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

South Africa. Native Affairs Commission

1927
Cape Times Limited
http://hdl.handle.net/10539/18415

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civilised the black man became he could never stand up against the white. The latter had had too long a start—the engines of war were at his disposal.

If the Natives were driven to believe that injustice was being meted out to them then they might be a real danger to the whites, and the grandsons of all those present might have to face that position.

The safest policy was to prove and convince the Natives of the justice of every proposal and to give them liberty to develop to the best of their ability.

The stopping of the franchise would be purely transient—it could not last. Their future generations would be in a position to insist upon getting fair play.

If injustice were committed to-day it would result in a legacy of discomfort, suspicion and ill will.

In the West Indies white and black live happily together—there is no fear of the black man there. In America negroes are living amicably with the whites with full opportunity to develop.

If the Government wished white dominance to endure the best way was to give fair play to the black man.

Delegates came to the Conference with full realization of their responsibilities : but the resolutions passed were never referred to Parliament. If those resolutions were not to be noticed it might be as well if the delegates remained at home.

He asked that Mr. Sakwe's resolution be submitted to the Acting Prime Minister in order to ascertain whether the Bills could be taken separately.

If the Bills were taken on their individual merits they might be able to help the Government, but if the Bills were indissoluble they might as well go home.

Rev. Kuzwayo could not understand why Government treated the Natives differently.

He did not want the Cape Natives to be deprived of their franchise which they regarded as a ladder for the Natives' success.

Mr. Mahonga wanted to know whether the King was aware of the proposal to take away the franchise.

He had been instructed to object to the Cape vote being taken away.

Mr. Gonyane intimated that the Northern Natives had hoped for the extension of the Cape franchise. The principle of the Bill was bad.

The Cape franchise should remain and franchise in some shape extended to the North.

No Native outside a lunatic asylum would agree to the Cape vote being taken away.

Mr. Mlandu requested that the views of the Acting Prime Minister be obtained.

The Chairman said he could see no difficulty in the Bills being discussed on their own merits.

The Prime Minister had informed him some time ago that the four Bills must all become law or none at all.

Mr. Plaatje agreed with Mr. Jabavu regarding the fallacy of black supremacy.

He moved that the Conference should reject the Bill.

Mr. Fenyang seconded.

Mr. Thema agreed that the Bill should be rejected but in such a way that there might be no mistake or twisting in the future.

The Natives tried to swamp the whites at Fish River—unsuccessfully. History shows that Natives had helped the whites against other Natives : not only in wars but in exploiting and opening up the country.

As a race the Natives were good natured, but if they were told every day they were a danger then they *would* become a danger.

The Natives recognized that the whites had come to stay and had brought the good things of Western civilization and it would not be to the advantage of the black man to drive them out.

The whites had resources in European immigration, or, let them give white women the vote.

He moved :

> "In view of the strong and unanimous feeling expressed by the Transvaal, Free State and Natal representatives against the abolition of the Cape Native franchise as proposed under the Representation of Natives in Parliament Bill, and in view also of the fact that the proposed Native legislation affecting franchise emanates not from a desire to grant franchise to Natives in the Northern Provinces but rather from the mistaken fear on the part of the European public that white civilisation and white supremacy will be endangered; this Conference finds itself unable to consent to this measure which is directed against the future political rights of the people of the Union. It rejects the Representation of Natives in Parliament Bill.
>
> "Further the Conference suggests that the Government should enfranchise all European women as a safeguard against any possible swamping of Europeans by Natives, and then extend the Cape Native franchise to Natives of the Northern Provinces as this is the only policy which will ensure goodwill and harmony between the races, and peace and prosperity for the country.
>
> "Or, alternatively, we ask the Government to initiate a small beginning of a grant of franchise rights to the Northern Province Natives but leaving the Cape Native franchise untouched."

The Conference adjourned until the following day.

[U.G. 17—'27.]

SECOND DAY.

Wednesday, 3rd November, 1926.

Mr. Herbst in the Chair.

Mr. Jabavu said that in regard to Mr. Sakwe's motion he had listened to the Chairman's views. But the point was that the Bills were a reconstruction of Native policy. The delegates had to carry out their duty to their people. They had to put the views of the Native people no matter how impracticable they appeared to European officials.

He asked that Mr. Sakwe's motion be transmitted to the Minister.

Mr. Sakwe's motion was read and put to the Conference.

Motion unanimously adopted.

The Chairman enquired whether it was the wish of the Conference to postpone further discussion until the Acting Prime Minister met the Conference at 4 o'clock on Thursday.

Mr. Jabavu said that they had come to an impasse. They wanted an assurance that their action would not be misconstrued. They would be in a false position if they accepted one Bill. He thought the Acting Prime Minister should attend the Conference the whole time so as to decide on questions which arose. The Conference was more valuable than others where Ministers were present all the time.

Mr. van Niekerk thought it would be advisable to get the Acting Prime Minister's opinion, but in the meantime if a motion were tabled that the principle of the indivisibility of the Bills was not accepted the Conference could go on with the business.

Mr. Gonyane thought the Bills were like the ten Commandments—if one broken, all broken.

They were afraid that if they agreed to one they might be held to agree to all.

The Chairman suggested that the Bills could be considered separately if the last clause were deleted.

Mr. Fenyang stated that they had acted on the lines of the Chairman's suggestion at previous Conferences, but at no time had their proposals been mentioned in Parliament.

The Resolutions of the Conference should be mentioned in Parliament.

The Chairman reminded Mr. Fenyang that the Prime Minister had explained at the last Conference why the resolutions could not be formally tabled.

He would adjourn the Conference and put the resolution before the Acting Prime Minister.

The Conference adjourned and resumed at 10 *a.m.*

The Chairman stated that he had seen the Acting Prime Minister who had furnished the following written reply :—

"As far as I know Gen. Hertzog's policy is to make the three Acts interdependent.

"In some respects the Natives may feel that they lose something, a position which I do not admit, but taking them as a whole the Native population is certainly benefitting greatly.

"If I were in charge of these measures I should certainly not permit one measure to be passed and the others to be rejected.

"I am therefore strongly in favour of the maintenance of the position that they are interdependent.

T. J. ROOS.

3.11.26."

Mr. Jabavu wished to make it clear that the position of deadlock due to this reply was not the fault of the Natives. They were unable to accept the principle of interdependence. That fact committed the Conference if they discussed the Bills to-day.

The strength of a chain of Bills depends on its weakest link. He realized the position taken up by the Government: it was "buy this by giving that." He would be doing a great injustice to his people in accepting one or two points in the Bills while they are unalterably against the principle of interdependence.

They must wait until the Prime Minister returned and then thrash out the principle with him or allow him to carry out his full will in the knowledge that they were against the principle.

They were labouring under a full sense of their responsibility to their people and if they compromised they would betray their people.

The Bills were drafted on a wrong principle and could not be accepted.

He did not mean that all the Bills were entirely bad, but the price they were asked to pay for the advantages offered was too dear.

Mr. Thema associated himself with Mr. Jabavu's remarks. The Bills, he pointed out, would have to be passed by a joint sitting and the experience of such a sitting did not make them want another.

The Government seemed to want to steam-roller the Bills. The Government wanted them to say that if one Bill was good then the others were also good.

Everything revolved on the fact that the Government wished to take away the Cape vote.

There could be no compromise on the Cape vote.

They felt they could not do anything but to decline to discuss the Bills until the Prime Minister separated them.

They were only an advisory body, but they did not like that the Government should be able to say it had consulted the

Natives when the Conference resolutions were not put before Parliament.

They were in a difficult position and knowing that the interests of their race were at stake they were content if they could not get the concession to let the white people legislate as in the past.

They were not unwilling to assist the Government but it has placed us in the position which should be made known to the country. The fault was the Government's.

Mr. van Niekerk explained the parliamentary procedure in regard to objecting to the principle of the Bill and then trying to make its details as good as possible.

He suggested that having made their protest they should tackle the details of the Bills.

The Chairman said that the matter should not be disposed of so lightly. The position was serious as their attitude to-day might affect the whole question of consultation with the Natives. Delegates had stated that the Conference was an advisory body called together to advise the Government. Were they acting as such ? or were they adopting the function of a parliament ?

The Government had asked them to consider the policy enunciated by the Prime Minister, and owing to the rules of parliamentary procedure that policy had to be dealt with in four Bills, each to be considered in accordance with such rules.

As far as he understood the proposals of the Government the Conference was not tied down by the clauses making the Bills interdependent. All they were asked to do was to consider the Bills on their merits. The clauses in question were meant to bind Parliament, but Parliament might reject them or the Government at the last moment might delete them.

By merely asserting the fact they could not throw the responsibility on the Government.

Chief Zibi moved that the Conference adjourn for an hour.

Dr. Roberts said he spoke under some difficulty. He had always been proud of the Conference and he had never hesitated to speak of it as an example of the patience and wisdom of the Native people.

When he had pressed for a Council Bill he knew it would give forth the wisdom of such a conference.

He asked them not to do anything which would bring down the honourable past lying behind the Conference and which would cause them to be misjudged by the people of the country.

On some of the matters he felt as strongly as any man in that hall and when the opportunity was given to him in Parliament he would take it. But he was not such a coward as to say " I won't have anything to do with this." He would discuss it.

Where they had objections and protests let them make them as strong as possible. That was the road for sensible men to pursue.

They had already protested against taking away the Cape franchise ! Why had they not taken up the position at the start ? They *had* already discussed one Bill ! They had gone one-third of the journey—were they going to return ?

If in the middle of the proceedings they said they would not go any further they would give a most unfavourable impression to the country.

He hoped they would go on and indicate their dislikes.

He hoped the meeting would not be abortive.

Rev. Mtimkulu seconded Chief Zibi's motion.

Motion put and carried.

The Conference adjourned until 11.30 *a.m.*

Chief Zibi said that as their protests had already been registered the delegates were prepared to go with the discussion of the Bills.

Mr. Thema's motion was read.

Mr. Fenyang seconded the motion.

Mr. Qamata moved that all reference to women in the motion be deleted.

Chief Sioka seconded the amendment and said that women's franchise depended on the abolition of the Cape Native franchise. Both parties in Parliament had agreed to give the vote to women if it could be confined to white women.

Mr. Jabavu said Mr. Thema's motion expressed what they wanted, but he did not wish to express an opinion on the question of votes for women. It was only in the motion as a constructive proposal and he did not think it wise that the Conference should formulate a resolution on the matter. He supported the amendment.

Mr. Thema said he could not accept the amendment. It was said that women would get the vote when the Native franchise went. There was therefore more reason for them to get it now as this might abate the fear of the white man.

Mr. Qamata's amendment was put and carried (only three voting against it).

Mr. Thema's motion, as amended, was read :—

> " In view of the strong and unanimous feeling expressed by the Transvaal, Free State and Natal representatives against the abolition of the Cape Native franchise as proposed under the Representation of Natives in Parliament Bill ; and
>
> " In view also of the fact that the proposed Native legislation affecting franchise emanates not from a desire to grant franchise to Natives in the Northern Provinces but rather from the mistaken fear on the part of the

European public that white civilization and white supremacy will be endangered.

"This Conference finds itself unable to consent to this measure which is directed against the future political rights of the people of the Union.

'It rejects the Representation of Natives in Parliament Bill.

"Alternatively it asks the Government to initiate a small beginning of a grant of franchise rights to the Northern Provinces' Natives, but leave the Cape Native franchise untouched."

Motion put and carried (3 *against*).

Mr. Plaatje said he did not understand where they were. They had fully discussed the Bill and did not want to go into details.

The Chairman pointed out that the Conference had objected to the principle of the Bill, but that did not mean they need not discuss each clause.

Instead of rejecting the Bill the Conference should have advised against it.

The Government may send the Bill in its present form to Parliament and the Conference should advise on each clause, *e.g.*, in regard to method of voting, number of members, etc.

However, he left it to the Conference to decide.

Mr. Jabavu said the delegates really meant what the resolution said.

The Conference would reject each clause. There was not one clause they liked. He suggested that the Conference should pass on to the next Bill.

This was agreed to.

The Chairman said that the Natives Land Act Amendment Bill was a most intricate one and no doubt after the delegates had read it the first time their heads were in a whirl.

Anyone who had read the Natives Land Act, 1913, would realize that territorial segregation of land was now a dead question. That principle was decided and accepted in 1913 and the whole administration of the Act was on that principle.

The 1913 Act contemplated that until definite areas were set aside where Natives could enjoy the right to purchase and lease the position of 1913 was to be maintained. That is to say, no Native could acquire land except in the Scheduled Native areas.

Mr. Sauer promised to assign by Act of Parliament as soon as possible areas where Natives could buy.

The Beaumont Commission was appointed and reported in 1916.

In 1917 the Government brought in a Bill which contained a schedule of areas where Natives could buy land. That Bill passed its second reading and was referred to a Select Committee.

Then the trouble began. The Select Committee reported that owing to the mass of evidence challenging the Beaumont Commission's recommendations, it was unable to make any recommendations in the short time it had.

It suggested the appointment of Committees to revise the Beaumont recommendations and submit proposals.

The Government, in view of the agitation and of the fact that Natives were assisting in war areas, accepted that suggestion and postponed the matter.

Local Committees made investigations and submitted proposals.

Nothing further was done, and the result was that no Native can buy land outside a Scheduled Native Area—except by the grace of the Government.

That was not the position, however, in the Cape owing to the franchise qualifications. There a Native could buy where he liked subject to the Cape Squatters Laws.

From 1913 it had been necessary to deal with the needs of the Natives by administrative means, otherwise great hardship might have occurred, and for this purpose the Government laid down conditions under which Natives could purchase.

Various stages had been passed through since 1913.

At first until the issue of the Beaumont Report Government had strictly followed the Act of 1913 and no Natives were allowed to buy land in European areas.

When Parliament turned down the Beaumont Report another stage arose and the Government acted then as if that Report would in general be accepted by Parliament later on, and gave Natives permission to buy in specific cases.

After the issue of the Committee's Reports the third and existing stage was reached and the Government allows Natives to purchase and lease land in the Committee areas.

Thus there was little difficulty in getting permission to purchase in the areas called " released areas " in the Bill and marked " red " on the maps in the Hall.

They must realise that the Natives had acquired no *right* to buy in the " red " areas. It was only the policy of the Government to allow them to do so.

The policy had not been legalized by Parliament.

The difference between the Beaumont recommendations of 1917 and the Committees' proposals affected Natives mostly in regard to Crown land. He had not heard Native opinion on that point and he would like to know whether their opposition to the proposed areas in 1917 was not a mistake. For he believed that it was largely because of the Native opposition assisted by certain Europeans friendly to the Natives that the Bill of 1917 did not become law.

Now in 1927 it was impossible to get the land they could have got in 1917. This was due to many causes, which it was unnecessary to state. But speaking from inside knowledge

he knew it was impossible and he thought that every friend of the Native regretted that the Bill of 1917 did not pass.

Take the Crown land—there was still some in the Transvaal —nothing in the Cape—very little in Natal—none in the Orange Free State—while in 1917 there were thousands of morgen available. They had disappeared and Europeans were in occupation.

The Act of 1913 would stand and the Bill was to be read as one with that Act.

If necessary an explanation of each section would be given.

He wished, however, to refer to the drastic squatting provisions in the Bill, but they must remember that squatting laws existed in all the Provinces, and strange to say the strictest law was in the Cape.

If a landowner allowed one Native to live on his farm without service he broke the law.

Now, although the Cape law allowed 100 Natives to buy a farm only one of them had the absolute right to live on it. If the other 99 wanted to enjoy rights of residence they had to make application to the Divisional Council and if that Council agreed the Magistrate would then issue licences to the 99 and each would have to pay £2 p.a. for the licence.

This would perhaps be news to the Transvaal delegates.

Chief Tombela hated the mention of the Natives Land Act which he compared to lysol.

The Bill would make them pay licences, while all the Natives wanted was to be allowed to reside on farms if the farmers were agreeable.

The Bill looked to the farmer to pay licence fees and if *he* paid them he would regard the Natives as slaves.

He failed to understand why the released areas in Natal were so small when the Native population was so great.

The Natives should have broad lands as small plots meant quarrels and fights.

The Bill made no mention of wages for farm labour ; this should be fixed.

Adjournment from 12.30 *p.m. to* 2.30 *p.m.*

Chief Sioka asked that Mr. van Niekerk should explain Chapter II.

In the Bill the Government gave a good thing with one hand and a bad thing with the other.

Mr. Plaatje said that the previous day they had had a full discussion on the rights of the subject but that day they had to discuss the most vital right—the right to live on the soil of South Africa.

He had compared the maps with the Schedule of the Bill and that of the principal Act and he did not place much reliance on the maps.

The Bill reminded him of a jackal trap—a nice piece of meat with poison inside. If the Native accepted the Bill they would be more stupid than a jackal.

The Natives had as much right in the Union as those people who had the right to buy in the white areas.

His title to live in the Union was not based on birth alone, or as a member of a tribe seeing that his forefathers fought side by side with the voortrekkers.

Land legislation on the lines of the 1913 Act was the most cruel ever devised.

Mr. Fenyang pointed out that leave had been given in all the provinces to Natives to buy land since 1913 except in the Orange Free State on account of Chapter 34 of the Law Book.

The people in the Orange Free State did suffer through the 1913 Act. Families trekked from Thaba' Nchu and unscrupulous people took advantage of them in Rhodesia where thousands perished in fever areas of that country. Officials—with the knowledge of the Union Government—came and touted, although the Government knew the nature of the country.

The Beaumont Commission recommended all the Native owned farms as " Native Areas " and those farms were included as " additional Native areas " in the Bill of 1917. The Natives of the Orange Free State did not oppose that Bill.

The Committee only recommended some of those farms as " released areas "—9 valuable Native owned farms are left out.

Further the Committee ignored the Beaumont recommendations in regard to the Districts of Fauresmith, Edenburg and Hoopstad.

The Chairman stated that the Government was acting on the Committees' reports—it did not support or defend them.

Mr. Thema considered the Bill to be a most important one. They looked at the maps and saw the red " spots " and the green " spots "—reserved for 5,000,000 Natives—while the 1½ million whites were to have the immense remainder.

The protest to the Act of 1913 was based on the proposition that the land should be found before the law was made. Natives were buying land in the Transvaal and the whites saw that the best land was going hence they passed a law to stop that; thus the 1913 Act was rushed while the Natives were told it was only temporary.

The Beaumont areas were opposed by the Natives on the ground that they were insufficient and unhealthy and by the whites because they were too much.

The Natives were told that the idea of the Act was to find land and set it aside for Natives only to buy. The Smithfield speech gives the same idea. But now the Government seems to find that the farmers are unwilling to give up land, so that the released areas are to be thrown open for both Europeans and Natives to buy.

This shows that segregation has failed?

If Natives are to compete with the Europeans in the released areas why are they to be debarred from competing in the white areas.

The Natives have no chance in the " red " areas wnere platinum exists and cotton planted. How could Natives compete with wealthy Europeans ? Besides where would the money come from ?

The Conference might consider the Bill if the " released areas " were made " Native areas."

As a matter of fact most of the released areas are already owned by Natives as is the case in the Rustenburg District.

There was no reason why Natives should not have an opportunity of buying land in the high veld.

The Bill would inevitably drive the progressive Natives back to tribalism. If he wanted to buy a farm the Government would have to know his father and grand-father and if he said they came from Pietersburg a " red area " would be pointed out ; and then if his tribe had already bought its quota of land he would be debarred from buying any more.

In fact the Bill said " You were divided into tribes in the past and you must remain tribes for the future."

Some Natives had worked since Union to break down tribalism because they did not like the conditions and wanted to think for themselves. So they had bought townships like Lady Selborne, Alexandra and others. They wanted to buy land where they liked.

It was hateful to be divided into tribes for land purchase.

Rev. Kuzwayo urged that the farms Redikerswel, Vergelegen, Goodgeloof, Wilderness, Tradouw and Spes Bona in the Emtonjaneni District should be constituted a released area.

Chief Kumalo thought the areas in the Orange Free State too small.

He suggested the repeal of the 1913 Act.

He came from Ladysmith and the tiny " red " spot on the map indicated Native owned farms one of which his grandfather had bought. He could not understand how these farms could be " released areas."

Rev. Mtimkulu said that after he had read the four Bills he understood the definition of the phrase " developing on our own lines " and this was " send the Natives back to tribalism."

There was to be free competition between whites and blacks in the released areas but their respective resources were not equal. The Native had no money and his earning capacity was being kept down by the Colour Bar Act.

The Bill prevented Natives from living where they liked. What farmer was going to take the trouble to register black men to work for him. A burden was being placed on the farmer who would have to pay licence fees.

Could not the Government follow the example of America, New Zealand and Australia ?

There were the various Masters and Servants Acts in existence and now this Bill proposed further burdens for the Natives.

He suggested that everything in section *one* referring to tribes be deleted.

He pressed for the deletion of all sections dealing with squatters and labour tenants.

In conclusion, he said, the land was not sufficient.

R. Mona asked the Government to pay special attention to the conditions in which the Natives lived in the Cape and give them additional areas. Their Reserves were too small. The released areas were very small—only two little farms in the Queenstown District.

It seemed that they would only be able to buy communally or tribally. The Natives were of different tribes and scattered about for work, and they were not living under tribal conditions.

They wished to be able to buy anywhere.

He suggested that the released areas be made additional Native areas to accommodate landless Natives.

Mr. Jabavu pointed out that the Cape was going to suffer most under the Bill. Firstly by the loss of privileges. The proposals in the Bill were most unsettling. Congestion was worst in the Cape. The density of the population in the Cape was 90 to 100 per square mile as against 40 in other parts.

The Bill prevented the Natives from buying where they liked and this was a serious matter.

Section *one* dealing with tribalism is most unsettling for the Cape. Take the District of Herschel—there the tribes were intermixed. This would give rise to claims to chieftainship which had been turned down. The Government was assuming the power to say who were a tribe. They wished to inform the Government that it did not know much about the matter.

Headmen were appointed by the Government which did not recognize hereditary claims.

He was anxious that the door be left open for individual tenure. Communal occupation was all right for the masses.

The Natives did not want the released areas to be limited for specific tribes. A Native should be able to buy anywhere in a released area. On this point he spoke for all black men.

The sources from which the Land Purchasing Fund would get its moneys would not give substantial sums. He suggested that it be laid down that money *must* be voted each year by Parliament.

The existing difficulties were due to the 1913 Act which had been invented by the Europeans with whom he sympathised in having to carry out the moral duty of a fair distribution of the land. Such a duty required christianity which the Natives had not seen as yet.

The white spaces were 80 per cent. of the Union and from them the Natives were to be debarred for ever and ever. Amen.

Chief Msinyane complained that Zululand had only two delegates. He deplored the changes which had occurred since the days of Queen Victoria.

The Conference adjourned until the following day.

Third Day.

Thursday, 4th November, 1926.

Mr. Herbst in the Chair.

Certain questions addressed to the Acting Prime Minister and notices of motion were handed in.

The discussion on the Land Act Amendment Bill was resumed.

Chief Sekukuni said he was glad that the Government had given the Natives an opportunity of expressing their views on the proposed legislation. Consultation was appreciated by them. He hoped the Bills would be altered to meet their representations.

Chief G. Makapan pointed out that the Natives were poor and unable to buy land.

Mr. Ramuba said the released areas were too small. He would like things to be as they were in the old times. The Natives had helped the Europeans with their lives but got no benefits. They were given scorpions for bread.

Mr. Sakwe considered that too little land was being released.

Tribal rule had been abolished in the Transkeian Territories where they had Government Headmen. The tribal position as laid down in the Bill prohibited Natives of one Province from getting land in another; this was not the case where Europeans were concerned and they could get land even in a released area.

The Europeans should be generous if they wished for industrial and land segregation. The land possessed by Natives was really Crown land. In a sense the Natives were squatters paying a perpetual quitrent.

It was alleged that the Natives did not make proper use of their land. Well, whose fault was it? Did the Government allow the Natives the same facilities as European farmers in the way of agricultural education and the Land Bank?

Chief Zibi said he wished to thank the officials of the Department of Native Affairs for the assistance they had given him in connection with his settlement in Rustenburg.

He asked that conditions in the Reserves should be made such that educated Natives would stay in them. It was a pity that all the educated Natives left for the towns and none left to uplift the masses. A people was not judged by the few but by the masses. The Cape had recognized this hence individual tenure had been introduced. He suggested that in tribal purchases the land should be surveyed and only the grazing be communal. Chiefs must grow with their people. The Bill assumed that the tribal people were not growing.

In the Transvaal they really had Paramount Chiefs because they really owned the land ; in the Cape the Natives might be described as paramount squatters.

Just as Natives respected the ownership of cattle they must learn to respect the ownership of land.

Chief Tombela enquired whether he could purchase land in the Orange Free State.

He enquired why the Government could not repeal the 1913 Act which was like a poison to the Natives.

Mr. Njokweni pointed out that the Peddie Natives were suffering on account of the insufficiency of land.

Mr. Langa was surprised to hear that the Natives in the Cape were paramount squatters. He pointed out that in Pondoland the land was reserved by Treaty rights.

Chief Sioka mentioned that he was a Basuto and under the Bill he would be unable to buy land in Natal.

He thought the Government should call a round table conference with all the leading Natal men.

Natal could not accept the Bill on account of the squatters provisions.

He asked that land be given to Chiefs who were landless.

There was no released area in Maritzburg District except a little farm " Weltevreden " already owned by Natives.

Mr. Morosi pointed out that Europeans could buy in released areas. This was in conflict with the legislation foreshadowed by the 1913 Act.

The released areas were said to be 7,000,000 morgen but much of this was already owned by Natives and if that were deducted little was really available for Natives.

Native farms in European areas would have to be sold to whites.

He objected to the differentiation in the tribal opportunity to buy land.

He suggested :—

(1) That all Native-owned farms be taken out of the released areas and added to the Scheduled Native areas ;

(2) that Europeans in the released areas be allowed to sell only to Natives or to the Government ;

(3) that Natives be allowed to buy land within released areas wherever situate irrespective of their tribes.

The Chairman pointed out that the Government had granted permission to Natives to buy in the released areas during the last ten years.

Rev. Mtimkulu said the Bill was something new in the history of South Africa. It proposed to give a man a licence to live upon the earth. It savoured of slavery. It said nothing about the coloured man, the coolie and any foreigner who came to the country. The Natives must suffer all the

hardships. They must not progress. The underlying principle was to keep the black man down. They were second to none in their loyalty but they were not getting a square deal.

Referring to the Orange Free State he would point out that in his own home the Prime Minister had no room for the Native.

He moved :

> "This Conference expresses its deep disappointment that the Prime Minister's Land Bill contains no message of hope for the landless Native of the Union and would respectfully appeal to the Union Parliament to defer legislation on land matters pending the introduction of a more liberal measure."

Mr. Plaatje seconded the motion.

He invited attention to the Cape map showing the small released areas and considered that the fairest segregation proposal would be to divide the Cape by a line following the railway line from Port Elizabeth to Bloemfontein.

In the Cape he could buy where he pleased and if the Government wanted him to give up this right they must make the released areas attractive.

Nothing was offered to the Natives in return for giving up their most cherished rights.

Chief Kumalo considered that the Act of 1913 was a failure and no amendment could make it good.

The Natives wanted liberty.

The 1913 Act should be repealed.

Mr. Qamata thought that provision should be made for the surplus population of the Cape where they were like ants.

He wanted the right to buy land anywhere in the Union.

Mr. Nkamane said they would be lunatics to accept the Bill. If the Government had no hole to bury them it should send them to heaven.

Mr. Thema said the Government was abandoning the principle of the 1913 Act and only releasing certain areas. Thus it admitted the injustice of the Land Act and that the separation of the races was a failure.

The 1913 Act did not apply in the Cape, and as the Representation Bill was rejected on account of the Cape, the Conference should reject the Land Bill in respect of the Cape.

He moved :—

> "1. That in view of the rejection of the abolition of the Cape Native Franchise by this Conference, the Conference finds that the Cape is faced with the similar danger in this Bill, and therefore strongly opposes its application to the Cape Province.
>
> "2. This Conference, realising that the Government have abandoned the policy of segregation, recommends that the whole country be released from the operation of the Natives Land Act, 1913.

Or alternatively, (*a*) the Government should adopt the Beaumont and Committee Areas in the Northern Provinces as minimum areas in which Natives only could buy.

" (*b*) That the allocation of areas according to tribes as prescribed in the Bill is strongly opposed as such will retard progress and civilisation among the Bantu people.

" (*c*) That the restrictions on Associations of Natives to purchase land be removed.

" (*d*) That Land Boards as suggested by the Beaumont Commission should be established for further adjustment of the land question.

" (*e*) That a Native Land Bank be established on the basis of the European Land Bank.

" 3. That farms bought by Natives and scheduled areas situated in European areas be added to Native areas.

" 4. That the whole of Chapter II be deleted as the ultimate effect of its application will bring about an economic enslavement of Natives. The Conference recommends that this Chapter be substituted by one dealing with Native development in agriculture and industry.

Mr. Jabavu seconded.

The delegates wanted to offer constructive criticism by this motion.

Their position was simply that they wanted to hold what they had and get more.

They did not want to prejudice the position in the Cape.

The 1913 Act had broken in the hand that forged it. The Europeans had been obsessed with the abstract idea of segregation without having considered the practicability of putting it into effect. They had been in a feverish hurry to put the idea on the statute book.

The first thing any reasonable man would have done was to find the land and then pass the Act. But the white people would not listen to the Natives.

He hoped the authorities would realise that the suggestions to repeal the Act were not made in a flippant spirit.

Rev. Kuzwayo hoped the Government would realise from the speeches that there was something wrong with the Native people on account of the 1913 Act. They were sick and the sickness was due to lack of land.

Chief Senthumulo said that the Bill should provide for the creation of new released areas when those set aside were full.

Chief Marcus Masibi pointed out that farms in the released area near his Location were of value owing to discovery of platinum. Europeans had already bought some and erected buildings valued at £5,000.

Europeans should not be allowed to buy in the released areas.

Mr. Gonyane hoped the Conference would support the motion.

At this stage the Hon. T. J. de V. Roos. Acting Prime Minister, entered the Conference Hall.

Mr. Roos stated that he had only come to answer the questions which had been placed in his hands.

He had received the list of cases from Mr. Plaatje. The names were not mentioned but he would enquire into every case and a reply sent to him and published in the press.

He proceeded to reply to the various matters namely:

1. *Question by Mr. Jabavu* : Could not the Prime Minister make his visit to this Conference one of a round-table character in which we may put questions to his answers?

Reply : He promised to lay this before the Prime Minister on his return.

2. *Suggestions by Rev. Mtimkulu* : " That the best interests of the Bantu will be served by the appointment of Native Postmasters in purely Native localities, and the appointment of Native Clerks in central Post Offices like Johannesburg, Pretoria and Durban to the Native work."

Reply : He promised to get this question gone into by the Minister of Posts and an answer given at a later stage. No answer could be given then as the suggestion meant a change of policy.

3. *Question by Mr. Qamata* : " In view of the fact that nothing has been granted to the Cape in regard to land acquisition in fresh areas by Natives what steps does the Government propose to take to allow Natives to buy land outside their Provinces ? "

Reply : This was a question on which discussion and advice has been asked, and he had no doubt the Conference would set out its view for the Prime Minister's consideration. If they were not against Natives buying land in other Provinces they should say so.

The Bill was not yet law and would have to go to a Select Committee. It was not stereotyped. A resolution on the point would be valuable.

4. *Interpretation* : *Mr. Plaatje and Chief Tombela* : (*a*) Much of the hardships suffered by litigants in our Courts is due to the employment of interpreters who are incompetent in the knowledge of Native languages. A further grievance is that able Native interpreters who have served the Government for twenty or thirty years are always confined in the Department of Justice to the junior scale of pay. Could not the Minister effect a change in his Department so as to put his Native interpreters in line with those of the Native Affairs Department? (Plaatje.)

(*b*) That Natives in Natal suffer a grievance through lack

of Native interpreters in certain country offices such as Municipal and Government. There being competent Native linguists in Natal, there seems no reason why Indians only should serve Natives. (Tombela.)

Reply : As far as Municipal offices were concerned he could do nothing. In Government offices Indians were not used as interpreters. There were some Indians employed for other purposes but he personally wanted to reduce them as far as possible. He hoped to do so except as far as they were actually required for the needs of the Indian population.

It was right that good interpreters should be available. What they should do was to report wherever they found an Indian interpreting.

He was not prepared to introduce two scales of pay in the Department of Justice, as he did not wish to add to the great increase in the cost of administration.

5. *Representations by Mr. Fenyang :* The definition of the phrase " *bona fide Barolong* " in the Moroka Ward Relief Act, 1924, is likely to create hardships for members of other tribes—landowners and non-landowners—who having lived among the Barolong since the early 'thirties have acquired vested interests in the District and are regarded by Natives as members of the Barolong tribe. This definition appears to limit landownership to purely Barolong people. Representations have already been made to the Native Affairs Department for an early removal of this anomaly since our apprehension is that possible difficulties may arise in the event of succession of children to landownership.

Reply : His own opinion was that the definition was unlikely to cause hardship. From his experience in Native cases he knew that a man could become a member of a tribe by subjecting himself to the authority of that tribe. But if this view were wrong hardship might be caused. Men regarded as Barolong since 1830 should be so treated.

He would obtain a legal ruling.

6. *Proposed motion by Mr. Koza :* " This Conference strongly opposes the provisions of the proposed Liquor Bill whereby it is intended (*a*) to extend the ' tot ' system in vogue in the Western districts of the Cape to the Northern provinces and (*b*) to give the Government the right to open canteens in Urban Areas for Natives, the right to brew and sell Kaffir Beer in Native Reserves."

Reply : It was not his intention to introduce the Cape system to the Transvaal but to extend the Orange Free State system to the Transvaal rural areas. Under that system the farmer had the right to give his servant one drink per day.

As regards the brewing and selling of beer in Reserves all he knew about it was from the Natal members of Parliament who claimed to know all about Natives.

They knew what the position was in Johannesburg and the

Reef towns where there was an immense amount of illicit drinking of skokian. They would be horrified at the amount of yeast used for that purpose. He thought his proposal would help to combat drunkenness.

The Bill was still under consideration and he did not intend to do anything to increase drunkenness.

6. *Suggestion by Chief Senthimulo and Chief Moiloa:* (*a*) " That white people be not allowed to dig corundum in Native Locations but Natives only and if whites are allowed that should be with the approval of Chief and Tribe.

"(*b*) That locations granted to Native Tribes by the old Republican Government be treated as tribal property. That the tribal Chiefs continue to exercise the right of control and allocation of lands and the admission of traders and prospectors into the Reserves. That the proceeds of such trading licences be treated as tribal property."

Reply : The Locations do not belong to the tribe but are set aside for their occupation. The mineral rights belong to the Government which had no intention of giving those rights to the tribe.

As regards traders the general rule is that Chiefs are first consulted but the final decision must rest with the Department.

Under the Land Bill trading rents are assigned to the Land Purchasing Fund.

8. *Request by Chief Sioka :* " That the Government be urged to withdraw the word ' kafir ' from all Government documents when referring to Natives as the use of the word ' kafir ' is an insult to the Native race."

Reply : The tendency was to use the word " Native " exclusively. Here and there " Kafir " was used but then it was wrongly used as a synonym for " Native." He would see that the legal draftsmen made a note of this.

9. *Request by Mr. Plaatje :* That, having regard to their scant earnings, the Native people as a class are too highly taxed already. This Conference therefore requests the Government to take the earliest steps to exempt all Natives from the additional burden of paying to the provincial authorities entertainment licences and amusement tax which are proving so troublesome in missionary endeavours, since even sacred concerts in aid of church funds cannot be held without the written consent of the authorities, to be applied for direct from the administration of each provincial capital.

Reply : This was a provincial matter which he would have sent to the various Administrators.

10. *Suggestion by Mr. Plaatje :* In view of the frequency of the complete breakdown in the administration of justice in serious cases involving a clash between black and white in our Courts the Minister of Justice be requested to amend the Criminal Procedure Act, so that all such cases in future be tried by judges and assessors instead of judge and jury.

Reply : Personally he believed in the jury system. There might be an occasional but not frequent breakdowns. A Native as well as a European could claim trial by a Judge.

He would not hesitate to take action if he were convinced that his view was wrong.

11. *Proposal by Mr. Plaatje :* " That this Conference makes an urgent appeal to the Union Government to take immediate steps to relieve the Provincial Councils of the burden of administering Native Education and place it entirely under the control of the Union Government."

Reply : He thought the Provincial Administrations would agree to this on account of their being relieved from the financial burden. But if the Government took away education from the Councils there would be little left for them to do.

12. *Suggestion by Mr. Plaatje :* " That the allowance for delegates attending the Conference be increased to 40 shillings per day."

Reply : He was afraid that the delegates would have to fight this out with Major Herbst, the Head of the Department. Heads said, " Ministers come and go but we go on for ever."

After furnishing the foregoing replies the *Minister* said he thought that the delegates were dealing with the matters before them in the right spirit. They should debate fully and give their views which would not always be right. Much depended on the point of view. It they got fullest information on differing views the road would be easier to improve things.

They were there not to get ideal conditions but to get some improvement and to hold on to that. He never threw away half a loaf while looking for the whole.

He was pleased to be with the gathering again and hoped their stay would be fruitful.

Mr. Jabavu tendered their sincerest thanks for the Minister's presence and for his geniality. They were sometimes too serious in their discussions.

It was the first time a Minister had answered their questions and this constituted a record.

However much they might disagree it might be that some desired to give the Natives fair play.

Rev. Mtimkulu joined in Mr. Jabavu's thanks.

The Minister thanked the Conference and withdrew.

The Chairman put Mr. Mtimkulu's motion.

For the motion 30. *Against,* 10.

Motion adopted.

The Conference agreed to postpone further discussion on Mr. Thema's motion until the following day.

Mr. Jabavu moved :

> " That squatters be exempted from the Poll Tax inasmuch as they got no benefit from this tax."

He said it was impossible for the Natives of the backveld to pay this tax. They got no direct benefit from it.

Mr. Fenyang, in seconding, said that as far as the Orange Free State Natives were concerned they got very little pay. They had little chance of benefiting.

There were few country schools so Natives had to send their children to towns. There was hardly a school except in Thaba' Nchu.

The Chairman : The Minister of Finance will at once say that during all the years the people paid poll tax they never sought this exemption and now that a portion of the tax is given back they ask for exemption.

They need not discuss it further. No harm done if resolution passed. The Department would investigate and put it to the Department of Finance.

Motion withdrawn.

Mr. Langa (through Mr. Jabavu) moved :

> " That Pondoland be represented by four members at the Conference."

The Chairman pointed out that delegates were asking for an increased allowance. If the number of members were increased, less chance of greater allowance.

The number of delegates were fixed with a view to the needs of the people they represented. Pondoland was in an entrenched position.

The motion was withdrawn.

Mr. Thema moved :

> " That this Conference urges the Government to observe Native custom when Natives are being medically examined at Pass Offices : that is to say, the young and the old should not be mixed."

Mr. Fenyang seconded.

Motion adopted.

Mr. Nikiwe moved :

> " That the Government be requested to regularise the paying of the poll tax in that all Natives above 18 years should pay the tax irrespective of their position in life ; an age limit be also fixed for adult Natives, say to 60 years."

Speaking in support of the motion, *Mr. Nikiwe* said that many Natives never owned £1. They got very low wages and many were wrongly arrested.

Mr. Qamata seconded.

Mr. Sakwe failed to understand what the motion meant.

Mr. Nikiwe in explanation pointed out that farm labourers only received 10s. or 5s. per month. With such a wage it was impossible to pay the tax. Further 21 was the age of manhood—why should 18 years be fixed for Natives. At the latter age they were under the control of their parents to whom all their earnings were sent.

Chief Sioka said he knew cases where very old men had to

pay tax. In one case an old man with no sons and owning a small erf and hut was made to pay.

The Chairman pointed out that generally speaking the men over 60 were the wealthy persons and it would not be right to exempt them.

On the motion being put 5 *voted for it and* 20 *against it.*

Motion lost.

The Conference adjourned until the following day.

FOURTH DAY.

Friday, 5th November, 1926.

Mr. Sakwe referred to the postponed discussion on Mr. Thema's motion of the previous day, and said that the delegates had had opportunity of discussing the matter of that motion and that of Mr. Mtimkulu which had been adopted. Mr. Mtimkulu was willing to have his motion rescinded.

With the leave of the Conference Mr. Mtimkulu's motion on the Land Bill was rescinded.

The Chairman put Mr. Thema's motion which was unanimously adopted.

The Chairman asked Dr. Roberts to explain the Union Native Council Bill.

Dr. Roberts prefaced his explanation of the Bill by saying that the idea of the Bill had grown out of the excellent work done by the Conference in the past.

The Bill purposes to create a statutory conference with a higher dignity and wider scope. He hoped the Bill, in its general scope, would meet with favour and not suffer the fate of the others.

Rev. Mzimba assured Dr. Roberts that the Bill would not have the same hopeless fate of the others. It was the unanimous feeling of the Conference that such a Bill was necessary.

He drew attention to the title and enquired whether the word "Native" could not be replaced by "Non-European." They had the feeling that Non-Europeans should rather combine with the Natives than be separated from them. There should be a closer relationship between coloured and Natives for the former were mostly the issue of the latter.

There was a feeling that all the members should be elected; because if some are nominated and others elected suspicion might be created not only in the Conference but in the minds of the public at large.

He thought that £5 was an enormous fine to impose for breach of the regulations. Many of them did not earn £5 per month. A Native felt the payment of a fine more than any other kind of expenditure.

Mr. Gonyane agreed with Mr. Mzimba.

If the Bill were not connected with the others it would be acceptable.

He suggested Bloemfontein as the venue of the Conference. There was no difficulty in getting accommodation there while in Pretoria it was difficult to find a sleeping place.

He knew that Chiefs were sleeping in stables during the present visit.

The Natives wanted all members to be elected. The nominated members were the puppets of the Government.

Retirement by rotation seemed unsatisfactory, a man could never know how long he will be elected.

Why should there be so few members for the Orange Free State. The numbers should be the same for each Province.

Mr. Thema said the Bill was acceptable on condition that it should not be intended as compensation for the loss of the Cape franchise.

He considered that the mode of election was based on the idea of driving people back into the past to be under Chiefs and headmen.

The people should have an individual vote.

He objected to the Secretary for Native Affairs being the Chairman, as it was not right that an official should occupy that post, for he would have to see that the policy of the Government was carried out.

He considered that members of the Council as well as the Minister should have the power to initiate legislative measures.

He did not understand the functions of the Council. They should be specified in a similar manner as the functions of the members of Parliament proposed under the Representation Bill.

He objected to the retirement of members by rotation. The Council was not to be a Company. Let them follow parliamentary procedure.

Rev. Mtimkulu said the Bill met a long felt need. He had seen the good work done by the Bunga and the Conference.

He differed from Mr. Thema in regard to an official taking the Chair. Such an official formed the link with the Government and with Parliament.

He preferred Pretoria as the venue if accommodation could be secured.

He moved :

"That the principle of the Bill be agreed to."

Mr. Mzoneli said there were too many Government nominees. Retirement by rotation was bad. A member should be elected for three years definitely.

Chiefs should be *ex officio* members.

Mr. Thema seconded Mr. Mtimkulu's motion.

Motion agreed to.

Section one was passed.

Section two :

Sub-section (1) *: Mr. Fenyang* moved that " Bloemfontein " be substituted for " Pretoria."

Mr. Gonyane seconded.

Amendment lost.

Chief Matole moved " that the Council elect its own Chairman for three years."

Chief Sekukuni seconded.

Amendment lost.

Sub-section (1) *as printed passed.*

Sub-section (2) *:*

After discussion the following amendment was passed :—

(*a*) The deletion of the words " officer . . . council " in lines 25 and 26 and the substitution therefor of the word " Minister."

(*b*) The insertion of the words " in consultation with the Council " between the words " power " and " to " in line 26.

(*c*) The deletion of the last sentence, and the substitution of: The Chairman shall have the power to order a member to leave a meeting and not to return until a vote for his readmission shall have been passed by the Council.

The sub-section was agreed to as amended, viz :—

The Minister shall have the power in consultation with the Council to make and alter rules for the procedure to be observed thereat, the conduct of business and the behaviour of members present at the meeting and he shall have full discretion to adjourn or close any meeting of the Council. The Chairman shall have power to order a member to leave a meeting and not to return until a vote for his readmission shall have been passed by the Council.

Sub-sections (3) *and* (4) *were passed.*

Section 3 *:*

Sub-section (1), and Sub-section (2)*a* and (2)*b* were passed.

Sub-section (2)*c :*

Mr. Thema moved the deletion of this sub-section and the substitution of the following :—

" The mode of election in each constituency shall be decided by the Governor-General after consultation with the Natives residing in that constituency."

Mr. Mlandu seconds.

Amendment carried.

At this stage Mr. van Niekerk before leaving addressed the Conference and the Conference passed a vote of thanks to him.

Sections 4 *and* 5 *were passed.*

Section 6 *was passed with the deletion of the proviso.*

[U.G. 17—'27.]

Chief Masibi moved :

"That local taxes paid under Law 41 of 1925 be paid to tribal councils where there are no District Councils and that these tribal councils be recognised by the Native Affairs Head Office."

There being no seconder the motion fell away.

Mr. Mona (for Mr. Mahonga) moved :—

"That Government should be liberal in its grants to the Native Land Purchase and Advances Fund."

Mr. Sakwe seconded.

Motion passed.

Chief Sioka moved :—

"That this Conference feels that it would be a forward step if in the Native schools the Dutch language be taught as it is the official language of the Union and it respectfully urges the Government to introduce the Dutch language in all Native schools as aforesaid."

Chief Kumalo seconded.

After discussion the motion was passed.

Chief Sioka moved :—

"In view of the fact that the four Provinces have become one country we request that the one shilling travelling pass be abolished because there is no more necessity for such a pass."

Chief Kumalo seconded.

Motion passed.

Chief Sioka moved :—

"That it is the desire of all the Natives in Natal that the Umntwana, u Solomon ka Dinizulu be officially recognized as the Paramount Chief of Zululand the same as in Basutoland, Swaziland and Pondoland and we respectfully request the Government to recognize him as such."

Chief Kumalo seconded.

Motion passed.

Chief Sioka moved :

"That in view of the restrictions in the East Coast Fever Act Natives when ejected cannot remove their cattle and when their cattle are left on the owner's farm he is charged rent for all the time the cattle remain on his farm it is therefore respectfully urged that these restrictions be removed or alternatively the East Coast Fever law be abolished.

There being no seconder the motion fell away.

Rev. Kuzwayo moved :

"That this Conference requests the Government to take steps towards the discouragement of Native faction fights on the Locations and Reserves."

There being no seconder the motion fell away.

Mr. Nikiwe moved :

" That coloured and other people authorized by local authorities to reside in Native Urban locations except by trading rights be directly classed as " Native " and pay the general tax accordingly."

There being no seconder the motion fell away.

Mr. W. S. Kumalo moved :

" Owing to the meagre allowance to Native Chiefs which is wholly inadequate for the duties required of them, the Conference requests the Government to raise the scale so as to enable them to command dignity and maintain honesty among their people."

Chief Sioka seconded.

Motion passed.

Mr. Fenyang moved a vote of thanks to the Chairman which was carried.

The Chairman closed the Conference.

[U.G. 17—'27.]

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