,570. At any time whatsoever?—As far as we can humanly say, at any time whatsoever.

41,571. Will you state the ground on which you base that view?—Certainly. In the first place I believe that the Native is not capable of equitably considering any question, or of importing equity into his consideration of anything. I consider that that position is proved by the existence of Hayti and Liberia and the Native States in the West Indian Islands, and of the negro rule in the United States between 1866 and 1877. The Native, if he is a highly-educated man, naturally is an ambitious man, but he finds himself, no matter how high his educational attainment may be, barred from social equality with the European, and that status of equality no legislation can ever bring about. Of course, we do not know what process of evolution the Native may pass through that may fit him for all sorts of things, but at the present time, as far as we can humanly see, there is no possibility of social equality; there is no prospect of the admission of the Native on a footing of social equality with the white man, no matter how highly educated he

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may be or how high his worldly position may be. You admit that now. The Native has political power given to him, and he may be a man whom we are glad to meet and proud to know and whom we are pleased to discuss matters with; but we one and all refuse him social equality. That man has at his back at the present time the preponderating mass of his own colour, and if his own people were allowed to vote for him they would put him right away at the top, because he is their intelligence, he is their colour, and he is a man who undoubtedly has his affinities with them and not with the Europeans. He and his side know that if they can bring all that immense weight behind him to put him in the dominant position, then he can move through society and enjoy all those privileges that are now denied him, that, being an educated and talented man, he naturally thirsts for and feels he must have. By using this power and making it the dominant power in the country, he will be able to move through that society as the independent white man moves in his sphere. Consequently, so long as there is no social equality between the two races, there is no possibility of equity coming into any of the Native's judgments or into his ideals of political life.

41,572. Then, in view of the great preponderance in numbers between the black and white population in favour of the black race, do you think if they were allowed the privilege of the franchise the time would not be far off when the white race would almost suffer political annihilation?—I would never think that.

41,573. It is impossible?—It is impossible.

41,574. If you give him the vote?—Yes, because I am confident that if anything of that sort was attempted, as it was attempted and as it succeeded in the Southern States of America, and if ever the time came that that preponderating vote of Natives was going to dominate the whole political life of this country, means that would certainly not be constitutional would be used to prevent it.

41,575. By the white population?—By the white population; never would the European under any circumstances permit himself to be dominated in this country by a Native vote.

41,576. Then, you think that we should best protect the Natives by preserving them from any line of political or commercial progress which would bring them as a people into competition, rivalry and conflict with the white man?—By preventing their being brought into rivalry?

41,577. You think we should best preserve them and look after them if we did prevent it?—I do not go that far. I look at it purely from an equitable point of view, and this is my view on the whole of the Native question politically. The Native will not suffer one iota by being governed by the white. In the whole history of the world, as far as we can see it, we cannot put our finger on a single Government where the Native has been ruled by the white, where the intelligent Native has been ruled by the Anglo-Saxon, that the Native has, since the emancipation of the slaves, been repressed unjustly or badly treated. But, on the other hand, we can look all over the world, and we will find that immediately the Native comes to control anything he turns the white man out holus bolus. Therefore, the white man is not well governed under black rule. We can see it to-day, and we have precedent after precedent in recent history to prove that this is the position. But, as I have said, the Native does not suffer at the hands of the white man. That he is not

enjoying political privileges does not mean that he is being badly treated, because he is treated, as a matter of fact, in the most fair and generous way by the European. But there is one thing that the Native will have to do in this country sooner or later. He will have to feed himself, and he will have to work to feed himself. He will have to earn his own living; and politics will not put food into his stomach. We have to provide him with some weapon that will put food in his stomach, and, consequently, I say that the Native ought to be given every opportunity of industrially training himself for the competition of the future. I do not think the political phase of the question affects that at all, so that I do not think he ought to be disarmed from competition with the Europeans, because if he is, then we are going to suffer. If we are so frightened of the Native that we are afraid of giving him the opportunity of equipping himself to compete with us industrially, then we are going to suffer.

41,578. Have you had any occasion to study the history of the process of the extinction of the aborigines in Tasmania and Australia; do you think your remarks apply equally to them as far as the question of protection and so on is concerned?—I recollect very well one instance that I read of, that is where the aborigines were placed on an island to the North of Tasmania between the Tasmanian coast and the Australian mainland, where the Government did everything they humanly could to preserve those people: clothed them, fed them, kept Europeans away from them, kept liquor away from them: and yet they died.

41,579. And is that the process that is going on with regard to the aborigines of Australia; have they been treated in the same way?—I am sorry to say I do not know the conditions in Australia, but those were Australian Natives, and I recollect the very interesting and the very determined attempts that were made to keep them alive by the Government; and they failed.

41,580. Those were Australian aborigines?—Yes, Australian aborigines.

41,581. You think, then, that the interests of the Native population are sufficiently protected by the Courts of the country and by the officials appointed by the Governments of the country to rule over them and to manage their affairs?—The present Courts, as long as they live under communal tenure, yes, but I should like to see them come absolutely under the laws which regulate the Europeans, as far as the Courts are concerned.

41,582. Then, if they come entirely under our laws, as you say, would you keep them under the disabilities as well as give them the advantages of the change?—Yes, in every respect, save and except the franchise.

41,583. To go back to "lobolo," is that not one strong inducement a Native has to leave home to go out to work?—It was.

41,584. It is not now?—I am afraid not.

41,585. Then, in abolishing "lobolo," which I think you recommend, it would not affect the labour market in any way or the Native as a factor in the labour market?—I should not like to say that it would not affect the labour market in any way; it might affect it, and probably it would in a small way. As I say, the practice of "lobolo" is a gradually decreasing observance in Swaziland, not from intention but through fortuitous circumstances.

41,586. Does the Native woman who is married without "lobolo" regard herself in the same light of respectability, and is

she also regarded by others in the same light of respectability, with out the "lobolo" as with it?—If she were a single wife I should say she would; but if she were a woman living in huts with other wives, if the others had been "loboloed" and she had not, she would not.

41,587. Do you not think that the hope of geeting "lobolo," or the certainty of getting "lobolo" for his daughter by marriage induces him to take better care of his daughter and to keep her from becoming immoral and being a waster than he would do otherwise? —I quite agree with you there, but I say that at the present time the father's influence over the woman is disappearing, with "lobolo," entirely, and that is principally because in the old days in Swaziland it was quite open to the Chief to kill a girl who did not obey her father in all respects as to morality; but that has been altered, and it has given the woman a great amount of encouragement to defy her father. Then, again, her value in the market has come down through the enormous losses in cattle; and taking one thing with another it has rather led to an abuse of the system.

41,588. Do you care to express any view at all with respect to the illicit intercourse between a European man and a Native woman and inter-marriage between the two races?—I must say, and I am thankful to be able to say, that in Swaziland we have not had much of the inter-marriage, though naturally in a young country like that there has been some little intercourse between the Europeans and the Natives. But the latter has all been within recent years, because one of the strictest principles of the Natives in the days when we first knew them there was that there should be no intercourse between the Native woman and the European.

41,589. Is that maintained?—It is not maintained.

41,590. Do you think that anything should be done in the direction of making inter-marriage and illicit intercourse unlawful?—I am afraid legislation would not stop it. If the demands of society, which are fairly strict in South Africa, are not sufficient to stop it, I fear very much that we would only be making criminals of men if we made it illegal.

41,591. Do you think that polygamy increases the expense of maintaining his family in the case of a polygamist?—No.

41,592. Or does it practically take him out of the labour market and enable him to maintain himself on the services of his women? —Yes.

41,593. That is the effect?—Yes. Of course, I think, with regard to Swaziland, that polygamy practically means not more than two women a man. The average, I should say, is certainly not more than two wives to the married male adult. So that it is not a very formidable factor in the case of the Swazis. I do not know, of course, how it may be in some of the Native districts in Natal, but in Swaziland it is not a very serious factor.

41,594. Would you say that polygamy increases a man's expenses in the way of living if he practises it on private lands, or is it only with regard to the communal lands you speak?—I think that, generally, it decreases his cost of living, on farms as well as in communal areas. It enables him to live with less expense, because the woman is the producer: she produces that which brings him his revenue.

41,595. Have any of the Native youths in Swaziland been sent away out of South Africa to be educated?—No.

41,596. Has no attempt been made to do so?—Yes, and I believe that there is every likelihood of one of them going to Europe.

41,597. What is the reason for that?—I think it is ambition. In the first place the Native, as you know, is an imitator, and his ambition being to be as like an European as possible, education being one of the qualifications towards the attainment of that desire, he is desirous of acquiring it.

41,598. I suppose that sufficient education is available in the country for their needs?—No, I am afraid not; of course, they are being educated purely in their letters and not in industry.

41,599. Say that industrial training were to be established in the country, on what lines do you think they should be instructed; in what particular lines of industry?—I think they ought to be educated first of all as ploughmen, agriculturists, and growers generally. I think the women ought to be instructed in household duties just on the same principle as is done in a certain town in Virginia. There is in that State a tremendously big milling district where the children grow up without any education whatever. They could not get those children to school, so they decided to start an industrial school in the vicinity of the works, where those children who took their fathers' dinners to the mills could be caught for an hour or so and given some industrial training. They started those schools and they taught the women and girls in those schools the ordinary duties of the homes, such as bed-making, cleaning the floors and pots and pans, and so on. Those people were not only of the lowest type of Europeans, but they were a manufacturer's labouring class, in extreme poverty and ignorance, quite illiterate. The success of those schools has been so marked that in the manufacturing towns of both the States of Georgia and Virginia similar schools have been established, where they can get hold of the children for a couple of hours or for one hour in the middle of the day and impart to them some industrial training and make them generally useful.

41,600. Would you approve of the State assisting them by way of grants and so on, in raising the Natives to that degree of education industrially that would place them in competition with the Europeans?—Yes, certainly.

41,601. How would you propose that the expense of materials and other things which are necessary in industrial training should be borne?—A portion of the tax imposed upon the Natives should be allotted to that.

41,602. You have had a good many labour agents and labour recruiters in Swaziland?—Yes.

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their homes to go to the labour centres?—I cannot say they have been turned out of their homes. They were persuaded to go to work, but I do not think that there has been any case where they have been turned out of their homes.

41,605. Well, where there are labour recruiters, are they very active and strong in their endeavours to bring out labour, or has it eased off?—They tried their best in Swaziland, and absolutely failed, and long before the Chinese came they had abandoned the attempt.

41,606. Will the introduction of the Chinese have the effect of bringing more of them on to the farms and so assist the agricultural interests of the country?—I do not think so. What I think it will do, for the present, at any rate, is that it will give railways, and stablemen, and carpenters, and men working in towns and in the vicinity of towns, greater opportunities of getting cheap labour, more than it will relieve the farmers.

41,607. *Mr. Krogh*] Are you referring to Swaziland alone?—To Swaziland and the Eastern Transvaal. Unfortunately, the Native is too anxious to go off the farms to the towns. I say unfortunately, because the Native is far better on the farm than he is in the town; he is better behaved and everything else—at least he is so in other countries, and I do not know that our statistics enable us to form any other opinion here.

41,608. *Mr. Samuelson*] Do you think the Swazis as a nation or as a people would favour individual tenure in the manner you have suggested?—No.

41,609. And do you think if the land is apportioned in the way you have mentioned—10 acres per married man—that there would be sufficient land throughout the country for that purpose?—Yes.

41,610. At the present time?—Yes.

41,611. And for how many years to come?—I presume that if the Natives were forbidden to sell their ground to Europeans, and if they had as much ground as that which would be allotted to them under a scheme of 10 acres per adult male, there would be enough land for all time for the Natives. That is, as far as one can humanly say.

41,612. At their present rate of increase?—Yes, because it would only be a proportionate number of the increase in the Native population who would remain on the land. In the case of many of those Natives who to-day would hold this ground in entail, their heirs would probably get the Government at some future date to agree to their selling that ground. Every man is not suitable to be a farmer and to live on the land. Hundreds of them, in fact a large percentage of them, might become good industrial mechanics and go and work on the land in the days when we have, as I hope we shall have, sugar mills and tea mills, and cotton mills, and all that sort of thing, going on in the country. These men would possibly be better as mechanics working in the mills than they would be as owners of the ground; and their ground would be at the disposal of the Government to apportion to those who have the capacity and the desire to live on the land. So in that way there would be an interchange, and the land would be sufficient for the purpose we are discussing.

41,613. In the case of the sale of the land, you would restrict the sale to a Native?—That is what we do now. We admit that the Native in Swaziland has a certain claim to the land, and we admit

possibly in the Transvaal too that as the Natives are living in locations all over the country those Natives have a claim to the ground they live on. Something has to be done to put an end to this expectancy of the Native everywhere. Every little child that we see running about to-day will, when he reaches the age of puberty, or when at any rate he reaches a marriageable age, expect his Chief or the Government to give him a bit of ground to live on. We say there must be a finality to that somewhere, and we are going to start here. We are going to say to the Natives, "We are not going to take away the ground that you people have got and are holding on the communal system, in Swaziland, in the locations in the Waterberg district, in the Zoutpansberg district, or wherever it may be. We do not take the ground from you, but you must understand that from this day forth you are limited to these pegs here and here and here. That is your piece of ground, and if you have eight, or nine, or ten children, well, one boy can inherit that land, but we are not going to provide land for the whole lot."

41,614. That is, you are in favour of the English law of entail?—Yes, with the right of the Government, of course, to break the entail at all times if it should be found necessary—if the Magistrate in the district found it necessary.

41,615. You would not forbid the other children living on the land, but you would not give them any land?—That is it. The position is this, that we cannot to-day say to the Native, "You must go and work," because it is against our principles to force labour, and it would be misinterpreted in other countries. But we have now come to the time when somebody has to say that; somebody has to be hard to the Native if he is not to grow up a miserable, flabby, good-for-nothing man—which is what he is growing up. In a country like Swaziland somebody has to say that he must go to work, and that somebody is his parent, who will have to say, "I am not going to support you boys; you must do something for yourselves"; and if he in his heart has a feeling or cares a rap for them, he will see that they get a training to enable them to follow some useful occupation. The responsibility will be put on the parent; it will be departmentalised; and the only chance to help the people is to put the responsibility on to someone who ought to carry that responsibility, and that person is the parent. Of course, if the parent could afford to keep nine or ten children on his land he would do it; but the majority of the people would not be able to do that, but would say to the children, "If you want to buy ground or if you want to get food, you must clear off and earn the money for that purpose; I will not keep you"; and those children cannot expect to come to the Government and say, "Give us a bit of ground."

41,616. Then if over and above the land distributed amongst the Natives at the present time in the country there was any surplus, would you not treat that in the same way, or would you leave it open to be purchased only?—Yes.

41,617. *Mr. Thompson.*] You do not mean to say that the average Native Swazi male has two wives; would you not rather say that this average applies to the polygamists only?—It applies to the country as a whole. There are about 12,000 to 15,000 adults males married.

41,618. And about 24,000 or 30,000 married women?—Yes.

41,619. *Captain Dickson.*] I take it from your answers on the subject of industrial education that you consider that when the Natives go to the mines to work they get there a certain amount of industrial training?—Yes.

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41,620. And you think that in the interests of South Africa as a whole that the Natives going on to the farms to work ought to have the same chance?—Yes.

41,621. Do you think if these Natives were given that industrial education that there would be any amount of work for them on the farms in South Africa?—Yes.

41,622. You do not think that they would come into competition with the white man?—Not on the farms.

41,623. And elsewhere: on the mines and wherever else they are employed?—Yes; I anticipate that in time the Native will come into competition with the white man, just as he did in America, because we are living America's life over again in this country to-day, only instead of having slaves we have Natives living under communal tenure. As soon as it became worth the while of the European to compete with the negro in America the negro had to take a second place; and I presume that the same thing is going to apply in this country. America by bolstering up its white men and by repressing the negro would not have made the white man a better labourer; but the moment it became worth the white man's while to compete with the negro, the negro went. One can see that in New York to-day. When I was a youngster I was in New York, and I can remember distinctly how nearly every barber in the place and every coachman was a negro, and that was because it was not worth the white man's while to compete with him. But when the time came that the white man found that he had to accept humble positions the negro had to give way before him; although he was also an industrially trained unit he could not compete with the white man. And so, I presume, it will be in this country; the moment the Native comes into competition with the white man he will have to take a subsidiary place, and that place, we presume and hold, will be on the farm or anywhere where labour has necessarily to be cheap.

41,624. I take it also from your answers on industrial education that you think it is the duty of the State to support this kind of education?—Yes.

41,625. In your experience in the Transvaal and in Swaziland have you seen anything of this squatting on farms, and do you hold any opinions on this subject?—I have not seen very much of it. I have seen, naturally, that certain farms have large numbers of Natives—quite an overplus, in fact; and on the other farms they cannot get a single Native labourer. I have seen that, but it really is not a question that I have actually gone into.

41,626. If Natives in this Colony or in any Colony in South Africa wished for higher education of a nature that they could not get in this country, do you think that the State should provide it if the Natives paid for it?—Higher education?

41,627. Yes?—No; I think it is the most disastrous thing we can give to the Native.

41,628. Do you think that it is better for those who wish this higher education to go to other countries to get it?—Yes, anywhere.

41,629. And then return here with other views than what they would be likely to hold if they remained here?—Quite so; I should discourage higher education in every possible way, because we can see what its result is in America now. We can see how they are spending millions of dollars—they are spending between £2,000,000 and £3,000,000—a year on higher education and at the same time they are absolutely disqualifying the negro for anything but town

life. We can see from the statistics of the last census that town negroes contribute the largest percentage of criminals in the total. The statistics are plain on the point.

41,630. *Mr. Krogh.*] Should the Natives have anything to pay for these plots of ground that you suggest they should have allotted to them?—Not at the first, because they would simply be the equivalents of land they now hold in communal tenure We take from them under communal tenure, but we give them individual title in the place of it.

41,631. In these areas—I am now referring to Swaziland—would not that encroach on certain concessions granted by the late Swazi King?—Yes.

41,632. How would you arrange that?—At the present time there is an undivided right between the concessionaire and the Natives; in the case of every concessionaire the condition was that the Natives living on the ground should have their rights respected.

41,633. But there are certain freehold properties that were granted without that reservation, were there not?—Yes.

41,634. How would these properties be affected?—Under the Proclamation they would be affected in a like measure as the others, as the Proclamation provides for the handling of every one of them. I may say that I do not think it would be any hardship to the landowners of the country, inasmuch as the desire of us all is to have Natives on our farms; they are part and parcel of our household.

41,635. It would rather be an advantage?—It would be an advantage. We all desire to have the Natives with us and to make them a part of our household.

41,636. Have you got any of the A.M.E. Church, or Ethiopian Church missionaries working in Swaziland?—We had, unfortunately. I should not like to state more than I have heard, and I do not know if that will be of any value to you. I have heard that they have been there, but I do not know it of my own knowledge.

41,637. Have they taken any root there, so far as you know?—So far as I know they have not.

41,638. *Mr. Sloley.*] You said, Mr. Miller, that the area of Swaziland is 3,000,000 acres?—Yes, about that.

41,639. Is that land all under concession to Europeans?—Yes. The concession is now practically a title; it is practically just the same as if a man came into this country and bought a title to land. It is either a mineral title or a land title held either by the Government or by Europeans, and with Natives enjoying undivided rights on that land. That is practically the position.

41,640. So that the late King did cede every portion of his tribal lands to Europeans?—He did.

41,641. Then these 300,000 acres which you would reserve for Native areas, would that be arranged for with the holders of these concessions?—Yes.

41,642. *Mr. Thompson.*] Will you define what rights were retained by the King for his people in giving away these 3,000,000 acres, because I understand that the Natives have prescriptive rights to living on these lands?—The right reserved was in these words:—"It shall be hereby understood and agreed upon that the rights of my Native subjects who are, or who may be living on the ground, shall not be interfered with." That was the general clause in the concession that preserved their rights.

41,643. Practically a life right?—Yes.

41,644. It terminated at the end of their natural lives?—It might

be interpreted as such, but it is broadly interpreted as the right of such Natives living on the ground and their progeny.

41,645. In perpetuity?—That is a very difficult question to answer.

41,646. *Mr. Sloley.*] Is it a settled question?—It is not a settled question.

41,647. *Mr. De la Harpe.*] Does that mean their offspring hereafter, too?—I should not think so. It would have done had a sovereignty government been retained; had the King, as an independent monarch, continued to exercise rights, it might have been interpreted as such. But in the general evolution of things in Swaziland the whole position has been reversed, and it is difficult to say what meaning is to be attached to that reservation. It certainly will have to be defined in some way or other, but it is quite impossible to put any clear definition on it at the present time.

41,648. *Mr. Sloley.*] You said that the advent of the Europeans had preserved the Swazis from extinction; but the result of about twenty years' contact with Europeans is that the national property in land is entirely alienated from them?—Yes.

41,649. Not to be too local, but to leave Swaziland, and to speak generally, do you think that the amount of land you have proposed to allot to the Native is sufficient?—I think it is a liberal estimate.

41,650. Is one soul to two acres of ordinary average African land a liberal estimate; because you propose to preserve 160,000 acres for 80,000 souls?—Yes, certainly.

41,651. One human being per two acres?—Yes. When you say African land, not to be too local, I would say Swaziland and the Eastern Transvaal. Of course, it would not be sufficient if the Native did not learn to cultivate, but if he learnt to cultivate land it would be more than ample.

41,652. You referred to his lack of interest in farming pursuits, and to the fact that mining and other pursuits had more attraction for him. Is not the only reason for that that one is much more remunerative than the other, that is to say, that the mining industry gives him higher wages?—Yes. I am talking after observing the character of the Native's work on the mine and his work on the land, not so much the number of Natives who go to the mines and the number who work on the farms. I say that it might even pay some of us to give more than the mining rate of wage on a farm, if the Native worked on the farm as he worked in the mines. We have to remember this, that in the mines the Native is supervised by a white man who is probably getting £20 a month, and it is absolutely impossible for the farmer to supervise the Native with a white man. The moment that a Native on a farm is removed from the immediate observation of a white man he is not a worker. He has no interest in his work, and he simply goes about work on the land just as he would do on land of his own. He sits down and he smokes and talks to his neighbour. He will take up his pick and pick the ground for half an hour, and then sit down under the shade of a tree or bush, and, perhaps, go to sleep for half an hour, or have a chat with his neighbour. He is not interested in the land in the same sense as he is interested in getting a hole in a certain number of hours in the face of a rock. He is not interested, because he has not been trained. He applies on the land of the European the same principle he applies in going out to pick in his own garden, which is a mere matter of their daily social life.

41,653. *Chairman.*] In reply to questions, Mr. Miller, you have stated that in these concessions given by the late King of Swaziland all rights on the land were alienated?—Yes, save the reservation which I have referred to.

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41,654. Now, in all the important documents relating to Swaziland, the concessions called the charter, and other things, was there not a clause reserving the sovereign rights to the King?—Yes.

41,655. So that in giving these concessions he did reserve, or he wanted to reserve, the rights of his people to the land?—He wanted to reserve his own rights to the land.

41,656. His sovereign rights over the land and his people?—Yes, but that was entirely removed by the Judicial Commission that went into the matter.

41,657. He did give the concessions with a reservation?—Yes, and that in its turn was taken away from him by the Judicial Commission.

41,658. It is not what was taken away, but what his meaning was when he gave the concessions?—Yes.

41,659. *Mr. Samuelson.*] One of the effects of the industrial education of the Natives, I suppose, would be to spur on the white man to greater efforts and efficiency in order to maintain his position in the country?—Yes.

41,660. Do you think that in consequence of there being such a large mass of uneducated people like the Natives in this country a certain amount of indifference and carelessness has taken place amongst the white races in that direction?—Not at the present time, but, if it were perpetuated, that would be the result.

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The Reverend William Esdaile Cattley Clarke, examined.

41,661. *Chairman.*] You are representing the Education Department in this Colony?—Yes.

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41,662. Had you had any experience of this description in South Africa before you came here?—I was for four or five years one of Dr. Muir's inspectors in the Cape Colony, and in the district that I had to inspect there were three or four of the largest Native institutions in the Colony, including Lovedale and Healdtown; and, I suppose, about half of the schools that I had to deal with were Native schools.

41,663. Will you tell us what Native education is being carried on in the Transvaal?—You mean under the control of the Government?

41,664. Yes?—There is so extremely little in proportion to what is possible, and there is also the fact that all the schools that we have recognised have not been visited, that I can only speak in a very general and imperfect way. We had a preliminary enquiry last year, and we discovered that there were about 200 schools, or what were called schools, in existence under the care of different religious bodies, and, to assist these, we made a preliminary rough grant for equipment; and then we offered conditions on which they might obtain registration. We have now about 130 schools registered in our books receiving Government aid and accepting Government supervision and control.

41,665. Under what system do you give this aid?—Under a scheme that was agreed to by the Executive Council, coming into operation in the beginning of 1904, but there has been a certain difficulty in fixing any scale, because the sum of money on the one side

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is limited, and the possibilities of development on the other side are unlimited.

41,666. I mean, do you subsidise these schools through missions?—Through the missionaries.

41,667. Then you spoke of an educational scheme. Will you briefly tell us what that scheme is?—We accepted the existing arrangement by which the initiative was taken by different missionary bodies, and we decided to assist them if they made application for assistance. The first thing we did was to issue a lump grant for equipment. I may say that that was rather following what we understood had been successfully administered in Basutoland. We made a lump grant, giving a proportionate sum to the head of each mission, and we found that in this country that plan was exceedingly badly administered. It was very slow in its operation, and, as far as we could make out, very unequal in its distribution. So we resolved afterwards that, instead of giving the grants to heads of missions, or churches, we should give them to the individual missionary for certain schools under his direct supervision, and exact from him a careful account of the spending of that money, as specified partly for salaries, partly for equipment.

41,668. What are the conditions under which grants are made by Government?—The conditions mentioned here are average attendance, building, and general equipment, and sanitary supervision, discipline, and organisation, efficiency of instruction, and local contribution in fees or otherwise. If these conditions are satisfactory we are prepared to make a grant; and, I should add, that we also make a condition with regard to the question of numbers.

41,669. In the written scheme that was published it was said that one of the objects of the annual grants was to encourage the combination of manual training with the ordinary school instruction. In what form did you mean that encouragement to be?—We intended it to be understood that some form of manual instruction should be given in combination with the mere book learning, but we felt that it was impossible for us to prescribe the exact form it should take for each school, because the conditions varied so much, except for the girls. We indicated that it seemed to us that in the case of the girls it was always possible to prescribe and arrange for needlework instruction.

41,670. Well, in what way could you associate industrial training with the ordinary school work?—In one way we have devised certain subjects in the scheme of education, the standard scheme, with a view to training hand and eye, and we have asked the missionaries—because we have no one else who is competent to give an opinion—what they find it possible to arrange for in certain districts, and we are at present getting information on that point.

41,671. Is it now, or is it to be a *sine qua non*, that some kind of manual training is to be given in order to earn a grant?—We have indicated that after a certain date that will probably be made a strict regulation, but we have not made it so hitherto.

41,672. Do you mean to throw upon the mission societies the burden of providing schools and teachers and materials for these schools?—We have indicated to them that what we grant them for equipment may be in part applied to the equipment necessary for industrial instruction.

41,673. That is in trades?—Not specifically in trades; we have made a separate arrangement for that; we have suggested that Government itself may establish at convenient centres schools for the industrial training of Natives.

41,674. Do you purpose the children receiving agricultural training at these schools?—Gardening in some sort has been indicated to us as possible in a good many cases.

41,675. Then that assumes that they have available land for the purpose adjoining the schools?—Yes, and that is the difficulty, of course, in the case of town schools. We find the greatest difficulty in developing industrial work in connection with schools near villages or towns where land is not easily available.

41,676. And in making your grants, do you limit the giving of subsidies to schools under the supervision of white missionaries?—We make it an essential condition that the school must be under the supervision of a white missionary.

41,677. Have you received any applications for aid from missubsidies to schools under the supervision of white missionaries?—refer to such missions as the Ethiopian or African Methodist Episcopal Church?—I have received three or four letters, and my reply has always been to send them a copy of our scheme, and direct their attention to the fact that the school must be under the supervision of a white missionary.

41,678. Have they replied to you?—I have never heard anything further.

41,679. What is your opinion on that question?—I feel very strongly that we ought to maintain that condition.

41,680. That unless they are under the supervision of white missionaries no grants ought to be made?—Yes, unless they are under the supervision of white missionaries, no grants ought to be made.

41,681. Why do you think that?—I am giving that as my own personal opinion from my experience in the Cape Colony, where I discovered three or four cases where Native missionaries had schools under their own care, that, in the first place, they resented anything in the shape of advice from competent white missionaries, and, in the second place, their schools were as a rule in a deplorably backward state.

41,682. As a matter of fact, are they carrying on educational work?—I have heard of three or four places, but, of course, I have not visited them or recognised them in any way.

41,683. You know it is being done?—I believe it is.

41,684. You have no means of access to them?—No; we do not desire to visit them in any way on account of this regulation which we have.

41,685. Do you not think it would be a good thing that all schools, no matter who is carrying them on, should be inspected by Government officers?—I think that might be so if the Government accepted more responsibility for Native education, or if it were compulsory; now it is merely voluntary.

41,686. What I really wanted to get from you was whether you thought it was desirable or not that all schools should be open to the inspection of Government officers?—I certainly think it ought to be within our power to enter them.

41,687. As a principle it is desirable, and you have schools here that are not subject to inspection at all?—You are referring to such schools as the Ethiopian schools.

41,688. Yes?—I think it would be well that we should have the right to enter, but I rather fear in the meantime that if we did we should give them the impression that we were about to recognise and subsidise them.

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41,689. You spoke of the paucity of educational work in the Transvaal; do you think that work ought to be extended and made compulsory in any way?—I do not think the time has come for making it compulsory. I think all we can do is to endeavour to make it more efficient up to a certain point—up to the point we have indicated. In our scheme we have indicated Standard III. as the limit.

41,690. Why do you say Standard III.?—We have thought that Standard III. is the point that would best qualify for what we have contemplated as the next stage in development, namely, for industrial work on the one side, or for training of teachers on the other, and moreover as indicating what seems to be the limit of what is necessary for the ordinary Native to make him a more intelligent worker.

41,691. Have you established schools at any centres for the industrial training of Natives, or for the training of teachers?—We have not yet established any schools for industrial training, because the funds at our disposal do not allow of it, and moreover very few of the pupils would be able to enter on such work, because they have not yet reached the stage of Standard III. which we indicate as the preliminary. And with regard to the second part of your question as to establishing the training schools for teachers, there are two in the country that are receiving recognition from us; one at Kilnerton under the Wesleyan Church, and one in the Zoutpansberg under the Swiss Mission.

41,692. You are granting them aid only, not actually controlling them?—We are not yet controlling them, because we have not yet devised a scheme for the training of teachers. We have simply indicated in a very general way how they ought to conduct them in the meantime, and we subsidise them to a very small extent.

41,693. Is there any demand on your department by Natives, or on account of Natives, for granting them the opportunities of getting higher education?—Not directly. One or two missionaries have spoken to me of it as being desirable, and a number of them have mentioned cases where pupils desiring such education go outside this country and get it, chiefly, I think, to Lovedale and Morija.

41,694. Is there a greater demand for education than is supplied; that is, the common elementary education in this country?—There is certainly a greater demand than we are able to supply at present, because our great difficulty at present is to get teachers. The teachers that we found in those mission schools, under the care of those different societies, were selected in almost all cases chiefly as evangelists—their work as teachers was only a secondary matter in the mind of the missionaries—and we found them deplorably ignorant for the most part. We have tried to meet that by instituting periodical training courses, gathering together about thirty teachers at some convenient centre, and giving them instruction how to teach on the lines of our code. That has been done by the inspector of the Northern district, Mr. Jones, who had experience in the Cape Colony in one of the Native training institutions, and who has done excellent work in that way. His work has been so well recognised that I have already applications for as many such courses this year as we have sanction for. It is very difficult to meet the demand.

41,695. Was there any system of Native education carried on under the late Government?—Nothing that was recognised.

41,696. And have efforts been made under the new Administration to establish some kind of education amongst them?—Only to subsidise what schools we have been invited to recognise.

41,697. *Mr. Stanford.*] What do you gain by insistence on European supervision over every Native school?—I think we have a greater guarantee, in the first place, for co-operation with the Government in whatever it believes to be the best line, and, secondly, I think a guarantee for greater efficiency, and better understanding of the essentials of a good school.

41,698. But you have no real knowledge as to how these schools are being administered, or how successful they are, or how they are spreading without European supervision?—Only from such experience as I had in the Cape Colony, where I found that the attempt to administer schools by Native missionaries was not successful.

41,699. Were those schools receiving grants from the Government?—They were.

41,700. Then, presumably, the school attained to the standard approved by the Government inspector, otherwise the grant would not have been continued?—The grants in some cases, I think, were not continued. Those schools were under constant threat of the withdrawal of the grant. It is very seldom that a grant is suspended all at once from a school. A threat is issued generally as a warning, and unless improvement is indicated in a certain time the grant is withdrawn.

41,701. Then under that system Government control is secured over those schools, but at present you have none?—We have none over such schools, but those schools that I referred to in the Cape Colony, although under Native missionaries, were really belonging to churches or societies, which consisted both of white and Native missionaries; so that there was a certain guarantee there for uniformity of plan.

41,702. What is there objectionable in the idea that Natives should equip a school meeting the requirements of the Government, so long as the school is well-conducted, and education is being properly carried on in it?—I think there might be exceptional cases where a Native missionary might be found capable of conducting that. but on the whole I think it is generally admitted by those who have experience of Natives, that they do not make good administrators; that a Native teacher to begin with is not so willing and ready to accept the control of a Native missionary as of a white missionary.

41,703. But this proves to be an instance, does it not, of condemnation before trial?—You mean in this country?

41,704. Yes?—Yes, but based upon experience which is sufficiently similar to justify us in believing that we are likely to meet the same here.

41,705. Then, evidently, you are not aware that at the present time in the Cape there are schools controlled by those independent churches which comply with the Government requirements, and which are at the present moment receiving aid?—There were not any in my time; they were not accepted.

41,706. *Mr. Thompson.*] Is it not for political exigencies really that you think it advisable in the state of South Africa at present that all religious teaching should be under the white man, as fearing what is known to the outside world as the Ethiopian Church?—Personally, I think it is so, but I feel that it would be a mistake as

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it were to over-estimate the importance of these people by legislating specifically against them. That is why we have merely indicated the necessity for a white missionary.

41,707. As a matter of fact, it is a political offence you see, and you think it advisable?—Yes, but we can find sufficiently strong reasons otherwise.

41,708. I know you can find other reasons, but the main reason is that?—Yes.

41,709. *Mr. Samuelson.*] Has the Government of this Colony decided how far it will assist the Native in his education?—You mean up to what standard?

41,710. Yes?—We have indicated Standard III. according to this code.

41,711. Then any grant which may be given to assist the Native ceases when he reaches that standard?—Well, so far the only pupils who are beyond that standard we find in teachers' training schools. No case has arisen yet of pupils in mission schools who have got beyond Standard III. There is one, by-the-bye, where I found them rather unequally educated but capable of attaining Standard V. in some subjects; but I examined them in Standard III. and they made no objection whatever.

41,712. Has the Native much scope for any higher education than that imparted by Standard III.?—Of course, Native teachers require to have a higher level of instruction; and if Government were to permit the establishment of industrial training schools, I think there again their education would have to be continued beyond Standard III., carried on in combination with systematic industrial training. I think in such cases as Native interpreterships and work that is regarded as open to well-educated Natives, there also higher education might be justified, but I do not know that Government ought to be expected to be responsible for it. I think the Native would probably regard the charges for that as falling fairly upon himself, except those seeking training as teachers.

41,713. Does not education on the whole dissatisfy the Native with his people and make him discontented with them, and drive him into the towns to live and to other places where he is injuriously affected?—I think it is apt to do so where the proportion of children attending schools is very small as compared with the whole. In this Colony, for example, we have under 8,000 children in attendance at registered schools.

41,714. *Mr. Sloley.*] Native children?—Native children; and I estimate that there should be, in proportion to the population, about 140,000 children. I think it is regarded as a general fact that a small proportion of children being educated in that way tends to cause a spirit of dissatisfaction and restlessness.

41,715. *Mr. Samuelson.*] Does it not practically take him out of the ordinary labour market?—In a few cases I think I have heard that complaint, but I am not satisfied that it is established.

41,716. Is your medium of education in these standards in the English language or the Native language?—We are compelled in this country to prescribe the English language as the language to be examined in to estimate the standards, because it is our only means of getting uniformity. We do not interfere if the Native language is taught at earlier stages, or even throughout, but there are so many Native languages here that it would be exceedingly difficult for us; we cannot find inspectors who would be capable of examining in so many different languages.

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41,717. You find the English language a more useful medium of imparting knowledge to the Native than his own language?—After a certain stage no doubt it would be, but we admit the use, of course, of the Native language in explaining, where necessary, the earlier stages.

41,718. Are you of opinion that the education of the Native through the English language makes him a more useful man than if he had been educated in his own language, and more respectful in his conduct towards the white population?—It is a difficult question to answer, because in cases where the Native language has been used exclusively one generally finds the schools in a very bad state; but I would not attribute that entirely to the exclusive use of the Native language. I think it is very often due to the fact that the teachers are otherwise not capable men, not men who are able to administer discipline well. I have generally found that where English is the medium of instruction in Native schools, the schools are in a much better state as regards discipline, order, and general efficiency; but I think that is a sort of conjoint result. I should be inclined myself to attribute a certain amount of it to the fact of English being the language used, but I also think a certain amount of it is due to the fact that a teacher is much more capable as a teacher if he knows English well and is generally a capable man otherwise.

41,719. Has the Government decided about industrial training, whether they are going to give it to the Natives or not?—We have decided that some form of manual work must be organised in every mission school. The question of industrial schools has only been indicated in this scheme, and it has been impossible up to the present to inaugurate them on account of the smallness of our funds.

41,720. The subjects in which training is to be given have not been decided?—We have indicated that we wish the missionaries to advise us. We have indicated gardening, basket-making, brick-making, mat-weaving, etc., for the boys, and sewing for the girls. We have mentioned these as subjects we should approve of.

41,721. Is your grant by results or by capitation?—It is based firstly upon the general efficiency of the school and on those general conditions that I mentioned; secondly, numbers; and, thirdly, the number of teachers.

41,722. Do you require the grantee to satisfy you as to how he spends the money paid to him?—Hitherto we have issued the money less strictly than we mean to do in the future. In future we mean to indicate exactly the sum that is to be given to each teacher, and exactly the sum for equipment—where we are able to give an equipment grant; because we find that to leave it at the free disposal of the missionary in many cases has not been successful; they do not seem to be able to administer the funds carefully.

41,723. Do you require the production of vouchers to satisfy you as to the expenditure?—We do.

41,724. I suppose in the majority of cases of the Native teachers, the Colony he lives in and his immediate environment are practically his world, and his views are narrowed accordingly, and that it is impossible for him to give a more generous or more liberal education than that which is really in his power to assimilate on account of his surroundings?—A great many of the existing teachers have really been practically living all their days within a very limited area, and they have very small ideas. That is why we consider it desirable that the class of teachers should be improved. They should be gathered into centres and have a wider training altogether than has been possible in the past.

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41,725. You have no such men among your Native people at the present time?—We have a few who have been trained at Morija in Basutoland, and in one or two of the Cape Colony institutions. The more progressive of the missionaries try to get such teachers and offer them higher salaries with the view of inducing them to come here.

41,726. *Mr. Sloley.*] With regard to these vacation courses, which you speak of as being encouraged by your Department, are the Native teachers willing to pay for them?—We only require them to pay the expense of transport, that is the expense of getting there. We make an allowance for their board, and we provide all the instruction and what books are necessary.

41,727. Have they taken that up keenly?—Yes, so keenly that as a rule we have to reject a certain number. We limit the number to about 30, and although we generally exceed that number slightly we always have to reject some.

41,728. Do you not think that almost the greatest problem in regard to Native education is to keep up a supply of efficient Native teachers?—It is our greatest problem here at present; it is the chief question that we have to face.

41,729. You find that the pay which could be offered to Native teachers is insufficient to attract the right class of teacher?—I feel that very strongly. Considering the mental equipment and the general character of the teacher that is required, the remuneration offered generally is not sufficient to attract the right class of man.

41,730. Is it for the reason that that class of man can get better pay in some other line of work?—Yes, for instance as an interpreter or as a clerk.

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41,731. So that there is a career for the educated Native where he can earn good pay?—I should say that the field is rather limited; there are not many such posts. Still, at any rate, it affects the class of man who would offer himself to be trained as a teacher.

41,732. Can you see any reason, speaking purely as an educational officer, why these A.M.E. schools, if they are efficient, should not be inspected and receive grants, and if they are inefficient should not receive grants, treating them as you treat schools under the supervision of European missionaries?—I have not in my experience found that any such schools are satisfactory. I cannot speak of those in this country, but from a merely educational point of view, if they were efficient it would be difficult to refuse to recognise them; but I think there are other reasons which would justify our refusal.

41,733. Did not the recent Missionary Conference pass a resolution to the effect that the political danger of this society had been very much exaggerated?—I think they did. I was present at one of their meetings, but not at the one at which that resolution was passed.

41,734. Is it not a fact that the non-recognition of these people does not have the effect of suppressing or of extinguishing these schools?—I cannot speak definitely with regard to that, but I have been told that several congregations formed by them have come to grief financially. My own opinion has been that any purely Native organisation is bound to come to grief financially sooner or later. When these separate congregations come to grief financially they make application to be admitted again under some recognised European Church.

AFTERNOON SITTING.

(*Mr. Sloley in the Chair*).

The Reverend Ernest Creux, examined .

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41,735. *Acting Chairman.*] You are a missionary in the Transvaal?—Yes.

41,736. Of which society?—The Swiss Society. We are a mission of the Swiss Free Church of Switzerland, of Lausanne, Geneva, and Neuchatel. This is an association of churches which began its work in this country, having been associated at the beginning with the Paris Society in Basutoland. We began missionary work in Basutoland in 1872, and when they got a sufficient number of missionaries I was sent with my friend, Mr. Berthoud, to this country. The first aim of our mission was to get an entrance into Sekukuni's Land. Sekukuni had driven out the German missionaries. There were a good many of these men in Basutoland in the schools, who had asked us to begin work in their own country. In the first journey of exploration in 1873 Sekukuni would not receive our missionaries. Then the Transvaal Government let the Paris Mission know that they would never allow any French missionaries in the country. It was then that we separated from the French Mission so as to be able to begin work amongst the Shangaans in the north country, in the Spelonken, where there were a quantity of refugees of Shangaans from all the tribes of the coast who had been driven away by the Zulus, and we came to Pretoria to ask the Government to allow us to settle down in this country. Mr. Piet Joubert, who was then Acting President whilst Mr. Burgers was in Europe, said that there was nothing to prevent us from beginning a mission in the Zoutpansberg or anywhere else, so we began our work among the Shangaans in 1875, and we have been working since then in Zoutpansberg and have extended our works as far as the coast and the Komati in the Portuguese possessions, and in Lourenço Marques, and as far as Swaziland. Our work here in the Transvaal is especially among the Shangaans of the Spelonken and in the low country near Leydsdorp in Muhlaba's tribe. We have been obliged to begin a mission here and in Johannesburg so as to be able to follow our young men up who come to work, and we have also schools, and work among the lepers and among the prisoners.

41,737. How many missionaries of your society are working in the Transvaal?—Eleven missionaries and thirteen helpers.

41,738. Would you tell us what number of Natives are attached to your Church?—We have as members in this country, in the Transvaal, about 1,500 members and catechumens. In all we have about 4,000 members. I do not count adherents.

41,739. How many children have you in your schools?—In the Transvaal we had 710 on our rolls last December.

41,740. Can you tell us approximately?—In all our mission we have about 2,000.

41,741. Would you tell us what is the amount of Government grant you receive towards the education of these people?—We had received up till now only equipment grants. This year we have had a grant to help our teachers but I have not the exact sum here.

41,742. Could you tell us approximately?—£371 for primary schools, £100 for training schools.

41,743. You have received these papers with the heads of ev.

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dence upon which we are inviting expressions of opinion. Are there any heads upon which you would particularly like to be asked questions upon?—I do not know exactly which are the ones you prefer and which you would like to ask evidence upon. I should like to say something about five or six of these points.

41,744. For instance, land tenure. Do you wish to express any opinions upon that subject?—Yes, I should like to say something about land tenure. Of course, for us missionaries it is a question more of justice than anything else, but I think that, in the interests of the country, and to make the Natives obedient and attached to the country, and more useful and more settled, it would be exceedingly good if some good laws could be made to allow Natives to buy ground in this country. We have had experience on our stations, the farms which we had to buy from the Boers, that when a man knows he has a bit of ground of which nobody will dispossess him, then he has a great interest in building a good house, having good furniture, good gardens and improving the country generally. The great difficulty we had all the time with our people to make them go on progressing was this: they always told us "We are never sure with the Boer Government that we shall not be dispossessed some day or the other, and what is the use of us building good houses or planting trees when we do not know if when some complications will arise that we shall not be obliged to leave everything?" Of course, the Plakkers' Wet was the greatest trouble we had to contend with, since the law positively said that the missionaries and the mission stations were to fall also under the Plakkers' Wet, and we Swiss missionaries received an order from Captain Schiel, who was then our Commissioner, to enforce the Plakkers' Wet on our stations, and I had to leave the Spelonken to come here to Pretoria and see Mr. Piet Joubert and the President to make sure that it was only a threat and nothing else. But for many years our people on our stations were under the impression that we were going to be obliged to leave the country. It went so far that we got some ground in Mashonaland near the Limpopo from the Government to which to remove our stations if the Plakkers' Wet was enforced. When I came to Pretoria to see Mr. Joubert about it he said to me, "I have nothing to do with that law: it is a pet scheme of the President's, and you can ask him what he thinks about it," because we had the President's orders to remove our stations and our people. We were given three months' time. When I went and saw the President he said to me, "Yes, the law must be enforced, but when you see it enforced everywhere then you can know it will be enforced in your stations." So I said, "I think I am all right." I knew it was not possible to enforce the law everywhere. When I came back to our stations I told the people they had nothing to be afraid of, and they began to build better houses and to make bricks and to go on with their work; so it showed me that if once they could be sure that they could remain where they had been working they would go on, and progress and all, young men especially, made very good use of the hope that we gave them, and all the last houses that they built were much better than the former ones.

41,745. Briefly you are in favour of individual tenure?—Yes, I think it is the only way to make the Natives responsible for their actions in this country to prevent them from being always roaming about, leaving one Chief to go to another, or one farm to go to another, or to go back to their own country.

41,746. Would you favour the conversion of the present locations from a system of communal tenure to that of individual tenure?—Yes, under certain conditions.

41,747. What conditions?—There should be some conditions so as to make them consider that it is a privilege that they have to acquire by some progress in their habits. For example, I should not be in favour of polygamists getting ground, because polygamy is in itself one of the greatest preventatives to a Native going ahead. The wives of polygamists cannot teach their children, they cannot go ahead, they are always under a certain spell of heathenism, and I do not think it will help them much if the polygamists had ground to themselves unless it be for grazing and cultivating.

41,748. Would you take any other steps to discourage or forbid polygamy?—Polygamy is a very big question which must, of course, be considered in itself. There is a great deal to be said about polygamy. I think the country can never go ahead as long as there are polygamists settled on the place, for this reason, as I have already said—or one of the reasons, for there are many—that a Native woman who is under the bond of polygamy is in a kind of serfdom, or I should say almost slavery, and it is impossible for a man who is a polygamist to fulfil all the conditions of a man who is in civilised life. A man who is a polygamist is never satisfied with having two or three wives; he will always hope to have more, because, if he has girls, he has always an eye to get a new wife by one of the girls that he has got from one of his wives. Polygamy is a kind of bank.

41,749. I will get you to state your opinions briefly and generally on these heads and then ask the other members of the Commission to ask any questions of detail that may occur to them on all the points. You have given your objections to polygamy. Would you carry your objections to it so far as to advocate legislation against it?—Not yet.

41,750. What is your opinion about the other question which is connected with polygamy, the payment of "lobolo" or "bohadi"?—Our Church has always been very strong against it. Our law is this. We cannot prevent young men, who want to get young wives, paying for them, but on the day of their marriage they must declare before the church that they have paid the full amount, and that the parents of the girl have nothing to say about it, since, in true polygamy, and in true Native marriages, those debts are never finished. The more a woman gets children the more the father of the girl has a right to come and ask a new dowry from the husband, so that it puts the man under a perpetual obligation. Then there is this. If the woman dies, the young man has a right, if he has paid for the woman, to go to the father and ask for another woman, to ask for her sister to go and take the place of the woman who died. The same thing happens if the woman has got no children. She can be sent back to her parents and they have either to refund the money or to give another wife.

41,751. You mean refund the cattle?—Yes. "Ukulobolo," as we understand it, is conducing to so much difficulty and to so many confusions and quarrels that the sooner it is abolished the better. It is, of course, an improvement on the old times when they took a wife and let the wife go, and so on, but it ought to give way before Christianity and civilisation. There is nothing that prevents a man from working and from being steady as much as "ukulobolo," because there is no end to it.

41,752. Under the same head comes succession and inheritance,

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What is your opinion of the Native customs as to succession and inheritance?—I believe there is much difference between the tribes on the question of inheritance. In the Shangaan tribe the eldest brother gets all, and he has the duty then of paying the dowry for his younger brothers, and he also gets himself the dowry of all the girls, and he gets also as inheritance all the women that belong to his father, which is very immoral, so it seems to me that such a law or such a custom ought to be discouraged as much as possible.

41,753. Do you think that the time has come when you can or could bring all these Natives under the common law of the country as applied to Europeans?—I think so. I think they understand now quite enough of the usefulness of those laws, and the benefit they would get from them, to understand that it is for their good. There might, of course, be some difficulties in some tribes which are still so much sunk in heathenism, but everywhere where they have been taught the laws of the Bible and of the Gospel they would understand that every member of the family has a right to his father's inheritance without being under the obligation of doing everything that the eldest brother wants him to do. That is the old patriarchal law, and the new law would certainly be understood, since, as the Natives have got now to work and get their money and their cattle and their ploughs, they of course understand now that socialism which exists in the natural laws of heathenism has given way to individualism and to individual property. The strength of the clannish system has given way a great deal since the Natives began to get their own money and the profits of their own work.

41,754. Do you think they are sufficiently advanced to be entrusted with any share of the administration of their local affairs in the form of Local Councils or District Councils?—I should say this, that they have it already in all the tribes. Not only the Indunas, but also generally the men themselves have a right to speak in everything that concerns the public welfare of the tribe; perhaps not so much in the Transvaal as in Basutoland, but nevertheless the Chief is obliged to submit everything important not only to his Indunas but also to all his men. We found that already established among the people to whom we were sent in the Spelonken, so we did the same that we do to-day for the welfare of our farms. We called all the men together to discuss the matter with them—those whom we thought were to be trusted.

41,755. Is the farm a farm which your mission holds in trust for Natives?—It belongs to our churches. It has been bought by money collected from our churches.

41,756. On that farm you allow the Natives to meet and consult and make representations to you as to the management of local affairs?—Yes. When we think it must be done we call them together and speak to them. For example, if there is a water furrow to be made and if they have to work that water furrow we call them and tell them about it, and if they have any objection we let them say what they have to say and we generally try to get them to work by persuasion more than by force. Of course, there are some cases in which we are obliged to assert our authority, but as much as possible we try to get them to understand what we are doing and to train them to become men. Then what they do they do with a much better heart and willingness than if they are only driven like beasts. Of course, one must understand their language and be able to speak with them and have time and patience, but it is one of the

things we have tried to do with them, to teach them not only to have their own interests at heart, but the interests of the whole place.

41,757. Do you think they are capable of wisely exercising any franchise in the selection of representatives for the Legislative Assemblies?—It is a very difficult question. I believe there are a great many who have not yet independence enough to exercise the franchise. It seems to me to be the first quality for a man to be able to have some voice in the management of public affairs, but, although perhaps the largest number of them are not able yet to understand what is called the franchise, in the white man's sense, I believe they ought to be given some representation in public affairs for the things which concern them and the money they are asked to contribute in taxation. Of course, there are many proposals to make a kind of bridge for them from the state in which they are now, in which the full franchise is not possible, to a state where everyone would have a vote, and it might be that a kind of condition might be attached to their having a voice in the Councils of the nation. It would be when the Chiefs of the tribe are educated enough, and when there are a certain number of people who have got enough education and instruction to be able to vote without being under the influence of people who might tell them how to vote, they not knowing what they have to do. I do not think the time has yet come when black men should be in the same chamber as white men, but if they could choose one or more white representatives, who could sit in the Councils, to be the representatives of these black people, then I think they might come to take an interest in the country's affairs, and not always think, as they do, that they are simply trodden under foot, and that the white people do with their money just as they please, as in the olden times. There are, year after year, more and more people among the Natives who read the papers, who understand questions and who discuss them, and it would be good just now to give them a beginning. This beginning seems to me to be just this, that they might have one or more representatives in the Councils to speak for them, but chosen by a certain number of Chiefs and educated Natives.

41,758. You do not at present entertain any idea of their being admitted to the franchise as we understand it?—No, not in the same way as we understand it. I do not think they are yet able to vote in an independent way, understanding what they are doing, but the sooner this state of things can be brought on, the better.

41,759. You have been amongst these Natives for 30 years?—25 years. The rest of the time, 7 years, I have been travelling here and stayed in Switzerland.

41,760. What is your opinion of the effect upon them of education?—Education has made wonderful progress in the tribes, much more than I ever expected it would do. The old system of heathenism is dying, if it is not dead. In the olden times the people said "Education and religion are good for the white people, but we will have nothing to do with it." That is what they said when we arrived in the country, but now the wish for education is becoming universal. Most of the Chiefs have now understood the value of education, and are now learning, and they all want their children to be sent to school. Some of them only want to learn because they know they will get more money, especially if they learn to speak English and if they can write well, but there are a great many amongst them who have a kind of instinct that if they do not learn

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now they are at the mercy of the white people, who can do with them what they like. When they come to work then they become independent. Among their own people at home the young man is nothing, the tribe or the Chief is all, but when they come to work and they can get what they want in money and make a bargain, they think they have become men and that they have the right sometimes to be very independent and impudent. People lay the blame on missionaries, and we lay the blame on the people where they go to work. I believe work is not to be blamed, neither is education. It is the fact that when a man begins to work for himself he becomes independent, and they know that and they want that independence as much as they want money. It makes them much bigger in their own eyes than they were before, and the Chiefs have much more need of their money and they cannot do with them just as they did before. It is impossible.

41,761. Do you think the teaching of religion has improved their moral state?—Tremendously. Of course, we have to deal with races which have been sunk in immorality and drunkenness for centuries, and we cannot expect that in 20 or 25 years we can undo the work of centuries, but what we know is this, we would not give our life to such a work if we did not see that it is indeed work that pays, and that pays in the general improvement of the Natives, in their moral and in their general improvement, in mind and in spirit, and I think that the Natives will become more and more useful in so far as they want education and teaching, and it is a wonder to me to see what sacrifices they make to get teaching and education.

41,762. Do they exhibit any desire for industrial training?—We have on our stations young men who have learnt to build as well as white people, and who are smiths, and who are carpenters, who have been educated to those trades, particularly, on our stations. We have industrial missionaries who came in order to teach them, and a good many of those young men, when they saw that they could get work well paid, began to work in that way. We have begun now at some of our stations to teach them to plait mealie leaves to make matting, and such things, and they are exceedingly clever, especially amongst the Shangaan tribes, in making baskets, and I believe if there were some encouragement in that line that they could make very good progress, where there is sufficient material to work on, of course. We were the first amongst the Shangaans to introduce the plough. We paid £12 for the first plough We taught them, or rather the evangelists who had come from Basutoland taught those tribes, to plough, and this was a great progress in many ways, especially in making the wives a little more free to work at home and to look after the children; and little by little we tried to make them understand that wives were not beasts of burden, but that they had to help them to work, and they ploughed so much that they had to help the wives also to weed their gardens, which they did not do before.

41,763. With reference to taxation, do you think that the Natives are sufficiently taxed?—I think they are taxed too much, at least those who are in the outer districts, such as the Spelonken, for example, because they can get money only when they come to town to work. They have to pay for the journey to go and come back, their railway fare, and they have to get their food for the journey; all that takes at least £2, so that that is already one tax. Then, most of those who live in fever countries, as in the Spelonken, when they come to colder countries, feel the effect of the

climate almost every year. Many of them are sick for one, two, or three months, and cannot work. They have to buy their food, pay for medicine, and some of them have to go back without having gained anything. For many of them it is a great drawback. People think if they get £3 a month it is a great deal of money. They often give me their money to keep, and I see how much they have to spend over these things, and for their passes, and the little money that they get when they go home does not go far, because everything is very dear; the further you go into the interior the dearer things become. Also the people want to go and get better food than mealie pap; they go in for clothing and endeavour to keep their wives and children in good order, and to help those who are in need amongst them, because that is one of their duties. So that it seems to me that the tax of £2 is too much. When Mr. Shepstone got the first tax of 10s. from the Natives they paid it willingly. They said: "We are protected by the Government; it is all right." Afterwards the Boer Commissioners made them pay, not only for one hut, but they said every hen-house or buck-house or any other house must pay. The Natives burnt all those huts, destroyed them, so as not to have to pay. Then I wrote a memorial to the Government to say that that law was against the interests of the country, that they had not enough huts to live in or to receive travellers, and that it would certainly bring the families of those people into contact with those who had venereal diseases, who were many at that time coming from the diamond and from the gold fields. In consequence of this I drew up a memorial, which I brought myself to the Attorney-General, and they took it into consideration, and then they made the law about the £2, and the Natives had to pay then £2 12s. 6d., but it was considered that those who were working for the white people as house servants would not have to pay this £2, showing that what they wanted was to promote the emigration of the Natives from their villages to the towns to work. When the Government began to try and get this £2 in the Spelonken, there came years of drought and famine. We had such a famine that in many places the people of villages died all of them, and it was impossible to get the new tax. Then, after those years had passeed, the Government wrote to the Commissioners that they must get the whole of the money, everything that had not been paid, so that some of them had to pay as much as £15 at once; and the Commissioner himself showed me a letter that he got from General Cronje, that he must take everything from the Natives, cattle, and even mealies, but that all the tax must be paid. When the Natives heard that, they began to emigrate, and a great many went to Mashonaland and to Gazaland, and I think if the taxation law is felt as a burden or an injustice, as they seem to feel it now, it is a bad thing for the whole country.

41,764. But their earning power has increased very much of late years?—And their wants have increased a great deal also. Formerly they had only mealie pap and wore blankets, but now they want a great many things in the way of clothing, besides their blankets, and the money that they do not give to the Government they spend in the shops. They need much more money now than before.

41,765. Is it not a fact that a Native has no difficulty in earning from £2 to £4 a month in the towns?—Yes, but there are a great many drawbacks, and, as I told you, disease especially. There are a great many diseases amongst them. Many of them have work which is certainly not conducive to health, in the mines as well as

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in the towns. There are a great many who are obliged to go back home sick. Until now they have had many objections to go to the hospitals. We tried to send them there, and I believe the time will come when we will be able to overcome that prejudice, but now it is one of our greatest difficulties. Then there is this consideration, especially in the northern parts, where it is much hotter, there are many years in which they have not got any mealies, or not enough to live upon, and they are obliged in those years to buy mealies at a high price and to incur debts. I have known cases where all their money has gone to pay their debts which they have incurred the year before in buying mealies for their families. When we ask them why they are so miserable and whether they cannot be a little cleaner, they say, "Yes, it costs money to buy soap and clothing, and we must first of all pay our debts that we have." It is a great drawback to civilisation and it will be a great difficulty this year, and perhaps next year, because this year they have lost all their cattle in the Spelonken, and they will not be able to plough their gardens; they will have to pay those who have a few donkeys to do it. The ground will be badly ploughed, crops will be bad, and they will have to incur debts again to buy mealies for their wives and children.

41,766. Do you not think that this taxation, although it may press hardly in cases here and there, has the effect generally of stimulating the Native to industry?—If it is not too hard, yes. It did a great deal of good at the beginning, when it was 10s., and perhaps £1 might do, but £2 is too much. It discourages them and it is no use. They feel it is a great burden. Of course, if they could know how the money is used it would be all right. Many of them can read English and they read the papers, and they know that more than the half of that money is not employed for their own benefit and that there is so little done for education, which they care so much for now—only £5,000 last year and £7,500 this year, against nearly £500,000 of taxes in all. They feel it very much indeed They have begun to have their own papers, and they write in Sesuto, in Shangaan, and in English, and they air all their grievances themselves. We missionaries let them write as they like, and we only contribute papers on morals, and general questions, and do not touch politics. We say they have to air their own ideas and grievances themselves.

41,767. Have they no means through the Native Commissioners of making known their condition and their feelings to the Government?—Yes, but they do not seem to make much headway in that way; at least, so they say.

41,768. Do you not think there ought to be some means by which the Natives can make their views and wishes known to the Government?—It is a thing that is certainly wanting, because up till now they can make their grievances and their ideas known only through the Native Commissioners, and if the Native Commissioners do not understand the importance of the thing, or are against them, they can discourage the Natives from going to the head Commissioners; at least, it is what they said in their papers. That is one of their great grievances, that they want to air their grievances, and I think there is nothing more useful and nothing better for the Natives than to be able to say what they think. Half the evil done is done away with when they can speak.

41,769. *Mr. Samuelson.*] How many Natives have not paid their tax?—I do not know. I live in Pretoria.

41,770. You cannot say whether they all pay their taxes?—I believe they all pay; those who can pay.

41,771. You cannot say that many do not pay?—No. It is easy to find out if you ask the Commissioner in the Spelonken. I know it is always what they say when they come to the town. If we ask them what they are doing with their money, the first thing they say is, they will pay their tax.

41,772. What is the name of the Parliament of your country of Switzerland?—The Federal Council. We have the National Council and the States Council, and at the head is the Federal Council.

41,773. Is every man in the country a voter for those Councils?—Not for the Federal Council. The Federal Council is elected by the National Council and the States Council.

41,774. Every man has a vote for the election of members of the States Council?—Every man in Switzerland has a vote for the National Council, and for the States Council, and for the Municipal Councils, of course, and for the Counties Councils.

41,775. For the municipalities?—For the municipalities and for the Counties Councils. We have 22 Counties, and every County has its own Chamber.

41,776. Do you think that every Native should be in the same position?—Not now. I do not think they are able to do it yet, but a beginning ought to be made as soon as possible.

41,777. How many years do you think it will take for them to reach that stage?—I do not think it will take many years, because they are progressing in such a way that nobody who is not following things can understand it.

41,778. *Acting Chairman.*] I omitted to ask you if you think they are getting more industrious?—Yes, they are much more industrious, and I say they will be much more so still when they have land tenure. If they can buy some land, and have their own ground, they get almost more attached to the ground than any white man, and it will be, I think, one of the greatest benefits that the country can get, because there will be a strong body of Natives attached to the country, and to those institutions which benefit them.

41,779. You mean if they were permitted to purchase freehold land?—Yes.

41,780. Can they not do so now?—I understood that they could, but I believe that the question is not at all clear. According to what I have seen of the laws, they can, if it is made in the name of the head Commissioner. If the head Commissioner does not like it, then they cannot do it. Then there is the Plakkers' Wet, which is always there as a kind of stop, because they know that law, and they know it is not possible for them to acquire any ground on account of that law.

41,781. You think if they were allowed to purchase ground, it would be a great stimulus to them to go out to work, so as to earn money to buy ground?—It would be a tremendous stimulus to those especially who have got out of their system of living communally as a tribe.

41,782. I need not ask your views on the liquor traffic; you no doubt are opposed to the sale and supply of liquor to Natives?—Yes, we are opposed to it as much as possible. My great argument is that the Native tribes have been soaked in drunkenness through Native beer for ages, and they are in that way alcoholised. They do not take their alcoholised liquor in the same way as many white people do, but there is an ineradicable tendency among them when they find anything that has got alcohol, to get drunk. One of the

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greatest difficulties we missionaries have in our stations is to prevent any intoxicating drink being obtained or made by them. We can see this, that if the laws which are in force now are not enforced much more than they are, great evil will be done to the Natives. One day I gathered them all, and said, "What do you think about alcohol and about drink, and about your Native beer?" They replied, "We cannot stand liquor; to drink a little is impossible; when we begin we must drink till we get drunk. We cannot be moderate drinkers."

41,783. There is a point on which I omitted to ask you, that is, with reference to the African Methodist Episcopal Church; you know that body, I presume?—Yes, though I have not been actually in contact with them. I cannot say that our Churches have been touched very much by Ethiopianism, but I have a very strong opinion about it, and that is, that Ethiopianism is an evil. Ethiopianism had some good points at the beginning and some reasons for existing, but when they began to get into touch with the American Church, I am sorry to say, they got much worse, because it made them exceedingly proud and vain to belong to such a big body and to a Church of such strength in money and influence. Since that time it has been found impossible to have any influence over them, or to do anything with them, or to give them any advice that they would follow.

41,784. Can you tell us what was the outline of the resolution that was passed at the Missionary Conference held at Johannesburg with reference to this Ethiopian Church?—The first thing was this, that it was not within our province, as a Missionary Conference, to deal with the political question; that we had to leave aside. We did not want it to appear to look as if we were wishing the State to prosecute that body. But we strongly reproved some of their ways, having an ordained ministry which was unworthy of the name, allowing Churches to sink into immorality, and especially having no regard for other Churches and their missionaries.

41,785. Will you let the Commission have the text of that resolution?—Yes. Every word of that resolution was discussed very thoroughly, so that there should be no misunderstanding. Then there was another point. Of course, we did not care about that body robbing the other Churches, and getting members here and there, just for their own sakes; not with the object of making the people better, but merely to make stronger Churches themselves. After that the Ethiopian Church had a session here, in which they blamed very strongly every one of those resolutions which we had passed. A report of their proceedings appeared in the "Transvaal Advertiser," in two issues of that paper. The text of the resolution which we passed at the Missionary Conference is: "In view of the importance of Ethiopianism as affecting the progress of God's Kingdom in this land, and remembering the widespread public interest in the question, this first General Missionary Conference of South Africa deems it necessary to make the following statement:—1. The Conference understands Ethiopianism to be the effort in South Africa to establish Native Churches independent of European missionary control, and hostile to it on racial lines. The quickening power of the Gospel and the inevitable contact of the Native with European civilisation, has produced an awakening amongst the Natives throughout South Africa. Ethiopianism is largely a misdirected use of their new-born energy. For the present, at least, it would seem to require not so much repression as careful guidance.

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2. This Conference deplores—(1) The fact that the Ethiopian bodies should often display an utter lack of regard for the principles of Christian comity by entering fields already occupied and by proselytising therein. (2) The lowering of the standard of Christian morals through lax discipline, and by encouraging schism in the Church of Christ. (3) The intensification of the mutual distrust existing between the two great races of this land by the emphasis Ethiopianism is placing upon the colour line. While not wishing to unduly minimise the impression of any danger arising from the Ethiopian movement, this Conference is of the opinion that perhaps too great importance has hitherto been assigned to the political aspect of the movement. (4) This Conference desires, in the spirit of Christian charity, to call the attention of the negro churches of America to the fact, that by entering fields long occupied by other mission societies, by receiving into their membership Native bodies separated by schism from these societies, by accepting for ordination, and ordaining men totally unfit, morally and intellectually, and by lack of attention to strict Christian discipline, the Conference believes that these churches are working injury to the cause of Christ. Moreover the operations in South Africa of the African Methodist Episcopal Church of America (and kindred bodies) are feeding the prejudice existing amongst many Europeans in South Africa against missionary endeavour, and are placing obstacles in the way of the advance of Native Churches to that ultimate self-support, self-control, and self-propagation, which is the recognised goal of mission work. The Conference recommends that a copy of this resolution be forwarded to the local and foreign heads of the American negro denominations as far as may be known."

41,786. You say the A.M.E. Church had a meeting here after your Missionary Conference?—Yes, to blame the resolutions that had been taken in the Johannesburg Conference. I do not think that any good would be done by giving them any chance of saying that they were persecuted; that would be the very thing to be avoided.

Pretoria, Friday, 7th October, 1904.

Present:

Sir Godfrey Lagden (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.

Mr. Charles Godfrey Radloff, examined.

C. G. Radloff, (O.R.C. Farmer). — Transvaal. — 7th October, 1904.

41,787. *Chairman.*] You are a resident of the Orange River Colony?—Yes.

41,788. A farmer and landowner?—Yes.

41,789. Now engaged on official business in the Transvaal?—Yes, I am a member of the Central Judicial Commission.

41,790. You are aware of a certain number of subjects which have been committed to us for investigation and enquiry? Have you a list of them?—No, I have not. I have seen it. Mr. Loveday gave it to me recently.

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41,791. Are there any particular subjects on which you would like to express your views?—The subject that I would like to say a few words about is as regards the franchise for Natives. I have not studied the matter, but it is important, I think, for the country to have it fully discussed.

41,792. Do you think that it is a desirable thing at present to grant that?—No, I do not.

41,793. Will you give us your reasons?—My reasons are these. I am the son of a missionary who came out in 1838. I was born in the Cape Colony in 1844, and in 1853, when the British left the Orange River Colony, which was then under the British Sovereignty, my father was a missionary at Bethany. I went, as a child, at the end of 1853, with the deputation to England, with Mr. Murray and Dr. Fraser, who were sent as a deputation by the inhabitants of the country between the Vaal and Orange River to ask the British Government not to abandon this country. The reason we had was only one—the Native. They were in such numbers that they would be able to demolish us at any time, seeing that all the soldiers were leaving the country. The reason for this was that the Natives were getting obstreperous and would not work. The missionaries wanted to build a church for their benefit, and they had to make their own bricks, as the Natives would not work.

41,794. Even in those days?—Even in those days. Then there was a little disturbance with the Natives. This was reported to Berlin by the missionaries, and they had a reprimand from headquarters, which eventually led to the resignation of some of the missionaries, and the question then arose whether the people here in South Africa were not better able to judge as to the management of the Native than the people at Home. They considered any interference from Europe as to the treatment of Natives (mostly of the Koranna tribe) could only lead to rupture. This brings me to the point of the franchise. We have lived in this country all our lives, and had to do a lot with Natives, and are, therefore, better acquainted with them than the people in Europe. In my capacity as an old Justice of the Peace of the late Free State, and a member of the Volksraad, I came a good deal in contact with Natives, and I found, on the whole, that they are really an inferior class of humanity, and cannot be expected to be put on the same level as the white man. Therefore, if the Native gets the franchise, and has the right, as we have, to vote, it would place him on an equal footing, and it would bring him into prominence in many respects. He would be able to vote in towns for municipalities, would get a seat perhaps in the Councils, and would become appointed a Justice of the Peace. There are some clever men among them who have been educated, but I think it is our duty in Africa to try and keep a distinct separation between black and white. During the war I had the opportunity of residing in Basutoland for about 18 months, and I had occasion to meet the son of a certain Chief. He received me very well, and sent me some books, gave me a hut, as shelter, and then he came over. He had a blanket on. I said to him, "How is that? You have been in Europe." He replied, "I have had a good education. I read these papers, but since I have come back to my kraal I want to fall back to the old blanket, Kafir customs, and so on." He had a nice house, which had just been built by his father, and he said, "I prefer living in a hut." That showed me that although he was well educated, moved in good society, and was treated very well, being the son of a Chief who was a good loyal man, he did not act up to the higher standard that was expected from an educated man.

41,795. You were saying that although he had received a high education, and had associated with civilised people, he had relapsed into the old barbarous habits?—Yes; when I allude to barbarous habits, I mean, for instance, that he had already two wives, and was about to get a third wife. For these reasons, and the general experience that I have had with Natives, being a farmer for many years, I think they are an inferior race, and ought not to be put on the same level as the white man. Many Europeans, who have come out to reside in South Africa, have entirely changed their views in regard to the treatment of Natives after having had some experience, and admit that the born South African white man, with a few exceptions, understands the character of a Native better, and knows how to handle him, so that he soon finds he is not on the same level with his master, and shows obedience and civility far more to him than to the man just fresh from Europe.

41,796. Do you mean to include all Natives, whether they are educated, or whether they have been raised to any higher standard, within that?—Yes. I think it has always been a difficulty to classify what is a Native, but I think it would be the wisest plan to say a Native is a man of black descent, and call him a Native. I know the difficulty is very great about this question. There are many good Natives half white, who are respectable, and classification is very difficult. But I say that for this country we ought to class every man who has black blood in him as a Native, and exclude him from the franchise.

41,797. You do that on race lines?—Yes.

41,798. *Mr. Samuelson.*] I would like to ask you, in connection with what you have just said, if every person who has black blood in him should be excluded from the franchise?—Yes.

41,799. Do you mean to include the legitimate offspring of black and white in that?—Yes.

41,800. The lawful offspring?—Yes, a lawful marriage between a white and a black, on either side.

41,801. Your object in that is really to put a stop, if possible, to the inter-marriage of white people with black people?—Yes. That ought not to be allowed.

41,802. And with illicit intercourse between white people and black people?—Yes, that is my feeling about it. I do not know whether it will be necessary to say anything about the marriage laws. I think in Basutoland no attempt has been made to stop cattle marriages between the Natives, the giving of so many cattle for a wife. This is, of course, against Christian policy, but I do not think even in Basutoland that the Government endeavoured to put a stop to it, because it involved a great many questions going against Native principle, so I think it is better not to say anything about it.

41,803. *Chairman.*] Will you speak of South Africa as a whole, not of Basutoland? What have you against the principle?—I have this, that this marriage among Natives ought not to take place in the way it is done: bargaining for cattle, giving the wife away to a man who gives most cattle. There ought not to be any handing over of stock in payment for the wife. I think that is a principle which ought to be done away with.

41,804. How would you regulate Native marriages if you did away with this old system?—They would have to go before the Magistrate, I think, and get legally married and registered. Christian Natives could go before the minister like the white people do, but other Natives could go before the Magistrate and have their marriage registered. There would then be a means of finding either party in case of misbehaviour.

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C. G. Radloff, (O.R.C. Farmer).
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41,805. Do you mean that in South Africa you would break down the present system that exists of cattle marriages, and substitute for it marriages to be registered by law?—Yes, now the country is under the British flag.

41,806. Do you mean to say you would do that by an act of legislation?—I could not say how it is to be done.

41,807. Would you do it summarily?—It ought to be discussed, I think. It will take years before it can be altered, I think, because there will be some trouble about it.

41,808. That is a thing you think should be aimed at? Do you think the effect of these cattle marriages upon the Natives is bad?—I think so; that is my impression.

41,809. Do you mean morally?—Yes, it leads to marriages that are not, as we would say, out of love; it is a speculation, and they cannot be considered to last in a happy state—those people that are united like that.

41,810. You mean to say that Natives when married are not kind and affectionate towards each other in their married life?—Yes, I have seen it. When they are married for love, so to speak, they are happy, and have been so for years, but I have seen a lot of cases where the marriage was forced and very unhappy. The women have run away and have been caught again, and have had to be thrashed, and all that kind of thing, or the husband's father demands cattle paid for such a wife back.

41,811. So far with regard to cattle marriages. Are there any other customs which you think should be interfered with in this manner?—As regards the education and religion of Natives: I was always in favour of it formerly, but I have lately changed my opinion, because I find that it does not do the good to the Natives which the European population think it does, especially religion. It seems to me that when they get religion and go to church, that they leave work alone. I have found many Natives who are very fond of going to church, neglecting their work, and always sitting with their Bible. Some are very fond of reading. If the missionary were to adopt the system of making them work and educating them at the same time, it would be a very good thing, and I know one man—the Reverend Father Douglas, who is dead—who was the man who went as far as to say to the Natives that they must work and be educated at the same time, that they should work six days, and rest on Sundays, and go to church. But I have often found that on mission stations the Natives spend most of their days in idleness, occupied with books, and so on, which I think ought not to be so. Even white people have to work six days, and rest on the seventh. But this is a very difficult question. I have not found that education has done the Native much good on the whole in South Africa, and many think it best to leave them uneducated altogether.

41,812. Would you deny them education?—I would not say that. No, I would like them educated to a certain extent, but at the same time they must be made to work.

41,813. Work during their education, or afterwards?—During their education, like white boys, who go to a school and learn, but still are taught to work. The Native has not got the advantage in this country of a boarding school where he is looked after. He goes from school back to his hut. Now he prefers that kind of education, because it is a lazy life.

41,814. Are not a good many of the boys, who go to school in that way in the morning, employed in herding their father's cattle in the afternoon?—Yes.

41,815. That is a form of labour is it not?—Yes.

41,816. That is what you advocate, that they should do some labour while they were being educated?—Yes. As to the labour question, I was very much opposed to the Chinese importation, as we have so many Natives in South Africa, but one good feature in the whole thing was that the Chinese coming to South Africa would make the Natives work. My impression was that the Natives throughout South Africa, especially in the Orange River Colony and the Transvaal, having done very well during the war and made money, were independent, and that is why we could not get labour, especially at Johannesburg. Now, the Chinese coming in will force them to say, "Well, the white population can do without us; we must go and work." The money that they have earned will not last them very long, and then they will have to work. If I am not mistaken, the Government have put a tax on the Native of, I think, something more than it used to be, and that will perhaps also force them afterwards to go to work. I find that in South Africa, where the black race outnumbers the white so much, that we have to make them pay something towards keeping up the Government. They live in the country and get protection, and if they are through the taxation forced to work, that is a good thing.

41,817. Do I understand the gist of your remarks to be that they will have to work to get the money? You think it is desirable that all Natives should have to work?—Yes, it is a broad question. It comes to this, if they are not obliged to work they might go on farms and lie there as squatters, which is to the disadvantage of the white population.

41,818. You are against squatting?—Yes.

41,819. In the Orange River Colony, where you come from, I suppose it does not exist?—No, we did away with that.

41,820. Do you think the Orange River Colony is better, in consequence of having done away with squatting?—Yes, I can give you an instance in the Harrismith district. Complaints came from there that there were large farm owners, resident in Europe, who allowed Natives to live on the farms, for a certain payment, which brought them in a nice little income. These Natives were doing a lot of harm to the neighbours. Complaints were made, and then a law was passed, allowing each farmer so many heads of families to live on his farm, and this did away with the squatting system.

41,821. You have given us your views about squatting and labour?—Yes, I see something here about the liquor traffic, but I think that is strict enough. I do not think a Native is entitled to go into a place here in Pretoria, or anywhere, to get a glass of liquor. In the Orange River Colony it is the same; I do not think a Native is even allowed to go and buy liquor. That does not prevent the Native from making his own beer, or stronger stuff, "utyala," and getting drunk on it. I believe the law is also strict on that, because where they make it in a large quantity they have to have a licence, and dare not sell it. When they give a party the Native must take out a licence, and then he is allowed to give this party. At any rate, that was the case in the olden times.

41,822. Is this a good law, do you think?—Yes. You cannot check them from using this stuff that they make themselves; besides, it is an income to the Government, and there is a certain restriction on them, because they only get this licence for two days.

41,823. Then you do not suggest any change in the existing laws regarding liquor?—I do not know the liquor law in the Transvaal, but I hear that liquor is not allowed to be sold or supplied to any black.

41,824. Do you approve of that?—Yes.

41,825. *Mr. Sloley.*] May I ask how long you lived in Basutoland during that time?—About eighteen months.

41,826. Where were you living?—At Thlotsi, in the camp.

41,827. Did you see much unhappiness among the native women?—No, I have seen a few cases, but not much to speak of.

41,828. Did you see much drunkenness amongst the population?—Yes, a good deal.

41,829. Beer drunkenness?—Yes, I did not see any spirituous liquor about at all.

41,830. *Mr. De la Harpe.*] What is your idea about squatters on farms? Should farmers be allowed an unlimited number on each farm?—No.

41,831. Do you think the present law is good?—Yes, I think it ought to be restricted to the number that the man requires for his own use.

41,832. Do you approve of farmers or people owning land unoccupied by white people having that land occupied by a lot of Natives?—No, the old Free State law was very strict on that point. They were only allowed to have two heads of families on a farm unoccupied by a white man. They adhered to these laws as far as I know, and I think it was a good law which did away with squatters, but in our district there are not many farms on which they have the chance to do this, as they are not very large in size. They are all populated by whites.

41,833. You have already mentioned farms in the Harrismith district which were formerly overrun by Natives?—Yes, that was done away with.

41,834. Do you know anything about the pass system that we have in the Orange River Colony?—No.

41,835. Do you approve of a Native, on leaving his master, getting a character before seeking employment with another master? Do you think it good for him to have a character?—I think it is a good thing. It gives the boy a certificate, so that if he goes to another master he can see it.

41,836. Do you think it is necessary for Kafir women to carry passes when they go through the country and drive stock, as they often do?—I would approve only of giving a pass to a Kafir woman if she has stock with her. If she has not stock, I would not require her to have a pass. If she has stock, then it is necessary.

41,837. Was that the law formerly when you were a Justice of the Peace there?—Yes.

41,838. You have never known them to take a horse or horses with them, or to lead them, without a pass?—They might have done so, but it was prohibited. They ought to have a pass if they have an animal with them.

41,839. *Captain Dickson.*] Have you studied the Squatters' Law of the Cape Colony?—No.

41,840. Do you think a law on somewhat similar lines to this would be suitable to the Orange River Colony and the Transvaal, that is, that a farmer would be allowed as many paid servants as he liked to have, together with their wives and families, on the farm; and that, subject to inspection, farming should be allowed with labour tenants, that is, boys working for certain portions of the year, and that squatting pure and simple should be put down as much as possible?—I approve that squatting should be put down, and farmers should be restricted to such a number as they really

require. The old Free State law was five heads of families, but if you could prove to the Magistrate that you required more for your work he would allow five more, if necessary.

41,841. You would not, as under the old Free State law, allow a man more than five families, or even as much as five, if he did not require it?—No, I am against that, because they use those Natives for working on the halves system.

41,842. You think that squatting is a curse to the farming community?—I think so.

41,843. *Mr. Samuelson.*] You are a farmer?—Yes.

41,844. If you were to ask the Magistrate of the Division in which you reside to let you have, say, ten families, that is, five more than you are allowed by law, because you required them for some extra work, and say from misadventure, or bad seasons, or something of that sort, your work on the farm should be reduced to just enough to employ three or four families, what would you then propose should be done with the overplus?—As it is now, in reply to your question, I have had to ask for ten, five more than allowed. Permission was granted to me, and I have had for two years running very bad seasons, so much so that I had to buy supplies for the Natives, but I could not see any reason to discharge them, as the same work had to be done over again, and all the labourers needed were used.

41,845. Then it is possible for any farmer, after having got permission to add to his families, to keep the extra number, although they are not required for his labour on the farm?—That may be so; but I do not think the Magistrate, when he goes out himself, and sees the farm and the position of the lands, would allow a man five more families if he did not see he required them.

41,846. The Magistrate may be satisfied at the time of the application that there is enough work on the farm, but it is quite possible that afterwards the farmer may have less work. The season may be bad, or for some other reason he may not have work sufficient to keep ten families going, and he may perhaps not have sufficient to keep even three families going; but it would be possible under your system to retain an unnecessary number of families on the farm?—Could not that be rectified by giving this permission only for a year, and then renewing it?

41,847. I should like you to suggest something?—I am glad you mentioned this, because it is important. A man might get this permission, and then keep the families on his farm, even if he did not need their labour on his farm, for other purposes, such as sowing on the halves, for instance; therefore the permission for extra families might be granted yearly.

41,848. Do you know the Beer Drinking Law of the Orange River Colony, the law which controls and regulates beer drinking parties?—I only know that in the Free State time the Kafir who was residing on the farm with the owner had to get a licence. He had first to get a note from his master, and then go to the Justice of the Peace and get a licence to have a beer party, as they called it, on a certain day. They held this beer party generally in connection with the opening of a Kafir school; you understand what I mean by that, I suppose—a circumcision ceremony. The licence would be given for two days, and then hundreds of Kafirs would gather together at the party.

41,849. You know, I suppose, that a Native living on your farm may not go to a place and buy beer or drink beer without first getting permission from you to go there?—Yes; generally the police

C. G. Radloff, (O.R.C. Farmer). Transvaal. 7th October, 1904.

are on the spot to see whether there are any Kafirs present without passes.

41,850. And you know that beer drinking parties are forbidden on Sundays?—Yes.

41,851. And you know that a man who gets up a beer drinking party, or a woman, or any Native whatever, must pay £1 in order to get a licence to do so?—Yes.

41,852. Do you approve of that law?—I think we must keep it. To restrict them too much in regard to the only liquor that they consume would be hard, I think, because they are allowed to have it freely in Basutoland; but this applies to all classes of Natives in the Transvaal and elsewhere.

41,853. I think you rather recommended that the present marriage system amongst Natives according to Native custom should be altered, and that all Natives should be married before a Magistrate?—Yes, I think they ought to be registered.

41,854. You think they should be registered?—Yes, the Magistrate, of course, should keep a register. The Natives should not be allowed to marry as they do now. I think it leads to some evil.

41,855. You think there should be both marriage and registration by the Magistrate?—Yes, or by some man in authority.

41,856. You know, of course, that some of these Magisterial divisions are very large indeed. Would it not be rather hard to compel a man and the woman he is about to marry to travel all the way to a Magistrate's office to be married by the Magistrate?—Yes, I admit that there is that difficulty. Could it not be regulated by the S.A.C. or the nearest J.P.?

41,857. Still, you think that all marriages between Native and Native according to Native custom should be registered, in order to protect the woman and to give a status to her and her children?—Yes, I think we ought to give them an example, as a white population.

41,858. Then, you said, you have noticed a good deal of idleness amongst Natives living on mission stations?—Yes.

41,859. What was the age of the Natives you speak of in that case?—From, I may say, 16 up to 30 years.

41,860. You do not think that boys who are attending school, and who are being educated at the mission schools, should be compelled to go out to work whilst they are doing so. You do not recommend that they should be really deprived of any education by being forced to go away to the labour market?—It is very difficult to answer that question. The Native who can afford to give his child an education should be allowed to let him be at school, but the missionary, or whoever may be in charge of the establishment, cannot look after this child as is the case with white boys who live in a boarding establishment, and where there is no mission school such boys go for a few hours to the school, and then they are left on the veld, and idle in that time.

41,861. You approve of Natives being educated to a certain extent?—Yes, if a system were adopted to make them understand that they must be educated to work at the same time. The education need not be of any high standard.

41,862. And you do not think that they should be deprived of that education by any law which would compel them to go out to work before a certain age?—They must be taught in the schools to work.

41,863. Up to what age do you think a boy should be exempt from a sort of coercive measure for turning him out to work?—He ought to commence to work from the age of fourteen.

Mr. Robert Clark Francis, examined.

R. C. Francis, (Merchant).

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41,864. *Chairman.*] Do you reside in the Transvaal?—Yes.

41,865. We understand that there is something you wish to communicate to the Commission?—I was talking to Mr. Lovedale about a certain Native I have in my employ; that is the only evidence I can give you.

41,866. Will you tell us what there is connected with it?—I am a partner in the firm of W. Francis and Sons, and we employ between 30 and 40 boys, mostly Zulus and boys from Natal, where we draw our supply from. In 1900 we employed a boy called Job Nkosi, a very well educated boy. He is a Zulu, and was born somewhere near Dundee, in Natal. He reads and writes English and Dutch, and, I believe, Zulu, and he also speaks Sesuto; and he is a real good boy for work. He subscribes to various papers, and he has a good deal of correspondence. After business hours I have been out in the timber yard, while my horse was being saddled, and I have heard this boy talking to the ordinary servants, the rough uneducated boys. I understand Zulu fairly well, and one day we were chaffing, and he said, "You white men, you 'mlungu,' have knocked out the Boers, but it is going to be our country some day, and instead of you saying, 'Job, do this,' it is going to be, 'Mambulu, you do this,' and you are going to do it. This is our country, and, not just now, but by-and-bye, we are going to be the owners and directors of the country." "Mambulu" is the name by which the Natives call me.

41,867. You say he said it in a chaffing way?—He is always talking like that, and it has at times riled me a little bit, because one does not like that sort of thing. I said to him, "You do not know what you are talking about," and he replied, "Oh, yes; we are taught that." Who teaches him, I do not know, but I might say that he is a deacon in the local Church, a Sunday-school teacher, and all that sort of thing.

41,868. Where was he educated?—I do not know.

41,869. Are you a Natalian?—Yes.

41,870. You say you understand the Zulu language?—Fairly well, but I am not a good speaker. In Natal I always lived in the towns, and was never a resident in the country.

41,871. Do you not think that the Natives in all parts of South Africa have in that light and chaffy sort of way been in the habit for years of saying that kind of thing?—I never heard it quite so clearly before as from this boy.

41,872. It has not been said in your presence?—Not in my presence; one hears side shouts, but never before have I had a boy who has told me in that straight way.

41,873. Has it affected him in his work with you?—He has been in the habit of causing strikes. We are all a lot of young men in the place, and if there is any striking we can hold our own. One day he was insolent, and my brother told him that if he did not look after himself he would get into trouble, and at the first time he got hurt; I think he ran away from a pick handle, or something. Then he was alright for a month or two. On a second occasion we found that the boys were not working properly, and were beginning to query that they had to work past 5 o'clock in the evening, or to turn out early in the morning. We ran Job in, and got him fined £5. He has been fined £5 twice, I think, and since then he has not tried to raise any dispute as to what time he shall work, or anything else.

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41,874. He is an agitator?—Yes.

41,875. And has got a loose tongue?—Yes, and knows how to use it well.

41,876. Have you ever heard, or heard of, others talking in that sense?—No, they are too guarded, as a rule; he is the first boy who has ever talked to me like that.

41,877. Is he still in your employ?—Yes.

41,878. Is he working well?—Yes, he is a real good boy.

41,879. What persuasion does he belong to?—I do not know; I have never taken the trouble to find out.

41,880. Will you ascertain and let the Secretary to the Commission know?—Yes. [Mr. Francis has since ascertained and reported that the Native in question is a member of the Wesleyan Church.]

41,881. That is all you wish to say?—Yes, that is all.

41,882. *Mr. Samuelson.*] Do you know whether this Native is exempted from the operation of Native law, or not, in Natal?—I do not know. He has never left our employ. He has worked for us for four years, and is married here, and, I believe, he has left Natal altogether. Our other boys work for six months and then go away, but this boy continues to work all the time, and we occasionally give him a week or so off.

41,883. Is he bound to you by any definite contract of service for any length of time?—No. He engages on for three months, and then tries to get a 5s. rise in pay, and then goes on for another term, and, after he has worked for a further six months, he thinks he ought to get another 10s.

41,884. Having been fined twice at your instance at £5 a time, how is it that he continues to work for you?—I do not know. He gets big wages, and he does not seem to worry about it. He is a very good boy, and we pay him more money than any other boy. You can give him fifty invoices, and he will go and deliver them at any time.

41,885. Did you have him transferred from your business in Natal?—No; he sought employ here.

AFTERNOON SITTING.

Mr. Edmund Francis Bourke, M.L.C., examined.

E. F. Bourke, (M.L.C., Transvaal). Transvaal. 7th October, 1904.

41,886. *Chairman.*] You are a member of the Legislative Council?—Yes.

41,887. Have you been a great many years in this Colony?—Yes, I have been in the Transvaal since January, 1877.

41,888. You were born in South Africa?—Yes, in Natal.

41,889. And you have had considerable experience in the Transvaal, I believe?—Yes; twenty-seven years.

41,890. There is a list of subjects which have been referred to us, and I see that in your letter you have named certain subjects upon which you will be prepared to give evidence. The first subject you have named is No. 3, the administration of local affairs. You are aware perhaps that in some parts of South Africa an attempt has been made to establish individual tenure of land for Natives, and, in doing so, to associate with that the granting to certain Natives, who have qualified themselves, a limited share in the

management of their own local affairs, as affecting Native matters, having particular reference to schools and roads within locations, and so on. What is your opinion upon the subject of giving to Natives, who have shown a progressive tendency, a certain voice in the management of their own affairs?—I do not believe in it. My impression is that in the large locations, or with large Chiefs, or in large areas, the Government should establish or appoint residents, who should have the supreme control, the government to remain vested in the Headman or Chief of the locality. I do not believe in appointing local Boards, at all events, for many years to come.

41,891. Can you from your personal experience, or anything you have read, offer an opinion as to the value of the work that has been done by these people, to whom such responsibilities have been entrusted?—No, I have had no experience.

41,892. You condemn it on principle?—I condemn it on the lines that I think a general principle should be established, and that should be maintained throughout, both to those who are advanced in civilisation and those who are still living in a condition practically of barbarism.

41,893. That they should be absolutely under a European officer or inspector?—Men who should be resident amongst them, and that the Resident should rule through their Chiefs or through their Headmen, and where the number is not sufficiently large to justify the appointment of a local Resident, that areas should be taken in which these men should have the supervision and direction and control. For instance, in the Transvaal these men would be responsible to the Commissioner or Sub-Commissioner, and he in his turn to the Minister for Native Affairs, so that they would be directly under the control and supervision of the chief authority.

41,894. You are aware, perhaps, that in some parts Chieftainship has been practically eradicated; in which cases there are no such men as hereditary Chiefs and Headmen, as there used to be. How would your view be affected by circumstances like that?—That a Headman should be elected and confirmed by Government. In that case, where they have no such Headman, the selection should be left with them, subject, of course, to the veto of the Government. In that way a measure of self-government would be afforded to them.

41,895. At the present time in most parts of South Africa administrative affairs are vested in Europeans; there is not in each case a resident officer in the location, but he may be some distance away. That is the present system obtaining in most parts?—I think that that should be increased, so that a more direct personal supervision, a closer supervision should be maintained.

41,896. There should be more officers?—There should be more officers, more control, more supervision.

41,897. Do you think the Natives require more supervision?—I think it would be to their own benefit, and I am confident that it would mean an advantage to the administration. I believe that it would mean that the Governments would be better able to control the Chiefs and responsible men. They would better be able to arrange a system of regular labour. They would better be able to advise the Government with regard to any disturbance, or with regard to any trouble amongst the Natives, and also, I believe, too, it would prevent roaming, give a more settled establishment to the tribes, and prevent the loose characters from travelling from tribe to tribe or from locality to locality. I believe that in the long run

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the tribes themselves would materially benefit by it, and I am quite sure that the Governments would derive material advantage. That would provide also for an efficient registration.

41,898. Do you hold that it is essential that all Natives should be registered?—I advocate it very strongly.

41,899. And that a sufficient number of Government officers should be maintained to carry out that registration and to control the people?—Yes.

41,900. To know their movements?—Absolutely.

41,901. That would require a considerable staff?—It would pay, because the returns of those Natives who are subject to taxation—and they are all practically subject to direct taxation—would be complete, and the extra cost of administration would be returned four-fold, and in many instances more than that. The extra cost of administration would be far more than returned. Then you have, in addition to that, an efficient administration, you have the reform of abuses, and the Government are in close touch with the tribes in South Africa. I believe under those conditions there would be less disposition on the part of the Headmen and Chiefs to give trouble. Where the control is allowed to be lax and trouble arises, any attempt then to enforce regulations and restrictions is liable to be resisted or to give trouble. I believe if this restraint and this control is continuous you would not have trouble, it would not be so likely to arise, and if it did arise it could be more easily controlled and grappled with.

41,902. In the case of those communities who have shown a progressive tendency, who have manifested a desire to show their intelligence and their capabilities, you would do nothing more than you would do for the raw barbarian?—They have their control in their Chief or Headman, and I do not say that in the future perhaps this might not be modified, but I do not believe in its application at present, or for any immediate future. I do not believe in the application of modern laws and systems to a people who are only rising from barbarism. Even a generation or two is not sufficient training for a people, to make them stable enough to understand all the benefits of self-government, and I believe in a modified form of the tribal responsibility and of close Government supervision.

41,903. Where, for instance, the system of individual tenure has been tried, it was contemplated that Chieftainship, and administration through the medium of Chieftainship, had practically disappeared, or would disappear under its influence?—It is a modified form of it that I advocate. Instead of being a selected body it is a selected individual. That man is amenable to the laws, and is amenable to the control of the Resident or superior officer. It is a modification of their tribal system, one to which they are accustomed, so to say, by heredity, and my own feeling is that it would work better, and my experience of Natives is that it would be better than any attempt to govern on European lines.

41,904. Then you see no virtue in teaching progressive Natives the value of individual responsibility?—I think they see sufficient example in the Europeans, and as time evolves and the general condition of the Natives improves it will not be necessary to select any individual class, but the whole could be raised, if it were found advisable or necessary. I certainly should not do it with any favoured class.

41,905. You would wait until the whole mass was sufficiently ripe for the change?—Yes, by gradual changes—improvement in Native laws.

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41,906. And not take a particular district which had shown a particular disposition to advance, and try the experiment with them first?—I do not think there is anything to be gained by it.

41,907. You must make a beginning?—I do not think the time is ripe for such beginning. I think that the controlling and governing power is sufficient on the lines that I have indicated. If they are an enlightened body they have an enlightened control over them who would govern them under enlightened conditions under the law. I think that would be sufficient.

41,908. Then, when you speak about the law, do you mean the common law of the country?—The Native law.

41,909. Not the common law of the country which applies to Europeans?—No. I should allow them to remain under their Native laws as they stand, where the Native laws are in existence, but where the whole country or district is brought under European law, of course it must be allowed to remain. I should say Natives are best governed under Native law.

41,910. When you say Native law, do you mean to allude to the prevailing laws and customs, or do you mean codifying the law?—Codifying the law. In the same way that you modify the power of the Chief you modify his control. If a codified Native law were established it would mean that certain abuses would be removed, and improvements could be made, which would take them on the lines that you wish to carry them, but I think it would be better done under a system of Native law and of Native administration than that of attempting to govern them by the methods of the white man.

41,911. What is the effect upon a population of codifying Native law? Does it give you the idea of being progressive or retrogressive?—It would have a progresive tendency, because you could eliminate from it any mischievous portions of Native law and substitute those which are elevating and improving.

41,912. Then such a law would have to be modified from time to time?—That might be. All European laws are modified in the same way as necessity arises.

41,913. Are you acquainted with any codified Native law in South Africa?—No; not particularly.

41,914. You know there is one?—In the Cape Colony?

41,915. No, in Natal?—I do not know it. I have been away from Natal for many years. As far as I know the Native law works fairly well in Natal. I do not say that the Natal law should be the absolute model ; it has been probably found to require modification. Probably the experience they have had there would be useful in codifying such law, but if there is a codified law I do not know it. If there is a codified law in Natal it certainly would be some guide to the Commissioners as to whether that is a right thing or not. I did not know that Natal had such a codified law. I knew that there were Native laws in the Cape Colony, like the Glen Grey Act, and I know there is an administration of Native law in Natal, but I understood it was the ordinary Zulu law, modified of course; I did not know that it had been codified.

41,916. I should remind you that the Glen Grey Act, to which you refer, in the Cape Colony, is not a Native law; it is rather the other way?—It is the application of modern ideas to Natives.

41,917. Natal, on the other hand, has a distinct Code of Native Law. When you referred to Native law you used that expression. What do you mean by it?—I mean by codified Native law, those laws which are in force amongst the Natives, so modified as to bring

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them practically into line with the European law, but carried out by the Natal method. It is practically the Native law with such alterations in it as to enable it to be made effective and simple, and practically applicable to all the Native races alike, so that there should not be changes in one particular district or another, as you just now hinted.

41,918. All over South Africa there are different races having different characteristics and different customs in every respect almost?—Still their general training and general practice is the same. There may be local conditions, but I think that those local conditions in every case could be modified, and they would be modified by codifying the law and applying it in such a general way that it would be workable.

41,919. Do you include within the term "Native law" "lobolo"?—I have never gone into the detail of it. I merely apply the general principle.

41,920. That is the passage of a consideration in marriage. Is that a thing you approve of?—I do not say I approve of it, but I think it might probably be necessary to adopt it, not to too strongly disturb Native customs.

41,921. Then you may be aware that in some parts of South Africa the amount of dowry is very small; in other parts it is very large. How could you unify that?—I do not say that there are not difficulties, but I am quite confident that in the hands of men who are accustomed to the practice of Native law, all those difficulties would be overcome, and if it was necessary that it should be modified, my feeling is that it should be done in the direction of general improvement, and where this improvement can be brought in in any particular district, it might be advisable to bring that district a little further in advance, but always maintaining the same general principles. Natives adopt Christianity and form communities of their own in South Africa; those Natives live practically under the teaching of Christian doctrine, but still they would be to a certain extent amenable to Native laws. The general law would apply. But in certain localities particular sections of the law might be made inapplicable, and they could be exempted from those particular conditions. Then, in doing that, they would have to leave that particular community.

41,922. Generally speaking, you consider it advisable to legalise "lobolo"?—You want to apply a concrete case where I want to apply general principles. I take the general principle. Certainly it exists, and where it exists I think it would be a difficult thing to disturb it. That applies to any particular practice or custom. You might in the same way take many customs which exist at the present moment under the tribal system.

41,923. It exists, and should be allowed to continue, you think?—Modifying it from time to time as opportunity afforded, and as might be found desirable.

41,924. Do your remarks apply to polygamy also?—Exactly the same.

41,925. At the same time do you approve of the recognition and perpetuation of the tribal system, by which the Natives live in a communal state, and have the right of trying their own cases?—I advocate that all that should be done under immediate Government supervision and control by means of these Residents.

41,926. So that the Resident would be very much equivalent to a Chief sitting in judgment in Native cases and administering

Native law?—No, he would be a supervisor of the administration, and controller if necessary, adviser to the Chief, supervisor of his actions, and Director-General. Of course, in the case of large tribes, one Resident would not be sufficient. Several Residents would have to be appointed, in the same way as you appoint Commissioners and Sub-Commissioners.

41,927. From these remarks I take it you are not an advocate for any interference with the present system of land tenure, the communal system?—No, I think that the whole of the Native administration and control should be vested in the respective Governments.

41,928. Do you refer to all those Natives who are squatting in various parts of the country?—I think that the Residents or Commissioners of the particular districts should have the absolute control of those Natives that were allowed to remain, for instance, on private farms; any tax or revenue derived by the farmer or owner of the property from those Natives should pass through Government hands and be a fixed charge. In the same way, Natives living on Crown lands outside locations should be subject to a special tax for that privilege; they should be under the same conditions. The mere fact of a Native residing on a private farm should not exempt him from the operation of the law and the control of the Commissioner or Resident.

41,929. So that additional officers would have to be appointed to look after all those locations on private farms and on Government farms outside the recognised locations?—Yes. Where a Native resides on any farm he should only do so by consent of the Government. The Government should be cognisant of his contract or the terms upon which he lives on the farm, and the Government should control the revenue derived by it and should derive a certain revenue from it for the collection, administration, and supervision.

41,930. If Natives were allowed to squat on private farms there should be a fixed rent?—The terms upon which they squat on that farm should be subject to the approval of the Government, the Government should have the collection of that tax, whatever it might be, and a certain proportion of that tax should go to the Government in order to maintain the expense of its supervision and control.

41,931. Should Government fix that rental?—That is a point I have not fully considered. There are areas upon which it might be advisable. If Natives are rendering certain services to the farmer upon agreement that should be fixed. The rate per hut or the rate per head should also be fixed.

41,932. It means, then, in every case where Natives are living upon land upon payment of rent the Government should intervene and control all the negotiations?—Absolutely.

41,933. Then, in saying this, do you think it is a good thing for private owners of land to be allowed to have large bodies of Natives upon that land?—I do not advocate it. My own feeling is that it would be better that such areas should be, as a principle, either under or vested in trust of the respective Governments, but as a matter of present arrangement and present working I think it might be allowed to continue. It would be difficult to disturb it, but I do not think it should be encouraged to spread.

41,934. Still, a large amount of money is invested in land in South Africa, not only in this particular Colony, and those who have invested that money have done it with the idea that they would derive a certain income from letting the holdings on that land. Could you take that power away from them?—Where those farms

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are already let and the Natives are living upon them, it would be difficult to disturb those Natives, but the application of this arrangement should be made generally, and then, whatever income is derived, I believe that in the long run the owners of farms would receive all that was justly due to them, and probably in many instances they would receive a great deal more than they are receiving now, even after the Government tax or the Government deduction for administration had been taken off.

41,935. Then we come to the Squatters' Law existing in the various Colonies. What is your opinion of that law, a law which limits the number of families that can be allowed on each farm?—I think the general intention of it is good, but it is difficult of administration. The idea is practically to distribute the Native labour, or the Natives, over the whole Colony, so as to evenly distribute the labour that is available. If it could be worked satisfactorily it would be a very good plan and a very good system.

41,936. Do you think a law of that nature could be worked satisfactorily where the limit is, say, five families?—I say the limit of the families should be in the hands of the Government, and they, naturally, in order to develope the country, would distribute the Natives as far as possible.

41,937. Then, supposing, from the nature of things, it was necessary to remove the Natives who were in excess on one farm to other parts, could you compel the Natives who had to be removed to go to any other place?—The holder of the farm might refuse to give them any more standing room. Then they would be obliged to go.

41,938. Could you compel them to go to any particular farm after that? If not where would they go to?—The immediate effect of such a re-arrangement would be a further spread of the labour.

41,939. It should be voluntary, I take it?—It should be in a way modified, that is to say, so far as possible, the wishes of the people should be respected, but if they were unreasonable or their wishes were impossible, then the Government would have to take such measures as they might deem best under the circumstances.

41,940. Do you mean, in saying that, that the Government should be empowered to take Natives, and, if they were unable to agree with the farmers or the landowners to go and settle, that they should forcibly settle them?—If necessary.

41,941. You would approve of such a forcible measure?—Yes.

41,942. That would be taking straight away from them their will power?—No. I say they should be consulted as far as possible but if they were unreasonable, then the Government should have the right to control them. Concede to them as far as possible any reasonable requirement. The Government is not unreasonable under these circumstances. If the men were unreasonable, and required from the Government what was difficult or impossible to carry out, naturally I should give the Government the power to move them.

41,943. Then the alternative might be that the Natives would claim the right to leave the country?—Then I should let them go.

41,944. Of course, by having recourse to such measures the country might lose a good deal of its population?—In the long run the Natives would realise the advantages of more settled conditions, and I believe that they would appreciate them. Besides, I do not think that it is desirable to encourage in the Native that habit of

trekking from area to area. Practically, when they are allowed to shift at will, it means that the lands that they occupy are impoverished and they make no effort to improve the lands on which they farm. They farm the land clean out and they move to another locality. I do not think that should be encouraged. I think if the Governments are anxious to improve their conditions and to develope the Natives they would be best developed by this system of control and direction. They would be encouraged then, and I believe too in that way the Natives would probably be brought together. It might be found possible, for instance, to form fairly large colonies of Natives where their labour would be available in fruit culture or in cotton growing or any other industries of the like nature; for instance, a farmer might require even a hundred families and employ a hundred families, and employ them pretty well all the year round, if he could have them on his farm or farms. He could give them a certain locality to occupy and then the general conditions of those Natives would improve, and their knowledge would improve, their conditions would improve. This might be done on mining propositions. Then it would mean that settled labour would always be available.

41,945. Of course, this is a form of—well, it might be interpreted as a form of slavery, if you compelled Natives to go to farms and they did not wish to go?—If a Native was not satisfied on a farm and he gave the Government good and satisfactory reasons for it, I think the Government would locate him in another locality or another place. He would always have to be subject to certain general laws and control, in the same way as any European.

41,946. Would you, for instance, take Natives from the low veld, where the climate is very warm, and place them on the high veld farms where they were in bad request?—Not unless they were willing to go.

41,947. You would not?—No.

41,948. Well then, about taxation, Mr. Bourke, you mentioned just now that the Government should fix the rent, which is a different thing to taxation, for those who squat upon private lands?—Yes.

41,949. In addition to the rents that are chargeable, should the Native, in your opinion, pay taxes?—Yes.

41,950. What are your views about the taxation of Natives?—I think that every able-bodied man, say from the age of 16, should pay until he arrived at the age of about 60.

41,951. Pay a poll-tax?—Pay a poll-tax.

41,952. And are there any circumstances under which you would exempt from the payment of that, or not charge it to people who were workers?—I would modify it in the case of Natives who were working on farms for the farmers, or where they were working on an industry, whether mining or agricultural.

41,953. How would you modify it?—Give them a rebate.

41,954. What for?—For labour.

41,955. When you say that, do you mean for regular labour or specific labour for a certain time?—For regular labour.

41,956. For what period?—In the case of a Native, for instance, who was in regular work, year in and year out, in the employ of some master, I should materially lessen the taxation he should pay.

41,957. That is, you would exempt him from the operation of the statutory tax?—Yes.

41,958. Would you alter the law so that a man who did per-

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form work should not be liable for it even?—Not altogether, because there is an incentive also in the payment of the tax—an incentive to work, a motive to work. I would not remove it altogether, because, in the first instance, it is an impelling power that compels him to work in order that he may pay certain dues to the Government, and in the second instance, there is an incentive in the fact that the wages that he gets are a certain direct reward for his work.

41,959. You spoke about the farmers; do you mean that Natives who work for farmers should be exempted for that reason?—That they should pay a lesser tax.

41,960. And if they worked for other people?—If they worked for farmers or for any industry.

41,961. Mining?—Mining.

41,962. Your meaning is this, that you would exempt people because they labour?—Yes.

41,963. Not because a certain industry like the farming industry required to be protected by having labour diverted to it?—I would not make any deduction for town labourers, for instance, for "togt" labourers, for shop boys, or for mercantile assistants, or Natives employed in occupations of that sort; but where they are labouring for the progressive condition or for the general improvement of the country, the taxation should be lessened.

41,964. Supposing they were working for a man who was carrying on a large industry, those Natives would be working for progressive conditions, and those working on the mines are doing so equally?—Yes; if a Native was engaged in tea planting or cotton growing, or in coffee planting, or fruit cultivation, or whatever it might be, and was working year in and year out regularly, he should have exemption of a portion of the tax; and in the same way the boy working year in and year out on the mines should also be exempted from a portion of his tax.

41,965. What about the man living in town carrying on a saw mill?—I would not exempt him.

41,966. Would you absolve the towns from the privilege?—Yes.

41,967. Why; the Native in the town has to pay a great many more expenses and he has to keep up a more expensive appearance, and has no land to help him?—He works under easier conditions, and he is not engaged in any industry or in work which tends to the general development.

41,968. But he is helping you, and you are carrying on industrial work?—He is probably paid an extra wage for that. I do not think that there is any benefit to be got by attracting the Natives to the towns. I do not think it tends altogether for the development of the Natives. In instances, of course, it does, but not as a general practice.

41,969. You think by not exempting the town Natives they would be more inclined to go on to the land?—They would be more inclined to work on the land.

41,970. You might drive them away from the towns and impoverish the labour supply there?—No, I think that that would be maintained at a fair level. There are two great inducements for the Native to live and work on the farms. He is always with his family and can remain steadily at work and so enjoy a great many privileges of home life without leaving his kraal, while the man who comes into town is deprived of those home advantages, and his cost of living also is increased, though, of course, his pay as a rule is

larger. I do not think that the Native needs any encouragement to go into the towns to work.

41,971. The next thing you referred to is the franchise; what are your views upon that subject?—I am not in favour of the Native franchise. It would not be possible under the conditions which I have sketched; the franchise they would have then would be the election of their Chiefs.

41,972. Do you fail to recognise that under certain conditions, for instance, if a man raised himself to a high standard of education and civilisation through his own efforts, he should be entitled to the franchise?—If he becomes exempt from the operations of Native law.

41,973. What do you think should exempt him from that?—I think reaching a certain standard of education.

41,974. Subject to that, he should be exempted and be entitled to franchise privileges?—No, he should be entitled to an exemption from certain clauses of Native law. He would then be brought more under the general conditions of the European law and exempted from the application of Native law, but not admitted to the franchise—not under the present conditions.

41,975. Do you think that the Native is fairly represented in the Councils of the State?—I believe that at the present moment he is, but if any further representation were necessary, for instance in the case of self-governing Colonies, that representation might be increased, and special members might be appointed by the Government and with the general consent or with the general choice of the Natives themselves; but they should be special men and not men elected by a mixed vote of black and white. They should be recognised in the Councils where they sit as representing the Natives, and the Natives only, and should sit there as Native representatives.

41,976. Either nominated or elected?—Either nominated or elected.

41,977. But limited to election by the Natives themselves?—I should be in favour rather of nomination of men to be approved by the Government or approved by the Executive body of the Colony in question.

41,978. You will say nominated by the State?—Yes.

41,979. You would incline to that?—Yes.

41,980. Do you think that would serve to give them further and full representation in due course?—I think that that would give them absolutely satisfactory representation. The Natives would recognise those representatives in the same way as they now recognise, for instance, the Secretary for Native Affairs as being their representative. They would bring their grievances and their troubles before those elected men who would be brought into close touch with the Natives themselves and their affairs; and their interests would be absolutely safeguarded.

41,981. That, I take it, to be governed by the advent of the time when a sufficient number of them had reached a high standard, but not now?—Yes.

41,982. Then you referred to education and religion; do you hold views about that subject?—I believe in the education of the Native, but I think that this education should be absolutely under the control and direct supervision of the Government; and I believe also that the religious teaching of the Native should be supervised by the Government, and I think that that education should be directed and controlled by Europeans only.

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41,983. How would you control religion, for instance?—I should not interfere with any direct religious teaching so long as the State was satisfied, so long as that teaching was conducted upon orthodox or recognised Christian lines, and that the teacher was properly and duly authorised by the body he represented.

41,984. Do you mean that the Government Inspector should enter on the premises of missionaries and scrutinise their methods and doctrines?—I think the Government should supervise every teacher, and I think that not only should the Government have the right of inspection, but should be satisfied of the capability and fitness of the man who is the teacher of religion.

41,985. Could you apply that to white people?—No, perhaps not, but in this case you see the Natives are practically in the condition of children.

41,986. Do you think that religious influences have been evil so far?—In some instances they are mischievous in their effects. An instance has just been brought to my notice of trouble that is arising amongst a Native tribe as far away up as the other side of the Zambesi, in Barotseland, where the Ethiopian emissaries have reached Lewenika's tribe, and have had a very disturbing effect upon him and his people, disturbing an influence that has decidedly been for good under the late Reverend Mr. Coillard and his French Mission. That mission worked splendidly for the advancement of the Natives in that area, but the Ethiopians have come in of late and had a very disturbing effect upon the whole system.

41,987. Are your remarks directed against the methods of the Ethiopians?—I am of opinion that any Native church which is controlled by Natives, and has for its head Natives, and especially men of colour from other countries, is apt to be mischievous in its effects, in fact is almost certain to be mischievous upon the Natives.

41,988. How can you control it?—By prohibiting it or stipulating that no teachers would be authorised except under Government licence.

41,989. In religious teaching?—In religious teaching.

41,990. Now, taking one of the great missionary organisations in South Africa, without naming any particular sect, but just taking one into your mind, do you think it would be possible for Government to step in and attempt to control the work of that mission?—I think the missions would be satisfied that such a measure was of benefit, not only to the Natives but to the mission as well.

41,991. Would they accept it?—I think they would.

41,992. Do you think that any Colony would pass a law which would make that compulsory?—Take the instance of the French Protestant Mission in Barotseland. I think they would approve of such a measure. I am confident that even a body of foreigners, who would naturally be more restive perhaps than British or Dutch born people, would be glad to adopt such a regulation.

41,993. As a measure against the encroachments of the Ethiopians, do you mean?—Or of the encroachment of any mischievous doctrine or practice. I am not speaking with regard to the interference that it has with regard to any particular teaching, but the disturbing effect it has upon the Native mind. It upsets their balance, too.

41,994. Let us dismiss for a moment the memory that the Ethiopians have found their way here. If they had not done so, would you have still held the same opinion that the State should interfere

with religious teaching?—I feel that a Native who has only recently emerged from barbarism should be, at all events for some generations, subject to control and supervision, and that he should live the life that he professes, or otherwise he is apt to lose his balance.

41,995. Then the liberty allowed to the mission societies for the last 100 years is wrong?—I think while this missionary enterprise was in the hands of, and under the control of, Europeans, it was perfectly controlled, but, as soon as a new element comes in, that control is distributed. They have always recognised the white man, when they are under his sole control, as their superior, but when you bring a Native man to the same level as the European, I do not consider that the influence is beneficial, nor do I think that the local Native under those conditions is equal to standing the strain that is put upon him.

41,996. And you advocate forcible measures?—I advocate control by Europeans. In the same way as I advocate the control of the Chiefs, so I advocate the control of the missions, only that instead of the control of the missions being exercised by Government officers, it should be by recognised European pastors, or European teachers or European missionaries; but they should be recognised by the Government, and the Government should be satisfied through their inspectors, or their officers, that these people were fit and proper persons, and that their objects were right and their teaching not such as would have a mischievous effect; and I should make the mission responsible all the way through.

41,997. Does that not expose the Government to rather a dangerous situation. Supposing, for instance, your inspector is a man of one form of religious conviction, and very pronounced in it, and he is called upon to inspect a sect or denomination exactly the opposite. May he not perhaps take a prejudiced view of what is going on, and so do a wrong?—I think that you will never make any regulation, or any law, but what you can find difficulties in it, but I should think that this could easily be checked and controlled by the head of that Government Department. I mean to say that it would not be in the power of any inspector or of any supervisor to absolutely control and interfere with any particular teaching. He would have to show very good and substantial reason, and that would go to the responsible head of that teacher, and every opportunity would be afforded of demanding an enquiry into the whole of the circumstances. I do not know that any mischief has arisen in the past through any European leadership, or through any European teaching, and while the Government have the control it will not be easy for any Government officer to prejudice any capable and responsible missionary or teacher..

41,998. Then you hold that education should be entirely controlled and conducted by Government?—It need not be conducted by Government, but it should be supervised by Government.

41,999. As a matter of fact, it is the system in South Africa to inspect schools and to give grants under certain conditions?—Yes.

42,000. Would you alter that?—No, I should not, but I would increase the supervision.

42,001. And would you give grants in aid to schools that are conducted by, say, the Ethiopians?—If they were under European control and supervision, and under a European head.

42,002. Would you bar them if they were not?—I would.

42,003. Believing that European control is essential?—Believing that it is essential.

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42,004. That is your reason?—Yes.

42,005. Essential for what?—Essential for good government and good control.

42,006. Good government of the country?—Yes; and I believe it is also essential for the successful teaching of the Natives themselves.

42,007. You mean that it would be in the interests of the Natives?—It would be in the interests of the Natives themselves.

42,008. You have mentioned liquor traffic; are you against the liquor laws that are obtaining here?—I think that total prohibition should be maintained.

42,009. You are in favour of the total prohibition of spirituous liquor?—I am in favour of its total prohibition.

42,010. Either the sale, purchase, or supply?—Either the sale, purchase, or supply.

42,011. For instance, if a farmer wanted to give his boys "tots," which is now forbidden by law, you would not allow him to do it?—I would not allow him to do it. Excepting that it would be difficult to draw the line, in cases of sickness or in cases of that sort I think it should be allowed, provided it was *bona fide*.

42,012. It is allowed now by law in some cases?—Then I do not think we can go any farther.

42,013. Then, as to the "Status and Condition of the Natives"; is that a subject upon which you wish to offer some particular remarks?—I have nothing further to say beyond what I have already said, that I believe that the general condition of the Native would be greatly benefitted, and greatly improved, if a more efficient restriction, and a more effective control was established.

42,014. Have you noticed, during all your years' residence in this Colony, any change in the condition of the Native?—I have noticed a great many cases where marked benefits have followed the teaching of Christianity. I have noticed also that in a great many instances where Christianity is blamed for the habits of the Natives, it is not Christianity that is the trouble; but it is merely the adoption of certain civilised habits, or certain civilised customs which are mistaken for the teachings of Christianity. For instance, I have noticed that the boys who are subject to Christian teaching, and who have adopted it, are steady and reliable, and that their general condition has improved.

42,015. Would you say that of the Natives, as a whole?—I have not noticed any such great improvement as might have been expected, and which ought, I think, to have taken place in the last 20 or 25 years.

42,016. Is there any particular subject that I have not asked you about upon which you would like to express an opinion, arising out of my questions or otherwise?—I do not think so.

42,017. *Mr. Sloley.*] Do you happen to know, Mr. Bourke, what was the nature of that trouble beyond the Zambesi at Lewenika's place?—The Ethiopians had in some way penetrated, or become brought into contact with Lewenika's people, and those men who had hitherto been staunch supporters of the Barotse Mission, and who had been under the direct influence of it, and benefitted in a great many ways, were upset altogether by the introduction of these Ethiopians. They became dissatisfied with their European teachers, and were seeking to throw off the influence of those teachers, and get away from their former allegiance.

42,018. That is to say, they were leaving their Church and joining the Ethiopians?—Not only that, but it was having a generally disturbing effect upon them. It was to a very great extent having the effect, so far as reports that we have received show, of almost entirely shaking their confidence in the system of religion which they had been taught.

42,019. Was that not rather due to the influence of Lewenika's sister, who was opposed to Christianity?—No, it was the Ethiopians themselves, the influence of the Ethiopian teachers. Mr. Coillard felt it very deeply indeed.

42,020. The Ethiopians profess to be Christian teachers, do they not?—Yes. I suppose it is due to a very great extent to the fact that if they are to attract the Natives, they must preach some tenets that will be attractive to the Natives over and above what has been already taught them by the white teachers.

42,021. Have you heard that they do preach such doctrines, or that they hold out any other inducements to them, than the attraction of their being an independent black Mission Church?—I have been told by thoroughly responsible men from the Cape Colony and Pondoland that the general teaching is not merely that of the Church, but it has also got a certain political bias, which they lose no opportunity of fostering, and that is, naturally, to throw off the white man's control, supervision, and direction, and eventually to re-assert Native authority in South Africa.

42,022. Do you think that this feeling originates from the Church, or is it not that it is merely from the Church point of view that the black man expresses these feelings?—No, because before this Church came into the country, we had no such disposition and no such feeling, and the Natives were thoroughly loyal to their Churches; this spirit of disaffection and spirit of unrest was not existent the same as it is to-day—we never heard of it. I have known, for instance, of Natives who are now members of this Ethiopian Church who I looked upon as thoroughly reliable and trustworthy, but now, though they are apparently sound in their Church doctrine, they are not the same men, either in behaviour or in general conduct. They have in their own opinion been "lifted." In one instance, the Churches are under the supervision and direction of the white man, and in the other they have gone back to the Native, and I look upon that as more or less a throwback in the effect of Christian teaching. Of course, it may not be permanent, but it is bound to be mischievous in its effects while it lasts, and I should say it might be productive of very serious mischief before the effect is eradicated. It is a very easy thing to get a matter like that set in the Native mind, easier than it is to get rid of it again.

42,023. Do you not think that Kafir war songs and pictures of sixty years ago—before this Church was thought of—expressed the same sentiments as these people are expressing in a less warlike manner?—Yes, but this is grafted on to a practically uneducated class, and it is bound to be more mischievous in its effects, because the Native is impressed by the education of his coloured brethren, and what may have been merely a tradition becomes an ambition.

42,024. Would you suppress the Native press as well as the Native Church?—If it were feasible, I would; I should, at all events, control it.

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42,025. Do you not think that it is an advantage to have an educated class of Church and press which, when they do preach, preach openly these sentiments. The Natives have then in a sense their cards on the table, and we can see what they are talking and thinking about. Do you not think that there is a certain advantage in that rather then having them all bottled up and talking round their kraals, and keeping the thing to themselves?—No; if the newspaper press were confined to educated people, the mischief might not be so great, but where it is read by people who are illiterate, and only just able to read, I think its effect is more mischievous. And, not only that, but the Native mind is impressed the same as is that of any other uneducated people. It is impressed by what they see in black and white, and they perhaps believe more in that than in anything they merely hear, in the same way as they are taught to believe in the Bible. They look upon what is printed and written as more authoritative than that which is merely passing from mouth to mouth.

42,026. Do you read the Native press?—Very seldom.

42,027. Do you not think that in the Native press, if there are articles which are offensive, there are also a great many which are healthy and thoroughly loyal in their tone?—Yes, and I should say that those articles naturally would be beneficial; still, I am not thinking about the beneficial effects that might be brought about by the press, but of the difficulty there is in controlling it.

42,028. *Captain Dickson.*] What is your opinion of the Squatters' Law as it exists in this Colony to-day?—It is inoperative.

42,029. Do you think that it is possible to carry out any efficient Squatters' Law in most parts of this Colony?—I think it could be carried out by modifying its provisions and leaving to a certain extent its control in the hands of the Government. I would not put down a hard and fast law; for instance, that only five families should be allowed to live on a man's farm. If a man was engaged in a great industry, I would allow him to have as large a number of families as he required. For instance, take Mr. Hulett in his tea-planting. Mr. Hulett should be allowed to have as many families as he could induce to come and live on his farm, or he might be allowed to use one farm absolutely to settle his Native labourers upon, because he might have 100 families and employ them beneficially. I should say that where a man does beneficially utilise and employ a large number of Natives he should be allowed to have those Natives on his farm.

42,030. Have you studied the Native laws of the Cape, especially the law of 1889, which refers to squatting?—I am sorry to say I have not.

42,031. Would you be in favour of a law in this Colony on lines somewhat to this effect: that a farmer should be allowed so many paid labourers on his farm, together with their wives and families, as he had work for, and also a certain amount of labour, according as the inspector might think necessary for the development of the farm, in addition; and that squatting pure and simple should be put down?—I should certainly be in favour of that.

42,032. *Mr. Samuelson.*] Have you lived some time in England?—Yes; at least, I have been on several extended visits there.

42,033. I presume that you have often heard in England that questions of contract and questions of business matters are often settled in the Courts on some particular usage or custom, some mercantile usage in force in some particular place, which is not actually written law?—Yes.

42,034. And will you admit that decisions on customs and usages would vary just as those customs and usages themselves vary; that is to say, that in the one country, or in the one particular district, there would be certain customs which were not in force in another?—Yes, exactly; but, if possible, I should suggest that to a very fair extent they should be codified.

42,035. I was only speaking of at Home?—Yes, at Home, certainly.

42,036. Do you not think, then, that the first step towards unifying Native customs and usages would be to reduce them to writing, and to say, "We will not recognise *these* customs and usages as having any force or law in our Courts, but we will allow you to use *those*, and they will be written out as laws"?—That is my meaning; that would be the first stage.

42,037. That would be the first stage towards bringing Native customs and usages, which vary very much, into one code, telling the Natives that, "We cannot allow these, but we allow those," to begin with?—Yes.

42,038. And then that would put you into a better position for dealing with that law, by either amending it or repealing it, as time goes on?—Exactly.

42,039. And finally to repeal that law altogether and substitute something else by legislation?—Yes, by legislation in the ordinary way.

42,040. Do you think it is possible practically and effectively to get rid of Native customs or usages without some process of that sort?—No, except you caused a general upheaval in the country, you could not do it. I do not think it would be possible; you would upset the Native mind to such an extent that he could never settle under those conditions.

42,041. The only way, then, in your mind to effectively get rid of a variety of Native customs and usages, and what some people choose to call laws, which is only tradition after all, is by codifying what the Government considers to be useful and practicable, and by that course in time to get rid of it and substitute our own laws?—Yes, by gradual process of evolution.

42,042. And will you admit that codifying usages and customs in that way would bring about unity and consistency in the decision of Courts?—Yes; otherwise there would be no unity in the decisions of the Administration.

42,043. You have not been much in the Cape Colony, have you?—No, very little; more in Natal and the Transvaal.

42,044. Then you do not know that the laws of the Cape Colony contain a law called the Native Successions Act, which recognises the Native law of succession?—No, I do not know that.

42,045. And that, therefore, to that extent Native law is recognised in the Cape Colony in the Native Territories?—I thought that the Native law of succession was recognised generally by all the Governments. I did not know there was an express law to that effect in the Cape Colony, but I understood it was generally recognised by the Governments of all the States, in the same manner, for instance, as the British Government acknowledged the succession of Cetewayo, and in the same way as they recognised the succession of each of the other Chiefs, subject to their confirmation.

42,046. I was only asking that question, Mr. Bourke, because I have heard it stated in some quarters that Natal is the only country which has anything in the shape of Native law on statute?—I did not know that.

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42,047. Do you know that in the Cape Colony there is what is called a Native Penal Code, which applies certain laws and regulations to Natives, I think, in the Transkeian Territories?—I was aware that there were some special laws in force in the Cape Colony, but I am unacquainted with the particulars.

42,048. That might be called Native law, as it is applicable specially to Natives and not so much to the Europeans in those Territories, may it not?—I should call it so; it is practically on the same lines which I advocate.

42,049. Say you were a farmer, Mr. Bourke, and were allowed under the laws of this Colony to have, say, ten more families than the families prescribed by law, because on account of some industry you required so many, and say that bad seasons, or other circumstances were to deprive you in some way, or put a stop to the extra work for which you required those extra families, what would you then propose to do in regard to the families who in that way became inoperative and of no use to you for work?—If those Natives were required in some other district, and there was no chance of the industry or work in question reviving, then I would allow them to migrate to another farm where they would have work. But, if it was merely a temporary suspension, I would allow the farmers to continue to keep those families, and, if they wished, arrange for them to obtain temporary employment elsewhere.

42,050. Do you not think it is possible for a good many farmers to have excess families on their farms in that way, by asking for them in a time of need, and then when that need ceases, simply allow them to stay on?—I think the mischief that is to be avoided is allowing Natives to go on to farms and settle, in order that they may be revenue earners for the owner of the farm, and not in any way developers of the farm or the industries of the country, through being allowed to become squatters on the farm for purposes of revenue, not for purposes of development.

42,051. I presume a farmer who was so inclined might in that way get a number of families on his farm and call upon them to pay rent?—If this settlement is done entirely under the supervision and under the regulations established by Government, it would not be easy to get the Natives, and it would not be easy to keep them there after he had got them, unless he fulfilled the conditions, because there would naturally be a condition of contract by which they would be allowed to settle upon the farms.

42,052. Do you not think it would be better to give permission only year by year to exceed the regulation?—Yes, year by year only. Of course, it is distinctly understood, and it stands to reason also, that in any permission that is given, the Government is not seeking the advantage of any person from motives except that of the development of the country and the development of industry.

42,053. Do you not think it would be better for the Government of a Colony in which these Ethiopians have established schools to recognise them to a certain extent by giving them grants in order to enable them to visit those schools, and in that way to exercise a control over them, whereas, if no grants were made, there would be no pretext for Government officers to visit those schools and to inspect them?—I think that the supervision should be there, grant or no grant.

42,054. How could you claim supervision over a private school if you made no grant in aid of that school?—I think the general weal

requires that it should be done. I think that a school, to be established, should be established under licence. Such a regulation might be made general in its operation. It would not be a hardship to any *bona fide* school or teacher, but it would be a bar or hindrance to any who were not *bona fide* in their intentions and purposes.

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James B. Mama and *John Makue*, examined (through an interpreter).

42,055. *Chairman.*] I understand that there is something that you wish to say to the Commission, and that the first thing you wish to speak about is the franchise?—*Mama*: I wish that the Natives of this Colony should have the franchise.

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42,056. Why?—Because that is a thing which will make a people of us. We have no place to which we can go, or to which we can get out of the way of Colonies like this, and the only safety for us is to have the right of voting.

42,057. *Mr. Samuelson.*] When you have reached what stage of civilisation do you think you ought to have the franchise?—I think that when Natives have got to that degree of knowledge that they understand what the meaning of franchise is, and of voting, they ought to have it.

42,058. *Chairman.*] Not before?—Not before.

42,059. The next point that you have marked on this list to speak about is labour. What have you to say about that?—Work here in the Transvaal is carried out under pressure and is a hardship. You are given four days in which to obtain employment, and to get a master who will pay you that amount of money which will satisfy you, and if you are unable within the four days to get an employer who will pay you the wage you want for your services, you are compelled, in order to save yourself, to take employment from a man who will pay you only £1 a month. There is also another matter. That is with regard to passes. If you happen to be in the country without a pass, or happen to have stepped into a place where you should have a pass and have not one, then you are subject to arrest at once. The only object of compelling Natives to have a pass in a town like this, is really to force them into obtaining employment within four days, at rates unfavourable to themselves. There cannot be any other reason for it, because if people want us to work here they should not require us to take out passes when we go to seek work. That matter causes a great deal of hardship to us Natives. Again, we get no special rewards or bonuses for our services in this country; all we get is the wages; and we are forced by this system to go into places where only lower rates of wages are obtainable than we could get if we had more time.

42,060. Do you know anybody in this town of your own age, who is a grown man, who is getting £1 a month as wages?—There are men working about here in the town sweeping the streets who are getting £1, £1 10s., up to £2, who have come into it that way. If reference is made to the Pass Office it can be definitely ascertained what wages are paid to Natives who have come in under passes.

42,061. How many days do you want to look for a master, for work?—Why should there be any restriction or limitation at all? When we come here to seek work, we should be free. And there is another thing. You cannot leave your master to whom you have contracted your services until you have completed that time which is fixed in the pass. That is where the danger to us Natives who come to work is. It is in the pass.

J. B. Mama and J. Makue, (Natives).

Transvaal.

7th October, 1904.

42,062. How long have you been here in the Transvaal?—This is the fifth year.

42,063. You seem to have accommodated yourself all right?—Yes, I have suffered from it.

42,064. Why do you prefer living here to living in your own country?—I left home for this country to come here and work, and it would be hard for me, when I was once here, because I found difficulties, to have to travel right back to my country without having obtained any work.

42,065. Are you a Christian?—Yes.

42,066. Do you drink brandy?—No, Native beer.

42,067. Do you like the Natives to be able to get brandy?—The purchase and supply of liquor is forbidden in the country from where I come, but I should like to see an alteration in the law so that when any Native is actually caught having obtained liquor and having used it he should be fined.

42,068. Is that not the law?—No, there is no fine; they are sent to gaol.

42,069. You mean you would like to have the option of a fine?—Yes.

42,070. Why do you not think it is a good law?—I look at the hardship endured by Natives who are being sent to gaol, where their treatment is painful, when they could otherwise have released themselves from that penalty by paying a fine.

42,071. Do you think it to be in the interests of your people, and that it is a good law, to keep liquor away from them?—No, I do not think it is a nice law, because liquor is needed.

42,072. Brandy?—I refer to all spirituous liquor.

42,073. Then you wished to speak on the subject of taxation?—The tax here is heavy. It is £2 per head of the manhood. We living in towns have, in addition, to pay a rent, which amounts to 18s. Here in town we have also to pay 10s. dog tax; we have to pay 2s. 6d. for the removal of rubbish; we have to pay 7s. 6d. for w.c.; and we have to pay 7s. 6d. for a stand.

42,074. Are you obliged by law to keep a dog?—A dog is a man's property, and when he becomes possessed of one, then he has to pay a tax for it.

42,075. Do you pay unless you have a dog?—No, I do not pay, because I have not got one. These taxes in the municipality here, I say, are heavy; these only, without reference to the poll tax. In addition to these municipal taxes, the Government has placed upon us the poll tax of £2 a head. We are men, we are not slaves. We are only servants to our employers. We are not in the same position as Natives out of the country, because while they pay tax they have ground to cultivate. We think the Government ought to see into this for us. The tax which is paid outside the town, the poll tax itself of £2, is heavy; and the rates and payments we have to make here to the municipality in themselves are heavy without any additional taxation. Then, at the same time, the wages here are very low. The time has not come when men receive wages such as would enable them to meet comfortably these taxes.

42,076. What work are you doing?—I am working in a lawyer's office.

42,077. What are your wages?—£4 a month.

42,078. *Mr. Sloley.*] Are these municipal rates you speak of monthly?—They are monthly with the exception, of course, of the dog tax.

42,079. *Chairman.*] Is the 7s. 6d. for sanitary rates the same as paid by the Europeans?—We cannot be compared with the white man and the white man's servants. Here, in this municipality, they do not do what is done for us in other towns of South Africa, where water closets are erected for the use of the Natives. Here that is not the case. If the residents of the location were not forced to set up these w.c.'s, it would be all right, because then the poor man could go to the general w.c.'s which the municipalities should put up.

42,080. *Mr. Sloley.*] What means have you of approaching the Government and stating anything you want to state?—We have no other means of reaching the Government except through the Native Affairs Office.

42,081. *Captain Dickson.*] What religious denomination do you belong to?—I am a Wesleyan. *Makue*: I belong to the Congregational Church.

42,082. You complained about the passes and said that four days was not long enough to get employment in a town like Pretoria. How long has that been the case, that four days was not long enough to get any employment whatever in the town of Pretoria?—*Mama*: That difficulty has existed ever since I came to Pretoria.

42,083. Is not four days quite long enough to get some kind of employment in the town of Pretoria?—Sometimes one day is quite sufficient for you to find an employer who will pay you the wages you want, but in other cases it takes longer; sometimes it takes more than four days.

42,084. If employment is to be got in the town of Pretoria, surely four days is long enough to find that employment if it is to be got?—Yes, if one can find work within those four days, then the time is sufficient, but we do not see why there should be any restrictions of this sort. Why should there be pass regulations?

42,085. Is it a hardship, or is it only a matter of sentiment?—It is a trying thing, and it makes work a troublesome matter.

(*Mr. Sloley took the Chair.*)

42,086. *Acting Chairman.*] Have you anything that you wish to say, Makue?—*Makue*: As regards voting, I think it would be much better that we should get the franchise and be able to vote. I do not mean that the raw Native should, who does not understand what it is. I think we would trust one another better if the Native were to get the vote. The case is like when there are two children in the house, and one will have bread and butter, and the other only soup. That creates a feeling that he does not believe in his father, because the father does not treat him well. One has soup and the other has bread and butter. As regards the work of the black man, to force him to work is not good. It is not good under any circumstances to be forced to work. Our earning power is very small. I think when we are forced to work there ought to be big pay. There is no decent black man that can manage to exist on £8 a month, pay all the taxes, and the upkeep of his house in the proper manner—I mean a civilised Native. I do not mean the raw man who comes from the kraals. As regards the liquor law, I think it is better to throw it open, not to prohibit liquor to the Native. There are so many that drink, and so many that do not drink, and they are both good. There are some that do not drink who are bad. According to the eye of the white people, who look

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after us, they cannot draw a line between a good and a bad black man. If liquor were thrown open to the Native it would be found that there are as good black men as there are white. Then they could be classified. Now we are all blacks and are measured with the same measure. I might be a good man, but I am looked upon, perhaps, in the same light as a bad one. I know the black man is not as good as the white, as far as civilisation goes. I am sorry that I have had to condense my remarks as I have done. I am afraid I may not be understood.

42,087. Do you realise that this liquor law was originally imposed because the Government wished to take care of the coloured people and prevent them destroying themselves?—It is so, but now I am measured with the same measure as the man who cannot look after himself, and who is not in the same position as I am. The white man does not know that there are some Natives who are decent; they are all put into one pot, as it were.

42,088. What do you mean by being forced to work? I do not see that you are forced to work in any other way than we are all forced to work. All the men you see in this room have been forced to work all their lives?—Should the Native not be able to obtain work within the four days he is punished. A decent man, who has a house and family, cannot procure a master in four days who will pay him handsomely.

42,089. The regulation as to the four days is a municipal regulation, I presume, to prevent a lot of idle and disorderly people coming into the town without having any lawful reason for being here?—Yes; although it is a municipal law, we are punished all the same.

42,090. *Mr. Samuelson.*] In Durban and Maritzburg, in Natal, the same law is in force, but the man who is not able to get work in four days can go again to the police office and get his pass extended, if he can show good reason that he has not been able to get work in those four days. Is that not the same case here?—It can be done, but there is a lot of trouble. No good man can get work in four days, sometimes not within the month.

42,091. *Captain Dickson.*] What trade do you carry on?—I am a butcher on my own account.

42,092. Where is your shop?—In Marabastad.

42,093. Do you employ anybody to help you?—I had a man in my service when things were good, but now times are bad I cannot afford to keep anyone.

42,094. What wages did you pay?—Fifteen shillings a week.

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Pretoria, Monday, 10th October, 1904.

Present:

Sir Godfrey Lagden (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.

Chiefs Seripa Mulota (Mlechi Tribe, Mlechi's Location, Zoutpansberg District), *Solomon Makapan* (Bagatle Tribe, Makapanstad, Pretoria District), *Daniel More* (Bakwena Tribe, Rustenburg District), *Kibi Seboch* (Malaboch Tribe, Zoutpansberg District), *Malukutu* (Bapedi Tribe, Middelburg District), *Dedrick Mogale* (Bepo Tribe, Rustenburg District), *Herman Selon* (Bakwena Tribe, Matau Location, Rustenburg District), *August Mohatle* (Baphokeng Tribe, Phokeng Location, Rustenburg District), and *David More* (Bakwena Tribe, Rustenburg District), examined (through an interpreter).

S. Mulota, S. Makapan, D. More, K. Seboch, Malukutu, D. Mogale, H. Selon, A. Mohatle, D. More, (Native Chiefs).

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[*Chairman*: I daresay some of you have heard what this Commission is for. It arises out of a great Conference which was held at Bloemfontein two years ago, on which occasion all the great Ministers of the various Colonies of South Africa met together. At this Conference these Ministers of the Colonies talked about matters regarding the Natives, but they found themselves much confused because the laws and the conditions of all the Colonies were different, so they said, "Let us appoint a Commission which will go round South Africa and look and see how matters stand, and find out where the people of the Colonies agree and where they differ, and then by-and-bye it might be possible to find a way to have a common law, one law only instead of many." This is the Commission. We have been through South Africa. We have been looking and listening. We have no power to make new laws or to make changes.]

42,095. Some of you Chiefs are living in what are called Government locations, and some are living in other ways; that is to say, some are living on ground which the people have found money to purchase, and that ground is held in trust by the Government. First of all, I want those who are living on Government locations to stand up?—*Seripa Mulota*: I am one.

42,096. Are there any more of you living on Government locations?—*Kibi Seboch*: I used to live on a Government location, but I have left it; I am now outside. I am told that part of the country is no more a location.

42,097. Is there any other among you who is living on a Government location?—*A Councillor*: I live on a Government location, but I am ploughing on private farms. *Kibi Seboch*: We were given a location, but the late Government took it away again.

42,098. What land are you on, Solomon?—*Solomon Makapan*: I live on the farm Goedewacht and part of Boschveld, but that was bought by the tribe. I do not plough on Blese. Kibi's people plough on Blese. *Daniel More*: The land we are living on was bought by the tribe. We live on Bethany in the Rustenburg District. *Herman Selon*: I am living on Goedwandrift, which was purchased by the tribe. *August Mohatle*: I am living at Vierfontein, bought by the tribe.

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42,099. Dedrick Mogale, you live on a Government location?—*Dedrick Mogale*: No, we are trying to buy the farm that we are living on.

42,100. Nearly all those present state that they are living on land which the tribe purchased. I want you to explain how you made that purchase. Did you collect the money from the people?—*August Mohatle*: Yes, we did so; we collected from people.

42,101. Tell us how it was done?—We used to collect the money between ourselves and buy the farm from the owner.

42,102. Did each man of the tribe subscribe so much?—Each man used to pay £5.

42,103. And when you got enough money?—Then we bought the farm.

42,104. Where did you live before this?—We were living on some farm, but it had its owners.

42,105. What about your grandfathers?—They were living on the same spot before Mzilikazi was driven away.

42,106. Who drove you away from the country?—The Boers drove us away when they drove Mzilikazi away.

42,107. Were you on the side of Mzilikazi?—I cannot explain; I was a child at the time.

42,108. What do you do about the land you have purchased? Do you call people to go on the land and live with you and plough, or do you reserve it for your children only?—Ourselves and our children, as well as the people.

42,109. Is that a way of living which you like?—Yes.

42,110. Have you plenty of ground?—We have not plenty of ground; it is not enough.

42,111. How do you live? Do you plough and get crops and sell the crops?—If we have enough crops we sell, and when we have not enough we have nothing to sell.

42,112. Then how do you live?—We labour.

42,113. Where?—All over the towns, wherever we can obtain work; Johannesburg and other places.

42,114. Are you speaking for all those who are owning land in the way you and your people own it?—Yes, they will say the same.

42,115. I mean all those who are living upon land purchased by communal subscription, as you describe?—Yes.

42,116. You have spoken of the time when you were driven away, when Mzilikazi was here. That is a long time ago, which you cannot remember yourselves. Still you are old enough to go many years back. During those years that you can remember have you seen the people of this country progressing, moving forward?—Do you mean as regards education, or how?

42,117. In any way. What is in your mind as to the state of the people to-day compared with what it was when you first remember it?—I cannot reply. I do not know whether we have progressed.

42,118. What are the thoughts of those who are before us? What is in the minds of those who are before us? What would you like to say to us?—*Daniel More*: I would like you to give me time to think over the replies that I have to give, so that I can be satisfied when I go back that I have spoken what is in my mind.

42,119. Have you no thoughts in your mind now?—I did not know what I was wanted here for.

42,120. Are you speaking for all those here or do the others wish to speak for themselves?—I think they will agree to it, but if one disagrees he can state that he disagrees. *Seripa Mulota*: I want to explain about my location. It is just as round as that

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clock; it was given to me by the Boers. The missionary claims the centre of the location to be his own property. When the location was given to me I was not told that the missionary had any part of the location.

42,121. Is that a matter which you have placed before Mr. Wheelwright, the Native Commissioner?—Yes, but he cannot give me any decision; he only told me to wait.

42,122. Was it a matter that you also laid before the officers of the late Government?—Yes, I asked Mr. Barend Vorster and he told me that the whole was a location.

42,123. So that it is an old matter?—Yes. It is only since the British occupation that I hear the missionary telling me that he has a farm in the centre of the location. When Barend Vorster told me he had no right in the centre of the location the missionary kept quiet and did not trouble me, but he has commenced again to claim that part of the location since the British occupation. *Kibi Seboch*: I was also given a location by the late Government. Since the occupation of this country by the British, Paul Roos and another gentleman claimed that location. I reported the matter to my Chief, and told my Chief that I would report the matter to the big Chief when I came to Pretoria. That man has taken all my cattle and makes me pay a lot of money and I have nothing.

42,124. This Commission is not hearing cases, but if you have presented the matter to your officer no doubt he is attending to it. Does anybody else wish to speak?—*Solomon Makapan*: I wish to say that we were not given sufficient time to understand the matters that were going to be asked of us, and the language written on the papers is English, and we have to take time to understand the meaning of all the headings. *David More*: I wish to ask whether any Chief who has got any difficulty in connection with the farm which he has purchased can come personally to the big Chief, Sir Godfrey Lagden, and speak to him. I thought that the big Chief had called us to come to speak about our grievances, not to speak about the farms.

42,125. This is not a Court to hear matters regarding the Natives in one district as to the quarrels or disputes or troubles they are having locally?—I wish to state grievances that do not relate to me alone but which relate to all of us.

42,126. You have always access through your officer to the Commissioner for Native Affairs of this Colony?—I was asking you to allow me to express the grievances I wish to touch upon. We had it very hot and heavy under the Boer Government. We had no education. The Government did not attempt to teach us, but we used to pay the tax. Then we had no rights, even in the street. Walking down the streets we used to be troubled. At the same time the Boer Government used to allow the Native Chiefs to purchase land, and to-day we like the English Government, the Government we always needed, but now the Government we love refuses to allow the Chiefs to buy land. It is on that account that I say that the Government is making things heavier for us, and on that account I also ask that the Chiefs should be allowed a little time to think over these matters and bring them up again. If we could be allowed we would bring all the grievances we have and lay before you. We want to be helped. We are not well. We do not live well. We ask the Government to give us schools, to help us, to assist us, and that the Government will allow us to purchase land. We must be treated as the Government's children who pay taxes. We must be treated as children. There are a lot of grievances, but I ask for time. May God bless the Chief.

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42,127. Why do you want to purchase land?—So that we may live.

42,128. In what way?—By cultivation and farming, and so as to be able to build.

42,129. Is that the only way you can see of living?—If the Chief gives us time we will explain everything. When we came here we did not know what the Chief was going to ask us.

AFTERNOON SITTING.

The Reverend Canon Edwin Farmer, examined.

Rev. C. E. Farmer, (Missionary).

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42,130. *Chairman.*] Are you engaged in mission work, Canon Farmer?—Yes.

42,131. Belonging to what denomination?—To the English Church.

42,132. Are you engaged exclusively with Natives?—Exclusively.

42,133. In the country or in the towns?—In the towns at present.

42,134. Have you had a long experience at it?—I have been at it since the beginning of 1881; over 20 years.

42,135. All the time engaged in work of the same character?—Except for 13 of those years I was in Zululand in a country part.

42,136. Then your knowledge of the Transvaal is somewhat limited to those Natives who are living in or about the municipalities?—No, I was, when I first came here in 1895, in charge of our Native missions practically throughout the Transvaal, wherever they were not being done by others; but since the war I have been confined more to Pretoria and its district; so that I know pretty well the whole of the Transvaal.

42,137. You were a good many years in Zululand. I suppose, that being the case, you are able to form some comparisons as to what we may call the progressive merits of the Natives of the Transvaal and of Zululand?—I think so.

42,138. What is your opinion about that; are the people up here showing any signs of progressiveness?—Certainly.

42,139. What do you think it is due to?—I think it is due to closer intercourse with the white people.

42,140. Do you believe that is a good method of making them progress, by civilising them?—I think it is the only method.

42,141. In order to bring that about, what is there to be done that is not being done now, what changes would you suggest of any sort?—I do not think there is need for much change. All we have to do is to encourage the intermingling of the different peoples and the more they intermingle the more the Natives will tend towards that scale of civilisation to which we have reached. There are certain things, however, incident on this mixing with white people, that are doing them harm. Where the Natives are living in locations near towns, I think, great harm is being done to them. But where they are living on farms, or where they are engaged in shops and as domestic servants, it is distinctly doing them good. By living in locations, as they are doing here, they are living under insanitary conditions, they are crowded, they are living an unnatural sort of life, and they get vices that they would not get under natural conditions.

42,142. How is that to be bettered?—There are several ways, I think, of bettering the location system. One objection, of course, is that the location is generally too small for the Natives. Take, for

instance, the Pretoria location. A great many more people dwell in that area than would be the case under Native conditions. In their natural condition, also, they have the opportunity of herding a certain amount of cattle, doing a certain amount of agriculture, and attending to a certain amount of outdoor occupation which they have not in these locations near the towns.

42,143. Still, the life in the municipal areas must always be restricted, with the black as well as with the white?—Could not, for instance, a location like the Pretoria location be a little further away, and the Natives have gardens as well as houses?

42,144. Open spaces?—Open spaces.

42,145. Do you mean giving to each Native a garden plot as well as a house stand?—Yes.

42,146. That would entail a very large amount of land?—It would be necessary to take them a little further away from the town, of course.

42,147. Do you mean that that should be done on behalf of the Native or on behalf of the community in general?—I think primarily on behalf of the Native, but I think it is also necessary in the interests of the community in general. Once an epidemic gets into this locality it will be a great source of danger to the town.

42,148. They have now regular stands to live upon?—Yes, but then again those stands are let out to them at a certain rate, and they put a house of sorts on it, knowing that they are likely to be moved at almost any time, and the stands being very crowded and the conditions being such that there is not the least idea of permanency in the way of residence, their houses are of the very flimsiest and worst character possible for any house to be, quite unlike any other Native house. They are built anywhere, in any way, built mostly of biscuit tins and old iron. They are degrading to the Native and a source of danger to the community in general. So to remedy that I should think wherever there are municipal locations, the Municipality ought not only to be the ground landlord, but should also build the houses that the Natives are to live in and let them to the Natives. I know of no other class of tenant that hires a piece of ground, and himself erects the house on that ground. It is only the Native who has to do that.

42,149. Have you seen any location in South Africa which in your mind would be a model to work upon in this matter?—There is a location at Port Alfred, in Cape Colony, belonging, I believe, to a private firm or person who has got it nicely fenced, and the Natives build their houses there on their own plan: Native huts generally. It looks very nice and neat, and it seems to offer almost the ordinary conditions of Native life.

42,150. Do you know how much ground they gave them?—I should think about the size of an ordinary erf in Pretoria.

42,151. Were the Natives there happy?—They seemed so.

42,152. Did you hear that from actual conversation with them?—Yes, I had some conversation with them.

42,153. At any rate, you advocate that to encourage them and to better them, it is incumbent upon some authority, municipal or other, not only to give them ground to live upon, but to erect buildings and generally to lay out the location in a suitable and healthy manner?—Yes.

42,154. You think that that would conduce to their gentle and useful elevation?—I think so; in fact, I am sure it would. Then, in a location of that sort, there ought to be a white overseer. Take the Pretoria location: it is very difficult ever to find out who has control of any Native affair there. It belongs to the Native Affairs

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Office, I believe, of the Municipality. That office is situated in town. I have lived in the location for some little time, but have never yet been able to find any one as the white man to whom the Natives can go with regard to their affairs.

42,155. It is under the Municipality?—Yes, it is under the Municipality.

42,156. At any rate, what you further advocate is that having got such locations, they should be under proper control?—Under proper control. I should like also to mention, in speaking of such a location, one of the things that is necessary in such location, and that is something in the way of a Government school; but I think perhaps we might deal with that when we come to the subject of education.

42,157. I would rather take it in connection with locations?—I think the question of education is one that is very much debated by the Native at the present time, and if we take the Native location here we find that there are seven or eight schools in the location all carried on by Natives who are, so to speak, "on the make." They are not educationalists, they are rather men who ought perhaps to be at some manual occupation, but who perhaps are lazy and do not care for it, so they take up teaching instead. I do not want to say that about any individual in this location, but that is generally one's impression of Natives who are doing teaching work in this country in that sort of way. Besides that, the Natives too are grumbling very much that the Government is doing nothing for them, and I think that one of the things that the Government might do for them—which would show that the Government is caring for them, and caring for their moral welfare as well as looking for their physical labour and so forth—would be to provide something tangible, something visible in the way of education. It may not be very much that is wanted, but in the case of a location like Pretoria, if there was such a thing as a Government school for Natives, run by the Government in the best way, Natives all over the country would see that, and it would be plain that the Government were doing something for them, and I think it would also do away with all those people, Ethiopians and others, who are exploiting the Native rather for their own purposes. For in places like these there is no Chief, as in the tribal locations in other parts of the country, to control such men. In those other locations the Chief, very often, is able to keep them in order—but here there is no one.

42,158. Do the religious denominations have Native schools in this location?—Yes.

42,159. So that they have some education there?—They have some education.

42,160. Do you mean that that should be swept away?—No, I do not mean that it should be swept away entirely. At the present time certain mission schools receive a grant from the Government, and are able to have really good schools; but if the Government also had a school, it would do away with the little miserable unsatisfactory schools that are being carried on.

42,161. You would advocate that the Government should enter into educational competition with these denominational schools now existing?—Not generally. Take, for instance, Nagate's place in the Rustenburg district, which I know very well. The German Lutheran Mission has very good schools in that place, and it would be inadvisable, I think, for the Government to start a school in the same location, or in any location where there is a missionary denomination carrying on a school in Native territory. But in town locations, I think, the conditions and circumstances are altogether

different, as there is no one mission society or no one person doing good and big work.

42,162. Could it not be expected, if the Government were to establish a school in a location, that they would be better able to conduct it and popularise it than the others, and would it not have the effect of driving those others away?—I think it would have the effect of shutting up schools.

42,163. Would you have that as an object?—No, and I should be sorry to see it; and yet, at the same time, I do want to see something of the sort that I have just been sketching out done by the Government.

42,164. Indirectly it would have that result?—It would have that result indirectly.

42,165. And you would attain that result without actually desiring it?—Yes. Probably we might lose something by it, and lose an opportunity, but we might find some other way of making up for that loss. I think it would do much to help the work that we also aim at. Not only would it help to make the Natives good men, but it would help to make them loyal men, which we all want.

42,166. Education you regard as an essential part of the control of a location?—Yes.

42,167. Whilst upon that subject, do you wish to say anything upon the question of education apart from the locations?—I have views on that subject also.

42,168. Will you express them?—In the matter of the grant that has been made to Native schools, I think that that grant ought to be made to Native schools.

42,169. That is upon the matter of grants in general, without relation to any particular town or Colony?—Yes. I think the grant that the Government is making in the Transvaal at the present time is a very unsatisfactory one; the funds that are being voted for Native education are altogether too small.

42,170. You mean to say that in your opinion the State is not doing sufficient for Native education?—It is not doing enough. I gather that there is in the way of direct taxation a very large amount of money got from the Natives in the country, and very little is spent directly upon them.

42,171. And what are your views upon the character of the education which should be given?—Apart from the matter of locations, I think that the education ought to be left as it is at present, to the missionaries: to the different mission societies or bodies. We differ a good deal as to what ought to be the character of that education, but as it is a time of experimenting, it is well for us to make those experiments. As to the extent of education at the present time, I think it must be very limited.

42,172. You have a reason for thinking that?—I think that the capacity of the Native is such that if you were to attempt anything in the way of higher education, the result would be to spoil the character of the Native. He is not sufficiently morally strong to be able to carry a very wide amount of learning.

42,173. Do you think, if a lot of Natives were educated to high standards, that they would be able to find employment?—No, they would not.

42,174. What is the standard which you think is of most use to Natives?—Reading and writing, and a limited amount of arithmetic, on that side, is sufficient. One of the things that they require very much indeed is training of hand and eye; that we ought to devote ourselves to to a very large extent, especially the teaching of them to draw a straight line and to do things straight.

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42,175. When you say "we," do you mean mission societies or the Government?—I mean the white man generally. I do not know that anything has got to be done very much in the way of what is called industrial training, because I look upon all the Colonists as being very good industrial trainers of the Natives. The Natives have learned a great deal more by going into service, into shops, and into workshops amongst white people than they would have learned in any institution set up for that purpose; and I think that we ought to encourage them more and more to learn in that sort of way.

42,176. To learn it from the workers themselves?—From the workers themselves.

42,177. So that you do not advocate industrial schools?—No. One class of school that we want at the present time very badly is a school for the training of Natives as teachers. We ought to have more Native teachers in the schools.

42,178. At present the Government supports the missions in their mission work. Which would you advocate: that the Government should separate itself from the missions and have a separate school for teachers, or that it should subsidise the missions?—I do not know of any school for the training of Native teachers except the Kilnerton Wesleyan school near Pretoria, and they would not train teachers for the other denominations. There is probably only need for one such school in the country. It is impossible for anybody except the Government to do it. There is no religious denomination that would do it.

42,179. Is the high training of teachers necessary for the simple education you suggest?—I think a training such as elementary school teachers generally receive is necessary.

42,180. Something more than the qualification of having passed the teachers' examination?—No; something of that sort.

42,181. It is open to the Natives in the Transvaal to pass the teachers' examination?—We have no schools here that work for that; there is a school wanted to work up to that standard.

42,182. You mean a higher school?—Yes, a higher school; and then all other elementary schools need not work probably beyond the third or fourth standard.

42,183. Has no mission society in the Transvaal a higher school?—The Weslevans have one at Kilnerton, close to Pretoria. The English Church has not, and is not likely to have one; there is no opportunity for it.

42,184. Have you been consulted by Natives in the matter of getting higher education?—Many a time.

42,185. What has been the result; have you been able to meet the demand of those who have consulted you?—We have advised them at different times to go to different institutions in the Cape Colony, and they have gone down to the Cape Colony very often.

42,186. And has there been much disappointment amongst those who could not go?—I think that they could all have gone, except for the matter of paying the necessary fees of such institutions; it has been the want of money that has prevented them going, and they have seen that it is their own fault, or, rather, their own limitations.

42,187. Even if you established a higher school in the Transvaal, would you not expect them to pay for it?—To a certain extent I should, but I should not expect them to pay very much.

42,188. The charges in the institutions in the Cape Colony are very small?—Yes. Such charges might be made here and bursaries given to those who are going to work in Government schools; it is in the later training where bursaries would be required.

42,189. Has it come within your knowledge that any Natives who wanted education and failed to get it here have sought it in foreign countries?—No.

42,190. Would you think that to be a happy state of things?—Not at all; it would be deplorable for them to have to seek education in foreign countries.

42,191. Is there any other side of the educational question you would like to speak about?—I think that is all.

42,192. Are there any other subjects that I might ask you about?—There is one question that is talked about a great deal amongst the Natives, and upon which I have had a great deal of conversation with them. That is the question of representation in some way or other, both in municipal and in political matters.

42,193. What has been the gist of their conversation with you upon this point?—They seem to think that for Native matters Natives ought to have a voice in some way. It is simply because the white people do not trust them that very often there is distrust on the part of the Native too. They would welcome, for instance, in a location—both in municipal locations and in locations where they are under their Chiefs out in the country places—something in the nature of what we call Urban Boards.

42,194. Just for dealing with Natives as affecting the location itself?—Yes.

42,195. Amongst the Natives in their own locations have they not got a Council of their own, which takes the form of the Board of which you speak?—Yes, they have; but there, again, why so many people leave those Native locations is because action is so often arbitrary on the part of their Chief. They have no voice really in the matter, but the Chief and a favoured few manage everything. Therefore, the masses of the people you find settled in town locations are people who are dissatisfied with matters under their own Chief.

42,196. Are they the people that you have been conversing with: those who have become dissatisfied with and have left their Chiefs?—Some of them are.

42,197. On the other hand, there remain behind a good many who like that?—Yes.

42,198. It may be that the great mass prefer that?—I should think, of those that remain, the mass do prefer it.

42,199. As regards the town locations, you suggest their being managed by white people?—Yes.

42,200. Management by white people is scarcely possible with a Native Board?—Could not a white man who controlled the location have Natives associated with him in some sort of way?

42,201. As an Advisory Board—Yes, an Advisory Board.

42,202. That is what you advocate?—That is what I advocate. While on the question of Native Chiefs and their people, I may say that it has struck me two or three times that in Native locations the Chief gets liquor in a way that he ought not to get it. I do not know that I could bring forward any instance at the present moment, nor should I care to do so. But I have been to Chiefs' places several times and have been in their rooms and have seen whiskey bottles about and glasses, and everybody more or less manifestly drinking. In fact, I have been asked whether I would not like to have some whiskey myself once or twice by the Chiefs. I do not know how it gets there, except that I imagine that the white men who have business to do with the Chief generally when they go up there make him a present of a case of whiskey or something of that sort.

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42,203. To be in possession of liquor is a contravention of the law?—For them to be in possession? They are often in possession.

42,204. Still, it is a contravention of the law?—Yes.

42,205. Do you think that the law which prohibits it is good?—Certainly.

42,206. What you would like to see would be the law more effectively carried out?—Yes.

42,207. You have no doubt about the principle?—I have no doubt about the principle.

42,208. In suggesting Urban Boards for the country locations, do you suggest that Chieftainship should be made to disappear?—I think it would be a very good thing if the Chieftainship did disappear in very many locations.

42,209. What would you put in its place?—I would put some sort of Government official, who would be a Government sub-Chief, in its place.

42,210. You mean to say you would depose all the existing Chiefs?—Not arbitrarily, but, as they died out, instead of putting a Native successor I would put a white official of the Native Affairs Department. The Chiefs, as far as I can see, seem to be men who are anxious to get money out of the Natives for one thing, more than they ought to get. They waste a great deal of money; they are always drinking, and it is not at all satisfactory.

42,211. Are you speaking of the whole country, or of one particular section of the country?—I have got in my mind three large Native locations to the west of Pretoria.

42,212. Has it always been so?—It has, I think, nearly always been so. It is not now what it was in the earlier days—when I say earlier days, I mean 20 years ago in Zululand. In Zululand 20 years ago the Native Chiefs seemed to be straighter and more sober men than the Chiefs you find in this part of the country now.

42,213. Had they not cultivated a taste for spirits?—No.

42,214. And these people have?—Yes.

42,215. Now, in suggesting an alteration of this character, do you mean that the whole tribal system ought to be pulled down?—No; I should like to see the tribal system to a very large extent maintained.

42,216. Would you like to see it sobered?—I would like to see it sobered. I would like to see it more directly under our rule and not left to Natives.

42,217. Are you opposed to the recognition of certain Native customs and the use and tolerance of certain Native laws?—I think they ought to be very gradually done away with, but very gradually. For instance, polygamy is a thing I do not think we ought as a Government to take action against. It is a thing which will die out, but we ought not to encourage it in any way or make any law which will encourage it. And there are a good many other things of the same sort that would gradually die out if we had such a head of locations as I have spoken of.

42,218. Your suggestion is that all locations should contain a European officer?—Yes, distinctly.

42,219. With regard to the great number of Natives who are not living on Government locations, but are living on lands which they have hired for the purpose of cultivation, how would you deal with them?—I should like, if I may, to go back to a point which you have suggested, with reference to locations and farms, which is of importance, and which I might forget if I do not come to it at once—on the question of the £2 per head tax which is put upon Natives. Upon purely Government lands where Natives are squatting that

tax seems to me to be absolutely right and proper. On farms, for instance, where they are already paying a good rent to the landlord that tax seems to me to be more than they ought to pay, and also in locations there are very heavy charges indeed upon the Native living in those insanitary and miserable conditions that they are in.

42,220. Municipal?—Municipal. They pay a very large amount in rates and taxes, and this £2 comes on top of that in a way which makes it very hard indeed for them.

42,221. Who are the people who ought to pay?—I think all those who are living on Government lands, without doubt.

42,222. That is in the existing locations?—In the existing locations. With reference to those that are living on farms, I think there ought to be some reduction made.

42,223. As workers on the farms?—As workers on the farms. In the municipal locations where they are working for the white man in the town—and I think no one ought to live in a location who is not working in the town or who is not connected with one who is so working, such as their wives, or their sons—those people probably ought not to pay £2 at all, because they are working for a white man, and they are paying a heavy rent as well as rates and taxes. They seem to be bearing as much as it is possible for them to bear.

42,224. Do these Natives in the municipal locations you speak of work continuously?—They ought not to be there if they do not. The reason for a location is that only those should be allowed to live there who are working continuously in the neighbouring town.

42,225. Providing they do so, you think they should be absolved from taxation?—From direct taxation.

42,226. *Mr. Stanford.*] Absolved from paying towards the general revenue, not municipal?—Yes. Of course, they have to pay that as tenants of the municipality.

42,227. *Chairman.*] You quoted just now the Ethiopian influence. Are you of opinion that there is such a thing as Ethiopian influence?—I think there is a very bad influence at work at the present time.

42,228. Would you tell us what your opinion is?—I have had Natives come and talk to me a great deal about these things, and there are men in South Africa, who have mostly come from America, who lay down, both in Church and State matters, that Africa is meant for the Africans, and therefore there ought to be perfect independence amongst the Natives of all white control; they should manage their own affairs entirely. They are taught that all we want in this country is to get what we can out of them, and we do not care for their progress in the least little bit, and, although there is no direct sedition taught, I think the tendency of all this sort of talk and teaching is to instil a disloyal spirit and foster seditious feelings, and some day it will probably come to some sort of a head if it is not directed or ended. I do not think we can end the matter, but I think we can by such things as I have been speaking about, in the way of proper control of locations, help in the way of education, and a certain amount of representation, so control those ideas that there will be no danger.

42,229. Do you think that will be sufficient to subvert any mischief?—I think so.

42,230. Have you yourself heard such persons give expression to what you have stated?—Yes. I have not heard them give expression in the way of direct finding fault, but I have heard it slip out in the way of conversation.

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42,231. You used the word "representation." In connection with that you suggested Urban Boards. Do you go further than that?—Yes, I think that large Native territories like Zululand, Basutoland, and Swaziland ought to be in some way represented in the Councils of the country.

42,232. Have they got very powerful representation through their Resident Commissioners and Magistrates in those Colonies?—Sometimes the Commissioner is looked upon purely as a Magistrate, not as a representative; he is looked upon rather as one who has control than as a leader. I do not know how to put it quite, except, for instance, in the Transvaal Legislative Council I should say it might be found possible to meet the case if there was a white man who was elected by the Natives of Swaziland, let us say, to represent them. That would probably be a very good thing for Swaziland, and I should have thought perhaps if the Basutos were able to do the same thing, either in the Council of the Orange River Colony or of the Cape Colony, it would be a very great thing for Basutoland; also in regard to Zululand and Natal in the same way.

42,233. Do you mean elected by the voice of the people or only by those people who have a certain qualification for voting?—I think it ought to be by the voice of the people. Of course, when we say "the voice of the people," as with white men there are certain people qualified to vote, and the qualifications would probably be held by Chiefs and petty Chiefs in those petty territories. Certain Natives here—and I think it is a class of Native that ought to be encouraged to grow—are men who are exempted from Native law throughout the country. I think often that it is done too easily. but at the same time I do not think it is a thing that ought to be stopped; I think it ought to be encouraged that men who show themselves really as good and able men who are able to get on should be exempted from Native law. Of course, those exempted from the lower law must have their share in the higher.

42,234. What share?—The same as any other man who is exempt from Native law—you and I.

42,235. Would you put a person who was exempted on an equality with a European?—In that way.

42,236. For voting?—Yes.

42,237. When you say exemption from Native law in this Colony, you mean exemption from the Pass Law?—I should have thought it meant more than that. I should say it means he comes under exactly the same law as the white man. There are men here continuously applying for exemption from Native law. I have come across men who have told me that they have applied for exemption and have got exemption; in fact, I have been asked many a time to back applications, but I have not generally backed those applications because I have not considered them to be men who were fit to take their place with white men.

42,238. Have you read the Proclamation which provides for the measure of exemption in the Transvaal?—I have not. Then would it not be possible for the main body of Natives throughout the Transvaal to have a Native Council to deal with Native affairs, which should meet, perhaps in connection with the Native Affairs Department, in some place, and talk over the whole Native affairs of the country? It is talk that the Native loves. It would get rid of many things that they brood over.

42,239. You mean that Government should call them together?—Regularly as an established thing, with proper organised representation from all the different Natives throughout the country.

42,240. Altogether at one place?—Altogether at one place.

42,241. Not meetings in various parts?—No. They want something that is akin to a Legislative Assembly. It would do away with a lot of feeling of disloyalty, for one thing, and give vent to a lot of feeling which perhaps is dangerous because there is no way of ventilating grievances. Whole districts could be represented by a Chief.

42,242. Is there anything further upon that subject that you would like to say?—No. The only one other thing that I put down is that the Native mind is very much confused. A great number of Natives come from different parts of South Africa to the Transvaal, and the Native is very much confused that there is one policy in one place and another policy in another, and the want of uniformity causes a lot of difficulty.

42,243. In what respect?—In that very question of exemption, which is one thing in Natal and quite another thing here. Natives that are not subject to pass laws in the Cape Colony are subject to pass laws here. Taxation is different in one Colony to what it is in another. All that is confusing to the Native mind and makes him feel that probably we do not know our minds about things.

42,244. These differences are not limited to South Africa?—No; they are things that we understand as white people, but they do not understand them.

42,245. If there could be a common set of laws and a common practice, you think it would be desirable?—Yes. Of course, definiteness is a great thing in dealing with Native questions.

42,246. It is the thing to be aimed at?—Yes.

42,247. *Mr. Stanford.*] In taxing Europeans in the various States do you find that the same basis is taken throughout?—No, there is a different basis.

42,248. Do you not consider that the conditions which have led to differentiate in the taxation of Europeans are bound to operate also in respect of the Natives?—Certainly, only that the Native is such a child that he cannot understand, and does not reason about these things.

42,249. In order to make the Native understand, you would disregard conditions which may be of great importance in regulating such a question?—I would say as far as desirable there ought to be a uniform condition of taxation.

42,250. Will you explain a little more clearly what you mean by that expression you used a little while ago, "intermingling of the races"?—I meant that the Natives should not be encouraged to live very much apart as a Native State, but that throughout the country they should be mixed up like farmers and tenants, and employers and employed.

42,251. You did not have in view any social intermixing?—No, I imagine that it is contrary to their ideas, that it is contrary to ours, and unnatural, and certainly undesirable.

42,252. Why do you think that teachers should be specially provided with technical training necessary for their work, whilst at the same time you would withhold similar training from men desiring, say, to become carpenters, or masons, or blacksmiths?—I do not think there is any desire on the part of any Native to become a blacksmith or a carpenter. It is only the necessity of providing for himself that makes him go out to work, and so he becomes a blacksmith or a carpenter. There is no desire on their part to become blacksmiths or carpenters.

42,253. Have you visited big industrial institutions like Lovedale?—I have not been to Lovedale. I have been to some.

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42,254. Did you not find Natives there desirous of becoming tradesmen?—For myself I do not think there is a desire. Probably something has led to the opportunity for them going to such places and they have taken it up readily.

42,255. How would you suggest to the Governments of this country that they should provide for the higher education which the Native people desire and which you think they should be able to get in this country?—I think there ought to be one Normal School in connection with an elementary school, where men and women should be trained in the work of schoolmasters and schoolmistresses. I think it might also be done in such a way that the Government might provide the main machinery and the different denominations perhaps might provide the boarding establishments.

42,256. Then you would advise that such institutions should be worked through the various mission bodies in the country?—In connection with the Government, who would provide the more expensive part of the training.

42,257. How would you meet the demand which exists amongst these people for higher education apart from training as teachers, and for which many of them appear to be ready to pay, or would you provide it at all?—Of course, I know people are down on me for it, but I should like to see institutions which are used for white people opened to them. I think that the men who desire higher education are men who know how to behave themselves and are civilised and cleanly people, and it is only colour prejudice that stands in the way.

42,258. Are you not aware that where some of the advanced Natives have applied for their children to be received into European schools they have been refused?—Yes.

42,259. The managers of such schools recognise that to receive a coloured lad or girl would damage the interests of their institution?—Yes, that is quite true. It is not for the sake of the Native, but for the sake of the white man. It seems to me necessary then that we should have some institutions for higher education of Natives, when there is a demand for higher education, simply because they are refused the institutions already in existence.

42,260. How would you work that institution? Would it be by the various Governments as an undenominational one, or do you think that it also should be in connection with missionary effort?—I think the idea in working education of that sort for the Natives is to have an institution somewhere where the Government can be responsible for most of the work and the denominations could have hostels to provide for their own people.

42,261. And in that event, admitting that the Ethiopian movement is extending, would you allow that Church also the privilege to follow up its members?—Certainly. I think that we should only damage the cause that we have at heart, the proper loyalty, and so on of the Natives, if we did anything to show a decided opposition to a thing of that sort. It ought rather to be controlled than put down.

42,262. *Mr. Thompson.*] You used the expression that the Ethiopians were exploiting the Natives. What did you mean by that?—I mean there are a large number of better-educated Native men in this country who have been under the Christian influence of different denominations, some of them under our own English Church, who have very frequently proved unsatisfactory. Having got what they desired out of us, they have thrown off their dependence, made use of the experience they have acquired to set up on their

own account, and have joined themselves to this Cave of Adullam. This makes it possible for them to get a living as teachers or preachers.

42,263. By "this Cave of Adullam" do you mean the Ethiopian movement?—Yes.

42,264. Still you would allow the Ethiopian movement to have its full swing among the Natives?—Because that which has made the Ethiopian movement possible is the desire for a certain amount of control of their own affairs. To attempt to suppress that would be like sitting on a volcano.

42,265. You said that the people were down upon you on the question of colour prejudice. Have you no prejudices in that way?—I dare say I have, but what I feel is just and right is that the question ought not to be a question of colour; it is a question of conditions.

42,266. You think the colour should not bar him from intermingling in the best schools?—I certainly think not.

42,267. He should go side by side with Europeans?—He should, yes.

42,268. Would that lead to social intermingling?—I do not think so. I think we are well able to take care of ourselves.

42,269. You do not think it necessary to legislate against the intermingling of white and black?—I do not think so at all.

42,270. What do you think of the scheme in all these towns, if such a scheme could be brought forward, of removing all the Natives from municipal and putting them entirely under Government control? Say, for instance, that the municipality were to extend two and three miles out, to take those Natives and put them into their reserve or those locations, and put them entirely under the control of Government?—I think it would be most advisable.

42,271. Do you not think, knowing Pretoria as you do, that a scheme where land might be purchased a few miles out and the land re-let or re-sold to Natives would be a scheme that would meet with your approval?—I think so, but the location is principally for those who are engaged in work in towns, and the difficulty would be in getting them in and out to their work.

42,272. If that could be overcome?—It would be most desirable.

42,273. You think it would be desirable to move all the Natives from amongst the white people into their own reserves?—Most desirable.

42,274. You would allow no white man to live amongst them save and except the religious bodies?—The religious bodies and probably licensed storekeepers.

42,275. You would allow storekeepers?—There would be police control and they ought to be particularly good men, well approved.

42,276. *Mr. Samuelson.*] I think you said that you favoured a Government Normal school?—Yes.

42,277. Are not most of the Natives who would go to such a school men from mission stations belonging to the different Churches, and would they not as a matter of course be drafted from these mission stations to that school?—They would be, yes.

42,278. Because, outside, I suppose, of missionary effort and missionary work, there are no Natives who would avail themselves of a school of that sort?—None at all.

42,279. Do you think that Churchmen, Wesleyans, Baptists, and others would all unite to send their pupils from their mission stations to a single school like that?—I think they would unite or

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apply for the opportunity of founding a house of their own in connection with it—a boarding house of their own in connection with it.

42,280. The diversity of churches then would practically lead to the failure of such a scheme?—I do not know that it would lead to the failure. After all there are very few religious bodies which are doing mission work on such a scale that they could themselves support such an institution.

42,281. Under what Church would you recommend such a school should be?—I would have it apart from any denomination. The school should be undenominational.

42,282. You would expect all Churches to send contributions in youths to that Normal school?—Yes, or, as I said, provide a house in connection with that Normal school in which they would have their own pupils. If you had a Normal school a few miles out of Pretoria the English Church would probably ask for an opportunity of building a boarding house in connection with that school and provide for the religious teaching of its own pupils in that house.

42,283. That would mean, I suppose, that every Church represented there would have to keep a separate officer or minister of its own to look after its own members?—Where they cared for such things.

42,284. I think you said it is 21 years since you left Zululand?—It is 24 years since I came out here. I left Zululand in 1895, ten years ago.

42,285. Are you aware that the Code of Native Law, as it is called in Natal, does not apply to Zululand?—I was not aware of that.

42,286. Are you aware that notwithstanding that fact Natives in the Zululand Province may be exempted from Native law?—I believe it was not so in my time.

42,287. I think you favoured a system by which the Native Chiefs over those municipal communities should be in time removed, and the communities should be placed under European officers of the Native Affairs Department?—I was saying that generally of Native Chiefs of the smaller locations throughout the country.

42,288. Would you at the same time place those Natives under the ordinary law of the Colony?—No.

42,289. You would still keep them under Native laws and usages?—Yes.

42,290. And have European officers?—Yes.

42,291. Really to take the place of Chiefs?—Yes, so that the Government becomes more and more the direct Chief of the people.

42,292. It would be a tribal system under European officers instead of under Native officers?—Very much the same as in India.

42,293. Can you say why missionaries have, in connection with their Christian communities, adopted the tribal system, and had leading Christian Native people over those Natives as Chiefs, if the tribal system is so adverse to Christianity and progress?—As far as I know there has never been a man placed as a Chief in a position of that sort. In Zululand he is called the Induna; he is the administrative officer of the Chief. The missionaries themselves have been the Chiefs over them.

42,294. You are not aware then that most of these communities, if not all of them, in Natal or in the Province of Zululand, are under Native Chiefs, men who have been appointed from amongst the Christians and made Chiefs over those communities?—I should have denied that it was so.

42,295. It is a fact. In what language would you favour the education of the Native youths and girls?—Everyone must have their own vernacular. At the same time we should do a very great deal with English.

42,296. From what stage of education and what degree of education would you educate them entirely in the English language?—I would begin with English, but their own Native language should not be forbidden. They should be encouraged to speak it and learn to read and write in it as soon as they have got on a little bit in English. I say that because, from travelling a great deal in the Transvaal, I found that the Natives of the Transvaal, or many of them, had forgotten altogether their own language, and the language that they had adopted was Dutch, and Dutch had become entirely their own language. In almost every case where Dutch was the language of the people I found that the Natives were attached to the Dutch. It made them loyal, and I think it would be the same with English. If it became to a large extent their language it would make them loyal to their Government.

42,297. How soon do you think a Native would be able to understand geography, English grammar, and history in the English language?—Very few would for a generation or two. I have had them taught in English in my own schools, and I think very often where Native children have begun and gone on as English children have gone on, they have attained to very much the same as English children. They have left off earlier so have not learn very much, but a child beginning, say, at six years of age, at 12 knows as much as an English child of 12 would know.

42,298. *Mr. Krogh.*] What would be the powers of the Council that you suggest?—It would be a Native Council to deal with Native affairs. I would even go as far as questions of sanitation, questions of what is required in the way of education, questions of taxation perhaps, as far as would be allowed, and what should be done with taxes.

42,299. You mean, I suppose, that the power granted to this Council will be granted by the Legislature of the country?—Yes.

42,300. I think you said that when the Native has obtained the franchise he will be on a equality with the white man?—I said I thought we ought to be very careful first in the matter of exemption; a man should only obtain the franchise after he is exempted from Native law, and we should be very careful of exempting from Native law. Then he would be one that we should approve of, a voter fit to be placed on the same platform as a white man.

42,301. Politically as well as socially?—Yes.

42,302. *Chairman.*] Is there anything else you would like to say?—There is one point I left out, if I may speak of it. It is on the question of the purchase of land. There are Natives in this country, civilised men, men who have worked and go on working. One man I have in my mind now has been working in Pretoria in an office as long as I have been here, for the last ten years. This man has saved up his money, and he says it is impossible for him to buy the piece of ground which he lives on, or to buy a piece of land anywhere. He has lived on four different places and every time he has had no encouragement to make any improvement, because directly he has made a garden or made a decent sort of place he has had to go out of it. There are several Natives of that sort who are very anxious indeed to have the opportunity of buying a piece of land which they can call their own.

Rev. C. E. Farmer. (Missionary). Transvaal. 10th October, 1904.

42,303. You mean in urban areas?—In urban areas, yes, or in other areas.

42,304. Would you advocate the free purchase of land by Natives?—I think so. I see no reason why they should not have that power, because it is only the best man who will be in a position to purchase. Of course, I know that there are many Natives who have bought farms as communities, parts of a tribe, and that land has been vested in the Native Affairs Department in trust for them; but those are individuals that belong to no tribe, and who have been working amongst the white people.

42,305. That is what you advocate, that they should be allowed to buy land at pleasure?—Certainly.

Mr. Fabian Ware, examined.

F. Ware. (Director of Education). Transvaal. 10th October, 1904.

42,306. *Chairman.*] You are the Director of Education in the Transvaal?—Yes.

42,307. Mr. Clarke, of your Department, was before us the other day, and we ascertained from him all the information we wanted, but Mr. Samuelson would like now to ask you one or two questions relative to the educational scheme; would you be kind enough to answer him?—Yes.

42,308. *Mr. Samuelson.*] You remember this letter, dated 22nd October, 1903, addressed to the Chairman of the Commission?—Yes, I have a copy of it here.

42,309. In that letter you said, "Should you consider necessary, I am ready to give evidence before the Commission." Was there at that time something special that you wished to bring to the notice of the Commission with regard to Native education?—I do not think there is at present anything particular. I think that Mr. Clarke has given all details with regard to our work. Regarding the questions of policy, we are rather waiting for the Commission to give us a line than taking any line ourselves.

42,310. Have you come to know the evidence which Mr. Clarke gave before the Commission?—No, I have not seen it; I do not know anything about that evidence.

42,311. Is this scheme, which is enclosed here, called "Scheme of Native Schools," in force with regard to Native education?—Yes, it is in force, but it is not being carried out entirely. It was rather put down as a basis, as we wanted some basis to go on.

42,312. It is a scheme which, since you wrote that letter, has been authorised by the Government of the Transvaal?—Yes, it has been authorised by the Government.

42,313. Have you views, and, if so, what views have you with regard to language in the education of Native children?—In what way exactly?

42,314. As to the language to be used as a medium for imparting knowledge to Natives in the schools?—Of course, what I have tried to avoid in our work up here is treating the Native children, as I understand they are treated in some schools in South Africa, precisely as if they were English-speaking children at the outset. It seems to me that to teach Natives in the English language, altogether ignoring the fact that to them it is a foreign language, is a mistake. Of course, I do not profess to know much about the Native; I am speaking only as having taken a special interest in teaching modern languages in Europe myself. I have been rather struck by seeing children in schools who under such a system are sup-

posed, say in Standard IV., to be exactly on a level with children in white schools in Standard IV. In such cases you find that they are using the same Reader, for instance, as the white children are who are in the same standard, and they are reading it fluently, but very rarely intelligently. In examining them myself, I have often stopped them about every fifth word, and I find they really do not understand what it means. It seems to me that that strikes at the root of the whole of the system of applying the code which is adopted in white schools to the Native schools; at least, it does so approaching the question merely from the education point of view.

42,315. Are you of opinion that Native children and white children can advance *pari passu* from the commencement up to, say, the School Higher examinations, and be equally successful, both studying in the English language?—That is a question on which I do not feel competent to speak. I know very little about the Native, but the impression I have gathered from seeing him in the schools is that it is certainly not so.

42,316. Would you advocate a differential treatment of the Native from that of European children in education?—Most certainly.

42,317. In what respect?—If I may confine myself to the educational point of view, I would ask you to take simply the question of the language, as I have put it before you. If you accept my contention, and say that these children must be taught as if they were foreigners—it is not necessary for the argument to take into consideration their lower capacity or anything of that kind—then it knocks the bottom out of the whole system in force in schools of the kind to which I refer.

42,318. You have not had sufficiently long experience with Native students to be able to say whether they have the same mental calibre, and the same strength of character, and are able to reach the same degrees of education as white children?—No, but I should be very surprised to discover after longer experience that it was so, from what I have seen so far.

42,319. Then, to try to advance them to the same degree of education, would be practically a waste of public money, and a waste of the time of the Native?—I have been told that there are exceptional cases of Natives who have really attained to a high degree of education. Of course, there have been Natives who have gone to the Universities at Home, and have done well; but, speaking generally, I should say, in answer to your question, that I should be very much surprised if it was not the case.

Pretoria, Tuesday, 11th October, 1904.

Present:

Sir Godfrey Lagden (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Sloley.
Captain Dickson.	Mr. Stanford.
Mr. De la Harpe.	Mr. Thompson.

Mr. Theophilus Lyndall Schreiner, M.L.A., examined.

T. L. Schreiner. (M.L.A., Cape Colony).

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42,320. *Chairman.*] You are a Member of Parliament of the Cape Colony, I believe?—Yes, I am Member for Tembuland.

42,321. Have you ever held office in any capacity in the Cape Colony?—No, but as a missionary's son, a preacher, and temperance worker, and also as a large employer of Native labour on the Diamond Fields for several years, I have been in close contact with the Natives of South Africa all my life, and have always taken the deepest interest in the Native question in all its bearings.

42,322. You are aware of the list of subjects upon which we are taking evidence. Will you tell me upon which of them the Commission may examine you?—I have my views and opinions upon every one of the matters mentioned here, but there are certain ones which are more particularly important in my view, such as the franchise, No. 4, and No. 6, and No. 9; but, with the permission of the Commission, I should like to make a few preliminary remarks. I would like to ask whether the Commission takes into consideration the condition of what we call the coloured people, the half-caste people, as distinguished from the Natives, because there is a very general impression abroad, which is fostered by a certain part of the press, that they are all one, and the public is made to lose sight altogether of the fact that there are something like 250,000 or 300,000 of these half-caste people who are really Europeans, except for the colour of their skin, as to manner of living, and habits of thought, and everything else, and of whom there are 10,000 registered voters in the Cape Colony; and I think it is of the highest importance, at all events, to recognise the existence of these people, that this Commission should recognise the existence of these people, because of the way in which they are in the public idea amalgamated and made one with the Natives proper.

42,323. We are not taking any specific evidence with regard to what is called the coloured people. Incidentally it has been introduced at times, but it is not a part of our functions. We are dealing with Natives. That is the reference to us?—Then you do not want evidence with regard to them?

42,324. No, except you introduce it in the course of your remarks?—In the Cape Colony the word "Native" includes many of these half-caste people, and in the Cape Colony these people have the franchise. I would like to have it on record that there are these people in South Africa, some 250,000 or 300,000 of them, who live like Europeans, and in every way are scarcely to be distinguished from the same class of white people, except by the colour of their skin. I do not ask to press the point about their condition and so on, but I would like it to be on record that they are in existence. With regard to the whole matter of the Native question, it seems to me that the one great principle that should be upheld is that there

should be no colour line, and that class legislation, if necessary, which it is, should be based on other conditions, and not on colour. That is the foundation principle in my view of the Native question of South Africa.

42,325. What other conditions?—Differences of civilisation, of habits of life, of education, and so forth.

42,326. *Mr. Samuelson.*] Do you, in using the word "colour," mean "race"—race lines?—No. I say that there should be no colour line.

42,327. By "colour" do you mean "race"?—No, I mean colour. I can quite suppose that the factor of race may enter into those other conditions which I have said might be reasons for drawing a line. I can quite suppose, with a race like the Chinese being introduced into the country, it might be said these people are introduced for a certain purpose and occupy a peculiar position, they are a particular race, and would have to be treated in a particular way, as to political rights, and so forth, in the country, but I do not think it should be based on colour at all.

42,328. *Chairman.*] Do you mean that under certain circumstances there should be absolute equality between the white and the coloured people?—I do not think that is synonymous with what I said. I think that class legislation is necessary, but that it should not be based upon colour, because we have coloured men, or black men, who are quite equal and superior to many white men. The only logical foundation for the whole system of the treatment of Natives, in my opinion, is not colour, but other conditions; but I would never put the races on an equality. It does not follow that Natives are on an equality with Europeans.

42,329. We must start with something. In what respect, and to what extent, do you recognise that there should be class legislation?—My belief is this: that those who have raised themselves up to the level of the white man should have the white man's rights, and that all those who are living in tribal fashion, according to the tribal system, or communal system, under Native law, are in quite another category.

42,330. How do you define the raising of a coloured man to the status of a white man? By education, or by what?—Not only education, but habits and manner of life, monetary qualifications, and so one. I have already pointed out that what we call the half-caste, or coloured people, are really on the level of the whites belonging to the same class, the artisan class, or small agriculturists, and there are a certain proportion of Natives who have raised themselves to the same level, as far as we can judge.

42,331. And if they have got the franchise qualifications, and if they are living in a civilised way, do you mean then that they should have the privileges and the position of the white people?—Yes.

42,332. In every sense?—Yes, in every sense if they stand on an equality with them.

42,333. The franchise qualification in the Cape Colony is rather low?—Yes, in my opinion it is low.

42,334. Do you think any change is required in the standard of qualification?—I do not think there is any growing need for a change just at present, but the change will have to be made—franchise qualifications will have to be heightened.

42,335. What would be the result, for instance, if a great number of coloured people of all sorts were to qualify at a very early date for the franchise?—Do you mean aboriginal Natives?

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42,336. You wish to class them together, so I call them coloured people. I do not say Natives, I include the Natives in it?—You will allow me to draw your attention to the fact that by doing that you are linking them together, and the public then applies what we say about the Natives to the coloured people, who are really in the position of Europeans. I wanted to keep them apart.

42,337. I will ask you about the Natives. What would be the position if a great mass of Natives were able at an early date to qualify for the franchise?—I think it is impossible that a great mass of the Natives should qualify; from my knowledge of the Natives of the Cape Colony, I see no likelihood of it.

42,338. Still, with education being freely given, or facilities for it being freely given, it is possible, I suppose?—Education is not the only test. I have jotted down my views on the franchise question if the Commission would like me to give them.

42,339. Please give them?—I have already said that I think the basis should be civilisation, not colour, and with people living in tribal or communal fashion or under Native law in any way, there is no question of their having the franchise to my mind, and those who are married, for instance, by Native law, I would not recognise as entitled to the franchise. I would not recognise a polygamist as entitled to the franchise, because he belongs to quite a different system from ours; you could not say that he is on our level. But if any Native raises himself in a position of life, and in monetary position, by education and habits of life, to the level of the European, then I should say he should have the franchise just in the same way. What I would claim is the open door, not that a great number of Natives should be enfranchised, but that there should be an open door left by which the black man, the Native, who had raised himself to the level of the European, should be entitled to the same rights and privileges; and, I believe, that would have a splendid effect. I believe it would knit all the better elements of the higher class Native, the civilised Native, to us; whereas to shut that door seems to me just like shutting the safety valve and sitting upon it, throwing these people away from us, and causing them to be disaffected. It seems to me that we ought not to require a higher franchise from the Native than we do from the European, yet many people do that. I think that if the Native does raise himself to the same status which is required of the European that that is quite sufficient, and that he should then be allowed to have the same rights. Those who hold my views are accused of wanting to lower the franchise, but we do not want to do anything of the kind; we would rather have it heightened. The franchise of the Cape Colony, of course, dates from a time when things were very different from what they are now. There was not half the amount of wages paid that are paid now, and so forth, and, as I have already said, I think that the monetary qualifications should certainly be raised. The franchise is £75 for a house now. It used to be £50. That should go up to £100, if not higher. Then I find in the Cape Colony that the land is included in this house franchise, and the result, of course, is that there are people living in houses that are not at all worth £100, but the house and the land are taken together, and I think the house franchise should be absolutely a house franchise, and the land not taken into account. All this would have a very great and telling effect in allowing only those people who have reached a certain stage of civilisation to have the franchise. Then

there is the wages franchise, which at present is £50 per annum in the Cape Colony. That ought to be raised to something like £100. That was the franchise when men were paid perhaps £1 a month at the utmost; now they are paid £2 10s. monthly. Then there is the education franchise. Of course, it may be difficult to determine an educational franchise, but it certainly should include the reading and writing of some European language, English or Dutch; and then there is the method of living, and so on. As I have indicated, I should be opposed to any polygamist having the franchise at all, even though he had these other qualifications, or anybody who was living in tribal fashion, even though he might be rich, and might have a house worth £100. Even with that low franchise that we have in the Cape Colony there have been good results from it; there being no colour line drawn. No bad results have occurred whatsoever, and the system had been on its trial for a great many years; in fact, to me it seems that the Cape Colony has solved the problem for the whole world, and that is an object lesson to the whole world of how white and black can live together and have one rule as to political rights, and in which they can work harmoniously together. There has been nothing in the Cape Colony of the kind that there has been in America, where a great mistake was made in giving universal franchise—manhood franchise to millions of emancipated slaves. Nobody in his senses would dream of that being done in South Africa. I would just like to point out that from the Census I find the following figures. With regard to the Cape Colony, there are in round numbers 114,000 white voters out of 580,000 inhabitants, or one out of every five white inhabitants is a registered voter. There are 8,000 Natives registered out of 1,500,000, that is, one in 180. There are 2,000 Malays and Hottentots, and 10,000 of those coloured people whom I have mentioned, or 12,000, putting Malays, Hottentots, and coloured people together, out of what I estimate—not from the Census, but from my knowledge of the country—to be 300,000. I think there are 300,000 Malays, Hottentots, and coloured people. That is, one in 25. The registered Natives are one-fifteenth of the whites, and two-thirds of the coloured, and the Natives and coloured voters together are one-sixth of the whites. That is the present position in the Cape Colony. Looking at that position, knowing the condition of things there, and that there is no disposition on the part of the Natives living in tribal fashion—or the great majority of the 1,500,000 of them—to exercise the franchise at all, I do not think there is any danger whatsoever of the swamping of the European vote; but if there be, or if the danger ever arises, the raising of the franchise qualifications, as I have indicated, will be quite sufficient to put a stop to it. I should like to point out that to draw a colour line must inevitably lead to disaffection. There are a few Native leaders, leaders of public opinion, editors, and contributors to newspapers, and so on; you have had them hitherto on the side of Britain, on the side of order, on the side of the Government, but by suggesting this disenfranchisement of the Native, which has been openly suggested in the press of the country, you will inevitably throw those people on the other side; they will be our enemies, they will be the centres of disaffection, and I shudder myself to think of what the future will have in store for us if that policy is carried out. One feature of the matter escapes general notice. Nobody has any wish that there should be a mixture of the races, that they should be mixed by marriage or otherwise, but to keep

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away political rights from the men who are entitled to them will be to help forward the further creation of a half-caste race between the whites and the Native races; because if colour is the only open door, if to be white, if to have white blood in you is the only open sesame to political rights, there is not any Native woman who has reached a certain stage of longing for civilisation and that her children should advance in civilisation but will look upon the getting of some white blood in her child as the greatest boon, and she will get it one way or another, and it will not be by mixing with the best whites, but by mixing with the worst whites. If this policy of the disenfranchisement of the Native, or rather the closing of the open door, were to be carried out, we should be doing our very best then to create another half-caste race besides that which we have already as the result of the action of past generations. I believe as much as anybody in keeping our races pure, and I believe that doing political justice to all apart from the colour will be the best means of keeping these races pure. The best Native men, the best Native people, do not want the mixture of the races, and I look forward, if the policy which has been carried out successfully in the Cape Colony is extended to the whole of South Africa, to the time when there will be the two races living in the country, Dutch and English amalgamated, and the Native races distinct and apart, but still with equal rights, and carrying on harmoniously the government of the country between them. I do not think that the dream is at all Utopian if we only do that which is right and just. It has been advanced that the granting of this franchise to Natives will hinder federation, will put a stumbling block in the way of federation. I do not see it. Of course, I know that the Colonies up here have the right to decide this question entirely for themselves by the terms of the Peace of Vereeniging, but, that being the case, and the Cape Colony having had its own colour system in working for so many years in the past, I do not see that this raises any difficulty in the way of federation, only the federation will have to be placed on lines that are suitable to the country. And I may just venture to suggest that this would satisfy the conditions: that the federal electors of each Colony should be the electors of the Colony, the ordinary electors of the Colony; there you have the whole thing settled. Those who are electors of the Cape Colony, whether white or black, or coloured would be the federal electors of the Cape Colony. If the Transvaal did draw a colour line, when it gets representative institutions, its electors, whoever they might be, would be the federal electors, and those who were elected to the Federal Parliament would meet irrespective of who the people who helped them there were. Another plan which has suggested itself to me is that each local Parliament might choose its own representatives to the Federal Parliament, as I believe the Senate of the United States of America is chosen. I do not see that this question of the Native franchise is necessary to be settled in one and the same way by the different States of South Africa as a necessary preliminary to federation. The different Colonies of South Africa have had different systems in the past, and you cannot change them or make them one and the same in a day. It would be very impolitic to attempt to change the political system of the Cape Colony, and perhaps it might be impolitic to extend it immediately to other Colonies. Each Colony has had its own system in the past, and the position that it occupies to-day is due to the different systems that have been carried on in the past. With regard to large Native reserves of Natives, such as Basutoland, the idea has been

mooted that they should have representative white men to represent them in the Legislature, but I should think it would be much better to give them some kind of a Legislative Council of their own as time goes on. But this cannot be done in such a part of the country as the Territories in the Cape Colony, where already white people have come in to the extent of many thousands, and there are towns and villages of white people established, and political privileges have been granted, and Members of Parliament have been elected, so in such a part of the country I do not see anything for it but to continue the old system, and to allow those Natives who raise themselves to the position of the white man, to have the same rights in the future that they have had in the past. With regard to the Natives, the idea has been put forward that they are combining, as it were, against the white man. Well, I represent, I suppose, more Natives that anybody else in South Africa—470,000 in Tembuland, though they are not voters, of course. I and the Hon. A. J. Fuller represent them, and I have not seen the slightest sign anywhere of Natives wishing to combine against the white man. The very fact that at the last General Election in my constituency of Tembuland, out of the 900 Natives, Kafirs and Fingoes, that are on the register, there were half voting one side, and half voting for the other, is plain proof that they did not want to combine against the white man, and I believe if they are treated justly and fairly, as they have been in the Cape Colony in the past, there will never be any desire to combine against the white man, but that their minds will lead them to take sides just as white men do. They are capable men, they have their own thoughts. I have held political meetings with them, and been heckled by them. I can say they are not led by the nose, they have their own ideas, just as the white man has, with regard to political matters, and they will cast their votes either on one side or the other for the political parties that will be in the Cape Colony in the future.

42,340. Did I understand you to say that you thought you would stop the intermixture of the white and black races by giving them political equality where they justified it?—It would help to stop it, that is my firm conviction. If white blood is the only open door they would not be human beings, they would then prove they were not human beings, if they did not say, "I will try and get that which is the only open door to equality," and that is white blood.

42,341. Do you consider that the Natives of South Africa are represented fairly at the present time. I am not speaking of the Cape Colony, but take South Africa as a whole?—I have already indicated that people living in tribal fashion I do not consider are deserving of direct representation.

42,342. My question is, do you consider that they are at present represented in the Councils of the State, not directly by Members of Parliament, but are their views and their feelings represented?—I do not think they are.

42,343. How do you think they should be represented?—I should be inclined to follow the system that obtains in the Cape Colony, and let them be represented on those lines. I believe that if you give the franchise to those who have reached a certain level after this, that those ought to be the people who should represent the views of their less favoured brethren.

42,344. Does a man who has got a little smattering of education, and who perhaps earns £50 a year, represent the mass of Natives in any Colony?—I want the qualification raised from £50 to £100 a year.

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42,345. Even taking a man who earns £100 a year, and has a little education, does he represent the great mass of Natives?—No, because the great mass of Natives are now living in tribal fashion and in heathen fashion.

42,346. Is not South Africa mostly composed of men who are living in that way?—Yes.

42,347. And how do you think they should be better represented if they are not now represented fairly?—They might be represented by officials, or they might be represented by persons, as has been suggested, chosen by them as a whole to represent them—Europeans or others. In my own mind I do not lay much stress on this. I believe that the process of evolution must be very slow. These people are very contented to live in the way that their forefathers lived. My contention is that we ought to try to lift them up, and the Cape Colony has in the past been always endeavouring to lift them up, although it has been a very slow process. But some of the other Colonies have not been endeavouring to lift them up; another system has been carried on, and we have, as the result, the fact that in those Colonies I suppose you would find very few people fit to exercise the franchise.

42,348. Do you mean that in those Colonies where there are none or very few who have the qualification, and have not shown themselves fit to receive it, you would leave it alone, and you would make no change?—No. I would give them the same chance that they have in the Cape Colony.

42,349. You would let them develope?—Yes, but you must give them the chance of developing, and help them to do so.

42,350. You would not disturb anything in any of the Colonies that now exists in order to give them special representation?—Except open the door, as in the Cape Colony.

42,351. You would open the door?—Yes.

42,352. You spoke of lifting them up; how would you do that?—Christianity is one of the great means of raising them; Christian education, helping them to work, aiding them with industrial education, would be lifting them up.

42,353. First of all, as to Christianity; can the State take a part in evangelising the Natives?—It could assist the mission societies.

42,354. In what way?—In the way of education; the education of the Natives is generally carried on by mission societies.

42,355. You would assist them by giving them grants in aid on account of the education they carry on?—Yes.

42,356. And do you see anything wrong in the system which generally obtains in South Africa, by which the State aids education, through the mission societies, as a rule?—With regard to Natives?

42,357. Yes?—No, I approve of it.

42,358. Do you think the State might do more?—Speaking for the Cape Colony, I do not know that it could do much more than it is doing, and there is a limit, beyond which I do not think that the State ought to go. I have always, in speaking of this matter to civilised Natives, pointed out to them that they must pay, like the white man does, after a certain point, for the education of their children, that is if they wish them to go higher.

42,359. What I want to know is, if, in advocating State aid to the missions on account of Native education, you would go so far as to say that the State ought to insist on the education of Natives?—I think that it is the duty of the State to provide education for everybody: white and black.

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42,360. Do you mean that they should provide facilities for education, or that they should compel it?—The compulsory question is a very difficult one, not only with regard to Natives, but with regard to whites in the Cape Colony; but, as far as possible, I think there ought to be compulsion.

42,361. Then you would have a standard limit of education?—Yes.

42,362. Beyond which grants would not be made?—I do not say that grants should not be made to the institutions that go higher, but that the parents should pay for higher education themselves.

42,363. Where would you draw the line; what is a useful standard to bring them up to?—I suppose Standard IV.

42,364. And then, as regards higher education, would you let them assist themselves, that is, pay for it?—Yes, but the Government must provide facilities.

42,365. In what way?—Provide places where the few clever young Natives could have the opportunity, if their parents paid for it, of going further; so that they would not have to be sent to other countries, as they are being sent at the present time.

42,366. That is, provide the whole institution, building and teachers?—Yes.

42,367. And do you mean that they should be self-supporting by the fees that are paid by the students?—I think the basis ought to be just exactly the same as for the white people.

42,368. You spoke of industrial training; do you mean that the State should carry on and give industrial education to the Natives?—Certainly.

42,369. Upon payment by the parents of the children?—Yes; but the matter is of so much importance, not only to the Natives, but to the whole population, that I think a certain amount of free industrial training would be advisable.

42,370. Tell us what you mean by industrial training?—I mean teaching these Natives to become good artisans, and instructing them in agriculture, and so forth; turning them into useful citizens to the benefit of the whole country.

42,371. It is frequently suggested that they should be trained in agriculture; that, of course, means that at every school where they are taught there must be a fair amount of land available for the purpose?—Yes.

42,372. Is that what you suggest: that every school should be practically a farm?—I would not dogmatise, and say every school; do you mean industrial schools?

42,373. Yes?—Of course, it would be very good if it was.

42,374. Do you think it would be in the interests of the Natives themselves to educate a great number as artisans, skilled labourers, and technical tradesmen?—I think so; it would be in their interest.

42,375. Would it be in the interests of the whole of South Africa, do you think, to have a large body of trained Natives of that description?—I do not think it would be detrimental, though, of course, there might be an outcry from certain classes.

42,376. Would it keep away from South Africa, do you think, skilled labour, which might otherwise emigrate?—If there was any large number, it might have that effect; the supply would be according to the demand.

42,377. Yet, if you did this in every State, it might have that effect?—Yes.

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42,378. *Mr. Stanford.*] When you speak of the Natives under the tribal system, Mr. Schreiner, do you refer more particularly to those parts in which individual tenure has not yet been provided?—Yes.

42,379. Are there not in those parts, which you have described already, many individuals who have risen to the position of qualifying themselves for the franchise: men of property and good character, and of civilisation, too?—As far as I know those who have qualified themselves are on the voters' list.

42,380. Yes; but just now you spoke as if you would exclude men who were living under the tribal system from participating in the rights of the franchise?—Yes.

42,381. Now, I put it to you that where the people are residing under the communal system there are many who have already acquired the franchise?—I would not interfere with any rights already granted. I think that it is a political axiom that you must not take rights away already granted. But, I was looking forward to the future, and considering what was best for the future, and for the whole of South Africa, not the Cape Colony only.

42,382. Would you debar a man from acquiring the franchise simply because he was living on undivided land, but who was otherwise qualified?—I should feel inclined to do so.

42,383. Take those men round about Engcobo, who are a very advanced class, but who still have no individual title to the land; would you refuse them?—I have not had an opportunity of speaking on the question of "Land Tenure," in which I would have made it plain that I think that some such system as the Glen Grey system of giving individual title should be adopted for very many reasons, and these men would then get individual title. The Glen Grey title, as you know, at present does not carry with it the franchise, which is a matter of grievance to the holders. I would say that, having got individual title, if they were to build a house worth, say, £100—if the house qualification for the franchise was raised—they should be entitled to the franchise. That is my idea. They would not then be living in tribal fashion any more. I would like to lift the men up out of the tribal fashion; that is one of my chief points. I would say to them, "No, you cannot have the franchise, because you are living in tribal fashion in this communal way." Of course, I know that the Socialists represent this as the very highest state of living for white people, too, this state which the Natives have at present, but I suppose we cannot go back on the history of the past, and we must recognise individual title as being higher than communal system, that is representing a higher state of civilisation.

42,384. Just now you said that you did not wish the land to be included in the house qualification; that you would let the house qualification stand alone?—Yes.

42,385. Therefore the man living still under the tribal system who builds a house worth, say, £200, would be barred until he has come away from the tribal method of life?—To my mind the tribal system is an entirely different system to ours. It may be better than ours, and it might be well if we were every one of us living in that way, as the Socialists say. But it is an entirely different system, and I do not feel inclined to give the people who are living under an entirely different system the same political rights that we have.

42,386. Although you admit that these rights as exercised by the people in the Transkeian Territories and in the Cape Colony,

where many of them are still in undivided locations, are well exercised by them?—Yes; and I would not take away any rights that have already been given. That goes without saying.

42,387. But you take away the right from the man who is coming after, who is going to do just as well for himself as the man who already has the franchise?—He will have the Glen Grey title.

42,388. He might not have the Glen Grey title, because in many cases you must recognise that this form of local government is opposed by the majority of the people in different districts. Individuals may wish it, but the public feeling is still so strong in that location that the Government does not consider it advisable to extend the system of survey under the Glen Grey Act?—There are two principal districts that have not got the Glen Grey Act: St. Mark's and Cala (Xalanga); and in these cases the certificates of occupation carry the right to the franchise.

42,389. You make a mistake; individual survey has been applied only to Butterworth and Nqamakwe?—I thought others were going to have the Council system. You referred to the matter of locations. I think that the Natives ought to be allowed in the locations to have plots of ground of their own. On these plots of ground they should be able to build their own houses and receive title to them; as distinguished from the Natives who live in the locations as birds of passage or temporary labourers, and who would occupy hired rooms.

42,390. What increase has there been, Mr. Schreiner, in the number of Native voters in your constituency since the last General Election, or rather, I mean, between the General Election preceding the last and the last?—I believe there has been a reduction, but I speak subject to correction.

42,391. What are the numbers at present?—There are 900 Fingoes and other Natives.

42,392. As against what European voting population?—Against 1,800.

42,393. So that in your constituency now it is really only two to one in favour of the Europeans?—Yes.

42,394. Is it unreasonable to look forward to the time, in view of the fast advance of the Native in respect of civilisation, when the Native voters in your constituency will exceed the European voters in number?—It is possible, but it depends, of course, on the policy that is carried out. If you admit Europeans somewhat freely into those parts of the Native Territories where they are already—it might have been better to have kept the country solely for the Natives, like Basutoland, but it has not been done—I think they will more than keep pace with the Natives in voting power.

42,395. Would you recommend that Europeans should be allowed to come freely into the Native Territories to the dispossession of the Natives?—Not for a moment, not to dispossess the Natives.

42,396. In what way do you suggest this freer admission than exists at present?—Of course, you will be aware of how easy it would be to make facilities for their coming in or to prevent them coming in.

42,397. I am afraid I am not, but I would like to know from you how you would arrange for it without, as you say, dispossessing the Natives?—I think it would perhaps have been better if that Territory had been reserved essentially as a Native reserve, but it was not done, and we have, of course, to deal with the question as it exists at present. I think the ordinary influx of Europeans will quite

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counter-balance the increase amongst the Native voters. The place is being developed in many ways, and if we get the present railway through and also the railway from St. John's, and so on, there will be a large influx of Europeans if there is ground for them; and certainly there is ground in the Territories that is not occupied at present.

42,398. You say there is ground unoccupied?—I should say so from travelling there.

42,399. Have you considered, Mr. Schreiner, that this voting together of Europeans and Natives is leading to an increase of racial feeling between the two races?—Antagonistic?

42,400. Yes, antagonistic feelings?—I have not seen signs of it, except just as might arise in any election.

42,401. Do you not think that such a feeling is going to grow and strengthen as the Native vote gets more strong and influential in those constituencies where Natives exist in large numbers?—It might, certainly, in that case.

42,402. Have you studied the New Zealand system where separate voting is provided for in respect of the Maories?—No, I have not studied it.

42,403. What would you think of a suggestion that the Native should, as now, be entitled to the franchise rights, but that they should be formed into separate constituencies and vote entirely apart from the European voters, and at different times?—And elect whom?

42,404. Whom they would, white or black?—I should prefer no distinction unless I was forced to that conclusion as the only alternative. I mean, if there was such a racial feeling roused as was roused in America, I should be forced to take refuge in that compromise, but it would be far better if we could carry on such a system as has been adopted by the Cape Colony. I am proud of the Cape Colony policy. I think it is an example for the whole world of the two races being allowed to wield political power together. I should not like to see it altered unless the necessity arose.

42,405. What do you think would be the feeling of the Natives themselves in respect of such a suggestion if they themselves desired to vote apart from the Europeans?—I have not met with any sign of it.

42,406. As regards the coloured voter, you think, then, that the Cape system has worked very well?—Yes, certainly.

42,407. *Mr. Thompson.*] On being asked by our Chairman whether you thought the Natives were represented fairly in the Councils of the country, you gave it as your idea that white men should represent the Basutos in any Federal Parliament. Do I understand that you offer it as a suggestion that white men should be elected to represent Native constituencies?—I had not got as far as that.

42,408. What is your opinion, in regard to any federation scheme, of a place like Basutoland, which is purely Native; if the Basutos are to be represented, how would you suggest that representation?—I suggested that, perhaps, in Basutoland they should have some legislature of their own, that they should elect their own members to that legislature, and that they should send to the Federal Parliament in exactly the same way as the other Colonies sent representatives, whether white or black; I should not limit it to white.

42,409. You would not limit it?—No.

42,410. Nor in the Cape Colony?—No.

42,411. You would have no objection to a black representative?—No, not if he were the best man obtainable.

42,412. *Mr. Samuelson.*] You will admit, I think, Mr. Schreiner, that at the present time in the Transkei both polygamists and Natives under Native law are on the voters' list?—I am not aware of it, though, of course, it may be so. Colonel Stanford has much greater acquaintance with the conditions there than I have. It would be news to me that a polygamist was on the list.

42,413. They are not precluded by anything in the laws of the Cape Colony at the present time?—No, not that I know of. Of course, I have not touched on the marriage question. I think we ought to try and discountenance polygamy altogether.

42,414. Now, as regards the present house qualification for the franchise, having a house of the value of £75; you know that Natives very often put up a house together and live in it together. Which one would you select of say three or four men in the same house as the man to be placed on the voters' roll through the value of that house?—The owner.

42,415. Say it was owned by three or four men?—If my idea of £100 was carried out that house would have to be a £400 house. If four people built a house for £400 I should say let the four vote.

42,416. Are voters' lists prepared every five years?—Every two years.

42,417. Is enquiry made by those who prepare the voters' lists on every occasion as to whether Natives who were on the list the previous two years have still the qualification?—Of course, it depends on the individual Magistrate, but I was informed that in the Territories there were very searching enquiries carried on in most of the districts.

42,418. Do you think it likely, if a careful scrutiny were made at the next registration, that it would be found that a number of Natives on your voters' rolls had not at the time they were placed on the list the necessary qualifications?—I do not think so. I think a great many have dropped off; they were very careful about that at the last registration.

42,419. Do you approve of the exemption of a voter from the Liquor Acts of the Colony?—The aboriginal Native?

42,420. Yes?—No, not the aboriginal Native; of course, I exclude coloured people altogether. Although some of the Native registered voters have been misled into thinking that this right to drink is a boon—something which makes them equal to the white man—the majority of them would be willing for the sake of their people to put themselves under the same law.

42,421. Can you say whether being placed on the voters' roll exempts the man himself and his family as well from the Liquor Act?—It only affects the individual.

42,422. Did you know that in some cases the voters' lists were prepared by Field-cornets who were owners of bars and canteens?—You do not mean in the Native Territories in the Cape Colony?

42,423. Yes, in the Cape Colony?—I have no knowledge about any Field-cornet who happened to be an owner of a bar or canteen; perhaps there would be such cases, but I have no personal knowledge of such. In the Territories the voters' lists were prepared by the Magistrates.

42,424. Do you think it is right that a man who plies the liquor traffic should be a man to register the voters?—No, certainly not.

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42,425. Then I think, if I have understood you rightly, that you consider that no coloured person or aboriginal under special laws of any sort, or being a polygamist, or subject to any class law, should be placed on the voters' roll?—I do not say subject to any class law. I said living in tribal fashion or communal fashion, or under Native law, or a polygamist, and who has not yet come into our system.

42,426. The Natives almost generally in the Cape Colony are in some way or other subject to the Liquor Laws of the Cape Colony?—Yes.

42,427. Would you consider that a disability?—No, I consider it a blessing to them.

42,428. I mean as far as being placed on the voters' roll is concerned?—No. There is no connection in my mind between the right of voting and the right to buy liquor. To deprive a man of his vote if he has raised himself to the status which entitles him to one is a gross injustice, but to take away the right of buying liquor is a blessing. Of course, if liquor and voting hung together, then it would come to this: that one of the great qualification for the franchise would be the drinking of liquor, which would be absurd.

42,429. You would exclude the Native, then, if he was a polygamist?—Yes.

42,430. Would you treat the Malay in the same way?—The Malay has his rights. I would not take away rights from any one who has them.

42,431. Did you say that, in future, you would deprive the Native who was a polygamist?—Yes; I feel very strongly about that.

42,432. Would you treat the Malay in the same way?—I do not see how you could make fish of one and fowl of another. To my mind polygamy indicates quite a different system from ours. I want the men who have come to our status and adopted our system and our way of thinking and looking at things to have a vote. But what right has a man who has a perfectly different system to ours to take part in the making of laws, because when he votes for a Member of Parliament he is taking part in the making of laws?

42,433. I suppose the Malays in the Cape Colony are also in their homes under an entirely different system; they have their own laws of succession, they are Hindoos or Mohammedans by religion, and they are polygamists?—There are very few of them polygamists in Cape Town, as far as I know.

42,434. I suppose, when the Cape Colony came under the British Government, the question as to whether the Native should or should not in time have the franchise never entered the minds of anybody, and the Native was not excluded, but was simply left as a matter unthought of?—I think that there was an idea in the mind of the British Government that there should be no colour line whatsoever. The door was purposely left open; whether they were fit to exercise the franchise was another question, but that there should be no colour line was in the mind of the British Government. You will find even in Rhodesia, in the Orders in Council, it was fixed that there should be no distinctive legislation in that country with regard to Natives, excepting as to liquor, ammunition, and so on; and even there the British Government guarded itself in the matter.

42,435. Do you think that the door was deliberately left open?—It was deliberately left open until the Peace of Vereeniging, when it was shut for the first time in the history of the British Empire.

42,436. Have you had occasion to observe or to study the results

of the "open door policy" in the United States of America between the negro and the European population?—I have studied it, but I have not been on the spot personally.

42,437. Have the results been altogether satisfactory of allowing the two races to run on the same plane?—No, very unsatisfactory; but it was owing to the fact that there was universal franchise. They emancipated millions of slaves and gave them all the rights of civilised men at once. Any one who suggested that in South Africa would be a madman—I mean anyone who suggested opening the franchise to everybody. We must have a high franchise always in South Africa; the circumstances demand it. If there had been a high franchise in America, I believe that the condition of things would have been very different to-day from what it is.

42,438. Do you not think that the interests of the Native population, both politically and socially, are sufficiently protected by the system at present in vogue, of officials specially representing them, with their Courts, and so on?—I think that they are very fairly represented owing to the stamp of Administrators.

42,439. Without actual representation in the Parliament?—Yes, that is my own idea, provided you leave the open door.

42,440. Always have the open door?—Always have the open door.

42,441. Do you think that the Natives as a people have lost anything through their not being directly represented in Parliament and in not exercising the rights of the franchise?—You mean in the Colonies where they have not had those rights?

42,442. Yes?—I think that the whole of the Natives of such Colonies have been kept back, and they would have to go on another 50 or 60 years before they reached the level of the Natives in the Cape Colony. That is my idea: they have been kept back and allowed to remain in the state in which they were found, to a very large extent. Of course, I do not believe in that policy.

42,443. Kept back in what way?—They have been allowed to remain in the state in which they were found.

42,444. Can you say positively that this Colony, or the Colony of Natal, or any of these other Colonies, have not men who are equally educated and men possessing the same amount of property as you have in the Cape Colony and Transkeian Territories?—It would be news to me to learn that there were.

42,445. You have not had the opportunity, I suppose, of going into the matter?—I know the Orange River Colony pretty well, and also the Transvaal, though I cannot say that I know Natal very well. My impression is that I have not come across the stamp of people we have in the Cape Colony as the result of the policy carried on there.

42,446. Do you not think that we should protect the Natives and preserve them better by adopting a policy, political or commercial, which would not bring them as a people into competition, rivalry, and conflict with the white races?—Certainly, while they are not living on the white man's level, but when they are living on the white man's level, of course, they must compete. It is the very essence of the thing, that if the Native comes on to that level he must take all the chances, good or bad.

42,447. Then, would you recommend at the present time the abolition of any distinctive law drawing the line between the Native population as a class and the European population?—No; a

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great deal of class legislation is necessary. There are, for instance, pass laws, location laws, property laws, but they should not be based on colour only.

42,448. You do not recommend that that should be done in order to put them into the same position in every respect as the Europeans and in order to enable them to rise to the standard which you seem to advocate?—No, because the great mass have not reached that standard at all; but do not make it colour distinction. Where there are a mass of people living in a certain condition of semi-barbarism and not dressed like Europeans, of course they are quite different from Europeans and from the respectable coloured people too.

42,449. Under the Roman-Dutch law, the illegitimate offspring of black and white takes the status of the mother, does it not?—I am not in a position to answer that question.

42,450. Do you think that the illegitimate offspring of a white man and a black woman should take the status of the father or of the mother?—Do you mean legally?

42,451. Yes?—If that offspring was to live just like the Natives do, like the raw Natives do, I should say, of course, that he ought to be classed with them. It is a question of civilisation with me.

42,452. Then you would divide the illegitimate children of white men and black women into different classes?—Illegitimate?

42,453. Yes, I am speaking of illegitimate children?—Yes. I would draw no colour line at all. I would recognise these other conditions, not colour.

42,454. Would you have them under Native law or under the ordinary laws of the Colony?—According to their choice. If they lived as Natives and were under Native law, of course, I would treat them as Natives.

42,455. You mentioned, I think, in your evidence, although it did not bear upon the question of the franchise, intermixture between whites and blacks?—Yes.

42,456. In the Cape Colony it is an offence for a white woman to cohabit with a Native?—In the Cape Colony?

42,457. Yes?—There is no such law.

42,458. I believe there is?—Not that I am aware of.

42,459. I thought that the Morality Act of the Cape Colony made it an offence?—I do not think so.

42,460. Would you be in favour of illicit intercourse between a white man and a black woman and between a white woman and a black man being made an offence?—It might be wise to make it so, but I cannot say that I am perfectly clear that such a law would not constitute an undue interference with the liberty of the subject, and there would be great practical difficulties in framing and carrying out such legislation.

42,461. And would you not in any way prevent inter-marriage between the two races?—I would not prevent it by law. I think that there are stronger things that prevent it than any laws.

42,462. Then, would you still allow the Native to have that opportunity that you spoke about of getting into his race the white blood in order to enable him to get the higher political status?—If he has the opportunity nothing can hinder it. As I have already said I would not be in favour of a law which interferes with this matter, and it would seem to me the height of injustice to fix this colour line politically and thus put strong temptation upon the Native to try and get some admixture of white blood and then make that penal. That is the very opposite of my position.

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42,463. *Captain Dickson.*] I think, in answer to Mr. Samuelson, you said that you thought the Natives of the Cape Colony had advanced more than the Natives of the other States of South Africa. Does that include the Orange River Colony?—Yes, I said that.

42,464. Have you had much opportunity of studying the Natives in the late Free State as a whole?—Yes; I am better acquainted with the Orange River Colony than with any other part.

42,465. Have you been all over that Colony?—I have been all over it, and in every town and village.

42,466. You consider that the Native of the Cape Colony has advanced more?—As a whole, yes. I know the condition that existed in the old Free State. The farmers were accustomed to have five or six Native families on their farms and to give out land to them, and those Natives progressed in wealth and respectability and that sort of thing.

42,467. But you think they did not progress so much as the Natives in the Cape Colony?—In the Territories, I am speaking.

42,468. I thought you were speaking of the Cape Colony as a whole?—I was thinking more of the Native Territories, but I will take it as the Cape Colony as a whole. In the old Free State the Native population consisted entirely of those people who were on the farms when once the Baralongs were dispersed; so that in the Orange River Colony there is no great Native population which you can compare with the Native population of the Cape Colony.

42,469. What I want to know is whether the system of splitting them up amongst the farmers is a good one, or whether you would leave them as they are in many parts of this Colony under their tribal system?—It is such a very small thing compared with a big thing. Of course, the Natives on those farms did progress. They were very diligent and cultivated the lands of the farmer and became wealthy and lived comfortably, and so on. But it is a small thing compared with the problem in the Cape Colony or with the problem in Natal.

42,470. Do you think the Natives of the Cape Colony in places such as Bedford, Beaufort, Albany, and so on, have progressed more than the Natives in the Transkei?—No, I think the progress has been most marked in the Native Territories, perhaps largely because there is prohibition of the sale of liquor.

42,471. *Mr. Krogh.*] Do you not think that the tribal system as it obtains in the Transvaal, Natal, and other places is an obstruction to the advancement of the Natives?—Of course, it keeps them back.

42,472. And does it not perpetuate semi-barbarism and heathenism?—That is my opinion.

42,473. Do you not consider it our duty as the leading race and as Christians to try and do away with the tribal system as soon as practicable—as soon as we can?—Of course, circumspectly, and slowly; everything should be in that direction. That is why I am so much in favour of the Glen Grey system, because of the slowness of the process; and that will eventually change the whole thing.

42,474. I believe in Basutoland they have the tribal system?—Yes, to a certain extent, but the Magistrates have replaced very largely the power of the Chiefs.

42,475. But the Chiefs have power in Basutoland?—Yes.

42,476. Would you still favour, in case of federation, that members should be sent from semi-barbarous States to represent those people in the Federal Parliament?—I do not look forward to its being done at the time, because I hope that federation is within rea-

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sonable distance. I do not say that Basutoland should be represented at once in the federation; I was looking forward to the future when I said that some system of a Legislative Council might be granted to a place like Basutoland, which is peculiar and the only place of its kind in South Africa.

42,477. *Mr. Sloley.*] Do you happen to know how many Native children are under instruction in the schools of the Cape Colony?—No; but I have the Blue Books here, and could refer to them.

42,478. Do you know if the number of Native children exceeds the number of white children?—Yes.

42,479. So that as far as the educational test goes, more Natives are in process of qualifying for the franchise than white people?—Yes; but you must remember that there are one and a half million Natives to half a million whites.

42,480. When these Natives get on the roll, you would then be in favour of a scheme of redistribution by which extra members would be given to the Territories where the Native voters exceed the white voters in number?—It would be a very slow process; there would not be any large number of Natives coming on the roll at any one time. I think the Territories, when once they are electoral constituencies, should be dealt with just the same as any other electoral constituency in the Cape Colony.

42,481. Yes, but you may redistribute, and if the Natives in the Territories qualified in large numbers you would have to add to the number of seats for the Territories?—Yes, because the total number of voters would be bigger, but not especially for the Natives. I am not in favour of giving the Natives special representatives.

42,482. You do not see any danger, having regard to the fact that the Natives do outnumber the white people, that by giving them political power they may out-vote the white people?—I do not see the danger at all myself. I think it is quite covered by the power which we have in our hands of raising the franchise and so preserving ourselves if necessary. I may point it out as a curious fact that in the Native Territories they have never sought to elect one of their own number. The men whom the Natives have elected in the Territories—I do not speak of the present members, because I am one of them, but before my time—were men of the highest standing in the country.

42,483. Still, the election might turn on what was essentially a race question between black and white; then what would the position be?—I really look upon the Natives just the same as I do upon the white people: they are human beings. They have their own minds and reasons, and so they are divided at the present time between the two political parties, and I think they will always be so. I cannot look forward to the time when the Native voters will really combine against the white man. I see no sign of it in any way.

42,484. *Chairman.*] Your answers have already covered a lot of ground, in fact you have already dealt with some of the subjects which are on this list. I think you said that you would like to express your views about land tenure?—There are some other matters that are of more importance to me, but I do not know what time you have at your disposal. I should be glad to answer any question about land tenure or anything else. There is the matter of education and religion. We have dealt somewhat with education, but that and the influence of religion on the character and well-being of the Natives are very burning questions. Then there is the taxation question and the question of the liquor traffic. I

have already said, with regard to land tenure, that I am in favour of large reserves for the Natives in which the communal system should be carried on under European supervision, but at the same time I should like to see everywhere the gradual introduction of something like the Glen Grey system, the substitution of individual title for this communal system. That would introduce European ideas and a certain number of the people would raise themselves to our position. The land would not always be available for being divided, and at last a certain proportion of the Natives would, having no land, have to find their living in other ways. That would be advantageous to the settlement of the labour question. I have already pointed out that I do not think people living under the tribal system should have a vote, but Natives living where there is no tribal system, and who purchase ground, I think should get title for it, just the same as a European. I cannot see any reason for refusing title to property to Natives who are not living under the tribal system. As to the locations I think the men who get a piece of ground and build their own houses on locations ought also to be allowed to have a title. Having title to individual property is raising the people and lifting them up to a higher level.

42,485. Do you advocate the breaking up of existing locations and the establishment of individual tenure?—I would let the establishment of individual tenure be a slow process. I do not use the term "the breaking up of existing locations" when I know what lies behind it.

42,486. The present system of communal tenure and the establishment of individual tenure in place thereof?—Slowly, something like the Glen Grey system, when the people are ready for it. In the Territories, of course, they have been prepared for it. Some of the districts are not willing to accept it now, and where the whole mass of Natives have been kept under the other system, kept back in their old state, they are not ready for it, and it will be a long time before they are.

42,487. You say the Natives should be allowed to purchase land. Do you think they should be allowed to purchase land at pleasure?—Yes, with some few exceptions. In the Native Territory you have very wisely a strip of white settlers on the south side of the Stormberg and the Drakensberg, in the District of Elliot, and the titles there do not allow them to sell to Natives, because to do so would destroy the purpose for which that band of white settlers was placed there. In the adjoining districts, for instance at Xalanga, the title, of course, does not allow the sale to white people—it is, as it were, tit for tat. I look upon it in this way that if you grant absolutely to the Native the same status as the white he must be amenable to the same laws. You cannot over protect him.

42,488. *Mr. Stanford.*] Perhaps you might explain that in the title deeds to which you refer there is not prohibition of sale, but the sale shall not be without the sanction of the Governor?—Yes, that is so.

42,489. *Chairman.*] Could you conceive the time when the Natives, who are able now to earn money very freely, might buy up a whole Colony?—No, I do not think so. I believe too much in the Caucasian to think such a thing possible.

42,490. *Mr. Stanford.*] In extending survey to districts still occupied under the communal system you would be largely guided by the status and wishes of the people?—Yes. I may say that in general I think that, except where public safety or the welfare of

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the majority demand it, you should always have the sense of the Natives with you in everything, whether it be prohibition of liquor or anything else. You should not make drastic changes unless you get them with you.

42,491. How would you act under these circumstances: Take a location in which the majority of people are opposed to survey, but a few in that location desire it; would you treat their cases separately or leave them to a better time when the majority would be with them?—A better time, but, of course, that is a question for those at the head of affairs of such a place. I would not force violent changes on them.

42,492. What is your experience and observation in respect of the effect upon the Natives of possession of their land under individual title?—It seems to me to have had the effect of raising them higher, giving them a new sense of the dignity of their position, but they must be prepared for it. I do not think you should take a raw heathen; he may be a fine savage in many ways and in some compare very well with the civilised man, but he would not care for the thing; he would not appreciate it at all.

42,493. Are these individual holders of land, in general, law-abiding, and what is their demeanour towards the officials in the country and other Europeans?—They are pre-eminently law abiding, and their demeanour leaves nothing to be desired, in my opinion.

42,494. I mean their demeanour towards the officials?—Their demeanour on the whole leaves nothing to be desired.

42,495. *Mr. Thompson.*] Did I understand you to say that you would advocate the elimination of that reservation in the Glen Grey Act that a man could not sell his property without the consent of the Government. Would you like to see that reserved?—I should like to see it reserved for the present. You must remember in the Glen Grey Act that the title does not carry the franchise, which to me is the symbol and sign of standing on the same level as the European.

42,496. But you think there is a time when that restriction may be with safety removed?—I think it will come in time certainly. It cannot last on for ever. You could not fancy that in one hundred years' time the civilised Native may not sell to a white man.

42,497. You would favour, as the Native becomes civilised and builds a decent house, and is enfranchised, that then he should be able to sell his property to whomsoever he likes?—I would not prematurely advocate it. It will come. It must come, but at present some restriction is necessary.

42,498. Then he has to take his chance with the rest?—With the rest of the people of Africa. Eventually he must take his chance.

42,499. Would you restrict the Native buying land in white areas in the same way as you have restricted the white going into Native areas?—Only in particular instances, such as Elliot, where it is wise.

42,500. You think there are places where it should be restricted?—Yes.

42,501. *Mr. Samuelson.*] What is your opinion as to the devolution of landed property. Do you think it should devolve according to the Native law of succession, or according to the Roman-Dutch law of succession?—If it is his absolute property then he must stand in the same position as we do, but, of course, the Glen Grey title is a peculiar title made to suit their circumstances, and I am in favour of

the report of the Special Committee on the Glen Grey Act of two years ago with regard to this matter, with regard to the succession. The Glen Grey Act fixed the law of primogeniture, but it came hard on the alteration of Kafir customs, because of the widow, so that the report of the Committee—which has not yet been adopted by the Cape Parliament, but I suppose will be adopted during the next Session, whereby the widow shall have the use of it while she lives or until she marries—is yielding to the Native custom, and I think that is quite right.

42,502. Do you think that a Native should become an absolute owner of property in his own right whilst under Native laws of succession?—Not except as provided there, something like the Glen Grey Act.

42,503. I am speaking generally now?—No, I would not. I would not be in favour of a man living in communal tenure being allowed to go and purchase a farm, for instance. I should say, "Not while you are living in that state; you must get out of it."

42,504. I am not confining myself to communal tenure just now, but I am speaking of the Native law of succession, which, of course, recognises what is called the chief son as the general heir, to the exclusion of the other members of the family. That is really a sort of law of inheritance by primogeniture or by entail as it were. Do you think that a Native should be an absolute owner of property under those circumstances, or that the property rights should devolve under the Roman-Dutch law, by which every child gets a portion?—I am in favour of that as a general rule with regard to large properties, but with small properties you could not cut those up. It would be useless to apply the Roman-Dutch law there. There some such arrangement as is carried out in the Glen Grey system, and is now proposed in the Cape Colony, would be the best, but if anybody has the right to hold property absolutely, to have a real legal title to property, I should be in favour of his being allowed to leave it by will whether he were Native or European.

42,505. Would you be in favour, or otherwise, of a system by which the Native occupier of communal lands had every privilege and right of an occupier, and a cultivator of land, and had to pay a certain fixed rent for the use of that land, but had not, and could not get, the absolute ownership of it?—It would be the communal system carried on.

42,506. Into individualism, so far as the occupier is concerned, but not right on into ownership?—Yes, paying a rent to the Government you mean, I suppose. It would be just a further step in the evolution.

42,507. You favour a system which should go right through into absolute ownership?—At last; looking forward to absolute ownership at last, to something like the Glen Grey system. But when you were dealing with people who were backward you would have to wait fifty or sixty years before they were ready for the next step.

42,508. Would you recommend any restriction with regard to the sale of that property when the stage of ownership was reached, or would it be absolute freehold property with which the Native could deal just as he pleased?—Of course, there might be cases in which there would be restrictions necessary in different parts of the country, but eventually, as I have said, it must be absolutely free. I think that is one of the final steps in the evolution of the question.

42,509. You think that at some time the Native should be

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allowed to dispose of his own property?—At some time, yes, if you give him the same rights, the same standing. If you are going to treat him as a child right away on to the end, then, when you give him a title, protect him; but if you say, "You are a man and you can vote, provided you have the qualifications, and you come on the same level," then he must take the same chances; he should not have to take the same chances if you do not give him the same rights.

42,510. Do you think that when a Native has become a freehold owner of his land he should be prevented from selling that land to a European, whilst at the same time he is at liberty to buy as much as he likes from the European?—No; it ought to cut both ways; it cannot only cut one way. The way I look upon it is this. If a Native buys, say, a farm, he gets the same title as anybody else, and he is, of course, at liberty to sell that farm that he has bought.

42,511. I presume, in the history of all these Native reserves, there is, or has been, at some time or another, a recognition of the aboriginal rights of Natives to some provision in land?—Yes.

42,512. And do you think that when lands have been reserved as a recognition to the Natives as a race to some right in land provision, that that principle should be at some time departed from, and the lands cut up into individuality and taken from the tribes as a whole?—If you are going to make these Natives progress, if your object is to lift them up to our level, it must come. We cannot go back to communal tenure, because that would be keeping them for ever in their original position. They may be living very happily and prosperously, but still you could not say they were on our level.

42,513. Say that they do not view the matter in the same light as we do, would you then force on to them any system?—I would not force anything on to the Natives except you got them to see it was for their benefit.

42,514. With regard to property and the Native law of succession, I think we found amongst the Cape Colony Natives that if Natives were married by Christian rites the law of succession was altered by the fact of marriage, that is to say that the administration of the estate of the man on his decease would come under the ordinary law of the Colony if he was married by Christian rites?—I believe so.

42,515. Do you think that is a good system, to convert the law of succession, by the act of marriage, from one system to another?—Yes.

42,516. Without letting the Native know, or warning him that that would be the effect of his marriage by Christian rites?—I think that he should be warned and should know that that goes along with it.

42,517. But you think it is a correct thing to change the law of succession by the act of marriage?—Certainly. That act of marriage is one of the chief points in which he signifies that he is not under the old Native law and does not want to be.

42,518. *Mr. Campbell.*] Would you prevent a Native from buying land in a village or in a town?—I would not prohibit him in any way.

42,519. Would you allow him to buy land wherever he liked?—Yes.

42,520. *Chairman.*] Is there any other subject upon which you would like to express your views?—Yes, on the matter of religion and its influence on the character and well-being of the Natives.

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42,521. You have already expressed your opinion that religion should be used as a means to lift the people up?—Yes, but as to the result of it, it is generally noised abroad that the Christianised and educated Native is a worse man than the unchristianised and uncivilised native, and that most of our criminals are drawn from that class, and so forth, and it is one of the most important matters I think that could be discussed—this question of the effect of all the missionary effort and religious effort in the country in the past on the Natives. I am the son of a missionary, and have been acquainted with the Natives of the different tribes, except the Zulus with whom I have not had much acquaintance, but I have been well acquainted with Basutos, Bechuanas, Fingoes, and Kafirs, right away from my earliest youth. While I allow that education without religion does not do much good in elevation, Christianity and true religion has just exactly the same elevating and refining effects on the black man that it has on the white man, and has had ever since the days of Jesus Christ. Personally, I would like to give my testimony that many of the best Christians I know of in my life have been Native Christians, patterns to any Christian people. Of course, nominal Christianity is as useless for the black man as the white man. As regards the criminal class, there is no criminal class amongst the Natives in South Africa. If there is a criminal class in South Africa, it is not the black man—possibly, it is the imported white man; and, if you trace the crime that is committed, you will find that drink is at the bottom of it. There is no criminal class whatever. The statistics in the Territories last year, which were called for in the last Session of Parliament, showed us that the convictions for drunkenness in the Territory amongst the white people were one in every 300 of the inhabitants, and amongst the Natives one in every 22,800. For other crimes the convictions amongst whites were one in 47; amongst the Natives one in 102. These convictions amongst the Natives were chiefly for technical breaches of technical laws, forest laws, and so on. I would like to draw the attention of the Commission to the report of the Public Prosecutor of Boksburg, Mr. Pritchard, who has been Public Prosecutor there from 1888 to 1899. In his report he says that 13,000 Natives had been convicted in those eleven years, and only four of the 13,000 had been educated in churches, and that since the war there had been more white people convicted in that Court than Natives for contravention of the laws. With regard to Basutoland, I have not the report before me, but I believe I am correct in saying that a report was furnished some time ago, saying that out of 113 prisoners in gaol in Basutoland a month or two ago, 105 were heathen and uneducated, leaving only eight who were educated and belonged to Churches. I think there is no more important declaration that can be made than this with regard to the falsity of the opinions so often expressed, that the Christianised and educated Native is worse than the savage, and that he has taken all our vices and none of our virtues. My experience does not go in that direction at all, and I have had a very large experience.

42,522. In drawing your conclusions about the criminal statistics in the Transkei, and other places of a simliar character, have you taken into account that a great number of cases between Native and Native never go to the Magistrates' Courts at all: they are dealt with in the Native Courts?—I am not aware that that is the case in the Transkei.

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42,523. It is not by law, but, as a matter of fact, are not a lot of tribal cases taken to Headmen where there are petty thefts and petty assaults?—No, I do not think so; not that I am aware of. I am only speaking of the Territories.

42,524. My information when I was there was exactly to the other effect, that they did settle lots of cases; certainly in Basutoland, and in other parts that you have described, it is wholly so. Unless there is serious crime it is not taken to the Magistrate. I should perhaps not say adjudication, but it would take the form of arbitration?—I am talking of crime, not civil disputes.

42,525. At any rate, in Basutoland any conclusions you might draw would be wrong for that reason, that nobody knows how many cases of real crime there are?—Yes. I am only taking the statement that has been made of the prisoners in the gaol, that, out of 113, 105 were heathen and uneducated. Of course, the reason in the Territories is that we have prohibition of the sale of liquor to the Natives. If there was not prohibition of the sale of liquor to the Natives in the Territories convictions amongst coloured people would be higher than amongst the whites, but liquor is not prohibited to the whites, and it is prohibited to the Natives. This applies as far as convictions for drunkenness are concerned.

42,526. That means you are in favour of the prohibition of liquor?—Altogether.

42,527. Beyond that, is there anything you have to say upon the liquor question?—With regard to that prohibition of all European drinks to aboriginal Natives, I feel that it might be well to allow light Kafir beer under certain conditions and licence. I believe it is allowed in the Territories. To make the prohibition successful there would have to be very heavy penalties, as you have here in the Transvaal. I have already answered the question as to whether Native registered voters should be included. I believe they ought to be included in the prohibition.

42,528. How could you give the Native that status that you say he ought to have in due course, a status of equality with the white man, if you refuse him the liberty of drinking at pleasure?—Because I think I am benefiting him when I take the liquor away from him; and, furthermore, he asks that it should be done. I was going to say that if the majority of the registered voters were to say "No, we want to take advantage of Hofmeyr's Act, and to have the right to liquor," I, for one, strong though my opinions are on this question, should not be in favour of including them, but it is because I know that the majority are in favour of their being included along with those that are not registered voters that I say what I do. I believe very firmly in not legislating for people against their will.

42,529. Still, that would be legislating on colour lines, which you do not like?—I said class legislation was necessary or beneficial in some respects. If I might reply to your question, I do not see any connection between the vote and the liquor. It is an idea that has been fostered up by the wine and brandy interest. During the last 25 years we could have got prohibition for the sale of liquor from the Cape Parliament if we, who were interested in the Natives, were willing to say, "We will give up the vote for it." At any time we could have had prohibition of the sale of liquor if we could have consented to disenfranchisement, but the two things are not on the same level. To grant the franchise to these men who are entitled to it is a blessing, and to take away the liquor is a benefit to them, as has been proved all over the world, and especially .. they are willing to have it taken away, it is only a mere act of justice.

42,530. The question is, will you continue to forbid him the opportunity and the privilege of getting liquor whilst allowing it to the white man, they being in the same political position?—Yes.

42,531. You would forbid the one and allow it to the other?—Yes, because he is wishful for it. If the white man was wishful for it I would prohibit it to him to-morrow. The 300,000 coloured people are not willing, or the majority of them are not willing, that liquor should be prohibited to them. It would be a great blessing if we could prohibit it to them, but I, for one, should not think of forcing it upon them until such time as they are willing. I have always seen more force in the argument that they desire this liquor to be prohibited than that they are children and must be protected. I do not ground the prohibition of the sale of liquor on that argument.

42,532. Where did you bring into reckoning the coloured persons in the criminal statistics which you gave to the Commission in relation to the Transkeian Territories?—I suppose the coloured people were included in the Natives. I cannot say. I only quoted the return that was furnished in answer to a motion in the House of Assembly.

42,533. You cannot say whether the coloured men went with the Natives or went with the Europeans?—They would go with the Natives, I think, in the Magistrate's records.

42,534. *Mr. Samuelson.*] Are you in favour of the sale of this Native beer being licensed?—To some extent, not generally licensed. Of course, you know that there is more than one kind of beer. I do not think the real beer, "twyala," the strong, intoxicating kind, should be allowed at all; but the light kind could be allowed.

42,535. How would you draw a distinction between the two qualities?—That would be very difficult.

42,536. The sale of beer is a thing entirely foreign to the Native ways of life and rules of hospitality?—Yes; they make beer; and then they supply a lot—sometimes sell it, too.

42,537. Do you not think by licensing the sale of it that a great deal of abuse may be brought about, that they can mix their beer with our liquors, and sell these mixtures in that way?—I think so.

42,538. Would it not be better for the Natives and for their general interest not to allow the sale?—Of course, I would like all people to be teetotallers, but though a very strict teetotaller myself and a prohibitionist, I do not feel it right, either in regard to a black man or a white man, to force down his throat that which even I may consider for his welfare These people are accustomed to use this beer, and I think that, under proper restrictions and conditions, this use might be continued.

42,539. Do you think that any law passed by the Legislature against the wish of a large section of the people with regard to sweepstakes and gambling should not be passed?—I think if you poll the people the majority would be on the side of the law about those matters.

42,540. You admit that there is a good deal of legislation which has gone through the Parliaments of the different countries which was really opposed to the wish of a great many people?—A great many, but the majority rules.

42,541. You do not think that the Government and its Parliament are really the custodians of the welfare of the public?—I do, consistently with a certain amount of liberty of the subject.

42,542. Say that liberty is in the direction of licence?—Administration must step in; it is a matter for administration when liberty devolves into licence.

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42,543. You admit that Government should take the initiative, and should act where licence begins to show itself?—Most certainly. That is why I say in regard to Kafir beer, do not allow it freely by any means, but controlled by Government.

42,544. *Mr. Krogh.*] Would you prohibit the sale of Kafir beer altogether?—No, I cannot find it consistent with my ideas about the liberty of the subject. Every Native wants the white man's drink kept away from them, but they want to be allowed to use their beer.

42,545. We treat Natives in many respects as children, and when we see that those children are playing with fire, so to speak, should we not interfere? Is it not our duty?—That is what I suggest in the prohibition of all European drinks, and the putting of the use of Kafir beer under very strict regulations.

42,546. *Captain Dickson.*] Would you prohibit the supply of liquor to Natives, not the sale—for instance, like they do it in the Western Province?—Yes, sale or supply, except, of course, medicinally.

42,547. *Chairman.*] You have something to say upon the subject of Native labour, No. 5?—Yes. From my knowledge of the Native he is not altogether the lazy being that he is depicted. For one thing, all the work that has been done in South Africa, mines and everything else, has been done by the Natives; it has not been done by anyone else; and a good deal of work has been done. The Native, if you see him in his own Territories, is really a small agricultural and pastoral farmer. If there were a million of white people living in that way, as the people do in the Territories of the Cape Colony, cultivating ground, and having flocks and herds, we should look upon it as a very ideal state of existence, and we should not think of them as the most inveterately lazy people that the world ever produced. Of course, I know that a great many more might come to labour than do from those Territories, but still we must not forget what they really are; they are agricultural and pastoral farmers. My idea about increased labour is this, that you must raise them in civilisation, and then the increased wants will cause them to work to get the money to supply those wants, either by increased agricultural activity, and so forth, which, to my mind, is just as good as it would be if it were white activity, if it produces the grain and whatever is necessary, or by working for others. Then the idea that I have endeavoured to put forward, about substituting individual title for the communal system, of course, at last will bring a large number of people into the labour market. The labour tax in the Transkei certainly did some good, if we may judge from the reports that were issued in 1896. It did good for the first years. It caused men to go out to labour who perhaps otherwise would not, but it has been a dead letter for the last few years, and it seems to have done its work. The question comes should we do any good in re-imposing that tax, or in having it elsewhere. I do not think so. The only efficient tax would be if you put it so high that the people could not easily get the money, and they would not be forced out if you put it up to £10, but that would be really forced labour; it would be really slavery in another form, and I think the public opinion, both amongst the Natives and amongst the Europeans, would be to the effect that, although the labour tax did some good in the Territories for some years, it is no good seeking to re-impose it. I want to point out that the Native labourers from the Cape Territories have not been decreasing, but increasing year by year. Last year the largest number went out that have

ever gone out, 75,000. It is true they did not go to the old centres; that is to say, they went to the parts of the Cape Colony and to Natal rather than to the gold-fields, but a larger number went out than ever before, and this year it seems as if there were going to be as large a number again. Now, reckoning the population of the Territories at about 900,000, I think the utmost that you could at any time expect in labourers from that Territory would be about 150,000—it might come to that some day—or one-sixth of the 900,000. You must diminish that by one-half, for they only work for six months, because the rest of the year they are cultivating their lands, and looking after their business. It is only at the time that they have nothing much to do that they go to other places to work. That brings it down to this, that the utmost you can ever expect from the Territories is 75,000. The Cape and Natal will swallow increasingly 50,000 of those, and the utmost that at any time could be expected from the Territories, if every man came that could come, would be about 25,000 for the gold-fields. Of the Natives from the Cape Colony, who come to the Transvaal, the majority do not go to the mines. The larger proportion of them are house-boys, or serve in stores; only a small proportion go to the mines. Some years ago I believed that there was sufficient labour in South Africa for all the requirements, and stuck out for that view, both here and in England, but my own examination in the matter, and the result of the Labour Commission that was appointed, have incontrovertibly proved to me that there is not sufficient labour in South Africa for all the wants, except you were to dispossess the Natives of their land and send them out to work, which would be a crime. With regard to this labour question, I believe, if better railway facilities were given, and the Native properly protected—of course, the Cape has been moving in the matter, but there is need of something more. I believe that there should be more protection here in the Transvaal with regard to Native labourers than there is, that there should be an official appointed of the very highest standing, whose duty it should be to carry out a system of protection of the Natives, so that the Natives might feel that there was somebody to whom they could appeal, and that man would exercise an influence right through all his subordinates down to the very lowest subordinates, because in the hands of the officials, and those who come in direct contact with the Natives, I do not think there is much sympathy with the Native. I have remarked it myself. The Native is just a human being like anybody else. I think if there was a better system of protection of the Native right away from top to bottom, especially, of course, here in the Transvaal, which is the greatest market for labour, that things would very much improve, and we should find the Natives much more willing to come. Then there is the matter of the pay. I have always held that the old pay, which was about £3 before the war, is about the pay which will satisfy a Native. You will get labour at that. Of course, the tremendous mistake was made to try and lower the wage down to 30s., and it takes a long time to re-establish the Natives' confidence. At the very best, I do not believe that there is in the country all the Native labour that we want, because these Natives are agricultural and pastoral farmers, and we cannot dispossess them of their lands. It is impossible for us to do so.

42,548. Your remarks about supervision of Natives working, although you refer to the Transvaal, I presume, you mean to extend

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to the whole of South Africa, where there are Natives working, that they ought to have people to look after them?—Certainly.

42,549. And if there are not inspectors and people specially employed to do so, there ought to be?—There ought to be.

42,550. You refer to the Natives of the Transkei particularly not being able to supply a large number of labourers, because they have lands to attend to. Surely the greater portion of those who go out are men who have no lands—young men who have no lands?—My impression is a great number of people who go out are people who have lands.

42,551. Do all the boys who go out to work get land at such an early age as that in the Territories?—I do not suppose the youths do, but it is the marked feature that you will find the districts of the Transkei, where there is the greatest civilisation, where they are the most advanced, furnish the largest number, generally speaking, of labourers.

42,552. They have greater wants?—Yes, greater wants.

42,553. You said the labour tax now was a dead letter, that is to say the labour tax imposed under the Glen Grey Act. In saying that, do you hold any views on the question of the exemption of Natives from taxation, either the non-collection of it, the non-demand of it, or the exemption of certain Natives who contribute continuous labour?—According to the Glen Grey Act?

42,554. No, putting the Glen Grey Act aside, do you hold any views upon the subject of the exemption of Natives from direct taxation, provided they labour or provided they do something else?—From direct labour tax?

42,555. No, direct taxation?—Of any kind?

42,556. Yes?—I cannot say that I have considered it in that light. I am in harmony with the provisions of the Glen Grey Act, which exempted men from the labour tax who could prove they had laboured for three years in their lives, or they were exempt for one year if they could prove they had laboured for so many months, either on their own ground or on anybody else's.

42,557. Are you in favour of that being extended to all parts of South Africa?—I doubt the advisability of the labour tax at all.

42,558. Do you think that the Natives who work, and work continuously, should be encouraged in any way by being exempted from the whole or a portion of the direct taxation which is levied upon them?—Yes, something might be done in this direction for those who work continuously.

42,559. Take a farm labourer, a man who is living on a farm, and who never removes from it, for instance, would you impose direct taxation upon that man?—I do not know that because a man continues in work all the year that he should be exempt from all taxation. I should think there might be a remission of some portion of the tax, but I would not like to say of the whole.

42,560. What I really wanted to draw from you was whether you held any views upon the subject of what one might call protection to the farming interests, because it is alleged in some parts that if the farm labourers have to pay a poll tax it is apt to take them away from the farm where they are badly wanted, in order that they may go to places where higher rates of wages are offered?—I have not considered the matter very deeply as to the question of labourers on farms. There is such a difference in different parts of the country. If you came to the aboriginal Natives living on agricultural farms, they are generally well off—I mean those living with fami-

lies—and I should think as well able to pay a tax as anybody else. They cultivate a certain portion themselves, and get a certain amount of the farmer's grain.

42,561. You are perhaps aware that there is a very great demand for farm labour which cannot be now satisfied?—Yes, I should like to see anything done to help the farmers, but I think they ought to be willing generally to pay more than they have been in the habit of doing.

42,562. Is there anything further about taxation?—Yes. I should like to point out this. The direct taxation in the Cape Colony is 10s. hut tax, and that and the quitrent, I suppose, works out in the Territories to about £80,000. Besides this tax, where the General Council has been established under the Glen Grey Act, there is a 10s. tax on every adult male, which, according to the population, if you take the adult males, who would seem to be about one-tenth of the population, would bring about £45,000. That tax, of course, is spent locally for bridges, and schools, and so on, but still it is taxation. Then there are the Customs. In 1898 in the Cape Parliament there was a Return rendered, on the proposition of Mr. Fuller, with regard to the amount of the Customs in the Territories, and in 1898 the amount of Customs coming from the Territories was £147,000. In this last Session a Return was called for the Customs paid on blankets, rugs, sheets, shawls, Kafir hoes and picks, beads and ochre. In 1902 £113,000 was collected from these articles, and in 1903 something like £91,641. That leaves out of account ploughs and clothing, and so on, which would bring it up, I should think, to just about the statement that we made in 1898, viz., about £147,000.

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42,563. For a population of ——?—900,000.

42,564. Does that include the consumption of these goods by white people who live there?—There was no differentiation made. The £147,000, I reckon, would come to about 20s. for each household, if you reckon each household at six, but, from looking at the statistics, it seems to me that each household consists of about ten persons in the Territories, because there are about 90,000 huts, and 900,000 people. That would give about 33s. for each household. As I make it out, each person in the Territories would pay altogether, reckoning the General Council tax, if it was general all over the country, between 6s. and 7s. in taxation, either direct or indirect. Of course, the hut tax is lower in the Cape Colony than it is anywhere else, but it seems a very difficult matter in the Cape Colony to venture to raise it. There seems generally to be a great outcry on the slightest move being made in that direction.

42,565. I suppose that is the same in all countries?—Yes; still it would be better if we could get things somewhat on a level throughout the whole country.

42,566. Do you think the tax-paying capacity of the Native has altered during the last few years, that his earning resources have increased, and so on?—I think they are always increasing with the prosperity of the country, of course, but the wages are not higher now up here than they were before. They are rather lower if anything than before the war.

42,567. Have you satisfied yourself upon this point, or have you only read it in papers?—About the wages?

42,568. Yes?—It is a matter of history that an attempt was made to reduce the wages to 30s.

42,569. We are speaking of to-day, not of two or three years ago?

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Transvaal.
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—I have taken the statement from the Transvaal Blue Book issued by the Parliament at Home, that the wage is £2 7s. 6d. now.

42,570. Is that Mr. Brownlee's report?—No, it is a statement with regard to Transvaal matters. I certainly understood that before the war £3 was about the wage that was paid; now it is about £2 7s. 6d. With regard to this taxation, I would like to point out that a civilised Native should be entitled to all the rights that a white man has, and, of course, he should pay the same tax as a European. I do not either agree with the taxing of polygamists for each extra wife, which is the law in the Transvaal. I would like to see polygamy done away with, but I do not know that you will do away with it by taxing the polygamists.

42,571. Is not polygamy taxed in every part of South Africa, in that a man pays according to the number of his huts, otherwise the number of wives that he has got?—I suppose in that indirect way the polygamist is taxed.

42,572. I ask you, is it not a rule in every part of South Africa?—Yes; but you tax here directly on account of the fact that he is a polygamist; you put a tax upon each wife.

42,573. Yes, but I ask you, is that not the system in every part of South Africa?—Not a tax for the wife.

42,574. It is in regard to the huts to the same extent?—Yes, that is the hut tax.

42,575. But if he is a polygamist, having a wife in each hut, he pays upon each wife?—If he is a polygamist, yes. May I point this out, that when you levy a tax on each wife you recognise polygamy. It has always been my contention that whenever you levy a tax on any commodity, for instance, brandy, you immeditely give that commodity a status it did not have before. If you are opposed to polygamy, do not tax it, except to tax it out of existence, and if you do that, levy such a tax as will be absolutely prohibitive. That is the position I take up. But if you place a tax, say, of 30s., for an extra wife, the man says, "I have paid my 30s. to the Government, and it is all right; I have a right to this second wife." I should allow the Natives to get to feel that they have no right to a second wife, because so much depends on it with regard to the labour question and everything else. I believe we should do more good by not taxing the second, third, or fourth wives, rather levying the tax in some other way.

42,576. *Mr. Stanford.*] The position now is that where we have a General Council of presumably the most advanced Natives, the tax amounts to 20s.—10s. hut tax and 10s. General Council tax?—Yes.

42,577. Do you not think that it would be a fair thing to raise the hut tax to 20s. in those districts which have not accepted the Council system, leaving it open for them, should they accept the Council system, later on to pay only 10s. hut tax and to apply the additonal 10s. to local purposes?—That would be most fair, I think.

42,578. *Mr. Thompson.*] Do you think it is fair, where the Native has paid a tax, which has been used in the village where he lives, or on roads, and for his education, that that should be called and credited to him as a direct tax; would you call that direct taxation as against the 10s. which goes directly to revenue?—Yes, I think so; because the general revenue raised by taxation goes so largely for bridges and roads.

42,579. We pay our municipal rates, and we are not credited with that in the general taxation?—Yes; but I would like to point out that it would fall on the general revenue, as it did before. It

is equivalent to taxation, because it saves the revenue that amount.

42,580. They are deriving the benefit themselves, but the country as a whole is not deriving any benefit from this 10s.?—Excuse me, I think the country does derive benefit from the advancement of any part of it.

42,581. Indirectly, but there is no direct help to the revenue in the 10s. local rate that they pay?—I think there is, because before it was levied the general Government of the Cape Colony had actually to expend moneys—I do not know whether they were quite equal to that amount, or whether they were perhaps more—on all those roads and bridges and everything else for the country. It is a saving to the taxpayer. Whether you save £50,000, or pay it out of the revenue after having paid it in, it seems to me that it would come to about the same thing.

42,582. It is a question whether the Government had a right to build those things out of the general revenue instead of levying a special tax, but that has gone by for the day?—Yes.

42,583. *Mr. Stanford.*] Is it not a fact that there are districts in the Transkeian Territories which send out labourers exceeding in numbers relatively the numbers which went out throughout the districts mentioned by you as having been brought under the operation of the labour tax?—Yes; Kentani and St. Mark's, I think, sent a fifth of their population out a few years ago.

42,584. *Mr. Thompson.*] But you said that the labour tax had its good effect when first introduced?—I said I could not think otherwise, judging by the reports of 1896, which I have here. In some districts it was represented that it had helped, but on that point there is conflict of opinion; and the fact brought forward by Mr. Stanford's question, of course, proves to you that in districts where there was no labour tax, a large number went out to work, that is, a larger proportion.

42,585. *Mr. Samuelson.*] In the Cape Colony, on this side of the Kei, you have what are known as Divisional Councils?—Yes.

42,586. And there are certain rates which are paid to the Divisional Council for the maintenance of roads, and so on?—Yes.

42,587. Both by Europeans and Natives?—Yes, by all people with rateable property.

42,588. In the Transkei the Divisional Councils Act is not in operation?—That is so.

42,589. But instead of it the District Council exists?—Yes.

42,590. There a rate of 10s. is paid by the Natives, which goes towards the maintenance and up-keep of roads, and so on, and which does not fall on the white population at all?—There is a provision in the Act that they can levy a rate on those who hold property that is not under the title of the Glen Grey Act, but I do not know whether it has ever been levied.

42,591. As a matter of fact, do Europeans in the Native Territories pay anything towards the maintenance of roads, or towards the District Council?—I know the right exists for the Council to levy a rate on people whose holdings are not under the Glen Grey Act; whether it is levied, I do not know.

42,592. By coming into the Transkei to reside, the white man becomes exempt from a rate which he would otherwise have to pay if he lived outside the Transkei in the Cape Colony, and which the Native has to pay in the rest of the Colony?—According to the statement made by Colonel Stanford, who is a greater authority than I am, that is so, but I took it that the Act gave the Council the right to

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levy the tax on any one holding property not under the Glen Grey title. Section 47 says, "For the purposes of this Act it shall be lawful for the Council to levy a rate to be paid by all persons owning immovable property within the district, otherwise than under the provisions of this Act,"—(that is, otherwise than Glen Grey titles)—"except holders of land described in sub-sections 2, 3, 5, 6, and 7 to section 3 of this Act; provided that such rates shall not in any one year exceed 2d. in the £1 on the value of the rateable property. For the purposes of this section the provisions of sections 243 and 244 of the Divisional Councils Act of 1889 shall be deemed to apply to the district of Glen Grey." I do not know if this last clause was ever repealed, but I took it to give the right to levy a Divisional Council rate of 2d. in the £1.

42,593. The introduction of Chinese will help the farmer a good deal, will it not, by releasing from the mines a great amount of labour, which will fall back on to the farms?—I hope so.

42,594. Do you think it will have that tendency?—I think it will.

42,595. How do you view restrictions on the departure to and return of Natives from labour centres in the way of pass regulations, both in their own Colony and in the Colonies through which they have to pass to enter those centres of labour?—I think some regulations are necessary, but the utmost facilities should be given to the Natives in every possible way to come and go back.

42,596. Do you think that a Native of the Transkei who there received an outward pass free of any cost to himself to proceed, say, to the Transvaal to work, through Natal, should be carried right through by that pass, or should he have to get an inward pass in the Colonies through which he passed?—I do not see the necessity for his going through Natal. I suppose you would mean Natives coming from Kokstad?

42,597. Many of them do pass through Natal, and in crossing the border they have to take an inward pass in Natal?—I should think, in the interests of labour, which, after all, are our interests, that they should be allowed to go through on the one pass, though, standing on strict rights, I suppose any State could demand a pass to be taken within its own borders.

42,598. What views have you as regards day labour as affecting continuous monthly labour?—Only what has appeared in the reports. Although I was an employer of labour at the Diamond Fields for many years, as well as up here, I only know what I have read in the reports.

42,599. Do you think the effect is injurious or otherwise?—I think it is injurious to the Native. I think he does not understand it. I, as an old employer of Native labour, know that it would have been very difficult to make my Natives understand when their month was up if they were paid by the day; as you know, they generally go by the moon.

42,600. And is not one of the principles of that day labour the payment of much higher wages than the average daily wage reckoned out on the monthly basis?—I suppose it is only natural if you pay by the day, because if he works by the day he gets his money, and if he does not work he does not get it; but by the month there might be difficulty. If you gave him a monthly wage, even though he was a day or two absent, it would be difficult to deduct anything.

42,601. I suppose the higher the wage you pay the Native, the sooner he is able to earn what he left home to earn, and to return

home, and the longer he will be able to stop at home doing nothing?—Not always doing nothing.

42,602. Do you think that all contracts between landlord and tenant should be registered or put into writing?—Native contracts?

42,603. Yes?—Really, I have no opinion about that. I have not considered the matter.

42,604. Do you think that the occupation of farms by a large number of Natives, who either give labour in lieu of rent at certain times of the year, or pay rent for occupation, and are simply kept as money-making concerns, is a good thing, or injurious to labour?—It is a good thing for the Natives, but naturally does not tend to increase the labour supply.

42,605. What do you think of polygamy and "lobolo" as incentives or hindrances to industry and labour?—I should like to see polygamy put an end to, but, as I say, you must do it slowly; and the "lobolo," too, even though they may be temporary incentives to labour.

42,606. Do you think it is an inducement to the Native to go out to work if he has to give so much for his wife?—If he wants to get the money, it is an inducement.

42,607. Do you think it would be desirable to have it as one of the inducements to take the Native out to work?—I take a higher ground with regard to discountenancing "lobolo." It is not whether it would help the labour market; but I may point out that the indirect gain from a man having only one wife would counterbalance the gain to the labour market from "lobolo." A man with a good many wives does not need to work much, but if he has only one wife he will get at last like the white man, and have to support her. When a man has a lot of wives they have often to work to support him.

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42,608. Do you think that any special taxation of Natives going from one Colony to another, say, from the Cape Colony to Natal, or to the Transvaal, where there are special pass laws restricting movements from one area to another and where there is other distinctive class legislation made applicable to Natives in that Colony which does not apply to them in their own Colony, deters them in any way from going to that Colony to work?—Of course, it is only natural.

42,609. Is there anything in your mind which you know of that would have that effect, in respect of Natives coming to the Transvaal to work?—There are general complaints, of course, about the pass laws in the way in which they are carried out in the Transvaal.

42,610. *Chairman.*] As you are asked that question, I should like to know what the general complaint is?—That these pass laws are carried out unjustly. I have heard of cases myself in which men, in going down with the one pass that they had to bring them in to get the other pass that was necessary here in the Transvaal, have been hauled before some of the authorities, and been actually imprisoned for this.

42,611. You state a case; was that case brought forward at all?—No, I do not know that it was brought forward.

42,612. You say it was necessary to change their passes coming into the Transvaal; any Native coming into the Transvaal can come on with another Colonial pass without change?—Yes, he gets a pass, but then he must get an employer, and get his pass within a certain time.

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42,613. He has to get an employer's pass in the labour district where he works?—Yes.

42,614. I wish to ask again, as you quoted a case, does it come within your personal knowledge that a man was badly treated when he went to get his pass?—Yes, when he went to get the master's pass.

42,615. You did?—No, not myself. When the Native went to get the pass he was brought before the authorities for not having that pass, and was imprisoned for some days before the man to whom he was going to be the servant could find out what had become of him. It is in the administration of the law that the hardship consists in the Transvaal.

42,616. *Mr. Samuelson.*] Do you think that combination between European employers to put down wages has any effect in deterring Natives from going to a country where such things are done?—Certainly.

42,617. Does it make the Native very suspicious?—Yes, and he loses confidence when he is accustomed to a certain rate; he never knows what else may happen. Even if you put the wage down only 10s., he might fancy that when he came up here to work it might be put down another 10s. When a Native has once lost confidence it takes a long time to re-establish it.

42,618. And do you think the example of these strikes and combinations about wages amongst Europeans is influencing the Natives in the right direction?—I think they would be better without them; they are a bad example.

42,619. Do you think they are tending to make the Natives amongst themselves, at their homes, hold off from going out to service, in order to use their absence from service as a sort of lever to force up their wages?—I do not know that there has been any such general intention on the part of the Natives. I do not think that the abstention of those who have abstained has been due to any resolution come to by them generally. I think it is just the effect on the individuals.

42,620. To what do you attribute the very large abstention from service that has recently taken place amongst the Natives, and their staying at home?—As far as the Natives of my constituency are concerned, I have shown that a larger number went out last year than ever before, and the number has been increasing every year, only the flow has not come to the Transvaal; that is all.

42,621. You do not think the Natives at present are capable of arranging amongst themselves to keep out of any particular place in order to raise the wage?—I do not think so. It might get into the heads of one or two slim fellows, but I do not think there is any general arrangement.

42,622. But they have that lesson put before them by the white strikes?—Yes, that is why I say they would be better without them.

42,623. Do you think that offences under the Masters and Servants Act should be made extraditable, that is to say, Natives deserting from service in one Colony and getting into another Colony, or misconducting themselves in service and going to other Colonies to escape prosecution?—I should hardly like to give an opinion on that. I have not studied the question in all its bearings, as to what should be an extraditable offence.

42,624. *Mr. Campbell.*] Do you think it desirable that there should be uniformity amongst the Colonies in regard to Native taxation?—

I think it would be very desirable, but the difference is so great at present that it would have to be a levelling up and a levelling down process.

42,625. *Captain Dickson.*] What wages do you consider a farmer could afford to pay?—I am not an expert on farming questions, and can hardly say. There is such a great difference between farming operations in different parts of South Africa.

42,626. You expressed the opinion that the farmer should pay higher wages, did you not?—As a matter of fact, before the Diamond Fields were discovered, and before mining was started, we all know the amount of wages paid, and there has been a tendency on the part of the farming population to refuse to pay a fair wage; they are conservative.

42,627. Can you give us any idea of the increase of the wage paid in the Eastern Province of the Cape Colony in the last 25 years?—No, I do not know much of the Eastern Province.

42,628. In the Orange River Colony?—No. I know in the Western districts of the Cape Colony there has been an advance; the farmers there are becoming more energetic now, and they are willing to pay better wages, and when they do that I believe that there will be bigger returns. They will be more willing to make smaller profits on a larger output of agricultural and other produce. But the farmer, as a rule, to my mind, in the country has always wanted to make large profits on a small production.

42,629. Do you not think, taking South African farming as a whole, that there has been a great increase in the wages paid in the last 25 years?—There has been a great increase, of course; the mining people have given the impulse, and the farming population have slowly yielded to it.

42,630. Do you think the farming community can afford to pay much more than they are paying at present?—I really am not in a position to answer that.

42,631. *Chairman.*] Do you consider that Native labourers are well looked after in the Colonies, in the Cape, Natal, or wherever they are?—Of course, De Beers is a pattern to all other labour employers.

42,632. I did not say De Beers; are arrangements made to look after them in these Colonies?—It is a very wide question. You see there are so many different places to consider. I could not say, for instance, anything about Natal, because I am not aware of the exact position of things there. The Cape Colony has been moving in the matter of proper supervision of the Native labourers at the seaports and elsewhere.

42,633. You said that their being looked after affects the supply very much?—Yes, the way they are looked after at the labour centres, certainly.

42,634. Then, can you account for the great scarcity of labour in the Cape Colony, say, leaving Natal out?—There are more labourers in the Cape Colony now than there ever were.

42,635. You know there is a great scarcity of labour?—Yes, but there is an ever increasing supply. It seems to me that there is a much greater spirit of enterprise amongst the farming population right through the whole country, and there is need of a much greater supply of labour than there used to be. The old supply does not satisfy the demand.

42,636. Is there any other subject which you wish to speak about?—With regard to No. 7, I have said already that I think there are laws which are necessary, not grounded on colour, but based on other conditions, such as pass laws, location laws, liquor laws, pro-

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perty laws, and even what I may term side-walk laws. I do not think that any of those laws ought to be grounded on colour merely, but upon other conditions, such as condition of civilisation, manner of living and clothing, and habits of cleanliness. These are matters that press very heavily, some of them, upon the Native mind, and it should be made clear to them that no Government, and no municipality, and no white people, have any intention of putting an indignity upon them because of colour, but that certain disabilities are imposed because of certain conditions. That is the principle, I think, which should guide us in these laws which especially affect Natives; and it should be made clear to them that those Natives who deserve to be exempted from the operation of such laws will be and are so exempted. Then, in regard to the administration of those laws, if there were sympathetic people administering them instead of, as I often find, especially in the subordinate ranks of officials who have to deal with Natives, something of an unsympathetic or unkindly feeling, it would make a great deal of difference.

42,637. *Mr. Sloley.*] How do you account for the complaints that are constantly being made that the Native is becoming more insolent and less respectful in his demeanour, and more difficult to deal with, than formerly was the case?—I think these are overrated sometimes, they are rather coloured; and I would point out that the way in which the press of late years has been dealing with the Natives and Native questions—they are only human beings—is not likely to cause them to feel kindly. Up to within the last few years—shall I say up to the time of the war?—the Native always felt that a Britisher would be in favour in every way of justice being done to him, and where the British flag flew, there he felt that he would be treated as a man, as a human being; but I must say that the effect of what has taken place since the war has been not to deepen that feeling amongst the Natives, but to shatter it. The press teems with items which have that effect, and these people are only human beings. I am absolutely certain that if we treat them really justly we shall have nothing to complain of from the Natives. Of course, there may be hooligans amongst the Natives, as there are hooligans amongst the white people in every white country, but we never think of characterising the whole nation by the hooligans of the streets. There are insolent Kafirs, no doubt, whom a little education has lifted up, who do not behave themselves as they ought to do, but against them we have the large mass of Natives, especially, I will say, the Christians and truly civilised people, who do not show any of those characteristics, and we have again the great mass of the heathen people living in tribal fashion, who do not show them either. I think that the white man is largely responsible for the condition of affairs that exists at the present time, and that if we do justice and act fairly by the Native we shall have very little to complain of. There is a revulsion of feeling amongst the Natives; they do feel as if they could not trust the British or the British flag as they used to.

42,638. You are speaking of the Transkeian Natives?—Right away through; it stretches down to the Transkei; it is everywhere.

42,639. *Mr. Samuelson.*] Is it not because there are people who hold up before them an ideal which they might reach if it were not that by some others they are prevented from reaching it?—No, I do not think so. I think it is due very largely to the fact that the rights which they have had in the Cape Colony, the political rights, and so on, have been placed by the Home Government by the terms

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of the Peace Treaty at Vereeniging in the hands of the Europeans of these Colonies, and if the Europeans had evinced any inclination to recognise the rights of these British subjects as they recognise the rights of the same class of people in the Cape Colony, everything would have been right; but, as far as we can judge, from everything that has taken place since the war, the intention is to deny these rights. That is the foundation of whatever terrible disappointment and dissatisfaction there does exist at the present time. Still, the people are as absolutely true and loyal to the flag as ever they were, and that is saying very much for them.

42,640. *Chairman.*] We are just going to adjourn; is there anything else you wish to say that will render it necessary for you to come again?—No. 3 has not been touched upon, but that is a matter on its trial in the Native Territories: "The Administration of Local Affairs." With regard to No. 10, "Status and Condition of the Native: His Earning Power and Resources," I think if the door is left open to him to progress, that he will become a most important factor with regard to the earning of money, and add to the resources of the country, both as an agricultural and pastoral small farmer, and in other directions. I think we ought not to shut the door on him of any position he is capable of filling. If we leave him in heathenism, or under the tribal system, of course, he will never rise; he cannot rise, but will keep on as he is at the present time. But if we give him the chance, and allow him to find his feet, then, I believe, he will prove worthy of it. The Native is what we make him. I do not think there could be any worse policy than to try and keep him down in the position in which we found him. Do not lift him up above his level, but leave him the path open, leave him the door open. Even if it be only a few of the race that may come up to the level of the white man, if it were only a round dozen, still, for the sake of those round dozen, and for the sake of right and equity and of common humanity, it is our duty, as the superior race, to leave the door open, and to give them the chance to have the advantages that we have. I do not fear any social danger for the white race from this, or the creation of a whitey-brown race in South Africa at all. The best amongst the Natives feel, as we do, that the races must be kept pure and apart, and I think that much that one hears nowadays of the fear of the future, and what will happen if the civilised Natives are granted equal rights, is unworthy of us as the superior nation and the nation to whom these people have been committed by a Higher Power.

AFTERNOON SITTING.

Mr. Thomas Everard, M.L.C., examined.

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42,641. *Chairman.*] You are a farmer and a landowner in this Colony?—Yes.

42,642. And a member of the Legislative Council?—Yes.

42,643. You have been for a great many years in the Colony?—Yes, 32 years.

42,644. You have seen, and perhaps you have there before you, a list of the subjects and heads of evidence upon which witnesses are being examined?—Yes.

42,645. Will you take them in order, and tell me upon which of

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them we may examine you?—On the first subject I only wish to remark that I think Natives living on Government ground ought to pay taxes—not taxes, but something higher for living on Government ground than they do at present. I believe at present they only pay £1 per annum.

42,646. You are referring to squatters?—I am referring to Natives living on Government ground in this Colony.

42,647. First of all, have you any observations to offer upon the subject of land tenure generally; that is to say, there are Government locations, and private locations on private lands, and locations on Government farms, and then there is the tenure of land on farms by Natives who are employed there or live there as tenants?—What I am saying refers to Natives living as tenants on Government grounds. There are certain Government lands in this country on which Natives live, not Kafir locations.

42,648. You think that the present charge of £1 for rent of that land is insufficient?—Yes.

42,649. Why do you think that?—If they paid more they would have to work, and they are quite free on this Government land. I think there should be some pressure put upon them to make them live on private farms and work for the owner of private farms. By living on this Government ground they pay very little money, and I think they ought to pay a rent for living as they do upon these Government farms.

42,650. A greater rent?—A greater rent. £1 is quite inadequate, I think.

42,651. Do you mean that the farmers have at the present time an insufficient supply of labour?—Yes, they certainly have.

42,652. Have you got Native tenants as well as Native labourers on your own land?—Yes.

42,653. What is the difference between them in their position?—Do I understand that by that you mean Natives who pay rent for the ground?

42,654. Yes?—No. I have Natives living on the ground, but they do not pay me rent.

42,655. They are labourers only?—They are labourers only.

42,656. You are aware that there are some farms where there are a great number of Natives living as tenants who are allowed to plough?—Yes. I am agent for a farm belonging to an Englishman where he charges them rent.

42,657. Do you see any objection to that?—To the owner charging them rent?

42,658. No, to having locations of Natives on private farms, the Natives not being labourers. No, if they are not in too great a number there.

42,659. According to the Squatters' Law no more than five families are allowed?—Yes.

42,660. That law in this Colony and in some other Colonies is not carried out. Do you think it ought to be carried out?—Whether the actual Squatters' Law as we have it in the Transvaal ought to be carried out I do not know, but I do not think Kafirs ought to be allowed to settle in great numbers on private property so that the owner of the farm just farms Kafirs and gets a heavy rental out of Kafirs living on his land.

42,661. How would it be possible to distribute the labour more, so that those farmers who want labour and cannot get it should be supplied without forcing the Natives?—I really do not know.

42,662. Have you any other observation on the subject of land tenure?—No. With regard to the marriage laws I think they should remain as they are, and not be interfered with. I think it is a very dangerous thing to interfere with the marriage laws of the Natives in this country; it is better they should remain as they are.

42,663. Why do you think that?—They go to the bottom of their life altogether, and I do not see what good is to be obtained by it; I do not see the desirability of it.

42,664. You are referring to those laws under which they give cattle in marriage?—Yes, polygamy and so on. I do not see how you are going to alter it without upsetting the root of the whole life of the Natives. I think it is a very dangerous thing to interfere with it and I do not see any particular necessity for it myself.

42,665. Are the Natives living on your land polygamists?—Yes, most of them.

42,666. Is that in any way a drawback to you as a landowner?—I do not think so.

42,667. Do you see any objections in it?—No, I do not see any.

42,668. Generally speaking, you would say these things should not be disturbed?—That is my opinion.

42,669. What is the next subject upon which you would like to speak?—The next subject is the administration of local affairs. I do not quite understand what that means.

42,670. It has more particular reference to those parts of South Africa where a certain measure of self-government has been given to Natives, where individual land tenure has been established?—That, of course, does not exist in this country.

42,671. You have no experience upon it?—I have no experience upon it.

42,672. And no observations to make upon it?—No, except that it does not seem to me to be desirable. The next subject is the franchise, which I am thoroughly opposed to in any form for years to come.

42,673. There is none in this Colony?—There is none. I do not see how it could be introduced. In my opinion it ought not to be introduced for many years.

42,674. From your knowledge of the Natives of this Colony do you think they are in any way fit to exercise it?—No.

42,675. Can you conceive any circumstances or conditions which might enable them to become fit for the franchise?—In many years' time—very many years' time.

42,676. Supposing, for instance, that a Native or any number of Natives were to progress and to become civilised in their habits and obtain property, do you then consider that they might be eligible?—There might be individual cases, but I do not think it would be wise to give them the franchise in this country, because they would be observed by other Natives to have the franchise, which would be introducing a state of things which is not desirable, and which would upset the whole existing state of things.

42,677. Do you mean to say that they would in time out-vote the Europeans?—They would out-vote the Europeans, and the European colonists and the Dutch of this Colony are thoroughly opposed to it, as far as I have ever conversed with them upon the subject.

42,678. Do you think the Natives do get fair representation at the present time?—Yes, I think they do. Perhaps just lately, since our Native Commissioners have been removed, they have not been represented as well as they might have been, but I think their in-

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terests are thoroughly studied by white people, and they get fair consideration and representation through the white people.

42,679. You mentioned the removal of the Native Commissioners. Do you mean to say that if there were Native Commissioners in sufficiency they would represent the Natives?—Yes, to a very great extent I think they would. If the Natives have any grievances they would express them to the Native Commissioners, and the Native Commissioners would be more or less in the place of their Chiefs.

42,680. As the Natives became more advanced and more educated, do you think they should have any special form of representation?—In very many years to come, if they get more advanced, and I do not see how they can be kept out of it. It will be very many years' time, I think, before they will be fit for it, and I think it is wise to keep them out of it as long as we can.

42,681. You admit that it may become necessary to give them some special representation?—It may be in 50 or 100 years' time.

42,682. Have you any idea as to the best form that that should take?—No, I have not thought of it.

42,683. Have you any remarks upon the next subject, Native labour?—Only to say that it is very expensive, inefficient, and scarce in the country.

42,684. How do you account for its being scarce?—A great many of the Natives do not go out from their kraals to work, and they come up to the mines and get better wages in the mines than they get locally, and if they work for a few months in the year they can get sufficient to live upon. They go out to work to get a couple of pounds to pay their taxes, and if there is any other little special money that they want, they work for it, and then go back to their kraals.

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42,685. Do you mean that they can easily supply their wants?—They can easily supply their wants by working one or two months. They have no expenses whatever. Whatever they earn they can put in their pockets and walk away with when their time is finished.

42,686. Is that because the rate of wage is favourable to them?—The rate of wage is favourable to them, and whilst they are working they are kept by their employers. They have no expenses; what they spend in clothing is trivial, and very often they get that given to them.

42,687. When you spoke of scarcity did you mean scarcity on the farms?—I meant on the farms.

42,688. Have you any suggestions to make as to how that scarcity might be made up?—No, I do not know that I have.

42,689. Would you do anything, I mean, as regards Native policy which might induce the Native to go more on to the lands and less to other industries?—No, I have not thought of that. If the Chinese come in sufficient numbers I have thought that would cause a lot of Natives to go on to the land. I thought that might be an effect of the Chinese coming.

42,690. Let me give you an example in the matter of taxation. Would you give any measure of exemption of direct taxation to Natives who are permanently resident upon the land?—I think it would be a very good plan to reduce the taxation of those Kafirs who have a certificate from their master, or from a white man, that they have worked for, say, six months in a year; instead of paying £2, their taxation might be reduced to £1 or something of that sort. I think such a scheme might be very good.

42,691. Do you think that would attract them more to the land?—I think so. It would certainly have that tendency.

42,692. In doing that would you exempt all Natives who work, no matter whether it be on the land or elsewhere?—No, I do not think so; I think on the land alone. If they work on the mines they get very big wages and they can afford to pay.

42,693. You mean that the land cannot afford to pay higher wages?—The land cannot afford to pay higher wages.

42,694. You think that the land wants help?—The land wants help undoubtedly, and the farmers.

42,695. Is there anything else about labour that you wish to say?—No. The next subject is education and religion. I think that it is certainly good that the Natives should become educated, if they will pay for it themselves, but I do not think the Government should aid their education by paying for it.

42,696. You say you think it may be good if they were educated—good for whom?—For them.

42,697. Why?—It is an advance in civilisation. They will gradually advance.

42,698. Do you mean they can earn higher wages by being educated?—They can earn higher wages, and they could be more useful, and it is a step forward which I think should be very carefully and steadily taken.

42,699. If they can earn higher wages, I suppose it is because they may become better workmen?—They may become better workmen, more intelligent, and could be trusted better to do a better class of work or be trusted to do what they are told to do, and understand better.

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42,700. That being the case they would be a benefit to the country—to the community?—A benefit to the community, and I do not see how you can justly keep them back from being educated.

42,701. Yet you would not grant any public money in aid of it?—No. They can pay for it themselves.

42,702. They pay a large amount to the revenue of the country, do they not?—Yes, £2 per head tax and other indirect taxation, but I do not consider they pay for education; they pay for being governed and protected.

42,703. Do you consider that Government owes them nothing in exchange for what they do for the country in labour and taxation?—Nothing more than good government. They should be free to be educated if they were ready to pay for it themselves.

42,704. In saying that, do you also say that the Government should provide sufficient schools to be within the reach of all the Natives?—No, I did not mean that.

42,705. What would your system of education be then?—I have not thought it over, but there are schools, and if they choose to go to those schools, or to pay their own people, who have become educated, to live amongst them and educate them, let them be perfectly free to do it, but I do not think it is desirable they should be generally educated.

42,706. Supposing there is a growing demand for education amongst them, and supposing they cannot get it here, would you drive them to seek it elsewhere?—I should not drive them, if I could help, to seek it elsewhere; I certainly would not encourage them to go elsewhere to get it. I should not drive them to that.

42,707. Would not that be the effect if you would not do anything for them?—I do not think so. I think by not encouraging it you

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will keep education back to an extent, which I think is a wise thing to do. I do not think it is possible to educate the Kafir at the present time rapidly. It must be a slow progress of evolution ; they must gradually become educated in many years' time. But those who have more intelligence than the others and wish to learn you cannot keep back. I do not see how you can keep them back. I should put no hindrance in the way, but I should not spend any money in encouraging it.

42,708. Might not the tendency be to drive them into the hands of irresponsible Natives, who have been educated, and who might propagate undesirable ideas amongst them?—Yes. There have been such Natives going about in the country. I think the law should, if possible, stop them and expel them from the country and generally squash them.

42,709. What have any of them done within your knowledge that brings them within the law?—I cannot say; it is only from hearsay.

42,710. Nothing within your own knowledge?—Nothing within my own knowledge.

42,711. Is there anything regarding the law or the tribal system that you consider requires change?—No, I think the tribal system in the meantime should be upheld. The Chiefs should be under the Native Commissioners. I think the Native Commissioners would have no difficulty in having the control over the Chiefs. I believe they have done so in Natal, and I think they should in this country. Of course, they should have a more active and real control than they have at present.

42,712. You mean utilising the Chiefs and the Headmen as the medium of government?—Yes.

42,713. Would you give them any powers?—Yes.

42,714. What powers?—I have not thought that over, but certainly I should make use of them to assist in government, and they must have some powers.

42,715. Supposing that system is employed now, then you do not suggest any change?—No, only that I think that the Native Commissioners ought to be more in touch with the Native Chiefs, so as to make more use of them, and that the Native Chief should look to the Commissioner as his Chief again, his superior—a white man.

42,716. Do you mean that there are not enough officers of that description?—Of Native Commissioners?

42,717. Yes?—I consider there are not enough in this country, at all events. I do not know about the other Colonies. As regards taxation, the direct taxation of £2 a head is high enough in this Colony. I do not think they ought to be taxed any more than that.

42,718. Can they afford, as far as you know, to pay that?—Some of them have not paid that this year, but they can quite afford to do it. If they will only work for a couple of months they have got that money, or can get it if they wish to, without any hardship.

42,719. Is there anything further about taxation?—No. Of course, they buy out of stores some goods upon which there is a duty. A good deal of the extra duty which was put on under the old Government has been removed, but still they buy these goods, and they pay indirect taxation in that way.

42,720. Have you a store on your farm?—No.

42,721. Are you aware that the Natives do consume a considerable amount of dutiable goods?—Yes. My brother has a store.

42,722. And in that way they contribute to the revenue?—Yes, undoubtedly. Of course, formerly on the articles which were used alone by Natives there was a higher taxation than there is now, but still the taxation is very considerable.

42,723. Are you in favour of the existing liquor laws?—You mean no liquor for the Natives at all?

42,724. Yes?—Yes. A great many of the farmers are not. They think the Natives should have the same right to buy it as white people, but I, myself, think the law is quite right.

42,725. You have been 32 years in the country?—Yes.

42,726. You have witnessed various laws and systems. Have you been under an absolute prohibitive system before?—No.

42,727. Do you give it as your opinion, having been under this new system, that it is better than the old system, under which the Natives could get liquor?—Yes, I think it is. I approve of no liquor being supplied to Natives. I think they very often abuse it, although they have just as much sense to use it as a great many white people. We are, however, quite on the safe side in keeping it away from them.

42,728. Are the Natives in your part of the world in the habit of having Kafir beer drinks?—Yes.

42,729. On a large scale?—Yes, on a pretty large scale. Of course, it is not very thickly populated with Natives in my part of the country.

42,730. Do they become very objectionable?—Yes, to the farmer. A boy leaves his work on the Sunday, and perhaps you will not get him back until the Tuesday. He will perhaps ask to get away for the night after his work is over, and stay away. They are a nuisance in that way.

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42,731. Do you think they should be regulated at all by law?—I think they ought not to be allowed to make beer for sale. It is rather rough on them to stop them brewing beer, because they look upon it to a great extent as an article of food, and then they have their beer drinks when they get their crops to get the Natives together to get the pay which they give to their friends to help them to come and clean the crops.

42,732. Do they sell it to each other?—In some cases, yes. They have it at kraals and sell it.

42,733. Do they?—I suppose it is illegal now, but they did formerly.

42,734. That is not a South African Native custom that they should sell it to each other?—No, it is not a general custom, but a few years ago it was very generally done. I know of several cases where it was done in my district.

42,735. Do you know what caused them to begin that sale to each other?—I suppose they see a source of revenue in it; they can make money by it. The more enterprising women brew the beer, and other Natives come along and buy it.

42,736. I meant by my previous question, did you think that the beer drinks should be licensed by Government, and be regulated in that way?—I do not myself see how the Government could license them.

42,737. Is there any subject in particular that you would like to express your views about, other than those you have already spoken on?—No.

42,738. *Mr. Stanford.*] What amount of taxation do you advise should be imposed upon the Natives living on Crown lands?—I should think £5 per head on the men.

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42,739. Would that be in addition to the £2 poll tax?—In addition.

42,740. Do you think that would be sufficient to counteract the attraction of the higher wages at the mines, and so compel these Natives to go to the farms?—To go to live on the farms?

42,741. Yes?—I think it would have a tendency that way.

42,742. Is that your main object in the suggestion?—Yes. Then I do not see why they should live free on Government lands. My main object is that they should have to pay for living on the Government land, and have to earn money and go to work to earn this money.

42,743. How did they come to be in occupation of these Crown lands in the first instance?—I cannot tell you. Some Government farms have Natives living near them, and they have come to live there. There is no master there, and they are free, and they go and squat on these farms in many cases without any permission whatever.

42,744. Are there any instances in which Natives have been specially placed on these farms in consideration of claims to occupation of land?—They may have been placed on these farms by Field-cornets, but I do not know if it was in compensation for claims, as you state.

42,745. Are you aware that the Natives of the Transvaal contribute something between £300,000 and £500,000 in direct taxation towards the general revenue of the country?—Yes.

42,746. And of that sum about £80,000 is spent in administration?—Yes.

42,747. And, say, £5,000 on education?—I did not know that £5,000 was spent on education.

42,748. Do you approve of the £5,000 on education?—No. As I have said, I do not approve of the Government spending money on the education of Natives.

42,749. Now, with this additional taxation you propose, and having regard to the amount paid by these people in direct and indirect taxation towards the revenue of the country, the fact that they are improving in intelligence, and the small sum specially applied to their benefit, do you think that you are building up a contented Native population?—I think that they will remain contented much longer if they are not educated, and if they do not come under the influence of the missionaries, than they will if they are educated. The steadier they develope towards civilisation the more contented they will remain. If we try to civilise them quickly we shall have them discontented, they will want exactly the same rights as the white man has, and the white man will resist that, and become overbearing, and we shall have, as we have had in the past, discontent and Kafir wars.

42,750. Will not in any case their advance in intelligence, apart from missionary work amongst them, lead to the thought that they are not being fairly treated, in view of the facts I have pointed out, as to what they contribute towards the revenue of the country, and what is spent on them in return?—No doubt there will be some individual Kafirs, shrewder than the others, who see these things, and they may educate the others, but I think the first great mischief is done through the missionaries more or less putting them on an equality with the white man.

42,751. Do you think it is essentially right to tax in this manner that I have described, and give so little in return, apart from the

view you have put forward that their ignorance will lead them not to feel discontent?—Yes, under the circumstances. It is a case of white against black. You cannot have the white man's laws of justice when you are dealing with black people, as you are in this country. If you give to Natives the same right which the white people have, the white people cannot live in the country; you must give the country to the blacks, and the white people must clear out. If you raise the Natives you lower the whites.

42,752. Why should raising the Natives lower the whites? Why should you conclude that if the Natives advance the superiority of the white race is going to disappear?—Because the Native can live on much less than the white man can.

42,753. He does that now?—Yes, but if he has the same rights and comes in competition with the white man the white man cannot hold his own against it.

42,754. But he is in competition with the white man now, both as a labourer and as an artisan, and as a husbandman on the farms; wherever you train him to work, no matter whether it is masonry or other work, he is already in competition, apart from education and apart from missionary endeavour?—Not in the same way as if you educate him and give him the franchise and the same rights which the white man has. The position that he is in to-day is very mild compared with what it would be then.

42,755. Your idea, then, in maintaining the supremacy of the white race in this country is to shut the avenues of advancement as much as you possibly can to the Native?—Not perhaps as much as you possibly can, but I should open them very steadily. It will be a long time before he stands on the same footing as the white man.

42,756. *Mr. Thompson.*] You want the farmer protected to a certain extent in cheap labour?—Yes.

42,757. What would you consider to be a fair wage for a farm labourer to get?—£1 a month.

42,758. Would you still compel that man to pay his £2 tax where he is getting £1 a month?—Yes.

42,759. You would take a sixth of his income in taxation?—When I say £1 a month I pay my boys £3 a month.

42,760. I am talking of the farmers generally. You would make no reduction where a man worked for twelve months on a farm?—Yes; in reply to Sir Godfrey, I think I said it would be an excellent plan, if he worked six months, to reduce his tax by one-half, making it £1 instead of £2.

42,761. You further said that an educated Native on a farm was much more useful and much more reliable?—I did not say that; I implied it to an extent, but I do not think I said it.

42,762. He might be more handy or more valuable?—Yes.

42,763. But you hold that an educated man, a man with a certain amount of education, would be more useful on a farm than a raw Native?—I have had such a boy on the farm and he was more useful, but he was a boy who paid for his own education. He was educated by a Dutch schoolmaster, and he worked hard to get into school, and asked to sit on one side and be educated with the Boers' children, and he was allowed to.

42,764. You would be protecting the farmer by giving him an educated Native, and you would encourage it as long as he paid for himself?—Yes, I would not discourage it.

42,765. You would place no limit on that education if he paid for it himself?—I do not see how we can do.

University of Fort Hare Teachers in Excellence

T. Everard, M.L.C., (Farmer and Landowner). Transvaal. 11th October, 1904.

42,766. When you say that the Natives are thoroughly represented in the Legislature of the country, how are they represented through their Commissioners in the Legislature of this country?—Indirectly. If the Natives have any particular grievances the Commissioners would speak about it. We hope in the future to have representative Government, and it would come to the knowledge of the representative from the district and it would be his duty to bring it forward.

42,767. You think there should be members sitting in the Parliament of this country who have the interest of the Natives in view and representing them in the Councils?—I do not think it is desirable we should have representatives in the Council to look specially after the interests of the Natives, to make it a study—as you have your labour representatives from certain centres—whose policy it is to be here in the Council to do nothing but argue in favour of Natives. The Native Commissioner would look after that, I suppose.

42,768. He could not voice their grievances really in the Parliament of the country?—Through the Government I should think he would, and I think you would have others who are fair enough in the country, if there is any great hardship pressing on the Natives, who would take it in hand.

42,769. Do you know the Transvaal as a whole?—I have travelled through it, but I have always lived in the eastern side.

42,770. Are there certain unhealthy portions that you would say are not fit for the occupation of the white people? Take the Springbok Flats and the Waterberg. Are not there parts in the Transvaal which you would say were not habitable for the white man?—I suppose there are. Certainly there are near Delagoa Bay such places, and probably the Springbok Flats. I do not know them at all.

42,771. That being the property of the white man, have you any objection to Kafir farming on those places—as the term is understood—by putting Natives upon them to till the soil and turn out crops when white men cannot do it?—To grow crops for themselves or for the white man?

42,772. To grow them for themselves or pay rental to the white man. Some revenue must be drawn out of those lands, and you admit that the white man cannot live on them. Have you any objection to the white man letting those farms to the Natives in those parts?—It does not occur to me at the moment what objection there can be as long as it is not abused to such an extent that the Natives flock there and that there is a scarcity of Natives elsewhere.

42,773. What is to be done with this land if the white man cannot occupy it? You will not let the Natives be there and the white man cannot occupy it. What is to be done with this land?—I do not say I would not allow the Natives there, but if it is not fit for a white man to occupy——

42,774. You would allow the farming of Natives on land under those conditions?—Yes, I think so. I have not thought it over sufficiently to say that I should not.

42,775. *Mr. Samuelson.*] You said that £1 a month would be a fair wage for a Native on a farm?—Yes.

42,776. For how many hours a day?—From sunrise to sunset, if he has time for his meals, and he works at special jobs at night if he is wanted to. If I tell my boy to get up in the morning I expect him to get up. If I get up before him I call him up myself.

42,777. You do not say anything about rations or clothes?—We always feed our boys in my part of the country.

42,778. And clothe them too?—We do not profess to clothe them, but we give them lots of clothes. They are better clothed when they are at work than when they are at their kraals. When they go away out of my employment they are generally well dressed.

42,779. Do you consider 8d. a day for a Native working from sunrise to sunset a fair wage—that is, a full-grown Native adult?—With his food, yes, I consider it is quite a fair wage, as good a wage as the labouring people get at Home. These Natives can save money, and the labouring people cannot.

42,780. The present form of government here is that of a Crown Colony?—Yes.

42,781. Do you consider yourself as representing the interests of the Native population in any shape or form as a member of the Legislative Council?—Not specially; I consider it is my duty, if I see any grievance which the Natives have, to bring it forward and speak about it, but not more than that.

42,782. Do you think that the interests of the Native population of this Colony are at the present time sufficiently represented by the Chiefs, the Native Commissioners, and the Native Affairs Department?—No, I do not think so, because we have not sufficient Native Commissioners to be in touch with the Natives in the different districts. The staff of Native Commissioners was reduced last year, and I do not think it is sufficient. My idea is that the Native Commissioners ought to ocupy the place of Chiefs, and ought to be in touch with the Natives, and through them the Government ought to be able to know of the Native grievances.

42,783. Further, do you not consider from the fact of the Governor of this Colony being in a special relation to the Native population as Supreme Chief, and as specially responsible for his trust to the Imperial Government, that they are sufficiently protected in that way through the Governor as their Supreme Chief?—Do I think they are sufficiently protected?

42,784. Yes?—I am not quite sure that I thoroughly understand the drift of the question.

42,785. The Governor has a special capacity here in the Transvaal as Supreme Chief over the Native population. It is his duty, under instructions, I suppose, to safeguard the interests of the Native population, and he is responsible to the Home Government for that particular duty. Do you think that fact is a sufficient protection of Native interests?—Yes, quite. The English Government will see that there is no great injustice done to the Natives in any country.

42,786. And also that any special and important legislation affecting the Native population has to be submitted for the Royal Assent, or is, as a matter of course, submitted for the Royal Assent?—I think that is quite sufficient guarantee that there will be no injustice done to the Natives.

42,787. Say there is to be a change in the future, and representative Government is introduced into this Colony, how would that affect the present position, and what do you think should be done then, if anything, to safeguard Native interests?—I think that they ought to be sufficiently safeguarded through the Native Commissioners.

42,788. In the same way as they are at the present time?—In the same way as they are at the present time. I do not see why they should not be. I think they can be sufficiently trusted to look after the Native interests.

T. Everard, M.L.C., (Farmer and Landowner). Transvaal. 11th October, 1904.

42,789. I suppose when this Colony gets representative institutions, the present system will still continue, notwithstanding that there is an elected Parliament?—The present system of tribal government of the Natives?

42,790. Yes, by Commissioners of the Native Department, the Supreme Chief, and Royal Veto to legislation?—I imagine so.

42,791. Do you think that the Natives of this Colony get a fair return for the taxes and the contributions they make to the revenue, simply by the special representation of them?—Yes, I think so. The Government has gone to an immense expense, and the Government may at any time be put to a great deal more expense, to quell any disturbance and to protect one portion of the Natives against another.

42,792. Do you not think that the Government of the Colony have any obligations beyond what they have at the present time, arising out of the revenue paid by Natives, and their contributions to the Treasury through the Customs, and so on?—No, I do not.

42,793. *Captain Dickson.*] What are your opinions, Mr. Everard, on the squatting of Natives on farms, wholesale squatting, as in Natal and in some parts of this Colony; is it good for the farmers?—No, I do not think so, not wholesale squatting.

42,794. Have you studied the laws of the Cape Colony, especially the law passed in 1899, in regard to squatting?—No.

42,795. Would you be in favour of a law somewhat on these lines: that a farmer should be allowed as many Natives as he requires, paying them monthly, together with their wives and families, living on his farm, and a certain number of labour tenants, according to what the Government Inspector may decide are necessary, and that squatting pure and simple should be put down?—That the owner of the land should have as many labourers to live on his farm as he requires, and pays for?

42,796. Yes, and also a certain number of Natives that he requires for labour on his farm as labour tenants and which the Government Inspector may decide to be necessary for the working of the farm, but that squatting pure and simple should be put down as far as possible?—That seems to me to meet the case.

42,797. I think you said, in answer to Mr. Thompson, that you did not see any objection to those lands in unhealthy parts of the Transvaal being used as what we commonly call unauthorised locations. Do you not think, if boys were allowed to live on those lands, that they should be taxed in the same manner as boys living on Crown lands?—If they live there they have to pay; instead of paying a tax to the Government, I take it they pay to the owner of the farm. I think the Government ought to have the power to prevent a great number of Natives living together on any private property.

42,798. You would not be in favour, then, of puttting those farms under inspectors in the same way as you would the ordinary authorised locations?—If there are other farms near which want labour, I think it would be a pity that such a state of things should be allowed, but if it is in an unhealthy country where there is a thick Native population, and it is merely relieving the other parts of the country, then I do not see why they should not live on those private farms and pay rent to the owner.

42,799. Is there much land in this Colony where the energetic European will not go and live, whether it is healthy or unhealthy?—I understand there is on the borders of the Colony.

42,800. Where no European will go and live?—I do not know the whole of the country so thoroughly as to be able to express an opinion, but I fancy there are lots of such farms up Waterberg way and on the Springbok Flats. I myself bought a farm up there and sold it afterwards, not having gone near it.

J. Erasmus, M.L.C. (Farmer and Landowner). Transvaal. 11th October, 1904.

42,801. *Mr. Krogh.*] The Government placed a great number of settlers on the Springbok Flats, men from Canada, Australia, and England, to farm there?—Yes.

42,802. Have you heard of any illness or sickness amongst those people there?—No, I have not heard myself; I have not made particular enquiries.

42,803. *Captain Dickson.*] Do you think it would be a good thing if it was possible to have all the squatting under Government control; that is, when a farmer has got his monthly boys, what we commonly call volunteer labour, his other Natives should be under the direct control of the Government?—I think it would be a good thing. I do not see what harm could arise from that. I think it might do much good.

42,804. *Mr. Krogh.*] Could canteen keepers sell liquor to Natives before the war?—No, not just before the war, but at one time they could.

42,805. A couple of years, say, before the war?—I do not think so.

42,806. Were they punished if they did so?—Yes, it was illegal.

42,807. Was there not a heavy fine?—Yes.

42,808. Therefore, Natives could not obtain liquor except in the same way that they obtain it now?—With this difference, I think, that before the war you could give your Native liquor if you chose to give it to him; now it is illegal to give it to him.

42,809. Could you give your servant liquor before the war?—I believe so.

42,810. Would you not break the law in doing so?—I do not think so. I may be wrong, but I do not think so. I used to give my boys drink.

42,811. It is illegal to do it now?—Yes, and I know of cases where some people have been punished.

42,812. *Mr. Sloley.*] In regard to this special taxation you proposed to put on Natives living on Government farms or on Crown lands, you did not include what are called Government locations, did you?—No, I did not; my idea was not to include them, though I do not quite know why. I did not mean that, but I meant actual Government farms out in the country—not those occupied by Chiefs. I was not referring to them.

42,813. There are not very many of those, are there?—No, there are not many.

Chiefs Seripa Mulota, Solomon Makapan, Daniel More, Kibi Seboch, Malukutu, Dedrick Mogale, Herman Selon, August Mohatle, David More, Darius Mogale, further examined (through an interpreter).

42,814. *Chairman.*] When you were here yesterday, you said you would like to retire and converse together, and then come and speak. We allowed you to do so, and are now listening. What have you to say?—*Dedrick Mogale*: We have written our opinion on a paper, and I was chosen to come and read our opinion before the Commission.

S. Mulota, S. Makapan, D. More, K. Seboch, Malukutu, D. Mogale, H. Selon, A. Mohatle, D. More, D. Mogale, (Native Chiefs). Transvaal. 11th October, 1904.

42,815. Is it in Sesuto or in English?—In Sesuto.

S. Mulota, S. Makapan, D. More, K. Seboch, Malukutu, D. Mogale, H. Selon, A. Mohatle, D. More, D. Mogale, (Native Chiefs).

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42,816. Will you read it?—We ask the Government to be pleased to allow us to purchase land, even erven in town. In connection with Native marriages, we ask the Government to keep Native marriages up, and not to throw them out, but to deal with Native marriages according to Native customs. We are grieved when we see the Government allowing people to trade on grounds that we have purchased, and yet we do not know to whom that person pays. The Government stops us from earning a livelihood with our own belongings. The stranger is given the right to get a livelihood on ground that we have purchased. We ask the Government to allow Natives to have the franchise, and allow us to have a meeting whenever we have anything to discuss, not against the Government. We ask the Government to establish schools for Natives, since we are the Goverment's children and pay taxes. We ask the Government to reduce the tax on both hands. We ask the Government not to allow the liquor traffic. We ask the Government to support the Native Chiefs when the Government has to call them together. We are grieved that we have to pull against carriages and bicycles in the street. We ask the Government to keep an open eye on the treatment that we receive on the railways. We are kept back because we cannot get in town, all trains being for Europeans. Then we have to wait until we can catch a coal train, and are exposed to sun, rain, and cold. We ask the Government to give good treatment to Native Chiefs when they are arrested; they should be treated as Chiefs when they are arrested.

42,817. Does that which has been read represent the thoughts of all those who are here?—*Omnes*: Yes.

42,818. There are two questions I want to ask you. The first question is, what do you mean by Government assisting you in the way of Native marriages?—*Dedrick Mogale*: That is to say the Government must not do away with Native marriages, but those who prefer to marry under Christian rites must be allowed to do so. Those who are Christians and who still prefer to marry according to "lobolo" must be allowed to do so, until such time as they will repent and do away themselves with "lobolo."

42,819. Then the next thing is, I want to know if the reason you object to licences being granted to traders on those farms which you have purchased is, that it prevents you from levying payment from the traders yourselves?—We refer to Mamogali's location, where certain traders have been put on it, and we do not know to whom they pay rent. By saying that the Government ties up our hands, and will not allow us any livelihood in our locations, we mean that the Government does not allow us to open stores in our locations, but others, such as Arabs and other coloured races, are allowed to trade on our locations where we ought to trade and earn a livelihood. That is the reason why we are grieved and complain.

42,820. Do you wish this written statement which has been read put in as part of your evidence?—*Omnes*: Yes. [*Vide* Appendix.]

42,821. *Mr. Samuelson.*] What benefits do you expect to derive from having the franchise?—*Dedrick Mogale*: It is because if we have no vote we will have no representative in the Parliament here to represent all our grievances. We are confident when we have got a representative that we can submit all our grievances to him, and he will lay it before the big Raad. We think that we are the Government's children, and the late Government used to treat us just in this way. If a father always locks a child outside the house the child always feels bad against the father. We were pleased to

have this Government, and we always prayed for this Government during the war time, and we expect this Government not to treat us as cattle, just as cattle being driven into a kraal. We expect to be treated as children and as people. That is our reason for asking for the franchise.

42,822. Does the present system, that is the present form of Government under which you live, enable you with facility and without hindrance to reach the ears of the Government?—I do not know just yet, but we ask that we should have representatives.

42,823. Have you free and easy access to the Courts and to your Commissioners?—Yes.

42,824. Have you enough Commissioners, or do you think you should have any more?—We have no complaint about Commissioners.

42,825. You have enough?—We have enough.

42,826. Do you approve of your people taking their cases direct to the Commissioners, or do you wish them in every case to go to the Chiefs first?—We wish them to go to the Chiefs first.

42,827. Is that the practice now?—Yes.

42,828. And your people only go to the Magistrate when they appeal from the decisions of their Chiefs?—Yes.

42,829. The Chiefs have power to fine in criminal cases?—Yes, in all cases except murder.

42,830. How far can you fine; up to what amount?—For stealing, from 2s. upwards.

42,831. And if you fine too heavily, a man can appeal to the Commissioner?—Yes.

42,832. Do you pay the fines in to the Government like the Commissioners do, or do you keep the fines for your own uses?—No, we have always carried out this from our forefathers. Our forefathers used to fine and keep all the fines themselves, and the late Government allowed us to do so too.

42,833. And you do so now?—Yes.

42,834. Would you like all your laws to be collated and written down in a book and made a law by the Parliament of the country, or do you wish them to remain just as they are, to be ascertained by the Commissioners when they try cases?—No, I would prefer the Commissioners, and not that the Government should make laws for the big locations.

42,835. What I want to know is whether you would like to have the present laws of the people, for instance, their laws of succession and other customs that you recognise, reduced to writing, and recognised by Parliament as their laws?—No.

42,836. You would not like that?—We do not want it in book form; we will go on as we have got it now.

42,837. You would prefer to have your laws just in your heads, and not written in books like our laws?—I, as spokesman, can only say that it would be difficult for me to answer this question for all the other Chiefs, because we all belong to different tribes, and have all got different customs. I only know the customs belonging to my own tribe; I do not know the customs of other tribes who come from the west and from the east.

42,838. What do you say for yourself?—I would be very thankful if ours were to be written in book form, but they would not agree with the other tribes.

42,839. You all practise polygamy, that is, the whole of you marry more wives than one?—Yes.

S. Mulota, S. Makapan, D. More, K. Seboch, Malukutu, D. Mogale, H. Selon, A. Mohatle, D. More, (Native Chiefs).

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42,840. You do not want that to be stopped by law?—No.

42,841. You all give "lobolo" for your wives, that is "bohadi"?—Yes.

42,842. You would not like that to be stopped by law. You would not like the law to say, "You are not to give 'lobolo'"?—No, we would not like that.

42,843. Is the law of succession of all of you that the first son by the first wife is the principal heir?—Yes.

42,844. And if the first wife has no sons, then the first son of the second wife?—Yes.

42,845. Do you register and report all your marriages at the offices of the Commissioners now?—Only Christian marriages.

42,846. Would you like your marriages according to Native custom and Native rites registered at the Magistrates' offices, so as to give the wife a lawful position and her children a lawful position?—Yes.

42,847. And would you like a wife only to be separated from her husband and to leave her husband after the case had been in the Court and the Magistrate had separated them?—Yes.

IN LUMINE TUO VIDE BIMUS LUMEN
University of Fort Hare
Together in Excellence

Johannesburg, Thursday, 13th October, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.	Mr. Hamilton.
Hon. Mr. Campbell.	Mr. Stanford.
Captain Dickson.	Mr. Thompson.
Mr. De la Harpe.	Mr. Sloley.
Mr. Krogh.	

Dr. Louis G. Irvine, examined.

Dr. L. G. Irvine, (Mine Medical Officer). Transvaal. 13th October, 1904.

42,848. *Chairman.*] You are, I believe, a medical practitioner in Johannesburg?—Yes.

42,849. Have you been here many years?—For two years before the war, and continuously since.

42,850. You are aware that a great deal has been said about the health and mortality of Natives on the Witwatersrand mines?—Yes.

42,851. And, I believe, you have been connected with various Commissions whose object has been to enquire into these matters?—Yes.

42,852. Will you state what your experience, which you have derived from those Commissions, has been?—You are aware that about two months ago you asked a committee of medical men to prepare a statement on this subject, and Dr. Macaulay and I since drew up a statement embodying the conclusions which we came to from all the data at our command, and we presented that to the Cubic Air Space Commission. I have a copy of it here, and I should like to hand it in as evidence. It covers practically the whole of our experience regarding the matter, and you possibly may find it useful.

42,853. Is the statement one you prepared in response to the request by the Secretary of State for the Colonies?—It practically amounts to that.

42,854. In view of its being handed in as evidence to the Commission I have only a few questions to ask you. I would like to ask first whether, when you in the first instance became associated with this question, you found the mortality and the general health conditons unsatisfactory?—Undoubtedly the mortality was excessive. Certainly during the years 1902 and 1903 it was excessive, and the general conditions were in need of improvement.

42,855. That was two years ago?—Eighteen months ago, you may say.

42,856. What is the state of affairs now in this respect?—I think you may say that as regards diet everything is satisfactory, that as regards supervision of clothing that also is satisfactory, that the care of the sick is generally satisfactory, and that the standard of housing has been very much improved indeed. You will find statements regarding these points in this report.

42,857. Generally speaking, at the present time do you, as a professional man, find that the conditions are such as they ought to be in a place like this where there is a large number of Natives collected together for labour?—I think the report of the Cubic Air Space Commission will probably lay down a standard of housing which should be uniformly adopted. Such a standard is not found in all the compounds at present, but a satisfactory standard is found in a very considerable number of mines which have taken the matter up more systematically than the others. I believe, however,

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that when the standard of housing is brought into line all along the Rand, and when the other recommendations, which we made in the Medical Officer's Report of June, 1903, are fully complied with, then the conditions will be quite satisfactory. What I mean is that all the recommendations we made then have not all of them been everywhere carried out, but in a considerable majority of cases they substantially have been, and what we like to see is uniformity in the matter. Of course, as you know, there are certain mines on the Rand with only a short life to run, and these mines, I think, should not be unduly pressed to carry out every detail of these requirements, in view of the fact that their life is not likely to be long.

42,858. Has the medical profession, which is responsible for the health of the Natives who come here, experienced any opposition, or is it experiencing any opposition on the part of the employers of labour, to bring about better and suitable conditions for the Natives working here?—No; all the improvements which have been brought about have been voluntary on the part of the mining authorities. There has been, so far as I know, no pressure brought to bear upon them at all. They have seen that the improvements were necessary, and they have carried them out. Certainly, I have met with no obstruction.

42,859. What is the death rate to-day according to the last returns?—For the period from January to June, 1904, the whole six months, the death rate was 38 per 1,000, calculated as an annual rate. The lowest individual month had a rate of 27 per 1,000.

42,860. Can you give the corresponding death rate for last year?—For the first six months of last year it was 61.96; for the second six months it was 80.36; so that it is now less than half what it was during the last six months of last year.

42,861. Do you consider that the reduction of the death rate is satisfactory; I do not say the present death rate, but the reduction?—Do you mean the fact that it has been reduced, or do you mean that it has been reduced far enough? I do not think you will ever get it very much lower than at present. I think that probably between 30 and 40, somewhere between these figures, is likely to remain the average death rate.

42,862. Have you any particular observations upon this subject that you would like to make?—Nothing that is not covered by our report.

42,863. *Mr. Stanford.*] To what do you attribute the reduction in the death rate of the Native labourers?—If you will allow me, I will read the conclusion of this statement: "We attribute the lower mortality which has characterised the first six months of 1904, and the improvement in which is still maintained, to the following causes: Firstly, the milder seasonal conditions which have prevailed; secondly, the better condition of the boys on arrival; thirdly, the larger percentage of boys arriving from Native territories who have already worked on the Rand and the larger percentage of Natives engaging or re-engaging locally—a feature the importance of which has been clearly demonstrated; fourthly, the greater care in the selection and detention of the recruits; and, fifthly, the better attention to the conditions under which the Native lives and works, carried on along the lines we have described. One marked result of this has been the practical disappearance of scurvy as an important factor in the mortality." In this statement we have taken up the causes of mortality all along the line, we have endeavoured to trace all the conditions which have contributed to the

excessive mortality in 1902 and 1903, we have pointed out the recommendations which the committee of medical officers made a year ago on all points to meet these causes of mortality, and we have shown how far these have been carried out, and we have shown also to what causes, in our opinion, the reduction of the mortality has been due. But it is a mistake to think that the mortality in the past has been due to any one factor ; it has been due to a large number of concurrent factors, some of which are more or less permanent in their nature, and some of which are more or less temporary and remediable, and we have endeavoured to deal with these matters fully in this report. Perhaps you may possibly find it suitable, should the members of the Commission, after they have read this report, wish to ask me any further questions on it, to call me again, but I think really all I know about the question is in the report.

42,864. Do you consider the present death rate a high or a low one?—The present death rate is the lowest we have ever had since the war.

42,865. I am not speaking in comparison with the higher death rate which you have had here. Is the present death rate a high death rate compared with other death rates in other cities and in the rural areas of this country?—I do not know what the death rates are in the cities of South Africa. As a matter of fact, I think that the reduction in mortality has been extremely satisfactory.

42,866. May I compare it with annual rates elsewhere?—I do not think you can fairly compare it with European conditions.

42,867. Then you are not able to tell the Commission whether really, as compared with aggregations of European or Native populations elsewhere, the present death rate is either high or low?—I know, of course, the death rate of a city like London is something like 20 per thousand, and I know that the best death rate we have had is certainly higher than that, but the question is: can you apply standards of that sort to the problem under consideration? I think we ought to wait a little and see what effect all these improvements that have been introduced have before we say what the death rate ought to be. I would not like to give an opinion as to what it ought to be. One does not know what the death rate of Natives in their kraals has been in Portuguese territory, for example.

42,868. Are you of opinion that the present death rate may still be further lowered by continuing working on the lines which you have hitherto followed?—I think certainly the improvement will be maintained. How much lower it will go, or whether it will go much lower, I cannot pretend to say. I think the problem is too new to be settled off-hand in that way. We do not know enough about it. We have only been observing for a year and a half.

42,869. I notice that Kafir beer is being prepared for the use of the Natives in some compounds; is that directed against scurvy?—It is an excellent remedy against scurvy.

42,870. Have you had any opportunity of comparing the death rate, say, of a centre like Kimberley, with that which obtains here?—Yes, the Kimberley death rate is lower than here, but the territorial distribution of the boys at Kimberley is very different from that here. They have a very small percentage of Portuguese boys; and they have a large percentage of Bechuana boys. I know that the Native Affairs Department have returns showing the percentage territorial distribution in the case of the Kimberley Natives. That factor is very marked, namely, that the racial distribution of the boys working at Kimberley is quite different from that on the Rand,

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and we know that on the Rand the racial distribution is one of the main factors in accounting for the mortality. The highest death rates are amongst boys who come from climates which are the most unlike that of the Rand. Those who come from tropical countries, such as British Central Africa and the Portuguese Province of Mozambique, have very much higher death rates than those coming from Natal, Zululand, Cape Colony, and the Transvaal. That is all set out in this statement; you will find the racial death rates carefully analysed and compared.

42,871. You are now adopting a plan of keeping these Natives from the north for a time out of the mines and strengthening them by food?—Yes, our idea was that gangs arriving in a weakened condition, and gangs, even though their condition was good, who arrived from certain special districts, such as British Central Africa and the Quilimane and Mozambique districts, should be detained until, in the opinion of the medical officer of the Native Labour Association, they were fit for work in the mines. That system is now in operation.

42,872. *Mr. Thompson.*] On being asked the condition of the Natives, you said that diet, supervision, attention to the sick, housing, and so on were generally good. Is there anything you can suggest further that should be done for them; is there anything wanting?—As I said to the Chairmman, what I should like to see is that the improvements in these respects should be uniform for all the mines. For example, we are strongly in favour of erecting change houses for the Natives at the head gears. These change houses need not be elaborate; they need simply be a shed, more or less; but what we want is some means of preventing the sudden exposure of the boys coming out of the underground workings, especially during the winter months, to the cold air of the surface. We know that a considerable number of mines have not yet got change houses. With regard to some of our recommendations, you will find that some mines have not fully carried them out, others have. What we would like to see is uniformity in the matter, but I think that the standard of housing which the Cubic Air Space Commission is likely to recommend —I do not know what their recommendation is going to be—will be a good standard, and when that standard is universally adopted I do not think there will be any complaint on that score at all.

42,873. Generally speaking, on the whole, the Natives are under excellent conditions in the Transvaal now; there is not very much room for improvement?—There is not very much room for improvement. I think, on the whole, the mines have done very well.

42,874. What is the Cubic Air Space Commission?—The question was raised, with regard to Chinese labourers, how much cubic air space should be allowed per head, and there was some difference of opinion. Dr. Turner, the Medical Officer of Health of the Transvaal, expressed himself in favour of a certain standard, and as a result the Chamber of Mines, I believe, asked that a Commission should be appointed to enquire into the matter, and that is what is now being done. The report has not been issued, and I do not know in the least what the standard is going to be. The reason why I mentioned it before this Commission was to show that that matter was under Government attention just now, and that the deliberations of the Commission will fix a standard which will be certainly satisfactory.

42,875. *Mr. Samuelson.*] What Kafir beer were you referring to: that made from Kafir corn or from mealies?—It is made mostly from Kafir corn in the compounds.

42,876. Have you had occasion to test whether they are both

equally useful to these Natives in case of scurvy or otherwise?—That I do not know, because my experience has been solely with the beer made from Kafir corn.

42,877. Do Natives suffer much from pneumonia here?—That is the largest individual factor in the death rate, both here and at Kimberley; in fact, the proportion of deaths from pneumonia at Kimberley is higher than here, though the actual number is not.

42,878. Have you been able to trace the special causes which lead to this disease being prevalent?—That we have covered fully in the statement which I have handed in.

42,879. In your report?—In this report, yes.

42,880. What is the nature of the water here; is it wholesome or otherwise?—It varies a good deal. A large number of mines get their water supply from the Johannesburg Waterworks; some get it from springs in the mines; some from other springs, or wells; and a few from dam water. The source of the supply varies a good deal.

42,881. What kind of water is supplied to the Natives in these compounds and in the mines generally?—As I say, the source varies considerably.

42,882. You cannot say that the water they use as a rule is very wholesome?—A great number of the mines get water from the Johannesburg Waterworks, the town supply, which, of course, is quite good.

42,883. Have any diseases amongst the Natives been traced to the use of the water?—I think the use of the underground water by the Natives, as by the white men, should certainly be prohibited, because the underground water—by that I mean the water in the mine workings—is certainly liable to be tainted with infection.

42,884. What is the percentage of deaths amongst the Natives from, say, enteric fever, dysentery, and typhoid fever?—You mean the percentage of the total deaths from these causes?

42,885. Yes?—The total deaths being 100, the percentage of deaths from pneumonia from January to June of this year was 31; from enteric fever, 6·5; from dysentery, 10·3; and for other diarrhœal diseases, no doubt some of those being dysentery also, 6·9. So that enteric fever, dysentery, and diarrhœa accounted for something like 23·8 per cent. of total deaths.

42,886. Is anything done to purify the water for the Natives employed on the mines, to filter it?—I do not think so, not in any case.

42,887. With regard to the hospitals for these Natives, do you have much to do with them?—I have three hospitals under my care.

42,888. Is the attendance what it should be on the Native patients?—Do you mean speaking for myself, or speaking generally?

42,889. Speaking for yourself?—I have certainly endeavoured to make it so. It is so in the case of the Crown Reef hospital, an old hospital which has been re-converted, but which has disinfecting apparatus; it has proper latrines; it has an outside kitchen; it has, of course, proper bunks provided; and proper hospital clothing, blankets, and special diet are provided for the sick boys, those suffering from enteric fever and dysentery having fresh milk. The assistant compound manager personally superintends it, and under him I have a couple of Natives. On the Bonanza I have a Cape boy, who is a very intelligent well-trained boy, working for me. On the other mine, the Robinson Central, the hospital is very small, the compound is at present a small one, and the compound manager looks after that. I think that the care of the Natives is satisfactory in all these cases, and I think that generally along the reef you may take it that the care of the sick Natives is, in fact, satisfactory.

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42,890. Have you a sufficient and a good staff of nurses?—We use wholly Natives or Cape boys for nurses; we have simply Native orderlies as hospital attendants.

42,891. Are they able to carry out your instructions satisfactorily?—I certainly think that on all large mines a white man ought to be in charge of the Native hospitals. On small mines the compound manager usually exercises supervision over them, but on the larger mines I think certainly a white man ought to be in charge of the hospitals, and we have found, as a matter of fact, on investigation, that in 26 Native hospitals on the mines there is direct supervision by a white man, quite apart from the compound manager, so that you see the system is being pretty generally adopted.

42,892. Are these men able to keep a record correctly on the temperature tables?—Yes, at my hospitals temperatures are taken regularly. That is a very easy thing to do.

42,893. Do you entrust clinical thermometers to them at all?—Yes.

42,894. And they are able to read them?—Yes, certainly. I would not entrust a clinical thermometer to a Native unless I knew him well, but any ordinary intelligent white man can use a clinical thermometer quite well.

42,895. They are able to read it and to keep up the variations of temperature on the table?—Yes.

42,896. *Mr. Hamilton.*] Is the death rate highest amongst newly-arrived boys?—Very markedly indeed; in fact, that also is worked out here in the report. But I may say that when we were endeavouring to find out the reasons why one mine, for example, would have a death rate of 91 per thousand, and another would only have a death rate of 20 per thousand, we selected thirteen diffrent mines, and we worked out carefully all the details with regard to them, and we found on one mine which had the lowest death rate of all—under 20 per thousand—that 96 per cent. of the complement of that mine were Portuguese Natives, the very boys who, when they first come to the Rand, have the highest death rate of all; they were the main contributors to the labour supply. That struck us as curious, until we found that that mine, being one near town, had an enormous proportion of boys locally engaged; that is to say, instead of getting most of its boys, as some of the other mines did, direct from the Native Territories, it got the larger proportion of them by local engagements, boys who were already acclimated, and that showed very strikingly that Portuguese Natives, once they have become acclimated, have quite a low death-rate. It is when they come fresh to the Rand, and especially when they come to the Rand in poor condition,—and I may remind you that conditions of privation have recently prevailed in the Portuguese Territories—it is then that the danger arises. A great number of these boys suffer from malaria, and when they undergo a sudden change of climate malaria breaks out amongst them. I think their susceptibility to disease on change of climate during the last two years was largely due to the scorbutic condition in which many of them arrived, and also in part to the fact that many of them were sufferers from malaria, which broke out on arrival, and predisposed them to acute infections. We have shown that once you get the Portuguese Native acclimated he does not appear to have a higher death rate than the others.

42,897. We may take it, then, that the longer a boy lives and works on the mines the better his health is, and the better he can resist disease?—Certainly. It is the universal experience that gangs of boys leaving the mines are, as far as physique is concerned, in much better condition than the average boys arriving there.

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42,898. Did you find that the Department of Native Affairs exercises an efficient and beneficial supervision over the conditions under which the Natives live and work at the mines?—I have always found the Native Affairs Department most interested and most anxious to do everything that is possible in their power to look after the Natives. They have aided us at every step in these investigations that we have made; they were initiated, indeed, at the suggestion of Sir Godfrey Lagden. We have several times met the Commissioner for Native Affairs on these matters, and he has shown great anxiety, and all his officials have equally shown their anxiety to help us, and to help the mines in every way.

42,899. Has that anxiety brought forth definite results in bringing about improved conditions?—I certainly think that the influence of the Native Affairs Department has been very strong indeed in bringing about the improvements which have been effected.

42,900. In regard to the water supply, did you find that the water supplied to the Natives on the mines, although it might vary, was in every case the same water as was supplied to the white men on the same property?—I cannot speak in detail for every mine on the Rand. I only live myself in the Johannesburg district.

42,901. Did you find any mines where the Natives were being supplied with one sort of water, and the white men on the mine with another sort?—I should think it is quite likely that it was in some of the mines, but, I may say, with regard to that, that the inspectors of the Native Affairs Department have recently made a detailed inspection of every mine on the Rand. The results of that inspection are tabulated, and the inspection covered the source of the water supply; so that you can get these facts quite readily.*

42,902. In regard to this underground water which you describe as liable to be contaminated, did you find that any mine regarded that as their water supply for the boys?—That is a very difficult question for me to answer. I do not know the details of every mine. One sees from this return that I speak of that underground springs are sometimes used as a source of water supply. It may be that in these particular mines these underground springs are so placed, or so well protected, that they are safe from infection, but what I say is, that, as a general rule, underground water is liable to be infected. I should, therefore, discourage its use, but I would not like to say that because a particular mine used underground water that therefore that particular water was tainted until I went and saw it.

42,903. When you speak of underground water, you are referring to underground water from the workings of the mine?—I mean that any water which passes through the workings is liable to be tainted. An underground spring which is properly protected need not be tainted at all.

42,904. Did you find any case in which underground water, which had passed through the workings of the mine, was the only water available to the Native labourers as a water supply?—No, not to my knowledge. But one finds that the boys are in the habit of taking water bottles underground, and they may fill them from any source of water supply they can get. That is what I object to.

42,905. That is, that they themselves expose themselves to the risk of this water. They could get good drinking water without using that water?—Yes.

42,906. Are the Native labourers as well cared for and catered

* I find that the results of this inspection show that, of the 70 mines employing 250 Natives or over, the source of the water supply to the compounds is as follows:—Johannesburg Waterworks, 24; springs, wells or artesian well, 29; underground rivers, 4; spring in mine, or mine, 10; dam water, 3.—L.G.I.

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for on the mines of the Rand as the Chinese labourers?—I have only seen the Chinese labourers on two cursory visits. Their diet is different, but I think that the diet of the Native labourer is sufficient. Take, for example, the Glen Deep, which has recently got Chinese. The compound into which these were introduced was the same compound which the Kafirs had occupied. The Chinese are certainly ever so much cleaner in their habits than the Kafirs are. It gives you a very different impression, going into a hut where the Chinese are, especially such huts as they have at the Van Ryn. The Chinese labourers are much more cleanly, personally, than the Kafirs, but I understand that the Commission, to which I have referred, will lay down a similar standard of housing for all coloured labourers.

42,907. Did you gather the impression that there was every desire and intention on the part of the mines to treat the two classes of labourers equally well?—I think they are perfectly willing to do so. I think they are perfectly ready to do so.

42,908. Do you think that there is anything in the existing conditions at the mines to deter, as a matter of fact, Native labourers from coming to work there; for example, this housing question. Whatever defects there may be in the existing housing accommodation, do the present arrangements compare favourably, or otherwise, with the conditions under which the Natives live at their own homes?—I should say they are very much better. You may say that the old type of compound hut roughly reproduced the conditions to which the Native was accustomed at his own home, and that the improved type of compound hut is immeasurably superior to anything he was capable of getting at his own home.

42,909. Did you form any impression as to whether the Native labourers are generally satisfied with the conditions which are in existence at the mines?—I think they are.

42,910. *Mr. Sloley.*] I suppose the rate of mortality, being as it is amongst young able-bodied men, is very high, is it not?—Unquestionably the rate of mortality in the past has been very high. You mean that you would expect it to be lower than the ordinary standard because it is amongst boys of a certain age, of an age between 15 and 45?

42,911. Yes, I mean the ordinary death rate of a whole population cannot be compared with the death rate amongst these Rand labourers, because the Rand labourers consists only of young able-bodied men?—Many of the recruits in the past have been very far from able-bodied, although the majority have been young. The majority of those who came up in 1903 were in very poor condition. There was practically a condition, I believe, almost amounting to famine in certain of the districts of Portuguese territory, and as a result the boys arriving from there were in very poor condition. Dr. Brodie made a specific statement that "between the beginning of September, 1903, and the end of January, 1904, all the East Coast boys, and most of the Northern Transvaal boys arrived in poor condition. In some gangs over 50 per cent. showed definite signs of scurvy." You cannot call these able-bodied men. They were not able-bodied when they came up.

42,912. Was the death rate found to be particularly high at that time?—That was precisely the time of the highest death rate. I believe that investigation will show that during the last two seasons—I do not mean including the season immediately past, but during 1902 and 1903—the mealie crops failed in Portuguese territory very extensively, that the Natives were in a condition of privation in their homes, and that naturally, therefore, they arrived here in poor condition. Since January, 1904, Dr. Brodie informs me that

their condition has very much improved. The crop this year has been very good. What I mean to say is this. If you were to take a body of boys who had lived in the southern part of the Transvaal during the whole of their lives, and subject them to the conditions on mines, I do not believe their death rate would be a high one at all, but you do not have such a state of affairs. I think that this is proved by the investigation we made into the conditions in regard to these thirteen different mines which we made the subject of investigation. One mine, for example, that has 96 per cent. of its complement composed of Portuguese boys, but mainly of boys who have remained on the Rand and who have re-engaged, has a death rate of less than 20 per thousand. When you find also that the death rate of Cape Colony boys on the Rand is only 15 per thousand, of Natal and Zululand Natives 19 per thousand, of Transvaal boys 24 per thousand, and when you remember that the Transvaal boys include a very large number of Pietersburg boys, who come from a sub-tropical district, which is malarial—when you see these low death rates amongst Natives coming from territorial regions whose climatic conditions approximate to those on the Rand, I think you will see that the general conditions of housing and occupation, and so forth, prevailing on the Rand are not responsible for the high death rate to the extent that has been imagined.

42,913. Have you the percentage of the Basutoland boys?—Unfortunately, the number of the Basutoland boys was not very great, and they show a higher death rate—almost as high as that of the Portuguese—but I think the figure as an index of racial mortality is unduly high, as I think time will show. It is a figure that we cannot place very much reliance on. Basutoland Natives have a death rate of 61 per thousand; the Portuguese Natives give 66 per thousand; but the number of Basutoland boys was not great, and, therefore, of course, the figure is less reliable, because the greater the number the more reliable the rate will be as an index of racial mortality.

42,914. Do you not think, in spite of all care that may be taken, and all provision that may be made for these people, that it is inevitable that this underground mining will be an unhealthy occupation?—Mining is certainly an unhealthy occupation. The Cornish miners have the highest death rate of any occupied class in the United Kingdom.

42,915. What is their death rate?—I have not the figures here, but I can submit them to the Commission. In the method employed the rates are worked out as comparative death rates. The average death rate of all males from 25 to 65 is taken as one thousand, and the different occupations are grouped according as their death rates fall above or below that thousand, and, so far as I remember, speaking solely from memory, Cornish miners come in the neighbourhood of 2,000. Taking the average death rate of all males between these ages as one thousand, Cornish miners come to be nearly double. I can give you the exact figures quite easily later on.*

42,916. *Mr. Hamilton.*] Does that mean that the average death rate is nearly twice that of the ordinary death rate?—Yes, taking only the deaths of males between the ages specified, namely 25 to 65.

42,917. *Mr. Sloley.*] If there is an annual death rate of 50 per thousand, it must be considered very high?—Yes. My own impression is that under favourable conditions the death rate amongst mining Natives on the Rand should run somewhere between 30 and 40 per thousand.

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* The exact figure of the comparative mortality of Cornish miners for the period 1880-82 is given by Dr. Ogle as 1839.—L.G.I.

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42,918. *Mr. Hamilton.*] It does actually run at that?—For the first six months of 1904 it was 38; on the other hand, for the last six months of 1903 it was 80.

42,919. *Mr. Sloley.*] Do you not think that a death rate occasionally getting up to 80 per thousand is quite sufficient to give the Kafirs in their kraals the impression that this is a highly dangerous occupation and so deter them from going out to work?—I think it is very likely, when a bad year occurs like 1903. As a matter of fact, I saw a statement—I think it was in one of the reports of the Native Labour Association—that the Portuguese boys themselves are now preferring to come in the hot season, because of their experience in the last cold season.

42,920. According to this chart, there is an enormous rise in the death rate in the cold season?—Yes, in 1903, but you do not find that in 1904; if you look at the chart you will find that the rise is scarcely appreciable in 1904.

42,921. This gives the returns of deaths between November, 1902, and July, 1904; there is a rise in May and June of this year, but not to the same extent?—You will find that May and June, 1904, although showing a little rise, rose, taking the rates from sickness alone, less than the lowest month of 1903. There was no month in 1903 which fell so low. Although the months of May and June and July were very high in 1903, in 1904 they were lower than the lowest in 1903.

42,922. *Mr. Stanford.*] Are any steps being taken to improve the conditions under which East Coast Natives travel to the mines?—That question was gone very fully into by us along with representatives of the Chamber of Mines, because the importance of it was seen, and we recommended that in the first place a stricter selection of recruits should be made, and that there should be stricter medical inspection at the point of entry into the Transvaal, and we also recommended that they should be thoroughly well clothed on the way up. We further recommended that they should be detained in a central compound in Johannesburg before allotment to the mines. Every one of those provisions has now been put into operation.

42,923. With satisfactory results?—That is one of the factors, I think, in the reduction of the death rate.

42,924. *Mr. Thompson.*] In forming your estimate of the death rate, Dr. Irvine, do you take the accidents into consideration?—In the figures that I have given the accidents have been included. The chart, however, shows the deaths from sickness alone separately. The accidents do not amount to very much.

42,925. So that in the event of 40 or 50 Natives being killed by accident, that would appear in the general mortality returns?—Yes, and would alter them very considerably. For example, an accident in April, 1904, by which some 40 Natives were killed was responsible for raising the rate for that month from 23·76 from sickness alone, to 32·88 with accidents included.

42,926. You said that in some cases the Natives went down into the mines with their bottles, and that they contributed to the death rate by negligence through drinking water down in the mines; so that it was really their own fault in some cases?—It is difficult to speak of "fault" with regard to a Native.

42,927. It is his ignorance?—Yes. In the same way he will go to work on the surface with perhaps only a loin cloth on on a bitterly cold day, or he will come up from the mine perhaps without his blanket on and go straight down to the compound. He does not think of clothing himself any better because it is a cold day. That is one factor we have to reckon with: the absolute carelessness

of the Native with regard to clothing; he does not realise what the risks are.

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42,928. Do you not think the system adopted at the De Beers mines of sending water in a pipe underground for the use of the Natives is a good system?—It sounds a good system. In certain of the mines here they have a tap at the shaft head.

42,929. But they do not send water down in a pipe to the mines in any case?—I would not like to say that they may not do it in some cases, but it is not general.

42,930. Did I understand you to say, in answer to a question put to you by Mr. Hamilton, that you could not be quite sure whether two sorts of water were not meted out, one for the white man and one for the Native; and am I to imply that there may be cases where the Europeans have one water and the Natives another?—I should not like to say that that is the case in any of the mines, but I should think it is conceivable that there are mines where such a system does exist.

42,931. Where there are two sources of supply?—I think it conceivable that in the case of some of the mines there are, but I do not wish to make a definite statement on the subject, because I do not know.

42,932. *Mr. Hamilton.*] The high death rate which has been referred to as possibly deterring boys from coming to the mines, as a matter of fact does not exist in the case of Cape Colony boys?—It does not exist in the case of the Cape Colony boys. The death rate of Cape Colony boys, as I said a moment ago, is 15 per thousand.

42,933. *Mr. Thompson.*] Would you not rather put that down to the intelligence of the Cape Colony Natives, and to the fact of their having worked so much longer with white men; they are more careful of the water they drink, and more careful in looking after themselves?—I think it has to be put down to a great many factors. In the first place, the Cape Colony boys mostly work on the surface; in the second place they clothe themselves better; in the third place they are more intelligent and take fewer risks; in the fourth place their climate is more near that of the Rand, and the districts they come from are not highly malarial, if malarial at all; and, lastly, they do not suffer from scurvy on their arrival. They are pretty well fed at their homes, and they are in a pretty good condition when they arrive here. I think that all these factors contribute to the death rate of the Cape Colony boys being lower than that of other boys.

42,934. *Mr. Hamilton.*] Do not some of the mines provide a warm chamber and warm, nourishing drinks for the boys coming up from underground?—A great number of them have soup kitchens or coffee kitchens at the shaft head.

42,935. With the object of minimising the risk of the boy catching cold when he comes up from the mine?—Yes, and I think it is a most excellent provision; that, combined with some facility for allowing the boy to leave his clothing, or some part of it, at the shaft head when he goes down, and of resuming it, dry and warm, when he comes up, would meet every requirement in that respect, and a considerable number of mines make this provision.

Mr. Stanley Archibald Markham Pritchard, examined.

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42,936. *Chairman.*] You are Chief Inspector, attached to the Native Affairs Department, on the mines?—Yes.

42,937. Have you a body of inspecting officers under you?—Yes. Each labour district has a district controller in charge—that is, the larger labour districts. Under the district controller there are a

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number of inspectors, which number depends entirely on the number of mines in the district. These inspectors are charged with the duty of inspecting all mine compounds and the conditions of Native labour, and they are responsible directly to the district controller, who is also an inspector, and who is responsible to me.

42,938. How many officers are employed under you in this duty on the mines?—Including the district controllers, 14.

42,939. Do they devote their time entirely to this work?—Not entirely to the inspection of the mines; a considerable amount of their work is in connection with the pass system administration.

42,940. They are entirely occupied with Natives?—They are absolutely occupied with Natives.

42,941. What are their duties?—To examine and check the registers and passports of Natives employed; to ascertain the number of Natives suffering from sickness and to note the various diseases prevailing. They have to adjudicate any cases, whether offences or disputes, and to transact any business requiring attention; to visit the compounds, hospitals and kitchens; to inspect food stuffs; and generally to enquire into all matters affecting Native labour. These are their duties as mine inspectors.

42,942. As Chief Inspector, are you satisfied that they do these duties?—Yes, certainly.

42,943. Are you satisfied in your mind that the interests of the Natives who are working on the mines are fairly looked after?—I think they are well looked after.

42,944. Do you think that the staff for this purpose is insufficient?—Yes, I do, at the present moment.

42,945. You think it would be better for the Natives if there were a greater number of inspectors?—I think each mine should be visited more frequently, and in that way we would have a better chance of being in touch with the Natives than we are to-day. I do not mean to say that we are not in touch with them, but I should like to see the mines visited more frequently than they are to-day, which is impossible with the present staff.

42,946. Since you have been Chief Inspector, which is since the war, have there been any changes in the matter of the living conditions, diet, hospitals, and so on?—Yes, very material change has been effected on every mine, throughout all labour districts.

42,947. What kind of changes have there been?—The Blue Book, which I believe is in the hands of the Commission, deals with every change which had been effected, as far as I know, up to March of this year, since the institution of our department, which was, roughly speaking, in March of 1902. The changes include changes in the general compound arrangements: in the compound itself, in the sanitation of the compound, especially as regards latrines and urinals, in the feeding of the Natives, in their hospital accommodation, medical attendance, and their general treatment in the hospitals.

42,948. *Mr. Stanford.*] Do you personally inspect the compounds and hospitals?—I do not personally inspect, as a rule, but I make a point of going round the various districts occasionally. In fact, I was on a tour on Monday, when I was asked to come here and give evidence; I was going through the Krugersdorp district.

42,949. How can you judge of the work done unless you yourself visit the compounds frequently and see the working arrangements there?—I must naturally to a great extent trust the senior officers in the district, from whom I get monthly reports; but I have been able by personal inspection to see how each district is administered as regards the inspection of mines.

42,950. Have you visited the Witwatersrand Labour Association's compound?—Yes, I have.

42,951. Are the police there under your control?—No, the police have nothing to do with us.

42,952. Under whose control are they?—Under the control of the Association.

42,953. Can you give us any information as to the arrangements made to assist Natives in the care of their money and the remitting of it to their homes?—There is a deposit and remittance agency attached to the Native Affairs Department.

42,954. Is that under your control?—It is not under my personal control. It used to be, but for certain reasons it was transferred to the control of the Secretary for Native Affairs last November.

42,955. By whom were the improvements to which you referred a little while ago recommended to be made?—In the original instance, I think, by the inspector after consultation with the mine manager.

42,956. Have you any personal knowledge regarding the system of attendance on sick patients in the hospitals?—I have, but the system varies considerably in many of the mine hospitals. There is, of course, the Doctor, and under the Doctor one, or perhaps more, medical attendants; in some hospitals there are white attendants and in some educated coloured attendants.

42,957. *Mr. Samuelson.*] Are you thoroughly acquainted with the language of all these Natives whom you have to superintend?—No; that is a matter of impossibility. There are so many languages spoken on the Rand to-day, that I do not think there is a single man here who is acquainted with them all.

42,958. Are you acquainted with the leading languages?—No; I have a knowledge of Sesuto, and that is the only language I can claim a knowledge of.

42,959. You do not know the Zulu language?—No.

42,960. Or the Cape Colony Native languages?—No.

42,961. What qualifications do you require of your inspectors before appointing them to the position of inspector?—To my mind the first qualification required is that he should be a man of considerable personality, who will have influence, not only over the Natives whom he inspects, but over those who are directly responsible on the mines for the proper treatment of those Natives. He must be a man of absolute integrity and sound common-sense, and certainly be a man who has a knowledge of Natives and how to control them.

42,962. Is the decision as to whether these qualifications are possessed by a man entirely left to yourself for decision, or to whom is it left?—In some cases the appointments have been made direct by the Commissioner for Native Affairs—every appointment is made by the Commissioner for Native Affairs—and in some cases they are made on my recommendation.

42,963. Is it not necessary that they should have a fair knowledge, if not a good knowledge, of one of the leading Native languages?—I think it is desirable, but I would not make it the first necessary qualification.

42,964. Then, how do you expect them to understand the Native or to give ear to any grievances or any complaints the Native may have?—They work through Native interpreters at the present moment, that is those who are not in a position to converse with the Natives in their own language.

42,965. Are none of them qualified in any of the languages of these Natives up here?—Yes, some of them are good linguists.

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42,966. What percentage?—I should say one-fourth would be passed as linguists.

42,967. Can these inspectors demand access to any mine or to any compound in furtherance of their duties?—They are empowered by law to enter any place in any labour district in this Colony in which Natives are.

42,968. Not in mines?—Yes.

42,969. Have you anything to do with the pass system?—Yes, I am the Pass Commissioner of the Colony as far as the labour districts are concerned.

42,970. Have you got inspectors in different parts of the Colony whose duty it is to see that the Natives are fairly treated with regard to the issue of passes?—The two systems, that of the control of the inspection of mines, and that of the control of the pass administration, are amalgamated under me, and the district controllers whom I mentioned as being in charge of the various districts, are really responsible to me for both, having a staff of clerks under them who have the pass administration as their work, and also the mine inspectors.

42,971. Have you inspected Volksrust, for instance?—That is not a labour district.

42,972. You have no control over the issue of passes there?—No, absolutely none; that would be under the Native Commissioner.

42,973. Have you anything to do with the remittance agency?—Nothing whatever.

42,974. Then, you do not know how matters are going at all in that direction at the present time?—As far as I know, it is being more used than it was, but I cannot tell you more than that.

42,975. *Captain Dickson.*] Have you and your sub-inspectors any judicial authority in the mines?—Yes, we are empowered to enquire into contraventions of the Pass Law, breaches of discipline, and into disputes between the Natives themselves. We have the power to inflict a fine up to £5.

42,976. Have you had occasion to fine Natives in the mines?—Yes, we have had frequent occasion, chiefly for being out without a proper pass and wandering abroad on the reef.

42,977. What hours do you keep your pass offices open?—At present, from 9 o'clock in the morning to 5 o'clock in the evening.

42,978. That would be the time that the Natives would be working, would it not?—I should think so.

42,979. So that it is rather difficult for them to get a pass?—I do not quite understand you. It is never difficult for a Native to get a pass.

42,980. If they work from 9 till 5, and the pass office is only open between those hours, it must be rather difficult for them to get a pass, must it not?—Do you mean a pass to visit?

42,981. Yes?—The Native's employer gives him that; his employer can give him a three days' pass.

42,982. Is it for not having this pass or for not having the Government pass that most of these fines are imposed?—For not first going to their compound manager, and getting permission to be away.

42,983. Do you think the compound managers readily give these passes, or do they say, "Come another day," or something of that sort?—To the best of my knowledge they give them readily.

42,984. *Mr. Hamilton.*] In the case of an inspector who does not understand the Native languages himself, and who requires an interpreter, where does he get an interpreter from?—The interpreter is usually of his own selection.

42,985. He is on your staff?—He is on our staff.

42,986. Are you satisfied, then, that your inspectors have no difficulty in getting at the views of the Natives; that is to say, if a Native has any complaint to make, are you satisfied that it does reach your inspector?—I think in the majority of cases it does.

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42,987. *Chairman.*] With regard to one of the questions asked you and your answer, I suppose that at any given time there may be Natives from the Cape, Natal, Basutoland, Bechuanaland, Portuguese territory, and the Transvaal, and even from Central Africa, at work on the mines?—Yes.

42,988. And even from German West Africa and Portuguese Zambesia?—Yes.

42,989. All speaking different languages, more or less?—Yes.

42,990. So that if an inspector who had to deal with such mines knew one language, he would only be able to deal directly with the Natives who spoke that language?—Yes.

42,991. He would require interpreters for the other languages?—Yes.

42,992. *Mr. Samuelson.*] For what offences can the inspectors impose fines?—For breaches of discipline, contraventions of the Pass Law, contraventions of ordinary sanitary regulations, and other such offences.

42,993. They are not, then, particularly offences under Native law?—No, they are only minor contraventions of the law, which it would be a hardship to the mine manager to take to the nearest Magistrate.

42,994. Have these inspectors any judicial training at all; have they to pass any examination?—No.

42,995. May they punish for masters and servants offences?—No, unless the offence can be looked upon as a breach of discipline. In minor cases not necessary to remit to the Magistrate they can punish the offenders.

42,996. And there is no provision for any appeal from these semi-judicial officers to any Court?—In what way do you mean provision?

42,997. There is no provision by law for appeal to any higher Court?—No, there is not.

42,998. Are you an Appellate Court from your subordinates?—I would be; that is the position, but there has not yet been an appeal, except, I may say, in one or two cases where law agents took the case up.

42,999. Have you power of review?—I review every case.

43,000. There is no imprisonment?—No.

43,001. It is only a fine?—It is only a fine.

43,002. If a Native does not pay the fine, what do you do with him then?—An order is given upon the manager of the mine to deduct so much from the Native's wages.

43,003. And what becomes of the fines?—They are paid to the Treasury.

43,004. Are they paid direct by the inspectors?—The inspector now pays in to the district controller, who pays into the Receiver of Revenue.

Mr. Thomas John Malcolm Macfarlane, examined.

43,005. *Chairman.*] Mr. Macfarlane, you are the General Manager of the Native Labour Association?—Yes.

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43,006. And I believe you have been in the country a good many years?—Yes. I have here a *précis* of evidence I would like to put in as part of my evidence before the Commission.

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43,007. Upon what subjects?—On Native labour and liquor traffic. This statement gives particulars of the work done during this year, amplifying the information submitted to the Labour Commission:

PRECIS OF EVIDENCE BY T. J. M. MACFARLANE, GENERAL MANAGER OF THE WITWATERSRAND NATIVE LABOUR ASSOCIATION, LIMITED.

I appear before the Commission to give evidence on behalf of the Witwatersrand Native Labour Association, Ltd., and the Chamber of Mines, on the subjects of Native labour and liquor traffic.

With regard to the various other important questions embodied in the Heads of Evidence for examination of witnesses, many of which have important political bearing, and upon some of which no doubt the Commission is already in possession of full official information, it is not proposed to deal in the evidence I have to submit.

Having lived in South Africa all my life, and having been accustomed to the employment and control of Natives on railway and mining works for many years, I have some knowledge of the Natives of the various South African tribes.

Native Labour.

I beg to submit the last Annual Report of the Board of Management of the Witwatersrand Native Labour Association, Limited, for the year ending 31st December, 1903, marked "A," supplemented by tabulated statements marked "B," "C," and "D," and Charts Nos. 1, 2, and 6, giving further information of the operations of the Association up to the 30th September, 1904.

The greatest difficulty continues to be experienced in procuring a sufficient supply of Native labour for the mines. The 136 gold mines and collieries, who are members of the Association, require 177,839 Natives to work their several properties to the best advantage at the present time. Against this number there were employed on the 30th September last, 74,578 Natives, approximately 42 per cent. of the required number. The number employed has not appreciably increased during the past twelve months, as will be seen from the table "C" and Chart No. 1. An examination of the statistics of the several South African Colonies and Territories will show that probably not less than 10 per cent. of the total Native population are now employed in industrial and domestic service under European employers, and while it appears that there is a tendency towards a gradual increase in this percentage, the numbers increase too slowly to meet the urgent and increasing demands of the country for unskilled labour. The chief cause of this state of affairs is no doubt due to the fact that the South African Native, accustomed as he has been to live on the land as a stock-keeper and agriculturist and still being in possession of the means to continue to live in this manner, is slow to give up what he considers are the ideal conditions of life in order to take up industrial employment for wages. An examination of table "D" will show that only 25·35 per cent. of the Native labour employed on the mines comes from British territory in South Africa, by far the greater proportion of the supply being obtained from Portuguese territory on the East Coast. The present rate of wage for Natives on the mines ranges from 1s. 6d. to

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2s. per day, according to the capacity of the worker; in certain classes of work, somewhat higher rates are paid; and by means of piecework it is possible for these earnings to be increased. In addition to the cash wage, the Natives on the mines are supplied gratis with food and lodging and also with medical attendance in cases of sickness. It is considered that any increase on these rates would not add to the number of workers in any commensurate degree, and the general effect of any such increase of pay would tend to raise the general rate of pay throughout the country, without a corresponding increase in the number of labourers.

Liquor Traffic.

Under this head it is desired to put forward the following statement:—

The Chamber of Mines and the mining industry have for years been consistently and strenuously opposed to the sale of intoxicating liquor to Natives. Prior to the war, notwithstanding the prohibition laws then in force, the traffic in intoxicating liquor amongst Natives assumed alarming proportions and became a source of serious demoralisation to the Natives themselves and largely decreased the efficiency of the working complement of the Natives employed on the mines. The chief causes of this evil were the maladministration of the existing laws on the subject and the continued illicit sale of strong drink of a quality unfit for human consumption. The attitude of the Chamber of Mines remains unchanged on this question of the supply of spirituous liquor to Natives, for the reason that even assuming that a certain limited quantity of liquor might be consumed by mine Natives without injurious effect, the difficulty of controlling such issue in the case of Natives practically makes it impossible to permit any departure from strict prohibition. The Chamber, however, after due consideration, and after consultations with officials, mine managers, and others, on the subject, have arrived at the opinion that a relaxation in the present liquor law, in so far as the sale of Kafir beer under proper regulations to Natives on the mines is concerned, would be beneficial. As the Commission is aware, the Transvaal law permits mining companies under certain conditions to issue Kafir beer to their Native employes as a ration, gratis. While this ration is much appreciated by the Natives and is recognised by the medical officers of the mines as an important adjunct in the Natives' diet, conducive to their general good health, it is found that the supply which the mines are able to give their employés in this manner does not nearly meet the requirements of the Natives, who, in their endeavour to supplement the ration, have recourse to illicit additional supplies, and owing to this demand the illicit manufacture and sale of Kafir beer is largely on the increase and is becoming the source of considerable trouble along the Rand. There are insuperable difficulties in suppressing the illicit manufacture and sale of large quantities of this beer. The illicit manufacture has also the disadvantage that the product is sophisticated by the addition of Native drugs and methylated spirits and every other stimulant which can be procured. The Chamber is of opinion that as it is proved impossible to restrict the Natives to the limited quantity of Kafir beer which the mining companies make and give, as part of their rations, it should now be carefully considered whether some scheme for the manufacture and sale to Natives working on the mines could be devised. Any such scheme

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must, of course, be most carefully safeguarded, both as to the quantity to be supplied and ensuring a low alcoholic percentage, and it is recognised that the whole matter should be considered on the lines of what is known as the Gothenburg system. It is considered that the advantages to be derived from such a system would be three-fold, viz.:—

(1) The privilege thus granted would render the Natives more contented and more inclined to prolong their stay on the Rand.
(2) The controlled sale of beer would reduce the illicit liquor traffic and render it more easily controlled.
(3) The Government might reasonably expect to derive a substantial revenue from the sale. Any surplus revenue which might accrue from the sale of Kafir beer might be devoted to some public purpose of a charitable nature, while the supervision by the Government would protect the system from any possible abuse.

Kafir Stores and Eating Houses on Mining Properties.

A further matter which it is considered by the Chamber would add to the contentment and satisfaction of Native labourers on the mines is the establishment along the reef on the properties of mining companies of Kafir stores and eating-houses, at which Natives would have facilities for buying Kafir truck of all kinds and provisions. It is considered that the presence of such stores and eating-houses in sufficient numbers would serve two useful purposes: they would afford the Natives means of obtaining at any time the articles they require, and would open up additional opportunities of trade to small traders and the merchants who support them. It is essential that the establishment of such stores on mining properties should be subject to the approval of the mining companies concerned, and under licence from the proper authorities. It is of the greatest importance that such stores should be conducted by responsible persons of good repute on the best lines and under proper safeguards to avoid abuses. The experience of the mining industry before the war of the grave evils such as drink traffic and amalgam thefts, which arose in connection with the Kafir stores and eating-houses kept by low-class aliens along the reef, makes it necessary that the tenure of such licensed places should be subject to good behaviour and the approval of the company upon whose property the store stands.

43,008. You recruit labourers from all parts of South Africa?—Yes.

43,009. There have been from time to time a great many statements and complaints about the way Natives are treated when they are recruited and brought up to the Witwatersrand. Have there been any changes recently in the method of treatment, housing, and feeding, and transport of the Natives?—In the matter of transport there has been considerable improvement on the railways. At one time, owing to the disorganisation resulting from the war, it was difficult to afford adequate accommodation and a good railway service, but I think that all those points have now been satisfactorily

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arranged on all the railway systems. The matter of feeding Natives *en route* to the fields has also been put on a satisfactory basis. The Natives are fed and sheltered practically from the time they leave their homes until they arrive on the mines.

43,010. Were you speaking of those who came along the railway or those who came across country?—In both cases. Of course, those who are brought up from the Cape Colony, from the Portuguese East Coast, and from the Northern Transvaal, are all brought by rail. It is chiefly those from Bechuanaland and Rhodesia who partly come by rail and partly by road. They walk the distance from Mafeking to Krugersdorp, and on this section rest houses are provided at the termimation of each day's march, so that the Natives have shelter each night, and ample feeding is provided.

43,011. Have you had much trouble in connection wtih Natives who have been recruited and sent forward, who have been physically unfit?—A certain proportion, perhaps 12·5 per cent., of the Natives who pass through our hands are not fit for allotment to the mines at the time of their arrival. Those, I may say, however, are chiefly Natives from tropical areas in Portuguese territory. The Natives generally of South Africa arrive in a healthy state; it is only a small proportion of those who require detention in order to render them fit for work.

43,012. What do you do now to satisfy yourself if a man is physically fit to go and work or not?—Every Native who passes through the Association's hands undergoes a careful medical inspection. A medical officer devotes a certain number of hours each day to making a careful inspection of each day's supply as it comes in, and all those who are apparently, from examination, in a fit state to go to work are allotted immediately, while those who it is considered should be detained from one cause or another are kept for various periods. The average period of this detention at our local depôt is about eleven days at present. The Natives are gradually passed out of this detention depôt to the mines, and they are only passed out when they are considered and certified as fit for work by the Doctor. In connection with the detention depôt, hospital accommodation is available for cases of serious illness.

43,013. In case of sickness they are treated, but in case of weakness?—They are detained and tended and rendered fit for service as soon as possible.

43,014. And that moment of fitness is determined by the medical man?—Yes, he is the sole judge.

43,015. You spoke about liquor; what have you to state about liquor?—It is in connection with Kafir beer. The manufacture and sale of Kafir beer on the mines is recommended by the Chamber of Mines, under adequate control, preferably Government control, such as is understood as the Gothenburg system. It is the opinion of the Chamber that the present prohibition of the sale of drink to Natives should be so far relaxed as to permit of the sale of a certain quantity of Kafir beer to mine Natives in the compounds.

43,016. Do you mean that the Government should set up plant and apparatus for the making of Kafir beer all over the Witwatersrand?—That is the feeling of the Chamber, that it should be done by the Government.

43,017. And sold to the Natives?—And sold to the Natives.

43,018. What objects do you have in your mind in suggesting that?—It is found that by the present arrangements under which

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mining companies are permitted to issue a certain amount of Kafir beer to Natives, while it is very much appreciated, the quantity is not sufficient. The mining companies do not feel prepared to issue a sufficient ration gratis, and the Natives, in order to make up their supply, have recourse to illicit purchase. There is a considerable amount of illicit Kafir beer being made, and there is a great difficulty in checking this practice. It is thought that if arrangements were made whereby Natives could buy a reasonable amount to satisfy them in the compounds the illicit difficulty would be to a great extent reduced.

43,019. Then is it for the purpose of gratifying their taste for Kafir beer or for health purposes that you suggest this?—For both. It is recognised that Kafir beer is one of the chief diets of the Natives in their homes. They themselves feel the want of it greatly when they come to the mines and are deprived of it or can only obtain it in very small quantities. Nearly all the medical men on the mines are agreed that it is an excellent addition to their diet and tends to keep them in good health, and it is thought, further, that it would make the Natives more contented to remain for longer periods on the fields, especially as regards the Natives from Portuguese East Africa.

43,020. Just the mere ability to get as much Kafir beer as they wish?—Of course, I take it, a reasonable limit would be fixed to the amount. It would not be sold in absolutely unlimited quantities, but a reasonable limit no doubt would be fixed.

43,021. This being under Government control, Government would regulate the price?—Government would regulate the price, conduct the manufacture, and practically run the trade. It would be entirely a Government organisation under Government administration; no private individual would have any interest whatever in it.

43,022. Do you think it should be run for profit?—It would be necessary that prices should be so fixed as to cover the cost of manufacture, administration, inspection, and so on, and any excess might be used for such purposes as the Government might deem desirable for the benefit of the Natives themselves: charitable purposes or otherwise.

43,023. Have you any complaints to make against any of the railway systems as to the way Natives are now treated who are coming up under your organisation?—At present not. There are minor points which arise from time to time which are always at once met by the administrations concerned as they are brought to their notice.

43,024. *Mr. Stanford.*] Is the labour supply improving at present?—Yes, there is a considerable improvement at the present moment.

43,025. Have you reason to think that it will continue to improve?—I think the present improvement is seasonal, that is to say, it happens at this particular time of the year; but I anticipate that when the summer comes on, with the rains, the supply will be checked again. That is our experience in the past.

43,026. I observed the other day some groups of Pondos in one of the mining compounds; their coming to the Rand is a new feature, is it not?—Yes, it is; I think it is only since some eighteen months ago that we have obtained Pondos.

43,027. What character do they bear?—Very good.

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43,028. Is it still the practice that labourers arriving from all parts of the country are first taken to your compound?—It is so.

43,029. Do you allow freedom of choice in respect of the sphere of work?—Absolutely.

43,030. And how is that affecting the distribution?—It makes it somewhat difficult to maintain the allotments as we might wish in some cases. However, it has been established that the course of free option has been permitted, and we abide by that. I might say that some 33 per cent. of the incoming supplies from certain districts, who are in the habit of making such selections, are so allotted.

43,031. Has this concession tended to make the people more satisfied?—I believe it has.

43,032. Do you find that in distributing themselves they follow a sort of tribal dividing line?—Yes; they wish, I think, to be amongst friends.

43,033. Have you police in your compound?—They are not sworn in as police. They are simply Native overseers, you might call them.

43,034. Are they paid and controlled by your Association?—Yes.

43,035. Are they armed at all?—No.

43,036. Do they carry sticks or sjamboks?—They may carry sjamboks.

43,037. Do they use those sjamboks in handling the men under their control?—No, it is merely a sort of sign of office; it is not used in any way as an implement of punishment.

43,038. Do you not think it would be to your advantage to remove that sign of office in view of the complaints generally prevalent that sjamboks are used by the overseers?—I certainly would have no objection whatever to removing the sjambok or stick, as the case may be.

43,039. Do you assist the Natives in any way in remitting their money or taking care of it?—No, that is done through Government channels.

43,040. Are labour agents throughout the country generally under your control?—There are labour agents employed outside the jurisdiction of the Labour Association, of course; they are engaged by other employers than the mines.

43,041. But you have a large staff of your own?—We have a large staff.

43,042. Are they performing their duty satisfactorily to your Association?—Entirely.

43,043. *Mr. Thompson.*] It is possible, Mr. Macfarlane, for any white man to go into a district and bring you a number of boys and you would accept them; for instance, if a man on his own account were to get you 100 boys, would you take them from him?—Yes.

43,044. You would pay him so much per head?—Yes.

43,045. When you used the word "allotment," was it not rather a wrong word to use to express your idea. You do not allot them in the true sense; you just pass them on to the different mines?—Yes.

43,046. The word "allotment" implies that ten are sent to this mine and ten to the other?—I might explain that in the case of Natives having no particular wish, making no selection, and being indifferent to what mine they go to, we do allot them as the labour position of the respective mines requires.

43,047. *Mr. Samuelson.*] There is no *pro rata* allotment in the true

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sense of the word?—No, it is impossible to make a *pro rata* allotment strictly.

43,048. May no mine employ labour except through the Rand Labour Association?—None who are members of the Association; no mine which is a member of the Association may employ Native labour otherwise than through the Association.

43,049. There are those who are not members?—There are some who are not.

43,050. Is it permissible for a man to bring, say, 100 Natives as his own servants, place them on any of the mines which are members of the Labour Association, receive payment himself for the services of those Natives, and pay the Natives on their return to their homes whatever he has arranged with them at their homes to pay them?—Any Native employed by a member of the Association must be registered as a servant to that mine.

43,051. Are there no cases where contractors of labour supply Natives, their own servants, and are paid for them?—I believe that that does exist.

43,052. Is it contrary to any law here or to any regulation of the Labour Association?—Not as far as I know.

43,053. It is permissible?—So far as the Labour Association is concerned, if the Natives in question are registered to the mine, there is no objection. The condition is that every Native in the employ of a mine shall be registered to that particular mine.

43,054. Then it is possible for any man to really trade in the labour of Natives and appropriate for himself the difference between the wages he pays them and what he is paid for them by the mine?—It is possible.

43,055. Is the Labour Association always careful to get the correct address and direction of any Native who passes through its hands to the mines?—Yes, full particulars are registered of each individual Native.

43,056. What is done in the case of Natives who die while in the service of the mines who pass through the Labour Association; how are their estates administered, if any?—Through the Governments concerned; through the Governments from whose territories those Natives come.

43,057. Does the Association communicate direct with the Governments?—No.

43,058. Are there no cases where the property of Natives in money, or otherwise, has been lost to their families through want of identification of their relatives?—Not so far as I know in connection with the Association.

43,059. There are no unclaimed moneys on hand?—No; Natives very seldom arrive here with money.

43,060. I mean moneys left by deceased Natives?—No; as I say, the incoming Native hardly ever brings any money with him.

43,061. He might die whilst in service?—That is a matter with which the Association does not deal. After the Native has been allotted to the mine then it becomes a matter for the mine to report to the proper quarters in respect of any such case of death.

43,062. Do you know that that is done?—I believe it is.

43,063. *Mr. Hamilton.*] What is the proper course?—Notification to the Native Affairs Department.

43,064. *Mr. Samuelson.*] Have you had occasion to study the pass system in vogue in the different Colonies in South Africa and here?—In the Transvaal, yes.

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43,065. Do you wish to make any remarks with regard to the pass system as it affects the Natives and their movements?—No, I have no statements to make on that.

43,066. With regard to other Colonies, you have nothing to say?—No.

43,067. Is the cost of treatment during illness, however short the illness may be, deducted from the wages of the Native?—No, it is not.

43,068. The Native is not put under stoppages through absence owing to illness?—He is not paid his wages during absence through illness, but no charge is made for medical attendance.

43,069. Do the Natives work by the month, or by shift, generally?—They are registered by the day.

43,070. Do they do their work by the task or by the day?—It is done in both ways. The registration is by the day, but it is possible for the Native to earn additional money by means of piece work.

43,071. Is work by the piece found to be satisfactory in the case of the Natives?—It is the endeavour, I believe, of mines to extend that system as much as possible.

43,072. Is it found to be working well?—It works well so far as it has gone.

43,073. Do the Natives earn more in that way per day than they would otherwise do?—Yes.

43,074. Do the mines keep the money for these Natives in trust for them and pay them at the time of their departure, or are they paid at the end of the day, or at the end of every week?—The practice on the mines is to have a weekly pay day, at which all the Natives who have completed thirty days prior to that pay day are paid.

43,075. Are the Natives assisted at all by the mines to keep their money to enable them to take home with them as much money as they possibly can?—The cash is paid to the Native, and it depends on the individual as to what he does with it.

43,076. I do not know whether you wish to correct yourself or not in a reply you made to the Chairman at the very commencement. The Chairman asked you whether your Association recruited in all parts of South Africa, and you said "Yes"?—Yes, I must exclude Natal and Zululand. That territory is debarred from the operations of the Association under the Natal law, and if we include Rhodesia in South Africa, that territory also should be excluded. We have at the present time certain arrangements whereby the Rhodesian Native Labour Bureau acts as our agents, and sends any surplus labour from Rhodesia to the Transvaal, but under present conditions the Association does not actively recruit in Rhodesia.

43,077. Was the appointment of Inspectors to exercise a certain amount of judicial power done by the desire of the Labour Association?—Do you mean the Inspectors under the Native Affairs Department?

43,078. Yes?—No, I do not know that the Labour Association ever took action in the matter.

43,079. Do you think that is a good system by which men untrained judicially, and who are Inspectors, should have the power to fine without any appeal really to any higher Court?—I understand that the judicial powers are limited to comparatively trivial offences, the punishments of which are light. In such cases I see no objection to that procedure.

43,080. You find that that system is working satisfactorily and with justice towards the Natives?—I believe so.

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sense of the word?—No, it is impossible to make a *pro rata* allotment strictly.

43,048. May no mine employ labour except through the Rand Labour Association?—None who are members of the Association; no mine which is a member of the Association may employ Native labour otherwise than through the Association.

43,049. There are those who are not members?—There are some who are not.

43,050. Is it permissible for a man to bring, say, 100 Natives as his own servants, place them on any of the mines which are members of the Labour Association, receive payment himself for the services of those Natives, and pay the Natives on their return to their homes whatever he has arranged with them at their homes to pay them?—Any Native employed by a member of the Association must be registered as a servant to that mine.

43,051. Are there no cases where contractors of labour supply Natives, their own servants, and are paid for them?—I believe that that does exist.

43,052. Is it contrary to any law here or to any regulation of the Labour Association?—Not as far as I know.

43,053. It is permissible?—So far as the Labour Association is concerned, if the Natives in question are registered to the mine, there is no objection. The condition is that every Native in the employ of a mine shall be registered to that particular mine.

43,054. Then it is possible for any man to really trade in the labour of Natives and appropriate for himself the difference between the wages he pays them and what he is paid for them by the mine?—It is possible.

43,055. Is the Labour Association always careful to get the correct address and direction of any Native who passes through its hands to the mines?—Yes, full particulars are registered of each individual Native.

43,056. What is done in the case of Natives who die while in the service of the mines who pass through the Labour Association; how are their estates administered, if any?—Through the Governments concerned; through the Governments from whose territories those Natives come.

43,057. Does the Association communicate direct with the Governments?—No.

43,058. Are there no cases where the property of Natives in money, or otherwise, has been lost to their families through want of identification of their relatives?—Not so far as I know in connection with the Association.

43,059. There are no unclaimed moneys on hand?—No; Natives very seldom arrive here with money.

43,060. I mean moneys left by deceased Natives?—No; as I say, the incoming Native hardly ever brings any money with him.

43,061. He might die whilst in service?—That is a matter with which the Association does not deal. After the Native has been allotted to the mine then it becomes a matter for the mine to report to the proper quarters in respect of any such case of death.

43,062. Do you know that that is done?—I believe it is.

43,063. *Mr. Hamilton.*] What is the proper course?—Notification to the Native Affairs Department.

43,064. *Mr. Samuelson.*] Have you had occasion to study the pass system in vogue in the different Colonies in South Africa and here?—In the Transvaal, yes.

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43,065. Do you wish to make any remarks with regard to the pass system as it affects the Natives and their movements?—No, I have no statements to make on that.

43,066. With regard to other Colonies, you have nothing to say?—No.

43,067. Is the cost of treatment during illness, however short the illness may be, deducted from the wages of the Native?—No, it is not.

43,068. The Native is not put under stoppages through absence owing to illness?—He is not paid his wages during absence through illness, but no charge is made for medical attendance.

43,069. Do the Natives work by the month, or by shift, generally?—They are registered by the day.

43,070. Do they do their work by the task or by the day?—It is done in both ways. The registration is by the day, but it is possible for the Native to earn additional money by means of piece work.

43,071. Is work by the piece found to be satisfactory in the case of the Natives?—It is the endeavour, I believe, of mines to extend that system as much as possible.

43,072. Is it found to be working well?—It works well so far as it has gone.

43,073. Do the Natives earn more in that way per day than they would otherwise do?—Yes.

43,074. Do the mines keep the money for these Natives in trust for them and pay them at the time of their departure, or are they paid at the end of the day, or at the end of every week?—The practice on the mines is to have a weekly pay day, at which all the Natives who have completed thirty days prior to that pay day are paid.

43,075. Are the Natives assisted at all by the mines to keep their money to enable them to take home with them as much money as they possibly can?—The cash is paid to the Native, and it depends on the individual as to what he does with it.

43,076. I do not know whether you wish to correct yourself or not in a reply you made to the Chairman at the very commencement. The Chairman asked you whether your Association recruited in all parts of South Africa, and you said "Yes"?—Yes, I must exclude Natal and Zululand. That territory is debarred from the operations of the Association under the Natal law, and if we include Rhodesia in South Africa, that territory also should be excluded. We have at the present time certain arrangements whereby the Rhodesian Native Labour Bureau acts as our agents, and sends any surplus labour from Rhodesia to the Transvaal, but under present conditions the Association does not actively recruit in Rhodesia.

43,077. Was the appointment of Inspectors to exercise a certain amount of judicial power done by the desire of the Labour Association?—Do you mean the Inspectors under the Native Affairs Department?

43,078. Yes?—No, I do not know that the Labour Association ever took action in the matter.

43,079. Do you think that is a good system by which men untrained judicially, and who are Inspectors, should have the power to fine without any appeal really to any higher Court?—I understand that the judicial powers are limited to comparatively trivial offences, the punishments of which are light. In such cases I see no objection to that procedure.

43,080. You find that that system is working satisfactorily and with justice towards the Natives?—I believe so.

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43,081. *Mr. Campbell.*] Do you not think that it would cause a great deal of drunkenness and depravity in compounds if the Natives were allowed to buy Kafir beer?—No, I do not think so. I think under proper adequate Government control the thing could be worked excellently well and with the greatest advantage.

43,082. Would you run it on the same lines as the Public House Trust Company?—I should say entirely under Government control; to be controlled by Government and to be administered by Government, no private individual having any interest in the matter whatever.

43,083. What objection is there to the present system, each compound making its own?—The present issue of beer?

43,084. Yes?—Well, I think it does not meet the case.

43,085. In what way?—In quantity. The Native does not obtain what he would like to get, the consequence being that he has recourse to illicit means of obtaining additional supplies.

43,086. You say he does not now get the quantity he wants; would it do him any good if he did get the quantity he wanted?—I think it would. It would make him more satisfied and contented, I think. He misses it when he comes here, especially the Native from the Portuguese East Coast. He misses it very much. He has been accustomed from childhood, not alone to Kafir beer, but to drinks of various kinds, and the total prohibition of it has, I think, considerable influence.

43,087. What objection is there, or difficulty, for the compounds to increase the quantity?—I think it is to some extent a question of cost. I think that the mines feel they are hardly called upon to supply what a Native might wish to buy and would be prepared to buy at a reasonable price.

43,088. Do you want this cost to be borne by the Government?—It is suggested that the whole thing should be run by the Government.

43,089. Do you approve of this?—I do.

43,090. *Mr. De la Harpe.*] What is the longest period you have known these Natives to work in the mines?—The longest period extends into many years.

43,091. Some few?—Some few, yes.

43,092. Not many?—I could not give you actual figures off-hand. It would be a comparatively small percentage, and that only confined to certain tribes.

43,093. Those are Natives coming from far off?—The Natives who generally stay and re-engage for longer periods than others are the Portuguese East Coast Natives; the Natives from British South African territories, as a rule, do not re-engage after their period of service, which is generally six months.

43,094. *Captain Dickson.*] Do you visit the mines often?—Yes.

43,095. Have you had any complaints about those fines inflicted by Inspectors for trivial offences?—I have never been notified of any complaints.

43,096. Do you think this system of an Inspector of Natives having judicial authority is a good one, even to a limited extent?—I think it is desirable that an official of the Government should be in a position to deal with offences, such as are referred to, on the spot at the compounds. The control of Compound Managers has been so far reduced that it is necessary that someone should have authority to deal summarily in such cases, and, if it cannot be the Compound Manager, then it should be a Government official who

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can on the spot deal with such cases without delay and settle them at once.

43,097. *Mr. Hamilton.*] How many hours constitute a Native's working day?—The ordinary working hours on a mine are 56 a week; that is, five days of ten hours, and Saturday six hours. That is the usual recognised working time. As a matter of fact, of course, large number of Natives do not work anything like that time. By means of various classes of work their task is completed before the expiration of the full working day.

43,098. What I would like to get from you is how many hours out of the twenty-four does the average Native work?—He is not supposed to work more than ten.

43,099. As a maximum?—As a maximum, and, as a matter of fact, the average would be considerably less than that.

43,100. Does it often happen that a Native's day's work is over by 12 o'clock?—Yes, that is frequently the case.

43,101. Does the Native pay for Kafir beer which is supplied by the mines?—No, it is issued gratis by the mines as part of the rations.

43,102. Which explains the fact that the issue must necessarily have some reasonable limit?—Exactly.

43,103. The suggestion that the Governmment should do what is necessary does not involve any loss to the Government; you propose that the Government sell the beer to the Native?—Yes, that the Government recoup the cost of the manufacture and administration from the sale price.

43,104. And that subject to regulations the Native should be able to buy any quantity he wants?—I take it some reasonable limit would be required.

43,105. Subject to the regulations?—Yes, subject to the regulations.

43,106. There is no ground whatever for suggesting the throwing of the burden of the cost on the Government?—No.

43,107. To what do you attribute the difficulty which the Labour Association and its predecessors, and the mines themselves, have had in getting labour?—I consider that under the conditions it has not been possible to expect very much more labour than we are getting to-day. The Native from long habit is a stock-raiser and an agriculturist. He has been accustomed to live in that way. He still has the means at hand to pursue that occupation of life which he looks upon practically as his ideal life, and, I think, that accounts for his slowness in taking up industrial work for wages.

43,108. In other words the greater part of the Native population are under no necessity to come to the mines?—Exactly.

43,109. We have been told that there is a high death rate among the Basuto Native labourers. It has been explained that there are only a few of them, and that the arithmetical average, although it appears high, being drawn from a limited number of figures, is perhaps not altogether a correct guide to what actually happens. Could you tell the Commission at all about the death rate among the Basuto?—I do not know how I can explain the death rate among the Natives of Basutoland being higher than among those from Cape Colony, say. The Natives themselves appear to be of good physique, and generally arrive here in a good state of health, and I am really rather at a loss to explain the cause of any higher average amongst these people. Certainly, the numbers that we receive from Basutoland are small, and possibly the apparently high average may be caused by that.

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43,110. That a good many of them die there is no question?—Yes, that is so.

43,111. Do you know whether the fact has attracted the attention of the persons interested, and that it is being enquired into at all?—I have not the figures at hand to compare them, but I do not think that they are largely in excess of the average for South African Natives. I believe they are higher.

43,112. Are the overseers in your depôt, to which reference has been made, Natives?—Reference has been made to Natives who might in individual instances have been carrying sjamboks, but it is not the general custom.

43,113. They are Natives?—They are Natives.

43,114. Have you had any complaints from the boys as to the abuse of the sjambok by those overseers?—None whatever.

43,115. Is your depôt inspected by the Government Inspector?—I do not think it is; at least, I am not sure.

43,116. In regard to the farming of Natives by contractors, to which reference has been made: that is to say, a white man employs a number of Natives, arranges his own terms with them, and then farms them out to a mine, and draws their pay from the mine; is that an arrangement which meets with favour by your Association, or is it an arrangement which they do their best to discourage?—I believe it is an arrangement which applies specially to some Natives from Natal,—by mutual arrangement with contractors living in Natal. It is a matter, as far as I know, of a mutual arrangement between the contractor and the Natives.

43,117. Could a man recruit Natives in this Colony in that way?—No, as far as I know, it only applies to Natives from Natal, and from nowhere else.

43,118. A man requires a licence, does he not, to recruit here?—Yes.

43,119. May we take it that it would be the wish of the Association and of the mine-owners that the amount of pay which the mines give should reach the boys themselves?—That would be the most satisfactory arrangement. I believe, of course, the contractor has certain expenses in connection with the transport and delivery of the boys.

43,120. It would be in no sense to the interest of the mines that part of the monthly pay for their labour should be diverted into intermediate profits?—Quite so.

43,121. *Mr. Sloley.*] You do not sanction the arrangement?—It is not one which comes within the knowledge of the Association. The Association has no power to recruit in Natal. Any Natives who are obtained from Natal individually by mining companies in such a way as that is really not a matter which concerns the Association, as long as the Natives are registered to the company.

43,122. *Mr. Hamilton.*] They are not responsible for it, and there is no control?—That is so.

43,123. You no doubt have the idea that there should be a location, or locations, somewhere within striking distance of the centres of the mining industry, where the wives and families of Native labourers might reside while the men were working in the district. What do you think would be the effect on the labour supply and the length of service rendered by Natives if such a system were adopted?—I think it would tend to good results. It would be necessary, of course, that such locations should be very well administered, as the places would always tend to become troublesome from illicit

liquor making, and so on, but, under proper control, I believe that it would attract a certain proportion of labour that would remain longer at the mines.

43,124. You think that really properly managed, and abuses guarded against, it would increase the supply and increase the permanency?—I believe so.

43,125. *Mr. Sloley.*] Is there an increasing tendency on the part of the labourers to re-engage?—No, I think it is more or less stationary; the percentage of re-engagements is practically stationary.

43,126. What is the usual period of engagement?—In the case of Natives from South African Colonies six months generally, but in Basutoland and Bechuanaland contracts are made for four months, as it was found that the Natives from those two territories had very strong objections to entering upon engagements for longer than four months. From other territories, Portuguese East Coast territories, engagements are for one year.

43,127. How many Natives pass through the hands of your Association in the course of the year?—Last year some 85,000.

43,128. Is that from British South Africa, or Portuguese territory?—From all sources. I have the information here in detail if you wish to have it.

43,129. *Chairman.*] 85,000 come in?—There were 85,000 recruits last year.

43,130. And going back?—I will give you the exact figures from the report.

43,131. *Mr. Hamilton.*] Could you tell the Commission what proportion of this 85,000 came from territories outside British South Africa?—The figures for 1903 of the Natives distributed through members of the Association amounted to 84,324, of which 11,173 were from the Transvaal; 271 from Swaziland; Bechuanaland, 2,654; Orange River Colony, 48; Cape Colony, 7,034; Basutoland, 1,989; local engagements—that is, Natives engaged locally by members of the Labour Association—14,656; and from foreign districts, the Province of Mozambique south of latitude 22, 43,359; Quilimane district, 439; Mozambique district, 1,072; Beira, 83; B.C.A. Protectorate, 928; German South-West Africa, 618;—the large proportion being from foreign territories.

43,132. *Mr. Sloley.*] Would local engagements include re-engagements?—They would include re-engagements; perhaps two-thirds would be re-engagements. On the question of eating-houses, there is something which I wished to state. A further matter which it is considered by the Chamber would add to the contentment and satisfaction of Native labourers on the mines, is the establishment along the reef on the properties of mining companies of Kafir stores and eating-houses, at which Natives would have facilities for buying Kafir truck and all kinds of provisions. It is considered that the presence of such stores and eating-houses in sufficient numbers would serve two useful purposes: it would afford the Natives the means of obtaining at any time the articles they require, and open up additional opportunities of trade to small traders and the merchants who support them. It is essential that the establishment of such stores on mining property should be subject to the approval of the mining companies concerned, and under licence from the proper authorities. It is of the greatest importance that such stores should be conducted by responsible persons of good repute, on the best lines, with proper safeguards to avoid abuses. The experience of the mining industry before the war of the great evils such as the drink traffic and amalgam thefts, which arose in connection with the

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Kafir stores and eating-houses kept by low-class aliens along the reef, makes it necessary that the tenure of such licensed places should be subject to good behaviour and the approval of the company on whose property such stores stand.

43,133. *Mr. Hamilton.*] What hinders the creation of such places now?—I believe that the law does not provide for the establishment of such places.

43,134. *Chairman.*] Do you refer to the Gold Law?—Yes, I think so.

43,135. *Captain Dickson.*] What distance have those boys to go if they want anything?—In some cases they have got to go to the nearest town, such as Boksburg, or Krugersdorp, or Germiston.

43,136. *Chairman.*] Is there not a store at or near most of the mines?—I do not think they are in sufficient numbers to meet the demand.

43,137. *Mr. Hamilton.*] The Chamber of Mines would ask whether the mines concerned approved of the opening of such a place?—Exactly. There is a matter on which I should like to correct myself. In reply to Mr. Hamilton, I think I said that the Inspectors of the Native Affairs Department did not visit our depôt. I was under a misapprehension. I believe that visits are made by the Inspectors.

43,138. *Chairman.*] You give the answer that your depôt is inspected by the Government Inspectors?—Yes.

43,139. Have any complaints been made by them to the Native Labour Association as to the use of the sjambok?—None whatever.

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AFTERNOON SITTING.

T. M. C. Nourse. (Rand Pioneers).
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Mr. Temple Maynard Cracroft Nourse, examined.

43,140. *Chairman.*] Mr. Nourse, you are an old resident of this Colony, I believe?—Yes.

43,141. And of South Africa?—I was born in the country.

43,142. Have you got a list of the subjects which have been referred to us for enquiry?—I have here the Heads of Evidence.

43,143. Will you state upon what subjects you would like to express your views to the Commissioners?—I would like to express my opinions upon land tenure, the administration of local affairs, franchise, Native labour, laws affecting Native administration, and taxation; those are the principal items.

43,144. In regard to land tenure, you know probably that there are differing systems of land tenure in South Africa, and that generally speaking the system employed is what is called communal tenure, whereby Natives live, where they do, in Government locations upon a communal system; do you see any objection to that system?—I see no objection to the system, provided it is confined to locations.

43,145. Do you see any objection to the system as observed in the locations?—There are many improvements that could be made.

43,146. In what direction?—I think that there should be supervision over those Native locations; there should be more supervision over the Native than there is at present; he should be more under control than he is at the present time.

43,147. What kind of control?—Under the control of Native Commissioners.

43,148. Do you mean that there are not enough Native Commissioners for the purpose?—My remarks must apply more to the

Transvaal than to any other Colony, and I say that the Native Commissioners have not got the power they should have. They should really assume the power of the Chief.

43,149. In what way?—In this way: I consider that the authority of the Chief is waning. The contact of the Native with the white man is bringing about a civilisation that withdraws his allegiance from his Chief. He will not submit to the allegiance of his Chief as he used to do. He is becoming civilised, and will not submit to the authority of his Chief, and consequently for that waning influence there should be a substitute, and the only substitute that I can see is that of replacing the authority of the Chief by that of the Native Commissioner.

43,150. Do you mean that in all Government locations there should be a resident officer of the description of a Native Commissioner?—Decidedly.

43,151. In every location?—It depends upon the size of the location.

43,152. Should this Native Commissioner, in your opinion, be guided by European law or by Native law?—By Native law to a very great extent. He should not be a Magistrate, to be guided by any laws that may be laid down for the guidance of a Magistrate, for the simple reason that the moment you give the Native Commissioner magisterial powers he has got to adopt the laws or, rather, base his judgments upon laws that pertain to the white man, and then you have your law agents coming in and trumping up cases and that sort of thing. I would avoid that distinctly in all the Native locations. The Native must be governed entirely through his Native Commissioner, and that Commissioner should be able to practically usurp the power of any Chief that may be in that location. In fact, the power of the Chief is gradually waning everywhere; he has not the authority over the men of his tribe that he used to have, and if he wishes to assert any authority the Natives simply leave him and go beyond his jurisdiction; and you are having a vagrant population.

43,153. Would you wish to see Native Chieftainship re-established where it has waned?—You cannot do it; the evolution of things has brought about such a condition that you cannot restore it.

43,154. In having these officers that you have referred to resident in the location to administer law, would you have them there in the interests of the Natives to administer law and justice as between Native and Native, or in the interests of the country generally?—In the interests of both; the country will be benefitted to the degree that you will administer the laws justly.

43,155. Is that in consequence of the satisfaction and contentment that you would give to the Natives by having some one to adjudicate between them?—I distinctly think so.

43,156. Then you do recognise that the Natives ought to have justice freely and conveniently administered for them?—Certainly.

43,157. And it ought to be brought close to them in their own locations?—I am referring to the locations now.

43,158. So that the treatment of Native cases by a distant Magistrate does not appeal to you?—No.

43,159. That is one of the changes that you suggest should be made with regard to the Native locations. You referred to several changes that might be made for the better; which are the others?—I certainly think the Native ought to be encouraged to improve his own condition in those locations. I deprecate the system which at

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present allows the Native to live on one piece of land till it is exhausted and then move his kraal from time to time, devastating the country and deforesting it. He should be encouraged to artificially improve the condition of the soil on which he lives, and not be allowed to roam about the locations at will; and for that reason I should give him in the locations some sort of fixity of tenure.

43,160. That is the way that you would improve his condition?—I certainly think it would improve his condition.

43,161. Do you mean in all cases where Government allows Natives to live in locations each Native should have individual tenure?—As far as possible.

43,162. He should get a grant of a certain piece of ground?—I should not give him a lease. There is a method by which under the tribal system the different Headmen or different Indunas control the conduct of their various circles; the Native there is not allowed to cultivate absolutely where he likes. And under the Native Commissioner I should introduce that condition, that he is not to be allowed to roam through the location at will and cultivate where he wishes.

43,163. Do you know any location where the Native is allowed to do that?—I have had a good deal of experience with Natives for years. I lived for a long time alongside a location in Natal, and I know how the Chiefs used to govern the Natives under them.

43,164. But even in Natal is not a common man obliged to go and report himself to the Headman or Induna and say if he wishes to remove from one part of the location to another that he does so wish, and ask permission to do so?—That used to be the custom.

43,165. Is it not so now?—It is dying out; as I have said, the Native is ceasing to owe allegiance to his Chief.

43,166. Do you mean to say that, speaking generally, in South Africa, particularly in Natal if you wish, a Native can go and pick out a piece of ground and proceed to cultivate it at pleasure?—I have not been in Natal for some considerable time, but it is so up north in the Transvaal.

43,167. That the Native can do as he likes?—Practically.

43,168. Without reference to the Headman?—Without reference to the Headman.

43,169. And you think the Native's power to do so should be circumscribed?—Yes.

43,170. And that in order to bring that about it is best to delimitate for each man a certain radius, beyond which he may not go?—Yes.

43,171. But to that you would not give him a lease?—No.

43,172. What would you give him?—I should give him certain boundaries, indicating the locality that he would be allowed to occupy, without giving him any lease. I say that there should be no written documents by which he can acquire real fixity of tenure. It must be according to his behaviour.

43,173. You would let him remain there during good behaviour?—During good behaviour.

43,174. In what then would his fixity consist if he had no document of any sort, and it was not recorded?—Under Native system—under tribal government, if you like to call it so.

43,175. Even under tribal government there is a record. In olden times the Council of the Chief were the record, although they did not keep books?—Quite so.

43,176. Well, as these Councils and Chiefs have fallen out something must take their place, and it might be presumed that a book should take their place?—I should still adhere to the Council form of government, under a Native Commissioner instead of a Native Chief.

43,177. Supposing that the Native Commissioner is removed, as Native Commissioners often are, from one place to another, and all this is recorded in his brain, how is his successor in office to know about it?—You would have your Councillors.

43,178. What is your objection to having a written record of such a thing as you recommend?—My principal objection is that if you give the Native fixity of tenure, you will eventually have to give him the franchise and a vote.

43,179. Why?—Because, to be just, you have got to do so. If he is a rent-payer you will eventually have to give him a vote; and I am totally opposed to a Native ever having a vote in this country.

43,180. Then, you propose to charge him rent for this piece of ground?—I should propose to tax him; not on land valuation or anything, but I should tax him.

43,181. But he is taxed to-day?—Yes, and if he wishes to improve himself tax him more. Let him pay for his own improvements. If he wishes to raise industrial schools or anything of that kind in locations, let him pay for it, and let the proceeds of the tax go to a communal fund, and in the case of a famine or anything of that kind, the communal fund may be applied to relieving him.

43,182. For what would you use this tax?—To improve his condition, to develope the locations, to make roads; and he would be paying for the improvements he made in those locations out of a tax that should be set aside for that purpose.

43,183. But supposing that there were no improvements in the locations?—I should insist on improvements being made in order to better his condition.

43,184. You would tax him for improvements you would make for and on his behalf?—Quite so.

43,185. You would establish schools and make good roads, and having done so, or having threatened to do so, you would make him pay for them?—Yes, if he wished schools I would allow him to assist himself in that way.

43,186. Granted that Natives wanted and asked for education, would you allow them to have it if they paid for it?—Yes.

43,187. Would you allow them to have it freely and to any extent they liked if they paid for it?—I do not see any objection.

43,188. Then, if they put up the money, it would be the duty of the Government, I understand, to provide schools for them?—Provided they paid for it; provided that it did not come out of the public purse.

43,189. So that if they asked for a college in which higher education could be given, and were prepared to hand you the money as the representative of the Government, you would say that the Government should provide that college?—It cannot be stopped.

43,190. Then you went on to say that if you granted the Native a piece of land, and gave him a written title to that land, whether in the form of a lease or otherwise, it would at once enable him to claim the franchise?—I fear so.

43,191. You object to that?—I object to that. I am basing the whole of my arguments and the whole principle of governing the Native upon the fact that he shall never come into competition

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with the white man, politically or socially; that he shall never be allowed, under any circumstances, to rise to be the white man's equal, politically or socially.

43,192. Supposing he rose to a certain standard in the matter of education, which you admit he should get if he liked to pay for it, do you think he would be entitled to anything at the hands of the Government?—I would not grant it. I would lay it down as an absolute principle. It is the law of self-preservation; it is expediency. That should guide us at the present time, and in the future. If he attains the position by which he has a right to claim political rights, then you may just as well say you are going to give the country over to the black man, and efface the white man, because, eventually, as surely as possible, he will attain the ascendancy, because he is bound to do so numerically.

43,193. Do you think that at the present time he is fairly represented in the Councils of the State; I do not say in the Transvaal or in the Cape Colony, or in any particular place, but from your knowledge of South Africa generally, I ask you the question?—Yes, I consider that at present he is fairly represented.

43,194. Through his officers, do you mean?—Through the natural desire of the Colonial to treat the Native fairly. There is no Administration in this country, that is administered by Colonials, that would wish to treat the Native unfairly and unjustly; and that is the Native's protection.

43,195. That is his protection, but I was asking you about his representation. He is a tax-payer; he pays largely in some parts; and I ask whether you think, concurrent with that, he is fairly represented?—We disagree on that point: that he is adequately taxed.

43,196. We will come to taxation by-and-bye. Your answer is to the effect that he has the sympathy of Colonial-born people?—Yes, and he has his representatives, and the representatives he has are always able to obtain justice and fair treatment wherever it is asked for; that is my experience.

43,197. Which representatives are you referring to?—The Native Commissioners, Native Affairs officers.

43,198. You think that is sufficient representation for him?—At present it is, but we have to look to the future, of course.

43,199. You were saying that you did not think he was much of a contributor in the matter of taxation?—That is my opinion.

43,200. Do you mean generally throughout South Africa, or in one Colony in particular?—Right throughout South Africa.

43,201. That is indirect taxation?—His wants are so small that he does not pay much indirect taxation.

43,202. Is he not a considerable consumer of dutiable goods?—I do not think he is a considerable consumer, but he does consume a certain quantity of taxable merchandise.

43,203. That is a form of taxation; he is paying indirectly?—Yes, but it is not material.

43,204. Do you think that both with what he pays directly and indirectly he is now insufficiently taxed?—Certainly, he is insufficiently taxed.

43,205. Do you refer to this Colony, or to other Colonies?—To the whole of South Africa.

43,206. What would you think would be a fair tax to be put upon him?—I have not gone into that detail that I could tell you. A tax of that kind has got to be worked out. I can point out that he is not adequately taxed, though to what extent he should be taxed

I have not worked out. It is a question that will have to be carefully worked out; I could only give a general idea.

43,207. What is your general idea?—We will take this country. In the first instance I should say that Natives living on private lands can well afford to pay £3 hut tax. I think Natives living on locations should be able to pay £5 hut tax; and I think that Natives living on Crown lands should probably pay more.

43,208. Why?—Because they have greater privileges than would ever be allowed any white man.

43,209. In what way?—Living on Crown lands and robbing the State by impoverishing the land of the State which is an asset of the country, an asset of the white population. They are allowed to live there and they are not taxed, I consider, adequately. They are not even taxed as high as the Natives on private lands. The tax in this country is absolutely inequitable.

43,210. On Crown lands?—What I mean to say is it is not an equitable tax; the Native on private land is paying a far higher tax than the Native on Crown lands or the location Native.

43,211. Will you tell us what you mean by the Native on private lands?—Lands owned by private individuals.

43,212. Do you mean the man who is cultivating land, or the man who is living a farm?—The man who is living on a farm.

43,213. There are two classes of men who live on farms: the man who ploughs on the halves, or is a sort of farming tenant, and the man who is a workman, a labouring man; to which of these do you refer?—I refer to the Native who is not cultivating the land.

43,214. You think that he is taxed unfairly?—Yes.

43,215. Why?—Because he has not the same privileges that a Native has either in the locations or on Crown lands. His master has always some restriction to put on him, and he has to pay tax to his master in the shape of work, for which he gets a smaller monthly pay than he would get if he went to seek work elsewhere; that is naturally a tax, is it not? Then he is restricted in other ways: he is not allowed to have too many cattle or too many goats; he is not allowed to go and cultivate wherever he likes on a farm; and he is restricted to certain areas. These are all taxes on the Native which he has to bear above the burden of the Government tax.

43,216. Would you exempt this man from taxation altogether?—Certainly not.

43,217. Then what would you do?—I should increase the taxes of the others.

43,218. That is the man who is a tenant farmer?—The Native a tenant farmer? No, no Native can be a tenant farmer; that is a system of farming out Natives.

43,219. No; the conditions of employ on some farms are that they shall get a certain amount of land which they shall be allowed to cultivate, and they may run their stock and live there in lieu of wages?—That is farming Natives, a system which I should absolutely prohibit.

43,220. And that they should give their labour at times when wanted?—I would encourage the agriculturist so long as he is employing Natives under him to cultivate the land for him. I know the system that is adopted by some employers of labour in some of the adjoining Colonies. The Native is living in the Free State, say, and comes across into the Transvaal and cultivates land on the halves for the proprietor. I should not allow him to do that.

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If he wishes to do that, he should come across under European supervision; he may be employed by a European to do that.

43,221. Then you object to what is called squatting?—I object to that.

43,222. Entirely?—Entirely.

43,223. What would you do with those parts of this or any other country which are unhealthy and on which Europeans cannot successfully live? What would you do with that land; how would you utilise it. Would you debar squatting on such areas entirely, and so not utilise that land at all?—You are alluding now to private lands?

43,224. Private or Government?—The two must be absolutely separate.

43,225. Take the private lands first?—That question I should answer under what I consider should be adopted, a Squatters' Law.

43,226. The Squatters' Law at present admits of five families being allowed on every farm?—Yes.

43,227. But that is a farm in beneficial occupation?—Yes, and I should tax the farmer if he had more than five families on a farm anywhere.

43,228. That is the taxation of the owner; what I want to get from you is whether you would allow the occupation of lands by Natives which Europeans cannot beneficially occupy?—Yes, you would have to allow that.

43,229. And similarly with unhealthy Crown lands?—Yes, you cannot forcibly evict Natives from ground; it would not be fair to do it. What I am trying to express is that the Native is not adequately taxed for the privilege he has of living on that ground, and it matters not where he is, on healthy or unhealthy land, I consider he should be taxed for the privilege.

43,230. I have now got the answer I wanted. You say it may be necessary in some cases to allow them to remain on such places provided they pay sufficient taxation or rent?—That is on Crown lands?

43,231. Yes?—Yes, on Crown lands, I will admit that.

43,232. Do you see any objection to the principle of the Squatters' Law in itself?—The principle I endorse altogether, but there should be modifications which are absolutely necessary.

43,233. Can you suggest any modifications?—It wants re-drafting, and there are many objections to it at present. One of them would be this: if an owner of a farm has more than five families you cannot go and force Natives off that farm; you must therefore do it in an indirect way. If the owner of a farm has more Natives on a farm than the law will allow, tax him, and he will make the Native pay for that tax; there is no doubt about it, and if the Native cannot pay for it he will go to some other farm where he will not be taxed, and that will lead to his filling up or going to farmers who are in want of labour.

43,234. Then your solution of the whole question is taxation?—Yes.

43,235. In view of that solution, will you tell us what your views are about exemption. Should any Natives in the country be exempted from taxes, and, if so, for what reasons?—I am not in favour of it, although I know a good many are in favour of remitting a certain amount of taxation in view of labour: that is, that if the Native works so many months in the year he should be remitted a certain amount of taxation, but, personally, I am not in favour of it.

43,236. Are you in favour of protecting the farmer to such an extent as will attract and induce Natives to go and live on that farm instead of going elsewhere?—That also comes under the Squatters' Law.

43,237. No, it is a different question. Do you think the farmer is in need of such protection as will induce Natives to go and live there, and that the inducement should be the remission of taxation?—If you see any way of doing it that will assist the farmer, I should certainly do it; but at present it does not occur to me that that system could be adopted.

43,238. Do you think the farmer wants assistance?—Certainly.

43,239. Then you referred to the administration of local affairs. What have you to say about that?—I have not quite grasped what is required under this heading. I really thought that this referred to administration of local affairs in locations.

43,240. It has relation to the question of individual tenure which in some parts of South Africa has been tried and granted, and in course of which the Natives were allowed a certain amount of local autonomy in connection with local taxes, and roads, schools, and such like; they were allowed to form themselves into Councils?—That I have gone into in referring to the administration of the Native location.

43,241. Then about marriage laws and customs?—It is such a detail that I do not care to speak about that.

43,242. The franchise you have already spoken about. Now, about Native labour, what have you to say, Mr. Nourse?—My opinion is that the Native has such great facilities to earn high wages that he is becoming year by year more wealthy and less inclined to work. I do not blame him. If I was making money, I should not feel inclined to work, and the Native feels the same way. He is able to come and earn a big wage, and he goes home to his kraals and his locations, and on those million and a half acres of Crown lands he lives in absolute luxury. The higher the wages, the less he is inclined to work; those wages are gradually going up, and, consequently, the Native is less inclined to work, and labour is becoming year by year more scarce, and, consequently, dearer.

43,243. Do you suggest that what you have described is wrong?—I suggest that the state of things is incompatible with good government. I think to foster a condition which will enable the Native to live without work is certainly wrong.

43,244. Having formed that impression, you have probably got a remedy for this incompatibility?—Taxation.

43,245. Do you think that that would be a solution of the Native question?—It will tend towards it.

43,246. Taxation you have already spoken about?—Yes.

43,247. *Mr. Stanford.*] In strengthening the control of the Commissioners, Mr. Nourse, would you give them criminal as well as civil jurisdiction?—I think the principle adopted in Natal was a very good one; questions that went beyond the power of the Commissioner were dealt with in a Native High Court.

43,248. Then would you remove all criminal cases arising in a location to the ordinary Courts of the Magistrate and the higher Courts?—The principle that I should like to see adopted and carried out is that the Native should have his own law Courts; the administration of the Native, in fact, should be absolutely apart from that of the white man.

43,249. I am just asking you what these Courts are which you

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propose to constitute; first of all, to deal with criminal cases?—We had the Native High Court in Natal.

43,250. That did not take the smaller criminal cases?—I would give the Commissioner much larger jurisdiction than I would the ordinary Magistrate of a district.

43,251. Then I will put my question to you again: would you give a Commissioner in a Native location criminal as well as civil jurisdiction?—Yes.

43,252. Then, in administering his criminal jurisdiction, he would necessarily have to act upon the common law of the country, would he not?—Not necessarily.

43,253. How would you apply Native law criminally?—I am speaking now of cases between Native and Native.

43,254. But a crime is committed against the Crown; so in a case of assault, or of assault with intent, or culpable homicide, what law is your Commissioner to apply?—That is what I say; we have no Native policy at all at present, and I should adopt one to meet that position.

43,255. I ask you what law you think the Commissioner should apply?—No law that is at present in existence.

43,256. Will you kindly indicate a sort of law that you would like to see created to meet the necessity of the case?—When you establish a Native policy, then your laws will follow it. You have no Native policy, consequently you have no laws. You have mixed laws at present. They apply in some instances, and they do not apply in others. There is absolutely no Native policy properly laid down in this country.

43,257. Then, if the Government were to desire to strengthen the Commissioners, as you advise, for the present there would be no law for them to apply at all?—A law would have to be drafted giving them jurisdiction.

43,258. And then under that law to be drafted, should they deal with the cases under the common law of the country, or how?—If it applied, yes.

43,259. Would you advise that it be made to apply?—Yes.

43,260. And in other cases?—In other cases also.

43,261. Just the same?—Just the same.

43,262. Apply a common law when it has been set down in an Act or an Ordinance?—Quite so.

43,263. If you were satisfied that fixity of tenure would not lead to the granting of the franchise rights, would you still object to fixity of tenure in favour of Natives in locations occupied by them and set apart for them?—If I was satisfied, but I do not see how it is possible to overcome it. If I were satisfied I should certainly say do so, let them have it.

43,264. But why should fixity of tenure in your mind create any stronger claim for the franchise rights than at present exists in favour of the people by reason of the taxation which is placed upon them, amounting, say, in the Transvaal to some £300,000 to £500,000 per annum?—I do not say that it necessarily would lead to that, but I wish to avoid any chance of it.

43,265. You have just a suspicion that way?—Yes.

43,266. If you have openings before them in the way of education, by which, of course, they can learn trades, and may even get into the professions, how do you expect to keep them from competing with the white man?—You cannot do it. That is what I say. The whole basis of your government of the Natives in this country

must start from the fact that you are not going to allow them political rights, and necessarily if they have political rights, social rights, because if they obtain political rights they will naturally be the white man's equal, and will obtain social rights. I say the line must be drawn at that. As far as their advancement in civilisation is concerned, learning trades, and that sort of thing, you cannot stop it; is is bound to come about, as this Native is going to be just as civilised as the Native in America; but I should stop short of the franchise.

43,267. You do not see any way in which a certain measure of representation, in view of their contribution to the revenue, could be accorded to them without endangering the supremacy of the white people in this country?—Only through the representation of a white man. That representative must be a European.

43,268. With that safeguard you will not feel the same danger?—I would say it is no danger if you make that demarcation.

43,269. How would you get your white representative for the Natives in the Parliaments of the country—by election of the people, or by nomination?—You have to anticipate all this. The Native, as he increases in civilisation, and that sort of thing, will want representation, and it may be possible eventually that he will elect a European representative; it may be permissible to allow him to elect one.

43,270. Would you then require that his election should be restricted to a white representative, and that such election should be entirely apart from elections held by the Europeans?—Absolutely.

43,271. *Mr. Samuelson.*] Do you object to a Native becoming the owner of land in his own right by purchase?—Certainly.

43,272. You do not think a Native should be permitted to make use of his money in the purchase of land?—I say what must guide us in this country is the law of self-preservation. I do not say that it is absolutely logical, but what I maintain is this, that if we allow the Native to purchase land he will purchase the white man out in time; that is my contention. I say it will eventually lead to the subversion of the white man, because I am not looking to the present. I am looking to half a century ahead.

43,273. Are you in favour of Natives being allowed to form volunteer corps and volunteer regiments of their own?—No, certainly not.

43,274. Under the command of European officers?—No, certainly not. I had a bitter experience, or rather our family had, in the Cape Colony in1851.

43,275. You do not think that Natives should be in any way encouraged or used as a military force?—No.

43,276. You would not object to their being used as a mounted police force?—Not drilled.

43,277. Do you think that there are sufficient Native Commissioners in this Colony to exercise that degree of efficient control over the Native reserves and districts where large Native populations reside that you would like to see?—I think not. I am only speaking now of the Transvaal.

43,278. What do you think should be the maximum Native population under any one Commissioner to secure that efficient control which you would recommend?—That depends so much on the locality and the population of the district. Some districts are very thickly populated; others are sparsely populated.

43,279. I do not know if I made a mistake, but I seem to think

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that you rather favoured the appearance of lawyers in cases between Native and Native?—No, I deprecate it.

43,280. You do not think that lawyers should appear in any cases between Native and Native, whether the cause of action can be decided under the ordinary laws of the Colony or under Native law?—No, I do not.

43,281. And you would not recommend their appearance in political questions between them and the Government?—No, I should not.

43,282. Has anything been done in this Colony in the direction of excluding lawyers in these matters?—No, it does not occur to me just now that any case of that kind has arisen.

43,283. Would you care to state your reasons why you object to the appearance of lawyers in these matters between Native and Native?—I object to it because it does not tend, I think, to raise the moral tone of the Native. We have seen what law agents do try to do, and I think they have done a great deal of harm in that way.

43,284. Did you live long in the Colony?—No, I left there in 1860. I lived in Natal until 1884, and I have been here since.

43,285. To come to Natal. You know, of course, that there are a large number of farms there, with numbers of Native kraals paying rent to the landlord or giving the landlord a certain amount of labour in lieu of rent?—Yes.

43,286. I confine myself to those cases where the Natives pay rent to the landlord, and the landlord practically lives on the rent paid by the Natives?—Yes.

43,287. In some cases the landlord is absent, either out of South Africa altogether, or in some other part of South Africa, or living in Natal, not on the farm, but his rents are collected by an agent. Have you any opinion to give about that state of things?—Well, of course, my ideas are centred more on the conditions of this country, and that is why I am so very anxious that the same things should not obtain in this country. I think that the Transvaal is the country that is in a better position than the rest of South Africa to initiate a policy, and eventually we may hope that the rest of South Africa will take it up. My contention is that if we start on a Native policy here now, before the condition has assumed the dimensions it has in Natal and the Cape Colony, there is a better chance of bringing about a sound Native policy. My opinion is that in Natal things have been allowed to go on; the best has been done as conditions arise, but it has been a case of drift; and I think that Natal has now got into a condition that she would like to be out of, and that is, that she has allowed a large number of the people to buy land there, which eventually must give her trouble. And the Cape Colony has allowed the franchise. We should learn experience by this, and should start on a policy here which would obviate those evils.

43,288. From your long experience in Natal, can you say what kind of trouble has been caused to the Colony by Natives having become owners of land in their own rights?—No, but I can foresee that there will be trouble.

43,289. Of what nature?—As they become civilised, as they are becoming civilised, they will eventually demand the franchise, and it will be very difficult to withhold it from them. It may be withheld, but it is difficult to find a reason for withholding it.

43,290. You know at the present time that the access to the franchise is very strongly restricted in Natal?—I am aware of that.

43,291. It is very difficult to reach?—Yes.

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43,292. By what process of reasoning, or by what process of action, do you think the Native population who become owners of land could in any way alter the laws which at present apply to them?—They will clamour for it.

43,293. And you do not think the Natalians are sufficiently strong to be able to hold their own in preserving their laws?—I think that conditions may eventually arise that may force them to give way. I hope not, but that is why I am anxious that the conditions should not arise here.

43,294. I think you know that there is a law in Natal of 1855 which limits the number of families a farmer can have on his land, just as they have a law here and in the Orange River Colony?—Yes.

43,295. That law has really become obsolete. Now, say that the Government of the Colony were to decide to put it into operation, what would you propose should be done with the excess population on all the farms in Natal at the present time?—It would be very difficult to deal with it, because the condition has assumed such dimensions that, as I say, it would be very difficult to enforce it; in fact, it would be unjust to the Native to enforce it, because the country has become populated. Natal, of course, has been populated from Zululand. Formerly, when that law was in force, Natal had probably not half the population it has now, but they have gradually drifted over from Zululand into Natal, and now Natal has become so populated that you have not room.

43,296. Have you by any misfortune, or fortune, happened to knock up against the pass regulations in any shape or form? Have you anything to say about them, either here or elsewhere?—I have had a good deal to do with the pass regulations here; at least, I have come in contact with them.

43,297. Is there anything you would like to say with regard to them; do you find fault with them, or are you perfectly satisfied with them, or what is your view with regard to them?—I approve of the system, and I say that the system of Natives having to carry passes is a good one; whether it is carried out effectively, or not, I have no means of judging just at present.

43,298. You have no particular views to give with regard to the pass regulations?—The pass system is, I consider, excellent, and I have no reason to know that it is not being properly carried out.

43,299. Do you think that it would be of any assistance to the Natives, or to the Government of the Colony, to register all Natives throughout the whole country?—I think it would be an assistance to this country.

43,300. Would you care to say anything for or against polygamy?—As far as polygamy is concerned, I think it is a very useful custom.

43,301. You would not recommend the prohibition of polygamy by law?—No, certainly not. I think it will die out, though.

43,302. Whilst polygamy is allowed amongst the Native population, do you not think that every polygamous marriage should be registered, so as to give a legal status to the woman and to her children?—Yes, I should say it would be good rather than otherwise.

43,303. *Captain Dickson.*] I did not quite catch what your answer was to Mr. Samuelson with regard to squatting in this Colony. Do you think it is a good thing—this squatting on farms that is now going on in this Colony and in other parts?—No; I said I was against Natives squatting on private lands. I was speaking of the Squatters' Law, the law that we have here, but which is not in force.

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43,304. Do you not think it would be possible to enforce some sort of squatters' law?—I do think so.

43,305. Have you studied the law in the Cape Colony?—No, I have not.

43,306. Do you think it would be possible in this Colony to carry out a law something on these lines with regard to farming: that is, that a farmer should be allowed to have as many Native servants as he employed as long as he paid them, together with their wives and families, and a certain amount of Natives as what are called Native tenants, subject to inspection, and that squatting pure and simple, as we understand it, should be put down?—I strongly advocate that system.

43,307. *Mr. Hamilton.*] What is your objection to the Native who lives upon Government land having to pay an annual sum equivalent or approximately equivalent to the actual value of the land that he occupies?—I foresee a difficulty in that. It is a question that has been considerably discussed, and the difficulty, I think, is that it puts a certain servitude on the land. If I wanted to go and purchase a bit of Government land or Crown land there would be these conditions; and it might be onerous, and it might detract from the value of the land. I do not say that it would, but I am only afraid that if you put a tax of that kind on the Native you are giving him a certain fixity of tenure, which would amount to a servitude in the event of a white man wanting to purchase ground. That is my only fear. If that can be avoided, then I should certainly advocat it. That is the difficulty I see.

43,308. Putting that on one side for the moment, do you think that otherwise it is a reasonable and natural way of making the Native pay for the advantages that he has?—Certainly.

43,309. Have you any experience of how the Crown lands of this Colony are now administered; for example, do the Natives living there pay their taxes?—I have no actual experience, but, from what I have been told, and what I hear, they are not paying the taxes. The tax has not been collected from the Native, or, rather, it is supposed they are not paying the tax that they should, but I have no actual experience of that.

43,310. That is second-hand information?—That is second-hand information.

43,311. Are you in favour of stopping the grant of any more Government lands to Natives?—I am against increasing locations.

43,312. You would, so to speak, put a ring fence round the existing lands, and grant no more?—And grant no more.

43,313. As the surplus population arises, what do you think they will do; I mean the coming population in excess of what these lands carry?—I think as the country developes they will become useful servants, and many of the farmers who are anxious to get labour will then obtain it; but if you are going to continue to increase locations as the Natives increase, eventually the whole country will be absorbed in locations.

43,314. Would you allow the Natives to enter the learned professions, or would you advocate anything being done to prevent them entering the learned professions, becoming doctors, lawyers, newspaper editors, and so on?—A Native may be a doctor amongst his own people—that is a thing you cannot prevent; and as he increases in civilisation, you cannot put down civilisation.

43,315. In the Cape there has been a coloured man admitted quite recently as a medical practitioner?—For one thing, I certainly

should not advocate Native children being educated along with white children.

43,316. I gather from your evidence that you consider it an undesirable thing that Natives should enter the learned professions. I took that by way of example, because it more or less creates the position that you deprecate—that is, social equality?—Yes.

43,317. And that I understand to be your view, but I was wondering whether you would do anything to give effect to that view in the way of advocating any steps being taken to keep those men out of those professions, or whether you recognise or believe that anything of the sort is impracticable?—I do not think it is useful to the Native; it does no good advocating things that you know you cannot avoid.

43,318. Recognising that in the course of years, with the spread of education around them, and the spread of comparative wealth, and so on, these men will overflow into business and trades and professions, and edit newspapers, and preach from the pulpit, and attend sick beds, and so on, and handle cases in Court, will not that give them as much claim to political representation as owning a bit of land in freehold?—That brings me to the question of social equality, where I have already said a line should be drawn.

43,319. I recognise that you deprecate social equality, but in so far as social equality consists of a man living on the same standard, and following the same occupations, how are you going to prevent that condition arising?—By your policy, based upon that principle of no social equality.

43,320. As a policy, for instance, you would not help to educate those men into those positions, but, on the other hand, you would not prevent them educating themselves eventually; that, I take it, is your view?—When I was speaking of it I was talking of Native locations. If the Native in his location chooses to educate himself I do not see how you can avoid it, but if he wants to come in contact with the white man, I should say absolutely not. Certainly I should not grant him a lawyer's licence.

43,321. That is exactly the question I wanted you to answer?—That would come under Native policy. There is no Native policy at present, and that would come under Native policy that I consider should be evolved.

43,322. If you were now evolving such a policy, would you make it one of the articles of that policy that Natives should be excluded from the legal profession and from the medical profession, for instance?—I should, in the same way that I should bring forward a law that no Native should travel in a train with a white man, on just the same principle. He could have his own carriages set apart for Natives, but mixed trains of Natives and whites I should absolutely stop.

43,323. You would prevent by law, if you could, Natives from entering the learned professions on an equality with white men; if they entered them at all, it would be only in the limited sense that they were permitted to practise among Natives?—Among Natives, yes.

43,324. *Mr. Thompson.*] What would you do to the white man who cohabits with a black woman; would you give him the franchise? You would not allow a black man—the brother—to ride in a railway carriage with the white; would you allow the sister to ride in the carriage with the white man?—I think he would come under the class of coloured.

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43,325. You would not inflict any punishment on that white man?—It is a question I have not given thought to.

43,326. *Chairman.*] In the course of your answers you suggested the establishment of what you call a proper Native policy; can you describe what that policy should be—what the constitution of it should be?—In a measure I have outlined it by my replies to your questions.

43,327. But still you have indicated that there should be a policy—a fundamental law, I presume you mean. I want to know of what it should consist, because at the present time in this country, and in all countries, there are existing laws for dealing with criminal and civil cases as regards Natives; there are laws in abundance. I want to know what fresh law you indicate should be necessary to establish and constitute what you would call your Native policy?—Let me try and explain. At the present moment the policy is a mixed one. It admits of Native cases being tried under the laws pertaining to white men. The real fact is there is no policy; it is an opportune policy. As questions arise or as cases arise they are adjudicated upon. For instance, I will try and give an exemplification of it. Supposing a large number of Chiefs, or a number of Chiefs, wish to have a meeting to consider questions, and the Government think it is not advisable, and through their Commissioner they send a notice that no such meeting must take place—well, you have no law authorising your Native Commissioner to suppress a meeting of that kind. He is doing it, as it were, off his own bat; he is taking the responsibility on himself in doing it; but if a lawyer took up a case of that sort, and asked by what law you are prohibiting a meeting of that kind, you would say you have not got a law, but it is expedient—you were only doing it under the law of expediency, that it was not judicious that they should meet. Those are the things that I see where there is no policy laid down. It is a policy of taking matters as they arise, and trying to deal with them as best you can.

43,328. Have you read the laws of the country?—I have gone through them.

43,329. The prominent law of the country affecting Natives distinctly states that the Governor, or the President of the Colony, is the Paramount Chief, and as such has all the powers of a Paramount Chief, one of which is the forbidding of what in his mind is an unlawful assembly; that is, any Chief of a tribe had the power formerly of suppressing an assembly of his people, and now the Governor of this Colony has that power vested in him, and the Native Commissioner has that power vested in him, delegated to him by the Governor, so that the case you have quoted is not one in point?—Yes, I think it is. Supposing the Chief says, "I am not having this meeting for seditious purposes; I am just simply having a meeting to go into questions that affect our welfare"; then you immediately come back, and you could be questioned, "On what grounds are you stopping it?"

43,330. That is a legal technicality. The law says, "The State President, as Paramount Chief, shall exercise over all Chiefs and Natives in the Republic all powers and authority which, in accordance with Native laws, habits, and customs, are given to any Paramount Chief." Your experience in South Africa enables you to know that any Paramount Chief, with the consent of the Induna, can immediately break up any crowd which has collected anywhere?—Yes.

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43,331. Then you spoke of the laws of justice in this Colony, about Commissioners and Magistrates taking things haphazard. Are you not aware that what is called the law of justice in this Colony draws absolutely no distinction in crime between black and white?—Yes.

43,332. So that it is not haphazard at all; any person empowered to administer the law is empowered to take up criminal cases?—No, I was alluding then to the Magistrate being substituted for the Native Commissioner.

43,333. You dislike that. Do you think that the law which you speak of, the Native policy, should forbid a Magistrate from dealing with Native cases?—No, I think you should substitute that power and put the Native Commissioner there. The Magistrate should deal with white cases; the Commissioner should deal with Natives.

43,334. But you do not want a new law to do that; an order of the Government would suffice?—You do not want a law, but you want a policy.

43,335. As I read it, your idea of what the policy should be is a pronunciation to the effect that there should be no equality between black and white?—No, certainly not.

43,336. That is really the policy you would like to see laid down?—Yes.

43,337. As it used to be in the old Grondwet?—Yes.

43,338. It is the revival of that which you think should be the policy of the country?—It is the revival of that.

University of Fort Hare
Together in Excellence

Johannesburg, Friday, 14th October, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.
Hon. Mr. Campbell.
Captain Dickson.
Mr. De la Harpe.
Mr. Krogh.
Mr. Hamilton.
Mr. Stanford.
Mr. Thompson.
Mr. Sloley.

The Right Reverend William Marlborough Carter, Bishop of Pretoria, examined.

Right Rev. W. M. Carter. (Bishop of Pretoria). Transvaal. 14th October, 1904

43,339. *Chairman.*] My lord, you were Bishop of Zululand for some years, I believe?—Yes, sir.

43,340. You have been a good many years in South Africa?—I have been thirteen years in South Africa.

43,341. You are aware that there are a certain number of heads of evidence upon which witnesses are being examined. Have you a list of subjects before you?—Yes.

43,342. Are there any particular ones upon which you would like to be examined?—I think I might perhaps first say No. 6. That is one in which I have had most experience.

43,343. Have you had much to do with Native education?—Yes, a good deal. Of course, all the time I was in Zululand, I had to do with the schools, and it is one of the things that I took most interest in.

43,344. What was the character of the education that you have been in the habit of giving the Natives?—The education consisted

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really of the simplest things: such things as reading and writing, and then we did try, as far as we could, to do as much as possible in the way of manual labour, but there were difficulties in the way. I mean, for instance, about three years ago the Natal Government made a law that in all schools there should be some kind of technical teaching, but that was withdrawn after a time with regard to Zululand, simply because all schools were carried on by Missionary Societies, the plant for doing anything of that kind was so expensive, it being almost impossible to get it, and the Government did not offer to help at all. After a time, when they found it was almost impossible to do very much in that way, they withdrew the ordinance with regard to technical teaching, but they did ask that there should be some kind of industrial training, which is naturally a thing we ought to aim at in every school. These people are bound to be industrious, and one thing they want is to learn industry. You may make laws about it, but the practical difficulty is to have the plant to do it with, unless the Government helps in this particular kind of way. In all the schools they do try and do something in the way of gardening, and things of that kind.

43,345. Then, although you believe that industrial training is a thing to aim at, you see difficulties in the way, because of the burden it throws upon the Missionary Associations, unless they get Government help?—I think it is a real practical difficulty—I mean finding the plant is a difficulty. Then the Natal Government almost asked too much of these people, because many of them had to come a long distance. We had no mission stations there. That is to say, we were simply planted down among the people, and they came from their kraals. It was not as if they were in a ring fence like they are in some places. The mission centres were simply put down amongst the people, and they came from the kraals. Some of them had to come a very considerable distance—it used to take many of them an hour to come and an hour to go back. Then the Government wanted, as far as I can remember, 4½ hours of reading and writing, and that kind of thing, that part being elementary education, and then they wanted 1½ hours' industrial training as well, which took the children away from their homes such an enormous time. Then the parents objected because the boys were away so long. It always struck me in Natal that, if they had only made the time for that part of reading and writing a little less, and allowed a little more time for industrial training, it would have been better.

43,346. Could you offer any suggestions by which the industrial training could be brought more within reach of the mission schools?—I think certain things might be taught them if you could get the plant and if you could get the teachers. I think if you could only teach the elements of the thing it would make them useful, and I suppose one of the great purposes of education is to make useful citizens. At present, as far as Zululand is concerned, there are very few who are capable of learning really skilled technical work—very few indeed. There are some few who are what you would call handy men. You want to make them learn the value of industry, so that they might use it in their homes. There is a real practical difficulty in getting plant, and a real practical difficulty in getting men to teach, and the expense is very great.

43,347. Is it entirely a question of money?—Not entirely, but I think it would help tremendously if there was more help given in that way. You cannot get a man to come and do that kind of thing,

like rough carpentry and rough saddlery, without paying him. Of course, here and there you get one of the missionaries who can do that sort of thing, and they do it, for instance, at Rorke's Drift. They have been building a large church there, and Native people have learned much in the way of stone-cutting and building simply through the work that has been done. Another practical difficulty is finding the work for them to do. Of course, rough carpentry is a thing that always might be done if you had a man that could teach.

43,348. Apart from the question of teaching them to be skilled tradesmen in any of the crafts, in what way do you think the Natives could be taught to be industrious, as you describe it—that is, characteristically, I mean?—You mean apart from what is ordinarily called education?

43,349. I mean putting aside the training in technical crafts, how do you think they could be taught to be industrially inclined?—There is one thing that always struck me in Zululand, and that was that they had no fixity of tenure in their land, and the consequence was they took no interest in it. I have often heard them say in the Rorke's Drift district, where, perhaps, they were more advanced than in other districts, "What is the good of our planting trees; we may be moved out any day." If they were given something in the way of fixity of tenure in regard to their holdings, I think they would be much more inclined to take an interest in their places, and consequently be much more inclined to be industrious about it.

43,350. You mean they may be liable to be removed by their own Chiefs and Headmen?—Yes.

43,351. In order to bring about any change in that you would have to deprive the Chiefs and Headmen of the power to do it?—It has always struck me that you cannot prop up a system which is falling, which is being broken down every day.

43,352. Chieftainship?—Chieftainship. You cannot prop up what must fall, or at least so it seems to me from what I can gather. It is bound to go. As it is young men who come away from their homes, and go up to the big towns to work, lose a great deal of their sense of loyalty to their Chiefs, and become much more independent, and as they see more of the world, I think more and more of the power that the Chief had over them will go. I doubt really whether you can prop up a thing which is being undermined every day through the circumstances of the country.

43,353. You believe that it is disappearing, but would you take any steps to hurry its disappearance?—I do not think I should. I think it is much better that it should die a natural death.

43,354. Do you mean that as the Chiefs die out you would not replace them or recognise their successors afterwards?—I suppose you must replace them, for a time at any rate; but it seems to me that their power is getting less and less.

43,355. As a remedy you suggest fixity of tenure?—I think so. If they were given, or had some interest in, the land which is theirs to cultivate, it is only a natural thing that they would take more interest in it. It is the same with other people; if it is a thing in which they have a very distinct interest they would be much more likely to work at it and make it profitable.

43,356. Have you thought how you could give this fixity of tenure?—I am afraid I have not thought as much about it as I should, but it strikes me that something on the same lines as the Glen Grey system would be a good thing; that they should pay the Government a quitrent for their land, which they could hand on to

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their successors; or some such system. They should pay a quit-rent for so much land.

43,357. That is a limited allotment and individual tenure?—Yes, with commonage for their cattle.

43,358. Generally speaking, the principle of the Glen Grey Act commends itself to you?—Yes.

43,359. And do you think that would have the effect of elevating the Natives?—I think the giving of responsibility is bound to elevate anybody, and I think it must elevate the Native people in the same way as it would anybody else. Responsibility, I think, it is well known, always has that effect. What is wanted is to make these people feel their responsibility. By giving them responsibility it raises them at once. I do not know what the effect of the Glen Grey system is, but I should imagine that the effect on these men who have to do with that local administration must be to at once give them a higher opinion and idea of their position.

43,360. Then such a change involves more or less a departure from their old-established ways and customs and Native laws?—Yes.

43,361. You recognise that that must follow?—I think so. I do not see that you can prop it up. I think it is bound to go. You may prop it up for a time, but I think it will disappear. As they become more civilised and as they become more developed it is bound to disappear, I think.

43,362. Do you see any reason to interfere, during the process of evolution, with certain customs which they now enjoy and cherish—I refer to "lobolo" and to polygamy?—I have always felt that it is much better to let it die naturally. Polygamy is dying.

43,363. Within your knowledge?—Certainly, it is dying, and I think it would be a great pity to legislate with a view to doing away with polygamy, because I think it is a thing which is gradually dying. I think somebody told me that in this country, up in the north, in the Pietersburg district, the average is only 1½ wives to each man, which shows that it must be disappearing. Certainly it is in Zululand. As they become Christians the thing gradually is dying away, and will continue to do so.

43,364. What are the influences, do you think, that have been at work to cause this disappearance and dying away of the custom?—I suppose in this country it has partly been the law of the land. I do not know for certain, but I should think that it is the fact of their having to live on farms, and having to work in the way in which they have had to work, that has had an effect upon them, and I do not think there is a doubt either that Christianity has had a great effect in that way.

43,365. Contact with civilisation?—Yes, and Christianity.

43,366. And Christianity combined?—Yes.

43,367. From your experience in South Africa, have you noticed any signs of advance amongst the Natives?—I think they are advancing all along the line, and what is wanted at the present time is not suppression but guidance. What they want, it seems to me, at the present moment, is something—they do not quite know what, but they are very anxious to rise to something—and it is our duty, as far as we can, it seems to me, to try and guide that development. There is no doubt that they are developing, and all legislation and everything that we have to do must take that view of the thing. They are not going to remain as they are. Suppression will not do

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any good. Suppression always leads to mischief, but the thing is to take the line of helping them and guiding that development.

43,368. In what way have they manifested their advancement?—I should say in one way very distinctly, and that is that they work very much more than they used to. Take certain districts of Zululand where civilising influences and Christianising influences have been brought to bear upon them, and compare the Natives there with the raw Natives. Those men work much more. You can see the difference at once when you go through the country where that kind of influence has been brought to bear upon them. You cannot disguise the fact that they do work much more than they did. Even taking Zululand alone is a proof of advance.

43,369. What has induced them, do you think, to work more than they used to?—Their needs are greater, and the more you can increase their needs the more they will work to supply them.

43,370. What do you think are the best lines upon which their advancement should proceed? What should be the aim and the attitude of Government towards what you describe as this manifest up-lifting of the Natives?—What, I suppose, we want to aim at is to make them good citizens, that is to say, useful members of the community, contributing their share to the common weal, and the more you can get them to realise that they have an interest in the country, and the more you can teach the value of industry, the more I think they will develop on the right lines. Give them an interest in some way or another in the country, in managing, for instance, their own affairs.

43,371. Do you think they are capable of managing their own affairs by themselves?—No; that is just where they want guidance, I should have said. In the Glen Grey system, I believe, the Magistrate is Chairman of their Council. We can see in the Church that they are developing. They are now crying out for representation.

43,372. In the Church?—Yes.

43,373. What kind of representation?—They want representation, for instance, at Synods. Last week we had a little difficulty about this.

43,374. Do you mean that the Christians themselves as a body, or the ministers that you have ordained, want representation?—Both. I think they are influenced by their teachers naturally. The Provincial Synod has appointed a Commission to see how they can be brought in in the matter of managing their own affairs in the Church. They are feeling it very much in many parts—in those parts where they are more advanced than they are in other parts; for instance, where a good many of them are fairly well-educated men. Then, is not the Ethiopian movement in part really a sign that they do want a voice in the management of their own affairs? It may be egged on by others, but I do feel it is a sign, and a sign not altogether to be discouraged, that they do want to have a voice and not always to be treated just as children. It seems to me that that movement is a movement which wants guiding; though others may have come in to egg it on who are not desirable, perhaps, still it is a sign that these people are thinking for themselves, and what we have to do is to try and guide those thoughts and that is what we felt at our last Church Provincial Synod. All the missionaries at the Provincial Synod felt that something must be done, that you cannot keep them silent, that they must have something of a voice in the management of their own affairs; and the Archbishop ap-

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pointed this Commission with a view to seeing in what way this voice could best be given.

43,375. Apart from teaching them in the schools elementary education and giving them religious training, how do you think they can best be guided so as to create that intelligent interest in the country which you describe?—I should begin it by giving them some sort of administration or some voice in the administration of local affairs. Of course, you can do it in some parts better than in others. In some parts of Zululand they are not at all civilised, while in other parts they are much more advanced, and, of course, Natal in many parts is a good deal more advanced than Zululand.

43,376. I will ask you to look at it from the South African point of view. In certain parts, say Basutoland and Zululand, where there are nearly all Natives, that might be done, but if you take other Colonies, where the Natives are distributed all over the land, where they are not in dense masses, except in one or two places, how could you create it; how could you give them local control?—I should say in the case of the towns, where you have locations adjoining towns, they might be given some voice in the management of that particular part where they are. They have to pay for their stands, pay taxes, and if they have to pay for their stands and pay taxes, it seems to me they might have some voice, with somebody to guide them, in the administration of them and in the management of them.

43,377. And in locations in the same way?—I should say so.

43,378. But over the rest of the country?—You mean when they are scattered amongst the farms?

43,379. Yes, and squatting?—Of course, when they are on farms they are practically serfs; they cannot move off without leave from their masters. I do not know how you could do it there. Their position is such that they are voiceless and powerless, practically. They cannot get away from the farms without a pass from the master, I fancy. I do not see how it is possible in those particular cases to give them a voice. But that cannot last, I think.

43,380. Which?—The position in which they are on the farms.

43,381. Are they not happily placed on the farms?—I suppose they are in their present state, but I should think the time will come, and I should think it a better system, when they will rent a piece of the land and pay rent to the landlord, in the same way as any tenant would. It has always seemed to me a better plan. It may have been necessary in the early days, when the land was first of all occupied by the white people, that they should do that, but it has always seemed to me the better plan that, as they develope, and as they advance, instead of just getting land for the supply of labour and for a small wage, that they become tenants and pay so much for their land, receiving wages for any labour.

43,382. Farmers require a very large number of pure workers, labourers, who are not, in many cases, tenants at all?—Quite so, and they will have to get labour in the market like anybody else. It seems to me that if a man wants labour he must get it in the market.

43,383. I mean they actually have them. That class of Native is on the farms in large numbers; they have no beneficial occupation of land on that farm, but are mere workers?—Is it not the case that even if they are mere workers, part of their payment is that they are allowed to plough so much land?

43,384. In some cases, not in all cases?—Can they move away without a pass, or are they like labourers everywhere else, that they

give notice and can go? At the present time, on many farms, I fancy it is that they can not come up here, for instance, to work, unless they get a pass from their master; they cannot give a month's notice, or three months' notice, or whatever it is.

43,385. According to the law of the land, they are entitled to give notice and to leave?—But is it in practice so that they can leave—at any rate, in many cases in this country? Of course, I may be wrong about this.

43,386. Then, besides what you suggest, that they should be given some share in the management of local affairs, do you suggest any other methods which Government might employ to assist and to guide their development?—Of course, a great deal could be done in the way of education. I mean if the Government were to insist upon all teachers being qualified, and you had the right sort of men, you could do a great deal in the way of education.

43,387. You mean that no Mission Society which now conducts education should be allowed to have a teacher who was not certificated by Government?—I should aim at that. You cannot get it at once. I think that all teachers in all schools ought to be recognised by the Government and certificated. The Government ought to see that they are qualified men. You cannot get that all at once, simply because there are not the teachers in the country to get, but I think it ought to be aimed at.

43,388. Are there the means in South Africa for training these teachers?—There are in some parts. I am afraid we have not got them in this country at present.

43,389. Until that was possible it would be manifestly wrong, I presume, to insist upon their being certificated?—I think so, but I think that is a way in which the Government might help to assist in the establishment of training schools; and it would be an enormous gain for the teachers to get some little training in the way of handicrafts—if they were taught so as to know something in the way of being able to teach simple manual works, carpentry, and that sort of thing. If the teachers, while they were training, had an opportunity of learning something of that kind, it would help the difficulty very much. On the other hand, I feel that these people are learning every day. They come up to the towns to learn, and learn a very great deal in the way of manual labour in all sorts of ways, and, of course, on the farms they learn a great deal.

43,390. You think that there is a great process of industrial training going on?—Great.

43,391. You spoke of education: What, may I ask, would be in your opinion the useful limit of education for those Natives—taking the raw Natives, not those who aspire to higher things?—I should teach them what they learn in an ordinary elementary school in England. The boys leave school about the age of 13, and while at school learn the elements of ordinary necessary things; and I should do much the same, I think, with regard to the Natives. I do not know how you could make it more elementary than this; it is simply ordinary reading and writing. It is about as elementary as you can make it.

43,392. In recommending this, is it because you think they would be better able to earn higher wages, or that they would be more useful to those for whom they work?—Because they would be more useful, I think. Almost every man must be more intelligent and, therefore, a more intelligent worker if he has had some education—just the elements. I do not think it matters about

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colour in that respect. Every man must be a more intelligent workman who knows something about those things.

43,393. Do you think, at the same time, that the boy who is educated is a better boy?—You mean in character?

43,394. Yes?—I do not think it follows a bit; it does not necessarily follow.

43,395. What I wanted to draw from you was whether you think the influence of education upon them is good?—I think the tendency at the present time is that it makes prigs of them—as the Education Act passed in 1870 made prigs of people in England—simply because they know more than their fathers, and therefore they get to the priggish stage; but that stage will pass away as soon as the great mass get leavened up and get educated. In many parts the tendency amongst Native boys at the present time is towards priggishness, simply because they know more than their fathers, but that will gradually pass away.

43,396. Then, for the great mass, you advocate the limit being such as is given in all elementary schools?—I think so, but I would not dream of making it compulsory at present. I should certainly let those who want to learn do so, but you must not push them too much—you must not force them. If they have the desire, that desire must be given an opportunity of being fulfilled.

43,397. As regards those who seek a higher education, what are your views?—I should not stop them. It is just one of those things which you cannot stop. You cannot suppress the desire in a man to learn, and anything in the way of suppression of that desire for education will simply mean mischief in the future.

43,398. Would you provide it?—I do not know why you should not provide it. If a man has the means to pay for it, I should give him the opportunity. I should not pay for it, but I would let him pay for it himself.

43,399. Just as Europeans do?—Yes.

43,400. For that purpose you must have schools that are accessible to them?—Yes.

43,401. Do you think that there are in South Africa—not in this Colony in particular—schools enough for Natives who seek education and can pay for it?—At present I should think there are, and as the demand grows I think the supply will come. I think that any man in this country who really desires to get education should have the opportunity. There are, of course, places like Lovedale in the Cape Colony, for instance, and similar institutions.

43,402. Lovedale and similar institutions are supported partly by philanthropy. What I wanted to get from you was whether you thought those who were seeking higher education should be dependent on schools supported in that manner, or should they be able to look to schools provided by Government?—I think if there was a real desire on their part, and they showed it, and came to the Government and asked for it, the Government might very well help. It must be remembered that these people pay a very considerable amount in the way of taxation, and they ought to have the opportunities which the taxation they pay seems to me to demand. The present sum granted to Native education in this country is, as you know, sir, very, very small indeed.

43,403. You spoke of the Ethiopian movement as being one that should be guided; in what way do you think it ought to be guided?—I meant to say that it was one of the outward and visible signs of the fact that these people want something in the way of a voice

in the management of their own affairs. They have shown it in church affairs in that particular way, and I think before long they will show it in political affairs, that is, affairs to do with the State. If you can give them in some way a voice in the management of their own affairs, I think that will be the way in which you can guide them. As to how the Government can actually guide the Ethiopian movement it is a little difficult to say. I am afraid it is a point on which I am hardly qualified to speak, but I think I should treat it not unsympathetically.

43,404. Are you in a position to say whether the Ethiopian movement has done any harm to religion as a whole, or to the Native people as a whole, or is it mischievous towards the State?—I have really come across it very little. There was practically none of it in Zululand, and I can only speak from hearsay. I have heard that they are preaching things which, I suppose, would be called seditious, but I have never personally come across it. In Zululand it did not exist to any extent when I was there two years ago.

43,405. Has it had the effect of undermining the work which has been done by the various religious persuasions in South Africa?—I should think it has had that effect to a great extent in connection with some religious bodies.

43,406. By detaching adherents of those societies?—Yes.

43,407. And in other ways?—I should say more especially by detaching those who have been members of various religious bodies; but it is only a sign how these people generally regard church things, because they are, as a rule, the people who are most advanced and developed in the way of civilisation. It is a sign that they want a voice in the management of their own church affairs, and I think the Church will do very unwisely if it does not try and give them a voice in the management of their affairs.

43,408. Presuming they had religious aims of the proper description, can you suggest any way in which that movement could be guided?—I should have thought that there might have been a conference with their leaders so as to get to know exactly what they want; by getting them to speak we could find out exactly what their aims are.

43,409. What would be the effect, do you think, upon the existing Churches of South Africa, of all denominations, if recognition was given to this movement which is headed and worked entirely by Natives?—I have a notion that before very long these men will feel the need of someone to guide them. Only the other day in a place in this country a body of Ethiopians, representing something like 1,000 of them, came to me and asked if I would take them over to the English Church; and when I asked the man about it he simply said, "We find we want someone to help us; we cannot get on by ourselves." I think they have got some very weak points, especially financially, if left to themselves. I do not speak of funds sent over to them from America, but their financial position is not a very strong one; and that is where I think perhaps they will find difficulty, though I may be wrong.

43,410. Do you think that the best persons to guide them and to lead them would be the existing denominations in South Africa rather than the Government?—I think we might do a great deal in that way; instead of boycotting them, we might try and help them and find out exactly what their wants are. I have not really thought about it, but perhaps the religious bodies might be able to do it better than the State, that is to say, the Government.

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43,411. Do you think it is one of the functions of the State to guide a religious movement, no matter from whom it emanates?—No, I should say not, certainly.

43,412. I have one more question to ask you. Do you hold any views upon the liquor question, that is the prohibition of the sale and supply of liquor?—I am very much in favour of prohibition.

43,413. Is there anything, before the other members of the Commission question you, that I have not asked you, concerning which you would like to express your opinions?—There is only one thing I would like to say. These people are naturally connected with the land. That is their natural work, not town work, but work in connection with the land. It has always seemed to me that if, as I suppose, the aim of the Government is to try and make them good citizens, something might be done in the way of helping and teaching them better forms of agriculture. I fancy in Natal lately the Government has been irrigating and reclaiming a considerable amount of land that before was of very much less value than it is now. I think a great many of these people could be placed on those portions of land, the Government helping them by irrigating, and then there could be some person in the way of some Government official who would encourage them to cultivate in a better way. In a country where there is such an enormous amount of land uncultivated, why not use these people to break up that land and to cultivate it, and teach them what they can get out of it, and encourage them to do it by offering prizes and rewards? It seems to me that what you want to do is to make these people really good citizens, and so make them useful in the country. Their natural inclination is to work on the land. Why should not certain tracts of country be set apart where they might be given certain pieces of land, certain allotments, and be where the Government would encourage them, just in the same way as the Government at the present time is encouraging white settlers and teaching farmers how and what to grow? Why should it not be done with the Native people just as much? I mean they are here, and they are going to remain here, and, if I might venture to say so, the wisest and most statesmanlike policy is to recognise that they are here and that you want to make them really useful to the country, and help them to develope on those particular lines which are their natural lines. Their natural lines are working on the land, working with cattle and so on, and the Government might encourage them in that way, I think.

43,414. Do you mean by the employment of experts or through the officers who are already looking after them?—There might be one man set apart, for instance, in the Land Department or the Agricultural Department, just as there are these model farms where white men go and are taught, and learn simply from experiments what is the best to cultivate in this country. Why should there not be some man in that Department whose work should be to do that for the Native people?

43,415. Of course, the settlers pay for this?—I would make these people pay; there is nothing to prevent them paying, and there are lots of men who would be glad to have land if they could only get it, and pay quitrent.

43,416. And where agricultural enterprise is being carried on, and where there are model farms, there are, of course, a considerable body of Natives who are the workers there; are they not learning in that manner?—Yes, I think they are learning a great deal, but why should there not be certain portions of land set apart? I do

not suppose, sir, you would say that they are never to own land in a country like this. I mean, if they were in a position to buy it, I suppose you would say they would have the right to buy as well as anybody else. Looking into the future, you canot keep the land as a monopoly for the white man. There are enormous tracts of land in this country which are uncultivated, and it would do the country so much good if those lands could be broken up and cultivated.

43,417. What would be the ultimate result if Natives were allowed to buy land at pleasure?—What you must look forward to, and what I feel is, that you cannot keep the land for ever as a monopoly for the white man; these people are here, and are going to stay, and they are in enormous numbers. Compared with the white man, they outnumber him by at any rate four or five to one, and these people, if you look forward to the future, eventually cannot all be in the towns; you must have land for them somewhere.

43,418. It is because they are in the proportion of five to one that I ask you what would be the result in future if they were allowed to buy up the land. The result would be very much worse in the future if they were not allowed; say in 50 or 100 years hence, the result would be very much worse if they were prohibited, if they were suppressed and never allowed to buy and really to own land. It would lead to a tremendous lot of dissatisfaction in the future. I do not think you can go on for ever saying that these men are never to own land; you may do it for a time, but the pressure will be such from these people, from the fact of their becoming much more civilised and much more developed, that you will not be able to withstand it. You must recognise it, it seems to me. All legislation at the present time must be on the lines of recognising the fact that these people are going to develope, and that they are going to be a civilised and, in many ways, an educated and a cultured people in time. You can make these laws now, but these people are not going to remain as they are. That is the only point I want to make clear, and you must legislate with a view to the future.

43,419. *Mr. Stanford.*] Do you regard the desire of the Native members of your Church to share in the administration thereof as a reasonable one?—Yes, quite reasonable. It seems to me, if I may venture to say so from the little that I have thought of it, that they will have to develope on their own lines, and the European Church will also have to develope on its lines.

43,420. But at present you have to suffer an admixture of white and black in your representative assemblies?—That is really partly the reason why one feels that church legislation at the present time is so necessary, because it has happened in certain dioceses that the black man has swamped the white man, and by our constitution the black man in many dioceses could really swamp the white man altogether if we allowed him to act according to the canons of the Church; and that is why some of us feel very much that they must have their own organisation.

43,421. Then you propose to safeguard your interest by separate assemblies?—I cannot state definitely, because we have not really taken our evidence on the subject. A Commission was appointed about three or four months ago, and, I think, that is the line they will take.

43,422. And up to what level would you carry this separation of administrative bodies: I mean that ultimately there is overseeing the assembly the official Council?—I do not know whether I am right or wrong, but I do feel that there will be a European Church and there will be a Native Church, both bound to and

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governed by the Provincial Synod. My idea is that the Natives will have to have their own organisation, and the Europeans will have theirs; it will come to that.

43,423. And they will be able to send representatives to your Provincial Synod?—Yes.

43,424. And how would you safeguard in that Provincial Synod the interests of the Europeans as against the swamping of the Natives, in view of their enormous numbers?—I am afraid I have not really sufficiently thought about the details of it, but the Native part of the Church must be represented somehow. To take this matter into consideration is the purpose of the Commission I have referred to.

43,425. Do you think it will be necessary to establish some such safeguard?—I do; I am quite sure of that.

43,426. And would you be prepared to say that in respect of the Legislative Assemblies of South Africa some such system should be similarly adopted to allow Natives fair representation, and at the same time to safeguard the European control by limiting the representatives of the Native race?—I should certainly say there must be something of the kind. If they are taxed they must have a voice as they develope; you cannot go on taxing them and giving them no voice really in the management of affairs. It may last a time, just in their present condition, but there will come a demand, and the demand will be so strong that you cannot refuse it.

43,427. You are aware, my lord, that the Ethiopian bodies are establishing schools in various parts of South Africa?—Yes.

43,428. Do you not think it desirable that those schools should be brought under some State supervision and control?—I think if the State would recognise them and examine them, they would know exactly what they are teaching, and a power would at once be given over them.

43,429. That would accord, would it not, with the expression of opinion you gave just now to the Chairman, that those bodies should be controlled and guided?—Certainly, I should say that is a much wiser plan than boycotting them or trying to suppress them altogether.

43,430. And if any school so established fully complied with the regulations laid down by Government, you would see no objection to that school being subsidised in the same way as other mission schools?—No; the Government by getting into those schools at once knows what they are teaching and gets control over them, which they would not get otherwise.

43,431. And thus satisfactory control might be established?—Certainly.

43,432. Are you aware that there have been instances in which Native youths from this country have been sent abroad in order to get higher education?—Yes, I heard of a case not long ago of a youth going to America.

43,433. Would it not be desirable, in your opinion, to provide, if necessary, some central institution at which boys desirous of this higher education could obtain it?—I should say it would be better than letting them go to America. The Natives of the Cape Colony are very much more advanced than those with whom I have come into contact, and if there is a desire for higher education facilities should be provided by Government.

43,434. It being understood that such education would be paid for?—Certainly.

43,435. Do you think it would be practicable for the Governments of South Africa to agree upon the establishment of some central institution in the direction suggested?—There is only one thing about education which I will mention. What I am afraid of here is what has happened in India as the result of Government schools, and that is the baboo; and that came simply because all their old associations and old religions were broken down, and they were not given anything in its place. Perhaps you may think I am a bit prejudiced about this, but I have a horror of that kind of man who is simply educated and clever, and whose character has broken down because all the old associations have been broken down to which he has been accustomed. I should suggest, if there is a school of that sort, that there should be that influence which alone, I think, can make character of the best form, and that is Christian teaching as well. In India the Government schools, in which there is no religion taught at all, have produced the baboo, who, from all I hear, is practically educated and clever, but of very little real character.

43,436. It will be practicable, will it not, to allow the teaching of religion in such an establishment?—Quite so.

43,437. And that would meet your view?—Yes; and I think it would be well if something of the same kind could be adopted as has been adopted in Bloemfontein in connection with the Government school, of having hostels where the different religious bodies might be able to board their own pupils who were learning.

43,438. *Mr. Samuelson.*] Is the Native membership of the Church in South Africa increasing at such a rate as to lead to any reasonable anticipation that their voting power at Synods and Provincial Synods will be a danger, and may upset the balance of European control?—I know of a case in South Africa where the Native members practically decided the election of a Bishop. The Native members practically out-voted the others. They had a very large minority, but you know a minority of that sort can decide an election, and they did decide this election.

43,439. If there is a danger of the voting power of the European clergy being out-balanced by the Native clergy, who are members of your Church, in ecclesiastical matters, is there not a much greater danger to South Africa that the political power of the Native population might out-balance the white man's power if they got the franchise?—I should think they would, and that is why I advocate their being represented more especially in matters referring to their own affairs. I do not think that they will want to have to do with the Europeans' affairs if they are only allowed to voice their own wants. The time must come when they must be represented somehow. If you have taxation, those who are taxed are bound to have a voice. You cannot stop it in the future.

43,440. And you think that the best way to limit their political power is by limiting the number of persons to represent them and limiting their voting power to the election of those special representatives?—I should say that at present they ought to be represented in every assembly in some way, though I have not really thought out how they should be represented.

43,441. Do you think that they should enjoy the same privileges as they do in the Synods and the Provincial Synods, and actually share in the control of the affairs of the white population?—I feel that they do not know enough of the world and of things in general to really legislate at present on things which concern the whole Church; but there are many things on which their views would be of enormous value; that is with regard to their own development

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and their own church organisation. But, as I said just now, I do feel very strongly that the time will come when they will have their own organisation, and the Europeans in most of the dioceses will have theirs, and there will be one central body to control the whole. I think something of the sort is bound to come in the future.

43,442. But if they are allowed to progress on the same plane as the European population, do you not think that at some time or other very serious conflict will take place between the white and the black?—My only point is that you cannot stop their development. They are here and they are going to remain here, and no suppression will stop their development, and suppression in the long run will only cause dissatisfaction. It seems to me that you are far less likely to get trouble if you allow them to voice their own affairs and allow them to express what they want than if you suppress them. Keeping people down has never had a good effect, and it is bound to create mischief in the long run.

43,443. Would there not be at some time danger politically?—Far less danger to my mind than if you suppress them; there would be far less danger if you allowed them to express their views than if you said to them, "You must come here, and no farther."

43,444. You do not think that there would be any danger of the political annihilation of the white race through the preponderance in numbers of the black race on the voters' lists?—I think you are far less likely to get trouble if you allow them to develope and allow them to have a voice than if you keep them down. Of course, I am looking to the future, and I am only speaking of the future.

43,445. Take the United States of America, where they have been allowed to advance on the same lines as the European population; what is the state of feeling between the negroes and the Europeans in the United States at the present day as the result of that?—I would rather take President Roosevelt's view on that subject than my own personal opinion. As President Roosevelt said the other day, "If a man shows himself capable of assimilating civilisation and development and culture, you cannot keep him back merely because his colour is black." President Roosevelt seems to me to be a statesman, and a statesman of the highest kind.

43,446. Have you had any opportunity of reading the result of that line of action in Hayti? The negro population has got ahead and has got the preponderance in the voting power of the country; what is the state of affairs there?—I am afraid I cannot speak about that; I do not know enough about it.

43,447. Have you not read of revolutionary measures taking place there and disturbances between the whites and blacks?—The only way in which the white man can hold his own here is by keeping ahead of the black man; he will never hold his own in any other way.

43,448. But you said to-day that the Native is to have equal political rights and equal political power?—I never said equal political rights; I only said that they ought to be represented in some way. When you have an enormous number of people who are paying taxes they must be represented somehow.

43,449. *Captain Dickson.*] What leads you to think that Natives cannot leave the farms?—I stated what I believe to be a fact in many cases. They cannot leave a farm without a pass from the owner of the farm. What I feel about it is that the time will come when they will demand a position in which they can claim the

right to work where they wish. I certainly think it would be a more satisfactory system, if men living on a farm paid rent for their land, and were paid wages for any work they did for the farmer.

43,450. Do you think that there is anything in this Colony, or in any other Colony that you know of, to prevent them leaving farms at the present time if they wish to do so?—I have only heard of the practical difficulty that they cannot get a pass if they want one. They are entirely under the control of the person on whose farm they are, and if he refuses to give them a pass they cannot go, even on a visit to the next farm.

43,451. I take it that you think that this is an insufficient power to give the Natives in this and in the adjoining Colonies?—I do not think that any man ought to have the power to stop a Native leaving his farm if he wants to go out to work. I mean if the Native gives the requisite notice according to the law that he wants to go to work somewhere else, I do not think that any man ought to have the power to say to him, "You shan't go." I have not the power to say to any boy working for me who wishes to leave me, "You shan't go and work for Mr. Jones."

43,452. Have you studied the Squatters' Law of this Colony?—I am afraid I have not.

43,453. You cannot give any information about it?—I am afraid I do not know enough about the Squatters' Law to speak about it here.

43,454. But you are aware that there is a lot of labour locked up in this Colony and in the adjoining Colonies on the farms?—You mean that there are a lot of Natives on the farms who ought to go out to work, but who do not do so?

43,455. Yes?—I thought the difficulty in many cases was to get labour on the farms, to get enough families to supply the labour requirements of the farmers. I hear complaints from people when I go about that they cannot get Natives to come and work for them. Of course, there are some cases where there are more Natives on the farms than are required for labour. This, I suppose, depends really very much on the owner of the farm. Some men seem always able to get any amount of labour, while others cannot. Does it not depend rather on their treatment and management?

43,456. *Mr. Krogh.*] In regard to the piece of land you spoke of to be held by Natives: would you give them free title to the ground upon which they live, or would you favour the leasehold system?—I should favour the leasehold system. They should pay so much a year in the way of quitrent to the Government. That, I think, would be the better for everybody—Europeans and Natives—so long as there was fixity of tenure.

43,457. You would object to giving them free title, so that they could dispose of the land to anybody who wished to purchase it from them?—I believe in that system for all people. It would be much better for all if there were some sort of system by which the Government would practically hold the land in its own hands and everybody would be made to pay quitrent on so much land per year. This would certainly be better for the Natives than freehold.

43,458. You are speaking of Government property: Crown lands?—Yes.

43,459. You would not say that education is the only means of improving the Native, or of raising him?—I think that all the Natives who come to the towns learn an enormous amount. They learn a great deal of good, and they learn a great deal of what is bad as well. Every race, like every man, has to learn to refuse the evil

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and to choose the good. They must sift the thing themselves. By going to the towns I should say that they are being educated, and becoming educated every day, in an extraordinary way.

43,460. But you would not attribute the improvement of the Native solely to education?—I suppose that education is the greatest way of developing any man, that is education on the right lines. I only say they are being educated, as you cannot help their becoming educated, every day by coming into the towns and coming into contact with people of superior civilisation to themselves.

43,461. Apart from education, can you tell the Commission what class of Native is advancing more towards or on the lines of civilisation; those who live and work on farms amongst Europeans, or those who come to live in the towns and large labour centres?—They both develope on different lines. I think that I should say that development in farm life is better for them than development in town life. It is a more natural development.

43,462. They would be useful members to themselves and to the community?—Quite so.

43,463. Do you not think that the Natives who live on farms are generally free from the vices and temptations of town life?—I should say they are, certainly.

43,464. Remembering that the majority of Natives who go to the towns are young men and young women?—Quite so. I should say that those who come to the towns are exposed to far greater temptations, and I should say that they are far more likely to go to the bad by coming to the towns than by remaining in the country, and partly for this reason that country life is their natural life, and town life is an unnatural life to them.

43,465. Do you not think that it would, perhaps, be as well to teach the raw Native children and keep them in schools for a limited time, in order to learn to read their Bibles and understand their Bibles, together with a little writing knowledge, and then find employment for them?—Do you mean to take them away from their homes?

43,466. I mean this: Have you not found that the half-educated Native becomes an over-bearing quantity as a rule?—Do you mean when taking these children away from their homes?

43,467. No; I have in mind that you established schools in certain centres, and then, instead of letting the children, when they have been educated to read their Bible, and have been taught a little more, go about on their own account, find employment for them?—You mean in service?

43,468. Yes?—It might be better. My experience as regards the girls is that they are not prepared to go to the towns yet. In Zululand we always tried to stop every single girl going to town if we possibly could, simply because they were not able to withstand the temptations. They are not accustomed to the sort of life.

43,469. In Zululand, as in other Native centres, the parents object to their girls going to work, as a rule?—Yes, and quite rightly too.

43,470. And they keep their girls pure?—Yes, according to their ideas of purity.

43,471. But outside on the farms, and where the girls are living with their parents, they should be taught to work?—Certainly.

43,472. And they would become useful members of the community?—Yes.

43,473. Afterwards having their own little house?—I think they would learn a great deal in that way.

43,474. They would improve in that way?—Yes.

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43,475. As it is, the way the Natives are educated now, they become useless to themselves and an over-bearing quantity; have you not found it so—I do not, of course, say everybody, but as a rule?—I think they are passing through a certain stage now which they will get over in time. As they are now, they are only half-educated, but I think they must go through that stage, and I do not think you can help their going through that stage. It will right itself in time. You have got the prig in many instances to-day, but I think that that will right itself in time.

43,476. It will take time?—Yes, it will take time.

43,477. With regard to the prohibition of liquor, would you object to the Natives brewing their own Kafir beer, as they did in former days, and consuming it as they did then?—No.

43,478. But you would object to their brewing it to sell to others?—When I spoke of the prohibition of liquor, I referred to European drink; I was not thinking of their Kafir beer, which is part of their food.

43,479. Would you object to their selling Kafir beer? As you know, they add European liquor to it, and make it strong, as it were, in order to get a sale, and that is the abuse?—I really have not thought that out; but I see no harm in their drinking their ordinary beer.

Mr. Harold Strange, examined.

43,480. *Chairman.*] You have been a member of the Chamber of Mines for a great many years in this country?—Since 1896.

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43,481. And you are at the present time President of the Chamber?—Yes.

43,482. It has been contended from time to time that the Natives of South Africa have been deterred from coming to work at the Witwatersrand because of the bad conditions that have existed here. Would you give the Commission your experience in the matter as to what the state of the case was and what it is to-day—what changes have been wrought?—Speaking generally, my first experience of Natives here was in 1888, when I was in charge of the Henry Nourse mine. If I were to compare the conditions under which the Natives accepted work on the mines in those times, conditions as to their life, their quarters, their food, and the manner in which they were treated, with the conditions which existed immediately prior to the war and which exist to-day—I take these as two separate stages—I think it would be seen that a great deal more than we could have believed was possible has been done in the way of benefiting the conditions under which the Natives work, and, in doing so, I think it is interesting to call the attention of the Commission to the fact that in 1888 the Natives were recruited practically on our door step. There was no kind of organisation either for asking the Natives to come to work or offering them any inducement. They came and sought for work. Speaking from memory of the number of Natives we had then, I think in 1889 it was some 14,000. That gradually increased, the conditions being practically the same for a very considerable time afterwards. Then, of course, as the pressure for Natives arose, owing to competition between the mines, better terms were offered to the Natives, but very little was done in the early days in the way of bettered conditions; still some considerable alterations were made. But bringing the question

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down to just prior to the war, and comparing it with what exists to-day, I can only remind you of the statements which have been presented from time to time by the Native Labour Association, by the Chamber of Mines, and by the Mine Managers' Association (copies of which were handed in, I think, to the Transvaal Labour Commission which sat last year), and of the conference which was held in the office of the Native Affairs Department under your own presidency, at which a large number of mine doctors voluntarily attended, and you accepted their services. This conference resulted in a special committee of the medical men connected with the mines being formed, who made a report. That report is, no doubt, amongst the papers which you have before you. At the same time I might point out to the members of the Commission that the Chamber of Mines, on the 3rd September, 1903, issued to its members an important circular calling attention to further measures which it was considered by the doctors in their report to you, dated, I think, the 2nd of June, which you will find on page 121 of the last report of the Chamber of Mines, were necessary. The circular issued by the Chamber of Mines called attention to certain matters in the way of sanitation and water supply, the provision of stoves, improvement in diet, with a view to dealing with scurvy particularly, the housing of Natives, and hospitals, necessary to give effect to the recommendations which had been made and also to arranging for clothing Natives on their journey to the Rand. At a later stage we had a further conference with the doctors, and information was sought for from the various mines in detail as to whether each mine had individually carried out the recommendations which had been made by the doctors as being necessary for the care of the Natives. In the reports of your Department those answers and the questions put have been very fully dealt with, and I would ask the Commission to consider that they disclose that every care has been taken of the Native with regard to his housing, food, etc., and as to his treatment. When I speak of his treatment, I mean physical treatment in the way of anything like personal injury or assault, or ill-treatment of any kind. I think you know from your inspectors, and one can easily see from the very, very rare occasions when complaints are made publicly, that there is nothing of the kind which can be complained of. There may be instances where a man loses his temper, but those are instances which occur just as much amongst white people as they do amongst blacks. So I would submit that the contention that the conditions on the mines keep the Natives away from here is hardly one which we could be seriously charged with. I would also point out to you that in my address to the members of the Native Labour Association last year I called the attention of members of that Association to the consideration that whilst we had far more Natives on the Rand before the war, when we must admit that the conditions of treatment of the Natives were not as good as they are to-day, yet, although we have done everything that we can—I will not say that we have entirely completed the work, because there are always things that can be improved upon—whilst we have really made a serious effort, and done a large amount of work in improving the conditions of the Native and giving him fair and reasonable treatment and housing, fuel, food, medical attendance and matters of that kind, we have not got the same number of Natives that we had before the war. So that the conditions under which the Native works here do not appear to have a direct relation to the number of

Natives seeking work. It struck me as very curious that that should be so; in fact, I have heard it said by some mine managers that the more you do for the Natives the less they seem to appreciate it. You know it has been stated by many, no doubt some of them interested, that one of the chief reasons why the Native ceases to care to come to the Rand is that he can no longer get drink, or, at all events, not with the facility that existed under the past *régime*.

43,483. Have any of the changes which were practicable, which were suggested by the Commission composed of medical men, not been carried out, generally speaking?—I should say certainly not; they have been carried out, and more than carried out in most cases.

43,484. I would like to ask whether the necessity for bettering the conditions of Native life and work here is recognised by the Chamber of Mines as a body?—Yes, I think I may say that the pressure which has been brought to bear by the Executive of the Chamber of Mines in cases where mines had short lives, or were in a poor financial position after the war, and hesitated, therefore, to incur the expense of carrying out the alterations which were necessary in our opinion, following the doctors' opinion, the pressure which the Executive of the Chamber brought to bear upon them must be taken as evidence of the intention to carry it out. We have, I may say, stated publicly, on more than one occasion, that intention. For instance, in the address of the late President, Sir George Farrar, he says on page 48 of the report I refer to, "Great efforts have also been made to reduce the mortality amongst Natives working on the mines. We have had expert reports, and many of the suggestions will be followed. A committee of doctors has met, and handed in their report, which has been circulated, accompanied by the memorandum drawn up by your committee. A grant of £1,000 has been made by your Chamber for the investigation of pneumonia." Then, going on, he says, "We have instituted a more thorough medical examination, and we have taken steps to establish a central compound, where Natives will be retained and fed until such time as they are quite fit and well enough to proceed to the mines. Many other inducements to make these fields more attractive to the Native, and to persuade him to remain longer in his employment, are being considered, and it is hoped that Government will see its way clear to offer greater facilities for trade with Natives in mining areas. In considering the treatment of Natives on the mines, we have to bear in mind that thorough inspection is carried out by the Native Affairs Department, and no pains are spared by us to put into force any recommendations suggested by that Department for improving their condition, so that their condition is always carefully safeguarded by the Commissioner for Native Affairs." That is merely an endorsement by the President publicly of the policy of the Chamber to do all that is possible to amend the condition of the Natives.

43,485. There is one subject with which you are familiar which has been several times brought up. It is that referring to the payment by the working day of the Natives on the Rand. Would you state how that has arisen, and what the system is?—The system followed arose from the way in which we employed Natives in the first place. When I came first to the fields we used to engage the Natives at a definite rate of pay for working below ground, and a lower rate of pay for working on the surface; and the method of payment then was, if a boy was a specially good boy, and proved himself willing and fit, his ticket was marked according to his work. If he proved to be a boy who did not want to work, or who did not turn

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out to work at the proper time, his ticket was not marked—he was not a worker. Most of us were accustomed to working with English labourers, and there, as you know, a man turning up late loses a quarter of his day's pay. It hardly seems to me to call for an explanation that if a man does not work he should not be paid. Further, the Native has an advantage over the white workman. If a white workman is not marked by a timekeeper as attending to his work he loses his work, and frequently loses his job. Owing to the pressure we have for Native labour, we cannot afford to send the Native away. We have to let him stay in the compound, because he is associated with a gang of his brothers, and the discharge of one or more of them as idlers would frequently lead to the others leaving as soon as possible, if not deserting, at all events not continuing a, perhaps, short contract. But all the time the man is idling, he gets his shelter, he gets his food, he has no necessity which cannot be filled, he can lie in the sun in the compound for the rest of the week, and, unfortunately, often does so, taking advantage of the circumstance that we cannot afford to discharge him.

43,486. That is the reason that you established what is called the ticket system?—It has been the invariable system here as far as I know. If you remember, and I am sure that you do remember, at the time that the legislation was considered under the present Government in connection with the pass system, the stipulation was made that a year's contract should not be considered to be fulfilled until 313 working days had been worked. But, notwithstanding that that was the case, it was found not to be expedient to press it very much, because if amongst a lot of Natives of 15 or 60, or 200, half-a-dozen or more Natives had not fulfilled their contract time, it was inadvisable, when the others had done their contract time by working 313 days, to attempt to detain the smaller number of the boys who, either from reasons of laziness or ill-health, or accident, had not fulfilled theirs, and I think that very liberal treatment in that way has been given by the various managers. I take it that your question did not mean that it has been seriously argued that a man should be paid whether he works or not.

43,487. No; I merely asked the question as to the meaning of what is called the ticket system. Are there many Natives in particular parts of South Africa who do not care to go and work at the mines?—I am not sufficiently acquainted with the Native districts. I have never had opportunities beyond reading what Native conditions are in most Native districts. I know a little of the Zoutpansberg, and I know a little of the East Coast, but, to judge by the figures, it would be apparent that there are some Natives who do not care to come. I have no doubt you have before you the full figures of the percentages of Natives who come from various districts. In the Native Labour Report, which I think Mr. Macfarlane gave to you yesterday, these are fully detailed, so that it is quite clear that the supply we get from sources other than the Portuguese sources is small compared to what appears to be the able-bodied male population of Natives in those other districts of South Africa, particularly the Cape Colony.

43,488. Do you know of any valid reasons which deter them from coming from any particular sphere?—I hold a personal opinion that Natives from Basutoland, Natives from the Transkei, and the Queenstown neighbourhood Natives, object in some way to be considered on a level with the other Natives who are working.

43,489. For what reasons?—They are British subjects. In some of the countries which they come from they have rights which they certainly have not in the Transvaal, and which I sincerely hope they never will have.

43,490. Do you mean to say rights that they might enjoy here under the law of the country?—Which they might enjoy in their own country, and which they would not enjoy here.

43,491. What kind of rights?—You might take the Natives generally speaking—the Cape Natives—they do not quite like to be put in with the East Coast Natives. A great many of them do not care to go underground. I believe many of those Natives are excellent workers if they like, but they do not care to. Some of them go underground. Recently we had to put a stop to a system of Native contractors. These men wanted to be Native contractors and get other boys to work for them and to be, in fact, masters themselves. We found that was inexpedient because it was proved that you could not rely on those Native contractors in the first place to keep their boys in order, and in the next place you could not rely upon them paying their boys. There were cases in the Police Courts where it appeared that boys had worked for these so-called Native contractors and had not received their pay. We find it very difficult to consider any system of treatment of mine Natives—and I am only dealing with mine Natives—which differentiates between the Natives. You cannot class them separately. That may have some effect. I have been told that it has.

43,492. Can you now tell me, Mr. Strange, what the size of what is called the Witwatersrand labour district is, roughly speaking?—No, but I can supply you with the map which was recently issued.

43,493. Roughly speaking, the length and breadth is a good many miles?—I do not know how far the labour district extends beyond Springs, but I should imagine that Springs must be 24 miles from here, and Krugersdorp is, I think, 18. That makes 42 miles. And then you have Randfontein, another six. It could not be far short of 50 miles.

43,494. Do you know the number of mines in that area?—No.

43,495. It is over 100?—Yes.

43,496. Do you know the number of Magistrates?—No.

43,497. There is one, for instance, at Johannesburg, one at Krugersdorp, one at Boksburg?—Yes, and one at Germiston, I think.

43,498. How used cases formerly, cases in which Natives were charged with minor contraventions, to be treated, before the present law which provided for Inspectors to deal with those contraventions?—I am not familiar with that, but my impression of it is that we had a certain number of Pass Inspectors, and cases were occasionally brought before the Magistrates, but, as a general rule, cases were not brought before the Magistrates, I should say.

43,499. You mean they were dealt with by the compound managers?—At one time, I believe, there was a system of fining the Natives.

43,500. Fining by the compound manager?—Yes; it was found very undesirable, and so was put a stop to.

43,501. What would be the effect of doing away with the Government Inspectors now employed, who have at present small and limited jurisdiction in treating these minor contraventions?—I can only say that I do not think that the system has given rise to much difficulty. There has, on certain occasions, been complaint here and there amongst the managers, which has perhaps reached

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the Directors, that the Inspectors were a little too zealous in listening to the talkative Native, but I do not think any complaints of the kind were ever officially made.

43,502. Still, if they were done away with, there would be only one alternative, I suppose, and that would be that all cases would go to these Magistrates, who are four in number?—I should think that would be a very bad system, because, in the first place, the Magistrate would not see the local conditions. A visiting Inspector with jurisdiction over minor offences sees the actual place and has got the range of all the witnesses; he may, if he chooses, go into any room in the compound and ask a boy if he knows anything about this particular thing. Whereas, if everybody had to go to the Magistrate, and wait their turn, and drag a large number of witnesses over there, with the adjournments that would be necessary for further evidence, it would be utterly impossible for the Magistrate to see the place and have the choice of witnesses, and I should think it would be a very stupid thing to do. Certainly, from the point of view of the care of the Native, I think the Inspector has done very well.

43,503. What I meant to ask was would it cause any dislocation if those Inspectors were deprived of their jurisdiction?—Yes, it would mean that our mine compound managers would practically spend the whole of their time outside the Police Court, and further there would be the temptation to the compound manager either not to report the minor offences or to attempt to deal with them himself.

43,504. *Mr. Stanford.*] I suppose it is with the mining companies just a business proposition that they do not desire to have conditions obtaining here which lead to a high death rate, and thus cause a loss of labourers?—No, it is not entirely a business proposition. We were all very much impressed when we first got reliable statistics as to the death rate amongst Natives, and we took the matter very seriously. I think Sir Godfrey Lagden will confirm it when I say we took steps very early and independently to deal with that.

43,505. Your disposition naturally would be to improve the conditions, if they are brought to your notice, and you are satisfied that they are not wholesome?—Yes.

43,506. It then just becomes a question of experience and of judgment as to what is best to be done in the interests of the Native?—Yes. Putting it as a business proposition, of course, it pays us better to have healthy Natives doing work, and not to have sick Natives, who cost us always a great deal more, and who cannot render any service in exchange for the cost; and at the same time it lays us open to the charge of being inhuman and careless of the lives of the people working for us.

43,507. Were not the Natives from the Transkeian Territories, the Cape Colony, and Natal, working alongside the Natives from Portuguese Territorities, and others northwards, before the war?—Not working alongside of them, because they were so few; they were working amongst them here and there, but the total number was very small.

43,508. Before the war, from the Transkeian Territories you were receiving, were you not, about 20,000 men annually?—I do not think it was anything like that figure.

43,509. Those are the figures?—They stayed for such short periods most of them. I do not suppose you would find a working force on the mines at any one time of 6,000 of those Natives. In

your 20,000, do you include those who came here on their own account to work, and who worked in the town driving carts, and things of that kind?

43,510. Yes, those coming from the Transkeian Territories?—Therefore, to say they were working side by side with our other Natives was not the case. A few were working on the mines, but they, as a rule, prefer not to go underground. I believe that the Pondos are proving very good workmen, and I believe some of the Transkeian Natives have worked very well underground, but the number is not considerable.

43,511. Is there any improvement just now in the numbers who are coming from those Territories?—I am afraid I have not the figures of the recent recruiting, but I can supply them.

43,512. You are aware that the fall in those numbers, speaking of the Transvaal generally, not especially of the mines, was very marked after the war. It dropped from 20,000 to about 3,000?—I have not the figures in my mind, but I know there was a difference.

43,513. Those are the official figures. That was stated to be due to the fall in wages here that was determined upon after peace was proclaimed?—I do not believe it; I never did.

43,514. You do not think so?—No, and the proof of it is that although the wages are higher now than they were before the war, the number has not increased at the rate it was prophesied it would increase. In fact, the larger the payment is and the longer that heavy payment is continued, less and less, in my opinion, will be the number of Natives coming out to work, because there is no reason for them to come if they have accumulated enough money.

43,515. Do you not think it has taken some time for them to acquire generally the knowledge that the pay has been raised?—It was reported to us that it went through the country like a telegram that the wages had been reduced. I should have imagined that if it takes so long to let them know that the payment has been increased, that the falling off of the wage could not have made the falling off of the labour. Surely good news reaches them as quickly as bad.

43,516. The question of regaining confidence you have to consider; meanwhile the current of labour had possibly been diverted to other centres? Are the Natives of the Cape less intelligent than those of the East Coast?—I say that the less intelligent Native on the East Coast had no difficulty in appreciating the increase in wages very rapidly.

43,517. Your experience is that they have appreciated the increase?—Yes.

43,518. You do not feel any hope that there will be an increase in your Native labourers from the Coast Colonies?—I could not possibly say. I am utterly unaware of the conditions which exist there; I can only get them by hearsay.

43,519. Have you had any opportunity of judging of the working of the De Beers compound at Kimberley?—I have seen it.

43,520. How long ago was that?—Two years ago.

43,521. Did it come to your notice there that there were a good many instances of Natives who had been in continuous employment over a number of years?—I was told that many of the Natives had remained there for years.

43,522. Of course, you know they are debarred there from drink?—Yes.

43,523. Do you not think it would be better that the inspecting officer should not be the one to inflict punishment in the mines?—

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I am strongly of opinion that the man who can see the locality himself in a minor offence should be empowered to deal with it summarily, for the reason that, as I stated, he is better able to judge of the circumstances. I have heard of no cases of abuse of the position by an Inspector; although, being complainant, he is at the same time judge, I have not heard that that has led to any practical difficulty.

43,524. Would you not be of opinion that a trained judicial officer should be the one to deal with criminal cases that arise at the mines?—I think it would be better to extend the power of trying cases on the spot considerably. If it were possible, for instance, to have an itinerant Magistrate to deal with cases nearer to the mine compound it might be better, but I do not think that would be found, from a Government point of view, a very workable proposition. Certainly, it would lead to the better knowledge on the part of the judicial officer of the circumstances if he tried the cases on the spot. I would rather extend that principle than cut it down.

43,525. The principle of the cases being tried within the compounds?—Yes.

43,526. *Mr. Campbell.*] What do the mines contribute to the Government; how much money per mine per month?—The boys' passes are 2s. a head.

43,527. What is the amount which the Government collect?—I could not give that definitely, but we had last month some 63,000 to 64,000 Natives on the mines, which would mean 24s. per annum for that number of boys.

43,528. What would it work out at in round figures?—I do not know that you could separate the figures; you would have to take the figures as stated by the Government Department, because the pass fee returns include Natives working for contractors and those who are working in domestic employment and in shops; but I can send you those figures accurately stated.

43,529. What do the Government do in return for the large amount that is collected?—Formerly in the Transvaal no pass fee was charged, the Magistrate or Field-cornet issuing a pass free. Then, when the work here became so heavy, and a hospital was necessary, the Government instituted a pass fee of 1s. a month, and the whole sum went to the maintenance of the Johannesburg Hospital. Later on, the Chamber of Mines approached the Government with the request that better administration of the Pass Laws and of the laws for the prevention of the sale of liquor should be given to the district, and that the pass fee should be 2s., on the understanding that the hospital half was not interfered with, the other 1s. to be available for the Government to spend on the administration of the Pass Law, etc. At that time it amounted, I think, to some £60,000 per annum.

43,530. Do the Natives get any benefit themselves from this money which is contributed to the Government?—No, not directly. I imagine, that in making up the Government accounts, the Colonial Treasurer would take into account the amount which was earned in that way, in fees, in allocating the expenditure on the administration of the Native Affairs Department.

43,531. Do they make money out of this? Is it a source of revenue?—I could not say. You asked if the Native got anything in return; you are aware that the Native does not pay this pass fee; it is paid by the employer.

43,532. To me it appears a very large sum of money, and I wanted

to know if the Natives got any benefit from it. You say 1s. is supposed to be contributed to the hospital?—Yes.

43,533. Do you think the Native gets the value of the 1s. out of the hospital, or is it a contribution to the whites?—At the present time that 1s. does not go to the hospital. The late Government stopped the payment of the whole of the 1s. fund and gave a grant, and the present Government has followed the same course. At the moment the matter is under the consideration of the Financial Relations Commission appointed by the Government.

43,534. Would you not think it would be a good thing to have a central hospital for the serious cases, to have them better attended to than they are in the mines?—No, they would not be better attended to than they are in the mines hospitals. Big hospitals do not necessarily mean the best attention. We had that matter before us in a general conference between the Chamber of Mines and the Town Council quite recently, and the report was published, I think, the day before yesterday. There it was stated that the mines as a whole found it more beneficial to have the present system of Native hospitals on their mines continued, because, in the first place, it keeps the Native on the mine where he is working, so that his friends have the opportunity of knowing where he is, and, when he is well enough to stay outside the hospital and walk about, he can see his friends without any inconvenience, and they know exactly what is happening to him. And there is a most curious crook in the Natives' mind; they do not like being sent to a big hospital when they have fallen ill, and only with the greatest amount of persuasion will they go. When they come back they speak well of it, but still the fact remains. I do not think that the central Native hospital, which is now proposed, will materially benefit mine Natives for some considerable time to come, though it may later on. There is, however, a very large proportion of Natives in the town who are not mine Natives; for instance, it would be obviously impossible in most of the working men's houses here to nurse a Native who falls sick of pneumonia or fever, nor would it be in any sense desirable.

43,535. *Chairman.*] Arising out of this question, will you state who paid the fees in the Witwatersrand under the late Government?—The Natives.

43,536. And to-day the employer?—Yes. I would not be positive that, in the last year or so before, the Natives paid, because, although nominally it was charged to the Natives, it was the custom amongst many of the mining companies not to deduct the pass fee from the Natives' pay. It was a sort of bonus to him.

43,537. *Captain Dickson.*] Do you think it would be better to appoint Resident Justices of the Peace along the reef to try petty cases, instead of the Inspectors?—No, I do not think minor cases, breaches of discipline, refusals to work, even petty thefts, drunkenness, and matters of that kind, should be dealt with in the atmosphere of a Police Court, because it would have to be a Police Court; it is not at all a desirable thing to take a Native there.

43,538. Have you seen the number of cases that were tried last year, and the average fines?—No.

43,539. *Mr. Krogh.*] Did I understand you to say that the Natives were inclined before the war principally to supply liquor to the Chiefs?—No, I said that it had been stated that one of the reasons why Natives did not come here now was that they could not get drink.

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43,540. Could they get drink here before the war?—Yes, and I am sorry to say many of them do now.

43,541. How were Natives recruited before the war?—Before the war we had the Rand Native Labour Association, which was subscribed to by nearly all the members of the Chamber of Mines, but there was no agreement, beyond an understanding that they should not take Natives from other agents. There was a horde of Native touts and agents, not only in Native districts, but here in Johannesburg—so much so that cases were known where Natives who had been employed stayed a few days only on the mine, deserted, and were sold again, the Natives themselves cheerfully joining in this because they got something out of the premium.

43,542. Was the Labour Association a success?—No, I could not say it was an unqualified success. I believe it handled something like 73,000 Natives, mainly from the East Coast.

43,543. *Chairman.*] That is the defunct association?—Yes.

43,544. *Mr. Krogh.*] How are they recruited now?—The Natives for the mines are recruited by the present Witwatersrand Native Labour Association, with the exception of Natives who themselves come and offer themselves for work at the mines. The mine then takes those Natives on, and includes them in its next returns to the Native Labour Association.

43,545. Are Native labour agents allowed to recruit Natives for the Rand?—For the mines, no; the mines do not take them from the labour agents.

43,546. And before the war?—They did.

43,547. Do you not think that the falling off of the number of Natives from the Cape Colony is due to the high wages paid at the seaport towns?—I should say that that must have a very considerable effect, because it must be obvious that if a boy can earn 3s. 6d. or more a day at Port Elizabeth, he is not coming up here to work, especially if he does not want to work side by side with the East Coast Kafir.

43,548. Are Natives allowed in the compounds to idle their time away without going to work?—I am afraid they are in some cases allowed to do it, because of the difficulty which I stated just now. In many of the mines we have adopted the principle that immediately a Native lies off on account of sickness, slight or serious, we send him to a separate place, where he is treated as a sick man. But you have Natives engaged in some cases on a three months' contract—in many cases we have come down to that term. A Native comes up on a three months' contract; he stays on the mine, works his time, and at the end of his time naturally we want him to stay longer. In the first place, he is better fitted to his work, and in the next place, we do not know how to replace him. If we were to say before some of these Natives' brothers, or the party they belong to, "You are not working, you must quit," they would all quit, the whole of them. The mine manager cannot face that, so that very, very gentle treatment is meted out to a Native.

AFTERNOON SITTING.

The Reverend Edward Tsewu, and five others, examined.

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43,549. *Chairman.*] Do you understand the purposes for which this Commission now sitting was created?—Not quite altogether.

43,550. Do you know the subjects which have been referred to it?—Yes.

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[The Chairman explained the objects of the Commission to the witness].

43,551. Amongst the subjects which are referred to us, which are the ones upon you wish to speak?—I wish to speak on them all generally.

43,552. As to land tenure, what have you to say?—I think that the Natives ought to be allowed to buy land in their own names, and have title deeds in their own names.

43,553. Why do you think that?—Simply because some of them are brought up in cultivating land, and they are quite capable of having land of their own, and using it properly, and supplying the market.

43,554. Have you any other reasons?—Another reason I have for Natives occupying land in their own names, owning it, is that they have no other means specially from which they can live, as they are being brought up from the fruits of the ground; they have children to support, and by using the land they are able to support their families.

43,555. Do you not think it is time that the Natives themselves considered as to whether there are not other forms of earning their livelihood except by the land, because, at any rate, in time to come, the land must all become absorbed, and there will be none left?—Yes, for the reason that in time to come the land will be absorbed, and none will be left.

43,556. Do you not think, in the interests of the Natives, it is well that they should have other means of earning their livelihood beyond the land?—I think as much as they can they have been trying to do so, and I think they are trying as much as they can to do so.

43,557. Have you any other reason?—I do not know any other special reason beyond the few I have just mentioned.

43,558. Are you a Native missionary?—Yes.

43,559. Of what persuasion?—Of the Independent Presbyterian Church.

43,560. Have you always belonged to that Church?—I have always belonged to the Presbyterian Church.

43,561. What is the Independent Presbyterian Church?—The Independent Presbyterian Church is the separation of our Church from the Free Church, on a Church dispute at present, but we are open for re-union.

43,562. Who are you under?—I have my own Church at present; I am under no presbytery. I have a congregation isolated at present, but open for re-union with the Free Church.

43,563. Then you are quite independent, and are forming a Church of your own?—I am quite independent, and forming a congregation of my own since we had that separation, until we re-unite again.

43,564. Where do you come from?—I have been thirteen years in Johannesburg.

43,565. Do you belong to the Transvaal?—No, I belong to the Cape Colony.

43,566. In expressing yourself about the Natives being allowed to acquire land and get the title deeds, are you expressing your own views, or the views of the Natives?—I am expressing my own views, as well as those of the Natives.

43,567. Which Natives?—I think all, as far as I can find out.

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43,568. The Natives of the Cape Colony, or the Natives of the Transvaal?—The Natives of the Cape Colony and the Natives of the Transvaal whom I meet here.

43,569. Have you been living much amongst the Natives, or have you lived in town?—I have been amongst Native missions in the Cape Colony.

43,570. Is there anything more upon the subject of land tenure that you wish to say?—Nothing at present except, in particular reference to the Transvaal at the present moment, that it is our wish, as Natives, that we should be allowed to buy property and own property in the shape of land in the Transvaal, inasmuch as it has been done before. Even under the late Government some Natives bought and occupied land, not only around the district in farms, but some of the Natives occupy some land in the Capital of the Transvaal, Pretoria.

43,571. And that is held in trust by the Government?—No; some had it in their own names, as far as I can gather, and there has been some land which has been held in trust by the Government. Some had it in their own names.

43,572. Have you got any land in your own name?—At present I am buying one, but I am wishing to have it in my own name at the present moment.

43,573. Do you mean land in a township, or land in the country?—At present the one I am contemplating buying is not in the township, but outside of the municipality of Johannesburg.

43,574. *Mr. Hamilton.*] One what? One farm, or one piece of land, or what? You say you want to buy one—one what?—One piece of ground; in fact, I have bought one, but I have not got my title deeds, because I have not finished paying for it.

43,575. *Chairman.*] Is there anything further about land that you wish to say?—The only thing about land and the Natives in the Transvaal is that there seems to be great dissatisfaction. They were once wanting to buy land near here, and they did not get the land, and they seem to be dissatisfied that they cannot buy it personally.

43,576. That they cannot buy land, when and where they like, and have it transferred to them in their own name?—They do not understand exactly that they cannot buy it. They do not understand that they can buy it. They understand that they cannot, or they are not allowed to buy it. That is what they think. That is the trouble.

43,577. Anything else?—Nothing else, except if the Commission would allow me to ask that the grant should be to the Natives and that they remove this grievance because, as far as I can understand, it is a sore grievance, which they cannot help themselves, especially in the Transvaal.

43,578. Will you pass on to the next subject upon which you want to speak?—That is on marriage laws and customs. I have very little to say on this subject. As far as I understand, marriages among the Kafirs have been of two sorts in general; there are the raw Natives or heathen Natives, who have got their own customs as far as marriages are concerned, and then there are the Christian Natives, who have adopted the European mode of marrying—that is, marrying one wife, and marrying that wife in the Church or in the Court. Those who have married according to Church law are, as it were, coming out from their old customs; they are obliged, according to law, to marry only one wife, and so they have only to

act according to the usage of English custom; and they are trying to do so. But as to the raw Kafirs, or heathen Natives, they still like to abide by their old custom, marrying as many wives as they can afford.

43,579. What have you to say about it?—I have very little to say, except to encourage the Christian Native in the way of marrying according to European custom.

43,580. Do you wish to prevent the Native from continuing his heathen custom of having many wives and paying dowry for them?—I would rather like first to convert him to become a Christian, a believer in Christ, so that he will naturally see that it is wrong of him to do so. By summarily and at once preventing the Natives from doing this I am afraid I might be too quick for them; they must be brought one by one into the Christian fold, and then they will see their duty, as far as marriage is concerned.

43,581. You think it should be left alone?—I think at present to summarily take the Native by surprise would rather do harm than good.

43,582. Then the next subject?—"Succession and Inheritance." As far as that is concerned, I think the Native who is married according to Christian law should have all his children entitled to his inheritance, and not only the first son, who, according to our old custom, was entitled to the whole of his father's inheritance. I think all the children should be entitled to a share. And as regards the heathen Native, I think he also ought to provide for all his children, so that when he dies they shall be entitled to a share of his goods.

43,583. And you think the Christians should come under what is called the common law of the country?—Yes.

43,584. And do you think the heathens also should be made to come under that law?—I think they should be taught to.

43,585. When you say "taught," do you mean gradually educated to it?—Gradually educated until they wish it.

43,586. Would you make a law to stop it?—I cannot say.

43,587. And the next subject?—"Administration of Local Affairs." Is this subject to be treated by me as it affects us locally?

43,588. Treat it generally, from any point of view; do you think that Natives ought to be allowed to have some say and share in the management of their own affairs?—There is a custom in the Cape Colony and in the Transvaal by which certain Natives who are voters are exempted from the Pass Law. I think that the Government ought to allow, at any rate, some of those Natives to have a voice in electing certain men to represent them in the Town Council. They have certain rates to pay, and they ought to be represented by being allowed to vote for a member of the Town Council whom they wish to see on the Council. This refers to those who are capable of exercising the vote, who should be allowed to have something to say, rather than be shut up and made children.

43,589. Do you mean that all educated men, or all men who have got property, or all men who are exempted, should be allowed to become voters?—Exemption in the Transvaal is put on a good basis, and we think it is the best basis, because it is on the qualification. Men being exempted on account of that qualification are supposed to understand certain things, and such people ought to be allowed a vote. I do not say all who are educated, because as far as education is concerned, there are degrees of education. There is Standard I., Standard II., up to Matriculation, and so forth. Some people call all the Natives educated, and in Cape Colony I understand that

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those who have passed Standard IV. are allowed the vote. I would allow those to vote who are qualified to exercise the right, and who will not act foolishly.

43,590. What would you yourself call an educated man?—I would call the man who has passed certain examinations an educated man.

43,591. Teachers' examination or matriculation?—You can commence from the teachers' examination and go up to the matriculation.

43,592. You are referring now only to the municipalities?—Yes.

43,593. You have given us your views about that; have you anything further to say upon the subject?—Nothing further.

43,594. Will you pass to the next subject?—"Franchise." Franchise is so connected with the other subject that I say the same thing. I say that the Natives ought to be allowed the franchise—that is to say, qualified Natives.

43,595. For the same reasons that you have given?—For the same reasons that I have given; and, further, there has been the experience of certain Natives who have had the franchise in the Cape Colony, and who have used their votes rightly. Some of the Natives have voted for men who have proved themselves to be good men, and men qualified for the position of members of Parliament, and much more. There are certain gentlemen whose names I will mention for whom the Natives in the Cape Colony have voted. There are Sir Richard Solomon, who is now the Attorney-General of the Transvaal, and Sir James Rose-Innes, Chief Justice of the Transvaal. Both of these men were voted for by the Native electors in the Cape Colony, and they have proved to be two of the best men. In view of that, I think I am justified in saying that the Natives have never misused their votes, especially the qualified Native, who knows what he does, and I think such Natives should be allowed the franchise. Besides what I have already mentioned, the English Government, which some of us were brought up under, is a free and just Government, and by preventing the Native from exercising his right to vote an injustice is done to him, and an injustice is done to the rest; an injustice is done to men who are trying to improve themselves, and an injustice is done to men who are trying to adopt the customs of the best Government. It is simply as if it was shutting them in a hole, and saying they must return back to childhood, to prevent them having a vote to give to the men who they wish to be their members. They should be free citizens.

43,596. Have you anything further to say on that subject?—Nothing further.

43,597. Will you take the next subject?—"Native Law." I think the Natives ought to be given work, and, when they labour for the mining companies, like the gold mining companies, or the diamond mining companies, I think they ought to be encouraged by those companies giving them plenty of work, because they will get as many Natives to work as they want if they pay them well. As far as the payment is concerned, I think the companies ought to raise the wages of the Natives.

43,598. What do you mean by saying the mining companies should give them plenty of work?—I mean, so far as Johannesburg is concerned, they should give them good pay.

43,599. They should give them plenty of pay?—Yes, plenty of pay. I was here under the late Government, and before the war there were any amount of Natives working in the mines, because they

had high wages. They received £4, and some of them £5 per month, and so the mines were filled up with the Natives of the country, who were willing to work, and who came from the Colony and elsewhere.

43,600. Which men got £4 or £5 per month?—Some of those who were working underground—underground boring.

43,601. The drill men?—Yes.

43,602. Do not the experienced drill men get high wages to-day?—It may be changed lately, because, as far as I know, there was a cry against it when labour was short. The cry about the Natives not been willing to work was raised when the wages were reduced to £2 10s. Before the war even some of those who were working outside got £3 10s. and £4 per month.

43,603. You think that high wages would attract more labour?—Yes.

43,604. What is the next subject?—"Education, Religion, and Industrial Training." As far as the Natives are concerned, they ought to be given education. The Government ought to teach their subjects, and not allow them to be in ignorance, so that they may know how to learn, how to obey the laws. The Government should encourage education as much as they can, both industrial training and general education.

43,605. Do you think the Government ought to make it compulsory for the Natives to go to school?—Yes, I think there ought to be compulsory education.

43,606. For white children also?—For white children also; if they do not go to school they should be compelled to do so.

43,607. How would the Natives in South Africa like to be compelled to send their children to school, whether they wished it or whether they did not wish it?—If the Government say to them, "You are to send your children to school," they will know it is the law, and they will obey the law.

43,608. Do you mean that Government should build schools all over the country?—I mean that the Government should give a certain amount in the way of grant towards the education of the Natives of the country. Wherever there are people gathered together there ought to be a Government undenominational school which those people who have no Church to go to, or who do not care to go to any Church, will be made to send their children to be educated.

43,609. Are you against religion being taught in the schools?—I am against Government spending money on the teaching of certain dogmas in a certain Church. Government money ought to be spent on education, and let each Church support its own dogmas with its own funds.

43,610. Would you have trades taught in each of these schools?—I would, especially in the big schools, seminaries, and such institutions.

43,611. Do I understand you to say that the present educational work being carried on by missionaries should be consolidated in the hands of Government?—I think educational work ought to be taken over by Government.

43,612. And that the help now given to missionaries should cease?—No, the missionaries are working amongst the people, but there should be an undenominational school, while, at the same time, grants should be given to the missions. I say that it is wrong for a certain Church to have grants from the Government, money

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taken from the rates paid by the Natives, some of whom go to no Church, and who do not want to go to any Church, and it is wrong for the Government to confine themselves to giving that particular Church a grant and to giving nothing to the bulk of the people.

43,613. Do you know any case in which Government gives money to the Church which is not money granted for school work? —The Government give it for school work, but the Church uses it as one for both Church and school together. There are Natives who go to no Church, and there are children who go to no Church, and simply because they do not belong to any Church they are left alone and are not taught. Whereas, if the Government were to have an undenominational school open to all, these people would be able to go and be educated. If it pleases the Government to give a grant to the mission schools, as they are called, let them do so, but they should not neglect those who have no mission or Church to go to or any denomination to join.

43,614. I presume you are suggesting that undenominational schools should be set up by the Government in large centres?—Yes.

43,615. Not all over the country?—Where there are the bulk of Natives, like the location over here or like any outside location, there should be a Government school, where all children would be supposed to go who have not got their own Church and school. If the Government choose to give a grant to the Church, let them do so, but they should also support the seminaries and other large institutions, where the children from those outside stations can come and complete their education.

43,616. Have you anything further to state about education?—About education I have nothing further to say, but, as regards religion, I should like to say a word. The Governments under which we Natives are, are called Christian Governments, and are supposed to be religious Governments. Religion does good, and makes men better, so, if it does good to all men, it is bound to improve the Native and make his character better. Therefore, religion ought to be encouraged by the Governments.

43,617. How do you suggest that the Government should encourage religion?—I would suggest that the Government should encourage religion by not interfering with Church matters.

43,618. How does Government interfere with Church matters? —Although I am a missionary, I must say that there is blame to be put on the missionaries. If there is a dispute in the Church certain missionaries combine themselves, and cry out, and go to the Government, and say, "All these people are rebelling against you," and so they raise up a certain amount of blame by saying that those people are rebelling against the Government. They wish the Government to take steps to prevent those people worshipping and carrying on their religion as they desire. I think it is well known that from the beginning there have been disputes in all Churches. The one Church comes out of the other, and, as far as the Government is concerned, they should not interest themselves in that, because if they do they are sure to make a mistake by listening to one side and leaving the other in the cold. Religion ought to be encouraged by the Government by non-interference, and I know that the English Government do not trouble themselves as to how a man worships; he is allowed to worship in what way he pleases. Those who are religious and are worshipping God should not be interfered with. On this question there has lately been what is called the Ethiopian question, which has caused a

great deal of discussion throughout the country, and there are certain men who have been charged with preaching Ethiopianism, especially in Natal; and there are papers in Natal which say that certain people are preaching this thing or the other. I do not belong to the Ethiopian Church, except the word Ethiopian may mean black. I am a Presbyterian, and I have not found a proof that they are preaching any rebellion against the Government, as they have been charged with doing. Somehow or other these people have been made to feel that they cannot carry on their work as far as religion is concerned, by others saying, "This is an Ethiopian," as if they were doing something quite apart from other Christian brethren. Certain papers and a certain Government have been trying to prevent these people from establishing their Churches and worshipping God in the way they feel is the best way to worship Him, and the Government have put their foot down, and said, "We put this and this down," by simply hearing from the missionaries certain stories. As I say, I do not blame the Government so much as the missionaries, who go to the Government and say, "Look at these people who are rebelling against you."

43,619. Why do you and others wish to separate yourselves from the Mission Churches in which you were brought up?—I do not wish to separate from mine.

43,620. But you have separated?—Yes, on certain reasons, but I am open to re-union.

43,621. Do you think you can conduct your own Church?—The presbytery has to know that, because the presbytery when they give a man a Church to discharge know if that man is qualified to preach and have charge of that Church. One cannot speak for himself, and say, "I can do this" and "I can do that," and I cannot very well say that. But I think a Native congregation can be formed, and can carry on work just like any isolated English congregation in a town; some white congregations have not been attached to any presbytery or denomination, and have carried on their work satisfactorily. I think Native congregations can be taught to do so too; I do not say that in a sense of white *versus* black, because, as far as I am personally concerned, I say from the bottom of my heart that that is far from me. It is not in my heart, and even the members of the Free Church presbytery know that. Before the late Rev. Mr. Don died in King William's Town we spoke on that point, and he said to me, "So far as you are personally concerned, I know it is not a question of white *versus* black." It was a Church dispute, and he and the members of the Church knew that it was not a question of black and white. It was a Church dispute, and I and the people to whom I am now minister said, "We will separate ourselves if we cannot do this, until we re-unite again."

43,622. These are your views on Church matters?—Those are my views on Church matters. The Government should as little as possible interfere with Church people, because they are sure to make a mistake and pull up a good tree and push it outside. The Government should do nothing by hearing others who are complaining without investigating the thing thoroughly, or they might spoil a work which was intended to do good in the hearts of man.

43,623. Is there any other subject?—"Laws Affecting Natives and their Administration." As far as this point is concerned, I have not much to say. In former times, before Christianity was brought into the country, there were certain laws, and the Natives obeyed their Chiefs very much. They were governed by their own

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laws, and those laws, I think, were carried on very beautifully, as far as I can remember. The Natives obeyed their Chiefs and they loved their Chiefs, because their Chiefs ruled them well. Now, since the Natives have come under the English Government, there have been a great many changes, which I do not think are beneficial, especially in reference to laws declaring when a girl is of age. When a girl is, say, twenty years old, it is supposed, according to the civilised, or English Government, that she is of age, and can do as she pleases; whereas, among the Natives, a girl was supposed to be a child until her father married her to the husband he chose or the girl loved. Now the thing is different, and some of the Natives find that their children, especially the girls, are getting out of hand and go according to their own will rather than according to their father's wish. They can run away from home and take a husband, and, if they go to a Court of Law, it is said, "What is the age of this woman?" and the reply is, "She is 20, or 24," and it is said, "They loved one another," and that is the decision, and there is nothing more to be said. This is a grievance, and the Natives do not like it; even the Christian Natives do not like it.

43,624. What would you do?—I think that the Government, knowing the former state of the Natives, should sympathise very much with them, and should punish offenders; they should punish the man who takes the girl without the consent of the father, and not simply say, "These people loved one another." They should punish them very severely.

43,625. In this case you would like the Native not to be under the white man's law?—In that particular case.

43,626. In this case you would like the Native law to be strongly maintained?—Strongly maintained in that particular case.

43,627. In any other respect would you like to see Native law maintained?—That is the only point.

43,628. What is the next subject?—"Direct Taxation." I think the tax being the revenue of the people, Government should be able to tax people, but I think there are certain taxes which are a burden to the Native people, especially now when they have not much money with which to pay certain taxes in the Transvaal. At the present moment there is a tax of £2 per head at the outset, and I understand that this has to be paid even by boys. A boy is a boy, and he expects his father to pay for him, but it is said that this little boy of 14 or 15 years of age has to pay. I think that tax of £2 is a very heavy tax, seeing that the people have no work, and when they have work they get low wages.

43,629. They have no work, you say?—The little boys cannot earn as much money as will enable them to pay the £2 without the assistance of their fathers.

43,630. Do you know any little boy by name who has paid the tax of £2?—No, I could not say by name, but it is general talk outside. I think the tax should be reduced as much as possible.

43,631. Would you like to see no tax at all?—No, I do not say that, because the tax is the revenue of the Government, and if certain things are to be done for the people a tax must be imposed.

43,632. What is the next subject?—"Liquor Traffic."

43,633. Do you approve of liquor being prohibited to Natives?—Yes. I think as far as liquor is concerned, it does our people a great deal of harm, although, as I have once before said, there are certain Natives who are voters in the Cape Colony who are exempted, and who should be allowed to have drink. It is not prohibited from

them altogether, because they are supposed to know what they are doing.

43,634. Do you mean that if a man is exempted, he should be allowed to drink as much as he likes?—I think he should be allowed to take his drink if he is exempted, because he will pick up a good drink; he will not take "Cape smoke," and he will not take what kills him, as is done in the canteens. He will take what is good, because he knows what is good for him, and he should be allowed to have his liquor if he is exempted. However, on the whole, with regard to our people, there ought to be strict prohibition of liquor. What is called in the Cape Colony the Innes Liquor Act is good.

43,635. *Mr. Stanford.*] Is your work principally here in Johannesburg?—It is.

43,636. Have you any out-stations?—I have not many out-stations; I have only a congregation in town just now.

43,637. What is the number of your adherents?—Sometimes I have up to 200 and 250; the average is between 200 and 300; that is the Church attendants.

43,638. How many communicants have you?—I have about 70 communicants.

43,639. And have you schools established?—I had a school, but as we had no Government aid we simply carried it on ourselves.

43,640. And is it still in existence?—No; the Church got burnt by fire, so that we have no school just now.

43,641. Are you a marriage officer?—By ordination.

43,642. Do you celebrate marriages in your Church?—Yes, after the Government; it is done by the Government here.

43,643. What do you mean by "it is done by the Government"?—The Government marry people.

43,644. Do you mean that people have to go before the Magistrate?—Yes, they have to go before the Magistrate and be married.

43,645. And after that you have a religious ceremony?—I come and bless them after that, because they wish it.

43,646. From your knowledge of the state of the tribes when they were independent, is it a state to which you think it would be in the best interests of the Natives of this country that they should go back to?—In what respect do you mean independent? It depends upon what independence.

43,647. I am speaking of Native tribes administered by their Chiefs before they came under the Government; do you think that that kind of administration would be best in the interests of the Natives?—I do not think so now.

43,648. For instance, were not the Fingoes scattered under Native administration, so that they became the slaves of the Amaxosas?—They were never made slaves. The Amaxosas treated them well when they came amongst them. It is only talk that they were made the slaves of the Amaxosas.

43,649. Why were they so anxious to leave the Amaxosas, then, in 1835?—When the English Government came they liked it, and considered it was a better Government. But the Fingoes were not the slaves of the Amaxosas.

43,650. I was bearing in mind your statement how pleased the Natives were under their Chiefs, and, I ask you now, do you think that this form of government would be best for the Natives?—No, not now. What I meant was that before the English Government came the Natives were well pleased and loved their Chiefs; but I do not say that that was the case since the British Government

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has come in. That old independence would not stand any more now.

43,651. With respect to Native Churches, can you not conceive that such extravagant doctrines might be preached by irresponsible people that would conflict with the interests of the State?—I do not think it would be purposely and intentionally done by preachers of the Gospel who know what they are to preach, and who know that they are the messengers of God and have to preach the Gospel.

43,652. Are you not aware that in America the doctrines preached by the Mormons, especially in respect of polygamy, were found to be detrimental to the interests of the American States, and that the Government of that country had to interfere with the Mormons?—No.

43,653. Do you think, then, that these charges which are brought against your independent Native congregations in South Africa of disloyalty to the Governments of the various States are not well founded?—I do not think that they are well founded. I think that some of them are mere charges, although I would not positively assert that individuals at certain parts, where they have not been, so to speak, prepared or qualified to preach the Gospel—men who have really been taken up on the spur of the moment and made preachers—have not made mistakes by simply talking amongst themselves; but the responsible minister of that congregation would not intentionally preach disloyal doctrines. There have been charges made that they preach rebellion against the Government, but no responsible minister would do such a thing. But one man may not be able to manage a large congregation belonging to him; he will have an out-station, and he may not know what the man in charge there may say. I only confine myself to men who are responsible, and who are supposed to be qualified for the work they are carrying on.

43,654. *Mr. Samuelson.*] Where do you live in Johannesburg?—In the big Native location.

43,655. That is outside the town?—Not very far away from the town.

43,656. Are there any pass regulations in force in your location?—Yes, there are such regulations.

43,657. Do they restrict your liberties very much, or how are the pass regulations administered to the people in the location?—It is right that the pass regulations should be strictly administered.

43,658. Have you inspectors in the location?—Yes.

43,659. And do they see that the pass regulations are carried out?—Yes; when the Natives live in the location they have to go and get a permit from the inspector, and he decides whether they shall have a pass or not, and he gives them a permit to reside if he thinks fit.

43,660. Is any hardship suffered by any of the Natives through the pass regulations, or does everything go smoothly?—I think that there are some hardships. In certain locations when the policemen go round to look for the passes they sometimes go while people are sleeping and enter their houses. This happened once in my own case, and I complained to the Commissioner for Native Affairs about it. While I was in bed a policeman came and said, "Get up." I said, "What is it for?" He replied, "I want you outside," and I asked him again, "What is it for?" He said, "I want you outside," and when I asked him if it was in connection with the pass laws that he wanted to see me, he said that he did not know what it was, but that

he had been sent by the Lieutenant. I said to him, "If it is the pass law, I can show you my exemption; I have not a pass." He said, "I do not care, I want you to come outside." That was an incident which happened in my own case. There are other hardships so far as the pass regulations are concerned, such as kicking people's doors, and so breaking through the doors when they want to find out what is inside.

43,661. In the daytime?—At four o'clock in the morning, when it is quite dark.

43,662. Were those Native constables?—No, white constables—white policemen.

43,663. Did they turn people out of their bedrooms at night?—Yes.

43,664. What for?—To go and have the passes examined in the square.

43,665. Were not the passes examined in the daytime?—I do not know. It is done on Sunday about four o'clock, at dawn, as a rule.

43,666. Do you find that the pass regulations are good and useful for the identification of criminals?—Yes, I think it is good for keeping out rogues and those who do harm.

43,667. You approve of the pass system?—I think the pass system at a place like this where all sorts and conditions of men are gathered together is good, as far as having passes to identify men who may do harm to others.

43,668. You say the manner in which the officers carry it on is what you do not approve of?—That is what I do not approve of.

43,669. Do you pay any rent?—Yes, we pay rent; the ground is not ours.

43,670. How much do you pay a month?—7s. 6d. per stand.

43,671. Per month?—Per month.

43,672. Do you pay anything else?—We pay for passes.

43,673. I mean for being in the location—I am leaving the pass alone?—To the Government?

43,674. Or to the Municipality?—We used to pay 15s. before for sanitary service, and for stand licence 15s. a month; lately it has been reduced to 7s. 6d. for the stand licence.

43,675. Do you pay anything in the way of sanitary and water rates?—The people in the location have no water laid on to them, I am sorry to say, which is a very hard thing at present.

43,676. What water do they drink?—They have to dig wells, and some of those who have not wells have to go and hire from those who have, and they have been allowed now to go to the Inspector's office to get water there, where there is a pipe, and sometimes you find women fighting, because there is only one pipe and there are so many women pushing one another and sometimes biting one another in order to get the water.

43,677. You do not pay a water rate?—No; the 7s. 6d. we pay is supposed to include water.

43,678. Is this a large location?—Yes, a large location.

43,679. Who lives in the location—the Natives working here in the town?—Yes, the Natives working here in the town, most of them.

43,680. Have you Natives ever felt a wish to be under Government as a location, or under the Municipality?—Yes, I have had that wish to be under Government. The Native would rather be under Government than under the Municipality.

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43,681. Do you know the Ndabeni location at Cape Town?—No, I have never been there.

43,682. You do not know any Government locations?—The location we have belongs to the Municipality.

43,683. I wanted to find out whether you knew the Government locations in the Cape Colony?—I do not know whether "ilali" is meant by Government location where the people have a Headman—whether that is meant by location. By a location we generally mean people who are near the town and have a location near the town, but not the people outside, where some of them are in Christian schools, and some of them in "ilali."

43,684. There is a large Government location of that sort near Cape Town, where all the Natives from the town go out?—I have never been there, but I have heard of it.

43,685. Is that the sort of thing you would like in preference to being under the Municipality—to have a Government location of that sort?—The Cape Town location has such a bad name amongst some of the Natives here that I do not know.

43,686. Who attends to the sanitary work in the location?—I think the Municipality; they have a compound for sanitation.

43,687. They do attend to it?—Yes, they do attend to it.

43,688. Then you have nothing to say about the cost to Natives of living in the location?—They are used to it at present, but during the late Government they approached the Sanitary Board, especially about this 7s. 6d., because they were told, first, that they would only pay 5s., and that the 2s. was for water; they went to the Board and asked, "Where is the water?" They were expecting that water would be brought to them by the late Government.

43,689. Have you ever reported to anybody of your own treatment and the treatment of other Natives in the locations by pass officers?—I have reported that to Sir Godfrey Lagden.

43,690. You said that you were not allowed to buy land?—Yes.

43,691. Have you ever bought land? Have you or any of the Natives there attempted to buy stands, and been refused?—Yes. At Sophia township Mr. Tobianski offered to give them stands there, and some Natives bought stands and partly paid for them, and then they were prevented.

43,692. After they had partly paid for them?—Then Mr. Tobianski said he was prevented by the Native Affairs Department from allowing us to buy land, but he would return the money; so we went to the Native Affairs Office and asked about it, and Sir Godfrey Lagden said they would not like that we should buy land in town. As far as he personally was concerned, he expressed his own personal opinion.

43,693. And you were refunded the money which you had paid?—In some cases they would not refund it, because the Natives had bought the land, and because they did not think there was any law preventing them doing so.

43,694. They are applying to the Courts about it?—They have not gone yet, but they are contemplating doing so. Some of them had their money returned.

43,695. Do you not think it is much safer and much better for you Natives, if you do buy land, to have it kept for you by the head officer of your affairs under the Government, and vested in his name?—I do not think that the Natives, especially those who are capable of keeping their own property, should be prevented from doing so. I think they should be allowed to keep their property in

their own name, until there is cause shown that they are incapable of doing so. Then the Government could say, "You are my children; I will keep it for you." Some of those in the Cape Colony have bought ground in their own name, and have title deeds for it, both in towns and outside on farms.

43,696. Do you think it is a good thing for you Natives to have land while you are under your own law of succession, whereby the heirship goes to one son, and the rest of the family gets nothing?—We are under the Government at present.

43,697. Are you under the white man's law of succession?—Yes, we are.

43,698. That is to say all your children have a share in the property?—Personally, my own children have a share in my property.

43,699. Is that so in the case of Natives who have not been married by Christian rites—heathen Natives?—That is what I have said already to the Commission in answer to the Chairman, that I think they should also be made to do it, so that all the children should participate in the property.

43,700. Even if the man had four or five wives?—I mean in the case of a man who has five or six children. As far as the wives are concerned, they have got provision made for each hut. Each hut has its own cattle, and the children of those huts inherit those cattle as belonging to their mother's hut.

43,701. Have you got Churches and schools?—We have Churches and schools among the Natives.

43,702. On whose land are your Churches and schools?—On Government land, as far as the location here in town is concerned.

43,703. Then you are not allowed to buy land for Churches or for schools there?—We have not attempted to do so. We thought the whole sweeping statement referred to anything, and so far as that is concerned we have not made another attempt personally.

43,704. You say you think the Natives should have the franchise. Had you Natives ever anything of that sort amongst yourselves; had you any representation in any Council at the King's kraals or at the head kraals?—When I referred to the franchise I said qualified Natives: those who are exempted, those who have passed a certain standard.

43,705. I want to know whether you Natives in your own homes, before the British Government came here, had any representation—any franchise?—There was no Parliament except the Parliament at the King's kraal where all the Councillors came and spoke.

43,706. And now you want to take over the white people's customs and ways, when you did not have them yourselves?—We did have them in that way, because all the Councillors came and spoke along with the Chief. The Chief was not simply doing things himself. It was the Councillors who had a share, and the Chief decided according to the word of the Councillors.

43,707. You are sure of that?—I am sure of that.

43,708. Would you like to see the Chiefs of the Native tribes done away with?—What Chiefs?

43,709. All the Chiefs in the country?—In what way?

43,710. That there shall be no Chiefs and the people shall simply live under the Government, not under the Chiefs, and not in tribes?—I would not advocate that. It depends on the kind of Chiefs. There are Chiefs made by God Chiefs, and there are Head-

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men appointed by Government. I do not know which Chiefs you may refer to.

43,711. I mean all Chiefs?—I suppose, as far as that is concerned, even at the present moment there are none in certain places. The power of the Chief is broken already.

43,712. Are not some of you Native ministers gathering people around you and becoming their leaders and their Chiefs in another form?—No, not as far as I know. A minister ought not to be a Chief, if by minister you mean a minister of the Gospel.

43,713. *Mr. Krogh.*] Supposing you convert or Christianise a polygamist who has, say, six or seven wives, do you allow him to keep all those wives?—No, the Church will not allow it.

43,714. He keeps only one?—He keeps only one.

43,715. What will become of the others?—The others have to go back to their homes.

43,716. Who has to look after them?—Their fathers; and a good convert will often support them, especially if he has children. He will support those children and the mother, although they have left him, until they are of age.

43,717. Can those wives marry again?—Yes.

43,718. Have you had any cases?—In the mission field in the Cape Colony where I was I had cases of that sort, wives gong back to their homes and getting married again, separated from the former husband when he was a converted man; or, when they get converted, the younger wives leave the husband of their own accord, and say, "We cannot stay any longer with this man because we are not proper wives, because we are younger wives."

43,719. *Mr. Hamilton.*] Do you remember who was opposed to Sir Richard Solomon when the Natives elected him as their member?—Yes, Sir Gordon Sprigg.

43,720. If they had elected Sir Gordon Sprigg, would you have said that they had shown themselves unworthy of the franchise?—I do not tie myself to say what they would have shown themselves if they had elected such and such a person. I say nothing as far as that is concerned.

43,721. They only had the two whom they could elect?—Yes.

43,722. You are not prepared to say that they showed themselves more worthy of the franchise by electing one than by electing the other. Take that one case. They only had two men, either of whom you are not prepared to say was an unworthy man and who was unfit to be returned by them, and yet you claim that the fact that they returned one of two equally good men, shows that they are fit to exercise the franchise?—I only mentioned the case of one or two who before and since have proved to be good.

43,723. Has not Sir Gordon Sprigg proved to be good?—I do not wish to discuss Sir Gordon Sprigg's goodness or otherwise before this Commission.

43,724. If the Natives, in approving one man more than the other, have in your opinion shown themselves to be fit to exercise the franchise?—Not only once; I mentioned several instances.

43,725. Take this one particular case. You admit in this one particular case it does not prove anything as regards the fitness of the Natives to exercise the franchise?—It does, because they have elected Sir Richard Solomon twice.

43,726. Who was opposed to him the next time?—I have forgotten.

43,727. Take Sir James Rose-Innes. Who was opposed to Sir James Rose-Innes?—I really do not remember.

43,728. With regard to this location here, are you aware that the Municipality of Johannesburg have decided to remove the Natives from that location?—Yes.

43,729. Are you aware that they have passed a scheme involving an outlay of over £100,000 for the laying out of a location and providing a water supply for the Natives?—I am aware of it by seeing it in the paper.

43,730. What reason have you to believe that under the Government you would be better treated than you are under the Municipality?—Because under the Government we should have representation.

43,731. In what way?—By the Native Affairs Office, who would represent us personally. Under the Town Council we have no representation.

43,732. Do you prefer the right of appeal to a Government Department to being under the care of a body who are spending large sums of money for your comfort?—As far as that is concerned it is a matter for the future. I have not seen it yet. I have only seen it discussed in the papers. Besides that, I know that they will get £16,000 a year from us as revenue, which will refund all the expense and give them a profit.

43,733. Will what they give to you for that money not be worth that money to you?—As far as that is concerned, in reference to this location, I do not know. We are talking about compensation, and we do not know what they are going to do in that respect. They have not given us any idea that they are going to compensate us in full for our buildings. They only state that they will pull up our houses and carry them away and re-establish them, and so we think it is not in our interest that our buildings should be pulled down and dealt with in that way.

43,734. Have you studied at all the scheme of the Municipality? Under that scheme will you people live comfortably, have water and wash-houses, and a sanitary service, and so on?—My first concern is about my compensation. The rest of it comes after I have got compensation. It blinds me until I can get compensation.

43,735. The scheme does strike you as a good scheme?—The scheme is good to the Municipality, because they will get any amount of money from us.

43,736. For the Natives?—I do not know.

43,737. Would you prefer to continue as you are living now?—We are being sent twelve miles away. We are nearer our work here.

43,738. Would you prefer to remain as you are rather than go out to the new location, or do you consider that under the new arrangements you will live in greater comfort?—We should prefer that we remain where we are now than go twelve miles away from our work.

43,739. So far as the Municipality is concerned, when this scheme goes through, it will not be their fault if you do not get comfortable houses and an adequate water supply. In future it will not be the fault of the Municipality if you do not have comfortable houses and an adequate water supply, because under the new scheme that is provided for; is not that so?—I understand the scheme, as I have already said. What concerns me is that my house is to be pulled down whether I get compensation for it or not,

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and I am to be taken twelve miles away from where I am. Then I know they will get £16,000 from us as revenue.

43,740. But you will have comfortable houses and a water supply?—I do not know, because I have not seen it.

43,741. Have you not studied the scheme?—I have studied the scheme.

43,742. Does the scheme provide for good houses for you and a water supply?—Do I build the house myself?

43,743. If you have studied the scheme you will know?—How much am I going to pay for that house?

43,744. I want you to say in evidence whether you understand this new scheme of the Municipality. Do you know anything of it? Have you studied it? Do you know what it provides for?—I have studied the scheme and have read it through, and have written a protest to the Town Council against removing us from where we are, taking us twelve miles away, and not paying us full compensation for our houses. That I have done.

43,745. That may be right or it may be wrong. Your protest may be a sound one or it may not. What I want to ascertain from you is, will the Natives now living in this location, if that scheme goes through, live in greater comfort and have an adequate water supply, and wash-houses, and sanitary arrangements provided for them by the Municipality?—Do you ask will they be satisfied? It depends upon what charges will be made by the Municipality.

43,746. That also is provided for in the scheme. If you know the scheme you will be able to say whether they are excessive or not. You have made it more or less a grievance in your evidence that you do not have a water supply in your present location. In the new location, which is being arranged for you, is a water supply being provided? I understand that the Municipality is going to spend £25,000 in providing a water supply for you?—I have seen that in the paper.

43,747. So that the state of things set forth in the evidence which you have given to Mr. Samuelson, is a state of things which, while it exists at this moment, is dying. A new arrangement has already been made by the Municipality for the comfort of the Native. Is not that so?—The Native's opinion on his comfort is that he is comfortable enough where he is now, except for the water supply, and, with regard to that water supply, they are going to approach the Council, to ask for water where they are now. This pulling down of their houses troubles them very much, so that they are blind to that beautiful scheme—you call it a beautiful scheme—which you speak of.

43,748. What would you call the scheme?—They are concerned about the compensation, concerned about their houses, and what they have already spent.

43,749. Provided the compensation question is settled to your satisfaction, what do you then think of the scheme?—Then I will consider the scheme.

43,750. What would you then think of the scheme?—After my compensation is paid to my satisfaction, then I will consider the scheme, and consider how much I am going to pay.

43,751. You have not considered the scheme at present?—Not much. I have considered about compensation at the present moment.

43,752. You do not know whether the scheme is good or bad?—My mind is not set on that; it is set on compensation at present.

43,753. You are not prepared to say whether the scheme is good or bad?—Until I know how much I am to get for my compensation, and how much I am going to pay for living there, I am not prepared to say.

43,754. What tribe do you belong to?—I am an Amaxosa, a Gaika.

43,755. Where were you educated?—In the Cape Colony.

43,756. Where?—At Lovedale.

43,757. What Church ordained you?—The Free Church of Scotland.

43,758. I thought you were an Independent Presbyterian?—Yes, I was ordained by the Free Church of Scotland, but we had a Church dispute and formed our congregation. We are open for re-union.

43,759. With whom?—With the same Church.

43,760. What is the same Church?—The Free Church of Scotland.

43,761. What is this Independent Presbyterian Church?—That is my congregation.

43,762. You call it that name?—Yes, it is called that.

43,763. Is it anything to do with the Presbyterian Church of Scotland?—At present they are standing isolated as a congregation.

43,764. Your congregation?—Yes, at present.

43,765. *Captain Dickson.*] Who is the head of that Church?—I am.

43,766. Have you anything to do with Mzimba?—He is a brother missionary in the Church of Africa.

43,767. Did you break off at the same time as he did?—No, before him. I broke from him first.

43,768. How many years have you been running this independent Church?—Between five and six years.

43,769. Just before he left, you left?—Yes, before.

43,770. Were you here then?—Yes.

43,771. *Mr. Hamilton.*] You are aware that the United Presbyterian Church of Scotland and the Free Church of Scotland have closed their differences and become one Church?—Yes, I am aware of that.

43,772. So that your secession from the Free Church of Scotland and calling your congregation an independent Presbyterian Church is a secession and schism of your own?—Not a schism; it is on a mere Church dispute.

43,773. You gave it a name?—The congregation gave it a name. We were advised to do so by the same missionary. They were not unanimous in themselves.

43,774. What is the name of your congregation really?—The Independent Native Presbyterian Church.

43,775. Did I understand you to say you thought the qualification for the Native franchise in the Cape was too low, and that Natives were allowed to vote there who were not fit to exercise the vote?—I did not say that. I only said that I think the Transvaal exemption certificate is a model.

43,776. The qualification for that is higher, is it not, than for the franchise in the Cape Colony?—Yes, I think it is higher, but it is a model; it is good; it is on educational lines, which we like.

43,777. You approve of it?—I approve of it.

43,778. Do you know what the qualification for the franchise is in the Cape Colony?—At present I do not know. There have been

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so many changes. I think it is Standard IV., and having property to a certain amount.

43,779. Do you think that the possession of those qualifications increases a man's self-restraint, and enables a Native, who otherwise could not handle strong drink without danger, to handle it with impunity, and that he ought to be allowed to have it because he has passed Standard IV.? You agree that for the Native generally it is a danger for him to be allowed to buy alcoholic liquor?—Yes, that is my opinion.

43,780. But you think that the voter of Cape Colony ought to be allowed to buy drink?—The voters are allowed.

43,781. Do you approve of that or not?—There are more qualified men in the Cape Colony who approve that they should get the liquor.

43,782. You have just set forth what the qualifications are to be a voter in the Cape Colony. A man with those qualifications can buy liquor when he could not otherwise buy it. Do you consider that is right? Do you approve of that from the Native point of view?—I approve of it.

43,783. Would you kindly explain to the Commission in what way the possession of the voting qualification in Cape Colony enables a Native to withstand the dangers of drink, which he would otherwise be exposed to, and to which you would not expose him?—It depends upon the man himself.

43,784. All the voters have the right under the Hofmeyr Act?—Yes, they have, and it depends upon the man himself as to whether there is danger. There are some of whom I would say there is no danger as far as they are concerned.

43,785. But you are of opinion that there is danger to a large number of voters who now get liquor under the Hofmeyr Act?—I do not say a large number of voters. I say it depends upon the man himself. I am not prepared to say a large number. I say there is a large number for whom there is no danger.

43,786. Then it is a question of the qualities of the man himself, not whether he is a voter or not, which you think should decide whether he should get liquor or not. I want to know why you give the right to buy liquor, why you approve of a voter having the right to buy liquor? On what ground is a Native voter more able to withstand the danger of liquor than a Native who is not a voter?—One has certain qualifications which put him above putting himself in danger.

43,787. Do the qualifications required by a Native voter in Cape Colony, the passing of Standard IV., and the signing of his name, enable a man to withstand the temptations of liquor any more than another man?—I would not confine myself to Standard IV.

43,788. Will you name to me which of the voters' qualifications in the Cape Colony is one upon which you rely as giving a guarantee that a Native is enabled to withstand the temptations of drink?—As far as the exemption certificate of the Transvaal is concerned——

43,789. We are now speaking of the voting in the Cape Colony, not of the Transvaal?—Having a Government certificate and passing the matriculation.

43,790. That is not a qualification for the franchise in the Cape Colony?—(No answer.)

43,791. *Mr. Samuelson.*] How far from the town is the location which you live in now?—About two miles.

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43,792. A number of the Natives who work in stores go out there?—Yes.

43,793. What is to be the distance from town of the new location?—Twelve miles.

43,794. Is there a railway running to it?—I think one is being made; it is nearly finished. But the Natives have to incur the expense of that railway.

43,795. You mean for their fare for getting out and coming back?—Yes.

Johannesburg, Monday, 17th October, 1904.

Present:

Sir Godfrey Lagden (*Chairman*).

Mr. Samuelson.	Mr. Hamilton.
Hon. Mr. Campbell.	Mr. Stanford.
Captain Dickson.	Mr. Thompson.
Mr. De la Harpe.	Mr. Sloley.
Mr. Krogh.	

Mr. William Kidger Tucker, C.M.G., examined.

43,796. *Chairman.*] Do you represent some Association?—I have been asked by the Rand Pioneers to attend and offer what are considered to be the general views of the Association.

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43,797. Upon what particular points?—Generally upon the list of questions which, I understand, are formulated by the Commission.

43,798. Have you the Heads of Evidence before you?—Yes.

43,799. Do you propose to go right through the list of subjects?—There are certain of them which, of course, I shall omit.

43,800. Will you let us know what points you wish to address us upon. The first is, I presume, one of the subjects upon which you wish to speak upon?—Yes. I notice the first question is, "With what Native tribes are you familiar, and how long have you resided in South Africa?" I was born in South Africa, at Cradock, and I am familiar with most Natives, although I am not familiar with them in their Native habitations. I was a digger at Kimberley in 1872, and I have been occupied with mining almost continuously since that time, and my profession as a land surveyor has brought me into contact with farmers to a large extent. The Native question is, therefore, one which has met me at every turn, and I have heard it discussed by three generations of men, who were intimately acquainted with it in one shape or another. I regret that the shortness of the notice that my evidence would be heard has made it impossible for me to prepare a statement to submit to the Commission, and the fact that I am a participant in the municipal election campaign now proceeding has made it more and more difficult for me to prepare it. I only had notice on Saturday that I should be asked to give evidence this morning, and the Pioneers had not made up their mind earlier than that to ask anybody to appear.

43,801. Has the Association answered the questions in writing?

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—No, they have left it to three of us: Mr. Nourse, who, I understand, has already given evidence, Colonel Bettington, and myself.

43,802. If you like to put in a written answer to all these questions on behalf of the Association, please do so. We will now question you upon the various heads. Will you put in that written statement?—Yes.

43,803. Is land tenure one of the subjects upon which you wish to speak?—Not in the way of giving evidence of what land tenure is at the present time, but as to what we think land tenure should be in the future.

43,804. That is what we should like to hear?—My views on the land question as it affects the Natives are, first, that existing Native reserves such as Swaziland, Zululand, Basutoland, Pondoland, etc., should permanently be maintained as such; that all locations existing at present within the borders of the various Colonies should remain exclusively set apart for the habitation of Natives, except that trading stations, mission and school sites, and sites for Public Offices, may be granted therein at the discretion of the Government; and that all Natives resident outside such reserves and locations should be required to find employment and be attached to a European employer. No individual Native, in my mind, should be permitted to own land. He never has owned land under Native law and custom, and there is no hardship in debarring him from doing so in the future. All land in locations should be vested in the Government, and in the large reserves the tenure should be communal and vested theoretically in the Government. No futher locations, except in the case of towns, should be established, nor should it be permissible for Natives to acquire farms on which to establish kraals and locations. My reasons are that to protect the Colonies from being over-run and swamped by the ever-increasing Native population, it is necessary to establish barriers of the nature I have suggested. The Colonists are many generations in advance of the Native in regard to ethical evolution and development, and some generations must elapse before the Natives can claim to take part in the responsibilities of government. Until that time arrives they must be regarded as subordinate to the European Colonists as a ward is subordinate to a guardian. These are the only remarks I have to offer at present, unless you have any questions to ask upon the point of land tenure.

43,805. Why do you think that large locations like Basutoland, Swaziland, and the existing locations within the borders should be maintained as they are?—As reserves for Natives?

43,806. Yes. You have a reason for your opinion?—My reason for that is that we have to make provision for the Native population in the country; there is no getting away from that. I think they are perfectly well provided for already. We cannot go and have those territories cut up for the use of the white man. There must be some part of the country, I take it, which is allocated to the Natives.

43,807. Then the locations within the borders, as you describe them, you also recommend should be maintained?—As many as there are at present, because it would only create a bad impression in the Native mind to take away what he has already got.

43,808. It is not because you think they have enough, but because of the bad impression?—Yes, I think so, and I think they have got enough. As a matter of fact, it is perhaps a pity that they are spread about as they are amongst the white population, but I

do not think it would be wise to take them away from those locations now. Let them stay there, but do not give them any more.

43,809. Are you acquainted with the locations of which we are now speaking in different parts of the country?—I am not acquainted with by far the greater number of them; I have only been to a few locations.

43,810. Do you, for instance, know whether they will support agriculturally a larger population. I do not mean support those who wish to build huts there and remain there and radiate from there to work, but I mean do the existing locations offer more land for those who come after for agricultural purposes?—I doubt very much if they do. I think that it would take very little to fill up these locations to such an extent that the people, in order to make a living, would be forced to go out to work. I do not think it should be the object of the Government to allow these locations to become places where the Native can go and make his own living as a farmer would, but that it should be a place where they can keep their families—a place where they can be at home, not necessarily a place where they can make their living.

43,811. Then you do not think it would be well to have a system by which future generations of Natives should be able to live off the land?—No, I think the tendency should be to make them work continuously to earn a living.

43,812. Therefore, the sooner the arable land comes to an end the better for that purpose?—Yes, but I say do not take it away from them now, but fill it up as soon as ever you can.

43,813. Then you made the remark that it was a pity that the locations within the borders of the different Colonies were so scattered. Do you mean that it is better to close Native locations up into one corner of the territory?—I did not mean that exactly. I meant it was a pity that they are located as they are. Some of the most fertile parts right in amongst the whites are Native locations, and it would have been better if they were put, not necessarily up in one corner, but at all events away from the white population.

43,814. Do you not think that the mere fact of Natives being closely associated with civilised people is a good thing for the country, in that it offers greater facilities for the supply of labour, and offers greater facilities for the development and improvement of the Natives themselves?—Of course, we have not, I take it, got on far enough yet with the development of the Native to say that we have done him any good. As far as it has gone at present, I think it has done a lot of harm. The Native who comes from territories where he sees very little of white men is a very much better man than the one who comes from a Native location where he is surrounded by the whites.

43,815. Take the men who have been many years living on farms. Do you mean to say these men are not more advanced, that they do not know a great deal more, and are more intellectual?—Their experience as farm hands would certainly improve them; they are better that way. But morally, I take it, they are not so good as the Native who is still in his old habits.

43,816. Do you mean he has learned bad habits by being on the farms?—He has learned bad habits because he has picked up all the vices of the white man. He has got on to a different system, and he is more free under the white man than under his own Chief. He had to observe a proper moral code, under direst penalties if he broke it, in his own country, but as soon as he comes out he becomes amenable to the law the same as the white man does, and he

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finds punishment, which may be severe to a white man, is something which just slides off his back, and he becomes deteriorated morally.

43,817. Can you give a reason why contact with the white man, such as you describe, must demoralise the Native and make him learn the white man's vices?—I think it is human nature, that is all. I do not think there is any particular reason why he should; in fact, there are a good many reasons why he should not.

43,818. Then, in further reference to those locations, you say that the tenure of land should be communal?—That is to say it should not be parcelled out to individuals but should be kept for the tribe, as they have it now under their Chiefs. It belongs practically to their state. I do not think the time has come for individualising the Native. I take up the point of view that the white population have got to guard themselves here. Their first duty is towards themselves. They have this ever-growing Native population all round them. It should be no part of the white man's policy to assist that Native to swamp him in the shortest possible time. There is no urgency for giving him the franchise, which means practically to graft a European civilisation on to a stock which is not at present fit to receive that grafting. He has to go through the same evolution that the white man has had to go through, and this process of forcing him, making a hot-house plant of him, is not good for him, and certainly is suicidal so far as the white man is concerned.

43,819. You speak as if individual tenure and the franchise must necessarily go together, but that is not so?—The one is the logical consequence of the other.

43,820. Why?—If a man is a landed proprietor and in every other respect is regarded by the law as a full man, how are you going to keep the franchise from him?

43,821. If he is, but that is not necessarily presumed?—You individualise the Native by making him a landlord.

43,822. Not necessarily; you may make him a leaseholder?—I would not give him a lease at all. Let future generations deal with that. It is no business of ours to make it harder for those who come after us in this question.

43,823. Then you approve of the entire maintenance of the system of chieftainship?—I say you should have Commissioners, and the Commissioners should work those tribes pretty much in the same way as the Chief has done, but the Chief should be subordinate to the Commissioner. You should interfere as little as possible with the Native laws and customs in those territories. I am not now referring to locations inside our own territories, but to what I call reserves, where the Native laws and customs should be interfered with as little as possible, conformable with the responsibilities which the Commissioner would have there towards his own Government.

43,824. You are speaking of the system which already prevails?—Practically.

43,825. And what you advocate is that there should be no disturbance?—I understand that most of the Commissioners have been removed and that Magistrates have been appointed to take their place.

43,826. I must say that that is not correct?—I do not know whether it is correct or not, but I understood that that was so.

43,827. It is not correct?—I think it would be a pity to put Magistrates in the place of Commissioners.

43,828. You consider that there should be a sufficient number of Commissioners, and officers of that character, who should live amongst the Natives and deal with them as if they were their own Chiefs?—Yes.

43,829. Now, when you say that no Natives should own land or acquire farms, do you put that in the same category with your previous suggestion that they should not have individual allotments within the locations?—Yes, I do not think that you should divide the locations up either—that they should own the allotments in the locations. They should not have title to those lands, either leasehold or freehold.

43,830. Then you went on to say that no Natives had acquired land yet, and, therefore, there was no occasion for it. Perhaps you are aware that in many parts of South Africa it is open to them to acquire land?—Yes, as far as I know, they acquire land here, but they do not get it in their own names; it is transferred to a missionary or something of that sort. But I do not think it is wise that that should continue.

43,831. You think the door should be closed to their ability to obtain land of any description?—Undoubtedly, yes, and that it should be closed to them to buy land which is already allocated to a white man. A white man should not have a right to sell land to be occupied exclusively by Natives.

43,832. Even although it should be held in trust by Government?—Quite so. I see nothing in it but that if that course is pursued, notwithstanding the fact that the white man came here and by conquest acquired all the land here, in time, if this goes on, the Native will buy the whole thing back again.

43,833. *Mr. Stanford.*] Do you think it advisable that the Natives in this country should receive industrial training?—I should let them get all the training they can on their own. I do not think the Government should take any trouble to what I call force them in a sort of hot-house fashion, to educate them faster than they are entitled to go. Let them evolve themselves. We have had to evolve ourselves, and it is no business of ours to force them to overtake us in the shortest possible time. If they have a mind to educate themselves, by all means let them go on.

43,834. You would permit a Native desirous of learning a trade to do so on his own account?—On his own account.

43,835. And thereafter he might enjoy the benefits of his own industry in exercising that trade?—Yes, in Native territories. I would not allow him to go and enter into competition with the whites. If he likes to set up as a tradesman, for instance, as a wagon-maker, or wagon-builder, or anything you like, in the Native territories, by all means let him do so, but I should not allow him to come and follow trades in white communities, for this reason, that you have in this country a Native population which must occupy all the lower strata of society. In Europe and in other places society consists of from the lowest dockers right away up to the top. In this country up to a certain standard no white man can find employment; he cannot enter into competition as an unskilled labourer with the Natives. Therefore, you must hand over to the Natives the strata of society which contain by far the most numerous part of your population. It follows in this country that the whites can only hold

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skilled positions. What you would call the artizan class and the skilled labourers, upwards, are the only classes of society of whites that can really hold their own here. Below that you enter into competition with the Native. Therefore, you never can get a big white population here. If you are going to allow the Native the free run of those callings which he alone can fill, and also those callings which alone should be held by Europeans, you are going to drive the European population out of the country in a very short time.

43,836. Your distinction then is as between unskilled labour and skilled labour?—Quite so.

43,837. Your wish is to keep the Native as far as practicable to unskilled labour only?—When he comes out amongst the whites. In those big reserves let them develope themselves.

43,838. How are you going to stop him becoming a skilled labourer considering that wherever he is working he is learning to become a skilled labourer, either with the farmer, or with the trader, or with the tradesman, or with the miner; wherever you put him he has the opportunity to advance from unskilled labour to skilled labour?—Yes.

43,839. How are you going to stop him?—I do not say we must stop him. I say let him evolve himself. In that way he is evolving himself.

43,840. And when he has evolved himself, what then?—Then, if he wants to enter into competition with you, you say, "No, not in these territories."

43,841. I want to know how you are going to stop it. You need the Native to work for you on the mines, on farms, and in towns. At what part of his advancement are you going to say "Stop; go back to your black reserve?"—That is a point I say we have not to deal with, and I do not think we ought to deal with it. It is something the next generation ought to deal with and settle.

43,842. Meanwhile he cannot be stopped. He comes and works, and if he learns by his labour it is for our time sufficient?—Yes. Let him evolve himself and be confined to a certain class of labour. When he wants to enter into competition with the white man let him go back to his own territories.

43,843. Would you allow a master tradesman, for instance, to employ a journeyman Native?—No, I do not think I would.

43,844. Would you stop that?—I would stop that.

43,845. Is that one of the points for the future, or would you do it now?—I would do it now, so as to give the future a chance of looking after itself.

43,846. Are you aware that under the communal system a Native has his own plot of land, which he cultivates year after year, and he has his own kraal site and commonage for grazing?—Yes, but he has no title to that land that I know of. As far as I know he has no right to sell it.

43,847. You are aware that he does hold this tribal land and that he cultivates it from year to year?—Yes.

43,848. What practical difference does it make in respect to your contention about swamping the white man if you acknowledge that Native's right to that bit of ground in some manner that has not been done in the past. How does that necessarily lead to the swamping of the European population? The man is where he was before?—You mean in the reserve?

43,849. Certainly?—My object in saying that is to let him develope himself. It is no proposition of his that he should have title

43,850. That is not an answer to my question. Why should the effect of your recognition of the right which he has hitherto exercised of cultivating a certain piece of land lead to his swamping the European?—I do not think that would lead to swamping the European.

43,851. I understood you to say that if you recognised their fixity of tenure that would lead to the swamping of the European population?—I was referring to the right of individuals to acquire land.

43,852. The Chairman put to you some questions on the recognition of rights within the locations?—Yes, not in the reserves.

43,853. Then would you have any objection to the rights of the individual being defined and recognised within the locations which you desire to be reserved?—I should certainly object to his having any more right than he has at the present time. He has the right to squat and cultivate a plot of land, but that is all that he has got; he has no title to that land.

43,854. What do you fear in respect of such recognition?—That they will become influential, that they will become wealthy, and that they will develope themselves faster than it suits our purposes they should develope.

43,855. Why should the Native become more wealthy; he would only be cultivating the land he hitherto cultivated, and he would only have the same amount of grazing land?—That location is not set apart for any definite number of Natives; if it were so, it would be impossible to send any more Natives there. It is free for all Natives to come and go, and it is open for any increase of population.

43,856. But under ordinary conditions the arable land in any location is not going to meet the requirements of an ever-increasing population?—No.

43,857. So that the overflow must go, whether you have individual occupation or not; is that not so?—Yes, but you cannot go and say, "This reserve will hold 200 individuals, and, therefore, the 200 people at present there shall have it, and no one else shall come here," because then you would be giving them title, and they could order any one else away who came there.

43,858. Your idea is that apart from the arable land being insufficient for more than a certain number of men, there should always be room for Natives from other parts to enter the location for occupation purposes?—Yes, they are entitled to go in there, and if a man is occupying more land for his hut and spreading himself out too much, the man in charge of the location should be in a position to say to him, "You must move off; some one else has to come in here." But you cannot do that if you give a man title.

43,859. Would that not depend upon the conditions of the title and upon the nature of the control reserved by the Government over the commonage; because the old system to which you are objecting is this: that Natives, the arable land being exhausted, should have the right to live on the commonage?—Yes, on the location commonage; but the time will come when they will find it impossible to make a living there, and they will have to go out to work, and that will be a place for them to go to as a home.

43,860. The danger you referred to some little time ago is the swamping of the white man by reason of the overflow of Natives from those large locations?—Yes, that is if you allow them to acquire further land.

43,861. Do you think there is any greater degree of safety by refusing them the right to purchase land?—Certainly, because if

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you allow them to purchase you will find that there are white men willing to sell them land quickly enough. The white man will sell it to a Native or anybody else if he gets his price. Then the time will come when the black man has bought everything there is, and the white man will have to go.

43,862. Do you recognise that there is a movement amongst these people in favour of education?—Yes, and it is being fostered, and the desire to be educated has taken considerable root amongst them. I have no objection to them educating themselves, but I say that it is no part of our duty to assist them to overtake us.

43,863. Do you think that you will be able to satisfactorily keep them in this lower stratum which you have described when they do become educated in considerable numbers?—That is a problem we have not to face, but it is one for future generations. Let the people who are coming after us face their own problems—we have enough of our own; but let us not take any action which will make the solution of theirs more difficult for them.

43,864. *Mr. Thompson.*] Why would you leave the problem to be solved by the next generation; why not tackle it now?—Because we have no data, and we cannot solve it now. We cannot help to solve things by what I may call a hot-house process of forcing the Native along a line of unnatural development, and by grafting on to Native stock European civilisation by hot-house process. If he is going to acquire European civilisation and abilities, by all means let him acquire them in the course of natural development, but do not force him.

43,865. Your policy, then, judging from your answers, is that the Native is to be kept down because he will swamp us?—I do not say "Keep him down," but I say, "Do not force him up."

43,866. Do not give him the franchise, or else he will swamp us?—Yes.

43,867. Is that not rather a hot-house way of protecting one's self?—I do not know if it is a hot-house process, but it is common sense.

43,868. In the one sense it is what you describe as hot-house process?—It is to force him up.

43,869. You would allow these Natives to have no representation in the Legislature, either in the way of voting for their representatives, or by having nominated members; how then are they to have their interests looked after?—As I have said, they are the wards of the Government, and it is the Government's duty to look after them, whoever the Government is. We found them in the country when we came, and we took the country away from them. They are not responsible for the government of the country, but the white man is. They are not even responsible for the defence of the country, while the white man has to defend himself as much against the Native to-day as he has to defend himself against any outside influences. There is no getting away from that position.

43,870. *Mr. Samuelson.*] Your opinion is that the Natives, in the interests of both the Native population and ourselves, should be kept as a separate and distinct people?—Quite so.

43,871. And you think that this is the best way of protecting them and of protecting ourselves?—I think so.

43,872. And that it will save them from coming into direct lines of conflict with the white population, perhaps leading to ruptures which may be adverse to them?—Of course, the idea is not to allow the intermixing any more than is unavoidable. They come

in distinctly as assistants to the whites. The Government is retained by the European population, and the Native, when he wants to be at home, must return to a reserve or to a location, and when he is outside he must be employed in some form or another by a European employer.

43,873. Do you think he should or should not have the same help from the State as the European population in the direction of education and bettering himself?—He must at all events contribute to the maintenance of the State in a better form than he is doing at the present time before he can expect money to be extracted from the European to assist him.

43,874. You do not consider that his contribution by direct taxes or indirect taxes or otherwise is at the same rate as the European's contribution?—No, it is a long way behind.

43,875. Can you say what is about the difference per pound?—I have not worked it out in pounds, shillings, and pence, but you have this position, that the Native is occupying altogether some of the finest and most fertile districts in the country, and that he does not make those districts produce what they would produce if you had intelligent European farmers occupying that country. Therefore, the country is so much the worse off for having this tremendous area occupied in the way it is occupied. The only way in which the Native can assist the country is by his labour, and instead of working for twelve solid months, as nearly all Europeans have to do in order to live, he on the average does not work more than three months in the year; therefore, he is only producing one quarter of what he ought to produce, and I say he is not doing what he ought to do.

43,876. And with regard to the purchase of land by the Native, you object to that?—I object to the purchase of land by the Native from Europeans or from Government.

43,877. You do not think it should be competent for him to buy land at all?—No.

43,878. Do you not approve of it even on the system which has been adopted in the past of vesting any property he may buy in the Commissioner for Native Affairs?—No, on the grounds that I have already stated. If you allow that principle, I see nothing to stop the Native eventually buying you right out, and therefore you should stop it now.

43,879. Do you approve or do you not approve of the system which has been adopted in the past of registering the land in the name of some Government officer in trust for a Native?—It does not matter how you do it, but if you do that the result is finally the same: the white man is being bought out of the country. The white man came and took the country from the Native and now allows the Native to buy him out for money; that is what it comes to.

43,880. Do you think it is a good business principle to close the door to any Native who has bought land to deal with his property and to sell it in the market when he pleases?—I do not think you can stop what has happened already, but I say do not let any more of it go on.

43,881. Was it a good business principle to take out of the market so much land as has been purchased by Natives—not given to them as reserve, but purchased by them from the Government?—I take it it has gone out of the market and will not come back. The Native does not buy land to sell it again.

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43,882. Do you think it is a good principle to have a fair and open market?—It is a principle which does not apply in this case, because we are dealing with exceptional circumstances altogether. We have the two races, the Europeans and the Natives, and we cannot trade on equal terms with them at all.

43,883. You think that the Native population is sufficiently protected and their interests guarded by the present system of government, that is by their Commissioners, their Commissioner for Native Affairs, their Governor as Supreme Chief, and by the Imperial veto on important legislation affecting them, without any direct representation in Parliament?—I think they are thoroughly well protected; they are much better protected than they were before the white man came here, when they were allowed to chaw each other up.

43,884. You think the present system affords a sufficient representation of their interests?—I think it is quite sufficient.

43,885. I think you said that you thought the Government should stand in the position of Protector of the Native population?—I say the Natives were in the country when the Europeans came here, and as the Native cannot assist in maintaining the government nor in protecting the country, he falls into the position of a ward, and we have got to look after him. As I have said before, the Native is not qualified at the present time in his masses to take part in the government of the country. There may be individuals, but I am not speaking of individuals—I am speaking of the Natives as a whole. As a whole, they are not fit to take part in the government and make laws for white men, which they would do if you allowed them a voice in Parliament. They are not fit in other respects to hold the responsibilities of government, and, therefore, they must remain in their position of wards as long as ever you can keep them in that position.

43,886. Do you think the Government of the country is sufficiently strong or will be sufficiently strong in future to protect the Native population from any detrimental or injurious legislation as against the public opinion of the Colony; do you not think the public opinion of the Colony may force the Government to do things which they themselves would rather not do?—I do not think the public opinion of the Colony is at all harmful to the Natives. I do not think anybody wants to do the Natives any harm, but opinion may differ as to how much should be done to assist them forward. I take it that the amount of happiness that the Native gets out of life to-day is infinitely superior to the amount of happiness that is got out of life by the average white man, and I do not see why it should be our business to take him from the happy position in which he finds himself to-day, satisfied with everything, and to educate him up to the fearful condition of most white men—a struggle for existence and worry with all kinds of anxieties—which the Native does not have to-day. I do not think we would be doing such a grand thing for him after all by doing that.

43,887. *Captain Dickson.*] Have you studied the Squatters' Law of this country?—I do not know very much about the Plakkers' Wet, but I have seen those kraals all over the place.

43,888. What is your opinion?—I do not think the Plakkers' Wet exactly meets the requirements of the case just now.

43,889. What do you suggest?—It is very difficult to know what to suggest, not being a farmer; one must leave that matter more or less to farmers, but it is very difficult to get an expression of opinion from farmers which meets every case.

43,890. What is your Association?—We are Rand Pioneers, the Association consisting mostly of men concerned in mining.

43,891. I take it from your answers to the Chairman and Colonel Stanford, that what you wish to avoid is the tying up of the land, as is done under the principle of the Glen Grey Act?—Yes, the tying up of the land in the Native reserves and locations by practically allotting it to present generations of Natives and their successors; those who do not happen to get plots would be "los Hottentots."

43,892. You consider that by giving individual tenure, as under the Glen Grey Act, there is no chance for future generations?—No, there is no chance excepting for the heirs of the present holders.

43,893. *Mr. Sloley.*] Do you realise, Mr. Tucker, that if you prevent the white man from selling his land to the Native, nevertheless he will let it to the Native?—I think you must stop him from doing that; he must not be able to let it or lease it to the Native.

43,894. You would prevent this system of letting land to Native tenants in large numbers?—Yes, I would prevent what is going on in the north of this Colony, where large land companies derive considerable revenue by allowing the squatting of Natives and charging them so much per hut or so much on their crops. That is wrong and should be stopped.

43,895. *Chairman.*] I do not think you clearly understood one of my questions about individual tenure. You advocated, first of all, that after the Natives had begun to expand and went out and found their way over the country as labourers, no more locations should be given to them?—Yes.

43,896. Supposing you took an existing location and divided it up into small allotments of a few acres each, giving those allotments to the Natives who were already living there, and that there remained no more land to give out in that way to future generations, would not your case be met by the overflow of the future having to go out to seek labour?—Yes, it would be met in that way, but my point is that I would not allow them in the locations to have allotments, and I say this not so much with a view to protecting the Europeans, as I think it would be in the interests and to the benefit of the Natives. Why select some Natives and give them advantages which others cannot have? It is their common property, and it is a spot which they can look to as home.

43,897. I do not say drive away those who have not got the land?—No, but they practically would be driven away then.

43,898. They might live there; that is to say, they might go out to work from a location where they had room for their houses?—Yes; in the one case they would have to make arrangements with the landlord, who would be a Native like themselves, for a stand to put a hut on, whereas if it was common land they would have to go to the Commissioner and ask for a site.

43,899. Perhaps you do not understand what the system is. It means that the arable land would be divided up into allotments, which only a certain number could get, presumably those who enjoyed it in the past, and that the rest of the land would be held in communal tenure and utilised for grazing and habitation, and this would be under the jurisdiction and supervision of the European officers, who would not be able to give any more agricultural plots, because there were no more; but on that land the people might live and build their huts, and allow their children to remain there

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while they went out to work. That is the system; do you see any objection to it?—No; Native families, as a rule, like to know that they can retire to some Native territory which they can call their home. You must not exclude them from a place like that.

43,900. *Captain Dickson.*] Did I understand you from that answer to say that you would have no objection to some of those Natives having individual freehold title?—No, it was not individual freehold title I said I was in favour of.

43,901. You object to freehold title?—Yes. A Native might cultivate his plot of ground, and do it well, for years, but when he ceases to do so, when he goes away, or dies, or what not, then I say it should be the Commissioner, as Chief of the location, who should say who the next man was who was going to have the use of that plot. The Native himself should not let it go down by will, or anything of that sort.

43,902. *Chairman.*] Not by ordinary succession?—No.

43,903. You have already said that you do not see any reason why the existing laws and customs should be interfered with?—No. It seems to me that when we start tinkering with Native laws and customs we do not make things much better for them; I am afraid, on the other hand, they get worse.

43,904. So you would let them remain?—I may say that this expression on my part is not from my own personal observation, because I have not been amongst the Natives in their own locations and reserves. I have formed my opinion from what I have gathered from farmers and others who do know them, and probably you have already had better evidence on that point that I can give you.

43,905. Have you anything to say with regard to No. 3 of the Heads of Evidence: "Administration of Local Affairs"?—I do not think I have any notes on the administration of local affairs, if that involves the administration of places under the Glen Grey Act, for instance.

43,906. I will give you a question on the subject, if you wish. Do you approve of any system by which Natives who live in Native locations, whether town locations or country locations or reserves, should have a voice in the management of their own affairs—not a determining voice necessarily, but a voice?—I take it that the Natives in the reserves fairly well understand the authority of the Chief or Headmen, and that is how they are represented at present. In the locations, I think that the Commissioner would probably find it best to use his influence on the Natives through the same channels, but I would not have elections on Councils at present. What may happen in future I do not know, but I should not advocate doing that kind of thing too soon. I would let it come from the people. When they have arrived at a state when they would like to have representation let them ask for it.

43,907. Your answer is that when they have shown themselves fit to take any share of that sort you would allow it with some measure of discretion?—Yes.

43,908. You have already spoken about the franchise; have you anything to add to what you said?—No, I have nothing further to add to what I have said about the franchise, except that public opinion, here at all events, is most emphatic against allowing the Native to have the franchise in cases where he may influence legislation affecting Europeans. If he is to be represented at all, it must be by way of nomination on the part of the Government. I do not think that Natives should take any part in the election of a white man.

43,909. Do you go so far as to favour the nomination of persons to represent Natives?—I would hardly go so far as to recommend that at present. I say that as speaking from my own point of view and from the point of view of others whom I have been asked to represent here. These people are under the care of the Government of the country, and the Government must make due provision for them. If you go and put nominees for them into Parliament, it practically takes a lot of responsibility away from the Government to look after those Natives, because they then have their representatives in Parliament. But I quite recognise that it is a point upon which there may be considerable difference of opinion, and if they were to be represented by nominees, then I think those nominees ought to be appointed by the Chief of the Colony—that is to say, by the High Commissioner.

43,910. By the Governor?—Yes, by the Governor.

43,911. You spoke just now, in answering other questions, of allowing the Natives to evolve themselves; you said you would put no obstacles in their way, but you would let them evolve themselves and develope themselves, and you spoke of two or three generations. Now, presuming that in that time a body of men had evolved themselves, had educated themselves, had acquired property—not freehold property, but had acquired landed property—and showed themselves to be men of intelligence and perhaps some worth: Do you think the time should come when they should get some special form of representation or be allowed in any way to take part in the government?—I think the time must come in the future when these men will have evolved, but I say it is impossible for this generation, that is for ourselves, to deal with what is so far in the future. We do not know when it will happen, but I say that the men then in charge of affairs will probably be quite as competent to deal with the condition of things that arises as we are, and they will be in a much better position to deal with things then than we are to-day. As things are to-day, it is nonsense for us to try and put the Native on an equality with the white man.

43,912. Have you anything further to say about the franchise?—I have the following note with regard to the franchise:—"I am most emphatically opposed to granting a Parliamentary and municipal franchise to the Native. If white men are to hold their proper position in this country it would be political suicide to grant the franchise to Natives for this and the next generation; and I think it is only fair to future generations to let them deal further with the subject unhampered by any weak sentimental concessions to present-day Natives on our part. The Natives are most assuredly not fit to exercise legislative or administrative functions in their present generation even for themselves, and to grant them such powers when their exercise of them is to affect the European is the height of folly in my estimation."

43,913. Then the next subject?—The difficulty experienced in securing a sufficient supply of labour. My note on that is:—"Native labour is difficult to procure in quantities sufficient to meet the demands of this country, which is centuries behind all civilised countries, and on which the development is being forced at speed unmatched in the history of the world. More Natives come to work each year, but the demand being so great for labour, less remunerative and less attractive forms of employment, such as that obtained on farms, etc., are neglected, and farming industries suffer in consequence. To increase the wage would enable the

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Native labourer to retire sooner, and so diminish the amount of work done in a year. To lower the wage would make the man who comes to work stay longer to accumulate the sum he needs for domestic purposes, but would affect a large number in such a way as to prevent their coming, and so decrease the amount of labour. Competition and a plentiful supply of extraneous labour will no doubt have a beneficial effect in forcing the South African Native to labour more continuously and for a lower wage. No European labourer, and very few European clerks and assistants, have anything to spare at the end of the year's continuous service, but the Native frequently has his full wage of £3 or more per month intact and to the good. He is thus able to accumulate money when by far the vast majority of white men cannot."

43,914. You spoke about a shortness of labour on the farms; is there any way you can suggest by which that shortness could be made up?—I am afraid there is no means I can suggest by which that could be brought about in a short space of time, but I hope that a change in our method of dealing with Natives on the farms will lead to that complaint gradually disappearing; that is to say, do not allow Natives to squat about the country, but put them in their locations in which, as I say, they can live, although they must go out to work. The surplus population will gradually then become settled amongst the farming population, mostly as farming-hands and assistants, though, of course, a good many will come to the towns and to the mines. I think the tendency of our methods of dealing with the Natives should be changed slightly so as to bring about that result, but I do not think that any decided action now would change circumstances in that way rapidly. I do not see any way of doing it otherwise than gradually.

43,915. Do you know that there are a great number of Natives who are what is called squatting on the land, not in locations?—Yes, I believe there are large numbers.

43,916. Suppose you were summarily to remove them, and supposing the farmers got all they wanted, what would the remainder do; where would they go?—I do not think there would be a remainder just now, but if there was, I would say that they must go into the locations or reserves, which, I think, are sufficiently large to hold the present generation of Natives anyhow.

43,917. And you would remove the Natives who are now squatting on private lands?—I think so; I would not do it summarily, but I would say that they must move within a reasonable time.

43,918. So that the land companies, who absorb a great number of Natives at the present time, would not be allowed to do so?—No.

43,919. And this land, which now yields a certain output of produce, would go out of occupation?—No, it need not go out of occupation, in the sense that the owners of that land would cultivate it and hire the labour instead of allowing squatting.

43,920. But you are opposed to hiring Natives in that way, that is, leasing lands to them?—Yes, I am opposed to leasing land to them, but the owners of the land would cultivate it themselves.

43,921. Presuming that a good part of the country of which I am speaking is unhealthy—land in which Europeans cannot live—do you think it is best that that land should lay absolutely fallow?—No, that can be overcome by the man having those Natives as his servants: they would be hired to him, and he would give them wages—that is, a proper number of them.

43,922. But presuming you could not get Europeans to go and live there and employ those Natives, the land would then go out of beneficial occupation?—No, because he must hire those Natives; they would be his servants, and he could set them to plough, or to do anything else he liked. But to-day they roam about, and do not belong to anybody.

43,923. But to be his servants he must reside there himself and see that they are working?—That is entirely for him to consider.

43,924. I understand that you would differentiate in this way, that instead of as now the land companies charging a rent, they would employ those Natives at a wage?—Yes, they must be registered to a master, and he must pay them a wage.

43,925. It would come to the same thing in the end: the Natives would remain on the land?—No, you would not allow them to remain there, because they do not cultivate anything like the amount of stuff they ought to cultivate.

43,926. Then you would limit the number?—Yes. If a land company wished to do the thing on a large scale they would have a certain number of Natives and no more. As it is now, any number of Natives can go there and cultivate each one his little patch, and be perfectly happy, whereas the land would not hold that number of Natives if it were cultivated systematically by the land companies.

43,927. This involves a law to regulate the occupation of land by land companies?—I suppose there would be some legislation necessary.

43,928. You were speaking of labour; have you done with that subject?—I have mentioned a good many things in my memorandum. I say:—"Native labour is difficult to procure in sufficient quantities." That, of course, has been the case for some time. "This country, when compared with other countries, requires unskilled labour to a very large degree." Everything, practically, is still to be done for this country to make it come into line with other civilised countries, and it all means labour. That labour the Native is well able to give, but he only gives us three months in the year, or thereabouts, on the average, whereas the European has to work for twelve months, and has no break then. With regard to the question whether increased wages would bring an increased supply of Natives, I have tried to show that that is a point that seems difficult to determine. It does not follow if you give a bigger wage that you will get more men continuously.

43,929. You have already explained that a certain amount of labour would go out of action at once if you paid higher wages?—Yes.

43,930. Have you anything to say on the other subjects; have you spoken of the laws affecting the Natives or other Native customs and laws?—I think I said that we ought to change those no more than is absolutely necessary; we should interfere with them as little as possible.

43,931. Are there any laws affecting Natives and their administration which you wish to express your opinion upon?—No, I have nothing to say about the administration.

43,932. Anything about taxation?—My note on taxation is that the Native does not contribute fairly to the direct and indirect taxation of the State. He occupies extensive areas of the most fertile land in the country, thereby excluding a white population that would turn such land to greater advantage. His presence is ever a potential source of danger to the State, necessitating the ex-

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penditure of large sums on police and maintaining a condition of preparedness against the possibility of his aggression. The goods he consumes are few compared to those required by the European, and his contribution to the maintenance of the State consists chiefly in unskilled labour, but, as he labours only about three months in the year on an average, his contribution to the State is very small. He earns a great deal less than half the amount he has the opportunity of doing. That, I think, I have already said in answer to other questions.

43,933. Do you approve of the liquor laws?—Yes. I do not think liquor should be allowed to Natives, but I see no reason to prohibit them drinking their own beer if it is regulated. It should not be too strong in alcohol, and drunken brawls should be severely punished. The present law seems quite good.

43,934. Is there any other subject?—There is a question about the deterioration or otherwise of the Native. The status and condition of Native men and women who have parted from the large reserves and become habituated to a half-civilised kind of existence has greatly deteriorated, physically and morally, but, as far as I am aware, Natives in their own territories are as good as ever. That is a point on which I think others who have given evidence are better able to judge than I am. Then there is a question as to what will happen when all these reserves are filled up, and as to any provision being made for the surplus population. My note on that is that a large section of the Natives will, under wise administration and sound laws, gradually become absorbed in the service of the industrial centres and the farms as wage-earners. If the reserves, in spite of such absorption, become over-populated, the Natives will have arrived at a point in their existence which has faced every old country, and the struggle for existence will have commenced with them. This is a contingency which faces every race under the sun, and I see no reason why we should try and protect them from an evil which we have no means of applying in our own case.

43,935. *Mr. Campbell.*] Do you think the Natives are taxed sufficiently?—I do not think they are taxed sufficiently in this way, that they do not do enough work on the territory they occupy legitimately, and they do not otherwise work enough, but I do not think it is any good trying to knock more money out of them by direct taxation.

43,936. Do you think they are taxed enough by direct taxation?—I should not like to say they are taxed enough, but I do not think that is the way to get it out of them—by direct taxation. What we want is that they should produce more, and they should give more labour, or make better use of the land they have got.

43,937. You are satisfied, then, that they are paying sufficient taxes?—No, I say they do not contribute enough to the State at all, considering the numbers that there are and the importance of the position they hold in the country.

43,938. How do they not contribute enough—in labour?—Yes. If they labour, naturally, that is profit to the State. The Government can get its revenue somehow if work is being done, but when a man starts doing nothing for nine months out of the year he is no good to anybody. He may be enjoying himself, but that is not the point.

43,939. When you say he is living at home nine months in the year doing nothing, do you not think they have work to do of their

own, such as clearing the ground and cultivating it?—Yes, in a fashion.

43,940. Would you not call that work?—No, because in most of those Native territories, we understand, it is the women that work, not the men.

43,941. You think the men do not work?—Not very much.

43,942. Do you know what proportion of men go out to work during the year?—No. Those figures, I think, you have already got. I do not know what the proportion is, but I believe it is about a third. I do not know that personally; it is only from statistics that I have seen.

43,943. What means would you use, then, to force those men out to work?—It seems to me the only way is to make it impossible for them to live in those locations or reserves in idleness.

43,944. How would you make it impossible?—Put them all in there; fill it up. Do not let them overflow whenever they like and come back there to rest.

43,945. You would suggest that the Natives should be crowded in the location?—The lazy ones, yes.

43,946. And you think that would force them out to work?—I think it would starve them out, yes.

43,947. It would starve them out?—It would starve them out.

43,948. And that is the way you would deal with the Native question?—That is not what I would do; that is what the Native would do for himself. He would have the choice of living in there and starving or of coming out and living comfortably on work.

43,949. *Mr. Samuelson.*] I think you said you would not be in favour of the Native having representation of any kind, because you strongly object to his influencing the legislation affecting the white population?—Yes.

43,950. But would not that be the case if nominee members were appointed to represent them?—Of course, he would have a say in that case, but I said I did not advocate that as the way he should be represented. My own view of it is that the Government is a much safer custodian of the Native than a few representatives in a House would be.

43,951. I do not know if you have expressed your views as to whether you think the Native law which is administered in this Colony should be reduced to writing or otherwise?—I should think it would be certainly a great advantage if it could be reduced to writing, but I do not know that any attempt has ever been made.

43,952. As a first step towards obtaining uniformity in the decisions of Commissioners and the Courts?—I would not say that, because you have so many different kinds of Natives to deal with, with varying customs, that I do not think it would be wise to have uniformity in that way. You could not apply to Zulus what you apply to Basutos, and *vice versa*.

43,953. Yet you suggested it would be an advantage to reduce the laws to writing and say that outside of the written law no Native law would be recognised?—Yes, if you could be sure that you are collecting all their laws and customs in each particular reserve or Native territory.

43,954. Do you think that possible?—I have not sufficient acquaintance with that part of the subject to be able to tell you whether it would be possible or not.

43,955. Do you think that appeals from the Native Commis-

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sioners should go direct to the Supreme Court or to some special Appeal Court dealing with Native cases and Native matters?—I would rather they go to some special Court arranged for them.

43,956. Do you or do you not approve of these inspectors in Native compounds in the mines having criminal jurisdiction?—The compound managers?

43,957. The Government inspectors?—I think they ought to have some jurisdiction, and have some power of inflicting punishment in minor offences, especially when it is a matter of misconduct, or disobedience, which might be something which was not in the criminal code of the country.

43,958. With the right to the Native to appeal from their decisions to any Court?—Theoretically it would be the right thing to do, but practically, in dealing with the Natives in their present condition, it is a mistake, because as soon as you let the Natives understand that they have only to go to a Magistrate, they know they will escape much, because the white man has not the time to attend and stand about in a Court in connection with pettifogging cases. The Native soon finds that out, and he would have you up on all sorts of occasions, because he would know you would pay rather than waste the time.

43,959. Is it or is it not your opinion that whilst the Natives as a people are under class laws of any kind, or whilst they adhere to polygamy or any differentiating Native custom or usage, they should not enjoy the highest privilege of civilised nations—the franchise?—These customs which I have referred to are in the Native reserves. When they come out, that is when they leave those reserves and come amongst the whites, naturally they have to conform to the regulations of the whites.

43,960. Do you think that whilst they are under any differential system in any respect they should enjoy the rights of the franchise?—No; they should not enjoy the rights of the franchise whilst they have those privileges of living under their own regulations.

43,961. *Mr. Thompson.*] What part of Africa have you lived in most of your time?—I lived in Kimberley for about 15 years, and I have been up here now since 1890.

43,962. Have you ever lived at all amongst Natives?—No, I have never lived amongst the Natives.

43,963. Your knowledge has been acquired in the towns?—Mostly, yes. Of course I am a land surveyor and have seen the working of the Natives on farms.

43,964. Did I understand you to advocate a policy of somewhat lowering the wage of the Native in order that he should not become rich too soon?—No. I was arguing the point of whether more labour could be got by a rise or fall of wages, and from my way of looking at it it seems to me you can do it by neither method. Whether you put them down or put them up the result will be the same: that you will not get any more.

43,965. *Mr. Stanford.*] What means would you adopt to induce the Natives in locations to improve and increase the production of crops?—It is difficult to say. I have no scheme ready for trying to make them do that. It seems to me that the men who would have charge of them would be the men who should try to bring that about. I do not know of any scheme by which you could force it.

Mr. William Pott, Mr. Percy Greathead, Mr. Henry Alfred Baily (representing the Transvaal Landowners' Association), examined.

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43,966. *Chairman.*] Mr. Pott, you are, I believe, the representative and spokesman of the Landowners' Association of the Transvaal?—*Mr. Pott*: Yes.

43,967. Will you state upon which heads of evidence you have come to give evidence?—Upon the questions set forth by the Commission.

43,968. The whole of them?—Practically.

43,969. As regards land tenure, have you some opinions which you wish to express to us?—We have a formal resolution here which was passed at a general meeting of the Association under the head of land tenure which reads as follows:—"(A) That Natives, either individually or collectively, or in the names of trustees or nominees, shall not in future be able to acquire land in freehold; that the State takes the place of the Chief; and that the principle be adopted that rent be based on the producing value of the land. (B—Crown Lands) That tenure on the basis of leasehold from year to year be approved, such rental being revisable at fixed periods, the lease to contain amongst other things conditions bearing on the general behaviour of the Natives, that is, that in case of misbehaviour the authorities can cancel the lease."

43,970. In passing that resolution had you in your mind Government land or private land?—Both.

43,971. This resolution says that the State should be the Chief. Do you know that the law of the land is that the Governor of the Colony is the Paramount Chief of the Colony?—Yes, that is what we state.

43,972. You really mean to affirm the law in that respect?—Yes.

43,973. You think the Government ought to be Chief?—Certainly it takes the place of the Chief.

43,974. Then, as regards rent for value, do you mean that the Government should keep on changing these rents for Natives on Crown lands according to the value of that land as it may appear from time to time?—Yes; generally speaking it will not change its value, but circumstances may change. The idea is taken largely from the custom in India, where the rent is revisable at long periods—something like 30 years, I believe.

43,975. Is there anything in the law of this country or any country to prevent the rents being changed?—No, nothing that I am aware of, except that under the present law it is the custom that the rent is a fixed amount, having no relationship to the producing value of the land. It is £1 a year, I think, at present, quite irrespective of quantity or quality.

43,976. Do you mean to suggest that the land now in the occupation of Natives, that is, Crown lands, should be re-valued, reassessed?—Certainly.

43,977. And on private lands you would like to reserve to yourselves the right of doing the same?—I think they practically do it in many cases.

43,978. Then you go on to recommend that leasehold tenure be approved; do you mean on Government lands?—Yes. The heading of that is under clause (B—Crown Lands): "That tenure on the basis of leasehold from year to year be approved, the terms of occupation containing amongst other things conditions bearing on the general behaviour of the Native."

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43,979. You are speaking, I suppose, of the Transvaal, not of South Africa?—Of the Transvaal, although I think a later resolution points out the desirability of getting it brought into line, as far as practicable, all over South Africa.

43,980. Are you aware of any other kind of lease than the one you suggest obtaining in any Colony of South Africa, the Transvaal included?—I think the Glen Grey Act is on different lines.

43,981. I thought you were speaking of what is called Crown land, which is rather different from location land?—No. It is practically affirming the continuation of the conditions which exist.

43,982. Then, I take it, you object to the leasehold system under the Glen Grey Act?—Certainly.

43,983. What do you see objectionable in that?—The tendency generally is one we have to prevent, viz., a Native population competing with white cultivation of the land on preferential terms.

43,984. Apart from everything else, is it not a good thing to have agricultural competition—a good thing for the consumer?—Yes, but not perhaps good in this particular form for the country.

43,985. Under the Glen Grey system, what are the favourable terms which are offered?—It is a fixity of tenure for the Native in the first instance, whose mode of living constitutes unfair competition to the white settler. There is the same objection as there is here to Asiatic trading as against European trading. The conditions of the Native race give the Native an advantage over a white settler in the country which we do not wish to see.

43,986. You are speaking now of the tract of country which has always belonged to the Natives in the Cape Colony and which has been changed in this respect that, instead of communal tenure, where they all enjoy a considerable amount of land, they now live under individual tenure, where that amount is limited?—Personally I am not fully conversant with the conditions in the Cape Colony, but I deal with the principle as applied to ourselves here generally.

43,987. Then, do I understand that you object to individual tenure in any form in this country?—In freehold, yes.

43,988. In leasehold?—The individual tenure is not the point; it is the period.

43,989. You object to the period?—To a long lease, say a 99 years' lease. It is the short period we approve of.

43,990. What period would you make it?—I would leave it as it is at present, from year to year. We do not want to see any written contract as between the Government and the Native. We wish him to continue as he has always done, practically a tenant at will on behaviour.

43,991. I see we are getting confused. You are not referring any longer to the locations, but to the squatters on Crown lands?—Yes.

43,992. That is quite a different question?—Yes, I did not understand you were dealing with locations.

43,993. Have you passed any further resolutions upon the subject?—Not upon land tenure.

43,994. Have you any further observations to make upon land tenure?—Generally I might state that I think the feeling is universal that the policy should be not to place the Native in a position to kill white settlement, which we are satisfied he would do if he were given either the right to acquire freehold land or long leaseholds,

which would be practically the same. It is our chief objective to develope the settlement of the country by white settlers who will utilise the Native in the capacity of a servant.

43,995. Do your remarks apply to the whole country, even in those parts where it is too unhealthy for white people to live?—Generally, yes.

43,996. Will you say to the Commission whether you have a large number of Natives upon this land which you represent?—In the high veld, no. In some of the northern farms there are a considerable number. I know from personal knowledge that there are private farms up in the bush veld, in the low country, where there are a considerable number of Natives.

43,997. Were they on that land when your companies purchased it?—Yes.

43,998. Can you give us the conditions of occupation?—I think they vary, but, roughly speaking, where there are no whites living upon such farms it is about £1 a hut. I know that it varies in certain cases, but it would not vary more than, say, from £1 to 30s. a hut, or £2 at the outside. In the past it has really been very largely unsupervised. In many cases the owners were not aware that the Natives were upon the farms, but latterly our Association has brought all the different owners into touch, and the organisation is being taken in hand for the unification of the system and better supervision altogether.

43,999. Do you allow each of these Native squatters a limited amount of land?—At present I do not know of any cases where it has been limited.

44,000. Have you differential rent according to the value of the land?—At the present time we have not, except perhaps in cases where there are white men living on the farm; then we have.

44,001. Do your resolutions point to a recommendation that Government should take the entire control of this question of private lands, and regulate the Native squatters upon it?—No, I do not think so.

44,002. You do not wish that?—No.

44,003. Do you think the Squatters' Law should be put in force on your land?—We have dealt with that specifically under the head of the Squatters' Law. The resolution is: "That the Squatters' Act be repealed, and that the principle be adopted that those Natives who work as *bona fide* labourers for white employers be exempted from a percentage of their taxes." I may say in regard to this that this resolution was only arrived at after a good deal of discussion. I personally was not in favour of it to start with—in fact, I tabled a resolution recommending the adoption of, I think, your own memorandum on the subject, which would be partial enforcement of the Plakkers' Wet in districts to be proclaimed. But, after a very considerable discussion on the matter, it was decided that the point which I was anxious to attain, namely, the checking of any regular Kafir farming, by which I mean landowners settling large numbers of Natives on farms which are suitable for white settlement, simply that they should get a better rent, could be attained by a special regulation outside of the Plakkers' Wet, and, on the assurance that such an Act would be supported, I accepted this resolution that the Plakkers' Wet, as it stands, should be repealed *in toto*. But we are all anxious to maintain a check upon that particular weak point, as we consider it, of letting land to Natives to the detriment of white settlement, the reason being that the Natives work out the

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land, they cut trees, they kill game, and they spread burr weeds and all forms of weeds very much, and it would be a short-sighted policy if landowners did adopt such. We say it is better not only for themselves but for the country that it should be prevented. I believe it is rather a common thing in Natal, but we do not wish to see it furthered here.

44,004. On repealing the Squatters' Law, what would you put in its place?—In the first place one of the original objects of the Plakkers' Wet was to try and enforce Natives to give labour for the white settlers, and if the Government adopt our suggestions we think the farmers will not have the same difficulty in getting labour, because the balance of temptation, if I may put it so, will be taken away from the Crown lands. In the past it has been so much more tempting for a Native to go on to Crown lands, where he paid nothing and was largely under no supervision, that he would naturally not go to a private owner's land; and the differentiation of taxation would also assist to attain the same object as the Plakkers' Wet was intended to fulfil.

44,005. It is not quite clear to me what your recommendation is, because, in repealing the Squatters' Law and putting nothing in its place, there then becomes no limit to the number of families that the landowners or the farmers can have on their land?—We do not see any great necessity or desirability in limiting that, where the lands are occupied by whites, and where the Natives are employed by whites. Under the law now, it is found impracticable to interfere with them, even if they are in excess of the Plakkers' Wet number of five, and the only object that we wish to attain, which would have been attained by the Squatters' Act—the prevention of this typical Kafir farming—we would propose special legislation for, under which the Natives living on unoccupied private farms, where there is no white occupier, would be specially taxed.

44,006. They should be specially taxed?—That is the only point we consider necessary to attain.

44,007. Your solution of the question is taxation of Natives on unoccupied farms?—Yes.

44,008. That would have the effect of driving them off, you think?—It could be made so that it would not pay to put them on.

44,009. But where they are already on in tens of thousands, what would be the effect?—In the high veld there are very few cases—practically none—of that sort, and in the low veld it would bring in a revenue to Government, and, I think, the Natives could stay there. In the low veld there is no great object in disturbing them. We found it impracticable to move them in the past, but we see no reason why, if they are there, the Government should not benefit thereby.

44,010. Would they remain there under heavy taxation?—Probably.

44,011. You do not think they would leave the country?—It does not need to be made so severe as that. It is really the owner of the farm you are taxing, not the Native.

44,012. Why not the Native?—Because probably it would pay the owner better to pay the tax himself than to lose the Native altogether. Say that I have a hundred families on a farm down in the low veld, who may have been perhaps paying £1 a hut. If the Government say, "That is in the nature of a private location; you must pay, say, £1 a hut," I should probably charge them 30s. or £2. I might still get the same, but it would not pay me to make it so

excessive that the Natives left. And at £2 the Native still gets good value, he having been paying much too little in the past.

44,013. Then I do not see what is to be gained by it except that the Government is to get a tax. What is to be gained by this legislation that you refer to?—It would prevent farms suitable for white settlement being handed over to Kafir settlement alone.

44,014. *Mr. Hamilton.*] Do you mean that these private locations should not be permitted at all, except by the sanction of Government; that it should be at the discretion of the Government either to permit or to refuse to permit the creation of these private locations, but when they did permit them that they should do it on certain financial terms?—Yes.

44,015. *Chairman.*] In repealing the Plakkers' Wet, you would allow a farmer to have as many Natives as he likes to employ for his own purposes?—Under white control.

44,016. Then you would countenance what is called the ploughing on halves by Natives, I suppose?—Personally, no. It makes too much of a contract with a Native. We adopt the principle that the Native should be purely in the character of a servant and not as a sub-tenant; we do not approve of that.

44,017. Then you would have to legislate afresh for that?—Yes.

44,018. Is there any other side of the land question upon which you wish to speak?—With regard to Crown lands, we are anxious to see the administration of those made more effective. In the first place, as I mentioned before, we think that at the present time the Government is practically competing unfairly with private settlers in regard to Natives. It is much more to the advantage of the Native to go on to Crown lands than on to private lands, and we do not think that the effective supervision of the Natives on Crown land is sufficient. We would like to see the Department strengthened in that direction considerably.

44,019. Which Department—the Lands Department?—No, the Native Department.

44,020. That part affecting Crown lands is administered by the Lands Department?—This is really a departmental question, and I should think the control of the Natives should be in the Native Department. The collection of rents ought to be, I think, in the hands of the man that the Natives are taught to look up to and recognise as their head. At the present time the rents are not collected in a very large measure. I think the Secretary has figures to show that there is a very great loss to the public exchequer in this regard.

44,021. Is it your suggestion that the collection of rents on Crown lands should be taken out of the hands of the Commissioner of Lands?—Yes, Native rents should be in the hands of the Native Department. The Secretary has gone very closely into this point, and I should be glad if he could have an opportunity of reading a statement on the subject.

44,022. I will ask you first, are you aware that the collection of rents of this description in the neighbouring Colony of Natal is not done by the Native Affairs Department?—That I am not aware of, but I think in this case it would be advisable if they were. *Mr. Baily*: I have a note here on the subject: "The position now obtaining in reference to Crown lands for the collection of rents on such lands is complicated. The Native Affairs Department handed over the collection to the Lands Department. The Lands Department issued 5,000 receipts, and the Receiver of Revenue took the account

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under his control. It is doubtful whether it is the Receiver of Revenue or the Postmaster, or which Department is collecting the revenue to-day. I could not quite make out. The amount to be collected I estimate to be about £25,000 to £30,000, arrived at as follows: Between 700,000 and 750,000 acres of Crown lands are occupied by Natives according to Appendix IV, Administrative Reports, Native Affairs Department. Over one-seventh of the Native population of the Transvaal reside on Crown lands, according to the Report of the Commissioner for Native Affairs, Administrative Reports, A—6, Section 'Lands.' Between one-seventh and one-eighth of 850,000—that is the resident population of the Natives of the Transvaal—amounts to 114,000 Natives living on Crown lands. Deduct 4,000 as exemptions in round figures, and take 25 per cent. as males over 16 years of age, and we get 27,500 adult cultivators, who each ought to pay £1 rent. Against this 27,500 who ought to pay rent only 5,000 receipts have been issued, and, of course, what private landowners complain of is that it is most unfair that they should take a lot of trouble and go to the expense of collecting revenue on their land when the Natives on Crown lands are allowed to squat at their ease—their rents may be collected or may not be collected. In the case of our Natives they will be off and we shall have no Natives on our farms, while the Natives on Government lands continue cultivating for nothing."

44,023. I will ask Mr. Pott how long this collection has been established—I refer to the collection of rent on Crown lands of the Transvaal?—*Mr. Pott*: Last year.

44,024. Can you tell me how long an attempt has been made to collect those rents; how long has the system been on trial?—During the current year only.

44,025. Then you spoke of the collection of those rents being handed over by the Native Affairs Department to the Lands Department. That assumes that there was a pre-collection in former times. Are you aware that that is not the case?—That is so. It is quite a new law.

44,026. So it was never handed over as described?—All the Crown lands, and the administration of the Crown lands, were under Native Affairs, I think. There was no collection of rents, because there were no rents to be collected. I think the present arrangement is a decided improvement on the past. There is a rent charged of £1 a year, and that is a great deal better than nothing at all.

44,027. Have you anything further to say on the land question?—I think we deal with all the other matters under specific heads.

44,028. Will you pass on to them?—The franchise is our second head. The resolution reads, "That the Association totally oppose Native franchise in any form."

44,029. Have you any reasons to give for it?—On broad principles, we think it very inadvisable that there should be any Native franchise; that we must look upon this matter from the point of racial self-preservation; and that it means in time simply suicide from a national point of view to adopt any other principle.

44,030. Are you opposed to the Natives getting any form of representation in the country?—We maintain that the head of the Native Affairs Department is the representative of the Natives.

44,031. Do you consider that some time or other they may require special representation of their own?—It is not within the area of practical politics at present, we consider.

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44,032. They do not require it, you mean?—No, and do not desire it either.

44,033. Is that all you have to say about the franchise?—Yes. Education is the next item. Our resolution on education is: "That no State grant be given for industrial or higher education, and generally the education of the Natives should be limited to elementary and agricultural subjects under Government control." The feeling in regard to this was that where the Natives show any desire for self-improvement, that it should be supported so far as elementary and agricultural education goes, but that the Native should in all cases recognise the responsibilities of such a desire and contribute towards it; that it was not the function of the Government to create by their own action competition in industrial life by the Natives with the white man, but if they desire higher education, then it is quite within their own sphere to carry it out themselves.

44,034. And if they do desire it, would you let them get it?—I should not interfere with their right to educate themselves.

44,035. You would not help them?—I would not help them.

44,036. And similarly with industrial training?—Yes.

44,037. Because you fear it would be competition with the white man?—Yes.

44,038. Will you tell us what you call elementary education and what you call agricultural education?—I cannot refer you to a concise definition of elementary education by any standard, but I should say that reading, writing, and counting would sufficiently closely define it. As for agricultural subjects, the use of implements and seeds and the elementary principles of manuring, and getting the best value out of the land with the means available.

44,039. Do you mean the theory or the practice?—The practice.

44,040. So that in imparting this you would require to have land and implements at your disposal?—*Mr. Greathead*: We do not propose having special schools for instructing the Native in agricultural subjects, but where it is found necessary by Government, where there are established Government schools, that should be all the education which is imparted to them. Where there are schools at locations, Native headquarters, or places where the Natives are living, if they are being instructed, that shall be all that they will be educated in, *i.e.*, in agriculture and elementary subjects; but we do not desire Government to establish special schools for that object.

44,041. But where there is a Government school at a location those should be the subjects?—Yes, it should be limited to that.

44,042. Are you able to tell us of any Government schools in the country?—There are none at present, but there is no doubt about it that there will be assisted Native education at some time.

44,043. When you say under Government control, do you go so far as to suggest that there should be Government schools?—We do not suggest that the Government should establish schools, but if it is found necessary that the Government should establish schools to meet a want or a demand, then the schools should be under Government control absolutely, and this should be the limit of the subjects imparted.

44,044. So that in that case you would have to take it out of the hands of the present mission societies who carry it out?—Those are private schools, I take it, and not State-supported. What we object to is state support of higher education and industrial education.

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Mr. Pott: I think the idea was largely that in locations—it chiefly deals with locations where these demands might be made—the Natives might show a desire for some education, and where they did so it was better for the Government to assist it, thereby acquiring the right of control, rather than to leave it entirely to Native initiative, with the consequent loss of control.

44,045. Is there anything further upon the subject of education?—I think that is all.

44,046. What is the next subject?—The next paragraph is under the heading of locations. The resolution reads:—"To support the taxation of locations: (*a*) for the purposes of general revenue to the country"—(that is really referring to the poll tax)—"and (*b*) a local tax to be applied to the control and betterment of such locations." The meaning of this was that the one direct tax upon the Native should refer to all Natives living either in locations or outside. That is the general revenue tax payable by all Natives. In regard to the second, it really approximates to a municipal tax. Some of these *stads* are large in size and a very considerable number of Natives live in them, and we thought that they might reasonably be asked to keep such *stads* in good condition, and that a tax of this sort could be devoted to road-making, fencing, payment of their own Magistrates and police, Native Department supervisors, any form of local improvement, dispensaries, and things of that sort.

44,047. What was your object in passing this resolution; was it the betterment of the Natives or the revenue of the country?—I do not think it really would increase the revenue of the country in any way, because at the present time the Natives are supposed to pay the poll tax all round. Further, our object was that there should be more control by the Native Department in locations, to generally bring them more under control and take away a certain form of inclination for preferential treatment. It could hardly be said to be altogether for their own good alone, because, although the local tax is for their own improvement, at the same time it is for the good of the country that those locations should be well supervised and made sanitary and improved as regards their roads and fences—especially in the matter of fences.

44,048. Really, it is an extra tax on the Natives who live in locations?—Yes, that is the second portion, the municipal portion; the other is not.

44,049. Is there any other subject you wish to speak about?—With regard to Native laws there is a short resolution to the effect that it is inadvisable to interfere more than is necessary with Native laws and customs. There is nothing much to say in regard to that. The next item is under the heading of minerals. It comes partially under the heading of Native locations really.

44,050. You passed a resolution, did you?—Yes.

44,051. Will you read it out?—It says: "That the Government shall not in the future allow any mineral rights to accrue to Natives through the occupation of land held under any title whatsoever."

44,052. What is the next subject?—Liquor. The resolution on this point reads: "That the consumption of Kafir beer by Natives be approved, provided that the percentage of alcohol does not exceed 3 per cent. That the sale of all other malt or spirituous liquors to Natives be prohibited unless under strict Government control, such control to include the principle of devoting all profits

which accrue from the sale to public institutions, including hospitals, in the district where the profit is made."

44,053. And the next subject?—Taxation. The resolution passed reads: "To recommend that the direct taxation in the different Colonies of South Africa be raised to that at present holding in the Transvaal Colony." That refers to the hut tax, dog tax, and poll tax.

44,054. That is the set of your resolutions?—Yes.

44,055. There is one question I want to ask you on the subject of the liquor resolution. How could you regulate possibly in all the kraals in the country the manufacture of this Kafir beer not to exceed three per cent. of alcohol?—I do not know that it is necessary to try that. All naturally-made Kafir beer has less than that, and it would simply be a case of making a very heavy fine where there was a heavier percentage. It could be by test; you would have the right of trial at any time, because it would be bogus or doctored Kafir beer, not natural.

44,056. Have we now heard the whole of the resolutions passed?—Yes.

44,057. *Mr. Sloley.*] That last resolution implies that you do not support total prohibition of liquor to Natives?—Under Government supervision it may be had.

44,058. *Mr. Hamilton.*] Do you mean, Mr. Pott, that you would modify the existing prohibition law as affecting Natives in the industrial centres where large numbers of Natives are congregated, for instance, as on the Rand here; would you in any way modify the present prohibition of the sale of liquor to them?—Yes, we would support any movement by the Government of such a nature.

44,059. What is your idea as to how such a measure could be administered; do you mean that you would permit of something like a medical ration to be given to those men?—Yes, that is it largely. A great many people, mine managers and others, consider that it would prevent the Natives really sickening as they do, those Natives chiefly who have been brought up very much on spirituous liquors such as the Portuguese.

44,060. What you have in your mind is somthing like a daily ration as given to soldiers and sailors?—Yes.

44,061. Then, how about outside the labour centres, how about the country generally; would you have bars open by Government officials for the sale of approved liquor to Natives throughout the country?—No.

44,062. May we take it, then, that the view of your Association is that total prohibition is necessary, possibly modified where proper control can be had to the extent of a daily ration to labourers working under conditions where it is thought to be good for them?—That is it.

44,063. That is all that this means?—Yes, that is really the object it is intended to fulfil.

44,064. In regard to this location tax, which you liken to a municipal tax; it would only be a tax on those locations in the same way, as people living in towns have to pay municipal rates?—Exactly.

44,065. Do you consider this £1 per hut for Natives occupying Crown lands at all an adequate rent for them to pay in proportion to the quality and quantity of land they occupy?—As a matter of fact, I do not think it does represent the value of the consideration the Native receives. If it were so then it would not be altered

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under our proposal. If what he received was not worth more on its own market value our proposal would mean no increase to the Native.

44,066. Are you advocating this rent charge to Natives upon land occupied by them merely with a view to increasing the revenue, or are you advocating it as a measure which will put an end to some extent to the present independence of the Native and his ability to live without working?—In one way it would take that form, the recognised form that the man who does not work has to pay for the luxury of idleness; and again it is to a large extent a matter of justice to the public, because he it at present receiving undue preference. If a white man goes to the Government and wishes to lease land, he has got to pay a rent calculated upon its producing value, and I do not think the Native should have any undue preference in that direction. It also would to a large extent act in the way that the Plakkers' Wet was intended to act. It would distribute the Natives more equally.

44,067. In regard to your proposed legislation to take the place of the Plakkers' Wet, I am not sure that I quite followed you. We will assume that the Plakkers' Wet is abolished, and that any number of Natives can go and settle upon a farm; what would be the condition of things immediately following the abolition of the Plakkers' Wet if nothing were put in its place? Would not the position be that there would be no limit as to the number of Natives which could go on any one farm?—Yes.

44,068. How would your proposed legislation alter or modify that?—It would put a check upon landowners adopting what we consider a wrong or short-sighted policy of letting land to Natives in preference to keeping it open for white settlement. It would be in the form of a preventive tax against such.

44,069. Then your resolution would amount to this, that you would again impose a numerical limit upon Natives on any one farm excepting by Government sanction?—Where no white man is living on the land and utilising it.

44,070. You would impose no limit to the number of Natives in such instances?—No, not so long as the white man was using them. I think in the law suggested in the Chairman's memorandum, it was proposed that there should be a discretionary power left in the hands of the Department, so that where any white man could show that he was utilising the Natives beneficially he could get a permit to have them up to any number.

44,071. That may be, but then you first of all have to impose a limit or not impose a limit before you come to the question of the Department having discretion?—In regard to farms unoccupied by whites, yes.

44,072. Take first of all the farms occupied by white men: is there to be a limit to the number of Kafirs who may go on those farms, or is there not, or is it to be a limit subject to the discretion of the Department if the occupier can show that he *bona fide* requires more Natives for the proper working of his farm?—So far as our resolution went, it read that it did not propose to put a limit on Natives living on farms occupied by white men.

44,073. Then, in regard to farms unoccupied by white men?—There was no resolution on that, but it was discussed, and it was agreed that it was undesirable to allow systematic Kafir farming.

44,074. Then, would your proposed legislation be to this effect, that no Natives should squat on those farms except by authority

from the Government?—Yes, provided, I think, that Crown lands were dealt with in the same way.

44,075. You claim that it is no use dealing with this question as regards private lands unless Crown lands are efficiently dealt with in the same way?—Yes.

44,076. Then, would the idea be that Government sanction should be given for Natives squatting on private lands, unless the Government saw reason to refuse in any particular cases; for example, it might appear to them a good reason to refuse, if the farm was one which might profitably be occupied by white men, or there might be other reasons for their refusing altogether to permit the establishment of a private location on a farm?—Yes.

44,077. But where they did permit a private location they should fix some number and make a charge for the permission?—Yes.

44,078. Leaving it for the owner of the farm to fix his own terms with the Natives?—Yes.

44,079. In regard to Natives entitled to land, are you opposed to giving them a freehold title, or anything more than title during good behaviour and the pleasure of the owner, with respect to any class of land, including location land?—I do not think one could make it retrospective. Location land is practically a matter that has been dealt with in the past. I think one cannot show any bad faith towards the Natives, and what they have received, and have been promised in the past, one cannot take away now. In future, however, we can prevent repetition of such mistakes.

44,080. As regards the future, would you make no difference in the title which you would give Natives in locations or elsewhere?—In the future, none.

44,081. Is your Association opposed to any part of the land being dedicated to Natives, or is it in favour of giving the Natives more land?—It is against it.

44,082. So far as you know, have the Natives of the Transvaal any legal title to the land which they occupy in locations?—I would not be certain, but I believe it is a matter of a convention. If they have not legal, I think they have moral rights in the case of certain lands.

44,083. Do you know that in the Cape Colony there is a movement for giving what is known as individual tenure under legal title to Natives in the Transkei, more or less on the lines of the Glen Grey Act?—We strongly disapprove of any such. *

44,084. That is to say, you disapprove of the title, of giving them legal title to their holdings?—Yes.

44,085. Does your disapproval extend to individual tenure as distinct from communal tenure?—Yes.

44,086. Would you object to a system which gave individual tenure in the sense of giving each man his own holding to make the best he could of it, under some system of certificate of occupation which, while it conferred no legal title, gave a certain assurance to the Native that, so long as he behaved himself, and the land was not wanted by the Government for other purposes, he would not be disturbed in his particular holding?—Do you refer to land already in possession?

44,087. Yes, to land already dedicated to the Native, although it may not be in this particular Native's occupation?—No, I see no

[*In answering this, I thought it referred to ground not already owned under communal title.—W.P.

objection to that, so long as it is fairly understood that it is land he has already received.

44,088. And so long as he does not alienate the title to the land?—*Mr. Greathead*: It must not be transferable. *Mr. Pott*: I see here the Volksraad resolution of the 17th September, 1858, lays down that the Chiefs' ground reserved to them shall remain for their perpetual use, but no owner's right is granted; and that, I presume, is the location land.

44,089. With regard to this ploughing on the halves, would it be inconsistent with this new legislation that you spoke of, and would you have to legislate especially for Native ploughing on the halves under your scheme?—There might be some abuse, although I think it is more a theoretical than a practical difficulty. Where large blocks of land are held there might be one man simply put there, and really no supervision at the same time. *Mr. Greathead*: I take it the abuse of the privilege would be at once detected by the Government and stopped. They would not be *bona fide* in the actual employment of a white man, and that would be an abuse of the privilege, and could be stopped by the Government.

AFTERNOON SITTING.

Mr. W. Pott, Mr. P. Greathead, and *Mr. H. A. Baily,* further examined.

44,090. *Mr. Hamilton.*] In regard to the revenue from Crown lands, do your figures show that for the current year only £5,000 has been collected in respect of an estimated number of 150,000 Natives?—*Mr. Baily*: 5,000 receipts have been issued by the Government for collection to the Receiver of Revenue, or to the Postmaster, and, according to the figures estimated by the Native Affairs Department, I estimate there ought to be about 27,500 receipts issued.

44,091. That is 27,500 heads of families?—They charge per adult cultivator, which the Lands Department take to be a male of sixteen years, or over.

44,092. And you estimate 27,500 adult cultivators. What is the total population?—Between one-seventh and one-eighth of the total Native population of the Transvaal.

44,093. What is the figure?—I make it out to be about 114,000.

44,094. When you say 5,000 receipts, do you mean £5,000?—I take it they are £1 receipts.

44,095. Up to what date is that?—That is for the whole year, as far as I can make out. I saw the Lands Department myself on the subject, and found out what they had been doing in the matter. The receipt says, "Shall be paid to the Receiver of Revenue or to the Postmaster."

44,096. Do you know whether they are taking any continuous steps in the collection of that revenue?—As far as I can find out, there is not very much done, but if the Lands Department think the Natives are going to the Postmaster, or to the Receiver of Revenue, I think they will not get their rents. I may say the Landowners' Association have to pay between 30 and 50 per cent. to get their rents collected.

44,097. Have you been makeing enquiries into this subject?—Yes, I have, from our agents and from different people. It affects our landowners in this way, that we have land on all fours with

the Government all over the low veld and the bush veld, and if we collect our revenue, and the Government do not collect their revenue, it means that the Natives who are on our farms will leave us and go on to Government lands and squat there, and so avoid paying rent, and avoid coming out to work. The Government on Crown lands assess their value for a white tenant, and make him pay the approximate value of it. If they do that for a white man they ought to do it for a Native.

44,098. Have you come to the conclusion, as the result of your enquiries, that the Lands Department are not taking steps to enforce the collection?—As far as I can make out they have no machinery. They have had to retrench, along with the other Government Departments, and I should say over this collection they neither have the men to collect it nor the machinery.

44,099. I should like to ask Mr. Pott with reference to what he said about regulating Native squatting upon farms not occupied by whites. Do you draw any distinction, Mr. Pott, between the land fit for white cultivation and the land unfit for white cultivation?—*Mr. Pott*: I thought I did make that distinction in the first statement, that there was intended to be a difference. Our point is that we wish as far as possible to have the land settled by whites. Where we cannot attain that, I do not see any object in interfering with the present arrangements.

44,100. *Captain Dickson.*] What profession are you following?—I am general manager of a large land company: the Henderson Transvaal Estates.

44,101. What profession does Mr. Greathead follow?—He is manager of the African Farms, Limited.

44,102. I take it that the society which you represent in no way farms or anything of that sort?—Yes. I think some companies do a good deal on their own account. Our particular company does it more by assisting in cash men who undertake it themselves. We do not put in managers of farms, but we assist by cash advances and different things the men who go on to the ground.

44,103. I take it, then, that most of the companies you represent here are interested simply financially, not practically, in farming?—No; quite a number of the companies are practically interested in actual farming.

44,104. As representing a society which is interested in the success of farming, have you studied the laws of the Cape Colony as regards squatting, and such like matters?—Personally, I have not studied the Cape laws myself, but I believe different members have.

44,105. Having studied those laws—or the different members of your society having studied those laws—do you think it is a good thing to allow a landowner to have as many Natives on his farm as he wishes, provided he is occupying that land?—And utilising their labour.

44,106. Who would decide whether he was utilising it or not?—I should say the Native Department, who have had to give their permission.

44,107. Would you require everybody to have permission for even one or more families on a farm?—No. Under the late law it was in excess of five, when one had to prove there was particular need for more.

44,108. Are you still in favour of allowing five families without any proof?—Yes.

44,109. On every farm and estate?—Yes, to every white tenant of land.

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44,110. He should be allowed five?—Yes.

44,111. Irrespective of size?—No, I do not think you could very well do that. I think I once did deal with that, and I think 500 acres was the figure which I put as an occupation ground for a white.

44,112. You would allow a man 500 acres?—Yes.

44,113. Would you take into consideration agricultural quality?—It might vary. For instance, under the present class of farming, 500 acres is, I think, as little as a white man can occupy beneficially in that way, but if something like coffee, or fibre, or some smaller industry, fruit-growing, for instance, or anything of that sort, sprang up, then the area could be very much smaller. You can utilise five families on a fruit farm—and I think there is a great future for this country in fruit-growing—and, with a matter of 20 to 30 acres, you would carry on more work than you would with 500 on the larger style of farm.

44,114. I take it from your last answer that you would allow a man with 500 acres to have five families?—Yes.

44,115. *Mr. Krogh.*] Has your company got any farms in the Waterberg district?—Yes.

44,116. What Native population do those farms carry?—From memory, I think there is only one farm in the Waterberg that we get any rent from at all, and that is quite a small amount—I do not suppose more than a few pounds in the year. There is one farm called Doornfontein from which I know we do get a little rent. In the Zoutpansberg we have one or two where there are larger numbers. In the Waterberg we get no rents at all except off this one farm.

44,117. Have you a manager in the Waterberg district?—We have an agent at Pietpotgietersrust, and we have now appointed an agent for Nylstroom. Mr. Maggs is at Potgietersrust, and Mr. Scholefield is at Nylstroom. We had in the past Mr. Steinberg as our agent for Nylstroom.

44,118. Could you tell the Commission what Native population those farms in the Waterberg carry?—For the Association, or for the company?

44,119. For the Association?—I do not think we have figures embracing them all. I think we placed in Mr. Scholefield's hands over 250 farms, but I do not think we had any statement showing the collective numbers of Natives upon those, but, speaking for our own company, I know we have only one farm there that we get Native rent from at all, and that is only a matter of £5 or £10 a year.

44,120. What charge do you make upon the farm?—£1 a hut. Only on one farm that I know of in the Zoutpansberg does our company charge any more; that was not under any definite instructions, but it happened to be the collector's idea.

44,121. How many farms has the Association got in the Waterberg district?—I could not say, but we handed to Mr. Scholefield over 200 farms.

44,122. And Mr. Maggs?—His was an old-standing arrangement, made individually with the different companies, and the Association had no formal handing over anything to him.

44,123. In the Zoutpansberg district what Native population is living on your farms?—That also we have not got any actual collective figures on.

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44,124. What revenue have you derived from the Zoutpansberg district this year?—Our arrangement, as far as this Association is concerned, only begins this year. There have been no collective rents in the past. It is only this last year that we have arranged for combining, appointing the same agent for all the different members, so that we have not got that collective information yet.

44,125. What has your company collected this year?—We got £150 off one farm. That is the largest farm that we had.

44,126. I suppose the Association has made an estimate of the rent they are going to get off the Natives in Zoutpansberg, Lydenburg, and Waterberg?—None. Officially the Association has really nothing to do with that particular matter. It is only that they brought the members together, and said it would be very much better if all the members unified their system and employed one man, who would be a good man, and who would be recognised all over the country; instead of each of us paying a different man on the commission system, let us organise it, and then we would get better results. It was only in combining the different owners that the Association was interested. It was the duty of those agents to go round to each company and get the figures for himself.

44,127. You have had no return of the number of Natives in Zoutpansberg living on your farms?—No. I think the secretary has general figures obtained from the Native Department, as to the numbers upon Government farms, and upon private farms as a whole, but not in regard to our respective holdings.

44,128. What number of farms has the Association in Zoutpansberg and what number in Waterberg?—We really cannot give any closer result than I say. We only know that we handed so many farms over to the one agent who has been lately appointed.

44,129. *Mr. Hamilton.*] Is this Association that you speak of quite a new body?—It has been formed two years.

44,130. How long can it be said to have been in working order; is it in working order now?—Yes, I think for the last twelve months it has been more or less in order. Mr. Baily took it in hand eighteen months ago.

44,131. Have those agents for collecting rents really got to work yet and collected any rents?—One agent in the Rustenburg district has; the other, Mr. Scholefield, is just starting; and another has not started—he has only just been appointed.

44,132. So that one object of your Association is to look into this matter of Kafir rents, and the collection of them and the amount of them?—Yes.

44,133. Do you know anything of Natal?—I have no personal knowledge of Natal.

44,134. *Chairman.*] You used the expression "exemption" early in your evidence. Has that any meaning? Can you tell us what you mean by saying certain Natives should be exempted from taxation?—Wast that in regard to those Natives who had given a certain amount of *bona fide* labour to white employers?

44,135. You did not say what it was in connection with, but you threw out the expression that certain Natives might be exempted. I want to know if you attach a meaning to it. It was in connection with land tenure?—I think it was under the Squatters' Law, "That the principle be adopted that those Natives who work as *bona fide* labourers for white employers be exempted from a percentage of their taxes."

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44,136. Will you amplify that? When you talk about exemption, on working for white employers, do you mean working continuously, or for any special period, or what?—The idea as discussed was that six months' labour for a white employer would be equal to a receipt for his poll tax, or something of that sort. It was only generally discussed.

44,137. To what extent? To Natives who go and work for white employers on the mines?—Any white employer.

44,138. Or in the towns. It means any kind of labour should carry with it an exemption from taxation?—Yes.

44,139. Is that what the Landowners' Association pledge themselves to recommend?—We have passed that as a formal resolution. or is it a unanimous resolution?—It was a unanimous meeting. Mr. or is it a unaimous resolution?—It was a unanimous meeting. Mr. Baily was the only one who objected.

44,141. Was that a meeting of the executive, or of the general Association?—*Mr. Baily*: Of the general Association.

The Reverend Herbert Delos Goodenough, examined.

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44,142. *Chairman.*] You are connected with the American Missions in South Africa?—The American Zulu Mission of Natal.

44,143. Are you resident in Natal?—I am resident in Johannesburg now.

44,144. Have you had a large acquaintance with Native questions in South Africa?—I have been in South Africa 23 years. I have been 13 years in Natal and 10 in Johannesburg, and have been engaged in mission work all that time.

44,145. Amongst the heads of evidence which we are considering are there some in particular upon which we may question you?—Any that you wish.

44,146. Upon the subject of land tenure do you hold any particular views?—The land tenure with which I am acquainted is that in Natal. There are Native locations and a great many Natives on private farms. I think there is no restriction there to Natives buying land the same as Europeans. I should not be in favour of restricting the Natives in that respect, but I should make conditions requiring those who buy land to beneficially occupy it.

44,147. You consider, then, that it should be open to all Natives to purchase land at pleasure provided they occupied it?—Provided they occupied it beneficially.

44,148. Without any restriction?—Without any restriction as to their buying.

44,149. Would you apply that to the whole of South Africa?—I would.

44,150. What would be the ultimate effect of that?—I think it would make the Natives more steady, give them a feeling that they were fixed on the land, and, provided that there were conditions which made them use the land, it would make them more industrious rather than less. I think it would tend to their elevation.

44,151. Do you think that in time the Native would acquire a great part of the land in South Africa in that way?—I do not. I should say that they would compete with others. They would be less able to buy than Europeans. There is no restriction in Natal, and they have not acquired a large part of the land. I am not acquainted with the Cape Colony, but I believe there is no restriction there.

44,152. Do you know the amount of land which has been acquired by Natives through purchase in Natal?—No, not absolutely; I should say that they had acquired considerable, but relatively to the amount that is owned by Europeans it is small.

44,153. As regards the existing locations, do you think they should get individual holdings?—Yes, with conditions which would require them to use the land.

44,154. What do you call *bona fide* occupation?—That they should reside on the land and improve it, plant trees, and cultivate a certain part of it. They should not be permitted to sub-lease, so that they could not sub-let to Indians, for instance. I would guard against that.

44,155. Still, if you gave them the freehold title, how could you put obligations of that nature upon it preventing them from sub-letting it?—I should not insist on freehold title to land; it might be a perpetual lease or a long lease.

44,156. Supposing the individual Native purchases through the individual white man, do you mean to say you would make a law that he should not be allowed to purchase that on freehold?—No, I do not. We were talking about giving him titles in locations.

44,157. I thought you said that you advocated the Native being allowed to go into the open market and buy land?—Yes.

44,158. You said so, I think?—Yes.

44,159. Now, I ask you, supposing he were to do so, how could you put an obligation upon it that he was not to be allowed to transfer it or to sub-lease it?—You could not in the case of such land as that.

44,160. In the case of locations, do you mean that what he now enjoys you would allow him to purchase; you would not rent it to him?—Yes, I would allow him to purchase.

44,161. As a leasehold?—Yes.

44,162. Would you deal with all locations in that way?—Do you mean all locations in South Africa?

44,163. Yes?—I am not familiar enough with others. I do not see why that should not be done with locations in Natal. I think it would have to be done gradually. The Chieftainship would have an important bearing on the question.

44,164. Do you include in that the mission reserves in Natal?—Yes. Not only would I include them, but I would place them at the front. I think we are under an obligation to give Natives individual title, though not necessarily freehold, in the mission reserves.

44,165. Supposing a certain number provided the means wherewith to purchase holdings in existing locations and others did not do so, would you still let them have the same tenure—communal tenure?—It entails difficulties, I know that.

44,166. Would you make it compulsory that within a certain period they should be obliged to purchase their holdings?—I think I would.

44,167. And those that did not do so?—I think, if pressure were put upon them in competition with others that a great majority of them would purchase.

44,168. In that way all the existing locations would be absorbed by men who would have leaseholds?—Yes.

44,169. You say that, believing that individual tenure is good from a progressive point of view for the Native?—Yes.

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44,170. Then, with regard to land outside the locations, would you also let Natives purchase at will?—I do not see any reason in respect of land for making a difference between them and white people.

44,171. And in townships also?—I think so. That has been done in Natal to a small extent.

44,172. Are you able to say with what results?—I have seen no evil results from it, apart from the fact that the white neighbours do not like to have Natives purchasing in townships.

44,173. Does not the mere fact that white people object to Natives purchasing land in townships appeal to you as a reason why it should be very wisely handled? Is there not the risk of bringing the two races into conflict with each other?—I admit that not only this phase but all phases of the Native question have to be dealt with very carefully.

44,174. Is not the risk of conflict between the races a thing to be avoided if possible?—Certainly. The question would be which way the risk lies.

44,175. And which way does it lie, do you think?—I think it lies in too much repression rather than too much freedom.

44,176. Repression of which race?—Repression of the blacks.

44,177. You mean that the existing laws in South Africa tend in that direction?—I do not think so much the laws as perhaps the administration of them. The Natives feel that they are irritated unnecessarily in some respects. If you wish me to give an example I will do so. For instance, in Durban all Natives coming into the town to stay for a day or two, coming in for purchases, or for any purpose, must go to an office and get a pass. There are so many of them, and the provision for giving those passes is so inadequate, that they have to waste sometimes hours to get those passes. It is a hardship without any adequate favourable result, as it seems to me. I mean in such things as that; and the matter of getting passes to drive stock is another matter.

44,178. In speaking of Durban, I suppose you refer to Natal?—Yes, I am more familiar with Natal.

44,179. By that I assume that you think that the imposition of a pass law upon the Natives is not right?—No, I do not mean that. I think that a pass law is necessary, but I think that in that instance it is, as administered, very irritating without any adequate result.

44,180. Do you mean that in Durban they have not enough pass issuers?—Yes. I think the same thing could be provided in a simpler way.

44,181. Which way?—Most of those Natives come into Durban on the trains. I think that all such Natives could be given as they go out of the gate a pass, with the date stamped on it, good for so many days. I suppose the object of the law is to prevent them coming into town and staying on for days not having any particular business. I suppose that is the object of the law. It seems to me it could be met in a simple way without being so irritating as it is now.

44,182. Do you not think it is necessary, in giving a Native a pass, to put down certain particulars which may identify him on that pass?—My observation leads me to think that it is very easy, for Natives who want to, to give false particulars, so that in the case of Natives whom you want to trace, the Natives who are rogues, it would be utterly useless.

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44,183. Putting aside Durban, where the population of Natives may be 10,000, and passing to a place like the Witwatersrand where at present there are 150,000 or more, do you not think that rigid restrictions in this respect are necessary?—I do not object to the pass law on the Rand as it is administered at present.

44,184. Your point is that the administration of it should be less irksome?—I referred to that case of Durban, and I think the similar restrictions for the driving of stock sometimes cause great hardships.

44,185. What is your objection to the stock passes?—There is no provision made for Natives, without spending a great deal of time and going long distances sometimes, to get such a pass.

44,186. What is the primary object in insisting upon passes for stock? Is it not to deal better with crime—stock-thieving?—I suppose it is.

44,187. Which in past days has been found necessary?—But, suppose a Native goes to the officer who issues the pass and says he wishes to drive so many stock, and that he owns them, I understand there is no means of verifying his word. He says he wants to drive the stock and it is his, and it would be very expensive for the officer to verify it.

44,188. What is your remedy for that?—I should say they should have more places if they must issue the passes.

44,189. Have the Natives themselves complained of this?—Yes, very much.

44,190. That is one of the laws to which you allude that are repressive. Do you wish to name any others?—In Natal on the locations there is a regulation of the Natal Native Trust that anyone coming into the location must join himself to a kraal already existing; or that a kraal of not less than four huts should be erected, and anyone erecting a new hut or new house must do so in connection with some kraal. In the case of Christian Natives who wish to build an upright house it sometimes works hardly. I have had that called to my attention just within the last few weeks where a Native had built a good, upright house, for a Native, had spent £15 in cash on it, besides work, and the orders had come that it should be torn down.

44,191. Orders from the Native Department?—Yes.

44,192. That is done under a provision, I suppose, of the Natal Code?—Special regulations are made by the Natal Native Trust; it is not in the Code, but under special regulations which the Natal Native Trust makes. The mission reserves have lately come under the Natal Native Trust, and they have made this a regulation for the administration of reserves which were specially set apart for the missionaries, and for those who might become converts to Christianity. We object very strongly to that regulation on the mission reserves. It is putting a premium on heathenism.

44,193. Are these regulations issued in Natal issued under the law of the country?—I understand so. In the case of the mission reserves the Mission Reserves Act of 1903 gives the Governor-in-Council authority to make regulations. These regulations have been issued under that Act.

44,194. Then, as a body, have you represented this matter to the Natal authorities?—We have represented it to the Natal Native Trust. The draft regulations were sent to us for any suggestions we wished to make and we objected to that, but it has been made into law in spite of our objection.

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44,195. Still it is a local matter in which you have not exhausted all the powers of representation that you are in a position to make. What I want to do is to dissociate a local grievance from the general questions affecting South Africa. You have not exhausted your powers of remonstrance in any matter that affects the mission individually, I suppose?—We made our representations and the law has been passed in spite of them.

44,196. Do you object to the Natal Code, which deals largely with cognate matters?—It is my impression, as I understand the Cape system, that all are under one law, and that that would be better, but I do not know—I am not sufficiently familiar with it to express any opinion.

44,197. Do you mean the common law of the country?—I mean the common law of the country.

44,198. Is it your view, after 20 years' experience, that the common law should obtain in place of tribal law?—My impression is that the system in Cape Colony is better than codifying the Native law.

44,199. Then, upon the adoption of the common law of the country, and individual tenure, to which you first referred, Chieftainship, as you said, would be affected?—There are Chiefs in the Cape Colony. I do not know that I understand your question.

44,200. You started by saying that Chieftainship would be affected by the institution of some system of individual tenure?—Yes.

44,201. What did you mean by that?—What I meant was that the present communal system gives the Chiefs a special power over the Natives which they would not have if the Natives had individual title. It would not destroy the Chieftainship, but the Chiefs would object to it because it would limit their powers.

44,202. Do you think their powers should be limited?—I would not give them arbitrary power, arbitrarily exercised. I think the system which puts the fines which are imposed by the Chief into his pocket is an exceedingly bad one. That is the system that prevails in Natal. I do not know other parts of South Africa.

44,203. Have you anything further to say upon the land question?—I think not.

44,204. Then upon the next question?—Marriage laws and customs. In reference to polygamy I would not deal with it in any violent way. I think it might be discouraged somewhat more than it is. I think that a difference in the hut tax beyond the first wife might be made that would discourage polygamy.

44,205. That is to say a graduated tax?—Yes.

44,206. Getting higher and higher according to the multiplicity of wives?—At any rate higher beyond the first wife, but I would not deal with it in any violent way.

44,207. Is that the way you would deal with it?—Yes.

44,208. And that would, in your opinion, discourage it?—I think so.

44,209. Do you think it would in time obliterate it?—I think in time it will pass away of itself. It is decreasing. Statistics show that the number of polygamous marriages is decreasing. As the people become educated and enlightened, even those who are not Christians, they prefer a Christian marriage, especially the girls.

44,210. Why?—I suppose there is the feeling that it is more civilised to be married in that way.

44,211. Do you mean that people who have been accustomed to marry by cattle are now giving that up and going to the Church?—When I say those who are not Christians I do not mean those who are not partly civilised. I do not mean the heathen but those who are not members of any Church, even those who have only lately come out of heathenism.

44,212. Would you discourage "lobolo" in the same way?—Well, in the same way, I would not deal with "lobolo" in any violent way. I think that "lobolo" has a tendency and does result in a good deal of immorality as the law is administered in Natal. The girl cannot be married without her father's consent, and it is very rare for that consent to be given unless the "lobolo" is paid. There is long delay, especially since cattle have become so dear, and, as a result, the young people live together without marriage.

44,213. Does that mean that you would discourage or prohibit the taking cognisance of cattle disputes in the Courts of law?—I think that has already been done according to the law in Natal, but the Natives get around it by lending the cattle and then it becomes a debt which they can take into the Courts.

44,214. Would you give any recognition to heathen marriages at all?—I would.

44,215. What?—I think that for the present you must recognise such marriages, that they are marriages.

44,216. Would you register them?—Yes, I would register them, for the protection of the girls especially. I do not think as much is done as might be to prevent forced marriages for the sake of the "lobolo." Of course, it is very difficult to prevent them, but our observation leads us to think there are a good many forced marriages made for the sake of getting the cattle.

44,217. Are you speaking of South Africa generally?—I am speaking of Natal. As I say, my first 13 years of missionary life were spent in Natal, and since then, as I have been in Johannesburg, I have not had much chance to know the Transvaal laws outside of Johannesburg.

44,218. Still anything that conduces to forced marriages you condemn?—Yes.

44,219. Are there any law or customs which you take exception to?—I take very decided exception to some of the regulations under which our locations in Natal are administered, and the rather harsh way in which the Natal Native Trust deal with mission work on the locations. We have had three cases, and other mission societies have had others, in which chapels have been torn down by order of the Native Department. We have had Native preachers removed without consulting with us. It is probably done to repress Ethiopianism, but the effect is really to discourage Natives who are carrying on work in connection with white supervision, and such repression drives them to carry it on in any way they like under their own auspices.

44,220. You have spoken about Ethiopianism. Are you familiar with that?—I am familiar with some phases of it. I have had experience in my own work in Johannesburg, where a Native preacher under me left and took off part of the congregation and set up a Church of his own, but that is almost finished, as most of the people have come back. I do not like the Ethiopian movement, but I think there is danger in dealing with it by too much repression.

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44,221. Do you think it should be dealt with in any way?—It should be watched. I would not recognise their ministers or teachers at present. I say this not because they are not connected with any white supervision, but because, from what I have seen of them, I think there are a great many unworthy men in their ministry. I think they are too often inclined to build up their work by pulling down the work of others. I think there is a good deal of preaching to inflame the minds of their adherents against all white rule. They do not say right out that they will have no Government rule, but, "We will have nothing to do with 'ubulungu.'"

44,222. Is it not open to any religious society controlled by Europeans to damage the work of another religious society controlled by Europeans?—Yes, but most of us have too much self-respect to do that.

44,223. Then I want you to take an abstract case of a sect of this description who are carrying on real educational work, giving education to children; do you object to their receiving a grant in aid in spite of that?—I should be very slow to do it. I do not say that I never would grant it to anybody, although it is difficult if you admit one to shut out others. I know of a school in Natal that I should advise a grant being given to. It is an independent school, but one of our own Native teachers is in charge of it; he is connected with us, but the school itself is independent.

44,224. Still, the State, in awarding a grant, must be governed by some system, some regulations; now what would you have govern the State in such a matter?—I admit the difficulty of making an exception.

44,225. What should govern the refusal to anybody?—What does govern the refusal is that the school is not under white supervision.

44,226. Is that in your mind a sufficient plea?—I do not believe it is; while I would not be prepared to state definitely, I do not know that they might not make an exception if the Superintendent of Native Education recommended it. I believe the school I have mentioned is a pretty good school and doing good work.

44,227. Do you hold it as an essential that no school should get a grant unless it is under the control of a white man?—I should say that as a rule, but I would not say that I would not make any exceptions to that rule.

44,228. Would you give the Education Department the discretion to make the exceptions?—Yes, but I admit the difficulty of making exceptions.

44,229. Are you aware of any seditious work that these people have carried on or are carrying on?—No, I am not. I do not think there is nearly as much as the newspapers represent or as people generally think, except that there is this at the basis of the whole movement, this objection to any connection with the whites.

44,230. Has that reached the minds of the Natives as a whole?—I do not think so, but these things that I have spoken about, the pulling down of chapels, the forbidding or ordering off of preachers even when connected with white missionaries, all helps on the movement; it makes these people think that the Government is against all of them.

44,231. Is that all you have to say upon that subject?—Yes.

44,232. Then, leaving that subject, will you come to another?—The next is the administration of local affairs. I have nothing to say about that except that I should like to see it tried on our

mission reserves; especially amongst our Christian communities and partly civilised Natives I should like to see some measure of self-government tried.

44,233. Something in addition to that which already prevails ?—Something in addition to that.

44,234. They do at the present time everywhere, I suppose, consult certain elders in every community ?—They have their Headmen, and talk over matters among themselves, but their decisions are not recognised in law.

44,235. Do you mean that Native communities should be allowed to elect their elders or representatives?—Yes, I should like to see a trial of giving them in some simple way certain management of their own local affirs.

44,236. Under Europeans ?—Yes, under Europeans. I should mention that the Under Secretary for Native Affairs for Natal drew up for one of our mission reserves some regulations which I wish might have been carried out, as I think they would have worked.

44,237. At any rate, you advocate the principle of that?—Yes.

44,238. Then, with regard to the next subject?—With regard to the franchise, I would not advocate at present any general enfranchisement of Natives in Natal, but, on the other hand, I think it is wrong in principle and will result badly to shut out altogether any hope of their having a voice in the making of the laws under which they are to live, simply because they have a black skin. I think that is a wrong principle. I think there ought to be some way by which Natives could be represented by men in whom they have confidence because they have had some voice in the choice of them. It is impossible for a man who represents a European community, a community of European constituents, to be the representative of a purely Native community. He may be a perfectly fair man, but he has behind him his constituents whose wishes he must consult. I think that justice and safety require that the Natives should have some direct representative, though I would not be able to go into details to say how he should be chosen. I am speaking of Natal particularly, where the population is over ten Natives to one European.

44,239. And do you think that at the present time they are not represented?—I think they are not represented.

44,240. Through the permanent officials of the State and the Governor of the State?—The Governor has no power under Responsible Government. It is the Ministry, especially the Secretary for Native Affairs, who is elected by a European constituency, to whom he is responsible.

44,241. Have you formed any conception as to the best way of giving them representation?—No, I have not.

44,242. What you wish to say is that they are not represented, and they should be?—Yes.

44,243. You are applying that to the whole of South Africa?—So far as I know, I see no objection to the working of the franchise law as carried on in the Cape Colony. Those who have lived in the Cape Colony and who are in sympathy with the elevation of the Natives informs me that it works well.

44,244. But does it give them what you claim they ought to have?—Yes.

44,245. That is, as soon as a man acquires a certain standard, or has got a certain property, he is entitled to take his place in voting alongside the white man?—In Natal, where the Native popu-

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lation is so very large, I think it would be necessary to go beyond that, to make restrictions so that there would be no possibility of the Native vote swamping the white vote. At the same time I think the Native should be directly represented.

44,246. Then what you say must imply restriction of some sort? —Yes.

44,247. Is there anything further on that subject?—No.

44,248. What is the next subject?—No. 6, education and religion. I have no doubt from my observation that education and the teaching of the Christian religion has been beneficial to the Native races, and that the common colonial opinion in respect to such Natives is on the whole incorrect. The opinion that they are less trustworthy servants, that they do less work, that the greater part of the criminal classes of Natives are drawn from these people—as was said in one of our Johannesburg papers editorially lately—is wholly incorrect. I have watched the statistics as they are given in the Natal Blue Books, and I have taken considerable pains myself to enquire, and the result of my investigation is that the criminal classes are not drawn from what are called mission Kafirs, and that in proportion to the population there are less criminals drawn from them than from the heathen Natives. Statistics show that from the whole of the black population the percentage of criminality in proportion to population is a good deal less than among the whites in proportion to the whole of the European population. I would say to this Commission, that I wish that the Governments could be moved to gather very thorough statistics bearing on this question of criminality and the education of the Natives. In Natal statistics the whole of the black population, Indians and Natives, are classed together, and the number of Natives who can read and write is not given often, though one year it was given. I am perfectly sure that the mission Natives, educated Natives, are more industrious than the raw Natives, their work is more efficient, and they work more and for longer periods. On our mission reserves, for instance, the amount of land which is cultivated is very much larger than it is in the locations where there are heathen Natives.

44,249. Then, believing this, do you think that the Native has the opportunities which he ought to have for education?—I do not think the Governments are doing, in proportion to the amount of taxes that the Natives pay, nearly as much as they ought to do for Native education. In Natal, for instance, while the population is as ten to one in favour of the Natives, and the school enrolment is about the same for Natives and Europeans, the amount granted for Native education is only one-eighth of what it is for European education. I would not advocate giving Natives a high education unless they can pay for it themselves, but an elementary education, both intellectual and industrial, I think the State ought to give them.

44,250. When you say the State ought to give it, will you explain yourself a little more ?—I do not necessarily mean that the State should establish schools for the Natives as they do for Europeans, though I should like very much that to some extent they should do that. It is almost a necessity that they should do so, in order to understand what is possible in Native education and to ascertain the difficulties, and they would then have a good deal more sympathy for missionary bodies who are trying to carry on Native education.

44,251. Do you mean that there should be State schools?—I would have some State schools for that reason.

44,252. To compete and run against mission schools?—Not to compete with mission schools, but they could do more than the mission bodies could do.

44,253. Would they not drive the mission schools out of the field if they were to do that?—I am not afraid of that.

44,254. Would there be any justification for supporting mission schools if Government ran schools themselves?—If they established enough schools, then there would be no justification.

44,255. And do you think education should be compulsory?—I should like to see it tried on our mission reserves. I would not go further than that.

44,256. Experimentally?—Yes.

44,257. Then what do you call an elementary education?—I should like to see Natives given these elementary schools the chance to go up as high as Standard VI. At present, in Natal, I think that no grant is given for anyone beyond Standard IV.

44,258. What is the value to the general mass of Native boys and girls of an education up to Standard VI.; that is to say, can a child having got to that standard obtain employment commensurate with that education?—They obtain what education gives in the case of every man. It is not the value of the things that they learn, but it is the development of the man out of the child. That is the object of education. It is to wake up the Native mind, and they are not good for anything in learning a trade, until they are waked up.

44,259. Do you think that if the children were educated up to Standard VI. they would be useful members to the community?—They would not be useful members simply from their being educated up to Standard VI.; they would need to be trained morally and industrially at the same time.

44,260. What I mean is, might it not turn their heads and make them disinclined to labour as the white labouring classes have to labour?—I would not give them education merely in order to earn their living. Many would not go to Standard VI. I do not think that is sufficient to turn their heads.

44,261. What do you call industrial education, and how would you give it?—I think that industrial education on a large scale can only be given by the Government.

44,262. Do you think Government ought to do that?—I think Government ought to do it.

44,263. And should it be given to the white children, too?—As they do here in Johannesburg, in the manual training in connection with the schools.

44,264. Do you mean to give it free in the case of Natives?—I think you would have to.

44,265. Do you give free industrial education to white children?—Yes, I understand so; the manual training in connection with the schools here in Johannesburg is given free.

44,266. Well, for the time being put Johannesburg aside and speak of the principle. Do you think in principle that education to the sixth standard and industrial education should be given free to Natives?—I do not mean absolutely free; I do not say that there should be no small fee, but it would not be a fee that would cover the cost.

44,267. And as to higher education for those who sought it, would you provide that?—I think that the State ought to provide

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enough to get teachers for the lower schools; beyond that, if the Natives want higher education, I think there should be places where they could get it.

44,268. Supplied by Government?—No, let them pay for it.

44,269. But to whom would they pay?—There is the Lovedale Institution in the Cape Colony; I think there a Native can go as far as he wants to go in education.

44,270. You mean the whole of South Africa would have to look to Lovedale?—There are other schools, and when there is a demand on the part of the Natives, these schools will be furnished by the mission societies.

44,271. By private enterprise?—Yes.

44,272. That is the point; do you think it should be a matter of private enterprise, or should it be done by the State?—I should say it should be private enterprise, except so far as the training of teachers for the lower schools is concerned.

44,273. And that should be done by Government?—Yes.

44,274. Have you anything further to say on that subject?—No.

44,275. What is the next point?—I want to speak about the rules that have been made for the administration of our Native reserves. On the whole the regulations are pretty fair, but these regulations provide that Natives who have been living on the mission reserves, some of them for 50 or 60 years, and who expected that they would finally get a title—if not freehold still some sort of title—to the land, shall pay a rent of £3 per hut. That applies to all mission reserves in the Colony. There may be a few of these reserves where, if it were not right to charge the full rental value, £3 would not be too large; but, on the other hand, there are many mission reserves where £3 as a full rental value is too large, and considerably more than is charged on farms adjoining the mission reserve. Then, too, the reserves in some cases are poor, rocky, and hilly. But it is not right to charge these Natives full rental value. They have a vested right in the land, and I am sure that if it were Europeans that were concerned it would be impossible under British rule for their rights to be confiscated in that way. We feel that very strongly.

44,276. *Mr. Hamilton.*] Where are those mission reserves to which you refer?—In Natal.

44,277. *Chairman.*] Is there any limit to the amount of land which these people who pay £3 are bound by?—That is another point; they are limited because the reserves are so crowded. The amount of fertile land would be much smaller in their case than on the adjoining farm where there would be fewer Natives, and where they could have all the land they wanted. Our reserves are crowded, and it is exceedingly difficult, when sons are married, to find a new garden for them.

44,278. But all the children of the rising generation cannot be farmers?—No, but they want a home, and their wives want a garden.

44,279. Is the same amount charged the man who has merely a holding, that is for his house, as is charged to the man who has a garden, or more than one garden?—It is uniformly £3 for every hut or house.

44,280. It is for residence?—Yes.

44,281. I should like to ask you to put aside the mission reserves for a moment; supposing a man does enjoy ground out of which

he can get some produce which he can dispose of, do you object to a rent being charged for that?—Where?

44,282. Anywhere, not on the mission reserves; do you object to the principle?—No.

44,283. According to the value of the land?—According to the value of the land; I should let the market rate prevail.

44,284. If it was rocky you would not object to his paying £3, but if it was very good he might pay £10?—He might pay £10, provided it was on ground belonging to the Government, or to a landlord, and was worth £10. But if he was on land to which he had a right, I think it would be unjust to charge him as if he had no right.

44,285. You think the incidence of the rent should be proper?—Yes.

44,286. What is the next point?—Taxation. I think the Natives pay a good deal more in taxes than they are given credit for, through the Customs, as we all pay. I think that they are large consumers. I know that the civilised Natives are large consumers of goods that come through the Customs, on which they pay their share of taxes.

44,287. What is the percentage of civilised Natives?—Even the uncivilised Natives buy a great deal. Take the contribution of the Natives on the railway through the amount of Native traffic. It is generally admitted that the third-class traffic in Natal pays better than any other, owing to the large amount of it.

44,288. Labourers going up and down?—Not simply labourers, but Natives going into town to purchase goods also.

44,289. Have the Natives not stores near by from which they can purchase?—Yes, but they have to pay pretty well in the stores, and they cannot get the choice they want.

44,290. Still, if they go to buy luxuries in town, I suppose, it is right they should be charged what the white man is charged?—I am not objecting; I am simply saying this to show that they do contribute largely to the revenue indirectly.

44,291. That is a form of indirect payment, not taxation?—It is a contribution to revenue. The only thing I would say on this matter is that the Natives do directly and indirectly contribute a fair share towards the revenue of the country.

44,292. What is the next subject?—Liquor Traffic. I am, of course, in favour of the prohibition of liquor to Natives. I would like to see the laws, which are good, administered more strictly, though I know it is very difficult to administer such laws. There is a law in Natal against making and drinking "isitshimiyana," that is, liquor made from treacle, which law is broken almost with impunity, and in the country stores, my observation leads me to think, there is a great deal of liquor sold to Natives, especially where there is a bar, or canteen, along with the store.

44,293. You are in favour of total prohibition?—Yes.

44,294. And drastic administration of that law?—Yes.

44,295. *Mr. Samuelson.*] Individual tenure has been adopted on the Groutville Mission Station, has it not?—Yes.

44,296. And at Amanzimtoti Mission Station?—Not to so great an extent. There are about 30 plots at Amanzimtoti, and at Groutville there are between 200 and 300 plots, to which the Natives have freehold title.

44,297. Can you say from your knowledge of Groutville, where you lived so long, and from your knowledge of the other mission

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stations, where you have also lived, that individual tenure has led to any particular improvement of the Natives, or of their cultivation, or their methods of living?—I must say that when I went to Groutville in 1890, I was opposed to the giving of individual titles to Natives, but, after I had been there about three years, I came to see the advantages of it, and was in favour of giving individual titles on all our mission reserves. The result that I saw was that the Natives were much more settled there. The number of Natives who had been there from Mr. Grout's time, in 1856, was large, and they were very industrious, and they had good houses, and owned wagons and cattle. I am sure that they were more industrious than the Natives I had seen on other mission stations. I am sorry, however, that there could not have been a restriction put in the title deeds preventing their leasing the land to Indians, although that was done, I must say, in only about 15 cases out of over 200 plots.

44,298. Are not many of the owners at the present time simply kraal Natives, wearing ordinary Native costumes, and living heathen lives?—Some of them are, and I am afraid individual title has not made much difference in that respect. But the children of these kraal Natives have generally abandoned the heathen life of their fathers.

44,299. Then, with regard to Natal Native Trust Lands, do you think that there should be any rent payable for the occupation of individual holdings?—I should not object to a small rent governed by the improvement of the lands themselves, but I should be very much opposed to placing any rent which would be a full rental value as though they had no rights in the land.

44,300. Do you think the rent should be regulated on a sliding scale in accordance with the value of the land?—Yes, unless a uniform rent were made so small as to be below the minimum rental value of any holding.

44,301. What would you place the maximum and the minimum at—I am taking location land now?—I should say less than one-half of the rental value of land in the vicinity.

44,302. So that, if the rent was £10 in the vicinity, you think that £5 would be fair?—I do not know of any £10 rent, I am glad to say, in the vicinity; at any rate, I would not advocate a rent as high as £5.

44,303. Would that be the rent per hut or graduated according to the amount of land held by each Native?—If you surveyed and handed a plot over to them, then I should regulate it according to the size and value, giving them a lease of it.

44,304. Otherwise you would do it by the hut?—Hut or poll tax.

44,305. You were speaking about houses erected by Christian Natives on location lands according to the European style; is there any objection to such houses being erected within the precincts of a Native kraal?—It depends. If there is bad feeling against the man because he has become a Christian, in such a case it is better for him to be by himself. You and I would not want to have our houses right alongside of or too close to someone else—out in the country, at least.

44,306. I suppose in order for the leaven to be of any use to the dough the leaven must be in the dough?—It is in the dough right enough when his house is 15 or 20 yards away. I think that the Native, as he becomes more civilised, naturally wants a place by himself.

44,307. Do you think that that system is consistent with an economical and a regular use of location land for huts or houses to be dotted here and there and everywhere all over the country? —I can see that it may be more economical to put those three or four huts together, and give the Natives a piece of land in common. On the other hand, I do not think that there is any insuperable difficulty if you give a man his land near his house; but if you allow him to go and choose his own land too far away, then there is a great waste of land. We find that on the mission reserves.

44,308. You spoke about the use by Chiefs of their powers in respect of lands and locations; what power have they in respect of land that you know of?—In administration they have a good deal of power, although they may not appear in theory to have any.

44,309. Can you give an instance of the exercise of any power by a Chief in regard to land on locations?—I cannot give you a specific instance, but I think it is not difficult for a Chief to exercise power; at any rate, the Natives think a Chief could drive them off if they were not obedient to him.

44,310. Then you spoke about certain huts, churches and schools having been torn down on location land by order of the Natal Native Trust?—Yes.

44,311. To whom did they belong?—They were under us; under our supervision.

44,312. They belonged to you?—They belonged to us in this way, that they were built by our people under our supervision; they were not built by us.

44,313. Do you care to say where they were?—I can give you the exact places if you want them, but not now.

44,314. Will you state the reason why they were ordered to be burnt down?—I do not know the reason.

44,315. Is it not a condition imposed by the Natal Native Trust that all mission work shall be in the personal charge of a European missionary?—A resident European missionary.

44,316. And was it not on the ground that this work was entirely in the charge of Natives and did not comply with that condition?—So much the worse for that regulation. The work in question was under the supervison of a white missionary. It is impossible that there should be a resident European missionary in every little spot, and if the Natives are to have the Gospel it must be given them by the help of Natives.

44,317. But it seems to me that you are not in favour of mission stations and mission schools being allowed on location lands under the control of Ethiopians?—No. But this regulation drives the Natives to Ethiopianism. At Amanzimtoti, on the reserve, we have four resident white missionaries. They are surrounded by the location. At Umbumbulu, Empusheni, Odidini, Entinyane, and some other places, from four to ten miles distant, we have little Christian communities. The regulation forbids these communities to have houses of worship, except on the absurd and impossible condition of placing a resident white missionary at each place.

44,318. Then, in regard to the rent, you are very strongly opposed to the rent of £3 on a mission reserve?—On our mission reserves.

44,319. That is under a regulation just recently promulgated? —Yes.

44,320. Have you let any land to storekeepers on any of your mission reserves?—Yes, store sites.

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44,321. How much do you charge them per acre?—We usually charge them £5 for a store site, but one we have received £10 for.

44,322. And have you in the same way rented land to Indians for stores on your mission reserves?—We have at Mapumulo; and at Ifafa we have rented store sites to Indians for £5 a year until the present year.

44,323. Per acre?—There is an acre of land; we charge for a store site, not because it is an acre. The charge is for the trading right on the reserve.

44,324. And what, if you were a land owner, would you be prepared to rent land for at Umtwalumi, Ifafa, and Groutville, per acre, to a European, or an Indian?—If I were an owner of land myself I should expect to get the market rate. At Umtwalumi, I think, before this year it was £1 per hut on the farms that the Natives had to pay.

44,325. I am speaking of Europeans, or Indians, not Natives?—I should expect to get at Ifafa about 8s. an acre; it is very good land, and that is the market value in that vicinity. At Umtwalumi I should expect to get about 5s. an acre.

44,326. And at Groutville?—I suppose about 8s., although the Natives get from the Indians there about 10s.

44,327. *Mr. Hamilton.*] Do you advocate equality, socially and politically, between the white and black?—No; I do not advocate social equality between the whites, and I think social equality between whites and blacks is an impossibility in South Africa.

44,328. Do you advocate political equality between the white and black?—No, I do not advocate political equality. In Natal, for instance, while I advocate the holding out the hope of the franchise and some measure of direct representation, I should say that it was necessary for the whites always to be in a majority politically. I am not in favour of making such laws that would enable the black vote to swamp the white vote.

44,329. Have you thought of any scheme by which you can give the Natives representation in any true sense of the word without incurring the risk of their swamping the whites?—I think it can be done. I think it will be possible to give large territories that are peopled by blacks not a representation according to their population but to give them a representative. It is done here in South Africa. The towns are not given representation according to their population, and the same thing can be done with the Natives.

44,330. Would it meet your view, then, if the Natives as Natives had a representative or representatives in the various Houses of Parliament of South Africa, for whom they voted amongst themselves apart from the white electors?—Yes, I think that that might be done, if the qualification were made that would only give men of standing a vote; those men might vote for their own representative or representatives. I do not think any other course would be safe.

44,331. Then when you spoke with approval of the system of Native franchise in Cape Colony, you must have approved of it in a very limited sense?—Personally, I know nothing about it; what I know is simply from my reading and from enquiries from those who do know.

44,332. You do not know, for instance, the total Native vote in the Cape Colony at the present time?—No.

44,333. You do not know how rapidly it is growing and likely to grow?—No; I have not lived there, and my opinion is not worth much about that.

44,334. Would you allow the Natives under any system of representation to return a Native to Parliament, or would you confine the representation to a white man?—I think it would be fair to make it possible for a black man to be a representative, but I would make the qualifications high.

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44,335. What is the qualifications of a candidate?—I would have a property qualification and an educational qualification.

44,336. Are you now speaking of the qualifications of the electors or of the candidates?—Of the candidates.

44,337. Would it appeal to you as a desirable plan, if such a scheme as you have foreshadowed were framed, that the candidates should be either nominated or at any rate approved by some responsible authority, such as the Government or the Governor, who should have the right of veto upon the candidates for whom the Native population might vote?—I think that might be done. I do not know of any Native in South Africa that I should consider a proper candidate at present to represent the Natives in Parliament.

Paulus Molatje and eight others; also *Saul Msane* (Compound Manager) and *Solomon Kumalo* (Assistant Compound Manager), examined (through an interpreter).

44,338. *Chairman.*] Whom do you represent?—*Paulus Molatje*: The Basuto Committee of Johannesburg.

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44,339. What is it that the Committee wishes to say to this Commission?—We wish to speak about land tenure.

44,340. What is it you wish to say?—We want to have the right, if we wish to buy land, to do so.

44,341. Everywhere?—Yes.

44,342. Why do you wish to buy land?—We wish to buy land to live on it.

44,343. Out in the country have not the Natives got locations in which they can live and to which they can go?—We wish to have the right to buy land on which we can live, because the location in which we can live does not suit us.

44,344. In saying that, do you mean that you do not like living in locations like the one you have here?—In the location in which we live we can do nothing; we have no right in it.

44,345. And so for that reason you want a piece of land which you can call your own?—Yes.

44,346. In saying that, do you mean to say that the locations in which you live up here are bad locations?—Yes, very bad.

44,347. Is that because they are too small or because they are too large?—It is because the law which we have in the locations is not suiting us; it is killing the people.

44,348. What law would you like which you have not got now?—The law which we want is a law under which we can buy land on which we can live; not in a location in which we live to-day and to-morrow we are thrown out of.

44,349. Does that mean that you have now been removed from the locations?—Yes; the location was down at the compound, and then it was moved up here where the Coolie location is, and we had all that trouble to be moved about. We people are very poor and cannot afford to be shifted about every time; it is hard lines for us to be shifted about every day, and, therefore, we say that the Government must give us the right to buy land where we can live. I do not mean only in town, but in the outside stations as well.

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44,350. Then it is the uncertainty which is troubling you so much?—Yes.

44,351. Supposing you were going to be moved to a place where there would be fixity, where there would be certainty of your remaining, would that make you happier?—I would not be pleased, because it would be the same thing which I have spoken of now.

44,352. Do you know any locations in South Africa—in the Cape or Natal or any other place—that are better than the one you are living in?—I have never been anywhere else; I was born in the Transvaal and I have grown up here; but I have heard that in Natal and in other places they have locations in which the Natives live and where they have no trouble.

44,353. Besides this matter of the location, is there any other matter you wish to speak of?—There are many things which I can speak about to the Commission. There is the way in which we live in this town of Johannesburg. The treatment is very bad for us in the location and everywhere where we live. Sometimes when we sit in our houses we simply see a policeman walk in, pushing the door open; and sometimes in the middle of the night when we sleep lots of policemen come round the location and take everybody out of their houses to the square in the location. Here in the town also we have very bad treatment under the pass law.

44,354. Do you think that you can do without the pass law?—We cannot live without passes, but the pass law is very heavy for us. I will be pleased if the Commission will see some other way to give a pass to the Native people; the way we have got now is very heavy.

44,355. Is there not a law by which some people are not obliged to carry passes which the Natives have to take out every month?—There are laws like that, but we cannot find out about them; we cannot say anything about that, because we have not seen anything good about it.

44,356. Do the people who are here this afternoon hold exemptions or certificates which make it unnecessary for them to have monthly passes?—I cannot answer that; each one can say what he wishes to say.

44,357. Have you yourself an exemption pass?—Yes.

44,358. And does that not make it less heavy for you?—The one that I have got is better than the one the Natives have to take out every month.

44,359. What else is there?—Another matter I wish to speak about is the taxes paid at the outside stations. Some very young people have to pay taxes, and that we do not understand. Some boys who are quite young and who are not yet able to work have to pay the tax. The father must pay, and the youngsters must pay too.

44,360. Do you know a young boy who has had to pay a tax?—Yes; my sister has a boy here, and I pay a tax every year for him. Every year I pay £2 for him, and £2 for myself too. I have got all the receipts of the taxes which have been paid.

44,361. Is he at work?—No, he is in school; he is too young to work, but he has to pay the tax.

44,362. What school is he at?—He is in the Wesleyan school.

44,363. Have you complained about this payment of the tax by this boy?—No; this is the first time.

44,364. Are you referring to a municipal tax, or to the tax that all the people in the country have to pay?—I speak for the country generally.

44,365. What else is there you wish to say?—There is another complaint which I wish to bring before the Commission, regarding the treatment we receive. The Commission knows that we are all working men, and that we are in employ every day. The nine o'clock bell is very hard for us. When we leave work at nine at night, sometimes we have to go and do some work at the Church; it may be a concert is being given, and we cannot get the right to go to that concert.

44,366. That is on account of what is called the Curfew Law; you have to be in by nine o'clock at night?—Yes, and it is heavy, because we are the whole day at work.

44,367. Can you be out after nine if you get a special pass from your employer?—Yes, but he cannot give it every day; he may give it one day.

44,368. So you do not like this law by which you have to be in by a certain hour?—No.

44,369. Would you like to be able to walk about all night?—Yes; sometimes if I have no time to go where I wish to go I wish to go through the whole night.

44,370. *Mr. Sloley.*] Do you know how many Natives there are in Johannesburg?—I cannot tell the total. I know there are Basutos and Shangaans and Zulus, and some other nations which I do not know.

44,371. I mean how many thousands are there?—I could not tell.

44,372. It is about 150,000: Do you think it would be possible to keep good order in the town with all the vast number of people here unless there were special and strict laws to regulate them?—The law must let them have that right, because they are a people which live.

44,373. Do you not see that among those many thousands of people there are a great many who are bad people—I do not mean that they are all bad, but there are many who are bad—and those bad people who are going about would do things which would get the whole of the black population into trouble?—It is so, but the law has got police and a gaol in which to lock up those people; the law is there to see about those people who do not do right.

44,374. What is your trade?—I work under my employer.

44,375. What is he?—I work under Messrs. Lewis and Marks. I have an office.

44,376. As to this tax which you are complaining about, what do you pay yourself?—I pay for my pass and for my taxes.

44,377. What taxes; how much?—I pay £2 for my tax for the year and £1 for my pass.

44,378. As to this young man you pay for, who is he?—He is my sister's son.

44,379. You pay for him also?—I pay for him also.

44,380. Are these the only two members of your family for whom you pay tax?—I pay altogether £5 every year for the boy and for myself.

44,381. Do you pay municipal taxes also to the Town Council?—No, I pay nothing to the municipality because I have no house; I live at my employer's place. I am not married yet, and I am not living in a location yet.

44,382. *Mr. De la Harpe.*] How many years have you been paying for this youngster you speak of?—Two years.

44,383. Do you know his age?—I cannot tell you his age; he is a young boy.

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44,384. You say you would like the Natives to be allowed to run about all night?—Yes.

44,385. Supposing you run about all night you would not be capable of doing your employer's work all day?—Whether I have been out at night or not I will be able to do my work just the same. I know how far I can go.

44,386. *Chairman.*] Have you anything further to say?—*Saul Msane*: We thought we would be questioned, and we would like to answer any questions we are asked.

44,387. Have you anything to say? It is not that the Commission wishes you to speak; it is to ask you if there is anything in respect of the matters that we are considering that you wish to speak about. What subject is there that you wish to speak about? The speaker has already said you wish to buy land?—Yes.

44,388. He has also said you object to the nine o'clock law at night?—Yes.

44,389. And you object to the taxation?—Yes.

44,390. Whom do you represent?—I am an individual.

44,391. As an individual have you anything to say that has not been said?—As to the land, I think there was a question asked whether it was wise for the land to be held by the Chiefs.

44,392. Do you mean to say you would like to express your opinion as to whether the system in South Africa by which the Native people live together under a Chief is a good one or not?—Yes, I think it is a good one at present.

44,393. When would you like to see it altered? In what way would you like to see it altered?—As people are educated and civilised, I think it will work itself out.

44,394. Do you mean that the people get tired of their Chiefs?—My father was once under a Chief. I am now under a mission station on land that I have bought myself, and I live there, not under the Chief. At present I am not living under the Chief, and I am not directed and guided by the Chief, but I have my own land, and I think it will work itself that way.

44,395. Where is your land?—In Natal.

44,396. Did you buy the land?—Yes.

44,397. Would you like that all the people should be allowed to buy the land in that way?—Yes, I would like all individuals that can buy to buy.

44,398. Speak, if you wish to talk upon this subject?—I wish to speak on the franchise.

44,399. What do you wish to say about that?—I think the Natives should not be altogether shut out of it; the English should admit civilised Natives to the franchise.

44,400. Have you got the vote in Natal?—I have not the vote in Natal.

44,401. Could you get it if you asked for it?—By exemption. I know some of my people who have got a vote.

44,402. Do you think you all ought to get the vote?—Not in the mass.

44,403. What is a civilised man, in your opinion?—A civilised man is a man who is born and brought up under the influence of Europeans and educated.

44,404. You think all such persons should have the franchise?—The educated and well-conducted people.

44,405. Have you anything to say on that subject?—No.

44,406. Is there any other subject that you wish to speak about?—I should like to speak on the liquor question. I am in favour of total prohibition myself. I would very much like to see it in force, prohibiting my people getting liquor.

44,407. All Native people?—That is my view.

44,408. You like the present laws?—I do with regard to the restriction of liquor.

44,409. Is there anything else?—On education. I think the State should help to educate the Natives.

44,410. In what way, do you think?—It should educate them industrially, and also give them the rudiments of ordinary education, and educate them to work and make themselves useful. I think it is very good that the State should undertake that.

44,411. Do you mean by giving them industrial schools?—Yes, schools that will teach them industries.

44,412. Do you mean that children, who go to these industrial schools, should pay for their education, or get it free?—I do not know how it is done, but, if they must pay for it, then the Government is responsible; if others are paying at a school aided by Government then they must pay also.

44,413. You mean, if white boys are paying, then the Native boys ought to pay?—I think so, yes.

44,414. What you want is schools?—Yes.

44,415. Do you mean all over the country, or just in the towns?—Schools in appointed places where Natives could be sent for education. For instance, it would not be a bad idea if schools among the mines were established; that is, to educate the Natives to be useful, educate them how to labour, and things of that sort. It would help very much the labour question.

44,416. Do you mean to educate them in trades?—In anything that will make a Native useful.

44,417. Are you referring to those boys who work in the mines?—I would not exclude those. If they wanted to join the school and attend it, I think, so much the better.

44,418. But they could not go to work in the mines all day and then go to school and learn trades at the same time?—There are such things as night classes.

44,419. Do you think the Natives in the mines would be able to keep awake and attend night schools?—Yes, some of them go from our mine all the way to the City and Suburban, because there is a night school there, to learn.

44,420. Many of the boys work at night, they go down at sundown, do they not?—When it is their time for day shift then they will get the night to themselves. When they are on the night shift then they will have the day, and they cannot go that week.

44,421. Is there anything more about education?—No.

44,422. Is there any other subject that you have omitted?—I do not remember the subjects now.

44,423. *Captain Dickson.*] Are there many boys attending these night schools on the mines?—I would not say many, but a few are attending.

44,424. Are there more than 100 attending?—I could not say. I do not know how many are attending.

44,425. How long have you been working on the mines?—I am in my tenth year now.

44,426. Continuously?—Yes.

44,427. What are you?—I am the compound manager.

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44,428. Of what mine?—Of the Jubilee.

44,429. How much leave have you taken within the ten years? How long have you been away from the mines within the ten years?—Putting it together, not more than three months.

44,430. Are there many other Natives on the mines who have worked for long periods?—Not many. There are some who have been there 15 years.

44,431. *Mr. Campbell.*] What salary do you receive?—At the present time?

44,432. Yes?—£26 10s. per month.

44,433. Have you got charge of the whole of the Natives in that compound?—I have.

44,434. Have you any white man over you, as far as the compound is concerned?—The General Manager.

44,435. You have full charge?—Yes.

44,436. How long have you held that position?—Since 1895.

44,437. *Mr. Samuelson.*] Are you exempted from the operation of Native law in Natal?—No.

44,438. Do you think that men who have reached the same stage of education and civilisation as yourself, even if they are under Native law, should have the franchise?—I do.

44,439. If total prohibition of liquor were to operate against your getting the franchise, would you approve of it then?—I do not like liquor at all.

44,440. You would rather go without the franchise and keep the prohibition?—I would keep it.

44,441. Have you anything to say about the pass regulations? Do they affect you in any way?—I hold an exemption.

44,442. I do not mean here particularly, I mean generally?—Of course, with the masses it is quite necessary that we should have a pass law. One objection to the operation of the pass law here is that it gives the officials the right to enter anyone's room in the night when they are asleep, and they can do it forcibly. That is the only objection that I have to the pass law: giving a right to a man to interfere with another man when he is in his own castle.

44,443. Have you bought land in the Transvaal?—No; I have tried to, but the law was against me.

44,444. Did you pay for it?—We had already started to pay for it, but we had to go, because it was stopped. The owner was told not to sell it to the Natives.

44,445. Who by?—By the Commissioner for Native Affairs.

44,446. Did you get your money back?—I took it back.

44,447. There is nothing you wish to tell the Commission now that you can think of that you have left unsaid?—It is merely that we would like to have the privilege of buying land. We all agree on that point.

44,448. Is there anything else you would like to say? It is your only chance, and if you have anything to say, say it?—I wish I had seen the questions; they took me rather by surprise, because none were sent to me.

44,449. You do not think of anything more to-day. I will ask you this question. You remember the Edendale community near Maritzburg?—Yes.

44,450. That community is under a Chief, is it not?—We call him Induna ourselves.

44,451. But he has the same powers and the same jurisdiction as any other man of his standing—any Chief?—Yes.

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44,452. Why do you Christians have Chiefs if they are so opposed to Christianity and progress?—We should not have them at all. All we want is an Induna.

44,453. An Induna with the same powers as the Chiefs?—No, not exactly.

44,454. Would you like to be entirely free from Chiefs and put under the Magistrate?—Yes, that is quite sufficient.

44,455. You, with your education and civilisation, have preferred to remain under Native law rather than to come out of it and come under the ordinary law?—What really stopped me from exempting myself at the time in Natal was because it then admitted a raw man, an uneducated man, and I knew of so many that were exempted that really it was no inducement to be exempted. It seemed rather as if it was lowering oneself to do it. I thought if my education was not good enough to carry me through without, exemption could not do it.

44,456. That was your reason?—That was my reason.

44,457. Have others neglected to be exempted for the same reason?—I could not say. When it came about here in the Transvaal we had to produce certificates of our education. I had got that. I was the first to apply for it.

44,458. *Mr. Campbell.*] What salary were you receiving when you came here first?—I started at £8.

44,459. What were you doing then?—I was compound manager.

44,460. And you have worked yourself up to £26 10s.?—Yes, I have worked myself up to that.

44,461. *Captain Dickson.*] Which exemption law do you prefer—the exemption law of the Transvaal, or the exemption law of Natal?—I hold an exemption pass of the Transvaal.

44,462. Do you think the law is better here than in Natal?—Inasmuch as it is attained by those who are fitted.

44,463. And you think no exemption should be obtained except by education and fitness?—I think so.

44,464. *Chairman.*] Letseleba, what do the Basuto deputation say about liquor? Are they in favour of it? I refer to the law which prohibits the sale or purchase of spirituous liquors?—*Letseleba*: I think they have a right to get what they want. Drink is medicine. It is to help many people sometimes when they are in sickness, therefore I say they should be allowed.

44,465. Do you say this for yourself, or is it what the others think?—All say so. They say that it is medicine.

44,466. All those who are in favour of being able to buy drink stand up?—(*All, except Saul Msane, stood up.*) *Solomon Kumalo*: I am in favour of it, but not altogether. I think that Natives who conduct themselves and who are civilised should be privileged to buy liquor, but they must satisfy the officials or the Native Affairs Department as to their conduct before they can obtain that privilege, which privilege may be cancelled at any time should the person enjoying the privilege misuse it, or abuse it in any way, or contravene the laws affecting liquor.

44,467. So that any man who got permission to buy drink and got drunk should lose the right of getting any more?—If he contravenes the liquor law. If I am granted the privilege of purchasing liquor, and I go to my fellow countrymen and supply them with drink, I think my privilege ought to be cancelled altogether.

44,468. *Mr. Samuelson.*] You are exempted from the operation of Native law in Natal?—Yes.

Paulus Molatje and others, (Basuto Committee), and *Msane and Kumalo,* (Native Compound Managers).

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44,469. You had not the privilege of buying liquor through that exemption, had you?—No.

44,470. Natives exempted from the operation of Native law are subject to the Liquor Act of Natal?—Yes, they are subject to the Liquor Act of Natal.

44,471. But under the Liquor Act they can be specially exempted from the operation of that Liquor Act?—They can.

44,472. You petitioned the Governor, as an exempted Native, to be exempted from the operation of the Liquor Act?—I did.

44,473. And you got the Governor's certificate of exemption?—I have it.

44,474. Has the exemption done you good? Are you as strong and healthy a man now as you were before your exemption?—It has done me no harm.

44,475. Before you were exempted you were a strong healthy Native, were you not—very vigorous and able; is not that so?—I think I am just about the same.

44,476. Do you think so?—Yes.

44,477. You are not a bit the worse for it?—No.

IN LUMINE TUO VIDE BIMUS LUMEN
University of Fort Hare
Together in Excellence

Johannesburg, Tuesday, 18th October, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Hamilton.
Captain Dickson.	Mr. Thompson.
Mr. De la Harpe.	Mr. Sloley.

Mr. Theodore Etienne Mavrogordato, examined.

T. E. Mavrogordato. (C.I.D., Johannesburg). Transvaal. 18th October, 1904.

44,478. *Chairman.*] Are you the head of the Criminal Investigation Department?—Yes; acting in charge.

44,479. In the Transvaal, or in Johannesburg?—Of the Transvaal Town Police.

44,480. In questions you may be asked and answers that you might wish to give, you will always be at liberty to say you would rather not have them take down. I mention this because there may be features which, for some reason of your own, perhaps in the public interest, you might wish to reserve in that way, although we do not suggest it ourselves. Your duty is more or less entirely concerned with crime in the Transvaal?—Yes.

44,481. Is there much crime amongst Natives in this area?—I should say that the proportion of crime amongst the Natives is higher than it is amongst the Europeans at the present moment.

44,482. When you say Natives, do you mean coloured people, or aboriginals?—Aboriginals.

44,483. Do you include the coloured half-caste race in that?—I will confine myself to Kafirs.

44,484. Have you any statistics at all which will show what the relative crime is as between the Kafirs and the white people?—I have not got them at hand, but they could easily be obtained from the Annual Report of the Commissioner of Police.

44,485. Would you put in a copy of that?—I would have to ask for it. The Attorney-General has a copy of it.

44,486. Have you any further statistics which will show the proportion of crime against educated and non-educated Natives?—No.

44,487. You said that the proportion of crime amongst Natives was greater than amongst Europeans. Have you any reasons to which you can ascribe that?—Of course, the Native population in the district of the Transvaal Town Police is not very great, but the number of the Native criminals in the district would appear to be great as compared with the population of that particular jurisdiction; that is, the Rand and Pretoria.

44,488. Can you account for this?—Yes, there are certain reasons, I think, which might be given. I believe that at the present moment there is a special criminal element growing amongst the Natives, and that there are a certain number of Natives who may now be classified as habitual criminals who do nothing else but commit crime.

44,489. Are these Natives who are habitual criminals persons who have been here a long time?—Some are, and some are not. I believe that the habitual Native criminal is created through his contact with white criminals, because there is no doubt that white criminals employ Natives in different descriptions of crime. Of course, the Natives learn it, and with a Native of intelligence it

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does not take him long to discover that he can carry out crime on his own without having to serve a white master, and, naturally, he becomes an independent criminal himself. When two or three men join together and form their Native gangs, they are very successful sometimes, and, of course, they are a very considerable danger.

44,490. What cases of crime appear to be the most prevalent amongst the Natives?—Robberies and thefts. It is a common occurrence for a gang of Natives to hold up men and assault them, and rob them: both white men and Natives.

44,491. Has that been of recent growth?—I believe it has.

44,492. Do you know, from any records, or information that you have got, referring to pre-war days, whether it existed to any large extent?—I am not in a position to compare the present state with pre-war days.

44,493. What is the general effect of this?—In which direction?

44,494. Is the Native criminal class growing in numbers?—I should say it is.

44,495. Is the class of crime becoming more serious?—I should say it is, as far as the Natives are concerned.

44,496. Do any suggestions occur to you as a remedy for this state of things?—My personal view of the matter is this. The conditions which exist in towns like Johannesburg do not exist in any other part of the Transvaal, and I believe that Natives who come to Johannesburg from other parts of the Transvaal are very easily contaminated with crime; and, of course, if these Natives eventually leave Johannesburg, and go back to their various centres in the country, my opinion is that the crime is liable to grow and to be spread across the whole country, where, I believe, it does not exist at present. Johannesburg is undoubtedly the educational centre for crime for Natives.

44,497. Are you aware whether Native criminals from other parts come here?—I am not in a position to say that.

44,498. Do you not, for instance, know whether men, against whom you have convictions, are men who have been convicted in other Colonies?—Yes; there are Natives here who have been convicted in Natal, for instance.

44,499. Is it not the case with white criminals that they are men who have been convicted in other parts of the world?—Yes. The white criminal is a perambulating criminal in this country. He commits his crime in all parts of South Africa: Cape Town, Port Elizabeth, East London, Bloemfontein, Durban, and here; and we frequently exchange records with the officials of these various places, and find that these people are contained in all the different towns of the continent.

44,500. So that the criminal class, both black and white, is attracted here and accumulates here?—It is certainly attracted here; it does not remain here permanently, but I should say it flows through the towns of South Africa.

44,501. That, I presume, *ipso facto*, is sufficient to account for the amount of crime that prevails?—I think so.

44,502. *Mr. Thompson.*] I think you said it is created largely here?—It is created largely in Johannesburg, as far as the Transvaal is concerned.

44,503. *Chairman.*] But the Natives you said were educated by the low white criminals?—Yes.

44,504. And employed by them?—Exactly.

T. E. Marrogordato, (C.I.D., Johannesburg). Transvaal. 18th October, 1904.

44,505. Could you state in what capacities these Natives are employed by the white criminals?—I should say they are probably originally engaged as servants, and the Natives see what the criminals do; then they are told to carry things about, and if they are found suitable they are employed in the commission of crime. I mean to say a Native may be used as a scout, or he may be used to enter a place, or to steal a horse, or to remove a horse, or anything in that line.

44,506. They are, then, the mediums of crime?—They are the mediums of crime.

44,507. Is anything done in this area to get rid of this class of criminal, black and white? For instance, if they have once been convicted here, is there any law which permits of their being deported?—No, there is no law put into execution. A Native is convicted, and as soon as he is discharged from prison he is on the town again, and nothing is adopted to remove him from the place.

44,508. Therefore, it must always be a hot bed of crime—of criminals, at any rate?—I do not say it is a hot bed of criminals, but I say it is a home of criminals, a class which is liable to increase unless something is done to stop it. I do not think Native crime here is half as bad as it might be, but I foresee, if things go on as they are going at present, that, say five years hence, it will be very much worse.

44,509. In dealing with Native criminals as a class, when they have been convicted and discharged from prison, is anything done to put them on their legs again, to reclaim them?—No.

44,510. Or to remove them from evil influence?—No.

44,511. Nothing at all?—No.

44,512. So that they start again with a black mark against them?—There is nothing to prevent them starting again.

44,513. Nothing is done to assist them?—As far as we are concerned we do not do anything for them, and we are not aware that anything is done for them.

44,514. Are you in a position to state what part the Natives play as mediums in the matter of immorality?—Yes, I have had considerable experience with that. I find that Natives are employed in all the brothels in this town, and in the whole of our area, and in Pretoria it is just the same. They are engaged in these houses as servants, and, of course, they witness the immorality of the white women in these houses. There are a certain class of white women who make it their business to gain money from Natives, and who lay themselves open to prostitution with Natives, and with Natives only; and a certain number of these women exist in Johannesburg at the present moment. They are extremely difficult to catch, because unless you actually find the Native in the act of committing the crime with the white woman, there is no evidence procurable in the Court to charge them under the Immorality Law with having connection with each other, which is provided for with a very heavy penalty. I think the white woman gets five years' imprisonment, and the Native eight years' and lashes. But it is extremely difficult to catch them in the act, and I know of cases where houses of this sort have been watched by the police for over two months at a stretch, and the Natives have been observed entering and leaving, and still we have not been in a position to catch them in the act, because they close their doors, and they have got their people watching outside, and the signal is given. You find the Native in the house, but you do not find him in the act, and that,

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of course, is not evidence of the connection between the two. But I know that these prostitutes who have connection with Natives employ Native pimps. They have got Natives going about the town, accosting Natives, and saying, "If you want a white woman come with me," and they take them to this particular house or houses. It is quite a common thing in Johannesburg. You will find these black pimps go about the town on bicycles and otherwise. They go to the Market-square, and get into conversation with Natives who they think may have money, and they attract them to these houses. I know this, both from observation which has been made by members of my Department, and I also know from my own Native detectives who have been accosted, and who have actually entered these houses and seen what is going on; but, in spite of that, it has been quite impossible so far to catch anybody in the act. We have had several women prosecuted for keeping brothels to which Natives go—in fact, there is one case in the High Court to-day, but that is as far as we can get. We can only accuse them of keeping a brothel, and, of course, there is no difference between keeping a brothel for Natives and keeping a brothel for whites, as far as the provisions of the law go.

44,515. What is the penalty for keeping a brothel?—Three years'.

44,516. What happens after persons are convicted of keeping a brothel? Are they allowed to re-open their business in the country afterwards?—There is nothing to prevent them.

44,517. Is the law in itself impotent to reach this state of things?—I think it is impotent in its present form.

44,518. The Immorality Law?—I believe the Immorality Law is incompetent to reach the crime committed by the Kafir only. I mean to say it is impossible under the present law to prosecute a woman for being a prostitute with a Kafir unless you catch them in the act, and you cannot do that because they guard against it. I think the only means which could be adopted to prevent that would be to provide in the law that certain evidence should be admissible as evidence of connection between a white woman and a black man although they cannot be caught in the act.

44,519. You mean the mere presence in the house?—Supposing a house is watched, and supposing you get Native witnesses who come forward and say, "Such and such a man is the black pimp of such and such a house, and such and such a man has solicited me to go into that house, and I have been in the house," and so on, I think that should be accepted as evidence of immorality between white women and Kafirs.

44,520. What is your opinion of the influence that this intercourse that you describe has upon the Natives?—I believe it has a very far-reaching effect, and that it has a great deal to do with assaults by black men on white women. I believe that the presence of these prostitutes makes the Kafir believe that a white woman is not a moral woman according to his view. The Kafir who is brought up in a house where he sees a white woman taking on any man who comes in, naturally says this white woman is a whore, and he cannot distinguish between a real whore and an honest woman. He says, "White women are white women; they are not chaste." That is the only explanation I can give of it.

44,521. Did this sort of thing go on before the war?—I was not here before the war.

44,522. Under the late Republic?—I am informed that it did go on.

44,523. Did it go on to the same extent?—I could not say.

44,524. From an administrative point of view, do you say that all is done that can be done under the existing law?—All is done that can be done, in a way. I mean to say, no preventive measures are adopted of any kind. The law is there, and we try to enforce the law as far as possible, but the difficulties are so great that it makes it hardly possible for us to be able to put into operation.

44,525. What preventive measures could be taken that are not taken?—For instance, I would suggest that any woman who was known to take Kafirs should be turned out of the country at once. These women are all professional prostitutes; they are women who have no tie here; they are women who are imported by a certain class of men in this country for immoral purposes, and they make a lot of money out of it. There are a lot of white prostitutes in Johannesburg who would not take a Kafir, but there are a certain number who do; and I would suggest that these women who take on Kafirs should be cleared out of the place at once. It would be the easiest way of settling the difficulty.

44,526. It is not part of our functions to enquire into the details of any local administration, but to deal with broad principles; still, from what you have said, I presume you have already made such representations to the Government, or it is open to you to do so?—The subject of this immorality I have reported on. I have not suggested any remedial measures, but I have drawn the attention of the chief of the department to the facts which exist.

44,527. Do you consider that remedies are necessary?—I do.

44,528. Are there any other observations upon the subject of crime in its relation to Natives that you would like to offer?—There is one subject which I should like to mention, and that is the rules of evidence with regard to Natives. At the present moment in the investigation of crime, and in prosecutions, there is absolutely no difference between a Native accused and a Native witness and a white accused and a white witness. The same rules which apply to white evidence apply in their entirety to black evidence. Now, I think it ought to be considered whether these rules of evidence which apply to white people are always adaptable to blacks. Personally, I do not think they are. For instance, although it is quite right that a white accused person should not be questioned with regard to his crime, I consider that a black accused person should be questioned with regard to his crime. It would work both ways. It would prevent the possibility of an innocent Native being convicted, and it would assist in the probability of a guilty Native being convicted. I can give you a case in point of a wrong man being convicted only the other day in the High Court of Johannesburg. There were two Natives called Jonas: the one was charged with one offence, and the other with another offence. That was before the High Court, before a jury. The wrong Jonas was called up to answer the charge with which the other one was charged, and he was actually convicted, and it was only after he was convicted and removed from the Court, when the second Jonas was called up, that they discovered that they convicted the wrong man before. That was in the High Court, with a jury. I say that that opens the possibility to a large number of wrong convictions in the lower Courts where the scrutiny is not so severe as it is in the High Court, which would be obviated if the Native was allowed to speak. I

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understand that the Native custom amongst themselves in the Native kraals, for instance, in Native investigation of crime, is to examine their man. They have their indaba, and it is entirely a question of the man himself whether he gets out of it or whether he gets convicted. I think, with some modification, that ought to be adopted with regard to our Courts. The condition of a Native and a white man is not the same in any respect, and I say that some modification should be made in the rules of evidence as regards black men. It would facilitate justice and it would protect them.

44,529. To what flaw do you ascribe this failure of justice that you have mentioned?—It would be difficult to explain it, but I think the Natives takes a great deal for granted. I think that the Native does not question many things which he might question, that he is too narrow to see his own interests, and by his silence very often he gets into the wrong box. I believe that is a thing that happens, and I should say that the one instance that happened in the High Court rather justifies me in believing that it is very possible it happens in the lower Courts.

44,530. Were you present in this case?—I did not happen to be in Court, but I saw all the papers about it. It was the case of *Rex* v. *Jonas*, in the present session.

44,531. Was the case interpreted properly?—I was not in Court.

44,532. Was the accused allowed the benefit of Counsel?—I do not know. I do not think he was. As a matter of fact, I believe the accused pleaded guilty to the wrong offence. That was the cause of his conviction.

44,533. The point is, was the offence correctly interpreted to him in the High Court?—I was not there, so could not say.

44,534. The law of evidence makes no distinction between black and white?—None whatever.

44,535. Do you suggest that it should do so?—I suggest that there should be a provision for the black man to be questioned when he is accused.

44,536. That would entail an alteration of the statute law?—Certainly it would.

44,537. Is there anything else?—I do not think that there is anything else that I have to suggest.

44,538. *Mr. Samuelson.*] Are Native women subject to the pass regulations?—I do not think they are. I have not anything to do with the pass regulations, but I do not believe that Native women have anything to do with those regulations.

44,539. Could you not control their coming into these towns if they were made subject to the pass regulations?—I think it would be a very advisable thing if they were. I know of cases where Natives have evaded the law by disguising themselves as women, because a woman is not asked for her pass, and she is never questioned at all, and a Native is quite alive to the fact that by disguising himself as a woman, if he is not detected, he can have the free run of the country—and he does have it. There have been cases in point.

44,540. Then you think it would be an improvement if the pass regulations were extended to the women?—I do.

44,541. Do you think, further, that no woman should be given a pass to go to Johannesburg without the consent of her husband or guardian?—That I am not in a position to say. My knowledge of Native arrangements in the country is too narrow to allow me to express an opinion on that subject.

44,542. Under what circumstances are they allowed to be here; are they here as servants?—Some of them are here as servants, and a lot of Native women are here as residents—they appear to have no occupation. Of course, a large number of them lead loose lives here.

44,543. Are they compelled to live out in the location?—They are supposed to live in locations, but up to the present moment the locations have not been large enough to contain them all.

44,544. Is that in force?—It is in force as far as it is possible to enforce it.

44,545. There is no room for them, there are so many of them?—I believe arrangements are being made for them to be put into the locations now.

44,546. Is there a Contagious Diseases Act in force in this Colony?—Yes.

44,547. Does that apply to these people at all?—It does, but I have never had occasion to see that it is being used.

44,548. Have you heard of the commission of unnatural offences by Natives?—Yes, I believe unnatural offences are very prevalent in the mines among the Natives. It is a certain class of Native, one particular tribe. I could not say what tribe it is at the present moment, but I have heard it spoken about frequently.

44,549. Is it a fact or not that many of these Natives on the mines have boys whom they use for that purpose?—I have heard it said that they have; in fact, the other day a Kafir committed suicide by throwing himself down a shaft, and the reason attributed for his so doing was that his boy had left him and gone to somebody else

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44,550. *Chairman.*] Are you stating this as a fact, or is it hearsay?—It has come to my knowledge officially through the reports that have reached me.

44,551. *Mr. Samuelson.*] Has there been any increase in these unnatural crimes?—That I cannot say personally. I am not aware of any criminal prosecution for an unnatural crime, although it is a matter of comment amongst the detectives who are acquainted with Native crime that this crime exists. It is, of course, from them that I have got the information, but there has not been any case on record to my knowledge where a Native has been caught for unnatural crime recently.

44,552. Have there been many cases of bestiality amongst Natives?—No.

44,553. Have you had occasion, in connection with your duties, to watch the Ethiopian movement?—No, I have had nothing to do with that.

44,554. Do many of these Natives, when brought up and charged before the Magistrates, get off on technicalities raised by lawyers in their defence?—They do.

44,555. Do you think it is a good and wholesome thing for a Native to get off on a technicality and not on the merits of the case?—That is a matter on which I am afraid I cannot express an opinion, but, of course, the effect on a Native getting off is quite a different one to that on a European getting off.

44,556. *Mr. Thompson.*] To obviate these miscarriages of justice, where a Native has been wrongly convicted, would it not be wise to adopt, as is done in other Colonies, the practice of having a Protector of Natives sitting in the Magistrate's Court, who, before judgment is passed, if in his opinion there has been a miscarriage of jus-

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44,585. When you speak of individual tenure, what do you mean by it exactly?—I mean that each Native should have property of his own registered in his own name and thus be a land-owner. And he should have the right of buying and selling land as an ordinary white inhabitant.

44,586. He should also have the right of buying and selling?—Yes.

44,587. Taking the locations to begin with: do you mean that the Government should sell or set aside and grant to the Natives certain allotments?—I should say utilise the locations they are on at present and let the land be owned by the Natives who are living on those locations. It would have to be regulated, of course, so that a small community would not have too large a location; but according to the size of the location let them have a general interest in it.

44,588. What I mean is, would you take a Native location and survey it up into plots and then as each man raised himself to a certain level let him be granted one of those plots?—No, I do not think that I would do that.

44,589. Then I am afraid I do not quite understand in what way you would do it?—If the land has to be apportioned to the Natives under present conditions, then the Natives who are already living on locations would continue to live there and would be communal holders in that location. Then when any of the Natives have attained a certain standard of civilisation they should be allowed to purchase land outside of that location. I do not wish to give every Native in the country a piece of ground, and at the present time it is only possible to apply it as a communal holding.

44,590. What I wanted to get from you was whether in the course of time you would take the locations, survey them—as is done in part of the Cape Colony, at Glen Grey—into plots, and then give them out to Natives, and let the Native have them upon lease?—Yes, in the future.

44,591. Then, in addition to that, I understand you to say that you would allow those Natives who had reached a certain standard to go outside the locations and purchase land at pleasure?—Yes.

44,592. All over the country?—Yes.

44,593. So that in time the Natives, if they had means enough, might become very extensive land-owners?—I want to explain that they would not be in the near future, but it would be in the distant future, when Natives have attained to the same standard of civilisation or intelligence as the white man. I do not see that it is possible to keep the Native back in his present position. Force of circumstances will compel him to take his place side by side with the white man, though, of course, I consider that that will only come about in the distant future. I would not say that the policy should be laid down that no Natives should be allowed, not even in the future, to acquire land.

44,594. Your contention is that he shall have arrived at the same standard of civilisation as the white man; can you realise that the Native will reach such a standard?—I do not know; that is to be proved. If he ever does do so, then I say he ought to be allowed to purchase land.

44,595. When you say "the same standard of civilisation as the white man," do you mean the highest orders of white men or the lowest orders of white men?—The general orders; there would be higher and lower orders as with us.

44,596. There are some white people who are living in a very low degree?—I should not take that standard.

44,597. You would take a medium standard?—Yes.

44,598. Then the treatment of the land question upon these lines of yours, that is individual tenure in due time, is your solution of the land question?—Yes.

44,599. Then in the meantime would you disturb the communal system now existing?—Not by any drastic measure. I should adopt the tendency as much as possible of placing the Natives under the same laws and conditions as the white man, but not in a drastic way. I would educate them up to it, and as they became educated and civilised up to it, I would do it with a gradual process.

44,600. Do you mean under the common law of the country?—Yes.

44,601. Do you mean placing the individual Native as he reaches a certain standard under that law, or taking a locality or location and placing that under the common law?—I mean the individuals, on the principle of exempting them from Native law.

44,602. Such as pertains in Natal?—Yes. I should like to say that I should not make that standard purely an educational one; it would be necessary for a man to be educated and be a worthy citizen as well.

44,603. Then, in exempting a Native from Native law, what do you mean to exempt him from; would you exempt him from class legislation of every description?—So far as I understand, exemption from Native law places him under European law and none of the Native laws are applicable to him.

44,604. That is, where there are particular Native laws, the Governor should have power to exempt him from those laws? For instance, we will take the Pass Law: Supposing you exempted a Native on account of his progressiveness from Native law, would you allow him to travel about, not only in the Colony he belongs to itself but all over the Colonies of South Africa, without a pass?—I do not think I would go quite to that extent.

44,605. Therefore, it would be only a partial exemption?—Yes.

44,606. You recognise, I suppose, that there must be class legislation for the Natives of some sort?—Yes.

44,607. And that, as I understand you, should be relaxed according to the way that a man elevates himself?—Yes.

44,608. What obligations would you attach to the granting of individual tenure to Natives; should the Native pay rent, and if so, how much, and how much land should he get?—That would be very difficult to answer. I do not say that any Native should be given land gratis out of the communal system. Do you mean when the whole thing is applied?

44,609. No; I will take a location, and presume that you split that up into allotments which you gave each individual who is fit for an allotment. Would you make him purchase that land, or would you give it him on leasehold, and, if so, would you charge him anything for it per annum?—I would give it to him on leasehold.

44,610. What would you give him; how much do you think would be sufficient for him?—It is very difficult to say, because all the ground is not the same. In certain districts and in certain localities a Native can do with very much less ground than in other districts. That would have to be decided entirely by the amount of ground at one's disposal.

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44,611. I am speaking of arable or agricultural land, not grazing land?—I do not think that I have ever tried to reckon out what would be necessary to maintain a Native. It might be half-a-dozen acres or more, but I could not say.

44,612. Then you think he should pay a rent for the privilege of the leasehold?—Certainly.

44,613. Are there any other conditions you think should attach to it; should he, for instance, be bound to occupy it beneficially?—Yes.

44,614. And should it descend to his children?—Yes.

44,615. By right?—By the feudal system; on the same system as feuing the land.

44,616. And should it be held during good behaviour?—Yes.

44,617. Passing to the present system of communal tenure under the tribal system that obtains in the country, which you know so well, do you see any objection to the tribal system under which Natives to some extent manage their own affairs in so far as the Natives are living under a Chief on the land?—I am, of course, speaking principally of Swaziland, where the Natives have, I think, too extended an area. I think that they ought to be confined to certain areas, that is certain Chiefs to certain localities. At the present time they have more ground in Swaziland than they have necessity for, and that does not encourage them to work. Their holdings under the present system are too large, and they can trek about and go anywhere they like. My idea is that each Chief should be confined to a certain area, an area which would, of course, be sufficient to carry the Natives, and they would have to make use of and live on that ground, and if they wanted to move they would have to get the permission of the owner of the land they wanted to go to. The disadvantage I see at present is that their areas are too great.

44,618. That is a question which is at the present moment engaging the particular attention of the Governor of this Colony?—Yes.

44,619. So that perhaps it is not quite right for this Commission to deal with a matter that is *sub judice*?—Yes.

44,620. But, generally speaking, you wish to say that you think it is wrong in principle that Natives should be allowed too large areas?—Yes.

44,621. And that would apply to any part of South Africa?—Yes.

44,622. Because it enables them to live upon the product of that land without contributing what people ought to contribute to the country?—Yes.

44,623. In circumscribing the land in the way you have described, would you at the same time circumscribe the jurisdiction of the Chiefs?—I should have the Chief as the nominal Native head, but the real head of that district would be the white official, either the Magistrate or the Native Commissioner. I do not believe in the system of Native Chiefs having much control; they should simply be the agency between the Natives and the local officials, that is the local Magistrates, who should be the local white administrators in the country.

44,624. Then, in countries where Europeans are living with the Natives, the Native Chiefs should cease to have that power and jurisdiction which they formerly enjoyed?—Yes.

44,625. Is that because you think the tribal system in itself is bad, or is it that it has served its purpose and is no longer appropriate?—I think it has served its purpose; and I may also mention that it is my impression, based on my experience, that all Native Chiefs more or less make capital out of the power they may have; they are very apt to make capital out of any authority they may have.

44,626. Abusing it?—Yes, abusing their authority.

44,627. Then, in expressing these views, you touch more or less upon the existing laws and customs, which are peculiar and characteristic of the Natives?—Yes.

44,628. Marriage laws and such like?—Yes.

44,629. What is your view about that subject?—One cannot take much exception to their marriage laws while the Natives are in their present savage stage, but I do not think it would be good to encourage them for an indefinite time. I am referring now to polygamy and to their marriage laws as they are under the present conditions. Of course, it is a kind of necessary evil now, but in future I should try to adopt a tendency towards discouraging it.

44,630. You say "in the future." Can you not limit yourself; when are you going to begin?—I should say begin at once, but in a moderate way.

44,631. How would you discourage it, then?—The only way I see to discourage polygamy would be to make all Natives marry by licence, and to charge a heavier tax for extra wives. For the first wife I would charge a nominal licence of perhaps 1s., and, if he wants to marry a second wife, I would charge him £5 or £10 a licence, and I would increase the licence as he wants to increase the number of his wives. I think that that is the only way that one can really discourage polygamy without pressing hard on those who, you may say, have at the present time married more than one wife innocently. There are a lot of Natives who have a number of wives, and any other way of discouraging polygamy would press too heavily on them.

44,632. Then, you would divide them into two classes: upon those who come after you would impose a heavy penalty for polygamy, but those who in the past had taken two, three, or more wives, you would be generous to?—Yes. I would say from a certain given date any man who married more than one wife would have to pay a heavier licence for every wife he married; but those who are already living in polygamy, of course, we would have to be more lenient with.

44,633. Your proposal would in future make polygamy almost prohibitive?—Yes.

44,634. And that would be your aim?—Yes.

44,635. Then, as to the custom of giving dowry, what have you to say?—I do not see that that can be altered by any drastic measure either, because at the present time all Natives who are married have purchased their wives. With very few exceptions all Natives in my experience have bought their wives and paid for them, and that is where you may say they have invested their capital, and their wives and children represent so much value to them. Of course, the Native, as he had paid for his wife, would naturally expect payment for his daughter, unless he was in some way compensated. That is the trouble I see in doing away with the dowry. A Native at the present time would naturally think that he had a legitimate right in wishing to have his daughter paid

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for, because otherwise he would be out of pocket; he has paid so many cattle for his wife, and that is the only way he is to get a return.

44,636. Do you think that this is a thing that should be tolerated and allowed in perpetuity?—No, certainly not.

44,637. Then how would you remedy it?—I think the only thing would be to at first limit the purchase price: allow no man to sell his daughter for more than a certain number of cattle, or for more than a certain price, and, if he sold her for more, the Government would not recognise it. That would also do away with the abuse of marrying girls to the highest bidder. Then in the future you could reduce the price again by legislation, and go on reducing it until it would be hardly worth while for them to sell their daughters at all.

44,638. Are you aware of any Colony where the actual number of cattle which should pass in these marriages is regulated?—I could not say for certain, but I believe in Natal there was a regulation that a Native was only allowed to ask for a certain number of head of cattle.

44,639. Is that a system you think the Government should deal with?—I think it should be regulated.

44,640. That a statutory number of cattle should be provided by law, which should not be exceeded?—Yes, and then in the future that could be reduced by, say, half again, and it could be further gradually reduced until it was hardly worth while for them to ask anything for their daughters.

44,641. Then, what would happen in those parts of South Africa where those cattle marriages are not recognised, and have not been for many years?—I do not think that there would be any hardship, because if it is not recognised there would be no occasion to try and legislate there.

44,642. For instance, if there is no law in this Colony which makes provision of this nature, would you enact one?—No, I do not think so.

44,643. Supposing you discouraged cattle marriages, and they eventually fell into disuse, what form of marriage do you think the Natives ought to have in order to give their women a status?—This is simply in connection with the present time, because, I take it, the Natives will become more and more civilised. Every year they are becoming more and more civilised as they come in contact with the whites. Then, when a Native becomes educated, I should apply almost the rites of a Christian marriage. But while the Natives are in their present state you could not alter their present marriage rites.

44,644. Supposing they gave up the custom of giving cattle, do you not think that some form of registration ought to be available to them; I do not say Christian marriage?—Yes, I say that every marriage should take place under a licence, which would be registered.

44,645. That, you think, ought to be possible?—I think so. The mere fact of registering it would at the present time make it sufficiently binding for the ordinary Native, if it was registered in front of the Magistrate.

44,646. Are there any other laws or customs you would like to express yourself upon?—I know a good deal about the Kafir laws of inheritance, but on the spur of the moment I could not recite them.

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44,647. Are there any matters connected with these laws of succession and inheritance which appear to you to be undesirable to maintain, or that should be changed?—I think under present circumstances they are all right and all that can be desired.

44,648. You do not advocate changing them?—I do not advocate changing them; the only thing I would say is that they should be properly administered. Under present circumstances the Native laws of inheritance are all that can be desired if administered or carried into force by white officials who would not be likely to be biassed. The laws themselves are all right.

44,649. Do you mean, taking all the Native villages, and all the Natives in the country, that wherever Natives die a white official should intervene and see that the proper form of inheritance was gone through?—Only, of course, in cases of dispute. I do not think it ought to be left entirely to the Natives to settle when there is a dispute. In the ordinary course it is settled amongst themselves who is the rightful heir, but, if there should be any other claimant, and a dispute arose, then I say that the matter should be dealt with by white officials. I also think that those laws of succession and inheritance should be compiled, and that all the data possible should be secured and compiled for reference.

44,650. In order for white officials to do this, it would require a good many of them?—It would only require the officials who in the ordinary course administer Native affairs.

44,651. Take a large Colony, with the Natives scattered about on farms very largely over that Colony; disputes would be arising from time to time on those farms, and it would be necessary that these officials should be able to go to those farms and settle the disputes when they arose, would it not?—No, I think the Natives would go to the officials. My idea is that the Natives would naturally come under the jurisdiction of the Magistrate, and then there would also be Justices of the Peace who would be well versed in Native customs and in the Native language, who would also assist in the outlying districts, just as the police do who have a thorough knowledge of the Native language. And perhaps the Justices of the Peace may for expediency have extended power so far as purely Native matters are concerned.

44,652. Would you give that extended power to all Justices of the Peace?—To all those who have to deal with Natives, but not necessarily to those in the towns, where they only come in contact with the Natives.

44,653. But all through the country you would say that it should be a *sine qua non* that Justices of the Peace should understand Native law and Native languages?—I say that it would only be necessary to apply that in the outside districts; it would not be necessary in the townships; it would not be necessary everywhere.

44,654. Would that not be a very severe qualification for a Justice of the Peace, who in many cases is a man of integrity and of high position, though not necessarily learned in the Native laws and customs?—My idea is that these Justices of the Peace should be appointed with that idea.

44,655. *Mr. Krogh.*] Are you referring to Resident Justices of the Peace?—Yes.

44,656. *Chairman.*] And such persons would take the place of the old Field-cornets, I suppose?—Yes. It would also save the Natives the expense of bringing their ordinary law suits into the Magistrate's Court; they would be able to go to the Justice of the Peace, and he would hear their cases.

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44,657. Have you finished with the subject Native laws and customs?—Yes.

44,658. Do you think that the Natives are fairly represented in the Councils of the State through their officers and the Governor?—Yes.

44,659. Are there any changes in their representation which you would advocate at all?—Of course, they actually have not any representation at present; they are simply under the Government.

44,660. They have not got direct representatives in Parliament, but the question I asked you was: do you think that they are represented now through the officers who are concerned to deal with them, that is to say, the Magistrates, the Governor, and so on?—The only thing is that I consider that there might be more Justices of the Peace appointed to represent them in the outlying districts. My idea is that these Justices of the Peace need not necessarily be paid officials, but they should be leading citizens in the outlying districts, who would undertake this duty for the good of the country. I do not mean that they should be appointed as permanent officials all over the country, but leading citizens, who are appointed with these powers, would be more or less arbitration courts, and have the powers of a Justice of the Peace as well.

44,661. And, subject to the appointment of a great number of these qualified Justices of the Peace, do you then think that the Natives would be fairly represented in the State?—Yes.

44,662. Supposing a time came when a great number of the Natives had reached the standard to which you referred just now, do you think they ought to have any further form of representation granted to them?—I should leave that to the future, and I could not say what that standard would be. If they really proved themselves to be equal, morally and socially, with the white man, I should say that they could claim it; but I do not know whether they will ever attain to that standard.

44,663. In the meanwhile you see no reason why they should have direct representation in the Parliaments of the country?—Not at all; they are not in a position to have that direct representation.

44,664. Also in the meanwhile what is your view as to the privilege that should be granted to those of a progressive nature in the matter of the franchise?—I do not know of any Native at the present time who could make any intelligent use of anything that was granted to him of that nature; not having education sufficient they could not apply or make use of any privilege that was granted to them in that way.

44,665. Do you mean to say that at no time would he be capable of doing so?—I do not say at no time, but at the present time I do not know anyone of whom I could say, "That man is very well qualified to vote, or to have any privilege of that sort."

44,666. If he became so advanced as you describe, then you say that he should be entitled not only to buy land at pleasure, but to have the franchise?—Our natural prejudice, which I share, is against that, but I think in justice to the individual he should be entitled to it.

44,667. Have you anything to say about the next subject: Native labour?—No.

44,668. And the next: Education?—As I have said, the Natives are in the country, and it is necessary for them to be properly educated to alter their position. It is necessary to educate the Native

so as to let him take part in the world's progress, and he must be educated to take his position in this country. I do not think it is possible to keep the Natives under their present conditions, therefore the only way to alter that is to educate them, and when they become properly educated they may become Christianised and civilised.

44,669. How would you educate them?—I should have ordinary schools.

44,670. Government schools?—Yes.

44,671. In every district, and in every village or location?—Yes. I would not have free schools, but I would make them pay a nominal sum for their children who go to those schools as pupils.

44,672. What would you teach them?—My inclination would be to teach them to read and write, and then, if possible, to teach them trades.

44,673. What is your object in teaching them trades?—That is where I think they would be most useful to the State, that is, if they all became mechanics. I think there is a natural prejudice against having them in any other position in life, and I do not think there are many people who would have them as clerks. Where they could really earn a living would be as mechanics.

44,674. So that in every school you would have a workshop?—Yes, if it was possible.

44,675. And you would turn out a population of tradesmen?—Yes.

44,676. Then, what would become of the ordinary white artisans of the country if you have got a population of Native tradesmen such as carpenters, blacksmiths, tailors, etc.?—They would just have to take their chance. If you educated the Natives to take positions as clerks, they would still compete with the whites, and I say it is preferable to let them compete with the ordinary workmen and give us their labour to letting them compete in every other line. The Native is naturally a labourer.

44,677. Are you not suggesting a system of educating the Natives in thousands which will have two results: one is that they will compete very acutely with Europeans, and the other is that they will get congested in numbers?—I do not quite understand your meaning.

44,678. If you have every Native educated to some technical trade what will he do; where will he get a living?—If he could not get employment he would have to become an ordinary labourer.

44,679. It would involve a great deal of expenditure of State money to establish industrial schools in connection with every school in the country?—Yes.

44,680. And you approve of State money being applied in that way?—No, I say they have to pay for their learning.

44,681. But the capital outlay must be on the part of the State?—Yes.

44,682. And the building and setting up of industrial establishments is expensive?—Yes.

44,683. Do you advocate that outlay?—Not to any great extent.

44,684. Generally speaking, you recognise that education, in whatever form it is given, is necessary for Natives?—Yes, it must be so in the future. At the present time, of course, when you take the Native in hand to educate him, the first thing he learns is the "freedom of the subject," and it does not tend to do him any good. But eventually all Natives will have to be educated, and they will

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have to take their place in this country along with the white man, because in the natural progress of the country their circumstances will be altered, and they will not be able to live under the conditions under which they are living now. In the future it will be necessary to have them educated in order to enable them to grasp the situation. At the present time they have no conception what will be their position in another 50 or 100 years' time, but when they are educated they will, as is commonly said, "tumble to it"; they will know what to expect in the future.

44,685. Are you, from your experience, able to state that educated boys are better workmen, or more industrious workmen than those who are not educated?—No, I do not say that at all. I simply say that it is necessary to educate them in order to enlighten them, but I do not see that there is any direct advantage other than that to be gained from it. The Native should be educated so that he himself can have an idea what his future will be. At the present time he is in a sort of darkness, and he cannot grasp the position of the country and the way it is advancing, and he cannot think what may happen in the future, in 20 or 30 years' time.

44,686. Is not enlightenment gradually setting in amongst them through those who go out and come back again?—Yes, but not to the same extent as if he became educated himself.

44,687. Is there anything further on that subject?—No.

44,688. Taxation is a thing you have written about in your answers?—Yes.

44,689. What are your views about that?—My views are expressed in the paper which I sent in to the Commission yesterday.

44,690. You consider that the present taxation in the Transvaal is too high?—Yes, as levied at present.

44,691. Why do you think so?—Because it presses most on the Natives who cannot work. The middle-aged and elderly Natives have to pay the heaviest tax, and they are really not in a position to turn out to work, and, if they did want to go to work, employers do not care to employ them.

44,692. Are you speaking of polygamists?—Yes.

44,693. Because the older or the middle-aged man does not pay any more than the younger man?—Of course, when he is not a polygamist then it does not apply to him.

44,694. It is on account of the polygamists that you say the tax is heavy?—Yes.

44,695. And do you say the same about the able-bodied man in the country?—No. My contention is that for the ordinary able-bodied man the tax is not heavy enough; I only say it is too heavy when it is applied in connection with polygamy.

44,696. Have you got a large number of Natives on your estate?—Yes.

44,697. Are they mostly polygamists?—Most of them are.

44,698. They have been polygamists for some years?—Yes.

44,699. And they pay a tax of £2 per additional wife?—Yes.

44,700. That is what you take exception to?—Yes.

44,701. But just now, in the first part of your evidence, you suggested that it was the proper thing to do to put a high tax on the second, third, and fourth wives, and so on?—Yes, but that would only be placed at the time in the form of a licence. It would not be £5 a year continuously, but it would only be applied once. As it is now a Native who is a polygamist has no choice: he has got ten wives, and he has got to pay £20 a year. In the other instance,

if a man has ten wives, he has just to pay a nominal tax, but if he wants an eleventh wife, then he has to pay a £10 licence for marrying that wife.

44,702. You would not make it retrospective?—No.

44,703. The remedy you think that is wanted in this country is some amelioration for those who, having many wives now, have to pay £2 for each wife per year?—Yes.

44,704. Do you think that should take the form of exemption, and that the man with many wives should be allowed to pay a limited amount?—I think he should pay a limited amount.

44,705. Have you reason to think that it has hit some old polygamists hard?—Yes, it has hit them very hard.

44,706. Generally speaking, then, the tax upon the able-bodied man of £2 commends itself to you?—Certainly.

44,707. Is there no other kind of exemption which you think should be given to taxpayers besides what you have described in the case of polygamists; that is to say, in the case of men who labour continuously or for long periods, do you think they should be absolved?—Yes, I think so.

44,708. That is one of the things you mentioned?—Yes, but unless there was an additional tax put upon the able-bodied man I should not exempt him; I would not exempt him from anything of the present tax. The present tax on an able-bodied man who is not married is only £2, whether he works or whether he does not. I should not exempt him, but if another special tax was put on him, then I would make provision for his being exempted.

44,709. Do you advocate another tax?—Yes.

44,710. Of what amount?—I mentioned £6.

44,711. Do you mean that every able-bodied man in the country should be liable for a tax of £6?—Yes.

44,712. And if he worked he should be exempted from it, or from a portion of it?—Yes.

44,713. What limitations do you put upon the work? First of all, how long will he have to work in order to get a measure of exemption?—I consider that every Native in this country can contribute six months' work in the year. After six months he would probably have to do his own work at home, but I think it is possible for every Native in the country to work six months out of the year.

44,714. Every Native?—Every able-bodied Native, whether a polygamist or not; every able-bodied man should work for six months.

44,715. You do not mean that he must necessarily go to the industrial centres to work, but he might work on the farms?—Yes, he might work on the farms.

44,716. And then?—I say that if he was taxed six months in the year, for every month that he worked he should be exempted £1 of that tax. Therefore, when he worked his full six months, he would be exempted from the whole of that tax, but he would be liable to an ordinary tax of 10s., or whatever the amount might be, per hut. I would not exempt him altogether from taxation, but this tax, which I would exempt him from, would be a special tax.

44,717. *Mr. Krogh.*] A labour tax?—A labour tax.

44,718. *Chairman.*] Still, it would have to be a special tax of £6 per man for which each man would be liable?—Yes.

44,719. And from which he would get absolution if he satisfied the authorities that he had worked?—Yes, if he contributed so

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much work to the State during the year, he would be exempted from that special tax.

44,720. You would give the Natives the opportunity of not working for six months out of the twelve?—Yes.

44,721. You do not hold, then, that it is desirable to stimulate them to continuous labour for twelve months?—As I have said, under present circumstances you could not apply a tax that would stimulate a Native, or in other words force him, to work all the year round, because under their present circumstances it would be impossible for him to do it.

44,722. For some, but surely not for all of them?—Yes, but the difficulty would be to have a piece of class legislation of that sort; it would be difficult to apply it to some and not to others.

44,723. Extend your views a little further than Swaziland, where every man has a considerable amount of land, and take the case where there was a large class of Natives who no longer had land, but had to depend for their sustenance upon labour only?—Yes.

44,724. They would not be obliged to work on the land for six months in the way the Swazis have to do?—If they had no land to live on they would have to work, and the only trouble they would have to go to to get work would be to write to Johannesburg.

44,725. Your idea is that a labour period of six months should carry total absolution from the tax?—From this special tax.

44,726. Which would take the place of the £2 tax?—Yes; I should have a general tax of 10s. a hut, and a special tax of £6 for every able-bodied man between the ages of 18 and 40.

44,727. And this £6 would be redeemable?—Yes.

44,728. Have you any other views about the question of taxation?—I think that embraces all.

44,729. *Mr. Krogh.*] If a Native laboured for twelve months, what further benefit would he derive beyond the exemption of the £6 tax?—I should not give him anything above that. The only thing I would suggest is that if he labours for the twelve months the other six months should be credited to the following year, and that would give him twelve months to himself. If he worked twelve months in the year, I should credit the latter six months to the ensuing year.

44,730. Would that not complicate matters very much?—Of course it would. I always think that before we have to apply such legislation it would complicate matters, and it would take a lot of arranging; but the problem is such a complicated one that it will necessarily take a lot of handling.

44,731. *Chairman.*] Whose certificate would you take that a man had worked?—I should take the certificate of the master, and of the local Justice of the Peace, or Magistrate, whichever it might be. We will say that a Native goes from one district to work for a master in another district: in that case he should have a certificate from the Magistrate of the district where he has worked, or from the Justice of the Peace of that district—the official of the district in which the master is.

44,732. So that the master and the Native would both have to appear before the Magistrate or other official?—I do not think that the master would necessarily have to appear himself if the Magistrate was satisfied with the *bona fides*, that is to say, with a note, or something of that sort.

44,733. The mere handing in of a note opens out rather wider issues, because Natives, as we know, are very shrewd in these days,

and they might buy some notes of that description, and sell them to each other, and pass them on?—That would be really a matter to arrange according to what was thought most expedient.

44,734. But it is a very important detail if it is capable of rather wide extension?—Of course, I foresee that there is room for any amount of traffic. That is where I see the weakness of this suggestion, that probably in outlying districts, or in centres, there is any amount of room for traffic, and it would, of course, take a lot of supervising.

44,735. You mean in any kind of labour: if a man went to the mines, or worked on a mine, or any kind of labour?—Any kind of labour whatever, as long as he is working for a master.

44,736. It is really reward for labour?—Yes.

44,737. Do you think that this would have the effect of stimulating industrious habits?—I think so, in so far as our own jurisdiction extends; it would not have any effect outside our own Colonies.

44,738. You have been brought up as a farmer all your life. Do you think that this would have the effect of attracting more Natives to the farms where it is said they are so short now?—I do not know if it would attract them to farms, but it would help the farmer to get a sufficient supply of labour on his farm, and to get it out of his Natives. There is a great deal of difficulty in keeping Natives on farms. They have to pay heavy taxes, and their idea is always to go to the mines where they can receive the high wage, which is only natural under those conditions. Although the Native may be working on the farm and receiving a nominal wage, he would also be saving himself from this tax, which would satisfy him. At the present time he has got to go to the best market for wages in order to pay his taxes.

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44,739. Would you give any particular relief to the farmer by further exempting the Native from taxation, or doing anything to attract him to the farm?—I think on those lines there would be nothing further desirable.

44,740. It is urged, for instance, in many quarters that in order to protect and assist the farmers, those Natives who were willing to do work on farms should be specially exempted?—Yes.

44,741. Is that what you advocate?—That is what I advocate on broad lines.

44,742. You have, indeed, written that before?—Yes.

44,743. Then your new suggestion comes along that every Native should be liable to a tax of £6, and that he should be exempted for six months' labour?—Yes.

44,744. That does not give the farmer particular relief?—It gives him particular relief in so far that it does not put any extra taxation on the Native, because when the Native has to pay an extra tax he necessarily wants extra wages. Under those conditions the Native would not have an extra tax, therefore it would not be necessary for him to have to earn extra wages to meet it. That is where the farmer would get relief. It is the same idea, only applied generally, instead of, as I wrote once before, only applying it to the farming community.

44,745. You would not single out the farmer?—No, I would not, because this meets the position.

44,746. Have you anything further upon the subject of taxation?—No.

44,747. Then the last subject is about liquor. What is your

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opinion about that?—I consider that there should be total prohibition of the sale of liquor to Natives under any circumstances.

44,748. Throughout South Africa?—Yes.

44,749. Have you seen the evil effects of drink?—Yes.

44,750. It is on those grounds that you base your opinion?—Yes.

44,751. *Mr. Hamilton.*] These polygamists that you refer to in your paper, who have to pay up to £18 and £20 a year, must be men with nine or ten wives?—Yes.

44,752. Are there many such?—A good many, especially in Swaziland, and along the eastern borders of the country. There is one man on my own property who has to pay £18 a year.

44,753. What age man is he?—I should think he is about 40.

44,754. If a Native has nine or ten wives, does it not indicate that he has some corresponding degree of wealth?—Unfortunately they have not now, because on account of rinderpest, tick fever, and the war, they have not very many cattle. That man may perhaps have £100 worth of property. He is living on our ground and he may have about that amount, but I doubt if he has more.

44,755. How many souls are there in his entire household?—He has, I should think, about half-a-dozen sons. One son has three wives; another son has two; and the remaining four I do not think are married, but they have all now got to pay their tax. They have their own taxes. One man has to pay his £6, and the other his £4, and the others their £2 each. I believe that kraal contributes roughly about £30 a year in taxes, equivalent to what the owners of the property have to pay—in fact, more.

44,756. Are you quite right when you say that the tax payable by the Native necessitates his being paid a higher rate of wage. Is it not rather that if he had not to pay the tax he need not work at all. That is one way of looking at it, but I would like you to express your views about it?—When he had to pay his ordinary tax he met that, but as soon as the tax was increased his earning power had to increase. It has undoubtedly had the tendency of raising the wages, much as with ourselves on our own property, and with our neighbours the same thing. Of course, our ordinary wages were about 10s. a month for ordinary farm boys. Now a boy has got to pay that in taxes in certain cases, like this old man's son; we used to pay him £6 a year when he had to pay 10s. a hut, and he would have something for himself; now we could not pay him the same wages. We have to increase his wages because he has to pay his tax, and then he has a few wants of his own. Of course, they have other ways of getting a little money, but I must say that since the war they have not been in a position to make much.

44,757. Are you speaking of Swaziland?—Of the Eastern Transvaal; I know the whole of that country was more or less swept by the troops and they have very few cattle.

44,758. Does the practice of "lobolo" prevail in these parts you speak of?—Yes.

44,759. Do the daughters of these much-married Natives represent any wealth to them; have they many daughters?—Yes, they have some daughters. I must say that is one evil that is being created down there now. Most of these daughters have been married on credit. There are not many of them that have been paid for; they more or less marry on credit. A man pays a few pounds or one beast, and he has the balance to pay at some future date. That is going to create quite a lot of trouble in the future.

44,760. *Mr. Krogh.*] Does a man who has ten wives go out to work?—In some cases he does.

44,761. Very few?—Very few, but I know of Natives who have gone out to work.

44,762. How does a man live who does not go out to work?—He lives on the farm by cultivating land and growing mealies and produce.

44,763. Are the farms short of labour in your part of the country—the eastern part of the Transvaal?—Yes.

44,764. These Natives might get employment from the farmers?—Yes, they do, but the Natives who are at liberty to leave the farm to go and work on some other farm always go to the highest labour market they can—to Johannesburg—they do not go to the farms. The principle that the farmers try to inaugurate there is that every Native should work on the farm. In some instances they give them permission to work off the farm, and then they go to the labour markets, Johannesburg, and other places, where they can get the highest wages.

44,765. I understood you to say that you would approve of Natives buying and selling ground?—Yes.

44,766. From whom would they buy; from the white man?—From the white man. I only mean that in the distant future, I should not think that the principle ought to be laid down that a Native should never be able to acquire land. I say that in the future, when he becomes a citizen, as good as the white man, he should have the same privileges, but not in his own present state.

44,767. Therefore you would allow him to sell to the white man?—Yes. He would hold land, and have the same title as a white man.

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44,768. With regard to educating the Native children, you say there should be schools and that the schools should be supported by Government. What would you say to a scheme if Native children were to be educated up to a certain age, say the age of 14 or 15, and when they have finished their term of education, that then they should be taken in hand and taught farming, agricultural farming, and all sorts of farming? Would not that make useful and good men of them?—Yes, I go on the principle that you cannot give the Native too much education; it does not matter in what line, whether it is simple education or by making him a useful citizen.

44,769. Educate him to read and write and read the Bible?—Yes.

44,770. And then teach him to work?—Yes.

44,771. That would make a better man of him?—Yes.

44,772. *Mr. De la Harpe.*] What is your experience, or have you had any experience of the Native whom you have allowed to leave your farm and go and work on the mines? What are they like when they come back? Are they not disaffected?—They are disaffected.

44,773. It does not improve them?—No.

44,774. They are indifferent when they come back to work for you?—Their idea after they have been up here is that they want to go back again. They want to make a convenience of the farmer in living at the farm, and to earn money at the mines in Johannesburg.

44,775. They place no value on the rights they have got on your property, to live there and to farm?—No, they have got no idea of that sort; their idea is to get the greatest benefit they can in any

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way they can. Their idea would be to live on our property, and when they wanted to work, to work in the mines.

44,776. *Mr. Samuelson.*] Do you wish this document that you have written to be incorporated with your evidence, and to form part of your evidence?—Yes, if the Commission will allow it.

44,777. Not as an annexure to the general proceedings, but to be incorporated with your evidence as part of it?—Yes.

44,778. I think you said that you approve of a reduction in the tax of £6 according to the amount the Natives contributed to the State?—Yes.

44,779. By the State do you include all employers of labour. The State only means the Government?—No, I do not mean only the Government; I mean any labour to any master within the State; any labour contributed within the State.

44,780. I do not know if you have said anything about the registration of marriages, marriages between Natives according to Native custom—polygamous marriages. Do you think or do you not, that these marriages should all be registered as a protection to the woman herself and her issue?—I think that there will be no harm in having all marriages registered, whether they are polygamous or not.

44,781. And do you think it should be made unlawful for any woman married in that way, according to Native usage, to leave her husband without some order of a competent Court?—Certainly.

44,782. You seem to be rather in favour of the abolition of the tribal system?—Yes.

44,783. Do you not think that doing so will remove one of the bars or one of the arguments that may be used against a Native clamouring for the franchise? Their being under a separate system, and separate laws, separate in almost everything at the present time, may be employed as a useful argument why they should not be placed on a voters' list, or have the rights of franchise?—Yes, I agree with that. I say while that argument is applied, it can only be applied while they are under their existing conditions, but I do not see how it is possible to perpetuate the present conditions of the communal life of the Natives. I do not see how it is possible for the Natives to remain standing still while all the rest of the world is progressing.

44,784. At what stage in their existence do you think the tribal system should be terminated?—That will be a sort of gradual process. You cannot define any fixed border; it will come gradually. We will legislate on the lines of a tendency to place the Natives under the same laws and conditions as white men, and as they attain certain standards, of course, they drift in. My idea is that in the future, a hundred years it may be, the Natives in this country will be on identically the same lines as the whites. I do not see how they are going to be left out.

44,785. Apart from any other objections which may be urged to the Native having the franchise, do you think that any Native who is subject to differentiating laws, who practises polygamy, and who adheres to Native customs and life, should enjoy the rights of the franchise?—No, I should not think that they could in any way.

44,786. Do you approve of the inter-marriage of Europeans and Natives?—No.

44,787. Do you think anything should be done to prevent it?—I should say that would always have to be governed by the individuals. I would not like to express an opinion on that.

44,788. Do you approve of autocratic political powers being vested in the Governor as Supreme Chief over the Native population?—Yes.

44,789. Which may not be enquired into or reviewed by any Court of law?—I do not know that position. I cannot quite see that position that the Governor is an autocrat.

44,790. That is to say, there are powers vested in the Governor as Supreme Chief over the Native population. Do you approve of those powers?—No, I do not think so; not that the Governor should be above the Law Courts.

44,791. You would prefer to see the Governor vested with such powers, but subject to correction by a Court?—Yes.

44,792. So that a Court might set aside or annul what the Governor had done in respect of any Native or towards a Native tribe?—Yes. I think that in dealing with Natives the Governor should be under the law; he should not be an autocrat.

44,793. Would that tend to bring the Governor or the Government into respect with the Natives if what the head of the State had said or ordered or done should be set aside by a Court?—I should not take it on the lines of what the Natives would think. I should take it on the lines of European conditions or institutions.

44,794. *Mr. Hamilton.*] I see that you state the average earning power of the Native is about £18 per year. You must be speaking of a certain limited area. You do not allege, do you, that that is the average earning power of the Native, taking the whole country over?—That is what I think would be about it, taking the outlying country districts and all the labour markets.

44,795. Take the 150,000 boys in Johannesburg, for instance?—Of course, that does not apply to us really. In those 150,000 80,000 are aliens; they are not the Natives of the country.

44,796. You say the average earning power of the Native. These aliens are only here because our own Natives will not do the work?—My intention was to deal with the Natives in the country under our administration. Of course, if you take the East Coast Natives who are working on the Rand and put them in with the average that makes the average much greater, but those are not Natives who come under our administration. I am dealing with Natives who are on the Rand and who are on the farms, who are under our administration, not necessarily every individual in the country.

44,797. This is dealing with the earning power of the Native and comparing it with his taxation. The earning power of the Native is what he can earn. It is not necessarily what he does earn by remaining at certain occupations which he prefers, but it is what he can earn in the country if he likes. Now, there are 150,000 Natives within the Rand area here, all earning much more than £18 a year. The average is higher than that. The best of them earn, I should think, three to four times that?—Yes, but I think I am right in saying the earning power of the Natives as they come under our jurisdiction. All the Natives of the Transvaal cannot come and work in the mines; most of them, or a great proportion of them, are on farms. Just the same as with the whites of the country; they could not all go and work at the mines. I take the Natives who are at liberty to go to the mines and average with those who are not in a position to come to the mines. There are thousands of Natives who cannot come to the mines if they wished to, because they are living on farms under different conditions, condi-

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tions that make it impossible for them to come. All the Natives that we have in the Transvaal cannot come to the mines. Therefore, my idea was, in proportioning those who can come to the mines and those who cannot, that that would probably be the average. I do not think it would be fair to take the 80,000 Natives from the East Coast and say there is another 80,000 there which could be filled up by Transvaal Natives, because they could not come if they wanted to.

44,798. In general, when you make this statement as to the average earning power of the Natives being £18 per year, you really mean the average earning power of the Native on the land?—I do not think so, because the average wages on the land are not that. I do not think they average more than £12 a year.

44,799. What is the next highly-paid occupation? What is the other occupation for which they can earn more than £12 which brings it up to £18?—There are the household boys, drivers, and all boys employed in towns, and also the proportion that can find their way to the mines.

44,800. What do you reckon the house boys get now?—In Ermelo district they get about £2 a month; some of them only get 30s., but I should think the average would be £2.

44,801. On the Rand here people give up to £4 a month for the ordinary house boy and £6 or £7 for a driver?—Yes. I may not be quite right there. I have no data to go on. It was simply my impression.

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AFTERNOON SITTING.

Mr. Howard Pim, examined.

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44,802. *Chairman.*] You have been a great many years in South Africa?—About 15 years.

44,803. I think you have studied Native questions and written upon them?—I have taken a great interest in them ever since I landed here.

44,804. Have you had opportunities of comparing the status and condition of the Natives when you first knew them with what they are to-day?—Not at first hand.

44,805. You recognise that they are going through a process of evolution and change?—Very much so.

44,806. And that there is a manifest progressive tendency being displayed by them?—By them and towards them.

44,807. Have you in your mind any impressions as to what should be the functions of the State towards them during the course of this evolution?—I think it is impossible that they should be left to themselves; they would naturally relapse. That view would be supported not merely by experience in this country, but I think in every other country that has had to deal with the negro races, so that constant supervision would have to be exercised to give them any chance of developing.

44,808. And how do you think that the supervision of the State can be best directed?—By means of picked men—but perhaps I do not quite follow your question.

44,809. Do you go further and say that in order to bring about proper supervision there should be a sufficiency of men?—Certainly.

44,810. Because if left to themselves too much they would relapse?—They would relapse. Of course, the number would be a question of organisation.

44,811. But, in addition to supervising them, does it appeal to you that the State has other functions, namely to aid them in certain ways?—I think it would be more supervision of institutions than a supervision of people. It would seem to me to be certainly the function of the State to organise the negro community or communities on lines which would give the Native his best chance.

44,812. That is by affording him, if he desires it, the opportunities of education?—Certainly afford him opportunities for education, but I think before that comes about the really pressing matter, the matter to be first settled, is as far as possible to define his relations with the land, to give him, wherever he is ripe for it, some definite interest in the land. Then give him some control, as is done in the Transkei districts, over his own government, and as much as possible encourage him to work out his own salvation.

44,813. That is to say that the old communal system, having served its purpose, should, as the Natives progress and advance, be displaced by something else?—Yes. In the first place you must remember that that grew up under an absolutely different social system to what exists to-day. When the country was in a state of disorder and no tribe knew really whether it would keep any piece of country very long, obviously there was very little inducement to the individual and very little to be gained by him from having any definite stake in any definite place, but since the introduction of what I may call the white man's peace, the conditions seem to me to have very much changed, and the communal tenure which may have been the best in an uncertain state of society does not continue to satisfy. To change it now is only a natural movement to give the Native more definite tenure in a more settled state of society. Then, again, I think I am right in saying that not only within the Cape Colony but also in the Transvaal, the amount of land available for cultivation, if cultivated under communal tenure, is insufficient to produce the necessary return, consequently some other form of tenure under which the land can be induced to give better results is required. You are forced into making some change.

44,814. Do you think that individual tenure is the kind of tenure which would meet the case?—I do not know of any other alternative, and I understand that in the working of the Glen Grey Act and the corresponding Proclamations, there is much encouragement to the view that it can be successfully applied—I do not say to every tribe, but to the tribes that are ripe for it.

44,815. Have you in your mind an idea of the fit moment when it might be useful to change the system? I mean by that do you think that the change should be governed by such a thing as the improving conditions of the Natives themselves or their having arrived at a certain standard?—One thing that would decide the moment would certainly be the friction that arises as soon as the land under communal tenure becomes insufficient for the wants of the inhabitants. I think the Surveyor-General in the Colony laid it down a good many years ago that there should be actual desire for individual tenure, an actual claim to individual tenure, before it should be granted. Whether it will be necessary to wait as long as that I do not know.

44,816. There should be a demand for it?—Mr. De Smit laid down that there should be a demand for it.

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44,817. That is that the people should have reached such a stage of development that they saw the advantages of it?—That they saw the advantages of it and wanted a similar stake in the land and a similar ownership in the land to that owned by the white man.

44,818. Do you think that to give Natives individual tenure would be giving them something that would tend to better them?—In the first place it would give them a definite place in the country where they could get their property round them and make their home. It would give them a definite ownership. There would also be certain responsibilities in connection with financial transactions which would tend to educate them.

44,819. You think it would teach them at the same time that they have come to the limit and that they have to produce from that limit more than they used to, and in more economical ways?—That is a matter in which the extent of the grant, whatever it might be, would come into play. If the grant were, for instance, limited on the Glen Grey system then, of course, they would have to produce from that area of land at least sufficient to supply their wants and pay their rent.

44,820. Or supply their wants from other sources?—Or supply their wants from other sources if they had other means of livelihood.

44,821. Do you think that the time has come now when the land has become so narrowed that the Native population should learn that they must supply their wants from sources other than land?—If their obligations were defined, that would directly tend to make them look about for other sources of supply, especially if the facts compelled them to recognise that the way in which they lived in the past would fail to supply them with sufficient to meet their wants.

44,822. What I mean is, that in the past it was their habit to believe, and indeed to know, that so soon as one piece of land was worked out, they could go and get more by asking for it, or, as soon as their children grew up to a certain stature, they only had to ask for land on which they could live and thrive. Now as the land has become so circumscribed that there is no more to give out to them, do you not think that the mass of Natives should learn that the land is not the only source from which they have to seek their living?—Yes. If you were to lay out any district in plots, and grant it, we will say, to the individual heads of families to-day, as the young men grow up daily, it would seem to me not at all unreasonable to go back to the old Zulu system, and tell these men, "You cannot become land-owners until you have done certain work for the State," and in this way lay down the price they should lay in labour for the land which in this way they would acquire later on.

44,823. At the present time, in nearly all the Colonies of South Africa, there is little, if any, more land which Government has the power to give out to Natives. Do you think the Government should acquire land with a view to making further generations of Native farmers?—It does seem to me that a stable Native society can only be built up on a land basis and with a definite and close connection with the land, but at the same time there is no reason why this labour force, which would be available in a very few years, should not have some of its labour devoted to carrying out works which would bring more land under cultivation. It is quite possible that there is land to-day unsuited for cultivation—surely there must be

such land—which by labour, irrigation works, and other works of similar public utility—could be brought under cultivation.

44,824. Do you mean to say that the Government should provide the capital for that?—It seems to me it would be an extremely good investment of capital, but seeing that the men themselves would be working not at full wages but for smaller sums plus a grant of land, in the future, I think it is a question whether much capital would really be required.

44,825. Still, in order to provide means for bringing a greater quantity of land under irrigation, a considerable amount of money must be put up?—Certainly.

44,826. Then, if you take an area where there is a density of population, and a lot of land tnat cannot be cultivated, and presuming that the Government were to make that land cultivatable, do you think the Natives themselves should supply the interest upon the capital that is laid out?—I suggest that the improved land should be let to them afterwards for a definite rental. The amount of that rental might be based upon the interest upon the capital invested. Probably it would cover a good deal more than the interest.

44,827. Then you come to the next question as to whether Natives, being allowed to have this land in locations, should pay rent, which they do not now do?—They are now taxed per head.

44,828. They pay a direct tax?—Of course, the Natives' capacity for taxation is not unlimited.

44,829. Supposing some such system as you suggest were adopted, of giving them individual tenure, do you think that they should do as the white settler has to do, and pay rent to Government?—That would be my idea. They receive certain protection and certain benefits from Government and for these the Government would be perfectly entitled to claim payment.

44,830. Are there any other ways in which, as you state, the Native problem is bound up with the land question?—Different forms of land tenure may be introduced in different places, but the whole of Native policy seems to me to centre round his relation to the land. A definite settlement of that on sound and practical lines would seem to me to give the Native a position which would enable him, as I said before, to work out his salvation on his own lines, and it seems to me inexpedient and unpractical for the white man too closely to dictate to him what these lines should be.

44,831. Presuming you were able to establish in any Colony an individual system of land tenure, what obligations would you attach to it?—I would see whether experience had shown that the Glen Grey obligations were suitable, whether they led to friction, and I would be very largely guided by the result obtained under this Act, checked by any experience there might be available elsewhere.

44,832. So that you would adopt the principle of the Glen Grey system in so far as it was found or proved by experience to have been good and sound?—Yes. For instance, what I suggested with regard to the young men as they grow up, having to do work for their land, might, if found practicable, take the place of the labour clauses in the Glen Grey Act, which I understand have not been found workable, imposing the labour tax in that different way which there is Zulu precedent for thinking might be successful.

44,833. You are speaking of a labour tax, and have alluded to the fact that it was pronounced by a certain Colony to have been not altogether a success. Can you suggest a form of labour tax, or

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a form of exemption from taxation of any sort, which might be usefully applied?—That is the form that I suggest, a definite agreement, and, after certain labour had been done, an allotment of land.

44,834. You would make it a condition of an individual holding that the candidate should have performed a certain amount of labour. Do you mean a certain number of years?—Possibly a certain number of years. I do not mean in the first instance, at the first institution of the tenure, because, as I said before, I think you would have to allot land to the present heads of families without any labour tax. But, when you come to dealing with the young men who are growing up, it seems to me that you might ask them to do work—to buy their land, in fact, in that way. Of course, there are many historical precedents for such an arrangement.

44,835. What are you alluding to?—What I had in my mind at the moment was the case of the Roman terms of military service, of which it was a part that after a certain number of years, usually, I think, as many as 20, the legionary got his plot of land from the State.

44,836. A similar system to that which they had for the early military settlers out here?—Yes.

44,837. Take an old-established Colony like the one we are in, where Natives have been paying taxes from year to year, and where perhaps the people are not ripe for any violent changes in land matters; do you think it would be a wise and politic thing to exempt Natives from taxation on account of being industrious and labouring continuously?—I think the Glen Grey precedent renders the success of this policy seem doubtful. The Native labourer will derive the benefits he expects from his work, and probably the mere fact of uniformity will give him a confidence in the Government of more value than any graduated scheme of taxation. The rent of the landholder, for instance, will have to be settled on a defined basis. If I may take the precedent, we will say, of India, there a certain amount, over and above the average produce of the land—I mean of a money value equivalent to the produce of the land—is allowed each tenant to cover his ordinary luxuries, but after these are provided for the difference between this total and the average annual value of his produce is taken as rent by the State. His rent is fixed on that basis. His cost of living is taken first; to that is added a certain amount in respect of luxuries; the total of these is deducted from the average produce of the land, and the difference between the two is taken as rent.

44,838. So that the more a man worked, the more he would have to pay to the State?—No, the rent fixed is always based upon the average industriousness, and the average capability of the tenants in his district. It is quite true that, as between district and district, a more industrious population has to pay more rent, but the rents of each district are fixed on a scale which is as far as possible made to represent what the average man in that district does.

44,839. That appears to me to be rather a penalty upon the industrious man?—I do not think that it is a penalty on the industrious man, because the industrious man, once he has paid his rent, which is only calculated on the average produce of the ground, has the whole surplus for himself. It is not as much a tax on the industrious man, as, for instance, the Metayer System, or any system of sharing produce.

44,840. Except that you said the balance went to the State?—Perhaps I have not made myself clear. I do not mean the actual balance; I mean the average balance.

44,841. *Mr. Hamilton.*] The estimated balance?—The estimated average balance.

44,842. It is fixed over a long term of years?—The rent is only subject to revision at intervals of years.

44,843. *Chairman.*] So that the balance is more or less defined?—The balance is not defined, but the rent is absolutely defined. The rent is a definite sum arrived at in the manner mentioned. Those are the data on which they work.

44,844. You could scarcely do that with labour. You could not divide up labour into those various quantities, could you?—That would only apply to landholders. You asked me if I thought the taxation on land should be withdrawn.

44,845. No. If the taxation on the Natives should be exempted?—I can see no reason for withdrawing taxation on the Native. He gets the benefit of good government and of his wages. One could easily overtax him, but I can see no reason for withdrawing fair taxation.

44,846. As an inducement to labour, as an inducement to go upon the land where he is really wanted, I ask you, do you think it would be a politic measure to exempt those who had proved beyond any doubt to the State that they had done a certain amount of work per annum?—The best form of inducement would be, I think, to give them this grant of land after they had satisfied the State that they had done their amount of work.

44,847. Then you come to the end of your tether in land, you have no more land to give them, or perhaps you are dealing with Natives living in places other than locations, where there is no land to give them?—Then they cannot get on the land, and if they are living as part of an industrial society, which would be the alternative, then, I take it, they could be taxed on the ordinary basis—the usual compromise between the principle of benefit and equality of sacrifice.

44,848. It has been suggested at various times that a tax should be leviable upon the whole community, but if men worked it should not be collected—they should be absolved from it?—I do not see why any different principle should apply to the coloured man than applies to the white man. The white man is taxed whether he works or not.

44,849. Are there any other ways, in your opinion, in which the State should be concerned to aid and encourage the Native in his development?—Of course, there is the question of education, and then, as almost part of that, there is the question of his political position, which is a thing I want to treat separately. I have tried to find out what the position really is with regard to the negro in the United States in the matter of education. A very large majority of the schemes started there seem to have failed. Of course, when you start the Native under new conditions, he has to get accustomed to them, and to what his real wants are, and can only very gradually emerge; so, to lay down any hard and fast rule as to exactly what the Government should do for education, especially when Native communities are being started on new lines, would be to my mind practically impossible. The nature of the education to be supplied must gradually evolve. The Native will himself gradually find out what he wants.

44,850. Well, presuming he found out he wanted it, do you think the State should bring it within his reach, or should it be left to private enterprise?—I do not see how the State could get out of its

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responsibility in the matter. The State would have taken charge of these Natives, consequently anything which affects their development, it seems to me, ought to be, at any rate, subject to State regulation, and possibly subject to State control.

44,851. The Natives being the wards of the State, do you think that the State should provide schools if the Natives demand them?—Yes, and I see no reason why, as far as I have been able to arrive at the figures, there should not be ample funds for these schools obtainable from the Natives themselves.

44,852. Do you mean that wherever they ask, they should be replied to, "We will do it provided you will contribute," or do you mean that it should be done out of the existing taxation?—Of course within reason, and subject to the funds available.

44,853. It is an obligation of the State?—I think you may almost say so.

44,854. Then, proceeding further on this education question, have you formed any ideas as to the conditions under which that education should be governed; that is, the form the education should take, and the amount that should be given?—That again raises very difficult questions. You will have to make up your mind as to the extent to which you will permit or encourage the teaching of Natives by Natives. If the teaching is done by Natives to any large extent, it is obvious that you will have to have, at any rate, some schools of a very high class, to enable you to turn out those teachers; otherwise your whole education system will break down.

44,855. Then, if the State took such a matter as that in hand, it must have an object. It must have a standard at which it is aiming. What is your idea of the standard at which the Government should aim in education?—I think the standard would really settle itself. You would have the exceptional man arising who would raise that standard, but the great majority would accept what was given them, like the great majority of a community of any other race. The standard should be what best fitted them for the conditions under which they live. I do not see that you can beforehand fix a standard for the Natives, any more than you can do so for ourselves; indeed, not to the same extent, as the conditions under which they live will probably change so much.

44,856. Yet the Natives cannot be compared to the white men in that respect, because the struggle for existence amongst the white people is much greater, and they have at a much earlier age to leave their education and go to work for their bread. Now, if the Natives, who are not placed in that position, and who have not to struggle at so early an age, desired to go on to higher standards, and the education was provided for them, would those standards, if they got them, be useful?—There again, would not the matter to a large extent settle itself? If a Native community wanted further education, and was willing to pay for it, I see no reason why it should be refused them. But certainly I see no reason why the Government, beyond a broad and simple education, should be required to provide it.

44,857. That is the point: You would recommend the granting, if they demanded it, of an elementary education, that is, the granting of facilities?—Yes, the granting of facilities for elementary education; after that they should provide it themselves, under Government advice.

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44,858. Is there anything else upon the subject of education that you hold views about?—I try in every way to look on this from the point of view that the Native will have to evolve his own system and his own standard in the long run. All that can be done is to start him on right lines, and, as far as possible, keep him there. But the actual lines on which he will require developments must lie very much with himself.

44,859. Under no circumstances would you suppress his natural efforts to evolve himself and to rise?—I do not see how you can do so without serious danger.

44,860. I mean you would not make the attempt?—Certainly not.

44,861. Now, do you think he is fairly and fitly represented in the Councils of the State in South Africa?—That is another difficult question, and here I should rather like, if I may, before giving my views, to call your attention to two different schools of opinion which have grown up amongst the negroes in the United States. They are very distinct, and for each of them there is a great deal to be said. The first party is headed by Mr. Booker Washington, whose name you doubtless know; and there is another party, and the book from which my information comes is written by a member of this second party, a Mr. Du Bois. He states, "Washington's programme practically accepts the alleged inferiority of the negro races. He distinctly asks that black people give up, at least for the present: (1) political power; (2) insistence on civil rights; and (3) the higher education of negro youth; and centre all their energies on industrial education, the accumulation of wealth, and the conciliation of the white South." To this Mr. Du Bois replies, "Is it possible and probable that nine millions of men can make effective progress if they are deprived of political rights, made a servile caste, and allowed only the most meagre chance for developing their exceptional men?" The second party "feel bound to ask for the Native three things: (1) the right to vote; (2) civic equality; (3) education of youth according to ability." They are "absolutely certain that the way for a people to gain their reasonable rights is not by voluntarily throwing them away and insisting that they do not want them; but the power of the ballot we need in sheer self-defence, else what will save us from a second slavery?" Now, these two views are diametrically opposed, but they both of them go on the theory of the negro as a full citizen in a white State. Washington says, "Postpone that ideal," and the other man says, "You cannot postpone it; postponement means its final loss"; but they each go on that theory. Where they both seem to me to fail is in this assumption. The central fact of all Native policy must be that there is this difference of race. Nothing will gloss that over or conceal it, and it is quite impossible to ignore it. Once admit that fact, and it seems to me a necessary conclusion that you cannot give the Native his full rights as a citizen of a white State. At the same time there is not the least reason why he should not have the maximum possible rights, as a native among natives, and that is another reason why I would advocate his being formed into more or less separate communities. There is no reason why he should not have the maximum possible rights within those communities to govern himself and to develope himself.

44,862. *Mr. Hamilton.*] You mean as a separate people?—Practically, and under white supervision, where the picked men in charge would, in ordinary circumstances, be the means of communication

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between the Native community and the central Government. I cannot see anything but disorder and trouble arising for both parties if the racial differences are ignored. They are not confined to differences of colour; the racial differences of mind, without doubt, are quite as great.

44,863. May one put it this way: that the development of the Native race does not in any way depend on, but may in fact be retarded and spoiled by, attempting to amalgamate him with the white race?—Certainly; it seems to me the very worst policy you can adopt towards both races; and will prove equally detrimental to both.

44,864. *Chairman.*] What do you include in the expression "maximum rights"; do you include any form of representation?—Yes, of which you see the germ at Glen Grey, in the District Councils.

44,865. But there is a further hidden germ there, because the man who has those holdings in the Glen Grey area has also the right of voting with the white man?—You mean under the general electoral law of the country?

44,866. Yes; he has the qualification, which this holding more or less enables him to get, and then he has the right of voting for white members in that Colony?—I know; and I cannot see that that is for the benefit of either race.

44,867. I want to get back to those maximum rights. Do not the maximum rights, which you say the man ought to have, entail some form of direct representation—I do not necessarily mean by sending one of his own colour to Parliament, but representation of some form or another in Parliament?—Is not the analogy of the Crown Colony somewhat close? Perhaps I used too strong a word in saying "maximum." I am not prepared to admit the principle of full representation in Parliament. He would be in direct touch with the Government, of course, but through the Magistrate or some other official.

44,868. Of course, we presume that he is to-day represented, first of all through the officer that lies nearest to him to the one above him, then to the Magistrate, then to the executive head of the latter's department, and eventually to the Governor and to Parliament; he is represented through these various officers in the Councils of the State. But I want to get a little further, and to ask you whether you can see a time coming when a great number of Natives will have reached a higher level, and when it will be necessary to give them more direct representation, such as was found necessary in the case of the Maories in New Zealand, where they were formed into electoral constituencies of their own, and were allowed to elect representatives of their own choice? That is one form of constitution which we have before us as an illustration?—The Cape Colony is the only part of South Africa where the Native has a vote, and I cannot say that I have thought out any scheme of that kind. It seems to me premature.

44,869. You have not given this matter your consideration; still, it is a matter of very grave consequence in its way. Do you think that the Natives ought to be represented, if not by an electorate of their own, then by persons nominated or appointed by Government to especially represent them?—I take it that these supervising officers, or whatever title they might have, would be the natural people to represent Native views to the Government; that is, officers in charge of Native districts.

44,870. You think they would sufficiently represent them?—Yes.

44,871. For all time?—I could not say that; at present I see no reason why this representation should not be sufficient. Of course, circumstances might arise which would prove that it was not.

44,872. Well, supposing instead of 10,000 Native voters in any particular Colony in South Africa, that six months later, by means of education and other qualifications, that list of voters could be trebled; would you see in that a menace?—As I said before, I do not think it is wise to give the Native full political rights in a white community.

44,873. Yet where it exists there is a political problem?—Where it exists there is a very difficult political problem.

44,874. It is that I am asking you to centre your thoughts on for the moment: the problem arising out of that position?—We have to accept facts, but I would certainly not wish to see the number of Native voters in any way increased.

44,875. You cannot take away the franchise where it is already constitutionally granted, but it may be possible to arrest a growing evil?—I think it is in the interests of both races that it should not continue.

44,876. It was for that reason I was asking your opinion as to what would appear to you to be the best method of dealing with the problem?—The natural way would be to allow the present voters to die out, and to give no further voting privileges.

44,877. Then the Constitution requires alteration?—To that extent.

44,878. Now, upon that subject, is there anything you would like to say?—No.

44,879. Is there any other of this list of subjects which I have not asked you about, and which you hold particular views upon?—No.

44,880. *Mr. Thompson.*] Mr. Pim, you realise that the two races must be kept separate?—Yes.

44,881. As a fact, in one of the Colonies there exist a good many Native voters, exercising from 5,000 to 10,000 or 15,000 votes?—Yes.

44,882. You suggest that these shall die out, but in the meantime how would you circumscribe their political power? How would this scheme do: Where there are a given number of voters in a particular Colony, let that whole Colony be made one electoral division for Native voting purposes, and say to those coloured or black voters, "The Constitution is now so altered that you have one, two, three, or four members to represent you; you shall cast what votes you have for or against those representatives." How would you view that scheme to meet the present difficulty, that is, the fact of the Native voters already existing?—They have been granted a certain privilege, and to adopt such a scheme would be a distinct curtailment of that privilege, I take it.

44,883. In what way?—In this way: I take it they might influence a good many more elections than the three or four members which you would allow them. For that reason I say it would be a distinct curtailment of their privileges.

44,884. Would it not be a curtailment of their privileges if you altered the Constitution so as to take those privileges away from the coming generation?—Yes, with regard to the coming generation, but not with regard to the individual voter of to-day. Your suggestion is that the Native population of a Colony as a whole should have a certain number of seats in the House?

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44,885. Yes, white members. Taking the Cape Colony, the scheme I propound would mean that the votes of Port Elizabeth, Kimberley, Cape Town, and other places, on a given day should be cast for or against their own chosen members. Would that scheme suit you, realising the position that exists?—It might be a practical solution, but I should prefer to see them outside the House altogether, and having no direct representation in the white House. I think that is the logical, though it may not be the practical solution.

44,886. You have no solution to offer for the existing difficulty—if it can be called a difficulty?—At the moment?

44,887. At the moment?—The question is, what would rouse the least discontent, and certainly, to give them, as you say, a certain number of members in the House is a very reasonable compromise. I am supposing that the number would be adequate, and I think it would be a very fair way of meeting the difficulty.

44,888. Taking into consideration that at present they have no direct representation to voice their matters?—They have as direct representation as you or I have, as individual voters in the Colony.

44,889. As regards their influence?—Yes, by means of their influence on the elections.

44,890. The compromise would be really giving them something substantial?—That would be a very genuine and a very real compromise, substituting for an uncertain and varying influence over elections a definite number of members in the House.

44,891. And you would suggest that after a given number of years—so I take it from your evidence—the future generation would cease to vote at all?—If both parties were to agree upon that compromise, it would have to be final; you could not alter it afterwards.

44,892. *Mr. Campbell.*] Do you think that Mr. Thompson's suggestion would be a good way out of the difficulty, that is, giving them two or three members to represent them in Parliament, voted for by themselves?—Yes.

44,893. And you realise that these people ought to be represented, considering their number?—I consider that they ought to have direct access to the Government through some representative; it is more difficult to say whether it is necessary to give them direct representation in the Houses of Parliament.

44,894. *Mr. Krogh.*] Would education be enough to raise the Native out of his state of savagery in a single generation?—I think all history goes to disprove that.

44,895. It took the European races some thousands of years to come to their present state of civilisation?—Certainly; and the Native is a case, of course, of arrested development. The Native has not developed at the same rate as the white races.

44,896. And now he has the example of the white man before him, whereas we, the European races, had not the advantage which the Native has?—No, and that is what prevents our forgetting, or indeed compels us to recognise, the enormous difference between the two. The white man has created this record for himself, while the Native has no such record to show. That is why one tries to advocate so strongly that the lines of his educational development should be, as far as possible, left to himself to settle, because, if there is to be any real development, it must be on thoroughly natural Native lines, and not on white lines.

44,897. Do you not think that we are inclined to force the Native's development too quickly; instead of allowing the evolution

to go on gradually, we are trying to force him through education and one thing and another?—It may be so, but that will right itself, because anything that he cannot assimilate, anything that he cannot make part of himself, will disappear, and he will be found upon the platform that he has himself stepped on to and nothing higher.

44,898. *Mr. Hamilton.*] You have not been asked your views about the sale of liquor to Natives; are you in favour of the total prohibition of the sale of liquor to Natives?—I know the great advantages of that, of course, wherever the labour problem is affected; whether there are corresponding disadvantages I really would not like to say; in all probability there would not be any.

44,899. *Prima facie*, there are, in your opinion, advantages from all practical points of view, and you are in favour of keeping the Native from having liquor?—Yes.

University of Fort Hare
Together in Excellence

Cape Town, Thursday, 3rd November, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.	Mr. Krogh.
Hon. Mr. Campbell.	Mr. Stanford.
Captain Dickson.	Mr. Thompson.
Mr. De la Harpe.	Mr. Sloley.

The Reverend Dr. James Stewart, examined.

Rev. Dr. J. Stewart, (Superintendent, Lovedale Mission Institution).

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44,900. *Chairman.*] Dr. Stewart, you have been a great many years in South Africa?—Yes, it is forty-two years since I landed in Cape Town, though I have not been all that time in South Africa; at first I went to the Zambesi.

44,901. You have been largely engaged in the matter of education?—Yes.

44,902. During all these years that you have spent in South Africa, are you able to form any comparative estimate of the status and condition of the Native to-day, compared with what he was when you knew him first?—I think there has been very great progress.

44,903. How would you say that that progress was illustrated?—By the decrease of heathenish customs; by the use of the plough instead of the hoe by women for cultivation; by the disappearance of the old custom of ox races, the oxen being now used for working the land. There is also a marked advance in the adoption of clothing and of civilised habits; in the increase of churches and schools; and there are many other indications. We notice the improvement in individuals—the improvement of the mass is much more difficult, because the mass must move altogether; but there is no doubt as to the improvement of the individuals. If we take it in the matter of education alone, at one time not a penny was paid for education at Lovedale, whereas the Natives are now paying £5,000 a year. That indicates progress and ability and willingness to pay. It also means labour of some kind thrown into the market, or stock or grain produced, for they could not get the money by lifting it off the road.

44,904. Has that progress to which you refer, in your opinion, been made naturally?—I think it is natural. No doubt there is along with it, as along with all progress, qualifications, things that take away the complete satisfaction that one would have. I am referring to developments among the younger men. They, if a little better educated, are not quite equal to the older men in steadiness and sobriety of judgment; they have an excellent opinion of themselves, an opinion that is not justified by what they are able to do. But otherwise there is no doubt about the progress, especially among the women, who are in every way better off than they were 30 years ago.

44,905. Is that want of stability to which you refer incidental to the change?—I think so. People moving out of an old stage into a new one are apt to be a little confused, and to think sometimes that they are better and more advanced than they really are. By want of stability I mean the absence of that good common-sense that belonged to the older generation, who took a soberer view of things. I am referring to Native newspapers and to the views of leaders of the Young Native Party.

44.906. Still, it might be a natural stage in the development of any people?—Undoubtedly. I do not blame them. I wish to speak kindly about them, but I regret it is so, and I think that they might do better, be soberer and more accurate in their judgments, and have a more moderate opinion of their own abilities.

44,907. To what, in your opinion, is this progress due?—To three things mainly. Of course, all upward progress should have a moral element or impulse. It is due to the influence of religion and education and contact with civilisation; all the three have operated. And if we take a theory of the present day, that of Mr. Benjamin Kidd, as to the influence of religion on race development, we shall have to admit the influence of the teaching of missionaries very largely. When a man becomes changed morally, he begins to improve. He has got some stimulus, because the springs of action are touched. We notice this always with the numbers of Natives that pass through our hands. Whenever moral decay begins it is all waste effort; we have lost our labour.

44,908. And then, admitting this progress, how do you think that their progress in future should be directed?—Do you mean by the State, by the Government of the country?

44,909. Yes; or do you think it should be directed?—Yes; they should be encouraged to go on in all right and sound development, helping themselves to secure education, to become industrious, and to use what rights are given to them judiciously and moderately, and not to go over a certain line—by self-assertion and ridiculous claims—simply because they have been brought into a new state different from the old one and better.

44,910. When you speak of their using the rights that are given to them, to what rights do you refer?—I am referring to the Cape Colony right of vote, and many of them have the same rights as we have. I do not refer to social equality. That is the point where a difficulty occurs, and that is what they are so anxious to secure, and which is a delusion on their part. I mean just the general rights they have as citizens of the British Empire, a great inheritance of itself. The minor disabilities of which they complain and which are peculiar to a transition state will gradually right themselves.

44,911. And do you think they have exercised those rights well and are capable of exercising political rights?—Taking one of them, the franchise, up till within eight or ten years ago, I think all the older men exercised that judiciously and soberly. I referred a few minutes ago to certain developments among the younger men which have disappointed many of their friends. They seem to have suffered from a lapse of political or historical memory, and to have forgotten what Englishmen did for them and are still doing. That, I repeat, is true chiefly of the younger section. I think the body of the Native people are as loyal, sound, and sensible as they used to be. Still, there is a party that is disposed to go to extremes, if one may judge from their Native newspapers and from other indications.

44,912. And do you think there is any better form of political representation that might be given them than they now have?—You mean than voting in the European constituency as part of that constituency?

44,913. Yes?—If I understand your question aright, it is that they should have representatives—black or white—for themselves, and that they should vote in large areas or circles. There is that

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alternative. That, however, might only shift the difficulty to another region, because if they are utilised for party purposes in the electoral areas they could more easily be utilised in a smaller area.

44,914. You would approve of separate representation for the Natives in circles?—I think so, and it should go so far to satisfy them. There is something of the same kind in New Zealand.

44,915. That system, then, would commend itself to you?—Yes, within proper limitations, of course.

44,916. So it would be necessary to limit that representation?—I think so, population and its certain increase, as well as the imperfect stage of civilisation as yet reached, being taken into account.

44,917. Upon the subject of education, we would like to hear your views as to the influence that education may have had, and the character of the education which should best be given to the Natives?—I think only one answer can be given to the first part of this question, and that is that the influence of education has been beneficial. Where it has not been so, the fault lies not in education, but in the disposition of the individual. I think that is true all the world over. The Native may, as every man in the world may to-day, use his education well or abuse it. That depends wholly on himself. But education has not inherently any tendency to deteriorate the man morally or mentally, nor, unless he is over-educated, to take away from his power to work. In the case of the Native, I do not think that has been done, although there is a widely-spread impression to the contrary. The influence of education, I think, may be taken to be wholly good. It would be somewhat strange if it were to act on the African in an opposite way from what it does on other men. There is the general charge against the educated Native, but that must be taken up separately.

44,918. What is the standard which you think should be aimed at in educating the masses?—I should say that Standard IV. would be a sort of natural level. But that is not to be interpreted as expressing the entire range of Native education. There is a line or standard for the ordinary mass, but outside of that mass, here, as in every other country, there are always a few proportionately who want something better. For them there ought to be a considerable continuation of the same line, or a course running on parallel lines. If I am not anticipating too early, or expressing views that I ought not to express, I should hope that the outcome of this enquiry will be to provide this continuation in the shape of better or higher education, by whatever name we may call it, to some small extent, at any rate. Even the ordinary workman, the man who is to be trained, let us say, as a mechanic, needs some education. You can make nothing of a lad who cannot read. You cannot send him to cut up a 20-foot plank into so many lengths of 4 ft. 6 in., unless he understands arithmetic. If he does not understand arithmetic, you must measure the plank yourself. A little ordinary education developes the intelligence of the man and his efficiency afterwards as a mechanic, whether as carpenter, blacksmith, printer, or other trade.

44,919. You referred to two parallel lines of education, one for the masses and the other for those who desire to go forward?—Yes, either parallel or one a continuation of the other.

44,920. For the first line, of those who either require or desire to be educated, up to what standard do you think they ought to go?—Of the ordinary mass?

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44,921. Yes?—Up to the fourth standard. A small number only will go on to the fourth, but they ought not to be prevented or discouraged from going further, because it is only when education, like many other things, has reached a certain stage or degree of completeness that it becomes really useful.

44,922. Then how do you think that that education should be given? Do you think that the State should give it, or that it should be, as now, a matter of private enterprise?—The State should educate the people. I do not know how far this principle may be held by the members of this Commission. Many men now hold this view, that it is as much the duty of the State to educate as it is to administer justice, to provide defence, or perform other functions belonging to a Government; that is, speaking broadly and generally.

44,923. You refer equally to black and white?—Yes, I refer equally to black and white. The black children and the white children are the *protegés* of the State, its future subjects, the men and women of a day close at hand.

44,924. Do you mean that the Government should establish State schools everywhere?—I mean that there ought to be something done by the Government. I am not referring to the detail or the method, but to the general principle of aid. I think that the State should support Native education to some extent, to a large or proportional extent. The question of free education or compulsory education, and details about schools and grants and so on, may be left out of account at present. I am referring to the general principle. If that is granted, then the rest is a matter of adjustment. If the State fosters higher education for the whites on the ground partly of taxation and partly on the ground of sound principle, it might be reasonably expected in British countries to do the same for the black population—not to the same extent probably, but to some extent. This should apply to what is called higher education as well, and by which they would get the chance of a better education than the fourth standard. There is a strong movement among the Natives now for this better education, and on the pretence that we are not offering facilities for this higher education they are going to America and elsewhere to get it, as the Commission probably knows.

44,925. Then how could this higher form of education be best brought within reach of those who desire it?—The number fit for it is not very large as yet. The number that matriculate in ten years is triflingly small. They make complaint against us at Lovedale, which is the only Native institution where they can matriculate except Zonnebloem, that we refuse to give them the higher education. Our reply is, "We do not refuse it, but we cannot give it to you at the rate which it is costing us now. If half-a-dozen of you come and want a matriculation class, the cost to us is £50 per head for tuition only. We charge you £10, or £14, or £20, for food, lodging, and tuition, so that the matriculation class is run at a loss of £30 to £36 per head."

44,926. Per annum?—Yes; and that is the reason why this year and, I think, part of last year, there was no matriculation class. To carry through such a class one man must give his whole time, and that man is paid £300 a year. Even if we take the number as 10 in a class, the cost for tuition is still £30 per head. We have done that for some time at Lovedale—far too long—but we are beginning to alter now. We say now, "If 12 or 15, or any number thereabouts,

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will gather and form a matriculation class, we shall take them, but if you come in fours and fives, and in twos and threes, it is no use, because of the cost per head."

44,927. Supposing now that there was no Lovedale, there being at the present time no equivalent to Lovedale in other Colonies, what should, in your opinion, be done to bring higher education within reach of such people, in order to avoid their going to America?—If I may not appear to be making what may seem to be a presumptuous statement or an impracticable one, I should say this: Let there be one place, no matter where it is, where this higher education could be given. This would prevent them saying, "We are denied our rights; we cannot get education in the Cape Colony, and we shall go to America." Such institutions for more advanced education are plentiful in the States of America, and something of the same sort is wanted here, and I fancy that it must come to that some day. If I must give a reason, it is that education proceeds or progresses in a country, from above downwards, not from below upwards. The people will never become educated if you keep the educational machinery in a country working only at Standard III. or Standard IV. It is the few who become thoroughly educated who stir the ambition of the rest, and it spreads all through. I think that is the history of our English Universities and of English education. They shed the influence downwards. I have noticed the effects of half-a-dozen or a dozen lads going far North, who were better educated than the rest: immediately there came down numbers of others. There are other facts confirmatory of the view that education goes down rather than up by capillary attraction. That is the reason why, if it is the intention of the Governments of South Africa, or the States, to educate the Native people, they must have the two lines. They must have this ordinary fourth standard line for the great mass, for 90 or 95 per cent.; for the others who want something better and who will be the teachers and show the mass what education really is, there must be this other place. It may have, as already mentioned, a simple curriculum; not much Latin or Greek, because we are departing from that in England now, but a thorough training or education. And that takes us to another question: the one curriculum for white and black, or two curriculums. We have not touched this yet, and it is a very difficult matter. But one can conceive a simple school of this kind—a college is the right name for it—where they can get what will be a thorough training in some sciences, rather leaning on the whole to the side of mental and material science, with English as their classic instead of Latin and Greek, these being comparatively useless to Natives, although they are filled with the idea that all knowledge and all wisdom are concentrated in Latin and Greek. That craze, however, is passing away a little.

44,928. For this education do you mean that they should pay the cost?—A large proportion of it.

44,929. Not entirely?—Not entirely.

44,930. Not even the higher education?—Even the higher education ought to be assisted if we are to distribute fairly the expenditure of our Education Department, which is one of the Departments of the State. There is no reason why a man who is black should not get his share as well as a man who is white. He contributes to the revenue, and the more he is educated the more he will contri-

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bute. I certainly say that the higher education ought to be helped quite as much as the lower. I think it would be unfair if it were not so.

44,931. To what extent is the higher education of white boys assisted?—That I could not tell you, but there are grants to the different colleges here. I am not able at the present moment to give the amount.

44,932. But in so far as there are grants to the one, you think they should follow to the other?—Yes.

44,933. And you spoke of two curriculums. Would it be possible, do you think, in this country to have one curriculum?—There is one at present. The Natives are satisfied with it thus far, that it puts them on the same level as the whites, but that is not a sound reason. I cannot say whether it will be possible to have two curriculums or not. The Natives will not take kindly to the two. As a means of escape out of this difficulty this occurs to me. Supposing we had this college, they might get their choice of taking either the ordinary curriculum of the European, say for a B.A. examination, or a simpler and more effective and better one for them provided at this college and such as might satisfy them. I think it might be possible to convince them that, in taking the regular B.A. examination—which they are ambitious to take and would take in order to assert their "equality" (I am using that word in their sense)—they would be attempting a very difficult task. If the other curriculum was presented and taught judiciously, they might become satisfied themselves that that was the best for them to take. That seems to me the only way out of the difficulty except by forcing them into a different curriculum which they do not want. As regards the standards, the first to the fourth, the course of instruction might be simplified and strengthened. There should be more Kafir for the first two years at least, proceeding to English afterwards.

44,934. Would it ever be possible, do you think, in this country for the two races to work at school alongside each other or to go up for examinations alongside each other?—On the latter point, the two races go up for examinations together now—in the Normal course, in the School Elementary and School Higher and Matriculation Examinations; that is four different examinations besides others in special subjects. As to their working together in school alongside each other, that was done for 40 years at Lovedale, where they were in the same classes. The feeling in the country would not agree now to mixed schools, and I think, taking it altogether, excepting in special institutions, this mixture would not work very well. We had a case of it at Dale College, in King William's Town, where the editor of the "Imvo" wished his son entered there. It was not found expedient, and he has gone Home to England now, I believe. I do not know that there is any great advantage in mixing the two races. They are found in University classes in Scotland, and, I think, also in some parts of England, but then they are individuals there, exotics, and not the average mass.

44,935. Would you express your views upon the subject of industrial training, the value of it?—In what direction?

44,936. May I ask if your experience has enabled you to detect any results which have been attained by the teaching of industries to a large number, such as have passed through your hands?—The results are undoubtedly beneficial.

44,937. To the community or to the Natives?—To both. We constantly have applications for printers, blacksmiths, hospital

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assistants, wagon-makers, and others, that we cannot supply. We have more applications for these industrially-trained labourers than we can supply. That may be taken as an indication that the country would absorb them and would be glad to have them.

44,938. The country could absorb more?—Yes.

44,939. Would you advocate any extensive system of industrial training?—The amount of industrial training in the Cape Colony is very trifling just now; it could be greatly extended.

44,940. But putting aside the Cape Colony, and considering it as a matter of general policy, would you advocate the adoption of industrial training of Natives in a wholesale way?—I think so and to a large extent. I see no reason that can be urged against that, unless it be the common one of competition with white men and so on. Labour of all kinds is too dear in this country to allow of us putting aside what is available, in order to benefit a certain class. If we can cheapen labour, that surely is an advantage to a country, and the effect of industrial training is to put more artisans, even though they are Natives, into the market. They certainly do the work a little less expensively. For a long time to come, the Native mechanic will require the supervision and assistance of the white man.

44,941. What do you think might be the ultimate effect of having a large number of technically-trained Natives? Would it be to deter white men from coming, or to drive them away, or might it trend in the direction of white skilled labour directing Native skilled labour?—The latter largely; it will not drive men away. It ought not to do so, and, in fact, it cannot do so unless the white man allows himself to be beaten off the field in the quality of work—which is not likely to happen.

44,942. Not deter them from coming?—I do not think so. Of course, there is an outcry whenever prices are affected, but if we attend to all these outcries we shall sit down and do nothing. There are such outcries in America just now, and a struggle is going on there, and it may be that someone's interests, or those of a class, are affected. But I have not the slightest fear that the market will ever be flooded with Native labour to such an extent as to injure the white man, if we regard a moderate price for labour—even white labour—a desirable thing in a country. I think that too much has been made of this "injuring of the white man."

44,943. Is there anything else about education you would like to express yourself about?—Perhaps the acute state or stage at which Native education is just now, namely the restlessness and wandering away to other countries, indicates that something ought to be done, and done immediately, to stop that, and to lay a foundation of what must come sooner or later in this country: a recognised higher level of education for them, or the opportunity of something better than the standards. The course in Normal Training Schools is a work by itself and limited to a certain class. It is technical training educationally, and for teachers only. If there was a place where better education, or what they call the higher education, could be given, I believe it would produce a very satisfactory effect on the mind of the Natives.

44,944. Exclusively for Natives?—Exclusively for Natives. It need not be expensive, and it need not be ambitious.

44,945. In every State?—No, I did not think of one for each State. That would be expensive, and quite unnecessary for a long

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time to come. Some position in South Africa could be chosen where a beginning could be made, and so meet and obviate three or four of those difficulties which exist at present, particularly removing the sense of injustice which they feel and which leads to their going to America and bringing back wrong ideas, political and social. At Booker Washington's place, Tuskegee, I found several who had been at Lovedale. The classes they were attending and the subjects taught did not seem higher or much in advance of those they had left. On my asking what brought them to America, the reply was, "Oh, Mr. Mzimba brought us here." The education question thus runs into the Ethiopian question, and I am afraid the Ethiopian question runs into another question wider still. It is to prevent and check all this, to satisfy the Native people and take away the excuses they have to go abroad for education, that I would provide facilities and opportunities for their getting better education in this country. I hope, as a result of the great labours of this Commission, that something of that kind may yet be effected. The Natives should largely pay for that education themselves, but they should not pay wholly, because in that case I think they would be dealt with unfairly.

44,946. You alluded to the evil arising from Natives of South Africa being practically forced to go to America. Supposing no such action as you advocate were to be taken in bringing higher education within reach of these Natives, what other evils might be anticipated besides this one of going to America?—What other evils might arise out of *not* providing it?

44,947. Yes?—Discontent, and the clamour of those writers in Native newspapers taking an exaggerated form, and so producing a sense of injustice among the people that they were contributing to taxation without getting the benefit of it in this form which they so strongly desire, and also, as already mentioned, the importation of wrong political ideas from America. The Native at present is possessed with an extraordinary idea of getting what he calls "knowledge." It is a wonderful thing to him.

44,948. You just now alluded to what you call the Ethiopian question?—Yes.

44,949. What is the Ethiopian question?—The Ethiopian question, or movement rather, is a revolt on the part of a certain number of Native ministers of various missions or denominations against white control ecclesiastically. It began with the Rev. Mr. Dwane in the Cape Colony; and at the same time, or even earlier, with one or two men in the North of the Transvaal, namely, Makone and Gabashane. It has arisen solely from a desire to have control of their own ecclesiastical affairs. It would be scarcely possible to follow all its sub-divisions unless there was more time at the disposal of the Commission; but, briefly, these were the first beginnings. Then Bishop Turner followed, at the suggestion of Dwane, who went over to America for him, and the Bishop, during a short stay in the country, ordained very extensively and promiscuously. Later Dwane was received into the Anglican Church. Then there was a further split a little later on. It is very difficult at the present time to put down under one name or class either its organisation or its teachings, but the fact remains that it has spread from here to the North of the Zambesi. The Rev. Mr. Coillard, just before his death, wrote that one of the greatest griefs of his latter years was to find that even in Barotseland his work was being

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destroyed by a Native agent of his own training. The effect of this movement generally called Ethiopianism is to break up all the work that has been done for the last 50 years, so far as congregations are concerned, and to prevent the healthy organisation of the missions. I should not like to say anything unfair or unjust, but I find it very difficult to say anything on behalf of Ethiopianism.

44,950. Apart from the injury that this movement may have done, as you say, to old-established missions, what other visible effects are there?—I could not say that there are other visible effects, except that there is something in the Native mind just now. It is not a thing of yesterday or of last year, but at the present time it is growing too strongly, and it may be expressed in one word: the idea of "equality." As to these movements known as Ethiopian—whether springing from Wesleyanism or Presbyterianism or other source—I think that they all may be described in one word as *anti-white*. Of this I think there can be little doubt. One should not judge uncharitably, but the tree is known by its fruit—and this Ethiopian tree has produced some very bad fruit. Let those who are in favour of it point to any real good it has done.

44,951. Do you mean that the creed of anti-white is actually taught by them?—That I could not say. It is not likely to be taught publicly, though there are some printed statements bearing on this point.

44,952. That is the effect?—That is the effect. You probably wish that I should give a fact, rather than an impression. When Mzimba broke away from us he was asked, "What has led you to take this step; will you state your ultimate reason?" His answer, in a word, was that he could not get on with white men. But the white men had made him what he was. He was then asked, "You say that you cannot get on with the white man, and that you have been 19 years here. Can you in these 19 years point to a single case in which you have been unjustly interfered with as the pastor of this Church?" "No." Further, "Can you during these years point to a time when you have asked for any reasonable assistance and it has been refused?" "No." So it thus appears that even where there has been no undue interference on the part of white men, there exists a strong desire for independence, resulting in separate and mischievous action.

44,953. Then, holding these convictions, what is your opinion as to the attitude of the public and the State towards this movement?—The attitude of the public, I think, should be that of discouragement and disapproval, and that of the State should probably be much the same. The State should not grant them in large numbers the position of marriage officers; and the Education Department might consider whether a school that has been set up within 50 yards of a school which has been in existence for 30 or 40 years is deserving of any grant.

44,954. Presuming a school was established by them in a place where there was no school already in existence?—Yes, if it were really a new school, and not one that had supplanted or killed a previous one. I think the latter has happened in localities where Ethiopianism or Mzimbaism has been numerically strong.

44,955. If they conducted that school properly?—Yes, then they might receive help. Of course, that is a subject for the Superintendent-General of Education to settle.

44,956. You might discourage them by not giving them a grant, but how would you mark disapproval?—It is very difficult to

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say, because that varies according to the circumstances. Disapproval may be marked in so many ways, from absolute silence to unconcealed wrath. We know the difference between approval and discouragement, between disapproval and sympathy and good opinion, and so on.

44,957. There is, however, a distinct call on the part of the public to the States in South Africa to display some attitude towards them, and what I wanted to get from you was what that attitude should, in your opinion, be. You have said discouragement, but was there anything further than that?—It would depend whether the discouragement took positive form. I will take one instance of what I mean. Bishop Coppin, who, I believe, is here in Cape Town, was very anxious to get into the Transvaal, but it was deemed by the authorities inexpedient that he should go there. That is discouragement, and is an instance of what I mean.

44,958. Would you advocate the exclusion of a man in his position as Bishop from any Colony perpetually?—No, for that would indicate extreme intolerance, and I could not do that. But if a man is connected with a movement by which the Government of the Transvaal, for instance, is satisfied that mischief is being done, it would seem to be right that they should not encourage its agents. On the question of excluding men as undesirables, I am not qualified to express any opinion beyond that of an ordinary common-sense one.

44,959. We have rather a long list of subjects upon which we are taking evidence; I hesitate to suggest any, but perhaps you yourself might wish to express your opinions upon any one of them?—On the other matters detailed in the circular of subjects for the examination of witnesses, such as land tenure, marriage rites, Native laws and Colonial laws coming into conflict, rates of wages and supply of labour, I think the Commission has probably already got a good deal of information, and can still get it, from men who are actually engaged in other departments of work better than from myself. A great mass of valuable information has doubtless been collected during the labours of this Commission, and the Report will be of exceeding value to the country. The main subject that I am acquainted with, of course, is educational and missionary work. There is an impression, if I may refer to a new point, that education disqualifies the Native from work. This opinion is widely spread, and the ordinary employer of labour—I do not mean the large employer, but the farmer, householder, or other—will not have a Christian Kafir and will not have an educated Native. I think the Commission have heard this before. That unfavourable impression exists all over the country. It likewise holds true about Christian converts in India. But to come to the educated Kafir. The white man says, "I will not employ him if I can get a raw Kafir." If I may be allowed to give my experience, it is this: From Cape Town to Aliwal North, wherever I have gone, I have found the educated Kafir—he may be industrially educated or he may be clerically educated or otherwise—in the employment of the white man. It may not be as a labourer, or herd, or houseboy, but he is employed. Now, the curious thing is that all these educated Kafirs, who are supposed to be absolutely useless, are employed, if they are of good character. Of that there can be no doubt. We have come to use a peculiar definition of the word "manual" labour, as if occupation with pick and shovel were almost the one and only form of work which would justify the use of the word. A

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large number of so-called educated or semi-educated Natives can be so absorbed, beneficially for themselves and for the country, for a long time to come. Taking the Post and Telegraph Departments, I should say that there are about 150 to 200 Natives employed as messengers or otherwise in large towns; and if the Post Office Department had to employ white labour everywhere they would have to pay much more for it. I have no dread or fear of the white man being ousted or his wages reduced by reason of the educated Kafir or the industrially-trained Kafir—at any rate, not to any extent, and not for a very long time to come. These are the views I hold. The statement that the white man does not employ the educated Kafir is contrary to my observation and experience. Of course, there are bad educated Kafirs, thoroughly bad fellows, whose self-assertion, high value they set on their work, and often scarcely disguised impudence put the white man not only against them but against all educated Kafirs. That is not the fault of education nor the fault of the system. The Mission Societies have tried to do their duty, and though we are often met with this statement as instance of failure, it is not a sound argument, because it does not rest on ascertained facts. There is a common belief that the educated Kafir cannot be usefully employed, *i.e.*, to work with his hands. From a record of about 6,000 lads, we find that they do make use of their education beneficially to themselves and also to the country. At present labour is too dear.

44,960. *Mr. Thompson.*] You said that you did not agree with the tenet of the Ethiopian movement, as it was anti-white?—Yes.

44,961. Then you went on to say that in places where they were not in conflict or in opposition to any other denomination, the State should help them in their religious teaching?—Yes; you mean that the two things seem to contradict each other?

44,962. Yes?—The first is true; there can be no question that they do not want the white man to have anything to do with them. But that can only be allowed in South Africa to a limited degree—I hope we are all agreed on that point. What I mean is, that there is such a thing as British supremacy here, which is to be upheld, and has been upheld, at considerable cost. Apart from this bigger question, if they are carrying on a small school, and the Superintendent-General of Education thinks fit to give them a grant, well and good. The one thing did not contradict the other.

44,963. To that extent only?—Yes. As to recognising them as marriage officers and giving them power of one kind and another, and making them equal to white missionaries or even to the properly-appointed Native ministers, that is an excess of charity or good nature, or of indifference to the whole question.

44,964. *Mr. Samuelson.*] Do you think that any legislative distinction should be made between the black races and the white; that is to say that legislation specially applying to Natives and not to the European population should be made use of?—That is a question as to class legislation. I think that sometimes it may be necessary. There is liquor prohibition, which is class legislation, and we cannot help having that. We may carry abstract principles too far. We should not be frightened away from a beneficial measure by the phrase class legislation, especially if the Natives wanted such a measure—as they do in the liquor legislation. Non-class legislation is a sound principle, but the application of it all round is difficult. I cannot answer the question completely without having a particular case to which it might be applied.

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44,965. Are you in favour of total prohibition or otherwise of the sale or supply of liquor to the Native population?—I am in favour of limiting it in every way possible. Total prohibition is a large question, and I am not quite sure that it is possible to carry it out. Like every man who has had to do with the Natives, I find that the effect of liquor is wholly destructive. I do not know whether direct prohibition would be effective, as so much depends on the administration of the law. Prohibition *by cost* may yet be found to be as effective as prohibition *by law*. Double or treble the cost of the licence, which would extinguish many small canteens; and put on a still heavier excise. The more expensive drink becomes, the less there will be used of it, undoubtedly. If champagne were a shilling a bottle in London, costermongers would drink it, but as it is 12s. or 15s., it is a pleasant dream of another world.

44,966. Can you say from any causes you have observed or which have come to your notice what has been the influence of education on any of our Natives in the United States?—I cannot say, as those I saw there have not come home yet. I think there are two here that have come back. Whether the sobering effect which education should produce has shown itself in them I cannot say.

44,967. Were you able to ascertain what was the cost entailed to those Natives before going to Tuskegee, and by whom it was paid?—That is very difficult to get at. It is contributed in various ways. I think the Ethiopian Church here helps, and the parents also help. In the case of Mzimba, who took ten lads over, I have no doubt he got funds from his congregations—probably not from one source, but from several. At Tuskegee they have to work a good deal. It is a large place. There are 60 buildings and a staff of more than 100 teachers, with 1,400 students, and altogether things are on a different scale compared with anything that there is in South Africa, or even further North. The statement you hear before going there is that there is not a white man on the place. There is certainly no pure white man, but there is a very large staff, 75 per cent. of which, if it is not white, is not black. There are men of all shades, and many of them are very able. In South Africa many of them would be spoken of as almost white.

44,968. You made use of an expression in your evidence that the Ethiopian question runs into another. You spoke of three movements and specified two; would you care to tell the Commission what is, in your mind, the third movement?—There is the political contour or shape that things may take shortly, and I think that this runs in their heads. It is hazy, like unfocussed pictures in a magic lantern, at first, but it will come out more fully and clearly by-and-bye. All missionaries should encourage loyalty and all such good things, but there is a restlessness about a certain section of the Native people just now that is not wholesome.

44,969. Where movements and the establishment of schools by these Natives show a racial antagonism, or an antagonism to the white man, you think that something should be done to discourage them?—If I say "yes" to that question, I shall be asked, "In what form?"; but I say that I certainly think that they should not be encouraged. I think if we are satisfied that the course we are following is wrong we ought to put about in some way. In the expression of opinion I am anxious to avoid the idea of any intolerance or persecution, and that is what is hampering my expression. What the exact form of discouragement should be is a matter for after consideration.

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44,970. *Mr. Krogh.*] In connection with the establishment of this college you mentioned, you said that Dwane and Mzimba, as well as other Natives, were educated in South Africa?—Yes.

44,971. Mzimba was educated by yourself?—Yes.

44,972. And these men were under the best influences?—Yes.

44,973. Yet they seceded and formed their own purely Native Churches?—Yes.

44,974. Would we not, by giving these Natives, or a large number of them, higher education, as suggested by you, assist in creating an ambition of ruling themselves, at first in religious or ecclesiastical matters, and afterwards politically as well. I am taking it from the point of view that these men were educated not in America but in South Africa, and that they were always under the best influences?—The point of your question is that it is no use to give them this better or further education, as they will misuse it?

44,975. No, it is not that; I want you, if possible, to explain what your idea is about this further education, taking these two men as a standard?—I think they were probably both discontented and ambitious men, and, to fall back again on an expression I used earlier this morning, education was not to blame there, but the disposition of the individual was. Another man who was in the same class as Mzimba has held on a totally different course, and we have thus the two entirely opposite results to consider. The one man makes a good use of his education—his name is Makiwane—and the other makes a thoroughly bad use of it. What are we to make of this contradictory result unless we resolve it into the perversity of human nature and its tendency to abuse good things as well as to use them, or to take a downward course rather than an upward one? I cannot explain it further than by saying that there were two men who sat on the same bench for four or five years; the one held on steadily at his work—the abler and more intellectual of the two—and the other ran amok ecclesiastically and caused us the loss of £1,600. Before we had done with him we had two cases in the Supreme Court, the re-building of a church, and there was also the disappearance of 700 sovereigns which were placed in a bag on a table and never seen again. The Mzimba ecclesiastical movement commenced thus.

44,976. I take it, then, that you are not afraid that giving higher education to the Natives will create the ambition in them to separate altogether from the white man?—I do not think so. I have already said that in such a movement education would not be the real cause. It is made a bogey, of course. We cannot now avoid this advance in education. If it is not given they will secure it themselves by-and-bye. One of the efforts of the Ethiopian Church was to found a New South African College, and possibly this Bethel Institution is a shadow of that idea. They wanted a large sum of money and got only a small portion of it. If they had got all the money they wanted, and if they had not fallen out with Dwane, this new effort would have been existing to-day as the New South African College.

44,977. *Mr. Sloley.*] Have you any reason, Dr. Stewart, to think that the American influence is waning in this Ethiopian movement?—It is very difficult to say. I think it will wane so far as it is a Church. No Church succeeds without a spiritual element, and that element was not conspicuous in the Ethiopian or in any other such movements. This predicts what may be the future history of these movements as Churches. Ethiopianism is probably not grow-

ing very much, but if they have got all the members they profess to have, it has made a great gap in the mission ranks. Mzimba reckons his at about 7,000 and 28,000 adherents; Dwane took 3,000 into the Anglican Church; and I think Bishop Coppin may perhaps reckon 6,000, with a proportional number of adherents.

44,978. I was thinking more of the direct influence, whether the African members of these Churches are not getting a little out of conceit with the Native American ministers?—I think that is quite likely.

44,979. Have you reason to think it is so?—I think so. Internal discord may yet be the ruin of Ethiopianism. It has ruined bigger things than this South African movement, and Natives have not yet acquired that self-denial or self-effacement which is necessary for effective combination. The fact that already it is split up into two or three sections may indicate that there will be more of this sub-division. Finance also may by-and-bye be a serious difficulty.

44,980. With reference to better education, you said we cannot avoid it; would you not take the same view of the formation of a Native Church? Do you not think that it is inevitable that in time to come there will be an independent Native Church?—I wholly agree with that, and have put myself a little out with people at Home, even with my official superiors, by advocating that in preference to a union with the Presbyterian Church here. There must come a day in South Africa, in the whole of Africa, in India, in China, all over the heathen world, where there will be this purely indigenous or Native Church. But it is the way these Native self-appointed leaders have gone about this work, and the principles with which they have started, that are wrong. All missionaries, I think, are really quite ready to hand them over that control as soon as the Native ministers are able to take it and use it, but not after the fashion or ability or spirit which they have hitherto shown. Mzimba's ability and morality appeared chiefly in clearing out every coin in the church coffer. Dwane quarrels with some of his superiors, runs over to America, and brings back a black Bishop, who sets up a church. That is what has been called "playing at churches or church-making." I wholly believe in the existence of a future separate and independent Native Church, as soon as they are able to support themselves and manage for themselves. But this is not just yet. As MacKay of Uganda used to say, the African would need the Anglo-Saxon alongside of him for the next 50 or 100 years. The pity is that it is just this help that the Native seems bent on throwing off at present. Although I have spent a lifetime in helping them, I am not blind to these defects or faults. Their imitative power is considerable, their spontaneousness not very great, and their administrative power a very great deal less than they take it to be. This seems the general rule, whatever rare exceptions may be found.

44,981. Did you not find that they exhibited administrative abilities in America?—Booker Washington's father is believed to have been a white man, and the bulk of his staff are not what we would call Natives. There are some very able men there, from architects to agriculturists, and I was greatly struck by their loyalty to their work and to their leader personally. They have been also largely helped from the North. Mr. Washington spends often about a third of the year in the North. Mr. Carnegie gave him 600,000 dollars, or £120,000, in one subscription towards his endowment fund. I spent several

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days going through the place, and found that where we had not a single steam engine at Lovedale they had thirteen steam engines at Tuskegee, the largest being 60 horse-power; they ranged from one horse-power to 60. The staff were all filled with enthusiasm, the enthusiasm being colour and work. They want to justify their colour and their race without making the effort offensive. The work is very thorough and the teaching good, because the staff is large and everything is well organised. But there is no comparison between the two countries. The negro in Alabama has grown up under totally different conditions, and has the English language, and he enters his work in Tuskegee under quite different conditions from what the Native from the kraal enters the institutions here, whatever the institution may be.

44,982. *Mr. Krogh.*] He was a slave; he learned to work first, and then became educated?—Yes, historically that is correct. At Lovedale we attach quite as much importance to work as they do at Tuskegee, only this may be said: we have to give so much instruction now according to the present curriculum and Department regulations that we have no time for education, which is a different process altogether.

44,983. *Mr. Sloley.*] The point I wanted to get at, Dr. Stewart, was this: If it is inevitable that there is to be a Native Independent Church, would it not be wiser now to accept the position and take the best men only of this Church that is now in rather an unsatisfactory way, evolving itself as it were, and recognise them, which would give you a certain right of control—treating them as a recognised body, and giving them feelings of self-respect and responsibility. Would it not be better to do that than to adopt an ineffectual policy of pin-pricks, which could only alienate them, and as you are not prepared to go the length of persecution you cannot suppress them?—It is difficult to answer that question. It is an application of the political principle often used of absorbing the opposition; but the individuals must be fit for the work and must be morally trustworthy in this connection. If I were asked that question simply as a matter of business, and were required to give an immediate answer, I would say "No." because those who have gone on so wrong a course may go on a similar course again. Those whose chief work has been to break down churches, and who have shown themselves so unscrupulous, cannot be immediately trusted. We ought to be warned by our experience, and while I am convinced that this Native Independent Church is to come, not merely in South Africa, but in India, Japan, and China as well, it does not seem as if its true leaders had come. That being so, till the time and the right men have come, the white man must stand by and do just what he has done here and all over the world. To receive and reward those who have hitherto done nothing but mischief, and have broken up churches from Cape Town to Barotseland, may seem to be overcoming evil with good, but I hardly think that either Scripture or common-sense requires that application at present in connection with the Ethiopian movement.

44,984. I put it merely as a matter of policy, what should be the attitude of the State towards this movement?—The Native Church will grow and will have to be recognised as an independent body, although we may not live to see the day, for the simple reason that black and white will not mix. Some good people in Scotland want us to mix these two churches together, black and white, to assemble

in the most amicable way, and to sit in the same buildings, and in the same General Assembly! This will hold very well till the day there is a black majority in the Assembly of the Presbyterian Church in South Africa, when there will be almost immediately two Churches, not one.

44,985. Did you find in America that the feeling of the whites towards the blacks was more or less antagonistic than it is in South Africa?—In the North there is the feeling that led them to free the slave even by civil war. It is a Christian feeling and sentiment, and also a political one, and you have that feeling in the North still. In the South again it is different. Still, I saw no cases of violence. Special seats in tram cars, and some other such distinctions, indicated the feeling, but it was not very noticeable, nor do I think, except where there are special causes, such as in these lynching affairs, or when they vote, that it is very marked. The adjustment occurs this way: the whites take care that the negro vote shall not be effective, or as they put it themselves, "The black man may vote, but he may not rule."

44,986. With reference to race antagonism, you would not hold this movement in the Church responsible for it; I think you will admit that the indiscreet utterances of white people and the European press express more antagonism than the Native press?—By the utterances of the press, do you mean the Exeter Hall side, or the other side?

44,987. I mean the other side?—The South African press?

44,988. Yes, in communications to the South African press as to the position of the Kafir in this country and the main features of the race antagonism, is it not fair to assume that the white man has contributed to it quite as much as the black?—Yes, he has contributed a good deal. I think in fairness, either judicially or as Englishmen, perhaps we ought to say that we have all contributed, though not perhaps quite equally.

44,989. It is within your knowledge that there are white people who call themselves Christians, who would not worship in a church where Natives were?—Yes, I think that is the general feeling in the Colony. The belief at Home is that we are all so much alike that we can all go into one church, black and white, and every shade of black and white, and that has caused a deal of mischief in this country, so far as our own mission is concerned.

44,990. *Captain Dickson.*] Do you not think that the appointment of these authorised Ethiopians and others as marriage officers in this State has given them a status that they otherwise would not have?—I think so, and I think it is a pity they were so appointed.

44,991. *Mr. Stanford.*] Do you not think that the restlessness which you spoke of as amongst the Native people in this Colony is due in some measure to fears expressed in the Native press and elsewhere that federation means for them a restriction of political rights which they now possess?—I have not the slightest doubt that they know that, and that they are anxious about this question, whether the franchise will be raised, or whether the Cape Colony may not have to make certain modifications in order to enter into union. You know the Natives, Colonel Stanford, and you know that we only get a part of what they are really thinking. There are a few men among them shrewd enough to see that, and at the present time they are making the best of their possession of the franchise and the great privilege which they as British subjects enjoy.

Cape Town, Friday, 4th November, 1904.

PRESENT:

SIR GODFREY LAGDEN (*Chairman*).

Mr. Samuelson.	Mr. Hamilton.
Hon. Mr. Campbell.	Mr. Stanford.
Captain Dickson.	Mr. Thompson.
Mr. De la Harpe.	Mr. Sloley.
Mr. Krogh.	

The Honourable Jacobus Wilhelmus Sauer, M.L.A., examined.

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44,992. *Chairman.*] You have been all your life in South Africa, I believe, Mr. Sauer?—Yes.

44,993. You have held office on several occasions as Minister for Native Affairs in this Colony?—Once I was Secretary for Native Affairs, and when I was a member of the Rhodes Cabinet, as Acting Premier for a considerable period I dealt with Native affairs also.

44,994. You have been a Member of Parliament for a good many years in this Colony?—Yes, for 28 or 29 years.

44,995. During your wide experience in South Africa have you observed any changes in the Native people?—Yes, I think they have advanced in the sense that we ordinarily attach to the word.

44,996. What is the nature of the advance or progress that you have observed?—There is less of what we commonly call the barbarian. Education has advanced a great deal and with it the ways of living amongst the Natives. They have advanced in the same sense that you would say a European community that was very backward had advanced, that is backward in what is called civilisation.

44,997. Do you consider that their progress has been natural and healthy?—I do not know that progress is always natural or healthy, but I think, under the circumstances, that their progress is as satisfactory as could have been expected. I do not know that our mode of education is always the best suited to the people.

44,998. Do you think, for instance, that they might have advanced too quickly?—I will not say that, but perhaps the education has been of such a character as to advance them in certain respects, whereas others more desirable and more advantageous to them have suffered or been neglected.

44,999. There has been neglect in educational matters?—I will not say that, but in consequence of the mode of education they have not advanced perhaps as satisfactorily as they might have.

45,000. To what has their general progress been due, do you think?—It has been greatly due to the fact that they are in contact with a European State, peace, and a fairly sympathetic administration.

45,001. Do you hold any particular views on the question of the lines upon which the Natives should best advance?—That is a very wide question, but I think that, speaking generally, they should advance industrially; that is to say, that the object should be to educate them, or certainly the bulk of them, in a manner that that education would be most useful to themselves. For instance, I do not think it is advisable in educating people, to give them in the first instance too much of what is called "higher" education. I would give them a certain amount of book education, and then

endeavour to educate them more so as to enable them to advance their material condition, and also make them better employees, better able to work, and better able to till the soil.

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45,002. Is education the only means which can be employed to promote their advance, do you think?—Generally, I do not believe that you could advance people very much by legislation; you must leave it to education, and to moral, religious and economic forces.

45,003. Do you consider that those forces are already at work?—They are to a large extent; they must be when in contact with civilised government.

45,004. Then you said you questioned whether the form of education was a good one; in what respects would you alter it?—I would alter it in the respect I have indicated. There are schools, for instance, where education consists in a little teaching of reading and writing, a little book knowledge, and nothing more, which often is forgotten. If the Natives were taught, for instance, to utilise the land they have, or to become more fit to perform the duties which their calling in life requires, that would be a better direction for their education to take.

45,005. How could you teach them to utilise the land more?—How do you teach anybody else? For instance, in the Transkeian Territories, in some centres, at one or two places, you might have institutions where they could be taught intelligently to get the best advantage from ploughing and sowing, and generally a knowledge in agriculture, in which there is very much to learn.

45,006. Are they not learning that by going out to work on the farms and returning?—The farmers want teaching themselves.

45,007. So you would make it more comprehensive and teach the whites as well as the blacks?—We are teaching the whites already. In this country we have got Agricultural Colleges, and teach chemistry and other subjects.

45,008. Would you have experimental farms for Natives in the Transkeian Territories?—I would be disposed to have one or two in the Transkeian Territories. I would not say experimental farms in the first instance, such as they have in Europe on a very expensive scale, but we might start with the rudiments of them, and I think something in that direction could be done with advantage.

45,009. Do you mean that the Government should establish such experimental farms and schools?—I think the Government, in conjunction with the local bodies they have, should do so.

45,010. Should the Natives put up the money for this expenditure?—Perhaps not entirely. The Government does not require it this side of the Kei, and I do not think they should ask more on the other side, although as a general principle it is advisable that the people should contribute towards the cost of education, and I think the Natives should be made to contribute something towards it; but such schools should be aided by the Government.

45,011. You think that the Natives who went to those schools should contribute something themselves?—I would go further and say that the Native communities should contribute.

45,012. And in conjunction with the white communities?—I do not know that I would favour sending the Europeans and the Natives to the same place.

45,013. I do not mean that. Would you ask the Europeans to contribute with the Natives?—In the Territories, for instance?

45,014. Yes?—I do not think it would be unfair, as they would benefit by it. They are mostly traders, and if agriculture prospers there they would prosper also.

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45,015. That would require the authority of Parliament?—Yes.

45,016. Is that what you would advocate?—I say that I think it is one desirable object. I do not know that I would immediately legislate, but it is a matter for consideration.

45,017. In what other respects do you think the system of education is not the best?—I would give the Natives some more say and control in the management of their schools, not leave it entirely to Governmental management.

45,018. Where they do provide their schools have they not a considerable say?—I do not think so.

45,019. Many of the schools are mission schools?—Yes, and there they have little or no say.

45,020. But they provide little for the up-keep of those schools; it is private enterprise?—Yes, they provide little, but so do the European children who go to mission schools provide very little towards the up-keep. The fees are the same for both. They are comparatively low; but not low compared with other countries. Education in South Africa both to the Native and to the European is expensive.

45,021. In what way do you think that the voice of the Natives themselves would be beneficial in the management of their schools?—In the same way that it is beneficial to people who have to contribute towards the maintenance of any institution to have a say in its management. Besides, it teaches these people to do what I think is very necessary, and that is that so far as their ordinary affairs are concerned they should manage them as largely as possible themselves and eliminate the official element from them as much as possible. Of course, you cannot do without it altogether, but you should have a minimum of it.

45,022. As a matter of fact, do not the Natives, that is to say the leaders, in the Cape Colony in these schools that you are referring to have a good deal to say at the present time?—I was thinking more particularly of the schools in the Transkei, but even in the Colony I do not think that they have enough to say, any more than the Europeans have.

45,023. And do you think the State should concern itself with insisting upon the education of the Natives?—Do you mean compulsory education?

45,024. Yes?—If there is to be compulsory education I am in favour of its being general.

45,025. As applied to both whites and blacks?—Yes.

45,026. If one, then the other?—Yes, and at the same time I am in favour of giving people the sort of education that is most suitable for their condition and future. General compulsory education under existing circumstances is, of course, impossible of being carried out in South Africa, but as far as it is possible I would make it applicable to all classes.

45,027. Now, taking the Native masses in South Africa, not only in the Cape Colony which is a part only; do you think that the education now afforded is insufficient?—No, I have already said I do not think it is. I do not think it is altogether suited.

45,028. I mean, in the absence of any law making it compulsory, do you think the opportunities afforded by Government are sufficient?—I think the opportunities afforded by Government in this country are liberal.

45,029. By the granting of subsidies?—Yes, and the Natives here take advantage of it very largely.

45,030. Again, as regards the masses, what do you think is the character of the education which should be afforded, which is, as you say, best suited for them?—I have already said what I thought. Of course, I speak very generally. I would not confine the question merely, as I have said, to giving some little book-learning to the Native, or, for that matter, to any people situated as the Natives are, and who for the future must be to a very large extent a section of the community that we look to for supplying the labour of this country. The education given should be that which would make a man, for instance, a better worker and a more useful member of society. He should be taught that he is not finished when he has had merely a little book-learning, but that he only begins there.

45,031. Still, agricultural schools such as you have alluded to entail the use of a certain amount of land, and they must necessarily be limited in number?—Yes, you would not have more than a couple, for instance, in the Transkei.

45,032. To those schools but a minimum of Natives could go; it would not touch the mass?—Yes.

45,033. It is the character of the education for the mass that I ask you?—I have said that you must give them the ordinary three "R's"; you must teach everybody that. Beyond that it is not so much what you actually teach them as what you lead them up to. They should be taught to appreciate what will be best for them when they are grown-up men and women.

45,034. Supposing you lead them up to this and they crave for higher education?—When it comes to that, if they can afford to pay for it, like everybody else they must have it.

45,035. In what way?—If a Native is able to give his child a University education the State cannot interfere.

45,036. But how is he to get it?—He has to get it in the same way as anybody else, by paying for it.

45,037. Is he not debarred from entering those schools where it is given?—You mean because of his colour?

45,038. Yes?—Yes, he is in some instances.

45,039. What is the alternative if he wants higher education?—Provision will no doubt be made.

45,040. That is what I want to ask your views upon; how would you provide for that?—That is very difficult. You must either attach to the public schools, if there are a sufficient number of Natives who wish to have higher education, the means for separate teaching, if you cannot have a separate school. There are, however, institutions already in this country giving Natives higher education. Natives can go to Lovedale, for instance, and there are one or two places in the Transkei where there is no difficulty in a Native getting higher education.

45,041. Still, if there was a great demand those schools might very soon be congested?—Yes, but it is a demand that will not expand in a day. It will grow very gradually, and I have no doubt that provision will be made as there is a demand.

45,042. You spoke of leading them on to it, and that is what I wanted to ask, whether you had in your mind a policy by which to provide for it presuming that you had led them up to the mark?—You mean the higher education?

45,043. Yes?—I do not know that there is a policy wanted, because it is no good legislating in advance. As the number of Natives increases so I believe provision will be made. It will be given largely by voluntary institutions most likely, but failing that, if

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there was a sufficient number and they could not be educated otherwise, it would be the duty of the State to see that they could obtain such education.

45,044. Do you think the common school is possible?—You mean European and Native?

45,045. Yes?—I doubt it.

45,046. Then apart from agricultural training you spoke of industrial training. Do you mean that industrial schools should be established for them?—You might provide in connection with existing schools where there are a considerable number of Natives, or only Natives, means for furthering such training.

45,047. You mean that you would subsidise the existing mission schools in order to enable them to do it?—I do not think mission schools would be exactly suitable for them; they are not sufficiently advanced.

45,048. Are there many independent schools supported entirely by Natives in this Colony?—I do not know that there are.

45,049. There are no Government schools for Natives?—I do not know exactly what you mean. Lovedale and some other institutions like it are not mission schools, though they are supported by the State.

45,050. Does not Lovedale support itself by voluntary contributions from over-sea very largely?—Partly, I believe, but it gets a very considerable grant from Government.

45,051. Then would your idea be to educate the masses in technical trades?—I do not think the question arises at all, because there would be no application from the masses wanting it. If you begin by making such provision as I have suggested it would be ample; then in time it will grow, and circumstances will alter, and provision will have to be made accordingly. I do not think that any cut-and-ready scheme far in advance of the requirements of the people will do any good; it will probably do harm. We must provide for the immediate wants of the people, and then, having learnt by experience, make further provision from time to time.

45,052. Then you spoke of education in the way of teaching the Natives to be better landowners, I think?—I mean to be able to utilise the land they occupy or the land they work for others.

45,053. Do you think it is a judicious thing to encourage the Natives to become landowners?—They are landowners in considerable numbers already in this country. If you are not going to allow a Native to become a landowner you can allow him other rights. After all he was here before anybody else. In this Colony, even if comparatively few have title, beneficially many occupy large extents of land in the Cape Colony.

45,054. Without title?—Without title, yes, but by right. Title after all in a sense is a mere bit of paper.

45,055. You are referring to the existing locations?—Yes, and to nearly the whole area of the Transkeian Territories.

45,056. In some parts of those Territories they have a system of individual land tenure?—Yes.

45,057. Do you think that that has been a good thing?—I think it has. In this Colony a Native has as much right as a European to acquire and to hold and occupy land. In the Transkei, under the Glen Grey Act, it is modified. You are no doubt acquainted with the terms of that Act. But in those Territories I think the principle of allowing them to get title to allotments which they can occupy and cultivate, with a communal right to the grazing, is a

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good system. At the same time I would not force it upon them in those Territories, but I would educate them up to it.

45,058. What would be your aim in educating them up to it?—The aim would be that it is better that a man should know he has fixity of tenure than the uncertainty which exists, and which must exist to some extent, of owning by apparently the will and say of the Government or the officials.

45,059. Does it tend, do you think, to elevate them?—I think it would. A man is more likely to improve what belongs to him, what he is certain is his, than what may be considered a doubtful possession.

45,060. Do you think such a system is conducive to the interests of the country in general?—Yes.

45,061. In making the Native industrious?—Yes.

45,062. Do you think he serves the purposes of the State by being an individual landowner?—I do not think the interests of the State suffer; on the contrary, they benefit.

45,063. In saying that, would you in due time, according to developments, extend that system wherever the communal system now prevails?—You mean giving the Natives individual title to the lands they occupy and cultivate?

45,064. Yes?—I think so, but, as I say, I would not press it upon people who are unwilling, and who have, as in some instances they have, what I consider an indefeasible right to the land. If Natives have been in occupation, themselves or their predecessors, for a generation or generations, and the Government have acknowledged that, they have in my opinion an indefeasible right to occupy the land, just as much right as the man who has got title to his land; and if at any time they require to have the same title that we give to other Natives, I think they should have it.

45,065. What should govern the change; should it be a majority of the Native community?—Yes, I think a fair majority; I would say the sense of the community.

45,066. Of the majority?—Yes, you must exercise discretion. If there was a majority of one, I think a sensible person who administered the Act would say, "Well, we had better wait a little, because it is a feeling that is not likely to recede but to grow." But where people are unfavourable or hostile to it I think it would be very short-sighted to force it upon them.

45,067. I suppose that opinion of yours would refer generally to all laws and customs that are not repugnant which now obtain amongst them?—Yes.

45,068. You would let them, as they felt the inclination, abandon them?—Yes, and I would endeavour to use what forces there are available, moral forces, economic forces, persuasion, and example generally. I believe it is the quickest way of dealing with the Native in the end.

45,069. And do you think that the Native to-day in South Africa is represented in the State?—In this Colony he is, but in none of the others is he represented.

45,070. Do you mean to say that his interests in other Colonies are not represented?—No, I do not think they are where representative institutions exist.

45,071. How do you think the Native ought to be represented in South Africa?—I think he ought to be represented as he is represented in the Cape Colony.

45,072. He should get the franchise?—Yes.

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45,073. Whenever he has the qualification?—Yes.

45,074. The present qualification?—That is another matter; but I would have one qualification for all. In other words I would not have a differential qualification.

45,075. Then we must look ahead a little bit. Supposing you led the Natives up to the mark you indicated just now, and they qualified in very large numbers, would you see in that anything that was menacing to the State?—A matter like the Native question must always be attended with great anxiety and uncertainty, but I believe that a policy of justice is more likely to avert trouble and danger than any other.

45,076. Is justice not administered now?—Justice technically, yes, I have no doubt; but speaking in a political sense, it is not justice that one section of a community paying taxes should be deprived of political rights.

45,077. What you want to ensure is that their interests shall be represented in the State?—Yes. I do not believe that where representative institutions exist—and it is the history of the world—a class that is not represented will ever receive political justice, because after all it is material interests that will eventually prevail, and, therefore, the class or classes having no political power will suffer.

45,078. *Mr. Thompson.*] That would apply to Colonies other than the Cape at present, because here they are represented?—Yes.

45,079. *Chairman.*] What would be the position of a Colony where the proportion of Natives was as five to one, if in time they were not only to out-vote the Europeans, but to send their own people to Parliament?—Here they can send them there to-day.

45,080. But I am asking you what would be the position of a Colony were that to take place?—I should think as regards South Africa that that is in the dim and distant future—I mean swamping the European element in Parliament. And if we have so little faith in our superiority and our civilisation that we think we can only maintain it by keeping the franchise from the Native, I feel assured that we will fail. There are other and far deeper matters than merely political rights which will come to the front some time or another, questions more of a social character; and merely withholding the vote will not settle the Native problem, but will probably aggravate it. Whether we give the Native a vote or not we have him here. We cannot prevent him being educated, and if he is going to be a danger in the future, he is more likely to be so if we withhold reasonable rights.

45,081. Then political equality would be, I suppose, general equality?—I do not say that.

45,082. How could you separate the two?—In England the workmen and the governing classes both have votes, but there is very little general equality between them—in fact, none at all; I suppose they are just as far apart in some respects as the white man and the Native in this country. Political equality by no means means social equality.

45,083. Then throughout South Africa it is your opinion that there should be political equality for all races?—I say that wherever there are representative institutions or Parliamentary government, all men in all classes reaching the same standard should have similar political rights.

45,084. And you would do your best to raise them to that standard?—Yes. In this country, ever since we have had repre-

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sentative institutions, we have had a common franchise, and having, I suppose, seen as much of it working as anybody here, I cannot say otherwise than that I think it has worked well. I have sometimes been disappointed that I have not had the Native vote, but I have been equally disappointed that I did not have the European vote. I find that the aboriginal Native voter of this country is an extremely shrewd man, and, speaking generally, he has sent some of our leading men to Parliament, and he has shown very keen appreciation of his rights and responsibilities as a voter.

45,085. We have a list of subjects upon which we are taking evidence, and perhaps you would say whether there are any others upon which I might ask you some questions?—I see here "Administration of Local Affairs." No doubt you know exactly what we are doing in the Transkei in that matter. I have had no practical acquaintance with the working, but from returns which I have read, and from information which I have obtained from gentlemen who are immediately interested in it, I think that it is a principle that is a very desirable one, and one that could even be extended. I am talking of the aboriginal Natives of this country. They have always existed, as far as we know, as a nation or communities. They have not been a nomadic people, and have always had a system of government, and though their laws were not written, there were laws providing for their requirements. They had their Chiefs, who, often with the assistance of their Councillors, governed very effectively. At times we might have taken exception to their mode of government, but they are accustomed to the management of their own affairs very largely, and I think that, in many instances in the history of South Africa, causes of dissatisfaction and disturbance have arisen very largely from the fact that the Europeans or the Governments—perhaps we in this Colony were as much to blame as anybody—in the past deprived these people of all management in their own affairs. I think we should, as far as the altered circumstances will allow, where local questions are concerned, permit a certain freedom of management. The management of what one might call their municipal or smaller affairs should be entrusted to them under some European supervision as much as possible. Only very recently I was in a portion of the Native Territories—it was in Herschel—and I found the Natives there anxious to have some management and more say in what you may call municipal matters.

45,086. Do you mean that the Magistrates should interfere less in the control of those Natives?—I did not say they should interfere less, but in many matters there should be more consultation with the people. They might have local committees, for instance, in connection with the schools, the settlement of land boundaries, the question of water rights, and other matters. It would give satisfaction if the Magistrate had Natives to assist him in dealing with such matters, because they know the local circumstances.

45,087. Do you not think that without actually having a formal committee the Magistrates do everywhere consult the Headmen?—Some do and some do not; some Magistrates are popular with the Headmen and people and some are unpopular.

45,088. Might this not have the retrogressive effect that if the Native once enjoyed power again it would rather tend to the re-establishment of Native law and custom which is disappearing?—I do not think so. The fact is that you cannot continue to keep

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even the Native for ever out of any say in matters that affect himself. It is only a question of time when it will have to be granted. People will not submit all their lives to be governed; they like governing themselves, even black men—and properly too. I think it would rather allay their being rash or discontented or pressing for what is unreasonable.

45,089. Take the case of Colonies where there is a legally-established Code of Native Law as cognisable in the Courts of the country, could you have in such places consultative Councils such as you have indicated?—Those would not be for the settlement of legal disputes; they would be more for the management of local affairs, and not to determine law points.

45,090. As I understand it, then, you think that more good might be done if the Natives were taken more into consultation?—Yes, in such matters as I have indicated.

45,091. Do you think the local Councils under the Glen Grey Act, or which followed upon it, have been successful?—I think, considering that it is just the start, they have not done badly.

45,092. They, of course, are under guidance?—Yes, and I would have them under guidance.

45,093. Is there anything else you wish to say on that subject?—No.

45,094. Is there any particular opinion on any subject, whether mentioned in the list of subjects or not, upon which you would like to express your views to the Commission?—No, I have spoken upon those I wished to, land tenure and local affairs. In regard to marriage laws and customs, I would like to say this, that under the Glen Grey Act the land goes to the eldest son, by primogeniture. I would favour a modification of that, and I would give the holder freedom of testamentary disposition, but would limit it to his own family if he has one, that is males; because very often the eldest son is not the most suitable one to inherit the land, and though there may be a second son more suitable the parent now has no power to leave his land to him.

45,095. You mean that he should have the power to disinherit any of his family?—He has that now; the land goes to the eldest under the present law, and all the others are disinherited.

45,096. You would give him the power to disinherit his eldest son?—I will not say the power to disinherit his eldest son, but the power to leave it to the son he thinks is most likely to occupy it to advantage.

45,097. Do you mean the land or his personalty?—I mean the bit of land that he holds under the Glen Grey Act which goes by primogeniture.

45,098. But his personalty?—As a rule he has not very much. I would leave him freedom of testamentary disposition as regards that, within his family, not outside.

45,099. So that you would strike a blow at the principle of succession?—It would not; it would still be a son.

45,100. It must be a son?—If he has one, yes.

45,101. If you gave him the power, though, to leave it to whom he liked, he might leave it to a daughter?—I did not say that; I said he must leave it to a son.

45,102. That is wherever the title is individual?—I would not say wherever it is individual, for if a Native has a farm in the Stellenbosch District he can leave it to anyone in the same way as a European. I spoke of those who come under the operation of the Glen Grey Act.

45,103. *Mr. Stanford.*] Would you also favour, Mr. Sauer, a desire that has been expressed by the Natives in Fingoland, who are accepting the survey under the Glen Grey Act, to give the widow a life interest in the holding?—Yes.

45,104. Are you aware that the General Council at its last meeting voted a sum of £5,000 towards establishing an agricultural school in the Transkeian Territories?—I heard that it voted a sum, but did not know how much.

45,105. And that Government, with the consent of the people interested in the village of Tsolo, has approved of the farm being established there?—I did not know that.

45,106. You approve of that school?—Yes.

45,107. Are you aware that under the general rate system now in force in the Transkeian Territories, the children of ratepayers practically attend the public schools free?—Yes, but of course, the parents are rated, and all those schools get a Government grant, I think.

45,108. The school is supported partly by grant from Government and partly by grant from the General Council?—Yes.

45,109. *Mr. Thompson.*] Mr. Sauer, you have had lots of experience in handling Natives; how would you define a Native? Would this definition meet with your approval: "Born from aborginal Natives, father and mother, South of the Equator"? Would that embrace the word "aboriginal" Native, and would that meet with your approval?—They would be aboriginal Natives.

45,110. That would embrace everything save and except the coloured man?—Very nearly, but I will not say everything. Take, for instance, a man in the Western Province, do you mean to exclude him?

45,111. He is not born of aboriginal Natives?—Still, I know of a great many, even in the Western Province, that it would be difficult to prove whether they would answer to that definition.

45,112. You know we labour under a great difficulty in this Colony when we are legislating for Natives; we have to include Fingoes, Amaxosas, Griquas, and in some cases men are left out, and because they are left out they consider themselves not Natives. Take the Griquas, for instance?—I think that that definition would embrace most of them.

45,113. So that that definition of a Native would meet with your approval?—It seems to me to be very comprehensive, but you would still have many questions arising in Courts of law as to what a Native is, even if you had that definition. That difficulty you will never get over; no language I know of is sufficiently wide and accurate to take that in.

45,114. For instance, a Kafir woman giving birth to a white man's child, in a Court of law that child becomes a Kafir. You would not interfere with that at all; it has to take the nationality of its mother?—Yes.

45,115. You know that in the late Free State and in the Transvaal the Native is not allowed to acquire land individually?—Yes.

45,116. Do you approve of a system where Natives can come into European centres and collectively buy up land where it would be of advantage if they were kept out of those centres? Would you approve of a measure debarring the Native from acquiring land in European centres, because in the Glen Grey area you protect him in his land; no white man can buy his land?—Do you mean,

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would I approve of having a law preventing, for instance, a Native buying land in Cape Town?

45,117. No, I mean a farm. Supposing 1,000 Natives each contributed £2 in order to buy a farm in a European centre, do you think it advisable they should be able to do so?—It might not be advisable.

45,118. Would you approve of any legislation preventing that sort of thing?—That is another matter, and I am not prepared to say that I would favour such legislation. I see great difficulties in carrying it out.

45,119. Under the educational system do you approve of central control?—I approve of the central authority having a voice.

45,120. A voice only—I am not alluding to Europeans now?—No, more than that. I believe in central control, but it must not be excessive.

45,121. A final veto?—Yes, a final veto in defined subjects, but I wish to have secured local interests and local influence.

45,122. Would you say that the establishment of special institutions for Natives requiring higher education would have the effect of keeping our Natives in this country to acquire what they want instead of going to America and other centres?—Yes, it would help.

45,123. And you think that would be advisable?—I think it would be better that they should get their education here.

45,124. You used the word similar representation on the question of the franchise. Would you object to the Natives having their own representation, based upon the franchise and running on similar lines, but not voting together with the whites?—You mean having separate representation, as in New Zealand?

45,125. Separate and fair representation, voting by themselves?—It is a farce in New Zealand, and here, where the Natives are spread over the whole of South Africa and mixed with the Europeans, I do not think it is feasible, though it may be in the Transkei. Take King William's Town district, where half the voters are Europeans and half Natives. In some localities you have 50 Native voters, in others 100 and more, having different local interests and living far apart. I therefore do not think it is practicable in this Colony.

45,126. You approve of the system, then, of the Native and white man voting on the same day and at the same booth?—When you say "approve," I can only reply that I have not heard of anything or thought of anything that would replace it with advantage.

45,127. Reverting back to the question of industrially educating the Natives, you hold that it would help the Natives materially to improve as, in giving the farmer industrially educated Natives, it would improve the farmer's position as well?—Yes.

45,128. So it would have two effects?—Yes.

45,129. *Mr. Samuelson.*] What are your views as to the total prohibition of the sale and supply of liquor to Natives?—I am in favour of it in the Transkeian Territories; on this side of the Kei, where we have a mixed population, I would leave it to local option.

45,130. To be exercised by Europeans and Natives alike?—They do now under our law exercise that right, which is under a very low franchise. The registered Native voter is, as regards obtaining liquor, in the same position as the European voter.

45,131. You mean option in that sense, not option in the sense in which it is used in the United States of America?—I mean the

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option to open and close places for the sale of liquor. Under our law the people can close all liquor shops if they choose.

45,132. I think there is a system that is recognised here in the Colony proper as a privilege or an exemption from the Liquor Act in certain cases, which is called the truck system, by which farmers may supply Natives working on their farms with a certain amount of liquor?—Yes, farmers can supply their labourers.

45,133. Is that a thing you approve of?—I do it myself. The only farmers who do it are what are called the wine-farmers. I have not found a single case where a labourer on a farm has been the worse for liquor that he has got from his employer. But on Saturday afternoons, when he goes to the villages, then often he is the worse for liquor. What the labourer gets from the farmer is not too much, and he generally takes it with his meals, and he gets a very light wine. The wine-farmers in this country, like the wine-farmers generally, are the most sober of people.

45,134. Are you speaking of the Native or coloured people?—Of both. A good many Natives come now, but the great bulk of the labourers employed in the wine districts of the Western Province are what we call the Cape boy.

45,135. Do you think that varieties of administration, taxation, and other things, are calculated to cause disaffection and discontent in the Native mind, or the contrary?—I think uniformity is good if you can get it; it is more easily understood.

45,136. With regard to the Transkei, you favour the principle of total prohibition?—Yes.

45,137. You are aware that if a Native is registered as a voter he is exempted?—Yes.

45,138. Would you alter that at all in regard to the Transkei?—No.

45,139. Do you think that a man by becoming a voter should exempt only himself by that act or the whole of his family?—It is a difficult question, but when a man arrives at a certain standard, and obtains political rights, you cannot treat him in the same way that you treat a person not in the same position.

45,140. Then it is possible in the Transkei for two classes of Natives to exist in respect of Liquor Acts, some exempted from the Liquor Act and some not?—Yes, it has been so for a long time.

45,141. Would it be possible for the police, who are really unable to distinguish one Native from another, to enforce the law?—It would, no doubt, be somewhat difficult.

45,142. What would you suggest as a remedy for that state of things?—I do not know that I have a remedy for it. You might say that liquor should not be sold except to people who travel and who put up at houses of accommodation; and that is pretty well the law now. In the Transkei we can legislate by Proclamation, a very easy way of making laws; but we could not do that here with a Parliament.

45,143. How would you propose that the Native population of South Africa should be represented in the Federal Parliament?—If they had the vote elsewhere as they have it here they would be represented on the same principle as the European.

45,144. And how would you include in such representation such territories as Basutoland and the Bechuanaland Protectorate?—If you applied the Cape Colony principle the voters there would return their own member or members to the local Parliament.

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45,145. Do you think it would be of any assistance to us, the local Government, the Government of this Colony, or to the Federal Government, to have a permanent Advisory Board to advise in Native matters?—I do not see that it would be of any advantage.

45,146. You do not think that there should be any distinctive administration of Native affairs throughout South Africa, but that they should be administered in the same way as all other matters?—In this country we have a Native Affairs Department with expert knowledge, with whom the Minister consults. Then the Minister in charge of Native Affairs is supposed to have some knowledge and interest in the matter. But if you had an Advisory Board, it would probably think that it must find something to do.

45,147. Have not Natives special characteristics as a race which constitute the permanent distinction separating them from other races in South Africa?—Yes, I think they have.

45,148. Do you think that these characteristics are effaceable and absolutely eradicable by civilisation, or education, or otherwise?—I do not think so. I do not think the characteristics of any race are liable to that—not of any race that is worth anything.

45,149. Then, to lay a sound foundation and good government for the Natives, and such as may be best suited to them, should not racial distinction and the peculiar genius of the Native be taken into account?—I think so.

45,150. Are you of opinion that it would be in the interests of South Africa and the Natives to rule them entirely on Anglo-Saxon rather than on tribal lines?—I do not exactly catch your meaning. Anglo-Saxon may mean many things. There are different forms of governing in different parts of the Empire. As for tribal rule, the Native may require that rule at one time and not at another. But I agree that you should take the characteristics, the genius, and the local conditions into account in governing Native people. To want to make all people alike is a mistake; it would make the world a very common place, and will not succeed in the long run. You should try and bring a sort of common understanding, but to have contentment you must recognise the peculiarities of a people and their conditions.

45,151. Do you think that title deeds of land belonging to Natives, whether acquired by grant or by purchase, should contain clauses reserving any ultimate rights in the same to the Government?—I do not. In this Colony, this side of the Kei, a Native can buy land, in Cape Town or anywhere else, and hold it on the same conditions as a European.

45,152. You believe in an open market, then, for the Native as well as for the European?—It is the law of this Colony, and I do not see how it can be altered.

45,153. Now, presuming that tribal units are abolished, will not the Natives, not being held together by their tribal organisation, be without order and be a source of difficulty to the Government? Can they do without leaders?—If you make any great change in the life of a people when they are not prepared for it, discontent and trouble will ensue. Our Natives, who have got out of the tribal state, have not been taken out of it by an Act of Parliament, but they have grown out of it. We once endeavoured to abolish Chieftainship, by eliminating the word Chief from the Estimates for the year, but the Chiefs still remain.

45,154. Can they, as a race, do without leaders?—I think they can. There are many Natives in this Colony who do not look to

Native leaders or Chiefs as their source of authority or leading. They look to a large extent to the officials, and in many instances they look to the law of the land. I have known cases where Natives in public matters have gone strongly against the advice of their Chiefs, where they took, in fact, an exactly opposite course.

45,155. Would it not be to the interests of the Natives and save them from conflict with the white race to promote their development separately and to leave them to grow together with the European population to such an extent and in such ways as the influence of education and other communications attract them?—Generally speaking, I think that is correct. It is only another way of saying that you must have regard to their conditions and customs and genius in dealing with them.

45,156. And in saying that would you not say at the same time that it would be better for them to have separate representation and to vote separately for their own members to represent them in Parliament?—If they all live together it is possible that might be, but it is not feasible here. How are you going to represent the scattered numbers of Natives all over the Cape Colony, with each district having different interests?

45,157. The Colony is divided differently for the Upper House from the divisions for the House of Assembly?—Yes.

45,158. Could not some such system be adopted as that which is adopted for the Upper House?—I do not think so.

45,159. Do you not think that the Natives will at some time or other be brought into a regular vortex of conflict between the two parties, especially in such Colonies as this and Natal where Responsible Government is in force?—That has not been our experience. The fact is in this country the vote has taken the place of the assegai very largely. I believe if the Native had had no political rights in this country we would have had more trouble.

45,160. That would not deprive them of political rights?—Well, it is rather a round-about way of doing much the same thing.

45,161. Do you think that the fact of contending parties going through those Native territories and courting the Native vote is a thing that will increase the Native's respect for the European?—I do not know that it will decrease his respect. I think that the Native's respect for the European will be founded upon much deeper questions than what merely transpires at public meetings. There is no doubt the Native values his right to vote just as highly as a white man, and I think he is no more amenable to sinister influences at election time than a white man.

45,162. And do you think that whilst the Native is a polygamist, and adheres in any way to his distinctive characteristics as a race, such as polygamy and "lobolo" and other things of that sort, that he should be placed on the voters' roll?—I do not think that should interfere with a man's right to vote. Polygamy under another name is very much extant in Europe to-day; so that I would not let that interfere with a man's right to vote. Besides, to the Native polygamy is not a degrading thing. It has been the law and custom for centuries, and he is fast, considering all the circumstances, growing out of it. He finds even one lady rather expensive, with his and her increased wants.

45,163. Then you would not make any difference between the ordinary Native and the civilised Native?—A man who obtains the franchise has acquired a certain measure of civilisation.

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45,164. Taking the wage qualification of £50 a year, with the ability to write his name and address, is that a sufficient educational test?—We make that the test for a white man, and we should not have a higher test for a Native. I think you must have an equal test.

45,165. Then, speaking of polygamy, do you think that whilst polygamy is allowed as a practice amongst the Natives in the Colony, that the marriages or the polygamous contracts should be registered?—I would not have it countenanced more than could be helped.

45,166. Do you think it is fair to the Native husband who marries according to a custom which is allowed and recognised, that his wife should not have a recognised legal status?—I would recognise the wife. To them no doubt the contract is just as valid and just as sacred as it is to those who go into a church and get married.

45,167. Having said that, do you not think that it would complete the union and give a status to the marriage if that marriage was registered?—I see no objection to that.

45,168. It would protect the offspring of the union too?—Yes.

45,169. And it would prevent Native women leaving their husbands, as has been done, and living with other men in a state of immorality?—Yes.

45,170. Then, with regard to Native law, do you think it is preferable, as a lawyer, that unwritten law should be administered in the Courts where such law exists as the Native law?—It is better to administer written law, but until you have a Code that makes provision for all possible cases I think you must recognise unwritten law.

45,171. Do you think it is justice to the Native to leave the question as to whether a certain point is Native law or not to the volition of the Native Commissioner or the Magistrate?—You must leave it to somebody; you ought to get recognised authority, but I cannot now say to whom it should be left exactly. I know some Magistrates who are high authority and others who are not.

45,172. Would not the best process of assimilating the Native systems of law and our own laws be to record their laws in writing and gradually to amend and improve them as time went on?—I think so.

45,173. And finally get rid of them?—Yes; you mean with a code?

45,174. Yes?—We have done that in the Transkei.

45,175. Can we say with regard to the Transkeian Territories, Mr. Sauer, that there is any Native law which is administered in the Courts of the Magistrates in the Transkei which is not a written law?—I am not in a position to say.

45,176. But you agree with me that that is the process, and has been the process, of all legislation, to travel from unwritten law to written law, and gradually to improve it?—Yes; and in the Transkeian Code there is no doubt a great deal of the unwritten law embodied.

45,177. The Native law of succession is recognised in the Glen Grey Act, and has been made law in that Act?—Yes.

45,178. Do you see any reason against its being made the law generally; that is, a written law applying generally and not specially to the Glen Grey Act?—You mean to the Native Territories?

45,179. Yes, or to Natives elsewhere?—You cannot treat a Native who lives the life of a European similarly to one living in a tribal state. To one the common law of the country should apply; to the other special laws and customs.

45,180. The law of succession is recognised in India, is it not? There is the Brahmin law of succession, and the Hindoo law of succession?—Yes.

45,181. And why should not the law of succession be similarly recognised here?—We have recognised it in the Glen Grey Act.

45,182. Only so far as the land is concerned?—Yes.

45,183. Do you think that it is fair to the Native that when a marriage takes place by Christian rites the estate of the spouses should, on the death of either of them, be administered under the ordinary law of the Colony simply through the fact of marriage by Christian rites?—No, I do not think it is the best way of dealing with it; the cost of administration generally eats up the estate.

45,184. And do you think when Natives contract a marriage by Christian rites they are aware of the effects of such a marriage?—Some are, but I suppose a good many, in fact, most of them, are not. You mean the effect upon their estates?

45,185. Yes?—I should think very many are not.

45,186. Do you think that a Native should be exempted from the operation of Native law, or from the application of Native law by any special process, or that the Natives as a whole should develope under the ordinary law of the Colony, and not by any special process?—We have not got that power of taking a man out. I think it should be left to the ordinary process of development.

45,187. *Mr. Campbell.*] Do you not think the Native voters will soon outnumber the white voters?—They might in some places, but not generally.

45,188. In what proportion in this Colony may they predominate the most in a short time?—I do not know any constituency, not excepting the Transkei, where the Native registered voter is in the majority.

45,189. I understood you to say just now that in King William's Town there were 50 per cent. of Native voters?—Very nearly, in the district; but then there is the town, where the European vote is very strong too.

45,190. Do you not think, if compulsory education was adopted, such education carrying with it the right to the franchise, that the Native vote would soon outnumber the white?—Mere education would not give that right; the Native would require a salary, or an occupation qualification in addition.

45,191. Is not that very easily attained?—Our franchise is low.

45,192. Would you advocate raising the franchise generally?—I am not prepared to say that I have considered it sufficiently.

45,193. Do you think the white colonists would be willing to sit with the Natives in the Legislative Assembly or Council?—I suppose a great many would not be, but there is nothing in our law now to prevent a Native being elected.

45,194. Would you give the Native in the other Colonies, say in Natal, where the Natives are ten to one, and in Rhodesia, where they are a hundred to one, the same privilege as the Cape Natives have got?—I would give him a voice in the representation of the country.

45,195. In what way would you do it?—You might have to raise

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your franchise in Natal, or you might be so circumstanced that you could give him separate representation.

45,196. Would you in those Colonies, then, advocate separate representation as they have in New Zealand?—Where a country is so situated that the bulk of the people cannot with safety be allowed to have a voice in its affairs, I do not know whether you should not reconsider your form of government. You cannot have one section represented and not another.

45,197. Where the Native predominates?—I say where the majority of the people are such that they should have no representation such a state of things is not conducive to the successful working of representative institutions.

45,198. Do you not think that in this Colony it would be a great source of unrest and irritation amongst the whites, who are the governing power now, if the Natives in any way got the upper hand, as far as the vote is concerned?—Do you mean all through the country?

45,199. Especially the Cape?—That is an impossible condition; they could not get that now, or in the near future.

45,200. Notwithstanding that the numbers are increased and the educational facilities are increased?—I do not think so.

45,201. You think it would cause no revulsion of feeling if Natives were returned, if only in small numbers, to the Legislative Assemblies here?—It does not follow if a Native can vote that he will send a Native to Parliament.

45,202. I think that will naturally follow, but I want your opinion?—There is no doubt that with a large section of the community it would not be popular if a Native were sent to Parliament.

45,203. With a large majority you think it would not be popular?—I do not say a majority; I say with many people.

45,204. You will not say whether you think it is a majority, or a minority, with whom it would be unpopular?—I cannot say.

45,205. *Captain Dickson.*] Do you farm land?—Yes.

45,206. What sort of labour do you employ?—White, and the Cape boy.

45,207. Have you sufficient labour?—Yes.

45,208. Are the farmers in your district well off for labour?—I have got, in addition to ordinary labour, convict labour. Just now I think the farmers can get sufficient labour, but they did not get sufficient a little while back.

45,209. Can you give us any recommendations that would enhance the supply of labour for the land?—We have enough labour down here just now, though I do not say it is always satisfactory.

45,210. But in parts of your Colony the farmers are short of labour?—Yes, but not so short as they were. A great deal of labour is now coming from the Transkei. In the last few years a great number of Natives have come out of the Transkei to labour.

45,211. Have you had to study this question at all, and have you any views on the subject?—I have not studied it. I have seen what the newspapers say about it, and have talked it over with some people.

45,212. Have you any views on the subject?—I would rather say that I do not know sufficient about it to express a definite opinion, and I have heard such contradictory statements.

45,213. Do you think there are many Natives in this country sufficiently advanced to carry on Churches or other institutions without European control?—I have always said to the Natives that

I think it is very much better for them if they co-operate with Europeans in the management of their Churches and their schools.

45,214. *Mr. De la Harpe.*] What is your experience, Mr. Sauer, when Natives, or even coloured people, are allowed to buy erven in towns, or to buy farms; does it not depreciate the value of the adjoining erven or farm land?—In the towns you have certain localities where, owing to the class of occupier or owner, the adjoining land is depreciated, but that does not only apply to Natives—it applies to other people also, and it applies not only to coloured people, but to a certain class of white people.

45,215. Supposing you were a stock-farmer up country, would you like to be surrounded by Natives who were allowed to buy land?—I certainly would not like to be surrounded by a number of Natives who lived by their wits; but if a Native had a farm there, and was a respectable man, I do not know that I should object. I happen to be interested in stock-farming in the Eastern Province, and have suffered much, because idle Natives are about; they are not owners of land, but squatters. Many farmers allow numbers of Natives to reside on their farms at a small rent, who in many instances live by their wits and on their neighbours.

45,216. Is it not your experience that it is detrimental to the interests of white farmers to be surrounded by small Native landowners, or farms where Native tenants are allowed to squat?—Yes, with squatters in many cases, but the European farmer allows the squatting. There are districts in this Colony where the white man's land is farmed out to from 50 to 100 or 150 Natives at the rate of £1 or so per hut, the white man doing very little else than living on the rent thus derived. If you go to Albany and to some other districts you will find that a large number of white people obtain their livelihood by letting out their land to Natives.

45,217. The white man who is an honest man suffers from that?—Undoubtedly.

45,218. *Mr. Hamilton.*] Are you in favour of giving any more land to the Natives? There is a cry in some quarters that the Native population is pressing upon the limits of production of the land which they occupy. I am not asking you whether that is so or not, but would you under any circumstances dedicate more land to Natives than is in their possession at present?—In this Colony we have no more land to give them, and I would not give any people land to which they have no right and which belongs to the State. But I would recognise the rights that people have, as we do in this Colony. Where Natives occupy land which by right they are entitled to occupy, we must recognise that right.

45,219. What is the nature of that right: is it an individual right, or is it a communal or tribal right?—The rights that they have in the Transkei are of various kinds. Some of them are by beneficial occupation and others by what you might call charters or agreements. There are various kinds of rights.

45,220. They are not rights of an individual Native, but of a community of Natives?—Yes, some are the rights of a community, and some individual Natives have rights too.

45,221. If title were to be given to individual Natives, as you favour——?—As we are doing.

45,222. Well, as you are doing; would it not interfere with the right of the community to the land if you handed it over to individuals, giving them the right to sell it?—Yes; but I would limit that right.

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45,223. To Natives?—Yes; and you would still retain the right of the community to the common grazing ground. After all, it is only a matter of convenience amongst themselves, and would be a stimulus to them to cultivate particular plots of ground. The Native occupies certain land whether you give him a title to it or not.

45,224. I understand that you base a certain treatment of the Native upon a certain claim he has to certain land or the claim that they have as a body to certain land, and then you advocate a certain measure which will entirely do away with the title of the mass and hand over that title to individuals. It then becomes a mere matter of purchase and sale. The individuals change, and in a very short time you will have this land held by individual Natives who have no kind of title such as you have referred to?—Yes, but these individuals make the mass, and they represent the mass.

45,225. Those to whom you are giving individual title now represent the mass, but when they have sold their ground, as it is open to them to do, to alien Natives coming from other parts of the country, they will not do so?—Still, they would be Natives, and as a rule they would sell it only to members of the mass.

45,226. They have the power to do otherwise?—Yes, in a sense, but still it would practically work out at that.

45,227. What advantage do you see, then, in individual freehold title, a title which can be bought and sold, a title in perpetuity as distinguished from a title under, say, some certificate of occupation which secures the holder against being dispossessed?—We have them both here. The ordinary title is to be found in various parts, but it is only in special districts where we have title under the Glen Grey Act or similar to it to particular plots with common grazing rights.

45,228. But that title gives the Government no power to take back that land?—No.

45,229. Supposing you parted with large areas to Natives under the Glen Grey title or some equivalent, and for certain transcendent reasons you wanted that land back?—There may be found transcendent reasons. We do not part with our land. We enable the individual Native to hold the land in a particular way, but we are not parting with it, because it is theirs already.

45,230. There is a difference between its being theirs and being ours?—Still the communal right is theirs, and if you take all the "ours" together it means theirs. The individuals, as I have said, make the mass.

45,231. You advocate this individual title because of certain moral and economic effects it has upon the Natives; do you not think that title by way of certificate of occupation would confer these advantages in the same way as freehold title?—It would but for the one thing that you might have a Government with a vigorous or ambitious policy embarking upon rather questionable enterprises, such as taking the Natives' rights away, which I think would be wrong and which I am sure would lead to great injury not only to the Native but to the European too. It is much better to have the Natives settled than to have them roaming about the country without homes.

45,232. Then you prefer the Glen Grey title to the other because it will prevent the Responsible Government of the country on some occasion doing what they otherwise would do?—I prefer it because it will prevent a Responsible Government, in name, perhaps doing a great wrong—or putting temptation in their way.

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45,233. Would you hold to your principle of equal franchise for the Natives and the white men even at the risk of seeing a majority in Parliament in the hands of the Native vote?—I do not see any likelihood at all of that here, and I do not believe such a state of affairs will arise. I can only deal with things as they are and as I believe they will be.

45,234. You have no doubt studied the figures of the coloured vote in this Colony, but I will read them to you. In 1895 the coloured vote was 5,000; in 1897 it was 13,900; and in 1903 it had grown to 20,000. It has quadrupled in eight years?—Yes.

45,235. The total of the coloured vote now is a mere fringe of the Native population and the coloured population?—Yes, numerically.

45,236. There is immense room for expansion so far as numbers are concerned if the Natives qualify themselves, because there are a million and a half Natives, I believe?—Yes, including the Native Territories, there is about that number.

45,237. And there are only 20,000 voters at present?—Yes.

45,238. Your object is not to keep out the Native voter, but to bring him in?—I do not say that that is my object; but I say, where you have Representative or Responsible Government I believe in having a common franchise. Owing to the different circumstances of the country—not only because there are black people, but for other reasons—you may have to consider the question of a different franchise. That I can understand, but I am not in favour of having a differential franchise, saying because one man is black he must have a certain qualification, and because another man is white he must have another qualification. There is one standard of civilisation which should be common to all. It does not follow that the standard should remain what it is now.

45,239. One wants to get at really how far you would carry this principle?—There are other ways of meeting the question. There is a practice in some parts of the world, for instance in Belgium, for which there is much to be said, under which people get Parliamentary franchise rights on the principle we recognise in municipalities here. A man who has certain qualifications, such as University qualifications or property qualifications, has an additional vote.

45,240. If you accept that principle as an absolute guiding star, why do you hesitate to say whether or not you would carry it out to whatever result it may lead?—Excuse me, I do not hesitate; I am very definite. I would have one qualification.

45,241. Would you carry that out even at the cost of having a majority of your Parliamentary representation in the hands of the Native vote?—I do not believe that that is going to be the case, and therefore the question does not arise.

45,242. If it were proved that it is going to be, would you depart from the principle?—I would then consider it, but I do not believe that such a condition of affairs is going to arise. At present it is not a practical question here, and I do not know whether it will ever be a practical question in South Africa—in fact, I do not believe that it will. There are many reasons by which I could account to a very large extent for that great increase in the Native vote; it is not merely an ordinary increase, but there are other reasons for it.

45,243. Your educational figures show an enormous increase in the number of Natives attending schools?—It is not so much the

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educational increase; it is because our franchise qualification is low, and there are other reasons besides. During a political contest everybody was anxious to put Natives on the voters' roll, and at the last registration in this Colony a great many people, both Europeans and Natives, were put on the voters' list who had no right to be there.

45,244. I gather from your replies that, in the event of this equality of franchise working badly or creating any danger, you would be inclined to meet this by a general raising of the qualification?—I say that if a franchise works badly you must try and put it in such a position that it will work well. At present, I must say, I see no reason for that. Speaking generally, I am not an advocate for a high franchise qualification.

45,245. Is it your experience that the Native is very keen on exercising the franchise?—I think he is.

45,246. And in qualifying himself to exercise it?—I think he is quite as keen as the European.

45,247. In having a large number of Natives fired by a desire to exercise the franchise and having a qualification which it is easy for them to attain, how do you propose to limit the numbers who will exercise it, or, rather, why do you look forward to the numbers being few instead of many?—I do not look forward to the number being few, but I say that, knowing this country as I do, and knowing the progress that it is making, I do not think that the native vote compared with the white advance is going to be so great as would appear from those figures which you have quoted.

45,248. You spoke of a political equality not being a social equality, and you instanced the two classes at Home of the nobility and the working men, who, while they have political equality, have no social equality; but, of course, society at Home is like a ladder, with one rung above another, reaching from the lowest to the highest, and while there is no social equality between these classes there is a constant arising of individuals from lower classes to higher classes and a lowering of individuals from higher classes to lower classes. Are you prepared to see the same thing happening as between the Natives and the white people here?—It may happen, but I do not know that it will; in fact, I doubt it myself. But I do not quite follow the drift of your question.

45,249. Would you take any steps to keep the races separate and to prevent them overflowing into each other in that way?—I do not know what you can do. I would not like to see the black and white inter-marry; I think it would be bad for both of them.

45,250. For example, would you allow Natives freely to take diplomas as doctors, lawyers and clergymen, and to practise their professions amongst white people?—I would not stop it, and I do not think it could be stopped.

45,251. You are in favour of compulsory education for black and white?—Yes.

45,252. Would you also have it free as well as compulsory?—No, I would not have education free, except where a person could not afford to pay.

45,253. Then you would make it free?—Yes, where it is shown that a parent is wholly unable to pay; where he can pay I would make him pay the whole or a part. Many people advocate compulsory education free all round; that I am not in favour of.

45,254. Do you think that the Natives make as much out of the land—take the Transkei as a typical case—as white farmers would

do if the country were opened to them?—I am inclined to think that the Natives make rather more out of it—though perhaps that is not a popular thing to say—if for no other reason than that the land is divided up into small allotments and a man can easily cultivate the whole of his allotment, and it is in his interest to do so, and so the whole becomes cultivated. On the other hand, the white farmer has a larger extent of land, and it is not so necessary or easy for him to cultivate it all. If you take 1,000 morgen belonging to one white man and 1,000 morgen belonging, say, to 50 or 100 Natives, you will find that the 50 or 100 Natives will produce more from their 1,000 morgen than the white farmer will produce from his 1,000 morgen.

45,255. Is it not rather the case that what they produce they also largely consume, and that it is simply locking up a large population of Natives that get a living out of the ground and locking up the same ground in order to keep that same number of Natives; and so it works round and round?—We do not produce enough to feed ourselves in South Africa, and if the Natives do that it must be admitted that they are doing something. And, as a matter of fact, they sell a good deal of grain in the Transkei, and a good deal of it goes to King William's Town, East London, Barkly East, and those places. If they had means of transport I have no doubt that they would grow more. They grow it very crudely sometimes—generally, in fact; they do not adopt the best mode of cultivation, but then, one could hardly expect them to know much better.

45,256. Do you think that the system of placing Natives down on a small patch of ground, with nothing to live on, in itself is a good system; do you think that it admits of any kind of progress or improvement amongst the Natives? You know how they live down in the Transkei?—I believe that the Native would progress much more there than he would in Johannesburg, and he would be a much better man. I do not know what progress he is going to get when he is under-ground all day, and it is certain that he picks up all the vices of the white man. The Native in the Transkei who cultivates a bit of ground would be much the better man.

45,257. It is no use saying that; two blacks will not make one white?—I think his having a bit of ground which he can cultivate is an eminently suitable way of raising him up and making him a decent man; and we must not forget the cardinal fact that that land he occupies belonged to his people, and what right have we to take it away from him?

45,258. Let me put you another question: Would it not be better for them, if they are to be settled on the land, to put them on bits of land where they will really have some chance of living in decent comfort and having a better standard of life and a better outlook upon life?—That may be, but I do not think that there is more land to give them.

45,259. Not all of them, perhaps, but would it not be better to give it to some of them, and let the others go to work?—I think you ought to give a man something he can get a decent living on. People who are not acquainted with agriculture do not know what it is for one man to cultivate two or three, or four or five acres. It is as much as he can do, and it is very hard work; it will take him all his time to look after that properly.

45,260. And generation after generation will go on in the same way?—Yes, and it seems to me that it is a very good way. He has got land, and he can get a good living and bring up a family decently.

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45,261. You think that to find out a minimum quantity of land which will keep a man and his family, and then to give as many people as possible that minimum, is the ideal way of dealing with the Native on the land?—I do not say that. I say that you must divide the land which belongs to the Natives there as well as you can, and give the majority, or all, the amount of land that they can subsist upon, and if there be land to give them a little more then give them a little more.

45,262. As regards the accruing surplus of population, that, I take it, you are prepared to let look after itself; you are not going to stand in the place of Providence to that surplus?—I do not know that we have stood in the place of Providence in recognising the rights of people to their property, because that is all that we have done in the Transkei. If Natives have property, they must do as other people do, that is, do the best they can under the protection of the law.

45,263. You spoke of the Natives having done very well under local management as instituted under the Glen Grey Act; have you seen a district that is under the operation of that Act?—I have often seen that country, but I have not been there since the Glen Grey Act has been in operation.

45,264. Do you allow Natives to buy guns under the same conditions as the white man?—No, I do not think we do. I cannot say whether the law provides for any difference, but practically it is not so easy for a Native to get arms as it is for a white man.

45,265. You would not have it so?—I do not think I would; I do not see that any good would come to them by arming them indiscriminately and allowing them to have guns and ammunition. I would give individual Natives who are reliable men, and who want them for proper purposes, guns.

45,266. How do you justify your refusal?—I do not think that it would do the Native any good to arm the Native population generally.

45,267. He has an inherent right to a vote but not to a gun?—There are many countries in the world where the people have votes but not guns.

45,268. But the point is, that here the white man can get one and the Native cannot?—I would not say that the white man can get one and the Native cannot, but there is no doubt that the white man can more easily get one.

45,269. That seems to point that there is a limit to equal treatment?—Yes; you cannot treat all equally in all respects.

45,270. And it is not unreasonable to suppose, is it, that their first exercise of Parliamentary power would be to see that they were treated equally in all respects? How would you deal with that?—In the first place, I do not think that they would be sufficiently strong to attain that power; in the second place, what it may not be judicious to give him now it may judicious to give him later on.

45,271. You look forward, then, to the position of the Native in this country and his hold upon social and political affairs as likely to increase, and his place in the country to be a more powerful one?—I think that will be the case, and, in saying that, I am expressing an opinion. I think the Native race is a clever race, and, for good or for evil, I believe that the Native in South Africa will be a stronger factor than he is to-day. You are not going to stop that result by withholding his rights or restricting his privileges.

It is a much deeper and a much broader question than is perhaps generally recognised, and I hold that it is the most serious question before us to-day. The only question is how you are to deal with it. I believe that you will deal with it in the most reasonable way, and with a better hope of ultimate success by methods of justice, rather than by any other means.

45,272. Is not the alternative not so much a matter of justice or injustice as a matter of whether you are going to amalgamate with the Native, or keep separate from him, giving him every measure of justice and assistance, but letting him develope as a separate people and within his own limits?—I have no objection to his developing as a separate people. It may be best that he should do so, but you must recognise that he has rights, and you must accord those rights to him, or otherwise, in my opinion, there will be serious trouble in South Africa. You cannot always sit on a safety valve.

45,273. Would you make the Native pay anything for this land to which you advise he should have individual title?—He is paying a fairly heavy quitrent annually now.

45,274. You would make him pay something annually?—He is paying an annual quitrent now.

45,275. You believe in that principle?—Certainly.

45,276. How would you fix that quitrent?—One would look to the value of the land more or less, and the income derived from it.

45,277. You agree that it would be fair and reasonable to make that annual payment bear some relation to the producing value of the land?—It must be a reasonable amount, and the Native is agreeable to that. We at first charged him an exorbitant amount, but we have reduced it. We at first charged him a quitrent almost equal to the value of the whole land, and certainly disproportionate to the quitrent we charged other people in this country.

45,278. *Mr. Sloley*]. How would the separate representation of Natives be a reduction of their political rights? It seems to me that it would mean an immediate increase in those rights, because, as I understand from you, they do not at present command any constituency?—No.

45,279. Then, by the creation of circles from which they would send members to Parliament, their political power would be increased?—Although they may not be directly able to send a member to Parliament now, still the difference existing between the political parties at the present time enables them to influence more elections than they would be able to do if they had a separate representation.

45,280. Do you think that the Native people themselves, who are interested in this matter, would rather influence a certain number of elections as they do at present than absolutely command a definite and restricted area?—I could not say, as I do not know their view on that question.

45,281. *Chairman.*] You referred in the course of your examination to squatting, and you said that the farmers were worse offenders than the Natives. I want to ask you whether you think that the law in this Colony which governs squatting is sufficient?—I believe the law is sufficient, but it is very difficult to carry it out.

45,282. Do you approve of the law which should govern this?—I think the Squatters' Law is a good law, but it is very difficult to carry it out, because you get the Europeans in some districts, the

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men who own the land, against you. It must be administered locally largely, and it is very difficult indeed.

45,283. Do you approve of a law being on the Statute Book which is not carried out?—No, but I should not think that there is a country in the world that has not got laws that are not carried out.

45,284. Do you approve of a law with regard to squatting being on the Statute Book and not being carried out?—It would be much better if it were carried out, and it is carried out partially now. We might be worse off without it, but at the same time it is not carried out fully.

45,285. Would you like to see the law carried out fully?—I think the law should be properly carried out, because I think it is undesirable that you should have the kind of squatting that was intended to be prevented by that Act.

45,286. Generally speaking, do you think that it is a good law?—Yes, generally speaking, I think it is, though, as I say, in a large measure it is not carried out.

45,287. *Mr. Samuelson.*] I think you have said two or three times that the Natives in the Native Territorities have indefeasible rights to the land on which they live, and that the land belongs to them?—Yes, by right.

45,288. As a people?—Yes.

45,289. Do you think that that right, which you acknowledge and admit, should be varied by granting individuality of tenure, in that way excluding or depriving a large number of the mass of the right which you admit they should have to the land?—I said in the beginning of my evidence that I think you should only make such a provision or law applicable where the sense of the community where you wished it to be enforced is with you.

45,290. Now, taking the case of Natal, where large Native reserves have been vested in a special Trust for the Native population of the Colony—not simply for the Natives living on those lands—; do you think that in that case it would be fair play to the Native to convert such a Trust into individuality of tenure?—Who would suffer if you did so? If the people on the land were content nobody else would suffer.

45,291. Do you not think that the Natives living on private lands, who number very many thousands in our Colony, would have a claim?—If they came from that particular part their rights, of course, would have to be considered, but I think you might say to them that they must either remain on the private land or return to where they had been living before; they could not very well have both rights.

45,292. And would you give them no compensation for depriving them of a right which you admit they have?—They have abandoned that right themselves. If you took the right from them it would be different, but if they left it voluntarily there would be no deprivation. Speaking broadly, I may say—and I have always advocated that principle—that in dealing with the Native you must give him full justice, and that is the only way to command his respect and his good will. It is a quality that I think ought to be admired in him that if you give him treatment on those lines you need not anticipate much danger. As I have said, it is the most difficult question that we have before us, and nobody can say what is in the future. It makes most people anxious, and the only way you can, in my opinion, avert trouble is by a policy of justice and of right.

45,293. What kind of tax do you favour: a personal tax, or, as it is commonly called, a poll tax, a hut tax, or a land tax, a tax based on the occupation of land?—Our conditions are very varying, and what is applicable in one part of the Cape Colony is not applicable in another part.

45,294. I am speaking now generally, not particularly?—Just now we have a tax on the individual, that is to say, they pay quitrent on the land. We have a hut tax, too. Then, in addition to the hut tax, we had another tax, the house duty tax—a tax that has been taken off. At present our means of direct taxation is a hut tax and a quitrent on the land. And, of course, all pay through the Customs.

45,295. But, as between a poll tax and a land tax, which would you prefer; which would be the more equitable and better understood by the Natives?—I do not think a poll tax is a very equitable thing, because you get a rich man paying the same as a poor man.

45,296. You have in this Colony modified the Electoral Franchise Law, have you not, so far as Natives are concerned?—You mean as regards the property qualification?

45,297. Yes?—Yes, we have; some years ago a Bill was introduced in Parliament which affected the property qualification and provided that the value of the house with the land on which it stood for franchise purposes should be not less than £50. This was raised to £75. At first it was the house and ground upon which the house stood, and that was modified to this extent, that where the ground was held by communal tenure the ground should not count, but only the house.

45,298. Up to the time of that Enactment the Natives who were in that way affected had enjoyed the same right as the rest of the population of the Colony?—Yes, they counted then the land upon which the house stood, although it was held under communal tenure. To make up the £75 they counted not only the value of the house, but also the value of the land, but now, where it is held under communal tenure, the value of the house only is counted to make up the qualification.

45,299. Do you consider that it was a breach of the constitutional privileges of the Native population that that was done by the Legislature of this Colony?—I will not say that. I was a strong opponent of the alteration, but I would not say that Parliament committed a breach.

45,300. Did the Natives take the alteration in the Electoral Franchise Law very badly?—Yes, I have often heard it quoted since by them as an attempt to reduce their numbers on the voters' lists.

45,301. The Legislature of this Colony, then, having adopted that differential process with regard to the Native population once, do you think it would be a great injustice to the Natives to do it again?—I do not think it will be repeated.

45,302. That is to say continue it, or introduce some other legislation for further reducing the Native franchise?—I have already said that I believe in giving equal rights. There was the contention on the other side with regard to this that, as the land did not belong to the Native, it was no injustice to him. But there is no doubt that in altering the law which did allow the ground on which the house stood to count towards the qualification, the men who occupied communally were put in a different and in a worse position in regard to the acquisition of the franchise than they were prior to the passing of this Act—it was passed, I think, in 1888.

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45,303. In certain respects, then, you think the Native population are a people for whom class legislation is necessary?—I do. I must say this alteration did not affect so many Natives as it was thought it would. They built better houses; and, after all, £75 is not a very large sum with which to put up a dwelling house.

45,304. You said that you were in favour of compulsory education in the case of the white population and the Native population alike?—Yes.

45,305. On the same terms entirely?—I do not know that what is always applicable to the white people would be applicable to the Natives, but I am in favour of the principle being applied to both.

45,306. Would you in that case differentiate in favour of or against the Native?—I would not say that it would be in favour of or against anybody. You would have to act according to the set circumstances of the different classes. I would not have it against any class, but rather in favour of both.

45,307. If the Natives were by their votes to get a strong party in Parliament, do you not think that one of the first things they would move for would be the abolition and repeal of all class legislation especially affecting them as a people?—There is very little class legislation in this country that they could repeal or that is onerous to them. After all, you have class legislation in every country, at any rate in every country that I know of. You must have this kind of legislation everywhere; you cannot help it.

45,308. You answered just now, I think, that the Natives did not approve of the modification of the electoral franchise?—I do not think they did approve of it, but it has affected them very much less than it was thought it would.

45,309. Do you believe in the application of the principle of communal responsibility in respect of crimes committed in any Native district where the perpetrators cannot be found, and it is believed, on good grounds, that the Natives in that locality know or have some idea as to who the offender is?—I would approve of it if you would not do an injustice. If you could prove it, or if you had reasonable proof that they did know of it, I think it would be a good thing; but you must have reasonable proof.

45,310. Do you approve of the principle which has been adopted in the Colonies of Natal and the Transvaal of giving special powers to the Governor, as a Supreme Chief, in respect of the Native population who are under Native law?—Do you mean allowing them to come out of it?

45,311. No; making the Governor Supreme or Paramount Chief of the Native population, and giving him a special capacity as such?—You could not do it where you have Responsible Government. You could not have the Governor following one policy and the Ministry another—someone would have to sit behind. You could not have it with a Governor coming out here to-day who may go away to-morrow.

45,312. You do not think that the Governor, as Supreme Chief, should have a protective right in respect of the Native?—How could the Governor have that right if he was at variance with his Parliament, because, after all, it would come to what the majority in Parliament determined when once you had Parliamentary Government?

45,313. *Mr. Stanford.*] If the Natives in those constituencies in which their voting power is now increasing fast were to recognise that the danger of antagonism between themselves and the Euro-

peans was becoming a serious one, and they themselves began to favour separate voting and separate representation in Parliament, what would your view be?—I do not know that I would feel called upon to oppose that; they would know what their interests in that respect were perhaps better than I would. I would, however, state my views on it in any case, whatever course they might favour.

The Hon. J. W. Sauer, (M.L.A., and Ex-Crown Minister).

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45,314. *Mr. Sloley.*] You still think it would be a bad bargain for them?—I do not think you quite catch my meaning. It is not a question of merely advocating Native interests, but I say that I do not know that it would work well here. I do not see how you could work it exactly, and I have already said that up to the present the franchise here, in my opinion, has worked well, and I believe in following the policy that we have adopted in this country. It is the most liberal Native policy in the British Empire, and it has answered very well indeed here, and we are naturally slow to disturb a system that has answered. We hear a great deal more from outside that our Native policy is unsatisfactory than we ourselves think. We are rather proud of having made a success of it, but we are told by our friends all round us, and by friends far away, that it is not such a great success. And, as we have had longer experience than any other South African Colony, and as our Native is more civilised—I think he is a better man, too—than the Native in any of the other States, naturally we are not in such a hurry to alter our system.

45,315. Would you not think that the better man he is and the more political sagacity he has the greater danger he is politically?—Of course, if you follow that out you must get rid of him altogether. To be logical you must put him in a sack and send him out three miles into neutral waters! We cannot do that, so we had best made friends with him.

LUMINE BIMUS TUO LUMEN
University of Pretoria
Together in Excellence

AFTERNOON SITTING.

Mr. Henry Collins, examined.

45,316. *Chairman.*] Do you represent the Farmers' Congress of the Cape Colony, Mr. Collins?—Yes.

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45,317. There is before you a list of the subjects upon which we are taking evidence; will you state which of them you would like to be questioned about?—What the farmer is mostly interested in is the question of Native labour. That is what we wish to give our opinion about, or to be asked questions on.

45,318. Have you any difficulties about Native labour?—Yes, we have very considerable difficulties.

45,319. What are they?—We cannot get Natives to work. We can get them to work for a few days, but the boys we get now are no good as a rule. Most of our old servants being pensioned off, the Native that we get now is not worth anything as a farm labourer.

45,320. Has it always been like that?—No, I cannot say that. Years ago when I first began farming, 17 or 18 years ago, I used to get plenty of good boys, monthly servants.

45,321. How do you account for the falling off in the supply?—I do not know how to account for it. The idea of most farmers is that it centres round the question of land tenure. If the Govern-

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ment had let the Natives have the land for their own out-and-out, given it to them, or sold it to them, and if any of those Natives had liked to absorb a few of the worthless ones around him, and proved himself to be a good man, as many of them are capable of doing, I think the rubbish would gradually be squeezed back, and they would have to go out to work instead of loafing about the locations as they are doing at present.

45,322. Is that your only remedy for the shortness of labour?—No, that is not the only one. No one works for the love of the thing, and the Native has very little to work for. His wants are very few, and his requirements are easily satisfied. When he gets enough money to buy a few head of cattle for a wife, and has a piece of ground given to him, he has enough for life, and does not want anything more than that.

45,323. Had you formerly Native labourers resident on your land?—Yes, and I have them now. The only way I can get servants is to hire land to them on the condition that if I want extra labourers on my farm they must come and work. Even then they do not like it. The day I came away they were wanted to do a little work—I took them on that condition—and they said they could not come just now as they were going to Cape Town. They come down here and get good wages, 3s., 4s., or 5s. a day some of them, and naturally they do not like to work for us for anything less. In fact, they get as much here for one day as they get for a week when working for us, and they do not do half as much for it, I suppose.

45,324. Is that the principal reason: that they can get higher wages in the towns?—All the young Natives will not work in the country now; they will not work on a farm, but they flock into the towns. Most of them have been to school for a little while and do not fancy farm work any more.

45,325. Is that perhaps the principal reason of all?—It appears to me to be the principal reason. You cannot get a boy now who can drive a span of bullocks or who can do any really good farm work; it is only the old men we get to do it well.

45,326. What is your remedy for that?—The remedy does not rest with us, I am afraid.

45,327. What do you suggest?—We have no remedy. The only thing is I do not think the labour agents should be allowed to come and canvass labour in the locations surrounding our farms. I think there is plenty of field to canvass for labour, if they like to go and tap it, in the Transkei. They come to our district, Victoria East, and take away our labour which we depend on and give the Natives higher wages than we can afford to pay in Cape Town and elsewhere.

45,328. What can you afford to give them?—A monthly boy, a good man, we can pay from 15s. up to 20s. a month, with food and huts and land. I give them small gardens, not large lands. If they want any big lands to cultivate, those I hire out to them, but they do not work by the month then.

45,329. In spite of that they prefer to go to the towns?—The young fellows do. The old men, of course, as soon as they get a few cattle and wives do not want to work for a master any more: they want their own kraals.

45,330. Are all the farmers situated as you describe?—I think so; it is the general cry.

45,331. And is the farming interest suffering in consequence?—It suffers very much now. Only last year a farmer told me his

crops were on the ground and falling down because he could not get boys to reap them. One of the farmers was reaping his crops of oats with a reaper and binder; although he knew the bulk of it would be useless for hay, he thought that by drying it in bundles he might get something out of it instead of losing the lot. The boys will not tie up after a reaper.

45,332. Still, you cannot suggest, I suppose, that Natives should be prohibited from going to labour centres to work if they wish to do so?—We cannot prohibit them going if they want to, but I do not think that labour agents or Government agents should come and canvass just round our farms. The Magistrate perhaps will call for 200 or 300 boys. He applies to the Headman, and the Headman sends them in. They go away, and when the reaping season comes on the farmer wants boys for it and he cannot get them unless he happens to have a few on his farm.

45,333. Is there any law in this Colony which prohibits a person from soliciting Native labour that is employed with another person?—Yes, if the Native is employed by another person, but these Natives are not regularly employed by anybody else; practically they are at liberty to go if they want to. What we think is a bit of a hardship is that they should have this tempting offer made to them, when there is plenty of labour all over the Transkei which would not affect the farming industry at all if the whole lot of them went out to work in the big centres.

45,334. Then, apart from this suggestion that those labour agents should be prohibited, have you any other remedy to suggest by which you could get labour?—Not except as regards this land tenure. I think if that was altered, our position would be improved. At present a Native has his piece of ground allotted to him and has the title deeds, but he cannot sell. He must keep it; he cannot do anything with it. There are a few smart fellows amongst the Natives in those locations who, I believe, if they had the chance, would acquire more ground, and who, I think, would do well with it, but at present they cannot acquire more ground. It is impossible for a Native to expand even if he is a good man. There are a few of those idle, worthless fellows round him and they have their little lands and hedge him in everywhere. They do not want to work in order to live; the living is there for them. They have two or three wives to skoffle the mealies for them, and two or three cows. If such a Native gets into debt he cannot sell his land and no one can touch him. If under such circumstances he could not keep it I think we should soon have a few boys who would be glad to come to work.

45,335. Are you now suggesting an amending of the Glen Grey Act which would admit of individual holdings being sold?—The Glen Grey Act is not in force in the district where I come from.

45,336. Then what are you speaking of?—I do not exactly know what it comes under, but these locations are surveyed into garden lands and they have a commonage. The garden land is given to a Native, who pays a small sum for surveying and for quitrent. It is his ground practically, but he cannot sell it, and you cannot take it from him. If he gets into trouble and wants to sell it he cannot do so, nor can he raise money on it. So it practically amounts to this, that it does not matter what sort of man he is; he can go back there whenever he likes, and you cannot get him out of it.

45,337. These are allotments under the Glen Grey Act that you are speaking of?—The allotments were made before that Act was thought of, I think.

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45,338. Is there anything further upon this question that you wish to say?—I do not see how any of these other subjects affect the farming industry. There is No. 5: Native labour. I consider that Native labour and the land tenure is one and the same thing. If we could do away with a lot of these Native landowners who possess title deeds we should have more labourers. Of course, there is no doubt about it that the more the Natives are getting educated the more they dislike work. As far as farming goes a school Native is absolutely useless to us as a working man. Nowadays they all like to go into a Magistrate's office, to interpret or do something of that sort. They do not like work, and if you do get one who will you find he cannot work.

45,339. You do not think that education improves them?—I am sure it does not—not from a farming point of view.

45,340. Have you ever had an educated labourer to work for you?—I have had one or two of them, but I have not kept them long.

45,341. Have you not found such a man more intelligent in working than the other man?—Not at all; he is useless as a working man, absolutely useless, and as a rule very impudent.

45,342. *Mr. Stanford.*] Are those Fingo locations that are in your neighbourhood, Mr. Collins?—Yes; there is a Kafir location, but it is a very small tribe of Kafirs. All the large locations are Fingo locations.

45,343. Do they regularly get such good crops that they can afford to live off the produce of the land without working?—No, they do not invariably get good crops, but if they get bad crops they rush down and work on the railway or in the docks here, or at East London or somewhere. They will not come and work for a farmer.

45,344. Can a farmer not afford now to level up in respect of the wages he pays for these people?—A farmer cannot afford to pay more than 1s. or 1s. 6d. a day for Native labour. It is not worth more to him, because, as I say, you cannot any longer get servants among the young men that you can trust alone to stand and do a day's work.

45,345. Still it is recognised in regard to the ports and elsewhere where they are in attendance, that they do put in a good day's work for the wages they earn there?—Possibly they call it a good day's work.

45,346. You do not consider the Native is to blame, do you, because he goes to the point where he gets the best reward for his labour?—No, I do not blame the Native going there if, as you say, he can get better pay and easier work.

45,347. Have other farmers besides yourself adopted the principle of having on their farms some Kafir families in order to meet their demand for labour?—Everyone, I believe, that can; then, of course, there is a very stringent Act to prevent it, not to allow you to have more than a certain number on each farm unless you have a licence to have a location.

45,348. Are you not aware of the amending Act which was passed some few sessions since which leaves to the discretion of the inspector the number of families or adult Natives to be allowed on a farm, and that inspector takes into consideration what is called the labour tenant, the man who gives you only intermittent service, and thus relieves the farmer of the payment of licence dues?—Yes, the location inspector does go round. I have four places, and I think he allows me five families on each without paying a licence.

45,349. Is that amendment in the Act working satisfactorily in your opinion, regulating the number of Natives on a farm according to the requirements of the farm?—We have nothing to complain of as far as the location inspector goes; he meets us in every way possible. But a lot of the farmers object to this Location Act for the simple reason that we have to keep a very close register of all the Native stock, and keep books open to the inspection of the inspector whenever he likes to come and see them. At the Government location they do not appear to keep a correct register of the Native stock. We also have to hold ourselves responsible for anything the boys on our farms do. We do not mind that, but in the Government location apparently there is no correct register of stock kept, and there is no one responsible if they come across and steal our stock. For what the location Natives do no one appears to be responsible.

45,350. Then you advocate a stricter enforcement of the law in respect of Government locations?—Yes.

45,351. Is there much stock-stealing in your neighbourhood?—Of course, it is always going on more or less. We have had a little this last month, but it has been quiet up to just lately.

45,352. Would that be stock in large numbers, or just here and there a sheep?—It is mostly small stock, on account of these "abakweta" boys; there is always a lot of stealing when they are about.

45,353. That would appear to be an evil, then, traceable more to the heathen Native than to the Christian?—Most of the Christian Natives go through the rites of circumcision as well.

45,354. Do they go to the "abakweta" huts as well?—Yes, they have to be circumcised, or else they would not be men

45,355. *Mr. Thompson.*] Do you find that the Native is taking more interest in the political aspect of affairs in this country with regard to the franchise than he used to take?—He does take a good deal of interest when there are two parties running after him to secure his vote; he seems to wake up to the fact then that he is something big. But after the election is over he never asks another question; he does not want to know anything else. While there are a couple of members trying to get the Native vote and going into the location and shaking hands with him and so forth, he takes a great deal of interest, but afterwards he takes very little interest; his interest seems to die out altogether. In fact, he does not know what it is all about; that is the case with nine out of ten of them.

45,356. This applies to both parties existing at present in the Cape Colony?—Yes, both of them are bidding up for the Native vote.

45,357. And you look upon that as a despicable state of things?—Very.

45,358. Has it come under your notice that agents of parties have come on to your land and tried to get these men on to the register before election?—I have not noticed that. The Field-cornet goes round and does all the registering. I have not noticed any agents from either party coming round to say that the Natives should register.

45,359. You have not noticed in the last two or three years a greater desire on the part of the Natives to get the franchise?—No, I cannot say I have noticed it at all.

45,360. What is your opinion upon the question of the total prohibition of liquor to Natives; how does it affect you as farmers?—I think that since they have put on this very excessive excise duty,

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it is practically total prohibition of liquor to Natives altogether. They cannot get much brandy now, but, of course, they drink lots of beer.

45,361. Have you any objection to their having their natural beer if kept within limits?—None at all. I allow them to have beer provided they do not have gatherings. The Native is only a human being. If he comes to me and asks to be allowed to have a little beer I do not object provided he does not have a large gathering. And that is the opinion, I think, of most farmers.

45,362. The result of a big gathering is that a lot of stock is stolen?—Yes, that always follows.

45,363. *Mr. Samuelson.*] Have you had any opportunity of comparing the Christian Native with the Native in his original state, or what is called the heathen Native?—Yes.

45,364. What is the result in your mind of the comparison; is it favourable to the one or to the other?—I am almost ashamed to confess that it is in favour of the so-called heathen Native. I do not think the civilised Native is a success as far as I have seen him. There are exceptions, of course, as there are in everything else. I have a Christian boy working for me at present who is a very decent man, but he is the only one I have ever had to work for me.

45,365. Then, on the whole you think that religious instruction and training does not have much good influence over them?—Up to the present I am afraid it has not. I am afraid we are starting with the Native where we ought to leave off with him in another generation. If we started where we are now, in another generation I think we should do well. It seems to me that we started on too high a scale with the Native. He cannot take it in, and he loses his head. You cannot shake his heathen nature out of him. He will go to Church on Sunday and profess religion, and go back to his customs during the week.

45,366. You have a number of both classes round about you?—Yes; on my farm I have Natives who attend Church regularly, and Natives who never go to Church, and, though I do not like to say so, there is no getting away from the fact that the better workman of the two is the Native who does not go to Church.

45,367. Do you find the educated Native a better man on the whole for his education than the ordinary kraal Native with the red blanket?—I have never seen one of them that is really any good after having been to school as regards work. I am speaking entirely from the farmer's point of view, not from a postmaster's point of view. But to get a boy on the farm who has been to school, the sooner he leaves the better for him and for the farmer too. It simply puts you in a bad state the whole time he is working for you.

45,368. Then education, as it is called, of the Native really takes him out of his proper sphere, that is the labour market, and unfits him for that?—Yes, that is to say he gets what is commonly called "a swelled head."

45,369. You spoke about sheep-stealing and thefts of stock; have you found at any time that they are due to the excessive use of Kafir beer?—Yes, after these big gatherings when they have been at it about a week, then they want meat—the farmer's.

45,370. Then you said that the Field-cornets registered Native voters. What is the occupation usually of those Field-cornets?—The Field-cornet is generally a local man, a farmer or storekeeper, or something of that sort, who lives among them in each ward; anyone the authorities can get.

45,371. None of these registering officers are, I presume, interested in the liquor traffic?—No, I do not think so.

45,372. None of the Field-cornets are keepers of bars?—Not in our district.

45,373. I presume you are going to stand as a member for your district in the Assembly some day?—I could not say at all.

45,374. If you did would you feel happy in having to go round amongst the Natives, holding meetings and asking for their votes?—If I went I should go as a white man should to the Native. I should tell him I wanted to go to Parliament, but I should not shake hands with him and kiss the babies or anything of that sort, which has been done.

45,375. Do you think political gatherings held amongst the Natives by contending parties are good?—I do not see that it does the Native any good, and really he does not understand it. A lot of them have come to me afterwards and said that they cannot understand it. They say, "One man comes and says the other party is all wrong and explains things nicely, and then the next day the second party comes along and explains that the first is all wrong"; and between the two they do not know what to make of it. They cannot understand how two men can come and contradict each other and make it appear that each man is right.

45,376. And I suppose these men who are in opposition to the Ministry for the time being will not hesitate to speak against the Government?—Of course, they use the usual political harangues dished up on purpose for the Native mind.

45,377. And talking to Natives about the Government or adversely to the Government is not exactly the right thing, is it?—The Native does not really know what the Government is. A good many of them talk about the Government as if it was some exalted being, and when the candidates talk about a lot of those people being the Government, of course, the Natives begin to lose their heads, and wonder what sort of thing the Government is. The Native cannot comprehend a party Government at all.

45,378. I suppose a good many of those candidates for election do indulge in condemnation of the acts of the Government for the time being in election fights?—Yes, they do their best to get the Natives to vote for them. Of course, if there is any little point they can bring up against the Government, or any reason why they should not vote for a member who is going to support that Government, they bring it up.

45,379. It does not tend to elevate either the white man or the Government in the eyes of the Native?—I do not think so. I think it was a great mistake to give the franchise to the Native originally. Of course, he has got it now, and I suppose it would be unjust to take it away from him.

45,380. Do you think the Natives living in the locations are taxed sufficiently?—I do not think they are taxed as much as they should be. I do not think they have as much local rates to pay as they should have, considering that a good many of them are property-holders. We have a good deal to pay for Divisional Council rates in our division. They, on the other hand, have a great number of cattle and probably over 1,000 head of small stock, and they pay only a few shillings to the rates, to keep up the district.

45,381. What do you think would be a fair rate to tax them?—There was a scheme brought up last session to re-impose the old hut tax, but it was withdrawn. It would not be much, but it would be a little help.

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45,382. What is the present tax paid on the huts?—I think it is 10s. a year they pay now. The location inspector collects it and pays a few shillings of that, I believe, to the Divisional Council.

45,383. What would you suggest to raise it to?—I should think another 10s. a hut would not hurt them.

45,384. Raise it to £1 a hut?—Yes.

45,385. What do the Natives pay the farmers as a rule for squatting on their farms?—We charge them, as far as I know, £1 for every 5,000 yards of land.

45,386. 5,000 square yards?—Yes, and for cattle we charge them 6d. per head per month for all the year round, and 5s. per hundred for small stock.

45,387. Are those the general charges in your district?—I think those are about the charges.

45,388. In addition to that the Native has to pay the Government tax?—Yes.

45,389. Therefore, the tax paid in the location is not nearly so much as that which is paid by the Native living on your farm?—No. yet they prefer to get, if they can, on a private farm.

45,390. What is the reason?—They say they are not "eaten up" by their neighbours so much. They are left alone, and they have not so many friends coming and begging and living on them. We do not allow all their friends to come and live with them and eat them up; that is what they like. A lot of Natives have come to me and said that some friends were coming to ask to be allowed to stay with them, and they asked me to say when they came, "No, I will not allow it."

45,391. Are the private lands more thickly populated than the locations?—No. Of course, we usually only give the Native land that we really do not care about ploughing ourselves, generally on top of a mountain or on the side of a hill.

45,392. Could the farmers get more Natives on the land if they wished it?—Yes, I could fill the whole of my farm if I wished it, but I do not believe in it.

45,393. *Captain Dickson.*] Are the neighbouring districts as badly off for labour as Victoria East, or worse off?—They are all badly off. In Cathcart district it is just as bad.

45,394. Are you not better off than the districts of Fort Beaufort, Cathcart, and others?—No, we are not better off.

45,395. Do you not think that the real prosperity of South Africa depends to a very large extent on the prosperity of the farming community, and that it behoves the Governments of the various Colonies to strain every effort in assisting the farmers to get labour?—Yes.

45,396. How would you suggest the Government could assist the farmers more than they are doing at present?—As I pointed out to the Chairman it is a question of throwing more labour on to the labour market. At present they have all they want in the locations, and they do not want to work. We all know that no one works for the love of the thing, especially the Native. If he is compelled to work he does work. If he is not compelled, and has no wants to meet, why should he work? He lives in his location. His father perhaps has a little bit of ground and two or three women there. He lives on this piece of ground, and goes down to the docks or somewhere else for a month now and then, and earns enough to buy a few head of cattle and obtain another wife, and that is all he wants.

45,397. Do you think that individual occupation and the right to sell amongst themselves would throw more labour into the market?—I believe it would.

45,398. If you granted general individual title would you have some conditional clause, or would you give it to them perfectly freehold?—Of course, that is a question for the Government. As far as I am concerned I would give it to them perfectly freehold. If they like to stop on it, let them stop on it. I would like to see the Native improve himself if he can, but what we farmers do not like is that there are so many Natives in the location loafing on these plots of ground. There are many Natives who would do better if they could only squeeze these people out who are really loafing about and eating them up.

45,399. Are there many loafers on your town locations and in the district locations around you?—I do not know much about the town locations.

45,400. Have you any experience of the Ethiopian movement and its effects upon the Natives?—Yes, a little.

45,401. What is your opinion about it?—I consider that the Ethiopian movement is a political movement purely. The Ethiopian movement will not affect the labour market. The feeling is very bitter in our district at the present time. In fact, a Native missionary, who is not of the Ethiopian party, was turned out of his house the other day by that party. They are tearing each other to pieces.

45,402. *Mr. Krogh.*] What led up to that?—There has been a good deal of ill-feeling. The Headman is a rank Ethiopian, and all the people in his location who are not Ethiopians he does his best to get out of the location, while any one who is an Ethiopian gets the pick of the location. This Native minister, who is a very decent man, is against Ethiopianism, and his following, his Church, is against it. Consequently, this has caused a good deal of bad feeling amongst them, and, while he was away the other night, some one set fire to his house. It is said that the Ethiopians did it; in fact, it is in the papers that they did it.

45,403. *Mr. De la Harpe.*] Have you any Native neighbours owning farms adjoining yours?—No, I am thankful to say I have not.

45,404. What is your experience about this?—I have not had experience of my own, but some Tarkastad farmers I know are complaining bitterly about the same thing, that is, that farms are being hired out purely to Natives, and perhaps five or six Natives will hire a farm, and they will sub-let it again. It seems that the police cannot go on the farm and interfere with them, and they have any sort of orgie they like, beer-drinks, "intonjane" dances, and all sorts of things. They are landowners, and the police are powerless to interfere. I know a farmer, from Tarka, and he was telling me about the state of things in Tarkastad. He said it is very bad, and the farmers round there are complaining very much about it. But in our district I do not think we have any farms let out purely to Natives.

45,405. So your information is merely from hearsay?—Yes, I have no personal experience.

45,406. *Chairman.*] Is what you describe in contravention of the law of the Colony; that is, this leasing and sub-leasing?—No, it does not seem to be contravening any law. At the Farmers' Congress they were rather anxious to get the Government to take the

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matter up, and prevent Natives hiring a farm and sub-letting it to Native tenants; that is, a farm amongst European farmers.

45,407. *Mr. Hamilton.*] What influences a Native to give his vote one way or the other?—The usual election pledges, I suppose. The candidates promise that any grievances that the Natives have shall be redressed. The Native, as you know, is always a grievance-monger, and the candidate who protests the strongest that he is going to have those grievances put right gets the vote.

45,408. You mean the side that promises him most?—Yes.

45,409. What is the nature of those promises in order for them to be attractive to the Native; what is the kind of promise which induces him to give his vote to the side which promises them?—Every location has its own little private grievances. A little while ago the location that adjoins me had a grievance against the Forest Department, and, of course, it was held up for a long time to the Natives that that was going to be put right—and it was put right ultimately by the Government. That ran one or two elections through. Last time there was a question of forest rights and of cutting sneezewood poles; the promise of remedying that grievance was held out too. All the little grievances that they have are too numerous to mention; but any little grievance that the Native has the political parties are always ready to take up and to enlarge on.

45,410. The promises, then, merely relate to some small local matters?—That is all. In our district they will generally fight against the Glen Grey Act. Our Natives do not want that Act, and each aspiring member pledges himself that he will not have the Glen Grey Act enforced.

45,411. Does that mean that they do not want individual tenure in your part of the country?—They have individual tenure now, but not under the Glen Grey Act. I do not know if I am correct in using that expression "individual tenure," but each man has his title deeds under the old original grant.

45,412. What is it that they object to in the Glen Grey Act?—They seem to object to the Glen Grey Act generally. When the Act is explained to them they express themselves as satisfied with it. I heard Colonel Crewe (the present Colonial Secretary) explain the Glen Grey Act to them once. At the time they were dissatisfied with it, but after he had explained it to them they expressed themselves as highly pleased with it; but, as soon as there was some question of enforcing it in the location, I know they petitioned their members in Parliament not to have it put in force. Speaking personally, I think the Glen Grey Act is an excellent Act, and I do not think its adoption would be hard on the Native.

45,413. What do you think would be the effect if either party went to the country and dealt with some really big question affecting the Natives, and promised them some great improvement in their condition; would the party that did that carry the whole of the Native vote with it?—If it took on with the Native he would vote for that party; of course, it would depend whether it was anything the Native thought would suit him. The Native is a little bit hard to please in what you call improving his condition. One Native came to me the other day, when he heard I was coming down here to give evidence before the Commission, and he said that he thought the best thing we could do would be to let the Natives alone. He said, "Do not try to improve them, and do not try to interfere with them."

45,414. Do you think it would be a difficult thing for either party to capture the whole Native vote by throwing out some big bait to them during an election?—My experience is that it is the last man who gets at the Native who gets his vote. I have done a great deal for various candidates at these elections, and it appears to me that the last man who gets hold of a Native voter is the man who gets his vote.

45,415. Are you in favour of the Native having the Parliamentary franchise?—I believe everybody is agreed now that it was a mistake giving the Native a vote, but, now that he has got it, I do not see how you are going to take it away from him, unless he does something to deserve it. The Native has never done anything to deserve being disfranchised, so far as I know. Of course, he has been led like a flock of sheep to the polling booth, and had a ticket placed in his hands to show him where he must vote, and if there has been no one else to offer him another ticket he has voted as he was told. There are very few of them who vote according to their own ideas of which is the better candidate and which is the more likely to do the best for the Native.

45,416. Do you think the present qualification for the franchise is one that the Natives can easily acquire?—Yes, it is very easy for them to acquire. In fact, there were a lot of Natives who voted at the last election who I am absolutely certain could not fulfil the present qualification.

45,417. *Mr. Krogh.*] Could they fulfil it then?—No.

45,418. *Mr. Hamilton.*] Did they vote?—Yes, they were on the register; they were not struck off.

45,419. Do you expect a large increase in the Native vote as the years go on?—Yes; I believe that the political agents will take the matter in hand and see that every Native that they possibly can get on will be put on. Of course, then it rests with someone else to go and knock them off again. At the same time, the Natives are not clamouring for the franchise.

45,420. Is it a matter of indifference to you, Mr. Collins, whether the Parliament of this Colony is largely elected by voters who vote in the way you have described, or not?—It is not a matter of indifference to me; I say that that is a thing that should not be, but they have got the franchise, and what can you do? You cannot disfranchise them now that they have got the franchise.

45,421. If you do nothing what do you think will happen?—Those people will die off after a time, and it is my opinion that if we raise the qualification so high that it will only be a real thinking man that can fulfil that qualification, we shall gradually get rid of this lot of non-thinking voters from the voters' roll.

45,422. Would you raise the qualifications for Natives only?—No, I would raise it for the white men too. If a white man does not know how to vote, I do not consider that he should be allowed to vote either. But, certainly, at the present time the Native voter does not understand it.

45,423. You would meet what you think would be a danger by raising the qualification for the franchise so high that only a limited number of Natives could exercise it?—Yes.

45,424. *Mr. Sloley.*] You say, Mr. Collins, that the Christian Natives do not work?—No, not with the farmers.

45,425. Do they go down to those other places like Cape Town and Port Elizabeth and East London, where they can get higher wages, and work there?—Some of them do go to those places. The

idea of the Christian Native is to get into an office, either a Post Office, or a Magistrate's Office, or something of that sort, where the work will be easy and where he can always wear nice clothes and so forth.

45,426. He must work in order to live, must he not?—No, that is the worst of it. If he had to work in order to live, then we should get lots of labour; but so long as he has lands on locations on which he can fall back and upon which he can live he has no need, or is not obliged to work. So long as 10s. or £1 a year is all that he has to pay for his land, and so long as he can grow enough mealies to keep him—and most years he can do this—together with the help of his wives, there is no reason why he should go out to work; and he is quite happy under present circumstances without work.

45,427. Does not the educated Native have a higher standard of living; he cannot live on mealies?—He does when he is at home. Of course, when you have him to work for you he "cannot live on mealies," he will tell you.

45,428. Has he not more wants than the uneducated Native?—Their wants are not very many. As I have already said, they will do a few months' work in the year on some railway, or at the docks, or something of that sort, just enough to keep them in their clothes, and they will loaf about the locations the rest of the year doing nothing. There are very few of them who really keep on with a trade they have learnt, such as carpentry, blacksmithing, and so forth.

45,429. You have known them for many years?—Yes, I have lived amongst them for the last twenty-three years.

45,430. Do you know if there has been any gradual change in them; are they gradually acquiring habits of continuous labour, do you think?—No, they are not, in my opinion, acquiring the habit of continuous work; in fact, the habit seems rather to be dying out amongst them. In former days, when I first came to this country, a Native used to bring his boy and put him to work, and that boy used to remain at work. I have got men who have been working for me for the last fourteen or fifteen years. They came to me as boys, having been put under me by their fathers, and they have remained and worked for me ever since. They are good servants, and they are boys who never went to school.

45,431. Do you notice any great change in the labour supply since the recent great demand for labour has sprung up in the North?—Yes, since that great demand has sprung up at the gold-fields, and at the docks, and so forth, we cannot get the number of boys we used to get.

45,432. Is that not really at the bottom of the whole thing; is it not the higher wages that he can get at these other places that makes the Native disinclined to work on the farms for the lower wage he can obtain there?—Yes, that is what affects a lot of them, and others, since they have acquired pieces of ground of their own, would sooner stay at home with their own people if they can. They will perhaps take a month's work at the places where they get higher wages than they are paid on the farms, and thus earn enough to keep them for the rest of the year.

45,433. Your impression is that in your part of the Colony they are less industrious than they were?—Yes.

45,434. *Chairman.*] You say that you have assisted the candidates for Parliament at various times?—Yes.

45,435. Have you acted as a political agent?—No, I have merely gone round with the candidates to show them the road, and lent them horses, and so on, and, as I am well known to the Natives, I have gone to the meetings and sat and listened to what has been said; that is all.

45,436. Have you assisted in getting the candidates votes?—Yes, I have.

45,437. Have you, for instance, brought to the poll some of those people, who you say were not qualified to be placed on the voters' roll?—No, I never brought a man to the polling booth unless his name appeared on the voters' list.

45,438. But you said just now that some of them were on the voters' list who had not the proper qualification?—Yes, that is so; they were on the old list, and were never struck off.

45,439. And, knowing that, have you brought up such men to the poll?—Yes, I have brought up all that were on the list, and I have tried to prompt them.

45,440. *Mr. Hamilton.*] With regard to that Native minister who was burnt out, is there any proof at all that he was burnt out by the Ethiopians?—I do not know what proof the minister has, but he said so himself, and it was published in the papers at the time that it was the Ethiopians who had done it, and that has never been contradicted or denied.

45,441. And with regard to these Natives who are not Ethiopians and who have been, as you say, chivied in the locations, and not allowed to have decent plots of ground, and so on, have they no appeal to the Magistrate?—Yes.

45,442. If the Headman, exercising a mere caprice, moves a man from his ground, has that Native so treated not got a right of appeal to the local Magistrate for protection?—Yes, I presume he could go to the location inspector.

45,443. And is that right of appeal not a real protection to the individual Native who has been so treated?—No. You see, the Headman, when he wants to do anything of that sort, does not tell the Native that that is what he is doing it for, but he waits till he has got an opportunity, and then makes it hot for him. He waits till he gets some little thing against that Native, and then goes to work, so that the Native cannot say that it is directly on account of the fact that he will not entertain the Ethiopian views that he is so treated. And the thing proves itself to be so, because all these people that are being worked out, and that are being made scapegoats of, are the people who are not Ethiopians.

45,444. But the immediate cause of this removal is *prima facie* something which is justifiable?—It is some minor thing.

45,445. Is it something which in itself justifies the man's removal and prevents the white authority intervening on his behalf?—I do not say that it justifies his removal from the location altogether, but the Headman is the man who recommends the allotment of the location ground, and the choicest lots of ground will be given to people who support the Ethiopian movement.

45,446. Then that applies to men who are getting ground allotted to them, not to men who have already got land?—Yes, the Headman's voice prevails to a great extent in the allotting of ground in the location.

45,447. You do not know of a case where a man has actually been removed from his bit of ground at the caprice of his Headman?

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—I could bring to your notice a good many cases where this has been done if I liked to go and work the thing up.

45,448. Then why does the Native not go to the white authority for protection?—The Native thinks that the best thing for him to do is to go after a little while. In that way many Natives have been worked out of the location.

45,449. *Mr. Krogh.*] I take it that the Headman worries him till he finds it better to leave?—Yes, the Native finds for his own sake it is better for him to clear out.

45,450. *Mr. Sloley.*] Where does he go?—He goes to some other location, or he goes across the Kei, or somewhere else.

45,451. Does that not force him to go to work?—Yes; perhaps he will go on to a farm and thus be forced to work; but at the same time it must be remembered that another man has got his place in the location who is not working.

45,452. *Mr. Hamilton.*] Do you think that it would really be an improvement if these Natives had some kind of title to their holdings which would protect them against the caprice of the Headman—not necessarily freehold title, but some sort of certificate of occupation?—He has perhaps his title deeds already, but although he has his title deeds, if he will not fall in with the Ethiopian views of this particular Headman I am speaking of, it is made so hot for him in the location that he is very glad to get away.

45,453. The Natives you speak of as being dispossessed and being worried out of their location, are they Natives holding title deeds to the land they occupy?—Yes, some of them.

45,454. Would you say that the Native holding a title deed to his property, and the Native holding a bit of ground under communal tenure, were both equally in the hands of their Headman, and could be driven out if the Headman chose?—The Headman cannot drive the Native out if he wishes to stay, unless he can find something against him, but his life is made a misery, and he is glad to go away.

45,455. Does this apply equally in both cases?—Yes.

45,456. Am I right in taking it that you would like to see a poll tax imposed upon the occupants of locations and an increased charge made for the use of the ground?—I did not suggest a poll tax; I suggested raising the present hut tax.

45,457. Would that get at the young men whom you complain of as loafing at the locations?—I think it is probable that the fathers would make them clear out and go and earn the extra 10s. Of course, if you imposed a poll tax you would get them at once. That is after the style of the Glen Grey Act, and it would no doubt do good, as it would get at these youngsters loafing about the locations.

45,458. Is that why they object to the Glen Grey Act?—Not altogether. There are one or two clauses in it that they object to, but that is one they do not object to. They do not object to the provision of the Act getting at those youngsters, because many of the older men do not like to have them loafing about the location themselves; in fact, some of the old men have told me that that is why they would like to see the Glen Grey Act put in force, so that they could get rid of those lazy young Natives who are always loafing at the kraals and doing no work.

45,459. Would it strike you as a good thing to charge something by way of rent for the ground which the Natives occupy, an annual

amount bearing some relation to the value of that ground?—They do at present pay a small quitrent on their ground.

45,460. But that is a fixed amount of so much per year, irrespective of the value of the land?—It is a small sum; I do not know exactly what it amounts to, but it is a small quitrent that they have to pay every year.

45,461. Two shillings, is it not?—Yes.

45,462. You want to see more than that; you do not consider that enough, do you?—These people hold the land in their own right ———

45,463. We are speaking of locations now?—What I mean to say is that the people who hold these title deeds are not the ones who really would go out to work, even if they had to pay more than they are paying at present. If they had to pay more they would simply pay it. What we want to see is something to make the young fellows go out to work who are really well able to do so and who are not owners of land.

45,464. Would you fancy a poll tax for that purpose?—Yes, if it would get at the young fellow; but, of course, you could not put a poll tax on the one and not on them all.

45,465. Would the hut tax get at the young people?—The only thing is that the father would make him go out to earn money to pay it.

45,466. Supposing you succeeded in putting the necessary pressure on these people to go out, where would they go to; would they not still go to the better-paid centres of labour and leave the farmers?—Yes, that is true, but after a while the labour-centres would have more than they want, and that would bring the wages down. The Native would rather work at home for half the wages he could get by having to go far away from home to the labour-centres, and if the wages at the labour-centres were reduced to that extent we should have the Natives remaining at home and working on the farms.

45,467. *Mr. Krogh.*] I suppose they go to labour where they get the most pay and little work?—All things equal, the Native would sooner be at a place near home, and he would work there for less wages.

45,468. Would he not rather go down to Cape Town, to the docks, where it is not necessary for him to work the whole of the week, but where he can work for three or four days and rest the remainder of the week?—Yes, that is what he likes, and that is why they object to monthly engagements. I can get them to work for two or three days for me, but they will not take work by the month. We can always get them if they can work for a few days and then be allowed to stop away for a few days.

45,469. *Mr. Stanford.*] One of the locations adjoining you, Mr. Collins, is that of Headman Bovanna?—Yes.

45,470. It was in his location that Mr. Makiwane's house was burnt down?—Yes.

45,471. Is not the whole of Bovanna's location surveyed into allotments?—Yes.

45,472. How is it possible then for him to turn men off at his own pleasure?—He does not exactly turn them off, but, as I have said, anyone he does not like, he makes it so hot for him that the man goes.

45,473. In what way can he make it hot; he cannot deprive him of his land?—I do not know if you have ever come across the

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gentleman or not. There are many ways in which he can make it hot for the men under him. He is their hereditary Chieftain; he is not an ordinary Headman, and he can make himself felt where an ordinary paid Headman cannot. You can depose Bovanna, but you cannot get it out of the Native mind that he is their Chief, and that they must obey him. Even if a man goes to the Magistrate's office and complains, the other Natives would rather support Bovanna than him.

45,474. Those are Fingoes, are they not?—Yes.

45,475. People who are usually regarded as being less subject to these influences than the Amaxosa?—Yes, I believe that is the only location where they have their old Chieftain, or a descendant of the old Chieftain over them, and his will is supreme in that location. Otherwise he is a good Headman, one of the best we have; he would be all right if it was not for his Ethiopian view.

45,476. Then it must come to this, that individuals who are subjected to this treatment do not complain to the inspector or the Magistrate?—I do not believe they have ever complained; they would rather clear out, because they know it would be useless to complain. Bovanna has such a way of doing this sort of thing that he does not really give a man a chance to get at him. He does not go directly to a man and say, "You have got to leave this ground; you are not an Ethiopian and you must leave." He has mastered the situation and he screws at them until he does get them to clear in order to get away from him.

45,477. And the difficulty of intervention would be that the people themselves who are the sufferers will not complain?—That is it.

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45,478. *Mr. Thompson.*] They will not complain because they fear they will not get justice?—They will not complain because they know it is a hard thing for them to get witnesses to swear against their own Chief.

45,479. *Mr. Samuelson.*] Would a system of passports be of any advantage to farmers and others who depend on the labour of Natives, that is to say a passport which a Native would have to get from his Magistrate before he could leave his place to go out to work, a passport which he would have to possess before an employer could take him into service?—He has to get a passport now before he can leave his location and go to work.

45,480. Not within the Colony, has he?—He generally goes to the Location Inspector's office and gets a pass if he is going away to work, but if he is going on to my farm, for instance, he does not want a passport. At present, even if we know a Native has a bad character, provided we know he is not too bad, it does not worry us. We take him even if we know he has just come out of "tronk." We cannot be too nice over it.

45,481. Would it not assist you as a farmer and help you to retain your labourers on your farm if any Native before going away to work, that is any Native on your farm, had to come to you and ask your permission to go to the Magistrate's office to get a pass to go away to work?—He has to come to me now before he can go away, that is if he hires ground from me. Before he leaves that ground he has to come and consult me as to whether he is to go or not. But it is the sons that are free; I cannot control them.

45,482. With regard to the Native voters, do they thoroughly understand the principles involved in the two political expressions

Progressive and Bond in the Colony?—No, they do not understand it. They use the expressions a lot but they really do not know much about them.

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45,483. Then they do not understand really the political division in the country at the present time, and the principles involved in that division?—No, very few of them; remarkably few of them.

45,484. Is any trouble ever taken to scrutinise the voters' roll at any subsequent registration to ascertain whether the Natives appearing on the voters' roll one year still possess the qualification on which they entered the voters' roll?—Not that I am aware of. We scrutinise to see that all our European voters are on.

45,485. So if the Native is once on he is always on; no one ever troubles to see if he still possesses the qualification?—I do not think anyone does. Some Field-cornets, I know, strike all of them out; then the Headman generally comes and has them put on again.

45,486. Do they strike them out without any protest on the part of the Natives?—Yes, they have done so.

45,487. *Mr. Hamilton.*] Do Natives holding title, if they leave a location under circumstances such as you have described, sell their holdings?—They cannot sell.

45,488. What do they do then?—When they leave?

45,489. Yes?—They simply give them up. They let the quit-rent lapse, and then someone else takes it up through the Headman. The Headman recommends someone else to take it up.

Cape Town, Monday, 7th November, 1904.

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Present:

Sir Godfrey Lagden (*Chairman*).

Mr. Samuelson.	Mr. Hamilton.
Hon. Mr. Campbell.	Mr. Stanford.
Captain Dickson.	Mr. Thompson.
Mr. De la Harpe.	Mr. Sloley.
Mr. Krogh.	

Bishop Charles Spencer Smith, examined.

45,490. *Chairman.*] You represent the African Methodist Episcopal Church, I believe?—Yes.

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45,491. Will you tell us what your position is?—With very great pleasure. I have here a formal Declaration of the Bishops of my Church and which is the first that has been delivered regarding our purposes and our policy in South Africa. It is signed by the Chairman of the Bishops' Council and by the Secretary, and it is the concurrent action of the Bishops as a whole. It states as follows:—"Be it remembered that the Bishops' Council of the African Methodist Episcopal Church, in annual session assembled, at Wilberforce, County of Green, State of Ohio, United States of America, June 16, Anno Domini 1904, do hereby declare and affirm that the following is the true purpose and policy of the African Methodist Episcopal Church in South Africa: First. We recall the fact that our entrance into South Africa was not of our own seeking, but that we were sought after and invited there by the Rev. M. M. Mokone, Rev. James Dwane, Rev. J. G. Xaba, Rev. J. Z. Tantsi, and

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others, Native ministers resident thereof. These ministers were connected with the Ethiopian Church, which was organised in Pretoria, Sunday, November 20th, 1892. In January, 1893, the Transvaal Government recognised the Ethiopian Church. At the third session of the Ethiopian Annual Conference, held in Pretoria, March 17th, 1896, the Rev. James A. Dwane and the Rev. J. G. Xaba were elected delegates to come to America and seek affiliation with the African Methodist Episcopal Church. The delegates came, affiliation was effected, and the A.M.E. Church formally invited to begin operations in South Africa, with which the Ethiopian Church was to be amalgamated. In 1898 Rt. Rev. H. M. Turner, D.D., LL.D., Senior Bishop of the A.M.E. Church, made an official visit to South Africa, organised the Transvaal Annual Conference at Pretoria, April 5, and the South Africa Annual Conference at Queen's Town, April 16. Second. In all of our movements in South Africa we shall seek to help and not to hinder, to assist in advancing enlightened and healthful influences and not to impede them, to foster and encourage loyalty and obedience to lawfully-constituted authority, and not to breed disaffection and anarchy. Third. In relation to all religious denominations, our position is that of fraternity and co-operation in any and every way that will help to bring the heathen to a knowledge of the true God. Fourth. It is no part of our business to concern ourselves with politics. We shall strictly confine our endeavours to civilisation, education and christianisation. Our theory in regard to the education of the Natives is—the rudiments of an education for all, industrial training for the many, and a college education for the talented few. Fifth. As to the assurance of our fulfilment of this declaration, we point to our history since the beginning of our organic life, in 1816; especially do we point to our history in those portions of the British Empire—such as the Dominion of Canada, the Bermudas, and the other English West India Islands, and Sierra Leone, West Africa, wherein we have been operating for many years—all of which we cite as the pledge and promise that in South Africa we shall seek the glory of God, faithfully maintain the ordinances and decrees of Government, honour the King, promote peace among the various peoples, and endeavour to enhance the moral, religious and industrial development of the Natives. Sixth. Charles Spencer Smith, one of the Bishops of the A.M.E. Church, a Native of the Dominion of Canada, a naturalised citizen of the United States, and appointed by the General Conference of 1904 as Supervising Bishop of our work in South Africa for the next four years, is hereby instructed to file a copy of this Declaration with the various officials of the British Empire to whom it would be proper to address it. —(Signed) H. M. Turner, Chairman of Bishops' Council; Benjamin W. Arnett, Secretary."

45,492. This Declaration, I understand you to say, was penned in June, 1904?—Yes.

45,493. Then what might have been the policy of your Church before they issued this?—In the intent just what is expressed in that formal Declaration.

45,494. What I want to arrive at is this: Your Church has thought well to issue this so late as June, 1904; had it nothing of a similar character before that time?—No.

45,495. On what lines was the Church running before that time in South Africa?—We presumed that it was running upon the lines laid down in this Declaration. We heard certain rumours, and

read in newspapers and magazines from time to time references made to our Church in this country. We saw these references in American papers as well as in English and local papers printed in these Colonies. So we deemed it advisable before my leaving for here to make a formal declaration of the purpose and policy of the African Methodist Episcopal Church in South Africa.

45,496. In the second article of this Declaration I see that the expression is used, "and not to breed disaffection and anarchy"?—Yes.

45,497. Is that an assumption that before the issue of this Declaration disaffection and anarchy had been promoted?—No, only so far as we had seen references to the matter, or statements to that effect, in various articles in newspapers and magazines.

45,498. Had you reason to think that the agents of your Church out here had promoted anarchy and disaffection?—No, we had not any reason to think so.

45,499. Were you aware of who the agents of your Church were in South Africa and what they had been doing in the past few years?—Only so far as the situation of affairs was reported to us from time to time through the Resident Bishop.

45,500. Have these reports been made public?—Yes, in our official journals.

45,501. Are you satisfied that the agents of your Church have been carrying out the spirit of this Declaration?—They have so far as I have knowledge, with one single exception, and that was the intemperate and indiscreet language which they indulged in at a meeting held at Pretoria following the Johannesburg Missionary Conference, when they denounced the resolutions adopted by that Conference and indulged in what I regard as intemperate and indiscreet language, language which I am going to disavow on behalf of my Church.

45,502. You say that it is no part of the work of the Church you represent to indulge in politics?—No.

45,503. Is the Rev. Mr. Gow one of your agents?—Yes, he is a minister.

45,504. He is the President of the African Political Organisation?—I do not know of that.

45,505. He has lately written a letter to the newspapers in which, relating to the death of a certain person in this Colony, he states: "The closing of the life of this great man should spur us on to stand by one another in the political arena as true Africanders for the bettering of our country"?—There are two Gows, senior and junior—F. M. Gow and E. W. Gow. I read that letter, but the initials were not given, and when I spoke to Mr. Gow, senior, about it he disavowed it and said that he was going to answer it, but that the trouble was he did not know whether it referred to him or to his son.

45,506. He is a minister of your Church?—Yes.

45,507. Are they both ministers?—Yes.

45,508. The writer is E. G. Gow?—That is, Gow, junior.

45,509. You have never been in South Africa before?—No.

45,510. So that you are not conversant with the work that has hitherto gone on here except by report?—That is all. The first week I was here I met the people who came down from the upper country, that is to say, the Transvaal, had a conference with the presiding elders of the Church, and tried to get an insight into the situation. At that time I called their attention to the complaints I

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had heard about proselytising and meddling with politics and sometimes taking the side of the Chiefs who had been deposed by the Government. And since that time anything I have heard which I thought I ought to call their attention to along the lines of this Declaration I have done so; and I have made careful enquiries so far as I have had the opportunity.

45,511. Do I understand that you are here with the object of working in the spirit of the Declaration that you have read?—Yes.

45,512. That is your policy?—Yes.

45,513. Your aim?—Yes.

45,514. *Mr. Stanford.*] Are you following here the lines upon which your Church is working in America?—Yes, so far as we can.

45,515. You are as a Church recognised there by the United States Government?—You must understand that the Government in America has not anything to do with the Churches.

45,516. Are your ministers recognised marriage officers?—In America we have no such thing as marriage officers such as you have here, but every ordained minister has the right to marry, just as every Justice of the Peace and Magistrate has.

45,517. You operate in Liberia, do you not?—Yes.

45,518. Is your Church recognised by the Government there?—The Government of Liberia is like the Government of America: Church and State are separate.

45,519. In Liberia your ordained ministers marry, or perform the marriage ceremony?—Yes.

45,520. In Canada also?—Yes.

45,521. And in the other Colonies you have mentioned?—I do not know about Sierra Leone, as to whether they have marriage officers there or not such as you have here. I know that they have them in British Guiana, but that has come in vogue within the last two or three years. I am not prepared to state whether there are such marriage officers in the British West Indies. I have visited the British West Indies twice, but my attention was not called to this particular feature, and I therefore had no particular reason to look into the matter. We have not had any complaint there. Anyway, we have not very many ministers in those regions.

45,522. Have you representatives of your Church in other Colonies in South Africa besides Cape Colony?—Yes.

45,523. And are you free to carry on operations in those Colonies?—No.

45,524. Why not?—No reason has ever been assigned why we should not, to my knowledge. When Bishop Coppin was here, as I understand it, he made application and enquired from time to time as to what decision had been made with regard to his application, and the only answer he received was, "We have not had time to consider it yet," or, "We want more time to consider it." Natal is the only Colony in which our Church has not been recognised formally. One of our Bishops, Bishop Derrick, went to London last January and had an interview with the Duke of Marlborough, Parliamentary Secretary to the Colonial Office, and after he returned to America he received, under date April 9th of this year, a letter stating that permission had been granted to our Bishops and ministers to enter the Crown Colonies. Since then that permission was abrogated—at least, so I was informed in the Colonial Office in London when I was there last September. Before leaving home I sent to all the leading officials in these Colonies a copy of our Bishops'

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Declaration. The other day I received a letter from the Governor of Natal, in answer to mine of last August, saying that he was not able or willing to allow me to land in Natal. There was no reason assigned, and there never has been any reason assigned so far as I have knowledge.

45,525. Are there representatives of your Church at the present time in Natal?—We have never had any work in Natal.

45,526. There are no representatives of your Church in that Colony, then?—No.

45,527. Have you expressed, or do you intend to express, any disapproval of the intemperate language used by the ministers to whom you have referred?—Yes. I received by the last mail a copy of a letter written by a minister in Basutoland—Rev. E. Jacottet—a French minister, I judge, though I cannot pronounce his name, not being acquainted with the French language. He wrote in that letter that while our folks up there excoriated everybody else, they had excepted him and an Anglican Bishop, and they had adopted a resolution of thanks to those two. This French minister took occasion to write quite a lengthy letter, filling quite 16 foolscap pages, in reply, giving his reasons why he could not accept the resolution of thanks without writing as he did. That letter, together with the resolutions passed at the Johannesburg Missionary Conference and the resolution passed by our folks up there, have all been published in pamphlet form, and I received a copy by the last mail through the courtesy of some unknown friend, which gives me an opportunity that I will take advantage of to disavow their utterances regarding a man like Dr. Stewart, a man of such great capabilities and long years of service in behalf of the Natives of South Africa. We do not endorse anything of that kind, but we have no access to our ministers there—that is the trouble. We are held responsible for the doings and utterances of our ministers, but we have had no opportunity of exercising ecclesiastical supervision over them. We have been barred out. Bishop Coppin was not allowed to go there. How, then, can we be responsible if we are not allowed to exercise direct episcopal control? I am writing to our Bishops by mail this week that I do not intend to hold any official relation or correspondence with the men in Rhodesia, Transvaal, Orange River Colony, Natal, Basutoland, and Bechuanaland, since notice has been given to me by the Government that we cannot operate there. It seems to me that it would not be proper to attempt to hold any further official relations with our ministers there, as it might be construed as being done in contempt of the governing authorities of those Colonies. Therefore, so far as those Colonies are concerned, I regard it that our Church has ceased to exist, so far as any direct control or supervision on the part of the Bishop here or on the part of the Bishops at home is concerned, thus leaving us with but Cape Colony in which to operate.

45,528. *Chairman.*] Do I understand that you have withdrawn their licences and power to act as your ministers?—No, I have no power to withdraw their licences.

45,529. *Mr. Thompson.*] That being the case, Bishop Smith, you do not take exception to the Governments of the different Colonies refusing them marriage licences?—We think that some reason should be given. The Government may not think so, but we think so.

45,530. But you disown them entirely?—No, I do not mean to say that. What I say is, that I am writing to our Bishops by this

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week's mail that in my opinion our Church has no legal existence in the territories which I have just mentioned. Having received the notice that I did, first from the Colonial Office in London and then direct from the Governor of Natal, I consider that it would not be prudent for me to hold any further official relations with our ministers in those territories.

45,531. You still look upon them as your ministers; you say, "our" ministers?—Yes.

45,532. Then, being your ministers, of course you take the responsibility for what they may say?—Not from now on. I can now only say that they must pursue whatever course in their mind may seem best.

45,533. So that you dissociate yourself from them?—I am compelled to do so.

45,534. Therefore, would you blame the Governments of the country, as these ministers do not belong to any official body, refusing them marriage licences and those things?—Very few of them have marriage licences.

45,535. But even if there are only one or two, still they do have marriage licences in this Colony?—Yes; and there is one that I know of in the other territories or Colonies. Of course, what may be the action of the Government lies with the Government—about that I have not anything to say. We have received notice of our debarment, and we will proceed to respect it; we do not intend to act in defiance of it, but to submit. Whether it is just or unjust, that we will leave to Almighty God to determine in the final summing up of all human affairs.

45,536. *Captain Dickson.*] I understand, Bishop Smith, from what you have said, that you have got access to all your ministers in this Colony?—Yes.

45,537. May I ask what action you intend to take in the case of this Rev. E. G. Gow? I notice in clause 4 of your Declaration you say: "It is no part of our business to concern ourselves with politics." Here is a minister of your Church writing to the "South African News" on the 27th October, and saying: "The closing of the life of this great man should spur us on to stand by one another in the political arena as true Africanders." What action do you intend to take in that matter?—I do not know what action it requires. Of course, you will understand that we do not claim to have a mortgage on the political opinions of our ministers. The first week I was here I had a conference with the leading ministers from all the Colonies. They came down to meet me and to greet me. At that conference someone asked me about ministers interfering with politics, and I replied that it was not the wish nor the will of the A.M.E. Church that its ministers should have anything to do with politics, and that that was the position we took in America. If they interfere with politics the tendency is to breed disaffection. There are different parties, and if a minister takes the side of this or that one, it tends to disaffection and cripples his usefulness. We say to our ministers in America that they must teach the Gospel and let the layman attend to politics. And we say the same thing to our ministers in the Cape Colony.

45,538. You do not debar your ministers from taking part in politics in the Cape Colony. I just want to know what we are clearly to read in this paragraph 4; I want to know exactly what it means?—As a Church organisation it is no part of our business to have anything to do with politics. In these Colonies if any minis-

ter of ours disregards that and proceeds to dabble in politics, and brings our name into disrepute, and creates disaffection, and if, after cautioning him, he fails to desist we will discipline him.

45,539. You do not think it a part of your business to caution Mr. Gow in this particular case?—It is my duty to caution anyone who goes contrary to our Declaration.

45,540. Will you tell me or not whether you consider that in this particular instance you should caution the Rev. Mr. Gow; if you would like to say that you do not wish to answer, say so?—I do not know the merits of this particular case. I do not know the party to whom you refer, and I know nothing about the case.

45,541. So that I suppose if you got access to other Colonies, such as the Transvaal, Orange River Colony, or Natal, it would be no part of your business to enquire into the matter if politics were preached by your ministers?—Yes, it would; and I would not continue to employ a minister who used the pulpit for political purposes.

45,542. You do not think that this particular minister is using his pulpit for political purposes?—I do not know the merits of the case, nor do I know the gentleman to whom you refer.

45,543. You do not think it is your business to find out?—No, unless my attention is called to it.

45,544. In the same way, if your attention was called to similar instances in the other Colonies, you would not think it your business to find out about it?—Yes, if my attention was called to it I would take the matter into account and I would make diligent enquiry so far as I could.

45,545. We asked, about a year ago, when your predecessor was before us, for copies of certain issues of a paper published by your Society, "The Voice of Missions." Is it possible to get those copies?—I understood through Mr. Attaway here that you had made a request to Bishop Coppin for a file of copies from the beginning.

45,546. We asked for certain copies?—I do not know what particular copies were designated. Bishop Coppin did not draw my attention to it.

45,547. Do you think, if we stated the numbers we required again, it would be possible to get them?—I will try to get them.

45,548. Have you got copies filed in this country?—No.

45,549. *Mr. Sloley.*] Do you think that you are quite correct in saying that your Church is not recognised in Basutoland?—If my information is correct it is not recognised in Basutoland. Basutoland is under the care, I understand, of the British High Commissioner, Viscount Milner, and if that be true, of course, we would be debarred from that country.

45,550. Are you aware that one of your ministers is a recognised marriage officer there?—He does not live in Basutoland, I believe. I know of no one residing in Basutoland. There is a minister by the name of Kumalo; is that the one to whom you refer?

45,551. Yes?—He does not reside in Basutoland, but he goes into Basutoland and is a recognised marriage officer. I am simply basing my calculations upon the information given me in a formal way. If Basutoland is not under the supervision of the High Commissioner, Viscount Milner—if it is independent—then that is something else; but I was informed that it is not independent.

45,552. Have you received any communication from Lord Milner to that effect?—The information I received I got from the Colonial Office in London.

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45,553. To what effect?—That the permission that had been granted to our Church to operate in the Crown Colonies had been withdrawn.

45,554. *Chairman.*] Have you a copy of that letter?—No, the information was given to me in person.

45,555. *Mr. Sloley.*] Then as to political utterances by your ministers, do you not occasionally see political references made by Presbyterian and Church of England clergymen, by Roman Catholics, and in fact by ministers of every denomination?—In America they are free; if they choose to express their opinions on political matters they do so. If you mean with reference to Presbyterian ministers, Anglican ministers, and so on, in these Colonies, I can only say that I have heard of no political expressions from them.

45,556. With reference to "The Voice of Missions," do you remember the article which appeared a few years ago as to the intention of the Ethiopians to drive the Englishmen out of the country?—My recollection at present is that there was a communication to that effect written by a lady—whose name I cannot recall—which was unfortunately admitted into "The Voice of Missions."

45,557. Was that particular letter disavowed?—I do not know if that particular letter was disavowed. Bishop Turner is now publishing another paper, and I guess he will publish a paper as long as he lives. It is his personal property, and we are not responsible for his utterances in it. We do not take many things that he says about Africa seriously; his scheme for wholesale emigration to Africa, his principle of "Africa for the Africans," and all that kind of thing, none of us take seriously. He is a free lance; he is a man well advanced in years; and is quite a national character. He says just what he pleases, and we cannot control him. But we do not stand for very many of his utterances in regard to Africa.

45,558. But you will admit that it is not unnatural for people in this country to take it seriously?—I can readily see that.

45,559. *Chairman.*] You say that Bishop Turner is not taken seriously in America?—Particularly many of his utterances in regard to Africa.

45,560. Is he the same H. M. Turner who signs this Declaration as Chairman of the Bishops' Council?—Yes, sir, and I am prepared to say that he will most faithfully uphold it.

45,561. In what way have you disavowed the ordination performed by Bishop Turner that you referred to just now as being considered by you undesirable?—The Bishops did so when they refused to receive Dwane as a Vicar Bishop.

45,562. Have you cancelled the appointment of any man who was ordained by Bishop Turner out here?—That we cannot do.

45,563. Is it impossible for you to unfrock or to remove a minister?—It is not impossible to remove him, but to unfrock him there must be a cause.

45,564. You referred to having called at the Colonial Office and to having been told verbally that you would not be allowed to operate in the Crown Colonies?—I was told that the permission that had been granted us in April of this year had been withdrawn.

45,565. When you say "operate," what do you mean?—I mean to carry on our Church work.

45,566. Do you mean to imply that you were told that the African Methodist Episcopal Church would not be allowed to carry on its functions and services and work?—That is just exactly what I understood.

45,567. But had you that in writing?—No.

45,568. Do you not think it might have been an answer to some request to go to the Crown Colonies?—No. Application was made, as I have already stated, by one of our Bishops—Bishop Derrick—who visited London for that purpose. He had an interview with the Duke of Marlborough, and, under date of April 9th of this year, he received a letter from the Duke stating that permission had been granted for our Bishops—I understand that the exclusion applies solely to the Bishops and American ministers, not to the Native ministers of our Church—to enter the Crown Colonies. Subsequent to that permission having been granted, I went to the Colonial Office in London. I went the first time on a Wednesday, and I was told to call again on the following Saturday at one o'clock. I did so, and the gentleman I met had a pile of papers before him, and he called my attention to the resolutions adopted by the Missionary Conference at Johannesburg and to the unanimity with which these resolutions had been adopted. He then said to me that a letter had been received from Lord Milner stating that he had withheld his permission for the Rev. Mr. Attaway to go up to Johannesburg, Mr. Attaway having intended to be present at the Missionary Conference held there last July.

45,569. It is merely your interpretation; you have nothing in fact to show?—I have nothing more than what was said to me; I have nothing in writing.

45,570. *Captain Dickson.*] The papers that I asked Bishop Coppin for on the 14th of October, 1903, were the papers for 1899, 1900, 1901, and 1902. Bishop Coppin in his reply said that he might be able to give us copies of the issues from 1901 in Cape Town, and the others he would get from America. That was a little over a year ago, but we have not heard anything more in the matter since. Do you think that you could get us any of those copies of "The Voice of Missions"?—I can make the request known to the Secretary of our Missionary Department, who has charge of that publication. I understand that you want copies for 1899, 1900, 1901, and 1902, and I will write to him to that effect by this week's mail.

45,571. *Mr. Samuelson.*] Do you approve of proselytising from other religious organisations?—No. There is no scriptural warrant for that, and I think that it is wicked and a waste of time and of men. I do not believe in proselytising.

45,572. Is it part of your policy, or part of a policy you approve of, for your ministers to establish themselves in the vicinity of old-established religious organisations and to undermine the work of those old-established missions?—I note with regret that they have been doing it out here.

45,573. Is it your intention to take any action to stop that sort of procedure?—So far as I can understand, they must get permission for a site, and their plans have to be approved by a Government official before they can establish a church. I would inform that official not to grant that permission until he had first satisfied himself that there was the necessity for another congregation, that is for another church; and where there was not that necessity he should simply not grant permission.

45,574. You do not approve, then, of the progress of your Church at the expense of other Churches?—No. If we are here at all, it is to reach the heathen, not the people who are civilised. That is not legitimate missionary work.

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45,575. You wish to proceed amicably and in a friendly way with other religious bodies?—Yes. I am saying to our Bishops in America this week, among other things, that we will never convince the people of South Africa of the sincerity of our purposes or motives until we shall have successfully planted a missionary centre in the heart of heathendom.

45,576. *Mr. Hamilton.*] Where would that be?—I guess there are some heathens still left; the heathen people are not all enlightened and christianised. It is wherever a door is open to us.

Colonel Walter Ernest Mortimer Stanford, C.B., C.M.G., examined.

Col. W. E. M. Stanford, C.B., C.M.G., (Secretary for Native Affairs).
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45,577. *Chairman.*] Colonel Stanford, I understand that during the examination of witnesses in the Transkei, which took place in your absence from the Commission, certain statements were made by witnesses which had you been there you would have by cross-examination corrected?—Yes.

45,578. And that now you wish to have the opportunity to make those corrections?—Yes. I would state first, in relation to the working of the Appeal Courts in the Transkeian Territories, that the practice was for the Assistant Chief Magistrate of East Griqualand and Pondoland to preside over the Native Appeal Courts for those Territories, and for the Assistant Chief Magistrate of Tembuland and the Transkei to preside over the Appeal Courts at Butterworth and Umtata. I took only the first Appeal Court, as Chief Magistrate, at Butterworth, in 1902. After that, finding the administrative work of such magnitude, I left the Assistant Chief Magistrates to deal with the judicial duties, and the decisions they gave were final. There was no appeal from those decisions to me. In matters of ordinary jurisdiction they were assisted, and are still assisted, by senior Assistant Magistrates, to avoid the difficulty of having to deal with cases which had come before them in the first instance. I would say, regarding the statement relating to the payment of detective forces by results, that it is absolutely erroneous. This force was raised specially to put down stock-stealing, and the Native detectives from the very first have been paid a regular wage of 2s. 6d. per diem. The officers began at 7s. 6d. a day, and this was raised to 10s., and in two instances to 11s., a day. No special rewards have been given these men in respect of successful dealing with cases. As regards a statement that land reserved by the East Griqualand Lands Commission of 1882-83 for European occupation around Qumbu and Tsolo had indiscriminately been given out to Natives, I have to say that this land was allotted by Government to Native Headmen and people who were removed with their own consent from the districts of Maclear and Glen Grey, leaving their old lands available to the Government for public purposes. It was said to the Commission that at a meeting of the General Council for the Native Territories Native members of this General Council had dictated to the Chairman what his course of action should be. This, so far as my experience has gone, is quite incorrect. I have never had anything but the greatest respect shown to me by every member of the General Council when I have presided over it, and I am sure that that statement in respect of his experience would be confirmed by my predecessor, Major Sir Henry Elliot.