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

South Africa. Native Affairs Commission

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the same law should apply to everyone—white or black—and he felt very strongly that the works of those of their own colour who wrote for them in America should not be debarred to the Natives of the Union who did not have their own literature.

He moved :—

> "That any proclamation before it becomes law should be submitted to this Conference until Councils have been established."

Mr. Jabavu (with the consent of his seconder) withdrew his motion and seconded this proposal.

Dr. Molema supported the principle of government by proclamation which had saved Natives in certain parts of Africa from retrogression. It had had good effects in the Transkei. It worked well in the Bechuanaland Protectorate where the people were ignorant and the Chiefs had real power.

He moved the adoption of the principle.

Major Herbst said he thought that the general feeling of the Conference was in favour of the principle of government by proclamation subject to such safeguards as would enable the people to be consulted. He thought they should pass on to the specific clauses.

Mr. Singqandu pointed out that a good government should make its people acquainted with the laws. How many people saw the *Gazette ?*

He moved the insertion of the words " and Native newspapers " after the word " *Gazette.*"

Mr. Plaatje seconded.

Chief Tombela objected to restrictions in regard to kafir beer, which was the national drink of the Natives. He thought that every Chief should be allowed to possess a revolver. He was of opinion that literature from overseas helped the Natives to progress, especially Marcus Garvey's " Negro World."

The Chairman put the first three lines of section *four.*

Carried.

The Chairman put Mr. Thema's amendment.

Carried.

The Chairman put Mr. Singqandu's amendment.

Carried.

Clauses (*a*), (*b*), (*c*) *and* (*d*) *were put and agreed to.*

Chief Makapan said that in regard to clause (*e*) meetings were held by irresponsible persons and there should be some control.

Mr. Zibi said that they had agitators in the locations in Rustenburg which took the lead in court cases. The agitators inflamed the loyal Natives. Meetings were held at night.

Chief Moiloa supported Chief Makapan's views.

Clause (*e*) put.

14 *voted for the clause, which was deleted.*

Clause (*f*) *was agreed to.*

Clause (*g*) *was deleted.*

Clause (*h*) *was passed.*

Section five was passed with the insertion of the words "and Native newspapers" after the word "Gazette."

Mr. Mahabane pointed out that the Bill purported to deal with Native law and custom and he did not think section *six* should remain in it. He moved its deletion.

Mr. Mfeka seconded.

Chief Kumalo pointed out that the Bill was to apply to those who lived amongst Natives. Even exempted Natives lived under Chiefs but did not obey them.

Section six was deleted.

Major Herbst explained section *seven.*

Sections seven and eight were passed.

The Chairman put sub-sections (1) *to* (4) *of section nine, which were passed.*

Mr. Thema, in regard to sub-section (5), said that lawyers had to get permission to appear in Native cases, and this was regarded as an injustice.

Mr. Sakwe supported the sub-section.

Mr. Mahabane moved the deletion of the words "or prohibit."

Mr. Thema seconded.

Mr. Langa opposed the appearance of any lawyers.

Mr. Mahabane's motion was adopted.

The Chairman put section *ten* (1).

Mr. Mahabane moved the deletion of the words "by consent of the parties."

Chief Makasane seconded, and said that a Chief should have authority to try all cases.

Mr. Fenyang said a good Chief was not afraid of his people. But in the case of a bad Chief the commoners should be considered.

Mr. Mtimkulu hoped the Chief's powers would not be curtailed.

Chief Makapan pointed out that it was not Native law to require the "consent" of parties.

Mr. Mahabane's motion was adopted.

Sub-sections (1), (2), (3), (4) *and* (5) *of section ten were passed.*

The Chairman put section *eleven* (1).

Mr. Plaatje said he could not regard lobolo as not being contrary to civilization. Litigation was always caused by lobolo. The custom was dying out, why should it now be legalized?

He moved the deletion of the words: "It shall not be lawful for any court to declare that the custom of lobolo is repugnant to such principles."

Chief Matole opposed the deletion.

Mr. Matoti pointed out that the intention was not to encourage lobolo but only to record it.

The motion fell away.
The Conference adjourned at 6 *p.m.*

THIRD DAY.

Saturday, 6th December, 1925.

Major Herbst in the chair.
In reply to Major Herbst the Conference expressed the desire that the Prime Minister should attend the Conference.
Sub-section (2) *of section eleven was passed.*
Major Herbst explained section *twelve.*
Mr. Mahabane said he was not satisfied with the proposed court, it should be called the Native High (or Supreme) Court, and an appeal should lie to the highest court in the land—the Appellate Division of the Supreme Court. It was the right of every citizen to have access to and get redress from all courts. The Bill took away their rights.
He moved the deletion of " Native Appeal Court " and the substitution of " Native High Court " in sub-section (1).
Major Herbst pointed out that there was no deprivation of rights. But as a matter of fact concessions were being made to the Natives.
Mr. Jabavu could see no curtailment of rights. The courts would only deal with Native customs. King William's Town people were suffering because the proposed courts did not exist.
The motion fell away.
Sub-sections (1), (2), (3), (4) *and* (5) *were passed after discussion.*
Sub-section (6) *was passed with an amendment, namely, the insertion of the words " and Native paper " between the words " Gazette " and " appoint."*
Sub-section (7) *was passed.*
Dr. Loram explained section *thirteen.*
Mr. Dube did not agree with Dr. Loram as to the Natal Native High Court which the Natives disliked. He thought that Court should be abolished.
After discussion sub-sections (8) *to* (18) *were passed.*
At this stage the Prime Minister accompanied by the Minister of Finance entered the Conference.
Mr. Jabavu moved :—

> " That this Conference thanks the Prime Minister most sincerely for his courtesy in opening the proceedings of the Conference, for his lucid explanation of his policy, this being the first occasion for a Prime Minister to address us, for his visit to the Native Territories, and for granting us this additional visit."

Speaking to the motion *Mr. Jabavu* said that General Hertzog was the first Prime Minister to take the trouble to

travel extensively among his (the speaker's) people in their own homes. He thanked the Prime Minister cordially for all his trouble and his usual courtesy in listening to their representations.

Amongst the items on the agenda were some having direct reference to the Natives Land Act of 1913 and which involved the principles of segregation. With regard to the matter of segregation the Natives had never been consulted about it directly. Possibly there was no need because the Natives are the ruled. But in their humility they would like to offer a suggestion : if the academic theory of segregation is desirable, the logical thing is to begin with territorial segregation as the industrial and political aspects are dependent on it.

If the Natives were taken away from industries, they should have territories to which they could go.

If political segregation were contemplated, the Natives should have their own Magistrates and the machinery of self-government. As a voter in the Cape he had always exercised his vote to further the protection of his own interests which were involved with those of the European.

The Natives had been told to develop on their own lines, but when the Europeans came they found us developing on our own lines which they then judged to be a danger to civilization. The Natives were therefore removed to industries to learn the dignity of labour and to assimilate themselves to European civilization.

Now the Natives had to go back to their own civilization and develop along their own lines. That was logical, if territorial segregation were applied, for the land question overshadowed all other questions.

The Natives also wanted an opportunity to confer annually. At the present moment their time was too short.

They would also like to see the resolutions passed in the Annual Conference tabled in the House of Assembly for then the members would at least be familiar with Native views. Thus there would be direct communication between them and Parliament.

Mr. Plaatje in seconding the resolution thanked the Prime Minister for allowing the people of Griqualand West to have a representative at the Conference. He praised the administration of the Prime Minister. Although some of the Natives desired a separate Minister of Native Affairs they had no sympathy with this proposal in Griqualand West, for the sympathy of the Prime Minister was necessary in Native Affairs.

He thought that General Hertzog must have used much " lampoil and electricity " in the study of Native Affairs, and if the Native now got a " brand new white fellow (splinternuwe Duusman) " it would be a long time before the latter would learn the " A.B.C. of Native Affairs," and in the meantime their clock would stop.

He was of opinion that seven members were too few to represent the Natives.

General Hertzog, in reply, said he was very pleased to be present at the Conference that morning and to be able to reply to any grievances and to thank them for his reception.

He was attending not for the purpose of exercising his authority but as a representative of the Government and to see that as far as possible the desires of the Native population are granted.

He acknowledged that many of their grievances were justified, but even the Europeans had grievances.

As regards the presence of the Prime Minister at the annual Conference he could not be present the whole time but he would attend each Conference for a reasonable time as long as he was Minister.

He agreed that the Conference should be held annually.

He favoured the idea that the Conference Resolutions might be laid before Parliament, but unfortunately no Government could allow all classes of documents to be laid on the Table by every body or society as this would mean too many papers would have to be considered.

The period usually allowed for the meeting of the Conference would be increased, but the length of time must always depend on the business to be discussed.

He thought that the Natives agreed with him that they should be represented in Parliament only by members elected by themselves.

The land question had been raised and it had been said that if segregation is to become an accomplished fact the Natives must have the requisite extent of land and security in respect of that land. This ought to be the case.

As to the size of the land it depends on the meaning attached to the term segregation. They knew that some people were of opinion that segregation means separate land for Europeans and separate land for Natives, and that the European must keep to his own territory, in which the Natives would not be allowed and *vice versa*. The people who support this, desire that there should be two kraals—one for the sheep and the other for the goats. This would not happen unless it was in the interest of either the Europeans or the Natives. If that had been his intention he would have been accused of depriving the Native of every opportunity of advancement.

His proposals were largely identical with the Natives Land Act, 1913. By that Act the Native could work in towns and in the country for wages, and, this was also his own suggestion.

He wanted to make increased provision for the Native who worked on the farm not for wages but for the right of staying on the farm, but he wanted to prevent abuse of such provision.

The Act of 1913 had already limited the right of the Native to obtain land, and he would not allow the Native to be deprived of the land set aside for him by that Act. It was felt

at the time of the Act that not enough land had been so set aside for the Native and a Commission was appointed to determine how much more land could be earmarked for him as a compensation for his right of settling in any area of which he had been deprived.

Unfortunately, although two Commissions have been appointed both Natives and whites offered such strenuous opposition that the Government decided to leave matters alone.

He felt that the Act of 1913 contemplated that the Native should have undisputed rights to land within certain areas and it was time that this should be given effect to.

In regard to the size of the Native Areas and their position in the Union it was no more than right that the recommendations of the Commission should be considered.

He considered that the new areas should be adjoining or as close as possible to the land already reserved for Natives. The size must, however, be considered in relation to the segregation scheme.

He was busy considering methods of securing more ground. He had nearly completed his task, and he would explain the scheme to the people during the next parliamentary session.

With reference to councils the law of 1920 makes provision for them and they will come into existence in five or six months' time whether his scheme was accepted or not.

The extension of Native territories was comtemplated under the Act of 1913 and it seemed to him to be necessary, for it was one of the first duties of the Government to see that the interests of the Natives should be considered as far as possible. There were many Natives in the towns but they formed a small proportion of the Native population. He felt that the Natives throughout the Union were fully justified in demanding the assistance of the more educated and developed Native of the towns.

Under the Bill brought before Parliament and rejected by the Senate, there was no curtailment of the Native's industrial activities, but their activities would be dependent on subsequent proclamations by the Governor-General, who might decide on the industries in which the Natives were to be allowed to participate, but certain industries would be reserved for whites and certain for Natives.

Referring to Mr. Plaatje's remarks he doubted whether one race could take over the civilization of another, each had to develop its own. They might approach each other, and he hoped the time would come when the Natives would assimilate European civilization.

Criticism had been offered that seven members were too few to represent the Natives in Parliament but on the other hand some Europeans thought the number too many. He thought seven sufficient and asked them to remember that there would be an Annual Conference and the seven members would

be compelled to bring forward its Resolutions in Parliament. He did not think the Northern Provinces would agree to more than seven representatives.

Mr. Mahabane asked for an assurance that land set aside for Natives should not be taken away for white settlement. This had happened in the cotton areas in Zululand.

He asked if arrangements could not be made for Natives to obtain loans from the Land Bank.

The Prime Minister replied that the Land Bank could lend money to Natives or Europeans, but unfortunately the Bank wanted security which the Natives were unable to give.

If the Natives could not buy land they could hire it from the Government.

The land reserved by the Act of 1913 could not be taken away from the Natives except by a special Act passed by Parliament.

Mr. Dube pointed out that land at Amanzimtoti had been taken away from the Natives without their knowledge for the purpose of white settlement.

The Prime Minister replied that only a small portion of land at Amanzimtoti had been expropriated by Parliament itself for certain necessary development. For that land £30,000 had been paid to the Natal Native Trust and the money was to be used to purchase other land for Native occupation.

The Conference adjourned from 1 *p.m. to* 2.15 *p.m.*

The Chairman invited discussion on section *nineteen.*

Mr. Khoza moved the deletion of the words "of their own tribes."

Chief Kumalo seconded.

The motion was adopted and section nineteen as amended passed.

Major Herbst explained section *twenty.*

After discussion section twenty was passed.

Sub-section (1) *of section twenty-one was passed.*

Sub-section (2) *of section twenty-one was passed with an amendment, namely, the insertion of the words "after consultation with the Natives of Zululand" between the words "may" and "by."*

Sections twenty-three, twenty-four and twenty-five were passed.

The Chairman invited the submission of motions.

Mr. Jabavu moved, seconded by *Mr. Sikiti :*

> "That the period of the Conference be extended from three days to six days."

Agreed to.

Mr. Jabavu moved, seconded by *Mr. Sikiti :*

> "That the Minister arrange to send the agenda to the members at least 30 days before the meeting of Conference."

Agreed to.

Mr. Jabavu moved, seconded by *Mr. Sikiti :*

" That the Minister should place the resolutions of this Conference on the Table of Parliament previous to the introduction of legislation on any Native question."

Agreed to.

Mr. Thema moved, seconded by *Mr. Zibi :*

" The Government having recognised the fact that it is in the interests of South Africa that Natives should be provided with facilities for higher education in this country, and having translated this recognition into action by financially supporting the Native College at Fort Hare, it is the opinion of this Conference that the Government should be urged to seriously consider the matter of raising the standard of education in the Transvaal and Orange Free State so as to enable the existing Training Schools to prepare students to enter the Native College without having to go to Institutions in the Cape and Natal.

Alternatively that the scheme suggested by Dr. C. T. Loram in his book ' The Education of the South African Native ' should be put into operation, namely, that Provincial High Schools should be established in each of the Provinces of the Union for the purposes of feeding the Native College with students."

Agreed to.

Mr. Zibi moved, seconded by *Mr. Morosi* :—

" That legislation by which it is proposed to place the Native question on a more stable basis should be made conditional on a clear statement of the Government's policy in regard to land for Natives throughout the Union."

Agreed to.

Mr. Fenyang moved, seconded by *Mr. Singqandu* :—

" That in order to relieve the congestion of the Seliba Reserve Government be requested to buy the farm " New York " and adjoining farms belonging to Europeans, and bounded on all sides but one by the Native Reserve, as an additional Native Area where Natives may buy or lease land."

Agreed to.

Mr. Mahabane moved, seconded by *Mr. Plaatje* :—

" That in the interests of the moral and tribal integrity of the Bantu races of the Union of South Africa this Conference respectfully recommends that Native Chiefs or Headmen be appointed in terms of section *one* (5) of the Native Administration Bill in such Non-Native Areas of the Union where a desire for such appointment exists."

Agreed to.

Mr. Fenyang moved, seconded by *Mr. Plaatje* :—

"That the heads of families residing in Thaba 'Nchu Native Reserve holding temporary and other similar certificates be allowed to fence their residential sites."

Agreed to.

Chief Sioka moved, seconded by *Mr. Kumalo* :—

"That the Conference strongly appeals to the Government that when sending out the Native Affairs Commission to enquire into any matters affecting Natives same should consult leading Natives' opinions as well as Europeans."

Agreed to.

Chief Senthumulo moved, seconded by *Mr. Thema* :—

"That the education of Native children, especially the sons of chiefs, should be made compulsory in the Transvaal."

Agreed to.

In closing the Conference *Major Herbst* wished the delegates a pleasant journey home. The session had been short, but much work had been done.

The Bill which they had discussed was most important and far reaching—and, as the Conference consisted not only of educated Natives but also of the backward representatives, progress was necessarily slow. He hoped their homes would be blessed with good rains.

Dr. Roberts said they would pardon him if he stated that he regarded the Conference as the child of the Native Affairs Commission. He was pleased with it and when he looked back on the small beginning four years ago and saw its size to-day he was very gratified.

He congratulated them on the manner in which debates had been carried on.

One of the delegates had thought that the members were at fault in not speaking at the Conference. As far as he was concerned he intended no disrespect but he had realized that the time allotted for the Conference was short and there were quite enough able men among the delegates to keep the discussion going. Further he wished the considerations and conclusions arrived at to go forth as those of the Natives themselves.

General Lemmer said he was pleased to say a few words now the Conference had finished its labour. He agreed with Dr. Roberts as to the members of the Commission taking part in the discussion. Their decisions should be arrived at without the influence of the Commission which found it necessary sometimes to disagree with the views of the Conference. He was content with the work which had been done by the Conference. It was not complete, but it could be completed.

The Act of 1920 contemplated consultation of Natives regarding legislation which affected them and every one taking

part in the Conference knew that that body would slowly and gradually increase.

Everyone wanted to see a solution of the Native problem and when both Europeans and Natives come together and reasonably discuss difficulties a solution will be nearer.

He hoped that when the Government put its legislative proposals before the Natives they would not blindly throw them aside but give them the most reasonable consideration.

Dr. Loram said that the first impression which the Conference had left on him was how necessary education was for the Native people. Anyone who tried to prevent their obtaining it was no friend of the Natives.

The second impression was that in a gathering like this how quickly people improved with practice. There were the old stagers from the Transkei who showed their skill at once.

The third impression was how quickly people got together in a meeting like this.

Mr. Mahabane moved a vote of thanks to Major Herbst for the able and impartial manner in which he had presided over the Conference.

He admired the progress which had been made since the inception of the annual conferences. This year's Conference was a good augury for the future.

In the past it had been believed that white men could not sit in conference with black people, but this Conference proved the contrary. He was hopeful of the future and his hope was that black and white should work together to bring about a great South African country with no divisions of race and colour.

Mr. Singqandu seconded the motion.

Major Herbst expressed his thanks.

The Conference closed.

ANNEXURE III.

NATIVE LEGISLATION: TOUR OF NATIVE AFFAIRS COMMISSION.

THE HON.
THE MINISTER OF NATIVE AFFAIRS,
Pretoria.

SIR,—

As arranged with yourself the undersigned members of the Native Affairs Commission undertook a tour of the Union with the object of explaining to the Native population the policy of the Government as indicated in the three Bills laid before Parliament during the last Session and published in *Government Gazette* No. 1570 of the 23rd July, 1926.

The Commission decided to hold meetings with the people at the places where substantial Native communities reside or at centres conveniently accessible to Natives.

A list of places at which meetings were held and the dates of such meetings is attached—marked A.

The Magistrates of the various districts were asked to notify the purpose and object of the meetings and large numbers of Natives attended. The meetings in every case were entirely representative.

The Magistrate (or the senior Government official) present presided at the meeting and the Commissioners wish to record their appreciation of the kindness and help extended to them by the officials of the Departments of Native Affairs and Justice throughout their tour.

The procedure adopted at the meetings was as follows :—

(*a*) The Magistrate introduced the Commission and stated the object of the meeting.

(*b*) Dr. Roberts explained the Union Native Council Bill and the Representation of Natives in Parliament Bill.

(*c*) Mr. van Niekerk explained the Natives Land Act Amendment Bill.

(*d*) An adjournment then took place to enable the Natives to discuss what they had heard, to prepare questions if further enlightenment were needed and to formulate any opinions or suggestions on the Bills.

(*e*) The meeting was resumed and the Natives asked questions and expressed their views.

(*f*) The Commissioners replied to questions.

(*g*) Where the meeting was unwilling or unprepared to express an opinion the Natives were told that they could, if they desired, put their views in writing and transmit them later on to the Commission. (In some cases written opinions were subsequently received by the Commission.)

At a number of meetings no decided opinions were given as the Natives following the usual custom expressed the wish for "time to consider." But questions were asked or remarks made which indicated in a measure the attitude of some of those present.

Notes were taken at all the meetings and from these a precis has been made and is attached hereto—marked B*.

Before venturing upon a statement of their own views with regard to the present Government Native policy, as revealed in the three Bills which have been put before the country, the Commission consider it but right that they place on record the excellent spirit and respectful manner in which they, the Commission, were received right throughout their extensive tour, a tour in which no important Native centre was omitted.

* Not printed.

When opposing views were expressed by leading Natives at the various meetings this was done both with conviction and with courtesy. At almost every meeting the Hon. the Prime Minister was thanked for sending the Commission on an errand of explanation. It was stated frequently that this was the first time that this consideration of, and approach to, the Native people had been made.

The Commission feel convinced that it was a wise step to go round the country. It not only gave to the Natives an authoritative and unified explanation of the Bills, but it assured them that it was the wish of the Government that they should have this explanation. Further the Commission is assured that their tour, while on the one hand correcting wrong impressions regarding the proposed measures, has also made more reasonable the natural objection to many of the changes proposed in the Bills.

The Commission, had the time permitted, would willingly have visited European centres, for in spite of the fact that the Government measures had been for months before the country there was, almost everywhere, a most regrettable ignorance of their scope and intention. It is hoped that the action of the Government in bringing in Native matters, political and social, before the country will convince men of the importance and imminence of the Native problem.

The Union Native Council Bill.

The Native Affairs Commission is glad that this measure was received with acceptance. The idea of a pan-Native Council captured the imagination of most of the people we addressed. The Commission does not share the views of many outstanding Europeans that it is dangerous thus to unite the Native people. There is far greater danger, more unstable elements in the condition where the Native people are broken up into factions. Union usually brings dignity, security and progress. Dispeace accompanies disruption. The agitator can work more readily among a people disorganised and therefore dissatisfied than he can among a united and contented people.

While very distinctly approving of the spirit and intention of the Native Council Bill the Commission would seek to offer the following criticisms on certain sections of the Bill.

They do not think that the proposed mode of election of members to the Council will prove satisfactory. There must be more elasticity. The "group" mode of voting may suit, and probably does suit, the more backward peoples, as for example those living in Zululand and the Northern Transvaal, but it will prove wholly unsatisfactory to the more enlightened Natives accustomed to the European form of voting. Besides in many instances it will prove unworkable. For example suppose that the "quota" is 500, and that in a certain district there were 250 unattached educated Natives,

they would be asked to appoint a representative who would cast their vote, namely, half a vote. This is no imaginary difficulty. It is one which will arise in such numbers as to produce endless confusion.

The Commission would accordingly urge upon the Hon. the Prime Minister the resolution favoured by the Natives at the recent Pretoria Conference, and suggested by the Secretary for Native Affairs, namely, that a choice of modes of election be given to the people, or be defined by the Governor-General.

Where there are Natives very clearly under tribal conditions and government, let the mode of election be that set forth in the Bill, but where the Natives are indubitably under European conditions of life there individual voting should be allowed. The " quota " system could very easily be applied to both methods, although for simplicity we would prefer the " quota " to be *one* not five hundred. It may be argued that individual voting would give a wrong impression of the relative strength of Natives as against Europeans, but every educated Native knows the population statistics of the Union.

The Commission is of opinion that it would add to the effectiveness of the Native Council to make no change the first three years. The application of the rotation system would come into force at the end of the first three years. The arguments in favour of this are, that, the members would be quite new to the work and that it would take more than one year to understand things.

The Commission would urge that the emoluments and advantages which would belong to members of the Council should be such as would make it worth while being a member. A salary of £50 the year would only amount to £2,500 ; and if to this there be added a similar sum for office, printing and general expenses, the total amount would not exceed £5,000 per annum.

The Native Franchise Bill.

The major part of the opposition to this Bill had its origin in the Cape Province. It was there, naturally, where the opposition reached its culmination.

When the Commission began its tour in the Western Transvaal the Natives in that part of the Union seemed willing to welcome the measure as bringing a greater measure of political liberty and opportunity to them than they had hitherto enjoyed. But as the tour extended the opposition increased, taking such form that it was evident it was directed and sustained from one source.

Had the Cape franchise been untouched by the Bill the Commission is assured the other three Provinces would have accepted the measure readily and gladly.

In the face of the determined opposition to the Bill shown at the Native Conference in Pretoria, and during the latter

part of the Commission's tour, the Commission would seek to place before the Hon. the Prime Minister two other alternatives to the franchise proposals of the Bill as they refer to the Cape Province.

Either the Government might agree to allow the present Native possessors of the franchise to remain on the roll, but to add no new voters. In this case, as before, those Natives who preferred to remain on the roll would forfeit their right to any participation in the Union Native Council, or the Government might adhere to the principle of a separate franchise in the Cape Province, as suggested in the Bill, but would adopt the system of individual voting indicated in our consideration of the Native Council Bill.

This latter concession would not break down any vital principle in the Government policy. The principle of separate representation for Natives, which the Commission regard as a fundamental principle of the Bill, would be conserved: the Natives in the Cape also could not bring against the Government the charge that their franchise rights are being taken away, for they would still have the right to vote individually for certain members directly representing Native interests.

The feeling against the Bill, as it stands, on the part of the great majority of Natives is too intense to be lightly ignored, and accordingly the Commission with a due sense of responsibility, both to the Government and to the Native people, would urge the consideration of either of these alternatives.

One is assured that in time the Native people will come to see the importance and the value of having their own members to represent them. Issues are not obscured nor interests divided. The past system of sharing in the good-will and friendly intentions of members of Parliament has brought the Native few benefits and has engendered distrust in the white man's promises.

During the tour there was no strong protest raised against Europeans representing Natives in Parliament.

When the insurmountable difficulty, social and psychical, of Natives sitting in the Supreme Council of the Union was honestly and clearly put before the Natives by the Commission they accepted the position.

The Land Bill.

The intricacies of the Land Bill made it a very difficult matter for Natives to master all the details of the measure. The deepest interest, however, was taken in the proposals and more questions were asked regarding their operation than on any of the other Bills.

This is not to be wondered at for after all land means everything to the Native people. It is the basis of their national life. One half of the work of the Native Affairs Department circulates round land questions. If accordingly the Natives are in possession of land adequate to their needs then they are contented.

This being so in any land settlement with Natives it is wiser to be generous even than just.

It is very questionable if this spirit has governed the land settlement in all the Provinces. In Zululand and in the Northern Transvaal the Natives cannot complain regarding the amount of land allotted to them. But this cannot be said either of the Orange Free State or of the Cape Colony. In certain districts of the latter Province the allocation has been most niggardly. This view has been voiced by many responsible men irrespective of party; and, so, the Commission would urge the Government to reconsider the areas in the Cape that have been released for Native purchase, especially areas in the King William's Town and Queenstown districts where the congestion is very great.

A glance at the map of the Orange Free State will convince any open-minded person that the claims of the Native people have not had sufficient consideration in this Province.

Besides, there are at least 600,000 Natives living on farms either as workers, tenants or squatters, and if the new proposals condemnatory of excessive tenant-farming and squatting release one-sixth of this number then the conditions which prevail in many areas, especially in the Cape, will be intensified.

Looking at the problem from its broader aspect, if the provisions of Chapter II. of the Land Bill be carried out, it may cause the displacement of a large number of labour tenants, numbers of whom would look to the Government for land: the Commission therefore would suggest that the portion of the Bill dealing with the apportioning and licensing of Native tenants be withdrawn, or that the gradation of licence fees be considerably modified.

It is to be remembered that the opposition in the Cape Province to the proposed Land Bill rests on a different basis from the line of opposition in other parts of the Union. The demands of the Cape Native to be allowed to buy where they like must be related to their franchise position and is governed by their desire to retain their franchise rights. But this need not in any way obscure our views with regard to inadequacy of the land they at present possess.

In almost every centre objection was raised against *both* Europeans and Natives being allowed to buy freely in released areas. The Commission while not advocating any reconsideration of the policy adumbrated in the Bill suggest that the Hon. the Prime Minister consider the objections raised by the Natives.

The Commission would also urge that in the event of the Bill becoming law the much needed Native Land Purchase Fund should be generously helped by parliamentary grants. This would do much to allay Native feeling against the measure.

Very strong objection was taken to the condition in the Bill that only certain tribes can buy in certain areas. Seeing that

in many areas there is no such limitation, and bearing in mind the fact that Native tribal distinctions are not so strongly marked to-day as they were a generation ago, the Commission think the Government should reconsider this aspect of their land policy.

During their journey the Commission was struck with the backwardness of Native agriculture. They would therefore suggest that a Commission be appointed to make a comprehensive survey of Native Locations, with respect to their capacity to carry the present or probable future population. This Commission might enquire into the best means to overcome overstocking, to secure better cultivation than at present exists, to give guidance in the grading of stock, and in advancing irrigation.

The Commission was struck with the eagerness on the part of many Natives to learn better methods of agriculture, as well as with the general desire and demand for Native demonstrators in agriculture.

The Commission is therefore of opinion that a fully qualified agriculturist should be attached to the Native Affairs Department to give expert advice when agricultural concerns come before the Department for consideration.

Although it does not come directly within the scope of the present enquiry of the Commission, your Commissioners feel sure it would be a great gain in the discharge of Native Affairs if in districts where the Natives largely predominate, the Magistrate were under the control of the Native Affairs Department or when this is impracticable then there should be appointed to assist him a Superintendent of Native concerns.

We have the honour to be,

Sir,

Your obedient servants,

ALEX W. ROBERTS,

P. LE R. VAN NIEKERK,

Members of the Native Affairs Commission.

Cape Town,

11th January, 1927.

R. S. MEDFORD,

Secretary.

LIST OF PLACES AT WHICH MEETINGS WERE HELD.

Transvaal :

Rustenburg	9	August.
Graskop	23	,,
Lydenburg	24	,,
Sekukuni	25	,,
Pokwani	27	,,
Mohlaba's Location	31	,,
Groot Spelonken	2	September
Louis Trichardt	4	,,
Sibasa	6	,,
Pietersburg	8	,,
Potgietersrust	9	,,
Nylstroom	10	,,
Humanskraal	13	,,

Natal :

Vryheid	22	September
Dundee	23	,,
Msinga	24	,,
Greytown	25	,,
Maritzburg	27	,,
Richmond	28	,,
Ixopo	29	,,
Umzinto	30	,,
Port Shepstone	1	October.
Eshowe	6	,,
Nongoma	7	,,
Estcourt	9	,,
Ladysmith	11	,,

Cape :

Mafeking	15	August.
Vryburg	16	,,
Herschel	14	October.
Queenstown	16	,,
Lady Frere	18	,,
King William's Town	19	,,
Alice	20	,,
Umtata	22	,,
Lusikisiki	25	,,
Matatiele	27	,,
Butterworth	29	,,

Orange Free State :

Thaba 'Nchu	23	November.
Witzieshoek	26	,,

ANNEXURE IV.

MINUTES OF A CONFERENCE SUMMONED UNDER ACT NO. 23 OF 1920 AND HELD AT THE PRESBYTERIAN HALL, PRETORIA, ON THE 2ND, 3RD, 4TH AND 5TH NOVEMBER, 1926.

First Day.

2nd November, 1926.

PRESENT :

The Hon. T. J. de V. Roos, Acting Prime Minister and Acting Minister of Native Affairs.

Mr. J. F. Herbst, C.B.E., Secretary for Native Affairs, and Senator A. W. Roberts and Mr. P. W. le R. van Niekerk, M.L.A., members of the Native Affairs Commission.

Mr. R. S. Medford, Secretary to the Native Affairs Commission.

Cape Delegates.

1. Mr. Emmet Mahonga.
2. Mr. W. Nkamane.
3. Rev. L. M. Mzimba.
4. Mr. Adam Njokweni.
5. Mr. R. Mona.
6. Rev. A. Mtimkulu.
7. Mr. D. D. T. Jabavu.
8. Mr. P. J. Nikiwe.
9. Mr. S. Plaatje.
10. Mr. Mlandu.
11. Mr. C. Sakwe.
12. Mr. E. Qamata.
13. Mr. J. Moshesh.
14. Mr. N. Bokleni.
15. Mr. L. Langa.

Natal Delegates :

1. Chief Makasane.
2. Chief Kula.
3. Chief Matole.
4. Chief Msinyane.
5. Chief W. Kumalo.
6. Rev. M. K. Kuzwayo.
7. Mr. N. J. Mfeka.
8. Mr. F. M. Mzoneli.
9. Chief D. Sioka.
10. Mr. W. Bhulose.
11. Mr. A. A. Kumalo.
12. Chief Tombela.

Transvaal Delegates :

1. Mr. J. Morosi.
2. Mr. R. M. Tladi.
3. Rev. G. S. Khoza.
4. Mr. R. V. S. Thema.
5. Mr. J. Mohohlo.
6. Mr. S. Zibi.
7. Mr. D. Sekebo.
8. Chief Sekukuni.
9. Chief Mampuru (represented by Mr. S. Ramuba).
10. Chief G. Makapan.
11. Chief S. Makapan.
12. Chief Ngubu.
13. Chief A. Moiloa.
14. Chief Senthumula.
15. Chief Marcus Masibi.

Orange Free State Delegates :

1. Mr. E. Gonyane.
2. Mr. W. Z. Fenyang.

CHAIRMAN'S ADDRESS.

Mr. Roos, in addressing the meeting, said :—

" I am here to extend a welcome to the members of this Conference in the absence and on behalf of the Prime Minister in his capacity as Minister of Native Affairs. The remarks I propose to make are occasioned by the projected measures of the Prime Minister in his capacity as Minister of Native Affairs who has published certain important measures affecting the Native people, which he will ask Parliament to consider next year. He has published these measures thus early in order that the Native people and their friends, as well as the white people, may have a full opportunity of studying his proposals, thinking out the consequences to themselves and submitting representations in connection with any feature of his policy for which they may think further consideration is desirable. To this end it is of value to consider the following summary of his proposals so that their main principles and outline may be clearly brought to your attention.

" The Minister has given many years of sympathetic and anxious thought to the position and the necessities of the Native people in South Africa, and he has reached the conclusion that their reasonable requirements and their claim to opportunities of progress are not met, and cannot satisfactorily be met in existing circumstances. He finds that the question of adjusting their rights in respect of land settlement, a matter which was found to

be urgent immediately after Union, has remained without finality. He finds that such questions of social organization as marriage and divorce and tribal discipline which touch the Native life so closely, have been unable to secure regulation. It is the same with other important matters affecting Native interests.

"The reason for delays and apparent neglect of Native interests is not any want of sympathy with the Natives on the part either of the Government, or its administrative officers or the great majority of the public. It is the system, unchanged whilst circumstances have changed, which is at fault, and this the Minister proposes to reshape.

"His immediate measures of reform consist of a Bill to deal with the Native land question, a Bill to provide a Great Council for the Native population, with the automatic delivery of its resolutions to Parliament, and a Bill to provide for the representation of the Natives in Parliament by members representing them exclusively.

"Firstly as regards the Lands Bill. The Minister is satisfied that the provisions of the Natives Land Act of 1913, whereby Native acquisition of land is confined to the scheduled areas or to land already within Native ownership, has pressed hardly upon the Native. The Minister proposes, therefore, to ask Parliament to release from the prohibition upon Native acquisition further land aggregating to about 7 million morgen in addition to the existing scheduled areas. These released areas when taken into possession and occupied by the Natives, will form definite Native areas into which the intrusion of the white man will not be permitted excepting in so far as he may be necessary to assist the Native in his development. In these areas the Native will be encouraged to establish his permanent home and here he will enjoy the control of his own laws and the recognition of his own customs in so far as these do not fall below the standards of reason and of right. In order to facilitate the acquisition of land in these areas, the Minister proposes that a Fund with substantial sources of revenue shall be established, from which assistance may be made available to those Natives who can show that they have the will and the fitness to make use of opportunity.

"In order that land may not be improperly withheld from Native occupation, the Minister will ask Parliament for powers of expropriation, that is for the right to compel the sale of land upon equitable terms when such land is indispensable for Native settlement. It is a principle of the scheme that Native settlement should be promoted in the areas principally occupied by Natives and that the white man should confine himself to his

own areas. The separation of the two classes must be aimed at as far as possible. The Minister is aware that both the white man and the Native frequently find cause of complaint in the immediate neighbourhood of each other, and he proposes that where the circumstances require it their respective areas shall be securely fenced apart.

" Where the Native, to the mutual advantage of himself and of an employer, resides in service in the white area there will be no restriction upon the freedom of his contract and his liberty of residence, but where the Native resides in the white area (unless upon his own land) otherwise than in such service, he or his landlord will be required to pay licence fees which will be appropriated to the Fund for Native land purchase.

" In the Province of the Cape Colony the Natives have not heretofore been under the operation of the Natives Land Act, yet it is in this Province that the congestion of Native settlement has most been felt, and it is almost exclusively in respect of the Cape Colony that the Minister, since he has been in office, has found it necessary to obtain money from Parliament for the further provision of land for the Native people. It is clear to him that in the Cape Colony the provisions of his land policy are at least as necessary to the welfare of the Native people as in the three other provinces, and he has shaped his proposals accordingly.

" Secondly, as regards the Native Council. Isolated Native councils have for many years been in existence in various parts of the Union and have discharged the local functions committed to them with varying degrees of success. The largest of these, namely, the Transkeian Territories General Council, has shown particular aptitude for the business of deliberation and consultation, and has proved itself a benefit to the people of the Territories and a help to the Administration. Its functions are, of course, purely advisory. The system of consultation with the Natives was carried further by the establishment of Native Conferences in 1920, and these again have served a useful purpose, but since the members are nominated these Conferences do not perhaps reflect every shade of Native opinion nor exercise an unchallengeable influence. The Minister has arrived at the conclusion that if a large Native council, elected as to the greater part by the Native people themselves, were to meet in annual session for the purpose of deliberating upon all matters touching upon Native interests, and if the resolutions of such a body were automatically brought before both Houses of Parliament, then the Natives would indeed possess a powerful engine for making known their difficulties and for assuring a remedy for their discontents. He proposes,

therefore, to establish a Native Council of fifty members, of whom thirty-five will be elected by the Native people of the Union, which will be called together annually, and which will deliberate upon all matters of concern to the Natives, and upon all legislation whether enacted or proposed especially affecting them. More than this, the Council may be given by Parliament power to pass laws binding upon all Natives, and may thus, if it demonstrates its fitness and capacity, develop into a legislative organ in which the Native makes laws for his own governance. The Minister feels satisfied that in this measure he is offering to the Natives the seed of progress, and an instrument for the control in large measure of their own destiny, if they show themselves able to make use of it with sagacity, patience and goodwill. No help or guidance which the Government can furnish will be withheld.

" Finally, as regards the representation of Natives in Parliament.

" Excepting in the Province of the Cape Colony there is no direct representation of Natives in Parliament. In the Cape Colony the Native is entitled to qualify for the franchise, which he has hitherto exercised in the same constituencies as the white man, but it may fairly be said that his voice has never yet been able to raise an issue of purely Native concern.

" The Minister holds that the Native in the Cape Colony should not stand upon a more privileged footing than the Native in the other Provinces. The Minister will, therefore, ask Parliament to allocate to the Native population seven seats in the House of Assembly, and these seats will be given to the Natives of the Union as a whole. The members representing the Natives, who will be Europeans, will enjoy the same privileges and rights as the members elected by the Europeans, with the exception that they will be debarred from voting on a question of confidence in the Government and voting for an increase in their number.

" The Minister is convinced that a separation of political energy as between white and black is no less essential in the interest of both, than the separation of territorial interests. He feels that the clear and definite voicing of Native aspirations has for too long been clogged by the ramification of activities and interests with which the Native has no pressing nor appropriate identity.

" In conclusion, the Minister's policy may be briefly summarised as the making accessible of additional land for the Natives with means to assist them in securing this land ; the providing of an instrument by which the Natives themselves through members of their own race may vocalize their difficulties and help to control their

on destinies ; and the extension to the Native people throughout the Union of a proper representation in the sovereign Parliament of the country.

" I trust there will be a free and full discussion of the principles and the details of the proposed Native legislation, as such discussion should be of great service to all those called upon to deal with such legislation.

" Major Herbst, the Secretary for Native Affairs, is fully conversant with all the details of these measures, and will give all necessary information at every stage of your deliberations.

" I welcome you all and hope that your stay in the Capital of the Union will be pleasant and profitable and now declare this the fifth annual meeting of your Conference open."

Before resuming his seat, Mr. Roos made a reference to the outbreak of crime in Johannesburg, and to the comments in the daily press, and assured the delegates that the Government was well aware that the Natives were a law-abiding community. When trouble arose in Johannesburg or elsewhere the Government was aware that it was the fault of the individual and not that of the community. He wanted to give them the assurance that in connection with the proposal emanating from Johannesburg requiring the establishment of cordons of special police, he had no intention of acceding to that request. The Minister added : " If you have men who are not used to police work and you arm them they are likely to use unwisely the weapons put into their hands. I think it is due to this Conference that I give this assurance."

The Minister further intimated that he would attend the Conference at 4 p.m. on Thursday, to answer points raised in the Conference.

Mr. Jabavu moved a vote of thanks to the Minister for his attendance and speech. They had felt sore that in the first years of the Conference no Minister had been present, but they had been more fortunate during the last three years, and the presence of a Minister had given the Conference a definite status. The Minister's address had shown willingness to help the Natives and whatever differences in detail there might be between the Natives and the Government kindly feelings would do much more than the law.

He thanked the Minister for his announcement in regard to Special Police.

Mr. Plaatje, in seconding, referred to the differential treatment accorded by juries in cases where whites are charged with crimes against Natives and urged that such cases should be tried by a Judge alone.

The Minister, in reply, said he would be glad if Mr. Plaatje would furnish him with a list of the cases mentioned, so that enquiry could be made into them. He was determined that

in cases where white men raped Native women no mercy should be shown. The person of every woman in South Africa must be held sacred.

Mr. Plaatje moved, as unopposed, the following :—

1. " This Conference resolves to register its sympathy with the families concerned and the present Government in the losses they have sustained in the recent death of Senator de Villiers, of the Orange Free State, and the Hon. Jan Brand E. Wessels, in his lifetime member for Bethlehem.

" That the Secretary be asked to send a message of condolence to the bereaved families and members of the Head of the Nationalist Party."

2. " The Conference resolves to place on record the sympathy and fellow feeling of the Native people in the loss suffered by the people of this Union and of the Empire on the death of the Rt. Hon. John X. Merriman, the oldest Parliamentarian that ever sat in a British legislature, whose championship of the rights of non-Europeans in this country is too well known to need repetition here.

" That this message of condolence be conveyed to the relatives of the deceased statesman."

Motions adopted.

Rev. Mtimkulu moved, as an unopposed motion, a vote of condolence in regard to the death of Senator Fraser.

Motion adopted.

The Minister withdrew from the Conference and Mr. Herbst took the Chair.

Mr. Herbst welcomed the delegates on behalf of the Native Affairs Commission and the Department of Native Affairs. The date of the Conference had been fixed as late as possible, inasmuch as after the Bills had been discussed by the Conference the Government would reconsider them again. There would be much work to be done before the Bills could be submitted to Parliament.

He drew attention to the various maps in the Conference Hall which would show the various areas dealt with in the Bill.

On the suggestion of the Chairman the Conference decided to discuss the " Representation of Natives in Parliament Bill."

Dr. Roberts explained the provisions of the Bill.

Mr. Thema said that the Conference was asked to consider a very grave matter. The Acting Prime Minister had asked them to speak frankly and freely and they would do so. Year after year Natives were invited to the Conference to take away rights from their people in the Cape. The purpose of the Bill was *not* to give the Native people franchise rights throughout the Union but really to take them away : and the reasons for that step were clearly stated by the Prime Minister in his speech at Smithfield. He read the following quotation :—

"On closer examination we are struck by the fact that, unless the Cape state of affairs is changed it will be impossible for us to avoid that the Natives in the Northern Provinces will, within a relatively short period, obtain the franchise in any case.

"I say this in all seriousness. I say this not in order to intimidate, but in order to inform the people, so that the necessary steps may be taken in good time to avert the threatening evil. To-day I wish to explain to you what I intend proposing to that end. The danger is one threatening the ruin of both Natives and whites, but let me tell you first why, in existing circumstances, the northern provinces cannot possibly in the long run withhold the franchise from the Natives. I say in present circumstances, that is to say, as we are drifting now. The reason for this is directly connected with the right the Cape Native has to vote together with the white man for a member of Parliament. Unless this franchise is taken away from the Cape Native or at least fundamentally altered, the northern provinces, I repeat, cannot possibly continue to close the door against the Native franchise within their boundaries, too.

"According to expert judgment it will not be long, say 50 years or so, before the number of enfranchised Natives in the Cape exceeds the number of white voters. This contention may appear exciting to more than one of you, but there is not a single ground for contesting it. Everything points to this being a correct deduction from facts and figures. However, long before the expiry of those 50 years the Native voter in the Cape will be of much greater significance for and exercise a much greater influence on the Native franchise question in the three northern provinces than it does to-day. I am not exaggerating when I say that, as things are going now, within the next 40 years there will be but few among the 50 and more Cape M.L.A.'s who will dare publicly to oppose the extension of the Cape Native franchise to the rest of the Union."

The danger, continued *Mr. Thema*, is in about 50 years time ! Natives in Natal and in the Transvaal *may* then obtain the vote ! So, in order to prevent that the Prime Minister says the vote must be taken away ! The Conference was asked to agree to the Cape vote being abolished. The Prime Minister had said he would substitute something—not because he wanted to give the Native something, but because he wanted to take away the Cape vote. If it were true that the Natives in the Transvaal would get the Native vote in 50 years then the Natives in the North were prepared to wait that length of time. They could not in justice agree that the right given to the Cape should be taken away—even if they got two white men with

no status to represent them. Those two men would not be regarded as "white men." No decent European would go to Parliament on the conditions laid down in the Bill, even if the Natives really elected them, but the Bill said they must be elected by nominees of the Government. Progressive Natives were not recognized in the Bill. The whole idea was to drive Natives back to tribal conditions.

The Conference was asked to help the Government to violate the constitution of the country. When Union was formed certain safeguards were fixed in regard to the Native people of the Cape, and they had hoped the promises then made would be kept and that the Cape policy would be followed. But year after year proposals were made infringing on Cape rights.

In this particular case they were *not* going to concur. If the Government were honest and wanted to give the franchise in some form in the North they should not interfere with the Cape franchise.

The North would then welcome the proposals in the Bill as a step in the right direction.

Under the Bill all hope of getting full citizenship rights was closed.

In regard to the principle of separate representation the idea seemed to be that the people of South Africa—white and black—were not one nation. Apparently the Government thought that certain matters only affected Natives or whites. He knew of no such matters. For example, the farmer would like free Native labour, enforcement of the Pass Laws, etc. These effect Natives as well as farmers. If they must have separate representation then political segregation was necessary, that is, firstly territorial separation and then political separation so as not to be under the control of the white Parliament.

It was impossible to evolve a Nation within a Nation. They could not have a separate Bantu Nation and a separate European Nation in South Africa so long as the two races live side by side.

The three Bills showed that segregation has failed.

The only conclusion they could come to was that Natives must be represented in the Councils of the State on equal terms with whites.

Chief Sioka supported the last speaker. He had discussed the Bills thoroughly. It was unfortunate that the three Bills were tied together. If they had been treated separately one or two might have been discussed, but as far as the present Bill was concerned they did not want to discuss it.

He had been strictly requested by those whom he represented not to discuss such a serious proposal as the abolition of the Cape franchise.

It was impossible for a white man to represent Natives truly. Not because he did wish to do so, but because when matters

arise where action should be taken in the interests of Natives as against the interests of Europeans it was only natural he would fail.

Chief Tombela said the Government had a good thing to offer them, but seemed to want to close and bar the door to Native progress seeing that Europeans were to represent them. Why could they not have Native representatives.

He could understand why it was proposed to take away the Cape Native vote. The Natives looked upon the Cape as the most enlightened Province. It was the hope of Natal and the Natives there did not want the franchise taken away from the Cape.

The seven members would be useless, they would be knee-haltered, dummies and mummies.

The Cape franchise should remain and the vote extended to Natal, the Transvaal and the Orange Free State.

Mr. Fenyang supported the last speaker. The Orange Free State Natives had always looked forward to the time when they would get the same vote as the Cape, and they were not prepared to agree to anything which would result in the Cape franchise being abolished.

He accepted the Prime Minister's explanation as to the object of this Bill, namely, the danger of the European vote being swamped, but Mr. Roos' explanation was quite otherwise.

The Government was always proposing to take away rights and to give nothing in return, and it was the Government's fault that there were so many agitators.

The Cape Natives had never abused the franchise.

Chief Zibi said that Mr. Thema had voiced the views of the Transvaal Natives by saying they would wait 50 years.

They rejected the Bill—for they were asked to take a retrogade step.

It is not the detribalised Natives who always progress but the tribal—it is the detribalised man, cut away from tribe, parents and children who joins the amalaita.

It would be a pity if an educated man were to be asked to vote in the way suggested by the Bill.

The Natives said " No " in regard to this Bill.

Rev. Mtimkulu said they were asked to advise the Government to amend the South Africa Act and they were afraid. The Prime Minister said the reason for the Bill was " self-preservation." So in order to preserve his own people the Natives must suffer. That could not be fair. The vote was the only weapon left to the Natives after they had thrown down the assegai. If they gave "this" up what was the return ? Seven dummies !

They were not prepared to suggest the removal of the vote from the Cape, nor were they prepared to advise the Minister to interfere with its entrenchment.

Mr. Bokleni said every time they came to Pretoria some

of the Native rights were taken away. He suggested the extension of franchise rights to the Transvaal. Why deprive the Cape Natives for the benefit of those in the North?

He had been instructed to oppose the Bill.

Mr. Tladi agreed with previous speakers. The Native Affairs Commission had been appointed to voice Natives' views. It had greater powers than the seven proposed representatives. He was prepared to wait 50 years for the vote unless it was shown that the Commission had failed.

The Conference adjourned from 12.45 *p.m. to* 2.15 *p.m.*

Mr. Sakwe moved :—

> "That this Conference of Native representatives convened to discuss and to give the Native views on the proposed Union Native Policy as outlined in the Prime Minister's four Native Bills assures the Prime Minister of its willingness to co-operate with him in the adjustment of the racial relationship between the Black and White races, in the occupation and acquisition of land, and political matters within the Union, but that the task of doing so is rendered very difficult, if not impossible, owing to the Bills in question having been made interdependent.
>
> "The Conference takes cognizance of the fact that just as it is not in the interests of the country to leave conditions created by the political Colour Bar in the South Africa Act and the Natives Land Act to continue, it is equally unwise and not in the best interests of the country to force the Bills—interdependent as they are—upon the country.
>
> "The Conference therefore respectfully requests the Prime Minister to kindly remove the difficulty confronting the Conference by consenting to the deletion of the words from "Provided" to "Acts" in the Short Title section of each of the four Bills; and to consent to each Bill standing, and to be dealt with, on its own merits.
>
> "The Conference further urges that its findings on any one or other of these Bills must not, in any way, be regarded as an acceptance of the Bills being introduced in Parliament in their present form."

Speaking to the motion, *Mr. Sakwe* said that if they accepted one Bill it meant accepting the others. If they rejected one Bill they rejected the others. The delegates had come prepared not only to advise but to offer constructive proposals.

He could not understand what the Europeans meant by talking of the Native problem which seemed only to lead to such laws as the Natives Land Act, the Natives Urban Area Act, the Colour Bar Act and the proposed Native Administration Bill.

The Government was acting well in consulting the Native before passing laws and they thought the Government really needed their assistance.

Hence he could only ask that the Prime Minister be requested to delete the last clause of each Bill.

He was a delegate from the Transkeian Territories General Council, which had passed a resolution on the Bill, and this gave the feeling of the people.

As a man from the Cape he was glad that the delegates from the other Provinces had expressed themselves against taking away the Cape franchise.

It would take too long to recapitulate the privileges due to the franchise. Their progress was largely due to this. They told their children to learn, to build better houses and to be thrifty, all with the object of getting the vote so as to escape the curfew regulations, be able to walk on pavements, and gain the respect of others.

The Bill would kill all these incentives to progress.

Mr. Jabavu seconded the motion, and said that the indivisible character of the Bills made it most difficult to deal with them. It meant that if one was rejected all were rejected. There were some things in the Bills which they would like to discuss frankly.

They could not compromise on the Cape Franchise.

The Government has wrongly assumed that the policy of uniformity is the right thing. He was there to say that uniformity in every phase was neither possible nor desirable. Even Europeans after 15 years of Union were not unified—they still had four provincial systems.

The Cape Natives feel a sense of injury from the Prime Minister's proposals. The obvious application is that he does not wish the Natives of a lower status to rise to the higher status of the Cape but to bring the latter down to the lower.

The policy is to bring down the best to the level of the worst.

In a recent speech General Hertzog said he regarded the Orange River as a purely artificial boundary for Natives. That is not so. It is the boundary of two different policies : the one a liberal policy of allowing the black man to advance as high as he can, the other an illiberal policy based upon fear. It was indeed luck that the Cape Natives had the liberal policy on their side of the river.

The Cape Natives had to defend that heritage for it was held by them, not for themselves alone but for their children and for the future development of the other Provinces.

He remembered the speeches at Westminster on the Union Act which insisted that the heritage of the Cape Natives must be maintained at all costs.

They valued this heritage which was the slight thread connecting the Natives with England.

They believed that it was entrenched designedly to preserve their privileges.

It was a fallacy to say that the uplift of the black man meant the downfall of the white. His belief was that however highly