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UNION OF SOUTH AFRICA.

REPORT

OF THE

Native Affairs Commission

FOR THE

Year 1921.

Presented to both Houses of Parliament by Command of His Royal Highness the Governor-General.

Price 1s. 6d.

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UNION OF SOUTH AFRICA.

Report of the Native Affairs Commission for the year 1921.

Presented to both Houses of Parliament by Command of His Royal Highness the Governor-General.

To Major-General His Royal Highness Prince Arthur Frederick Patrick Albert of Connaught, Knight of the Most Noble Order of the Garter, a Member of His Majesty's Most Honourable Privy Council, Knight of the Most Ancient and Most Noble Order of the Thistle, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of the Royal Victorian Order, Companion of the Most Honourable Order of the Bath, Personal Aide-de-Camp to His Majesty the King, High Commissioner for South Africa, and Governor-General and Commander-in-Chief in and over the Union of South Africa.

May it Please Your Royal Highness.

The Native Affairs Commission is required by Regulation No. 14, published under Government Notice No. 2004 of 1920, to furnish an annual report of its work for submission to the Governor-General and accordingly begs leave to present the following report of its work for the calendar year 1921.

Appointment of Members and Secretary.

Senator Dr. the Hon. A. W. Roberts, D.Sc., F.R.A.S., F.R.S.E., General L. A. S. Lemmer, M.L.A., and Dr. C. T. Loram, M.A., LL.B., Ph.D., were appointed members of the Commission by Government Notice No. 2002 of 1920, and Mr. R. S. Medford, B.A., was appointed Secretary to the Commission by Government Notice 2003 of 1920.

The establishment of a Native Affairs Commission was sanctioned by the Legislature under the Native Affairs Act, 1920, a measure which seemed to meet with general approval on the part of Europeans and Natives throughout the Union.

Functions of Commission.

The main functions, duties and privileges conferred upon the Commission by this Act are:—

(1) The consideration of any matter relating to the general conduct of the administration of native affairs, or to legislation in so far as it may affect the

native population (other than matters of departmental administration), and the submission to the Minister of Native Affairs of its recommendations with regard to any matter of administrative routine submitted to it by direction of the Minister;

(2) the right of the Commission to bring before both Houses of Parliament any matter in the event of the Government not accepting its recommendation;

(3) the power to recommend the constitution of Native Local Councils and General Councils;

(4) the power to recommend that Conferences of Natives be convened by the Governor-General to ascertain the sentiments of the Native population in regard to any measure in so far as it may affect such population.

Prime Minister's views on functions.

The direction which the Commission should take in seeking to arrive at a helpful conception of their obligations was clearly indicated by the Government itself, as well as by members of Parliament, in the debates on the Bill, during which the Prime Minister is reported to have said:—

> "It seemed to him that the first step for them to take was to constitute a Commission such as was proposed in the Bill, which would consist of experts, people who would give all their time and all their attention continuously to the consideration and study of the question which circled round this problem, *i.e.*, the Native problem. That Commission must keep in touch with the Natives. They must try not only to frame a policy that was right, but they must try to make the Native realise that it was right. They must study and discuss these problems with the Natives and elaborate them with the Government.
>
> "The Commission would discuss problems and would prepare material upon which not only the Government, but Parliament, could express a sound judgment. If we could have a real, live body as the Commission we should be getting back to right lines and would help to create a new atmosphere, and the present atmosphere of distrust, ferment and unrest would disappear.
>
> "A very wide scope was given to the Commission, which would advise the Government in regard to all questions of Native policy and legislation and any matters of administrative detail which might be referred to it."

The inspiration so given to the members was emphasized and elaborated by the Prime Minister at the first formal meeting of the Commission, to which reference will be made further on.

First meeting.

The members of the Commission were, owing to several circumstances, unable to take up their duties in conjunction until 17th March, 1921, although prior to that date Dr. Roberts was engaged first on a Commission of Enquiry into

the Port Elizabeth Riots and afterwards as a member of the Survey Commission, while Dr. Loram was occupied in investigating by personal visits the conditions of Natives in Urban Areas.

At the meeting the Prime Minister, as Chairman, suggested certain matters which might engage the consideration of the Commission, for example, the taxation of Natives, pass laws, separation of land rights, advances to Natives, the conditions of Natives in urban areas, of which the last two needed immediate attention.

On some of these larger issues the Prime Minister stated:

> "Amongst legislative matters was that of urban locations and Natives residing in urban areas. This was a pressing matter and they would remember how the deputation from the Cape Municipal Congress had recently urged him to introduce legislation this session—some legislation at any rate which would not include contentious principles if it were impossible to bring in a comprehensive measure. He felt that such legislation should not be introduced until the municipalities and the Natives themselves had been consulted. There was a mass of information with which the Commission should first be acquainted as well as with local conditions before attempting to formulate a specific measure. Another matter which urgently required consideration and legislation was the advance system in Natal. From his information it appeared that both Europeans and Natives objected to it. It seemed to make the Native a wage slave. A departmental committee had enquired into the system and the result of their labours would be at the disposal of the Commission.
>
> "Amongst other matters which had been represented to him as requiring attention was that of 'Passes.' The laws were divers and complex and were regarded by the Natives as irritating and in many cases unjustifiable. He hoped the Commission would be able to evolve some simple system to replace the existing one. Another departmental committee had also gone into this question and where it had been possible to give effect to its recommendations by administrative action this had been taken."

Distinct reference is made to this first meeting of the Commission because as far as possible the spirit of it was made a guidance in the future meetings and activities of the members of the Commission throughout the year.

Subsequent to the first meeting three other formal meetings, presided over by the Hon. F. S. Malan, as Deputy Chairman, were held in the course of the year. Formal meetings.

At these meetings the work upon which the appointed members of the Commission were engaged was discussed,

Activities of appointed members.

advice tendered to the Government on several matters, and the relationship between the Government and the Commission considered.

The appointed members of the Commission desire to add to this formal report in the form of Annexure (A) a more detailed account of their activities as well as of the general situation of Native Affairs and Administration in the Union.

J. C. SMUTS,
Chairman.

ALEX. WM. ROBERTS,

L. A. S. LEMMER,

C. T. LORAM,
Members.

R. S. MEDFORD,
Secretary.

Cape Town, 20th March, 1922.

ANNEXURE "A" TO THE REPORT OF THE NATIVE AFFAIRS COMMISSION FOR THE YEAR 1921.

CHAPTER I.

General Review.

The appointed members, in addition to subscribing to the formal report of the Native Affairs Commission, feel that it should be supplemented by some mention of their activities during the year under review.

Introductory.

Further, as this is the first report of the Commission it is deemed desirable that some facts and observations of a general nature should be set forth, and a brief survey of the conditions of the Native problem at the time of its appointment, may fittingly form an introduction to a statement of the work accomplished by the members of the Commission during the year.

As has been stated in the Report, the spirit of the first formal meeting was made a guidance in the activities of the members.

Guiding principles adopted by Commission.

The members of the Commission, also, as a result of close relationship with each other, and a frank exchange of views and judgments on the wider issue put before them by the Prime Minister, adopted the following guiding principles as those which should largely govern their activities:—

(*a*) That the Native Affairs Commission is primarily and essentially the friend of the Native people, and as such the needs, aspirations, and progress of the Natives should be considered sympathetically by it;

(*b*) that the Commission is the adviser of the Government where the interests of the Natives are concerned;

(*c*) that the Commission should endeavour to win the confidence of the Natives;

(*d*) that the Commission should endeavour to educate public opinion, both Native and non-Native, so as to bring about the most harmonious relations possible between white and black in South Africa.

Difficulties.

The Commission was keenly alive to the importance, as well as the difficulty of giving expression to the broad outline of duty set forth by the Prime Minister, and of carrying out into practical and successful issue the principles they had set down for their own guidance. In this direction there were the present-day features of Native evolution to consider. Among other outstanding aspects of this evolution there was the rapidly changing outlook of the Natives as a whole. Their horizon had widened. Education, travel and, perhaps, a dawning appreciation of their economic value in the land, had helped to extend their vision. On the other hand, evidences of unrest and disquiet were too marked to be set aside. The

extreme poverty in many villages due to overcrowding, the vicious habit of squatting, and the ever-increasing migration towards the great centres of industry were indications of a condition of things that the Commission could not venture to ignore in formulating any plan or scheme for Native betterment.

New conditions of Native life brought into existence, factors that made progress along the lines laid down by the Prime Minister and further amplified by the Commission itself, no easy matter. For example in many parts of the country the old tribal system was rapidly breaking down, and the more conservative and less advanced Natives were unwilling or unable to put anything else in its place. The result was too often and too clearly seen in the physical and moral decline of the people, in the lack of control by parents, in a general absence of that discipline which keeps, or tries to keep, men and women industrious and honest. Increasing civilization had not always brought in its train greater happiness, comfort and quiet, and so here and there were bodies of men who are tired of churches and governments, institutions which they considered had failed to give that which they had expected. Then the lack of any kind of good literature, of educative newspapers, of healthy amusements in almost every village often gave the educated, but unscrupulous, Natives a power and influence which they did not always use in the right direction. The danger of the half educated agitator among a wholly uneducated constituency needs no multiplication of words to make it understood. Round many of the larger towns there were growing up settled Native communities among whom Native traditions or customs were only a memory. Theirs was a modified form of slum life. The future held out no hope of the decrease of the population of such communities. And this is not to be wondered at when the statistics of the Union point to an average yearly increase of the Native population of 120,000 souls.

These conditions of Native life, social and economic, were before the Commission when it set forth on the task committed to it by the Government. It was its desire that by sane counsel and wise legislation the lot of the Native would be ameliorated, especially the lot of the town dweller, that alien from his own land, that stranger among a strange people. They further desired that the Natives should have as large a share as possible in the management of their own local affairs by the establishment wherever possible of Native Councils, and thus a future might be opened up for a yet larger and more liberal measure of Native autonomy. It desired a more extensive and more suitable form of Native education throughout the Union. It hoped to restore Native confidence in the white race, a confidence which had been waning for many years. It hoped also to bring before the European inhabitants of the country the imminence and the importance of the various Native problems pressing for solution.

The Commission agreed to sit every morning when in Cape Town or in Pretoria. A portion of the year was set aside for the purpose of visiting important Native centres, and certain municipalities, the former with a view to the establishment of Native Councils, and the latter to discuss with the members of the Municipal Councils, officials and Natives the proposed legislation on the urban conditions of Natives. Commission's arrangements.

During the year the Commission has received a large number of deputations from Natives and Europeans. These deputations brought before the Commission such diverse matters as: education in the Orange Free State, the condition of N'dabeni, waiting rooms for Natives at railway stations, rectification of boundaries, grazing rights on forest lands, pass laws, labour difficulties in the Orange Free State, inequalities of justice where Natives are concerned, rights of certain Native Townships in Natal and the Transvaal, old treaty conditions, recruiting of young boys for the mines, lack of posts for educated Natives, the Transvaal poll tax, Native wages on farms, Union control of education, treatment of Native prisoners, direct Native representation in Parliament, treatment of Natives at certain Post Offices, and a number of minor and more localized grievances. It was evident that not a few Natives believed that the Commission had the power as well as the desire to right all their wrongs. Matters brought before Commission.

There was much that was pathetic in this confidence of the Native people. Many Natives indeed, appeared to regard the Commission as a Grievance Commission and were not a little disappointed that it had not the power to right their wrongs by administrative action.

In July the Commission considered the question of a new site for the N'dabeni Location at Cape Town, and in conjunction with several other members of a committee representing the following bodies: Cape Town Municipality, the Railway Department, the Forestry Department, the Health Department and the Native Affairs Department, examined several suggested situations for the new Location. The Commission drew up certain recommendations (Appendix I.), which were accepted by the majority of the joint committee. The Town Council of Cape Town, however, was unable to agree to these recommendations, and so the matter of N'dabeni was left in the unsatisfactory state it has been for years. The Commission feels strongly that the question should be again raised in 1922 and a definite decision come to. N'dabeni Location.

In July, after Parliament rose, the Commission was present at the Triennial General Missionary Conference, held at Durban, and took part in the discussions dealing directly with the social and economic life of Natives. They had an opportunity, also, of addressing a very large representative gathering in the Town Hall, Durban, presided over by His Royal Highness the Governor-General. General Missionary Conference.

In August the Commission had an opportunity of meeting with the Transvaal Local Government Commission in Johannesburg and of discussing with them at some length the Transvaal Local Government Commission.

gravest of the questions and conditions affecting large Urban Areas. The points of agreement between that Commission and the Native Affairs Commission are set forth in Appendix II.

Commission's tours.

The months of August, September and October were mainly taken up by visits to the Eastern Province of the Cape Province, certain portions of the Orange Free State, the larger towns and educational institutions of Natal, and finally Johannesburg.

Conditions at Johannesburg.

At this latter place the Commission felt that it was approaching the Native question in all its potential possibilities for good or evil. The vast congeries of organized labour; the unco-ordinated Native life of a large city—raw Natives from the hinterland of civilization and also at their elbow educated Natives with the veneer of an old world civilization upon them; decent men and women living in decent homes, and also dwellers in slums so disgraceful and immoral that the thought of them murdered sleep. The complete absence of tribal life so much a part of their old organization, so many shut doors to progress, and to uplift impressed the Commission as nothing else in its journeys had done.

During its tour through South Africa and indeed during the whole year the major matters that were before the Commission were (1) the formation of Local Councils; (2) the improvement of the conditions of Natives in towns; and (3) a better and more equitable system of Native education. These three concerns are so important, and may reasonably be regarded as so outstanding circumstances in the history of the Native people, that the Commission considers it reasonable to deal with them in separate chapters.

Forest disputes.

While in the Eastern Province various Native deputations approached the Commission with regard to alleged encroachment by the Forestry Department on Native grazing grounds. This is an old dispute and one upon which the Natives along the forest boundary from Pirie to the Tyumie Basin feel strongly. The Commission waited upon the Minister of Agriculture and found him sympathetic to the needs of the rapidly-increasing Native population to more grazing ground. The understanding arrived at was that early in 1922 the Commission should, along with the local officers of the Forestry Department, examine the lands under dispute and furnish the Minister with an exhaustive report on the whole conditions of the question.

Native taxation.

In the month of November the Commission had the opportunity of placing before the Prime Minister, the Minister of Finance, the Minister of Education, and the Minister of Mines, at times unitedly, at others singly, its views on the important matter of Native education and the dependent question of Native taxation. The opinion of the Commission was asked for in connection with the conference of the Administrators, met to consider Financial Relations between the Provinces and the Union Government.

The views placed before the Prime Minister and the other Ministers were:—

(*a*) That Native education should be under the Union Government and if, at present, such a change were impossible, this ideal should be aimed at;

(*b*) that all direct taxation of Natives should be imposed by the Union Government, and that Provincial Councils should not have the power to levy direct taxes on Natives;

(*c*) that if increased direct taxation be levied upon Natives, the proceeds of such extra taxation should be spent on Native needs.

Conference with officials.

The Commission was fortunate towards the end of the year, in being associated with an important conference of the senior district and head office officials of the Native Affairs Department. This conference, which was held in Pretoria, was exceedingly helpful. The Commission obtained the official side of Native administration, and gained some insight into its successes, its difficulties and its many discouragements. This presentation of Native needs by practical, sympathetic, and able men, was of great value to the Commission as a means of comparing or revising its impressions, gained for the most part from the indabas with Natives alone, which in some cases were one-sided, insufficient and misleading.

The Israelites.

In April the Commission was requested by the Government to proceed to the Queenstown District to investigate and report upon the situation which had arisen owing to the unauthorized settlement of Natives styling themselves "Israelites" in the Bulhoek Location. The Commission reported fully, and its two reports were laid before Parliament and printed (A.4—21). It may not be out of place, however, in view of later events to quote from those reports.

In its first report of 21st April, 1921, the Commission stated:—

> "The Commissioners have carefully and earnestly considered the representations made to them, listened to general expressions of opinion, weighed various ways of dealing with this matter, and have come unanimously to the following conclusions:—
>
> "1. That the present condition at Ntabelanga cannot be allowed to continue indefinitely.
>
> "2. That the majority of those Natives now residing at Ntabelanga are genuinely influenced by religious fanaticism.
>
> "3. That any attempt to remove them by force will be resisted, and that bloodshed must inevitably follow.
>
> "4. That many of those Natives now residing at Ntabelanga have, as a result of their fanaticism, disposed of all their worldly possessions for the common cause, and are now penniless.

" 5. That the community at Ntabelanga is not, in general, a criminal one, and that there is no proof that they are guilty of common law offences, although they are now breaking the statute law and defying the Government.

" 6. That the Israelite movement is not in itself a political movement.

" The Commission therefore recommends:—

" (*a*) That for the immediate present the Government should take no action in the matter;

" (*b*) that they be authorized to make an attempt by another personal visit to Ntabelanga to influence the Israelites to disperse;

" (*c*) that they be authorized to state at such visit—

" (i) That the Government will furnish rations and free railage to those who have homes either on private farms or locations, to return to their domiciles;

"(ii) that on a general dispersal of the Israelites, the Government will be prepared to consider an application for a site at Ntabelanga, which would be used for the religious purposes of the sect on some such conditions as the following: That such site should not be used as a permanent habitation, but only be used by persons attending from time to time the religious festivals observed by the Israelites, and that such persons should not depasture stock on the commonage;

" (iii) that the Government will endeavour to arrange for the persons who, having sold their land, are penniless to be accommodated in some Crown location occupied by members of the same tribe."

These recommendations were approved by the Government, and the Commission visited the Israelites again on the 11th May, 1921.

In its second report of 25th May, 1921, the following occurs:—

" Discussion followed on the same lines as in the past, and, after an adjournment, the Commissioners conveyed the Government's terms—namely, those recommended in our previous report. The reply to these was, that they were the same which had been offered them before and were unacceptable. They stated that if the Government could not grant their request to be allowed to remain in peace at Ntabelanga, then the matter was simply an issue between God and the Government, and they preferred to follow Jehovah. Further discussion was declared useless by the leaders, and the Commissioners, with great regret, came to the conclusion that any other effort on their part to get the misguided people to be reasonable would be fruitless.

"They unanimously agreed to send the following telegram to the Government, which was despatched on the 11th May, 1921:—

"Commission visited Bulhoek to-day, discussed situation and placed before Israelities the conditions contained in its report of 21st ultimo. Government's offer was refused, Israelities maintaining fanatical attitude. Commission unanimously of opinion that a force be sent which is sufficiently strong to carry out such instructions as may be issued by the Government regarding illegal squatting of Israelites, as well as to effect arrest of defaulting witnesses. Commission urges that such force should be sufficiently strong to overawe natives if possible and so prevent unnecessary bloodshed."

It is common knowledge that these misguided people subsequently resisted the police, that many were killed, and that 150 of the survivors were charged with the crime of sedition or alternatively public violence. As a result of the trial, three of the leaders were sentenced to six years' imprisonment and punishments varying from three years' imprisonment to suspended sentences were imposed on the others convicted.

Reviewing this matter in the light of subsequent happenings and the information elicited at the trial, the Commission is of opinion that nothing short of a surrender by the Government of its responsibility for enforcing the law could have satisfied these deluded people. No amount of patience, pleading or argument on the part of the Commission was able to combat the influence of the unscrupulous leaders who played upon the feelings of their ignorant and fanatical followers for their own unlawful ends.

The lessons to be learned from this regrettable incident are in its opinion: The necessity for the spread of education to combat superstition and fanaticism; an increased vigilance on the part of officials to prevent even the beginnings of unlawful occupation of land, and general improvement in the conduct and condition of Native affairs in the country, so that there may be an increased confidence on the part of the Natives in the justice and benevolence of the Government of this land.

Native Advances Act, 1920.

The Bill dealing with advances to Natives which became Act No. 18 of 1921, was referred to the Commission by the Government, and it concurred in the principles embodied in the measure.

Transkeian Territories General Council.

In May the Commission was present at the opening of the Transkeian Territories General Council, and thus had an opportunity of meeting the officials and leading Natives of the Transkei.

Pass laws.

Throughout the year the Commission has kept in mind the question of the Pass Laws, observing their administration, and listening to views for and against certain of their provisions. Divergent views have been placed before

the Commission, and it is no easy matter to evolve a scheme which would be acceptable both to the Native population and to the European. The Commission has, however, prepared a skeleton Bill which they hope to elaborate and place before the Government during 1922.

Native Churches' enquiry.

The Commissioners together with Mr. J. S. Marwick, M.L.A., and the Rev. P. van der Merwe were nominated by the Government in August to enquire into and report upon:

(1) the origin, nature and extent of any disturbing influences at work among the Natives of the Union and more particularly the origin and nature of the "Israelite" movement; and

(2) the origin, nature and extent of the various religious organizations within the Union which are solely under Native control.

The Commission had at the time already mapped out its immediate movements: in addition neither Mr. van der Merwe nor Mr. Marwick was at once available to undertake the enquiry so that investigations were only begun in October. Mr. Marwick resigned in November.

Native Welfare Associations.

The growing interest in Native affairs among the general European public and the desire to improve the local conditions under which Natives live have led to the establishment of Native Welfare Associations in several of the towns of South Africa. Associations exist in Pretoria, Johannesburg, Pietermaritzburg, Durban, Bloemfontein, East London, Grahamstown and Umtata while others are in course of formation in Port Elizabeth, Kimberley and other centres. As an indication of the growing spirit of co-operation between Europeans and Natives it may be mentioned that in Johannesburg the body consists of an equal number of Europeans and Natives while all the associations have frequent meetings with organized or unorganized groups of Natives. The objects of these associations are to make a study of Native matters, more particularly as they exist in the town concerned, to educate the European public, through the press and by means of addresses, to a sense of its responsibility towards the Native section of its population and to press for improved conditions for local Natives. The subjects considered have been housing, wages, recreation, hygienic conditions, care of infants and children, morality, passes, etc., etc. The Commission has had opportunities of meeting and addressing these societies and is of opinion that they are doing very useful work in the way of improving the local condition of Natives and of promoting harmonious relations between white and black in South Africa.

Administration of Native Affairs in districts.

During its various tours the Commission took note of the different systems under which Native matters affecting Natives are administered.

These systems may be shortly described as follows:—

(1) *Transkeian System, Cape.*

In the Transkeian Territories (excluding Elliot and Maclear) there is an officer styled the Chief Magistrate with

wide judicial and administrative powers who is responsible to the Minister of Native Affairs for all Native administration. The Magistrates, in so far as they are administrative officers, are subordinate to the Chief Magistrate, and are officers of the Native Affairs Department.

All important matters affecting the Territories pass through the hands of the Chief Magistrate, who is the pivot of administration. Magistrates, Clerks, interpreters, and headmen are paid and controlled by the Native Affairs Department.

(2) *Ciskeian System, Cape.*

In the Cape Province proper (except in the Districts of Herschel and Glen Grey) Magistrates, as administrative officers, are controlled by the Department of Justice. Certain subordinate officers called Superintendents of Natives are appointed by the Native Affairs Department. These are attached to the staff of the Magistrate, through whom they communicate with their Department.

(3) *Natal System.*

In the Province of Natal an officer of the Native Affairs Department styled the Chief Native Commissioner is in charge of Native matters. Under his direct control are a number of Superintendents of Natives, Dipping Supervisors, and Forest officials who are employed on plantations owned by the Natal Native Trust. These officers are mainly concerned with matters arising in the Native Reserves. The Chief Native Commissioner is a member of the Statutory Advisory Board on Native Education and keeps in touch with the Provincial Administration and the municipalities.

Magistrates are officers of the Department of Justice and are not under the control of the Chief Native Commissioner, who, however, communicates with them on Native matters.

(4) *Transvaal System.*

There is no officer corresponding to the Chief Commissioner or Chief Magistrate of the Transkeian Territories for the rural districts of the Transvaal. Each Magistrate is an officer of the Department of Justice, but is *ex-officio* a Native Commissioner and as such charged with judicial and administrative functions in relation to Natives. In addition, however, Sub-Native Commissioners appointed and controlled by the Department of Native Affairs are stationed in certain districts where there is a substantial Native population. These officers have both judicial and administrative functions and their activities are confined entirely to Native work. They are theoretically responsible to the Native Commissioner but practically they deal with all Native work.

An officer of the Native Affairs Department styled the Director of Native Labour, with headquarters at Johannesburg, is charged with the duty of looking after Native interests in mining areas and labour districts. He has under his control Inspectors, who have certain semi-judicial functions.

(5) *Orange Free State System.*

In this Province all Magistrates are officers of the Department of Justice, Officials of the Native Affairs Department are only stationed at mining centres, Thaba 'Nchu and Witzieshoek. At the last place the official is as "Commandant" vested with judicial powers in respect of the Witzieshoek Reserve. He is Chairman of the Reserve Board and responsible, under the Magistrate, for the administration of the Reserve.

Such, shortly, are the various systems in existence at present.

Commission's views.

At the conclusion of its visits to the Eastern portion of the Cape and Natal, the Commission addressed a communication to the Government in the following terms:—

> "At a number of centres the Natives voiced either specifically or by inference a request that the chief Government representative in charge of the area should be an officer of the Department of Native Affairs.
>
> "Representations, alleged grievances and suggestions were brought to notice and these have left many impressions on the Commission, one of which is that there appears to be a lack of the personal and sympathetic intercourse (so essential in the administration of Native administration) between the Native and the Government representative.
>
> "Subsequently it visited Natal and had the great advantage of being in close touch with the Chief Native Commissioner of that Province.
>
> "The Commission, although it has not yet toured the Transkeian Territories has some knowledge of the system of administration in these parts.
>
> "Since its return to Pretoria the Commission has compared the impressions received during its tour in the Eastern Province of the Cape with the systems followed in Natal and the Transkei, and it has come to the conclusion that in areas where the number of Natives is considerably in excess of the number of non-Natives the chief Executive Officer responsible to the Government for the administration of those areas should be appointed and controlled by the Minister of Native Affairs.
>
> "The Commission proposes at a later date when it has made a closer study of conditions in the Transvaal, in Zululand and in Natal, to discuss with the Government the possibility of adopting throughout the Union the principle enunciated in the last preceding paragraph and would for the present commend it for the consideration of the Government.
>
> "In the meantime the Commission feels that a practical method of giving effect to it, in so far as existing legislation permits is by the appointment for the Ciskei of an officer of standing who would be under the

control of Minister of Native Affairs (to be vested with administrative functions similar to those of the Chief Native Commissioner of Natal), and through whose hands all matters relating to Native administration in the Ciskei would pass.

" Without doubt a number of Native Local Councils and a General Council for the Ciskei will soon be established and a pressing need will then arise for such an officer who will, by his sympathy, advice and guidance, help such Councils to be the success which, the Commission feels, is the desire of the Government; unless there be such an officer available avoidable mistakes will occur, co-ordination of various interests will be lacking, and a successful issue to this important attempt to train the Native in real local self-government deferred.

" The Commission, therefore, strongly recommends the appointment of such an officer at an early date."

Land questions.

The Natives Land Act, 1913, has had important effects in two of the four Provinces, since, in the Transvaal and Natal the right of an owner to sell or lease his land to whomsoever he pleased, was restricted to the extent that outside the " scheduled areas " a non-Native required permission from the Governor-General to enter into a transaction of sale or lease with a Native.

The Act was regarded as a temporary measure until it should be superseded by the Legislature setting apart definite " Native areas " within which only Natives could obtain rights to land.

A Commission (usually termed the Beaumont Commission) appointed under the Act to recommend such areas furnished its report in 1916. The Government in 1917 introduced a very comprehensive measure dealing generally with Native administration and *inter alia* accepting as future " Native areas " those which had been recommended by the Beaumont Commission. The measure was referred to a Parliamentary Select Committee, which recommended that the Beaumont areas should be reconsidered by four separate local or provincial committees. That recommendation was accepted by the Government.

The Committees duly reported in 1918, but no legislative action has been taken.

In the meantime the Act of 1913 has remained in force for eight years and has been blamed by Natives throughout the Union for a large number of ills, real and imaginary, even in the Cape, where it is not in force.

There are three definite phases of its effect during those eight years. The first, prior to the Beaumont Report, when the Government policy was to retain the *status quo* of the lines of occupation and the Governor-General's approval of transactions was limited to exceptional cases where refusal would entail hardship or where rights were temporary and did not conflict with the law of squatting. During this

phase there is no doubt that some hardship ensued. Landlords in some cases using the Act terminated contracts to rid themselves of tenants no longer desired by them. When this happened in the Orange Free State, the Governor-General's power of dispensation (which had been specially excluded in that Province) could grant no relief.

In the second phase owing to the lead given by the Beaumont Report the Governor-General's permission was more freely given in respect of the suggested areas.

In the third and existing phase the position is that the local Committees appointed to revise the Beaumont areas have, in some cases,

(*a*) either concurred in the Beaumont areas; or
(*b*) decreased some of them; or
(*c*) increased others; or
(*d*) objected to others; or
(*e*) recommended entirely new areas.

There appears to be no decision on the part of the Government what should now, pending legislation, be regarded for practical purposes as Native areas.

The Commission has had representations placed before it of the difficulties which Natives are experiencing when land upon which they have resided for years, sometimes generations, is opened up by its owner and they are told to leave or accept labour conditions; of the lack of facilities of acquiring land on lease or by purchase; of the congestion in locations and the need of further land.

The Commission has not come as yet to any definite conclusion on this general question but is still dealing with it.

The question of the survey of Native lands came under consideration by the Commission. One of its number sat for some months on the Survey Commission appointed by the Government at the close of 1920, or took part in its proceedings and findings. This Commission in its report urged upon the Government a simpler or more commonsense mode of survey of Native territories than that at present in operation. As a general principle survey methods should be adapted to the value of the land and the ultimate object of survey. But at present the same laboured details and refinements are used in surveying a four morgen Native lot as in defining a valuable stand of ground in an expensive European area. The result is an unnecessary expenditure of money and a wearying delay in getting the work done.

There are many simple methods applicable to Native lots that suggest themselves. After the boundary of the village or the location is clearly defined and related to secondary beacons then the subdivisions should be carried out in the simplest possible manner.

The Commission would not propose that only a certificate of ownership should be given to a Native holder of land. He should receive a simplified title deed which shows the picture of his ground and containing only the simplest calculations.

The carrying out of a cheaper and simpler scheme such as outlined should be given to an officer sympathetic towards the Native people.

There have been references in the press to what may be described as the apparent differential treatment which has occurred in the administration of justice in crimes committed by Natives on whites and *vice versa*, both as regards verdicts by juries and sentences by inferior and superior courts. Administration of justice.

This matter was discussed with the Government and the Commission has sought, and will seek in future similar cases, information upon which it may attempt to judge whether allegations of differential treatment made in the Press are justified or whether circumstances of fact, law or evidence which may have been overlooked by the layman do not throw a different light on particular cases.

This is a particularly delicate subject, touching as it does the jury system and the discretion of the Courts, and beyond referring to it in this Report the Commission does not wish to enlarge upon it.

But the Commission thinks that the Government should issue peremptory instructions that every prisoner, whether European or Native (but in any case when the prisoner is a Native), who is indicted for trial before a superior court, should be informed when the indictment is served upon him of the provisions of section 216 of the Criminal Procedure and Evidence Act, 1917, under which he may elect to be tried by a Judge without a jury. The Commission understands that this section is not very widely known amongst Natives.

In concluding this Chapter the Commission wishes to record the assistance it received from Col. S. A. M. Pritchard, C.M.G., Director of Native Labour, while studying conditions in Johannesburg; Mr. C. A. Wheelwright, C.M.G., Chief Native Commissioner, who accompanied them on their Natal tour, and Mr. W. Carmichael, Magistrate of Tsolo, who explained the Transkeian Council system at meetings held by the Commission with Natives in the Cape.

CHAPTER II.

NATIVE EDUCATION.

Section I. The Development of the Problem of Native Education.

1. *Introductory.*—The subject of Native Education has engaged the attention of the Commission throughout the year. It was felt that the education given to the Native was fundamental to the development of a Native policy, while complaints regarding the inadequacy of the educational provision for Natives and the meagreness of the salaries of Native teachers were received at almost all interviews with Natives. It was not, however, until late in the year, when the Pro-

vincial Financial Relations Conference was looming, that the question of Native education was definitely referred to the Commission. A memorandum from which the following sections are taken was drawn up and submitted to the Government.

2. *The Pre-Union Situation.*—Native education in South Africa is, and always has been, a missionary undertaking, supported more or less adequately by State funds, and supervised more or less efficiently by State officials. Its earliest aims were instruction in religion, training in character and preparation for vocation. As State supervision increased and as the practical value of education became realized by the Native people, the simple curriculum of early days was enriched by the studies common in the European schools. In the Cape the European curriculum was followed in the Native schools, and in the other three colonies, while the syllabuses were different the subjects were practically the same. The measure of the State support varied with the political outlook of Native affairs of the several Governments, the Cape being then, as now, the most liberal.

3. *The Post-Union Situation.*—The advent of Union did not affect the control of Native education. It is apparent from Clause 147 of the Act of Union that Native matters were intended to become a national undertaking, but when the actual division of duties took place, Native education was given to the Provinces as coming under that education "other than higher," which was relegated to the Provincial Administrations. The development of Native education has proceeded rapidly in all Provinces except the Orange Free State, the most noteworthy features being the institution of a special sub-department of Native education in Natal in 1918, the institution of a special syllabus for Native schools in the Transvaal and the appointment of a separate staff for Native schools in the Transvaal in 1919; and the re-organization of Native education in the Cape as a result of the report of the Native Education Commission in 1920. In accordance with the provisions of the Financial Relations Act, the funds for Native education are derived partly from the Union Government by way of subsidy and partly from the Provincial Administration by way of taxation.

4. *Anomalies of the Present Systems.*—The absence of any central control or guidance has resulted in the development of four provincial as opposed to one national system of Native education. Some of the most striking differences between the systems are in respect of:—

(1) *Segregation of Native Education.*—In the Cape (excluding the Transkei) and the Orange Free State coloured and Native children have attended the same schools. In Natal and the Transvaal separate schools have been provided for coloured children.

(2) *Courses of Instruction.*—In the Cape there is the same syllabus for European and Native schools though a new primary syllabus for Native

elementary schools has been published. In the other Provinces there are separate syllabuses for Native schools and Training Colleges.

(3) *Certification of Teachers.*—In the Cape and Natal a pupil must have passed Standard VI. before he or she can enter Training College for Teachers. In the Transvaal and Orange Free State Standard IV. is the entrance requirement. In Natal a teacher is given recognition for one, two or three years of training but in the Cape a teacher remains uncertificated unless he completes the three years.

(4) *Inter-Provincial Recognition of Certificates.*—There is no established reciprocity among the Provinces with regard to the recognition of certificates although the Cape and Natal have granted recognition in certain cases. A teacher proceeding from Natal to the Transvaal with a Second Year Pupil Teacher's Certificate, which is the equivalent of Standard VIII. (Standard VI. plus two years of training) is uncertificated while a Transvaal teacher with the equivalent of Standard VII. (Standard IV. plus three years' training) ranks as a certificated teacher.

(5) *Inspection of Native Schools.*—Natal has always had a special staff of Native School Inspectors chosen for their knowledge of the language and other special qualifications for the work. The Transvaal has recently done the same but in the Cape there are the same Inspectors for European and Native work. These officers are for the most part ignorant of the Native language.

(6) *Government and Mission Schools.*—Natal has 57 Government Native Schools. There are two such schools in the Transvaal but none in the Cape unless the School Board Coloured schools are so regarded. The Natives do not fail to point out that although the Government provides Government schools for Europeans and Asiatics they do not provide them for the aboriginal inhabitants of the country.

(7) *Differences in Financial Treatment.*—The great differences in the provincial grants-in-aid may be seen from the following table:—

	Cape.	Natal.	Transvaal.	O.F.S.
Enrol. 1920	198,932	29,300	30,000	17,547
Expr. '21—'22	£260,800	£40,100	£41,000	£4,000
Per caput	£1.3	£1.4	£1.3	£0.2

5. *The Problem To-day.*—The present day problem of Native education arises from the following facts and conditions:—

(i) *Growth of Native National Feeling.*—A section of the Natives who have advanced rapidly in civilization

are demanding a system of education consonant with their aspirations adapted to their needs, commensurate with their taxation and subject in some way to their control.

(ii) *The Government's Native Policy.*—The development of a Government policy in the direction of segregation and local self-government has been indicated by the Native Affairs Act of 1920. Native education will be the chief factor in the successful accomplishment of these aims.

(iii) *Native Opposition to Provincial Councils.*—There is a growing opposition on the part of the Natives to the system of Provincial Government. They complain of inequalities of treatment, harassing and ill-considered methods of taxation and inadequate consideration for, or neglect of, Native education. In all Provinces the Native Affairs Commission has been asked by Natives and in many cases by Europeans, to recommend that Native education be taken over by the Union Government. (Resolutions of Cape Native Teachers' Association at Alice and King William's Town, Natal Native Teachers' Conference, Maritzburg; Transvaal Teachers' Association, Johannesburg; Native Education Board, Bloemfontein; Federation of Native Teachers' Associations of South Africa.)

(iv) *Unwillingness of Provincial Councils to Tax for Native Education.*—The Provincial Administrations have expressed their unwillingness to raise funds for Native education from Provincial taxation, which in the nature of things falls primarily and almost entirely on the Europeans.

(v) *Salary Demands from Teachers.*—The depression of our monetary system and the increased cost of living have induced a reasonable demand for better salaries. The justice of this demand can be seen from the following rates of salaries:—

	Uncertificated.	Certificated.
Cape: Transkei	£18 and £42	£42—£98 (with good service)
Eastern Province (Rural) ..	£24 and £48	£48—£112½ (with good service)
Eastern Province (Urban) and Western Province ..	£42 and £60	£60—£112½ (with good service)
Natal	£18—£30	£36—£120
Transvaal	£24	£48—£60
Orange Free State	?	?

(vi) *Financial Stringency.* — The general financial position of the country and the instructions regarding economy.

6. *Education a State Function.*—The proposed solutions of these difficulties are based on the principle that Native education should become a function of the State, because:—

(1) The Native, as a taxpayer, has the same right to a State system of education as Europeans and other sections of the community;

(2) a suitable and properly administered system of Native education would be to the moral, social and economic advantage of both the Europeans and Natives;

(3) the Government cannot afford to lose supervision and control of the most important developing factor in its most difficult national question;

(4) the Government alone can provide a system which will satisfy the South African Natives and prevent them from going overseas for their education.

SECTION II. UNION CONTROL AND ADMINISTRATION.

7. *Arguments for Union Control and Administration.*—The Commission is unanimously and emphatically of opinion that Native education should be controlled and administered by the Union Government. The following considerations have induced their belief:—

(1) Native education is the chief factor in moulding a Native policy for South Africa and therefore should be administered by the body responsible for that policy, viz., the Union Government.

(2) While the several Native peoples will require different adaptations of education to suit their special requirements, there is need of a unifying policy for the country as a whole, and that policy should be prescribed by the Union. In particular, it needs to determine whether the education should be based on European practice, or whether a practice based on the particular needs and capabilities of the Natives should be set up.

(3) The funds of the Native education should come from Native sources and should be therefore derived from the body empowered to levy Native taxation.

(4) If Native education is to serve the Native people to the fullest extent there is need for the closest co-operation among the several Government Departments, particularly the Departments of Agriculture, Public Works, Health and Native Affairs, while locally it is from every point of view desirable that the pivot on which all local Native matters should swing, including education, should be the Magistrate of the district.

(5) Union control will remove the disabilities and anomalies mentioned in Chapter II., Section 4, which are causing a good deal of discontent among Natives. The Transvaal Native, who pays £2 in Union Poll

Tax and now 10s. additional Provincial Poll Tax, is asking why his brother in the Cape, who only pays 10s. hut tax, should receive so much better treatment in the matter of education.

(6) A Union system of control is necessary in order to give a fair treatment to Natives living in those Provinces where Native education is not popular, and has not received and cannot hope to receive adequate encouragement. It is not in the interests of the country that the Natives in one section should advance while those in other sections are retarded in their development.

8. *Administration of Native Education by the Union Government.*—If the administration of Native education came under the Union Government, the following system is advocated:—

(1) Native education should be a Department of State under the Minister of Native Affairs. To obtain the necessary co-ordination of educational with other Native policy, there should be constituted a Board for Native Education, consisting of the Secretary for Native Education, the Secretary for Native Affairs, and a member of the Native Affairs Commission.

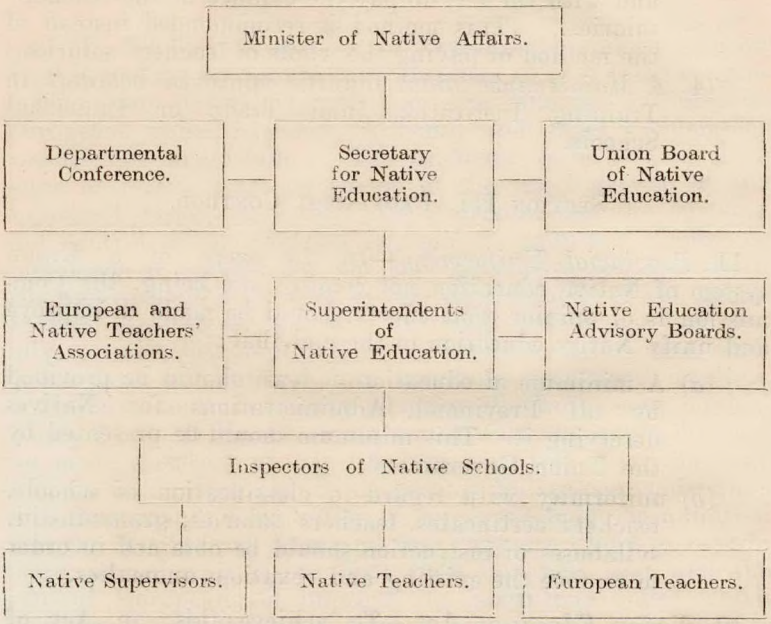
The functions of this Board should be advisory.

(2) Under the Secretary for Native Education there should be three Superintendents of Native Education, one resident at King William's Town for the Cape and Transkei; one resident in Maritzburg for Natal and Zululand; and one resident in Johannesburg for the Transvaal and Orange Free State. Under these Superintendents there should be the separate corps of European Inspectors of Native Schools, the Native Supervisors of Schools and the European and Native teachers. To expedite business, the preparation of vouchers for the payments of grants and salaries should be undertaken in the office of the Superintendent of Native Education.

(3) To retain the co-operation of the Missionaries and Magistrates there should be established in the several Superintendencies of Native Education Advisory Boards somewhat on the lines of the Advisory Board in Natal on which Natives should be represented.

(4) It is recognised that the educational requirements of Natives will not be the same all over South Africa, so that in order to make necessary provision for the special needs of districts the Secretary for Native Education will hold conferences at least once a year with the Superintendents in order to make the necessary adaptations. In this way a uniform Native education policy with the necessary adjustments would be obtained.

(5) The following diagram will represent the proposed administration: —



9. *School System under Union Control and Administration.* —The general policy proposed would be to regard Native education at present as a missionary system with Government supervision and Government financial assistance while allowing for the general development of a system of Government Native Schools as required. The following types of schools would be recognised: —

(1) Sub-Primary Schools taking pupils up to Std. II.
(2) Primary Schools taking pupils up to Std. IV.
(3) Intermediate Schools taking pupils in Stds. V. and VI.
(4) High Schools taking pupils over St. VI.
(5) Training Colleges taking pupils over Std. VI.
(6) Trade and Industrial Schools.
(7) Native Night Schools.
(8) The South African Native College.

10. *Basis of Financial Support to Native Schools under Government Control.*—Under a Union system of Native education, it is suggested that financial grants-in-aid be given on the following basis: —

(1) *A grant-in-aid of buildings*, so that the Natives may receive financial assistance in their efforts to put up school buildings.
(2) *A grant-in-aid of teachers' salaries*: It is felt that uniform scales of salaries should prevail throughout the Union, and that the Government should pay the whole or a substantial portion of these salaries.

(3) *A Capitation grant* based on the average daily attendance to encourage regularity of attendance and with the fees to pay the balance of the teachers' salaries. (This method is recommended instead of the method of paying the whole of teachers' salaries.)

(4) *A Maintenance grant* towards approved boarders in Training Institutions and Trade or Industrial Schools.

Section III. Provincial Control.

11. *Provincial Uniformity.*—In the event of a Union system of Native education not coming into being, the Commission is of opinion that efforts should be made to improve and unify Native education to the end that:

(*a*) A minimum of education at least should be provided by all Provincial Administrations for Natives deserving it. This minimum should be presented by the Union Government;

(*b*) uniformity with regard to classification of schools, teachers' certificates, teachers' salaries, grants-in-aid, syllabuses of instruction should be obtained in order to remove the existing and vexatious anomalies.

12. *Native Education Act.*—To achieve this, an Act of Parliament should be passed somewhat on the lines of the Natives (Urban Areas) Bill, which would:

(i) Confirm the Provincial Administrations in the control of Native education;

(ii) determine the basis of the Government's financial contributions for Native education;

(iii) define the minimum of education required and make provision for the increased financial aid in the case of Provinces desiring to give more than the minimum;

(iv) institute a board of Native education consisting of a representative from each Province, with a chairman appointed by the Minister, to bring about the uniformity referred to in 1 (*b*) above;

(v) arrange for the creation of Native Education Advisory Boards in the several Provinces.

13. *Financial Provision.*—Under this system all forms of direct Provincial taxation of Natives should be transferred to the Union Government, and the Provincial Administrations shall not have power to impose direct taxes upon Natives. It will be for the Union Government alone to impose taxation on the Natives and to pay to the Provincial Administrations a subsidy for Native education based on the number of pupils in each type of school, and also an additional grant of £2 for every £1 raised by school fees or rates levied by Native Councils.

CHAPTER III.

The Natives in the Towns.

1. *The Problem of the Urban Native.*—The South African Natives are not by nature town dwellers so that their congregation into towns, largely at the instigation of the Europeans, raises hygienic, economic and social problems of considerable magnitude. The problems have become more acute of recent years by reason of the rapid growth of our industrial cities, in which the provision for the housing and control of the Natives engaged in industry, commerce and domestic service has not kept pace with the growth of the Native population and by the development of the urban Natives themselves, who are requiring and demanding not only considerably improved living conditions, but who, with their wives and children, are becoming permanent dwellers in the cities and are rapidly adopting the Europeans' method of city life. It has become a truism that the native has not yet made a success of city life, but whatever views one may hold as to the desirability of having Natives as co-dwellers with Europeans in the cities, it must, we hold, be admitted that the Natives are there and that they are likely to remain there, and that it is our duty both for their sake and the sake of Europeans to improve the conditions under which they live. At the same time it seems only right that it should be understood that the town is a European area in which there is no place for the redundant Native, who neither works nor serves his or her people but forms the class from which the professional agitators, the slum landlords, the liquor sellers, the prostitutes, and other undesirable classes spring. The exclusion of these redundant Natives is in the interests of Europeans and Natives alike.

2. *Previous attempts to grapple with the Problem.*—The problem of the urban Native is not a new one, and before and since the Act of Union many cities had made some provision for the housing and control of Natives in accordance with the powers given to them under the several Colonial, republican and provincial governments.

The inadequacy of these powers, the differences in the treatment of Natives in the several Provinces, the existence of Section 147 of the Act of Union, and the non-applicability to urban areas of the Natives Land Act of 1913, have made comprehensive legislation necessary, and this the Native Affairs Commission has attempted to provide in the Natives (Urban Areas) Bill recently submitted to the Government. This legislation was mooted as far back as 1912 but was delayed by reason of outbreak of the European War. A Draft Bill was drawn up and circulated in 1918 but was not brought before Parliament in view of the fact that a wider measure was contemplated. In March, 1921, the matter was entrusted to the Native Affairs Commission for consideration.

3. *The Commission's Procedure.*—The Commission felt that the proper procedure would be to take the draft measure of 1918 as a basis and to discuss this measure with municipal bodies, officials, Natives and others interested with a view to its possible amendment and improvement. These discussions were undertaken both by the Commission as a body and by members acting as committees. The following is a list of the principal bodies consulted:—

(*a*) *Municipal Bodies, including municipal officials.*—East London, Port Elizabeth, Johannesburg, Bloemfontein, Bethlehem, Harrismith, Stellenbosch, Beaufort West, Grahamstown, Umtata, Pietermaritzburg, Ladysmith, Somerset East, Cradock, Middleburg (Cape), Graaff-Reinet, Oudtshoorn, Uitenhage, King William's Town, Alice, Fort Beaufort, Newcastle, Dundee, Pietersburg.

(*b*) *Officials.*—Cape Municipal Congress through its President, Mr. Paul Cluver; the Secretary for Native Affairs and Staff, Pretoria; Transkeian Magistrates at General Council Meeting, Umtata; Director of Native Labour and Staff, Johannesburg; Superintendent of Natives, New Brighton; Protector of Natives, Kimberley; Provincial Auditor, Natal; Manager Municipal Native Affairs Department, Durban, and many Magistrates.

(*c*) *Natives.*—East London, Port Elizabeth, New Brighton, Johannesburg, Bloemfontein, Grahamstown, Pietermaritzburg, Ladysmith, Cradock, Graaff-Reinet, Oudtshoorn, Uitenhage, Alice, Durban.

(*d*) *Other Groups.*—Native Welfare Societies at East London, Bloemfontein, Grahamstown, Pietermaritzburg, Durban, S.A. Missionary Conference, Durban, and the Stallard Commission, Johannesburg.

There was a general feeling among the Europeans that legislation was necessary, and in fact overdue. In a few centres, the Natives declared that their father, the Government, by placing the responsibility for the proper management of local Native Affairs on the urban authority, was selling them to the municipalities but the majority welcomed the Bill while expressing the hope that the Government would see that the Municipalities dealt fairly with them.

4. *General Principles of the Urban Areas Bill.*—The main objects of the legislation proposed to the Government were:

(i) to improve the present unsightly, unhygienic and demoralizing conditions of Native town life by making provision for (*a*) Native villages where the better class permanently urban areas dwelling Native could own land, build his house, and enjoy some of the amenities of city life, (*b*) locations where the less well-to-do town Natives could own or occupy houses erected either by themselves or by the municipality and (*c*)

hostels for single Natives, male and female, or for transient married Natives, or under the management and control of the Municipality,

(ii) to associate with the Municipality in the management of urban Native Affairs including the control of the Native village location and hostel an Advisory Board of Natives to whom all Regulations affecting Natives in the town will be referred for opinion,

(iii) to give power to the Minister to compel any local authority to make adequate provision for the housing, management and control of Natives in the urban area under penalty of having the control of Native Affairs assumed by the Government and carried on at the charges of the local authority,

(iv) to prevent the acquirement by purchase, rent or hire of land within the location by persons other than Natives,

(v) to confer upon the local authority the right to require all Natives to live within the prescribed area except (*a*) owners of property of the value of £75, (*b*) registered voters in the Cape Province (*c*) domestic servants for whom employers provide suitable accommodation and (*d*) other Natives specially exempted,

(vi) to prevent the establishment within three miles of the borough boundary of private locations or other congregations of Natives which might affect adversely the Native situation within the urban area,

(vii) to facilitate the raising of money by urban authorities for the improvement of their native areas,

(viii) to create and safe-guard a special municipal fund to be known as the Native Revenue Account into which all monies derived from the Natives shall be paid and from which all monies for Native service shall be disbursed,

(ix) to improve the standard and status of municipal officers responsible for Native Affairs by requiring them to be licensed by the Native Affairs Department,

(x) to provide for the periodical inspection of municipal Native areas and conditions by competent Government officials,

(xi) to provide for the arrest, trial and deportation either to his home or to a Labour Colony of idle dissolute or disorderly natives and for the association with the Magistrate or Native Commissioner of two Native members as assessors,

(xii) to allow for the creation of a Native Beer monopoly System by the Municipality where both the urban authority and the Natives are in favour of the manufacture and sale of kafir beer, such system to be conducted under regulations to be prescribed by the Minister,

(xiii) to restrict trading in the Native area to either Natives or the Municipality itself,

(xiv) to authorise the Municipality after reference to the Native Advisory Board to make regulations on matters affecting the local management of Natives.

5. *Assistance to Municipalities and their officials in connection with the management of Urban Natives.*—The Commission has been impressed with the ignorance of certain municipalities and officials of the possibilities of a happy and contented Native city life. Of such city life splendid examples are afforded by such progressive towns as Bloemfontein and Durban but owing to the isolation of Native affairs other towns are not aware of what can be done. The Commission is in favour of a conference at an early date of urban Native officials at Bloemfontein where common problems could be discussed and mutual assistance given. From such a conference a professional body of location managers might spring with subsequent advantage to all concerned.

6. *Native Townships.*—The Commission believes that the Natives (Urban Areas) Bill will improve the present condition of affairs very considerably but it realises that the Natives have already embarked and will in the future embark still further on a new phase of Native life, viz. the Native Township apart from the European city. A number of such groups of Natives exist at such places as Evaton, Alexandra Township, Lady Selborne, Korsten, etc. This seems an inevitable and desirable development of Native life and the Commission has been instructed by the Minister to undertake an investigation into the whole matter with a view to making suggestions and, if necessary, recommend legislation.

7. *Conclusion.*—The Commission would point out that the improvement in urban conditions can only be gradual. In certain cities, *e.g.*, Johannesburg, the financial and other difficulties will be very great. Before progress can be made in Johannesburg and Cape Town, to mention but two cities, a "clean up" of existing conditions will be necessary and for this it will probably be necessary to have legislation during the next session of Parliament. Much of the success in improving conditions will depend upon competent officials and an enlightened public and it is hoped that both of these conditions may be found or created in the larger centres of Native urban population in the Union.

CHAPTER IV.

Native Councils.

The participation of Natives in Government.

The extent to which Natives should take part in the government of the country has not been finally determined, but it seems clear that the majority of the European population, while it is perfectly willing to honour the arrangement