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Reports of the Native Affairs Commission for the years 1921-1926

South Africa. Native Affairs Commission

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regarding the Cape Native franchise made by the Act of Union in 1910, is strongly opposed to any extension of the Parliamentary franchise to Natives. All Europeans, however, are agreed that in Native areas it would be wise, as well as fair, to allow Natives a voice in the management of their affairs. This opinion is based not only on the inherent right of this large section of our population to a share in its government, but also on the conspicuous success which has attended the Native Councils which have already been established.

Difficulties have arisen and will undoubtedly continue to arise as to how far this self-government should extend, but the general principle seems to be accepted that while the Native Councils should be merely advisory with regard to matters affecting South Africa as a whole, they can be allowed to become executive and to a certain extent legislative in local matters in their own areas. This view is shared by a considerable body of Natives, though in all Provinces the Commission has found an almost pathetic belief in the power of the vote, and Natives in the Cape have expressed to the Commission their apprehension lest their franchise privileges should be withdrawn.

"Self-government" prior to the Native Affairs Act, 1920.

The first opportunity given to the Natives to manage their own affairs was under the Cape Village Management Board Act of 1881, which applied alike to Europeans and Natives. Defects in the Act itself and an incapacity to perform the executive functions required have brought a failure in the use of this Act by Natives, and in 1921 the Cape Provincial Administration abolished the few Native Boards which had been established. Representations have been made to the Commission to urge the resuscitation of these boards. The Commission proposes to consider the matter of the government of Native villages outside municipalities in connection with an enquiry which it is undertaking into Native townships.

(*a*) Village Management Boards.

In 1894 the Glen Grey Act was passed, which provided for the creation of a Native Council of twelve Natives, six elected by Location Boards and six appointed by the Governor-General, presided over by the local Magistrate. This Council has the power of levying a rate not less than five shillings on every Native owner of an allotment and on every adult male Native resident in the district. This money is spent in the interests of Natives upon education, dipping, roads, etc., and in the encouragement of agriculture, irrigation and public health. An extent of the Council's activities may be gauged from the fact that in 1921 its revenue was £6,372 and its expenditure £6,233.

(*b*) Glen Grey Council.

The Glen Grey system was extended to the Transkei in 1895, when District Councils and a General Council were established. In each of eighteen districts in the Transkei there is a District Council, consisting of six Native councillors, holding office for three years, with the Magistrate as Chairman *ex officio*. The Governor-General nominates two

(*c*) Transkeian District Councils.

councillors, while the remaining members, subject to the Governor-General's approval, are elected as follows:—

(1) In unsurveyed Districts the headmen of the various locations nominate four of their number;

(2) in Districts which have been surveyed for individual tenure the land owners in each location select three representatives; these representatives nominate four councillors from among themselves.

If the people in an unsurveyed District wish to follow a similar form of selection as in surveyed Districts, this is permitted.

Transkeian Territories General Council.

District Councils meet quarterly or when specially summoned by the Magistrate. Minutes of meetings are kept and forwarded to the Chief Magistrate, who brings before the Transkeian Territories General Council matters required to be dealt with.

District Councils practically act as advisers or agents of the Transkeian Territories General Council, which consists of the Chief Magistrate as Chairman, the Magistrates of the Districts, three Native councillors from each District Council, two of whom are nominated by the District Council for the Governor-General's approval, and one by the Governor-General.

The General Council meets once a year for business.

The funds of the General Council are obtained by a rate levied by the Governor-General on every Native occupier of a hut or piece of land and on every Native male domiciled within the jurisdiction of the Council. Its estimates of expenditure must be approved by the Governor-General.

Besides dealing with matters of local government, such as roads, dams, fences, dipping, health, education (scholastic and industrial), etc., the Council is the forum for the discussion of every conceivable aspect of Native interest.

The resolutions adopted by the Council which require Government action or legislation are discussed at a meeting of Magistrates, carefully and sympathetically considered by the Government, and form a most valuable means of ascertaining representative Native opinion in the Territories.

The extent of the Council's activities may be estimated by reference to the fact that its income was £80,379 and its expenditure £78,057 in 1921.

Native criticism of the Transkeian Council system.

The undoubted success of the Transkeian system has led many people to exaggerate its merits and to misunderstand its functions. The European people of South Africa and even the Government itself have spoken loosely of the system as self-government, but when the enquiring Native investigates this he finds that the General Council, by its constitution, is an advisory body only, and that the administrative functions rest entirely with the Chief Magistrate. Further resentment is caused because the deliberations of the Bhunga are reviewed by the meeting of Magistrates, at which Natives are not present. Natives complain that the Magistrates do not speak

openly in the Bhunga, but wait for the Magistrates' meeting and there suggest advice which leads to the rejection of the Council's recommendations. They complain also that under the system of Government by proclamation, laws are made without the Bhunga being consulted, and that generally there is a system of bureaucracy. The critics undoubtedly overstate their case, but it seems desirable that attention should be directed to some means by which the dissatisfaction aroused by the present method of holding the Magistrates' meeting may be removed.

Passing over minor attempts at Native participation in government as the Pondoland General Council, the Mission Reserve Boards and the Ordinance governing the Orange Free State Boards of Management, we come to the councils under the Act of 1920, which the Commission has attempted to establish.

Local councils under this Act may only be established in respect of "native areas which have been set aside or may hereafter be set aside as such by Parliament." Thus at the present moment presumably only those areas which are scheduled under the Natives Land Act, 1913, can be considered as Native Areas. This rules out land which is practically regarded and administered as Crown Native Locations in the Cape, as well as tribally owned farms in the Transvaal and compact areas in Natal owned by Natives where local councils might, perhaps, with advantage be established. It will, therefore, be necessary for action to be taken to regard these areas as "Native Areas" for the purpose of Act No. 23 of 1920, otherwise it will not be possible to give effect to the spirit underlying the Act.

The Commission considered at the commencement of its duties that local councils should be established wherever possible, not only for their value as local government bodies, but as affording a reliable means of obtaining representative feeling on matters affecting the general interests of rural Natives (*vide* section 7 of the Act).

Councils under the Act will be bodies charged with real local self-government; the Act is sufficiently elastic to allow of the constitution of councils suited to the stage of development which the people have reached; and, while independent of official or European control in their deliberations, they will have at their disposal in chairmen the advice of Government officials conversant with the necessities and obligations of local government.

The Commission held preliminary meetings with Natives at the following centres: King William's Town, Middledrift, Keiskama Hoek, Alice, Fort Beaufort, Peddie, Kamastone, Oxkraal and Stutterheim in the Cape Province; at the Amanzimtoti and Inanda Reserves in Natal; at Linokana and Pietersburg in the Transvaal and at Thaba 'Nchu in the Orange Free State. The Commission's procedure.

In the Cape these meetings aroused very considerable interest and the Commission found the Natives mistrustful of

the Transkeian system and anxious for a form of government considerably in advance of that proposed by the Act. There was a strong disinclination for European control or supervision and a desire to have executive powers somewhat similar to those possessed by the Executive Committees of the Provincial Councils. Opposition to the proposals came from the more conservative chiefs and people who wished to be left alone and from some of the more advanced Natives who expressed their fear of anything different from the European systems.

Recommendations were made by the Commission for the establishment of Councils at King William's Town (6), Middledrift (1), Keiskama Hoek (1). At Alice, Peddie, Oxkraal and Kamastone no action was taken because of the opposition of the Natives to the proposals.

At all the meetings and discussions strong tribal feeling was noticeable each tribe suggesting a council of its own on which the Chief should be represented *ex officio*. The Commission while attempting to respect this feeling pointed out that the number of ratepayers must be sufficiently large to enable a beneficial use to be made of the revenue.

In the other Provinces and especially in Natal and Zululand the council form of government was a new idea and it was felt that it would be better to give the Native more time to discuss the matter before making definite recommendations. It seems probable that the Councils will be established in the Transvaal and Orange Free State and possibly a form of government similar to the Pondoland General Council would suit better in Natal and Zululand.

APPENDIX I.

Report of Committee in the matter of Native Locations, appointed by the Rt. Hon. the Acting Prime Minister, to consider the suitability of certain sites for a new Native Location in place of or in addition to the present N'dabeni Location.

To:

The Right Honourable, the Acting Prime Minister,
F. S. Malan, P.C., M.L.A.

1. At a meeting with the Rt. Hon. the Acting Prime Minister held on the morning of the 6th July, 1921, a Committee was appointed to consider the suitability of certain sites for a new Native Location in the place of or in addition to the present N'dabeni Location. The following is the constitution of the Committee:—

Representing the Native Affairs Commission: Brig.-General L. A. S. Lemmer, M.L.A., and Senator the Hon. Dr. A. W. Roberts, D.Sc., F.R.S.E., F.R.A.S.

Representing the Department of Native Affairs: Mr. E. Barrett and Mr. R. S. Medford.

Representing the Department of Public Health: Colonel F. C. Willmott and Dr. G. W. Robertson.
Representing the Railway Administration: Sir William Hoy and Mr. Hedley Salmon.
Representing the Council of the City of Cape Town: His Worship the Mayor (Mr. Councillor W. C. Gardener) and Mr. Councillor W. M. Martin, J.P.
Representing the Cape Divisional Council: Mr. Councillor C. W. Duminy, J. P., and Mr. Councillor E. Hutt, J.P.

2. The Native Affairs Commission which had already gone into the matter of three of the proposed sites—" Epping Forest," " The Outspan," and " Vijge Kraal," have placed on record their considered judgment of these three sites.

3. They arranged the three sites, regarding only the question of suitability in the following order:—(1) Vijge Kraal and the Outspan equal, (3) Epping Forest.

4. The consideration which led the Native Affairs Commission to this judgment are set forth in the memorandum forwarded by them to Acting Minister for Native Affairs. In this connection attention is called to the report of the Commission submitted in January, 1920, wherein " Epping " was recommended as the most suitable site at that time.

5. Since the consideration of these three sites was dealt with, another site has been suggested by the Town Council, as exceptionally suited for the object of a Native Location, namely, a portion of forest land lying to the North of Vijge Kraal and extending about 400 morgen.

6. The Town Council members of the Committee urged the suitability of this site very strongly, and in order to deal with their suggestion the members of the Committee visited the proposed site on the morning of Monday, 11th July.

7. The Committee think it would be helpful to a satisfactory finding if they dealt with all the proposed sites, stating briefly the suitability of each for the purpose desired.

(1) As regards " Epping Forest," it suffers under some of the disadvantages that are raised against the Outspan and its proximity to the future extension of the town. Besides, the Railway Department have on this site trees which they state are of considerable value, and of future necessity to them. For these reasons, as well as others, the " Epping Forest " site need not be further considered.

(2) The Outspan site has appealed to us as one claiming consideration: it is open, a condition suitable to Native abode: it is near the Railway: it is comparatively dry—the statement that it is water-logged has been found to be unwarranted: examination was made of the site during the rainy season, both in winter and in summer, and the excess of water that was met with was due to obvious and preventible causes—the soil is also sandy and very porous.

Against this it may be averred, and accepted, that the site abuts the main road and is a wedge in the direction East and West of European expansion.

8. The Vijge Kraal site is a suitable one: it drains naturally to the river running through the grounds: it is near a main road and within reasonable access to Milner Station. If there were no other considerations to be taken into account, then we would find ourselves favourably impressed with this site. But the Cape Town Council have bought this site for the purpose of sewerage disposal, for accommodating noxious trades buildings, and for other similar industries and purposes.

The Council have already spent a considerable sum of money in laying down a sewerage scheme with this end in view, and it would not be possible, they say, to divert or to alter their plans now.

9. Further North than Vijge Kraal is a district of timber land owned by the Forest Department. The Committee viewed this site on Monday, 11th July. It has the advantages of being high, dry and draining readily into the river running through Vijge Kraal. The soil also is good, and the outlook when the trees are cut down open in all directions. It is as near the Railway as Vijge Kraal and quite as easy of road access.

10. Whilst there may be some sentimental objections to the site, it is considered that, subject to the construction of a railway line direct to the Locatoin and not *via* Vijge Kraal, the forest land abutting Vijge Kraal is very suitable for a new Location.

11. It is beyond the province of the Committee to enter into the financial aspect which must rest between the Government, to whom the land belongs, and the Town Council.

12. The representatives from the City Council and the representatives from the Cape Divisional Council dissent from sub-section (1) and the first paragraph of sub-section (2) of paragraph No. 7 of this report, and are submitting a minority report, which is annexed hereto.

APPENDIX II.

Memorandum of conclusions at conference between the Native Affairs Commission and Local Government Commission, the Native Affairs Department being also present, held at Johannesburg, the 10th, 11th and 12th August, 1921.

It is agreed:—

(1) That the treatment in regard to the housing and control of Natives in municipal areas has been extremely unsatisfactory in the past.

(2) That a statutory duty be placed on municipal bodies to provide adequate housing accommodation for all Natives within its areas, and that suitable power be given to these bodies to control the ingress of Natives into its areas.

(3) That housing accommodation should take the form of:

(*a*) A house of reception of Natives on their immediately entering the area;

(*b*) the establishment of Native villages, for those Natives whose residence is to be of some length, with buildings of native kind;

(*c*) provision on an employer's premises, certified as suitable by the municipality.

(4) That economic rent should be charged for housing accommodation.

(5) It is recognised that the existence of a redundant black population in municipal areas is a source of the gravest peril and responsible in a great measure for the unsatisfactory condition prevailing.

To combat this evil the following practical measures are recommended:—

(By redundant Native is meant the Native male or female who is not required to minister to the wants of the white population, but does not include a Native who ministers to the legitimate needs of his fellows within the municipal area.)

(*a*) The provision of a rest house, with suitable accommodation for male and female, where all Natives looking for employment will be housed;

(*b*) the prevention of any Native (male or female) living elsewhere than on his master's premises, in the Native village or at the rest house;

(*c*) the registration of Natives to remain in the hands of the Native Affairs Department, but, in order to give the municipality the opportunity of discharging its duties, no Native to be registered to any employer or allowed to reside outside the rest house or Native village without the certificate or *visé* of the municipality certifying that there is suitable accommodation for the employee.

(6) Native Advisory Boards to be established in every Native village; the Boards to be so constituted and with such duties as may be fixed by by-law.

(7) The whole revenue from Natives derived by the municipality to be spent on their betterment.

(8) Trading within Native village and rest houses to be confined to the Native residents or to the municipality: provided that the manufacture and sale of kaffir beer, if allowed, be a monopoly of the municipality.

(9) A special tribunal, on which there shall be Native assessors, should be constituted, which shall have power to

deport, repatriate or settle in labour colonies, idle, dissolute or undesirable Natives in municipal areas.

(10) It is unanimously agreed that the placing at the disposal of all municipalities of adequate tracts of land is essential to the success of this or any other scheme for the betterment of the deplorable conditions prevailing in urban areas.

It is recommended that all powers possessed by the Government under the Gold Law be freely used for this purpose, and further that the compulsory purchase of any land required by a municipality be permitted at prices based on rateable value.

(11) The creation of a Native Affairs Department in all municipalities is highly desirable, the Head of which must be a man of great experience of Natives and licensed or otherwise approved by the Native Affairs Department of the Union.

(12) It is recognised that the Native locations and townships form an integral portion of the town-planning problem of the whole community, and as such should be always subject to public control.

UNION OF SOUTH AFRICA.

REPORT

OF THE

Native Affairs Commissi

FOR THE

Year 1922.

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

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[U.G. 36—'23.]

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UNION OF SOUTH AFRICA.

Report of the Native Affairs Commission for the year 1922.

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.

In terms of the Regulations under Government Notice No. 2004 of 1920 the Native Affairs Commission begs leave to submit a report of its work for the calendar year 1922.

In its Report for 1921 [U.G. 15—'22] there were set forth the functions, duties and privileges of the Commission as well as the views of the Prime Minister in interpreting those functions and the guiding principles laid down by the appointed members in carrying out their duties. The Commission has endeavoured to give expression to those principles in its activities.

As a result of the experience gained during the preceding year it was felt that formal meetings of the Commission should be as frequent as possible, without however restricting the activities of the appointed members, when the latter were at Pretoria or Cape Town, so that much closer touch might be maintained with the Government.

During the year 19 formal meetings were held at which a wide range of subjects were discussed, Native views prominently brought to notice and advice tendered by the Commission.

[U.G. 36—'23.]

A detailed account of the activities of the appointed members is attached.—Annexure A.

J. C. SMUTS,
Chairman.

ALEX. W. ROBERTS
L. A. S. LEMMER
C. T. LORAM.
} Members.

R. S. MEDFORD,
Secretary.

Cape Town,
20th June, 1923.

ANNEXURE "A" TO THE REPORT OF THE NATIVE AFFAIRS COMMISSION.

Local Councils.

Early in January the appointed members met at King William's Town several Native Committees in regard to the creation of Local Councils in the Ciskei area, and especially in the districts in and around King William's Town. East London, Stutterheim and Queenstown were also visited, and officials dealing with Native Affairs were also consulted in the matter.

In the course of discussion with the Native people several difficulties in the way of an immediate institution of councils in this, and also in other areas, arose.

There was the question whether the councils were to be instituted on Tribal or Territorial lines. On this matter the Natives in the King William's Town area and neighbourhood strongly favoured the principle of tribal delimitation. It was evident however that this would mean so many smaller councils that the system would be unworkable. Further, due to the rearrangement of tribal areas following the various Native wars, the larger tribes were so broken up geographically that a common council for large groups of people was a matter of great difficulty.

In the case of the Native councils taking over the care of roads, education, hospitals and similar activities entrusted to them by the Native Affairs Act there arose at once a serious consideration of how they stood financially with regard to the Divisional Councils. This difficulty was made the matter of discussion with the Administrator of the Cape Province. Along with the Secretary for Native Affairs the Commission met His Honour in July, but no definite decision was come to. To indicate the difficulty it was clear that in certain districts the Native Councils could not take over the whole responsibility for the roads in their area. These would still require to be managed by the Divisional Council for the District. The solution that seemed most reasonable was for the Native council, if it found itself unable to undertake all the services allotted to it by the Act, to pay a definite yearly sum to the Divisional Council in full discharge of its obligations.

The question was made the subject of correspondence with the King William's Town Divisional Council, but the latter proposed such a sum that its amount would leave the Native Council with practically nothing to carry on its other activities.

The question of the financial relationship and obligation of the Native Councils to the Divisional Councils will probably prove a very difficult matter. In the Cape Province it will be practically impossible to separate European roads from Native roads, and the two peoples are so adjacent to one another in many parts of the Province that such important concerns as Health, Dipping, Forestry, Water Conservation cannot be left to one section alone.

Appointment of Chief Native Commissioner.

In its last annual Report reference was made to the Commission's recommendation that a Chief Native Commissioner should be appointed in the Cis-Kei in order to bring the conduct of Native Affairs in that area more into line with that obtaining in the Transkei, and especially to simplify and unify the control of Native administration. The Commission records with satisfaction that this recommendation was accepted by the Government, and such a post was created and Mr. T. W. C. Norton, Assistant Chief Magistrate of the Transkeian Territories, nominated to fill it. The Commission feels assured that Mr. Norton's appointment will make for more uniformity and despatch in Native concerns, and will greatly facilitate the solution of some of the financial problems consequent on the establishment of Local Councils. To the most important of these the Commission has already referred.

Urban Areas Bill.

The Commission had the terms of the Urban Areas Bill constantly before it during the year, and occasion was taken again and again to bring a consideration of its proposals before bodies interested, both European and Native.

Meeting with Senior Officials.

On the 9th May and following days the appointed members attended the Cape Municipal Association's annual meeting at East London, and there had an opportunity of discussing with the various Municipal delegates the clauses of the Bill.

On the 17th October the appointed members met at Bloemfontein the Orange Free State Municipal Association for the same purpose. On the 15th November the Bill was considered with the Transvaal Municipal Congress at Johannesburg.

It may here be mentioned—although not falling within the year under review—that in January, 1923, a similar meeting took place at Durban with the Natal Municipal Association.

In this way the provisions of the Bill were discussed with representatives of all Municipalities in the four Provinces, and as far as was possible attempts were made to meet the common desires of the Provinces. Often the divergent outlook upon such matters as Native Tenure in urban areas, Native control of locations, Municipal control of the ingress and egress of Natives, municipalization of Kafir beer made it very difficult to arrive at a common expression. Every means, however, was taken not only to obtain the views of Europeans on the proposed Bill but as stated above to give a place to these views in the Bill when they were a definite expression from a wide area of opinion.

The Bill may therefore be considered as a very earnest attempt to bring into harmony the often conflicting views of Europeans and Natives. There are probably few instances in the history of legislative measures where a Bill has been more thoroughly and more widely amended. Its importance as a very distinct forward movement in the conduct of urban Native Affairs would naturally claim for it such consideration, but apart from this there was also the desire on the part of the Commission, and without doubt of the country to give

effect to the spirit underlying the Act of 1920 that the Natives as well as the European bodies concerned should be consulted on all matters affecting Native interests. In the direction of obtaining Native opinion on proposed legislation a very definite step was taken during the year.

Native Conference.

The Native Affairs Act, 1920, provides for the summoning of a body of Natives with whom the Commission can take counsel, and in May the Governor-General convened at Bloemfontein a conference of twenty prominent Natives of the Union—seven from the Cape Province (including three from the Transkeian Territories), four from Natal, five from the Transvaal and four from the Orange Free State.

Mr. E. Barrett, Secretary for Native Affairs, was deputed by the Minister to preside at the conference which lasted three days. The Urban Areas Bill was the principal matter under discussion, but many relevant questions were touched upon.

The Commission found the conference exceedingly helpful as a means of getting at the definite Native opinion on an important matter. The Natives themselves also appreciate this expression of the Government's desire to know their view on a question which concerned them so vitally. This attitude of mind has been reflected in the principal Native newspapers.

It is hoped that such a conference will become an annual event.

The venue of the meetings might be altered from year to year so as to bring the whole Union into touch with the conferences.

In this first conference the members were chosen because of their knowledge of or interest in urban matters, but in later conferences a wider interpretation should be given to the purpose of the meetings. Such questions as Councils, Native Education, Agricultural Improvements, Land Tenure, Native Customs and Laws, might very well form subjects for consideration, and thus the personnel as well as the venue of the conference might change from year to year.

The value of such conferences needs no pressing. One of the great hindrances in the past to the securing of some sound evidence on important concerns from Native sources has been the lack of Native Indabas where opinion would be freely and wisely expressed. Yearly meetings, such as the one held this year at Bloemfontein, will do much to obtain adequate judgment, from the Native point of view, on great and grave questions.

In process of time these conferences might represent the focussed opinion of the general councils scattered over the land.

Native Registration and Protection Bill.

Along with the Urban Areas Bill the Commission had before it as a necessary corollary to that measure the Native Registration and Protection Bill. This latter measure is almost entirely based on the Report of the Departmental Committee appointed to enquire into the Pass Laws. The Commission urged upon the Government the printing and publication of

this important report and this was done in course of the year.

As the Pass Law Committee had taken a good deal of evidence regarding passes from Natives, the Commission did not make a point of considering legislation in this direction.

Native Education.

The Financial Relations (Fourth Extension) Act, 1922, has limited the power of Provincial Councils to tax Natives, and while placing upon Councils the duty of not spending less on Native education, leaves to the Government to provide for the extension of such education by the direct taxation of Natives.

The effect of this Act coupled with the inadequacy of Native teachers' salaries, the impossibility of any new development in education, especially along the lines of agricultural instruction and village industries suitable to Natives, the unequal incidence of taxation, led the Commission to consider with the Treasury a method of raising more for educational and development purposes from the Cape Province and from Natal.

Two alternatives have been under consideration, but in the meantime the Government has agreed to advance £60,000 for the financial year 1923-24 to be later on refunded from the proceeds of extra taxation.

Meeting with Senior Officials.

Guided by the experience in 1921 the Commission had again the great assistance of the conference of senior officials held in Pretoria in November. At this conference the Urban Areas Bill, the Native Registration and Protection Bill and the question of Native taxation, were fully discussed. Several of the meetings were held under the presidency of the Prime Minister, others under that of the Minister in charge of Native Affairs. When taxation measures were discussed the Minister of Finance was present.

In their report for 1921 the appointed members of the Native Affairs Commission have given expression to their sense of the value of these official conferences.

Changes in administration.

In November the Public Service Commission consulted with the appointed members on certain proposed changes in administration in the Department of Native Affairs. The members pressed strongly for a continuance of the present system of administration in the Transkeian Territories.

The appointed members felt that it would be unwise to alter a system that had worked with such conspicuous success, to change a method of administration that the Natives thoroughly understood and approved of.

Transvaal Poll Tax Ordinance.

The Commission gave its support to the unanimous desire of the Natives that refunds should be made to those Natives who had paid the Transvaal poll tax prior to the tax being declared illegal by the Appellate Division of the Supreme Court.

The Commission understands that the refunds are now being made.

Administration of Justice.

In the course of the year the Commission has continued to investigate cases of the nature mentioned in its last report, where from press or other reports differential treatment in the administration of justice seemed to have taken place. The

Commission has to acknowledge the readiness of the Department of Justice to assist them in this direction.

Immigration of Non-Europeans.

During the year the Commission was asked by the Government to enquire into certain cases of non-Europeans from America entering the Union for mission or educational purposes and to recommend some policy. This the Commission did and suggested the following conditions of entrance into the Union by Native workers from outside:—

"That no coloured mission or other social worker among Natives be allowed to enter South Africa until the Government has satisfied itself that:—

(*a*) There is real need for the work and that this work can best be done by such person.

(*b*) The incomer attach himself to an accredited and approved European controlled organization, which will undertake, under sureties, if necessary, to be responsible for the propriety of his conduct, of his utterance and of his activities while he is in this country. A further condition should be that the permission should be for a temporary period only, at the expiry of which the person will either leave the country or renew his application for an extension of the permission to remain."

Sur Native Areas.

The report of the Survey Commission, 1921, dealt with certain aspects of the survey of the Native areas and suggested changes both in the manner of surveying and in the registration of titles. Arising out of these suggestions the Government accepted the advice of the Native Affairs Commission and appointed Mr. M. C. Vos to enquire into and report fully upon the existing system of surveying and registration of land in the Native areas. Mr. Vos' report [U.G. 42—'22] was in full accord with the findings of the Survey Commission, and as a result the Government has decided not to continue the elaborate system of survey which had hitherto been carried on in those areas.

In this direction the Commission has had under consideration the administration of Natives' Land Act, the occupation of church and trading sites and the control of traders in Native areas.

Land Question.

The Commission had constantly before it the urgent need of dealing with the land question. Maps have been prepared showing the recommendations of the various Land Commissions, and it requires no laboured examination of these maps to prove the pressing need for more certainty as regards prescribed areas than at present exists.

The overcrowding in many parts of the Cape Province, the existence of almost unlimited squatting in many reserves, and the possibility of hundreds of Natives being returned to their homes when the Urban Areas Bill becomes law makes the need for a reconsideration of the Land Question a necessity.

In this connection prominence was given to the importance of a wider and wiser instruction in agriculture than at present

exists. The question of a Native Education Tax, already referred to, also naturally led to the advisability of instruction in this direction. With improved methods of agriculture the Native people could enhance the productive value of their fields to a considerable degree.

The Commission is not unaware of the difficulties to be encountered in the enterprise of moving the Native people out of the methods they have been accustomed to for centuries.

Native Townships.

The question of Native townships came before the Commission during the year. At the request of the Minister in charge of Native Affairs a memorandum in the matter was prepared by the appointed members, and as the question of Native townships will certainly have to be faced without delay it may be of advantage to quote the main suggestions in the memorandum:—

"It is acknowledged that the congregation of Natives into villages and closer settlements outside municipal areas has raised problems of government, housing, sanitation which are not met either by existing or pending legislation.

"If these settlements or townships could be brought under the control of urban authorities so much the better, but there may be instances where the municipalities will not be willing to assume control, especially if the Native townships are some distance outside the boundaries of municipalities. The Commission is therefore of opinion that special legislation is necessary along these broad lines:—

(*a*) The legislation should be of the particular rather than general application, so that it need not be applied until the conditions are such as to render the application of the law desirable.

(*b*) Provision should be made for the levying of a rate sufficient to meet the cost of certain defined public services.

(*c*) The management should be in the hands of a Native council elected by the ratepayers with the Resident Magistrate (or other official) as chairman. All estimates of proposed expenditure and revenue should be considered and passed by the council and then forwarded to the Minister of Native Affairs for consideration.

"There are certain communities already prepared for the application of such legislation—Alexandra, Sophiatown, Eersterust, Lady Selborne, Riverside, Vryheid East, Lennoxtown, and Fairleigh. The Commission suggests therefore that a Bill should be drawn up without delay and discussed with the communities just mentioned. It also suggests that, as a matter of policy, it should be accepted that such communities are on the lines along which Natives will naturally develop and should be encouraged in what are known as Native areas.

"In areas set aside for European occupation communities of Natives should not be allowed except in cases where the Minister is assured that those townships are very definitely in the interests of both Natives and Europeans."

Bondelzwarts Rebellion.

During the year the appointed members were nominated by the Government as a Commission to enquire into the rising of the Bondelzwarts Natives in South-West Africa. This duty necessitated their absence from 19th August to the 5th October for the purpose of visiting the Territory and the North-West portion of the Union. Their report has been laid before Parliament [U.G. 16—'23].

Conditions in Namaqualand.

While in Namaqualand inquiring into a suggested connection between agitation south of the Orange River and the Bondelzwart rising the appointed members of the Commission looked into the conditions in the Communal Reserves in Namaqualand: especially in the area known as the Richtersveld. This duty was entrusted to them by the Minister in charge of Native Affairs. The conditions of the Natives in and around Port Nolloth, Steinkopf, Springbok, Upington, were also made the subject of enquiry.

As an exposition of a state of matters existing in a little known portion of South Africa it may be of interest to give somewhat fully the knowledge the Commission was able to glean regarding this strange people. Isolation has dealt hardly with them, has thrown them out on the edge of civilization and has left them there to go their own way. As an indication of the result the following reproduced paragraphs from the Bondelzwarts Report may be of interest:—

"The Richtersveld is, generally speaking, the country bounded by the Steinkopf-Port Nolloth Railway, the Steinkopf Reserve, the Orange River and the sea. It consists of approximately 700,000 morgen of stony arid country with occasional water holes and patches of fertile land. For many years it has been inhabitated by Bastard Hottentots, kith and kin to the Bondelzwarts. The present captain is an honest and wretchedly poor Hottentot, Zwartbooi Links, by name. He is the representative of the New Law Party which remains loyal to the Union Government and the new order of things. Opposing him is the Old Law Party which is under the influence of le Fleur's emissaries and longs for what they consider the good old days, and is looking for the time when the coloured people may enjoy some measure of independence. The leader of this party is Ryk Jasper Cloete, who by reason of his comparative wealth has been gaining ground at the expense of Links.

"The people of the Richtersveld are very poor, ignorant and backward. Except for a small struggling school conducted by a teacher evangelist, there are no agencies of social welfare, and the people are at the mercy of chance visitors for news and views. The people pay no taxes, and for many years do not seem to have come in contact with the Government except when

they visit Port Nolloth to get licences for the purchase of ammunition. Fugitives from justice from the Union who got into the Richtersveld were generally left alone by the police. The only people to visit the Richtersveld were prospectors and occasionally traders. For the most part the people are within the Union, and yet not part of the Union. Our chief source of information regarding the country has been obtained from the Report of Surveyor Melville, who was sent up in 1891 by the Cape Government to report on the since abandoned Rhenish Mission Station.

"Here was a country where the Native policy favoured by some Europeans 'of letting the Natives alone' was being literally carried out. The danger of this policy is that while the Government and loyal subjects may leave these people alone, the disloyal or agitating element in our body politic will not leave them alone.

"The Commission holds that to develop the people in this part of the Union and to prevent any possibility of unrest and outbreak among the people of the Richtersveld, that this district must be brought under the improved Communal Reserve system mentioned previously, and that every facility be given to any European controlled Mission Society which may be invited by the people themselves to work among them."

"More definite improvements which naturally suggest themselves as remedial measures for the Communal Reserves of this North Western corner of the old Cape Colony are:—

"(*a*) *Extension of Reserves*: The Reserves are fully populated, and to accommodate the number of landless people in urban locations and farms, it is recommended (1) that the Steinkopf Reserve be extended to the Richtersveld boundary, and (2) that a new Reserve be set aside for the Hottentots in the Gordonia District. Some authoritative statement should be made at an early opportunity that the Government does not intend to expropriate or curtail the existing reserves, for unguarded and foolish talk is agitating the people and playing into the hands of enemies of the State.

"(*b*) *Government of Reserves*: The system of government of Reserves by the Mission Reserve Boards is in keeping with the political instincts of the Bastards and is working well. It is desirable that a greater share of the responsibility should be given to the people themselves in conducting their meetings.

"(*c*) *Economic Position*: Leading testimony at Port Nolloth and Steinkopf testified to the fact that poverty was in a great measure due to the mode in which the traders dealt with Natives. One of the chief obstacles to the development of these people is the credit system of trade. With the natural weak-

ness of Natives to live for the present day alone the great majority of the people are in debt to the storekeepers. At harvest time it is a common sight to see wagons of the traders outside the threshing floor taking away two bags of wheat for the one they have advanced on credit. A further obstacle is the practice which obtains whereby the trader does not pay cash, but barters goods for stock. They prefer to barter, and if the Native refuses to accept goods they will not take his stock. To counteract the evil of the credit system it is recommended that means be taken to restrict extended credit and to establish communal stores."

Thaba 'Nchu and Representations.

In December the Commission visited the Thaba 'Nchu and Seliba Reserves, for the purpose of meeting the Natives in the Thaba 'Nchu District, Orange Free State.

Several representations were placed before the Commission, the most important of which related to the land question in that District. This question was brought prominently to the notice of the Government and of the public in a printed minute [U.G. 25—'16] by Sir William Beaumont, Chairman of the Native Land Commission. In that minute Sir William drew attention to the fact that Native owned farms were gradually becoming heavily mortgaged to, or owned by, Europeans, and that while the Natives were steadily increasing in numbers the land owned by them was also steadily decreasing.

The primary factors leading to this gradual but certain elimination of the Native landowner are two.

The first is the Native characteristic to mortgage his land for some immediate advantage without looking forward to the inevitable and ultimate liability to pay for the advantage. A mortgage is passed, the Native receives the money and spends it: interest accumulates, personal debts are incurred and then, what simpler than a second mortgage. The process is repeated until foreclosure ensues.

Then comes into prominence the second factor—namely that when the land is to be sold Natives are not allowed to buy. Strong representations were made against this restriction, and the Commission was urged that as the Thaba 'Nchu District was originally a Native territory which had been annexed to the Orange Free State the Barolong people should be allowed to purchase land anywhere in that District.

Having regard to the history of this District, to the fact that while the old law of the Orange Free State precludes the ownership of land by Natives yet Chapter XXXIV. of the Law Book made special provision that land owned by a Native in the Thaba 'Nchu District might be inherited by, or disposed to, "his parents, children, or their descendants or to his brothers or sisters," the Commission thinks that the law should be altered to allow Barolongs to acquire by purchase or otherwise Native owned farms in Thaba 'Nchu District and has recommended this to the Government. [U.G. 36—'23.]

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UNION OF SOUTH AFRICA.



REPORT

OF THE

Native Affairs Commission

FOR THE

Year 1923.

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

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UNION OF SOUTH AFRICA.

Report of the Native Affairs Commission for the year 1923.

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

To His Excellency the Governor-General.

In terms of the Regulations published under Government Notice No. 2004 of 1920 the Native Affairs Commission begs leave to submit a report of its work for the calendar year 1923.

During the year 20 formal meetings were held, at all of which the Secretary for Native Affairs or the Under Secretary were present, and at these meetings a large number of matters relating to the general conduct of the administration of Native Affairs were discussed and advice tendered.

The Commission had under consideration during the year legislation affecting Native Taxation, the Pass Law and Marriages according to Native Custom.

An account of the activities of the appointed members is attached—Annexure A.

J. C. SMUTS,
Chairman.

ALEX. W. ROBERTS,
L. A. S. LEMMER,
C. T. LORAM,
Members.

R. S. MEDFORD,
Secretary.

Pretoria,
31st December, 1923.

[U.G. 47—'23.]

ANNEXURE A.

SUPERINTENDENT OF EDUCATION, NATAL.

Secondment of Dr. Loram.

The Commission was deprived of the valuable services of one of its appointed members by the secondment of Dr. Loram to act as Superintendent of Education, Natal, from the 1st May for a period of four months, during which the other two appointed members carried out the duties of the Commission.

APPOINTMENT OF SECRETARY FOR NATIVE AFFAIRS.

Appointment of Major Herbst.

2. During the year Mr. E. Barrett retired from the Public Service and Major J. F. Herbst, C.B.E., was appointed as his successor to the post of Secretary for Native Affairs.

3. In welcoming Major Herbst the Commission feels assured that he will do all in his power to help it to maintain a close and cordial relationship with the Department of Native Affairs.

NATIVES (URBAN AREAS) ACT.

Act 21 of 1923.

4. It is with great satisfaction that the Commission records in this Report the passing into law as Act No. 21 of 1923, of the Natives (Urban Areas) Bill, which will come into force on the 1st January, 1924.

Views on Bill.

5. Reference has been made to that Bill in previous Reports, and to the various steps taken by the appointed members of the Commission to obtain the views of Natives and local authorities on its principles and details.

Bill referred to Select Committee.

6. The Bill was referred to the Parliamentary Select Committee on Native Affairs (upon which one of the appointed members sat and before which the other appointed members gave evidence), and emerged from that Committee with an alteration in the principles in two respects.

Alteration of principle.

7. In the Bill as introduced a local authority could, if it so desired, allow Natives to acquire the ownership of lots in a Native village, but the Select Committee recommended that a local authority should only be granted power to lease such lots to Natives. This recommendation was accepted by Parliament and is now law.

Second change in principle.

8. The second alteration in principle adopted by the Select Committee, was the incorporation in the Bill of certain sections of the Natives Registration and Protection Bill, under which "proclaimed areas" may be constituted within which any of the following powers may be exercised, certain classes of Natives being, however, exempt from these provisions:—

Provisions in Proclaimed Areas.

(*a*) requiring the compulsory registration of contracts of service entered into by male adult Natives with their employers;

(*b*) requiring every male Native entering a proclaimed area to report his arrival and obtain certain documents;

(*c*) enabling the entrance or residence of a Native under 18 years of age to be prohibited unless he is accompanied by a parent or guardian willing to support him;

(*d*) enabling the establishment and control of such accommodation as may be necessary for Natives seeking work;

(*e*) enabling the licensing of casual Native labourers;

(*f*) requiring Natives out of employment to report to prescribed officers and to reside at prescribed places;

(*g*) requiring a Native to leave a proclaimed area if unsuccessful in finding work.

9. The alterations recommended by the Select Committee were accepted by Parliament.

NATIVES REGISTRATION AND PROTECTION BILL.

Bill considered by Select Committee.

10. In its last Report the Commission referred to the Native Registration and Protection Bill and it may here be stated that that Bill was introduced into Parliament and after being read a first time its subject matter was referred to the Select Committee on Native Affairs for enquiry and report. The Committee recommended that legislative action should not be taken during the Session of 1923 on the remaining provisions of the Bill. Those provisions were referred to and fully considered by the Native Conference and its views will be found in paragraph 98 and in Annexure B.

Considered by Official Conference.

11. The Bill was also tabled for discussion by the Official Conference (paragraph 121).

Commission's views.

12. In view of the proposal to bring about uniform Native taxation throughout the Union to which reference is made in paragraphs 66 and following which will, in effect, result in a general registration of Natives for taxation purposes the Commission is of opinion that the possibility of making the tax receipt the basis of registration under this Bill should be explored. Such a suggestion was put forward by many sections of the Native people but has hitherto been found to be impracticable on account of the differing systems of taxation in the several Provinces.

VISIT TO BRITISH BECHUANALAND.

Extra taxation.

13. In April the Commission visited British Bechuanaland and held meetings with Natives at Mafeking, Ganesa Reserve (Vryburg District) and Taung, and took the opportunity of warning the Natives that additional taxation would have to be imposed upon them owing to the necessity of providing extra funds for Native education.

[U.G. 47 -'23.]

Native troubles.

14. At those meetings the Natives brought forward matters which were troubling them, and the Commission replied wherever it was possible to do so.

Matters of general interest.

15. Amongst the many subjects mentioned, the following representations with the Government's replies are of interest.

Desire to alter effect of judgment.

16. The first representation was that legislation should be passed to overrule the decision of the Appellate Division of the Supreme Court in the case of Matlala *versus* Montsioa, inasmuch as:—

Reasons.

(i) Personal instead of territorial jurisdiction in the case of Chiefs is not in accord with either Native custom or European practice, is subversive of discipline, leads to difficulty in the management of Reserves, and creates friction.

(ii) The Natives object to the Reserves being under the Locations Act, 1884, as this means firstly that the final allocation of land is taken out of the Chief's hands, and put into the hands of the Magistrate or other Government official, and secondly that the existing allocation will be disturbed.

(iii) Natives consider that Chiefs are such as of right and object to the appointment of Chiefs by the Government.

Government's reply.

17. The reply of the Government to this representation was to the effect that there could be no question of reversing by legislation the decision of the Appellate Division of the Supreme Court in the case of Matlala *versus* Montsioa, which was merely declaratory of the law as laid down by the British Bechuanaland Proclamation No. 2 of 1885.

Government's views on reasons.

18. That in regard to (i), (ii) and (iii) the Government's views were:—

(i) Having regard to the progress in civilization of a large number of Native people and the weakening of the tribal tie owing to modern conditions of industrialism, locomotion and education, any question as to the jurisdiction of Native Chiefs in British Bechuanaland would be little likely to commend itself to general acceptance amongst Natives. Difficulties in the management of Reserves were not likely to arise if the advice of the Government officials appointed in the interests of the Natives was sought.

(ii) The final allocation of land should be in the hands of an impartial officer rather than a person who may be subject to influences of bias and prejudice. In practice the allocation is left with the Chief, but it would hardly be of advantage to the Native people if the power to rectify abuse were removed. There was no proposal to disturb existing allocations unless injustice could be shown.

(iii) It was recognised that Natives living in tribal conditions are generally attached to traditionary

principles and due consideration is given to this fact when a succession is in question. Disagreement as to rights of succession is, however, a very frequent source of contention amongst the South African tribes.

19. The second representation was that the Government had been guilty of a breach of faith having regard to the conditions under which the Natives in British Bechuanaland came under the British rule, seeing that:— Alleged breach of faith by Government.

(i) The rights of Chiefs had been taken away and they were told that they were chiefs only in name. Reasons.

(ii) The Natives are told that the Reserves are not their own land but belong to the Government and the Natives wish all their original rights restored to them.

20. The Government's reply to this was that the Union Government had taken over British Bechuanaland as an integral portion of the Cape Colony to which it had been annexed by the Crown under definite conditions which have been carefully observed. The Government was not aware of any specific " conditions under which the Natives in Bechuanaland came under the British rule," but conceived that the British Protectorate was found necessary in the interests of peace, order and good government as stated in the Proclamation of the 30th September, 1885, by which the Protectorate was established. These interests it is the purpose of the Union Government to maintain. If the Natives intended to refer to the letter of Sir Sidney Sheppard to Badirile Montsioa in 1885 it may be remarked that in the case of the Union Government *versus* Montsioa, tried in 1914, the present Chief Justice of the Union stated that there was nothing before the Court to show that His Honour's promises had been disregarded by the Governments either of the Cape Colony or the Union. Government's reply.

21. The third representation was that when the Natives came under the British rule they gave up their arms, paid taxes and remained loyal and peaceful and in return were told to occupy their land. To-day, however, their land had been taken away and cut up into farms. They wished to have their land back. Alleged loss of land.

22. To this the Government replied that after the British occupation consequent upon Sir Charles Warren's expedition of 1885, a Land Commission was appointed by the Imperial Government to settle the whole question of allotment of land including Native Reserves in Bechuanaland. The Commission kept in view the necessity for making ample provision for the Native population as is borne out by the fact that in demarcating the Ganesa Reserve (from which the complaint originated) a provision of 24 morgen per unit was allowed. That Commission issued a report dated the 29th May, 1886, containing its recommendations as regards Native Reserves. Those recommendations were accepted and have been regarded as final by the Imperial Government, the late Cape Government's reply.

Government and the Union Government. No land had been excised from the Reserves recommended by the Land Commission and indeed they are specially protected from alienation by statute.

Position of Chiefs.

23. The fourth reprsentation was that Chiefs no longer have privileges but are called "headmen." People no longer bring their cases before Chiefs and if they do their decisions are upset.

Government's reply.

24. The Government's reply to this representation was that sections 31 and 32 of British Bechuanaland Proclamation No. 2 of 1885 conferred jurisdiction upon the Chiefs and those sections are still of full force and effect. In fact section 31 provides that "Native Chiefs in British Bechuanaland shall have original and exclusive jurisdiction in all civil cases between Natives of their tribes respectively." The allegation that people no longer brought their cases before Chiefs only served to prove that the Chiefs have, perhaps, in a large measure lost the confidence of their followers while the further allegation that if cases are brought before Chiefs the decisions are upset would seem to indicate that the lack of confidence is not altogether unwarranted.

TRANSKEIAN TERRITORIES GENERAL COUNCIL.

Suggested yearly visits to Transkei.

25. The Commission attended the first two days of the Transkeian Territories General Council Session in May and took part in the debate on the following resolution which was adopted by the Council:—

> "That the Government be respectfully requested to arrange yearly visits of the Native Affairs Commission to the Transkeian Territories with a view to holding conferences of consultation with the Native ratepayers on matters affecting them and to sit at central places such as Butterworth, Umtata and Mount Frere."

Commission's views.

26. The views of the Commission on this resolution were conveyed to the Government in a communication in the following terms:—

> "The Commission feels that the Natives of the Transkeian Territories are in a very favourable position through their Districts Councils and the General Council to voice collective views on matters affecting them. And it does not seem wise to the Commission that it should arrange for the fixed and formal conferences suggested and thus, as it were, induce the people to go past their own organizations and the administration.
>
> "While, therefore, the Commission cannot support the resolution it has decided that should any community of ratepayers desire that matters affecting them be specially brought to the notice of the Commission such

matters should first be discussed by their District Council and if that Council approve be then tabled as substantive motions in the General Council. The Commission will endeavour to arrange for one or more of the appointed members to be present at the General Council when those motions are discussed.

"I am to add that the Commission will at suitable opportunities when occasion permits visit the Transkeian Territories just as it does other parts of the Union in carrying out its duties.

"In conclusion I am to ask that should any motion be tabled in this connection early notification be conveyed to the Commission."

MISSIONARY CONFERENCES.

Mission work.

27. Recognizing the valuable work which has been done in the past by mission bodies, both the Government and the Commission regard missionary effort as a part of the administration of Native Affairs.

Commission keeping in touch.

28. This being so the Commission tries to keep in touch with mission work and, when invited to attend missionary conferences, endeavours to be present at the discussions.

Co-operation.

29. While wishing to co-operate with mission bodies the Commission has not found it possible to lay down any hard and fast rule as to the best method of doing so.

Guiding principle.

30. It has however accepted as its principle, that the relationship between itself and those bodies should be cordial without being binding, and that any views put forward by them should receive its most careful consideration.

NATAL MISSIONARY CONFERENCE.

Information given to Conference.

31. The Commission was invited to attend the Natal Missionary Conference in July, and the opportunity was taken to explain the attitude of the Commission in regard to mission bodies, as well as to afford information in regard to the manner in which the sum of £60,000 granted by the Government for Native education would be spent.

Marriage Bill.

32. Individual expressions of opinion of members of the Conference, although no vote was taken, were listened to in connection with the proposed Native Marriage Bill and the conditions of recognition of Native Separatist Churches.

ENGLISH CHURCH MISSIONARY CONFERENCE.

Inability to attend.

33. It was with regret that the Commission found itself unable owing to a previous engagement to accept the invitation of the Provincial Missionary Conference of the English Church of the Province to be present at its meeting at Grahamstown in November.

CONFERENCE CONVENED BY DUTCH REFORMED CHURCH.

Constitution.

34. The Federal Council of the Dutch Reformed Church arranged for a Conference to beheld in September in Johannesburg, consisting of representatives of the Council, Christian Churches, Native Welfare Societies and other bodies working among Natievs, as well as leading Natives, to discuss the Native question generally and the attitude which the Christian Churches should adopt towards the grievances and aspirations of the Native people.

Proposed attendance of Commission.

35. The Commission was advised by the Government of the intention of the Federal Council to hold this Conference and to ask the Commission and a Minister of the Crown to be present.

Subjects for discussion.

36. The subjects which were proposed for discussion and upon which it was hoped the Conference would pass resolutions included:—

(1) The teachings of Christianity as the basis for a Native policy.
(2) The administration and contents of Native Education.
(3) The application of the Urban Areas Act among Native communities.
(4) Segregation as a fundamental plank in Native policy.
(5) The land question and the application of the Natives Land Act of 1913.
(6) How may the legitimate political aspirations of the Natives be met?

Government's request for advice.

37. The Commission was asked for advice as to what attitude the Government should adopt in the matter and in considering the subject the Commission at the same time decided what its position would be should it be invited to the Conference.

Commission's decision.

38. The decision arrived at by the Commission and accepted by the Government was conveyed to the Federal Council in a letter from the Secretary for Native Affairs in the following terms:—

> "Mr. Malan desires me to say that on observing the subjects which it is proposed to discuss at the conference he submitted to the Native Affairs Commission for consideration and advice the question as to whether a representative of the Government or members of the Native Affairs Commission should accept the invitation of the Federal Council to be present at and take part in the proceedings of the conference.
>
> "As a result of careful consideration both the Government and the Native Affairs Commission are of the opinion that it would be unwise for either of them to take part in the proceedings. From the very nature