

## Introduction

Richard W. Msimang was born in 1884 at Edendale mission near Pietermaritzburg, the oldest son of Joel Msimang, the founder of the Independent Methodist Church of South Africa. He was thus an archetypical product of the 'Kholwa' elite of colonial Natal, who cut his political teeth in mission politics and the independent, separatist impulses that saw the first indigenous African churches break free from colonial control. He was among the first students at John L. Dube's Ohlange Institute, and attended Healdtown, the famous Methodist institution in the eastern Cape. He then spent some years in Britain, where he studied at Queen's College in Taunton, Somerset, qualifying as a solicitor. He returned to South Africa in November 1910, setting up in legal practice in Johannesburg. There he met other politically aware and overseas-educated young men such as the lawyers Alfred Mangena from Lincoln's Inn in London, and Pixley Seme, recently returned from the United States. They were among the founders of the South African Native National Congress (later the African National Congress) which was launched in Bloemfontein in 1912 as the first inter-ethnic and national organisation representing the interests of the educated African elite, already beginning to feel the need to stand up against the tide of discriminatory legislation emerging from the new Union parliament. Although he never held any high political position within the organisation (unlike his younger brother Selby), Msimang often served as its legal advisor, and was primarily responsible for drafting the Congress's constitution in 1919. He was for some years a member of the national executive. He died in 1933.

The National Congress's first major public campaign was against the Natives Land Act of 1913. This infamous Act provided the foundation for the developing policy of segregation by defining African reserves — those areas which through government policies or happenstance had escaped alienation to private white ownership — and by providing for the extension of such reserves through land purchase. The corollary was that black land purchase outside reserves was ended, although the property qualification for non-racial franchise in the Cape provided for in the constitution 'meant that this provision of the Act was subsequently declared null and void. As tellingly, the Act declared illegal all forms of black tenancy on white-owned land other than tenancies held as a condition of labour service. Thus all independent African farmers, paying rent mainly in kind to often absentee landowners or white lessors of land, were overnight stripped of all legal standing.

The significance of this lies in the fact that, ever since the opening of internal urban markets at the diamond and gold fields in the 1870s and 1880s, landed whites, historically herders and hunters rather than

cultivators, had battered on to black skills, know how, labour organisation and resources so supply the markets with the crops needed to feed their human and equine populations Sharecropping relations between white landlords and African tenants proliferated, especially after the Anglo-Boer War, when more and more land in the erstwhile Boer republics was taken up by new white settlers Many white farmers without capital or access to labour turned to share cropping with black tenants, while white land companies and speculators, who had bought up much land, found black rent-paying tenants a useful source of income. The truth was that the older white farming population was not very well equipped to meet new internal market demand for foodstuffs. Widescale impoverishment and land loss among Boers had become apparent by the 1890s, and was greatly aggravated by the devastation of the War. Extensive pastoralism and hunting became increasingly difficult as a result of more intensive land settlement and land use, while trading and transport riding, traditional Boer occupations, were ousted by the spread of mercantile networks and railways. The widespread perception arose that African farmers were growing richer and more independent, and were being favoured in this by big capital that seemed more and more to be taking over ownership of large tracts of land as the old fanning population succumbed to indebtedness and loss of economic opportunities. A growing anxiety about what was perceived to be a deeply destabilising 'poor white problem' was the basis of a populist mobilisation of sentiment against African competition on the land. This fear, no doubt exaggerated by cultural and political leaders (politicians, churchmen and journalists, mainly, but not exclusively Afrikaners), was a driving force behind the elaboration of segregationist thought.

The Land Act grew out of this set of circumstances. But it should also be noted that the Act, like all attempts at radical social engineering, was unimplementable at the time, and was a statement of ideals more than a practical legal code. Thousands of whites depended on production by black tenants for their survival on the land. White farmers and landowners had neither the capital nor skills and capacity to mobilise and control labour on a sufficient scale to replace the independent enterprise of black communities with their co-operative productive networks. State succour to white agriculture, while increasing dramatically with, for example, the establishment of the Union Land Bank in 1912, was still in its infancy, and the coercive power of the state was very limited. In fact it was only in the 1960s and 1970s that the principles of the Land Act were vigorously implemented, with the mass removals of those decades.

However, there was undoubtedly a very considerable displacement of black people from the farms of the arable fanning regions of the highveld immediately after the passing of the Act. It should be noted that this was not the result of intervention by the authorities, but by the concerted action of white landholders intent on using the pretext provided by the legislators' activities to advance their own interests. This displacement occurred particularly in areas where white landholders and black fanners confronted

each other most competitively, and where the capitalisation and development of white farming had advanced faster and further than elsewhere namely the arable highveld districts of the Orange Free State, Natal and the Transvaal. Less dramatic periods of alienation and displacement inflicted on Africans on white-owned land had occurred before (under previous republican and colonial 'anti-squatting' legislation), and they certainly were to recur, until the final overwhelming denouncement of the apartheid years. They usually occurred during periods of optimal climatic and market conditions and rapid productive expansion (such as 1913-14), when opportunities for both whites and blacks on the land were greatest, and competition between whites and blacks most intense and most irksome. Typically, white landholders sought to extend control over land and labour, increase rentals and surpluses from black families on the land, and generally to reduce drastically the opportunities and independence of the latter. In response, Africans refused to become labourers, to deliver the services of their wives and children, to sell their livestock or to hand over use of their ploughs to their landlords. Mass evictions followed the conflicts thus generated. This is the process described in Msimang's booklet.

There were different processes involved in different areas. In Natal, entire communities of multi-generational polygamous homesteads, living in traditional fashion under chiefs, were broken up and displaced. These communities had commonly lived for many years in relative immunity from excessive demands for labour or rent Natal had a tradition of 'labour farms', held as sources of tribute labour. With the boom in agricultural demand, prices and land values around 1913, these communities became an incubus for landowners bent on taking full advantage of it including the government which itself was intent on turning Africans off state land and putting it to more profitable purposes. In much of the Free State and southern Transvaal, by contrast, African communities had become fractured into smaller household units, Christian and monogamous for the most part, by the conflicts and disruptions of the nineteenth century, and few chiefs were to be found on the farms. This was the area par excellence of the sharecropper, the commercial black farmer, living in close symbiosis with the white landholder. But, despite the evictions and displacements of the time, neither the cohesive labour tenant communities of inland Natal, nor the sharecroppers of the Free State, disappeared. But the heyday of their prosperity and independence was over, and the formal illegality of their tenure made their lives increasingly precarious and subject to harassment, depredations, exactions and arbitrary evictions. Shocked by the Land Act's implications, the Native National Congress turned to tried methods of petition to higher authority, initially, in Pretoria and then in London, in the belief that loyalty and common humanity would prevail. In particular the organisation's secretary-general, Sol T.

Plaatje, travelled a number of times through the Free State from July 1913 onward, gathering evidence for presentation to the authorities. At the same

time, a campaign to collect funds to send a deputation to England was launched. Msimang accompanied Plaatje in the early months of 1914 on his travels, at the express request of the national executive of the Congress; and this booklet was the hastily produced result. The deputation to England, of which Plaatje was a member but Msimang not, left Cape Town in May 1914. While in London in 1916, Plaatje published his *Native Life in South Africa*, before and since the European War and the Boer Rebellion, a literary and polemical tour de force, of which several reprintings subsequently appeared. *Native Life* was centred on the Land Act and contained lengthy and emotive accounts of the sufferings that followed its promulgation; but it was concerned to set the Act in the context of rising discriminatory and segregationist policies, and against the broader background of the coming of Union and the growing political isolation in which Africans found themselves. Msimang's booklet, long forgotten, is further testimony to the traumas of the time. For men such as Plaatje and Msimang, the struggle against the Land Act was a formative experience, representing a moment of profound disillusionment with the old politics of accommodation, and also their first real engagement with the lot of the mass of African peasants living on the land.

*Timothy Keegan 1996*

#### Sources

Not much is known of Richard Msimang; but see Thomas Karis and Gwendolen Carter (eds.). *From Protest to Challenge: A Documentary History of African Politics in South Africa. 1882-1964*, vol.4. *Political Profiles*. Gail Gerhart and Thomas Karis, eds. (Stanford, California, 1977), p. 106. A photograph is to be found in T.D. Mveli Skota, *The African Who's Who: An Illustrated Classified Register and National Biographical Dictionary of the Africans in the Transvaal*. 3rd. (Johannesburg, 1966), p.29. Background material is to be found in Peter Walshe, *The Rise of African Nationalism in South Africa: The African National Congress, 1912-1952* (London, 1970). pp.31-7. 44-52 and passim. For Plaatje's activities relative to the Land Act, see Brian Willan's splendid *Sol Plaalje: A Biography* (London and Johannesburg, 1984), pp. 159-73. Willan has also written an introduction for the Ravan Press (Johannesburg) edition of Plaatje's *Native Life in South Africa*, which is still in print. The material on the Natives Land Act was drawn from Timothy Keegan, *Rural Transformations in Industrialising South Africa* (London and Johannesburg, 1987).

#### EXPLANATORY NOTES

The immediate purpose and object of compiling together few instances—for they are comparatively very few instances of actual cases of hardships under the Natives Land Act 1913 is to vindicate the Leaders of South African Native National Congress from the gross imputation by the Native Affairs Department, that they make general allegation of hardships without producing any specific cases that can bear examination. In other

words, the charge is, they make wild statements of existing hardships which they fail to support by concrete facts. If this charge emanated from any other Government Department than the Native Affairs Department, they might be received with attention from the Natives, We know from our bitter experience that these charges are merely made to prejudice our cause and to "blind" the European public

What are the actual facts? Last July 1913, the Congress sent a deputation to Pretoria to further protest against the New Law. In the interview, the Vice President and the Secretary of the Congress brought to the notice of the then acting Minister of Native Affairs, certain cases of evictions that had already taken place, one case was in the vicinity of Pretoria. *The Act was then, only six weeks in, force!*

The President of the Congress in appealing to the white people of Natal against the Act, made strong allegations of people being turned out from their homes and their ancient residences; and, at the request of the Native Affairs Department, he supplied them with about 80 cases of people evicted and some under notice to leave. The Government replied that few of these cases could be substantiated. Yet some of these people had been sent y the President to the proper authorities at Pietermaritzburg and some he had told to report themselves to their local Magistrates.

*Some had reported themselves to the President after having seen the magistrates. Even to-day nearly all these people are still affected by the operation of the Act. Soon afterwards, the Secretary for Native Affairs Department made a tour to the Free State. And at Thaba Nchu many evicted people personally appeared before him, when he advised them to sell all their stock, and return to the farms to labour AS UNPAID SERVANTS.' Or to go into the reserves—(when he knew at the time there were none except Thaba Nchu which was already full).*

The Prime Minister at Cape Town repeated the charge of making allegations of hardships without bringing them to their notice. *People under evictions or on receipt of notices to leave* have been and are reporting themselves to the local authorities as directed by the Government Circular. In Natal, for example, not one of these instances herein have not been reported to the magistrates and the chief Native Commissioner. Every time they are told to find themselves other places, or to remain there under labour conditions. In fact, the 70 and 100 individuals or more families at Peters and Colworth respectively are BEING EJECTED BY THE GOVERNMENT itself in anticipation of the supposed requirements of this law. Yet without providing land for them. These are the cruel and callous injustices under which our people suffer, and against which we ask relief.

*Another allegation is that many of these cases are taking place under the "Id Squatters Laws Act. That is a mere subterfuge and nothing else. These evictions are being deliberately made with the sole intention of getting forced labour, as provided in the Act. White farmers know fully*

well that since the Act, Natives are no longer free to obtain land or to make terms for occupation of land.

*These cases are merely given as indications of the real grievances we have against the Act. They are not by far exhaustive being only one-fifth of actual cases affected. In making my investigations. I have chosen so far two Provinces only because of the large numbers of Squatters in each. In Natal there are about 436,000, squatters mid in the Free State about 80,000. Under this law all these are bound to be directly affected. In; Natal most of them have been given as much as six months notices, while in the Free State, of the batch of cases within my information, the length of notice to leave has been 10 days, only, the average length is five days, and two men have been given one hour's notice to leave and trek! The result therefore has been and is "the capricious removals without any check, the loss of buildings compensation, and reduction in a state of vagabondage with no prospect of permanent settlement. I have given particulars of number of live stock each Native possess, to indicate the extent of loss he will sustain—that being his wealth and only dependence.*

Here are the few specimen of notices given: —

*'Pass for Jantje to leave the farm within 8 days to seek a places." 'Pass for William for 2 days to seek a place not to remain an hour in the farm."*

"Trek Pass for Jacob, Piet and Melka with 12 cattle, 20 sheep in 4 days."

*As already said these cases here siren are not hi the leas exhaustine of all the numerous reported that mm' reach me almost day by day. Owing to the shortness of lime since I was entrusted to investigate the actual cases, I have confined myself to report those only that have come under my personal examination, leaving a greater bulk far close examination afterwards and for supplementary report. Pressure of time account for incompleteness of the report.*

*Here is fine "Press cutting," (Note the date-the Act was then only three months old: —*

**GREAT TREK TO BECHUANALAND.**

**HUNDREDS CROSSING NORTHERN BORDERS.**

**EVICTED NATIVES ON THE MOVE.**

## **NATAL NATIVE CLERIC AS ORGANISER DEPUTATION TO ENGLAND.**

*From Our Own Correspondent.*

JOHANNESBURG, October 5<sup>th</sup>. 1913

As the result of the passing of the Natives' Land Act, groups of natives are to be seen in the different provinces seeking for new land. They have crossed over from Free State into Natal, from Natal into the Transvaal, and from the Transvaal into British Bechuanaland contest the Land Act.

One of the most formidable native organisations that the country has known is gradually being evolved. Its president *is* the Rev. John L. DUBE, Phoenix, of Natal, who receives all complaints of hardships, caused by the operation of the Act.

Yesterday a native arrived in Johannesburg from Umtoti district, Natal, and reported that a chief, together with his tribe, had been evicted from a farm in the Greytown district, Natal, and that feeling in the matter had become acute, especially as it was reported that the idea was to get Indians to take up the reserve where natives had been staying.

In the Western Transvaal hundreds of natives are crossing over into the Bechuanaland Protectorate, and in the Eastern Transvaal they are concentrating on three farms in the Wakkerstroom district that have been bought by a native land company.

At present the attention of those working for the repeal of the law is being concentrated on the collection of funds for the purpose of sending a deputation to England. They hope to arouse public opinion there by lectures and other means. Three or four thousands pounds is required and they believe that they will be able to send a deputation off early next year.

In conversation with an educated native yesterday a "Leader" representative learned that considerable resentment had been caused by the advice given by Mr. Dower (Secretary of the Native Affairs Department) in evicted natives in the Free State. He urged them to get taken on as servants, and to sell their stock for cash, argues the said informant, show cross ignorance of the native mind.

The restlessness caused by the operation of the Act will probably affect the labour supply to some extent. Natives will stay away from here, as they fear that their friends will be evicted in their absence and they will naturally stay at home to see what becomes of them.

## **NATAL.**

NATIVES LAND ACT 1913.

### **District Ladysmith.**

(a.) Peters—79 Kraals or families.

(b.) Rooiport Farm—30 do.

(c.) Stockville —19 do.

(d.) Colworth —100 do.

In Peters in the Division or District of Ladysmith. Chief Sibisi and his people for many years past have resided as aquatters or tenants in a Farm called. Remainder of Brakfontein sub. A. and Remainder of Weltevreden sub. D. the property of the Government. These people have all been notified to move from these farms—there are upwards of 79 individual families or Kraals affected, including Chief Sibisi. The under mentioned notice is the copy of the notices sent to individual heads of Kraals who must move away at the end of this June with their Kraals and families with such live stock and movables as they possess.

The Chief on his own behalf and that of his people immediately on receipt of the notices, appealed to the Magistrate Ladysmith, who though himself sympathetic, could do nothing. The result is that Chief Sibisi and his people must clear out from these Farms and find other places. Those who will remain only stay under labour conditions. The Chief is thus forced to separate himself from his people with whom he and his Grandfathers have lived for *generations past. They cannot get a farm to which they could all go en block to reside-* He is trying and has tried hard to find a place for himself and his people.

### **(Copy Notice.)**

To Vellem Sibisi.

Kraal Head residing on one of the following farms viz.

REMAINDER, of Brakfontein, sub. A of

Remainder of Brakfontein.

REMAINDER, of Weltevreden, sub. D. of

Remainder Veltevreden.

Take notice in terms of Section 4 of Law 41 of 1884 that you are required to remove with your Kraal and inmates from which ever of the said farms you may be residing on, 6 months from this date.

The aforementioned farms having all been purchased by Government for closer settlement purposes.

(Sgd./ Atg. Magistrate, Ladysmith, Natal,

31st, January 1914.

This notice is apparently issued under the Squatters Law, and therefore it might be argued that these people are not being removed under the Native Land Act.

*The point is that the Squatters Law of each Province are incorporated and made part and parcel of the Native Lands Act (vide Section 6) - therefore whether the notice is under the Squatters Law that makes no appreciable difference since Natives leaving one farm are no longer free to hire land; and they cannot find another land so easily: even if they do they must give service for their hire even an old man like Chief Sibisi. One other point is that all these people are ejected by the Government itself, who, knowing there, is no land to which they could go, yet eject them wholesale.*

*Peters Ladysmith [Court.]*

*The following are the names of 55 out of 79 individual cases affected by the above notices in the said Farms.*

1. Chief Sibisi has 8 houses or families, 3 head of cattle and 15 goats.
2. Joshwa Mapalala, one family 4 cattle and 30 goats.

3. Soso Sitole, widow.
4. Kayikayi Gabuza, 2 houses, 6 cattle and 6 goats.
5. Zankotsheni Malevu, 3 houses.
6. Msizi Mcunu, 3 houses.
7. Fuhlo Tembu Mvelase, 3 houses, 30 goats, 6 donkeys,
8. Lewandu Zuzu, 2 houses. 30 goats.
9. Nozincozi Zwane, 1 house.
10. Sikuku Xaba, do.
11. Msikizwa Mgada, do
12. Mtshotsho Zakane, 2 houses, 7 goats.
13. Majoza Sitole, 2 houses, 3 cattle and 6 goats.
14. Sweza Majola 1 house.
15. Mahlatini Ganza, 9 houses, 20. goats.
16. Ranisi Bisi, 5 houses. 4 cattle, 10 donkeys.
17. Melele Zuma, 1 house.
18. Mtungatwa Radebe, 2 houses.
19. Nodu Mcunu, 4 houses, 10 goats.
20. Nohebe Ngwenya, 2 houses, 7 cattle 90 goats.

21. Mlandela Gasila, 1 house, 26 cattle.
22. Mabaso Mloyi, 1 house.
23. Mlom'ngadhli Twala, 5 houses.
24. Kundhlana Msibi, 4 houses 3 cattle.
25. Sikaniso Radebe, 4 houses, 30 goats.
26. Zakariah Zulu, 7 houses, 6 goats.
27. Mbulawa Gumbi, 7 houses.
28. Makubalo Sitole, 6 houses, 20 goats.
29. Sibela Mbele, 6 houses, 100 goats.
30. Mhabula Sitole, 1 house, 4cattle, 20 goats.
31. Ncwadi Radebe, 1 house, 6 goat'-.
32. Ngovolo Sitole, 1 house, 12 goats.
33. Gandana Ndhlovu, 1 house.
34. Mbayimbayi Sibiya, 3 houses, 14 cattle.
35. Luhapi Mhlanga, 3 houses.
36. Busman Langa, 1 house 34 goats.
37. Mbuyibayi Ngwenya, 3 houses, 25 goats.
38. Mdhlebe Sitebe, 5 houses.

39. Phillip Mtembu 2 houses,
40. Makahlela Mhlamvu, 3 houses 2 cattle.
41. Mbede Kama, 5 houses, 3 cattle 40 goats.
42. Boxoza Kunene, 5 houses.
43. Budu Makaza, 3 houses, 10 goats.
44. Mhlotshana l'wala, 4 houses.
45. Sinqanyana Sibisi, 3 houses 10 goats.
46. Nzipo Masangu, 2 houses, 30 goats, and sheep.
47. Masunqu Zondi, 2 houses 4 cattle 17 goats.
48. Mtshunu Mzinyane, 1 house.
49. Luhayi Mzinyane, 2 houses.
50. Ntunya Mzinyane, 2 houses.
51. Sondhlovu Mwelase, 3 houses, 8 cattle.
52. Pingo Kunene, 2 houses, 30 goats.
53. Willie Kele, 1 house, 8 cattle.
54. Cwazinyoni Kunene, 1 house, 20 sheep,
55. Daimana Mzinana, 4 houses, 17 goats.

Rooiport Farms on Ladysmith,

30 Kraals and families.

NGENGENI HLONUKA, of the above place, in his signed statement, says; I am an Induna, and have under my charge 30 families who are resident in this farm and pay rent to the owner. Each of these families including myself has received notices to quit the Farm. When I appeal to the authorities on behalf of these people—the Magistrate said, you can go where you like or stay there and work on the farm as labourers, we have shall have to leave the Farm at the end of June 1914. "But we don't know where to go."

STOCKVILLE FARM, LADYSMITH. 19 Kraals or families.

The same man, says there are 19 Kraals in the adjoining farm, Stockville who also have received notices to quit with their inmates and stock at the end of June. This statement is supported by one of the tenants given notice to quite by name of Ndimande.

COLWORTH near Lady smith. **100** Kraals or families.

The following is the copy of the notices sent to each individual or head of Kraal, and under which **100** individual families are affected. "To Joseph Tshabalala."

" In terms of Section 4 Law 41 of 1884-I hereby give you six months notice to quit the Farm Colworth." Magistrate Office, [Sgd.]

Ladysmith,

30th. January 1914.

Chief Mbekwa of Matwane's Kop in his letter says, he appealed to the Magistrate and through him to Chief Native Commissioner but all to no purpose. All these families who have lived in this farm for generations have now to quit their ancestral homes and surroundings. These and the other above instances in this district are those ejected by the Government. This action on the part of Government is most disquieting in the native mind, and they say how can believe the "tempting" promise that we, shall be given land, when it is the Government that is evicting us from our residences without even attempting to provide temporary places for us pending the settlement of areas? No Native has any hope of being granted any land. Their minds are greatly disturbed especially when they see even their Chiefs being dealt with so slightly by the authorities.

**LIST OF NAMES.**

COLWORTH DISTRICT LADYSMITH.

		Cattle	Goats	Horses

1	Matamza Tshabalala,	5	100	2
2	Mpondo Tshabalala,	4	100	4
3	Masika Tshabalala,	3	35	
4	Magoboza Gumede	2	5	
5	Ngedu Gumede,	2	80	80
6	Lusawane Gumede		10	
7	Wm. Gumede	8	40	60
8	Mayeyane Gumede		2	
9	Cetywayo Gumede		20	
10	Mgotwa Gumede	4	50	20
11	Philemon Manyoni	4	20	3
12	Sawane Malinga	3	5	0
13	Mndenga Tshabalala	6	1	0
14	Jubhane Tshabalala	0	5	0
15	Moyi Jeremiah Tshabalala	0	20	0
16	Mankankane Manyoni	0	30	0
17	Lufahla Mposula	8	20	0
18	Zephania Dhladhla	3	100	8
19	Mciteki Dhladhla	8	30	4
20	Msutu Dhladhla,	2	20	2
21	Mbiko Tshabalala	3	10	5
22	Josephe Tshabalala	8	30	5
23	Jacob Tshabalala	1	0	0
24	Tiba Tshabalala	1	40	2
25	Bhekela Tshabalala	1	0	0
26	Joseph Gumede	3	0	0
27	Waka Msibi	0	10	0
28	Dudwane Sibeko	1	30	8
29	Maloyi Gumede	0	13	0
30	Makosini Makubu	2	20	1
31	Myezi Makubu	2	10	10
32	Mvulani Nkabinde	1	20	0
33	Ngenchlane Mazibuko	0	10	0
34	Mdhlayi Masimbela	1	15	0
35	Nongqayi Manyoni	0	40	0

36	Hezekiah Makubu	0	20	0
37	Soqotwane Makubu	3	120	0
38	Mazingoli Mazibuko	0	26	0
39	Mbelekelwa Msimang	9	40	5
40	Shukashuka Kubheka	1	90	6
41	Mpikwa Tshabalala	2	40	0
42	Nkomongi Tshabalala	1	40	2
43	Mkungo Sibeko	3	80	0
44	Nodwengu Msimang	3	23	0
45	John P. Tshabalala	1	19	1
46	Micah Butelezi	7	40	0
47	Mpendu Kubheka	2	40	0
48	Mlonyeni Nyembe	1	19	0
49	Titus Mkwanzani	0	30	6
50	Jacob Hlope	2	13	0
51	Busuku Tshabalala	10	30	0
52	Aron Msibi	0	13	5

53	Bhovu Kubheka	2	30	0
54	Nongqayi Kubheka	2	25	0
55	Mabuke Kubheka	2	20	10
56	Mangetyane Kubheka	1	30	3
57	Singiti Sibeko	0	8	0
58	Mduze Mhbokazi	0	20	11
59	Jakob Msibi	1	0	0
60	Mkaba Sitebe	0	5	2
61	Paul Natebula	0	80	0
62	Makauleza Msibi	0	2	1
63	Nyezi Nyakulu	6	0	1
64	Masotsha Tshabalala	12	20	4
65	Elias Tshabalala	3	13	5
66	Mkashane Tshabalala	0	0	0
67	Mankanka Manyoni	10	5	5
68	Samuel Ndaba	1	12	6
69	John Tshabalala	5	2	2

70	Mveli -Manyoni	5	0	0
71	Enoch Dhladhla	14	14	10
72	Dayimane Tshabalala	14	10	5
73	Dhlozi -Madonsela	3	5	1
74	Maceleni Nkabinde	0	8	5
75	Daniel Nkabinde	2	3	1
76	Bibi Mbongo	0	13	1
77	Moses Tshabalala	6	6	14
78	Mabhemela Tshabalala	2	20	2
79	Capuluka Mabizela	3	20	2
80	Ntshumayelo Hlatywayo	4	40	3

DISTRICT WEENEN.

[a.] Weenen Town Lands. 121 persons to quit

(b.) Umhlumba, 12 do.

The operations of the Natives Land Act is further noticeable in Weenen, where 121 individual cases are affected by the action of the Weenen Local Board. This is the copy of the Notice.

Town Office, Weenen.

20th. March 1914. To Chief Noxaka,

I have been instructed by the Weenen Local Board to give you notice to quit the Town Lands of Weenen, with all your belongings on or before the 30th. June 1914.

Should you fail to comply with this Notice steps will be taken to have you ejected from the Town Lands.

These are the names of persons who are being driven under the Act: —

Chief Noxaka Mbhele,	1.
Malonjeni do.	2.
Luzembe do.	3.
Mamuzana do.	4.
Bhekameva do.	5.
Sampoto do.	6.
Nobanda do.	7.
Anton do.	8.
Sigele Hlatshwayo,	9
PaulZiqubu	10
Mahamula Butelezi,	11

Maqekeni Dhlamini,	12
Mhokweni Nala,	13
Mbuzo Ndhlovu,	14
Gwabhela Nala,	15
Kula Mbhele,	16
Nyekeza Mbata,	17
Sikaha Nxumalo,	18
Sikaha Nxumalo,	19
Ngaqa Kumalo,	20
Mumiso Sibisi,	21
Dungizwe Mdhladhla,	22
Mapense Zakwe,	23
Mhwebu Ngulunga,	24
Mgamtando Nxumalo,	25
Johannes Nkomo,	26
Quzu Mlambo,	27
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## MHLUMBA 12 CASES.

Under Notice to quit in June.

1 Mdonhia Langa,	7 Bhenanandi Mcunu,
2 Vuka Zama,	8 Mbanga Munqumangomi,
^Ndonga Zoma,	9 Mankunzi Majola,
4 Godoyi Njoko,	10 Jani Mbele,
5 Longwane Mangoni	11 Mdeni Mcunu,
6 Nomasi Mangoni, «•	12 Makamlamo Mbele,

12

District-Dundee.

WASCHBANK, 80 individual families.

The facts and particulars about these people will be gathered with interest from the sworn statement of Chief Sandanezwe Mcunu, who and his people are the 80 individual persons affected by being notified to leave their old places OF residence.

The Chief on his Oath says :—

1. I am the Chief of the Amacunu of the Abanguni tribe in Waschbank, Klipport, Elands Laagte, and Hattingspruit in the Division or District of Dundee, Natal. I and my people desire in various private Farms in the above different places some as squattors and others as tenants.

2 In January 1914 I received notice from the owner or proprietor of the Farm in which I live Waschbank to quit the said Farm with my families and stock after six months from the beginning of the year.

Similar notices in the same farm were given to others of my said people, namely-Cusheya, Mzila Mdhlalose, Msongelwa and Ziquu and others.

3. Also during the same time many of my said people over whom I am Chief, who have been either squatting or residing in the various farms in the different places aforesaid, were given notices each of six months duration to quit or leave their respective farms. Each of these people have reported to me of the said notices given to them to leave the farms.

As specimen I append hereto some of the notices and particulars affecting the conditions of the said people.

4: When I received notice to leave the said farm, and also when the individual cases of my said people were brought to my notice, I reported mine and their positions to the Magistrate at Dundee who referred the matter to the Chief Native Commissioner at Pietermaritzburg. I asked that a place be found for me and my said people, but up to now no such place or farm can be found, The Magistrate at Dundee promised to find a place for myself alone but I do not like to be separated from my people.

5. There are upwards of 80 families including mine affected by these notices to quit. Each of them has reported to me, some of them have livestock and property. I myself have three kraals—one of six families, the second of five families and the third of two, the last have been expelled from the farm and are now removed to Toleni' Klipport.

6. I have livestock consisting of 50 sheep, 30 goats, 30 head of cattle and 7 horses. If the time of notice expires before I have found another farm for myself and my said afflicted people, I fear I shall have no place to which to go and shall be obliged to sell or dispose of my said live-stock at a loss for I shall have no place in which to store them for grazing. My said people are appealing to me to find a place for themselves, their families and such stock as they possess. But I do not know where to go under the circumstances. The Farmer tells us to sell all our live stock.

7. The Magistrate and others advise me to do the best I can for myself and my said people or come to an arrangement with the said various farm owners whereby we must agree to work on the farm for nothing and without pay according to the new Law.

#### SPECIMEN NOTICES AND PARTICULARS.

NATIVE J. MASONDO, Copy.

Hereby take notice to quit my Farm viz:

Quick Vlei, Waschbank within 6 months from date. Further take notice that to complete service according to an agreement.

5. 2. 1934. Quick Vlei,

Similar notices were sent to Luka Majola and Lewis Madela, from the same farm. Native J. Masondo has 17 head of cattle and 7 horses. He has been paying rent of £3 a year but now he is made to labour in the farm without receiving adequate pay for the said labour.

Prior to the above notice to quit, Luka Majola, and Lewis Madela, had in November last received notices to quit namely:

"Hereby take notice to come into service on 27th November 1913 for 6 months at 5/- a month. Kuick Viei, Waschbank."

This white farmer gave the latter two notices to quit because they refused to work in the farm from 5 a. m. to 7 p. m. every day for 5/- a month. They are men with families to keep, and they get very little fields to plough for themselves in part return of the said labour. Copy.

[2.] "I hereby give permission to Solomon Zulu [Solu] to leave my farm on one first day in June 1914 with what property or stock he has in his possession. I also notify bearer that when the time is expired and he has not cleared my farm I will take legal proceedings against him.

[Signed on this 27th. date of April 1914.]

Farm Kuick Vlei, Waschbank.

Watersmeet,

(COPY) 21st. January 1914.

3 Heer mede geef ik aan dozen Kleurling genaand pond jan kennes on my plaats te rumen de mand junj 1914 en is aan my nerschuldig

de zama van £3 drie ponden per hud te betalen up de 1st. January 1914.

This notice was given to Pontyane Mapumulo with Somcuba Nkomane and Mtatanyiswa Zulu. The first named has had to labour with his boy for 6 months in the year. Lately the farmer gave them notice to go and to pay £3 for the remainder of the three months. They also have had to pay 35/- for the grazing of their goats on the farm while their time of notice has not expired.

Sworn Before me at Dundee (Sandanezwe this 28th. day of April 1914. (Mcunu,

After I was satisfied that the contents were understood.

[Sgd] JUSTICE OF PEACE.

ORANGE FREE STATE.

Specific Cases <if Evictions under the Natives. Land Act 1913 District Kroonstad,

Natives. Farms

Stephen Moraba, Rienzi: —Evicted have livestock in large quantity.

Jacob Maphike do. —Evicted gone to Basutoland with stock and family.

Fillard Ghaka, do. —Evicted Has sent stock to Basutoland.

Zachariah Doge, Theron: —Evicted now wandering with 20 cattle and 40 sheep and family.

Johannes Pali Vlakkui: —Evicted now wandering with 100 sheep, 14 cattle and family.

Sethologo Zloego Morabe Driekapys: — Evicted now wandering with stock and family.

Anbooi Molele, Patregsdraai: —Evicted but returned under labour conditions after selling all stock at loss.

Jantje Ventersberg, Winburg,: —Evicted given notice to leave farm in 8 days.

Indicate signed statement verifying circumstances of Eviction.



Malimeme Magoere, Lazaras Motlounge, Mosineoa Mokubung, Stephen Kan, Salemina Kan, Lazaras Kan, Dorcas Kan, Magdalena Kan, Stephen Kan, (Jonuir), Isaac Kan, Susan Kan, Johannes Kan, Martha Kan, Elizabeth Kan, Stephen Thaisi, Martha Thaisi, Miriam Mekgoe, Sunnie Sothoune, Motlhagole Mekgoe, Maria Mekgoe, Rosina Mangoegabe, Kezia Mokgosi. 90 Names,

***Senekal District.***

*Native.. Farm. Condition.*

John Mkhemise, Queersrurt: —Given notice now forced to labour and his cattle compulsorily used in the farm without payment.

-Albel Smith, Holpan: —Given notice previously hired in shares now forced to labour.

Paulus Malupe, ditto ditto  
Plaage Smith, Belfast ditto

*Orange Free State.*

*Kroonstad District. Farm-Kienzi.*

*1. Stephen Morabe,*

*2. Moses Maphike, 3. Jacob Maphike,*

*1. We, the undersigned, Stephen Morabe, and Moses Maphike, reside in the Farm Rienzo District Kroonstaad. We together with Jacob Maphike live as squatters. The Farm belongs to Hardy Pretorius.*

2. The conditions under which we lived are that we and every member of the family have to labour in the month by month in the year without any pay or other remuneration except that we get in return small pieces of land to till for ourselves.

3. *Stephen Morabe* has one wife with 6 Children, 30 head of cattle, 19 sheep 4 horses. House built with stone and grass, has lived 3 years in the Farm, has ploughing implements.

*Moses Maphike*, one wife and 7 Children all young. House built with stone and grass, two rooms, 3 head of cattle, 30 sheep.

*Jacob Maphike*, one wife 8 Children [all young] House built with stone and iron; 21 head of cattle 130 sheep, 3 horses, and ploughing implements.

4. About three months ago, our master came to us in the farm, called us together, asked us to collect our stock, which we did. He then count the aggregate number of livestock belonging to each person squatting in his farm. After counting the stock cattle sheep horses, he said to each of us, you have too much stock, I have not sufficient room or place for them in the farm. You must sell or dispose of your stock, or you must leave this farm."

6. All those living in this farm are affected by this notice. He didn't say when we must leave but we expect either to sell our stock or go away any day but where we don't know Because other natives in the same farm have tried to find another farm but they have failed For instance, Jacob Maphike has gone to Basutoland with his stock and family. Also Filand Chaka, has also sent all his stock into Basutoland from this Farm.

*Observations.* At first sight these people are dealt with under the local squatters laws. But the squatters law is incorporated in the Natives Land Act. The point here is this they are given notice to go if they don't sell their stock. "Why should they be forced to dispose of their property? Because the farmer know they won't find another farm and therefore there is good opportunity to make them life serfs. For when they still possess some property they are independent to some extent. This is a sample of capricious evictions, and that is one of many instances of the operations of the Natives Land Act.

Evicted now wandering.

I Zachariah Maye, on my oath say. —

1. I have resided as a squatter in the Farm Theron District Kroonstad. I have resided in this farm for many years.

2. Before I received the notice undermentioned, my master came to me and told me to sell all my stock, because his grass was being finished. I asked him "how we shall live if we sell our stock, because there is myself, my wife and two children working for him." He said I must dispose of my stock. During all these many years, either his late father or himself never said that my stock was finishing the grass or made any complaint about my property.

3. He then gave me notice on the following day-this is a true copy.

"Pass Malgas to look for a place to trek."

J. THERON,

4. I have wife and three Children, 20 head of cattle, and 50 sheep and 1 horse. I am now wandering about looking for a place to reside on or to place my stock.

*Observation Zachariah Daye.* —This man has tried hard to find a place and cannot. His old master might be willing to take him back but without his stock. —This Daye is forced to dispose of his only wealth and means of subsistence. Can't something be done for him? It is too hard that a man who has lived on this farm for years with the same average number of stock, should now be suddenly told that the grass is being finished by the live stock and he must either dispose of it or leave the farm and be actually given a permit to trek

*Johannes Pale,* —of Kroonstad states: —

1. I have resided in the Farm Vlaktkuil, for years, hiring under the share system. On account of the Natives Land Act 1913 my time had expired and I could not renew it.

2. My Bass said to me my stock was too much and he could not keep me any longer in the Farm. He told me to go. So I left this farm.

3. I had a house built with sod and grass two rooms. I have a wife no children. I have 150' sheep 14 head of cattle:

4. I left this farm last November 1913 namely Vlaktkuil, but I was then forced to sell 100 sheep at a loss because I could not find a place. I left this farm for Klein Bloemfontein-Vredefort. I stayed there one month with my stock and property.

5. In this latter, the Bass said I had too much stock and he had no place for me, and he told me to go. He then said I must let him have use of four of my oxen. I refused. He said if I don't let him have them I must go. Two weeks after that I had to look for a place which I couldn't find. Now I have left this farm. I cannot find another; I am wandering about with my stock.

#### SLAVERY, PERSECUTION AND VAGABONDAGE.

*Sethlo 'o Zloego Morale*, —is evicted cinder the following notice. —[Copy from the original].

"To Native Zloego,"

I herewith give you notice to leave my farm within 10 days [ten] from today. After 29th. I will charge you 6d. per bead for cattle and 3d. per head for sheep per day for grazing.

DRICLAPYER, 17th. April 1914. M. FREEDMAN,

This case is typical of the many instances of the capricious manner in which white Farmers; drive away Natives from their farms. This has three features each disclosing the precarious position of the Native peoples in the farms slavery, perscution and next -*vagabondage*.

Sethlogo Merabe has a wife and 8 Children

*While on the farm he his wife and 6 of the Children worked on the farm every day without pay. He also built a dam on the Farm and received no reward during recent rains he ploughed fresh fields of 10 acres, each field of 300 by 20 yards. He has left his own houses.*

For all this work he has received and will receive no reward or compensation of any kind even for his house except summary eviction.

*Persecution.* —One other feature is the shortness of the notice given—10 days; to be followed by the heavy penalties to be imposed on him in case he fails to leave the farm in 10 days—these penalties are for grazing!

*Vagabondage.* — With his children and stock namely 48 head of cattle, 192 sheep. 5 horses one waggon and 2 ploughs and other farming implements, he is now wandering about seeking place for his family and stock. He has tried hard to find a new farm but every farmer he has approached seeking residence, tells him to dispose or sell his stock first-and thus be reduced to poverty, and be without property or other means of independent subsistence since he would have to go into fresh farm under labour conditions according to the Natives Land Act. He is now moving from place to place in search of a new home.

Instances of *hardships* and oppression in the Farm.

*Precarious Tenures.*

*Jacob Maroe, —of Geluk Farm District,,*

Kroonstad on his own free will and choice states: —

I, I reside in the Farm Geluk in the District of Kroonstad, and have been there about 9 months: —When I first came I was hiring on share system. I have a wife and 5 Children.

My property consists of house built of stone and iron with rooms. I have 15 head of cattle, 18 sheep.

2. On 7 day of May 1914, my master sent for me. I went. He asked me to sell him one of my hamels. I said I didn't want to sell any of my hamels. He then said, if you don't want to sell me your hamel then you must leave the Farm.

I declined to sell him my hamel. During the conversation he told me distinctly four times that "if I don't sell him my hamel I must leave his farm at the end of the month." I then understood that he meant it. Through pressure and much against my own will. —I then said, "Rather than have to leave the farm I will sell you the hamel, because I cannot find another farm." I then asked him 10s. for the hamel, which he refused but eventually I offered it for 9s. which he agreed to pay. This morning he took the hamel and killed it for sale in the market. I have not yet received the 9s.

3. When I first came into farm last year I was to plough on shares, that is I was to plough all the land put up for tillage and when finished, my master would come and

- divide my portion from his. I have ploughed and finished,

4. Yesterday after I had agreed to sell him

-the hamel, my master said "Even though you have sold me your hamel you must leave the farm at the end of the month [May]. He has not yet given me a pass or permit to look for another place, but he has given me verbal notice. I don't know where to go. It is difficult to find another place. I have not done anything to cause my master to expell me like this—[ simply refused t) sell the hamel which he wanted very much.

5. Of the work I have done in the Farm, I don't expect he will give me any reward or compensation, and I have no hope for it. I have never received any pay since t have been in the farm except that I made bricks for which my master paid me 6d. a day and to find my own food. I also cut his for forage and was paid 6d. a day.

### **Hardship and oppression in the Farms, Kroonstaad.**

*Foreman Ifanope,—of Hel Vieta, Dist. Eeroonstad on Oath says :—*

1. I now reside in the Farm Hel-Vieta— District Kroonstad. I have wife and two children.

2. In January 1913, I went into the Farm Elandsrust to reside there. The conditions were to work in the farm without pay and to have a piece of ground to plough for myself and family.

3. Last October 1913 I had a piece of ground given me to plough equivalent to one field or garden. I sowed in kaffir-corn.

4. In December last I was working on the farm-stead shearing sheep. In tne

evening a boy came and told me that the Bass had told him and another boy that they must open the gate the boys name is Frans. Frans said it was Mr. Van Nickerk [the owner of the farm and cattle], who ordered them to put in the cattle in the gate and put in the cattle in my velds. The cattle had been let in the morning. The number of cattle was about 200. When the boy (Frans) told me he was present and heard the boy. So I asked him (the Baas) why he turned the cattle into my field. He said he was surprised the boys didn't come and tell me that the cattle had got in the fields. The boy had spoken to me in his presence but in Sesutho. I replied that the boy has just told me, he said, well the boy is telling untruth. The boy had told me they were ordered by him they opened the gate and drove the cattle in there. I didn't say anything further just then.

5. I was busy shearing sheep on the Farms' stead on the second and third days. We stopped late in the evening and started early in the morning, so I had no time to go and inspect the fields. The fourth day I was sent away to Steynsrust and I returned late on the same day. It was then on the fifth day that I went to the fields and found that my crops were destroyed and eaten up by cattle. The crops were then about a foot high. All the fields including mine, and those of other natives, were destroyed eaten up likewise, during the four days.

6. The fields are all fenced round, the gate is usually closed. The cattle cor. unless let in by someone.

7. The same day I went to t and asked why lie destroyed our cr' He said, lie could not help it-it and said he would not let his catt! them (natives), live. I said to 1' that was our only payment for work doing on the farm how shall we live. he didn't care, 1 could go where 1 I then kept quiet and returned lior . 4th. March 1914 he gav me a { within three days. I went and loot •• a place and couldn't hnd it in time.

8. On the following Monday after had expired. My stock were tal Ir. Nickerk, and impounded. The Police ^insicible came and told him not to take my stock but he should give me a Pass to quit tlie farm that day. 1 left the same night. I wandered about with my stock and familv not knowing where to go. 1 have suffered a great deal of trouble and injury. I have not ploughed this season. 1 received no compensation from Mr. Nickerk. District Senekal.

Labour Conditions- Life under the squatters Laws in the Free State.

*Sifnofi Teatfi*,—of Leuwkuil Farm on his own free will and choice states:—

1. I reside in the farm Leuwkuil in the District of Senekal. I have for many years lived in the farms and have good knowledge and experience of the conditions that prevail both in the Districts of Ladybrand and Senekal my experience is of more than 25 years. I am now over 40 years old. I have always lived in farms by ploughing on shares up to the year 1909.

1. In 1909 I came to Senekal District from Ladybrand. I first resided in the

farm Twee Kami'. There I asked to plough on shares, but the owner refused and said I must **squatt** on conditions **thats** myself and my children worked on the farm and also I allowed him to use my cattle or oxen to till the land. I refused to let him have my oxen for nothing and without pay for their use. But I stayed there.

2. I was not long on the farm when without my **persmission** or knowledge he took my oxen and **inspanned** them. When I went to complain and protest he said that was the agreement that he would use my oxen when he liked and without paying anything. I said, "no the agreement was that I and my wife and all my children about 12, were to work without pay but not to use my oxen." He insisted upon using my oxen. When I found he was using my oxen and had **inspanned-he** had already taken two loads of wheat and before he took the third load, I went and **outspanned** my oxen. He got angry and then were hot. words between us, he said, he would show me that this was Senekal not Ladybrand District. The following day, he gave me notice to quit the farm within 6 days, if not he would impound all my stock. I worked hard for 4 days trying to find a place. I failed, and on the fifth day I packed up my waggon with all my property, on the 6th day, I left with all my stock and family not knowing where to go.— It took me two weeks before I found another farm, all that time I was wondering about from place to place. I had lived only nine months in the above farm.

3. I then found a place in Jacob's Farm, **Senekal**. Here the conditions were that I and my children were to work on the farm. I tried to hire on share system, but I was refused. My younger children were to get 5s. **amonth** and the grown up 10s. a month. I have 10 children 6 boys and 4 girls. I only stayed 1<sup>^</sup> month in this farm, no wages were ever paid to my children.

4. The farmer complained to me that my girls were lazy and were not working properly in the farm. One day, unknown to me, he sent for the Police to come and frighten or as he said to arrest the girls for insubordination. The Police instead of going to the girls or of doing what he was sent for—he came straight to my house, went in searched and ravaged things in there. At that time I was working thatching one of the houses near by. I went to the Police Constable (white),—I asked him what he was doing. Instead of replying direct he said. he had already received information from the farm owner that I was cheeky, because I could read and write and had property, an that he (the Police) would put me right and would send me across the border to **Basutoland**. He then asked where was my girl by name of Eliza--at that time the girl appeared. As I pointed her **out-he** immediately spoken to her, and asked what she was doing **tnere**, "why she was not in the farm ; he then ordered her to go to the farmstead at once. As he did so, he went for her and thrashed her once with the riding **shambok**. I went for him and caught him by the breast and threw him back. He **did'nt** do anything, but said he would show what he would do after that. So he went away. The next thing, was that, the following day I received notice from the Farmer to leave the farm within 8 days with all my belongings, luckily I soon found another farm. I left having stayed there only one month and a half I had built up 7 huts, within this time and I had to pull them down.

5. I found a place in Farm **Leuwkuile**— **Senekal**. This is the farm in which I am now staying. The owner is a widow. The terms were that I and wife and two boys and a girl were to work in the house. The two boys to receive

5s. a month each. I have 35 head of cattle, 5 horses and waggon and ploughing implements.

6. Four months after I had stayed in the farm and after my two boys had worked I went and asked for their wages. Lady refused and she said, she was not to pay them anything— she said, she agreed to pay for a third boy only and this I did not supply. So up to this day I have not nor the boys received their wages. Her excuse was mere prevarication nothing of the of the kind had been agreed to.

7. Again three months after I had arrived in the farm, the lady sent one of my boys to tell me to inspan my waggon and bring it in the farm to work, and if I was not there, the boy must inspan my waggon with my own oxen and bring it there. The boy did not find me home and he did as he was told, and inspanned my oxen (12 of them), in my waggon and went to the fields to work with them for the Missus.

8. When I returned home and heard what had taken place, I went to the Missus and asked her why she had taken my waggon and oxen without my permission, and asked if she was to pay me. ^he said that was the original agreement. I denied that. So she said if you don't agree she would give me my Pass and go away. She could not stop from doing her work while I was staying on the farm and had things for use.

9. As a result of this, I had to choose whether to go or keep quiet. I was tired of moving about from place to place, so I kept still. The consequence is now she is using my oxen and waggon any time whenever she wants to. She has his own fully inspanned. One of the things my waggon and oxen have done was to load stones for fencing purposes. I do not receive any thing as compensation. Myself and my children have also to work and receive no pay. I only get about 6 acres to plough for myself and family. Here again, these fields are not properly fenced, and my crops are being eaten by the cattle during the day and night. When I protest or complain, she say we should look after or watch the fields. But it is difficult because all my boys are working during the day. I have to sit up all night watching the fields There is a great deal of trouble and worry. I am now staying only on sufferance if I were to find another place I would go away again. I am tired of moving up and down. The conditions of living are very precarious, and throughout my experience very very many people are subject to the same conditions. Squatting is an evil. Hiring on shares is infinitely better in comparison. Because a man is almost certain of completing his term, that is one year, not only that he has or gets means of independent living. He has half the crops or produce ploughed. He looks after his own stock and has control over it. In squatting you get no livelihood, you have to labour with your children without pay. You get very little to plough for yourself, your property is not your own exactly, If you complain you are liable to be expelled.