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South Africa. Native Affairs Commission

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REPORT

OF THE

NATIVE AFFAIRS COMMISSION

FOR THE

Years 1[illegible]1. 1947-31

Publish[illegible]rity.

Price [illegible]s. 6d.

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A51

THE GOVERNMENT PRINTER, PRETORIA.
1932.

(U.G. 26, 1932).
3915—23/6/32—900.
Cost of Printing: £33. 11s. 8d.

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To Lieutenant-Colonel, His Excellency, the Right Honourable the Earl of Clarendon, a member of His Majesty's most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor-General and Commander-in Chief in and over the Union of South Africa.

May it please Your Excellency.

The Native Affairs Commission beg to submit to Your Excellency their report for the years 1927-1931.

The appointed members of the Commission regret the delay in the publication of their report. Several circumstances have come in the way of an annual issue.

In June, 1930, the appointed members were placed on the Native Economic Commission and took part in all the journeys, investigations and discussions of that Commission.

Previous to this the members attended the meetings of the Select Committee of both Houses of Parliament on the proposed Native Bills.

It is possible that the report has not lost in value by a more extended survey than what one year would afford. Native affairs often mature slowly.

The present report covers the years 1927-1931. Four important journeys were undertaken by the appointed members during these years.

(1) The Commission undertook, at the request of the Hon. the Prime Minister, a journey through Namaqualand, and the Richtersveld. The purpose of this journey was an enquiry into the conditions of the coloured people in those Reserves. Disquieting information had reached the Government with regard to the intense poverty prevailing in the Reserves. A full statement is given in the appendix to this report regarding the conditions in the four Reserves and in the Richtersveld.

(2) Towards the close of the same year, 1928, the Commission undertook an extensive and intensive examination of the Natal Schools, Training Institutions, Agricultural Schools and Hospitals. The Commission was accompanied during the whole of its tour by the Acting Superintendent-General of Education in Natal, the Chief Inspector of Native Schools, and one of the leading Inspectors of Secondary Education. This courtesy on the part of the Natal Provincial Government made the Commission's journey through practically the whole of Natal a very helpful one indeed.

The Commission was greatly impressed by the high quality of the industrial work in all the schools, especially in the girls' institutions. The pupils were being taught excellent habits of industry, and everywhere was found very clearly in evidence the necessary accompaniment of good discipline.

In agricultural education there was not so much advance. There was very clearly a definite lack of aim and purpose in all the schools. Some of the work the Commission saw was very poor.

(3) During October, 1929, the Commission, at the request of the Honourable the Minister of Native Affairs, visited the principal areas of the Union with regard to certain proposed alterations to the Natives (Urban Areas) Act, 1923.

Many of the suggestions made by the various municipalities have found their way into the Natives (Urban Areas) Act, 1923, Amendment Act No. 25 of 1930, and have no doubt proved helpful in the carrying out of the original Urban Areas Act.

(4) The Commission was attached to the Native Economic Commission in June, 1930, and remained with this Commission till the completion of its labours in the beginning of 1932. A statement of the Commission's activities and findings may be found in the report of the Native Economic Commission, 1932.

The Commission attended the meetings of the Native Conference convened under the terms of the Native Affairs Act, 1920. The Conference was held in Pretoria under the Chairmanship of the Secretary for Native Affairs in December, 1930, and a general statement of the proceedings is given in the appendix.

The Minister of Native Affairs in consultation with the Commission is charged with the control of the moneys available for the support of Native

education and for the better carrying out of this duty the Commission from time to time met singly or in conference with officials connected with Native education.

A statement regarding the present financial position of the Native Development Account—the implications of this position, and a brief historical statement concerning the inception and progress of the account—is given in Appendix " C." A much briefer financial statement is found in the Government Notice No. 1580 of 2nd October, 1931.

In the report for 1925-1926 (p. 48) there is reference made to the appointment of a Director of Native Agriculture. Soon after the issue of this report the Native Affairs Department appointed Mr. R. W. Thornton as Director of Native Agriculture, and the beneficial effects of this appointment are discernible through all the Native areas.

At the request of the Hon. the Minister of Native Affairs the appointed members of the Native Affairs Commission visited Durban from 27th November to 4th December, 1928, to enquire into certain grievances of the Native people there. The Commission interviewed the leading bodies dealing with the employment or control of Natives. A full report of this enquiry was submitted to the Minister.

At the request of the Hon. the Minister, the Commission attended a congress of Native Teachers which met at Kingwilliamstown in June, 1931. Mr. D. D. T. Jabavu, of Fort Hare College, occupied the chair and about 400 members of Congress were present.

The following matters were brought before the members:—

(1) The general educational position as far as Natives are concerned.
(2) The General Native Tax and its relation to the Development Account.
(3) The Durban agreement.
(4) The bases of educational financial support.
(5) The staffing of training institutions and high schools.
(6) The stopping of increments of salary.
(7) Farm schools for Native children.

The regular routine work of the Commission, i.e. the examination into applications from sectarian Churches for Government recognition; consideration of Government proclamations; meetings with Native deputations, was carried on even during the period the Commission served on the Native Economic Commission.

With regard to the first of these, the formation of sectarian Churches, it is regretted that the Native people themselves are not fully alive to the danger of these, in some cases, harmful bodies. They are formed often on the slightest pretext—dismissal of a minister or ruling member for immorality, some slight difference on a trifling matter of Church procedure, personal quarrels. Seldom are vital principles at stake.

The Commission has already expressed its views on this matter in its report upon Native Separatist Churches.

In January, 1930, Dr. Loram was recalled to duty in Natal. He had been seconded from service in the Natal Education Department to the Native Affairs Commission in November, 1920.

His second period of service on the Commission expired on 15th November, 1930, and after that date Dr. Loram's highly specialized knowledge was lost to the Commission.

Especially was his knowledge and experience in educational matters of great value to the Commission.

His colleagues expressed their sense of loss at his leaving the Commission in the form of a minute.

ALEX. W. ROBERTS,
P. W. LE ROUX VAN NIEKERK,
Appointed Members of the Commission.

R. S. MEDFORD,
Secretary.

Pretoria, 10th May, 1932.

APPENDIX " A."

Tour Through Namaqualand.

Towards the close of 1928 at the request of the Hon. the Prime Minister the Commission undertook a journey through Namaqualand, to enquire into the conditions of the coloured people in the four communal reserves.

There was added to this duty that of making as thorough an examination as possible of the little known block of land abutting on the Orange River called the Richtersveld.

The appointed members of the Commission inspected the four reserves, met the various boards of management, took evidence from Europeans, leading coloured men, members of the divisional councils and missionaries and other residents of the reserves.

The reserves in question are Steinkopf, Concordia, Kamaggas, Leliefontein.

The following facts give area and population of these:—

	Area.	*Registered Occupiers.*
Kamaggas	69,173 morgen	155
Leliefontein	219,500 morgen	304
Steinkopf	460,000 morgen	572
Concordia	Part of Steinkopf	378

All four reserves were originally Mission Stations and for the purpose of giving the missionaries and their people some security in respect of the land occupied by them, documents called " certificates of occupation " were issued by the Government of the Cape of Good Hope.

These missions were controlled under a patriarchal system, the missionary in charge being supported by " corporals " elected from the people. Rules and regulations were in existence but, having no legal sanction, the carrying out of them depended on the moral authority exercised by the corporals and the missionary.

Such a system under primitive conditions, in a region practically isolated, sparsely inhabited, with few transport facilities, was naturally successful.

But the Anglo-Boer War brought about disturbing factors. The residents of the reserves were employed as transport riders, their oxen, wagons and stock were purchased for military needs, money became plentiful and with a people practically unversed in handling cash the money received was frittered away. Thus at the close of this war the natural assets of the reserves—cattle, sheep and goats—had greatly decreased and the cash for them was spent. Then in 1904-1906 came the Hottentot-Rebellion in German South West Africa, where there was money in transport riding. Cattle and small stock were sold to purchase mules and wagons, money again became plentiful and was easily spent. On the sudden conclusion of hostilities the people were saddled with wagons and mules to them now practically valueless with the resultant effect of greater poverty. This was the common testimony of all the leading residents.

New needs had been created by this contact with the outer world, new ideas had entered the reserves, and naturally the patriarchal system began to fail. Poverty also began to appear, as the wants of the people increased and their ability to meet these wants decreased.

To meet these changing conditions, political and economic, the Cape Parliament in 1909 passed the " Mission Stations and Communal Reserves Act, 1909," and gave powers to the Government to extend certain provisions of the Act to the Namaqualand reserves.

This Act contemplates the severance of the missionary in charge from secular control in the missions, and a clear cut division of rights of occupation between the Mission Society and the residents of the Mission Station.

The Act was applied in 1911 to the four reserves, and the following steps were taken in each of them:—

(1) The property of the Mission Society (usually the parsonage and garden) were definitely earmarked and water, grazing, etc., rights specially defined.

(2) A register of all persons having rights of occupation was framed, together with the land which they occupied. The right to occupy this land could not be leased, sold or mortgaged, and was heritable.

(3) A Board consisting of members elected by the people, members nominated by the Government, a nominee of the Mission Society with a European official as chairman was constituted. This board has power to control local affairs.

(4) A rate was levied on registered occupiers,

In addition two European superintendents for the four reserves were appointed to administer the Act and to help the people.

The Act, however, was strenuously opposed by the people due to the influence of the late corporals who saw in the new regime a considerable curtailment of their former powers. But chiefly due to the untiring efforts of the late Mr. Probart this opposition was being largely overcome.

Since 1913, however, dark days have descended upon the reserves. There has been a succession of unprecedented droughts. The closing down of the copper mines has still further added to the indigency of the people. The extreme poverty of the people was evident everywhere. It needed no figures to show the decrease in stock, in grain and produce. Their faces reflected famine conditions. And the lean, hungry years made them apathetic, and almost indifferent to the future.

The great poverty of the people was most seen in the appearance of the children attending the schools. In most cases they appeared undernourished. In some districts the missionary provided the children with one meal in the day, the funds being collected from charitable people—and the Commission was informed that in not a few instances this was all the food they could obtain. The older people spoke to the Commission of a time when there were good harvests in all the reserves, abundant cattle, and sufficient work for all who desired it.

It is possible that distance in time has obscured the visions of these, for famine and want have been indigenous in the Namaqualand Reserves for a century at least, but the Commission is convinced that the present condition is much graver than any that the past has seen.

With an assured rainfall, wheat and rye can be grown with success in parts and in sufficient quantities for the needs of the people but the general country is rugged, inhospitable, with a low and uncertain rainfall and unsuited for agriculture. There are waterholes in the reserves but these cannot be used to any extent for irrigation. Moreover where they are situated the soil is often unsuitable.

Again as regards stock farming there is sufficient grazing after rain, but at ordinary times, which are now times of drought, the carrying capacity of the land is very low. The waterholes are far apart and thus considerable trekking is necessary with its resultant loss.

It may be urged without fear of contradiction that very few of the inhabitants of the reserves live above the bread line. The statements by magistrates, missionaries, superintendents, are variants of this general statement. This condition of destitution and want is no doubt due in part to the natural thriftlessness and indolence of the people, but it is also due in a still greater measure to conditions which have just been referred to and over which the inhabitants of the reserves have no control. And the tragedy of all this impact of unkindly blows of fate, is that a definite mental apathy, indifference and even callousness has descended upon the people like a foul atmosphere.

Yet the people are not wholly derelict. The manager of the Concordia Copper Mine assured the Commission that the coloured men made excellent servants and when paid decent wages and employed continuously and without the fear of their work coming suddenly to an end they were both industrious and dependable. From statements like these, and from our own observation we are convinced that the vices of which so many accuse them are not inherent in the people but are the results of conditions conducive to this state. For how can people be aught but lazy when they see the hopelessness of sowing, or thrifty when they have nothing to save.

The opening up of new opportunities for work, would, we are convinced, partly remedy this state of things; assistance in the way of doles would be hopeless. They are inert enough without this added contribution. As an example of the mental sluggishness into which they have fallen your Commissioners saw on the borders of the Orange River a splendid windmill which for a time sufficed to water a large number of stock but something went wrong and nothing was done to repair it.

The Commission also does not feel that much good would be served by supplying the people, while they are in their present condition, with more or better stock or even better grain. In a few years it would be found that both stock and grain had deteriorated, and disappeared, and that the people were back again at their starting point.

The presence of an agricultural adviser, and the guidance he would naturally afford would be a distinct help to the reserves. Slowly better methods of stock raising would add to the material prosperity of the people, and this would provide a distinct stimulus to individual endeavour.

Better modes of farming, a less fatalistic outlook on recurrent droughts, the utilization of the supplies of water that in certain districts, as

for example Kamaggas, is not unplentiful, would restore the land to its former bounty. This in part could be secured by the Government sending a suitable instructor to the reserves.

Then if to this could be added sufficient work for the able-bodied men—mine work, road work, railway work, factory work, we are convinced that there would be a rejuvenation of the reserves.

The withdrawal of a portion of the inhabitants for work elsewhere would only partially help. The young men might be drafted to industrial centres but we are convinced that they would be lost to the reserves. It is in the reserves themselves that the salvation of the people should be found. Yet it is a proposal worth considering. The manager of the Ookiep Copper Mines assured us that they made excellent workers; it is doubtful, however, if they would be able to compete physically with the Native workmen in the mines, on railways or at the docks.

The almost universal opinion of those whom the Commission consulted was that the system of government brought into operation under Act No. 29 of 1909 has not been a success. It has failed to work for the betterment of the reserves. Many reasons were given for this want of success.

In at least two of the reserves grave irregularities have crept in unhindered.

For example, outside grazing is allowed and there seems to be uncertainty as regards the amount of fees collected, and the number of stock assessed.

There is evidence, also, that the Raads were not in sympathy with the people. Their election was often irregular and in more than one instance corrupt. For example, the poverty of the people placed them in the hands of the stores, and thus the holders of these shops could compel the people to vote in a definite direction. Naturally the traders would expect a consideration from them when the rent of their stores came to be fixed.

There were many other irregularities due either to the apathy, poverty, or powerlessness of the people. The affairs of the reserves have drifted into such a hopeless condition, and the spirit of the people has become so apathetic that one would be inclined to urge the complete withdrawal of the operations of Act No. 29 of 1909 (Cape) as far as the Namaqualand Reserves are concerned, and the appointment of a superintendent with wide powers. Yet these local councils are working well among the Native people, and there is no reason why the system should not be a success here, provided an efficient all-time officer is appointed.

Somehow the people have drifted away from their missionaries, both in thought and in dependence. Perhaps the fact that the salaries of the pastors are a first charge on the rates in some reserves accounts in a great degree for this state of affairs. In most countries where religious support is a financial tax upon the people and not a voluntary contribution this tie does not lead to a friendly relationship.

The Commission found some excellent schools all over the country managed by teachers of more than average ability. But these schools led nowhere. A few outstanding pupils expressed the desire to become teachers, or clerks, but these avenues were closed as in the one case their parents could not afford to send them to training schools, and in the other there was practically no occupation for them.

The question of the sale of a portion or portions of the Namaqualand Reserves has been raised again and again. The Commission during their visit was shown tracts that might be thus dealt with. It was urged that money obtained from such a sale might with advantage be used in ameliorating the lot of the people. But two considerations surround the proposal and to the mind of the Commission are weighty enough to lead them to urge the turning down of the proposal at present.

The poverty of the land is such, and the absence of water so common a feature, that a very large tract of land would have to be sold to obtain the modest sum of £10,000. Now even this sum would not go very far to lessen the acute poverty of the people, or to improve their position. Then is it worth while to alienate the goodwill of the people for such a small recompense or for any financial gain. At present there is no other feeling on the part of the coloured people of the reserves than respect for and faith in the Government of the country.

But if the Government embarked upon a policy of selling portions of reserves that were granted to the inhabitants decades ago, and which were assured to the people, again and again we are convinced that this filial relationship would cease, and that one of suspicion even of acute antagonism would take its place.

This would be a poor exchange for the small sum that would be obtained for some of the most fertile portions of the reserves.

Your Commission, however, during their visit brought it forcibly to the attention of the inhabitants of the reserves, that unless they bestirred themselves and were willing, with assistance, to improve conditions in the reserves, the Government would ultimately have to consider the question of the disposal of part of the reserves, as it could not be expected that such a large tract of country could be allowed to remain undeveloped.

APPENDIX " B."

The Richtersveld.

The Richtersveld presents a very difficult problem both to the philanthrophist and to the economist.

Here we have a block of land 30 miles by 40 miles, which half a century ago sustained four times the population it does to-day. There were then at least a dozen tribal units moving with their flocks and herds over very defined tracks, and halting for a time at well-defined waterholes. Now the population of this desolate region has decreased to about 500 souls; the tribes —all but one—have broken up or disappeared into the regions across the Orange River; churches and schools lie empty, their books scattered on the dust-laden floors; the waterholes are uncared for; the wide tracks have lost any semblance to roads.

It is possible that half the grazing is taken up by outside farmers who pay to Jasper Cloete, the last outstanding chief in the Richtersveld, a kind of tribute for permission to send their cattle into the Richtersveld.

There is no government in this inaccessible region except the patriarchal government exercised by Jasper. It is a land of wide, empty distances, of stark copper-grained hills, of solitary desolation.

The death of Jasper—and that lies in the very near future—will release the last bond that keeps the nomads of the Richtersveld together. His already rapidly disintegrating followers will become a number of units wandering hither and thither over the unfertile spaces of the Richtersveld.

A portion of the Eastern Richtersveld has been sold by the Government for £2,000, and the charge was laid upon the Commission of enquiring in what direction could this sum be profitably used.

It seems that the most reasonable way would be by using it in aid of the salary of a sympathetic Government supervisor of the reserve.

Such an officer would see to it that grazing fees were regularly paid to the Government; in this way alone his salary would be more than met.

To clear out the water-holes, repair such roads or tracks as exist, build up the broken down schools would be of little service to the people until they were raised up from the condition into which negligence on the part of past Governments and barren seasons with continued succession have cast them.

The superintendent ought, therefore, to have such a knowledge of the agriculture of those regions that he could be a distinct help to the people.

Considering the coloured reserves as a whole the following recommendations seem reasonable to the Native Affairs Commission:—

(1) As the condition of the people is growing steadily worse, their lands becoming more and more impoverished, their stock decreasing both in quality and quantity, the appointment of an agricultural officer is essential in stopping to some extent this impoverishment.

(2) As the population has increased considerably during the past half century, and the material possessions correspondingly decreased, inducements should be made to the young men to take work elsewhere.

(3) That the children should be given a more practical education.

(4) That assistance should be given to some missionary society to erect one or more schools in the Richtersveld.

(5) That there should be closer supervision as to the working of the Raads.

(6) That the affairs of the Church and the State should be kept quite distinct, but that the change over should be gradual.

(7) That at present it would not be advisable to sell part of the reserves.

(8) That an officer to administer the affairs of the Richtersveld should be appointed and that the sum of £2,000 should be used to partly defray the costs.

APPENDIX " C."

Native Education.

One of the outstanding activities of the Native Affairs Commission deals with Native education.

Considering the importance of this side of the Commission's duties, and to correct certain misunderstandings regarding the present position of Native education it is helpful to indicate, in brief outline, the changes that have taken place recently in the control and financing of this national service.

Section 85 of the South Africa Act placed Native education under the four provincial administrations, " for a period of five years and therafter until Parliament should otherwise provide."

There was, we understand, a strong body of opinion that Native education should be made a Union matter, but since from its first days, it has been under the Education Departments of the four South African States, it was deemed advisable to leave it under the Provinces, at least for a time.

In 1916 the Provincial Administration Commission reported as follows on this question:—

> " There is besides the all important question of Native education, that cannot in any sense be called higher education, and it therefore falls under the provincial administration. In other respects, however, the South Africa Act was most careful to keep in the hands of the Government all matters of Native policy. Indeed, the need for a consistent and uniform policy in Native matters was one of the causes which led to the establishment of Union. Now it can safely be said that of all the influences which are at present affecting the Native in his relation to the European, education is one of the most potent. Yet the present division of education as between the Union and the Provinces leaves Native education in the hands of the Provinces divorced from all connection with the general Native policy of the country."

Other influences and conditions operated in bringing the matter of the control and financing of Native education into prominence. There was the disparity in the mode and amount of taxation in the four Provinces; there was a grave difference of view as to what Native education connoted; there was also the varied content of education in different parts of the Union.

The previous system, however, remained unchanged until in the early part of 1921 when matters were brought to a head by the Transvaal Administration imposing a direct tax on Natives under the plea that the increasing expenditure on Native education and Native betterment justified such a course. We need not enquire into the validity of this argument. It is sufficient to say that this proposal to tax the Native directly raised the whole question.

At the close of the same year, 1921, the position was reviewed by the Financial Relations Conference. The conference arrived at the conclusion that the direct taxation of Natives must be entirely in the hands of the central government. Instead, however, of urging the natural corollary to this that Native education should be transferred to the central government, they advocated that Native education be left as hitherto in the hands of the provincial administrations. The reason given for this was that in their view the time was not ripe for such a change. It has been suggested that the main argument in support of this was that the European section of the State would also demand that European education should be entirely controlled by the Union Government and the country was not prepared to take this step.

Following up this view in 1922 the Financial Relations Fourth Extension Act (No. 5 of 1922) declared—

(1) that provincial councils were debarred from directly taxing the persons, lands, habitations or incomes of Natives;

(2) that provincial councils must make financial provision for Native education on the basis of the 1921-1922 grants;

(3) that by implication the central government thus became responsible for the financing of Native education.

By this Act an entirely new principle was introduced, namely, that the extension of Native education would depend upon grants derived from Native taxation levied by the central government, unless the Treasury met these charges out of national revenue and this they declined to do.

There was added to the difficulty of reorganizing the finances of Native education the impoverished condition of Native teachers. Their salaries had remained the same for many years; they had received no war bonus, and while a very liberal scale of salaries had been drawn up at the Cape for European teachers employed in Native institutions—in some cases the increase was threefold—nothing had been done for Natives.

In order to meet this reasonable demand on the part of Native teachers it was decided to obtain from the Treasury a loan of a quarter of a million upon the security of a direct tax to be levied upon Natives.

This loan was to be used for the following purposes and objects—

(*a*) in removing anomalies;
(*b*) in improving the salaries of long service teachers;
(*c*) in working up to a national scale.

Various proposals for a direct tax were considered by a special committee. One proposal that had in it considerable merit was the imposition of a tax of 10s., the whole of the proceeds to go to education. Ultimately in August, 1924, the Native Affairs Commission, in consultation with officers of the Native Affairs Department and of the Revenue Department brought forward the present Native Development Tax. The full details of this important measure will be found in the wording of the Act, the Natives Taxation and Development Act (No. 41 of 1925), but we may here indicate the salient points:—

(1) There will be a levy of £1 annually on every male adult Native resident in the Union.

(2) From the proceeds of this there will be paid—

  (*a*) four-fifths to the Consolidated Revenue Fund;
  (*b*) one-fifth to a fund to be called the Native Development Account.

(3) There shall be established a fund to be known as the Native Development Account for the following purposes:

  (*a*) for the maintenance and furtherance of Native education;
  (*b*) for the further advancement and welfare of the Native people.

The central government also agreed to place to the credit of the Development Account the sum of £340,000 as being the sum spent on education in the year 1921-1922. Native education would have accordingly the following two directions of support:—

(1) An annual grant of £340,000 from the central government.
(2) An annual income of one-fifth of the total taxation received from the Native annual tax.

The Development Tax would come into operation in 1926, but three years before the coming into force of the Act the Native Development Account had received the following loans from the Treasury:—

1923	£60,000
1924	65,500
1925	98,143
	£223,643

Thus before its coming into being the Native Development Account was saddled with a debt of £223,000 and a recurring liability of close on £100,000. Had Native teachers been paid adequately in the past the sum would have been much less.

Then the Native Affairs Commission was in agreement with Native teachers that their salaries should be put on a uniform, and, in some degree, on a more equitable basis. And so a new scale of salaries, called the Commission scale, was drawn up. This, again, made a severe drain upon the Development Account, and rendered it impossible, with the money at the disposal of the Commission, to pay out the annual increments to which the Native teachers were morally entitled.

Further the amount of the General Tax earmarked for the furtherance of Native education, one-fifth of the total amount, cannot automatically meet the ordinary demands of education, since the increase in the number of Native children each year is more than one-fifth of the adult male population. That is the amount set aside for Native education does not keep pace with the growth of the population.

Yet the Commission has done its best to meet the urgency of providing and extending primary education. A simple statement will support this. The expenditure on Native education in 1921 was:—

The Cape of Good Hope	£240,000
Natal	49,000
The Transvaal	46,000
The Orange Free State	5,000
TOTAL	£340,000

The expenditure in 1931, ten years later, was:—

The Cape of Good Hope	£345,681
Natal	113,908
The Transvaal	100,108
The Orange Free State	40,500
TOTAL	£600,197

The increase in expenditure over the ten years was:—

The Cape of Good Hope	44 per cent.
Natal	133 per cent.
The Transvaal	118 per cent.
The Orange Free State	710 per cent.

and for the four Provinces an increase of 77 per cent.

The present position of the fund is causing great concern. The following figures, giving an estimate for the next four years, will indicate its precarious condition:—

Income.	1931–32.	1932–33.	1933–34.	1934–35.
	£	£	£	£
Balance from previous year	118,519	77,870	33,496	9,337
Grant from Treasury	340,000	340,000	340,000	340,000
General Tax	255,000	260,000	265,000	270,000
Interest	10,000	8,000	6,000	4,000
Miscellaneous	1,600	1,600	1,600	1,600
TOTAL £	725,119	689,470	656,096	624,337

EXPENDITURE.

Expenditure.	1931–32.	1932–33.	1933–34.	1934–35.
	£	£	£	£
Native Education	599,697	599,697	599,697	599,697
Agricultural Education	16,492	17,217	17,902	18,700
Hospitals	3,000	3,000	3,000	3,000
Repayment of Treasury Loan	25,560	25,560	25,560	—
Miscellaneous	500	500	500	500
TOTAL £	645,249	645,974	646,659	621,897
BALANCE £	79,870	33,496	9,337	2,440

We have in previous reports urged that Native education should be made a Union concern.

Nearly two years of travel with the Native Economic Commission as well as many individual visits to Native schools and colleges has strengthened this view, both as regards the financing and the future progress of Native education it is necessary that it should be centralized.

The following table sets forth the number of Native students, pupils, and apprentices under the jurisdiction of the four Education Departments of the four Provinces:—

	Number of Schools.	Number of Teachers.	Number of Pupils.
CAPE PROVINCE.			
Secondary Schools	6	—	399
Training Schools	18	—	1,634
Primary Schools	1,700	—	138,000
Industrial Schools	20	—	464
	1,744	3,664	140,497
NATAL.			
Secondary and High Schools	5	—	363
Training Schools	6	—	586
Primary Schools	682	—	45,832
Industrial Schools	10	—	323
	703	1,442	47,104
TRANSVAAL.			
Secondary Schools	6	—	250
Training Schools	4	—	404
Primary Schools	590	—	72,000
Industrial Schools	3	—	109
	603	1,400	72,763
ORANGE FREE STATE.			
Secondary Schools	6	—	—
Training Schools	2	—	—
Primary Schools	210	—	—
	218	568	25,120
Thus the Totals for 1931 would appear to be:—			
Cape Province	1,744	3,664	140,497
Natal	703	1,442	47,104
Transvaal	603	1,400	72,763
Orange Free State	218	568	25,120
	3,268	7,074	285,484

This yields as the cost of each Native pupil attending school £2. 2s. As theoretically the future condition of Native education should be that all Native children attend school, there is somewhere in the future an expenditure of over two millions upon Native education. It is clear that some other mode of financing it than the present inelastic method will have to be devised.

APPENDIX "D."

MINUTES OF NATIVE CONFERENCE.

A Native Conference under the terms of Act No. 23 of 1920 was held in the St. Andrew's Hall, Pretoria, on 9th December, 1930, and on the three following days.

FIRST DAY.

9th December, 1930.

PRESENT:

The Honourable E. G. Jansen, Minister of Native Affairs.
Mr. J. F. Herbst, C.B.E., Secretary for Native Affairs.
Mr. A. L. Barrett, of the Native Affairs Department.
Dr. A. W. Roberts. } Members of the Native
Senator P. W. le Roux van Niekerk. } Affairs Commission.
Senator A. T. Spies.
Senator C. J. van R. Smit.
Senator F. C. Thompson.
Dr. Holloway, Chairman of the Economic Commission.

DELEGATES.

Chiefs.

Chief Aaron Moshete.
Chief George Makapan.
Chief Mampuru.
Chief Mfungelwa.
Chief Kufakwezwe.
Chief Sibasa.
Chief Filius Mogalo.
Chief W. S. Kumalo.
Chief Nkantini.
Chief Matole.

Members of Native and Local Councils.

Mr. Attwell Maci.
Mr. Nathaniel Makalima.
Mr. S. Molema.
Mr. Philemon Lavisa.
Mr. T. W. Poswayo.
Mr. Lockington Bam.
Mr. Lucas M. Mangopo.
Mr. Zachariah Senoshi.
Chief Paduli Mphahlela.
Mr. P. Makaleng.
Mr. Adam Njokweni.
Mr. E. Mahonga.
Mr. Josiah Mlokoti.
Mr. David Dalindyebo.
Mr. Mbizweni Jojo.
Mr. W. D. Cingo.
Chief Kgolokoe.
Mr. Theodore Ramogopo.
Chief Mankopane Masibi.
Mr. Francis Gardner Majola.

Prominent Natives and Specially Invited Delegates.

Mr. R. V. Selope Thema.
Mr. David Mankazana.
Mr. S. Zibi.
Mr. Z. W. Fenyang.
Rev. Z. R. Mahabane.
Mr. M. Pelem.
Mr. J. G. Sishuba.
Mr. Richard Hobbs Godlo.
Mr. Sol. Plaatje.
Mr. John Dube.
Mr. A. F. Matibela.
Mr. Herbert Dhlomo.
Mr. O. H. Sehlogo.
Mr. Thomas Mapikela.
Chief Charles Ntsane Mopeli.
Mr. J. S. Mphuthing.
Mr. D. D. T. Jabavu.
Rev. J. W. Gqamlana.
Rev. A. Mtimkulu.
Mr. Jeremiah Sikosana.
Mr. W. W. Ndhlovu.
Mr. W. Bhulose.

INTERPRETERS.

Mr. A. S. M'belle. ... ... Xosa—Zulu.
Mr. N. J. Bhoya... ... ... Sesuto—Sechuana.

Mr. Barrett read the Governor-General's Minute convening the Conference.

Roll was called.

Mr. Herbst announced that the Minister of Native Affairs would address the Conference.

MINISTER'S ADDRESS.

Mr. Jansen in addressing the meeting, said:—

"I am glad to have this opportunity of meeting you at the first conference called during my tenure of office as Minister of Native Affairs.

"Meetings of this sort can be very valuable, firstly because they afford an opportunity of discussion, and secondly enable you to come into personal touch with those responsible for the administration of Native affairs.

"Proper and reasonable discussion enables the Government to gain a knowledge of the opinion of Natives in various parts of the country. I must ask you, therefore, to lay aside all party political influences and personal interests and to devote your attention earnestly and wholeheartedly to what can be done in a practical way in the interests of your people.

"It will be of no use to put forward propositions which you yourselves know cannot be accepted. You must bear in mind throughout that it is not only your own people who are concerned in the resolutions you may adopt but that the Europeans are also interested and that this being a constitutional country after all the final say rests with them.

"Do not put forward proposals which you know that the Europeans will not accept. If you do, that may only lead to disappointment amongst your people. There are people, both black and white, who talk of nothing but the steps taken by the Government to prevent ill-disposed persons from stirring up strife and trouble in the country. You yourselves know that if your traditional methods were followed by the Government, many of the agitators in the country would receive very short shrift. You are probably also aware that because some people say the most outrageous things about the Government and Ministers with apparent impunity, many Natives ascribe the absence of drastic actions to weakness on the part of the Government while Europeans are becoming exasperated and inclined to take matters in

their own hands. The steps that have from time to time been taken by the Minister of Justice, have been entirely with a view to maintaining the law and order and must by no means be regarded as an indication of any intention on the part of the Government to deal harshly with the mass of the Natives who we know are a law-abiding people. But no Government can under any circumstances allow anyone, whether he be white or black, to stir up to illegal or violent actions an otherwise peaceful and law-abiding people. To prevent this the utmost powers of the law will be employed.

" Recent years have been prolific in their output of agitators. Some of these are purely self-seekers; others appear to be actuated by a fanatical devotion to what they regard as the interests of the Natives; and as might be expected their methods have been marked by excesses of speech and action which have done considerable harm. The Minister of Justice in the exercise of powers conferred upon him by law has imposed restrictions upon the movements of certain persons of the agitator class. The object, I need hardly say, is not to stifle proper or legitimate criticism or representations, but to set a limit to the injury which may be done amongst ignorant and credulous people by misguided persons, who mistake liberty for unbounded licence.

" I trust that moderate-minded men among you will help to exercise a restraining influence. The Government has appointed for the various great groups of Native population at great expense, Chief Native Commissioners who are experienced, able and sympathetic administrators, well qualified not only to give dependable advice, but to transmit in correct and acceptable form the representations of the Natives of their areas. The people should enlist the assistance of the Chief Native Commissioners or the Native Commissioners of their own districts rather than the undesirable class of persons who under the guise of giving help are mainly concerned with the fomentation of Native grievances for the monies contributed.

" So much has been said lately about these matters that the really good and solid work which is being done by the Department of Native Affairs in the interests of the Natives, has to some extent been overlooked.

" The difficulties with which we have to contend are many. Very often those difficulties are greatly increased by ill-advised utterances on the part of Natives or persons who consider themselves to be the friends of Natives. Such utterances invariably have the effect of antagonizing many Europeans who otherwise would be well-disposed towards steps which might be taken for the advancement of the Natives.

" Here in South Africa we are all working to build up a State in which there shall be room for both white and black to live and develop and prosper. Views will differ as to the best way in which this may be done, but so long as there is mutual goodwill, errors—if there are errors—will be discovered in time and nothing will go irreparably wrong.

" You must, however, remember that we have to deal with conditions which are the result of different ideas and policies that have been followed for generations. Unfortunately we cannot begin with a clean slate and we must take conditions as they are and try to deal with them. It is hard to change ideas which have become fixed and you must remember that when attempts are made to change policies with regard to Natives, not only the Native population must be considered, but also the European.

" You should also keep in mind that the educated and advanced Natives as yet form only a very small proportion of the Native population and that measures which might be suitable for them could not possibly be applied to the mass of Natives in the country. I do not suppose that any of you would wish to be cut adrift from your own people merely because you are educated and civilised. Rather I would expect you to use the advantages which you have, in assisting to uplift the mass of your own people and when measures are discussed you should constantly have in mind what is reasonable and advantageous for them and not merely what would be practical and expedient for yourselves and other more advanced Natives.

" To a very large extent the matters about which the Natives are greatly concerned are those relating to land and the economic position. The further development of a definite land policy must necessarily be delayed until the pending land legislation has been passed.

" With regard to the economic position, a Commission has been appointed to go fully into the whole question and this Commission is still taking evidence prior to bringing out a report.

" Several years have passed since a conference of this nature was called together, but the reason has been that the Prime Minister's Bills are inevitably the outstanding feature of Native policy. Those Bills were fully discussed at the 1927 Conference, and in the interval nothing has emerged which seemed sufficient to suggest the summoning of another conference. As far as I am concerned this conference is largely an experiment. I may

say definitely, however, that the Government has no intention whatever to abandon the principle of consultation by means of conferences with leaders of the Native people. On the other hand I must, however, point out that it is an entirely mistaken idea that the Government is bound to call conferences of this nature. The matter is entirely in the discretion of the Government.

" For several years past the state of the Native Pass Laws has been under consideration. The Department feels that with the establishment of a uniform basis of identification for the purposes of taxation, it ought to be possible to work out a system which would be as efficient, perhaps more efficient than the present system, with much less inconvenience to those who are required to carry passes.

" But although the matter at a first glance seems simple, it has in fact presented a great difficulty. The preliminary proposals of the Department of Native Affairs were formulated a long time ago; but it is not a question for the Native Affairs Department alone or for the Natives alone. A number of interests have to be consulted. For instance, mining and industrial institutions which incur heavy expenditure in the recruitment of Native labour and in many cases make cash advances at the time of engagement, are legitimately interested in any change which might influence the number of desertions from service. The police are concerned with such aspects as the maintenance of law and order, the control of crowds, the prevention and detection of crime; and many farmers who have labour agreements with their tenants are interested in measures affecting the control of their movements. I am merely suggesting to your minds the numerous and diversified interests which are concerned with this question of Native passes, in order to indicate the difficulty of reconciling all those interests and points of views.

" The Department is endeavouring to devise ways and means whereby the multiplicity of passes may be avoided. I know that many educated Natives believe that passes should be abolished altogether. I may at once say that any proposition of that sort cannot be accepted, but if practical suggestions can be made whereby the pass system may be simplified, they will be welcomed.

" Linked up with the question of passes is that of exemption from pass laws and certain other laws affecting Natives specially. The object of the Department is to make the pass law self-contained so that whatever exemptions may hereafter be granted from the operation of the pass law will be contained in that law and will not necessitate special applications.

" Until the promulgation of such a law the exemption regulations, provided for under the Native Administration Act, are necessarily held up but temporary measures to meet the difficulty have been provided.

" I have placed this matter on the agenda in the hope that the Conference may be able to help in the solution of a very difficult question.

" There has been a good deal of talk about Native labour on farms. For generations it has been the custom for a Native kraal-head who seeks to reside on a European farm to contract for the services of himself and the inmates of his kraal for a certain portion of the year in lieu of rent. For the services so rendered the Native has the right to build a hut or huts for his family on the farmer's land, to plough lands and to graze stock. In many instances those who went into service also received small wages. This system which worked excellently for years is now causing considerable trouble. The farmer complains that he never gets the labour contracted for and the Native on the other hand also has grievances. To a great extent this trouble has been brought about by the change of conditions. The result to-day is chaos.

" The European farmers are just as much concerned and dissatisfied about the present position as the Natives.

" On the agenda there appears a Bill dealing with the matter and which was introduced by the Minister of Justice during the last session of Parliament. The Bill will in the next session be sent to a Select Committee before the second reading so that there will be the fullest opportunity of discussing it.

" We look to Europeans as well as Natives to assist in arriving at a reasonable relationship on the countryside. The present position is unsatisfactory for both the farmer and the Native.

" You will be able to freely discuss this Bill and other matters on the agenda, and I trust that you will be able to show by calm discussion and reasonable propositions that you are capable of making practical suggestions which will be to the advantage both of the Europeans and of the Natives concerned.

" I look forward with interest to the result of your discussion regarding the position of Chiefs in the administrative system. As you know there are two schools of thought on this subject. There are those who believe that the influence and power exercised by the Chiefs are all to the bad, that the powers of Chiefs should be abolished and that the breaking up of the tribal system should be encouraged, I am not of that opinion. I believe that there are many features in the old Native system of government which should have been adopted by us in our dealings with Natives. The white man in the past has been too prone to condemn all Native institutions without sufficient discrimination, and in doing so he has sometimes confounded the good with the bad. I think that many of the evils which we deplore especially in the younger Natives are largely due to the weakening of the authority of Chiefs and parents.

" Together with the decline of the control and authority of the Chiefs there has been woeful decline of parental control resulting in a lack of discipline and responsibility on the part of the younger generation. If it is possible I desire to tighten up tribal and parental control and I would appreciate any suggestions you may have to make in connection with the matter.

" I know that some of you are very anxious to discuss the Native Bills, especially that affecting Native franchise. The Conference of 1927 dealt with these Bills. I regret that no such discussion can take place at this stage. The Bills were brought before a joint sitting of both Houses of Parliament. A Select Committee consisting of members of both Houses of Parliament and of all parties was appointed to consider and report on the Bills.

" The Committee had not completed its labours when Parliament adjourned and most probably it will be appointed again during the next session of Parliament when it is hoped that the Committee will be able to report. In the meantime nothing of what transpired can be made known and it is impossible to place anything before you at the present time. The Committee had power to take evidence and may be given that power again in which case it will have to decide as to whether or what evidence shall be called.

" Prominent in importance among the subjects for discussion are those relating to improved methods of using the land upon which you live. For many years your cry has been that ' the people multiply, but the land does not increase.' That is in fact the cry of every habitable quarter of the globe. We do not recommend the method followed by your forefathers, of fighting over the land and so reducing the numbers as to fit the available space. The better method is to learn to use the land so that it may be able to support a larger number of people. Your best friends realize that this is among your most pressing needs. In Mr. R. W. H. Thornton the Government has appointed a Director of Agriculture for Native Affairs who is highly qualified, experienced and energetic. If you will assist him and follow his advice upon agricultural and pastoral methods, I am assured that the benefits will be very great. Mr. Thornton is present, and will address the Conference upon these subjects at a later stage.

" Before I conclude I think that I should say something with regard to the Native Development Account. I may at once say that to my mind the present system of education whereby the Government subsidises the Provincial Councils and the Provincial Councils subsidise missionary schools is unsatisfactory. Whether there is any possibility of altering the system in the near future I cannot say, but there would be enormous difficulties in the way of change.

" There seems to be so much misapprehension with regard to the Native Development account that a few words on the subject will not be amiss. The annual income of the fund apart from certain interest consists of—

(1) a contribution by Treasury £340,000;

(2) one-fifth of General Tax, about 250,000;

(3) all the Local Tax and Quitrent.

" The proceeds of the local tax and quitrent are paid to local councils or expended for the benefit of Natives in the areas in which they accrued and I propose to deal only with the other two items. The £340,000 represents the actual expenditure by the Provinces on Native education prior to 1925. For the current year the subsidy to the Provincial Councils for Native education amounts to over £599,697. In other words it exceeds the ordinary income for the year. Too many people imagine that the one-fifth of the general tax is all that goes to Native education. They forget the £340,000. If this amount is taken into account it will be seen that the amount of subsidy for Native education actually exceeds half of the proceeds of the general

tax. We have been able to pay more by way of subsidy than our income merely because during the first few years we were able to build up a reserve fund which, however, must necessarily be exhausted in a few years' time.

" The following figures will give you an idea of the position with regard to Native education: —

Year.		Number of Schools.	Number of Scholars.	Subsidy from Native Development Account.
				£
Cape	1926–27	1,604	117,880	300,750
	1929–30	1,726	131,915	345,181
Natal	1926–27	553	37,921	70,250
	1929–30	698	47,425	113,908
Transvaal	1926–27	394	43,176	64,750
	1929–30	588	67,254	92,258
Orange Free State	1926–27	194	17,701	18,500
	1929–30	203	22,333	40,100
Totals	1926–27	2,745	216,678	454,250
	1929–30	3,215	268,927	591,447

" I may say that it is questionable whether the finance of the country will permit of subsidies to the Provinces being increased. Much depends upon the amount of general tax that is paid in. You will at once realize that every Native liable to pay general tax who does not do so deprives Native advancement of the sum of 4s. every year.

" I have asked the Senators appointed in the Native interest to attend the Conference. I regret I must leave you. Mr. Herbst, Secretary for Native Affairs, will remain as Chairman. I hope your deliberations will be of practical assistance in administration."

Reverend Mahabane moved " That a hearty vote of thanks be given to the Honourable the Minister of Native Affairs for the able, informative and comprehensive address delivered by him in opening the proceedings of this Conference of Chiefs and Native leaders."

In speaking on the motion he remarked that the agitation mentioned by the Minister could not be subdued by legislation. It was the outcome of the Government's policy of " exclusion." The Bantu people have been excluded from their rights, duties and privileges as citizens of this country. They were being excluded from certain forms of employment, from the benefits of the Old Age Pensions Act, and from the land by the Natives Land Act, 1913.

Mr. Jabavu seconded the motion. He said it was a pleasure for them to meet for the first time under a full-time Minister of Native Affairs. He hoped that in future all legislation affecting Natives would emanate from him. They also trusted the Minister would alter his decision and remain in attendance throughout the Conference.

Further he thought that the time had now arrived for the Conference to have a definite constitution, perhaps in the shape of regulations of the Native Affairs Act, 1920.

Mr. Jansen thanked the delegates for the vote of thanks. In reply to the matters referred to by the various speakers, these could be conveniently dealt with later. It was not possible for him to remain in attendance at the Conference continuously but he would endeavour to be present whenever his presence should be required. Further, he would be quite prepared to meet representatives of the Conference informally should they wish to see him.

Certain statements had been made, which, if not corrected immediately, would leave a wrong impression. No Native labourers had been dismissed from employment on the Railways in order to make room for Europeans. Europeans had been taken on gradually as openings occurred in the ordinary course. While those Natives who wanted to work could obtain employment at any time, thousands of whites were unemployed, and it was the duty of the Government to see that they did not starve. The same would have applied to Natives had they been unemployed. It would be wise, the Minister suggested, to avoid discussions of this nature.

He continued that if there had been a policy of exclusion, it applied equally to Europeans. If this policy were discontinued, how long, he asked, would the Natives remain in possession of the Native areas.

A definite land policy could not be laid down until Parliament had dealt with the Natives Land (Amendment) Bill, now before it.

The principles of the Liquor Bill have as yet not been adopted. The Bill would be fully discussed in Parliament and would have to be thrashed out in the Select Committee before that could occur.

He said that the trouble between Natives on farms and the farmers was not due to the Natives Land Act as suggested by Mr. Mahabane but was mostly due to the Natives not carrying out the contract entered into with the farmers and this is due in many instances to lack of parental control.

The difficulties of the European farmers should be kept in mind when discussing this matter.

He could not stay longer as he was already late for another engagement. He hoped that the delegates would be calm and practical in their discussions.

The Chairman introduced the gentlemen on the platform.

The Chairman asked that notices of motion should be handed in.

Reverend Mtimkulu moved, as unopposed, the following motion:—

> " Now that this Conference synchronises with the departure of His Excellency the Governor-General, an opportunity should be given to delegates to this Conference, as representatives of the Bantu people of the Union to express their wishes and God-speed to the Governor-General as representative of His Majesty the King."

Seconded by Mr. Godlo.

Mr. Plaatje, seconded by Mr. Fenyang, moved, as unopposed, the following motion:—

> " This Conference desires to congratulate Mr. Justice Tielman Roos on his recent elevation to the Bench of the Appellate Division of the Supreme Court and to wish his Lordship a long and useful career in the lofty sphere into which he has been called to serve his fellowmen."

The Chairman suggested that discussion of the Native Service Contract Bill should take place at a later stage when members have had an opportunity of acquainting themselves with its contents.

Discussion would now take place on Item 3 of the agenda.

" *The Position of Chiefs in the Administrative System.*"

He requested the delegates to concentrate on the question of the desirability or otherwise of extending powers of Chiefs, but a general expression of opinion on the whole question of the appointment of Chiefs and their powers would also be welcomed.

Chief Kumalo (Driefontein) spoke on the position of Chiefs in Natal. He said that the Native Administration Act of 1927 granted power to the Chiefs only to try civil cases arising out of Native custom. While actually only section *two* of the Natal Native Code had been repealed by the Act this was in fact a reduction of the powers granted under that Code, and it was an increase in power that was necessary as the adoption by Natives of the European standard of living increased the number of actions arising from contact.

He had hoped that Chiefs would be granted power to try even criminal cases as in Zululand. He would request, however, that the Natal Code would be applied to its full extent and further that criminal jurisdiction should be given to intelligent Chiefs to try petty cases.

He would like to see that Chiefs' courts should be made courts of record in order that in case of appeals the Magistrate could have before him the evidence led before the Chief and not upset the Chief's decision on entirely fresh evidence. The taking of exceptions on technical points by lawyers also led to reversals by the Magistrate of the judgements given by Chiefs. In each case the respondent was ordered to pay the costs of the whole case and this prejudiced the position of the Chiefs.

Mr. Ndhlovu (Vryheid) spoke against the curtailment of the Chiefs' powers. He suggested that the Government should acquire land for those Chiefs who now resided on privately-owned farms as the service they had to render to their landlords often interfered with the carrying out of their duties as Chiefs.

Chief Mphahlele (Pietersburg) suggested that the position of Chiefs be explained.

Mr. Maci (Kingwilliamstown) said that if Chiefs were no longer recognized the whole race would go to naught. He quoted the Ciskei, where the sons of Chiefs were treated as commoners, as an example. He had special

instructions to request that the royal claim should be recognized in the Cape Province, that Chiefs should be given areas in which to exercise jurisdiction, that they should be granted judicial power to try civil cases, with appeal to the Magistrate of the district, and that they should be paid a sufficient stipend.

The Conference adjourned at 12.50 *p.m. to* 4.15 *p.m.*

Mr. Bam (Pondoland) said that the Native Administration Act had actually diminished the powers of Chiefs. All location land was Crown land and in many instances Chiefs had been told they had no say as regards land administration; nor had they jurisdiction over petty Chiefs; whom the Government could appoint and dismiss without the Chief being consulted. The only two cases in which Chiefs in the Transkeian Territories had been granted civil jurisdiction had been considered purely on their merits. The request from the Transkei was that Chiefs should be qualified in legal training and that thereafter they should be given jurisdiction to try petty criminal cases, that they should be allowed to act in conjunction with the Magistrate in settling land disputes, that they should be consulted before the appointment of petty Chiefs, and before land is sold.

Reverend Mtimkulu (Capetown) wanted to know exactly what advice was required from them in this connection. The system of Chiefs was an old and a sound one. The whole tribal system and system of parental control was bound up with it and he deprecated any interference with it without proper enquiry. He would suggest the appointment of a commission to enquire thoroughly into the whole question before any interference with this institution took place.

Mr. Thema (Witwatersrand) thought the discussion should not proceed until a clear explanation had been given as to what advice was required. For a long time the policy had been to do away with the system of Chiefs.

Mr. Molema (Mafeking) said that the Governor-General was the Supreme Chief from whom all other Chiefs derived their powers and if the powers of the Chief were reduced, his powers would also be reduced and the Natives' respect for the Government would be reduced. The Government should unify the various systems recognizing Chiefs, and should grant greater jurisdiction in civil and criminal cases in order to meet the new cases arising out of the development of the Native. Further he suggested that Chiefs should be given power over all the Natives living within his territory, even over those not belonging to his own tribe.

Mr. Mangope (Marico) spoke of the great confusion which existed and asked that the Chairman should guide them in the discussion. He blamed the Government for the lessening of the powers of Chiefs.

The Chairman explained that he purposely refrained from guiding them along any defined course, and the item on the agenda had purposely been framed to provide for a very wide discussion.

There were wide differences of opinion among Europeans qualified to judge, as well as among Natives, as to this question of the recognition of Chiefs. After tracing the systems in the various Provinces, he suggested that the discussion should be on the following questions:—

(*a*) Was it desirable to restrict the powers of Native Chiefs.

(*b*) Was it desirable to extend those powers.

(*c*) Was it desirable to extend the system of recognized Chiefs to those areas where at present no Chiefs were recognized by the Government. The Government wanted the opinion of the Natives themselves on these questions for, except in Natal, the Natives were not satisfied with the present position.

He emphatically denied that during the years he had been Secretary for Native Affairs it had been the policy of the Government to break down the powers of Chiefs as stated by one speaker. In fact Government had supported those powers in spite of great difficulties in the Transvaal, where in many cases the tribes were so dissatisfied with the administration of the Chiefs that they were almost in revolt. Perhaps it was because the Chiefs had lost control, and the Government was as powerless as the Chiefs to prevent such loss of control. There were at least half a dozen cases in the Transvaal where the people were begging the Government for permission to secede from the tribes.

A large number of factors, e.g. the proximity of Europeans, education, the influx of Natives into urban areas, had to be considered in deciding whether an extension of the powers of Chiefs was necessary. He said that in the large Native reserves Native law and custom demanded the appointment of Chiefs and they certainly were necessary. The question was whether outside those areas where Natives were assimilating the laws and customs of Europeans Chiefs would be of benefit or would be able to exercise

authority. Lastly, there were the areas especially urban areas inhabited by the educated Natives who had adopted European standards of living, who would not want Chiefs.

He reminded them the Government would still have to be considered, as it was the Government who appointed Chiefs, paid their stipends and granted them authority.

The meeting adjourned at 6 *p.m. until* 9 *a.m. the following day.*

SECOND DAY.

Wednesday, 10th December, 1930.

The Chairman announced that the discussion of the previous day would be resumed. He appealed to the delegates to be brief and to discuss only main principles.

Chief Zibi (Rustenburg) enquired who was to decide whether a group of Natives constituted a tribe.

The Chairman replied that the law on the point was clear. The Governor-General could recognize or appoint any person as Chief of a tribe, define the boundaries and area of a tribe, divide up a tribe, amalgamate existing tribes, or constitute new tribes.

Rev. Mahabane (Orange Free State) said that he represented Griqualand West. He stated that some of the Natives were of opinion that the continued existence of a tribe depended on the existence of a Chief. On the other hand Natives had to advance and the existence of a tribal chieftainship retarded progress. Nevertheless, he considered the system of Chiefs should not be abolished; he would even recommend its extension to areas where no Chiefs existed at present also to large urban locations, as at Johannesburg, Port Elizabeth, Bloemfontein. In such locations Chiefs should be assisted by a council of enlightened advisers.

The time has now arrived for the reinstatement of those Chiefs with Royal claims who had lost their chieftainships during the wars of the past.

He was in favour of Rev. Mtimkulu's suggestion that the matter should be postponed until next Conference.

The Chairman asked whether the Rev. Mahabane could suggest how Chiefs should be nominated in urban locations where members from so many different tribes resided.

Rev. Mahabane thought the Chairman had greater experience in these matters. The fact that the people of the location belonged to so many different tribes did not matter, as they all considered themselves as members of the Bantu race.

The Chairman suggested that delegates should re-submit this matter to the people they represented but allowed further discussion at the request of certain delegates.

Mr. Mputhling (Herschel) thought the land question should be settled before the question of the recognition of Chiefs was dealt with. If a Chief had land, members of other tribes would even flock to him. What would be the use of referring this matter to the people when Chiefs had no land? He was in favour of the reinstatement of Chiefs provided they were given land on which to settle their tribes.

Mr. Ndhlovu (Vryheid) was also of opinion that tribalism was based on the possession of land. If no land was available, people drifted away from the tribe to the towns. He was against the appointment of Chiefs in urban areas as no land was available in such areas and diversity of customs existed among residents.

He had already spoken about the position of Chiefs resident on privately-owned land who had to render service to their landlords as well as attend to their duties as Chiefs. Their positions were not enviable.

He was not against Chiefs in reserves, or against the tribal system, but Chiefs should not be allowed to retard the development of their people.

Mr. Plaatje thought the Chairman's suggestion that the matter be referred back to the people and that delegates report at the next Conference a good one and he moved accordingly.

Rev. Mtimkulu seconded.

Mr. Mapikela (Bloemfontein) spoke with the permission of the Chairman. He said it was the general opinion of the Conference that the system of Chiefs should not be abolished; he thought that the question should be referred to a Conference of Chiefs only.

He represented the location with the largest Native population (27,000) in the Union and as such he had authority to say that the appointment of Chiefs for urban locations was not desirable. The land belonged to the

municipalities and as the advisory boards assisted the municipal authorities in the administration of the locations there was no room for Chiefs.

He would move that the matter be postponed *sine die* until the land question had been settled.

The Chairman put Mr. Plaatje's motion, that the question be postponed and that the delegates report at the next Conference.

For 35; *against* 3. *Motion carried.*

The Chairman said that the next item for discussion was the Native Service Contract Bill.

Mr. Barrett explained the provisions of the Bill.

Rev. Dube (Natal) thought that such a law would benefit neither the farmer nor the Native. Should a Native be unable to get back to the farm within the time provided, the farmer was prevented by section 2 from employing him. A weapon is also placed in the hands of unscrupulous farmers of keeping tenants on their land, as where a Native, having entered into a six months' contract, can only complete it in broken periods running over a full year owing to illness. Thus he would be prevented from going to the town to earn a good wage.

Section 4 (1) would prove an annoyance to farmers and Natives as neither were in favour of written contracts.

He criticised section 5 (3). Farmers might require tenants to remain on farms in order to be ready to render service at any time when required.

Who would keep a check on whether Natives performed any labour as required by section 9, and further, what remedy was there for a farmer against a tenant who refused to work? He could eject the tenant, but would already be liable for the tax; and where would the Native go?

Mr. Ndhlovu (Vryheid) appealed to the Government to establish a minimum wage to be paid to farm labourers in order that the drift of Natives to towns should be stopped. It could only be stopped by inducements being offered to Natives to remain on farms. If the Bill under discussion became law Natives would be driven off farms and the drift to the towns increased.

If a Native had purchased most of the material used in the construction of a hut on a farm and only obtained the grass for the roof from the farm, he would have to leave the hut intact if he had to leave the farm. This was unfair.

Rev. Mahabane (Orange Free State) thought that the authorities should not try to remedy the existing state of unrest without first trying to find the root causes of the trouble. The dislocation of labour conditions on farms he attributed to the Natives Land Act, 1913. Prior to it there was contentment. Natives were allowed to cultivate land on the share system, they made money from the crops and they advanced in civilization. Now, after the passing of the Act, they had to visit the towns to earn sufficient money to pay the increased taxes and to meet the demands of civilization. He thought a Bill should be introduced to again allow the share system of ploughing, or this Bill should be so framed as to repeal the Natives Land Act. In that case a service contract would be no longer required.

Section 11 was termed by him as the most obnoxious and pernicious feature of the measure. The Bantu people had advanced in civilization; even in the olden days a Native could not inflict corporal punishment on his son of 18 years of age without the assistance of the boy's uncles and the consent of the family council. Now this section provided for the whipping of a servant, who might even be an old man. Was there better proof that they had returned to the days of slavery?

Further, the Bill was undesirable because it would perpetuate the Natives Land Act for the repeal of which the people were clamouring.

Mr. Thema (Witwatersrand) felt that if there were no farmers in this country there would be no Native problem. This Bill had been introduced because the farmers agitated for it, as a measure to get the Natives back to the farms.

If a farmer sold his land all his rights over the people on the farm passed to the buyer of the land. Also the manure of the Natives' cattle belonged to the farmer, so it seemed Natives on the farm could own no property. It seemed the object of the Bill was to provide for a continuous supply of cheap labour. He thought the time had come when the Natives should say to the farmer " If you want labour you must pay for it like the farmers of Canada and Australia are doing." The farmers were taking advantage of the fact that the Natives required land, to force these conditions on to them.

The Bill restricted freedom of movement among the Native people. denied them the right of bargaining with the land to their best advantage and introduced a new pass system.

Speaker thought that the Prime Minister's Bills should be disposed of before this Bill was proceeded with as the land question was the root of all trouble.

In the Cape Province where Natives were not bound to farmers by pass laws and service contracts better conditions prevailed, higher wages were paid and the labourers were more satisfied.

Senator van Niekerk said that the farmers' point of view should also be understood. He did not think that the great unrest about which Rev. Mahabane spoke existed among the Natives on the farms.

It should be remembered that there were over a million Natives residing on the farms owned by Europeans and they were for the most part not represented at the Conference. It would not be to the benefit of the Native population, economically, if they had to leave the farms.

He had never come across such badly paid farm labour in any part of the Union as in certain parts of the Cape. He admitted that the sudden abolition of the share system of ploughing had been a hardship to the Natives in the Orange Free State, the only Province where it was in force to any great extent. But even had the 1913 Act not been passed economic pressure on the farmers would have done away with it.

He did not agree with everything in the Bill but a measure of this kind was needed by both farmers and Natives.

Farmers could not afford to treat their labourers badly as there was a shortage of labour and badly treated boys would leave.

This Bill would do away with many difficulties of farm labourers. Service contracts would become necessary, there would be no possibility for dispute as to the duration of contracts, the difficulty in regard to huts built by Natives on farms would be settled though the clause could no doubt be improved, and contract by Natives on behalf of their minor children would be provided for to the benefit of both the parent and the child.

The one great difficulty of the farmer that boys who had gone away to work for a certain period during the year did not return at the expiration of such period would also be done away with by the introduction of the passes.

The provision in regard to the manure was reasonable as the farmer's land was impoverished by the Natives' cattle.

Those present would do a greater service to the Natives on the farms by trying to improve the Bill instead of trying to reject it.

Mr. Sishuba (Queenstown) asked for section 7 to be explained to him.

Mr. Barrett explained the section.

Mr. Sishuba said Senator van Niekerk had forgotten to explain why whipping was being imposed as punishment.

Senator van Niekerk explained that the Minister of Justice had been actuated by a desire to restrain farmers from taking the law into their own hands.

Mr. Sishuba thanked Mr. van Niekerk for the explanation and moved that section 11 be deleted for the reasons that whipping would drive labourers from the farms, and it was contrary to civilization and Christianity and that there should not be a criminal punishment for the breaking of a civil contract.

Mr. Godlo (East London) spoke in support of the first speaker. This measure would not benefit either the farmer or his servant.

Section 2 created a new pass system and the Natives were tired of the numerous pass systems which were all out of date.

The meeting adjourned at 12.45 *p.m. until* 2.15 *p.m.*

Mr. Godlo continued his speech and said the whole discussion showed the Bill was unacceptable to the Natives. The service contracts, the contracting by parents for their minor children, the penalty of whipping all showed that the measure aimed at the introduction of the slave conditions. He would, therefore, move the following:—

> " That whereas in the considered opinion of this gathering the passing of the Natives Land Act, 1913, was largely responsible for the disturbed relations existing between landlords and their Native labour tenants on the farms, and whereas in the opinion of this Conference the land question appears to be the root cause of the greater proportion of the troubles that are experienced in connection with life on the farms, and whereas some of the provisions of this Bill are contained in the Prime Minister's Natives Land Act (Amendment) Bill now before the country, and the matter of land adjustment being urgent this Conference of Chiefs and leaders of the Bantu people respectfully

Mr. Jabavu said that the codification of Native law was a formidable task and would entail a great expenditure. Before all could be satisfied a whole compendium, consisting of at least four different codes of laws prevailing in different areas, would be required. A large commission would have to be appointed to undertake the work. He thought the expenditure would be justified if it were to lead to greater justice being done in the courts.

Rev. Mahabane (Orange Free State) associated himself with the two previous speakers. Native Commissioners were often transferred from one area to another where the laws and customs were unknown to them. Codification would remedy this.

There was a movement among the Bantu tribes to regard themselves as one race and it was necessary that they should have one system of law.

Mr. Molema (Mafeking) was in agreement with previous speakers. He would be pleased if the Government would promise to codify Native laws. In the Bechuanaland Protectorate the same question was being sreiously considered and the speaker would suggest that if a Commission were appointed it should co-operate with the Government of the Bechuanaland Protectorate. Tribes would soon be agreed on main principles.

Chiefs would be able to administer justice in a fair way if the laws were written.

The Chairman said that the object was a very desirable one and everybody connected with Native administration welcomed the proposal.

He personally was of opinion that the time had come or was coming when all Native disputes should be tried by Native courts. Many European officials did not agree with him. It was usually said that justice would not be done but he was not afraid of that. When the time was ripe for those Native courts to become courts of record, appeals from them could lie directly to the Appeal Courts.

He did not think there would ever be uniformity in Native law. When the time was reached when each tribe would be willing to surrender some of their customs and be prepared to adopt the customs of other people, then he thought the tribes would adopt European law. That time, however, was a very long way ahead, but gradually Natives would absorb European customs.

He was against codification if by that was meant the laying down of a law which was to serve for all time. The Natal Code was out of date to-day as certain parts of the population had advanced, and for them the code was no longer suitable. If there was no easy means of amending a code to suit advancing ideas of the people it became a drag on the people.

He was in favour of a code of the laws and customs of each tribe separately. This could, of course, be done by a series of decisions of the Appeal Court as had actually been done in the Transkei. The Court would then take note of any alteration or abandonment of customs and would thus revise the law and keep it up to date. That was the English system.

He did not think the appointment of a commission for the whole Union should be the first step. The law of each tribe should be dealt with separately by a body which already had some knowledge of the laws of the tribe. When these separate bodies had collected the laws then the collection could be reviewed by one body which could consider whether uniformity was possible.

He was doubtful whether the Government would be prepared to bear the expense of another commission in these troublous times, but he considered this to be a work for the Natives themselves. The educated men should write the law with the assistance of the Chief and his counsellors. The collection could then be re-submitted to the Chief and his council, and thereafter to the people. It could then be forwarded to the office and the Department would have it examined by a competent body.

After all the laws had been thus revised they would be published in a book, but the Appeal Court would still have the right to pronounce what was the law or the custom in each particular case.

Senator Smit said he was in favour of codification. People did not know where they stood or which law applied. He spoke of the frequent wrong interpretations in courts. The laws must be written as suggested by the Chairman and then the people should ask the Government to have a thorough translation made.

Rev. Mtimkulu (Capetown) hoped a resolution in terms of what the Chairman had said would be adopted.

Mr. Thema (Witwatersrand) thought that the law would lose its elasticity through codification. He suggested, however, that the Department should be careful in the appointment of Native Commissioners and should not appoint men to areas of which they did not know the laws.

Mr. Mphuthing (Herschel) said that the speakers so far seemed to be confused. Some spoke of law, others of customs, and others again of both. He thought that though each tribe wished to adhere to its own customs the principles of Native law were almost the same throughout the Union. Each tribe should retain its own customs and the future would show which customs could stand the test of time. He was in favour of the Chairman's suggestion.

Rev. Dube (Natal) objected to the Natives going back to their original laws and customs. All Natives had progressed and wanted to advance further and he did not think they really wanted to be governed by their old laws. These could be preserved for their historical value.

The Chairman corrected the last speaker and said there was no intention of imposing Native law on persons who were not subject to it nor was there any idea to interfere with the law as it stood to-day.

There was much common sense in Mr. Thema's argument in regard to the appointment of Native Commissioners but while there was only one Civil Service it was not always practicable to appoint the best men for certain posts to those posts. Every endeavour was, however, made to appoint men who had a knowledge of the laws of the area to which they were sent or who would soon acquire such knowledge.

No formal motion seemed necessary, and the matter could be left in the hands of the Department to take the necessary steps.

The next item for discussion was the Pass Laws.

Mr. Thema (Witwatersrand) said this was a very important matter for the Transvaal where the Natives had been agitating for many years to rid themselves from these obnoxious laws. The evidence taken by the Inter-departmental Committee on pass laws had shown how harassing these laws were.

These laws would lead to trouble yet and the argument that passes were a protection to Europeans did not hold, as the real criminal always saw that he had a pass before he went out on a criminal excursion. Passes might have prevented crimes in the past, but no longer to-day.

Passes were easily obtainable by Natives who were out of employment. For payment the poorer classes of Europeans were prepared to register Natives as their servants. It was usually the honest Native who was without a pass.

Passes had taught Natives to forge.

He mentioned Serowe where about 100 Europeans lived among 30,000 Natives and were quite safe, while in our cities people were not safe even with the protection of passes.

The farmers also claimed that they were protected by the pass laws but in the Cape where there were no passes there were not so many desertions.

Though passes had to be produced to the Railway officials, no record was kept of such passes. That was not much use.

To-day the pass laws had outlived their usefulness and he appealed to the Government to seriously consider their abolition.

Mr. Pelem (Kingwilliamstown) said that in 1923 the tendency had been to have only one pass which should be extended to the Cape. He had protested against this at a previous Conference.

The meeting adjourned at 12.45 *p.m. until* 2.15 *p.m.*

Mr. Pelem continued to say that the Transvaal Natives should fight the passes constitutionally. The question was whether the Natives of the Transvaal Province had reached a stage which justified the abolition of the pass laws. If they could convince the Europeans that they had, they would be freed as in the Cape.

Mr. Zibi (Rustenburg) said that in the Cape passes had been abolished when the masses of Natives were still barbarians, for the backward ones were allowed to reap the benefit of the more advanced. In the Transvaal the advanced Natives should not be brought back to the backward ones.

Mr. Mankazana (Witwatersrand) explained what passes were required and objected to the bad administration of the pass laws by the Police. He said that passes could be obtained by unemployed Natives for about 5s. The time had arrived for the people to be freed.

Chief Kumalo (Natal) explained that Natives in Natal were required to carry a number of passes. He considered that the poll tax receipt should be sufficient as it contained all the required particulars.

Rev. Mahabane (Orange Free State) agreed that the time had arrived for the abolition of the pass laws. He saw no objection why the tax receipt should not be considered a sufficient identification.

He said the Cape was not free from passes. There they had the curfew regulations which had been more strict under the new law—the Urban Areas Act Amendment Act, 1930.

He termed the pass a badge of slavery.

These laws would disturb the peace of the country, bloodshed would take place and the Natives would be the sufferers.

Chief Nkantini (Mahlabatini) spoke in support of what Chief Kumalo had said. He was in favour of one uniform pass system for the whole Union.

He drew attention to the fact that Chiefs of his status required to be accompanied by indunas and cooks and it was a heavy expense on him to pay their rail fares.

Mr. Godlo (East London) supported Mr. Thema, Rev. Mahabane and Mr. Zibi. The people of the Cape were not entirely free, as a pass law existed in the shape of curfew regulations which he considered worse even than the main pass laws. He was in favour of the abolition of these regulations as well but not in favour of the use of the tax receipt as a pass.

Mr. Sishuba (Queenstown) asked whether the pass question had ever been investigated by the Native Affairs Commission, and what steps the Secretary for Native Affairs was going to take after hearing what had been said. He thought the Transvaal people should be satisfied with the tax receipt as a pass.

Chief Mfungelwa (Eshowe) supported what had been said by Chief Nkantini. Passes were good, if Natives went on long journeys their relatives could be traced from the passes.

The Chairman said that the Minister had told him that the Department considered that the pass system should be based on the identification contained in the tax receipt, and to this the Native Affairs Commission agreed. But the matter affected Europeans as well, and the Police Department was also concerned, and it was to be regretted that no agreement had yet been reached.

He asked the Natives to be patient as the Department was doing its best to obtain agreement. It was desired that the law when promulgated should be self-contained and should state who were exempted. These exempts would, however, still have to carry some document to show that they were exempted.

The Department was doing its best to mitigate the Natives' difficulties which were well known to it.

The Minister was not unmindful of this matter and had frequently considered the draft proclamation with the Minister of Justice but no agreement had been reached.

At this stage the Minister arrived.

Rev. Mahabane, seconded by Rev. Dube, moved the following:—

> " That in view of the fact that the Bantu population of the Union view the pass system as a symbol of slavery and also of the fact that the system has from time to time caused disturbances of the public peace, this Conference of Chiefs and leaders of Native thought is convinced that the time has fully arrived when the Government should take into serious consideration the advisability and expediency, in the interests of the peaceful and orderly government of this country, of taking immediate steps in the direction of the total abolition of the pass laws as a system.
>
> " The Conference, therefore, respectfully and yet strongly urges the Government to introduce legislation the purport of which shall be to repeal all laws and regulations relating to passes."

Mr. Plaatje, seconded by Chief Kumalo, moved the following amendment:—

> " That the poll tax receipt should replace all passes."

Amendment carried.

Mr. Jabavu said he had already mentioned that it was hoped the Conference would be held regularly. He also suggested that a new constitution, clearly defining the functions of the Conference, was necessary. It was further desired that a small executive committee should be formed to see what could be done towards giving effect to the resolutions of the Conference.

He hoped the Minister would also consider the question of the payment of the expenses of attendants of Chiefs visiting the Conference.

If the Conference were held regularly Natives would take a greater interest in it and would collect information at their homes which would increase its usefulness. He, therefore, requested the Minister to give them some assurance that the Conference would be held regularly.